

**PROPOSED NEW ZEALAND COASTAL
POLICY STATEMENT (2008)**

**BOARD OF INQUIRY
REPORT AND RECOMMENDATIONS**

**VOLUME 1: FINDINGS, RECOMMENDATIONS AND
RECOMMENDED NZCPS (2009)**

JULY 2009

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IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of the Inquiry into the Proposed New
Zealand Coastal Policy Statement

TO THE MINISTER OF CONSERVATION
EXECUTIVE BUILDING
WELLINGTON

Board of Inquiry Report on the New Zealand Coastal Policy Statement

Introduction

We now provide the report of the Board of Inquiry into the Proposed New Zealand Coastal Policy Statement 2008 (PNZCPS) within the terms of reference set, as required under s52(2) of the Act. Our report is in two volumes.

Volume 1 contains our findings and recommendations on the PNZCPS, including recommended new wording for the NZCPS which we call the 'recommended NZCPS (2009)' for convenience.

Volume 2 brings together material that informed and contributed to the decision making of the Board particularly on the individual policies. The Board considers these working papers may be of assistance to understanding and facilitating the implementation of the recommended NZCPS (2009) if our recommendations are approved by the Minister of Conservation.

No conclusion, recommendation or other material in the working papers in Volume 2 overrides or derogates from the findings and recommendations of the Board, including the recommended NZCPS (2009), in Volume 1.

Appendix B in Volume 2 lists the names of the individual submitters and organisations who so generously gave of their time, interest and expertise to assist the Board of Inquiry in its deliberations.

Because of the large number of submissions we received and heard it has been impossible to discuss or refer to each submission in detail. This report however does discuss the main issues which arose out of submissions.

Background

In 2008 the Minister of Conservation prepared a Proposed New Zealand Coastal Policy Statement under the Resource Management Act 1991 (the Act), a review of the 1994 New Zealand Coastal Policy Statement, and appointed a Board of Inquiry to inquire into and report on it. The members of that Board are Judge Kenderdine, Kathryn Edmonds, Rikirangi Gage and Philip Woollaston. The Minister set terms of reference for the Board.

Section 56 of the Act provides:

The purpose of a New Zealand coastal policy statement is to state policies in order to achieve the purpose of this Act in relation to the coastal environment of New Zealand.

The purpose of the Act is set out in s5 and is to promote the sustainable management of natural and physical resources. Section 58 refers to the contents of a New Zealand coastal policy statement and s58A allows the incorporation of material by reference.

Within this context the Board considered those matters specified in s51(1) of the Act. Those are: Part 2 of the Act, all the submissions and the further material provided by those who attended the hearing, the PNZCPS as notified in 2008, as well as other relevant matters.

The Process

There were 539 written submissions on the PNZCPS. Substantial submissions were received 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 of Inquiry heard 175 submitters and a number of expert witnesses on 30 days of hearings in various cities and provincial centres between 26 August 2008 and 17 December 2008. We also heard from officials of the Department of Conservation, from whom we had sought a report under s42A of the Act. We were impressed by the calibre of the submissions and evidence, and the thoughtful and constructive work aimed at achieving the best possible outcome for the coastal environment. This reflects not just the obvious passion New Zealanders have for the coastal environment but also a widespread concern that there is an immediate need to improve our coastal management.

We have carefully considered all the material put in front of us, and made a small number of site visits arranged to look at problems around the coast. The Board concludes that there is a need to adopt a different approach to that in the NZCPS 1994 and to make amendments to the PNZCPS 2008.

The Issues

The majority of the submissions drew attention to a relatively small number of key issues affecting the coastal environment that the Board agrees need addressing to achieve sustainable management of natural and physical resources in the coastal environment.

- **Subdivision, use and development:** a major issue is the extent and scale of subdivision and development on the coast, particularly for residential and rural residential use, and the resulting loss of the coastal character. The natural character and recreational values of New Zealand's coast are an important resource, not just available to New Zealanders but also to visitors from overseas. The intensity of built development along the coastline also has consequences for biodiversity and other direct and indirect effects such as limiting opportunities for future development of necessary infrastructure and other resource uses both on land and in the coastal marine area.
- **Access:** access to the coastline and the coastal marine area is a core value for most New Zealanders. We found that in many places little or no priority is being accorded to ensuring the protection of the public open space and recreation values of the coastal marine area and adjoining public land, or public access to it, despite the provisions of the Act and particularly s6(d).
- **Degradation:** in many parts of the coastline water quality has been significantly degraded by both point source and non-point source discharges. Sedimentation is a particular problem, stemming from urban as well as rural land use. This degradation has widespread adverse effects on economic, social, cultural and environmental wellbeing.
- **Coastal hazards:** natural hazards such as coastal erosion are a continuing problem which will be exacerbated by sea level rise and other changes associated with climate change. Probable changes to the nature of New Zealand's coastline need to be considered when decisions are made about future development and about the management of existing development as well. Those decisions need to take a broader view and also consider (for example) the needs of biodiversity and for public space, which is likely to be squeezed by coastal development in areas subject to coastal erosion.

- Relationships between tangata whenua and the planning process: tangata whenua values and interests in sustainable management have not been well catered for, with a need for key agencies to build on, or in some places establish, relationships to recognise and provide for tangata whenua involvement. There has been limited recognition of the enduring relationship of tangata whenua over their lands, territories and resources and their spiritual and cultural practices. That includes protecting characteristics of the coastal environment that are of special value to tangata whenua.

- Infrastructure and renewable energy: one issue is to ensure that infrastructure needs and the potential for renewable energy projects are adequately recognised in the sustainable management of the coastal environment. Already major airports and ports straddle the coastal marine area and the landward edges of the coastal environment, as do roads and railways, while some renewable energy projects may only be able to locate in the coastal marine area. Careful consideration of location is needed for all these projects particularly in the light of the need to be close to transmission facilities, the advent of climate change, and given the long life of some.

These problems need to be dealt with urgently dealing with given the finite nature of the coastal environment and New Zealand's situation as an island heavily reliant on natural resources and distant from global markets. Many of the issues have a link to New Zealand's international obligations which we refer to in the preamble.

Structure

- **Preamble:**

Our recommended NZCPS includes a Preamble which we consider will assist in interpreting and applying the NZCPS. This is in line with the approach taken in other recently notified proposed national policy statements.

- **Issues:**

We add a short and inclusive statement of the issues confronting decision makers and which informed the setting of the objectives and policies.

- **Policy Focus:**

In our recommended NZCPS we focus on objectives and policies that address the key issues rather than attempting to cover every aspect of sustainable management. We also concentrate on objectives and policies which provide further guidance for decision makers than is already contained in the Act, and recommend deletion of policies in the PNZCPS which do little more than repeat provisions of the Act, or which go beyond policy and stipulate particular methods.

- **Balance:**

Many submissions commented on the need for balance in the NZCPS. However, that balance was generally perceived and portrayed differently according to the interests of the submitter. We conclude that there are major problems with the current balance applied by decision makers, reflected for example, in the extent of and growth in residential and rural residential development in the coastal environment. As a result the coastal environment does not reflect the 'sustainable management of natural and physical resources' which is the purpose of the Act. The NZCPS needs to send a stronger message, a national direction sought by many submissions including a number from district and regional councils.

- **Integration:**

We agree with the many submissions which call for better integration of responsibilities under the Act, and greater coordination among agencies holding them. This not only applies across the line of Mean High Water Springs and between adjacent regions and districts along the coastal environment, but also to the integration and coordination of responsibilities under the Act and other legislation such as the Local Government Act 2002 and Conservation Act 1987. Non-regulatory and regulatory approaches also need to work hand in hand.

- **Immediate Effect:**

A frequent theme in submissions was a concern that the time frame of several years for giving effect to a revised NZCPS through the statutory processes of policy statement and plan changes would mean that significant adverse effects on the coastal environment could continue for a decade or more; that by the time the stable door of plan changes was in place the horse would have bolted. Many councils also raised concerns over both the time frame for and the cost of a series of 'one-off' changes to planning documents. We therefore considered whether to recommend the use of s55 2A(b) of the Act which states:

A national policy statement—

- ...
(b) may direct that specific provisions are to be included in a document, without notification or hearing, under clause 16 of Schedule 1.

thereby removing the need for the statutory submission and appeal process. We concluded that this is not essential, could itself be costly for local government, and may lead to confusion over the relationship between existing objectives and policies in regional and district planning documents, and new (possibly conflicting) policies imported in this way.

The Board shares the concern that, at best, the process of research and consultation, policy statement and plan change will take several years, however the wording in Part 2 of the Act requires that ‘all persons exercising functions and powers under it ... shall recognise and provide for’ the matters in s6, and ‘shall have particular regard to’ the matters in s7. These provisions clearly have effect irrespective of the state of regional and district planning documents and we conclude that the objectives and policies in the recommended NZCPS, the sole purpose of which is to achieve the purpose of the Act, will have immediate effect once it is gazetted.

To make this clear we recommend that the objectives and policies be amended to accord more closely with Part 2 of the Act by requiring such persons (‘all decision-makers’) to achieve the purposes of the Act by implementing the objectives and policies immediately, irrespective of progress on incorporating them in regional policy statements and regional and district plans. This will have particular effect in guiding persons and authorities considering applications for resource consent, requirements for designation and private plan changes. The evidence we received on the current state of some parts of the coastline suggests that it has been too often overlooked that ‘all persons exercising functions and powers under’ the Act are bound by the provisions of ss5, 6, 7 and 8, irrespective of the contents of regional and district planning documents.

We believe this approach will be effective in avoiding ongoing adverse effects on the coastal environment, efficient in reducing costs on local government, the courts, resource users and other parties, and is in line with s32 of the Act.

The Objectives

We agreed with those submitters who found that some, or most of the objectives in the PNZCPS did not add to the matters already contained in Part 2 of the Act or address the key issues.

