

## Additional Resource Management Act Fees and Charges for 2017/18

Let us know what you think about the proposal



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## Purpose of this Statement of Proposal

This Statement of Proposal has been prepared as part of consultation regarding proposed fees to be charged under the Resource Management Act 1991.

Section 36(2) of the Resource Management Act requires Council to seek public feedback on its proposed fees and charges through the Special Consultative Procedure under section 83 of the Local Government Act 2002.

The special consultative procedure gives the public an opportunity to make submissions and provide feedback on the proposed fees. Once the submission period closes, hearings will be conducted if people indicate they want to speak in support of their submissions.

This statement of proposal has been prepared in accordance with the requirements of section 83 and 87 of the Local Government Act 2002. It includes making publicly available –

- The proposed policy and the rationale behind this;
- Other reasonably practicable options; and
- A description of the consultation and submission process, including the period within which views on the proposal may be provided.

## 1. Introduction

The District Planning Unit of Council has a variety of functions that have an element of cost recovery. While some charges are set by statute, other statutes give local authorities the power to set charges.

This proposal considers the following additional fees and charges for the financial year 1 July 2017 – 30 June 2018 which have arisen as a result of recent changes in legislation

- i. Permitted Boundary Activity Notices
- ii. Permitted Activity Notices
- iii. Monitoring of Permitted Activities under the National Environmental Standards.

Section 101(3) of the Local Government Act 2002 and Section 36 (4) of the Resource Management Act 1991 provide that charges can be set for regulatory functions.

## 2. Reasons for the Proposed Fees and Charges

The Resource Legislation Amendment Act 2017, which became law on 18 April 2017, has introduced a number of amendments to the Resource Management Act 1991.

This includes:

- From 19 April 2017, local authorities may recover costs to monitor permitted activities under a National Environmental Standards (NES) if the NES allows it.
- From 18 October 2017, certain boundary activities and other activities that do not comply with the relevant District Plan can be deemed Permitted Activities provided that Council has assessed the proposal and is satisfied it is appropriate to issue a Permitted Activity Notice for such activities. Costs to issue such notices can be recovered from 18 October 2017.

In fixing fees under the RMA, Council is required to have regard to the following:

- that the sole purpose of the charge is to recover reasonable costs incurred by the local authority in respect of the activity to which the charge relates.
- A particular person or persons should only be required to pay a charge to the extent that:
  - the benefit of the local authorities actions to which the charge relates is obtained by those persons as distinct from the community or the local authority as a whole; or
  - where the need for the local authority's actions to which the charge relates is occasioned by the actions of those persons; or
  - in a case where the charge is in respect of the local authority's monitoring functions under section 35(2)(a) (which relates to monitoring the state of the whole or part of the environment), to the extent that the monitoring relates to the likely effects on the environment of those persons' activities, or to the extent that the likely benefit to those persons of the monitoring exceeds the likely benefit of the monitoring to the community of the local authority as a whole (Section 36AAA).
  - the charge relates to the monitoring of a permitted activity under the National Environmental Standards (Section 43A(8)).

Council considers it is appropriate that 100% of the reasonable costs it incurs are charged to the affected individual rather than some of this cost being apportioned to the general ratepayer.

Another minor change is the position title of the 'Development Planning Advisor'. This has changed to 'Subdivision and Compliance Officer'.

## 2. Reasons for the Proposed Fees and Charges continued

### Resource Management Act – Additional Proposed Fees and Charges

As a result of the recent legislative changes Council is proposing three additional charges be added to the existing fees and charges:

- (i) Introducing a new category of 'Permitted Boundary Activity Notice' with a lodgement fee of \$525
- (ii) Introducing a new category of 'Permitted Activity Notice' with a lodgement fee of \$525
- (iii) Introducing a new category of Monitoring of Permitted Activity under the National Environmental Standards with a charge 'At Cost'
- (iv) Change staff title from 'Development Planning Advisor' to 'Subdivision and Compliance Officer'. The hourly rate for the staff member remains unchanged.

