

**PROPOSED
NEW ZEALAND COASTAL
POLICY STATEMENT 2008**

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Policy Group
Department of Conservation
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The Proposed New Zealand Coastal Policy Statement 2008 (Proposed NZCPS) is open to public submissions through a Board of Inquiry.

Any person may make a submission on the Proposed NZCPS by sending a written submission to:

Board of Inquiry - Proposed New Zealand Coastal Policy Statement
C/- The Department of Conservation
PO Box 10 420
WELLINGTON 6143

Submissions may also be emailed to: submissions.nzcps@doc.govt.nz

Submissions must be received by 5pm on 7 May 2008.

Your submission should state whether you support or oppose the proposal. You should state any changes that you want to the proposal. You should give reasons for your views. Your submission must state whether or not you wish to be heard by the Board of Inquiry on the submission. Your submission should include your name, postal address, phone number and (if applicable) email address.

An evaluation document for the Proposed NZCPS 2008 may be inspected at or obtained from Conservation House, 18-32 Manners Street, Wellington, at all Conservancy Offices of the Department of Conservation and at www.doc.govt.nz. For further information please telephone the Department's Head Office on 04 471 0726.

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Foreword

New Zealanders are passionate about the coast. We are drawn there to live, work and play. Most of our major cities are coastal. Vital industries, from ports to aquaculture, depend on coastal resources.

That is why the New Zealand Coastal Policy Statement (NZCPS) is important. Under the Resource Management Act, most decision-making about what happens on the coast is devolved from central to local government. The NZCPS is the key statement of national policy that guides planning and resource consent decisions for the coastal environment.

Fourteen years ago the first NZCPS came into force. It has done good service, providing sound guidance on important matters such as public access to the coast, the preservation of natural character, and the discharge of sewage to the sea.

In fourteen years, however, much has changed and much has been learned. Coastal development has accelerated and shows no sign of slowing down. It is time to take advantage of experience, look ahead, and see how we can improve on existing policy and strike the right balance between use, development and protection of our precious coastal environment.

The Proposed NZCPS 2008 has been prepared to this end. I am seeking public input on it, through a Board of Inquiry process, to ensure that policy is well informed by the collective wisdom of New Zealanders. Public submissions will be critical to the development of a policy statement that takes us further towards truly sustainable management of the coastal environment.



Hon Steve Chadwick MP
Minister of Conservation

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Interpretation

In this policy statement:

- numbering of objectives and policies is solely for convenience and is not to be interpreted as an indication of relative importance;
- section and policy headings are solely for convenience and are not relevant to the interpretation of objectives and policies.

Where clauses in a policy take the form of a list:

- where the list is cumulative, the word 'and' is used before the last clause in the list;
- where clauses are alternative, the word 'or' is used between all clauses; and
- where it is intended that clauses may be read either cumulatively or as alternatives, 'and/or' is used between all clauses.

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Objectives

Objective 1

People and communities are able to provide for their social, economic, and cultural wellbeing through the use, development, and protection of natural and physical resources in the coastal environment.

Objective 2

Subdivision, use, and development in the coastal environment are managed to ensure they occur in places, in forms and within limits consistent with sustainable management.

Objective 3

The natural character of the coastal environment is preserved, through the protection or restoration of natural landscapes, features, processes and indigenous biological diversity.

Objective 4

Management of natural and physical resources in the coastal environment takes account of the principles of the Treaty of Waitangi and recognises the role of tangata whenua as kaitiaki.

Objective 5

The public utility of the coastal marine area as public open space is recognised, and its cultural and amenity values as open space are protected.

Objective 6

Public access to and along the coastal marine area is maintained and enhanced.

Objective 7

Water quality in the coastal environment is maintained, or improved over time where it has deteriorated from its natural state.

Objective 8

Coastal hazard risks are managed increasingly by locating or relocating development away from risk areas, protecting or restoring natural defences and discouraging recourse to hard protection structures.

Objective 9

Historic heritage in the coastal environment is protected from inappropriate subdivision, use, and development.

Objective 10

Management of the coastal environment recognises the Crown's interests as an owner of land in the coastal marine area, and New Zealand's international obligations.

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Policies

GENERAL

Policy 1 The coastal environment

In promoting the sustainable management of the coastal environment, policy statements and plans shall recognise that the coastal environment includes, at least:

- (a) the coastal marine area;
- (b) land and waters where coastal qualities or influences are a significant part or element;
- (c) land and waters affected by active coastal processes;
- (d) areas at risk from coastal hazards;
- (e) coastal vegetation and habitat; and
- (f) landscapes and features that contribute to the natural character, visual qualities or amenity values of that environment.

Policy 2 The Treaty of Waitangi and tangata whenua

All persons exercising functions and powers under the Resource Management Act 1991 in relation to the coastal environment shall:

- (a) take into account the principles of the Treaty of Waitangi;
- (b) undertake consultation with tangata whenua in accordance with the Act that is early, meaningful and ongoing and is appropriate with regard to tikanga Maori;
- (c) involve iwi authorities on behalf of tangata whenua in the preparation of policy statements and plans, by consulting with iwi authorities in accordance with Schedule 1 to the Act. This consultation could reasonably include:
 - (i) considering ways in which to foster the development of iwi authorities' capacity to respond to invitations to consult;
 - (ii) establishing and maintaining processes to provide opportunities for those iwi authorities to be consulted;
 - (iii) enabling those iwi authorities to identify resource management issues of concern to them; and
 - (iv) indicating how the resource management issues of concern to iwi have been or are to be addressed.
- (d) take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority;
- (e) recognise and provide for any relevant management plan for a foreshore and seabed reserve;
- (f) where practicable, with the consent of tangata whenua and in accordance with tikanga Maori, incorporate matauranga Maori in policy statements and plans and in the consideration of applications for resource consents; and

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- (g) provide appropriate opportunities for tangata whenua involvement in decision making on resource consents.

