



Report 08.238  
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Committee Council  
Author Piotr Swierczynski Policy Advisor

## **New Zealand Coastal Policy Statement - submission**

### **1. Purpose**

To seek the Council's approval of a submission on the proposed New Zealand Coastal Policy Statement.

### **2. Significance of the decision**

The matters for decision in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

### **3. Background and process**

The current New Zealand Coastal Policy Statement (NZCPS) is a national policy statement required by the Resource Management Act 1991. The existing NZCPS was gazetted in 1994 and contained a policy requiring an independent review of its effectiveness within 9 years. This review was completed in 2004 and recommended that there be a formal review of the NZCPS.

The formal review began in 2004-05. The Department of Conservation prepared and released an 'Issues and Options' document in 2006, which informed the preparation of the proposed NZCPS. Greater Wellington staff were involved in developing the Local Government New Zealand submission on this document and we made our own submission.

In 2005, an amendment to the Resource Management Act meant regional policy statements and plans now have to "give effect" to the NZCPS. When the current NZCPS was gazetted, the requirement of the Resource Management Act was that policy statements and plans be "not inconsistent with" it.

The proposed NZCPS was notified on 8 March 2008 by the Board of Inquiry appointed by the Minister of Conservation. Submissions close on 7 May 2008. The Board of Inquiry is running the public submission and hearing process and will be reporting to the Minister of Conservation any recommendations for change to the proposed NZCPS. The Minister may, but does not have to, make

changes to the proposed NZCPS in response to the Board of Inquiry's recommendations. There are no rights of appeal.

Preparation of the Regional Policy Statement for the Wellington region and preparation of the NZCPS are occurring at the same time. It is likely that our Regional Policy Statement will be notified before the NZCPS is gazetted and this will have implications for what we "give effect to" in the proposed Regional Policy Statement. Following gazettal, there will be a period of 5 years for amendments to regional policy statements and plans.

#### **4. Comment**

Staff have prepared the draft submission in **Attachment 1**. It identifies matters that we consider need to be addressed by the Board of Inquiry. Our submission focuses on what is needed in the NZCPS to add value to coastal management. We have commented in two ways, by discussing general areas of improvement in the NZCPS, and by giving specific comment on individual provisions. Some key areas are discussed below.

The NZCPS should provide clear direction to decision makers. Many of the policies are not clear on what mechanisms will be used to "give effect to" or implement the policies. As an analogy, each policy in our draft Regional Policy Statement identifies whether it will be implemented through regional plans, district plans, resource consents or non-statutory methods. The NZCPS policies need to include such means of implementation, otherwise there will be uncertainty about whether any particular policy is relevant to what decision makers are considering.

Costs associated with implementing the NZCPS will be high. Staff are already developing funding proposals for the next 10 years based on present programmes and what is anticipated by the draft Regional Policy Statement. We have estimated that additional costs to Greater Wellington to give effect to the NZCPS will be \$430,000. This estimate only covers the cost of work such as gathering information and mapping. It does not include the cost of the plan change process, including any appeal costs.

We want to avoid unnecessary statutory processes to include provisions in our Regional Policy Statement or Regional Coastal Plan that the NZCPS requires. The NZCPS has only once used the part of the Resource Management Act that allows a national policy statement to direct that specific provisions are to be included in a policy statement or plan without notification or hearing. While the use of these 'deeming' provisions will not be appropriate for all policies, we believe that they are useful in ensuring that territorial authorities and regional councils do not have to go through separate statutory processes to include provisions directed by central government. They have the added advantage of avoiding the potential for repeated litigation at the regional level for policies that have been developed by central government.

A number of policies in the NZCPS require implementation through both regional policy statements and plans. We are concerned at this unnecessary and costly duplication, and do not believe that provisions need to be repeated in

two documents. Most of the matters would be appropriately given effect at regional and district plan level, with the exception of policies that relate to integration across administrative boundaries.

We are concerned that some policies in the proposed NZCPS go beyond the Resource Management Act jurisdiction (for example, Policy 42 - vehicle access). The submission draws attention to the need for the Board of Inquiry to make sure that provisions in the NZCPS are the most appropriate means of achieving a particular national objective.

## 5. Communication

The submission states that Greater Wellington does wish to speak to its submission at the hearing. No further external communication is planned at this time.

## 6. Recommendations

*That the Council:*

1. ***Receives the report;***
2. ***Notes the contents; and***
3. ***Approves the draft submission on the proposed NZCPS, subject to any changes as a result of discussion at the Council meeting.***

Report prepared by:

Report approved by:

Report approved by:

**Piotr Swierczynski**  
Policy Advisor

**Nicola Shorten**  
Manager, Environmental  
Policy

**Nigel Corry**  
Divisional Manager,  
Environment Management  
Division

**Attachment 1:** Submission on the Proposed NZCPS to the Board of Inquiry.