We identified seven areas with a national priority for attention and recommend re-writing the objectives accordingly. They are:

- the life-supporting capacity of the coastal environment
- the coastal character
- the public open space and recreational value of the coastal environment, and public access to it
- the Treaty of Waitangi and kaitiakitanga
- coastal hazards, including potential effects of climate change
- enabling protection, subdivision, use and development
- recognising and providing for New Zealand’s international obligations.

The recommended objectives contain aspects of the Principles in the 1994 NZCPS that are still very relevant today.

The Policies

Many submissions called for balance in the policies, though interpretations of ‘balance’ obviously varied greatly. In our recommendations we have tried to ensure that the balancing of factors and interests has a better environmental result, for example by reflecting the Act’s emphasis on the need to safeguard the life supporting capacity of natural resources and in retaining the precautionary principle to underpin decision making. Many submissions also asked for a greater focus on ‘avoiding’ adverse effects as the starting point of decision making. The evidence we received supports the view that there is a growing tendency for applicants and decision makers to concentrate on ‘mitigating’ adverse effects rather than considering how to ‘avoid’ them in the first instance.

When dealing with the predicted effects of climate change, the PNZCPS has focussed on the effects on settlements and infrastructure. In our view a balanced approach requires decision makers to take a broader view and also consider the potential effects of climate change on biodiversity, public space and access and amenity values. 'Safeguarding the life-supporting capacity' of the coastal environment's natural resources and ecosystems as required by s5 of the Act calls for a healthy functioning intertidal area and nesting and breeding areas for fish and birds to be buffered against a 'coastal squeeze' between development and an advancing coastline.

While there are provisions and mechanisms in the Act to recognise Maori values, it is clear these are not working well for Maori in many locations even if there has been some improvement in recent times. We propose specific actions to improve the position, such as greater recognition of the value of iwi management plans and cultural impact assessments.

Policies 1 to 6 of our recommended NZCPS deal in general with the way in which the sustainable management of the coastal environment is to be planned for and undertaken. They include (Policy 5) a requirement for more collaboration between authorities and agencies with responsibilities in the coastal environment and greater integration of their outputs; and (Policy 6) and the need to consider, anticipate and avoid adverse cumulative effects over time.

A further policy need is to ensure decision makers consider the conservation and protection purposes for which land and water is held and managed under an Act of Parliament to avoid other activities having significant adverse effects on those purposes (Policy 7). There is also a need to consider publicly notified proposals for statutory protection of areas.

- **Subdivision, Use and Development (Policies 8 – 12)**

Many submissions detailed the causes of current problems with subdivision and built development in the coastal environment, particularly for residential, rural residential and associated uses. Reasons advanced included an inadequate focus on protection under the current regime and a lack of clear identification or specification of what constitutes inappropriate subdivision, use and development; resulting in the incremental loss of coastal values. Our attention was also drawn to inadequate buffer zones and future proofing for amenity, open space, public access, coastal hazards and climate change, and an oversupply of sections compromising other values and opportunities. A further problem is individuals effectively commandeering public space on land and in the coastal marine area because of the location and design of development in the territorial authority area. Such development also compromises existing and potential uses of both the coastal marine area and the wider coastal environment.

Submissions emphasised that it is hard to tell where the pressure for built development on the coast may come from. There are techniques and approaches available under the Act to deal with these problems but not enough councils are adopting them. The focus tends to be on the process rather than the environmental outcomes required, with little attempt to adopt a forward looking and spatial approach to avoid potential adverse cumulative effects.

A further concern expressed time and again is the extent to which decision makers disregard the NZCPS and other planning documents in approving resource consent and private plan change applications. In addition, in many planning documents permitted, controlled and limited discretionary status for subdivision and extra houses, the areas involved and the scale and size of buildings permitted, present an inappropriate permitted baseline and foreseeable future environment under the Act, meaning that further subdivision and development are inevitable.

Submitters therefore had a concern that the NZCPS needed to give a much stronger direction to prevent a continuation of this trend.

The Environmental Defence Society (EDS) initially sought a moratorium on subdivision under a certain size to counteract these problems. It also wanted a national exercise to identify areas with high natural character and outstanding natural features and landscapes and for those to be subject to national objectives, policies and rules. We concluded that their request was outside our terms of reference.

We see that many of the conflicts that are occurring in the coastal environment stem from a lack of forward thinking at a strategic and spatial level. Those conflicts are not just about the location and nature of coastal settlement, whether consolidated or of a spread-out character, but also about a potential inability to provide

activities important to the social, economic and cultural wellbeing of people and communities. The points made by those with an interest in aquaculture and renewable energy for example demonstrated a need to ensure that ad hoc development does not compromise the ability to locate and undertake these activities in the coastal environment. That would not achieve the sustainable management of natural and physical resources. Regional and territorial authorities need to co-operate to address these issues at a strategic and spatial level in policy statements and plans.

Until local authorities act to ensure their policy statements and plans deal with these issues, we see a need for stronger direction through the NZCPS.

We appreciate that the use and development of the coastal marine area, with its emphasis on public open space, has a different starting point from that on the land. The Act recognises the difference with limitations on activities and the duration of consents in it. There is also little of the coastal marine area in private ownership, a point not well understood by many living alongside and taking advantage of it. Accordingly, there is a need for a specific policy setting out the basis for the use and development of the coastal marine area. That includes the general principle that it is not a place for activities that do not have a functional need to locate there, a direction in the previous NZCPS.

- **Biodiversity (Policies 13 – 14)**

We agreed with the widespread support for policies directed at protecting New Zealand's indigenous biodiversity but, as many submitters pointed out, Maui dolphin does not require a specific policy of its own. We recommend listing it with some other highly endangered taxa in a footnote and adding the protection of areas set aside for full or partial protection of indigenous biological diversity under other legislation, such as marine reserves. The policy on biosecurity should help with that protection.

- **Natural Character, Features and Landscape (Policies 15 – 17)**

The preservation of natural character and the protection of outstanding natural features and landscape are all matters of national importance identified in s6 and many submissions supported the inclusion of policies directed at them. We agree that it is essential that areas with high natural character and outstanding natural features and landscapes are identified and that more weight is given to their protection than is occurring currently especially at district level. Protection of our coastal character is more than a matter of amenity value, being important to both domestic and international tourism.

Identifying areas of high natural character and outstanding natural features and landscapes could be done most efficiently and effectively by a collaborative effort between all levels of local government either on a regional scale or, even more efficiently, nationally. A robust and consistent methodology would assist in informing this work and reducing challenges to it. We understand that a considerable body of work has already been done around the country and that the task may not therefore be as expensive and difficult as some submitters suggested. We recognise that making recommendations on the funding of such work is outside our remit and requires a commitment by local government, but observe that without such assessment it is difficult for decision making under the Act to accord relativity between, and priority to the protection of, areas of high natural character and outstanding natural features and landscapes.

We also recommend strengthening the obligation in the NZCPS to restore the natural character of the coastline where this is feasible. As well as receiving submissions and evidence on this the Board saw, for example, historic rubbish tips leaching into otherwise natural areas of the coastal marine area.

- **Dunes and Surf breaks of National Significance (Policies 18 – 19)**

We received many submissions seeking the retention of the policy listing and protecting surf breaks of national significance, as well as others questioning the singling out of surf breaks. Some of New Zealand's surf breaks are nationally and even internationally significant, attracting visitors from around the world, as well as providing a variety of surfing opportunities including some for learning on nursery surf breaks. The quality of the wave can potentially be compromised by developments in the swell corridor seaward of the break, and the enjoyment of surf breaks by surfers compromised by discharges, limitations on access, and changes to natural character. Some nationally significant surf breaks can and should be named (on an inclusive basis) to ensure recognition of their national priority for protection. There are no other mechanisms available to protect such surf breaks. We note this is in line with developments occurring internationally, with other mechanisms available in Australia for example. The economic value of surfing to tourism and the social benefits should not be underestimated.

We also have added a policy recognising and protecting active dunes of national significance, including naming a number which are under threat, particularly from the spread of exotic species but also from some land use activities, along similar lines to the surf break policy. We also recommend the incorporation of maps identifying them into the NZCPS by reference as is provided for by s46B RMA. That will require publication of an external document containing those maps and a reference to it in Schedule 3 of the recommended NZCPS.

- **Heritage (Policy 20)**

Comparatively recently historic heritage became a matter of national importance under the Act. The NZCPS needs to make it clear that local authorities must give a greater priority to avoiding the loss of historic heritage, working collaboratively with other bodies and agencies involved with heritage. That should not be seen as just the role of the Historic Places Trust and the Historic Places Act 1993, which is the current tendency in some places. Collaborating with Maori is essential to protect historic heritage of significance to tangata whenua.

- **Public Open Space and Access to it (Policies 21 – 22)**

There are several policies requiring local authorities to adopt a forward looking approach to achieving practical walking public access to and along the coastal marine area, along with open space and public space to complement it. That provision is important to the amenity of urban areas and coastal settlements, as well as to the more remote areas of the coastline. It needs to factor in erosion and predicted sea level rise so public access remains available to future generations. Restrictions on public access should not be lightly imposed as the policies recognise. A minimalist approach to providing esplanade reserves and strips is unlikely to achieve these policies.

There is a need to take a stronger position to address the conflict between vehicle access to beaches, foreshore, seabed and adjacent public land and other important values. Vehicle traffic (apart from emergency vehicles) should be prohibited where there is damage to dune or other geological systems and processes, harm to ecological systems or indigenous flora and fauna including bird breeding areas and shellfish beds, danger to other beach users, disturbance of the peaceful enjoyment of the beach environment, and damage to historic heritage and to sites of significance to tangata whenua. Decision makers should identify locations where vehicle access can occur without a likelihood of these consequences, or needs to be provided for boat launching or access to private property or public facilities or for the operation of existing commercial activities. Some local authorities are already taking, or moving to this approach, as are some overseas countries.

