

Tasman Resource Management Plan

**PROPOSED PLAN CHANGE No. 71
Coastal Occupation Charges**

**Explanatory Statement
and
Schedule of Amendments**

The Tasman Resource Management Plan is amended in accordance with the attached annotated portions of the Plan and revised maps

NOTE:

- Red underlined text denotes proposed new text inserted or amended.
- Blue strikethrough text denotes text deleted.

Notified: 20 June 2020

Explanatory Statement

Under the Resource Management Act 1991 (Act) regional councils are able to charge for the occupation of the coastal marine area. The charge is equivalent to a rental for the use of public space, and monies received are to be used for the sustainable management of the coastal environment.

All regional councils are required, by 1 October 2014, to consider whether or not to levy coastal occupation charges and then amend their plans to either establish the charging regime or state that no charge will be imposed. After this date, if councils have not addressed the issue then no further changes to their regional coastal plan can be made. This proposed Plan Change addresses the issue of coastal occupation charges as required by the Act.

Tasman District Council has undertaken significant amount of work with the other regional councils to investigate and develop a coastal occupation charging regime. However, through this work, a number of barriers to implementing a regime have been identified, particularly concerning the meaning of the legislation. The regional councils have been working with the government to clarify the legislation but have been unsuccessful to date. Until the legislation is clarified, the Council considers the risks of introducing a coastal charging regime outweigh any benefits that may occur.

Council has made the decision to **not** include a coastal occupation charging regime at present and is amending the plan to give effect to this decision as required by the Act.

Schedule of Amendments

The Tasman Resource Management Plan is amended in accordance with the following schedule:

PART III: COASTAL MARINE AREA

INTRODUCTION

Part III applies to the coastal marine area, which extends seaward of the line of mean high water springs to 12 nautical miles offshore and includes all foreshore, seabed and sea in that area and the air space above it.

[Unchanged or irrelevant text omitted]

Schedule 25C records the locations of river mouths agreed between Council and the Minister of Conservation, as required by Section 2 of the Act. It also includes the derived locations where the boundary of the coastal marine area crosses those rivers.

Coastal Occupation Charges

In accordance with section 64A of the Act, Council is required to consider whether or not a coastal occupation charging regime applying to persons who occupy any part of the common marine and coastal area should be included in the Regional Coastal Plan.

Council agrees with the principle of coastal occupation charges and considers that an appropriate regime would assist in the sustainable management of the common marine and coastal area. However, given the legal and policy uncertainties around such a charging regime, Council has decided not to impose a charging regime at present.

Until such a time that a charging regime is included in the Plan, the Council will continue to co-operate with and support other regional authorities and central government agencies in the development of a legally defensible charging regime. Council will also continue to advocate the necessary changes to the legislation and policy at a national level.