



# NZCPS 2010 Guidance note

## Policy 6: Activities in the coastal environment

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## ***Policy 6:***

1. In relation to the coastal environment:
  - a. recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;
  - b. consider 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;
  - c. encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;
  - d. recognise tangata whenua needs for papakāinga, marae and associated developments and make appropriate provision for them;
  - e. consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;
  - f. consider 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;
  - g. take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations;
  - h. consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;
  - i. set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and
  - j. where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.
2. Additionally, in relation to the coastal marine area:
  - a. recognise potential contributions to the social, economic and cultural well-being of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations;

- b. recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;
- c. recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;
- d. recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and
- e. promote the efficient use of occupied space, including by:
  - i. requiring that structures be made available for public or multiple use wherever reasonable and practicable;
  - ii. requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and
  - iii. considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.

**Papakāinga** is defined in the New Zealand Coastal Policy Statement 2010 (NZCPS 2010) glossary and the full definition is included in the glossary at the end of this guidance note.

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## *Overview of the policy*

Policy 6 of the New Zealand Coastal Policy Statement 2010 (NZCPS 2010) directs Resource Management Act 1991 (RMA) planning, consent and other regulatory decision-makers to consider certain matters in relation to activities affecting the coastal environment and the coastal marine area. This direction includes consideration of:

- the appropriateness of an activity
- the functional need for particular activities to be in the coast
- the reasonably foreseeable need of communities and future generations
- ensuring activities are appropriately located
- promotion of the efficient use of occupied space.

All readers of this policy guidance note should also refer to the NZCPS 2010 Implementation Guidance Introductory note<sup>1</sup>. The Introductory note contains general information and guidance that is important for implementing all of the objectives and policies in the NZCPS 2010.

## *Rationale*

A number of activities occur within or affect the coastal environment including urban development, transport infrastructure, energy generation and transmission, food production and mineral extraction. Activities such as ports, marine aquaculture and marine energy have a functional need to be located in the coastal marine area. Such activities can be very important contributors to the existing and future health and well-being of communities so long as they are located and managed appropriately.

Recent rapid expansion of some types of coastal development is a significant issue for the sustainable management of New Zealand's coastal environment. The coastal environment is a finite resource. Poorly located or managed activities can have adverse effects that compromise the carrying capacity of the receiving environment and impact on other activities of national or regional importance. Unnecessary duplication of coastal structures can lead to adverse effects including cumulative effects on significant values in the coastal environment. Abandoned structures can raise issues in terms of safety, public access and availability for other users.

National policy direction on the future allocation and use of the coast to particular uses will assist decision-makers in determining priorities in the course of RMA policy, planning and consent decision processes.

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<sup>1</sup> <http://www.doc.govt.nz/nzcps-introductory-note>

## ***Related objectives, policies and provisions***

This section covers the links (in terms of the management of activities in the coastal environment) between the various provisions of the NZCPS 2010 and the Resource Management Act 1991 (RMA).

### **NZCPS 2010**

Implementing Policy 6 of the NZCPS 2010 requires careful consideration of all NZCPS 2010 objectives and policies. Objective 6, and Policies 3, 4, and 7 of the NZCPS 2010 are particularly relevant to planning and decision-making regarding activities in the coastal environment. These links are considered below:

Key objectives and policies	Other related objectives	Other related policies
Objective 6 Policies 3, 4, and 7	Objectives 1, 2 3 and 4	Policies 1, 2, 3, 8, 9, 11, 13, 14, 15, 17, 18, 19, 21-23 and 24-27

### ***Objective 6***

Objective 6 focuses on enabling people and communities to provide for social, economic and cultural well-being and their health and safety as a result of decisions on activities affecting the coastal environment and the coastal marine area. Policy 6 contributes directly to the implementation of Objective 6.

### ***Policy 3: Precautionary approach***

Implementation of Policy 6 is relevant to the precautionary approach specified in Policy 3. There are two arms to Policy 3. The first arm promotes a precautionary approach to managing activities in the coastal environment when their effects are uncertain, unknown, or little understood, but potentially significantly adverse. The second arm promotes adoption of a precautionary approach to the use and management of coastal resources that are potentially vulnerable to effects from climate change, to achieve outcomes specified in the policy. A precautionary approach will be relevant to decisions about certain activities in the coastal environment.

