
3 Statutory Framework

3.1 Introduction

This regional plan is prepared under the Resource Management Act 1991. Regard has been had to other statutes where these have a bearing on the issues addressed in this regional plan. The purpose of, and process for, the preparation of this regional plan is set out in Part V of the Act.

As well as those matters indicated in Part V of the Act, Environment Bay of Plenty had regard among other parts and sections of the Act to section 30, the provisions of Part II, its duties under section 32, and the relevant schedules of the Act.

The First Schedule of the Resource Management Act sets out how this regional plan is to be prepared, changed and reviewed. The Second Schedule (Part I) of the Act outlines the matters that may be provided for in regional plans.

3.2 Activity Classes

The Resource Management Act 1991 recognises that the magnitude of adverse effects differs from activity to activity. These effects may be far greater for some activities than they would be in the case of others. Accordingly, the Act sets a number of activity classes. Each of these classes relates to the anticipated magnitude of effects which will result from the proposed activity. All activities which are regulated within this regional plan have been grouped into one or other of these classes. Activity classes (as set by section 2 of the Act) are as follows:

3.2.1 *Permitted Activity:*

If an activity is described in this Act, regulations, or a plan or proposed plan as a Permitted Activity, a resource consent is not required for the activity if it complies with the standards, terms, or conditions, if any, specified in the plan or proposed plan.

3.2.2 *Controlled Activity:*

If an activity is described in this Act, regulations, or plan or proposed plan as a controlled activity, -

- (a) a resource consent is required for the activity, and the consent authority has no power to decline that resource consent; and*
- (b) the consent authority must specify in the plan or proposed plan matters over which it has reserved control; and*
- (c) the consent authority's power to impose conditions on the resource consent is restricted to the matters that have been specified under paragraph (b); and*
- (d) the activity must comply with the standards, terms, or conditions if any, specified in the plan or proposed plan.*

3.2.3 *Discretionary Activity:*

If an activity is described in this Act, regulations, or a plan or proposed plan as a discretionary activity, -

- (a) a resource consent is required for the activity; and*

- (b) *the consent authority may grant the resource consent with or without conditions or decline the resource consent; and*
- (c) *the activity must comply with the standards, terms, or conditions, if any, specified in the plan or proposed plan.*

3.2.4 **Non-Complying Activity:**

If an activity is described in this Act, regulations, or a plan or proposed plan as a non-complying activity, -

- (a) *a resource consent is required for the activity; and*
- (b) *the consent authority may grant the resource consent with or without conditions or decline the resource consent.*

3.2.5 **Prohibited Activity:**

If an activity is described in this Act, regulations, or plan as a Prohibited Activity, no application may be made for that activity and a resource consent must not be granted for it.

The order in which these activities has been placed above generally signifies their corresponding level of anticipated adverse environmental effects, from low for permitted activities up to unacceptable for prohibited activities.

3.3 **Restriction on Discharge Permits**

Section 107 of the Resource Management Act 1991 sets out what is in effect an “environmental bottom line” with regards the discharge of contaminants that would (or are likely to) give rise to specified effects after reasonable mixing. Any discharge activity that would be non-complying because its effects exceeded classification parameters set by a regional plan would be assessed according to the criteria of section 107 of the Act. Section 107(2) enables a consent to be granted for an activity that would otherwise contravene section 107(1), if the consent is subject to conditions that require the staged achievement of remedial actions resulting in compliance with section 107(1) effects criteria and any further requirements of relevant regional rules.

3.4 **Issues, Objectives, Policies and Methods**

This regional plan contains the means by which Environment Bay of Plenty will be managing the requirements of Part II and the restrictions of sections 13, 14 and 15 of the Resource Management Act 1991, and having regard to its functions under section 30. These means are prioritised in the form of objectives, policies and methods of implementation and stem from issues identified through liaison with other organisations and the community and by Environment Bay of Plenty. Figure 1 shows the relationship between objectives, policies and methods.

3.4.1 **Issues**

An issue is defined as a matter of concern identified by the region's community regarding activities affecting some aspect of natural and physical resources and the environment in the region. Issues raised in this regional plan have been identified through extensive public participation and professional/technical debate. For efficiency, issues have been grouped where practicable.

3.4.2 Objectives

An objective is a desirable and achievable condition or position towards which effort is to be directed. Progress towards an objective needs to be regularly evaluated.

3.4.3 Policies

Policies define the boundaries within which decisions can be made, and they guide the development of courses of action directed towards the accomplishment of objectives. They are guides to action.

