

New Zealand Coastal Policy Statement

Summary of Board of Inquiry recommendations and Minister of Conservation's decision

Introduction

Following a review of the New Zealand Coastal Policy Statement (NZCPS) 1994, the Proposed NZCPS 2008 was prepared by the Minister of Conservation. The Minister appointed a Board of Inquiry, comprising Judge Shonagh Kenderdine (chair), Kathryn Edmonds, Rikirangi Gage and Phillip Woollaston, to inquire into and report on the proposed statement. The Board publicly notified the proposed statement, received submissions, heard submitters, and completed a report to the Minister in July 2009. The Minister, after considering the report and recommendations of the Board, made changes to the Proposed NZCPS 2008 and recommended the resulting statement – the NZCPS 2010 – to the Governor General, who approved it.

Section 52 of the Resource Management Act 1991 requires the Minister, as soon as practicable after a New Zealand Coastal Policy Statement has been approved, to provide every person who made a submission on the statement with a summary of the recommendations and a summary of the Minister's decision on the recommendations (including reasons for not adopting any recommendations). This document, prepared by the Department of Conservation on behalf of the Minister, provides those summaries.

Summary of Board of Inquiry recommendations and Minister's decision

The Board of Inquiry's recommendations to the Minister of Conservation consisted of a redrafted New Zealand Coastal Policy Statement, i.e. recommended changes to the Proposed NZCPS 2008. The Minister's decision consisted of the statement recommended to the Governor-General. This accepted in large part the recommendations of the Board, but overall reflected some differences regarding the appropriate relative weight and attention to be given to protecting natural values and allowing for economic use and development in the coastal environment. Other reasons for partially accepting or rejecting elements of policies recommended by the Board included avoidance of uncertainty or ambiguity in interpretation, consistency of style and syntax, and minor grammatical corrections. The Board's recommendations and the Minister's decisions are summarised in the following tables.

Structure of NZCPS

Board of Inquiry recommendation	Minister's decision
Include a Preamble, to assist in interpreting and applying the NZCPS.	Preamble included, edited to focus on issues and exclude less useful contextual material.
Include a statement of the issues confronting decision makers and which informed NZCPS objectives and policies.	Statement of issues incorporated in Preamble.
Amend objectives and policies to require "all decision-makers" to implement objectives and policies, irrespective of progress on incorporating them in regional policy statements and regional and district plans. Implementation also discussed in recommended Preamble.	Statement of how the NZCPS is to be applied is set out at beginning of NZCPS 2010, with policies phrased to state directly the course of action to be taken.

Recommended objectives

The Board recommended 7 objectives, redrafted from those included in the Proposed NZCPS 2008, to address "areas with a national priority for attention" and include aspects of the principles of the NZCPS 1994 that remained relevant.

Board of Inquiry recommendation	Minister's decision
Objective 1: to safeguard integrity, form, functioning and resilience, with reference to maintaining or protecting ecosystems, natural processes, indigenous flora and fauna, water quality.	Included in NZCPS 2010 substantially as recommended, with edits to 1 st and 3 rd bullet points.
Objective 2: to preserve natural character and protect natural features and landscape values, with reference to protection from inappropriate development and encouragement of restoration.	Included in NZCPS 2010 as recommended.
Objective 3: to take account of Treaty principles and role of tangata whenua as kaitiaki, with reference to relevant relationships, practices, knowledge and places of special value.	Included in NZCPS 2010 substantially as recommended, with edits to 1 st , 2 nd and 3 rd bullet points.

Board of Inquiry recommendation	Minister's decision
Objective 4: to maintain and enhance public open space qualities and recreation opportunities, with reference to public walking access and effects of coastal processes on access.	Included in NZCPS 2010 substantially as recommended, with minor edits to 2 nd and 3 rd bullet points.
Objective 5: to ensure coastal hazard risks are managed, with reference to location of new development, range of responses for existing development, and natural defences.	Included in NZCPS 2010 substantially as recommended, with minor edits to opening phrase.
Objective 6: to enable provision for social, economic and cultural wellbeing, health and safety, though development, with reference to activities that need to be in the coastal marine area, limits of formal marine area protection, and presence of historic heritage and renewable energy.	Included in NZCPS 2010 with key elements as recommended, edits to opening phrase and all bullet points, and addition of three bullet points based on NZCPS 1994 principles.
Objective 7: to recognise and provide for New Zealand's international obligations regarding the coastal environment.	Included in NZCPS 2010 substantially as recommended, with minor edits.

