

Section Three

Matters to be Considered Under the Act

SECTION 3: MATTERS TO BE CONSIDERED UNDER THE ACT

Section 74 of the Act sets out the matters to be considered by a territorial authority in preparing and changing its district plan. They are:

- *A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2, a direction given under section 25A (2), its duty under section 32, and any regulations.*
- *In addition to the requirements of section 75 (3) and (4), when preparing or changing its district plan, a territorial authority shall have regard to –*
 - (a) *Any –*
 - (i) *Proposed regional policy statement; or*
 - (ii) *Proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*
 - (b) *Any –*
 - (i) *Management plans and strategies prepared under other Acts; and*
 - (ii) *Repealed;*
 - (iia) *Relevant entry in the Historic Places Register; and*
 - (iii) *Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing), -*

to the extent that their content has a bearing on resource management issues of the district; and
 - (c) *The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*
- (2A) *A territorial authority, when preparing or changing a district plan, must-*
 - (d) *take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on resource management issues of the district; and*
 - (e) *recognise and provide for the management plan for a foreshore and seabed reserve adjoining its district, once the management plan has been lodged with the territorial authority, to the extent that its contents have a bearing on the resource management issues of the district.*
- *In preparing or changing its district plan, a territorial authority must not have regard to trade competition.*

In terms of those Section 74 requirements, the following is noted:

S. 74 (1): There are no relevant Section 25A directions that have to be considered. The contents of the proposed Plan Change fall squarely within the scope of the Council's functions under Section 31. The proposed Plan Change and the development that will be enabled from it are assessed as being consistent with the sustainable management of the Act and the provisions of Part 2 of the Act for the reasons discussed in Section 5. The applicant's Section 32 evaluation is contained in Section 7. There are no relevant regulations under the Act.

S. 74 (2): Section 75 (3) states that:

- *A district plan must give effect to –*
 - (a) *any national policy statement; and*
 - (b) *any New Zealand coastal policy statement; and*
 - (c) *any regional policy statement.*

The only national policy statement current is the Proposed National Policy Statement On Electricity Transmission which is not relevant to the requested Plan Change.

The New Zealand Coastal Policy Statement is not relevant to this inland area.

The Regional Policy Statement for Manawatu Wanganui was made operative in August 1998. A new proposed Regional Policy Statement is included in the One Plan which was publicly notified in May 2007 and hearings of submissions are to commence shortly. The provisions of both are considered in Section 7.

S. 74 (2): Section 75 (4) states that:

- *A district plan must not be inconsistent with –*
 - (a) *a water conservation order; or*
 - (b) *a regional plan for any matter specified in section 30 (1).*

There are no relevant water conservation orders. The relevant regional plan issues are considered in Chapter 7.

S. 74 (2) (b) (i): A number of strategies prepared under other legislation are considered to be potentially relevant and are discussed in Section 7.

S. 74 (2) (b) (iia): There are no relevant entries in the Historic Places Register for this land.

S. 74 (2) (b) (iii): There are no relevant fisheries or customary fishing regulations.

S. 74 (2) (c): The area is located adjacent to the boundary between Palmerston North City and Manawatu District. The principle issue that arises is the interface between the PCWGA and the Rural Zone of the Manawatu District Plan. This is discussed in Section 7

S. 74 (2A): There are no relevant iwi planning documents that have been lodged with Palmerston North City Council.