- **Water Quality and Marine Resources (Policies 23- 25)**

The 1994 NZCPS included provisions designed to deal with Maori concerns about discharges of human sewage to water, including requiring sewage to pass through land before discharge into the coastal environment. That presented technical and other questions, with 'passing through land' not necessarily dealing with matters of concern to Maori or the wider community. We recommend a different approach, making it clear there must be no discharge of human sewage directly into waters of the coastal environment without treatment and requiring the consideration of alternative methods for decision makers on resource consents and designations to be informed by an understanding of tangata mana whenua values and the effects on them. Local authorities must have early, meaningful and ongoing consultation with tangata mana whenua before including objectives, policies and rules in plans which provide for the discharge of treated human sewage into waters of the coastal environment.

We also recommend strengthening the water quality policies to ensure that decision makers considering discharges to water in the coastal environment have proper regard to how to prevent or minimise adverse effects, particularly on ecosystems, habitats and the life-supporting capacity of water. That includes considering whether there is a need to discharge the contaminants to water, the risks involved in doing so and recognising the opportunities to reduce waste at source.

A further policy on the enhancement of water quality recognises the reality of the deterioration of water quality to an extent that is having a significant adverse effect on ecosystems and natural habitats, or restricting existing lawful uses, such as water based recreation, shellfish gathering, aquaculture and cultural activities. That requires includes restoring water quality to support such activities as well as excluding stock from the coastal marine area, adjoining intertidal areas and other waterbodies and riparian margins in the coastal catchments within a time frame to be set by local authorities.

We include a new policy on sedimentation that requires local authorities not just to monitor sedimentation levels but also to take action to minimise sedimentation from activities such as subdivision, development and stock movement in the coastal environment. Sediment and other discharges from aquaculture can also be a cause of adverse effects on the intertidal zone, seabed and marine resources.

- **Coastal Hazards (Policies 26 – 30)**

In considering future subdivision and development, local authorities need to identify areas in the coastal environment that are likely to be affected by coastal hazards and where new development or redevelopment that increases the problem should be avoided. We endorse at least a 100 year time frame for consideration of natural hazards, and local authorities should take into account the most recent available national and international guidance on the likely effects of climate change. We also include tsunami as future coastal development needs to consider necessary responses to a real threat to communities along the coast.

We also accept that there is a need to encourage managed retreat in places, rather than to wait until the inevitable happens. A further need is to recognise the value to the coastal environment of natural protection, such as dune systems, rather than relying on hard protection structures. Hard protection structures often result in individual benefit to landowners and a loss to the community of public space and amenity values as well as natural values such as biodiversity. We recognise that the situation may be different for existing strategic infrastructure, such as roads, railways, ports and airports and the protection required for our coastal cities and towns.

- **Monitoring and Reporting (Policy 30)**

It is important that there is monitoring of the coastal environment and the implementation of the NZCPS to assess whether it is achieving its purpose. We recommend that monitoring and reporting can be most efficiently and effectively done by the Department of Conservation working with local authorities and other bodies and agencies to ensure information is collected, recorded, reported on, accessed and can be compared on a consistent basis. It will inform the need for future review of the NZCPS.

Policies Omitted

- **Restricted Coastal Activities:**

While the process for dealing with Restricted Coastal Activities (RCAs) is in Part 6 of the Act which deals with resource consents generally, the authority for the Minister of Conservation to direct regional councils to treat activities as RCAs is contained in Part 15, the ‘Transitional Provisions’ of the Act¹. This raises the question (as did some submitters) of whether RCAs were intended by Parliament to be a permanent feature. We understand that the genesis of the RCA consent process involved a concern about the ability of regional councils to exercise powers formerly held by government departments in the absence of fully developed coastal plans.

Information provided by the s42A Report, submissions and evidence indicate that the RCA process has now served its purpose. While there may be room for improved decision making by some consent authorities, the answer does not lie in the inclusion of a Minister’s representative on a hearing panel or in the (probably limited) ability of the Minister to veto an application.

There are several other opportunities for the Minister of Conservation to have a major influence on both the contents of coastal plans and on consents issued for activities under them. These include signing off regional coastal plans, the ability to call in an application in certain circumstances, and through participation in the Act’s processes by the Department of Conservation.

We have therefore recommended the removal of references to RCA from the NZCPS and the deletion of the second Schedule.

- **Coastal Occupation Charges:**

While we see potential advantages in terms of efficient use of coastal space in the coastal marine area and a source of significant revenue for research and coastal enhancement works, we find that the current legislation for coastal occupation charges presents problems that could not be overcome through a policy in the NZCPS.

Recommending law reform is not our function, however, there are issues with the coastal occupation charging regime in the Act that mean its use is likely to be confined to Southland (the only regional council to use it to date). It is also clear from the submissions that there are inconsistencies and anomalies in the way that local

¹ Section 372 RMA.

authorities rate and otherwise charge for certain activities in or adjacent to the coastal marine area, but it was not within our terms of reference to investigate these.

- **Other**

We recommend covering the Crown's interests in the coastal environment and the coastal marine area in particular in the Preamble to the NZCPS and through amendments to policies rather than in a specific section. We found that the approach of referring back to the purpose of the Act, as contained in proposed policies on aquaculture, energy and infrastructure was unlikely to advance decision making.

We recommend the omission of other policies we consider unnecessary, adding little or no further direction to that in the Act, or better covered in other parts of the NZCPS. This had the added benefit of shortening the document, as was called for by a number of submitters.

Matters Outside Our Terms of Reference

Implementation is outside our terms of reference. There were many submissions from councils on the need for adequate resources to give effect to the NZCPS. Councils and others emphasised the importance of implementation packages, which would allow a more efficient and effective approach to be taken nationally rather than each area attempting to reinvent the wheel. Submitters drew our attention to the Aquaculture Implementation Package as a worthwhile model with wider application to a new NZCPS.

Submitters drew our attention to several key areas where central government assistance would be immediately beneficial. They included the development at a national level of methodologies for assessment of natural character, natural features and landscape values in the coastal environment (and in some submissions, the assessments themselves). This would have the advantage of creating a more certain regime for plan writing and consenting, with important areas requiring greater protection from inappropriate subdivision, use and development identified.

Many submitters expressed their appreciation of the national guidance provided in the recent climate change manual produced by the Ministry for the Environment (A Guidance Manual for Local Government New Zealand)². Submitters also suggested a national environmental standard for sea level rise. This could be of assistance to local authorities as an additional response to sea level rise and climate change, provided it assumes at least a 100 year time frame in line with this recommended NZCPS and it is regularly updated.

The Minister of Conservation is seen by many submitters as an important presence to provide protection to the resources of the coastal environment. Some submitters called for a greater presence by the Department of Conservation in the Resource Management Act process to ensure the NZCPS is given effect to.

Conclusion

We wish to acknowledge the authors of the 1994 NZCPS and their foresight in laying down the foundations of sound national coastal management. Much of the policy thrust in it is still relevant today. Our recommended NZCPS packages the messages in the 1994 NZCPS in a way that we hope will be more effectively implemented in the future. We have the benefit of hindsight in looking to see where improvements are needed.

We also acknowledge the work of those who drafted the PNZCPS 2008 and who provided the basis for an impressive and successful public consultation and the platform on which the Board has built these recommendations.

In concluding we wish to acknowledge the excellent support we received from the small group of Department of Conservation staff available to assist the Board and particularly Jo-Anne Lundon, Executive Officer, NZCPS Board of Inquiry.

² A Guidance Manual for Local Government New Zealand 2nd Edition, July 2008.

Recommendation

We recommend that the Proposed New Zealand Coastal Policy Statement be amended as follows.

Respectfully submitted by the members of the Board of Inquiry into the Proposed New Zealand Coastal Policy Statement.

[Environment Judge]
Shonagh Kenderdine
Presiding Member

[Environment Commissioner]
Kathryn Edmonds
Member

Hon. Philip Woollaston
Member

Rikirangi Gage
Member

10 JULY, 2009

RECOMMENDED NEW ZEALAND COASTAL POLICY STATEMENT (2009)

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INTERPRETATION

In this policy statement:

- numbering of objectives and policies is solely for convenience and is not to be interpreted as an indication of relative importance; and
- section and policy headings indicate general subject matter and are relevant to the interpretation of objectives and policies.

Where bullet points in an objective or clauses in a policy take the form of a list:

- where the list is cumulative, the word 'and' is used before the last clause in the list; and
- where clauses are alternative, the word 'or' is used between all clauses.

Definitions contained in the Resource Management Act 1991 (RMA) are not repeated in the Glossary.

PREAMBLE

The mandatory National Coastal Policy Statement (NZCPS) states objectives and policies to achieve the purpose of the RMA in relation to the coastal environment of New Zealand. Under this legislation most decision making about what happens on the coast is devolved from central to local government. The NZCPS is the key statement of national policy that guides planning and resource consent decisions for the coastal environment.

The first NZCPS was issued on 5 May 1994. This NZCPS (2009) replaces that document.

The Coastal Environment

The coastal environment comprises the coastal marine area (broadly speaking the area between the line of Mean High Water Springs (MHWS) and the outer limits of the territorial sea) and the adjacent land. The RMA does not define the extent of the coastal environment inland from the line of MHWS. Given the varying nature of the New Zealand coastal environment an arbitrary distance, or the setting of the boundary at the first visible ridge, would not work. Instead a definition of the elements to be considered in deciding the boundary of the coastal environment in individual circumstances is provided to ensure consistent application of the NZCPS throughout New Zealand.

The Crown's Interests

The Crown's interests stem from a variety of sources that involve obligations or requirements in the coastal marine area and which the NZCPS relates to. They include recognition of the Treaty of Waitangi (Te Tiriti o Waitangi). Other obligations include those reflected in international treaties to which New Zealand is a party³, many of which have their own legislation or Crown strategies.

Included in these are:

- environmental protection of indigenous biodiversity;
- protection against biosecurity risk;
- issues around climate change, including recognition that some forms of renewable energy generation (including wind, wave and tidal power) may only locate in the coastal marine area;
- issues around historic heritage and Maori heritage;
- public access to and recreation on the foreshore and seabed;
- navigation rights;
- defence of New Zealand;
- civil defence and emergency management;
- mineral exploration and extraction regulation; and
- prevention of marine pollution.