Recommended policies

Board of Inquiry recommendation	Minister's decision
Policy 1: key elements for defining extent and characteristics of the coastal environment set out, to be reflected in policy statements and plans.	Policy included in NZCPS 2010 substantially as recommended.
Policy 2: direction on amending planning documents to give effect to NZCPS as soon as practicable, and application of NZCPS to decisions where planning documents have not yet been amended.	Policy not included in NZCPS 2010. Statement of how the NZCPS is to be applied is set out at beginning of NZCPS 2010.
Policy 3: direction on taking account of Treaty of Waitangi principles, and kaitiakitanga.	Policy included in NZCPS 2010 (as Policy 2) with edits.
Policy 4: direction on application of precautionary approach	Policy included in NZCPS 2010 (as Policy 3) with minor edits.

Board of Inquiry recommendation	Minister's decision
Policy 5: direction on integrated management of coastal resources	Policy included in NZCPS 2010 (as Policy 4) with minor edits.
Policy 6: direction on management of cumulative effects on coastal processes, resources, values.	Policy included in NZCPS 2010 (as clause 2 of Policy 7) with minor edits.
Policy 7: direction on consideration of effects of activities on coastal land or waters held or managed for statutory protection.	Policy included in NZCPS 2010 (as Policy 5) with minor edits.
Policy 8: direction on management of activities in the coastal marine area.	Bulk of recommended policy incorporated in clause 2 of Policy 6 in NZCPS 2010.
Policy 9: direction on avoiding activities with adverse effects on specified coastal areas, features and values.	Policy not included in NZCPS 2010, as appropriate direction on relevant matters provided by policies on natural character; natural features and landscapes; biodiversity; surf breaks; historic heritage, public access and open space; and protected lands and waters.
Policy 10: direction on management of subdivision, use and development.	Core elements of recommended policy incorporated in clause 1 of Policy 6 in NZCPS 2010, with edits.
Policy 11: direction on application of recommended policies 8-10 to decision making and planning.	Statement of how the NZCPS is to be applied is set out at beginning of NZCPS 2010. Core elements of recommended clause 2 incorporated in NZCPS 2010 as clause 1 of Policy 7.
Policy 12: direction on management of reclamation and de-reclamation.	Policy included in NZCPS 2010 (as Policy 10) with minor edits.
Policy 13: direction on protection of indigenous biodiversity in the coastal environment.	Policy included in NZCPS 2010 (as Policy 11) with minor edits.
Policy 14: direction on control of activities with biosecurity risks	Policy included in NZCPS 2010 (as Policy 12) with edits.
Policy 15: direction on preservation of natural character.	Policy included in NZCPS 2010 (as Policy 13) with edits.
Policy 16: direction on restoration of natural character.	Policy included in NZCPS 2010 (as Policy 14) with minor edits.
Policy 17: direction on protection of natural features and landscapes.	Policy included in NZCPS 2010 (as Policy 15) with edits.

