

Theme Overview Report

Several submission points have been made frequently, and appear to span the other themes. Some common messages can be drawn from the individual theme reports. These are outlined here.

Key recurring messages within the submissions

Support / opposition to provisions

- In most cases support and opposition were not outright, but were rather 'qualified support, support with amendments', or expressing 'concerns regarding...'. Where more than 25% of the submissions on a topic specified outright support or opposition, and where there is a strong weight one way or another (ie. 50% difference or more), it is reflected below. Note there were no instances where strong opposition outweighed support.

Strong support to the provisions in the following themes:	Support / opposition was less than 25% of overall submissions, or there was no clear support or opposition in the following themes:
<ul style="list-style-type: none"> ○ Administration ○ Consultation ○ Historic heritage ○ Foreshore and Seabed ○ Treaty and Tangata Whenua decision-making ○ Infrastructure ○ Energy – Land ○ Energy – CMA ○ Aquaculture ○ Climate Change ○ Property Rights ○ Allocation of Space ○ Occupation Charging / Financial contributions ○ Implementation Assistance ○ Natural Hazards ○ Restricted Coastal Activities ○ Landscape and Open Space ○ Amenity values ○ Access ○ Cultural values other than Treaty ○ Recreation 	<ul style="list-style-type: none"> ○ Obligations / Costs on local authorities <ul style="list-style-type: none"> ▪ (4% of overall subs, 2.5x support) ○ Potential Legal Questions <ul style="list-style-type: none"> ▪ (4% of overall subs, 2x opposition) ○ NZCPS document <ul style="list-style-type: none"> ▪ (7% of overall subs, 7.5x support) ○ Section 32 <ul style="list-style-type: none"> ▪ (11% of overall subs, 1.4x opposition) ○ Natural Character & Biodiversity <ul style="list-style-type: none"> ▪ (11% of overall subs, 1.6x support) ○ General <ul style="list-style-type: none"> ▪ (15% of overall subs, 12.9x in support) ○ Coastal subdivision <ul style="list-style-type: none"> ▪ (17% of overall subs, 5x support) ○ Water Quality <ul style="list-style-type: none"> ▪ (21% of overall subs, 36.5x in support) ○ Coastal Use and Development <ul style="list-style-type: none"> ▪ (23% of overall subs, 6x support) ○ Scope of RMA, legislation changes sought <ul style="list-style-type: none"> ▪ (23% of overall subs, 2.8x support) ○ Interrelationship of NZCPS to other legislation etc. <ul style="list-style-type: none"> ▪ (23% of overall subs, 6x support)

Consultation

- Development of the NZCPS has not been sufficiently advertised with the general public.

3. There is concern regarding the limited input of Maori and a lack of meaningful consultation with Maori in the review and development of the NZCPS. DOC should engage in meaningful consultation with Maori before the adoption of the NZCPS.
4. Several submitters request that further consultation be undertaken to clarify the NZCPS once it has been clearly articulated, particularly in terms of definitions for key terms, and the area boundaries of NZs land mass that this policy statement intends to influence.

Scope of NZCPS

5. There is quite strong criticism that the NZCPS seeks to go beyond the scope of an NPS or RMA functions for the Minister, or for regional councils. Some feel that the NZCPS may be being used as a surrogate for appropriate legislative amendments.
6. Many challenge the appropriateness of policy statements regarding the Minister's / Crown's interests and functions that seem peripheral to the RMA, such as the consideration of conservation land status (policy 7) and areas intended for statutory protection (policy 8), the stated Crown interest in infrastructure and energy (Policy 17) and Schedule II which addresses the reduction or waiver of vesting prices.
7. Many policies repeat RMA provisions, which defeats the purpose of the NZCPS. The role of the NZCPS is to provide more guidance around resolving terms and issues, not repeating statutory phraseology.
8. The NZCPS has an inappropriate level of detail for a national level document. It is unacceptable for decisions to be made arbitrarily at a national level and it undermines LGA community decision-making processes.
9. It should be explicit that NZCPS provisions have greater weight if there is inconsistency between it and regional plans or policy statements.
10. The mandatory and zoning approach of the NZCPS conflicts with the general philosophy of the RMA. It should be about managing effects and sustainable management, rather than prescribing activities and being protective. The conflict gives rise to implementation issues as local authorities are required under the RMA to give effect to the NZCPS, yet the NZCPS has provisions that inhibit or prevent use and development.

