

New Zealand

Program Names: Resource Management Act
New Zealand Coastal Policy Statement
Regional Coastal Plans
Marine Protected Areas
New Zealand Oceans Policy
The Fiordland Marine Conservation Strategy

Program Entities: Department of Conservation
Ministry of the Environment
Ministry of Fisheries
Regional Councils

Program History: Authority and Date(s) Created:

1. Resource Management Act

1991 The [Resource Management Act](#) (RMA), enacted in 1991, is New Zealand's integrated, effects-based environmental management statute. It regulates the management of natural and physical resources and establishes a policy of sustainable use for these resources. It is New Zealand's benchmark environmental legislation and, at the time, was unique in the world.

The term "sustainable management" is defined in section 5 of the RMA as:

"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; 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 coastal environment includes the coastal marine area and its landward edge. The term "coastal environment" is defined in case law. The coastal marine area is defined in the RMA as:

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) One kilometer 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.

2. New Zealand Coastal Policy Statement

1994. [The New Zealand Coastal Policy Statement](#) (NZCPS) was authorized in May 1994. The NZCPS is a national policy statement that the Minister of Conservation is required to prepare and monitor under the RMA. It applies only to the territorial sea that extends 12 nautical miles offshore. The NZCPS includes objectives and policies about:

- National priorities for preserving the natural character of the coastal environment, including protection from inappropriate subdivision, use and development.
- The protection of characteristics of the coastal environment of special value to [Māori](#)- New Zealand's indigenous people.

- Matters to be included in regional coastal plans, including any restricted coastal activities
- International obligations
- Public access
- How the effectiveness of the NZCPS will be monitored
- The protection of recognized customary activities by Maori.

The Minister of Conservation has reviewed the 1994 NZCPS and prepared the [Proposed NZCPS 2008](#), this is currently under review by New Zealand's Parliament.

3. Regional Coastal Plans

New Zealand has 12 regional councils and all are required by the RMA to prepare [a regional plan for the coastal marine area](#). Regional councils are guided in the development of their regional coastal plans by the NZCPS. The Minister of Conservation must approve regional coastal plans. Varying from regional council to regional council to take into account natural, social, economic and cultural differences across regions, the plans usually cover: (a) The use of zoning; (b) natural character; (c) outstanding natural features; (d) significant areas of flora and fauna (e) public access; (f) Maori interests; (g) coastal discharges; (h) taking, using, damming or diversion of coastal water; (i) coastal hazards; (j) occupation of space; (k) structures; (l) disturbance, deposition and extraction; (m) reclamations; (n) exotic plants and animals; (o) hazardous substances; (p) historic and cultural heritage; (q) recreation. Plans also address matters of process including: (a) information requirements for coastal permit applicants; (b) financial contributions; (c) cross-boundary issues, and (d) plan monitoring and review (including baseline environmental monitoring. Examples of Regional Coastal Plans include those by [Environment Waikato](#); [Greater Wellington Regional Council](#) and [Auckland Regional Council](#).

4. Marine Protected Areas

New Zealand has a two-fold approach to Marine Protected Areas. First, the [Marine Reserves Act of 1971](#) authorizes the designation of no take marine reserves for scientific study. To date, over 30 no take marine reserves and other protected areas have been designated by the Department of Conservation and Ministry of Fisheries. In 2000 the Department of Conservation conducted a review of the Act and an amended Act was proposed in 2002 that aims to establish a network of Marine Protected Areas with varying degrees of prohibitions on use to protect a full range of marine habitats and ecosystems to effectively conserve marine biodiversity. As of 2008, final amendments have not yet been authorized. [The New Zealand Biodiversity Strategy \(2000\)](#) goal includes having 10% of the marine environment in a network of [Marine Protected Areas](#) by 2010.

5. National Ocean Policy:

In 2000 the New Zealand government began work on a national Oceans Policy to ensure integrated and consistent management of the ocean within New Zealand's jurisdiction. The policy was intended to be a cross-government exercise covering all aspects of ocean management out to the edge of the Exclusive Economic Zone and the Continental Shelf (12-200 miles). Work on the policy continued in phases up through [2003 and again to 2005](#).

