

**Theme      Foreshore and Seabed**

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

25 individual submission points.

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

6 submissions.

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

0 submissions.

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

**Key messages within the submissions**

1.        The Foreshore and Seabed Act 2004 has been contentious and so any national policy that supports this process would be unsustainable. A coastal policy that deliberately undermines the social, cultural and environmental wellbeing of Maori communities is not supported.
2.        Schedule 1.6 needs clarification to state that directional drilling cannot be along the surface.
3.        While support for papakainga development is supported, requiring that local authorities “make provision” is insufficient.
4.        Adopt section 5 of the Resource Management Act (RMA) in the NZCPS for public access.
5.        Given the forecast rises in sea level it would be helpful if a time limit for “sustainable management ...to meet the foreseeable needs of future generations” could be given in the NZCPS for public tracks and the land they are on (50, 100 yrs or other?).
6.        Vehicle access can impact on individual species as well as overall habitats, so both need protection.
7.        Allowing a locally-determined approach to identifying places where vehicles can be used on the foreshore and seabed will not provide sufficient protection for conservation values.
8.        Eroded public land (such as an esplanade reserves) becomes part of the Foreshore and Seabed and public title is lost as per the requirements of the Foreshore and Seabed Act. Policy 54 needs to provide clarity as to how it links with Policies on access.
9.        Many New Zealanders did not support the Foreshore and Seabed legislation. What are the Crown’s interests as an owner of land in the coastal marine area? What does Objective 10 mean?
10.      Kororareka Marae exercise rangatiratanga in respect of the management of natural and physical resources, namely the foreshore and seabed surrounding the Kororareka Peninsula. Council staff and practitioners have an incomplete understanding of matauranga Maori, if at all. They are unable to assess the processes used by Kororareka Marae to care for taonga tuku iho.

11. Objective 6 repeats the coastal information in s6(d) of the RMA but there is a major ambiguity, as 'along' has a dictionary meaning of either 'beside/alongside' or 'through.' The Foreshore and Seabed Act s7 deals with public access rights below the line of Mean High Water Springs – it is therefore public access above this line that needs to be the purpose of Objective 6.
12. The coastal marine area is seaward of high tide and so Policy 39 (walking access as a national priority) should be amended to include the coastal margin.
13. It is imperative that there are strong objectives and policies in place for the protection of coastal/marine food resources. Iwi management plans and Treaty settlements/claims should be taken into consideration by councils when implementing this objective.
14. Policy 15 fails to address the need to design coastal development in a particularly sensitive manner to ensure that the built environment fits within, and remains visually subservient to the overall natural coastal environment.
15. If "without passing through land" is not removed from Policy 48 it should be amended to note that this requirement is to address tangata whenua concerns rather than water quality.
16. The NZCPS policies are general and give little guidance for addressing Maori interests in the coastal marine area/public foreshore and seabed.
17. The NZCPS needs to recognise the various interests of the Crown and that the coastal marine area is not simply unallocated space which can be developed for use. For this reason, exclusive users of the coastal marine area need to be charged a fair use of that space (e.g. Policy 24).

### **Additional Provisions Sought**

18. Submission points 421.68 and 421.69 state that a new section should set out the Crown's interest and expectations in the public foreshore and seabed, making clear that these provisions do not apply to privately owned foreshore and seabed. Having tangata whenua policies in both the general chapter and crown interest chapter would highlight the ownership role to be played by the RMA for the special case of the public foreshore and seabed. Suggested wording is as follows:

Policy 1: The Crown ownership interest in allocation for particular activities on the public foreshore and seabed.

Policy 2: The Crown ownership interest in protecting Tangata Whenua interests in the public foreshore and seabed.