



Coastal Occupation Charging

Proposed Variation 15 to the Proposed
Regional Coastal Environment Plan



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Proposed Variation and Assessment of Alternatives, Costs and Benefits

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1. Executive Summary

A coastal occupation charge would be a fee paid by an individual or organisation for the exclusive occupation of an area in the coastal marine area. The fee would be payable to the Council and must be spent on promoting the sustainable management of the coastal marine area.

Council is required under the Resource Management Act 1991 to decide if it is going to establish a coastal occupation charging regime or not. The report discusses two options: 1) to state an intention not to establish a coastal occupation charging regime by way of variation to the Proposed Regional Coastal Environment Plan ("Coastal Plan"); 2) to establish a coastal occupation charging regime by way of variation to the Coastal Plan.

The report recommends option one that a coastal occupation charging regime not be established at this time due largely to:

- uncertainty around what coastal occupation charges are and a lack of an agreed nationally consistent occupation charging regime
- the low level of coastal occupation in the Gisborne District making it unnecessary at present and of limited benefit
- uncertainty over future ownership and management of the foreshore and seabed (virtually identical to the coastal marine area) under the Takutai Moana Bill with any investment that Council may make in developing a regime at risk of becoming obsolete on the enactment of the Bill
- lack of support from local runanga for the establishment of a coastal occupation charging regime
- the likelihood that the time taken to establish the regime would hold up other priorities on the Coastal Plan.

Despite choosing to not establish a coastal occupation charging regime, Council is required to complete a variation to the Coastal Plan stating that intention. The variation must go through a full Schedule 1 public consultation process, including submissions, further submissions and a hearing if requested by submitters.

2. Introduction

What are coastal occupation charges?

The principles underlying coastal occupation charging are that:

- public access to the coastal marine area (including for customary activities) is protected: private occupation of the public space in the coastal marine area is a privilege and not a right; and
- where private occupation has a negative effect on public use of and access to the coastal marine area, then some form of compensation for the loss is appropriate.

Most of the Gisborne District's coastal marine area is public space, available to anyone in the community to use. The coastal marine area is used by our community for a variety of purposes including both passive and active recreation and food gathering. In some areas private or commercial structures may affect people's use of or access to our coastal marine area.

The Environment Court has stated that for an activity to be an occupation it must be of an ongoing nature and exclude other people or other activities from that area. Transitory occupations such as swimmers and boats passing through the coastal marine area are not coastal occupations.

An occupation charge would be a fee paid by an individual or organisation to the Council. It is like a rental for occupying public space and is similar to the concessions paid to the Department of Conservation for occupying areas in national parks. Occupation charges would apply to future as well as existing coastal permits for occupation of space.

What is driving the proposed variation?

The RMA requires Council to either introduce a charging regime into the Coastal Plan; or to state in the Coastal Plan that no charging regime will be established.

The deadline for addressing the coastal occupation charging issue is currently set in the RMA as 30 June 2007, after which councils cannot make any changes to coastal plans until the coastal occupation charging matter is addressed.

The NZ Coastal Policy Statement ("NZCPS") became operative on 4 December 2010 and Council must now give effect to it through policy statements and plans. Council is unable to make any of the changes necessary until the coastal occupation charging matter is addressed. However, it is likely this date will be extended to 2014 under the Aquaculture Legislation Amendment Bill due to be enacted in July 2011.

What are other Councils doing?

Of the 17 councils managing the coastal marine area, only Environment Southland has implemented a coastal occupation charging regime.

Environment Southland has decided to continue with the pre-RMA system of coastal rentals (see Appendix 1) with charges linked to the Consumer Price Index to account for inflation. Charges are waived for activities that enhance or have no negative impact on public access to the coastal marine area. All the revenue from coastal occupation charges is transferred to the planning department to use for sustainable management of the coastal marine area. The funds are not used to manage the revenue collecting system.

What is Council proposing?

This proposed plan variation would amend the Coastal Plan to state that GDC will **not** be introducing a coastal occupation charging regime into the Coastal Plan at this time. See Appendix 2 for the changes being proposed to the Coastal Plan under Variation 15.

Who occupies the coastal marine area?

