

**Theme Administration**

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**Total number of submission points on the theme**

916 submission points are relevant to the theme of administration, including the scope of the NZCPS, and implementation matters.

**Number of submission points supporting or agreeing with the provisions in the Proposed NZCPS relating to natural character and biodiversity**

192 submissions.

**Number of submission points opposing the provisions in the Proposed NZCPS**

122 submissions.

**Note:** some submissions comment on but do not support or oppose the provisions, or support provisions subject to amendment.

**Key messages within the submissions**

*RMA integration*

1. Some provisions do not add value to the policy framework of the RMA (eg Objective 1 is already addressed by the RMA). Directions requiring implementation via RPS (1, 14, 16, 17, 18, 40, 41, 51) are unnecessary, costly and duplicate processes. If a policy is in the NZCPS then the detail of giving effect to it should lie at plan level.
2. Many submissions maintain that the NZCPS goes beyond the scope of the RMA. Examples include; policy 28(a) regarding vesting rights. Change should only be via formal amendment of existing provisions. It is suggested that policy 9 extends the regional council brief beyond s.30 RMA on matters adequately addressed in Biosecurity and maritime NZ rules. Policy 28(c) on reclamations is appropriately addressed via the RMA consenting process and as a contractual matter between the right holder and the Minister, rather than the NZCPS. The NZCPS introduces an 'exceptional circumstances' criteria that goes beyond the provisions of the RMA. Policy 8 can be considered under s.104 of the Act.
3. The NZCPS (Policy 28(d)) should not fetter the Minister's discretion in exercising s.355(3) of the RMA, and fails to have regard to any public benefits of a reclamation
4. In respect of 8(b) the laying, operation and repair of international communications cables can only be located in the CMA . These are of significant social and economic importance nationally.
5. It should be explicit that NZCPS provisions have greater weight if there is inconsistency between it and regional plans or policy statements.
6. Encourage integrated management in RMA decision making in the coastal environment, eg. in assessing wastewater discharges. Integrated management approach is vital (to locations such as Pauatahanui inlet), involving the catchment, and all interested authorities and agencies across administrative boundaries.
7. The NZCPS introduces a new term 'due regard' in policy 8. This is unclear. The policy is unnecessary as s.104 'other matters' already allows for appropriate consideration of statutory protection aspirations.

*Integration with other legislation / documents*

8. RAMSAR sites should be recognised and protected via the NZCPS
9. investigate the use of national environmental standards / Biosecurity Act regulations, National and Regional Pest Management Strategies, industry codes of practice to achieve the objectives of Policy 9, to avoid confusion. Clarify links to the Biosecurity Act.
10. Involve local authorities and Biosecurity NZ in investigations. Support for directives to local authorities to manage biosecurity via plans and consents. Regional provisions should require biosecurity risk management in coastal permits.
11. Consider integration with the Fisheries Act. Support for Policy 6 to this end. Others seek additional considerations ((f) Where hapu or iwi boundaries or rohe cross regional and/or district council boundaries). Some are anxious to ensure that fishing activities remain controlled under the Fisheries Act, and that existing rights remain in place.
12. There has been significant (mixed) reaction to the Conservation Act-oriented Policy 7 and to policy 8. Some endorse the policy, and seek it to be broadened to include land owned / managed by local authorities, and marine reserves. Others maintain it is covered by other legislation or RMA consent processes and not appropriate to the NZCPS. The policy may encourage strategic 'place-holding' resource consent applications. The policy is not clear on how Councils are to consider other policies, legislation or regulations, even though they achieve the same objectives.
13. The status of land under the Conservation Act is not a reason for protecting resources. The RMA consider of protection, use and development for the overall purpose of sustainable management .
14. if public notification of statutory protection (policy 8) does not accord any change in status under the relevant legislation, then Councils should not be asked to take up the mandate.
15. The Board should consider the potential for policies to conflict or duplicate requirements of existing statutes (eg. stock movement in aquaculture).

