

PART III: COASTAL MARINE AREA

INTRODUCTION

Part III applies to the coastal marine area, which extends seaward of the line of mean high water springs to 12 nautical miles offshore and includes all foreshore, seabed and sea in that area and the air space above it.

Part III, parts of Chapters 30 and 31 of Part V (taking, using or diverting coastal water), and Chapter 35 and part of Chapter 36 of Part VI (coastal marine discharge issues, objectives, policies and rules) together constitute the Regional Coastal Plan.

There are many linkages between coastal marine issues and issues on dry land, as activities, their effects, and natural processes operate across mean high water springs. Integrated management is necessary between the land, coastal marine area, discharges and other parts of the Plan to reflect the continuity of these matters.

Linkages between this Plan and fisheries management are prescribed in the Act and the Fisheries Acts 1983 and 1996. Their combined effect is that the Regional Coastal Plan:

- (1) cannot control fishing practices for fisheries management purposes; and
- (2) cannot control the effects of fishing practices on foreshore, seabed or marine organisms; and
- (3) is not a mechanism for resolving conflicts between fishing sectors.

The Regional Coastal Plan cannot put boundaries around marine farming areas on grounds of effects on sustainability of fisheries resources.

Schedule 25C records the locations of river mouths agreed between Council and the Minister of Conservation, as required by Section 2 of the Act. It also includes the derived locations where the boundary of the coastal marine area crosses those rivers.

Coastal Occupation Charges

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In accordance with section 64A of the Act, Council is required to consider whether or not a coastal occupation charging regime applying to persons who occupy any part of the common marine and coastal area should be included in the Regional Coastal Plan.

Council agrees with the principle of coastal occupation charges and considers that an appropriate regime would assist in the sustainable management of the common marine and coastal area. However, given the legal and policy uncertainties around such a charging regime, Council has decided not to impose a charging regime at present.

Until such a time that a charging regime is included in the Plan, the Council will continue to co-operate with and support other regional authorities and central government agencies in the development of a legally defensible charging regime. Council will also continue to advocate the necessary changes to the legislation and policy at a national level.

General Policies for the Coastal Marine Area

There are three policies in the New Zealand Coastal Policy Statement 1994 that are especially relevant to managing effects of activities in the coastal marine area. Two of these policies, 3.2.2 and 3.2.4, are adopted into this Plan and are set out below, along with explanations of how they are to be applied. The third policy below is developed from NZCPS 3.3.1 and Policy 13.7 of the Tasman Regional Policy Statement (July 2001).

These policies are particularly relevant in locations where the values of Part II of the Act are high, such as the areas listed in Schedule 25D, and to activities that have non-complying status.

Policy: Preference for Avoiding Adverse Effects

Adverse effects of subdivision, use or development in the coastal environment should, as far as practicable, be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable. (NZCPS 3.2.2)

Explanation

The policy requires Council to avoid adverse effects of activities as a first priority. Where complete avoidance of adverse effects is not practicable, Council will consider ways to mitigate or remedy those effects. The Act provides the further option of offsetting adverse effects.

All of these options involve the question of what is practicable. For any particular activity, some adverse effects may be avoided, some remedied, some mitigated, or some offset. If, despite any combination of these options there will remain adverse effects that are more than minor, Council has the option of refusing consent.

Policy: Cumulative Effects

Provision should be made to ensure that the cumulative effects of activities, collectively, in the coastal environment are not adverse to a significant degree. (NZCPS 3.2.4)

Explanation

This policy requires Council to:

- consider the additive effect of allowing more of the same or similar activity;
- consider the additive result of allowing more of a particular effect, whether from the same activity or from other activities causing the same or similar effect;
- consider the composite bundle of effects from all activities that operate in, or that cause effects in, the coastal environment; and
- evaluate the significance of those classes of effects.

Policy: Precautionary Approach

Because there is a relative lack of understanding about coastal processes and the effects of activities on coastal processes, a precautionary approach should be adopted towards proposed activities, particularly those whose effects are as yet unknown or little understood.

In developing and administering this Plan, the Council will take into account:

- all relevant information;
- uncertainty or inadequacy in information about likely or actual effects of activities, or about the resources and values of the locations where activities are proposed;
- whether adverse effects or uncertainties can be adequately managed by conditions of consent, or whether refusal of consent or prohibiting the activity by Plan rule, is more appropriate;
- the ability to review conditions of consent if new information shows unforeseen or unacceptable adverse effects of the activity, or that effects can be better managed.

Explanation

This policy gives effect to NZCPS 3.3.1.