In the Gisborne District, the occupation of the coastal marine area usually involves some sort of structure (e.g. wharves, pile moorings and cables etc.). There are few consented occupations within the coastal marine at present (see table below). It is unclear if port activities established prior to the RMA are subject to coastal occupation charges. Legal opinions from other regions suggest they would not be.

Consent holder	Purpose of occupation	Renewal
Eastland Port	Port activities	2026
Inner Harbour Marinas	Floating pontoon marina – Gisborne Port	2026
Inner Harbour Marinas	Floating pontoon marina – Gisborne Port	2026
Inner Harbour Marinas	Marina – Gisborne Port	
NZ Transport Agency	Protection works – Tatapouri Beach	
NZ Transport Agency	Protection works – Tatapouri Beach	
NZ Transport Agency	Protection works – Whangara Road	2044
NZ Transport Agency	Protection works	2012
NZ Transport Agency	Protection works – Turihaua	2038
GDC	Wastewater pipeline – Poverty Bay	
GDC	Boat ramp – Gisborne Port	2040
GDC	Wharf – Tolaga Bay	2035
GDC	Protection works – Te Araroa	2017
GDC	Protection works - Wainui	2040
GDC	Protection works – Waikanae Stream	2030
GDC	Protection works – Waikanae Sea Wall	2030
GDC	Protection works – Centennial Marine Drive	2029
GDC	Bridge – Waikanae Stream	2034
LINZ	Research equipment – Kaiti Beach	2041
LINZ	Research equipment – Lottin Point	2043
NIWA	Research equipment – Gisborne Port	2014
Caltex NZ	Boatstop refuelling facility – Gisborne Port	
Tatapouri Fishing Club	Boat ramp – Tatapouri	
Eastland Network	Submarine cable – Gisborne Port	2038
Marine Travel Lift Society	Marine Travel Lift – Gisborne Port	2034
Wainui Surf LS Club	Boat ramp – Wainui Beach	

Of those permits for occupations listed above, most have elements of public benefit such as: research equipment; works to install or protect major infrastructure such as roading or electricity lines; and enhancing public access to the coastal marine area.

Only those activities in the table highlighted have benefits that accrue solely to private interests and that require full exclusion of the public.

Council has one 'frozen' application for a 3800 hectare marine farm that is still to be dealt with when the applicant wishes to re-initiate that consent process. There is also the potential for near and off-shore mining in the coastal marine area that could see further occupation of space within the coastal marine area in the future.

3. Assessment of Statutory and Policy Framework

The relevant RMA provisions and other statutory provisions and policies are shown below.

Section 64A RMA

Section 64A of the RMA enables GDC to introduce a charging regime to the Coastal Plan provided it has regard to:

- the extent to which public benefits from the coastal marine area are lost or gained;
- the extent to which private benefit is obtained from the occupation of the coastal marine area.

If Council decides to establish an occupation charging regime it must complete a Schedule 1 change to the Coastal Plan and specify the following:

- the circumstances when a coastal occupation charge will be imposed
- the circumstances when Council will consider waiving (in whole or in part) a coastal occupation charge
- the level of charges to be paid or the manner in which the charge will be determined
- the way the money received will be used in terms of the sustainable management of the coastal marine area.

If GDC decides not to establish a coastal occupation charging regime, it must still complete a full Schedule 1 process to state this intention in the Coastal Plan.

Coastal occupation charges cannot be imposed on an authorised person carrying out a recognised customary activity as per the Foreshore and Seabed Act 2004.

Any revenue generated from coastal occupation charging must be allocated to promoting the sustainable management of the coastal marine area.

Section 401A and 401B RMA

Section 401A states that after 30 June 2007 if Council wants to make changes to the Coastal Plan, it must first include a statement or regime on coastal occupation charging. No other plan changes can be progressed until the coastal occupation charging matter is dealt with. The Aquaculture Legislation Amendment Bill (No. 3) proposes to extend the date by which a decision on coastal occupation charging is required to three years after the enactment of the Bill. The Bill had its first reading in November 2010 and was referred to the Primary Production Select Committee with the expectation it would be enacted by July 2011.

Section 401B deems the obligation to pay coastal occupation charges a condition of any consent to occupy space in the coastal marine area, including existing RMA consents.

