



NZCPS 2010 Guidance note

Policy 1: Extent and characteristics of the coastal environment

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Policy 1

1. Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.
 2. Recognise that the coastal environment includes:
 - a. the coastal marine area;
 - b. islands within the coastal marine area;
 - c. areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;
 - d. areas at risk from coastal hazards;
 - e. coastal vegetation and the habitat of indigenous coastal species including migratory birds;
 - f. elements and features that contribute to the natural character, landscape, visual qualities or amenity values;
 - g. items of cultural and historic heritage in the coastal marine area or on the coast;
 - h. inter-related coastal marine and terrestrial systems, including the intertidal zone; and
 - i. physical resources and built facilities, including infrastructure, that have modified the coastal environment.
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Overview of the policy

Policy 1 of the New Zealand Coastal Policy Statement (NZCPS 2010) outlines matters relevant when considering the extent and characteristics of the coastal environment and relevant to its management under the Resource Management Act 1991 (RMA). Policy 1 recognises that the extent and characteristics of the coastal environment vary from region to region and locality to locality. It does not require that the coastal environment and the resources within it are mapped in regional policy statements (RPSs) and plans.

All readers of this policy guidance note should also refer to the NZCPS 2010 Implementation Guidance Introductory note¹. The Introductory note contains general information and guidance that is important for implementing all of the objectives and policies in the NZCPS 2010.

Rationale

The NZCPS 2010 applies to New Zealand's coastal environment in recognition of the importance, special sensitivities, and management requirements of that environment. The term 'coastal environment' is not defined in the RMA. Uncertainty about the extent of the coastal environment can be an impediment to effective coastal management.

To date, experience including case law has assisted when considering the extent and characteristics of the coastal environment in policy statements and plans as well as case by case. Policy 1 codifies this experience. It will also give certainty to decision-makers on the appropriate scope and approach to assessments of coastal values and uses. This work is important for strategic planning and other decisions affecting the coastal environment and the achievement of sustainable management.

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

Related objectives, policies and provisions

This section covers the links (in terms of the extent and characteristics of the coastal environment) between the various provisions of the NZCPS 2010, the RMA, and other legislation.

NZCPS 2010

Giving effect to Policy 1 of the NZCPS 2010 requires careful consideration of all NZCPS 2010 objectives and policies.

Key related objectives and policies	Other related objectives	Other related policies
Objectives—All	–	–
Policies—All		

There are very strong links between Policy 1 and all other NZCPS objectives and policies. As the NZCPS policies are aimed at achieving sustainable management in the coastal environment, policy guidance on the extent and characteristics of that environment is important to determine the application of all other NZCPS policies in the course of resource management decision-making.

The NZCPS encourages effective information gathering to identify amongst other things areas or sites of significance or special value to Māori (Policy 2), biodiversity (Policy 11), natural character (Policy 13), natural features and natural landscapes (15), historic heritage (Policy 17), and water quality (Policy 21) in the coastal environment. The NZCPS also promotes recognition of the human uses in the coastal environment including infrastructure and built settlements (Policy 6), aquaculture (Policy 8), and ports (Policy 9). The matters identified in these other policies are often related to the matters listed in Policy 1. Consideration of these matters together will be important in determining the scope and nature of the resource issues within the coastal environment and the area to be covered by these assessments.

Resource Management Act 1991²

The following key RMA provisions are relevant to Policy 1.

- Particular direction is proposed for preservation of the natural character of the coastal environment including the coastal marine area, and the protection of it from inappropriate subdivision, use and development (section 6(a)).
- The purpose of a New Zealand coastal policy statement, including the NZCPS 2010, is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand (section 56).
- A New Zealand coastal policy statement may state objectives and policies about specified matters including:
 - National priorities for the preservation of the natural character of the coastal environment of New Zealand, including protection from inappropriate subdivision, use and development
 - The protection of the characteristics of the coastal environment of special value to the tangata whenua including waahi tapu, tauranga waka, mahinga mātaimai, taonga raranga
 - Activities involving the subdivision, use, or development of areas of the coastal environment
 - Implementation of New Zealand's international obligations affecting the coastal environment (section 58).
- A regional coastal plan may form part of a regional plan where it is considered appropriate in order to promote the integrated management of a coastal marine area and any related part of the coastal environment (section 64).