Policy 3 Characteristics of special value to tangata whenua

Local authorities shall work with tangata whenua, in accordance with tikanga Maori, to identify characteristics of the coastal environment that are of special value to tangata whenua, including waahi tapu, tauranga waka, mahinga mataitai and taonga raranga. In doing so, local authorities shall recognise that tangata whenua have the right to choose not to identify these characteristics. Provision shall be made, in accordance with tikanga Maori, for:

- (a) the maintenance or enhancement of access for tangata whenua, as far as practicable, to these characteristics; and
- (b) the appropriate use, development, and protection of these characteristics.

Policy 4 Transfer, delegation or sharing of local authority functions, powers and duties regarding characteristics of special value to tangata whenua

Where characteristics of the coastal environment have been identified as being of special value to tangata whenua, local authorities shall consider, with tangata whenua in accordance with tikanga Maori:

- (a) the transfer of local authority functions, powers and duties to an iwi authority or board of a foreshore and seabed reserve in relation to the management of those characteristics of the coastal environment, in terms of Section 33 of the Resource Management Act 1991; and/or
- (b) the delegation of local authority functions, powers and duties to a committee of the local authority representing and comprising representatives of the relevant tangata whenua, in relation to the management of those characteristics of the coastal environment, in terms of section 34 of the Act; and/or
- (c) a joint management agreement, regarding those characteristics of the coastal environment, with an iwi authority or group that represents hapu, in terms of section 36B of the Act.

Policy 5 Precautionary approach

A precautionary approach shall be adopted towards proposed activities whose effects on the coastal environment are uncertain, unknown or little understood, but whose effects are potentially significantly adverse to that environment.

Policy 6 Integration

Policy statements and plans shall provide for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment. This includes coordinated management or control of activities within the coastal environment, and which could cross administrative boundaries, particularly:

- (a) where use or development in the coastal marine area will require, or is likely to result in, associated use or development above mean high water springs;

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- (b) where use or development above mean high water springs will require, or is likely to result in, associated use or development in the coastal marine area;
- (c) where public use and enjoyment of public space is affected, or is likely to be affected;
- (d) where land management practices affect, or are likely to affect water quality in the coastal environment; and
- (e) where significant adverse cumulative effects are occurring, or can be anticipated.

Policy 7 Conservation land

Where land in the coastal environment is held or managed under the Conservation Act 1987, or an Act listed in the 1st Schedule to that Act, its status and purpose shall be taken into account when determining the status of activities in plans. Further, where such land could be affected by an application for a resource consent, its status and purpose and the effects of the proposed activity on it shall be given due regard in the determination of the application.

Policy 8 Areas proposed for statutory protection

If an application for a resource consent affects an area of the coastal environment for which a proposal for statutory protection has been publicly notified, the purpose of the proposal and the effects of the proposed activity on it shall be given due regard in the determination of the application.

Policy 9 Biosecurity

Regional coastal plans shall control activities in the coastal marine area that could, because of associated biosecurity risks, have adverse effects on the coastal environment. Relevant activities include, but are not limited to:

- (a) the movement of structures likely to be contaminated with harmful organisms;
- (b) the disposal of organic material from vessel maintenance;
- (c) the provision of moorings, marina berths, jetties and wharves; and
- (d) the establishment and movement of equipment and stock required for or associated with aquaculture activities.

Coastal permits, where relevant, shall include conditions requiring monitoring for biosecurity risks.

Policy 10 Review of the New Zealand Coastal Policy Statement

The Minister of Conservation shall begin a review of this New Zealand Coastal Policy Statement no later than 10 years after its gazettal.

Policy 11 Monitoring of the New Zealand Coastal Policy Statement

In monitoring the effectiveness of the New Zealand Coastal Policy Statement in achieving the purpose of the Act, the Minister of Conservation shall:

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- (a) assess the effect of the New Zealand Coastal Policy Statement on regional policy statements, plans and resource consent decision-making;
- (b) work with local authorities to incorporate district and regional monitoring information into a nationally consistent coastal environment monitoring and reporting programme; and
- (c) undertake other information gathering or monitoring that assists in providing a national perspective on coastal resource management trends, emerging issues and outcomes.

Policy 12 Local authority monitoring

When identifying the procedures and methods to be used to monitor the coastal environment of the region or district, local authorities shall recognise the need to collect data in a manner that facilitates comparison and collation to provide a national perspective on the state of the coastal environment.

Policy 13 Amendment of policy statements and plans

Local authorities shall amend documents as necessary to give effect to this New Zealand Coastal Policy Statement as soon as practicable and no later than five years after the date of gazettal of this New Zealand Coastal Policy Statement, using the process set out in Schedule 1 to the Resource Management Act 1991, except where this New Zealand Coastal Policy Statement specifies otherwise.

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SUBDIVISION, USE, AND DEVELOPMENT

Policy 14 Location of subdivision and development

Policy statements and plans shall identify where, in the coastal environment (outside the coastal marine area):

- (a) subdivision, and the development of subdivided land, to provide dwellings or commercial premises, will be appropriate; and
- (b) subdivision and development, of specified types, will not be appropriate.

In identifying these areas, while giving effect to this policy statement as a whole, local authorities shall:

- (c) encourage a mixture of land uses along the coast, particularly along and near the coastal marine area, and discourage continuous urban development of the coast where it has not already occurred;
- (d) generally set back subdivision, use, or development from the coastal marine area and other water bodies, to protect the open space character of the coast, its natural character, and its amenity values, and to provide for public access and avoid or reduce natural hazard risks;
- (e) avoid urban sprawl, by encouraging development within existing urban areas and discouraging the agglomeration of separate urban areas;
- (f) avoid ribbon development along transport corridors;
- (g) make provision for papakainga and marae developments; and
- (h) buffer or otherwise protect sites of significant indigenous biological diversity value.

