



**National Council of  
Women of New Zealand**

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Wahine O Aotearoa

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**Submission to the Department of Conservation on the  
Independent Review of the New Zealand Coastal Policy Statement**

**Introduction**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 42 nationally organised societies and having 33 branches throughout the country, to which women from some 150 societies are affiliated. The Council's function is to serve women, the families and the community through research, study, consultation and action. This submission has been prepared using responses from members of the Council's Environment Standing Committee and from nine branches and national organisations.

NCWNZ has previously made submissions on matters relating to the coastline and marine matters. In particular, we responded to Dr Rosier's call for submissions as she went about the independent review (S03.77), gave an opinion on the Oceans Policy proposals (S03.29) and on the Foreshore and Seabed proposals (S03.75). NCWNZ supports the public's right of access to the coastal area for recreation, commercial activity within the bounds of what is permitted by legislation and action that is intended to protect and enhance the coastal regions. NCWNZ does not favour exclusivity and the exercise of privilege and privacy along any part of New Zealand's long coastline.

**Executive Summary**

NCWNZ supports:

- a formal review that identifies policies now obsolete and therefore in need of revocation, and that provides additional policy guidance to local authorities;
- taking into account the Foreshore and Seabed Framework and the Oceans Policy Regime as a new NZCPS is drafted;
- taking account of coastal and fisheries management plans especially in nationally significant coastal sea and landscapes;
- monitoring for the overall health of the coastal environment, with responsibility for such monitoring to be clearly allocated;
- completing consultation with Maori regarding their interest and the Crown's interest in the coastal marine area.

**General Comments**

Respondents in general were pleased to note that Dr Rosier had found considerable public interest in the content and application of the NZCPS and that she had received such favourable public response to her request for consultation and submissions.

Some respondents reported that since they were not very conversant with the NZCPS themselves they had sought information from their local authorities and had been helped with providing replies to the questions posed.

NCWNZ is rather concerned about a matter identified by Dr Rosier as needing attention. On page 23 of her review she remarks that some government departments, in various reports in which coastal matters feature have either not referred to the NZCPS at all, or have mentioned it only in passing, which she thinks is something of a failure. NZNCW believes that government





departments should be role models when it is a matter of being conversant with legislation and regulatory schemes that are relevant to their areas of activity.

### Questions put to NCWNZ members

Four questions were circulated to the membership, inviting response:

1. In your part of the country, have policies in the NZCPS been incorporated into Regional Policy Statements, coastal plans and district plans, and if so, do they give clear guidance for preserving and protecting the natural character of the coastal environment?
2. Monitoring environmental outcomes is identified as having been on the whole poorly done, as responsibility for monitoring and paying for it has not been clearly allocated. How could these responsibilities be clarified?
3. There is no national understanding of the term Coastal Environment. Consultation is recommended to come to an agreed definition of what it means. Do you have any suggestions about what should come within the embrace of the term?
4. Do you think incorporating the Principles section of the NZCPS in the policies would increase the effectiveness of the NZCPS?

As well, some respondents had access to the whole document and made comments on the recommendations that are summarised on pages 12 – 14.

### Specific comments

On the questions

1. Three respondents reported that in their areas policies in the NZCPS are incorporated into Regional Plans, Regional Coastal Plans and Regional Policy Statements. In New Plymouth, District Plans provide guidelines which were not permitted to be inconsistent with the NWCP, up to the time of the RMA Amendment Act, and since the Resource Amendment Act 2003, new Section 62(3) requires councils to give effect to a national policy statement or NZ coastal policy statement.

Otago regional Council have taken the policies of the Statement into account when developing their Regional Plan and Regional Coastal Plan, which includes policy for preserving and protecting the Otago coastal character. Otago RC is also having a series of aerial photographs taken so as to have a record of the changes that are occurring due to erosion by high seas over the years.

Other respondents remark that although human activity is having some effect on changing the coastline, it is important to remember that natural erosion through a combination of wave action and geology has always occurred, and plans and policies can do little to prevent this.

In the Taranaki region it is noted that oil and gas exploration, which are important to the economy, are putting pressure on the coastline, and in many parts of the country, coastal subdivisions bring about changes, so it is important that regional policies address these matters.

