

2. INTRODUCTION

2.1 PURPOSE OF THE PLAN

The Resource Management Act came into force on 1 October 1991. The Act aims to promote the sustainable management of New Zealand's natural and physical resources through, among other things, a system of policy statements and plans. This includes the compulsory preparation of a Regional Coastal Plan for each region.

The purpose of this Regional Coastal Plan is to assist the Northland Regional Council, in conjunction with the Minister of Conservation, to promote the sustainable management of the natural and physical resources in relation to the coastal marine area.

"Sustainable management" of natural and physical resources is defined under the Act as meaning:

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 well-being 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; and*
- (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.*

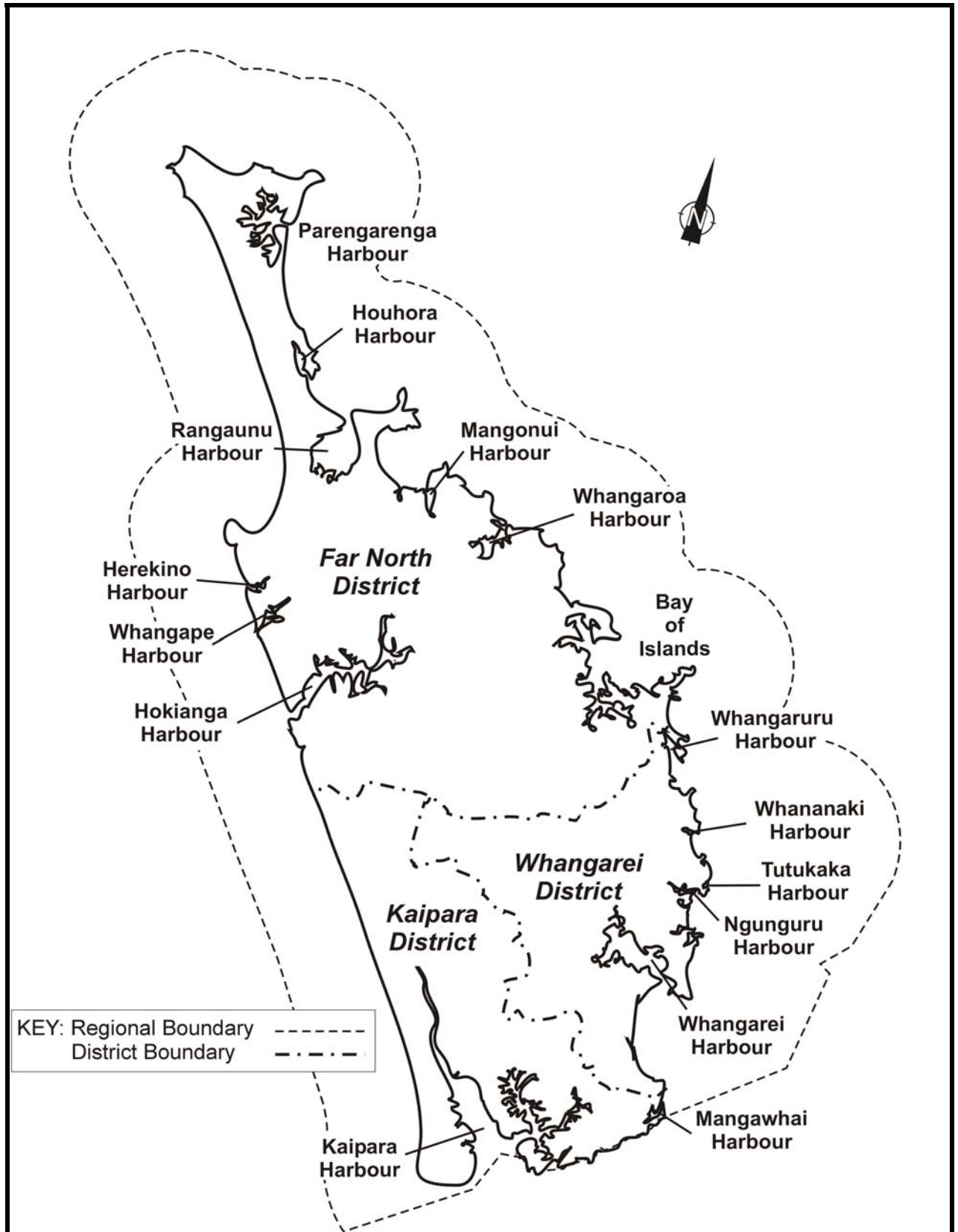
The term "natural and physical resources" referred to, includes:

Land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.

