

# Regulatory Impact Statement

## New Zealand Coastal Policy Statement

### Agency Disclosure Statement

This Regulatory Impact Statement has been prepared by the Department of Conservation. It provides an analysis of proposed objectives and policies in a proposed New Zealand Coastal Policy Statement (NZCPS), which is a mandatory National Policy Statement under the Resource Management Act 1991.

The essential caveat concerning the analysis is that the NZCPS does not directly regulate activities managed under the RMA, but guides the management and regulation of activities by local authorities. The impact of the NZCPS therefore depends on how local authorities give effect to it, particularly in policy statements and plans. Plan provisions will vary according to the nature and scale of coastal management issues for different regions and districts. The impact on decision making on resource consents and other relevant approvals will also vary from case to case, depending on the weight decision makers give to the NZCPS, relative to the other matters they must have regard to, when determining applications.

The proposed NZCPS would affect the conditions set by local authority plans for the exercise of private property rights in the coastal environment. It would also affect resource consent conditions for use or development of coastal resources, and in some cases be a factor in decisions to approve or refuse consent. It would not override fundamental common law principles.

The NZCPS can potentially contribute to the government's regulatory reform objectives by improving the quality of local authority plans in relation to the coastal environment. It can help ensure plan provisions with regulatory force (i.e. rules) are not unnecessary, ineffective or excessively costly.

Some additional costs on businesses, and impacts on market competition and incentives on businesses to innovate and invest are possible, again depending on how local authority plans give effect to the NZCPS and how decision makers have regard to it. Benefits should also arise for businesses, investment and innovation from policies that require recognition of economic, social and cultural benefits of activities and support clearer and more specific local authority planning, which offers more certainty about the appropriateness or otherwise of proposed activities.

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# 1 STATUS QUO

## 1.1 Nature, purpose and function of the NZCPS

1. The New Zealand Coastal Policy Statement (NZCPS) is a national policy statement under the Resource Management Act 1991 (RMA). The Act requires that at all times there shall be at least one NZCPS.
2. The statutory purpose of the NZCPS is to state policies to achieve the purpose of the RMA – which is to promote the sustainable management of natural and physical resources – in the coastal environment. Under the RMA, sustainable management means:

*... managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –*

  - a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*
3. Regional policy statements, regional plans and district plans must give effect to the NZCPS. The NZCPS is therefore the key instrument (after legislation) for central government to influence the content of planning documents as they relate to the coast.
4. The NZCPS has a lesser influence on resource consent decisions. A consent authority must, subject to Part 2 of the Act, have regard to matters including any relevant provisions of the NZCPS. The NZCPS can also be relevant to territorial authority decisions on designations and heritage orders, and to special tribunal and Environment Court decisions on water conservation orders.
5. Although the NZCPS influences the regulatory regime established by the RMA, it does not itself directly regulate activities. Direct regulation is by rules in local authority plans. Local authorities have discretion to decide what rules are necessary to give effect to the NZCPS, considering the resource management issues for their area and their preferred approach to planning. Confirmation of rules is subject to the consultation process required by law for plan development.

## 1.2 The existing NZCPS

6. The existing NZCPS (the NZCPS 1994) is the first NZCPS prepared under the RMA.
7. The NZCPS 1994 has 57 policies (many very brief). The main policy areas covered are:
  - national priorities for preserving the “natural character” of the coastal environment.
  - protection of coastal features of special value to tangata whenua.
  - coastal subdivision, use or development.

- the Crown's interests in land of the Crown in the coastal marine area<sup>1</sup>
  - matters to be included in Regional Coastal Plans (prepared by regional councils).
8. The NZCPS 1994 also identifies "Restricted Coastal Activities" (RCAs). These are activities (e.g. reclamations and seawalls larger than specified dimensions) with "significant or irreversible" adverse effects. For RCA applications, notification and a hearing are mandatory, and the hearing panel must include an appointee of the Minister of Conservation.
  9. The NZCPS 1994 also has 14 "general principles", which have no direct legal effect but provide context for policies. The statement does not include objectives.

