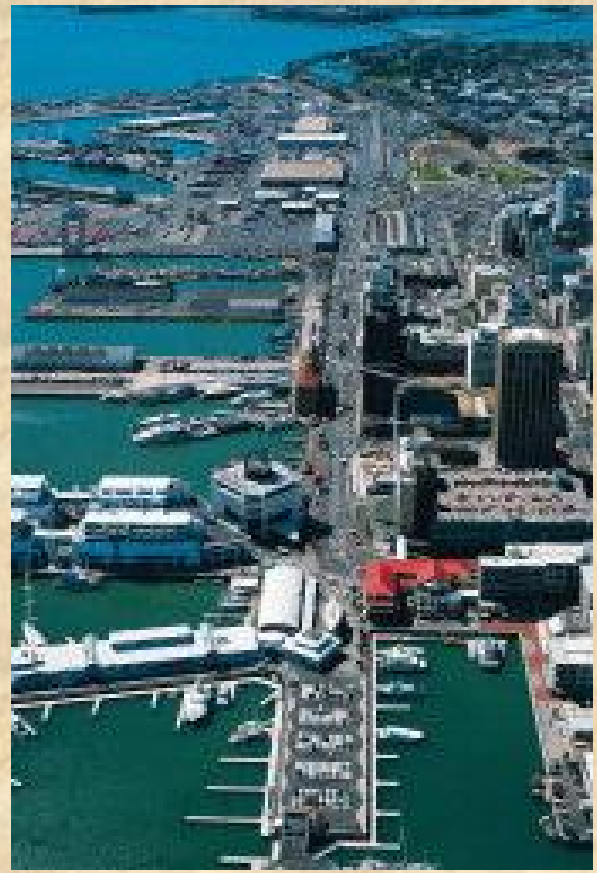
Coastal Occupation Charges

Under the Resource Management Act

Resource Management Act

- Regional Councils can charge occupiers of the CMA (Section 64A)
- They must consider whether or not to introduce a charging regime
- Irrespective of the decision they must make a change to the Regional Coastal Plan



Overarching Matters

- The CMA is mostly publicly owned, but seabed can be used and developed
- Classic public benefit/private right debate
- Paying for the use of someone's land is normal practice

Historical Context

- 1876 - The Auckland Harbour Board allocated and charged for coastal space
- 1950 - The Harbours Act, Foreshore and Seabed Licence
- 1991 – The Resource Management Act, Crown Rents and Royalties
- 1997 – The RMA Amendment, Coastal Occupation charges

What is Occupation

- Use of the Coastal Marine Area (owned by the Crown) to the exclusion of other people

Occupation Charge

- Akin to a rental but money must be used to promote sustainable management of the CMA
- Is not an allocation tool
- Is not a way to ‘Buy Off’ adverse effects
- Is not a cost recovery mechanism
- Is – Recompense to the public for loss of use/access/enjoyment to public space

Occupation Benefit Spectrum

Charge is predicted on public benefits lost and gained and private benefits gained

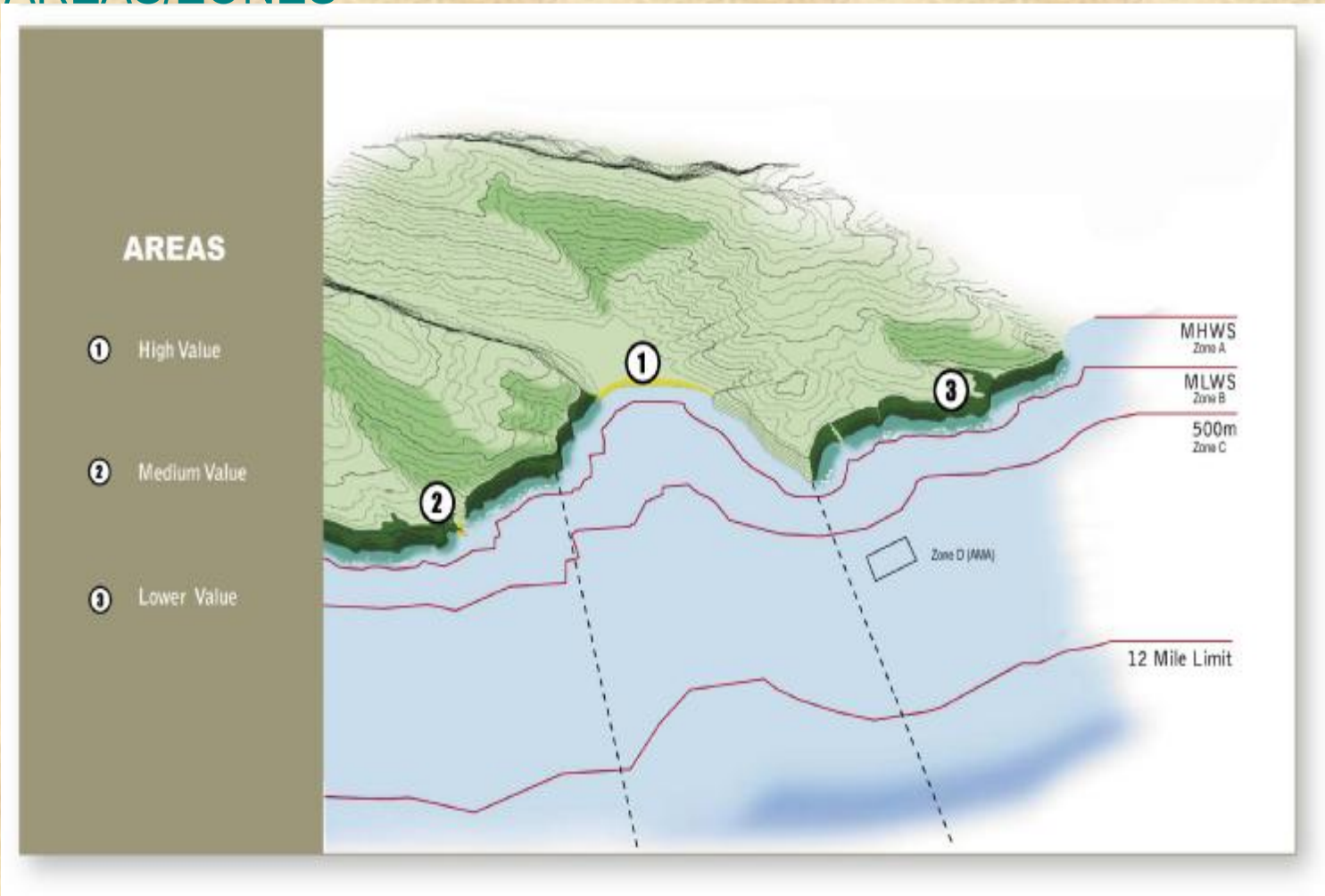
Public

Private

Charging Methodology

How is coastal space valued re ‘loss of opportunity’ and how are dollar values derived

AREAS/ZONES



Conclusion

- Complex topic – RMA is about sustainable management
- Regional Councils and communities having difficulty agreeing
  - If charges are appropriate
  - What is a fair and reasonable charging regime