²http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM230265.html?search=ts_act_resource+management_resel&p=1&sr=1

Other national policy statements

The National Policy Statement for Freshwater Management (NPSFM) 2011 sets out objectives and policies to achieve sustainable management of New Zealand's freshwater resources, with policy direction for the management of water quality and quantity. Both the NPSFM 2011 and the NZCPS 2010 are relevant where:

- Freshwater management occurs within the coastal environment (e.g. coastal lakes)
- Upstream freshwater management can have downstream effects in the coastal environment.

The relationship between the NZCPS 2010 and the NPSFM is discussed more fully in the guidance on NZCPS Policies 21, 22 and 23.

The National Policy Statement for Renewable Electricity Generation 2011 (NPS REG) promotes renewable electricity generation to help reduce New Zealand's greenhouse gas emissions and support uptake of low-carbon renewable electricity generation. The NPS REG and the NZCPS 2010 are both relevant considerations when renewable electricity general issues affect the coastal environment.

Origins of the policy

Policy 1 is new. Its inclusion follows analysis of the benefits of a specific coastal environment policy in the development of the NZCPS 2010. Planning and management of the coastal environment can be difficult where the landward extent and nature of the resources within that environment are not well understood or factored into decision-making processes. This matter is raised in the Department of Conservation's analysis of experience in implementing the NZCPS 1994:

To effectively implement the objectives of the NZCPS and promote sustainable management, policy guidance on the extent of the coastal environment is required. ('Proposed New Zealand Coastal Policy Statement 2008: Evaluation under section 32 of the Resource Management Act 1991', Department of Conservation, Wellington)³

The factors listed in Policy 1(2) are derived from existing planning and previous case law, as well as advice through submissions received and recommendations made by the NZCPS Board of Inquiry.

The practice of considering the extent and characteristics of the coastal environment is not new. Statutory plans have set policy direction for areas of the coastal environment since the 1980s. These plans have often identified coastal areas for management, such as coastal zones, or coastal resource areas, and specified regulatory regimes within these areas.

A number of cases have assisted in clarifying issues surrounding the extent and characteristics of the coastal environment.

An early decision that is frequently cited is *Northland Regional Planning Authority v Whangarei County Council* [1977]⁴:

We therefore hold that the term 'coastal environment' is an environment in which the coast is a significant part or element, but clearly it is impossible to get an abstract definition which is capable of simple and ready application to any given situation. What constitutes the coastal environment will vary from place to place and according to the position from which a place is viewed. Where there are hills behind the coast, it will generally extend up to the dominant ridge behind the coast. But where the land behind the coast is generally flat there may be difficulty in defining the coastal environment.

The decision in *Kaupokonui Beach Society Inc v South Taranaki District Council* [2008]⁵ concerned a case where the boundary of the coastal environment was difficult to pinpoint:

³ <http://www.doc.govt.nz/getting-involved/consultations/results/new-zealand-coastal-policy-statement/summary-and-evaluation-documents/>

⁴ *Northland Regional Planning Authority v Whangarei County Council* 1977 A4828 (PT)

[46] The coastal environment is just that, an environment. It is not a zone which might be readily identified by lines on a map. In defining that environment there will frequently be grey areas and blurred edges. The Kaupokonui basin is a prime example of that. It has various layers. In parts it is overtly riverine, in others overtly coastal and in others a mix of the two. Indeed it could equally be described as a riverine environment although that, in our view, would not exclude it from also being part of the coastal environment. Coastal features are a significant element (although not necessarily the dominant element) in all parts of the basin.

