

CORRESPONDENCE PART 3**Information Only - No Decision Required**

Report To: Golden Bay Community Board
Meeting Date: 14 April 2015
Report Author: Laura Page, Senior Customer Services Officer
Report Number:
File Reference:

1 Summary

1.1 The incoming and outgoing correspondence is attached to this report.

2 Attachments

1. Coastal Occupation Charges
2. 2 hour parking
3. Hanging Baskets
4. High E coli for Takaka River
5. Walkwaycycle way
6. Pohara Stream Contamination
7. Dawn Service Takaka
8. Arts Council Funding Request
9. Email from MBIE
10. Email from Lindsay McKenzie
11. Golden Bay Kayaks

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27 February 2015

Golden Bay Community Board
C/o Carolyn McLellan
Bainham

Collingwood 7073

Dear Sir/Madam

Coastal Occupation Charges: A Draft Plan Change

The Resource Management Act 1991 requires the Tasman District Council (Council) to look at charging for use of the coastal area. The charges are similar to a rental for use of public space and the money collected is required to be used for the sustainable management of the coastal area. The uses affected include activities like moorings, jetties, wharves, and marine farms, but not short-term activities like swimming, boating and fishing. The law also requires Council, once it has looked at introducing charges, to include the decision in the regional coastal plan through a plan change.

Council has decided **not** to introduce charges at this point in time, but Council is still required to undertake a plan change and this letter has been sent to you as a person who may be affected or interested and forms part of Council's consultation before changing the plan.

Background

Originally people using the coastal area were charged a lease or licence fee under the Harbours Act (1950). These were replaced by crown rentals and royalties in 1991 and the charges were collected by councils and passed on to the Government. This Council chose not to collect these charges as to do so came at a cost to ratepayers. In 1997 coastal occupation charges replaced crown rental and royalties and Council is now required to decide whether or not to introduce the charges.

The charges are based on the idea that a person's use of the coast is a privilege and where a person benefits from that use they should pay some form of compensation to the public, particularly where the public lose use of the area. Most coastal uses have a mix of benefits and losses to the public and charges can be set at different levels. For example, a public boat ramp might not be charged because overall the public benefits but a mooring or marine farm may be charged because the public no longer have full use of the area.

Council believes that the charges are a good idea for most coastal uses. However, because the law and the method of charging is not clear and not all coastal users would be caught by the charges, Council has decided **not** to charge for coastal use at this point in time.

Despite the decision not to change things, Council needs to make the decision clear in the regional coastal plan. To do this, Council is required to make a change to the regional coastal plan (Tasman Resource Management Plan) and this consultation forms part of that plan change process. Following on from this consultation Council will formally prepare the

plan change and call for submissions. A hearing may be held, decisions released, with potential for appeals.

Please look at the attached a copy of the draft plan change and section 32 report and if you have any comments or questions regarding Council's decision, please provide these to me by **27 March 2015**.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Tania Bray', with a stylized flourish at the end.

Tania Bray
Policy Planner



**Report on Assessment of Alternatives under Section 32
of the Resource Management Act**

Draft Plan Change 56
Coastal Occupation Charges

February 2015

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1. Introduction and Planning Context

1.1 Purpose of the Report

The Resource Management Act 1991 (RMA) enables regional councils to introduce a charging regime for the occupation of space within the coastal marine area. Until recently councils were given the option of whether or not they wished to consider coastal occupation charges, however this has recently changed. From the 1 October 2014 all regional councils are required to amend their regional coastal plans and either introduce a charging regime or to state in their plans that no charging regime would be imposed. Until this change is made regional councils are prevented from undertaking further changes to their regional coastal plans.

Tasman District Council (TDC) has made a significant contribution to the development of coastal occupation charging regimes at the national level and through that work, along with other regional councils, has identified significant barriers to the implementation of a charging regime. Regional councils have worked with the government over the years to try and reduce the barriers to implementation, but have been largely unsuccessful to date and the barriers to implementation remain. Despite this, the requirement to address the issue remains and TDC has made the decision to proceed with a plan change to address the matter. This decision will enable TDC to continue with its statutory responsibilities to sustainably manage the coastal environment, including amending the regional coastal plan (Plan) when required.

The purpose of this plan change is solely to meet the requirements of sections 64A and 401A of the RMA which require TDC to address coastal occupation charges.

In considering whether or not to introduce a charging regime section 64A of the RMA requires TDC to have regard to:

- (a) The extent to which public benefits from the coastal marine area are lost or gained; and
- (b) The extent to which private benefit is obtained from the occupation of the coastal marine area.

If TDC decides to introduce a charging regime it must include the following:

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

TDC has considered the extent to which public benefit is gained and lost from coastal occupation and has decided in principle that where private gain is greater than public gain then the public should be compensated. However, due to the identified barriers to implementation TDC has decided **not** to introduce a charging regime at present. TDC is still required to undertake a plan change to state this decision.

Whenever a plan change is undertaken the RMA requires an evaluation report (prepared under section 32) which explains the reason for the proposed plan change and the methods used by TDC in reaching the decision to undertake the plan change.

This report is the section 32 evaluation report and it also includes TDC's considerations under section 64A.