### ***Policy 4: Integration***

Policy 4 promotes integration through coordinated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment. Ways to achieve integration include coordinated management or control of activities within the coastal environment that cross administrative boundaries, and working collaboratively with other resource management interests. Integrated management of activities in the coastal environment helps achieve the intent of Policy 6 and other NZCPS 2010 policies.

### ***Policy 7: Strategic planning***

Policy 7 promotes strategic planning for the coastal environment in the preparation of regional policy statements, regional plans and district plans. It also promotes the importance of identifying values that are under threat or at significant risks from adverse cumulative effects. The Policy 6 considerations will be relevant to strategic planning decisions that apply to the coastal environment.

### **Resource Management Act 1991<sup>2</sup>**

Policy 6 relates to the RMA in that many activities in the coastal environment are likely to require assessment through the RMA statutory decision processes on regional policy statements, regional and district plans, resource consent applications and other regulatory processes. Almost all provisions are of relevance.

Some coastal activities will be assessed as proposals of national significance through Part 6AA of the RMA.

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<sup>2</sup>[http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM230265.html?search=ts\\_act\\_resource+management\\_rese&p=1&sr=1](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM230265.html?search=ts_act_resource+management_rese&p=1&sr=1)

## *Origins of the policy*

The coastal environment is a place of significant public use and other values. It is also a place where a number of activities can occur including infrastructure such as roads, rail, cables and pipelines, energy generation and transmission facilities, mineral extraction, renewable energy generation, built development, urban areas, papakāinga, and aquaculture.

The NZCPS 1994 strongly encouraged the location of subdivision, use or development in areas already compromised, and avoidance of sprawling or sporadic subdivision. The Board of Inquiry received submissions that supported continuation of this approach<sup>3</sup>:

A number of councils, infrastructure companies and property interests submitted that avoiding ribbon development (which we take to mean either sprawling or sporadic development) ... is simply good planning. (p. 9, Vol. 2)

The Board concluded that specific policy direction was still desirable to guide decisions on the location and nature of activities in the coastal environment. Other issues identified for management included the efficient use of coastal space, 'gold rush' behaviour, and abandoned structures.

These and other relevant matters are discussed fully in the Board of Inquiry's Report, Volume 2<sup>4</sup>, pp. 91-107.

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<sup>3</sup> <http://www.doc.govt.nz/getting-involved/consultations/results/new-zealand-coastal-policy-statement/proposed-new-zealand-coastal-policy-statement-2008-board-of-inquiry-report-and-recommendations/>

<sup>4</sup> <http://www.doc.govt.nz/getting-involved/consultations/results/new-zealand-coastal-policy-statement/proposed-new-zealand-coastal-policy-statement-2008-board-of-inquiry-report-and-recommendations/>

## *Implementing the policy*

While guidance is provided here on implementing Policy 6, it is also necessary to consider the entire NZCPS 2010 when implementing each policy. Please also refer to the NZCPS 2010 Implementation Guidance Introductory note<sup>5</sup> which covers the matters that are relevant in giving effect to the NZCPS 2010.

Policy 6 states specific principles about the location and scale of activities in the coastal environment. Priority is given to activities with a functional need to locate and operate in the coastal marine area, and providing for those activities in appropriate places. Policy 6 also seeks consideration of the 'reasonably foreseeable needs of population growth' for built development, public infrastructure and energy generation.

As with all management of natural and physical resources, particular situations must be looked at in context. Policy 6 should be considered together with objectives and other policies in the NZCPS 2010 which address activities in the coastal environment. Decision-makers will need to carefully consider these matters when considering what is required to achieve sustainable management.

The policy also encourages consideration of certain coastal values including built character, headlands and ridgelines, natural character, open space, public access, amenity, public access, indigenous biodiversity and historic heritage.

Policy 6 has strong links with other NZCPS objectives and policies. 'Policy 7: Strategic planning' is particularly related. Read together, Policies 6 and 7 require a strategic and forward thinking approach to future planning for the coastal environment and to be able to achieve sustainable management of the coast.

Implementation of Policy 6 is discussed further below under the following headings:

- Commentary on Policy 6(1) and 6(2) matters
- Understanding the direction to decision-makers
- Functional need to be in the coast
- Reasonably foreseeable need
- Efficient use of occupied space
- Abandoned or redundant structures

### **Commentary on Policy 6(1) and 6(2) matters**

Key implementation messages for local authorities in relation to Policy 6 include the following.

