

NEW ZEALAND COASTAL POLICY STATEMENT

1994

This New Zealand Coastal
Policy Statement 1994 was
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on 5 May 1994.

PREFACE

The Resource Management Act 1991 established a new coastal management regime based on a partnership between the Crown and the community through their regional and local authorities.

The Act requires that at all times there shall be a New Zealand Coastal Policy Statement. The Policy Statement will guide local authorities in their day-to-day management of the coastal environment.

In 1992, after consultation with interested parties, I released a draft New Zealand Coastal Policy Statement for comment. An independent Board of Inquiry heard submissions on the draft and made recommendations to me.

I have issued this New Zealand Coastal Policy Statement after considering the report and recommendations of the Board of Inquiry. This Policy Statement is the outcome of extensive public consultation.

I commend this document to regional and local authorities and all those people with an interest in the coastal environment.

A handwritten signature in black ink, appearing to read "Denis Marshall". The signature is written in a cursive style with a large initial 'D'.

Denis Marshall
Minister of Conservation

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GENERAL PRINCIPLES FOR THE SUSTAINABLE MANAGEMENT OF NEW ZEALAND'S COASTAL ENVIRONMENT

The purpose of the New Zealand Coastal Policy Statement is set out in Section 56 of the Resource Management Act which states:

The purpose of a New Zealand coastal policy statement is to state policies in order to achieve the purpose of this Act in relation to the coastal environment of New Zealand.

The purpose of the Resource Management Act is set out in Section 5 of the Act which states:

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act, 'sustainable management' means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while:
 - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Section 5 cannot be read in isolation from the rest of Part II of the Act, namely Sections 6, 7 and 8, as set out below.

6. Matters of National Importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;

- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers; and
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

7. Other Matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to:

- (a) Kaitiakitanga;
- (b) the efficient use and development of natural and physical resources;
- (c) the maintenance and enhancement of amenity values;
- (d) intrinsic values of ecosystems;
- (e) recognition and protection of the heritage values of sites, buildings, places, or areas;
- (f) maintenance and enhancement of the quality of the environment;
- (g) any finite characteristics of natural and physical resources; and
- (h) the protection of the habitat of trout and salmon.

8. Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

In addition to the foregoing, to provide for the special context of the coastal environment, regard shall be had to the following general principles:

1. Some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to 'the social, economic and cultural well-being' of 'people and communities'. Functionally, certain activities can only be located on the coast or in the coastal marine area.
2. The protection of the values of the coastal environment need not preclude appropriate use and development in appropriate places.

3. The proportion of the coastal marine area under formal protection is very small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected.
4. Expectations differ over the appropriate allocation of resources and space in the coastal environment and the processes of the Act are to be used to make the appropriate allocations and to determine priorities.
5. People and communities expect that lands of the Crown in the coastal marine area shall generally be available for free public use and enjoyment.
6. The protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities.
7. The coastal environment is particularly susceptible to the effects of natural hazards.
8. Cultural, historical, spiritual, amenity and intrinsic values are the heritage of future generations and damage to these values is often irreversible.
9. The tangata whenua are the kaitiaki of the coastal environment.
10. It is important to maintain biological and physical processes in the coastal environment in as natural a condition as possible, and to recognise their dynamic, complex and interdependent nature.
11. It is important to protect representative or significant natural ecosystems and sites of biological importance, and to maintain the diversity of New Zealand's indigenous coastal flora and fauna.
12. The ability to manage activities in the coastal environment sustainably is hindered by the lack of understanding about coastal processes and the effects of activities. Therefore, an approach which is precautionary but responsive to increased knowledge is required for coastal management.
13. A function of sustainable management of the coastal environment is to identify the parameters within which persons and communities are free to exercise choices.
14. The potential for adverse effects of activities to spread beyond regional boundaries may be significant in the coastal marine area.

CHAPTER 1 - NATIONAL PRIORITIES FOR THE PRESERVATION OF THE NATURAL CHARACTER OF THE COASTAL ENVIRONMENT INCLUDING PROTECTION FROM INAPPROPRIATE SUBDIVISION, USE AND DEVELOPMENT

Policy 1.1.1

It is a national priority to preserve the natural character of the coastal environment by:

- (a) encouraging appropriate subdivision, use or development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development in the coastal environment;
- (b) taking into account the potential effects of subdivision, use, or development on the values relating to the natural character of the coastal environment, both within and outside the immediate location; and
- (c) avoiding cumulative adverse effects of subdivision, use and development in the coastal environment.