2.2 PLAN AREA COVERAGE

The Regional Coastal Plan covers the area around Northland's coast from Mean High Water Springs (MHWS) to the 12 nautical mile (22.3 kilometre) limit of New Zealand's territorial sea (Figure 1) including the air space above this area. This area is referred to in the Resource Management Act as the "coastal marine area".

Figure 1: The Northland Coast



The Resource Management Act recognises that there may be problems in defining the landward boundary of the coastal marine area, where the line of MHWS crosses a river estuary. Where this occurs, the cross-river boundary has been determined by agreement between the Northland Regional Council, the Department of Conservation and the relevant district council in accordance with the provisions of the Act. The agreed cross-river boundaries for Northland's coastal marine area are shown in Appendix 1.

It should be noted that there is provision in the Resource Management Act for the Regional Coastal Plan to be part of a larger regional plan, which could cover the whole or part of the wider coastal environment. While this approach may allow greater control of cross-boundary issues, the Northland Regional Council has decided that the Regional Coastal Plan should cover the coastal marine area only. Cross-boundary issues are dealt with via policy recommendations directed toward those statutory agencies which have direct control over the use, development and protection of resources on coastal land: primarily district councils and the Department of Conservation.

2.3 PLAN PREPARATION PROCESS

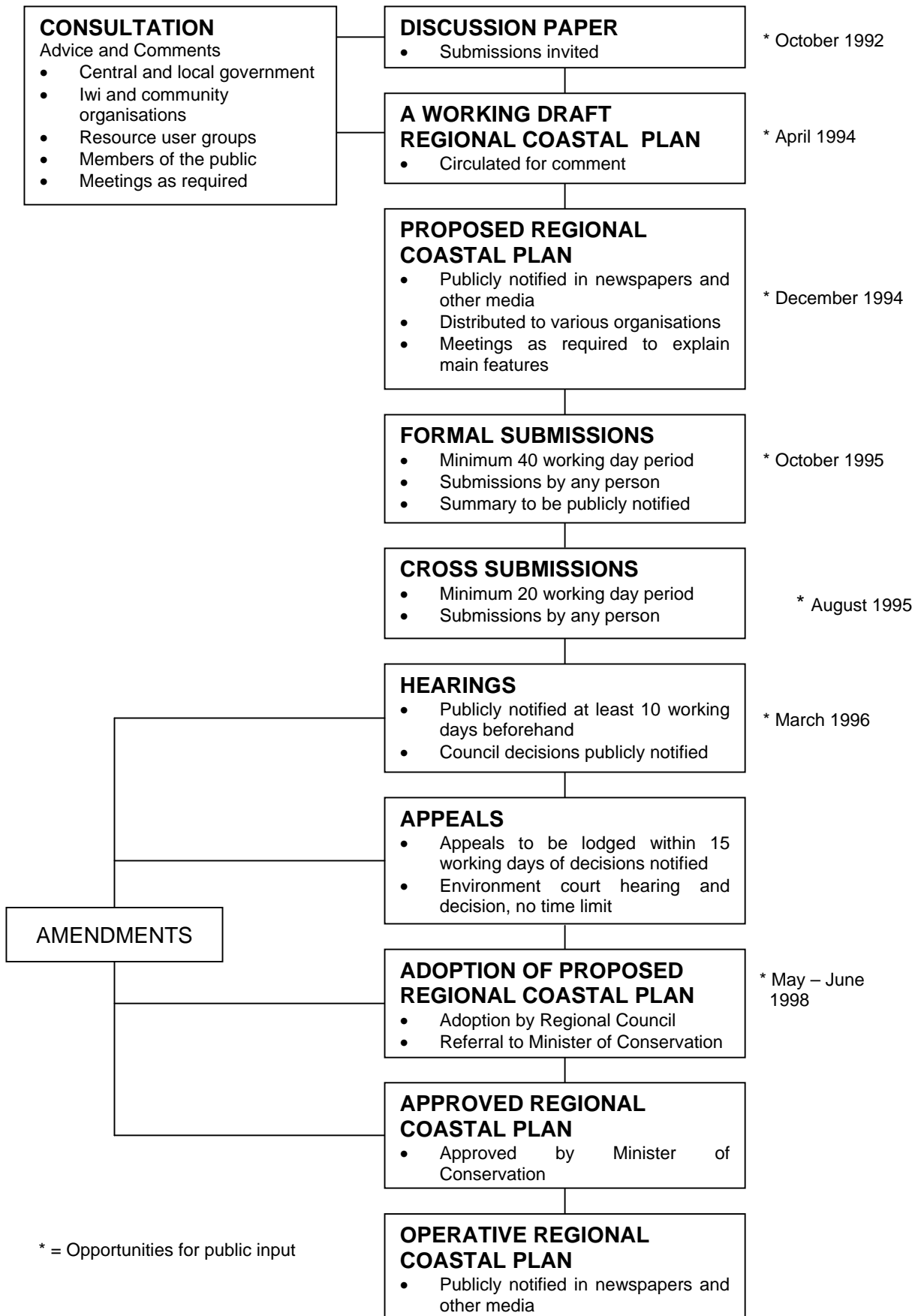
The plan preparation process for the Regional Coastal Plan commenced in early 1992 with consultation with government departments (Ministry of Transport, Ministry of Agriculture and Fisheries, Department of Conservation), all three district councils (Kaipara, Whangarei, and the Far North), key interest groups (Royal Forest and Bird Protection Society, New Zealand Yachting Federation, Northland Port Corporation, NZ Fishing Industry Board, Tourism Northland) and runanga (Maori tribal authorities). The primary purpose of this early consultation was to identify key coastal issues within the Northland region.

