

## Section 64A RMA

- 64A (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 coastal marine area (relating to land of the Crown in the coastal marine area or land in the coastal marine area vested in the regional council) 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;
  - (b) the circumstances when the regional council will consider waiving (in whole or in part) a coastal occupation charge;
  - (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.
- (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.

## Sections 401A and 401B RMA

### **401A. Transitional coastal occupation charges—**

- (1) Where a person is occupying the coastal marine area, either as a holder of a resource consent or as a result of permitted activity in a plan, there is implied a condition that that person must, from the commencement of this section until a regional coastal plan or plan change is operative which contains either a charging regime or a statement to the effect that no regime may be introduced or 30 June 1999 (whichever is earlier), pay to the relevant regional council, if requested by that regional council, any sum required to be paid for the occupation of the coastal marine area by any regulations made under section 360 (1) (c).
- (2) Any money received by the regional council under subsection (1) may be used only for the purpose of promoting the sustainable management of the coastal marine area.
- (3) Where a regional council prepares or changes a regional coastal plan or proposed regional coastal plan in the period from the commencement of this section until 1 July 1999, that plan is not required to comply with section 64A.
- (4) Where no provision for coastal occupation charges has been made in a regional coastal plan or proposed regional coastal plan by 1 July 1999, the regional council must, in the first proposed regional coastal plan or change to a regional coastal plan notified after 30 June 1999, include a statement or regime on coastal occupation charges in accordance with section 64A.

### **401B. Obligation to pay coastal occupation charge deemed condition of consent—in every coastal permit that—**

- (a) Authorises the holder to occupy, within the meaning of section 12(4), any land of the Crown in the coastal marine area; and
- (b) Was granted in the period commencing on 1 October 1991 and ending on the date a regional coastal plan containing provisions in accordance with section 64A is operative in relation to the part of the coastal marine area that the permit relates to—

there is implied a condition that the holder must at all times throughout the period of the permit pay to the relevant regional council any sum of money required to be paid (if any) by that regional coastal plan.