More recent determinations on these issues since the gazettal of the NZCPS 2010 are also useful. For example, the decision in *Meridian Energy Ltd v Wellington City Council* in 2011⁶ stated:

[144] We concur with [the] evidence that the theoretical extent of the coastal environment was somewhat academic, given that the scale and prominence of the turbines is such that they will be seen as part of the coastal environment even if not physically located in it. This is particularly the case where the ridge a turbine stands on is hidden from view yet the turbine appears to be placed on the escarpment. Mr Brown also made the point that it did not matter if he drew the boundary line elsewhere as the turbines would be visually juxtaposed with the coastal environment and have to be assessed in those terms.

In the case *Mainpower NZ Ltd v Hurunui District Council* in 2011⁷ the Environment Court found a number of factors that were important to defining the landward extent of the coastal environment.

[320] ...where a dominant ridge may be a useful means to identify a coastal environment boundary, such a boundary should be relevant to the coastline and coastal environment. There is no necessity to identify a dominant ridge in each case, particularly one that may be kilometres away from the coast.

[321] ...By contending that the coastal environment has an extreme reach, we are concerned that attention could be drawn from the importance of the coastline and derogate from the focus of section 6(a)...

These cases flag matters relevant to the implementation of Policy 1. Identification of areas within the coastal environment requiring special management has been based on technical information and subjective judgements. Case law and professional practice has often used the 'summit of the first ridge' to identify an inland boundary

⁵ *Kaupokonui Beach Society Inc v South Taranaki District Council* [2008] NZEnvC145

<http://www.nzlii.org/nz/cases/NZEnvC/2008/145.html>

⁶ *Meridian Energy Ltd v Wellington City Council* [2011] NZEnvC232

<http://www.nzlii.org/nz/cases/NZEnvC/2011/232.html>

⁷ *Mainpower NZ Ltd v Hurunui District Council* [2011] NZEnvC384

<http://www.nzlii.org/nz/cases/NZEnvC/2011/384.html>

of the coastal environment. While the Board appreciated this approach was suitable for some situations, it was not always appropriate. Exceptions identified include large outwash plains such as those in Canterbury, tidal and coastal influences upstream from river mouths, and dune systems. In some cases identification of the coastal environment is not controversial.

While the Board supported the mapping of the coastal environment, this support was particularly contingent on the use of a catchment based approach. Catchments provide a relatively good scale and extent for mapping, and are able to recognise connections with inland coastal influences, e.g. freshwater as well as experience and culture associations. The Board encouraged regions and districts to adopt this approach and to collaborate in doing this work.

For further information refer to the NZCPS Board of Inquiry Report, Volume 2 (pp. 10-20)⁸.

⁸ <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 1, it is also necessary to consider the entire NZCPS 2010 when implementing each policy. Please also refer to the NZCPS 2010 Implementation Guidance Introductory note⁹ which covers the matters that are relevant in giving effect to the NZCPS 2010.

Where and when is Policy 1 relevant?

Policy 1 directs that local authorities recognise that the extent and characteristics of the coastal environment vary from place to place, and the issues that arise may have different effects in different localities. Policy 1 also directs recognition of particular uses and values that are to be included within the coastal environment.

Policy 1 defines the matters relevant to the NZCPS 2010 and implementation through RPS, plan and regulatory decision processes. Policy 1 does not require the identification and mapping of the coastal environment in RPSs and plans.

In many cases, the inland extent of the coastal environment will be difficult to pinpoint through lines on a map, as there will be ‘grey areas’ and ‘blurred edges’¹⁰. Assessment and mapping is expected to be helpful in determining coastal resource management issues and the areas where they apply. It is unlikely to provide a definitive line to show the extent of the coastal environment in all circumstances. This issue is discussed further in the sections ‘Extent of the coastal environment’ and ‘RPS and plan provisions’.

The approach to be taken in implementing Policy 1 should reflect the coastal information and resource management issues to be managed. Previous planning experience has demonstrated value in setting out those values and characteristics which require special consideration in coastal resource management decision-making.

There is also considerable value in discussing technical assessment results and appropriate management responses with resource users and communities.

⁹ <http://www.doc.govt.nz/nzcps-introductory-note>

¹⁰ See *Kaupokonui Beach Society Inc v South Taranaki District Council* [2008] in ‘Origins of the policy’.