These have been variously implemented through provisions such as:

- the biodiversity requirements (s62(1)(i)(iii)RMA)⁴;
- the effects of climate change (s7(i) RMA)⁵;
- the benefits to be derived from the use and development of renewable energy (s7(j) RMA)⁶;
- the application of the precautionary approach to proposed activities in the coastal environment, the effects of which are uncertain, unknown or little understood but may be potentially significantly adverse⁷;

³ See Schedule 1 for New Zealand's international obligations of particular relevance to sustainable management.

⁴ Convention on Biological Diversity 1992: the New Zealand Biodiversity Strategy.

⁵ Kyoto Protocol to the United Nations Framework Convention on Climate Change 1998.

⁶ Ibid.

⁷ Rio Declaration on Environment and Development, 1992.

- the protection of historic heritage (s6(e) RMA)⁸;
- the relationship of Maori and their culture and traditions with their ancestral lands, sites, waahi tapu, and other taonga – (s6(f) RMA)⁹; and
- the Marine Pollution Regulations of the Resource Management Act 1991¹⁰.

The Approach in the NZCPS

The NZCPS focuses on key areas that need addressing as a national priority. It states the Government's policy for the implementation of those matters in Part 2 of the RMA that relate to the sustainable management of natural and physical resources of the coastal environment. The NZCPS therefore does not repeat the provisions of the RMA but takes them as read.

The NZCPS also recognises other legislation which affects the coastal environment, including that concerning fisheries, aquaculture, marine reserves, reserves, the conservation estate, walking access and specific areas such as the Hauraki Gulf¹¹, Fiordland¹² and the Waitakere Ranges¹³. Local authorities and other bodies and agencies have statutory responsibilities in the coastal marine area and the wider coastal environment under this legislation. However, those statutory responsibilities do not override the provisions of the RMA or the NZCPS. The Government recognises the potential benefits of better integration and co-ordination of responsibilities under all relevant legislation within the framework of the NZCPS and RMA.

Improved coastal management outcomes will also result from collaboration between whānau, hapu, iwi and local authorities at an early stage in the development of policy and plans. Planning documents produced by whānau, hapu and iwi will inform consideration of Maori values, including in the consideration of proposals under the Act.

⁸ International Charter for the Conservation and Restoration of Monuments and sites (the Venice Charter) 1964.

⁹ UNESCO, Declaration Concerning the International Destruction of Cultural Heritage, October 2003.

¹⁰ Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Convention).

¹¹ Hauraki Gulf Marine Park Act 2000.

¹² Fiordland (Te Moana o Atawhenua) Marine Management Act 2005.

¹³ Waitakere Ranges Heritage Area Act 2008.

Giving Effect to the NZCPS

This NZCPS is to be applied by decision makers under the RMA. The objectives and policies are intended to guide decision makers in drafting regional policy statements, regional and district plans and plan rules, in making decisions on notification of resource consent applications, and in the determination of consent applications, notices of requirement for designation as well as private plan changes.

There are various methods (other than rules in regional and district plans) available to local authorities by which they can implement the objectives and policies in the NZCPS. It is expected that, in seeking to achieve the objectives of the NZCPS, authorities will use the most appropriate mix of statutory instruments available to them.

The RMA requires that, from the time it is gazetted, all persons or authorities making decisions in or affecting the coastal environment must consider the NZCPS. This is a particularly necessary requirement where regional policy statements or regional and district plans have not yet been amended, or are in the process of being amended, to give effect to this NZCPS.

However, the NZCPS is not intended to be a substitute for, or prevail over, the Act's purpose or the statutory tests already in existence. Like all planning documents, it too is subject to Part 2 of the Act.

This preamble forms part of the NZCPS and may assist in its interpretation where this is necessary to resolve uncertainty.

ISSUES

The coastal environment has characteristics, qualities and uses that mean there is a particular challenge in striking the right balance between protection, use and development to achieve sustainable management:

- the coastal environment varies in nature and extent around the country;
- most existing towns and cities are in or close to a coastal location;
- it contains established infrastructure connecting New Zealand internally and internationally such as ports, airports, railways, roads and submarine cables;
- the natural and recreational attributes of the coast and its attraction as a place to live and visit combine with an increasingly affluent and mobile society to place growing pressure on coastal space and other resources;
- activities inland of the coastal environment can have a major impact on coastal water quality;
- activities in the coastal environment are susceptible to the effects of natural hazards such as coastal erosion and tsunamis and those associated with climate change;
- there is continuing and growing demand for coastal space and resources for commercial activities as diverse as aquaculture and sand mining; and
- the coast has particular importance to tangata whenua as kaitiaki.

The coastal environment is facing the following key issues:

- the ability to manage activities in the coastal environment sustainably is hindered by a lack of understanding about some coastal processes and the effects of activities on them;
- loss of natural character, landscape values and wild or scenic areas along extensive areas of the coast, particularly in areas closer to population centres or accessible for rural residential development;
- continuing decline in species, habitats and ecosystems in the coastal environment under pressures from subdivision and use, vegetation clearance, loss of intertidal areas, plant and animal pests, sedimentation in estuaries and the coastal marine area and poor water quality;
- demand for coastal sites for infrastructure uses (including energy generation) and for aquaculture to meet the economic, social and cultural needs of people and communities;
- poor and declining coastal water quality in many areas as a consequence of point and diffuse sources, including stormwater and wastewater discharges;
- adverse effects of poor water quality on aquatic life and limiting opportunities for aquaculture, mahinga kai gathering and recreational uses such as swimming and kayaking;
- loss of natural, built and cultural heritage from subdivision, use and development;
- compromising of the open space and recreational values of the coastal environment, including the potential for permanent and physically accessible walking public access to and along the coastal marine area;
- continuing coastal erosion and other natural hazards that will be exacerbated by climate change and which will increasingly threaten existing infrastructure, public access and other coastal values as well as private property; and
- the use of vehicles on beaches causing ecological damage and creating conflicts with other recreational uses and values of the coastal environment.

The objectives and policies are informed by these and other issues.

OBJECTIVES

Objective 1

To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:

- maintaining biological and physical processes in the coastal environment in as natural a condition as possible, and recognising their dynamic, complex and interdependent nature;
- protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and
- maintaining coastal water quality, and enhancing it where because of discharges associated with human activity coastal water quality has deteriorated from what would otherwise be its natural condition with significant adverse effects on ecology and habitat.

Objective 2

To preserve the natural character of the coastal environment and protect natural features and landscape values through:

- recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;
- identifying those areas where various forms of subdivision, use and development would be inappropriate and protecting them from such activities; and
- encouraging restoration of the coastal environment.

Objective 3

To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in sustainable management of the coastal environment by:

- recognising the ongoing and enduring relationship of tangata whenua over their lands, territories and resources;
- clarifying how key agencies will enter into meaningful relationships and interact with tangata whenua by setting expectations around those interactions;
- incorporating the spiritual and cultural practices of tangata whenua into sustainable management practices; and
- recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.

Objective 4

To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:

- recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;
- maintaining and enhancing walking public access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and
- recognising the future potential for coastal processes, including those likely to result from climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area recedes inland.

Objective 5

To ensure that coastal hazard risks, including from climate change, are managed over time by:

- locating new development away from areas prone to such risks;
- considering responses, including managed retreat, for existing development in this situation; and
- protecting or restoring natural defences to coastal hazards.

Objective 6

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use and development in places, in forms and within limits consistent with Objectives 1 to 5 and which:

- recognise that functionally some uses and developments can only be located in the coastal marine area;
- ensure activities on land do not compromise the potential to protect, use and develop natural resources in the coastal marine area;
- recognise that the proportion of the coastal marine area under any formal protection is small;
- recognise the existence and importance of heritage in the coastal environment; and
- recognise and provide opportunities for renewable forms of energy.

Objective 7

To ensure that sustainable management of the coastal environment recognises and provides for the Crown's interests in carrying out New Zealand's international obligations regarding the coastal environment, including the coastal marine area.

POLICIES

GENERAL

Policy 1 Providing for the sustainable management of the coastal environment

All persons exercising functions and powers (all decision makers) must:

- (a) recognise that the extent and characteristics of the coastal environment may vary from region to region and locality to locality; and the issues that arise may have different effects in different localities;
- (b) recognise and provide for a coastal environment that includes:
 - (i) the coastal marine area;
 - (ii) islands within the coastal marine area;
 - (iii) land, waters and air where coastal processes, influences or qualities are significant including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;
 - (iv) areas at risk from coastal hazards such as coastal erosion, including wind erosion, coastal inundation and climate change;
 - (v) coastal vegetation and the habitat of indigenous coastal species including migratory birds;
 - (vi) elements and features that contribute to the natural character, landscape, visual qualities or amenity values;
 - (vii) items of cultural and historic heritage on or relating to the coast;
 - (viii) inter-related coastal marine and terrestrial systems, including the intertidal zone; and
 - (ix) physical resources and built facilities, including strategic infrastructure, that have already modified the coastal environment;
- (c) recognise that tangata whenua have traditionally lived and fished in areas of the coastal environment for generations; and
- (d) take into account the potential of renewable resources present in the coastal environment such as energy from wind, waves and tides to meet the reasonably foreseeable needs of future generations;

and must reflect (a) to (d) above in regional policy statements, regional plans and district plans (plans).

Policy 2 All decision makers to give effect to NZCPS

- (1) Local authorities must amend regional policy statements and plans as necessary to give effect to this NZCPS as soon as practicable.
- (2) Where amendments have not been proposed, notified or made operative to a regional policy statement or plan to give effect to this NZCPS all decision makers must when considering resource consent applications, notices of requirement for designation, and private plan changes:
 - (a) consider the objectives and policies in this NZCPS when deciding whether to notify an application or notice of requirement;
 - (b) consider the objectives and policies in this NZCPS when exercising discretion on whether to apply the permitted baseline under s104(2); and
 - (c) give additional weight to the objectives and policies in this NZCPS when considering applications, notices of requirement and private plan changes.