Board of Inquiry recommendation	Minister's decision
Policy 18 and Schedule 2: direction on protection of surf breaks of national significance.	Policy and schedule included in NZCPS 2010 (as Policy 16 and Schedule 1) with minor edits.
Policy 19 and Schedule 3: direction on protection of active coastal dunes of national significance.	Not included in NZCPS 2010 as further consultation with directly affected landowners is necessary. Potential addition of policy to NZCPS to be subject to further consultation.
Policy 20: direction on coastal historic heritage identification and protection.	Policy included in NZCPS 2010 (as Policy 17) with minor edits.
Policy 21: direction on provision for public open space in the coastal environment.	Policy included in NZCPS 2010 (as Policy 18) with minor edits.
Policy 22: direction on maintenance and enhancement of public walking access to and along the coastal marine area.	Policy included in NZCPS 2010 (as Policy 19) with edits.
Policy 23: direction on management of vehicle access to foreshore, seabed and adjacent public land.	Policy included in NZCPS 2010 (as Policy 20) with minor edits.
Policy 24: direction on enhancement of coastal water quality.	Policy included in NZCPS 2010 (as Policy 21) with minor edits.
Policy 25: direction on management of sedimentation impacts on the coastal environment.	Policy included in NZCPS 2010 (as Policy 22) with edits.
Policy 26: direction on discharge of contaminants to water in the coastal environment.	Policy included in NZCPS 2010 (as Policy 23) with edits.
Policy 27: direction on identification of coastal hazards.	Policy included in NZCPS 2010 (as Policy 24) with minor edits.
Policy 28: direction on management of subdivision, use, and development in areas of coastal hazard risk.	Policy included in NZCPS 2010 (as Policy 25) with minor edits.
Policy 29: direction on protection, restoration or enhancement of natural defences against coastal hazards.	Policy included in NZCPS 2010 (as Policy 26) with minor edits.
Policy 30: direction on strategies for protecting significant existing development from coastal hazard risk.	Policy included in NZCPS 2010 (as Policy 27) with edits.

Board of Inquiry recommendation	Minister's decision
Policy 31: direction on monitoring and reporting on the effectiveness of the NZCPS.	Policy included in NZCPS 2010 (as Policy 28) with minor edits.
Schedule 1, listing international agreements of particular relevance to the sustainable management of the coastal environment.	Not included in NZCPS 2010 as it provides information of a type more appropriately provided in non-statutory guidance, and no policy direction.

Recommendations to delete policies from Proposed NZCPS 2008

Board of Inquiry recommendation	Minister's decision
Delete proposed Policy 4, Transfer, delegation or sharing of local authority functions, powers and duties regarding characteristics of special value to tangata whenua.	Proposed Policy 4 deleted as recommended.
Delete proposed Policy 13, Amendment of policy statements and plans.	Proposed Policy 13 deleted as recommended.
Delete proposed Policy 17, Crown interest in particular activities on land of the Crown in the coastal marine area (infrastructure and renewable energy generation).	Proposed Policy 17 deleted as recommended. References to infrastructure and renewable energy incorporated in Policy 6 of NZCPS 2010 and ports specifically addressed in Policy 9.
Delete proposed Policy 18, Crown interest in aquaculture activities.	Proposed Policy 18 deleted as recommended, but aquaculture specifically addressed by Policy 8 of NZCPS 2010.
Delete proposed Policy 19, Amenity values.	Proposed Policy 19 deleted as recommended.
Delete proposed Policy 22, Precedent effects.	Proposed Policy 22 deleted as recommended.
Delete proposed Policy 23, Defence.	Proposed Policy 23 deleted as recommended.
Delete proposed Policy 24, Coastal occupation charging, and accompanying Schedule II	Proposed Policy 24 and Schedule II deleted as recommended.
Delete proposed Policy 28, Rights vested in reclaimed land, and accompanying Schedule III.	Proposed Policy 28 and Schedule III deleted as recommended.

Board of Inquiry recommendation	Minister's decision
Delete proposed Policy 29, Financial contributions.	Proposed Policy 29 deleted as recommended.
Delete proposed Policy 33, Appropriate location, density and design of subdivision, use and development.	Proposed Policy 33 deleted as recommended.
Delete proposed Policy 34, Natural areas and features.	Proposed Policy 34 deleted as recommended.
Delete proposed Policy 37, Restricted Coastal Activities, and accompanying Schedule I (definitions of Restricted Coastal Activities).	Proposed Policy 37 and Schedule I deleted as recommended. Policy 29, Restricted Coastal Activities, introduced in consequence, to state process for removal of Restricted Coastal Activity provisions from regional coastal plans.
Delete proposed Policy 38, Maui dolphin, and accompanying Schedule IV, but list Maui's dolphin and other examples of highly endangered taxa in a footnote to biodiversity policy.	Proposed Policy 38 deleted as recommended. Maui's dolphin listed among other examples of threatened species in footnote to Policy 11 in NZCPS 2010.