Having identified the key issues, a discussion paper 'Towards a Regional Coastal Plan for Northland' was prepared. This was released in October 1992 and widely circulated to interested parties and the general public. The discussion paper set out the legislative framework for preparing the Plan, gave an overview of the coastal issues within the region, and asked for submissions on the direction of future coastal management in Northland.

There were 115 submissions on the discussion paper. These were considered and, where appropriate, used in the preparation of a working draft of this Regional Coastal Plan. The working draft was circulated to those who had previously made submissions on the discussion paper and comments were again sought. Thirty-eight responses were received and were used to refine the working draft to produce a Proposed Regional Coastal Plan. The statutory process set out in Schedule 1 of the Act was then followed to make this Plan operative.

The preparation process of the Regional Coastal Plan is depicted in Figure 2.

Figure 2: Preparation Process For Regional Coastal Plan



2.4 PLAN STRUCTURE

The structure of the remainder of this plan is as follows:

- Section 3 explains the new coastal resource management system including the purpose and principles of the Resource Management Act, and the nature of the various policy statements and plans that are required to be produced under the Act.
- Section 4 sets out the responsibilities of the principal statutory authorities involved in the new coastal resource management regime (the Minister of Conservation, the Northland Regional Council and district councils). Other government agencies with important roles in coastal management under legislation other than the Resource Management Act are also mentioned, as integration with these agencies is part of achieving sustainable management.

PART III - MANAGEMENT APPROACH

- Section 5 sets out the philosophical management approach underlying the objectives, policies, and rules specified within this plan.
- Section 6 sets out the objectives, policies, and methods relating to the division of the coastal marine area into five types of Marine Management Area. These areas are used, for the purposes of this plan, to manage the effects of protection, use and development of the coastal marine area.

PART IV - PROTECTION POLICY

- Sections 7 to 15 set out the objectives, policies, and methods of implementation to be used for the general protection of natural and physical resources within the coastal marine area, including those relating to the matters of national importance listed in Section 6 of the Resource Management Act.

PART V - USE AND DEVELOPMENT POLICY

- Sections 16 to 24 set out the objectives, policies, and methods of implementation for controlling the adverse effects of specific activities within the coastal marine area.
- Sections 25 to 30 set out marine management area policy, objectives and methods of implementation to best manage these different zones and control the adverse effects of specific activities within the coastal marine area.