Policy 1.1.2

It is a national priority for the preservation of the natural character of the coastal environment to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna in that environment by:

- (a) avoiding any actual or potential adverse effects of activities on the following areas or habitats:
 - (i) areas and habitats important to the continued survival of any indigenous species; and
 - (ii) areas containing nationally vulnerable species or nationally outstanding examples of indigenous community types;
- (b) avoiding or remedying any actual or potential adverse effects of activities on the following areas:
 - (i) outstanding or rare indigenous community types within an ecological region or ecological district;
 - (ii) habitat important to regionally endangered or nationally rare species and ecological corridors connecting such areas; and
 - (iii) areas important to migratory species, and to vulnerable stages of common indigenous species, in particular wetlands and estuaries;
- (c) protecting ecosystems which are unique to the coastal environment and vulnerable to modification including estuaries, coastal wetlands, mangroves and dunes and their margins; and

- (d) recognising that any other areas of predominantly indigenous vegetation or habitats of significant indigenous fauna should be disturbed only to the extent reasonably necessary to carry out approved activities.

Policy 1.1.3

It is a national priority to protect the following features, which in themselves or in combination, are essential or important elements of the natural character of the coastal environment:

- (a) landscapes, seascapes and landforms, including:
 - (i) significant representative examples of each landform which provide the variety in each region;
 - (ii) visually or scientifically significant geological features; and
 - (iii) the collective characteristics which give the coastal environment its natural character including wild and scenic areas;
- (b) characteristics of special spiritual, historical or cultural significance to Maori identified in accordance with tikanga Maori; and
- (c) significant places or areas of historic or cultural significance.

Policy 1.1.4

It is a national priority for the preservation of natural character of the coastal environment to protect the integrity, functioning, and resilience of the coastal environment in terms of:

- (a) the dynamic processes and features arising from the natural movement of sediments, water and air;
- (b) natural movement of biota;
- (c) natural substrate composition;
- (d) natural water and air quality;
- (e) natural bio diversity, productivity and biotic patterns; and
- (f) intrinsic values of ecosystems.

Policy 1.1.5

It is a national priority to restore and rehabilitate the natural character of the coastal environment where appropriate.

CHAPTER 2 - THE PROTECTION OF THE CHARACTERISTICS OF THE COASTAL ENVIRONMENT OF SPECIAL VALUE TO THE TANGATA WHENUA INCLUDING WAAHI TAPU, TAURANGA WAKA, MAHINGA MAATAITAI, AND TAONGA RARANGA

Policy 2.1.1

Provision should be made for the identification of the characteristics of the coastal environment of special value to the tangata whenua in accordance with tikanga Maori. This includes the right of the tangata whenua to choose not to identify all or any of them.

Policy 2.1.2

Protection of the characteristics of the coastal environment of special value to the tangata whenua should be carried out in accordance with tikanga Maori. Provision should be made to determine, in accordance with tikanga Maori, the means whereby the characteristics are to be protected.

Policy 2.1.3

Where characteristics have been identified as being of special value to tangata whenua, the local authority should consider:

- (a) The transfer of its functions, powers and duties to iwi authorities 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 its 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 Resource Management Act 1991.

CHAPTER 3 - ACTIVITIES INVOLVING THE SUBDIVISION, USE OR DEVELOPMENT OF AREAS OF THE COASTAL ENVIRONMENT

3.1 Maintenance and Enhancement of Amenity Values

Policy 3.1.1

Use of the coast by the public should not be allowed to have significant adverse effects on the coastal environment, amenity values, nor on the safety of the public nor on the enjoyment of the coast by the public.

Policy 3.1.2

Policy statements and plans should identify (in the coastal environment) those scenic, recreational and historic areas, areas of spiritual or cultural significance, and those scientific and landscape features, which are important to the region or district and which should therefore be given special protection; and that policy statements and plans should give them appropriate protection.

Policy 3.1.3

Policy statements and plans should recognise the contribution that open space makes to the amenity values found in the coastal environment, and should seek to maintain and enhance those values by giving appropriate protection to areas of open space.

3.2 Providing for the Appropriate Subdivision, Use and Development of the Coastal Environment

Policy 3.2.1

Policy statements and plans should define what form of subdivision, use and development would be appropriate in the coastal environment, and where it would be appropriate.

Policy 3.2.2

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.