## 3. Options to be Considered

| Options  | Advantages and Disadvantages   |
|--|--|
| <p>Introduce the additional categories of fees and charges for the remainder of the 2017/18 financial year</p> <p><b>Council's preferred option</b></p>                              | <p>This would ensure that 100% of the costs incurred are charged to the affected persons, rather than passed on to the general ratepayer.</p> <p>Enables Council to collect any revenue once the fees are approved, rather than from 1 July 2018</p>   |
| <p>Council absorbs the additional cost of the work associated with the new processes for the remainder of the 2017/18 financial year, and considers the new charges for 2018/19.</p> | <p>This would provide those who will be affected by the new processes and associated charges more lead in time before charges are introduced. However, it means that the costs incurred would be paid for by the general ratepayer in the interim.</p> |

## 4. Have Your Say

Let us know what you think about the proposed additional Resource Management fees for 2017/18.

You can do this by:

- Going to the Council website [www.timaru.govt.nz](http://www.timaru.govt.nz) and completing the online feedback form
- Filling out the submission form at the end of this document with your feedback and Freepost it back to Council (instructions on the next page)
- Scanning your feedback form and emailing this to [submission@timdc.govt.nz](mailto:submission@timdc.govt.nz)

## 5. Want more information?

Submissions close 5.00pm  
Monday 30 October 2017

If you have any questions about the proposed fees or need further information you can contact Mark Geddes, District Planning Manager ([mark.geddes@timdc.govt.nz](mailto:mark.geddes@timdc.govt.nz)).

If you have any questions about the consultation process, please contact Mark Low ([mark.low@timdc.govt.nz](mailto:mark.low@timdc.govt.nz)) or Ann Fitzgerald ([ann.fitzgerald@timdc.govt.nz](mailto:ann.fitzgerald@timdc.govt.nz)).

Telephone 03 687 7200

## 6. Timeline

Timeline for considering the proposed policy.

**28 September 2017 –  
30 October 2017**

Consultation period

**30 October 2017**

Submissions close

**Week of 13-17 November 2017**

Council considers submissions

**12 December 2017**

Additional Resource Management Act Fees and Charges for 2017/18

# Resource Management Proposed Additional Fees and Charges 2017/18

## Submission Form

### Your details

First name: Wendy .....

Last name: Smith .....

Organisation (if applicable): South Canterbury Chamber of Commerce .....

Phone (landline or mobile): 03 555 5090 .....

Email address:\* wendy@scchamber.org.nz .....

Postal address:\* PO Box 919 Timaru 7940 .....

.....

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.....

Do you want to speak about your submission at a Council Hearing? (tick a box)\*\*:

Yes  No

\*we require your email address and/or your physical postal address. \*\*must complete. If you do not complete, we will assume you do not wish to speak.

### Your feedback

The proposal that the TDC is presently seeking feedback on is "RMA additional fees 2017" – which comprises the introduction of new fees for the following: -Permitted Boundary Activity Notices -Permitted Activity Notices -Monitoring of Permitted Activities under the National Environmental Standards

The permitted activity notices and monitoring of permitted activities under NES are a new feature of the RMA, introduced under the recently enacted amendments to the RMA. The proposal is in direct response to the legislative changes – i.e. the Council's current planning fee structure doesn't cover them.

The application fee for the permitted activity notices is proposed to be set at \$525. This is the same level of fee that is currently set for applications for existing use certificates.

The proposed monitoring fee, which the TDC proposes to be "at cost". From a practical perspective it would be difficult to set a specific fee for this because costs are likely to vary depending on the permitted activity to be monitored. The TDC's proposal is consistent with the current monitoring fee structure and hence SCCC supports a reasonable and transparent fee introduction with an appropriate lead in time.

NES enables local authorities to introduce charges for monitoring of permitted earthworks, river crossings, forestry quarrying and forestry harvesting. Monitoring of consents is currently not often undertaken except following the first exercise of a consent, and in response to complaints.

#### Submissions are public information

Submissions made to Council, including submitters' name, will be included in papers available to the Council, media and the public.

If requested, Council is legally required to make all written & electronic submissions available to the public including the name and contact details of the submitter, subject to the provisions of the Local Government Official Information and Meetings Act 1987.

If you believe there are compelling reasons why your contact details or submission should be kept confidential, please contact us.

#### Need more room?

Please use extra paper if required and attach with your submission.

## How to return this form via FreePost

Complete Your details and Your feedback sections

Put your form in a sealed envelope and address to:

FreePost Authority Number 95136  
RMA Fees and Charges for 2017/18  
Timaru District Council  
PO Box 522  
TIMARU 7940

Thank you.



## **Timaru District Council**

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