Technical assessments and process design

Policy 1 raises three particular matters:

- **Characteristics within the coastal environment.** Good knowledge and understanding are required of the significant natural and physical resources (including built facilities and infrastructure) within the coastal environment including those matters listed in Policy 1(2).
- **Extent of the coastal environment.** An understanding the extent of the coastal environment within particular localities and in relation to particular issues will be required in certain situations.
- **Process design.** Design principles can be useful to consider when doing a coastal environment assessment.

These matters are discussed further below.

Characteristics within the coastal environment

Part of Policy 1 is directed at identifying and understanding what's within the coastal environment. Sustainable management within the coastal environment encompasses recognition of the resources and issues, e.g. coastal water quality, biodiversity, infrastructure such as pipelines, undersea cables, ports and road networks, and other physical resources including aquaculture.

Region or district-wide assessments of the characteristics of the coastal environment are a useful way to secure the knowledge necessary for its sustainable management. These assessments will be relevant to the implementation of other NZCPS 2010 policies including areas or sites of significance or special value to Māori (Policy 2), biodiversity (Policy 11), natural character (Policy 13), natural features and natural landscapes (15), historic heritage (Policy 17) and water quality (Policy 21). Technical assessments should also include recognition of the human uses in the coastal environment including infrastructure and built settlements (Policy 6), aquaculture (Policy 8) and ports (Policy 9).

Identification of these resources will support integrated management, particularly across Mean High Water Spring (MHWS). Planning needs to include situations where structures straddle MHWS, or development is likely to be affected by physical changes to the coastal environment or potential inundation from coastal hazards, including as a result of climate change.

An important aspect of Policy 1 involves acknowledging that the characteristics of the coastal environment vary from region to region and from locality to locality. Nor is the coast static. As well as varying from place to place, the characteristics of the coastal environment are expected to change with time. The 'value' that people place on coastal resources may also vary within a district, region or even nationally. Physical resources such as infrastructure will change with changing demand and operational requirements. Resources will also change as a result of natural and human-induced influences.

For example, natural hazards and climate change induced sea-level rise and inland migration of the sea have the potential to significantly affect ecosystems (such as estuaries) and infrastructure and developments located near the coast. Where practical, knowledge of changes in the environment is factored into the identification of issues relevant to the sustainable management of the coastal environment and can support early anticipation of future management responses, and the cost of these responses.

Extent of the coastal environment

The seaward boundary of the coastal marine area under the RMA is the outer limit of the territorial sea, that is, 12 nautical miles from low water¹¹. Applying clauses 2(a)-(b) of Policy 1 to identify the marine component of the coastal environment is relatively straightforward given the coastal marine area and islands are explicitly included.

Defining a landward boundary in RPSs and plans is more challenging. An important aspect of Policy 1 involves acknowledging that the extent of the coastal environment varies from region to region and from locality to locality. The criteria in clauses 2(c)-(i) of Policy 1 are relevant in considering the inland extent of the coastal environment. In some areas vegetation will exhibit a clear demarcation from coastal to lowland or other non-coastal influences, while in other areas (e.g. where pasture dominates) other factors such as coastal processes (e.g. a dune system or extent of a coastal hazard including tsunami) will be important indicators. These issues have been acknowledged by the Courts.

Any precise delineation of the landward extent of the coastal environment in RPSs and plans should be done with caution, including a careful consideration of how the information is to be used.

At a minimum a combination of technical assessment and subjective judgement are required. The level of assessment is expected to vary depending on the issues that arise in relation to the matters to be assessed and the scale of relevant activities. People's relationship with the coast will also be a matter to consider.

The ease with which a landward boundary can be marked will depend on a range of factors including the quality of information used. While a final decision will be a subjective one, good practice will show a high regard to the relevant matters outlined in Policy 1(2). Decisions on these matters should be informed by expert assessments by professional specialists including ecologists, coastal geomorphologists, landscape architects and hazards experts. These types of specialists will be also relevant for other coastal assessments including biodiversity (Policy 11), natural character (Policy 13) and natural features and natural landscapes (Policy 15).