Integration with other legislation / agencies

11. There needs to be a high (greater) level of integration between the NZCPS and other legislation.
12. The Board should consider the potential for policies to conflict or duplicate requirements of existing statutes.
13. Agencies with responsibilities such as the Historic Places Trust and DOC should also be involved and contribute to the effective implementation of this policy. Central government needs to provide guidance and resourcing.
14. There needs to be more clarification of responsibilities for implementing various parts of the NZCPS. Confusion as to responsibilities of agencies and ways to give effect to the provisions
15. Clarity is needed with relation to links to the Biosecurity Act. Policies surrounding biosecurity need to promote a collaborative approach to managing biosecurity risks.

16. Where organisations already have adequate measures in place for monitoring and managing biosecurity risks from its facilities the NZCPS should not impose additional compliance requirements.

Approach

17. Avoid duplicating the RMA, the NZCPS needs to add value.
18. There is an over-emphasis on protection, with a lack of provisions enabling use and development. The NZCPS appears unbalanced.
19. Submitters are variously in strong support or strong opposition to hierarchies such as 'avoid' rather than 'avoid, remedy and mitigate'.
20. Some submitters feel that the "avoid" policies are far too restrictive where "avoid, remedy or mitigate" policies are the appropriate standard. Other submitters are in opposition to such hierarchies.
21. Policies regarding the Crown's interest are vague and unhelpful. Crown interest should not automatically take precedence over public interest. Nationally significant infrastructure should be subject to the same regulatory requirements as other RMA activities.

Implications for local government

22. How the Crown's interest will be communicated to local authorities needs to be clarified.
23. The requirements and costs fall inequitably on local government. The NZCPS will trigger many changes to other relevant planning documents which raise issues of costs and staffing.
24. Many submitters feel a timeframe of 10 years is appropriate for requiring councils to give effect to the NZCPS.
25. NZCPS seen as too directive leaving little room for councils to decide if appropriate for their situations. Lacks flexibility to use a range of mechanisms to address the issues and specific guidance to empower councils to implement it.
26. Biosecurity resourcing implications are substantial.

Monitoring

27. There is an absence of any monitoring framework or monitoring regime and a lack of context regarding connections to related legislation and national strategies.
28. While the NZCPS is a great improvement on the 1994 version, the objectives should provide a framework for measuring the effectiveness of the NZCPS. Provide a performance measurement framework. There also needs to be commitment to actions following review.
29. A robust monitoring policy is need, particularly on outcomes around RCAs and the role of the minister of conservation.
30. NZCPS should be more explicit regarding monitoring responsibilities, also suggested Minister undertake review, and report on effectiveness of document at set timeframe.
31. Support for NZCPS review timeframes aligning with reviews of regional and district plans.

Subdivision, use and development

32. Supports the intent of the NZCPS to provide national guidance on appropriate subdivision, use and development within the coastal environment, providing there is continuity between local regional and national government policies.
33. Further guidance should be provided within the NZCPS relating to what it is, and is not, appropriate subdivision, use and development. There is a need to clarify what types of coastal environments would be appropriate for development
34. Some use and development by its very nature can not be set back from the coastal marine area and other water bodies, or have a functional need to be located on land adjoining the coastal marine area or other water bodies.
35. The NZCPS must not unduly or unnecessarily restrict appropriate activities and/or development within the coastal marine area. Adequate support and provision must be provided to enable the continued operation of important infrastructure including marinas, moorings, boat ramps and other development in the coastal marine area.
36. Areas of natural character should be protected completely from any form of subdivision and development, except for parks and reserves, information and learning centres and simple low impact camping sites for the public to use, enjoy and appreciate.

RCAs

37. Robust monitoring policy is needed on outcomes around RCAs and the role of the Minister.
38. RCAs should include Minerals (prospecting, exploration and mining of the seabed), Destruction of HPA registered places, areas etc. There is mixed support / opposition for aquaculture exemption.
39. The Minister's multiple roles regarding RCAs is criticised. The process is seen as unjust, lengthy, expensive and adds little to the final decisions. The benefit of the Minister's role is difficult to see in preference to regional councils and the Environment Court.
40. RCAs do not add value. There is inadequate evaluation of their effectiveness in RMA terms. RCAs are obsolete. Flexibility has been lost. Delete the RCA regime. Replace with policies that require these activities to become either discretionary or non-complying in Regional Coastal Plans.

Comparisons between the 1994 and 2008 NZCPS documents¹.

41. There is a mixed response to the removal of the 1994 'principles' structure. However principles 1 and 2 are generally sought to be better reflected in the 2008 version via more specific policies or objectives, and that the language of principle 2 in particular is preferred over objectives 2,5, and policy 30
42. It is generally acknowledged that the simplified structure, clarity, comprehensiveness and direction/prescription of the 2008 document is superior to the 1994 NZCPS, that the 2008

¹ Limited to the results of a database search of '1994'. For example, if submissions stated that the 2008 NZCPS was an improvement on the old one, this would not have been picked up in the search.

document builds on the 1994 document, and provides a clearer picture of the nation's value of the coast.