- It is important to plan for activities in the coastal environment and to achieve the protection of important coastal values including public open space through the application of specified principles for appropriate location and form, both on land and in the coastal marine area.

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<sup>5</sup> <http://www.doc.govt.nz/nzcps-introductory-note>

- The present and/or potential value of regionally or nationally significant activities should be recognised and it is better to plan for them in appropriate places.

Policy 6 has two arms: Policy 6(1) concerns decisions in relation to the coastal environment; Policy 6(2) is about decisions in relation to the coastal marine area.

The items listed under Policy 6(1) and (2) are given in Tables 1 and 2 below with associated notes relevant to their implementation.

**Table 1: Activities in relation to the coastal environment**

Policy 6(1) matters	Other related objectives	Related NZCPS policies
<p>a) recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;</p>	<p>Infrastructure, energy supply/transport, and mineral extraction can be important for economic/social well-being. This provision is best achieved through careful planning and management.</p> <p>The needs of infrastructure and other sectors require a good understanding of the scale and location of facilities and any needs in relation to future management and possible expansion. In some instances relocation of important infrastructure may also be necessary; for example, in relation to natural hazards and climate change induced sea level rise; in which case consideration should be given to their alternative provision.</p>	<p>Policy 1: Extent and characteristics of the coastal environment</p> <p>Policy 7: Strategic planning</p> <p>Policies 24–27 relating to the identification and management of coastal hazards</p>
<p>b) consider 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;</p>	<p>Consideration should be given to how and where to make provision for development and infrastructure required for foreseeable population growth. Relevant national and regional statistics will inform this work, along with specific research. Coastal assessments including those done for other NZCPS policies will identify specific values requiring careful consideration.</p>	<p>Policy 7: Strategic planning</p> <p>See discussion of ‘foreseeable need’ in the next section.</p>

Policy 6(1) matters	Other related objectives	Related NZCPS policies
c) encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;	Ribbon development in the coastal environment can be an inefficient use of coastal land and/or waters compared to alternatives. Consolidation of activities is usually associated with better management of adverse environmental effects and can also assist with the provision of infrastructure and other facilities related to the activity.	Policy 7: Strategic planning  Policy 15: Natural features and natural landscapes
d) recognise tangata whenua needs for papakāinga <sup>6</sup> , marae and associated developments and make appropriate provision for them;	Tangata whenua have strong customary relationship with the coastal environment and the coastal marine area. Adequate recognition of this relationship and its relevance to the provision of living and associated developments in the coast is important for sustainable management.	Policy 2: The Treaty of Waitangi, tangata whenua and Māori heritage  Policy 7: Strategic planning
e) consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;	Relates to land and water based operations affecting the coastal environment. See also Policy 6(2)(b).  Activities with a functional need to be in the coast, such as ports, can be affected by other built development uses.	Policy 7: Strategic planning  Policy 8: Aquaculture  Policy 9: Ports  See discussion of ‘functional need’ in the next section.

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<sup>6</sup> Refer to the glossary of terms for the definition of ‘papakāinga’.

Policy 6(1) matters	Other related objectives	Related NZCPS policies
f) consider 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;	Plans can usefully identify where particular activities and forms of development are, or might be, appropriate and inappropriate.	Policy 7: Strategic planning
g) take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations;	Energy generation from renewable resources will be important for economic/social well-being when managed appropriately.	Policy 7: Strategic planning  See discussion of 'foreseeable need' in the next section.
h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;	Relates to other coastal assessments including those done for Policies 13 and 15. The thresholds of these policies are also relevant.	Policy 13: Natural character  Policy 15: Natural features and natural landscapes  Policy 18: Public open space

Policy 6(1) matters	Other related objectives	Related NZCPS policies
<p>i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and</p>	<p>Setting developments back from the coastal marine area can reduce environment effects and protect important coastal values including water quality, public access and visual amenity.</p> <p>See also Policy 6(2)(b) in Table 2 below.</p>	<p>Policy 13: Natural character</p> <p>Policy 14: Restoration of natural character</p> <p>Policy 18: Public open space</p> <p>Policy 19: Walking access</p> <p>Policy 20: Vehicle access</p>
<p>j) where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.</p>	<p>Buffers can reduce the impact of activities on important areas.</p>	<p>Policy 11: Indigenous biodiversity</p> <p>Policy 17: Historic heritage</p>

