

9 March 2015

Memo To: Mayor and Councillors

Memo From: Administration Advisers

**Subject: PLANNING AND REGULATORY COMMITTEE – 12 MARCH
2015 - LATE ITEMS**

1. Joint Engineering Standards/Land Development Manual with Tasman District Council 3-6

Document A1317664

A report titled Joint Engineering Standards/Land Development Manual with Tasman District Council is attached to be considered as a major late item at this meeting.

In accordance with section 46A(7) of the Local Government Official Information and Meetings Act 1987 and Standing Order 3.7.5, a procedural resolution is required before a major item that is not on the agenda for the meeting may be dealt with.

In accordance with section 46A(7)(b)(i) the reason why the item was not on the agenda is because it came to hand after the agenda had been distributed.

In accordance with section 46A(7)(b)(ii) the reason why discussion of this item cannot be delayed until a subsequent meeting is because a resolution on the matter is required before the next scheduled meeting of the Planning and Regulatory Committee to enable the matter to be considered by both Nelson City and Tasman District Council within similar timeframes.

Recommendation

THAT the item regarding Joint Engineering Standards/Land Development Manual with Tasman District Council be considered at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable the matter to be considered by both Nelson City and Tasman District Council within similar timeframes.

2. Fees and Charges: Resource Consents and Resource Management Act Planning Documents 2015-2016

7-30

Document A1317553

A report titled Fees and Charges: Resource Consents and Resource Management Act Planning Documents 2015-2016 is attached to be considered as a major late item at this meeting.

In accordance with section 46A(7) of the Local Government Official Information and Meetings Act 1987 and Standing Order 3.7.5, a procedural resolution is required before a major item that is not on the agenda for the meeting may be dealt with.

In accordance with section 46A(7)(b)(i) the reason why the item was not on the agenda is because it came to hand after the agenda had been distributed.

In accordance with section 46A(7)(b)(ii) the reason why discussion of this item cannot be delayed until a subsequent meeting is because a resolution on the matter is required before the next scheduled meeting of the Planning and Regulatory Committee to enable consultation on the matter to align with the Long Term Plan 2015-25 consultation.

Recommendation

THAT the item regarding Fees and Charges: Resource Consents and Resource Management Planning Documents 2015-2016 be considered at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable consultation on the matter to align with the Long Term Plan 2015-25 consultation.

Joint Engineering Standards/Land Development Manual with Tasman District Council

1. Purpose of Report

- 1.1 This report outlines a proposal to merge into one document the Nelson City Council Land Development Manual and the Tasman District Council engineering standards and policies.

2. Delegations

- 2.1 The Planning and Regulatory Committee has the delegations for reviewing and developing amendments where necessary to the Land Development Manual.

3. Recommendation

THAT the report Joint Engineering Standards/Land Development Manual with Tasman District Council (A1317664) be received;

AND THAT the Committee confirms the officers continue to progress the joint standards to align with the development of the Nelson Plan.

4. Background

- 4.1 Nelson City Council and Tasman District Council currently have independent engineering standards that control the quality of assets that vest in the respective Councils, and the quality of works on those assets. Periodically both councils undertake revisions of their standards.
- 4.2 During the creation of the Land Development Manual in 2010 contractors and engineering and surveying consultants (developer's representatives) requested that both councils align their standards to create a consistent approach across Nelson/Tasman to engineering infrastructure.
- 4.3 Officers acknowledge that a joint or aligned document would have benefits for both councils; both for consistency across two adjoining local authorities and for contractor's pricing and building various contracts.
- 4.4 Over the last year officers from both councils have been working on a joint set of standards. Officers have reviewed both sets of standards to

see where changes can be accommodated. This has enabled five chapters (out of twelve) of each set of standards to be merged without any issues.

- 4.5 Over the next 6 months it is likely that the balance of sections can also be merged, albeit with some variations due to topographical/regional differences such as rainfall, hillside roading widths etc.

