

06 November 2023

OTE-356

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Tēnā koe Darren,

Thank you for your letter dated 10 October 2023 about guidance relating to coastal hazards and climate change. You asked for advice on whether:

1. The Department of Conservation anticipates that local government utilise evidence from the *NZ SeaRise Programme*, acknowledging this may still be in peer review.
2. In the Department of Conservation's view, the Jacobs Report, inclusive of the draft Jacobs Addendum, has appropriately used national guidance.
3. There is a confirmed hierarchy between the Ministry for the Environment and Department of Conservation guidance.

As you will be aware, The New Zealand Coastal Policy Statement (NZCPS) is a statutory document made under the RMA which must be given effect to in resource management plans and policy statements, and it must be regarded in consenting decisions.

The Department of Conservation (DOC) has prepared guidance notes as an online resource to support local government in implementing each policy of the NZCPS – see [“NZCPS 2010 guidance note: Coastal Hazards”](#) (2017) (“DOC's guidance”). DOC's guidance does not form part of the NZCPS. This guidance was prepared with support and input from local government and the Ministry for the Environment (MfE). It is not legal advice.

As part of preparing this response we discussed the issues you raised with staff at MfE who, we are advised, have also received a letter from you on this matter.

#### **DOC's comments on the *NZ SeaRise Programme* (Question 1)**

The *NZ SeaRise Programme* uses a climate change model and MfE is leading on climate change for the Government, so we have asked MfE to respond to this question.

#### **DOC's comments on the Jacobs report and addendum (Question 2)**

MfE will comment further on the Jacobs report in their response to you as it relates to the application of the MfE guidance and its implementation. In our view, the report would be more comprehensive if it included reference to the council's statutory requirements to give effect to the NZCPS and DOC's guidance. This would provide the contextual information the community needs to understand why the council is undertaking this coastal hazards and

climate change planning work and the council's statutory requirements. We have some comments about the application of national guidance in our response to your Question 3 below.

### **Status of guidance (Question 3)**

Both MfE's and DOC's guidance on coastal hazards and climate change referred to in your letter are non-statutory in nature. However, that does not mean they are not relevant in decision making on RMA plans. NZCPS policy 24(1) requires coastal hazards identification to take account of national guidance and the best available information on the likely effects of climate change on the region or district. As such, MfE and DOC's guidance both need to be considered in making planning decisions on coastal hazards. Planning decisions also need to implement other RMA requirements and NZCPS policies such as the precautionary approach (NZCPS policy 3). It is also worth noting that DOC's guidance is policy guidance to assist local government implement the NZCPS and the MfE guidance is technical in nature. Both pieces of guidance were developed to complement each other.

We do not consider it helpful to assess if there is a hierarchy between the MfE and DOC guidance. Both documents need to be considered and applied noting the needs of a particular district or region and noting that the most recent guidance is based on the latest science and estimates of sea level rise.

DOC and MfE work closely together to ensure that our guidance is consistent. For example, MfE is currently updating their 2017 coastal hazards guidance and DOC has commented extensively on the guidance update to ensure it is consistent with the NZCPS and DOC's guidance.

If your staff wish to discuss the contents of this letter, Karen Bell (Senior Policy Advisor RMA) is the contact at DOC on this work. Karen can be contacted at [kbell@doc.govt.nz](mailto:kbell@doc.govt.nz).

Nāku noa, nā



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