1.2 Coastal Occupation Charges

1.2.1 Background

Coastal occupation charges are a charge that can be made against any person who occupies public space within the coastal marine area. Charges replace a system of coastal rentals that had, in turn replaced the Harbour Act lease and licence fees that applied prior to 1991. These charges can apply to, but are not limited to, wharves, jetties, moorings, marinas, boat ramps, cables, pipes and marine farms; and those activities which are long term occupations of the coastal marine area. Temporary and transient uses of the coastal marine area like fishing, swimming and anchoring vessels are not considered to be coastal occupations.

In 1991 when the Act was first enacted it contained a system of coastal rentals which were to be administered by regional councils and the revenue was to be passed on to central government. The amounts to be paid were set by the Resource Management Transitional, Fees, Rents and Royalties) Regulations 1991. Regional councils, with the exception of Southland, refused to implement the rentals and urged the government to amend the legislation to allow the revenue to remain in the regions. In 1997 the Act was amended and coastal rentals were replaced with coastal occupation charges. The change enabled councils to charge for coastal occupation, with the proviso that any charges collected had to be spent on the sustainable management of the coastal environment within the region.

1.2.2 Principles Underlying Coastal Occupation Charges

The principles underlying coastal occupation charging are that:

- public access to and within the coastal marine area is protected and private occupation of the coastal marine area is a privilege and not a right; and
- where private occupation has an adverse effect on public access to and use of the coastal marine area, then some form of compensation for the loss is appropriate.

Public access, use and enjoyment of the coastal marine area can be restricted, prevented or enhanced by structures and activities occupying space, particular those that involve a permanent or ongoing occupation of the coastal marine area. Coastal occupation charges are one way in which the public can be 'recompensed' for the loss of the ability to use and access public space.

There are clear analogies with land based activities. If somebody wished to rent/lease private property or to occupy and use public park land for commercial use, they would expect to pay for that space e.g. Department of Conservation concessions for commercial operators in Abel Tasman National Park. Where an activity is occupying space in the coastal marine area and private benefit is gained consideration is required if a charge or rent should be paid for that benefit.

It is on this basis that the coastal occupation charges are founded – namely councils must have regard to the extent to which the public benefits from the coastal marine area are lost or gained; and the extent to which public benefit is obtained from the occupation of the coastal marine area. This is discussed in more detail in Section 2: Public and Private Benefit Assessment.

1.3 Statutory and Legislative Framework

Before completing an evaluation under section 32 of the RMA TDC is required to examine the extent to which the objective of this plan change; to address the requirements of the section 64A, are the most appropriate way to achieve the purpose of the RMA. To do this TDC is required to look at the provisions in the RMA, other documents and strategies that arise from the RMA and other related legislation. The purpose of this is to ensure decision making across relevant statutory and planning frameworks is integrated.

The statutory and policy considerations for any coastal occupation charging regime is outlined below.

Resource Management Act 1991

Section 401A: Transitional Coastal Occupation Charges

- ...
- (4) Where no provision for coastal occupation charges has been made in a regional coastal plan or proposed regional coastal plan by the expiry date [1 October 2014], the regional council must, in the first proposed regional coastal plan or change to a regional coastal plan notified on or after the expiry date, include a statement or regime on coastal occupation charges in accordance with section 64A.
- (5) In this section, expiry date means the date that is 3 years after the commencement of section 59 of the Resource Management Amendment Act (No 2) 2011.

This section requires TDC to include a statement or charging regime in the regional coastal plan, when it next notifies a change to the regional coastal plan.

Section 64A: Imposition of coastal occupation charges

- (1) Unless a regional coastal plan or proposed regional coastal plan already addresses coastal occupation charges, in preparing or changing a regional coastal plan or proposed regional coastal plan, a regional council must consider, after having regard to—
- (a) The extent to which public benefits from the coastal marine area are lost or gained; and
- (b) The extent to which private benefit is obtained from the occupation of the coastal marine area,—
- 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.
- (2) Where the regional council considers that a coastal occupation charging regime should not be included, a statement to that effect must be included in the regional coastal plan.
- (3) Where the regional council considers that a coastal occupation charging regime should be included, the council must, after having regard to the matters set out in paragraphs (a) and (b) of subsection (1), specify in the regional coastal plan—
- (a) The circumstances when a coastal occupation charge will be imposed; and
- (b) The circumstances when the regional council will consider waiving (in whole or in part) a coastal occupation charge; and

(c) The level of charges to be paid or the manner in which the charge will be determined; and

(d) In accordance with subsection (5), the way the money received will be used.

- (4) No coastal occupation charge may be imposed on any person occupying the coastal marine area unless the charge is provided for in the regional coastal plan.
- (4A) A coastal occupation charge must not be imposed on a protected customary rights group or customary marine title group exercising a right under Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011.
- (5) Any money received by the regional council from a coastal occupation charge must be used only for the purpose of promoting the sustainable management of the coastal marine area.

This section defines what TDC must consider before making a decision to impose a coastal occupation charging regime and what must be included in a charging regime. This section also requires the inclusion of a statement in the regional coastal plan should the decision be to not impose a charging regime.

Part II

Part II of the RMA, section 5 states that the purpose of the Act is to promote sustainable management of natural and physical resources. Section 6(d) states that it is a matter of national importance to maintain and enhance public access to and along the coastal marine areas and section 7(b) refers to the efficient use of resources.