Policy 3.2.3

Policy statements and plans should recognise the powers conferred by Section 108 to obtain environmental benefits which will (to a degree) offset environmental damage, by specifying purposes in their plans for which 'financial contributions' can be sought, in cases where there will be unavoidable adverse effects from subdivision, use or development in the coastal environment.

Policy 3.2.4

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

Policy 3.2.5

Subdivision, use and development in the coastal environment should be conditional on the provision of adequate services (particularly the disposal of wastes), and the adverse effects of providing those services should be taken into account when preparing policy statements and plans and when considering applications for resource consents.

Policy 3.2.6

Policy statements and plans should make provision for papakainga housing and marae developments in appropriate places in the coastal environment. 'Papakainga housing' means residential occupancy on any ancestral land owned by Maori.

Policy 3.2.7

Policy statements and plans should identify any practicable ways whereby the quality of water in the coastal environment can be improved by altered land management practices, and should encourage the adoption of those practices.

Policy 3.2.8

Provision should be made for the protection of the habitats (in the coastal marine area) of species which are important for commercial, recreational, traditional or cultural purposes.

Policy 3.2.9

Policy statements and plans should contain a requirement that the Maritime Safety Authority and the Hydrographic Office of the Royal New Zealand Navy are to be notified of new structures and works in the coastal marine area at the time permission is given for their construction.

Policy 3.2.10

Policy statements and plans should indicate that when restoration plantings are carried out, preference should be given to the use of indigenous species, with a further preference for the use of local genetic stock.

3.3 Adoption of a Precautionary Approach to Activities with Unknown but Potentially Significant Adverse Effects

Policy 3.3.1

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. The provisions of the Act which authorise the classification of activities into those that are permitted, controlled, discretionary, noncomplying or prohibited allow for that approach.

Policy 3.3.2

Local authorities should share information and knowledge gained by them about the coastal environment, particularly where it relates to coastal processes and/or to activities with previously unknown or little known effects.

3.4 Recognition of Natural Hazards and Provision for Avoiding or Mitigating Their Effects

Policy 3.4.1

Local authority policy statements and plans should identify areas in the coastal environment where natural hazards exist.

Policy 3.4.2

Policy statements and plans should recognise the possibility of a rise in sea level, and should identify areas which would as a consequence be subject to erosion or inundation. Natural systems which are a natural defence to erosion and/or inundation should be identified and their integrity protected.

Policy 3.4.3

The ability of natural features such as beaches, sand dunes, mangroves, wetlands and barrier islands, to protect subdivision, use, or development should be recognised and maintained, and where appropriate, steps should be required to enhance that ability.

Policy 3.4.4

In relation to future subdivision, use and development, policy statements and plans should recognise that some natural features may migrate inland as the result of dynamic coastal processes (including sea level rise).

Policy 3.4.5

New subdivision, use and development should be so located and designed that the need for hazard protection works is avoided.

Policy 3.4.6

Where existing subdivision, use or development is threatened by a coastal hazard, coastal protection works should be permitted only where they are the best practicable option for the future. The abandonment or relocation of existing structures should be considered among the options. Where coastal protection works are the best practicable option, they should be located and designed so as to avoid adverse environmental effects to the extent practicable.

3.5 Maintenance and Enhancement of Public Access To and Along the Coastal Marine Area

Policy 3.5.1

In order to recognise the national importance of maintaining public access to and along the coastal marine area, a restriction depriving the public of such access should only be imposed where such a restriction is necessary :

- (a) to protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna;
- (b) to protect Maori cultural values;
- (c) to protect public health or safety;
- (d) to ensure a level of security consistent with the purpose of a resource consent; or
- (e) in other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.

Policy 3.5.2

In order to recognise the national importance of enhancing public access to and along the coastal marine area, provision should be made to identify, as far as practicable:

- (i) the location and extent of places where the public have the right of access to and along the coastal marine area;
- (ii) those places where it is desirable that physical access to and along the coastal marine area by the public should be enhanced; and
- (iii) those places where it is desirable that access to the coastal marine area useable by people with disabilities be provided.

Policy 3.5.3

In order to recognise and provide for the enhancement of public access to and along the coastal marine areas as a matter of national importance, policy statements and plans should make provision for the creation of esplanade reserves, esplanade strips or access strips where they do not already exist, except where there is a specific reason making public access undesirable.

Policy 3.5.4

Policy statements and plans should as far as practicable identify the access which Maori people have to sites of cultural value to them, according to tikanga Maori.