*Integration with Local Government*

16. The requirements (and costs) fall inequitably on local government. Central Govt needs to be actively involved in meeting its responsibilities. The NZCPS will trigger many changes to other relevant planning documents. There are at least 18 plan changes to (specified) RMA policies and plans. Some submitters seek the use of RMA 55(2A)(b) in order to mitigate against the substantial costs of giving effect to the NZCPS in plans. Others are wary of the NZCPS as effectively a back-door to fast-track legislative changes
17. There has been a strong reaction to policy 6, overall positive. There is general support for integrated management of the coast. Policy 6 should refer to all coastal management undertaken by regional local authorities, not just policies and plans, and should address instances where a coastal feature (eg. a bay) is split between regional authorities. Policy 6 should include that the policy is to be achieved by local government working in co-operation. Require joint, on-going dialogue and consultation, as a key to relieving residents of high compliance costs and lengthy timeframes. Broaden the circumstances of Policy 6(a) (eg where coastal sediment systems are in different regions, and other

examples). Policy 6(d) should consider the quality of marine life, not just water quality. Does this policy (d) give scope to matters outside of the CMA – eg. gravel extraction upstream that affects sand supply to the coast?

18. policy 6(c) is controversial. It is unclear why the 'public use and enjoyment of public space has been included in the policy, or why it is considered even if it is only 'likely' to be affected by an activity
19. Joint consents should be considered where activity effects spread into other regions / Districts. Plans need to manage this specifically.
20. There is a discrepancy between the terms 'should' and 'shall' in Policies 57 and 6 respectively.
21. integrated management appears to be interpreted variously within the NZCPS (eg. Policy 49(e) and Policy 57. If policy 57 is used in the same sense as Policy 6, they should be linked.
22. also see 'Biosecurity' comments below.
23. There needs to be more clarification of responsibilities for implementing various parts of the NZCPS – eg. clarifying that policies and plans means regional plans rather than district plans?
24. Reclamation policy provides good guidance for s.104 decision making.
25. policy 6 encourages integration below MHWS, but integration is concentrated on natural and physical resources, potentially at the expense of triple or quadruple bottom-line sustainable management.

#### *Scope*

26. The NZCPS has an inappropriate level of detail for a national level document. It is unacceptable for decisions to be made arbitrarily at a national level, and it undermines LGA community decision-making processes. Conversely, Council plans cannot have regard to the Crown's interest without greater detail via designations, statement of intent or management plans.
27. Policy 1 definition of the coastal environment is very broad, creates uncertainty, and could be interpreted to include much land in the vicinity but well outside the CMA. As written, planning documents will redefine the coastal environment. Amend to require the mapping of the coastal environment, and identifying areas of the coastal environment with natural character and landscape values. Councils should have discretion over the landward extent of the coastal environment.
28. The definition of coastal environment is submitted as sufficiently clear without being prescriptive.
29. The definition of environment includes physical resources and therefore port buildings etc. There should be some reference in 28(d) to existing development in the coastal marine areas.

30. Define spatial geographic limits of the CMA. Some key contributors to coastal natural character, landscape can be several km inland. The surrounding landscape should be recognised. Consider 'the first ridgeline' as still useful as a concept for defining the landward boundary of the coastal environment.
31. Acknowledge additional matters important to the definition of the coastal environment eg. physical resources and infrastructure of local – national significance (eg. ports), indigenous species and their habitat, native organisms living in the coastal environment. Add reference in policy 1 to policy 51 (wording suggested). The Coastal Environment also includes natural (unmodified) and modified areas, urban areas. The acknowledgement of modified values and the built environment would be a more balanced definition. Also add 'inter-related coastal marine and terrestrial ecosystems
32. Make it explicit that Schedules II and III apply to the CMA.
33. integrate management of maritime heritage above and below MHWS
34. Support for integration in policy 6 between land management and the CMA, and cross boundary management. Refer to RMA s.33. There is a need to have policy directing management of catchment effects (such as sedimentation) in the coastal environment.
35. Consider incorporating Policy 57 with Policy 7.
36. NZCPS should give criteria for landscape, character, features, visual qualities and amenity values. Policy 1(f) should be required to be clearly identified up to the landward coastal boundary, within regional plans. 1(f) is a circular definition.
37. The proposal should link each objective to a key issue.

#### *Monitoring and review*

38. Policy 11(c) needs to integrate SOE monitoring with resource consent monitoring to obtain information for effective environmental management. Link NZCPS monitoring to national, regional and local SOE reporting.
39. Policy 11 should require the Minister to report on State of the Coast including progress toward meeting objectives, every 5 years. Effectiveness reporting should occur within 9 years. Key national indicators and timeframes for local govt reporting should be identified by DoC within 12 months, and reported publicly by the Minister every 3 years. Policy 11 should provide for cost benefit assessments as essential to a monitoring programme. The current policy 10 is too loosely worded, and should include timeframes.
40. There is no requirement in the NZCPS to monitor outcomes, ie. the effectiveness of the NZCPS. Monitoring outcomes of NZCPS policies needs to be improved, particularly around RCAs and the role of the Minister of Conservation. DoC should monitor and report on NZCPS effectiveness every 5 years. 10 years is too slow to address changing situations. Emergency reviews should be provided for, based on a precautionary principle (eg. anticipating unexpected climate change effects). Some submitters seek an annual monitoring programme, and annual reporting of results of relevance to tangata whenua. It is submitted that there are no firm obligations for DoC to report on NZCPS effectiveness, and that this is inequitable given the significant monitoring required of local authorities via the NZCPS.