### **1.3 Basis for review**

10. The NZCPS 1994 includes a policy requiring independent review of its effectiveness within nine years. An independent review commissioned in 2003 recommended formal review of the NZCPS to revoke obsolete policies and provide additional policy guidance for local authorities.<sup>2</sup> This formal review resulted in the notification of a Proposed NZCPS in 2008.

### **1.4 Regulatory environment**

11. The Local Government Act 2002 (LGA) provides the statutory framework for local authority governance and operational planning. RMA policy statements and plans can identify methods whose implementation requires resources allocated under the LGA.
12. The Foreshore and Seabed Act 2004 vested ownership of foreshore and seabed in the Crown and specified public rights of access and navigation. Land ownership is not central to planning and decision making under the RMA, but the NZCPS also addresses public access to the coast.
13. Other RMA national policy statements apply in the coastal environment. A statement on electricity transmission is in effect and others on renewable electricity generation, freshwater management and flood risk management are under development.
14. National environmental standards (NESs) have the force of regulation. A relevant NES under development addresses planning for future sea-level rise.
15. Non-statutory guidance on resource management planning is provided for local authorities through the Quality Planning Project, a partnership between the Ministry for the Environment and resource management professional bodies. Guidance notes cover topics including coastal land development, subdivision, landscape, natural hazards and historic heritage.

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<sup>1</sup> "Land of the Crown in the coastal marine area" is equivalent to public foreshore and seabed.

<sup>2</sup> Dr Johanna Rosier, "Independent Review of the New Zealand Coastal Policy Statement", School of People, Environment and Planning, Massey University, May 2004.

## **2 OBJECTIVES**

### **2.1 An effective NZCPS**

16. The purpose of the NZCPS is defined by the RMA: it is to state policies to achieve the purpose of the Act in the coastal environment.
17. The primary objective for NZCPS policies is therefore they are effective in promoting sustainable management of coastal resources.

### **2.2 Resource management reform**

18. The government has a commitment to providing greater central government direction on resource management. The NZCPS is directly relevant to achieving this.

## **3 PROBLEM**

### **3.1 Inadequate coastal resource management**

19. Implementation of the RMA in the coastal environment is not achieving sustainable management of coastal resources.
20. The NZCPS Board of Inquiry, after more than 500 submissions and extensive hearings, concluded that “there are major problems with the current balance applied by decision makers”, so that “[a]s a result the coastal environment does not reflect the ‘sustainable management of natural and physical resources’ which is the purpose of the Act”.<sup>3</sup>
21. Key deficiencies identified by the Board and accepted by officials are:
  - inadequate integration of resource management across local authority boundaries and across the line between coastal land and the coastal marine area
  - poor management of coastal subdivision and development, particularly for residential use, resulting in destruction of coastal values in many significant or outstanding areas and limits on opportunities for development of infrastructure and other resource uses
  - little or no priority being given in many places to protection of coastal public open space and recreation values, and public access to the coast
  - insufficient action to maintain water quality in many areas, where discharges and sedimentation put habitats, ecosystems and economic and community uses at risk
  - inadequate management of coastal hazard risks such as erosion, particularly considering likely impacts of climate change
  - insufficient recognition of tangata whenua values and interests in coastal resource management
  - a general deficit in strategic and spatial planning, including for future infrastructure needs and use of renewable energy sources in the coastal environment.

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<sup>3</sup> NZCPS Board report (Volume 1), p12.

## **4 REGULATORY IMPACT ANALYSIS**

### **4.1 Options**

#### **4.1.1 NZCPS 1994**

22. The NZCPS 1994 could be left in place. This is effectively the default option if a new statement is not approved.
23. Retaining the NZCPS 1994, with current levels of non-statutory guidance and implementation support for local authorities, would not address the problems with the status quo.
24. The NZCPS could be retained with an increase in non-statutory guidance, and actions to build local authority capability and capacity in coastal planning (e.g. research funding or partnerships, training, contestable funding for planning projects). Non-statutory guidance offers much less certainty about central government expectations than statutory policy, however, and has variable uptake. The outcomes of capacity and capability initiatives would be uncertain.
25. Retaining the NZCPS 1994 with current levels of non-statutory guidance and implementation support for local authorities is feasible but not recommended.
26. Retaining the NZCPS 1994 with increased non-statutory guidance and implementation support would be preferable to the status quo, but is not the preferred option.