Coastal occupation charges are not mentioned in Part II, however, as money received from coastal occupation charges is required to be spent on the sustainable management of the coastal environment the charges are considered to be consistent with the purpose of the RMA in section 5. A charging regime may also promote more efficient use of resources (section 7(b)) by acting as a disincentive to the occupation of areas larger than required.

New Zealand Coastal Policy Statement 2010

The purpose of the New Zealand Coastal Policy Statement 2010 (NZCPS) is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment. There are provisions in the NZCPS regarding the allocation and use of public space but no specific provisions regarding coastal occupation charges. To the extent that money received from a charging regime is to be spent on the sustainable management of the coastal environment is considered consistent with the principles of the NZCPS.

Tasman Regional Policy Statement

The Tasman Regional Policy Statement (TRPS) provides an overview of the resource management issues for Tasman and includes policies and methods to achieve integrated management of the natural and physical resources for region.

The TRPS does not include any specific provisions relevant to coastal occupation charges.

Tasman Resource Management Plan (which includes the Regional Coastal Plan)

The purpose of the Tasman Resource Management Plan, in part, is to assist TDC, in conjunction with the Minister of Conservation, to achieve the purpose of the RMA in relation to the coastal marine area in Tasman.

There are specific objectives and policies regarding the occupation of space in the coastal marine area, however, these policies seek to address environmental effects arising from the occupation, which is different from the purpose of coastal occupation charges. The Plan does not include any specific objectives, policies or methods relating to coastal occupation charges.

Marine and Coastal Area (Takutai Moana) Act 2011

The Marine and Coastal Area (Takutai Moana) Act divests the common marine and coastal area from ownership and sets out a number of core rights for public use regarding access, fishing and navigation. The Act specifically provides for the public to pass, re-pass, enter, stay in or on, and leave the common marine and coastal area without charge (section 26), subject to provisions under other Acts and customary interests.

Coastal occupation charges only apply to longer-term and permanent occupations of the common marine and coastal area and do not affect transient and temporary uses like fishing, swimming and anchoring which are protected by this Act.

Summary of Statutory and Policy Framework

Sections 401A and 64A of the RMA require TDC to either implement a coastal charging regime or include a statement in the plan to the effect that TDC has made the decision not to implement a charging regime, at the next change to the regional coastal plan. Section 64A sets out what must be considered before TDC makes a decision and section 64A(3) states what must be addressed in the charging regime. Beyond these sections, the RMA neither provides support nor opposes the introduction of coastal occupation charges, or provides details of what form a charging regime should take.

Coastal occupation charges are not discussed in either the Tasman Regional Policy Statement or the Tasman Resource Management Plan.

To the extent that the RMA, policy documents and management plans seek sustainable management of the coastal environment, then the imposition of a coastal occupation charging regime is considered consistent.

2. Public and Private Benefits Assessment (Section 64A)

Section 64A of the RMA requires councils to have regard to both public benefits (lost and gained) and private benefits (gained) in determining whether or not to introduce a charging regime.

It is considered that private benefit occurs where occupations/use by one excludes the use of that space by another. A public benefit occurs where no one is excluded from use or enjoyment and the benefits are available to everyone in the community for that space. The majority of occupations fall between these two extremes with few occupations having total private or public benefit. For example a private marina might exclude the general public, however in most cases they provide public facilities in the form of boat ramps, refuelling and ablution/ toilet facilities. At the other end of the spectrum a public boat ramp may prevent other uses; however the occupation is fully for the benefit of the public.

The following authorised coastal occupations occur in Tasman District

Table 1: Number and Type of Coastal Occupations

Type of Structure	Authorisation	Number
Wharves and Breakwaters	Permitted by TRMP	12
Boat Ramps	Permitted by TRMP	15
Swing Moorings	Permitted by TRMP	23
	Coastal Permit	152
Jetties and berths	Permitted by TRMP	34
	Coastal Permit	243
Bridges in CMA	Coastal Permit	2
Utilities (pipes and power cables)	Coastal permit	12
Swim platform	Coastal Permit	2
Marine farm	Coastal permit	30 (Total= 142ha)
Marine farm (Spat catching)	Coastal permit	5 (Total =1670ha)
Marine farm (low density off shore)	Coastal permit	10 (Total =1075ha)

The allocation of benefits and costs to the differing types of occupation is a subjective exercise which varies according to the judgement of the person(s) carrying out the exercise and particular circumstances of each occupation.

The following benefits and costs are considered to arise from coastal occupation in Tasman District.

Table 2: Benefits and Costs of Occupation in the CMA

Occupation Type		Private Benefit Gained	Public Benefit	
			Gained	Lost
Mooring (swing, pile)		Boat security Accessibility Convenience	Safety (low risk to other boats or property)	Opportunity to occupy the same space for other uses and activities. May impede access along the foreshore.
Marina		Security/ Safety Accessibility (to land, associated facilities e.g. disposal points). Storage Profit	Safety (low risk to other boats or property) Often additional facilities provided e.g. boat ramps and ablution blocks	Opportunity to occupy/ access the same space May impede access along the adjoining foreshore.
Jetty/Wharf/ boat ramp	Public	Access and use Berthing/ storage Passive use and recreation (e.g. fishing, walking) Accessibility Convenience	Access and use Berthing/ storage Passive use and recreation (e.g. fishing, walking) Accessibility Convenience	Opportunity to occupy the same space, although other use of space may be possible depending on structure size, height above water surface etc. May impede access along adjoining foreshore
	Private	Access and use Berthing/ storage Passive use and recreation (e.g. fishing, walking) Accessibility Convenience	Potentially(subject to conditions of consent)–Access and use Berthing/storage Passive use and recreation (e.g. fishing, walking) Accessibility Convenience	Opportunity to occupy the same space, although other use of space may be possible depending on structure size, height above water surface etc. May impede access along adjoining foreshore
Boat shed/ Factories (other private buildings)		Security/safety Weather protection Accessibility Convenience No cost of storage on land	Safety/ lighting	Opportunity to occupy the same space, although other use of space may be possible depending on structure size, height above water surface, exclusivity of use etc. May impede access