CHAPTER 4 - THE CROWN'S INTERESTS IN LAND OF THE CROWN IN THE COASTAL MARINE AREA

4.1 Maintenance of the Crown's Interest in Land of the Crown in the Coastal Marine Area

Policy 4.1.1

Regional coastal plans should identify land and areas under the Conservation Act 1987 and other land and areas administered by the Department of Conservation so that their status will be taken into account in deciding resource consents.

Policy 4.1.2

If an application for a resource consent affects an area proposed for protection under a statute administered by the Department of Conservation then the publicly notified purpose of the proposal should be taken into account when deciding the application.

Policy 4.1.3

In respect of the erection of any structures in the coastal marine area, in cases where the provisions of the Building Act 1992 do not apply, provision should be made to ensure that, where appropriate, the consent holder will remove any abandoned or redundant structure that the consent holder erected or took responsibility for, or any structure that is not in active use and is not likely to be used in the future.

Policy 4.1.4

Provision should be made to ensure that material used to create and form a reclamation, or material sited on a reclamation, in land of the Crown in the coastal marine area, does not include contaminants which are likely to, or have the potential to, adversely affect the coastal marine area.

Policy 4.1.5

Regional coastal plans should make provision for use of the coastal marine area for Defence Purposes. Defence Purposes are those in accordance with the Defence Act 1990.

Policy 4.1.6

Policy statements and plans should require that on applications for coastal permits for the following in relation to lands of the Crown in the coastal marine area:

- (a) reclamations;
- (b) the removal of sand, shingle, shell or other natural materials for commercial purposes; and
- (c) rights to occupy;

regard shall be had to any available alternatives to what the applicant seeks to do, and the applicant's reasons for making the proposed choice.

4.2 Taking Into Account the Principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in Land of the Crown in the Coastal Marine Area

Policy 4.2.1

All persons exercising functions and powers under the Act in relation to land of the Crown in the coastal marine area shall recognise and facilitate the special relationship between the Crown and the tangata whenua as established by the Treaty of Waitangi (Te Tiriti o Waitangi).

Policy 4.2.2

All persons exercising functions and powers under the Act in relation to land of the Crown in the coastal marine area should follow these general guidelines:

- (a) take into account the principles of the Treaty of Waitangi;
- (b) make provision for consultation with tangata whenua which is early, meaningful and on-going, and which is as far as practicable in accordance with tikanga Maori;
- (c) have regard to any relevant planning document recognised by the appropriate iwi authority;
- (d) where appropriate, involve iwi authorities and tangata whenua in the preparation of plans and policy statements, in recognition of the relationship of Maori and their culture and traditions with their ancestral lands; and
- (e) where practicable, and with the consent of the tangata whenua, incorporate in policy statements and plans and in the consideration of applications for resource consents, Maori customary knowledge about the coastal environment, in accordance with tikanga Maori.

CHAPTER 5 - THE MATTERS TO BE INCLUDED IN ANY OR ALL REGIONAL COASTAL PLANS IN REGARD TO THE PRESERVATION OF THE NATURAL CHARACTER OF THE COASTAL ENVIRONMENT, INCLUDING THE SPECIFIC CIRCUMSTANCES IN WHICH THE MINISTER OF CONSERVATION WILL DECIDE RESOURCE CONSENTS

5.1 Maintenance and Enhancement of Water Quality

Policy 5.1.1

Rules should be made as soon as possible with the object of enhancing water quality in the coastal environment (including aquifers) where that is desirable to assist in achieving the purpose of the Act, and in particular where:

- (a) there is a high public interest in, or use of the water;
- (b) there is a particular tangata whenua interest in the water;
- (c) there is a particular value to be maintained or enhanced; or
- (d) there is a direct discharge containing human sewage.

Policy 5.1.2

Those rules should provide that a discharge of human sewage direct into water, without passing through land, may 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.

Policy 5.1.3

Those rules should also provide that, after reasonable mixing, no discharge (either by itself or in combination with other discharges) may give rise to any significant adverse effects on habitats, feeding grounds or ecosystems.

Policy 5.1.4

Policy statements and plans should provide:

- (a) that once such rules have been made, a review of all permits to discharge a contaminant into water in the coastal environment will be undertaken; and

- (b) that where the standards set by the rules are not being met, and it is desirable that those standards be met, steps will be taken pursuant to Section 128 to review the conditions of those permits.