Policy 15 Form of subdivision and development

Within areas identified under Policy 14(a) local authorities shall promote appropriate forms of subdivision and development, including by:

- (a) encouraging a mixture of densities of development;
- (b) encouraging mixed commercial and residential development and a variety of housing types and densities;
- (c) promoting forms of development that enable public transport, walking and cycling as transport choices;
- (d) providing for and protecting public open space, particularly where new urban development occurs; and
- (e) identifying 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.

Policy 16 Use and development of the coastal marine area

Policy statements and regional coastal plans shall identify where, in the coastal marine area, specified forms of use or development will and will not be appropriate. In identifying these areas, while giving effect to this policy statement as a whole, local authorities shall:

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- (a) recognise the public utility of the coastal marine area as public open space and protect the cultural and amenity values of the coastal marine area as open space;
- (b) recognise and make appropriate provision for activities important to the social, economic, and cultural wellbeing of people and communities that can, by nature, only be located in the coastal marine area;
- (c) recognise that activities that do not, by nature, require location in the coastal marine area, generally should not be located there;
- (d) avoid sprawling development, by encouraging efficient use of occupied space and discouraging the agglomeration of separate occupied areas; and
- (e) buffer or otherwise protect sites of significant indigenous biological diversity value.

Policy 17 Crown interest in particular activities on land of the Crown in the coastal marine area

Policy statements and regional coastal plans shall have regard to the Crown's interest in making land of the Crown in the coastal marine area available for:

- (a) infrastructure of national importance; and
- (b) renewable energy generation;

where such use and development would meet the purpose of the Act.

Policy 18 Crown interest in aquaculture activities

Policy statements and regional coastal plans shall have regard to the Crown's interest in making opportunities available for aquaculture activities in the coastal marine area, where such use and development would meet the purpose of the Act.

Policy 19 Amenity values

The amenity values of the coastal environment shall be maintained and enhanced, including by:

- (a) maintaining or enhancing natural sites or areas of particular value for outdoor recreation in the coastal environment;
- (b) having particular regard to the contribution that open space makes to amenity values, and giving appropriate protection to areas of open space;
- (c) recognising that some areas derive their particular character and amenity value from a predominance of structures, modifications or activities, and providing for their appropriate management.

Policy 20 Surf breaks of national significance

The surf breaks at Ahipara, Northland; Raglan, Waikato; Stent Road, Taranaki; White Rock, Wairarapa; Mangamaunu, Kaikoura; and Papatowai, Southland, which are of national significance for surfing, shall be protected from inappropriate use and development, including by:

- (a) ensuring that activities in the coastal marine area do not adversely affect the surf breaks; and

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(b) avoiding, remedying or mitigating adverse effects of other activities on access to, and use and enjoyment of the surf breaks.

Policy 21 Cumulative effects

Coastal processes, resources or values that are under threat or at significant risk from adverse cumulative effects shall be identified, and plans shall include provisions to manage these effects. Where practicable, plans shall set thresholds (including zones, standards or targets), or specify acceptable limits to change, to assist in determining when activities causing adverse cumulative effects should be avoided.

Policy 22 Precedent effects

In managing subdivision, use, and development in the coastal environment, regard shall be had to the potential for an activity, if approved, to set a precedent for approval of further, similar activities. Where the effects of the activity or such further activities would undermine the relevant plan or regional policy statement, or a national policy statement, the precedent should be avoided.

Policy 23 Defence

Regional coastal plans should make provision for use of land of the Crown in the coastal marine area for defence purposes.

Policy 24 Coastal occupation charging

To promote the sustainable management of the coastal marine area and have particular regard to the Crown's interest in obtaining public benefits from any occupation of public land, regional councils should, where appropriate, establish a coastal occupation charging regime. When considering a charging regime, regional councils shall take account of the criteria in Schedule II.

Regional councils shall amend regional coastal plans and proposed regional coastal plans, as necessary, to give effect to this policy no later than 12 months after the gazettal of this New Zealand Coastal Policy Statement, using the process set out in Schedule I to the Resource Management Act 1991.

Policy 25 Public or multiple use of structures in the coastal marine area

Regional coastal plans shall discourage unnecessary proliferation of structures in the coastal marine area by requiring that structures be made available for public or multiple use wherever reasonable and practicable.

Policy 26 Abandoned or redundant structures in the coastal marine area

Where practicable, resource consent conditions shall require the removal of any abandoned or redundant structure in the coastal marine area that the consent holder has erected or is responsible for.

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Policy 27 Reclamation

The adverse effects of reclamation of the coastal marine area shall be avoided unless land outside the coastal marine area is not available for the proposed activity and there are no practicable alternative methods of providing for the activity. In considering a resource consent application for a reclamation, particular regard shall be had to:

- (a) whether the proposed activity can only, by nature, be located adjacent to the coastal marine area; and
- (b) the expected effects on the site of climate change and sea level rise, over no less than 100 years.

Where a reclamation is considered to be a suitable use of the coastal marine area, its form and design shall:

- (c) ensure as far as possible that the shape of the reclamation, and the materials used, are visually and aesthetically compatible with the adjoining coast;
- (d) avoid the use of materials in the reclamation containing contaminants that could adversely affect water quality in the coastal marine area;
- (e) provide for public access, including walking access, to and along the coastal marine area at high tide, unless a restriction on public access is appropriate as provided for in Policy 43;
- (f) remedy or mitigate adverse effects on the coastal environment;
- (g) ensure that the reclamation is designed and located to anticipate climate change impacts; and
- (h) avoid consequential erosion and accretion.