Part 2 RMA

Part 2 outlines the purpose and principles of the RMA. Aside from Section 5 Purpose of the Act being applicable, one of the matters of national importance identified in section 6 is maintaining and enhancing public access:

Section 6 *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: ...*

(d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers: ...

New Zealand Coastal Policy Statement

There are no provisions in the NZCPS related to coastal occupation charging. However there are several related to coastal occupation and public access:

Objective 4: To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment...

Objective 6: To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development recognising that: ...

- *functionally some uses and developments can only be located on the coast or in the coastal marine area ...*

Policy 18: Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space ...

Gisborne District Council Regional Policy Statement

The Regional Policy Statement ("RPS") does not include any specific provisions on occupying space within the coastal marine area or on coastal occupation charging. It has the following general objective on public access:

Objective 2.7.1 Maintenance or enhancement of public access to and along rivers, lakes and the coastal marine area.

There are several policies and methods related to public access, but none related to occupation or charging. The methods are general and point to Regional and District Plans as the most appropriate documents to manage public access:

Method 2.7.3 (3): Examine the issue of maintaining or improving public access to the coastal marine area in more detail in Regional Plans, the Regional Coastal Environment Plan and the District Plan.

Proposed Regional Coastal Environment Plan for the Gisborne District

The Coastal Plan also does not include any specific objectives, policies or methods on coastal occupation charging. However, there are objectives related to occupation of space in the coastal marine area:

Objective 3.2.3A To provide for the occupation of space in the coastal marine area where this is required to provide for an activity:

- 1. that has a functional need to locate in the coastal marine area; or*
- 2. for which there is no reasonably practicable alternative location outside the coastal marine area.*

after ensuring that the adverse effects arising from the activity's occupation of space in the coastal marine area are avoided as far as practicable and where complete avoidance is not practicable, the adverse effects are mitigated and provision is made for their remediation to the extent possible.

Objective 3.2.3E There shall be no reduction in the level of access the public have to and along the coastal marine areas as a consequence of the occupation of the coastal marine area unless there are no available measures to avoid, remedy, or mitigate the adverse effects of a reduction and the reduction is necessary.

Foreshore and Seabed Act 2004

The Foreshore and Seabed Act transferred ownership of the public interest in the foreshore and seabed to the Crown and guaranteed rights of public access to the coastal marine area subject to provisions under other acts and to customary rights orders:

Section 7 ... (2) Every natural person has access rights in, on, over, or across the public foreshore and seabed.

(3) The access rights conferred by subsection (2) may be exercised subject to any authorised limits, including prohibitions, on access that are imposed by or under an enactment, including a notice in the Gazette issued under section 26

Maritime Transport Act 1994

Under Section 200 (Navigational Aids) of the Maritime Transport Act, Maritime New Zealand has the right to erect structures or instruct others to erect structures for maritime safety purposes:

Section 200 (1) The Authority is responsible for the management of all navigational aids on or near the coasts of New Zealand and the adjacent seas and islands, except those to which subsection (2) applies.

(2) A person (including a local authority) who operates a port, cargo terminal, marina, jetty, marine farm, or other maritime facility (an operator) must provide navigational aids for that facility and is responsible for them.

(3) The Authority may—

(a) Erect or place any navigational aid: ...

(5) An operator who operates a port must, as and when required by the Director, do such of the following in or for that port as the Director may require:

(a) Erect lights, lay down buoys and beacons, and replace, remove, or discontinue any harbour light, signal, buoy, beacon, or other sea mark:

...

Summary of statutory and policy framework

The RMA provides for coastal occupation charging by regional and unitary councils to offset loss of public access to the coastal marine area due to coastal occupation.

Some aspects of the statutory context are clear. The protection of public access to and within the coastal marine area is enshrined in several statutes. Likewise, the occupation of space within the coastal marine area, in some instances (e.g. erection of navigation aids under the Maritime Transport Act, activities as per customary rights orders), is legally protected.

It is recognised that there are some activities that, for functional reasons, can only take place in the coastal environment.

However, assessment of the statutory context also gives rise to several questions:

- can charges be required for port activities?
- what is an appropriate method of calculating charges?
- what is an appropriate rationale for waiving charges?
- can the revenue generated be used partly to fund the administration of the regime?