Table 2: Activities in relation to the coastal marine area (CMA)

Policy 6(2) matters	Notes	Related NZCPS policies
<p>a) recognise potential contributions to the social, economic and cultural well-being of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations;</p>	<p>Activities within the CMA can be important for economic/social well-being. Provision for these activities is best achieved through careful planning and management. Without careful planning there is a risk of under supply, inefficient provision, and increased conflict with other uses and values within or adjoining the CMA.</p>	<p>Policy 7: Strategic planning</p> <p>Policy 8: Aquaculture</p> <p>Policy 9: Ports</p>
<p>b) recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;</p>	<p>See also Policy 6(1)(i).</p>	<p>Policy 18: Public open space</p> <p>Policy 19: Walking access</p> <p>Policy 20: Vehicle access</p>
<p>c) recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;</p>	<p>This arm of Policy 6 relates to decisions relating to the CMA. See also Policy 6(1)(e) in relation to the coastal environment. Context is important in determining functional need and the appropriateness of providing for activities in a particular location. For example, what is a high functional need in one place will not necessarily be the same for all coastal locations.</p> <p>The needs for safe shipping, such as safe and sheltered anchorages, are relevant to the implementation of this policy.</p>	<p>Policy 8: Aquaculture</p> <p>Policy 9: Ports</p> <p>Policy 10: Reclamation and de-reclamation</p> <p>See discussion of 'functional need' in the next section.</p>

Policy 6(2) matters	Notes	Related NZCPS policies
<p>d) recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and</p>	<p>Uses that do not need to be in the coast will generally be discouraged.</p>	<p>Policy 7: Strategic planning</p> <p>Policy 8: Aquaculture</p> <p>Policy 9: Ports</p> <p>See discussion of ‘functional need’ in the next section.</p>
<p>e) promote the efficient use of occupied space, including by:</p>	<p>The CMA is a finite resource with high public values, including public open space, and is important for indigenous species and ecosystems. Many users derive benefit and rely on a well-managed CMA, including fishing, recreation, tourism and aquaculture. Certain occupations and their associated activities can significantly impact these important uses and values.</p>	<p>Policy 7: Strategic planning</p> <p>See discussion of ‘efficient use of occupied space’ in the next section.</p>
<p>1. requiring that structures be made available for public or multiple use wherever reasonable and practicable;</p>	<p>Exclusive occupation is not always necessary, e.g. moorings, jetties, and launching ramps.</p> <p>Facility sharing can avoid the proliferation of structures and be promoted through policy statements, plans and consent conditions.</p>	<p>Policy 13: Natural character</p> <p>Policy 15: Natural features and natural landscapes</p> <p>Policy 18: Public open space</p>

Policy 6(2) matters	Notes	Related NZCPS policies
<p>2. requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and</p>	<p>Redundant and abandoned structures in or straddling the CMA can preclude other better uses, pose safety issues, and are frequently visual eye sores. Appropriate management of structures no longer required for activities can be implemented through policy statements, plans and consent conditions, e.g. requiring the removal of structures on expiry of a consent.</p> <p>See discussion below concerning abandoned structures in the common marine and coastal area.</p>	<p>Policy 14: Restoration of natural character</p> <p>Policy 17: Historic heritage</p>
<p>3. considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.</p>	<p>Nil or minimal development of approved uses in the CMA can often preclude or impact other better uses. Consent holders can be encouraged to use consented space through policy statements, plans provisions and consent conditions, including the specification of realistic lapse periods. Tendering and coastal occupation charging are incentives for better use.</p>	

## **Understanding the direction to decision-makers**

Policy 6 directs decision-makers to undertake specific actions in their decision-making in relation to specific matters, including ‘recognise’, ‘consider’, ‘take into account’, and ‘encourage’. The term ‘as far as practicable’ is also used in this policy.

Each of these terms has a different meaning. Interpretation of these directions will be guided by context and case law.

## **Functional need to be in the coast**

Local authorities are encouraged to do work to determine activities that have a functional need to be in the CMA, and to provide for those activities in appropriate places.