Policy 28 Rights vested in reclaimed land

The Minister of Conservation when considering whether to vest rights in a reclamation of land of the Crown in the coastal marine area should:

- (a) not vest an estate in fee simple in the relevant reclaimed land pursuant to s355(3) of the Act unless there are exceptional circumstances that warrant such a vesting;
- (b) restrict the vesting of any leasehold or other right or interest sought (other than an estate in fee simple) to only those reasonably necessary for the activity sought;
- (c) require that as a condition of any lease or other right or interest granted that a new or amended lease or other interest in the reclaimed land be sought for any new activity; and
- (d) charge a market price for any estate in fee simple, or other interest or rights vested unless a waiver or reduction is appropriate considering the criteria in Schedule III.

Policy 29 Financial contributions

Local authorities shall consider including in plans provisions for financial contributions:

- (a) where development creates a demand for infrastructure or public services in the coastal environment; or

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- (b) to offset adverse effects that cannot be avoided, remedied or otherwise mitigated.

Financial contributions to offset adverse effects should be given particular consideration where:

- (c) there is a loss of public access to or along the coastal marine area; or
- (d) development creates a coastal hazard risk requiring the maintenance, enhancement or restoration of natural defences or hard protection structures; or
- (e) there is a direct loss or modification of a natural feature, landscape, area of indigenous vegetation, habitat, heritage site or recreational setting that is important to the region or district.

Appropriate applications of financial contributions include:

- (f) provision of infrastructure or public reserves in the coastal environment;
- (g) the maintenance or enhancement of public access to and along the coastal marine area;
- (h) acquisition of land that would provide a buffer against the adverse effects of climate change on the coastal environment; and
- (i) enhancement of amenity, natural character, heritage, landscape, recreation or biological diversity values in the coastal environment.

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NATURAL CHARACTER

Policy 30 Integrity and functioning

To preserve the natural character of the coastal environment, it is a national priority to protect its integrity and functioning by maintaining:

- (a) the resilience and productivity of indigenous ecosystems;
- (b) natural landscape and landform;
- (c) the dynamic processes and features that arise from the natural movement of sediments, water and air;
- (d) natural biotic patterns and movements;
- (e) water and air quality; and
- (f) natural substrate composition.

Policy 31 Indigenous biological diversity

To preserve the natural character of the coastal environment, it is a national priority to protect indigenous biological diversity in that environment, including by:

- (a) avoiding adverse effects of activities on:
 - (i) areas containing indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;
 - (ii) areas containing taxa that are listed as threatened by the International Union for Conservation of Nature and Natural Resources;
 - (iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;
 - (iv) habitats of populations of indigenous species that are at the limit of their natural range, or are naturally rare; and
 - (v) areas containing regionally or nationally significant examples of indigenous community types; and
- (b) avoiding significant adverse effects, and otherwise avoiding, remedying or mitigating adverse effects of activities on:
 - (vi) areas of predominantly indigenous vegetation in the coastal environment;
 - (vii) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;
 - (viii) indigenous ecosystems and habitats that are unique to the coastal environment and particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, rocky reef systems, eelgrass and saltmarsh;
 - (ix) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;
 - (x) habitats, including areas and routes, important to migratory species; and
 - (xi) ecological corridors and buffer zones that are important for linking or maintaining areas identified under this policy.

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Policy 32 Outstanding natural features and landscapes

To preserve the natural character of the coastal environment, it is a national priority to protect outstanding natural features and landscapes, by ensuring that any adverse effects of subdivision, use, and development on them are no more than minor. Outstanding natural features and landscapes should be identified with regard to:

- (a) the natural science factors, including geological, topographical, ecological and dynamic components;
- (b) aesthetic values including memorability and naturalness;
- (c) expressiveness - how obviously the landscape demonstrates its formative processes;
- (d) transient values, including occasional presence of wildlife or values at certain times of the day or year;
- (e) whether the values are shared and recognised;
- (f) cultural and spiritual values for tangata whenua, identified in accordance with tikanga Maori; and
- (g) historical associations.

Policy 33 Appropriate location, density and design of subdivision, use, and development

To preserve the natural character of the coastal environment, it is a national priority to:

- (a) promote, in appropriate locations, forms of subdivision, use, and development that avoid, remedy, or mitigate adverse effects on natural character through appropriate scale, density and design; and
- (b) avoid subdivision, use and development in inappropriate locations.

Policy 34 Natural areas and features

In preserving the natural character of the coastal environment, it is a national priority to protect natural areas and features that are:

- (a) of historic importance;
- (b) of special value to tangata whenua;
- (c) of special scientific importance; and
- (d) wild or scenic.

Policy 35 Restoration of natural character

It is a national priority to restore the natural character of the coastal environment, in appropriate circumstances, including by:

- (a) restoring indigenous habitats and ecosystems where these have been significantly adversely affected and life-supporting capacity is compromised;
- (b) creating or enhancing habitat for threatened indigenous species;
- (c) encouraging regeneration of indigenous species, and using local genetic stock, where practicable, when restoring habitat;

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- (d) reducing or eliminating discharges of contaminants that are causing significant adverse effects, particularly cumulative effects;
- (e) requiring, where practicable, restoration conditions on resource consents for the continuation of activities that have compromised natural character;
- (f) restoring dunes and other natural coastal features or processes;
- (g) protecting and restoring riparian margins; and
- (h) removing redundant structures and materials that lack heritage or amenity value.

Policy 36 Assessment and protection of natural character

Local authorities shall assess the natural character of the coastal environment of the region or district and provide for its preservation, including by provisions in policy statements and plans that address the national priorities in Policies 30 to 35.

Policy 37 Restricted Coastal Activities

Resource consents for certain types of activities that have or are likely to have a significant or irreversible adverse effect on the coastal marine area shall be determined by the Minister of Conservation. The types of activities for which the Minister will decide resource consent applications are those defined in Schedule I. Regional coastal plans and proposed regional coastal plans shall identify these activities as Restricted Coastal Activities and shall include the necessary provisions, without notification or hearing, in accordance with section 55 of the Resource Management Act 1991 and as soon as practicable.