Policy 5.1.5

Consideration should be given to reducing any contamination of natural water in the coastal environment caused by the discharge of trade wastes.

Policy 5.1.6

Consideration should be given to reducing contamination of natural water in the coastal environment from non-point sources.

Policy 5.1.7

Provision should be made to ensure that the public is adequately warned when the degradation of water in the coastal environment has rendered the water unsafe for swimming, shell-fish gathering or other activities.

5.2 Limiting of Adverse Environmental Effects From Vessel Waste Disposal or Maintenance

Policy 5.2.1

Provision should be made to require adequate and convenient rubbish disposal facilities in ports, marinas and other such busy areas, and for the provision of facilities for the collection and appropriate disposal of the residues from vessel maintenance.

Policy 5.2.2

Provision should be made to require in all new ports and marinas adequate and convenient facilities to collect sewage from boats.

Policy 5.2.3

Provision should be made to encourage those in charge of vessels to discharge sewage and rubbish into collection facilities.

Policy 5.2.4

In the preparation of regional coastal policies and plans, consideration should be given to specifying a minimum distance off-shore within which sewage should not be discharged from vessels, and to the prohibition of the discharge of non-biodegradable rubbish into the sea.

Policy 5.2.5

Provision should be made to allow vessels to take and use sea water for normal operational and fire-fighting purposes in the coastal marine area.

5.3 Defining the Specific Circumstances in Which the Minister of Conservation Will Decide on Resource Consent Applications

Policy 5.3.1

The types of activities which have or are likely to have a significant or irreversible adverse effect on the coastal marine area and for which therefore the Minister of Conservation will decide resource consent applications are those defined in Schedule 1.

CHAPTER 6 - THE IMPLEMENTATION OF NEW ZEALAND'S INTERNATIONAL OBLIGATIONS AFFECTING THE COASTAL ENVIRONMENT

Statement

Where the government has accepted international obligations which affect the coastal environment, the intention is that guidelines shall be issued from time to time by the government outlining the manner in which these obligations can best be carried out and implemented.

CHAPTER 7 - THE PROCEDURES AND METHODS TO BE USED TO REVIEW THE POLICIES AND TO MONITOR THEIR EFFECTIVENESS

7.1 Monitoring the Effectiveness of the New Zealand Coastal Policy Statement

Policy 7.1.1

The effectiveness of the New Zealand Coastal Policy Statement will be reviewed by a person or persons independent of the Minister no later than 9 years after its gazettal, and the Minister shall then consider the desirability of reviewing, changing or revoking the Statement.

Policy 7.1.2

The Minister of Conservation shall monitor the effectiveness of the New Zealand Coastal Policy Statement in achieving the purpose of the Act by:

- (a) assessing the effect of the statement on all subordinate regulatory planning instruments; and
- (b) working with regional councils and with all other interested bodies willing to co-operate to establish a national state of the coastal environment monitoring programme.

Policy 7.1.3

In order to assist in the establishing of a national state of the coastal environment monitoring programme, local authority policy statements and plans should identify the procedures and methods which the local authority intends to use to gather information and monitor the state of their coastal environment.

SCHEDULE 1 - THE CIRCUMSTANCES IN WHICH ACTIVITIES THAT HAVE A SIGNIFICANT OR IRREVERSIBLE ADVERSE EFFECT ON THE COASTAL MARINE AREA WILL BE MADE RESTRICTED COASTAL ACTIVITIES

S1.1 Reclamations

- (a) Any activity reclaiming foreshore or seabed which is less than 1 hectare or extends less than 100 metres in all directions, including incremental reclamations connected to or part of another reclamation which was commenced or received a resource consent after the 5 May 1994, and the sum of the existing and proposed reclamations do not exceed these dimensions is **not** a restricted coastal activity.
- (b) Any activity reclaiming foreshore or seabed which:
- (i) is equal to or greater than 1 hectare but less than or equal to 2 hectares, or extends 100 or more metres up to or equalling 300 metres linear in any direction (or which is an incremental reclamation connected to, or part of, another reclamation which was commenced or received a resource consent after 5 May 1994, and the sum of the existing and proposed reclamations are within these dimensions);
 - (ii) which is specified in the relevant operative or proposed regional coastal plan as a discretionary activity; and
 - (iii) the plan contains the criteria for, or the permissible locations of, reclamations, and the permissible adverse effects and the usages of any areas so reclaimed;
- is **not** a restricted coastal activity.
- (c) Except as in S1.1(a) or (b) above, any activity reclaiming foreshore or seabed which:
- (i) equals or exceeds 1 hectare;
 - (ii) extends 100 or more metres in any direction; or
 - (iii) is an incremental reclamation connected to, or part of, another reclamation which;
 - was commenced or received a resource consent after 5 May 1994, and
 - the sum of the existing and proposed reclamations are equal to or exceed the dimensions in (i) and (ii); and

is a restricted coastal activity.