In late 2004, amidst [strong opposition](#) from the Māori (native people) the New Zealand Parliament passed the [Foreshore and Seabed Act](#) that deems the title of the foreshore (intertidal zone) and seabed to be held by the Crown. However, many Māori groups disputed the law, asserting a rightful claim to title based on historical possession and the 1840 [Treaty of Waitangi](#). Opposition to the Act fueled other political opposition to the Labour Party government.

After [2006](#) the government focused its oceans work on improving the regulatory regime for environmental impacts in New Zealand's Exclusive Economic Zone, seaward of the controversial

Foreshore and Seabed Act. In August 2007 the Ministry for the Environment released a [discussion paper](#) guided by a draft [oceans policy framework](#). In June 2008 the government, through the [Ministry for the Environment](#), began drafting an Exclusive Economic Zone Environmental Effects Bill.

However, the Labour Party lost the [2008 General Election](#) to the National Party, which had the support of the Maori and other opponents of the Foreshore and Seabed Act, and work on the proposed EEZ legislation was discontinued. In 2009, the Attorney General appointed a Ministerial Review Panel to review the Foreshore and Seabed Act. The [Panel's report](#) recommended repeal of the Act and a revision of legislation to more fully address Maori concerns.

[6. Fiordland Marine Conservation Strategy](#)

Fiordland is a globally unique marine environment that contains both exceptional biodiversity and valuable resources. It attracts over 300,000 tourists annually. The Fiordland Marine Conservation Strategy is implemented in the form of legislation: the Fiordland (*Te Moana o Atawhenua*) Marine Management Act 2005. The Act established the [Fiordland \(Te Moana o Atawhenua\) Marine Area](#). The Act also established the Fiordland Marine Guardians – a statutory advisory body whose role is to promote continued community input into the management of the area. The Guardians work with the Ministries for the Environment, Fisheries, and Agriculture and Forestry, the Department of Conservation and the Southland Regional Council to provide co-management of the Fiordland Marine Area.

Funding Source(s)/Level:

Funding of ocean and coastal management programs in New Zealand is complicated and exact levels are difficult to determine. Central government agencies, (Conservation, Environment, Fisheries etc) are funded each year from a central consolidated fund. Resources are centrally allocated to marine management issues to fund baseline/statutory functions and also for additional marine related initiatives on a case-by-case basis. Additionally, the Ministry of Fisheries recovers most of the costs of managing commercial fisheries from the fishing industry. Regional coastal plans are funded by Regional Councils through property taxes, user fees, charges and leases. Central government agencies and regional councils make available a number of grants schemes for research, restoration activities and environmental monitoring.

Key Agencies:

1. [Department of Conservation](#). The Department of Conservation (DOC), created in 1987 by the Conservation Act, is the leading central government agency responsible for the conservation of New Zealand's natural and historic heritage. The Department has sought to address rapidly degrading habitats and dwindling populations of native species, both serious problems in a small island nation.
2. The Ministry for the Environment. The Ministry was established under the Environment Act 1986 and is the Government's principal adviser on the environment in New Zealand and on international matters that affect the environment. It does not engage directly in day-to-day environmental management but instead provides guidance on environmental management systems, including policies, laws, regulations and national environmental standards. In 2008 the Ministry began drafting an Exclusive Economic Zone Environmental Effects Bill that would cover seabed mining, petroleum activities, energy generation, carbon capture and storage, and marine farming. More information on the legislation can be found in the Cabinet paper: Proposal for Exclusive Economic Zone Environmental Effects Legislation.
3. [Ministry of Fisheries](#). Responsible for managing fishing, its effects, and fisheries resources under the Fisheries Act, whose jurisdiction extends out to 200 nautical miles – the edge of our Exclusive Economic Zone (EEZ). It has responsibility for coordinating both fisheries research and [research about New Zealand's marine biodiversity](#)

4. [Regional Councils](#). Responsible for managing some land use activities and water quality, and together with DOC also manage the coastal marine area, including [aquaculture](#). All these responsibilities fall under the Resource Management Act, which covers the Territorial Sea area extending out to 12 nautical miles.