#### **4.1.2 Proposed NZCPS 2008**

27. The Proposed NZCPS 2008 (i.e. the statement publicly notified under the previous Government) could be adopted without change.
28. The Proposed NZCPS 2008 was however drafted in the expectation that improvements would be identified through public consultation, and this is what occurred. On the basis of more than 500 submissions from a representative cross-section of relevant business, environmental and community groups, the Board identified many necessary and desirable changes to the Proposed NZCPS. Significant implementation problems would arise from adoption of the Proposed NZCPS 2008 without amendment, and this option is not recommended.

#### **4.1.3 Board Recommended NZCPS 2009**

29. The Recommended NZCPS 2009, as drafted by the NZCPS Board of Inquiry, could be adopted unchanged.
30. Accepting the Board Recommended NZCPS would give full weight to the expertise and judgement of the Board and the integrity of the public submission and hearing process it undertook. It would raise no legal uncertainty about the scope for issuing a statement that differs from the Board's recommendations.
31. The statement developed by the Board of Inquiry would require a higher level of protection of natural values in the coastal environment than the NZCPS 1994 and impose significant constraints on development to achieve that. It also raises some minor but not trivial questions of legal consistency with the Act, and has some policy drafting flaws.

32. With minor drafting corrections the Board Recommended NZCPS 2009 could function as a national policy statement, although it would be challenging for central and local government to implement. Its likely effect on development opportunities in the coastal environment would not align with government policy priorities.

#### **4.1.4 NZCPS 2010 (preferred option)**

33. The NZCPS 2010 is an amended version of the Board Recommended NZCPS 2009, to align the recommended statement with government policy priorities.

34. The NZCPS 2010 retains much of the policy drafted by the Board of Inquiry, recognising the value of the public consultation process and the expertise of the Board. Numerous improvements recommended to the Proposed NZCPS, to make policies more effective and enable them to be implemented more efficiently, are retained. Changes to the recommended policies have been made where necessary to adjust the policy direction of the statement to the satisfaction of the Minister of Conservation and resolve drafting issues.

35. The NZCPS 2010 is the preferred option and is the focus of this RIS.

#### **4.1.5 NZCPS 2010 subjected to further review**

36. The NZCPS 2010 could be subjected to further review, to explore the scope and need for more changes to the policies recommended by the Board of Inquiry.

37. Preparation of the NZCPS 2010 has however demonstrated the constraints on revising policy after a Board of Inquiry report. Considerable care has been necessary to ensure all changes made are within the allowable scope. No need for substantial further change has been identified: if it was, the more practicable and efficient course would be to proceed without the constraints imposed by process to date. This is option 4.1.6 below.

38. Subjecting the NZCPS 2010 to further review is not recommended.

#### **4.1.6 Withdraw Proposed NZCPS and re-start review**

39. The Proposed NZCPS 2008 could be withdrawn, and a new review of the NZCPS begun.

40. Under this option the NZCPS 1994 would remain in effect. The Minister of Conservation would have to seek and consider comments from relevant iwi authorities and appropriate people and organisations before preparing a proposed NZCPS. The Minister could then choose either a Board of Inquiry process for public consultation on the proposed statement, or a process involving written submissions without hearings (although the latter would be controversial). In either case it would be at least two years before a new NZCPS could be issued.

41. This is a feasible option. Given the issues with the status quo, however, and the delay and cost associated with a new review, this option would only be justifiable if there was a need for substantial further change to the NZCPS 2010. No such need has been identified, so this option is not recommended.

## 4.2 Options related to objectives

The table below summarises how the 6 options evaluated relate to the statutory objectives for the NZCPS and to the government's objectives for resource management and regulatory reform.