Policy 3 The Treaty of Waitangi, tangata whenua and Maori heritage

In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) and the principle of kaitiakitanga all decision makers must, in relation to the coastal environment:

- (a) recognise and provide for any relevant matters arising from settlements between the Crown and Maori, including individual iwi settlements, foreshore and seabed agreements, and generic settlements;
- (b) involve iwi authorities or hapu groups on behalf of tangata whenua in the preparation of regional policy statements and plans by undertaking effective consultation with tangata mana whenua including any board of a seabed and foreshore reserve; with such consultation to be early, meaningful and ongoing, and consistent with tikanga Maori;
- (c) where practicable, with the consent of tangata whenua and consistent with tikanga Maori, incorporate matauranga Maori¹⁴ in regional policy statements and plans and in the consideration of applications for resource consents, notices of requirement for designation and private plan changes;
- (d) provide opportunities in appropriate circumstances for Maori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Maori experts, including pukenga¹⁵, may have knowledge not otherwise available;
- (e) take into account any relevant iwi resource management plan lodged with the council and any other relevant planning document recognised by the appropriate iwi authority or hapu group, to the extent their content has a bearing on resource management issues in the region or district; and
 - (i) where appropriate incorporate references to, or material from, iwi resource management plans in regional policy statements and plans; and
 - (ii) provide practical assistance to iwi or hapu groups who have indicated a wish to develop iwi resource management plans; and
- (f) provide for opportunities for tangata whenua to exercise kaitiakitanga over seas, forests, lands, and fisheries in the coastal environment through providing them with a voice and authority through such measures as:
 - (i) bringing cultural understanding to monitoring of natural resources;
 - (ii) providing appropriate methods for the management, maintenance and protection of the taonga of tangata whenua;

¹⁴ Matauranga Maori: as defined in the Glossary.

¹⁵ Pukenga: as defined in the Glossary.

- (iii) incorporating Maori place names which reflect their history and significance and provide a bicultural 'window' on the region or district; and
 - (iv) having regard to regulations, rules or bylaws relating to ensuring sustainability of fisheries resources such as taiapure, mahinga mataitai or other non commercial Maori customary fisheries; and
- (g) recognise and provide for, in consultation and collaboration with tangata whenua in accordance with tikanga Maori:
- (i) the importance of Maori cultural and heritage planning through such methods as historic heritage, landscape and cultural impact assessments;
 - (ii) any identification, assessment, protection and management of areas or sites of significance or special value to Maori;
 - (iii) historic analysis and archaeological survey;
 - (iv) the development of methods such as alert layers and predictive methodologies for identifying areas of high potential for undiscovered Maori heritage, for example coastal pa or fishing villages; and
 - (v) in doing so, local authorities must recognise that tangata whenua have the right to choose not to identify places or values of historic, cultural or spiritual significance.

Policy 4 Precautionary approach

All decision makers must adopt:

- (a) a precautionary approach towards proposed activities the effects of which on the coastal environment are uncertain, unknown or little understood but the effects of which may be potentially significantly adverse to this environment; and
- (b) a precautionary approach to use and management of coastal resources as a result of physical and other changes that will occur due to potential effects from climate change in the coastal environment to:
 - (i) avoid social and economic loss and community damage;
 - (ii) allow natural adjustments for coastal processes, natural defences, ecosystems, habitat and species; and
 - (iii) recognise and provide for the natural character, public access, amenity and other values of the coastal environment for the needs of future generations.

Policy 5 Integration

All decision makers must provide for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment. This requires:

- (a) co-ordinated management or control of activities within the coastal environment, and which could cross administrative boundaries, particularly:
 - (i) the local authority boundary between the coastal marine area and land;
 - (ii) local authority boundaries within the coastal environment, both within the coastal marine area and on land; and
 - (iii) where hapu or iwi boundaries or rohe cross local authority boundaries;
- (b) working collaboratively with other bodies and agencies with responsibilities and functions relevant to resource management, such as where land or waters are held or managed for conservation purposes; and

- (c) particular consideration of situations where:
 - (i) subdivision, use or development and its effects above or below the line of MHWS will require, or is likely to result in, associated use or development that crosses the line of MHWS; or
 - (ii) public use and enjoyment of public space in the coastal environment is affected, or is likely to be affected; or
 - (iii) development or land management practices may be affected by physical changes to the coastal environment or potential inundation from coastal hazards, including as a result of climate change; or
 - (iv) land use activities affect, or are likely to affect, water quality in the coastal environment and marine ecosystems through increasing sedimentation; or
 - (v) significant adverse cumulative effects are occurring, or can be anticipated.

Policy 6 Cumulative effects

Regional policy statements and plans must identify coastal processes, resources or values that are under threat or at significant risk from adverse cumulative effects and plans must include provisions to manage these effects. Where practicable, plans must set thresholds (including zones, standards or targets), or specify acceptable limits to change, to assist in determining when activities causing adverse cumulative effects are to be avoided.

Policy 7 Land or waters managed or held under other Acts

- (1) All decision makers must consider the effects of activities on land or waters in the coastal environment held or managed under:
 - (a) the Conservation Act 1987 and any Act listed in the 1st Schedule to that Act; or
 - (b) other Acts for conservation or protection purposes;

and, having regard to the purposes for which the land or waters are held or managed must:

- (c) avoid adverse effects that are significant in relation to those purposes; and
 - (d) otherwise avoid, remedy or mitigate adverse effects of activities in relation to those purposes.
- (2) All decision makers must have regard to publicly notified proposals for statutory protection of land or waters in the coastal environment and the adverse effects of activities on the purposes of that proposed statutory protection.

SUBDIVISION, USE AND DEVELOPMENT

Policy 8 Activities in the coastal marine area

In considering protection, subdivision, use and development activities in the coastal marine area it is a national priority for all decision makers to:

- (a) recognise the need to maintain and enhance the natural character and public open space and recreation qualities and values of the coastal marine area;
- (b) recognise that the proportion of the coastal marine area under formal protection is small;
- (c) recognise that there are activities that have a functional need to be located in the coastal marine area;
- (d) recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there;
- (e) avoid the adverse effects of extractive activities on areas in the coastal marine area that are ecologically or geologically sensitive;
- (f) ensure the efficient use of occupied space, including by requiring:
 - (i) that structures be made available for public or multiple use wherever reasonable and practicable; and
 - (ii) the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and
- (g) buffer or otherwise protect areas and sites of significant indigenous biological diversity or historic heritage.

Policy 9 Avoiding adverse effects on areas

In the coastal environment it is a national priority for all decision makers to avoid activities that will have an adverse effect on:

- (a) areas of high natural character;
- (b) outstanding natural features and natural landscapes;
- (c) nationally significant biodiversity;
- (d) nationally significant surf breaks and active dunes;
- (e) known nationally significant geomorphological areas;
- (f) significant historic heritage;
- (g) land or waters held or managed for recreation or amenity purposes, including public access; and
- (h) land or waters protected by statute such as protected open space, reserves, marine reserves, national parks, and wildlife refuges.

Policy 10 Avoiding inappropriate subdivision, use and development

- (1) In addition to the matters identified in Policy 9, it is a national priority for all decision makers to avoid inappropriate subdivision, use and development in the coastal environment, including by:

- (a) encouraging new built development, and subdivision that enables such development, to locate outside of the coastal environment where this would better achieve the purposes of the NZCPS;
 - (b) ensuring that built development, and subdivision that enables such development, is in a location and of a form that:
 - (i) does not extend along the length of the coastal environment outside of urban areas;
 - (ii) is not of a sprawling or sporadic nature;
 - (iii) provides for public access adjacent to, to and along the coastal marine area;
 - (iv) where possible, is set back from the coastal marine area and other water bodies to protect the natural character, open space, public access and amenity values of the coastal environment;
 - (v) buffers or otherwise protects sites of significant indigenous biological diversity value or historic heritage;
 - (vi) avoids areas which are sensitive to the visual impacts of development including headlands and prominent ridgelines; and
 - (vii) accords with the policies in this NZCPS;
 - (c) ensuring that built development does not compromise activities that have a functional need to locate and operate in the coastal environment; and
 - (d) recognising the needs and values of tangata whenua for papakainga¹⁶, marae and associated developments.
- (2) Decision makers must also consider possible approaches and options for enabling subdivision, use and development that achieves (1) by addressing relevant matters, including:
- (a) consolidating built development within and close to existing coastal settlements and urban areas subject to the maintenance and enhancement of the existing intrinsic coastal qualities of those settlements and urban areas;
 - (b) identifying where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;
 - (c) establishing the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;
 - (d) ensuring new subdivision, use and development is integrated with the surrounding uses of land and the coastal marine area; and
 - (e) future proofing subdivision, use and development from coastal hazards and climate change as required in the objectives and policies of this NZCPS.
- (3) In addition to (1) and (2), where new coastal settlements or extensions to, or more intensive development of existing coastal settlements, are proposed, all decision makers must:
- (a) ensure that the development maintains the visual and environmental dominance of landscape and its ecological systems;
 - (b) encourage developments which integrate with existing settlement;
 - (c) promote forms of development that enable walking and cycling as transport choices, and where appropriate public transport;
 - (d) provide for the creation and protection of public open space, ecological linkages between the coast and the hinterland, and public views of the coast;

¹⁶ Papakāinga : as defined in the Glossary.

- (e) ensure forms of development which contribute to climate change mitigation and adaptation; and
- (f) apply the provisions of any national coastal design guidelines.

