

NZCPS presently awaiting ministerial approval. It is generally accepted that the NZCPS was only prepared in the 1990s because the act made its preparation compulsory. This reluctance to fulfil the central government mandate, discussed further in later chapters, is generally regarded as a result of a policy decision rather than a product of the complexity of the process. Part V of the RMA essentially allows the Minister to develop his own process with none of the extended consultation and appeal rights that are part of plan making at the other levels.

In 2009 the amendments to the RMA created the EPA, which was originally given quite limited functions to deal with applications that were called in; that is, the processing of a consent for a matter of national importance was removed from the local level to be processed and determined at the national level. In mid-2010 the functions of the EPA were significantly extended and it was established as a Crown Agent. The latter is of particular importance as Crown Agents deal with high-level and significant issues and are subject to appreciable oversight and control by the Minister. There are few Crown Agents, with the most prominent being the government drug-purchasing agency Pharmac. The EPA will now take over all the regulatory responsibilities of the MFE, which will be left to focus on policy, plus the regulatory functions of the Hazardous Substances and New Organisms Act 1996, the Ozone Protection Act 1996, and the Climate Change Response Act 2008. This last act controls the Emissions Trading Scheme, which further enhances the potential power of the EPA. Announcing the changes Dr Nick Smith, the Minister for the Environment, stated that the reform was intended to provide 'stronger national direction to the environmental roles of regional and district councils' (Smith 2010a).

THE REGIONAL LEVEL

At the regional level regional councils are charged with pursuing 'integrated management of natural and physical resources' [S30(1)] and are required to produce a regional policy statement (RPS) and may produce a regional plan or plans. Essentially, regional councils were to concentrate on water, air and land, although the last was limited more to how land is impacted upon by the other resources or how in turn it impacts on them. For instance, regional councils were interested in controlling soil erosion as this had a direct impact on water quality and flood hazard mitigation and took a variable interest in urban expansion, which had the potential to undermine the sustainable management of natural and physical resources. The RPS states the significant resource management issues facing the region, those of concern to iwi in the area and the policies and methods that would be used to achieve integrated management. If a regional council chose to produce a plan that would include enforceable rules, it could produce an overall