The inclusion in a regional coastal plan or proposed regional coastal plan of the Restricted Coastal Activities defined in Schedule I:

- (a) shall not affect any application for a coastal permit for an activity which, at the time the application was made, was not a restricted coastal activity, and for which the regional council has:
 - (i) notified its decision; or
 - (ii) fixed a commencement date for a hearing;
 and
- (b) shall not affect any application for a coastal permit for an activity which, at the time the application was made, was a restricted coastal activity and for which the regional council has made its recommendation to the Minister of Conservation.

Policy 38 Maui dolphin

Adverse effects of activities on the habitat of Maui dolphin shall be avoided. Plans shall include provisions for avoiding threats to Maui dolphin arising from relevant activities, including land use, discharges, activities on the surface of water, and disturbance of foreshore or seabed. Regional coastal plans and proposed regional coastal plans shall include, in accordance with section 55 of the Resource Management Act 1991 and as soon as practicable, the map of areas of Maui dolphin habitat in Schedule IV.

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PUBLIC ACCESS

Policy 39 Walking access as a national priority

It is a national priority to maintain and enhance public walking access to and along the coastal marine area, including by:

- (a) ensuring that public walking access to and along the coastal marine area is free of charge;
- (b) avoiding significant loss of existing public walking access resulting from subdivision, use, and development;
- (c) remedying or mitigating constraints on public walking access resulting from subdivision, use, or development;
- (d) identifying where the public have walking access to the coastal marine area;
- (e) identifying opportunities to enhance or restore public walking access; and
- (f) having particular regard to pedestrian safety where public walking access is available.

Policy 40 Esplanade reserves and strips

Policy statements and district plans shall promote the creation of esplanade reserves and esplanade strips, where they do not already exist, to provide public access to and along the coastal marine area. A requirement for an esplanade reserve or strip that would provide public access to or along the coastal marine area shall not be waived unless there are exceptional circumstances that mean provision of an esplanade reserve or strip would not be in the public interest.

Policy 41 Access enhancement

Policy statements and plans shall identify where it is desirable that public access to and along the coastal marine area is enhanced, giving priority where:

- (a) connections between existing public areas can be provided;
- (b) improving access would promote outdoor recreation;
- (c) physical access for people with disabilities is desirable;
- (d) the long-term availability of public access is threatened by erosion or sea level rise;
- (e) access to areas or sites of cultural significance is important; and
- (f) subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so.

Policy 42 Vehicle access

Plans shall identify where the use of vehicles on the foreshore and seabed and on adjacent public land is and is not appropriate, with particular regard to:

- (a) public safety;
- (b) the amenity values of the coastal environment for the public,
- (c) the maintenance of opportunities for recreation; and

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- (d) the protection of dunes, estuaries and other sensitive natural areas or habitats;
- and shall control vehicle access accordingly.

Policy 43 Restrictions on access

A restriction on public access to and along the coastal marine area shall only be imposed where such a restriction is necessary:

- (a) to protect threatened indigenous species; or
- (b) to protect dunes, estuaries and other sensitive natural areas or habitats; or
- (c) to protect sites and activities of cultural value to Maori; or
- (d) to protect historic heritage; or
- (e) to protect the amenity values of the coastal environment for the public; or
- (f) to protect public health or safety; or
- (g) to avoid or reduce conflict between public uses of the coastal marine area and its margins; or
- (h) for defence purposes; or
- (i) to ensure a level of security consistent with the purpose of a resource consent.

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WATER QUALITY

Policy 44 Maintaining water quality

Discharges of contaminants shall, after reasonable mixing, avoid adverse effects on high water quality in the coastal environment, and shall not cause deterioration in the quality of other water or substrate in the coastal environment.

Policy 45 Enhancement of water quality

Where the quality of water in the coastal environment has deteriorated it shall be enhanced, where practicable, with priority given where:

- (a) adverse effects on natural character, ecology or habitat are significant; and/or
- or
- (b) tangata whenua identify a particular interest in the affected waters; and/or
- (c) water quality is unsuitable for, or constrains, existing uses.

Policy 46 Mixing zones

The management of discharges to water in the coastal environment shall have particular regard to the sensitivity and resilience of the receiving environment, and to the nature of the contaminants to be discharged and their associated risks, and shall:

- (a) avoid the use of large mixing zones to dilute discharges with high contaminant loadings;
- (b) avoid adverse effects on the life-supporting capacity of the water within a mixing zone; and
- (c) avoid adverse effects that are more than minor after reasonable mixing.

'End of pipe' water quality standards shall be considered where necessary to avoid significant adverse effects at the point of discharge.

Policy 47 Ecological effects of discharges

Discharges of contaminants to water in the coastal environment, singly or in combination with other discharges, shall not have more than minor adverse effects, after reasonable mixing, on the indigenous species, habitats, or ecosystems of those waters.

Policy 48 Discharge of human sewage

Discharge of human sewage directly into water in the coastal environment, without passing through land, shall occur only where:

- (a) it better meets the purpose of the Act than disposal onto land;
- (b) there has been consultation with the tangata whenua in accordance with tikanga Maori and due weight has been given to Sections 6, 7 and 8 of the Act; and
- (c) there has been consultation with the community generally.

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Policy 49 Stormwater discharges

Adverse effects of stormwater discharges to waters in the coastal environment shall be reduced, over time, including by:

- (a) promoting design options that reduce inflows to stormwater reticulation systems at source;
- (b) reducing contaminant loadings, including sediment, in stormwater through appropriate controls on land use activities;
- (c) avoiding sewage entering stormwater systems;
- (d) setting stormwater discharge standards; and
- (e) promoting integrated management of stormwater catchments;

and priority should be given to improving management of stormwater discharges where:

- (f) existing uses or values of the receiving waters are adversely affected; or
- (g) the cumulative adverse effects of discharges on receiving waters are significant.