5. Discussion

- 5.1 Officers of both councils will invite stakeholders (developer's representatives and contractors, network utility companies etc) to provide feedback on the draft aligned standards as a joint council consultation exercise. This will occur prior to formally notifying the intended changes under the Resource Management Act 1991, a formal public consultation process which will also be aligned across the councils.
- 5.2 A plan change is required to the resource management plans of both councils to reference the new standards, and for Nelson this will be aligned as part of the notification of the Nelson Plan rather than a separate plan change. However it is intended that public notification of the revised engineering standards/land development manual and the resource management plans of both councils be run concurrently.
- 5.3 Tasman District Council officers have agreed to the alignment of this consultation with the Nelson Plan mid-2016 consultation goal and have prepared a similar report to this for their Council's consideration on 9 April 2015.
- 5.4 The intention would be to hold a joint hearing (if one is required) on this aspect of the Nelson Plan and the plan change to the Tasman Resource Management Plan. However alignment of the standards will still be dependent upon the outcome of any submissions, the decision of the Commissioners and any appeals.
- 5.5 An internal group of officers have been involved in the review to date, and this integrated approach is proposed to continue.

6. Options

- 6.1 There are two options in relation to reviewing the NCC Land Development Manual 2010.
- 6.2 Option 1: Retain and review the engineering standards independent of those of Tasman District Council. This is not supported by land development stakeholders, and is not as efficient as having aligned standards for Nelson/Tasman. Officers were unable to complete the 3 yearly review of the NCC Land Development Manual required in 2013/2014 due to inadequate staff resourcing for the project.
- 6.3 Option 2: Have one set of engineering standards for Nelson/Tasman for both Tasman District and Nelson City Council. While there may be some regional differences within those standards, this option is supported by

land development stakeholders, and is a more efficient use of staff resources between the two councils, as well as a more efficient public consultation process.

- 6.4 Ultimately Option 2 will lead to a more efficient tendering, construction and maintenance programme between the two councils. Undertaking the review in conjunction with alignment of the standards across Nelson/Tasman shares the staff resourcing required with that of Tasman District Council.
- 6.5 The risk with having one set of engineering standards between the two councils is that in the future different work priorities, timing or resourcing may be allocated by the two councils to future reviews. This can be managed by including a 5 yearly review clause to provide certainty and allow work to be adequately programmed and resourced. Ultimately it will be the decision of successive councils as to whether or not to continue with an aligned set of standards.

7. Assessment of Significance against the Council's Significance Policy

- 7.1 This report does not seek any decision that is significant in terms of the Council's Significance and Engagement Policy.

8. Alignment with relevant Council Policy

- 8.1 The preparation of joint engineering standards for Nelson/Tasman fits with the Nelson 2060 goals of achieving more integrated planning across councils and the regional community. It is also a method to achieve resolution of the resource management issue in the Nelson Resource Management Plan that recognises Council's role in addressing cross boundary issues.
- 8.2 The resourcing of the review is to be jointly funded by both councils and will involve staff resourcing as business as usual, as well as allocation of funds for notification, submissions and hearing processes as part of the Nelson Plan budget.

9. Consultation

- 9.1 The joint engineering standards will be consulted on with stakeholders as a draft, and then through the formal Resource Management Act process for externally referencing a document cl.35 first schedule RMA 1991.

10. Inclusion of Māori in the decision making process

- 10.1 Maori have not been consulted to date on the alignment of the engineering standards. Iwi have been consulted in relation to the development of Whakamahere Whakatu – Nelson Plan, and as part of that consultation Iwi identified that an integrated and Te Tau Ihu view should be taken to resource management. This project is representative of such an approach.

11. Conclusion

- 11.1 Officers are continuing to work with officers from Tasman District Council to align both the NCC Land Development Manual and the TDC Engineering Standards into one document for Nelson/Tasman.
- 11.2 Differences in some sections, and in some development approaches, such as that of the transportation section (a low speed environment approach versus a vehicles numbers per day approach) and the stormwater section (design rainfall events and catchment differences) will take time to work through.
- 11.3 Work is progressing in a positive and collaborative manner between officers of the two Councils and they consider that it is realistic that the two sets of standards can be aligned into one within the next 6 months. This will allow for consultation to occur in alignment with the development of the Nelson Plan.

Lisa Gibellini
Senior Planning Adviser

Attachments

None

Fees and Charges: Resource Consents and Resource Management Act Planning Documents 2015-2016

1. Purpose of Report

- 1.1 To seek Council approval of the draft Fees and Charges Resource Consents and Resource Management Act Planning Documents 2015-2016, for public consultation and notification using the Special Consultative Procedure (section 83 of the Local Government Act 2002).

