



Whakatane District Council

PUBLIC NOTICE - STATEMENT OF PROPOSAL

DRAFT ADDITIONS TO THE RESOURCE MANAGEMENT FEES AND CHARGES

The Resource Management Amendment Act 2017 introduces from 18 October 2017, new processes for resource consent exemption and fast track consents. It also changes applicants appeal and objection rights on resource consent decisions. The changes to the Act provide for Council to amend its fees to provide for the new processes after consulting with the community as required under the Local Government Act 2002.

DRAFT CHANGES TO THE FEES AND CHARGES POLICY

The statutory basis for setting charges for consent processing and monitoring activities is found in Sections 36, 36AAA, 36AAB and S36AA of the Resource Management Act. These provide for Council to set fixed charges for the 'receiving, processing and granting' of resource consents and the new processes introduced under the Resource Management Amendment Act.

The sole purpose of a charge is to recover the reasonable costs incurred by Council in respect of the approval or consent to which the charge relates. The fees and charges must also consider the extent to which an applicant, rather than the community as a whole, benefits from costs incurred by Council.

The new processes provided for in the fees schedule amendment are:

- Fast track of resource consents (10 day processing)
 - for controlled land use activities (except subdivision) that do not require notification.
- Written notice of deemed permitted activity (within 10 days)
 - for boundary activities where written approval has been given by each owner of an infringed boundary.
 - for temporary or marginal non-compliance where the effects of the activity is no different in character, intensity or scale than they would be in the absence of the non-compliance.
- Where an applicant seeks the use of an independent hearing commissioner to hear their objection to a notified application:
 - **for a restricted discretionary, discretionary or non-complying activity**, which either received no submissions or the submissions were withdrawn and the application was declined by a Council officer acting under delegated authority;
 - **to change or cancel consent conditions**, which either received no submissions or the submissions were withdrawn;
 - **to review the conditions of a resource consent**, which either received no submissions or the submissions were withdrawn;
 - **to vary or cancel a condition specified in a consent notice**, which either received no submissions or the submissions were withdrawn.

All come into effect on 18 October 2017. They are shown in red in the amended the Resource Management Fees and Charges Schedule at the end of this document. They are the only ones being consulted on at present.

The remainder of Resource Management fees in Schedule were set as part of the 2017 Annual Plan process. They will remain unchanged until the Council's Fees and Charges are reviewed in 2018 as part of the Long Term Plan process in 2018. That review will include the Resource Management Amendment Act requirements to fix charges for consent and plan change hearings. The potential implication of those fees for Council's Revenue and Financing Policy is more appropriately dealt with through that process.

SUBMISSIONS

The period which Council will receive submissions is from Friday, 15 September 2017 to 5.00 pm, Friday, 13 October 2017.

Submissions can be lodged direct on the Council website Whakatane.govt.nz/haveyoursay All submissions must be in writing either using the Online submission form or by posting a submission to:

The Chief Executive
Whakatāne District Council
Private Bag 1002
WHAKATĀNE 3158

Submissions must be received at this office no later than 5.00pm on Friday, 13 October 2017. Submission forms are available at the Council offices, on our website www.whakatane.govt.nz, or by contacting the Council on 07 306 0500.

Council meeting on 31 October 2017.

DOCUMENT AVAILABILITY

A copy of the Statements of Proposal (draft RMA Fees and Charges Proposal) may be inspected in the public offices of the Whakatāne District Council at the Civic Centre, Commerce Street Whakatāne

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Marty Grenfell
CHIEF EXECUTIV

Resource Management Fees and Charges: **Draft amendments are shown in red**
 Proposed charges for new consent processes introduced by the Resource
 Management Amendment Act 2017 which come into effect on 18 October 2017