Policy 50 Ports and other marine facilities

Local authorities shall:

- (a) require port areas and other marine facilities to avoid adverse contamination of coastal waters and substrate;
- (b) ensure that the disturbance or relocation of contaminated seabed material and the dumping or storage of dredged material does not result in significant adverse effects on water quality or the seabed; and
- (c) require ports, marinas and other relevant marine facilities to provide sewage and waste collection facilities for vessels, and for residues from vessel maintenance.

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COASTAL HAZARDS

Policy 51 Identification of hazard risks

Policy statements and plans shall identify areas in the coastal environment that are potentially affected by coastal hazards (excluding tsunami), giving priority to the identification of areas at high risk. Hazard risks shall be assessed over at least a 100-year timeframe, having particular regard to:

- (a) short-term natural dynamic fluctuations of erosion and accretion;
- (b) long-term trends of erosion or accretion;
- (c) slope stability or other geotechnical issues;
- (d) the potential for natural coastal features and areas of coastal hazard risk to migrate as a result of dynamic coastal processes, including sea level rise; and
- (e) the effects of climate change on:
 - (i) matters (a) to (d) above;
 - (ii) storm frequency, intensity and surges; and
 - (iii) coastal sediment dynamics;taking into account the most recent available national guidance on the likely effects of climate change on the region or district.

Policy 52 Subdivision and development in areas of hazard risk

In areas potentially affected by coastal hazards, local authorities shall:

- (a) avoid new subdivision and residential or commercial development on land at risk from coastal hazards;
- (b) avoid redevelopment, or change in land use, that would increase risk from coastal hazards; and
- (c) encourage redevelopment, or change in land use, that would reduce risk from coastal hazards, including:
 - (i) managed retreat, by relocation, removal or abandonment of existing structures;
 - (ii) replacement or modification of existing development to reduce risk without recourse to hard protection structures, including by designing for relocatability or recoverability from hazard events.

Policy 53 Natural defences against hazards

Local authorities shall provide for the protection or restoration of natural features in the coastal environment that protect land uses from coastal hazards.

Policy 54 Protection structures

When considering the potential use of hard protection structures in response to coastal hazard risk, local authorities shall:

- (a) promote alternative responses, including soft engineering solutions and the relocation, removal or abandonment of existing structures;

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- (b) take into account the expected effects of climate change, over at least a 100-year timeframe; and
- (c) evaluate the likely public costs and benefits of any proposed hard protection structure, and the effects on the environment, over at least a 100-year timeframe.

Where hard protection structures are considered to be necessary, local authorities shall:

- (d) generally avoid the location of such structures in the coastal marine area;
- (e) promote the location of hard protection structures on private land, rather than public land, where the purpose is to protect private land;
- (f) ensure provision for the continuation or restoration of public access to and along the coastal marine area at high tide; and
- (g) ensure structures are designed to minimise consequential erosion.

HISTORIC HERITAGE

Policy 55 Historic heritage identification and protection

Local authorities shall assess and record historic heritage in the coastal environment, and in particular, historic heritage that is significant or otherwise important to the region or the district. Plans shall:

- (a) avoid adverse effects of subdivision, use, and development on significant historic heritage;
- (b) avoid, remedy, or mitigate adverse effects of subdivision, use, or development on other historic heritage;
- (c) ensure that where an approved activity will involve damage or destruction of historic heritage, the affected site is investigated and historic information is recorded; and
- (d) state the process to be followed for evaluation of any historic heritage discovered during development.

Policy 56 Historic heritage of significance to Maori

Identification, assessment, and management of historic heritage of significance to Maori shall be undertaken in consultation with tangata whenua and in accordance with tikanga Maori.

Policy 57 Collaborative management of historic heritage

Identification, assessment and management of historic heritage should be undertaken in collaboration with agencies that have historic heritage responsibilities. Policy statements and plans should integrate management of historic heritage that spans the line of mean high water springs.

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Schedule I

S1.1 Reclamations

Any activity reclaiming foreshore or seabed that:

- (a) equals or exceeds 1 hectare; or
- (b) extends 100 or more metres in any direction; or
- (c) is an incremental reclamation connected to, or part of, another reclamation that was commenced or received a resource consent after 5 May 1994, and the sum of the existing and proposed reclamations is equal to or exceeds the dimensions in (a) or (b);

is a restricted coastal activity.

S1.2 Structures that contain or effectively contain the coastal marine area

- (a) Any activity involving the erection or placement of a structure or structures, including floating or open pile structures, that will contain or effectively contain 4 hectares or more of the coastal marine area, so that water flows are impeded, is a restricted coastal activity.
- (b) A floating or open piled structure that can be demonstrated not to impede water flows is not a restricted coastal activity.

S1.3 Structures in the coastal marine area more or less parallel to mean high water springs, including coastal hazard protection structures, breakwaters, and artificial reefs

- (a) Where any activity involves the erection or placement of a structure or contiguous structures wholly or partly in the coastal marine area that:
 - (i) is solid (or presents a significant barrier to water or sediment movement);
 - (ii) would extend 100 metres or more in total length; and
 - (iii) is more or less parallel to the line of mean high water springs;the part of the activity that is in the coastal marine area is a restricted coastal activity.
- (b) Any activity involving the placement of a cable on or under the foreshore or seabed, or pipeline under the foreshore or seabed, is not a restricted coastal activity.

Contiguous here means connected to, or next to, and includes structures within 10 metres of each other in enclosed harbours or estuaries and within 20 metres of each other on the open coast.

S1.4 Structures in the coastal marine area oblique or perpendicular to mean high water springs

- (a) Any activity involving the erection or placement of a structure (or structures) in the coastal marine area, that is (or are):

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- (i) solid, or a significant barrier to water or sediment movement;
- (ii) oblique or perpendicular to the line of mean high water springs; and
- (iii) 100 metres or more in length, whether singly, in combination with existing structures, or in total where the activity involves two or more structures,

is a restricted coastal activity.