2. Delegations

- 2.1 The Planning and Regulatory Committee has delegations that include the power to recommend approval of statements of proposals for Special Consultative Procedures falling within the areas of responsibility.
- 2.2 There is no delegation from the Council to set Fees and Charges.

3. Recommendation

THAT the report Fees and Charges: Resource Consents and Resource Management Act Planning Documents 2015-2016 (A1317553) and its attachments (A1317066 and A1316932) be received.

4. Recommendation to Council

THAT the draft Fees and Charges Resource Consents and Resource Management Act Planning Documents 2015-2016 be approved for public consultation and notification using the Special Consultative Procedure.

5. Background

- 5.1 The Consents and Compliance Business Unit is responsible for 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 report considers fees and charges for:
- Resource Consents: processing, monitoring and enforcing, administration; and

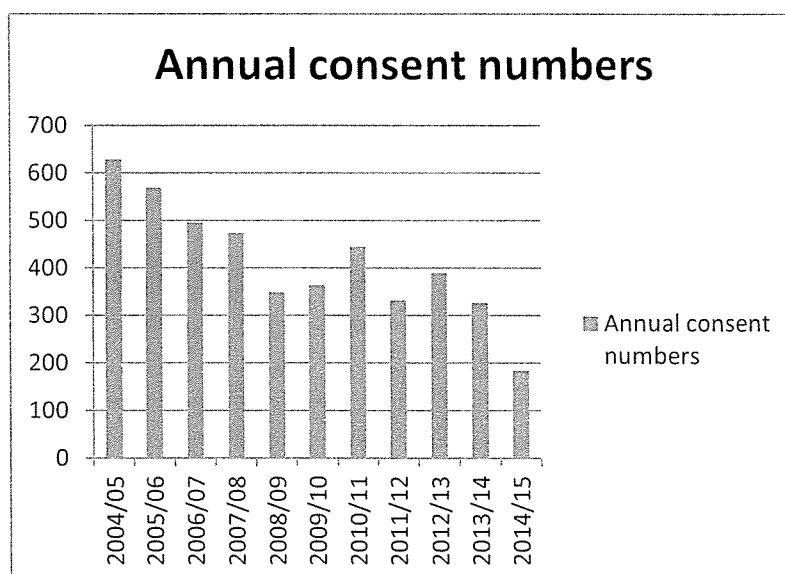
- Resource Management Act planning documents.

- 5.2 Funding is achieved by Council through a mix of general rates, fees and charges, and infringement fees and fines. The level of cost recovery from applicants affects the level of ratepayer funding that is required.
- 5.3 Section 101(3) of the Local Government Act 2002 and Section 36 (4) of the Resource Management Act 1991 require that charges for regulatory functions are to be cost-effective with those gaining the benefit from the regulatory service paying the reasonable cost for that service.

6. Discussion

Resource Consent Activity Assumptions

- 6.1 Assumption 1: There will be no significant changes to the nature and volume of resource consent activity in 2015/16 from recent years. This assumption is supported by the trending data provided below:



Note: The figure for 2014/15 is a six month consent number total to 31 December.

- 6.2 Assumption 2: As the purpose of fees and charges under the RMA is "to recover the reasonable costs incurred in respect of the activity to which the charge relates" (Section 36(4)(a)), resource consent fees and charges are based on recovering costs associated with staff time spent on processing resource consents. Staff time spent on processing resource consents is currently between 35 and 40% with leave, public enquiries, training, employee tasks and other non-chargeable activities accounting for the remaining time.
- 6.3 Assumption 3: The activities with a non-recoverable cost basis include:
- Monitoring of permitted Nelson Resource Management Plan standards (although some fines are recovered from enforcement action if rule breaches are discovered);

- The provision of a general enquiry service to assist members of the public to understand general planning requirements. Customers (external and internal) either make appointments to see a duty planner, send emails, phone or walk in to the Customer Service Centre. There is provision to charge people after 30 minutes but in practice this has not occurred. Appointments generally taking less than half an hour and, even if slightly more, it is considered prudent not to charge when we are endeavouring to build customer relationships;
- Assessing and deciding on objections to consent conditions or costs or claims of Council errors and excessive time spent (costs) in processing applications;
- Staff time and legal costs associated with resource consent appeals and enforcement actions although some recovery is obtained through fines and costs awarded by the Court;
- The issuing of Commercial Vessel Licences and staff warrant cards;
- The checking of building consents for planning matters, staff time assisting the Hearings panel for non-RMA matters and most of the Manager duties.