41. Nationally consistent monitoring standards should be developed as national Environmental Standards, rather than via the NZCPS. Consistency in data is a major constraint for management. The NZCPS may need to be more directive in respect of national monitoring and reporting guidelines. There should be provision for Ministerial intervention if monitoring reveals problems. More emphasis on monitoring is needed, including programme timeframes.
42. DoC / a national body should be responsible for developing a monitoring strategy and indicators, or for coastal monitoring and reporting to gauge national trends, emerging issues, outcomes and significant changes in the coastal environment. Funding and co-ordination of monitoring should also be centralised, and central government resources should be committed to local government capacity building.
43. Support for NZCPS review timeframes aligning with reviews of regional and district plans. There needs to be commitment to actions following review, not just review initiation.
44. The monitoring outlined in Policy 11(b) is potentially expensive and burdensome to local government. Monitoring regimes must be simple and cheap to administer. DoC also needs to be resourced to work with local government. Policy 12 is considered redundant by some. Local government needs certainty over whether central government expects councils to change methodologies that have been in place for lengthy periods. Who will pay?
45. Aquaculture permits should address the need for constant monitoring of the establishment and movement of fish stock, and public reporting.
46. Policy 11 should provide quantitative and explicit national water quality standards

*Crown Interest*

47. Policy regarding the Crown's interest are vague and unhelpful. How will the Crown interest in the CMA be communicated to local authorities? Expand and clarify.
48. Objective 10 is antagonistic to Maori. Conversely, there is disagreement and opposition by some to the 2004 Foreshore & Seabed legislation. A new policy is sought (see below).
49. Nationally significant infrastructure should be subject to the same regulatory requirements as other RMA activities. Crown interests should not automatically take precedence over the public interest.
50. The policy should not fetter the Minister's discretion regarding reduction or waiver of vesting price.

*Financial Contributions / Occupation Charges / Schedule II*

51. Recovered charges should be targeted to activities including works to enhance public access or public use of the CMA. Set uniform coastal occupation charging across New Zealand, potentially scaled according to the activity undertaken.
52. Retain flexibility for Councils to choose coastal occupation charging or not. Where not established, add a requirement that councils explain in regional coastal plans why an occupation charging regime is considered inappropriate.

53. The schedule is unnecessarily complex and will increase compliance costs for local authorities, for modest activities in many cases (eg. jetties, pontoons etc). Defer implementation of 29(h) until relevant NPS has been promulgated, or delete. Conversely, make provision for financial contributions mandatory in regional plans.
54. Avoid encouraging 'buying off' adverse effects, in 29(b). There must be a connection between the activity, the effects and the offset.
55. Occupation charges policy has a relatively short time line for implementation, seen as a cynical response to 2004 Foreshore & Seabed legislation.
56. Occupation charges should not apply to essential infrastructure.
57. Occupation charges are adequately addressed by the RMA and regulations under it. Setting regional plan rules and making decisions on the merits of consent applications is the appropriate mechanism for determining occupation of the CMA. Have regard to the interface between occupation charges and other charging mechanisms (eg. seabed licence rates, local authority access rights charges) – there is a need to avoid 'double-taxing'
58. The NZCPS should not deal with financial contributions. These are not the exclusive domain of the RMA.

#### *Biosecurity*

59. Investigate the use of national environmental standards / Biosecurity Act regulations to achieve the objectives of Policy 9, to avoid confusion. Involve local authorities and Biosecurity NZ in investigations. Clarify links to Biosecurity Act. The policy needs to promote a collaborative approach to managing biosecurity risks , or alternatively remove references to any matter that is not given effect though RPS or regional plans.
60. Policy 9 adds a significant role, responsibility and costs to regional councils to undertake a nationally important task, in an area where there are no ratepayers. There are implications for a significantly increased level of surveillance. Who has the expertise required? How is it to be implemented through available statutory instruments? Section 32 fails to justify the biosecurity risk compared to shipping movement that is largely unregulated / not controlled under the RMA. It is unclear where Council jurisdiction ends.
61. Where organisations already have adequate measures in place for monitoring and managing biosecurity risks from its facilities, Policy 9 should not impose additional compliance requirements.
62. The policy is supported as requiring Councils to consider controlling 4 pathways for pest introduction, but other submissions maintain that attempts to manage biosecurity risks at a regional level is relatively futile as the risks cannot easily be isolated.
63. The NZCPS needs to co-ordinate the various agencies, industry and other stakeholder operating under various legislation. DoC's responsibilities need to be conveyed, eg. just monitoring planning outcomes, or also collating physical and biological data into a national programme, and monitoring trends