Activities with a functional need to be in the CMA are those that can only occur in the marine environment. Common examples include shipping lanes and anchorages, ports, and aquaculture, as well as some infrastructure such as inter-island cables and pipelines. These activities can have a high sensitivity to other uses; for example, certain land uses and related discharges can affect water quality for aquaculture. Other marine uses can also be relevant. The needs of these activities are therefore a relevant consideration in resource management decision-making.

As noted in Table 2, context is important in determining functional need and the appropriateness of providing for activities in a particular location, and what is a functional need in one place will not necessarily be the same for all coastal locations. There is also potential for conflict between activities that have a high functional need, e.g. navigation and aquaculture.

There are strong linkages between Policy 6 and other NZCPS 2010 policies, including ‘Policy 7: Strategic planning’ and the activity-based policies relating to aquaculture (Policy 8), ports (Policy 9), and reclamation and de-reclamation (Policy 10).

Policies relevant to determining the appropriateness of a place for such activities, include those relating to indigenous biodiversity (Policy 11), natural character (Policy 13), landscape (Policy 15), surf breaks of national importance (Policy 16), historic heritage (Policy 17), public open space (Policy 18), walking access (Policy 19), water quality (Policies 21–23), and natural hazards (Policies 24–27).

## **Reasonably foreseeable need**

Policy 6(1)(b) and (g) and 6(2)(a) direct decision-makers to consider future human needs in relation to decisions on the provision for built development and associated public infrastructure, and the use of renewable wind and marine<sup>7</sup> energy sources in the coastal environment and coastal marine area.

Policies 24–27 direct a planning horizon of 100 years to assess hazard risks. No other policies specify a planning horizon.

The assessment of reasonably foreseeable need will depend very much on the context and other considerations including other relevant direction in the NZCPS 2010 and other national policy statements (NPSs). Relevant NPSs include:

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<sup>7</sup> Includes waves, currents and tides.

- National Policy Statement on Electricity Transmission 2008 (NPSET)<sup>8</sup>
- National Policy Statement on Renewable Electricity Generation 2011 (NPSREG)<sup>9</sup>
- National Policy Statement on Freshwater Management 2011 (NPSFM)<sup>10</sup>

Guidance on their application in the coastal environment is provided in the NZCPS 2010 Implementation Guidance Introductory note<sup>11</sup>.

### **Efficient use of occupied space**

Policy 6(2)(e) directs decision-makers to promote the efficient use of occupied space in the coastal marine area. Efficient use of coastal space will reduce the extent and scale of coastal occupations, help ensure they are appropriately located, and can free up coastal space for other users.

Policy 6(2)(e) identifies three tools available to support efficient use, including through facility sharing, requiring the removal of abandoned or redundant structures, and consent conditions to ensure timely and effective use. There are also other RMA tools that support efficient use. The types of RMA tools available to achieve efficient use of occupied space are summarised in Table 3 below.

Part 7A of the RMA sets out the powers and mechanisms available to regional councils and the Minister of Conservation to manage the planning and allocation of occupations in the common marine and coastal area (CMCA)<sup>12</sup> and includes the provisions for coastal tendering.

Another financial tool is coastal occupation charging. Environment Southland is the only regional council with an operative charging regime.<sup>13</sup> It is acknowledged that the present regime for occupation charging is difficult to implement.

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<sup>8</sup> <http://www.mfe.govt.nz/rma/central/transmission/index.html>

<sup>9</sup> <http://www.mfe.govt.nz/rma/central/nps/generation.html>

<sup>10</sup> <http://www.mfe.govt.nz/rma/central/nps/freshwater-management.html>

<sup>11</sup> <http://www.doc.govt.nz/nzcps-introductory-note>

<sup>12</sup> Refer to the glossary of terms for the definition of common marine and coastal area'.

<sup>13</sup> Chapter 9, Policy 9.1.9, Regional Coastal Plan for Southland.