PART VI - RULES

- Section 31 sets out rules for the use and development of natural and physical resources within each marine management area. This includes specifying activities for which a coastal permit is required.
- Section 32 sets out the assessment criteria to be used in respect of applications for coastal permits.

PART VII - ADMINISTRATIVE ISSUES

- Section 33 provides details of the procedures which relate to the processing of coastal permit applications.
- Section 34 provides details of key administrative issues which relate to coastal resource management including charges, rents and royalties and the coastal tendering provisions of the Act.

PART VIII - ADVOCACY

- Sections 35 to 37 set out the Regional Council's position in relation to fisheries management, marine reserves, taiapure and maataitai reserves.

PART IX - PLAN EFFECTIVENESS

- Section 38 details the environmental results expected as a direct result of the implementation of this plan.
- Section 39 sets out the processes for monitoring, changing or reviewing this plan to help ensure that the environmental results expected are achieved.

2.5 KEY TERMS

Throughout this plan, the terms "issue", "objective", "policy", "method of implementation" and "rule" are used. For the purposes of this plan:

- An issue is a matter of concern over existing or potential effects of the protection, use or development of natural and physical resources within Northland's coastal marine area.
- An objective is a measurable aim or end result to which efforts to address an issue are directed.
- A policy is a specific statement that guides or directs decision-making. A policy indicates a commitment to a general course of action in working toward an objective.
- A method of implementation is a practical action by which a policy is put into effect and can include:
 - Regulations or rules
 - Provision of information
 - Provision of facilities or services
 - Economic incentives or disincentives
- A rule is a specific requirement to which a person or persons using or developing the coastal marine area must conform. This may be applied generally or in relation to a specific type of use or development. The provision of rules is important because section 12 of the Resource Management Act lists a range of activities which cannot be carried out in the coastal marine area *unless expressly allowed by a rule in a regional coastal plan or by a resource consent*. Sections 68, 69 and 70 of the Resource Management Act set out what may or may not be included in a rule for regional plans.

3. POLICY FRAMEWORK

3.1 INTRODUCTION

The policy framework for managing coastal resources under the Resource Management Act consists largely of a clearly defined system of policy statements and plans which involve all levels of government - national, regional and district. The key elements in this system are:

- (a) The Purpose and Principles of the Resource Management Act
- (b) The New Zealand Coastal Policy Statement
- (c) A Regional Policy Statement for each region
- (d) A Regional Coastal Plan for each region
- (e) District Plans for each district

This system can be supplemented by additional regional plans covering specific management issues. The relationship of each of these statutory documents to the Regional Coastal Plan is illustrated in Figure 3 and explained more fully below.

3.2 PURPOSE AND PRINCIPLES OF THE RESOURCE MANAGEMENT ACT

As stated in Section 2.1, the purpose of the Act is to promote the sustainable management of natural and physical resources, including those in the coastal marine area. Sections 6, 7, and 8 of the Act specify a set of principles which are binding on all persons who exercise functions and powers under the Act and which, therefore, must be reflected in any policy statement or plan prepared under the Act.

Section 6 of the Act requires that this plan give recognition to, and make provision for, the following matters which are considered to be of national importance:

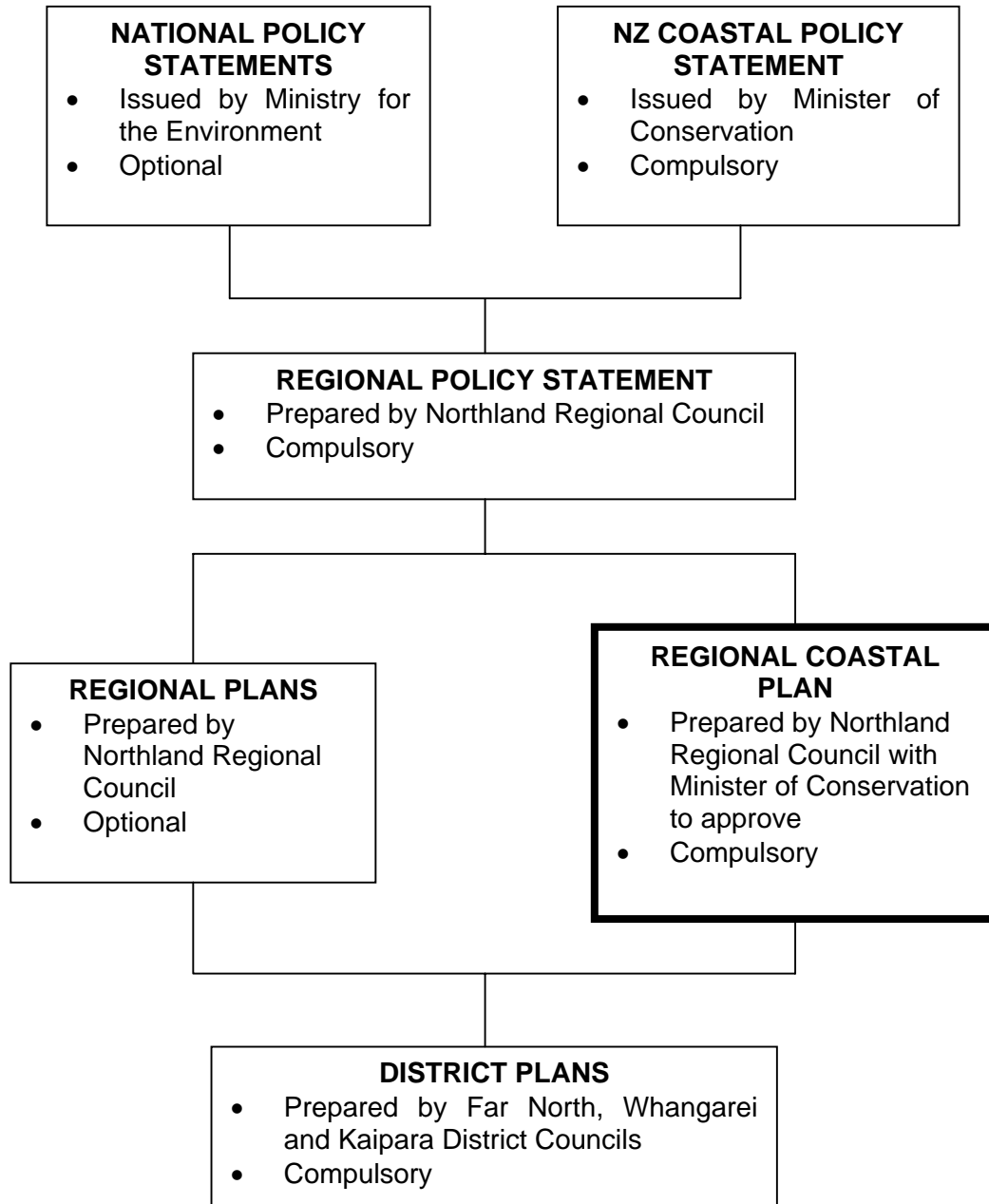
- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), ... and the protection of (it) from inappropriate subdivision, use, and development;*
- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, 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....;*
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.*

Section 7 of the Act requires that this plan be developed, and that it will be implemented and administered, with 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 (coastal) 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.*

Finally, Section 8 of the Act requires that the implementation and administration of this Plan takes into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Figure 3: Policy Statements and Plans



Each Policy Statement or Plan must not be inconsistent with any Policy Statement or Plan at a higher level.

3.3 NEW ZEALAND COASTAL POLICY STATEMENT

Under the Resource Management Act, the Minister of Conservation is required to prepare a New Zealand Coastal Policy Statement (NZCPS). The purpose of the 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 NZCPS sets the national framework for managing the natural and physical resources in the coastal environment (which includes the coastal marine area). The Act requires that there must at all times be at least one New Zealand Coastal Policy Statement, and that regional coastal plans must not be inconsistent with it.

After following the preparation process set out in the Resource Management Act, which included public submissions and detailed consideration by a Board of Inquiry, the first New Zealand Coastal Policy Statement was issued by notice in the Gazette on 5 May 1994. Regard has been given to the policies contained in the NZCPS in the preparation of the Regional Coastal Plan.