Policy 11 Giving effect to policies 8 - 10

- (1) When considering resource consent applications, notices of requirement for designation and private plan changes to enable subdivision, use and development in the coastal environment, all decision makers must apply the above policies 8 to 10.
- (2) In preparing regional policy statements and plans all decision makers must:
 - (a) consider whether, where, how and when to provide for future residential, rural residential, settlement, urban development and other activities in the coastal environment at a regional and district level, to give effect to:
 - (i) the national priorities in policies 8 to 10;
 - (ii) the objectives and policies in this NZCPS as a whole; and
 - (iii) any national coastal design guidelines; and
 - (b) identify areas of the coastal environment where particular activities and forms of subdivision, use and development:
 - (i) are inappropriate;
 - (ii) may be inappropriate without the consideration of effects through a resource consent application, notice of requirement for designation or Schedule 1 of the RMA process; and
 - (iii) provide the certainty of protection from inappropriate subdivision, use and development in these areas through objectives, policies and rules restricting or prohibiting activities in defined areas for the life of a plan.
- (3) All decision makers must ensure complementary approaches and techniques that are the basis of any decision making under the RMA, such as urban growth strategies, coastal strategies, structure plans, standards and guidelines, are consistent with the RMA and this NZCPS.

Policy 12 Reclamation and de-reclamation

- (1) All decision makers must avoid reclamation of land in the coastal marine area, unless:
 - (a) land outside the coastal marine area is not available for the proposed activity;
 - (b) the activity which requires reclamation can only occur in or adjacent to the coastal marine area;
 - (c) there are no practicable alternative methods of providing the activity; and
 - (d) the reclamation will provide significant regional or national benefit.
- (2) Where a reclamation is considered to be a suitable use of the coastal marine area, in considering its form and design all decision makers must have particular regard to:
 - (a) the potential effects on the site of climate change, including sea level rise, over no less than 100 years;
 - (b) the shape of the reclamation, and where appropriate, whether the materials used are visually and aesthetically compatible with the adjoining coast;

- (c) the use of materials in the reclamation, including avoiding the use of contaminated materials that could significantly adversely affect water quality, aquatic ecosystems and indigenous biodiversity in the coastal marine area;
 - (d) providing public access, including providing access to and along the coastal marine area at high tide where practicable, unless a restriction on public access is appropriate as provided for in policy 22;
 - (e) the ability to remedy or mitigate adverse effects on the coastal environment;
 - (f) whether the proposed activity will affect cultural landscapes and sites of significance to tangata whenua; and
 - (g) the ability to avoid consequential erosion and accretion, and other natural hazards.
- (3) In considering proposed reclamations, all decision makers must have particular regard to the extent to which the reclamation and intended purpose would provide for the efficient operation of infrastructure, including ports, airports, marinas, coastal roads, pipelines, renewable energy projects, railways and ferry terminals.
- (4) De-reclamation of redundant reclaimed land, is encouraged in order to:
- (a) restore the natural character and resources of the coastal marine area; and
 - (b) provide for more public open space.

BIODIVERSITY

Policy 13 Indigenous biological diversity (biodiversity)

To protect indigenous biological diversity in the coastal environment all decision makers must:

- (a) avoid adverse effects of activities on:
 - (i) areas containing indigenous taxa¹⁷ that are listed as threatened¹⁸ or at risk in the New Zealand Threat Classification System lists;
 - (ii) areas containing taxa that are listed as threatened by the International Union for Conservation of Nature and Natural Resources;
 - (iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare¹⁹;
 - (iv) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
 - (v) areas containing nationally significant examples of indigenous community types; and
 - (vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation; and

- (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:
 - (i) areas of predominantly indigenous vegetation in the coastal environment;
 - (ii) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;
 - (iii) indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;
 - (iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;
 - (v) habitats, including areas and routes, important to migratory species; and
 - (vi) ecological corridors and areas important for linking or maintaining biological values identified under this policy.

¹⁷ Taxa: as defined in the glossary.

¹⁸ Examples of taxa listed as threatened are: Maui's dolphin, Hector's dolphin, New Zealand fairy tern, Southern New Zealand dotterel.

¹⁹ Naturally rare: as defined in the glossary.

Policy 14 Biosecurity risks

- (1) All decision makers must control activities in or near the coastal marine area that could, because of associated biosecurity risks, have adverse effects on the coastal environment. Relevant activities include:
 - (a) the movement of vessels and structures (such as oil rigs and towing of marine farming structures and salmon cages) likely to be contaminated with unwanted organisms;
 - (b) the discharge or disposal of organic material from vessels and structures, whether during maintenance, cleaning or otherwise; and whether in the coastal marine area or on land;
 - (c) the provision and ongoing maintenance of moorings, marina berths, jetties and wharves; and
 - (d) the establishment and movement of equipment and stock required for or associated with aquaculture or other activities.

- (2) Consents and permits must include conditions on activities listed in 1(a) to (d) above as well as requiring monitoring for biosecurity risks.

NATURAL CHARACTER, FEATURES AND LANDSCAPES

Policy 15 Preservation of natural character

To preserve the natural character of the coastal environment all decision makers must:

- (a) avoid adverse effects of activities on areas of the coastal environment with high natural character; and
- (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on the natural character of all other areas of the coastal environment;

including by:

- (c) assessing the natural character of the coastal environment of the region or district:
 - (i) using a robust and consistent methodology that spans the line of MHWS to include both the landward coastal environment and the coastal marine area; and
 - (ii) mapping, or otherwise identifying, at least areas of high natural character;
- (d) ensuring that regional policy statements and plans identify areas where preserving natural character requires objectives, policies and rules to protect the coastal environment;
- (e) including the objectives, policies and rules required by (d) in plans; and
- (f) recognizing that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:
 - (i) natural elements, processes and patterns;
 - (ii) biophysical, ecological, geological and geomorphological aspects;
 - (iii) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
 - (iv) the natural movement of air, water and sediment;
 - (v) darkness;
 - (vi) places or areas that are wild or scenic;
 - (vii) a range of natural character from pristine to modified, including areas that derive their character from human activity, such as farmland, vineyards and plantation forest;
 - (viii) human experience of natural attributes and places and areas that exhibit them, including the sounds and smell of the sea; and
 - (ix) the context or setting in which those attributes may be experienced.

Policy 16 Restoration of natural character

It is a national priority to restore or otherwise rehabilitate the natural character of the coastal environment including by:

- (a) identifying areas and opportunities for restoration or rehabilitation;
- (b) providing policies, rules and other methods directed at restoration or rehabilitation in regional policy statements and plans;
- (c) imposing or reviewing restoration or rehabilitation conditions on resource consents and designations, including for the continuation of activities; and
- (d) recognising that degraded areas of the coastal environment require restoration or rehabilitation, for example through:
 - (i) restoring indigenous habitats and ecosystems, using local genetic stock where practicable; or
 - (ii) encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management; or
 - (iii) creating or enhancing habitat for indigenous species; or
 - (iv) rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal saltmarsh; or
 - (v) restoring and protecting riparian and intertidal margins; or
 - (vi) reducing or eliminating discharges of contaminants; or
 - (vii) removing redundant structures and materials that have been assessed to have minimal heritage or amenity values and when the removal is authorised by required permits, including an archaeological authority under the Historic Places Act 1993; or
 - (viii) restoring cultural landscape features; or
 - (ix) redesign of structures that interfere with ecosystem processes; or
 - (x) decommissioning or restoring historic landfill and other contaminated sites which are, or have the potential to, leach material into the coastal marine area.

Policy 17 Natural features and natural landscapes

To protect the natural features and natural landscapes (including seascapes) of the coastal environment all decision makers must:

- (a) avoid adverse effects of activities on areas of the coastal environment with outstanding natural features or outstanding natural landscapes; and
- (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on the amenity values of other natural features or natural landscapes;

including by:

- (c) identifying and assessing the natural features and natural landscapes of the region or district, using a robust and consistent methodology that spans the line of MHWS to include both the landward coastal environment and the coastal marine area;
- (d) the methodology required under (c) covering at least land typing, soil characterisation and landscape characterisation and having regard to:
 - (i) natural science factors, including geological, topographical, ecological and dynamic components;
 - (ii) the presence of water including seas, lakes, rivers and streams;
 - (iii) legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;
 - (iv) aesthetic values including memorability and naturalness;
 - (v) vegetation (native and exotic);
 - (vi) transient values, including presence of wildlife or other values at certain times of the day or year;
 - (vii) whether the values are shared and recognised;
 - (viii) cultural and spiritual values for tangata whenua, identified in accordance with tikanga Maori; including their expression as cultural landscapes and features;
 - (ix) historical and heritage associations; and
 - (x) wild or scenic values;
- (e) ensuring that regional policy statements and plans map, or otherwise identify, areas where natural features and natural landscapes require objectives, policies and rules to protect the coastal environment; and
- (f) including the objectives, policies and rules required by (e) in plans.

Policy 18 Surf breaks of national significance

All decision makers must recognise and protect surf breaks²⁰ of national significance for surfing, including those listed in Schedule 2, by:

- (a) ensuring that activities in the coastal environment do not adversely affect the surf breaks; and
- (b) avoiding adverse effects of other activities on access to, and use and enjoyment of the surf breaks.

Policy 19 Protection of active coastal dunes

All decision makers must recognise and protect active coastal dunes²¹ of national significance, including those listed in Schedule 3, including by:

- (a) avoiding subdivision, use and development that adversely affects the geomorphology, ecology and botany of these dune systems, including disturbance to coastal sand systems in the adjacent coastal marine area;
- (b) ensuring that activities within, adjacent to, or down-drift from these dune systems do not result in the establishment of invasive exotic plants;
- (c) avoiding damaging off-road vehicle use;
- (d) encouraging the restoration of degraded dune systems;
- (e) ensuring public access respects the values of dune systems, for example by providing public information; and
- (f) monitoring dune system condition.

²⁰ Surf break: as defined in the Glossary.

²¹ Active coastal dunes: as defined in the Glossary.