6.4 The current staff hourly rate is \$145 and this is the same rate as Tasman District Council (TDC). TDC are likely to seek to increase this charge to \$148 per hour. This hourly rate would need to be doubled to recover all expenses apart from the public enquiries component. Doubling the rate would not meet Assumption 2 where the RMA requires only actual and reasonable costs to be recovered.

6.5 The table below compares these rates with other Council's current rates:

Council	Current staff hourly rate
Nelson City Council	\$145
Tasman District Council	\$145
Marlborough District Council	\$145
Christchurch City Council	\$150 (Junior planner) \$200 (Senior)
Wellington City Council	\$150
Invercargill City Council	\$115
New Plymouth City Council	\$170
Gisborne District Council	\$133

6.6 The Resource Consents team regularly receives requests from applicants for a breakdown of staff processing time but only receives a request to

review resource consent processing costs once every two to three months. The application deposits required before processing commences are purposefully set at a level that is the average cost for processing that type of consent to better inform applicant's so they know what to expect.

- 6.7 Resource consent holders pay for the entire cost of monitoring and enforcing their consents.
- 6.8 Where a formal pre-application or pre-hearing meeting is held, time is recorded and charged to the consent.

Resource Consents – Approach to Charges

- 6.9 Council's current charging structure set out in its Fees and Charges for Resource Consents is based on applicants lodging an initial sum of money determined by the nature or category of consent. This is credited to the applicant's consent account. As the consent is processed those processing costs are debited against the applicant's account.
- 6.10 The cost of the consent processing is based on:
 - Time spent by Council staff and any specialist advisers assessing and reporting on the application;
 - The staff hourly charge (consultants are charged out at this rate if staff would normally process the consent), or the consultant charges (if there is a lack of expertise or conflict for staff);
 - Administrative costs; and
 - A \$100 charge incorporating the first hour of monitoring if monitoring is required. Subsequent monitoring is charged at the staff hourly rate.
- 6.11 When the decision on the consent is made, and processing is completed, the costs are calculated and a refund is made if the cost is less than the initial charge, or an account for further payment is sent if the costs exceed the amount of the initial charge.
- 6.12 The Resource Management Act 2009 Amendments included the introduction of a Discount Policy should the consent:
 - Be processed outside the statutory timeframes; and
 - It was the fault of the Council.
- 6.13 The discount came into effect on 31 July 2010. The default discount is 1% of the consent processing costs per day the consent was late, up to a maximum of 50% of the costs of the consent.
- 6.14 Councils can choose to give a more generous discount than the default. It is recommended the default discount remain until such time as section

36 of the Resource Management Act has been reviewed by the Ministry for the Environment to clarify various aspects on charging.

- 6.15 The bulk of the costs of processing resource consents is attributed to staff time. As staff wages are adjusted, associated charge out rates may also require adjustment. Income from fees and charges as a percentage against actual expenses is detailed in the table below:

	LTP target - General Rates	LTP target - Fees and Charges	% actual expenses covered by fees	
			14/15	13/14
Resource Consents	40-60%	40-60%	43%	38%

- 6.16 The table shows that income from fees and charges covers around 43% of total expenses associated with the resource consent activity (chargeable and non-chargeable). This is just within the Long Term Plan (LTP) financial targets. To increase the level of income received either the fees and charges will need to increase, the number of applications needs to increase or the associated costs need to decrease.
- 6.17 Increasing the number of applications cannot be relied upon as this is largely controlled by external global economic factors that encourage or constrain development. Changes to the Nelson Resource Management Plan rules may also contribute to lessening the need for resource consent applications. Lowering the associated costs can be achieved by decreasing staff numbers however this will have a negative impact on the ability to comply with statutory timeframes. Additionally our customer focus including the provision of free planning information would be compromised.
- 6.18 Overall there is a need to balance the user pays principle against providing a customer focused service that is aligned in price with services that external professionals provide.