S1.2 Structures which impound or effectively contain the coastal marine area

- (a) Any activity involving the erection of a structure or structures which:
- (i) will impound or effectively contain less than 4 hectares of the coastal marine area; or
 - (ii) is floating or open pile structure which can be demonstrated to not impede water flows;
- is **not** a restricted coastal activity.
- (b) Any activity involving the erection of a structure or structures which will:
- (i) impound or effectively contain less than 8 hectares, of the coastal marine area;
 - (ii) which is specified in the relevant operative or proposed regional coastal plan as a discretionary activity; and
 - (iii) the plan defines or provides the criteria for determining:
 - where it would be permissible to locate any such structure or structures; and
 - the materials to be used in the construction of any structure or structures; and
 - the activities for which such structure or structures can be used; and
 - (iv) the plan:
 - requires consideration of the likely adverse effects of the structure or structures; and
 - defines, or provides the criteria for determining, the limits on likely adverse effects of the structure or structures;
- is **not** a restricted coastal activity.
- (c) Except as provided for in S1.2(a) and (b) above, any activity involving the erection of a structure or structures which will impound or effectively contain 4 hectares or more of the coastal marine area is a restricted coastal activity.

S1.3 Structures in the coastal marine area more or less parallel to mean high water springs

- (a) Any activity involving the erection of a structure or structures:
- (i) which is solid (or presents a significant barrier to water or sediment movement), and when established on the foreshore or seabed extends less than 300 metres in length more or less parallel to the line of mean high water springs (including separate structures which total less than 300 metres contiguous length);
 - (ii) which is a submarine or sub-aqueous cable, or
 - (iii) which is a floating or open pile structure which can be demonstrated not to have adverse effects;

is **not** a restricted coastal activity.

- (b) Any activity involving the erection of a structure or structures:
- (i) which are solid (or presents a significant barrier to water or sediment movement);
 - (ii) when established on the foreshore or seabed would extend 300 metres or more, but not more than 1000 metres, in length more or less parallel to the line of mean high water springs (including separate structures which incrementally total at least 300 metres and up to 1000 metres, contiguously);
 - (iii) which is specified in the relevant operative or proposed regional coastal plan as a discretionary activity; and
 - (iv) for which the plan defines, or provides the criteria for determining:
 - where it would be permissible to locate any such structure or structures;
 - the materials to be used in the construction of any structure or structures;
 - the activities for which such structure or structures can be used; and
 - (iv) for which the plan:
 - requires consideration of the likely adverse effects of the structure or structures; and
 - defines, or provides, the criteria for determining, the limits on likely adverse effects of the structure or structures;

is **not** a restricted coastal activity.

- (c) Except as provided for in S1.3(a) and (b) above, any activity involving the erection of a structure or structures which:
- (i) are solid (or present a significant barrier to water or sediment movement); and
 - (ii) when established on the foreshore or seabed would extend 300 metres or more in length more or less parallel to the line of mean high water springs (including separate structures which total 300 metres or more contiguous);

is a restricted coastal activity.

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

- (a) Any activity involving the erection of a structure or structures:
- (i) which is solid (or present a significant barrier to water or sediment movement), and is sited obliquely or perpendicular in horizontal projection to the line of mean high water springs in the coastal marine area, and is in horizontal projection less than 100 metres; or

- (ii) which is a submarine or sub-aqueous cable;

is **not** a restricted coastal activity.

- (b) Any activity involving the erection of a structure or structures:
- (i) which is solid (or presents a significant barrier to water or sediment movement);
 - (ii) which is sited obliquely or perpendicular to the line of mean high water springs in the coastal marine area;
 - (iii) which in horizontal projection is not more than 1000 metres in length;
 - (iv) which is specified in the relevant operative or proposed regional coastal plan as a discretionary activity; and
 - (v) for which the plan defines, or provides the criteria for determining:
 - where it would be permissible to locate any such structure or structures;
 - the materials to be used in their construction; and
 - specifies the activities for which such structure or structures can be used; and

- (vi) for which the plan:
 - requires consideration of the likely adverse effects of the structure or structures; and
 - defines, or provides the criteria for determining, the limits on adverse effects of the structure or structures;

is **not** a restricted coastal activity.