Planning, Regulatory and Corporate Services Department

22.	NOTES
22.1.	Information for all Planning, Regulatory and Corporate Services Department Charges
22.1.1.	<p>a) Other Authority and Agencies' Charges are the fees as set by the relevant authority or agency.</p> <p>b) Where consultants or other experts are used to carry out Planning duties, the actual and reasonable cost incurred will be charged to an applicant.</p> <p>c) An additional administrative charge of ten percent of the fee will also be charged.</p>
22.1.2.	Staff will, upon request; endeavour to provide an estimate of costs associated with a particular request/application.
22.2.	Planning
22.2.1.	<p>Resource Consent Fees:</p> <p>a) The amount stated is a fixed charge deposit, payable at the time of lodging an application or when making any other request for Council to perform any other function under the Resource Management Act 1991. The above deposits are charges fixed under Section 36(1) Resource Management Act and are payable in full at the time of lodging the application</p> <p>b) The actual and reasonable costs incurred by the Council will be charged for all applications. Therefore, a charge additional to the fixed charge deposit paid, may be made once the application has been determined. Actual and reasonable costs will also be charged for applications that are withdrawn</p> <p>c) Actual and reasonable costs will include costs incurred by Council in respect of staff salaries and wages (including travel time, and on-costed to cover overheads), internal analytical costs, record keeping/storage (e.g. photocopying), external analytical costs or consultant costs, vehicle usage costs and any other direct costs or disbursements (including postage, advertising costs, etc.), plus GST. The charge out rate for Council Officers is between \$70.00 and \$150.00 per hour</p> <p>d) Additional charges will be made for sums in excess of \$20.50 (inclusive of GST) of the Council's costs. In all cases, an itemised statement of the Council's costs will be provided</p> <p>e) Council may, in any particular case, remit the whole or any part of any charge of a kind referred to in this section which would otherwise be payable, for any of the following reasons:</p> <p>i) The charge does not accurately reflect the benefit to the community from the activity or service, as distinct from the benefit to the applicant</p> <p>ii) The charge does not accurately take into account the "cost of democracy" associated with the application or the service</p> <p>iii) The charge does not accurately reflect the actual and reasonable costs incurred in respect of the activity to which the charge relates</p> <p>iv) The charge for monitoring a resource consent does not accurately reflect the anticipated number of inspections required over the life of the consent to ensure compliance with conditions of the consent, or the likely effects of that activity on the environment</p>
22.2.2.	<p>Monitoring Fee:</p> <p>A charge based on the estimated number of inspections for a development or an annual charge will be payable to Council for the monitoring and supervision of resource consents and monitoring the state of the environment. The fee will reflect the estimated actual cost for the Monitoring Officer and/or other specialist Council Officers or their representative to inspect the site for compliance with consent conditions. Where the estimated charge does not accurately reflect the actual and reasonable costs incurred in the monitoring of the resource consent to which the charge relates, that additional charge will be recovered from the consent holder.</p>

22.3.	Building fees
22.3.1.	<p>A deposit for building consent applications is payable at the time an application is lodged, based on the 'value of work' (see section Error! Reference source not found.).</p> <p>The final fee for a building consent will be based on actual and reasonable costs. The charge-out rate for Council officers is between \$80.00 and \$160.00/hour. All other actual and reasonable costs incurred in the processing of building consents will be recovered, including for example, specialists' advice and insurance premiums.</p> <p>The difference between the deposit and final fee will be either charged or refunded to the applicant.</p>
22.3.2.	<p>a) The Restricted Project Information Memorandum fee applies to all projects that are either not greater than \$10,000 in value, or alternatively, not greater than 30 m² in area. Other projects that may qualify for a Restricted Project Information Memorandum are fences, retaining walls, swimming pools and most accessory buildings (garages, hay-barns, etc.)</p> <p>b) The Small Project Information Memorandum fee applies to projects such as small internal alterations, heaters, plumbing and drainage work.</p>
22.3.3.	A bond is payable prior to a building consent being issued for the removal of a dwelling or other building from a property. It will be refunded upon application when Council is satisfied that all conditions of the building consent have been met.

22.4.	Development Contributions Fee
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22.4.1.	The Council's Development Contributions Policy sets out the financial contributions that will be required when development occurs.
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22.5.	Other fees
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22.5.1.	<p>For any certificate, authority, approval, consent, or service given, or inspection made by the Council under the Local Government Act or any other enactment in any case where that provision or enactment contains no provision authorising the Council to charge a fee, and does not provide that the certificate, authority, approval, consent, service, or inspection is to be given or made free of charge, the fee will be based on the charge out rate for the officer concerned, as identified above.</p> <p>Notwithstanding, any such fee may be refunded, remitted, or waived in such situations as the Council may determine.</p>
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23.	RESOURCE MANAGEMENT (subject to the Resource Management Act 1991)
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Note:	Reference to sections below refer to the Resource Management Act 1991
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		Fixed Charge (additional fees may apply)
23.1.	a. Certificates of compliance/existing use certificates (s139) (initial deposit)	\$400.00
	b. Written notice of Deemed Permitted Boundary Activity (S87BA)	
	c. Written notice of Deemed Permitted Marginal or Temporary Activity (S87BB)	\$400.00
23.2.	Resource Consents (see note 22.2.1) (fixed charge)	
23.2.1.	Land use	
	a) Notified / Limited Notified	\$4,000.00
	b) Non-notified (including Fast track consents)	\$1,500.00
	c) In the Residential and Urban Living zones, for non-compliance with bulk and location standards where no service or notification is required (i.e. distance to boundaries and site coverage)	\$1,600 (fixed fee)
	d) Change or cancellation of conditions (s127)	\$250.00
	e) Extension of approval period (s125)	\$100.00
	f) Review of consent conditions (s128)	\$250.00
	g) Cost of commissioning reports	Actual costs incurred in preparing report and staff time