7. Options

- 7.1 The preferred option is to increase the hourly rate to reflect Council's increased costs. This will provide greater certainty in meeting the LTP financial targets for this activity.
- 7.2 An alternative is to keep the current fees and charges the same.

8. Assessment of Significance against the Council's Significance and Engagement Policy

- 8.1 This is not a significant decision in terms of the Council's Significance and Engagement Policy.

9. Alignment with relevant Council Policy

- 9.1 The recommended fees and charges are consistent with the required statutes and assist with achieving the stated funding policy in the LTP.
- 9.2 Fees and charges should be set to ensure they are not a barrier to growth and development while recognising the applicant or licence holder will receive the majority of the benefit in holding such a document.
- 9.3 The resource consent process ensures any development not meeting minimum requirements still promotes the sustainable management of natural and physical resources.

10. Consultation

- 10.1 Consultation has not been undertaken with any external parties. Fees and charges for Resource Consents Activity are subject to the Special Consultative Procedures required by the Local Government Act 2002.

11. Inclusion of Māori in the decision making process

- 11.1 There has been no consultation with Māori regarding this recommendation.

12. Conclusion

- 12.1 The current staff hourly rate only just achieves the LTP financial targets.
- 12.2 The bulk of the costs associated with resource consent processing stem from staff wages. As staff wages increase the staff charge out rate should be increased.

Mandy Bishop

Manager Consents and Compliance

Attachments

Attachment 1: Statement of Proposal [A1317066](#)

Attachment 2: Summary of Statement of Proposal [A1316932](#)



Nelson City Council
te kaunihera o whakatū

STATEMENT OF PROPOSAL

DRAFT FEES AND CHARGES RESOURCE CONSENT ACTIVITY 2015-2016

March 2015

1. Introduction

The Resource Consents activity 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 fees and charges for:

- a) Resource consents: processing, monitoring and enforcing, administration; and
- b) Resource Management Act planning documents.

Each financial year the Council reviews the fees and charges to:

- a) Ensure that those who benefit from the services of the resource consent activity pay a fair and reasonable share of the costs of these services; and
- b) Ensure fees and charges reflect any changes in the cost of providing these services; and
- c) Check that Nelson City Council fees and charges for resource consents activity are measured against equivalent costs for Tasman and Marlborough District Councils.

Funding is achieved by Council through a mix of general rates, fees and charges, and infringement fees and fines. The level of cost recovery from applicants affects the level of ratepayer funding that is required.

Section 101(3) of the Local Government Act 2002 and Section 36 (4) of the Resource Management Act 1991 provide that charges for regulatory functions are to be cost-effective, with the purpose of recovering the reasonable costs incurred by the Council in respect of the activity to which the charge relates, with those gaining the benefit from the regulatory service paying the reasonable cost for that service.

Section 36(2) of the Resource Management Act 1991 requires the 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.

2. The Approach to Charges

- 2.1 Council's current charging structure set out in its Fees and Charges Schedule for Resource Consents (see Appendix One) is based on applicants lodging an initial sum of money determined by the nature or category of consent. This is credited to the applicant's consent account. As the consent is processed those processing costs are debited against the applicant's account.
- 2.2 The cost of the consent processing is based on:
 - a) The time spent by Council staff and any specialist advisers assessing and reporting on the application; and
 - b) The staff hourly charge (consultants are charged out at this rate if staff would normally process the consent), or the consultant charges (if there is a lack of expertise or conflict for staff); and
 - c) Administrative costs; and

- d) A \$100 charge incorporating the first hour of monitoring if monitoring is required. Subsequent monitoring is charged at the staff hourly rate.
- 2.3 When the decision on the consent is made, and processing is completed, the costs are calculated and a refund is made if the cost is less than the initial charge, or an account for further payment is sent if the costs exceed the amount of the initial charge.
- 2.4 The 2009 Amendments to the Resource Management Act 1991 included the introduction of a Discount Policy should the consent:
- a) Be processed outside the statutory timeframes; and
- b) It was the fault of the Council.
- 2.5 The discount came into effect on 31 July 2010. The default discount is 1% of the consent processing costs per day the consent was late, up to a maximum of 50% of the costs of the consent. Councils can choose to give a more generous discount than the default.

3. The Proposal

- 3.1 The staff hourly charge out rate is to increase from \$145 per hour to \$148 per hour.

