

# Appendix 1.5 – Officers Recommended Amendments to Statutory context Chapter

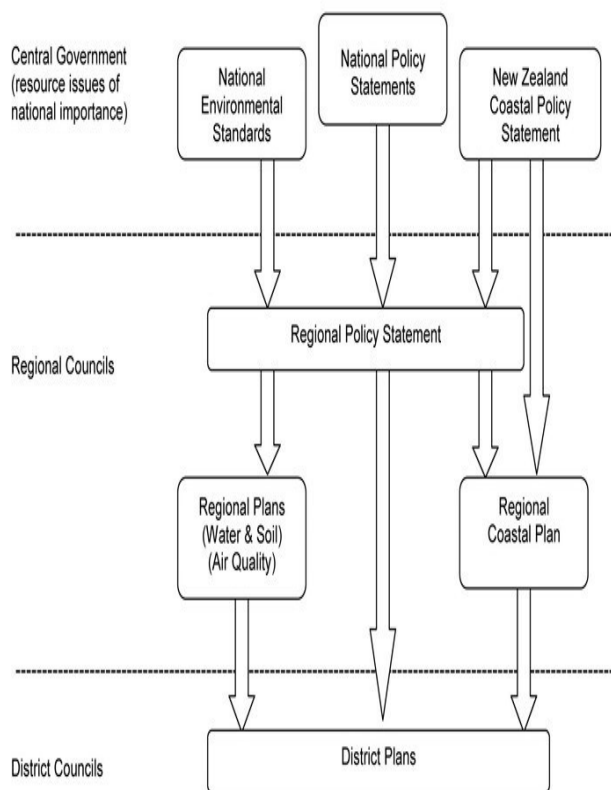
**Note the below provisions represent the Section 42A Report Writing Officer’s recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with underline used for new text and ~~strikethrough~~ for deleted text).**

## Statutory context

Council must have a district plan at all times (Section 73 of the RMA).

The District Plan sits within a hierarchy which gives national, regional and district level planning direction. The relationship between the District Plan and these planning and policy documents under the RMA is shown in diagram 1 below:

**Diagram 1: RMA Responsibilities**

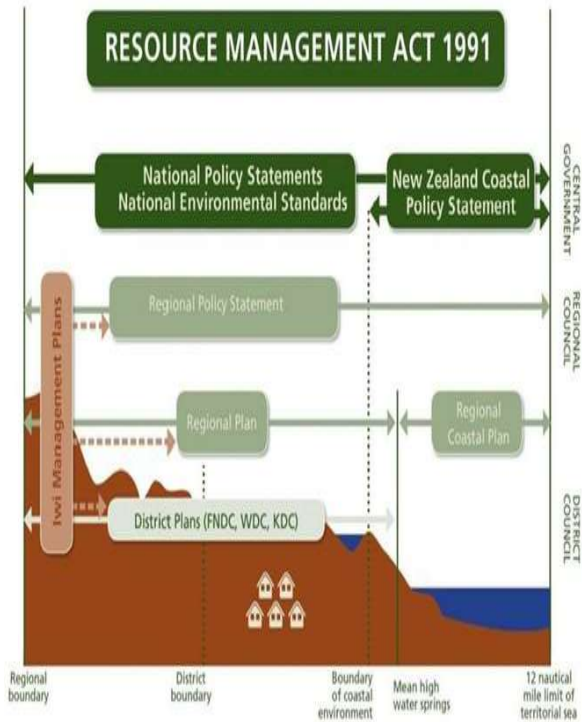


Central government may provide policy direction on resource management issues that are of national importance through national policy statements. The District Plan must give effect to national policy statements as outlined in section 75 of the RMA. Central government can also produce national environmental standards. Section 43B of the RMA sets out the relationship between national environmental standards and district plan rules, this relationship is further outlined in the General approach chapter.

Regional Councils are required to prepare a Regional Policy Statement and Regional Coastal Plan, and may prepare Regional Plans under the RMA. The District Plan must give effect to the Regional Policy Statement and must not be inconsistent with Regional Plans. The District Plan must also have regard to any proposed Regional Policy Statement or Plan. The Northland Regional Council is the relevant regional council for the Far North District.

This District Plan applies to land above the line of mean high water springs (MHWS) and the surface of waterbodies within the district’s territorial boundaries as shown in diagram 2.

**Diagram 2: RMA Responsibilities and where they have effect**



### The Treaty of Waitangi (Te Tiriti o Waitangi) and the RMA

The RMA has a number of statutory provisions to ensure that the relationship between tangata whenua and natural resources are recognised.

The Treaty of Waitangi is a foundational legal document for New Zealand. The Crown is the primary Treaty partner responsible for the Treaty relationship. However, in delegating responsibilities to councils, Parliament acknowledges the need to ensure that councils give appropriate consideration to the principles of the Treaty as part of their statutory Māori obligations.

The RMA outlines that in achieving its purpose of sustainable management, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi [Section 8 of the RMA].

Far North District Council along with its the eleven iwi authorities for the purposes of the Resource Management Act 1991 (RMA) and those hapū groups it has memorandums of understanding with have worked in partnership to develop the Far North District Plan. in accordance with the principles of the Treaty of Waitangi.

Treaty Settlements are an agreement between the Crown and a Māori claimant group to settle historical claims against the Crown. Te Roroa, Te Rarawa, Te Aupōuri, Ngaitakoto, Ngāti Kurī and Ngatikahu ki Whangaroa signed Deeds of Settlement between 2015 and 2017.

A Statutory Acknowledgement recognises the association between these iwi and a particular site or area and enhances the iwi's ability to participate in specified Resource Management Act processes. The relationships between these iwi, the Statutory Acknowledgement and the District Plan are outlined further in the Tangata Whenua chapter.