Objectives	NZCPS 1994	Proposed NZCPS 2008	Board Recommended NZCPS 2009	NZCPS 2010	Further review of NZCPS 2010	Re-start review
<b>Statutory (RMA)</b>						
Promote sustainable management	Limited & declining	Not adequate	Strong protection of natural values, significant limits on development	Moderate & gradual improvement	Indeterminate, but little scope for improvement over NZCPS 2010	Indeterminate
<b>RM reform</b>						
Greater central government direction	No change	More direction.	Strong direction.	More direction.	As above	As above
Improved economic efficiency of implementation	No change	Significant risk of inefficiency	More certainty for resource users & communities, possibly at significant economic opportunity cost	More certainty for resource users & communities from improved planning. Some constraints on development in specific areas.	As above	As above
Efficient & improved Māori participation	No change	Not adequate.	Improved.	Improved.	As above	As above
<b>Regulatory reform</b>						
Better and less regulation	No change	Unsatisfactory	Clearer, more consistent plan controls, but more restrictive and extensive	More consistent and effective plans and consent decisions. More relevant NZCPS.	As above	As above
	<i>Feasible but not preferred</i>	<i>Not recommended</i>	<i>Feasible</i>	<b>Officials' preferred option</b>	<i>Not recommended</i>	<i>Not recommended</i>

## 4.3 Regulatory impact – preferred option

### 4.3.1 Benefits and costs – general

42. The benefits of improved national policy guidance on coastal resource management under the RMA are primarily in:
- **supporting effective and efficient implementation of the law**, by providing direction on how it is to be applied and promoting national consistency and good practice in planning and consent decision making
  - **providing more certainty for resource users and communities** about opportunities for and constraints on development, including by promoting clear strategic and spatial planning, and guiding decision makers on how competing national benefits and local costs of proposed activities should be weighted
  - **avoiding or reducing costs**, including environmental harm and costs to resource users and communities, caused by ineffective and inefficient resource management, where poor management is due in part to shortcomings in national policy guidance.
43. These benefits are secured in pursuit of those the Act is designed to deliver – the social, economic, and cultural wellbeing of people and communities, availability of natural and physical resources to meet the needs of future generations, continued life-supporting capacity of air, water, soil, and ecosystems, preservation of the natural character of the coastal environment, and other matters of national importance identified in the Act.
44. Costs generally arising from the introduction of a new NZCPS would include:
- **implementation support** costs for central government (see section 5)
  - **implementation costs** for local authorities, including acquisition of data needed for planning, and time and effort to develop compliant plan provisions
  - **transitional costs** for all parties – resource users, community groups, councils, government – including familiarisation with new policy, and time and effort associated with interpretive disputes (which can be minimised but not eliminated by careful policy drafting and provision of non-statutory guidance)
- #### 4.3.1.1 Quantification
45. Benefits are not quantifiable. Potential implementation costs of a new NZCPS for central government can be quantified (see section 5). Other costs are not quantifiable to any useful extent.
46. Potential local government implementation costs vary considerably depending on the extent and quality of councils' data holdings and the state of their planning documents. Marginal costs are indeterminable, as a national policy statement imposes no new functions or responsibilities but provides national guidance on how existing functions and responsibilities are to be carried out.
47. Potential costs for resource users and communities depend on how a new NZCPS is interpreted and applied by councils and other relevant decision makers (e.g. the Environment Court) in relation to local planning documents and individual consent applications. Quantification is not possible in these circumstances.