[http://www.es.govt.nz/media/13586/chapter\\_9.pdf](http://www.es.govt.nz/media/13586/chapter_9.pdf)

Table 3: Resource Management Act 1991 (RMA) tools to achieve efficient use of occupied space

Tool	Summary	Resources
1. Spatial planning including associated objectives and policies	Regional policy statements and regional coastal plans can specify objectives, policies and rules, including zones and relevant spatial information, to inform efficient use of coastal space. These provisions can include high level direction for facility sharing and identifying structures that are due for removal or other management.	RMA section 30 and Part 7A  See also guidance note on 'Policy 7: Strategic planning'.
2. Allocation tools	Authorisations are allocated through tendering, ballot or auction. An authorisation is the right to apply for a coastal permit. The tool to allocate authorisations must be specified in a rule in the relevant regional coastal plan through the usual RMA Schedule 1 plan change process.	RMA Part 7A  See also Ministry for Primary Industries and Department of Conservation guidance on mechanisms for managing allocation of coastal space <sup>14</sup> .  Examples of plan provisions that specify allocation tools are given in the guidance note for 'Policy 8: Aquaculture'.
3. Interventions in situations of high actual or anticipated demand	The Minister of Conservation can require the use of tools to allocate authorisations (see #2 above) through Gazette notice. The process is triggered by a request from a regional council to the Minister.	These provisions were introduced by the 2011 RMA amendments to enable a quick response to high demand situations in the common marine and coastal area. <sup>15</sup>

<sup>14</sup> [http://www.aquaculture.govt.nz/files/tech\\_guide\\_2011/AQUA-Law-reform11-Guidance-note5.pdf](http://www.aquaculture.govt.nz/files/tech_guide_2011/AQUA-Law-reform11-Guidance-note5.pdf)

<sup>15</sup> [http://www.aquaculture.govt.nz/legislative\\_framework.php](http://www.aquaculture.govt.nz/legislative_framework.php)

Tool	Summary	Resources
4. Bonds	A bond can be required as part of a resource consent to address potentially long-term effects of structures occupying the coastal marine area. A bond can also provide for the removal of structure at the end of their life in cases of abandonment.	RMA section 108A: Bonds
5. Consent conditions including facility sharing and lapse periods	<p>A resource consent is issued subject to enforceable conditions. Conditions can require structures to be available for public access, e.g. jetties.</p> <p>A resource consent lapses on the date specified in the consent conditions, or if no date is specified, then 5 years after the commencement of the consent. The lapse period for aquaculture is 3 years unless otherwise specified.</p>	<p>RMA section 108: Conditions of resource consents</p> <p>RMA section 125: Lapsing of consents</p>
6. Coastal occupation charges	Coastal occupation charges could be specified in the relevant regional coastal plan through the usual RMA Schedule 1 plan change process. Revenue from coastal occupation charges is collected by the regional council and used for sustainable management of the coastal marine area.	<p>RMA sections 64A and 401A</p> <p>Regional Coastal Plan for Southland<sup>16</sup> (Chapter 9) sets out an operative regime for coastal occupation charging</p>

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<sup>16</sup> <http://www.es.govt.nz/publications/plans/coastal-plan/>

## **Abandoned or redundant structures**

Abandoned or redundant structures in the coastal marine area can present issues in terms of health, safety, and environmental effects. Adverse environmental effects can include visual amenity effects, impacts on public access, and reduced water quality (where contaminants are leaching from a structure). Abandoned or redundant structures can also preclude higher value uses or environmental restoration. Examples of abandoned structures include derelict wharves, jetties, boat sheds and marine farms.

Proactive management of abandoned or redundant structures is generally desirable. Management options include complete removal, restoration, or relocation to a better place. Any heritage or amenity value associated with abandoned or redundant structures will be relevant in selecting the best management response. The environmental effects of removing a structure should also be assessed, including the effects of gaining access for removal and disturbance of the foreshore and seabed and surrounding land.

Another consideration in the management of abandoned or redundant structures is that in many cases no one can be found to take responsibility for the structure.

The Marine and Coastal Area (Takutai Moana) Act 2011 (MCAA) includes provisions specifically in relation to abandoned structures located in the CMCA. Section 19 of the MCAA sets out a process for the Crown, through the Department of Conservation (DOC), to be deemed the owner of an abandoned structure, but only after the regional council has undertaken an inquiry and has failed to find the owner of the structure. This provision was included to address the problem of who will take responsibility for, and manage, abandoned structures where no owner can be found. However, the liability of the Crown has been specifically limited, and DOC does not need to comply with any requirement in respect of the structure that does not relate to a matter of health or safety or to a significant adverse effect on the environment (MCAA, s19(5)).