- (b) Any activity involving the placement of a cable on or under the foreshore or seabed, or pipeline under the foreshore or seabed, is not a restricted coastal activity.

S1.5 Structures in the coastal marine area used for storage or containment of petroleum, petroleum products, or contaminants

Any activity involving the erection of a structure or structures, including a pipeline, that will be used for the storage or containment of any petroleum, petroleum products, or contaminants, in quantities greater than or equal to 50,000 litres is a restricted coastal activity.

S1.6 Disturbance of foreshore and seabed (excavate, drill, move, tunnel etc) including any removal of sand, shell or shingle

- (a) Any activity involving, in any 12 month period, disturbance of foreshore and seabed for specific purposes, including any removal of sand, shell or shingle or other natural material:
 - (i) in volumes greater than 50,000 cubic metres; or
 - (ii) extracted from areas equal to or greater than 4 hectares; or
 - (iii) extending over 1000 metres or more of foreshore and seabed;
 is a restricted coastal activity.

- (b) Disturbance of foreshore and seabed:

- (i) for maintenance dredging, which means any dredging of the bed of the sea necessary to maintain water depths to previously approved levels, for the safe and convenient navigation of vessels, in navigation channels and at berthing and mooring facilities, including marina developments; or
- (ii) by horizontal directional drilling or other sub-surface excavation methods;

is not a restricted coastal activity.

S1.7 Depositing substances in the coastal marine area

- (a) Any activity involving the depositing of any material on the foreshore and seabed in quantities greater than 50,000 cubic metres in any 12 month period at a site in the coastal marine area is a restricted coastal activity.
- (b) Any activity involving the depositing of any material on the foreshore and seabed that is controlled by sections 15A or 15B of the Resource Management Act 1991 is not a restricted coastal activity.

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S1.8 Exotic plants in the coastal marine area

Any activity involving the introduction of any exotic plant species to the coastal marine area is a restricted coastal activity, except where that plant is already present in an area and an operative or proposed regional coastal plan specifies that the planting of it is a discretionary activity.

S1.9 Occupation of the coastal marine area

- (a) Any activity involving occupation of the coastal marine area that:
 - (i) would exclude or effectively exclude public access from areas of the coastal marine area over 10 hectares; or
 - (ii) would exclude or effectively exclude the public from more than 316 metres along the length of the foreshore; or
 - (iii) would restrict public access to or through 50 hectares or more of the coastal marine area;is a restricted coastal activity.
- (b) Any activity involving the occupation of the coastal marine area for aquaculture activities is not a restricted coastal activity.

S1.10 Discharges to the coastal marine area

- (a) Any discharge of human sewage to the coastal marine area is a restricted coastal activity.
- (b) Any discharge to the coastal marine area in respect of which the applicant may desire to rely on section 107(2)(a) is a restricted coastal activity.
- (c) Any discharge to the coastal marine area that is controlled by section 15B of the Resource Management Act 1991 is not a restricted coastal activity.

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Schedule II

1. In any region where:
 - (a) as a result of occupations, the general public are excluded from areas that would otherwise be of value for public access, or other substantial public benefits are lost; and
 - (b) the private benefit gained from occupations is such that a fair and administratively efficient charging regime would deliver net revenue for projects that promote better management of the coastal marine area, the regional council should include a coastal occupation charging regime in its regional coastal plan.
2. After having regard to the public benefits lost or gained and the private benefits gained, regional councils should also, when setting the level of charges to be paid under any coastal occupation charging regime:
 - (a) provide that private occupation of public land should deliver a fair return that will be available for investment in the sustainable management of the coastal marine area; and
 - (b) provide that no charges apply to occupation of land in the coastal marine area to which the High Court has found that a group would, but for the vesting of ownership under section 13(1) of the Foreshore and Seabed Act 1994, have held territorial customary rights at common law; and
 - (c) consider the proposed activity, and the activities enabled by the coastal permit, together with the occupation, rather than considering the occupation itself in isolation; and
 - (d) have regard to the role coastal occupation charges can play as an economic instrument that can contribute to sustainable management of the coastal environment; and
 - (e) avoid creating a perverse economic incentive for activities to locate in the coastal marine area, rather than on land; and
 - (f) have regard to the benefits of setting the level of charges at the same level as a market rental, including the benefits of:
 - (i) providing an incentive for developers to develop new and innovative approaches to delivering services that will minimise the demand for exclusive occupation of the coastal marine area, and
 - (ii) delivering fair competition for those developers who have already undertaken innovative developments on private land; and
 - (g) have regard to the uncertainty over fair charging levels where there is little market information, and should initially set charges at a conservatively low level with a view to amending charges as more information on fair market rental levels becomes available; and
 - (h) consider using a range of charging methodologies to achieve a fair return for different activities and different circumstances; and
 - (i) consider the administrative advantages of setting standard charges for smaller occupations; and

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- (j) consider the advantages of a charging methodology that is responsive to varying market values for coastal space, especially offshore space; and
 - (k) consider a transitional period to phase in new charges.
3. When considering the circumstances warranting a reduction or waiver of charges under any coastal occupation charges regime, regional councils should:
- (a) as part of having regard to the public benefits lost or gained and the private benefits gained, consider whether the consent holder would be:
 - (i) contributing to the management of the coastal marine area or providing services in the coastal marine area that the regional council would otherwise provide; or
 - (ii) enhancing general public access to and along the coastal marine area; or
 - (iii) enhancing the use and enjoyment of the coastal environment by the general public; or
 - (iv) enhancing protection of habitats, animals and plants that would otherwise be sensitive to damage by public access and activities; and
 - (b) consider whether:
 - (i) the costs of setting and collecting the charges would exceed the value of the charges collected; or
 - (ii) any other circumstances of the occupation warrant a reduction or waiver.