#### 4.3.2 Summary of impacts – key policy changes

Policy issue	Problem – status quo	Change	Preferred option – NZCPS 2010	
			Costs	Benefits
Strategic & spatial planning	Inadequate strategic planning. Planning issues frequently forced <i>ad hoc</i> into resource consent processes, adding significant cost and delay for applicants, councils and communities. Cumulative effects issues poorly managed. Lack of certainty about scope for development.	More specific and directive policy, incl. directions to councils to identify & manage threats from cumulative effects; plan for development, applying specified principles; identify in plans where particular activities and forms of development are inappropriate or will need consent.	Plan development costs for councils and participants in plan processes. Some activities and forms of development constrained in some places, including where adverse cumulative effects have become or are becoming critical. Monitoring costs for consent holders where relevant.	Less 'backfilling' of planning costs in consent processes. More certainty for consent applicants and communities about where resource use & development can occur or is likely to raise significant issues, and where certain activities unlikely to proceed. More effective management of cumulative effects.
Aquaculture and ports	Inadequate planning for aquaculture. Little national guidance available on planning for ports.	Policies specifically on management of aquaculture and ports, directing councils and decision makers to recognise the potential value of aquaculture and plan for it in appropriate places, and recognise the importance of ports in the national transport system and plan for their development.	Costs for participants in plan process (including industry, interest groups, communities). Plan costs for councils (depending on extent of existing information) to assess and consider transport infrastructure needs relating to port use and development.	Promotes planning for aquaculture, incl. consideration of economic benefits & management of adverse effects on aquaculture areas. States national interest in port development & integration with other transport modes. Helps avoid problems arising for ports from development (eg residential) nearby.
Natural character, features and landscapes	Inadequate management of adverse effects of development on coastal natural character, features and landscapes, despite statements of national importance in RMA, and high public interest.	Requirement for councils to assess natural character and identify outstanding landscapes. Guidance on elements of natural character and criteria for assessing landscape. Direction on protection of natural character, outstanding landscapes, biodiversity, nationally significant surf breaks.	Plan costs where councils have not done enough assessment of natural character, landscapes and significant natural features. Stronger plan constraints on development activities affecting outstanding landscapes and significant natural features, and in places with outstanding natural character.	More certainty for consent applicants and communities about where impacts on landscapes, significant natural features, and natural character will be a significant issue for development, and where that is less likely. More effective protection of outstanding coastal landscapes & features.
Water quality	Coastal water quality degradation in many areas, from both point and non-point source discharges and sedimentation, with adverse effects on ecosystems, economic uses, cultural and community needs.	Stronger requirement to identify where water quality is degraded and should be enhanced. More explicit guidance on mixing zones for discharges. Maintains policy against direct discharge of untreated human sewage to sea. New direction on assessing, monitoring and managing sedimentation.	Planning costs where water quality data is lacking and priorities not already identified. Monitoring costs for councils and some consent holders. Constraints on some forms of land use where causing sedimentation problems. Infrastructure costs to improve discharge quality over time.	More recognition and management of coastal water quality issues, including sedimentation and stormwater discharges. Increased assurance of water quality necessary for aquaculture, recreational and cultural uses, and preservation of natural character.
Coastal hazard risks	Inconsistent application of best practice, new knowledge and techniques in coastal hazard risk management, including managing risk to existing development, controlling new development in risk areas, managing impacts and efficiency of hard protection works, and taking account of effects of climate change on risks.	More specific direction on managing coastal hazard risks, incl. identifying hazard areas; use of at least 100 year horizon; avoidance of increasing risk; range of valid approaches and strategies for protecting existing development, including managed retreat, status quo and hard works where necessary.	Risk assessment costs for councils, depending on work already done. Possible readjustment of property values across hazard & non-hazard zones. Fewer new development opportunities on land at risk. Environmental harm where new protection works proceed. Financial and social costs of foregoing investment in existing development if managed retreat is best option.	Clearer, more thorough, more consistent identification of coastal hazard risks in plans. More use of at least 100 year risk horizon. Increased focus on risk management, more flexibility in range of possible responses and a reduction in economic and social costs of hazard events. More use of less environmentally damaging protection options where practicable.
Maori interests	RMA requirements for recognition of Maori values in coastal management inconsistently implemented. Involvement of tangata whenua in decision making processes is highly inconsistent.	More specific direction on identification and protection of coastal sites & resources particularly important to Maori, specifying range of approaches and methods. Promotes Maori participation in plan and consent processes.	Increase in planning, research and consultation costs for councils if and where engagement with tangata whenua is lacking. Costs highly dependent on the quality of existing information and relationships.	Promotes effective recognition of Treaty relationship in coastal resource management processes, supports council initiatives to deal with RMA responsibilities to Maori. Better recognition and protection of coastal places and resources important to Maori.
Public access	Planning for public access to coast, and maintenance of open space and recreation values, are given little priority despite importance in RMA.	More specific direction on maintenance of public access to and along the coast, with walking access as basic priority. More direction on planning for community needs for open space, and management of vehicles on beaches.	Planning costs where base data on access and open space (e.g. mapping) is lacking and public access issues including vehicle access not sufficiently assessed. Variable implementation & enforcement costs depending on approach.	Promotes effective planning to satisfy high public expectations of access and public open space on and near the coast, incl. priority setting for improvement of access. Support for planning as part of integrated management of vehicle use on beaches.