No advice on these matters is provided in the RMA. Until these matters are addressed by amendment to the RMA to provide greater clarity, establishing a coastal occupation charging regime has high legal risks.

4. Analysis of Options

Under section 32 of the RMA Council must analyse the options for addressing resource management issues when preparing a variation to policies and plans.

What are the options?

Council has agreed two feasible options for dealing with coastal occupation charging:

1. Variation to Coastal Plan to state intention not to establish a coastal occupation charging regime. This would involve keeping existing practice and continuing to manage coastal occupation by other methods such as consent conditions and financial contributions.
2. Variation to Coastal Plan to establish a coastal occupation charging regime. This would involve adding a coastal occupation charging regime to the Coastal Plan. General options for a regime may include:
 - a) adopt a system of fixed charges for activities similar to the old coastal rental system (see Appendix 2); or
 - b) develop a system based on rateable value of adjacent land and loss of coastal values.

How effective and efficient are the options?

The following assessment compares the two options in terms of their efficiency and effectiveness at achieving the objectives in the Coastal Plan.

There are 26 permits for occupation of the Gisborne District coastal marine area at present. All of those activities must be located in the coastal marine area to be functional. Most of the activities have strong public benefit as well and many contribute to enhancing public access to the coastal marine area.

Establishing a coastal occupation charging regime would incur set-up, administration and enforcement costs. It is unclear from the wording of the RMA whether any revenue generated from the charging could be used to cover these costs and they may need to be borne from the general rates budget. At most the regime is likely to require an additional staff resource of around 0.1FTE (4 hours per week).

Establishing a coastal occupation charging regime would not guarantee a reduction in loss of public access to the coastal marine area. It is more likely that a regime would ensure that any occupations of space were as efficient as possible. A charging regime would make those responsible for reducing public access contribute financially to general sustainable management of the coastal marine area.

Establishing a coastal occupation charging regime in light of the uncertainty around future ownership and management of the foreshore and seabed could see any investment made by Council undone and obsolete within a short timeframe.

How do the costs and benefits of options compare?

A decision whether or not to establish a charging regime has limited impact on environmental or social costs and benefits. The effects of the occupation – loss of public access and natural character – are felt if a charging regime is present or not.

In not establishing a regime, charges are not available to enhance revenue for sustainable coastal management. Other tools such as consent conditions, financial contributions and voluntary agreements must be relied on.

We estimate a coastal occupation charging regime could generate the following revenue:

- option 2a fixed coastal rental = \$13 – 20k per annum
- option 2b 5% rateable value of adjacent land = \$11-12k per annum
- option 2b 50% rateable value of adjacent land = \$55-60K per annum
- option 2b 100% rateable value of adjacent land = 110-120k per annum.

We estimate a charging regime may generate the following costs:

- option 2a \$11,000 per annum for 3 years
- option 2b \$13,000 per annum for 3 years

Appendix 3 outlines all rough calculations.

Summary of analysis of options

Establishing a coastal occupation charging regime is a complex exercise. The rationale behind a system is to provide compensation for occupation of space. The key aspects to consider in developing a system are:

- to what degree are the public excluded from an area due to a coastal occupation permit?; and
- what public benefits are lost and gained due to the occupation?

Many of the coastal occupation permits in the Gisborne District are for enhancing and improving public access to the coastal marine area and a strong case could be made to waive at least part of any charges for these activities.

The costs of establishing and maintaining a scheme would likely be covered by the revenue generated from such a scheme, though this depends on the level of public acceptance for a regime.

There are some benefits that more funding is available for coastal management, however the vague terminology means it is not clear what the expenditure could be used for.

5. Risks of acting or not acting

A decision on whether or not to establish a coastal occupation charging regime is a mandatory requirement under the RMA. Council cannot make any further changes to its Coastal Plan until the matter has been addressed. Delaying the plan variation has the potential to delay operative dates for several pending variations/changes to the Coastal Plan and delay further the Coastal Plan going to the Minister of Conservation for approval. This may be ameliorated by the enactment of the Aquaculture Legislation Amendment Bill (No. 3) (due around July 2011), which would have the effect of extending the deadline for completing the change to the Coastal Plan. The requirement to complete the work will still remain.