3.4 REGIONAL POLICY STATEMENT

As required under the Act, the Northland Regional Council has prepared a Proposed Regional Policy Statement (RPS). The RPS provides an overview of resource management issues within Northland, including those in the coastal marine area. It sets out the general objectives, policies and methods to be used in the region as a whole to achieve integrated resource management.

The Act requires that when preparing or changing this Regional Coastal Plan, the Regional Council must have regard to any regional policy statement for the region. This Regional Coastal Plan must not be inconsistent with the Regional Policy Statement.

The Regional Policy Statement for Northland was publicly notified in October 1993. Formal submissions on the document were received and summarised. Further submissions on the primary submissions were called for and received. Public hearings have been held. The RPS was made operative in July 2002.

3.5 OTHER REGIONAL PLANS

Although not compulsory, the Resource Management Act contains provisions for the preparation of regional plans other than the Regional Coastal Plan. The Act envisages that the development of additional regional plans could be desirable where the following circumstances or considerations arise or are likely to arise:

- (a) *Any significant conflict between the use, development, or protection of natural and physical resources or the avoidance or mitigation of such conflict;*

- (b) *Any significant need or demand for the protection of natural and physical resources or of any site, feature, place, or area of regional significance;*
- (c) *Any threat from natural hazards or any actual or potential adverse effects of the storage, use, disposal, or transportation of hazardous substances which may be avoided or mitigated;*
- (d) *Any foreseeable demand for or on natural and physical resources;*
- (e) *Any significant concerns of tangata whenua for their cultural heritage in relation to natural and physical resources;*
- (f) *The restoration or enhancement of any natural and physical resources in a deteriorated state or the avoidance or mitigation of any such deterioration;*
- (g) *The implementation of a national policy statement or New Zealand coastal policy statement;*
- (h) *Any use of land or water that has actual or potential adverse effects on soil conservation or air quality or water quality;*
- (i) *Any other significant issue relating to any function of the regional council under this Act.*

The Regional Coastal Plan must not be inconsistent with any other regional plan.

As well as preparing this Regional Coastal Plan, the Northland Regional Council is also currently preparing a Regional Water and Soil Plan and has prepared a Regional Air Quality Plan. These Plans will cover the management of land and freshwater resources, and air discharges respectively. Notwithstanding the preparation of a Regional Air Quality Plan, air quality issues in the coastal marine area will be dealt with in the Regional Coastal Plan. The policies and rules within these Plans must not be inconsistent with those within this Plan. They will also play an important role in dealing with so-called cross-boundary issues such as the management of land developments which affect coastal water or air quality.

3.6 DISTRICT PLANS

District Councils are also required to prepare plans under the Resource Management Act. The purpose of District Plans is to assist district councils to carry out their functions in order to achieve the purpose of the Act. Of particular relevance to this plan is the district councils' function to control the use of coastal land, including subdivision.

A District Plan cannot be inconsistent with the New Zealand Coastal Policy Statement, the Regional Policy Statement, the Regional Coastal Plan or any other regional plans.

4. ADMINISTRATIVE FRAMEWORK

4.1 INTRODUCTION

As well as the policy framework, managing natural and physical resources in the Coastal Marine Area also requires an understanding of the administrative roles of the various statutory agencies which are derived from the Resource Management Act or which otherwise have an important bearing on coastal resource management under the Act. These are summarised in Table 1 and explained below.

4.2 MINISTER OF CONSERVATION

In addition to preparing the New Zealand Coastal Policy Statement, the Minister of Conservation has several other key functions or roles in managing the natural and physical resources of Northland's coast. These are:

- (a) The final approval of regional coastal plans including this Regional Coastal Plan for Northland.

This process may include the Minister requiring the Northland Regional Council to amend parts of this Plan, prior to approval being given.

- (b) The specification of certain activities as restricted coastal activities and the making of decisions on applications for coastal permits in relation to restricted coastal activities.

The Minister may specify a coastal activity as being a restricted coastal activity, provided that the requirement is made in accordance with and pursuant to the NZCPS on the grounds that the activity:

- (i) *Has or is likely to have significant or irreversible adverse effects on a coastal marine area; or*
- (ii) *Occurs or is likely to occur in an area having significant conservation value.*

The NZCPS contains specific criteria for identifying restricted coastal activities. These are set out in section 31.2 of this Plan.