4. Reasons

- 4.1 The overall costs associated with resource consent processing increased by 1.9% for the 2014/2015 financial year. A 1.9% increase of \$145 is \$148.
- 4.2 The proposed staff charge out rate is aligned with Tasman and Marlborough District Councils' hourly rates.
- 4.3 The initial charges (deposits) required when applying for consent reasonably reflect the average cost of processing consents.

5. The Alternative

- 5.1 To keep the current staff charge out rate at \$145. This is not the preferred option as increasingly those who benefit from the services of the resource consent activity only pay a disproportionate share of the costs of these services as the fees and charges will not reflect any changes in the cost of providing these services.

6. Special Consultative Procedure

In adopting the Statement of Proposal for public consultation, including a draft declaration indicating the proposed option, the Council is required to consider whether the Statement of Proposal meets the requirements of section 83 of the Local Government Act 2002. A statement of proposal must include:

- A statement of the reasons for the proposal; and
- An analysis of the reasonably practicable options, including the proposal; and
- Any other information that the local authority identifies as relevant.

The Council considers the Statement of Proposal meets these requirements.

7. Submissions

7.1 Any interested person or body is welcome to make submissions or comments on the Council's Draft Fees and Charges Resource Consents Activity 2015-2016.

7.2 Council in making its decision will be taking account of all submissions made.

Submissions are to be made in writing and forwarded to:

Fees and Charges Resource Consents Activity 2015/2016
Nelson City Council
PO Box 645
Nelson 7040

Or emailed to submissions@ncc.govt.nz

Submissions must be received no later than 5pm on Friday 24 April 2015.

Any person who wishes to speak to the Council in support of their submission will be given the opportunity to address a Hearing Panel consisting of three Nelson City Council Councillors at a hearing which will occur in May 2015, the specific date to be advised to all submitters.

Copies of the Statement of Proposal, including the complete draft Schedule for Resource Consent Fees and Resource Management Act Planning Documents Fees are available free of charge from Civic House or on request.

All enquiries should be directed to Mandy Bishop on 545 8740 or email mandy.bishop@ncc.govt.nz

APPENDIX ONE



Draft Fees and Charges 2015-2016

Resource Consent Fees

and

**Resource Management Act Planning
Documents Fees**

**under the Resource Management Act
1991**

Resource Consent Processing and Monitoring, Designations, Plan Changes and all other activity under the Resource Management Act 1991 (RMA) will attract an initial charge (deposit) payable at the time of lodging an application as per Section 1 below.

Where the cost of processing the consent is not fully covered by the initial charge, additional charges will be applied (under Section 36 of the RMA).

Section 2 below lists the various costs that may be charged to a consent. Changes to current charges are shown as strikethrough and new charges shown as bold.

All charges listed in this Schedule are GST inclusive

	Activity	Initial Charge
1.1	All activities (other than listed below)	\$1,300
1.2	Subdivision 1-3 lots	\$1,300
	Subdivision 4 plus lots	\$2,000
1.3	Bore permits; Certificate of Compliance; Change of consent conditions or consent notice; Culverts, weirs and other minor structures on the bed of watercourses; Existing Use Certificate; Extension of lapsing period; Fences; Flats Plan update and check; Gravel extraction; Outline Plan approvals; Relocate building; Removal of trees listed in the Nelson Resource Management Plan; Replacement Permits; Right of Way approval; Signs; Simple consent process; Transfer/part transfer of Permits	\$500
1.4	NOTIFIED APPLICATIONS: Additional charges for applications requiring notification/ limited notification. (This charge must be paid prior to notifying the application and is in addition to the initial charge paid when the application is lodged).	\$7,000
1.5	Removal of trees listed in the Nelson Resource Management Plan that are confirmed in writing by a qualified arborist as diseased or a threat to public safety.	No charge
1.6	Heritage Buildings: Non-notified application to conserve and restore heritage building, place or object listed in the Nelson Resource Management Plan.	No Charge
1.7	Private Plan changes (Note: Council's policy is to recover 95% of the costs involved for the whole process from the applicant).	\$10,000
1.8	Heritage Orders	\$3,500

- 1.9 Where an application involves multiple consents the initial charge is payable at the higher rate plus \$250.00 for each accompanying application.
- 1.10 Where all or part of any initial charge (deposit) is not paid at application time, the Council reserves the right to not process that application.