The process for regional councils to inquire into whether structures have been abandoned is to be defined through regulations prepared under the Act. These regulations are being prepared by the Ministry of Justice. Links to this work are given under the section 'Related and ongoing work' below.

Where regional councils have many apparently abandoned structures, they will need to prioritise their work in managing abandoned structures, including the undertaking of inquiries into ownership (see the MCAA regulations once they are made under s118). Similarly, DOC will have to prioritise work on managing abandoned structures that the Crown has become owner of—as is indicated by the limiting of Crown liability to matters of health or safety or to a significant adverse effect on the environment.

Prioritising the management of abandoned structures should take into account both the net benefits of removal or other management work, and the practicability and costs of undertaking the preferred management activities.

## *Related and ongoing work*

### **Regulations**

#### *Marine and Coastal Area (Takutai Moana) Act 2011—Regulations concerning abandoned structures*

<http://www.justice.govt.nz/policy/constitutional-law-and-human-rights/marine-and-coastal-area-takutai-moana>

The Ministry of Justice is consulting on proposed policy for regulations prepared under the MCAA. These regulations will guide regional councils in every inquiry to find the owner of a structure where the ownership is uncertain and there is no current resource consent for the structure. The regulations will set out the steps regional councils need to take before a structure is held to be abandoned (at which point the Crown takes ownership), and to give the Crown confidence that all reasonable steps have been taken before the Crown assumes the responsibility for an abandoned structure.

### **National planning**

#### *National Infrastructure Plan 2011*

<http://www.infrastructure.govt.nz/plan>

Ports are an important part of New Zealand's infrastructure, and initiatives related to infrastructure therefore relate directly to ports.

The government has established both the National Infrastructure Unit (NIU), as a Unit within the Treasury, and the National Infrastructure Advisory Board, comprising members outside central government, to advise the Minister for Infrastructure.

<http://www.infrastructure.govt.nz/>

<http://www.infrastructure.govt.nz/advisoryboard>

The government's objective is for New Zealand's infrastructure 'to be a means to permanently lift the sustainable growth rate of the economy, through increased productivity and improved management of Crown assets.'

The Unit released the National Infrastructure Plan 2011 in July 2011, which outlines the Government's intentions for infrastructure development over a 20-year time frame, including a framework for infrastructure development.

The National Infrastructure Plan 2011, and other ongoing work by the NIU, will need to be considered by local authorities when planning strategically for infrastructure, including ports.

## **Local and regional planning**

A number of regions, districts and other authorities are progressing work to manage activities in the coastal environment.

### ***Hauraki Gulf Marine Spatial Plan***

The Waikato Regional Council and the Auckland Council are working with other agencies including the Hauraki Gulf Forum to prepare a marine spatial plan for the Hauraki Gulf to address coastal management issues in the Gulf, including through the monitoring results outlined in the report “State of our Gulf Tikapa Moana, Hauraki Gulf State of the Environment Report 2011”.

<http://www.aucklandcouncil.govt.nz/en/aboutcouncil/representativesbodies/haurakigulfforum/Pages/home.aspx>

### ***Regional Coastal Plan for Southland***

Chapter 9 of the Regional Coastal Plan for Southland sets out an operative regime for coastal occupation charging

<http://www.es.govt.nz/publications/plans/coastal-plan/>

### ***Waikato Regional Coastal Plan***

<http://www.waikatoregion.govt.nz/Council/Policy-and-plans/coastal-policy/Regional-Coastal-Plan/>

Sections 6.1.1.D (Policy—Establishment and Management of the Coromandel Marine Farming Zone) and 17.5.2A (Allocation of Space within the Coromandel Marine Farming Zone) of the Waikato Regional Coastal Plan provide for tendering of coastal space for aquaculture.

## **Examples of strategies**

### ***Te Korowai o Te Tai o Marokura marine strategy***

<http://fishnet.co.nz/teamkorowai/>

Te Korowai o Te Tai o Marokura marine strategy from the Kaikōura Coastal Guardians 2012 sets out a vision to achieve a healthy functioning and productive marine ecosystem for the people of Kaikōura.