- (c) The statutory ability to advise the Governor-General to set aside, by Order in Council, all or any part of Northland's coastal marine area which will be subject to the coastal tendering provisions of the Act and the control of the associated tendering process.

Part VII of the Act establishes a coastal tendering process which enables the Crown, through the Minister of Conservation, to choose between competing applicants for the same coastal space, and to maximise financial return to the Crown for the occupation and use of coastal space, or the extraction of sand, shingle or other natural material from it.

The particulars of any Order in Council made under Part VII must be endorsed on the Regional Coastal Plan or Regional Coastal Plan maps but do not form part of the Regional Coastal Plan. The Order in Council does not affect existing coastal permits or activities permitted under this

4. Administrative Framework

Plan or coastal permit applications received and processed to a specified stage at the time of issue.

Table 1: Statutory Agencies and their Key Roles

Minister of Conservation	<ul style="list-style-type: none"> • New Zealand Coastal Policy Statement • Restricted Coastal Activities • Areas of Significant Conservation Value • Approval of Regional Coastal Plans • Coastal Tendering
Department of Conservation	<ul style="list-style-type: none"> • Advocacy for the conservation of natural and historic resources • Management of marine reserves, wildlife refuges, marine mammal sanctuaries and other coastal marine protected areas • Administration of Crown foreshore and seabed
Ministry of Fisheries	<ul style="list-style-type: none"> • Fisheries management • Marine farm lease and licence administration • Fisheries Permits for marine farms • Biosecurity issues in relation to international craft and shipping
Maritime Safety Authority	<ul style="list-style-type: none"> • Oil pollution control • Navigation and safety • Regulation of surface water activity outside Harbour Limits
Ministry of Commerce	<ul style="list-style-type: none"> • Allocation of Crown mineral resources
Regional Councils	<ul style="list-style-type: none"> • Regional Policy Statement • Regional Coastal Plans • Coastal Permits • Oil pollution control • Navigation and safety within Harbour Limits including regulation of surface water activity
District Councils	<ul style="list-style-type: none"> • District Plans • Coastal Subdivision • Local Government Act Bylaws

4.3 REGIONAL COUNCILS

Prior to the advent of the Resource Management Act on 1 October 1991, the Northland Regional Council's coastal management responsibilities were:

- (a) as harbour board, for
 - (i) the administration of harbour bylaws
 - (ii) the control of oil pollution within harbours

The bylaws covered such matters as ship navigation, mooring and berthing, the licensing of moorings and the control of discharges from vessels. These bylaws have been retained by the Northland Regional Council.

- (b) as regional water board for the management of coastal water quality particularly in regard to the control of wastewater discharges.

With the introduction of the Resource Management Act, the Northland Regional Council was given greater responsibility for controlling the use, development and protection of resources within Northland's coastal marine area. While retaining key Harbours Act functions, the Regional Council, in conjunction with the Minister of Conservation, is now also responsible for controlling:

- (a) the foreshore, seabed and waters within the coastal marine area and any associated natural and physical resources;
- (b) the occupation of space on areas of foreshore and seabed the Crown or vested in the Regional Council, and the extraction of sand, shingle, and other natural material from those areas;
- (c) the taking, use, damming, and diversion of water;
- (d) discharges of contaminants into or onto the foreshore or seabed, air, or water and discharges of water into water;
- (e) any actual or potential effects of the use, development, or protection of the foreshore and seabed within the coastal marine area, including the avoidance or mitigation of natural hazards and the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances;
- (f) the emission of noise and the mitigation of the effects of noise;
- (g) activities in relation to the surface of water.

The purpose of this Regional Coastal Plan is to assist the Regional Council, in conjunction with the Minister of Conservation, in carrying out these functions for the purpose of giving effect to the Resource Management Act.

Regional councils also have responsibilities in the coastal marine area under both the Harbours Act 1950 and the Building Act 1991. Under the Harbours Act, the Northland Regional Council continues to be responsible for

navigation and safety within harbour limits. This responsibility is carried out using the Navigation Safety Bylaws prepared under that Act.