## 5 IMPLEMENTATION

### 5.1 Timing

48. The RMA requires local authorities to amend policy statements and plans to give effect to the NZCPS. This would be undertaken as part of the normal process of plan review and would occur over several years, according to when plan reviews are scheduled by relevant local authorities. Plan reviews are undertaken following a process set out in Schedule 1 of the RMA, involving public notification and consultation.
49. An exception to implementation in plans through the normal review process would be the removal of Restricted Coastal Activity (RCA) provisions from operative regional coastal plans. RCA provisions are in plans to give effect to the NZCPS 1994, but are not required by the proposed new NZCPS. In accordance with Policy 29 (Restricted Coastal Activities) in the proposed new NZCPS, RCA provisions would be removed from operative plans without the need for a Schedule 1 process, as enabled by section 55(2) of the RMA.
50. The NZCPS would be relevant to consideration of resource consents and other relevant approvals as soon as it was gazetted.

### 5.2 Implementation support

51. The effectiveness of a new NZCPS will depend significantly on the level of support provided by central government for local government implementation.
52. A basic implementation support programme could include:
  - guidance notes on coastal planning topics, delivered through the Quality Planning website
  - a roadshow and/or workshops for council planning staff, councillors, consent commissioners on the new policy statement.
53. A more substantial implementation package could include, additionally:
  - development of standard methodologies for matters such as landscape and natural character assessment
  - central government funding for, or collaboration with local authorities to address baseline data gaps (e.g. water quality information, biodiversity data).
54. The Department of Conservation would have the lead for implementation support, collaborating with local authorities to set priorities for an implementation programme.
55. The estimated cost of a basic NZCPS implementation programme is approximately \$1.1 million, spread over up to 5 years. A more substantial implementation package could cost at least a further \$1.5 million. This would require additional funding. The timing and amount of any bid for further funding would depend on progress with implementation from baseline and reprioritised resources, scope for collaboration with (e.g.) RMA and aquaculture reform implementation programmes, and priorities identified in consultation with local government.

### **5.3 Transitional costs**

56. Questions of interpretation inevitably arise from new policy. Central government, local government, resource users and others engaged in coastal resource management issues (e.g. non-governmental organisations, community groups) incur costs for legal and resource management professional advice on such questions, including litigation costs in some cases. These costs diminish as key interpretive questions are settled through converging professional practice and case law.

### **5.4 Monitoring, evaluation and review**

57. Under Policy 31 of the proposed new NZCPS the Minister of Conservation would be responsible for monitoring and reviewing the NZCPS. This would include:

- assessing the effect of the NZCPS on regional policy statements, plans, resource consents, and other decision making;
- in collaboration with local authorities, collecting data for a nationally consistent monitoring and reporting programme, incorporating district and regional monitoring information as far as practicable;
- undertaking other information gathering or monitoring that assists in providing a national perspective on coastal resource management trends, emerging issues and outcomes.

58. The policy also provides for the Minister to publish a report and conclusions on these matters within six years of the gazettal of the new NZCPS.