64. Apply policy 9 to vessels as well as structures, reword to include all possible vectors.. Clarify whether Policy 9 applies to semi-submersible oil rig platforms. Address discharge of ballast water. Link to policy 47. Require plans to control shipping discharges and set distances from shore for discharges. Does the policy apply to recreational vessels? Also commercial and transport vessels?
65. Add a new Policy 9(e) and (f) to address planting of exotic species within the coastal environment, and access by animals including domestic dogs, horses and pets
66. The NZCPS refers to 'harmful organisms', whereas the Biosecurity Act uses terms like 'pests' and 'unwanted organisms'. It would be useful for the NZCPS to use consistent terminology.
67. Aquaculture activities should be subject to annual analysis of biosecurity or environmental risk, by a CRI.
68. Link policies 9 and 47. There is a need for biosecurity control measures to be uniform throughout New Zealand, and particularly in adjoining regions.

*Priorities for Protection and tools*

69. There should be a reverse presumption that most of the coastal marine area is a public resource and not available for private use and occupation unless specifically allowed. Protection should be the priority value.
70. Objectives can equally be read as promoting development or protection.
71. Mitigation of cumulative effects is ineffectual in ecologically sensitive areas.

*Restricted Coastal Activities*

72. It is inappropriate and unjust for the Minister to have multiple roles when it comes to RCAs. The process is lengthy and expensive and adds little to the final decisions. Delete the RCA regime.

*Other*

73. There is limited justification behind some of the objectives and policies in the s.32.
74. Prohibit mixing zones for bio-accumulative chemicals of concern, in order to maintain minimum standards.
75. long term evaluation and monitoring of structures is required for maintaining safety and the integrity of the coastal environment.
76. The long term intent of managed retreat is supported. Short term practicality is difficult, particularly in urban areas with existing hard protection structures.
77. The NZCPS should include an implementation plan addressing how the NZCPS is to be implemented, monitoring and review, transitional provisions etc
78. Objective 7 should be amended to remove the ambiguity of 'natural state' and to relate it to deterioration due to human activity and use.

79. Explicitly exclude the NZCPS created by the Hauraki Gulf Marine Park act 2000, for clarity.

#### *Definitions*

80. Relief is sought regarding definitions / interpretation of the following terms. New terms need to be well defined to avoid lengthy legal debate. Several submission points oppose the NZCPS use of common statutory language, but with different meaning / context from that in the RMA

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| • Public Utility   | • Given due regard   |
| • Nationally Consistent Monitoring   | • Policy 1   |
| • Geographic limits of the CMA   | • Statutory protection (what is included, define proposals for, define those required to be considered by the RMA) |
| • Coastal environment (delete 'at least', shift from policy 1 into the glossary) | • Biosecurity (risk)   |
| • Human sewage   | • Infrastructure of national importance in CMA   |
| • Natural character  | • Appropriate / inappropriate subdivision, use & development   |
| • Publicly notified (Policy 8)   | • Open space (Policy 19(b))  |
| • Taonga raranga   | • Renewable energy generation in CMA   |
| • Treated effluent   | • Historic Heritage  |
| • Natural State  | •  |

#### **Additional Provisions Sought**

81. Submission 421.11 seeks that Objective 10 be split into two, and a new Objective 11 be added as follows:  
"Objective 10 Management of the coastal environment recognises the Crown's interests as an owner of land in the coastal marine area,"  
  
"Objective 11 Management of the coastal environment recognises the Crown's interests in promoting and implementing New Zealand's international obligations in the coastal environment."
82. Submission 123.31 seeks an objective addressing integrated implementation in the management of the coastal environment.
83. Submission 421.68 seeks a new section setting out the Crown interest and expectations in respect of allocation for particular activities on the public foreshore and seabed.
84. Submission 311.11 seeks a new policy regarding a national standard of assessment and centralised data collection system