2. Costs Charged to a Consent

	Details	Charge
2.1	Council Staff – all staff time inclusive of overhead component associated with processing and assessing applications.	\$145 \$148 per hour
2.2	Hearings Panel Charges:	
	- per Councillor as Commissioner (rate set by Remuneration Authority)	\$80 per hour
	- Councillor as Chairperson (rate set by Remuneration Authority)	\$100 per hour
	- Independent Commissioner (requested by applicant)	Cost
	- Independent Commissioner (requested by submitter)	Cost less Councillor rate (applicant pays the Councillor rate)
	- Independent Commissioner(s) required for expertise or due to conflict of interest issues	Cost
2.3	Legal advisors and consultants engaged by Council, or reports commissioned, after discussion with the applicant, to provide expertise not available in-house under s.92(2) RMA.	Cost plus administration charges
2.4	Experts and consultants engaged by Council to undertake assessment of an application where the complexity of the application necessitates external expertise, or where resource consent processing is required to be outsourced due to conflict of interest issues (this is not a s92(2) RMA commissioning).	Cost plus administration charges
2.5	All disbursements, such as telephone calls, courier delivery services, all public notification costs, postage for notified applications and document copying charges.	Cost plus administration charges
2.6	Consultants engaged by the Council where skills are normally able to be provided by in-house staff or when Council staff workloads are unusually high.	\$145 \$148 per hour
2.7	Urban Design Panel reviews a proposal before a resource consent application is lodged	No charge
2.8	The applicant agrees (as per 2.3 above) to the Urban Design Panel reviewing the proposal after a resource consent application is lodged	Cost plus administration charges

2.9 Photocopying Charges

A4	\$0.20 per page;
A3	\$0.50 per page;
Large copies	\$3.00 per page or actual cost from Copy Service plus staff time.

2.10 Monitoring Charges

- 2.10.1 If monitoring is required, a one-off charge of \$100.00 will be invoiced as part of the consent cost. Any extra work that is required to monitor compliance with the consent conditions will be charged at the appropriate hourly rate for Council staff and separately invoiced.
- 2.10.2 Monitoring charges associated with review of information required to be provided by a condition of resource consent will be charged for at the appropriate hourly rate for Council staff or actual cost for specialist consultant.
- 2.10.3 Where the applicant is required or authorised to monitor the activity, the Council's costs in receiving and assessing the monitoring information will be charged directly to the consent holder at the appropriate hourly rate for Council staff or actual cost of the specialist involved.

2.11 Administration Charges

	Item/Details	Charge
2.11.1	Insurance levy – for each resource consent.	\$30
2.11.2	Street naming and numbering (costs of reporting to Hearings Panel and advising all statutory agencies).	Council staff hourly rate in 2.1 above
2.11.3	Street numbering – application for alteration.	\$125
2.11.4	Documents for execution – removal of building line restrictions; easement documents, caveats, covenants and other documents to be registered with LINZ presented after subdivision processed or where not associated with a subdivision application.	\$175 for each document
2.11.5	Certificate under Overseas Investment Act.	\$385
2.11.6	Confirmation of compliance with the Nelson Resource Management Plan for NZ Qualifications Authority.	\$385
2.11.7	Confirmation of compliance with the Nelson Resource Management Plan for liquor licence applications.	\$70
2.11.8	Section 357 Administration charge.	\$255
2.11.9	Private right-of-way – review against existing names and advising all statutory agencies where appropriate.	\$225

	Item/Details	Charge
2.11.10	Authentication report for small-scale solid-fuel burning appliance or open fire.	\$70
2.11.11	Removal of designation.	\$305
2.11.12	Swing Mooring annual charge (monitoring costs are additional, refer 2.10.3 above).	\$75
2.11.13	Transfer of Consents to new owner (S.135(1)(a), S.136(1), S.136(2)(a), or S.137(2)(a) Resource Management Act)	\$150
2.11.14	Claiming a swing mooring the Council removed from the Coastal Marine Area that did not have a coastal permit	\$300
2.11.15	Claiming a vessel that was towed and hauled out of the Coastal Marine Area as it was tied to a non consented mooring that was uplifted	Cost for tow and haul out

2.12 Discount for Late Consents

- 2.12.1 Where statutory processing timeframes have not been met and this is the fault of the Council, a discount of 1% of the total processing costs per each day the consent is late, up to a maximum of 50%, will be credited.