Occupation Type	Private Benefit Gained	Public Benefit	
		Gained	Lost
			along adjoining foreshore.
Marine Farm	Access Use Productivity Profit	Navigational aid/ safety Possible fish attraction Wider socio- economic benefits (e.g. enhanced (local) employment opportunities and export earnings)	Opportunity to occupy the same space (note: may not occupy entire permit area or for the whole year) Limited public accessibility (e.g. large vessels, crossing over lines) Loss of opportunity to navigation, recreational fishers etc particularly where large areas are involved.
Utility Service (public utilities e.g. power)	Health/ safety of individuals Provision of services Profit (private companies)	Health/safety of wider public/community Provision of services	Opportunity to occupy the same space, although generally unobtrusive as below surface. No opportunity for other use of occupied space, may be less restrictive if below surface of on seafloor. May be other necessary exclusions (e.g. anchoring, mooring or dredging).
Domestic pipelines (private)	Convenience Access Use Provision of services	Health/safety	Opportunity to occupy the same space, although generally unobtrusive as below surface. No opportunity for other use of occupied space, may be less restrictive if below surface of on seafloor. May be other necessary exclusions (e.g. anchoring, mooring or dredging).
Bridges (public)	Safety Convenience Access	Safety Convenience Access	Opportunity to occupy the same space, although other use of space may be possible

Occupation Type	Private Benefit Gained	Public Benefit	
		Gained	Lost
		Wider socio-economic benefits (e.g. enhanced (local) employment opportunities.	depending on structure size, height above water surface etc
Swim Platform (public) -seasonal	Convenience Access Health/safety	Convenience Access Health/safety	Opportunity to occupy the same space, although the structures are short term and the space can be used when the space is not in use.

The Marlborough District Council undertook an exercise in 1999¹ to quantitatively assess the relative benefits associated with different types of occupation. This assessment is well documented, based on a sound rationale, and is considered to be a fair representation of the benefits. The findings from this analysis are detailed in the following table.

Table 3: Net Private Benefit

Occupation (type)	Private Benefit (a)	Public Benefit Gained (b)	Public Benefit Lost (b)	Net Private Benefit a+(c-b)
Mooring	5	2	3	6
Marina	5	4	4	5
Jetty/wharf (private)	4	4	3	3
Jetty /Wharf (public)	1	5	2	-2
Boat Ramp(private)	5	1	3	7
Boat Ramp(public)	1	5	2	-2
Mussel Farm [traditional mussel]	4	3	4	5
Utility (e.g. power)	1	1	2	2
Domestic Services e.g. storm water	5	1	2	6

TDC in accordance with the underlying principles of coastal occupation charges considers, in principle, that where private benefit is greater than public benefit the public should be compensated. Based on the above analysis all coastal occupations (except public jetty/wharfs and public boat ramps) could be considered to have greater private benefit than net public benefit and consent holders should compensate the public for loss of use.

¹ Boffa Miskell Limited. (1999) Coastal Occupancy Charges
<http://www.marlborough.govt.nz/sitecore/shell/Controls/Rich%20Text%20Editor~/media/Files/MDC/Home/Your%20Council/RM A/RPS/Review/CoastalOccupancyChargespreparedbyBoffaMiskellLimited.pdf>

3. Evaluation of Coastal Occupation Charges Options

In addition to the assessment of the appropriateness of this plan change under the statutory and planning frameworks (section 1.3) and the assessment of net public benefits and losses (section 2), TDC is required to assess the appropriateness of the proposed changes in achieving the purpose of the plan change. This requires an examination of the options, assessing the efficiency and effectiveness (including costs and benefits and risks of acting and not acting) and a summary of the reasons why TDC has made its decision.

3.1 What are the options?

The RMA provides TDC with two options for meeting the requirements of sections 64A and 401A:

1. Amend the Plan to include a statement which gives effect to a decision not to establish a coastal occupation charging regime (section 64A(2); or.
2. Amend the Plan to introduce a coastal occupation charging regime (section 64A(3). The charging regime is required to cover the following;

(a) The circumstances when a coastal occupation charge will be imposed; and

(b) The circumstances when the regional council will consider waiving (in whole or in part) a coastal occupation charge; and

(c) The level of charges to be paid or the manner in which the charge will be determined; and

(d) In accordance with subsection (5), the way the money received will be used.

3.2 Effectiveness and Efficiency

The RMA requires TDC to assess how effective the two options will be in achieving the purpose of the plan change or how successful the options will be in solving the problem.

TDC is also required to look at the efficiency of the two options, whether the proposed change is likely to achieve the purpose of the plan change at the lowest total cost to all members of society, or achieve the highest net benefit to all of society.