Council's decision not to introduce a coastal occupation charging regime is reversible. If conditions and constraints change, Council has the ability to amend its Coastal Plan through a full Schedule 1 RMA process to introduce a charging regime at a later date. Section 401B of the RMA states that both existing and future holders of coastal occupation permits are required to pay any charges stipulated in the Coastal Plan. There are two main caveats on these provisions:

- the current wording of Section 401B focuses on Crown land within the coastal marine area and the Marine and Coastal Area (Takutai Moana) Bill may have an impact on ownership rights so may see the application of this change;
- there is some debate nationally as to whether or not occupation charges can be imposed on activities that occupy coastal space where no coastal permit is required. Current thinking is that only those activities that require a coastal occupation permit would be subject to any charges.

6. Conclusion

One of the matters of national importance in section 6 of the RMA is to protect and enhance public access to the coastal marine area. It is recognised in the RMA that this is not always possible and that some activities have a functional need to occupy the coastal marine area. Coastal occupation charging is a tool provided under the RMA to compensate the public for any loss of access to the coastal marine area incurred by exclusive occupation of the coastal marine area by private interests.

The NZ Coastal Policy Statement and Council's regional and district plan provisions echo the importance of protecting and enhancing public access where possible. Council does not currently have a coastal occupation charging regime.

There are very few occupations of space within the coastal marine area at present. Most coastal permits for occupation of space in the Gisborne District have a clear public benefit and many aim to enhance public access to the coastal marine area such as boat ramps and the historic Tolaga Bay Wharf.

There are few coastal occupation permits that generate solely private benefits at the exclusion of the public. Consents for Eastland Port would likely not be subject to any coastal occupation charging.

The costs of establishing, administering and enforcing a coastal occupation charging regime for existing coastal permits would consume most of any revenue generated under the old coastal rental system. Some revenue for sustainable coastal management could be secured via occupation charging if using a method of calculation based on a proportion of the adjacent land values depending on the proportion used. At present, any setting of a method would seem arbitrary in the absence of any national guidance and best practice¹.

It is unclear what coastal occupation charges are and what they can be used for as there is no nationally consistent regime. Council does not have the resources to be a test case in the Courts.

The current review of the Foreshore and Seabed Act 2004 has created uncertainty around future ownership and management of the public foreshore and seabed. Until such time as these matters are resolved, Council risks investing in establishing a regime that may later be voided by legislative changes.

Te Runanga o Ngati Porou does not support the establishment of a coastal occupation charging regime – their focus is on first establishing governance and management rights through the Treaty of Waitangi claims process.

There is a high probability that the time taken to establish the regime would hold up other priorities on the Coastal Plan.

Therefore, option 1 is preferred. Officers recommend that Council declares in the Coastal Plan an intention not to establish a coastal occupation charging regime at this time.

If at a later date, some of the constraints are relieved and there is further development in the coastal marine area, Council can choose to reconsider establishing a coastal occupation charging regime. If a regime is established, charges could apply to any holder of a current coastal permit for occupation of space under the RMA (excluding port activities) - permitted activities would not be subject to a charging regime.

¹ The options explored in the analysis of alternatives are crude and intended to provide a general idea of potential costs and benefits only. Development of a full regime would require detailed policy assessment.

Appendix 1: Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991

Schedule 2

Part 1 – Rent payable for occupation of land of the Crown for commercial activities

1. Structures other than pipelines, submarine or buried cables, boat-storage facilities, moorings, and whitebait jetties—The annual rent for any structure (other than any pipeline, submarine or buried cable, boat-storage facility, mooring, or whitebait jetty) in respect of any commercial activity (including any marine farm, boat building, boat-repair slipway, or other commercial activity), shall be the sum of \$425 per annum.
2. Boat-storage facilities on water, including marinas, moorings, boat parks, and canal housing—The annual rent for any boat-storage facility for more than 10 boats shall be the sum of \$425 per annum plus an additional sum per annum for every berth or set of pile moorings, which additional sum shall be calculated at the rate of \$12 per metre length of berth (for pile moorings, measured from the centre of each pile), plus an additional sum for every swing mooring of \$84 per annum.

