



AUCKLAND REGIONAL PLAN: COASTAL

PROPOSED PLAN CHANGE 2

COASTAL OCCUPATION CHARGES

Plan change prepared under Part I of the First Schedule of the
Resource Management Act 1991

THIS EXPLANATORY NOTE PROVIDES A BRIEF SUMMARY OF THE PROPOSED AMENDMENTS TO THE AUCKLAND REGIONAL PLAN: COASTAL AND DOES NOT FORM PART OF THE CHANGE.

All new text is shown underlined and deleted text is shown with ~~striketrough~~.

This proposed plan change amends the Auckland Regional Plan: Coastal to state that the ARC will not be introducing a coastal occupation charging regime to this plan. Section 64A of the RMA enables the ARC to introduce a charging regime provided it addresses the matters set out in that section.

However section 401A () states that:

“(4) *Where no provision for coastal occupation charges has been made in a regional coastal plan or proposed regional coastal plan by 1 July 2007 the regional council must, in the first proposed regional coastal plan or change to a regional coastal plan notified after 30 June 2007 include a statement or regime on coastal occupation charges in accordance with section 64A.*”

Due to legal and policy uncertainties relating to section 64A, the ARC (and other regional councils) has not been able to develop a sustainable coastal occupation charging regime. As the ARC wishes to promote other plan changes to the Regional Plan: Coastal, including provisions relating to the redevelopment of the waterfront, mangrove management and aquaculture (and possibly other changes) it has resolved to promote a plan change stating that no coastal occupation charging regime will be introduced at this time.

Notes:

Only the parts of the Auckland Regional Plan: Coastal that are amended by ARP:C Proposed Change 2 have been included in this document.

The proposed plan change is set out below.

Introduction – 1

[Amend 1.5.8 by inserting the following on page 1-8 (Chapter 1)]

1.5.8 Part VII: Additional Matters (Chapters 41 to 43)

This part details the additional matters to achieve the Plan's objectives and policies. Cross boundary issues are outlined. The licensing function of the ARC as well as fees and charges relating to coastal consent processing are detailed. Other matters discussed include by-laws and the transfer of power, coastal tendering, ~~and~~ rents and royalties and coastal occupation charges.

General – 10

[Inserted the following in '10.5 Rules' after the first two paragraphs and before 'Permitted Activities' on page 10-5 (Chapter 10)]

Coastal Occupation Charging

The ARC has resolved, at this time, not to introduce a coastal occupation charging regime as provided for by section 64A of the Resource Management Act 1991 (refer to Chapter 41-Administration for additional details).

Administration - 41

[Amend, '41.5 Rents and Royalties', the last two paragraphs and insert the following on pages 41-2 & 41-3 (Chapter 41)]

Coastal Occupation Charges

Section 64A further provides that a regional council must introduce a ~~variation~~change to its coastal plan to either introduce a coastal occupation charging regime or to include a statement to the effect that such a charging regime should not be included. Any coastal occupation charging regime could apply to occupation of publicly owned coastal marine area under the authority of an occupation permit issued under the RMA. Section 64A(5) further specifies that any amount collected must be used solely for the purpose of promoting the sustainable management of the coastal marine area.

~~As required by section 64A, the ARC is presently considering whether or not to introduce any coastal occupation charge. The necessary variation will be subject to the consultation and public notification procedures set out under the First Schedule to the Act.~~

The ARC has resolved to not introduce a coastal occupation charging regime at this time.

The reasons for this are two fold. The first is that a sustainable coastal occupation charging regime cannot be developed at this time due to legal and policy uncertainties relating to section 64A. These include: a lack of clarity about what are coastal occupation charges, that there is no presumption to charge, the lack of an agreed nationally consistent charging methodology and other equity issues.

The second is that the RMA (section 401A) imposes time limits to address coastal occupation charging with respect to promoting other changes to the Regional Plan: Coastal.

Section 401A – 4 states that

“Where no provision for coastal occupation charges has been made in a regional coastal plan or proposed regional coastal plan by 1 July 2007, the regional council must, in the first proposed regional coastal plan or change to a regional coastal plan notified after 30 June 2007, include a statement or regime on coastal occupation charges in accordance with section 64A “

The ARC needs to retain the ability to notify other plan changes to the Regional Plan: Coastal. These include the redevelopment of the waterfront, mangrove management and the provision of aquaculture in the Region. The ARC would not be able to notify any proposed plan changes after the 30 June 2007 without addressing the issues of coastal occupation charges. Accordingly the ARC has resolved not to introduce a coastal occupation charging regime at this time.