Where information is not available, there is a high degree of variability, and/or the issues are contentious, it will often be challenging to identify a coastal environment boundary with certainty for inclusion in RPSs or plans. Where the boundary is not

¹¹ Refer to the glossary of terms for the definitions of the 'territorial sea' and related terms.

based on good information or contentious issues not resolved, then councils may require some flexibility to reassess the boundary at later dates, or choose an alternative approach. These matters are further discussed in 'RPS and plan provisions'.

Coastal assessments do not always require new field work. The presence and significance of some matters will be relatively clear, while others will require a more detailed assessment. In some cases existing knowledge and databases can identify natural and physical resources, such as coastal hazard risk assessments, natural resource databases, and existing RMA plan schedules and consents. Assessment of the matters relevant to Policy 1 may be further refined at a smaller scale and in relation to particular issues.

While the national direction in Policy 1 is new to an NZCPS, the practice around identifying the natural and physical resources within the coastal environment is not. Some councils and their specialist advisors have already advanced practice in this area. Links to existing examples are given under 'Resources'. A number of regional councils have commenced coastal environment and related assessments for the purpose of giving effect to the NZCPS 2010. Examples of this work are given under 'Related and ongoing work'.

The matters listed in clause 2 of Policy 1 includes factors that are biophysical (produced by nature), experiential (experienced by people), built (constructed by humans) or relate to an administrative boundary.

A series of notes as aids to interpretation for each of the matters listed in Policy 1(2). Is set out in Table 1 below.

Design principles to guide the assessment process

Consideration of four design principles may be useful to guide the assessment process when implementing Policy 1:

- **Consider alternatives.** There is unlikely to be a one-size-fits-all solution to implementation of Policy 1. The best fit or approach will relate to the coastal knowledge and the issues to be managed. In some areas coastal management overlays, or areas, may be preferable to a line showing the coastal environment.
- **Technical assessment by qualified specialists.** Specialist input is required to assess many of the matters identified in Policy 1(2). Independent peer review of this assessment is recommended. Peer review may also help public confidence about the impartiality of the process.
- **Talk with communities and resource users.** Some communities, resource users and stakeholders may be wary of mapping, especially if it is perceived as setting out development control boundaries or other intervention. Communication with communities and stakeholders should be an important part of any assessment process.

- **Transparency.** The terms of reference, reports and peer review of technical assessments should be freely available. The methods and criteria for assessment should also be explicit. Clear acknowledgement of the relationship between the technical assessment and drawing up development controls is also recommended. Technical assessment of the extent and characteristics of the coastal environment and the RMA planning responses that flow from this assessment can occur separately or concurrently. The difference between the two processes needs to be clearly identified.

Table 1: Extent and characteristics of the coastal environment

Policy 1(2) Recognise that the coastal environment includes:	Comment
(a) The coastal marine area	12 nautical miles from Mean High Water Springs to the outer limits of the territorial sea and reflects the jurisdictional seaward boundary of the RMA. ¹²
(b) Islands within the coastal marine area	Interpreted to include islands offshore from mainland North and South Islands of New Zealand.
(c) Areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these	Relates to but not limited to the assessments of ‘Policy 11: Indigenous biodiversity’, ‘Policy 13: Natural character’, ‘Policy 15: Natural features and natural landscapes’, and ‘Policy 21: Water quality’, and may occur iteratively with identification of the coastal environment. Relevant physical features include those where coastal and marine are significant including exposure to salt spray, airborne sand, and saltwater and tidal intrusion.
(d) Areas at risk from coastal hazards	Policy 24 sets out a 100-year time horizon to assess hazard risk. These areas are relevant to the coastal environment for the purposes of implementation of these policies. While some areas at risk from coastal hazards will be seaward of other matters listed in clause 2, areas vulnerable to more serious events including tsunami may extend further inland.

¹² Refer to the glossary of terms for the definition of ‘the territorial sea’ and related terms.