Part 2 – Rent payable for occupation of land of the Crown for non-commercial activities

The annual rent for any structure, other than any pipeline, boat-storage facility on water (including any mooring) or whitebait jetty, in respect of any non-commercial activity, shall be as follows:

- a) For structures up to and including 14 square metres, the sum of \$60 per annum:
- b) For structures exceeding 14 square metres but less than 28 square metres, the sum of \$115 per annum:
- c) For structures exceeding 28 square metres but less than 56 square metres, the sum of \$230 per annum:
- d) For structures exceeding 56 square metres but less than 84 square metres, the sum of \$290 per annum:
- e) For structures exceeding 84 square metres, the sum of \$425 per annum.

Part 3 – Rent payable for occupation of land of the Crown for other activities (whether commercial or noncommercial)

1. Pipelines and submarine or buried cables
 - 1) The annual rent for any pipeline used solely for individual domestic purposes (including stormwater and water-supply purposes) shall be the sum of \$60 per annum.
 - 2) The annual rent for any pipeline (other than any pipeline used solely for individual domestic purposes) or submarine or buried cable shall be the sum of \$85 per annum plus an additional sum, where the length of the pipeline or cable occupying land of the Crown in the coastal marine area is equal to or exceeds 30 metres, of \$15 per annum per 30 metre length of the pipeline or cable.

2. Moorings

1) The annual rent for any pile moorings, other than any pile moorings in a boat-storage facility, shall be the sum of—

a) \$60 per annum; or

b) \$12 per annum per metre (measured from the centre of the piles and to the nearest metre)—

whichever is the higher sum.

2) The annual rent for any swing mooring shall be the sum of \$84 per annum.

3. Whitebait jetties

1) The rent for any whitebait jetty on any river listed in Schedule 2 to the Fisheries (West Coast Whitebait Fishing) Regulations 1985 (SR1985/211) shall be the sum of \$100 per annum.

2) The rent for any whitebait jetty on any other river shall be the sum of \$50 per annum.

Appendix 2: Proposed Variation 15 text

Chapter 2 Guiding Policy

2.4 MAINTAINING and ENHANCING PUBLIC ACCESS TO and ALONG THE COASTAL MARINE AREA and LAKES and RIVERS IN THE COASTAL ENVIRONMENT (chapter 2 - page 33)

2.4.1 Introduction

... There is a close linkage with the issue of the Occupation of Space in the coastal marine area. Exclusive occupation of space in the coastal marine area will restrict public access along the coastal marine area. The issue of Occupation of Space is dealt with in chapter 3.2 and should be read in conjunction with this chapter.

Chapter 3 Activities

3.2 OCCUPATION of SPACE

3.2.1 Introduction

... One of the key problems with coastal tendering is that it does not provide interested parties with forewarning that a part of the CMA will be allocated for a particular purpose. In many respects ... the uncertainty surrounding tendering is likely to be cause for concern.

Section 64A of the Resource Management Act enables regional councils to apply coastal occupation charges to activities occupying space within the coastal marine area. Under this section, a regional council must introduce a change to its coastal plan to either introduce a coastal occupation charging regime or include a statement to the effect that a charging regime will not be introduced. Section 64(5) specifies that any money received can only be used for promoting the sustainable management of the coastal marine area. Gisborne District Council has decided not to introduce a coastal occupation charging regime at this time.

Principal reasons: A coastal occupation charging regime will not be established at this time due to a combination of several factors: uncertainty around what coastal occupation charges are; the low level of coastal occupation in the Gisborne District; uncertainty over future ownership and management of the foreshore and seabed; and the likelihood of a lengthy plan change process holding up other priorities on the Coastal Plan. Council will reconsider a coastal occupation charging regime when any of the above factors changes and provides greater clarity and certainty.

Appendix 3: Revenue and Cost Calculations for Coastal Occupation Charging Regimes

Option 2a – Old Coastal Rental System

Revenue

Charging system based on old pre-RMA coastal rental scheme in Schedule 2 of the Resource Management (Transitional, Fees, Rents and Royalties) Regulations 1991 (see Appendix 2).

Option 2a (minimum) is to charge only for occupations that yield a private benefit to the public's exclusion (shown by shading). Option 2a (maximum) is to charge full fees for all occupations, regardless of who benefits, including charges imposed on Council-owned structures.

