

Date released: 19th March 2024



Request: OIA-1340

Original LGOIMA Request:

I am contacting you about the charges the Waitaki District Council has been invoicing towards the owners of the swing moorings located in Oamaru Harbour.

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Specifically, I would like to better understand the following two aspects:

1/ Basis for the charges: Under what legislative provision(s) or by-law(s) is the Council entitled to make this charge? Please reference the applicable provisions (e.g. section numbers of any relevant Act).

2/ Justification for the charges: What are mooring owners being charged for? Please provide a breakdown of the charges, if applicable

Council Officers have reviewed your request and have collated the answers below in red.

1/ Basis for the charges: Under what legislative provision(s) or by-law(s) is the Council entitled to make this charge? Please reference the applicable provisions (e.g. section numbers of any relevant Act).

The fee in question is a User Charge.

In accordance with the Local Government Act 2002, Council must have a Revenue and Financing Policy in place which identifies the sources of its funding to cover both operational and capital expenses. The Revenue and Financing Policy must be consulted on through a Special Consultative Procedure before it is adopted by Council.

Revenue and Financing Policy is covered within Section 103 of the Local Government Act, Clause 2(a).

Special Consultative Procedure is covered within Section 83 of the Local Government Act.

Local Authorities are according to the Local Government Act 2002 a body corporate. Inherently a body corporate is able to levy fees and charges for users of its services.

The right to transfer the use of Council's Resource Consent for moorings in the harbour (for which the fee is charged) is covered within the Resource Management Act 1991, Section 134 & 135.

2/ Justification for the charges: What are mooring owners being charged for? Please provide a breakdown of the charges, if applicable.

We do not hold a 'Breakdown' for the charges.

We provided an answer for the justification for the charges in the response supplied 11th August 2023.

"Many factors are considered when setting the annual fees charged by the Council. Factors such as the current costs to maintain and manage the asset of the Oamaru Harbour, current income from direct users, future planned maintenance and how long it has been since the last fee increase".