Policy 1(2) Recognise that the coastal environment includes:	Comment
(e) Coastal vegetation and the habitat of indigenous coastal species including migratory birds	Assessments of coastal vegetation and the habitats of indigenous coastal species are informed by relevant ecological information and assessments for 'Policy 11: Indigenous biodiversity'. Marine vegetation and species within the coastal marine area and intertidal zone are also relevant. Coastal vegetation is strongly influenced by coastal processes. Where indigenous vegetation is present, a useful marker is the difference between lowland and coastal systems.
(f) Elements and features that contribute to the natural character, landscape, visual qualities or amenity values	Relates to the assessments done in relation to 'Policy 13: Natural character' and 'Policy 15: Natural features and natural landscapes' and may occur iteratively with identification of the coastal environment.
(g) Items of cultural and historic heritage in the coastal marine area or on the coast	Relates to assessments done in relation to 'Policy 2: The Treaty of Waitangi, tangata whenua and Māori heritage' and 'Policy 17: Historic heritage identification and protection', and may occur iteratively with identification of the coastal environment.
(h) Inter-related coastal marine and terrestrial systems, including the intertidal zone	See comments on c, d and e. Recognises the value of the intertidal zone, e.g. estuaries and natural intertidal processes.
(i) Physical resources and built facilities, including infrastructure, that have modified the coastal environment	Physical resources and built facilities are components of the coastal environment and relevant matters when identifying the extent of the coastal environment and the natural and physical resources relevant to coastal decision-making. Relates to the implementation of 'Policy 6: Coastal activities'. Examples include strategic infrastructure including pipelines and undersea cables, as well as existing development such as residential settlements and aquaculture.

RPS and plan provisions

Policy 1 does not in itself impose an RMA management regime. RMA policy direction and development controls are expected to be identified through the processes of technical assessments, issue identification and consultation. Given the nature of the coast and the direction in Policy 1(1), the approaches taken in developing RPS and plan provisions may vary between regions as well as from locality to locality with a region or district.

Implementation of Policy 1 provides a basis for councils to work together and with their communities and stakeholders to identify the issues and management responses required within the coastal environment. The guidance notes on 'Policy 4: Integration', 'Policy 6: Coastal activities' and 'Policy 7: Strategic planning' consider issues when planning for activities within the coastal environment, and relevant to regional and district planning.

Planning approaches are likely to include a combination of policy direction and mapping to provide direction of development controls. These approaches are summarised in Table 2 below.

There is considerable experience in identifying those places in the coast within which particular resource management issues require attention and are relevant to the implementation of the NZCPS. Examples include coastal hazard management areas, significant natural areas, outstanding natural features, and regionally or nationally important infrastructure. Where particular management areas and/or a 'coastal environment line' are used in RPSs and plans, their meaning and limitations need to be made clear.

There are a number of different ways RPSs and plans can implement Policy 1. As noted in the previous section, drawing a 'coastal environment' line with precision will be challenging as the uses and values of the coastal environment are often grey or blurred. Given these challenges, councils are encouraged to consider alternative approaches that provide certainty in RPSs and plans, but also clearly acknowledge any limitations. Deciding the best option for a given situation includes thinking about what the base data is telling us, and the management pressures. These conversations should also involve the community, resource users and others.

It is important to note that significant values within the coastal environment can be mapped or otherwise identified without a mapped boundary of the coastal environment. That is, implementation of other parts of the NZCPS 2010, such as Policies 11, 13 and 15, can be achieved through each of the options discussed in Table 2. Some resource management issues may also extend beyond the coastal environment.