3.2.1 How effective and efficient are the options?

Both options 1 and 2 fulfil the requirements of section 64A and 401A and are effective in addressing the issue of coastal occupation charges as required by the RMA. However, TDC along with other regional councils and government agencies have been working for a number of years to develop a methodology for a coastal occupation charging regime. Through this collaborative work considerable uncertainty regarding coastal occupation charges has been identified. Regional councils have been working with Government to achieve greater certainty, but have been unsuccessful to date. The following barriers to implantation have been identified.

Definition

The lack of guidance in the RMA has created a significant barrier to understanding what an occupation charging regime is, how to develop one and how it should be implemented.

Coastal occupation charges are commonly described as akin to a rental, however others, believe it more like a fee, rate or a contribution.

Methods for Calculating Charges

The lack of clarity about what the charge actually is has made it difficult to determine what the level of charge should be or a methodology for calculating one. A variety of methods for calculating similar types of charges and rentals are used worldwide, including using neighbouring terrestrial land values, charging percentages of income of commercial operations and commercial market rates. However, in the absence of an established system councils have to start from scratch in setting up a charging regime to meet the purpose of the RMA and have little historic precedence to rely on. There has been a large amount of academic debate regarding the various charging regimes which have been proposed so far, and all have been challenged regarding methodology.

No Presumption that Charges should apply

There is no presumption in legislation in favour of charging and any decision must be subject to the plan change process. While significant and well reasoned work has been undertaken by regional councils to define the principles and form of coastal occupation charges it is anticipated that without statutory guidance any charging regime is likely to be debated in the courts with no predictable outcome.

Issues of Equity and Consistency

For councils to charge for coastal occupancy the occupation must be authorised (either through the Plan or by a coastal permit) and the council needs to know who occupier is. Currently there are a significant number of structures in Tasman District that are unauthorised and/or the owner is unknown. TDC has a statutory obligation to identify the owners of coastal structures and where the owner is not found then the Minister of Conservation may at her discretion order the removal of the structure. Until all structures are authorised with known owners, or removed, then the imposition of charges would only affect those people with authorised structures, which may perversely encourage the establishment of more illegal structures.

Financial Return

It is unclear whether the administrative costs from the charging regime can be recovered from the charges. If the costs cannot be recovered then the administrative costs would need to be met through general rates. If the costs can be recovered then after the exemptions have been applied, there may only be a modest financial return.

Until the above matters of uncertainty are addressed TDC considers it would be costly, litigious and difficult to introduce a coastal occupation charging regime under Option 2. Option 1 is considered to be a relatively simple matter as this option represents the status quo. The costs and benefits and risks from each other are further assessed below.

3.2.3 How do the costs and benefits of the 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 addressed through other provisions in the Plan. The introduction of a charging regime does however have a direct financial implication both for the community and for TDC. Unfortunately, the actual financial benefits and costs arising from a charging regime cannot be quantified until a regime is developed and the charges set. Some use has been made of the Environment Southland and Marlborough District Council's work regarding coastal

occupation charges and figures from their table of charges have been included in this evaluation to give some indication of costs, but should not be taken as a reflection of any proposal by this Council.

The following is a general assessment of the benefits and costs for the two options.

Option	Benefit	Costs
<p>Plan change that includes Coastal Occupation Charges</p>	<ul style="list-style-type: none"> • Provides a target funding source for sustainable management of the CMA.² • May be used to reduce the cost of coastal management on the general ratepayer. • Community receives compensation for private occupation of the CMA. • Possible disincentive for the occupation of public space in the CMA for private benefit. • Council complies with legislative requirements in s64A and s401A of the Act. 	<ul style="list-style-type: none"> • Financial cost incurred in development of a plan change, particularly where there are uncertainties. • Plan change will be time consuming, potentially litigious, with no certain outcome. • No financial return until appeals resolved. • Administrative costs of a charging regime. Administrative costs passed onto the community if unable to claim from the charging regime. • Economic impact on commercial operators e.g. Marine farming under in accordance with the ES and MDC charges would return \$28-55,000 per annum)^{3,4} • Socio-economic impact/ costs on coastal permit holders (without developing a charging regime these costs cannot be quantified). Swing moorings under ES and MDC charges \$10-20,000 per annum⁶. • An increase in the establishment of unauthorised structures by individuals unwilling or unable to meet the cost of the charges.

² Approximately \$80,000 in accordance with the Marlborough District Council's coastal occupancy charges consultation fees schedule. Note: this figure does not include administrative costs or waivers.

³ Approximately \$28,000 calculated using Environment Southland's Coastal Occupation Charges fees schedule for (30 September 2014)

⁴ Approximately \$55,000 calculated using Marlborough District Council's Coastal Occupation Charges consultation fees schedule.

⁶ Estimated using the Marlborough District Council's Coastal Occupation Charges consultation fees schedule and the Environment Southland's Coastal Occupation Charges fees schedule for (30 September 2014). ES (moorings = approx \$21,000) MDC (moorings= \$9625).