## 6 CONCLUSIONS AND RECOMMENDATIONS

59. The **status quo** is that the New Zealand Coastal Policy Statement (NZCPS) 1994 remains in effect. It is **feasible but not preferred**. The NZCPS 1994 was developed in the early years of the RMA. It provided high level policy direction that assisted development of the first generation of regional coastal plans. It offers much less assistance for development of second generation plans, some of which are 'on hold' awaiting a new NZCPS. Persisting with the NZCPS 1994 would not contribute significantly to the effective and efficient administration of the RMA, nor to achievement of the government's goals for RMA and regulatory reform.
60. The **NZCPS 2010** has been developed through an extensive review process, taking account of the findings and recommendations of a Board of Inquiry and government policy priorities. It is the **preferred option**. The NZCPS 2010 offers updated policy direction for coastal resource management planning and decision making, more relevant to current issues and likely to be more effective in achieving the purpose of the RMA. It would promote more stringent controls on development with adverse effects on the natural values of coastal places and landscapes, balanced by more express recognition of the importance of development with national and regional benefits. It would support clearer spatial and strategic planning, providing more certainty to resource users and communities about where development is more and less likely to raise significant issues. It would require an effective implementation programme.
61. The **Proposed NZCPS 2008** was developed for public consultation, in the expectation that public comment would identify desirable policy improvements. Many desirable changes to make policy more effective and practicable were identified and the Proposed NZCPS 2008 is therefore **not recommended**.
62. The **Board Recommended NZCPS 2009** was developed by a Board of Inquiry that conducted public consultation on the Proposed NZCPS 2008. It would require a high level of protection of natural values in the coastal environment and impose significant constraints on development to achieve that. With minor editing it would be **feasible** as a national policy statement, although challenging for central and local government to implement. Its likely impact on development opportunities in the coastal environment would not be consistent with government policy priorities.
63. Two process options are available.
64. One is to **subject the NZCPS 2010 to further review**. The scope for further revision of the NZCPS 2010 is limited, however, and as no need for substantial further change has been identified this option is **not recommended**.
65. To produce a substantially different NZCPS the most feasible option would be to withdraw the Proposed NZCPS 2008 and **begin a new NZCPS review**. The NZCPS 1994 would remain in effect while the review was under way. After developing a new Proposed NZCPS the Minister of Conservation could choose a Board of Inquiry or an alternative process for public consultation involving written submissions but no hearings. In either case it would be at least two years before a new NZCPS could be issued. This is a feasible option, but given the issues with the status quo, the delay and cost associated with a new review, and the lack of clear reason to redraft an NZCPS from scratch, this option is **not recommended**.

## 7 CONSULTATION

66. Development of the proposed new NZCPS has been informed by a long-running review involving consultation or stakeholder engagement at several stages.
67. An **independent reviewer** of the NZCPS in 2003-2004 consulted a wide range of stakeholders, received 55 formal submissions and held two regional hui. Key messages were:
- general support for the NZCPS as an important component of a sustainable management regime for the coastal environment
  - demand for clear national policy direction (although divergent views on some key issues)
  - demand for more effective implementation support and monitoring.
68. A Department of Conservation **Issues and Options** paper in 2006 drew 85 submissions from diverse stakeholders, particularly local government and industry groups. Key messages were:
- the NZCPS needs to be more outcomes focused and provide better direction on national priorities for coastal management
  - a widespread call for stronger, clearer policies rather than more policies
  - the NZCPS should complement the wider national legislative and policy framework and not duplicate provisions in the RMA or other statutes or policies
  - widespread concern about a lack of effective monitoring of the NZCPS
  - widespread concern that implementation of the current NZCPS is inadequate and a call for more central government participation and resourcing for implementation of any new statement.
69. In preparing a **Proposed NZCPS** in 2007 the Department of Conservation consulted 15 government departments and agencies, Local Government New Zealand. A small reference group of resource management practitioners nominated from iwi authorities provided comment.
70. A **Board of Inquiry** appointed by the Minister of Conservation publicly notified the Proposed NZCPS in March 2008 and received 539 written submissions from a wide range of community, conservation and recreational groups; from Local Government New Zealand and many regional and district councils; a range of professional organisations and from industry groups. The Board heard 175 submitters and a number of expert witnesses on 30 days of hearings in cities and provincial centres between August and December 2008.
71. Subsequent to the report of the Board of Inquiry:
- the Minister of Conservation has sought and considered comments from the Minister for the Environment on the Board's recommended NZCPS and her proposed response
  - Comments have been sought and considered from the government departments and agencies previously involved on the Board's recommended statement and the revised NZCPS proposed by the Minister
  - Independent assessments of the recommended NZCPS and the revised NZCPS proposed by the Minister have been commissioned from planning consultant Rob Van Voorthuysen
  - Comments have been sought and considered from Local Government New Zealand on the Board's recommended statement and the revised NZCPS proposed by the Minister.