Table 2: Methods to implement Policy 1 in RPSs and plans

RPSs and plan method	Comment
<p>(a) Policy direction</p> <p>A policy framework to guide the identification of coastal areas requiring management and the extent and characteristics of the coastal environment on a case by case basis, e.g. in plan preparation and resource consent decision-making.</p>	<p>RPS and/or plan policies can identify important coastal values and uses that are relevant to sustainable management.</p> <p>Policy direction will have limited effect without mapping (see (b) below).</p>
<p>(b) Mapping the coastal environment</p> <p>RPSs and/or plans identify a coastal environment 'line'.</p>	<p>Mapping the coastal environment can provide certainty for resource users and decision-makers. The resulting 'line' may be easy to implement though setting a 'coastal environment' line will be challenging where issues are complex and/or contentious, and agreement is hard to reach.</p> <p>The limitations of precisely mapping the coastal environment should be noted, and ways to address these limitations provided, including the use of 'indicative' lines and/or explanatory provisions.</p> <p>Lines on maps can make some communities and resource users nervous and concerned that they will be subject to more strict regulatory controls.</p> <p>Care is required in the assessment in relation to different values (such as biodiversity and coastal hazard risk). The spatial extent of these values is unlikely to be the same in relation to the coastal environment.</p>

RPSs and plan method	Comment
<p>(c) Coastal management areas</p> <p>RPSs and/or plans identify coastal values and resource management areas and specify controls in relation to these areas.</p>	<p>RPSs and/or plans can identify particular coastal management areas and/or issues requiring attention, and the means by which they will be addressed.</p> <p>Identification of specific management areas can be challenging where issues are complex and/or contentious, and agreement hard to reach.</p> <p>Provides a focus for RPS and/or plan development.</p> <p>Useful to reach agreement on values and uses within management areas.</p> <p>Can require a more intense level of input from community and resource users.</p> <p>Does not rely on identifying an inland boundary of the coastal environment.</p>

The information on the landward extent of the coastal environment boundary will not necessarily set a single development control boundary to manage issues or activities in RPSs and plans. For example, an inland boundary for hazards management may be very different from the approach to natural character or indigenous biodiversity. Development controls that flow from the coastal environment information should reflect the resource management issues identified within that environment.

In some situations, clear differentiation between contributing factors may be useful to better manage the mix of uses, values and issues requiring management. Areas within the coastal environment can be identified and management guided by a particular set of provisions (e.g. ports, marinas, coastal townships and significant natural areas). In other places a simpler 'coastal environment' overlay or zoning system may be sufficient.

Judgements will be required on the best approach for a region or district. Coastal assessment information on the extent and characteristics of the coastal environment, tangata whenua values, biodiversity, natural character, landscape, heritage and water quality should inform councils, communities and stakeholders in these planning decisions.

Guidance to support this aspect of NZCPS 2010 implementation will be updated as practice emerges and is documented.

Regulatory decision-making

Our understanding of the extent and characteristics of the coastal environment has emerged from case law on consent applications. Depending on the provisions of the relevant RPS and plan, consent applications will often require a case by case assessment of the extent to which the coastal environment is a relevant consideration.

Applications are expected to consider whether the effects footprint raises issues for the coastal environment. The activity need be located in the coastal environment to be relevant. A common example is sedimentation from major earthworks further inland.

Related and ongoing work

Local government has commenced a number of assessment projects to assist giving effect to the NZCPS 2010 including Policy 1. This guidance will be updated with the results of this work. Projects initiated since the gazettal of the NZCPS 2010 include:

Bay of Plenty Regional Council Proposed Variation 1—Coastal Policy to the Proposed Regional Policy Statement

<http://www.boprc.govt.nz/knowledge-centre/policies/the-next-regional-policy-statement/>

Bay of Plenty Regional Council notified a variation in 2012 to the coastal provisions of the Proposed RPS to give effect to the NZCPS 2010. The variation is supported by a natural character assessment undertaken by Boffa Miskell Ltd.

http://www.boprc.govt.nz/media/275304/boffa_miskell_final_natural_character_report_part_1_contents_and_executive_summary.pdf

Kapiti Coast District Council Proposed District Plan

<http://www.kapiticoast.govt.nz/Planning/District-Planning/Proposed-District-Plan/>

Kapiti Coast District Council notified a Proposed District Plan in 2012 including provisions identifying a coastal environment for the purposes of the plan, and setting out areas requiring a particular resource management focus. The Coastal Environment is based on the investigation by the Isthmus Group Ltd.