HISTORIC HERITAGE

Policy 20 Historic heritage identification and protection

All decision makers must protect historic heritage²² in the coastal environment by:

- (a) identification, assessment and recording of historic heritage, including archaeological sites;
- (b) providing for the integrated management of such sites with the collaboration of other councils, and heritage agencies, iwi authorities and kaitiaki;
- (c) initiating assessment and management of historic heritage in the context of historic landscapes;
- (d) recognising that heritage to be protected may need restoration;
- (e) regional policy statements and plans must facilitate and integrate management of historic heritage that spans the line of MHWS;
- (f) including policies, rules and other methods relating to (a) to (e) above in regional policy statements and plans;
- (g) imposing or reviewing conditions on resource consents and designations, including for the continuation of activities;
- (h) requiring, where practicable, restoration conditions; and
- (i) providing opportunities to owners for restoration of listed heritage structures by way of such devices as creating relief grants or rates relief;

²² Refer to definition in s2 RMA.

PUBLIC ACCESS AND OPEN SPACE

Policy 21 Public open space

All decision makers must recognise and provide for the need for public open space within and adjacent to the coastal marine area for public use and appreciation, including active and passive recreation, in coastal areas, by:

- a) ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;
- b) ensuring that a high priority is placed on the need for, and values of, future public open space within and adjacent to the coastal marine area in and close to cities, towns and other settlements as well as outside those locations;
- c) ensuring walking access linkages between public open space areas in the coastal environment;
- d) considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and
- e) recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.

Policy 22 Walking Access

- (1) All decision makers must maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:
 - (a) ensuring that there is practical public walking access, that it is free of charge and safe for pedestrian use;
 - (b) identifying where the public have walking access and making that known;
 - (c) avoiding the loss of existing public walking access resulting from subdivision, use or development;
 - (d) remedying or mitigating constraints on public walking access resulting from past subdivision, use or development;
 - (e) identifying opportunities to enhance or restore public walking access, for example where:
 - (i) connections between existing public areas can be provided; or
 - (ii) improving access would promote outdoor recreation; or
 - (iii) physical access for people with disabilities is desirable; or
 - (iv) the long-term availability of public access is threatened by erosion or sea level rise; or
 - (v) access to areas or sites of historic or cultural significance is important; or
 - (vi) subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so; and
 - (f) recognising the role of the RMA in providing for walking access.
- (2) Decision makers may only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:
 - (a) to protect threatened indigenous species; or
 - (b) to protect dunes, estuaries and other sensitive natural areas or habitats; or
 - (c) to protect sites and activities of cultural value to Maori; or
 - (d) to protect historic heritage; or
 - (e) to protect public health or safety; or
 - (f) to avoid or reduce conflict between public uses of the coastal marine area and its margins; or
 - (g) for temporary activities or special events; or
 - (h) for defence purposes in accordance with the Defence Act 1990 or for security of strategic infrastructure; or
 - (i) in other exceptional circumstances sufficient to justify the restriction.
- (3) Before imposing any restriction under (2) alternative routes that are available to the public free of charge at all times must be considered and, where practicable, provided for.

Policy 23 Vehicle access

All decision makers must:

- (a) prohibit vehicle traffic, apart from emergency vehicles, on beaches, foreshore, seabed and adjacent public land where:
 - (i) damage to dune or other geological systems and processes; or

- (ii) harm to ecological systems or to indigenous flora and fauna, for example marine mammal and bird habitats or breeding areas and shellfish beds; or
 - (iii) danger to other beach users; or
 - (iv) disturbance of the peaceful enjoyment of the beach environment; or
 - (v) damage to historic heritage; or
 - (vi) damage to the habitats of fisheries resources of significance to commercial or recreational users; or
 - (vii) damage to sites of significance to tangata whenua;
- might result;
- (b) identify the locations where vehicular access is required either for boat launching or as the only practicable means of access to private property or public facilities and restriction or prohibition of recreational vehicular use is required;
 - (c) identify the areas where vehicular access is required in the operation of existing commercial activities; and
 - (d) identify any areas where and times when recreational vehicular use of the coastal environment may be permitted, with or without restriction as to type of vehicle, without a likelihood of any of (a) (i) to (vii) occurring.

WATER QUALITY

Policy 24 Enhancement of water quality

Where the quality of water in the coastal environment has deteriorated so that it is having a significant adverse effect on ecosystems, natural habitats, or water based recreational activities, or is restricting existing lawful uses, such as aquaculture, shellfish gathering, and cultural activities, all decision makers must give priority to improving that quality by:

- (a) identifying such areas of coastal water and water bodies and including them in plans;
- (b) including provisions in plans to address improving water quality in the areas identified above;
- (c) restoring water quality to at least a standard that supports such activities and ecosystems and natural habitats;
- (d) ensuring that stock are excluded from the coastal marine area, adjoining intertidal areas and other water bodies and riparian margins in coastal catchments, within a prescribed time frame;
- (e) engaging with tangata whenua to identify areas of coastal waters where they have particular interest, for example in cultural sites, waahi tapu, other taonga, and spiritual values such as mauri, and remedying any adverse effects on these areas and values; and
- (f) applying any national environmental standards and guidelines which reflect the current state of technical knowledge.

Policy 25 Sedimentation

All decision makers must:

- (a) assess and monitor sedimentation levels and impacts on the coastal environment before allowing land to be subdivided or developed;
- (b) ensure that subdivision, use or development will not result in a significant increase in sedimentation in the coastal marine area, or river systems subject to tidal influence;
- (c) control the impacts of vegetation removal on sedimentation including the impacts of harvesting plantation forestry; and
- (d) reduce sediment loadings in runoff and in stormwater systems through appropriate controls on land use activities.

Policy 26 Discharge of contaminants

- (1) In managing discharges to water in the coastal environment all decision makers must have particular regard to:
 - (a) the sensitivity of the receiving environment;
 - (b) the nature of the contaminants to be discharged, the need to discharge them at a particular concentration and the associated risks; and
 - (c) the capacity of the receiving environment to assimilate the contaminants;and must:
 - (d) avoid significant adverse effects on ecosystems and habitats after reasonable mixing;
 - (e) use the smallest mixing zone necessary to achieve the required water standard; and
 - (f) minimise adverse effects on the life-supporting capacity of water within a mixing zone.
- (2) In managing discharge of human sewage decision makers must not allow:
 - (a) discharge of human sewage directly to water in the coastal environment without treatment; and
 - (b) the discharge of treated human sewage to water in the coastal environment unless:
 - (i) there has been adequate consideration of alternative methods, sites and routes for undertaking the discharge; and
 - (ii) informed by an understanding of tangata mana whenua values and the effects on them.
- (3) Before including objectives, policies and rules in plans which provide for the discharge of treated human sewage into waters of the coastal environment all decision makers must have had early, meaningful and ongoing consultation with tangata mana whenua.
- (4) In managing discharges of stormwater all decision makers must take steps over time to avoid adverse effects of stormwater discharge to water in the coastal environment on a catchment by catchment basis by:
 - (a) avoiding where practicable and otherwise remedying cross contamination of sewage and stormwater systems;
 - (b) reducing contaminant and sediment loadings in stormwater at source, through contaminant treatment and by controls on land use activities;
 - (c) promoting integrated management of catchments and stormwater networks; and
 - (d) promoting design options that reduce flows to stormwater reticulation systems at source.
- (5) In managing ports and other marine facilities all decision makers must:
 - (a) require operators of ports and other marine facilities to take all practicable steps to avoid contamination of coastal waters, substrate, ecosystems and habitats;
 - (b) ensure that the disturbance or relocation of contaminated seabed material and the dumping or storage of dredged material does not result in significant adverse effects on water quality or the seabed, substrate, ecosystems or habitats;
 - (c) require operators of ports, marinas and other relevant marine facilities to provide sewage and waste collection facilities for vessels, and for residues from vessel maintenance to be safely disposed of; and
 - (d) consider the need for facilities for the collection of sewage and other wastes for recreational and commercial boating.

COASTAL HAZARDS

Policy 27 Identification of coastal hazards

All decision makers must identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunami), giving priority to the identification of areas at high risk of being affected. Hazard risks, over at least 100 years, are to be assessed having regard to:

- (a) physical drivers and processes that cause coastal change including sea level rise;
- (b) short term and long term natural dynamic fluctuations of erosion and accretion;
- (c) geomorphological character;
- (d) the potential for inundation of the coastal environment, taking into account potential sources, inundation pathways and overland extent;
- (e) cumulative effects of sea level rise, storm surge and wave height under storm conditions;
- (f) influences that humans have had or are having on the coast;
- (g) the extent and permanence of built development; and
- (h) the effects of climate change on:
 - (i) matters (a) to (g) above;
 - (ii) storm frequency, intensity and surges; and
 - (iii) coastal sediment dynamics;

taking into account the most recent available national and international guidance on the likely effects of climate change on the region or district.

Policy 28 Subdivision, use and development in areas of coastal hazard risk

In areas potentially affected by coastal hazards over the next 100 years, all decision makers must:

- (a) avoid increasing social, environmental and economic risk²³ from coastal hazards;
- (b) avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;
- (c) encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and by designing for relocatability or recoverability from hazard events;
- (d) encourage infrastructure to locate away from areas of hazard risk;
- (e) discourage hard protection structures and promote the use of alternatives to them, including natural defences; and
- (f) consider the potential effects of tsunami and how to avoid or mitigate them.

Policy 29 Natural defences against coastal hazards

- (1) All decision makers must provide for circumstances where it is appropriate to provide for the protection, restoration or enhancement of natural defences that protect coastal land uses, or sites of significant biodiversity, cultural or historic heritage or geological value, from coastal hazards.
- (2) Such natural defences include beaches, estuaries, wetlands, intertidal areas, coastal vegetation, dunes and barrier islands.

²³ Risk: as defined in the glossary.

