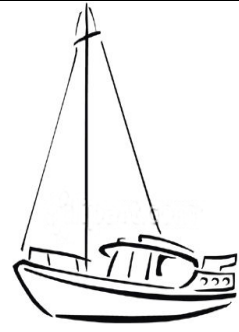


Marlborough Berth & Mooring Association (Incorporated Society)



Box 692
Picton 7250

Email: mbma@xtra.co.nz

Web: www.mbma.org.nz

MARLBOROUGH DISTRICT COUNCIL Reviewing Marlborough's Regional Policy Statement And Resource Management Plans

This is a Submission from the ***Marlborough Berth & Mooring Association (Incorporated Society)*** to the Marlborough District Council.

MBMA Contact person: Bob Culbert culbert@xtra.co.nz

021430393

COMMENTS ON “Report for Public Consultation on Proposed Framework to Introduce Coastal Occupation Charges (1 July 2014)”

1 page 2 2. What are Coastal Occupation Charges.

“ ‘Occupation’ means the use of space in the coastal marine area to the exclusion of other activities and people” and “A coastal occupation charge is to compensate the lost opportunity of the public to use and/or access parts of the coastal marine area and relates to the actual space occupied by the activity.”

We disagree that the lost opportunity relates only to the “actual space occupied”. It relates to the area effected by that occupancy.

For example prior to the Salmon Farm being installed in the bay to the west of West Head at the northern entrance to Ruakaka Bay many boaties used this bay as a delightful anchorage. Now that the Salmon Farm is present it is seldom, if ever, used. The Salmon Farm has affected the whole bay, not just the area occupied. Because MDC can only charge for the actual area used the rate used for the likes of Salmon farms and other marine farms should be increased to reflect the effective occupation of the whole bay.

2 page 4 4. How the money collected will be spent.

Section 64A(5) of the Resource Management Act states that: “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”.

While use allowed under the Act is very broad, the assessment of whether or not to impose charges

under section 64A(1) is all about public versus private benefit of occupation of the coastal space.

We note that in the overview report (Report for Public Consultation on Proposed Framework to Introduce Coastal Occupation Charges, 1 July 2014) it is clearly stated that “A coastal occupation charge is to compensate the lost opportunity of the public to use and/or access parts of the coastal marine area and relates to the actual space occupied by the activity”.

Despite this no money is proposed to be spent to compensate this direct effect. MBMA considers that there is a legal and moral obligation for at least some of the charge monies to be spent to compensate for the use of coastal space by structures.. For example by creating grants to boating clubs that use the water and provide moorings for the use of their members. Additionally part of the money could be spent on the provision of additional launching ramps and moorings for public use. Note that in New Caledonia the government (either local or national) provide & maintain many moorings for public use.

3 page 5 5. How have the charges been determined

“The RMA enables there to be waivers from the charges but the circumstances where this applies needs to be set out in the resource management plan. The council proposes to waive the charge for structures such as:”

Moorings owned by boating clubs should be included here but haven't. The Waikawa Boating Club in conjunction with the Pelorus Boating Club and the Mana Cruising Club own many moorings throughout the sounds. A significant number of members of these clubs belong to them solely to enable them to use those moorings. It could be argued that the use is restricted to members only however anyone can join (subject to the rules of the club) and utilise the moorings. Subscriptions to these clubs enables them to maintain those moorings & to place additional moorings for the “public” to use.

4 page 6 6 The level of proposed charges

The difference between the charge for a single mooring (\$55) compared to a 4Ha mussel farm (\$600) seems way out of proportion. Based on other information supplied a mooring is said to occupy a radius of 28m. On that basis more than 55 moorings could be placed in 4Ha. If that were so the income from moorings would be \$3025 compared to a mussel farm at \$600. All charges need to be reviewed to become proportional to the area occupied. The issue raised previously in regards to loss of use of a whole bay rather than just the area occupied by marine farms should also be taken into consideration when determining the relative level of charges.

However this calculation is still incorrect as council can charge only for the area a fixture occupies. It is our contention that the swing circle (in which a mooring float can occupy only one position at any one point in time) does not constitute the area of occupation. In the case of a mooring the only fixture is the mooring block which is under water & has a very small area of about 3 sq m. Again there is a contrast with a marine farm which occupies all of the water surface at any one time as well as limiting access to the seabed below. While a mooring block

prevents others from using that part of the sea bed the effect is so minimal there should be no charge whatsoever for moorings.

In Waikawa as a result of Plan Change 21 mooring owners will ultimately have to pay an annual licence fee to manage those moorings. This should be taken into account when setting coastal occupancy charges for those moorings.

**COMMENTS ON “Coastal Occupancy Charges Report prepared by Executive Finesse Limited”
January 2014**

1 page 8 2 Coastal Marine area and Types of Occupation Item 6

Moorings. The estimated area of occupation is incorrectly stated at 79,268.m. This is a lineal measurement, not an area. It needs to be corrected.

Marine Farms. These should be separated into mussel farms and fin fish farms. The area effected by these is much larger than the area occupied.

2 page 10 3 Previous Analysis and Conclusions. Item 15.

The net private benefit column does not make sense.

The net private benefit is column (a).

The net public benefit is column (b) minus (c).

The net benefit (not net Private benefit) is (a) + (b)-(c).

An additional row needs to be inserted to include the benefits from club owned moorings.

The net benefit from club owned moorings will show a net benefit to the public. In such a case there should be a contribution to those clubs to compensate for their cost in providing and maintaining them. In other words there is a very strong case for clubs to be paid rather than charged for moorings.

**3 page 15 5.1 Expenditure related to Sustainable Management of Coastal Marine Area.
Item 31**

None of the items listed relate to the very reason why it is proposed to make charges. ie “The occupation of space in the coastal marine area to the exclusion of other activities and people”. The effect of “the exclusion of other activities and people” should be compensated for by assistance to those other activities & people. This should include in particular, assistance to sporting bodies utilising the marine area.

The items listed must include the sustainable management of such things as launching ramps and club moorings.

4 page 18/19 5.2 Exemptions and Waivers. Item 43

Why is the Waikawa Bay Boating Club, Pelourus Boating Club, & Mana Cruising Club missing from this list? As previously mentioned these clubs should be a net beneficiary from these charges.

Other moorings with wider public benefit such as those for Outward Bound should also be considered for waivers.

Exclusive Rights

While there is a very good argument for there to be no charge whatsoever for moorings, in the event charges were imposed on moorings, mooring owners would be paying for the resource consent, the mooring tackle, all maintenance costs and now a coastal occupancy charge. It is MBMA's contention that such a level of commitment to a mooring amounts to recognition of some rights. If council was to offer some sort of exclusive right of occupation to mooring owners, we might agree to their being a small charge for coastal occupation.

Moorings which accommodate a boat on a more permanent basis (eg Waikawa Bay, Picton Harbour, Ngakuta Bay) are a different case as they are the 'normal parking space' of boats, rather than just an intermittent recreational mooring. Use of such moorings by the general public is not acceptable as boats returning to such a mooring would have nowhere else to 'park' if occupied by a member of the public. There is an even greater case for exclusivity of use in such situations.

R. J. Culbert for the MBMA