Option	Benefit	Costs
<p>Plan change stating that no Coastal Occupation Charges will be applied</p>	<ul style="list-style-type: none"> • No financial and other costs imposed on occupiers of public space in CMA. • Unlikely to be contested in the Courts as the status quo is maintained. • Council complies with legislative requirements in s64A and s401A of the Act. • Enables the Council to progress other plan changes. • Does not prevent the Council from establishing a • Coastal occupancy regime in the future. 	<ul style="list-style-type: none"> • Charging regime would be inequitable until all coastal occupations are authorised and owners identified. • Future legislation changes that remove the current uncertainty may require redevelopment of any existing charging system. • Financial costs incurred in development of a plan change. • Will not provide a disincentive for the occupation of space in the CMA for private gain. • No extra funding for sustainable management of the coast (potentially \$80,000⁶ per annum less admin costs and waivers)

3.2.4 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. TDC cannot make any further changes to the Plan until the matter has been addressed. Ignoring the requirement creates a risk for TDC in that it can no longer sustainably manage the coastal marine area where that management requires a change to the Plan.

A decision to implement a coastal occupation charging regime is considered to have the following risks associated with it.

⁶ Estimated using the Marlborough District Council's Coastal Occupancy Charges consultation fees schedule.

- Very likely to be subject to extended and expensive litigation with an uncertain outcome.
- Appeals in opposition may be upheld given lack of clarity or direction in legislation.
- Charges are likely to be inequitable in the short term and may encourage further establishment of unauthorised structures.
- Regime likely to be inconsistent with regimes developed by other Councils, leading to limited guidance from court cases.
- May create a perception that occupation charges entail private ownership.
- The return from the charging regime after administration costs and waivers have been applied may not be cost effective.
- Legislation changes requested by regional councils regarding coastal occupation charges may require the further review of the provisions.

A decision not to introduce a coastal occupation charging regime is considered to have low risks associated with it as it maintains the status quo. The decision is reversible and if conditions and constraints change, TDC has the ability to introduce a charging regime at a later date.

4. Conclusion and Recommendations

Based on the assessment under section 64A of the RMA of the private benefits and public benefits gained and lost from coastal occupation, TDC considers it appropriate to charge for the private occupation of the coastal marine area where the private benefit outweighs the public net benefit.

However, the section 32 evaluation has determined that the risk of implementing a coastal occupation charging regime, at this point in time, is too high due to lack of clarity in the legislation and a number of barriers to implementation. Issues regarding the equitable implementation of a charging regime in the District have also been identified.

The requirements outlined in section 401A of the RMA mean that there is a risk in not undertaking a plan change, as this would effectively "freeze" the Plan and prevent TDC undertaking the statutory requirements with regard to sustainable management of the coastal environment. It is considered that the most appropriate course of action is to introduce a statement into the Plan resolving not to introduce coastal occupation charges regime, at the present. The draft plan change wording is provided in Appendix 1 of this report.

Appendix 1: Draft Plan Change Wording

TASMAN DISTRICT COUNCIL
Tasman Resource Management Plan

DRAFT PLAN CHANGE NO. 56
Coastal Occupation Charges

Schedule of Amendments

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

NOTE:

Italics denotes TRMP text whether existing or proposed.

Underlining denotes proposed new text inserted or text amended (unless otherwise indicated).

~~Strikethrough~~ denotes text deleted (unless otherwise indicated).

1. Part III: Coastal Marine Area

1.1 Add a new section at the end of Part III Introduction.

1.1.1 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.

Laura Page

From: Laura Page
Sent: Tuesday, 17 February 2015 11:59 a.m.
To: Jeremy Katterns
Subject: GBCB Request

Hi Jeremy,

Just one request for you from last week's GBCB meeting.

There has been a request to have a short patch of 2-hour parking in the main street in Collingwood. Are you able to add this to the parking bylaw?

Thanks
Laura

Laura Page
Senior Customer Services Officer
DD: 03 525 0054, laura.page@tasman.govt.nz

Tasman District Council - Takaka Office
14 Junction Street, PO Box 74, Takaka 7142
03 525 0020
www.tasman.govt.nz

Laura Page

From: Laura Page
Sent: Thursday, 19 February 2015 2:24 p.m.
To: Beryl Wilkes
Subject: GB Hanging Baskets

HĪ Beryl,

At the last Community Board meeting, the Board discussed the hanging baskets in Golden Bay.

They wondered whether they should get a quote from Nelmac to see if their prices for storage and maintenance would work out cheaper than being charged a yearly fee from the Community Gardens and then paying Stuart Borlase to put them up and maintain them.

Although, I don't ever remember receiving an invoice from Stuart for his labour. Do you get that?

Thanks
Laura

Laura Page
Senior Customer Services Officer
DD: 03 525 0054, laura.page@tasman.govt.nz

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14 Junction Street, PO Box 74, Takaka 7142
03 525 0020
www.tasman.govt.nz

Laura Page

From: JD&CO McLellan [Balmac@xtra.co.nz]
Sent: Wednesday, 25 February 2015 10:47 a.m.
To: Laura Page
Subject: FW: High E.coli for Takaka River at Top Rocks

Follow Up Flag: Follow up
Flag Status: Flagged

I think we include all this correspondence

From: Tony and Kathy Reilly [mailto:tony.r@xtra.co.nz]
Sent: Wednesday, 25 February 2015 9:20 a.m.
To: 'Trevor James'; 'Martine bouillir'; 'Carl Cheeseman'; 'Paul Sangster'; 'Rob Smith'; 'Mary-Anne Baker'; 'Carolyn McLellan'
Cc: 'Claire Webster'
Subject: RE: High E.coli for Takaka River at Top Rocks

Thanks Trevor.