Under the Building Act 1991, the Northland Regional Council is responsible for issuing building consents for the construction and alteration of structures within the coastal marine area.

Under the Maritime Transport Act, the Regional Council is required to take on the additional responsibility of controlling oil pollution to the 12 nautical mile limit.

4.4 DEPARTMENT OF CONSERVATION

The Department of Conservation, as distinct from the Minister of Conservation, is responsible for the following functions within the coastal marine area:

- General advocacy for the protection of conservation values
- The protection of marine mammals
- Establishing and administering marine reserves
- Establishing and administering wildlife refuges

The Department also administers any land adjacent to the coastal marine area which has been acquired under, and/or is subject to, the Conservation Act 1987.

4.5 DISTRICT COUNCILS

There are three District Councils in Northland: the Kaipara District Council, the Whangarei District Council and the Far North District Council. The management responsibilities of these district councils within the coastal marine area is generally limited to the administration of Local Government Act bylaws.

These bylaws generally deal with such matters as the regulation of land vested in the council. Their area of application varies depending on the location of the seaward district boundaries. In most areas the seaward boundary is Mean High Water Mark and the bylaws therefore only apply in the narrow strip between the line of Mean High Water Springs and the line of Mean High Water. However, in the Far North and Whangarei Districts, the seaward boundary traverses the entrance of some harbours and embayments. Within these areas the Local Government Act bylaws apply down to the line of Mean Low Water Mark.

Section 89 of the Resource Management Act sets out some special situations where a District Council has the role of consent authority in relation to the coastal marine area. The first is in the case where an application for a subdivision is requested and part, or all, of the land proposed to be subdivided is in the coastal marine area. Under these circumstances, the relevant District Council is the consent authority and will treat that land as if it were part of the district. Consent authority is also vested with the District Council when an application is made for an activity that will take place once the proposed location of the activity has been reclaimed. This provision applies even if the location is still in the coastal marine area on the date of the application.

Notwithstanding the restricted nature of their involvement in the management of the coastal marine area, district councils are directly responsible for the day-to-day management of protection, use and development of adjacent coastal land. Because use and development of coastal land often has direct links with the coastal marine area, effective coastal resource management requires a close working relationship between regional and district councils.

4.6 MINISTRY OF FISHERIES

The Ministry Fisheries (Mfish), is responsible for the management of fisheries within the coastal marine area under a variety of legislation, including the Fisheries Act 1983, the Fisheries Act 1996 and subsequent amendments, the Maori Fisheries Act 1989, and the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992. This management principally involves:

- The evaluation of fish stocks (population sizes) of commercially harvested species, the setting of catch limits, and allocation of quota under the Quota Management System (QMS) to commercial users.
- Responsibility for the establishment of taiapure and maataitai reserves (areas set aside for non-commercial traditional and customary fishing).
- Setting and policing daily limits and equipment restrictions for recreational fisheries.

Mfish is also responsible for monitoring compliance of marine farmers with leases and licences for marine farming issued under the Marine Farming Act 1971. However, responsibility for approving and monitoring new marine farms has now passed to regional councils under the Resource Management Act, although a Fisheries Permit is required from Mfish, as well as a resource consent, before any new marine farm can be established.

Under the Biosecurity Act 1993, Mfish is responsible for controlling the deliberate or accidental importation of foreign organisms into New Zealand, including organisms 'imported' via the ballast water discharges of ocean-going vessels.

4.7 MARITIME SAFETY AUTHORITY

The Maritime Safety Authority (formerly the Ministry of Transport Maritime Division) is responsible for:

- Setting and policing of safety standards for ships and shipping activity.
- Navigation and safety outside harbour limits.
- Co-ordinating oil spill response planning and operations.

4.8 MINISTRY OF COMMERCE

Under the Crown Minerals Act 1991, the Ministry of Commerce is responsible for the management and allocation of mineral resources in the coastal marine area. The Ministry may prepare a minerals programme for particular minerals. Such programmes form the basis for the allocation of rights to prospect for and mine Crown-owned minerals, and the basis for the Crown's financial return from the mining process. The preparation process is subject to public notification and submissions.