

Theme Property Rights

Total number of submission points on the theme

168 individual submission points.

Number of submission points supporting or agreeing with the provisions in the Proposed NZCPS

34 submissions.

Number of submission points opposing the provisions in the Proposed NZCPS

8 submissions.

Note: some submissions comment on but do not support or oppose the provisions.

Key messages within the submissions

1. 'Property rights' has no place in the NZCPS, other legislation and planning instruments cover it.
2. Object to restrictions imposed on private land with no compensation.
3. Need to recognise Treaty rights in the exploration of the seabed for oils and minerals.
4. No general policy that recognises the value of recreation use within the CMA.
5. Fails to have regard to public benefit from a reclamation.
6. Unclear whether local authorities are to remove urban development potential.
7. Clarify the terms 'crown interest' and 'national infrastructure'.
8. Gives preferences to national infrastructure development, but should recognise regional or local infrastructure.
9. Unclear what the Crowns interests are or how they will be given effect to or monitored.
10. Ownership of land or Crown interests in land should not influence decision-making under the RMA.
11. Only structures on Crown land should be made available for public multiple use.
12. Limiting leases for reclaimed land to 50yrs is unnecessary.
13. Restrictions imposed on the Minister in decisions to vest are a concern that should be addressed in the RMA not NZCPS.
14. Need to provide 'effective' and free public walking access and to avoid loss of existing public walking access. Need to address public walking access on privately owned land through restrictions.
15. Introduce access strips to new subdivisions.

16. Maori and ecological issues need to be addressed when providing public walking access through local authority powers.
17. 'Coastal margin' should be included under the CMA.
18. Engineering approaches have a limited design life for coastal risk reduction.
19. Should be recognised that public walking access at high tide is not always available.
20. An interest of private owners of land in the CMA is not recognised.
21. Privately owned coastal land is continually under pressure from urban development and this needs to be recognised. Provisions should be made for people and communities either individually or collectively with other parties as appropriate to protect their properties.
22. Should not negatively impact on the customary rights of tangata whenua.
23. It is not agreed that the Crown's interests, whatever they are, should automatically take precedence over other interests. It is assumed that the NZCPS will reflect and define the Crown's interest.
24. The Crown should be subject to the same policy framework under the NZCPS as any other individual, agency or organisation.
25. The Crown should have a significant interest in ensuring that land of the Crown in the coastal environment is also made available for infrastructure of regional importance, since it is the regions which drive the New Zealand economy.
26. The Summit Road (Canterbury) Protection Act provides a useful starting point for any consideration of the compensation issue. The protection offered by this legislation should be included in the NZCPS.

Additional Provisions Sought

27. Submission 205.56 states that there is no recognition of S104(2A) RMA within the NZCPS and seeks the inclusion of a new policy within the "General" section which reads:

When considering applications for resource consent to replace an existing resource consent for an activity within the coastal environment that is due to expire, a consent authority must have regard to the value of the investment of the existing consent holder.

28. Submissions 275.3 and 275.4 requested that a new policy is introduced that enables local authorities to implement, where practical and fair to the landowner, an access strip across properties 4ha. Ideally, local authorities would be able to introduce access strips to larger properties even without the trigger of subdivision or land use consent.

29. Submission 421.11 states that consideration of New Zealand's international obligations are crucial to management of the coastal marine area. Add a new Objective 11 as follows:

Management of the coastal environment recognises the Crown's interests in promoting and implementing New Zealand's international obligations in the coastal environment.

30. Submission 421.92 (and others) request new policies relating to crown ownership as follows:

Regional coastal plans shall identify those areas of the public foreshore and seabed that have significant conservation value and shall provide for their preservation, and their protection from the adverse effects of other activities.

31. Submission 421.98 (and others) states guidance is needed so that RMA decision makers shall exercise the delegated owner prerogative to seek alterations and conditions on consent applications that will maximise returns to the owner. Requests new policy as follows:

Where an occupation or reclamation coastal permit application could reasonably be altered to enhance the benefits of the proposed project to the wider community, then the decision maker has a duty to proactively seek alterations to the application; and

Where any project modifications that would enhance the benefits of the proposed project to the wider community could reasonably be imposed on the applicant as a landowner condition on the use of public land, then consent should not be granted unless, by consent conditions or otherwise, the enhanced benefits will be achieved.

32. Submission 421.99 (and others) states it is important for the public to know where they have rights of access and free use and enjoyment of the foreshore and the remainder of the coastal marine area. Insert a new policy as follows:

Regional coastal plans shall identify all areas in the coastal marine area that are not public foreshore and seabed.