We need to get to a stage where all cattle are excluded from major rivers, assuming it is bovine related E.coli. I am confident that Fonterra dairy farms are fenced, but not run-offs or beef farm.

Cheers
Tony

From: Trevor James [mailto:Trevor.James@tasman.govt.nz]
Sent: Wednesday, 25 February 2015 8:13 a.m.
To: Martine bouillir; Carl Cheeseman; Paul Sangster; Rob Smith; 'Tony and Kathy Reilly'; Mary-Anne Baker; Carolyn McLellan
Cc: Claire Webster
Subject: RE: High E.coli for Takaka River at Top Rocks

Kia ora tatou,

Last Tuesday (17/2) results of sampling faecal indicator bacteria at the swimming hole at Top Rocks were 435 E.coli/100ml. This is well over the limit for the Tasman Resource Management Plan (and over the alert level of the national guidelines). There was a lot of manure from cattle around the bed and in the water (a lot more than previous sampling visits to the site). The result for the Takaka River upstream of this site was 26 E.coli/100ml. This is the first time the water quality has breached these limits at this site this season (however this season is the first season that we have sampled at this site).

Pohara Beach at the eastern end of the campground has consistently met national guidelines over the last 6 weeks but we are still getting some high results from the creek behind the Penguin Cafe. Such a nuisance that the high results came at the peak of the season. We have not found the source of faecal contamination in the creek but will continue to investigate. Faecal source tracking results should be available in a few weeks. One possible source could be dead animals in a sink hole. That would be hard to find.

Yours sincerely,

Trevor James | Resource Scientist - Environment and Planning Department
Tasman District Council | ddi: 03 543 8562 | fax: 03 543 9524 | trevor.james@tasman.govt.nz
189 Queen Street Richmond | Private Bag 4 Richmond Nelson 7031
www.tasman.govt.nz/index.php?EnvironmentalInformation



281 Queen St, Richmond
PO Box 1776, Nelson 7040
Tel: 03 539 1170 Free: 0800 731 317 Fax: 03 539 4958
www.nbph.org.nz

29 January 2015

Beryl Wilkes and Gary Clark
C/- Tasman District Council
189 Queen Street
Private Bag 4
Richmond
NELSON 7050

Dear Beryl and Gary,

I am writing to you in regards to multiple requests that I have received from staff and visitors to the Golden Bay Community Health Centre for a walkway/cycle way to be developed between the new health facility and Takaka township.

I am writing to both of you, as I am unsure whether the type of land that lies between these two points is reserve or roads. I really support this idea and I do believe that it would be a great asset for the community.

Could you please let me know if this is part of your plans for the near future? If not, is it possible to consider such a development and what would be the next best step to take?

I look forward to hearing from you.

Kind regards,

A handwritten signature in black ink, appearing to read "Jane Kinsey", written in a cursive style.

Jane Kinsey
Acting CEO: Nelson Bays Primary Health

Laura Page

From: Laura Page
Sent: Friday, 20 February 2015 12:00 p.m.
To: Rob Smith; Jeff Cuthbertson; Adrian Humphries
Subject: Pohara Stream Contamination

Hi all,

On behalf of the Golden Bay Community, we would like to thank you for all the work that you and your teams have done in trying to find the source of the contamination in the Pohara Stream.

Although the source has not been identified yet, we appreciate that everyone is doing everything they can to find it.

Yours Sincerely,



Carolyn McLellan
Chair
Golden Bay Community Board

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For more information about Tasman District Council, please visit our website at <http://www.tasman.govt.nz>



GOLDEN BAY RETURNED AND SERVICES ASSOCIATION (Inc.)

President: Mr. Philip O'Connor 757 Abel Tasman Drive, Takaka, Nelson 7183
Ph: (03) 525 6265 or 027 525 6265 Email: ukjudymdphil@gmail.com

Chairperson, Golden Bay Community Board
Mrs. Carolyn McLellen
686 McKays Pass Road
Collingwood
Golden Bay

27th January 2015

Dear Carolyn,

DAWN SERVICE, ANZAC DAY 2015 : TAKAKA

The Golden Bay Returned and Services Association wish to invite you and members of the Golden Bay Community Board (GBCB) to our Dawn Service which is to be held at the Takaka Memorial Library commencing at 6.30 am, Saturday 25th April 2015.

Takaka will only be hosting a Dawn Service this year as our sub-branch 'Collingwood' will be having a Civic parade and mock 'Gallipoli Landing' to be held later in the morning and afternoon. I am sure that a separate invitation for that has been sent to you by their organizing group.

It would be appreciate that if you are unable to attend that you can nominate a suitable person(s) to represent the GBCB at our Dawn Service. Additionally could you please indicate if the GBCB will be laying a wreath at this service?

We again thank you and the GBCB for their continued support.

Yours sincerely


Phil O'Connor, JP
President, GBRSA

Laura Page

From: Beryl Wilkes
Sent: Tuesday, 17 February 2015 2:00 p.m.
To: Laura Page
Cc: Tara Fifield; Susan Edwards; Mike Tasman-Jones
Subject: RE: Arts Council Funding Request

Follow Up Flag: Follow up
Due By: Friday, 27 February 2015 3:30 p.m.
Flag Status: Completed

Hi Laura

There was \$21,300.00 carried forward for an artwork project in the GB RFC account.