### ***Wairarapa Coastal Strategy 2004***

<http://www.gw.govt.nz/assets/Plans--Publications/Wairarapa-Coastal-Strategy/711FinalStrategywis1347.pdf>

The Wairarapa Coastal Strategy 2004 was released by the Wairarapa Coastal Strategy Group (WCSG) as a joint initiative between the Masterton, Carterton and South Wairarapa district councils, Rangitāne o Wairarapa and Ngāti Kahungunu ki Wairarapa iwi, and Greater Wellington Regional Council. The Strategy sets a long-term vision and integrated strategy to sustain the Wairarapa coast and identifies an inland coastal boundary based on landscape and ecological criteria.

## *Resources*

### *Department of Conservation*

- What effect will the NZCPS 2010 have on coastal development?  
<http://www.doc.govt.nz/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement/questions-and-answers/#4-effect-coastal-development>
- What will the new NZCPS mean for coastal infrastructure like highways, wind farms, ports? <http://www.doc.govt.nz/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement/questions-and-answers/#5-coastal-infrastructure>
- What will the new NZCPS do for the environment?  
<http://www.doc.govt.nz/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement/questions-and-answers/#6-environment>

### *Ministry for Primary Industries (including the former Ministry of Fisheries)*

- Managing demand in the coastal marine area <http://www.fish.govt.nz/en/nz/Aquaculture+Reform/Managing+demand+in+the+coastal+marine+area.htm?WBCMODE=PresentationUnpublished%23MainContentAnchor>

### *Ministry of Justice*

- Information for local authorities on the Marine and Coastal Area Act 2011:  
<http://www.justice.govt.nz/policy/constitutional-law-and-human-rights/marine-and-coastal-area-takutai-moana/local-authorities>

## *Glossary of terms and definitions*

### **NZCPS 2010 glossary**

**Infrastructure:** As defined in section 2 of the Resource Management Act 1991, notwithstanding the reference in section 2 to section 30.

(See RMA definition in ‘Other definitions’ below.)

### **Other definitions**

**Coastal Marine Area (CMA):** Means the foreshore, seabed, and coastal water, and the air space above the water—

(a) of which the seaward boundary is the outer limits of the territorial sea:

(b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of—

(i) 1 kilometre upstream from the mouth of the river; or

(ii) the point upstream that is calculated by multiplying the width of the river mouth by 5

(Definition from section 2 of the RMA)

**Common Marine and Coastal Area (CMCA):** A common space within the Coastal Marine Area that cannot be owned by anyone and therefore cannot be sold. marine and coastal area excluding existing private titles, the bed of Te Whaanga Lagoon in the Chatham Islands and land held by the Crown as:

- a conservation area under section 2(1) of the Conservation Act 1987; or
- a national park under section 2 of the National Parks Act 1980; or
- a reserve under section 2(1) of the Reserves Act 1977.

(Definition from Ministry of Justice and adapted for this guidance)

**Consent conditions** are the thresholds specified in permits granted under the RMA. Section 2 of the RMA defines conditions ‘...in relation to plans and resource consents, includes terms, standards, restrictions, and prohibitions’.

**Infrastructure:** In section 30, means—

(a) pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy:

(b) a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001:

(c) a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989:

(d) facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person—

- (i) uses them in connection with the generation of electricity for the person's use; and
- (ii) does not use them to generate any electricity for supply to any other person:
- (e) a water supply distribution system, including a system for irrigation:
- (f) a drainage or sewerage system:
- (g) structures for transport on land by cycleways, rail, roads, walkways, or any other means:
- (h) facilities for the loading or unloading of cargo or passengers transported on land by any means:
- (i) an airport as defined in section 2 of the Airport Authorities Act 1966:
- (j) a navigation installation as defined in section 2 of the Civil Aviation Act 1990:
- (k) facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988:
- (l) anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166.

(Definition from section 2 of the RMA)

**Marine and Coastal Area (MCA):**

- (a) means the area that is bounded,—
  - (i) on the landward side, by the line of mean high-water springs; and
  - (ii) on the seaward side, by the outer limits of the territorial sea; and
- (b) includes the beds of rivers that are part of the coastal marine area (within the meaning of the Resource Management Act 1991); and
- (c) includes the airspace above, and the water space (but not the water) above, the areas described in paragraphs (a) and (b); and
- (d) includes the subsoil, bedrock, and other matter under the areas described in paragraphs (a) and (b).

(Definition from section 9 of the Marine and Coastal Area (Takutai Moana) Act 2011)