Policy 30 Strategies for protecting significant existing development from coastal hazard risk

- (1) In areas of significant existing development likely to be affected by coastal hazards, all decision makers should assess the range of options for reducing coastal hazard risk, including:
 - (a) promoting and identifying long-term sustainable risk reduction approaches including the relocation or removal of existing development or structures at risk;
 - (b) identifying the consequences of potential strategic options relative to the option of ‘do-nothing’;
 - (c) recognise that hard protection structures may be the only practical means to protect significant items of existing public infrastructure, to sustain the potential of built physical resources to meet the reasonably foreseeable needs of future generations;
 - (d) recognise and consider the environmental and social costs of permitting hard protection structures to protect private property; and
 - (e) identify and plan for transition mechanisms and timeframes for moving from any current unsustainable approaches to more sustainable approaches.
- (2) In evaluating options under (1), all decision makers must:
 - (a) focus on approaches to risk management that reduce the need for protection structures and similar engineering interventions;
 - (b) take into account the nature of the coastal hazard risk and how it may change over at least a 100 year timeframe, including the expected effects of climate change; and
 - (c) evaluate the likely public costs and benefits of any proposed coastal hazard risk reduction options.
- (3) Where hard protection structures are considered to be necessary, all decision makers must ensure that the form and location of any structures are designed to minimise adverse affects on the coastal environment.
- (4) Hard protection structures, where considered necessary to protect private assets, should not be located on public land.

MONITORING OF NZCPS

Policy 31 Monitoring of the NZCPS and state of the coastal environment

In monitoring and reporting on the effectiveness of the NZCPS in achieving the purpose of the Act, the Minister of Conservation should within a six year period:

- (a) assess the effect of the NZCPS on regional policy statements, plans and resource consents and other decision making;
- (b) in collaboration with local authorities collect data for, and incorporate district and regional monitoring information into, a nationally consistent coastal environment monitoring and reporting programme;
- (c) undertake other information gathering or monitoring that assists in providing a national perspective on coastal resource management trends, emerging issues and outcomes; and
- (d) publish a report and conclusions on matters (a) to (c) above.

SCHEDULE 1

International agreements²⁴ of particular relevance to the sustainable management include:

- International Convention for the Regulation of Whaling, 1946
- Convention on Wetlands of International Importance Especially as Waterfowl Habitat, 1971 (Ramsar Convention)
- Convention for the Protection of World Cultural and Natural Heritage, 1972
- Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Convention)
- International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 (MARPOL)
- United Nations Convention on the Law of the Sea, 1982 (Ratified 1996)
- Convention for the Protection of Natural Resources and Environment in the South Pacific Region, 1986 (SPREP Convention)
- Protocol for the Prevention of Pollution of the South Pacific Region by Dumping, 1986
- Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal, 1989 (Basel Convention)
- United Nations Convention on Biological Diversity, 1992
- United Nations Conference on Environment and Development: Agenda 21: Chapter 17 (Protection of oceans, all kinds of seas including closed and semi-enclosed seas, coastal areas and the protection, rational use and development of their living resources), 1992
- Rio Declaration on Environment and Development, 1992
- Kyoto Protocol to the United Nations Framework Convention on Climate Change 2004
- UN, International Covenant on Economic, Social and Cultural Rights (1966)
- UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage (the World Heritage Convention) 1972
- Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954 (the Hague Convention)
- UNESCO, Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970
- UNESCO, Convention on the Protection and Promotion of the Diversity of Cultural Expressions. Paris, 20 October 2005
- ICOMOS, International Charter for the Conservation and Restoration of Monuments and Sites (The Venice Charter) 1964
- UNESCO, Declaration Concerning the Intentional Destruction of Cultural Heritage, October 2003

²⁴ These international obligations are current at the time of Gazettal.

SCHEDULE 2

Surf Breaks of National Significance

Northland

Peaks – Shipwreck Bay

Peaks – Super tubes – Mukie 2 – Mukie 1

Waikato

Manu Bay – Raglan

Whale Bay – Raglan

Indicators – Raglan

Taranaki

Waiwhakaiho

Stent Road – Backdoor Stent – Farmhouse Stent

Gisborne

Makorori Point – Centres

Wainui – Stock Route – Pines – Whales

The Island

Coromandel

Whangamata Bar

Kaikoura

Mangamaunu

Meatworks

Otago

The Spit

Karitane

Murdering Bay

Papatowai

SCHEDULE 3

Active Coastal Dunes of National Significance

NORTH ISLAND

(listed from North Cape, clockwise)

Northland east coast

- 1 Waikuku Beach
- 2 Whareana
- 3 Ponaki Beach (Nga Keno)
- 4 Ngamaru Point
- 5 Kokota Spit
- 6 Great Exhibition Bay
- 7 Rawawa Beach
- 8 Henderson Bay
- 9 East Beach
- 10 Puheke Beach
- 11 Karikari Beach
- 12 Ngunguru Spit
- 13 Ocean Beach
- 14 Mangawhai Spit

Waikato east coast

- 15 Waikawau Beach
- 16 Otama Beach
- 17 Hot Water Beach

Gisborne

- 18 Waiomoko

Hawke's Bay

- 19 Pukenui
- 20 Onenui
- 21 Whakaki
- 22 Rangaiika
- 23 Ocean Beach (north)

Wellington

No sites

Manawatu – Wanganui

- 24 Foxton to Himatangi beach
- 25 Tangimoana

Taranaki

- 26 Waitotara River/Waverly Beach

Active Coastal Dunes of National Significance (Contd...)

Auckland

- 27 Whatipu
- 28 South Kaipara Head and Papakanui Spit

Northland west coast

- 29 North Head – Poutu
- 30 Hokianga
- 31 Te Paki
- 32 Twilight Beach
- 33 Te Werahi Beach
- 34 Spirits Bay
- 35 Tom Bowling Bay

SOUTH ISLAND

(listed from Farewell Spit, clockwise)

Nelson/ Marlborough

- 36 Farewell Spit

Canterbury

- 37 Kaitorete Spit

Otago

No sites

Southland

- 38 Fortrose Spit
- 39 Sandhill Point

Fiordland

- 40 Te Whara Beach
- 41 Coal River
- 42 Catseye Bay
- 43 Sutherland Sound
- 44 Poison Bay
- 45 Transit Beach
- 46 Martins Bay
- 47 Big Bay

Westland

- 48 Barn Bay
- 49 Cascade River
- 50 Gillespies Beach
- 51 Five Mile Beach
- 52 Three Mile Beach

Active Coastal Dunes of National Significance (Contd...)

Stewart Island & Codfish Island

(listed from Smoky Beach, clockwise)

- 53 Smoky Beach
- 54 Doughboy Bay
- 55 Mason Bay
- 56 Little Hellfire

- 57 Big Hellfire
- 58 Sealers Bay (Codfish Island)
- 59 West Ruggedy
- 60 East Ruggedy

GLOSSARY

Active Coastal Dunes	Coastal dunes where sedimentation (sand erosion by wind, sand transportation and deposition) is the dominant ecological process. The flora of these dune systems may involve a range of associations, but the primary sand-colonising species (pikao or pingao, / <i>Desmoschoenus spiralis</i> /; spinifex, / <i>Spinifex sericeus</i> /; sand tussock, / <i>Austrofestuca littoralis</i> /, and the introduced / <i>Ammophila arenaria</i> / (marram grass)) will nearly always comprise a significant element. The larger active dune systems, commonly found on the windward coasts of New Zealand, nearly always contain a mosaic of environments and plant communities, including wetlands, lakes, scrubland and (in places) established forest.
Hard protection structure	Includes a seawall, rock revetment, groyne, breakwater, stop bank, retaining wall or comparable structure or modification to the seabed, foreshore or coastal land that has the primary purpose or effect of protecting an activity from a coastal hazard, including erosion.
Intertidal zone or area	Landward boundary of the intertidal zone or area may be set at the extreme high water of spring tides, abbreviated to EHWS. This is the average height of the two highest tides at the period of the year when the range of the tides is greatest. For the same period the extreme low water of spring tides (ELWS), a level beyond which the water-line never retreats, may be derived.
Land Typing	Describes land types which form the basis over which land cover, land use and association information are addressed as the basis for land characterisation
Landscape characterisation	Utilises the land typing base and overlay with land cover, land use and associations affecting or affected by coastal processes.
Marine facilities	Include ports, dry docks, slipways, moorings, marinas, moorings, boat servicing grids, wharves, jetties and ramps, offshore platforms, navigational aids, and associated structures and activities.
Matauranga Maori	Maori customary knowledge, traditional knowledge or intergenerational knowledge
Mean High Water Springs (MHWS)	The average of the levels of each pair of successive high waters during that period of about 24 hours in each semi lutation (approximately every 14 days), when the range of tides is the greatest.
Mixing Zone	The area within which 'reasonable mixing' of contaminants from discharges occurs in receiving waters and within which the relevant water quality standards do not apply.
Naturally rare	Naturally rare (originally rare): rare before the arrival of humans in New Zealand.
Papakainga development	Development of a communal nature on ancestral land owned by Maori.
Predictive Modelling	Mathematical and computer modelling of archaeological location.
Pukenga	A person skilled or versed in the customary and traditional knowledge, tikanga, arts, histories and genealogies of a particular iwi or hapu.
Risk	Risk is the product of the likelihood of something happening and the consequences. Australian/New Zealand Standard Risk Management AS/NZS 4360:204, August 2004, Third Edition, 2-6.
Substrate	Material that forms the surface of the foreshore and seabed.

Surf break

A natural feature that is comprised of swell, currents, water levels, seabed morphology, and wind. The hydrodynamic character of the ocean (swell, currents and water levels) combines with seabed morphology and winds to give rise to a 'surfable wave'. A surf break includes the 'swell corridor' through which the swell travels, and the morphology of the seabed of that wave corridor, through to the point where waves created by the swell dissipate and become non-surfable.

'Swell corridor' means the region offshore of a surf break where ocean swell travels and transforms to a 'surfable wave'.

'Surfable wave' means a wave that can be caught and ridden by a surfer. Surfable waves have a wave breaking point that peels along the unbroken wave crest so that the surfer is propelled laterally along the wave crest.

Taxa

Named biological classification units assigned to individuals or sets of species (e.g. species, subspecies, genus, order, variety).