- (c) Except as provided for in S1.4(a) and (b) above, any activity which includes erecting a structure or structures in the coastal marine area which is:
 - (i) solid (or presents a significant barrier to water or sediment movement);
 - (ii) is sited obliquely or perpendicular in horizontal projection to the line of mean high water springs in the coastal marine area; and
 - (iii) is in horizontal projection 100 metres or more in length;

is a restricted coastal activity.

S1.5 Structures in the coastal marine area used in the petroleum and chemical industry

- (a) Any activity involving the erection of structures for the storage or containment of any petroleum, petroleum products, or contaminants in quantities less than or equal to 50,000 litres is **not** a restricted coastal activity.
- (b) Any activity involving the erection of structures for the storage or containment of any petroleum, petroleum products, or contaminants in quantities less than 100,000 litres and more than 50,000 litres and the relevant operative or proposed regional coastal plan specifies that the activity is a discretionary activity and defines, or provides criteria determining:
 - (i) where it would be permissible to locate any such structures; and
 - (ii) the effects of the structure;

is **not** a restricted coastal activity.

- (c) Except as provided for in S1.5(a) and (b) above, any activity involving the erection of structures for the storage or containment of any petroleum, petroleum products, or contaminants, in quantities greater than 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 material which is either:
- (i) maintenance dredging;
 - (ii) in volumes less than or equal to 50,000 cubic metres; and extracted from areas less than 4 hectares; and extending less than 1000 metres over foreshore and seabed; or
 - (iii) in volumes less than 300,000 cubic metres; and extracted from areas of less than 10 hectares; and extending less than 10,000 metres over foreshore and seabed; and
 - is specified in an operative or proposed regional coastal plan as a discretionary activity; and
 - the plan defines or provides the criteria which specifies the location where the removal can be carried out; and
 - specifies when the activity can be undertaken; and
 - specifies conditions to control any adverse effects of any removal or disturbance;

is **not** a restricted coastal activity.

- (b) Except as in S1.6(a) above any activity involving, in any 12 month period, disturbance of foreshore and seabed for specific purposes, including any removal of sand, shell or shingle:
- (i) in volumes greater than 50,000 cubic metres;
 - (ii) extracted from areas equal to or greater than 4 hectares; or
 - (iii) extending 1000 metres or more over foreshore and seabed;

is a restricted coastal activity.

For the purposes of this clause, **maintenance dredging** 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.

S1.7 Depositing substances in the coastal marine area

- (a) Any activity involving the depositing of any material on the foreshore and seabed which involves quantities less than or equal to 50,000 cubic metres at a site in the coastal marine area in any 12 month period is **not** a restricted coastal activity.

- (b) Any activity involving the depositing of any material on the foreshore and seabed:
 - (i) which is specified in an operative or proposed regional coastal plan as a discretionary activity;
 - (ii) for which the plan defines or provides the criteria for determining:
 - the location where the activity can be carried out;
 - the time during which the activity can be carried out; and
 - (iii) for which the plan:
 - requires consideration of the likely adverse effects of the depositing of the material; and
 - defines, or provides the criteria for determining, the limits on the likely adverse effects of the depositing of the material;

is **not** a restricted coastal activity.
- (c) Except as provided for in S1.7(a) and (b) above, any activity involving the depositing of any material on the foreshore or seabed in quantities greater than 50,000 cubic metres in any 12 month period in the coastal marine area is a restricted coastal activity.

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 Exclusive occupation of the coastal marine area

Any activity involving occupation of the coastal marine area which:

- (a) would exclude or effectively exclude public access from areas of the coastal marine area over 10 hectares (except where such exclusion is required in commercial port areas for reasons of public safety or security);
- (b) would exclude or effectively exclude the public from more than 316 metres along the length of the foreshore; or
- (c) would involve occupation or use of areas greater than 50 hectares of the coastal marine area and such occupation or use would restrict public access to or through such areas;

is a restricted coastal activity.

S1.10 Discharges to the coastal marine area

- (a) Any discharge of human sewage to the coastal marine area, except from vessels, which has not passed through soil or wetland, shall be 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) shall be a restricted coastal activity.