Coordination Functions:

The Department of Conservation provides coordination functions with other Ministries, Maori and stakeholders on issues addressed under the NZCPS. The Ministry for the Environment coordinates environmental management policy from 12 to 200 nautical miles. Maritime safety, transport, biosecurity and oil and gas exploration in the marine environment are managed outside of these frameworks. [National marine pollution regulations](#) are administered under the RMA. Limited information was found on coordination with research and monitoring efforts, however the Ministry for the Environment takes a lead role in national environmental reporting (see below) and the setting of [national environmental standards](#). A national standard for adapting to [future sea level](#) rise is in preparation

Linkage of Science to Management:

In 2003 the [Ministry of Research, Science, and Technology](#) published a comprehensive [status report](#) on marine research in New Zealand with analysis of research discipline, research sector, funding, institutions, location, and other factors. The purpose of the assessment was to better understand how research effort is allocated in terms of short-term research to meet operational management needs (e.g. coastal erosion hazard assessment) and long-term research and science to improve understanding and meet strategic needs (e.g. snapper population modeling). This report may provide a model for Oregon to emulate.

The [National Institute of Water and Atmospheric Research](#) (NIWA) is a state owned research and consultancy company that has significant national and international research capabilities in the areas of coasts and oceans. NIWA maintains the [Marine Environment Classification \(MEC\)](#), a GIS-based environmental classification of the marine environment of the New Zealand region. It is an ecosystem-based spatial framework designed for marine management purposes.

Regional Councils are required under the RMA and regional coastal plans to monitor not only the condition of the coastal marine area but also their management performance against the management outcomes contained in coastal plans. Monitoring responsibilities include: Natural character; Coastal ecology; Hydrodynamic regime; Water quality; Coastal hazards; Cultural and historic values; Amenity uses and values; Public access; etc. It is this monitoring against planned environmental outcomes in the marine environment that links science to management. Development of comprehensive performance monitoring programs for the coastal marine area appears to have been slow to occur at the regional level.

Data Collection/Sharing/Infrastructure:

The Department of Conservation is responsible for ensuring regional councils fulfill monitoring responsibilities under the RMA. It also works to ensure that [regular monitoring](#) occurs in most of New Zealand's marine reserves. It also published a guide to [Area Based Management Restrictions in New Zealand](#) in 2004. Areas included were those established under the Fisheries Act 1996 and its associated regulations; the Submarine Cables and Pipeline Protection Act 1996; and areas established by Order in Council under the Conservation Act 1987, Marine Reserves Act 1971, Marine Mammals Protection Act 1978, Reserves Act 1977 and Wildlife Act 1953.

The Ministry for the Environment has developed and is in the process of implementing a comprehensive system of [state of the environment reporting](#), [national environmental reporting](#), [core national environmental indicators](#) and a larger set of [environmental performance indicators](#) (EPI's) for the marine environment. Though comprehensive in scope, implementation of the environmental reporting system

has lagged behind the land, freshwater, and air components of the environmental reporting program. Nevertheless there are likely valuable lessons for Oregon in this work including marine reporting and monitoring elements that could be adapted for the nearshore environment.

Assessment: Strengths/Weakness

Strength:

- Comprehensive planning framework for the near-shore marine environment focusing on effects-based rather than activity-based planning.
- National coastal policy guidance while retaining local flexibility in regional coastal plans.
- Widespread use of marine zoning in the territorial sea using a range of regulatory, incentive and voluntary planning mechanisms.
- Significant and meaningful stakeholder and public involvement in the national and regional marine planning.
- Recognition of, and provision for, consumptive and non-consumptive cultural and social uses of the coastal marine environment.
- Scope for regional co-management agreements in near shore marine management.
- A system of national indicators and required environmental monitoring by national and local government agencies.

Weakness:

- No comprehensive ocean strategy or coordination beyond 12 nautical miles.
- High level of fragmentation in the system of acts, regulations and institutions to manage the adverse effects of human activities on the marine environment.
- Little coordination of monitoring and environmental activities and reporting by regional councils.
- Limited funding devoted to marine research and monitoring vis-a-vis the terrestrial environment.

Success/Failure

Success:

- Comprehensive system for near-shore ocean planning with a strong conceptual framework for national environmental reporting.

Failure:

- Performance of marine planning system at a national level fails to leave up to its potential due to insufficient coordination and resourcing.

Applicability to Oregon

Development of comprehensive coastal management plans and examples of co-management may provide lessons or best practice guidance for Oregon, especially with respect to marine spatial planning.

Sources: