

1.6 Statutory Framework (Notified as 1.3)

1.6.1 Resource Management Act 1991

The District Plan is prepared by the Dunedin City Council in accordance to its obligations under the Resource Management Act (RMA). The District Plan will replace the operative Dunedin City District Plan once it has proceeded through the statutory process within Schedule 1 of the RMA. The District Plan meets Council's functions under the RMA, particularly Part 2, Sections 31, 72, 74 and 75 and Schedule 1, and has been prepared in accordance with Section 32 of the RMA. Users of the District Plan should refer directly to the RMA for more information: *{PO cl.16}*

1.6.2 Relationship to Other Plans, Policy Statements and Strategies

The Resource Management Act 1991 establishes a framework for a hierarchy of policy statements and plans to enable effective resource management. This hierarchy spans across the 3 levels of government, that being the central, regional and district levels. In maintaining the function of this hierarchy, the District Plan must give effect to any documents which sit above it in the hierarchy. These include the policies documents and strategies detailed below: *{PO cl.16}*

1.3.2.1 National Policy Statements and National Environmental Standards

National policy statements and national environmental standards are documents prepared by the Minister for the Environment. These documents have different roles and weightings within the hierarchy of resource management plans and documents:

A national policy statement is a tool issued under section 52(2) of the RMA which provides guidance for decision-making and the development of provisions in a District Plan for matters of national significance. The national policy statements in place as at 26 September 2015 are:

- National Policy Statement on Electricity Transmission
- National Policy Statement for Renewable Electricity Generation
- New Zealand Coastal Policy Statement
- National Policy Statement for Freshwater Management

A national environmental standard contains technical standards, methods and other requirements which provide regulation for maintaining a clean, healthy environment. Methods for implementing the standards are consistent across New Zealand, enabling best practice, a consistent approach and clarity for the management of certain activities. National environmental standards sit above district plans and mandate the approach taken for certain activities. They therefore override District Plan provisions where there is overlap. However, a standard can specify circumstances where a District Plan may impose a more stringent standard than that contained within the national environmental standard itself. The national environmental standards in place as at 26 September 2015 are:

- National Environmental Standards for Air Quality
- National Environmental Standard for Sources of Drinking Water
- National Environmental Standards for Telecommunication Facilities
- National Environmental Standard for Electricity Transmission Activities
- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health

In addition, the following national environmental standards are in development:

- Proposed National Environmental Standard on Ecological Flows and Water Levels

- Proposed National Environmental Standard on Plantation Forestry

The RMA mandates that district plans must give effect to any national policy statement. Rules must not be more lenient than those in a national environmental standard. **{PO cl.16}**

1.3.2.2 Regional Plans and Policy Statement

Regional plans and policy statements are other documents required by the RMA, and sit above the District Plan in the hierarchy of resource management documents. The Otago Regional Council (ORC) is responsible for preparing relevant regional plans and policy statements for the Otago Region. As per section 75(2) of the RMA the District Plan must be prepared having regard to any relevant regional plans and policy statements. Therefore, in developing the provisions of the District Plan, the Dunedin City Council has had regard to the following regional plans and policy statement:

- Otago Regional Plan: Water
- Otago Regional Plan: Coast
- Otago Regional Plan: Air
- Otago Regional Plan: Waste
- Otago Regional Policy Statement
- Proposed Otago Regional Policy Statement: **{PO cl.16}**

1.5.2.3 Kāi Tahu ki Otago Natural Resource Management Plan

The Kāi Tahu ki Otago Natural Resource Management Plan 2005 is the principal resource management planning document for Kāi Tahu ki Otago. The kaupapa of the plan is 'Ki Uta ki Tai' (from the mountains to the sea), which reflects the holistic Kāi Tahu philosophy of integrated resource management. Council has had regard to this plan during preparation of the 2GP, to recognise and provide for Kāi Tahu values. **{PO cl.16}**