Purpose of occupation	Revenue per annum	
	Option 2a (minimum)	Option 2a (maximum)
Port activities	NA	NA
Floating pontoon marina – Gisborne Port	\$12,461	\$12,461
Floating pontoon marina – Gisborne Port		
Marina – Gisborne Port		
Protection works – Tatapouri Beach		\$425
Protection works – Tatapouri Beach		\$425
Protection works – Whangara Road		\$425
Protection works		\$425
Protection works – Turihaua		\$425
Wastewater pipeline – Poverty Bay		\$425
Boat ramp – Gisborne Port		\$425
Wharf – Tolaga Bay		\$425
Protection works – Te Araroa		\$425
Protection works - Wainui		\$425
Protection works – Waikanae Stream		\$425
Protection works – Waikanae Sea Wall		\$425
Protection works – Centennial Marine Drive		\$425
Bridge – Waikanae Stream		\$425
Research equipment – Kaiti Beach		\$60
Research equipment – Lottin Point		\$60
Research equipment – Gisborne Port		\$60
Boatstop refuelling facility – Gisborne Port	\$425	\$425
Boat ramp – Tatapouri		\$425
Submarine cable – Gisborne Port		\$100
Marine Travel Lift – Gisborne Port	\$425	\$425
Boat ramp – Wainui Beach		\$425
	\$13,311	\$20,391

Please note: These are estimates only.

Costs (based on scaled back process for development contributions)

	Description	Hours	Cost
Set-up	Research, consultation, publication	400	\$12,000 (over 3 years)
Admin	Assessment, data entry, notification	100	\$4,000 pa
Enforcement	Data entry, notification, negotiation	100	\$3,000 pa
			\$11,000 pa for 3 years

Option 2b – Proportion of Adjacent Land Values System

Revenue

Charging system based on a proportion of the average rateable value of the adjacent land and loss of coastal values. The calculations below are based on 5% of the average adjacent land value (LV) per square metre multiplied by the area occupied in square metres (AO) over the life of a standard consent of 35 years:

$$0.05 \text{ (LV/m}^2 \times \text{AO)}$$

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Option 2b (minimum) is to charge only for occupations that yield a private benefit to the public's exclusion (indicated by yellow shading). Option 2b (maximum) is to charge full fees for all occupations regardless of who benefits. This would include charges imposed on Council-owned structures.

Purpose of occupation	Revenue per annum	
	Option 2b (minimum)	Option 2b (maximum)
Port activities	NA	NA
Floating pontoon marina – Gisborne Port	\$11,457	\$11,457
Floating pontoon marina – Gisborne Port		
Marina – Gisborne Port		
Protection works – Tatapouri Beach		\$137.14
Protection works – Tatapouri Beach		
Protection works – Whangara Road		\$68.57
Protection works		\$68.57
Protection works – Turihaua		\$68.57
Wastewater pipeline – Poverty Bay		\$33.71
Boat ramp – Gisborne Port		\$56.82
Wharf – Tolaga Bay		\$6.36
Protection works – Te Araroa		\$0.03
Protection works - Wainui		\$452.00
Protection works – Waikanae Stream		\$28.99
Protection works – Waikanae Sea Wall		\$133.15
Protection works – Centennial Marine Drive		\$8.24
Bridge – Waikanae Stream		\$2.40
Research equipment – Kaiti Beach		\$0.25
Research equipment – Lottin Point		\$0.01

Research equipment – Gisborne Port		\$0.25
Purpose of occupation	Revenue per annum	
	Option 2b	Option 2b
	(minimum)	(maximum)
Boatstop refuelling facility – Gisborne Port	\$25.14	\$25.14
Boat ramp – Tatapouri		\$6.86
Submarine cable – Gisborne Port		\$7.54
Marine Travel Lift – Gisborne Port	\$25.14	\$25.14
Boat ramp – Wainui Beach		\$2.84
	\$11,507.28	\$12,589.54

Please note: These are estimates only.

Costs (based on scaled back process for development contributions)

	Description	Hours	Costs
Set-up	Research, consultation, publication	400	\$12,000 (3-yearly)
Administration	Assessment, data entry, notification	200	\$6,000 pa
Enforcement	Data entry, notification, negotiation	100	\$3000 pa
			\$13,000 pa for 3 years