43. Although the structure of the 2008 Schedules is generally supported, the flexibility and thresholds of the 1994 RCA provisions seems to be preferred over the 2008 Schedule I.
44. The concise wording of specific points in the 1994 version is preferred in several instances (see examples in table below): The preference most frequently commented on was for 1994 policy 3.2.1 in favour of 2008 policy 14(a)

1994 provision preferred	over 2008 provision
Presumption in favour of CMA for public use and enjoyment	Objective 1
Principle 5	Objective 5
Policy 1.1.1	Policy 33
Policy 1.1.2	Policy 31
Policy 3.2.1	Policy 14(a)
Policy 3.3.1 (unknown / little understood) terminology, and reference to specific categories	Policy 5 (uncertain) terminology
Policy 3.4.3 specific natural features	Policy 53
Policy 3.4.6 BPO test	Policy 54 'necessary' test
Policy 3.5.1 'exceptional circumstances' provision, and restrictions to access	Policy 43
Policy 4.2.1	Objective 4
Policy 7.1.1 (with minor amendments)	Policy 10
RCA thresholds	Policy 37
RCA approach to aquaculture	Schedule I 1.9 exemption
Schedule I wording and heading	Schedule I, 1.5
Schedule 1.6 (a) (iii)	-
language	Policy 25
Exemption for discharge of human sewage from vessels	-
Term "avoidance of sprawling / sporadic subdivision"	-
2008 provision preferred	over 1994 provision
Policy 5	Policy 3.3.1
Policy 21	-
Policy 55	-

RMA terminology

45. The NZCPS uses many RMA terms but not always with exactly the same meaning given in the RMA. Several new terms are introduced that have the potential to cause confusion (eg. due regard). In general, submitters tended to seek greater clarification, interpretation or definition of terms.
46. Concern was expressed about the ambiguity around how far inland the coastal environment is considered to extend.
47. More guidance is needed where RMA provisions are repeated or RMA terms are used with meanings that vary from those in the Act.

48. The glossary needs to be expanded to aid interpretations. Include clarification or definitions of the following terms:

- active coastal processes
- adverse effects
- along (the CMA)
- area (with respect to Policy 25)
- appropriate form
- appropriate development
- appropriate or inappropriate subdivision use and development
- avoid, remedy, mitigate
- coastal environment
- coastal hazard
- coastal marine area
- coastal margin
- coastal qualities/influences
- coastal vegetation and habitat
- consultation
- contaminants
- continuous (with respect to Policy 14)
- continuous urban development
- development
- dynamic components
- dynamic processes and features (to include hydrodynamic processes and features)
- effectively exclude (with respect to S.I.1.9)
- evaluation (with respect to Policy 55)
- foreshore
- hazard risks
- high contaminant loadings
- high rise
- high water quality
- historic heritage
- indigenous biological diversity
- indigenous community types
- indigenous ecosystems
- inappropriate development
- infrastructure of national importance
- international obligations
- large mixing zone
- marine facilities
- mixture of land uses
- national priority
- natural character (including soundscape/odourscape)
- natural sites
- natural landscape
- natural state
- natural biotic
- natural substrate
- naturally rare
- open space character
- outstanding natural features and landscapes
- practicable (with respect to Policy 25)
- public access
- public open space

- public utility
- reasonable mixing
- reasonable (with respect to Policy 25)
- redundant structure
- renewable energy generation
- require by nature (with respect to Policy 16)
- resilience (with respect to Policy 46)
- restoration of natural character
- restrict (with respect to S.I.1.9)
- ribbon development
- risk
- (significant) historic heritage
- significant indigenous biological diversity
- solid (with respect to S.I.3.a.i)
- specified types (with respect to Policy 14)
- specified forms (with respect to Policy 16)
- special scientific importance
- stormwater
- subdivision, use, development
- statutory protection
- sustainable management
- towering
- urban sprawl
- vehicle
- vessel maintenance
- vulnerable life stages
- wild or scenic
- tikanga Maori
- matauranga Maori
- tauranga waka
- mahinga mataitai
- taonga raranga
- waahi tapu.

Additional Provisions Sought

49. Many additional provisions have been sought. These are appended to each theme report, and to Theme 31 in particular.
50. Where policies are sought to be amended, the wording can be found in the summary sorted:
 - by Provision, against the relevant provision number, or
 - O.GEN (new objectives),
 - P.GEN (new Policies),
 - S.GEN (new Schedules) and
 - GEN (new provisions in general).