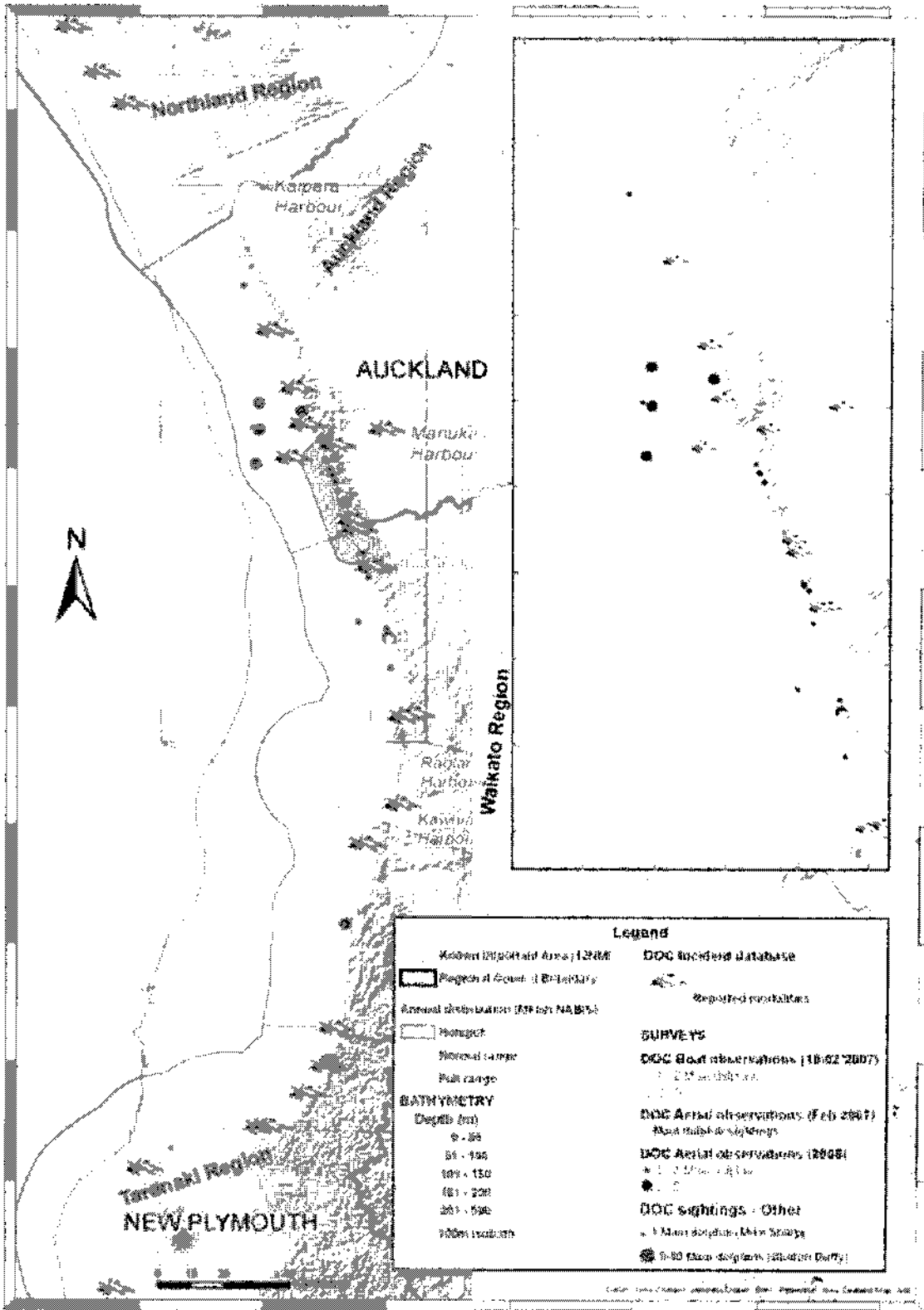
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Schedule III

1. When considering whether to reduce or waive a vesting price, the Minister of Conservation should have regard to whether the holder of the rights vested would be:
 - (a) contributing to the management of the coastal marine area or providing services in the coastal marine area that the Minister or regional council would otherwise provide; or
 - (b) enhancing general public access to and along the coastal marine area; or
 - (c) enhancing the use and enjoyment of the coastal environment by the general public; or
 - (d) enhancing protection of habitats, animals and plants that would otherwise be sensitive to damage by public access and activities;and consider whether any other circumstances of the occupation warrant a reduction or waiver.

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Schedule IV



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Glossary

Defence purposes	Purposes in accordance with the Defence Act 1990.
Documents	In Policy 13 means: <ol style="list-style-type: none">a regional policy statement; ora proposed regional policy statement; ora proposed plan; ora plan; ora variation.
'End of pipe' water quality standards	Water quality standards that are applied at the point of discharge.
Hard protection structure	A seawall, rock revetment, groyne, artificial-reef, breakwater, stop bank, retaining wall or comparable structure or modification to the seabed, foreshore or coastal land that has the primary purpose or effect of protecting a land use activity from a coastal hazard, including erosion.
Marine facilities	Includes ports, dry docks, slipways, marinas, boat servicing grids, wharves, jetties and ramps, offshore platforms, navigational aids, and associated structures and activities.
Matauranga Maori	Maori customary knowledge.
Mixing zone	The area within which 'reasonable mixing' of contaminants from discharges occurs in receiving waters and within which the relevant water quality standards do not apply.
Naturally rare	Originally rare: rare before the arrival of humans in New Zealand.
Papakainga development	Development on ancestral land owned by Maori.
Plans	Regional plans and district plans.
Substrate	The material that forms the surface of the foreshore and seabed.
Taxa	Named biological classification units assigned to individuals or sets of species (e.g. species, subspecies, genus, order, variety).