Nelson City Council and Tasman District Council each have a Regional Coastal Plan which await signing off by the Minister. NCC feels that its plan closely reflects the NWCP, but that it is not the best judge of the effectiveness of the plan. Tasman DC has a very long coastal



area, and consents seem to be fairly readily granted for waiving the provisions of the local Plan in the interests of the local economy rather than with environmental protection in mind.

2. **Monitoring.** NCWNZ members agree that monitoring appears to be ineffectual or lacking, but the problem really arises from lack of funding to carry out regular inspections. Smaller local bodies are often unable to carry out even the most basic tasks expected of local government, such as management of sewage, so cannot hope to have a monitoring programme in place. The general opinion is that monitoring should occur, but with clear guidelines as to how much, how often and by which level of local government and funding should be the responsibility of national government. It was suggested that industries which are clearly responsible for water pollution and rubbish distribution along coastal areas might be required to make proportional contributions to the cost of monitoring. Another respondent firmly remarked that the local NCWNZ group agrees that responsibility for environmental monitoring should be clarified at a national level of planning, that resource consent holders must provide monitoring data, and that the Ministry of the Environment should continue to report regularly on the performance of local authorities involved in administering the RMA.

A West Coast respondent, outlining the difficulty that her local council has with sewage disposal, says that ideally a deadline should be set for resolving the issue of monitoring so that pressure can be applied to getting such problems dealt with.

3. **“Coastal environment” definition.** NCWNZ supports development of a consistent nationwide definition of the term, through consultation amongst all local government bodies, Maori and port authorities. One suggestion is that a definition should be fairly general so that there can be local variations, to take into account different coastal landscapes. Otago Regional Council provided their definition of the coastal environment, which is quite comprehensive and could well be used as a national model. Something to be remembered is how to include ports and harbour installations in any definition.
4. **Principles to be incorporated into policy.** NCWNZ members agree that principles should enter into policies, which would increase the effectiveness of the Statement. One group remarked that in some cases policies need to be more robustly stated to reflect the importance of the principles upon which they are based. Local authorities could do with some guidance on how much emphasis to place on principles as they prepare their own plans and policies.

Another group emphasised that we need national policies and guidelines, with local monitored implementation.

#### On the recommendations summarised on pages 11 – 14

NCWNZ endorses all of the recommendations put forward in the review but has additional remarks to make on some, as follows:

1. Consider *incorporating the principles section into policies*. Principles should certainly be incorporated into policies in order to strengthen policy.
2. *Correct omission by including a heading for the principle section of the NZCPS*. Add a heading to define the principles section of the NZCPS.
3. *Provide an explanation of the role of NZCPS principles when preparing plans and policy statements*. For clarity and ease of understanding an explanation should be provided.