	h) Preparation of bond documents	\$300.00 + legal costs incurred in preparing bond documents
23.2.2.	Subdivision	
	a) Notified / Limited Notified	\$4,000.00
	b) Non-notified	\$1,500.00
	c) Subdivision consents (up to 3 additional lots), that do not require commissioned technical reports, public notification or service.	\$2,000 (fixed fee)
	d) Boundary Adjustment	\$500.00
	e) Minor Amendments to Cross-lease plans (additions and alterations)	\$200.00
	f) Right-of-way Approval pursuant to Local Government Act 1974	\$200.00
	g) Cost of Commissioning Reports	Actual cost incurred in preparing report + 10% of the cost for administration of that work.
	h) Extension of Approval Period (s125)	\$200.00
	i) Approval of Survey Plan (s223)	\$100.00
	j) Change or cancellation of conditions (s127)	\$200.00
	k) Change or cancellation of consent notice (s221)	\$200.00 + legal costs incurred
	l) Signing s224(c) Certificate	\$250.00 (actual cost to be charged as an additional fee)
	m) Signing s224(f) Certificate	\$50.00
	n) Inspections to confirm compliance with conditions s224(c) or S224(f)	Actual cost
	o) Certificates pursuant to Section 226(e)	\$200.00
	p) Revocation of easement (s243(e))	\$200.00
	q) Other certificates/ documents including the preparation of consent notices (see note 22.2.1)	\$200.00 per certificate/ document plus legal costs incurred in preparing or checking documents
	r) Preparation of Bond Documents	\$300.00 + legal costs incurred in preparing bond documents
23.2.3.	Other	
	a) Application to review development contribution (initial deposit).	\$400.00
	b) Independent Commissioner requested for an objection under S357AB(1) (f) & (g)	Actual cost
23.2.4.	Monitoring fee (see note 22.2.2)	
	Standard charge for administering, monitoring and supervising of land use resource consents for:	
	a) Notified resource consent	Range: \$160.00 - \$1000.00
	b) Non notified resource consent	Range: \$160.00 - \$1000.00
Note 1	Determined as either a single charge or as an annual charge where ongoing monitoring is required. The amount is based on the estimated number of inspections required during the course of the development.	
Note 2	Notwithstanding the above, where there is good and reasonable cause for un-programmed monitoring and additional site inspections, then the costs of that will be a charge on the consent holder. Such costs are recovered on an actual and reasonable basis, as defined in the General Conditions and Notes of this Schedule.	

Note 3	Notwithstanding all the above, a higher monitoring charge may be applied as a condition of consent for significant applications, for the actual monitoring time undertaken as:	
	a) a single charge;	
	b) separate charges for each inspection;	
	c) an annual charge;	
	d) where ongoing monitoring is required.	
23.3.	Plan changes/ designations/ heritage orders	
Note:	See note 22.2.1	
23.3.1.	Request and processing of:	
	a) Plan change	\$3,070.00
	b) Designation	\$1,535.00
	c) Heritage order	\$1,535.00
23.4.	Alteration of Designation/heritage order	
23.4.1.	Notified	\$767.00
23.4.2.	Non-notified	\$512.00
23.4.3.	Removal of designation/ heritage order	\$230.00
23.4.4.	Outline plan of work	\$256.00
23.5.	Requests for information	
Note:	See note 22.2.1	
23.5.1.	Land Information Memorandum	
	a) Residential Property / Rural Property used predominantly for farming or rural purposes.	\$225.00
	b) Business / Rural Property used for a commercial or industrial use.	\$335.00
	c) Time spent researching and compiling information in respect of planning queries, plans or resource consents	Actual cost
23.6.	Miscellaneous charges	
23.6.1.	Pre-application meetings	Actual cost
23.6.2.	Plan checking and inspection of engineering works associated with resource consent applications, District Plan provisions etc.	Actual cost
23.6.3.	All other certificates/documents, e.g. liquor licences	\$150.00
23.6.4.	Copies of District Plans (including maps):	
	a) Whakatāne District Plan (hardcopy)	\$200.00
	b) Whakatāne District Plan (CD)	\$50.00
23.7.	Hearings	Actual cost