

Theme Allocation of Space

Total number of submission points on the theme

187 individual submission points.

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

55 submissions.

Number of submission points opposing the provisions in the Proposed NZCPS

15 submissions.

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

Key messages within the submissions

1. Supports Schedule 1.9 where aquaculture is not a restricted coastal activity, given the large amount of regulatory process prior to being permitted.
2. The NZCPS should include a plan of the different agencies and Crown's areas of responsibility and map of the area covered by the NZCPS.
3. Policy 16 does not recognise special development within the CMA, such as the Wellington Waterfront.
4. Spatial planning is well covered by Policies 14 to 18.
5. Policy 16 should be further defined to include separate considerations for and differentiate areas where there is existing development. Parts of the coastal marine area are located within urban environments and so a number of factors need to be taken into account in the design of public spaces, including the security and safety of those areas. The matters considered are too narrow.
6. Policy 16 is inappropriate as it promotes a "zoning" approach which is inconsistent with the effects-based approach of the RMA. Each individual user should be assessed on their effects.
7. Policies seem to relate to urban areas (and not-necessarily coastal) not rural. It would be costly for Council's to undertake an assessment of the whole coastal environment. More guidance is needed for councils and decision makers in many areas particularly areas that are rural in nature and have sparse communities in significant natural zones.
8. Policy 16 does not deal separately with location and form, unlike Policies 14 and 15, this more cohesive approach is to be preferred.
9. Cultural and amenity values should not be included in Policy 16(a).
10. A spatial allocation of activities approach is too simplistic.
11. If "efficient use of occupied space" means greater density then Policy 16(d) is not supported. Larger section sizes allow for an open-space feel and retains the character.

12. The improvement or protection of sites of significant indigenous biological diversity value is supported.
13. Reference is made to “Crown’s interest” in the CMA but the NZCPS fails to indicate what Crown’s interest actually is, and how local authorities will give effect to it.
14. Regional Policy Statements and Regional Coastal Plans should also have regard to making land available for infrastructure of regional importance as there are many examples where such infrastructure can only practically locate in the CMA.
15. Additional policies are needed for renewable energy generation.
16. It is undesirable and contrary to the overall purpose of the Act to have aquaculture given priority as a ‘private enterprise’ acting in the CMA given particular environmental effects.
17. The RMA already provides for defence related activities, and so Policy 23 is unnecessary.
18. The RMA and the Foreshore and Seabed Act 2004 cover Policy 28 sufficiently.
19. It is important that the NZCPS recognises the tools of marine protection including the concept of the legal tools.
20. Objective 10 is confusing as not all land in the CMA is in fact Crown owned – e.g. the CMA continues up rivers. The Statement of Crown ownership should be expanded to indicate ownership as a fiduciary trusteeship on behalf of the citizens of New Zealand.
21. Policy 16 fails to recognise that some areas derive their particular character and amenity from a predominance of structures, modifications or activities.
22. Councils may need instruction to set aside a budget to allow for the NZCPS, even in acquiring land for corridors from coast to rivers or parks.
23. Provisions go beyond what is provided in the RMA by introducing an exceptional circumstances criterion, or by going beyond the scope of the Minister’s discretion to vest an interest in a reclamation as provided for in section 355(3) of the RMA.
24. Fails to recognise that renewable energy is important on any land (not just that of the Crown) and not just in the coastal marine area.
25. Use of ‘public utility’ is confusing and could result in misinterpretation. Recognise the importance of recreational activities in the coastal environment, including those activities that require marinas.
26. The NZCPS needs to recognise the various interests of the Crown and that the CMA is not simply unallocated space which can be developed for use.
27. There is an apparent inequality of treatment in the NZCPS for uses that have similar national importance (defence purposes and renewable energy generation and transmission).
28. How the criteria of Schedule II are implemented should occur with individual regional councils depending on the particular circumstances in any case.

29. Policies discouraging continuous urban development are weak and difficult to apply. There is potential for considerable dispute over what constitutes “continuous.”
30. The allocation of space is becoming an increasingly contentious issue. The NZCPS should at least provide improved policy guidance for allocation decisions under the RMA.
31. Schedule II must have regard to the totality of the interface between regional council jurisdiction and territorial authority jurisdiction, otherwise “double dipping” can occur.
32. Do not see any case in Policy 23 for the Defence Department being exempt as of right.
33. It is very difficult to determine (in a consistent manner) what activities actually ‘require by nature’ to be located in the coastal marine area.

Additional Provisions Sought

34. Submission 112.13 requests that the NZCPS include a plan of the different agencies and the Crown’s areas of responsibility, as well as the area covered by the NZCPS.
35. Submission 92.22 strongly supports the recognition given to nationally significant infrastructure in the CMA. This submission recommends that “infrastructure of national importance” is defined in the Glossary section of the NZCPS to include motorways and state highways as defined in section 2(1) of the Transit New Zealand Act 1989.
36. Submission 374.20 supports Policy 17 in the sense that it makes land of the Crown available for infrastructure of national importance and renewable energy regeneration, however it is considered that there needs to be additional and separate policies on renewable energy generation in the NZCPS. These policies need to emphasise the benefits to be derived from renewable energy generation and to ensure that there is support for this in policy statements and plans. The same applies to infrastructure associated with renewable energy generation.
37. Submission 445.63 requests that the Statement be amended by inserting a new policy to recognise and provide for renewable energy generation and transmission.
38. Submission 240.16 considers that Policy 22 requires strengthening and that additional policies are included that establish firm urban limits and ensure high standards of urban design in areas considered suitable for further urban development and that require a developer to demonstrate that there will be no precedent effects.
39. Submissions 234.11, 395.48 and 324.5 states that the allocation of coastal space needs to be addressed adequately in the NZCPS. They propose that this be done by the addition of a policy as follows:

In allocating coastal space regional councils shall have particular regard to the following factors:

- a. the economic benefits of any proposed activities to the local, regional and national economies;
- b. any social or cultural benefits or costs of any proposed activities to local, regional or national communities;
- c. the degree to which any adverse effects on the environment can be avoided or mitigated;
- d. the extent to which public access to the coastal space will be maintained;

- e. any pre-existing investment in use of the space under consideration.
40. Submission 250.22 considers that more guidance is needed for councils and decision makers in many areas, particularly areas that are rural in nature and have sparse communities in significant natural zones. Such guidance is requested to be provided by the inclusion of new policies that encourage long term certainty over future land use through mechanisms such as covenants.
 41. Submission 420.17 wishes for the NZCPS to define 'public utility' in the glossary or replace with 'public use'. Include provision for marine facilities within the glossary definition or the policy.