Mike Tasman-Jones would be the contact for any project going forward and he may already have had talks with a group?

I will ask Mike to let you know if he has.

I hope this is of help.

Regards Beryl

Beryl Wilkes

Reserves Manager
Tasman District Council
DDI: (03) 543 8391

From: Laura Page
Sent: Tuesday, 17 February 2015 10:15 a.m.
To: Beryl Wilkes
Subject: Arts Council Funding Request

Hi Beryl,

The GBCB discussed funding option with the Art's Council at their recent meeting and suggested that \$21,000 was carried forward from last years budget.
The Art's Council would like a letter confirming whether the funding is available for them for their 'Gateway' project.
Is this money still available?

Thanks,

Laura Page
Senior Customer Services Officer
DD: 03 525 0054, laura.page@tasman.govt.nz

Tasman District Council - Takaka Office
14 Junction Street, PO Box 74, Takaka 7142
03 525 0020
www.tasman.govt.nz

From: Teri Moon [<mailto:Teri.Moon@mbie.govt.nz>]
Sent: Thursday, 19 March 2015 9:14 a.m.
To: J.D. & C.O. McLellan
Subject: RE: Golden Bay Community Board interest in latest broadband initiative [UNCLASSIFIED]

Hi Carolyn

Thanks for your inquiry on the extension program for UFB, RBI and the new Mobile Black Spot Fund which I discussed with the MBIE business area concerned and respond as follows:

We are aware of the issues that Vodafone have had with establishing the Pohara RBI site and the coverage consequences. We would encourage you to follow the path you have already taken with TDC. The approach being taken by the Government on these extension programs is to get feedback and support from territorial authorities on how best way to implement these network extension solutions in important areas. We are planning a short briefing session (webinar) for territorial authorities on the extension program – details will be announced via LGNZ.

In parallel with the RoI process that we have initiated there will be Digital Enablement Plan (DEP) training – these one day workshops are to be held in four locations probably starting in April. The DEP framework may assist TDC incorporate the Golden Bay Community Board's broadband interests in their overall plan. More information on the workshops will be released shortly.

We hope this helps outline steps that your Community Board can take to detail the needs and the benefits of improved broadband services in Golden Bay but please don't hesitate to contact me if you have any further questions.

Kind regards
Teri Moon

Teri Moon
SENIOR SOURCING SPECIALIST, COMMERCIAL SERVICES
Corporate Services Group
Ministry of Business, Innovation & Employment

Continuous improvement is important to us! [Click here to give me some feedback.](#)

teri.moon@mbie.govt.nz | Telephone: +64 (0)4 896 5740 | Mobile: +64 (0) 21 811 699
15 Stout Street, PO Box 1473, Wellington 6140 | <http://www.mbie.govt.nz>



Laura Page

From: Lindsay McKenzie
Sent: Tuesday, 31 March 2015 12:14 p.m.
To: Carolyn McLellan
Cc: Laura Page; Jim Frater
Subject: Accreted Land/Wharves

Dear Carolyn

You wrote to me on 25 March 2015 about the Council leasing land adjacent to several wharves in Golden Bay. You'll be aware that Council wrote to LINZ about this land and the adjacent structures some months ago. Council Sangster will have informed you about the response.

I recommend that as the first step a suitable Trust be formed with the appropriate aims and objectives. We will help you to ensure the at the Deed of Trust is appropriate and meets the Council's needs. Once the Trust is formed I am willing to apply for a lease and to sublet to the Trust to enable its objects to be met.

Regards

Lindsay

Lindsay McKenzie | Chief Executive | Tasman District Council
email lindsay.mckenzie@tasman.govt.nz | ph +64 3 5438400 ext 305 | mob 021 0600 768
address 189 Queen Street - Private Bag 4, Richmond 7050, New Zealand | url www.tasman.govt.nz

From: Robert Cant [<mailto:robert.cant@tasman.govt.nz>]
Sent: Friday, 27 February 2015 11:14 a.m.
To: Judene Edgar; Martine Bouillir; Paul Sangster; Golden Bay Community Board
Cc: Ina Holst-Stoffregen; Susan Edwards; Jim Frater
Subject: FW: Public Notification Golden Bay Kayaks

Hello all,

Some of you will know that the Golden Bay Kayaks operation at Tata Beach have a lease from Council.

There has been some issues surrounding the commercial activity upsetting a neighbour. The activity is a commercial one which requires a resource consent which they don't have.

There have also been a few issues around the kayak operation spilling out onto the surrounding land with unauthorised toilets and signs. These have since been resolved.

Coincidentally the lease expired around the time these issues arose.

Ina and I talked about the need to publicly notify the occupancy by Golden Bay Kayaks – we felt that either the application for consent to operate a commercial operation, or the lease, should go through public notification.

We felt it would be onerous to have both processes have to go through public notification.

In the end, we've agreed we will publicly notify the intention to grant a lease to Golden Bay Kayaks, and this will be notified in "Newslines" in mid-March.

I do intend to get a notice erected on the "park" as well. I don't want to predict how the public notice will pan out.

Given it's an existing activity, I don't intend to do a letterbox drop, but welcome any thoughts on that.

Robert Cant
Senior Property Officer
DD: 03 543 8585
robert.cant@tasman.govt.nz
Tasman District Council - Richmond Office
189 Queen St, Private Bag 4, Richmond 7050
03 543 8400
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