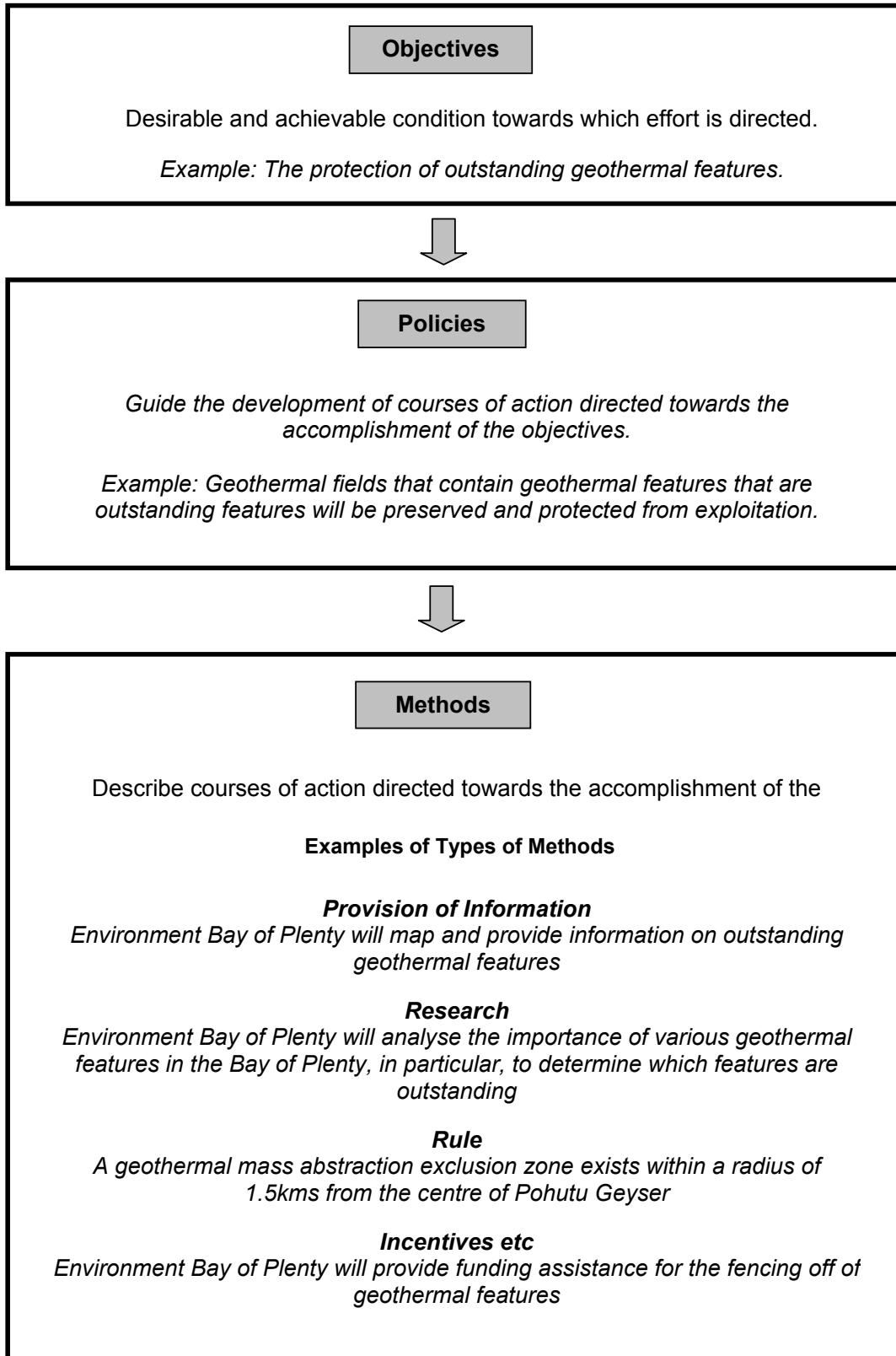
3.4.4 Methods

Methods (of implementation) describe or prescribe the procedure or course of action to be followed, in accordance with the policies, in order to achieve the objective. They detail what is to be done and by whom. Methods of implementation may include the provision of information, services, or incentives, and the levying of charges, as well as rules.

Methods may include the making of rules. Rules are regulatory instruments used to promote the sustainable management of natural and physical resources. Rules have the force of regulations which may prevent, regulate or allow activities. Rules include terms, conditions, classification standards, matters to which regard shall be had, and defined activity classes (discretionary, non-complying, prohibited) for specified activities.

Figure 1

**AN EXAMPLE OF THE INTER-RELATIONSHIP BETWEEN OBJECTIVES,
POLICIES, AND METHODS OF IMPLEMENTATION**



3.5 Principal Reasons, Anticipated Environmental Results, Reviewing and Monitoring

The regional plan sets forth a series of principal reasons, and anticipated environmental results sections, based on the objectives, policies and methods of implementation contained in this regional plan.

3.5.1 Principal Reasons

The principal reasons sections identify the primary reason for adopting the various objectives, policies and methods of implementation contained in this regional plan. The principal reasons justify the position Environment Bay of Plenty has taken on the variety of issues covered in this regional plan. Principal reasons are a requirement of section 67(1)(e) of the Resource Management Act 1991.

3.5.2 Anticipated Environmental Results

The anticipated environmental results describe in a succinct fashion the intended outcomes of the policies and methods of implementation adopted, and are closely related to the relevant objective(s). An assessment of environmental results anticipated are a requirement of section 67(1)(g) of the Resource Management Act 1991.

3.5.3 Reviewing and Monitoring

Chapter 19 – *Monitoring and Plan Review* sets out the means by which progress towards achieving the purpose and aims of the regional plan can be tested relative to the objectives, policies and methods of implementation established in each chapter. Also measured is the effectiveness with which the plan is achieving the anticipated environmental results. Chapter 20 also lays down when the regional plan will be reviewed. Reviewing and monitoring of this regional plan are required by section 67(1)(i) of the Resource Management Act 1991.