<http://www.kapiticoast.govt.nz/Documents/Downloads/Expressway/Submissions/Evidence/Coastal-environment-Appendix1-2.pdf>

Marlborough District Council RPS review

<http://www.marlborough.govt.nz/Your-Council/RMA/Review-of-Resource-Management-Documents.aspx>

Marlborough District Council's RPS review project will be informed by a coastal environment and natural character assessment that is running in parallel with the review project. Preliminary findings are outlined in the workshop report: 'Natural character and the NZCPS 2010—Marlborough workshop summary of discussion and outcomes'¹³ (Department of Conservation 2012). The development of this methodology is ongoing.

¹³ <http://www.doc.govt.nz/publications/conservation/marine-and-coastal/new-zealand-coastal-policy-statement/natural-character-and-the-new-zealand-coastal-policy-statement-2010-marlborough-workshop/>

Northland Regional Council RPS review

<http://www.nrc.govt.nz/Your-Council/Council-Projects/New-Regional-Policy-Statement/>

The Northland Regional Council notified a proposed regional policy statement for Northland in 2012 that includes provisions relating to the identification of the coastal environment (Chapter 4).

Waikato Regional Council's Proposed Regional Policy Statement 2010— method to identify the coastal environment

<http://www.waikatoregion.govt.nz/Council/Policy-and-plans/Regional-Policy-Statement/Regional-Policy-Statement-Review/>

Waikato Regional Council has released decisions on the proposed Regional Policy Statement including its decisions on the approach to be used in identifying the coastal environment (Method 4.1.8). The council's decisions on the RPS provide for an indicative coastal environment boundary.

Resources

Relevant case law

A number of cases have assisted in clarifying the extent and characteristics of the coastal environment. Some of these cases are outlined in the section 'Origins of the policy'.

Examples of plan provisions

Some regions and districts have progressed work on identification of the coastal environment:

Hurunui District Plan

<http://www.hurunui.govt.nz/forms-and-documents/district-plan/table-of-contents/>

The Hurunui District Plan identifies a coastal environment management area and sets out provisions for its use and management.

Wairarapa Coastal Strategy 2004

http://www.gw.govt.nz/assets/Plans--Publications/Wairarapa-Coastal-Strategy/710_Final_Cover_s1346.pdf

The Wairarapa Coastal Strategy was released in 2004 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 Wairarapa iwi, and Greater Wellington Regional Council. The Strategy sets a long-term vision and strategy to sustain the Wairarapa coast and identifies an inland coastal boundary based on a landscape and ecological criteria.

Reports, websites and additional information

Department of Conservation

- Where does the NZCPS apply?
<http://www.doc.govt.nz/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement/questions-and-answers/#3-where-apply>
- Board of Inquiry Working Papers (pp. 10–20)
<http://www.doc.govt.nz/upload/documents/getting-involved/consultations/closed-consultations/nzcps/NZCPS-2008-board-of-inquiry-vol-2.pdf>

Glossary of terms and definitions

NZCPS 2010 glossary

Infrastructure: As defined in section 2 of the RMA, notwithstanding the reference in section 2 to section 30.

Section 2 of the RMA states that infrastructure 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.

Other definitions

Coastal marine area 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)

The territorial sea comprises those areas of the sea having, as their inner limits, the baseline described in sections 5 and 6 and 6A and, as their outer limits, a line measured seaward from that **baseline**, every point of which line is distant 12 nautical miles from the nearest point of the baseline.

(Definition from section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977)

The **baseline of territorial sea** is defined as follows:

- (1) Except as otherwise provided in section 6 or section 6A, the baseline from which the breadth of the territorial sea of New Zealand is measured shall be the **low-water mark** along the coast of New Zealand, including the coast of all islands.
- (2) For the purposes of this section, a low-tide elevation that lies wholly or partly within the breadth of sea that would be territorial sea if all low-tide elevations were disregarded for the purpose of the measurement of the breadth of the territorial sea shall be treated as an island.

(Definition from section 5 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977)

The **low-water line** or **low-water mark** means the line representing the intersection with the shore of the plane of the Lowest Astronomical Tide (LAT)

The **Lowest Astronomical Tide (LAT)** means the lowest tide level which can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions

(Definitions from section 2 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977)