4. *Collaborate with tangata whenua and local authorities to develop guidelines or criteria enabling councils to define the coastal environment in each region.* NCWNZ agrees with collaboration amongst all interested parties when forming a definition of the coastal environment but would like to see a nationwide definition of the term, with provision for local variation because of differing coastal features.
5. *Investigate the application of the Hauraki Gulf Marine Park Act model as a possible method for improving integrated sustainable management of nationally significant coastal seascapes and landscapes.* NCWNZ agrees with *investigating* the application of the Hauraki Gulf Marine Park Act model as a possible method for improving integrated sustainable management of nationally significant coastal landscapes and seascapes but would not recommend that it be immediately taken over entirely as a model. Deficiencies in i that may surface subsequently can thus be avoided.
8. *Amend NZCPS Policy 1.1.2© to protect and manage important marine ecosystems are protected and manages, which may require an amendment to the RMA.* NCWNZ agrees with amending NZCPS Policy 1.1.2© to protect and manage important marine ecosystems, and also suggests that more marine reserves be established so as to promote wider protection of marine ecosystems.
9. *Combine Chapters 2 and 4 of the NZCPS to demonstrate the Crown's partnership with Maori and a commitment to develop marine and coastal policy that reflects the partnership represented by the Treaty of Waitangi.* NCWNZ agrees with this recommendation only if the final emphasis is on sustainable management of natural and physical resources.
11. *Clearly state in the NZCPS the interests of the Crown in the Coastal Marine Area for the purpose of preparing plans and policy statements under the RMA and deciding resource consents in and adjoining the CMA.* NCWNZ notes that there is no mention of sustainability or enhancement of the CMA amongst the several bullet points.
14. *Ensure that amended policies reflect the new requirements of the Local Government Act in regard to Treaty of Waitangi obligations and relevant case law.* The relevance of the new Foreshore and Seabed Act could be included here.
16. *Provide guidance about criteria to be considered in determining the duration of resource consents in the coastal environment, particularly on land above Mean High Water Springs.* There is a concern that guidance may not be enough as councils such as Tasman and Nelson for example are under great pressure from development and need something more robust to look to than guidance. It must always be possible to abbreviate the term of consents if environmental damage is being caused.
17. *Clarify which government department is to manage matters related to occupation of space in the CMA and to provide national guidance about assessing the duration of consents to occupy space in the CMA.* Clarification of which government department is to manage matters related to occupation of space in the Coastal Marine Area is certainly desirable as in the absence of departmental authority all kinds of environmentally undesirable activities could be carried out.
18. *Revise Policy 3.2.3 to include the circumstances in which plans and policy statements shall require a financial contribution and the timing for including provisions in regional coastal policy statements.* Section 108 of the Resource Management Act must be included in the revision of Policy 3.2.3 so it does not mean that financial contributions can be used to easily offset adverse outcomes.



20. *Consider the degree to which NZCPS policies should specify criteria for assessing appropriate or inappropriate subdivision, use and development, and what constitutes a minor effect for the purposes of non-notification of resource consent applications.* Clear definition must be given for the criteria with which to assess appropriate or inappropriate subdivision, use and development, and what constitutes a minor effect, when a decision is to be made on whether or not to notify. Consideration of the matter does not necessarily provide an outcome.
21. *Retain the policies 3.3.1 and 3.3.2 with guidance about implementation of the precautionary approach and adaptive management principles in regional and district plans, in a strategic planning framework.* NCWNZ suggests that councils need consistent education as to the meaning of the term “precautionary approach” before it is implemented.
25. *Provide guidance in the NZCPS about locations in the coastal environment where the vesting of an esplanade reserve is important to provide long term certainty of public access to and along the CMA.* NCWNZ especially endorses this recommendation. Now that the Foreshore and Seabed Act has been passed there must be clarity about access to the foreshore from the landward side, as there is a misconception that access to the foreshore automatically allows people to walk over adjoining land, which is not the case. The public needs education on what is meant by right of access.
26. *Carry out research at a national level in partnership with tangata whenua, industry and local authorities to identify the strengths and weaknesses of various methods of managing vehicle access to and along the CMA.* Currently wheeled vehicles may be driven at will along the foreshore but it would be desirable in the interests of protecting particularly sensitive ecological areas to change the status of beaches as roads. Most beaches are presently roads, and this allows recreational drivers to cause considerable damage, however inadvertent, to beaches and dunes.
27. *Co-ordinate changes to public access policies with foreshore and seabed provisions, which may mean further negotiation with tangata whenua relating to customary harvesting of kaimoana.* Negotiation with tangata whenua to clarify rights of public access and understanding of customary usage, particularly now that there are many migrants to New Zealand who are fond of seafood, is essential to avoid conflict amongst people.
28. *Retain NZCPS policies 5.1.1 – 5.1.4 relating to national standards about sewage effluent treatment.* NCWNZ agrees absolutely that policies 5.1.1 to 5.1.4 should be retained, and even strengthened in the interests of a healthy environment.
29. *Review NZCPS policies 5.2.1 – 5.2.5 so that policies that conflict with marine pollution regulations are revoked.* Conflict with other legislation must be resolved but the main objective should continue to be improving the quality of water and ensuring that pollution does not happen.

## **Conclusion**

The National Council of Women would like to conclude by thanking Dr Rosier for undertaking this review on behalf of all New Zealanders and congratulating her on presenting her findings in such a clear, concise and logical report. We look forward to its being used in the preparation of the second generation New Zealand Coastal Policy Statement.

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**National President**

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