3. Invoicing

- 3.1 Where processing costs exceed the level of the initial charge (deposit), monthly invoices for any additional charges may be sent to the applicant.
- 3.2 Annual swing mooring charges shall be due on 1 December. The initial payment is due within 30 days of the mooring being installed. Moorings installed 1 December to 1 June will incur the full annual charge. Moorings installed from 1 June to 30 November will be charged half of the annual charge. The Council reserves the right to agree to other arrangements in writing.
- 3.3 The Council has no obligation to perform any action on any application until the charges for the action have been paid in full; such payment will be required by the 20th of the month following invoice.
- 3.4 Where any interim invoice is disputed, work on processing the application will be stopped until the matter is resolved at the discretion of the Manager Resource Consents.
- 3.5 The option of monthly invoices only, in lieu of initial charges, may be available on strict credit conditions as follows:
- The consent process, or Council involvement in the project, is likely to extend over a period in excess of 6 months; and
 - The total amount for invoices is likely to exceed \$5,000; and
 - The applicant is in good financial standing with a satisfactory credit record and agrees to abide by the Council's usual credit terms or

- d) The applicant is a regular customer of the Council's Resource Consents Business Unit, is in good financial standing with no record of unpaid invoices, who agrees to pay each and every invoiced charge by the 20th of the month following the date of issue of the invoice.

Any disputes relating to an invoiced charge must be resolved after the invoice has been paid. Failure to meet these criteria will result in the option of monthly invoices, in lieu of initial charges plus monthly invoices being withdrawn.

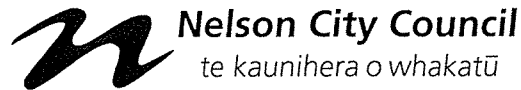
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4. Pre-Application Charges

Detail	Charge
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5. Resource Management Planning Documents

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Summary of Statement of Proposal

DRAFT FEES AND CHARGES RESOURCE CONSENTS ACTIVITY 2015/2016

This statement is made for the purposes of section 89 of the Local Government Act 2002.

Each financial year the Council reviews the fees and charges proposed for various activities undertaken by the Resource Consents Business Unit. The purpose of the review is to:

1. Ensure that those who benefit from the services of the resource consent activity pay a fair and reasonable share of the costs of these services;
2. Ensure fees and charges reflect any changes in the cost of providing these services;
3. Check that Nelson City Council fees and charges for the resource consents activity are measured against equivalent costs for Tasman and Marlborough District Councils.

Section 36(2) of the Resource Management Act 1991 requires the Council to seek public feedback on its proposed fees and charges through the Special Consultative Procedure under section 87 of the Local Government Act 2002.

The proposed change to the current fees and charges is to increase the staff hourly charge out rate from \$145 per hour to \$148 per hour. The increase reflects a 1.9% increase in costs for 2014/15.

The Council welcomes feedback on the fees and charges. Council, in making its decision, will be taking account of all submissions made.

Copies of the Statement of Proposal which includes a more detailed assessment of the proposal are available free of charge from Civic House or on request.

Submissions

Any interested person or body is welcome to make submissions or comments on the Council's Draft Fees and Charges Resource Consents Activity 2015/2016.

Submissions are to be made in writing and forwarded to:

Fees and Charges Resource Consents Activity 2015/2016
Nelson City Council
PO Box 645
Nelson 7040

OR emailed to submissions@ncc.govt.nz

Submissions must be received no later than 5pm on Friday 24 April 2015.

Any person who wishes to speak to the Council in support of their submission will be given the opportunity to address a Hearing Panel consisting of three Nelson City Council Councillors at a hearing which will occur in May 2015, the specific date to be advised to all submitters.

All enquiries should be directed to Mandy Bishop on phone 545 8740 or email mandy.bishop@ncc.govt.nz.



Draft Fees and Charges 2015-2016

Resource Consent Fees

and

**Resource Management Act Planning
Documents Fees**

**under the Resource Management Act
1991**

Resource Consent Processing and Monitoring, Designations, Plan Changes and all other activity under the Resource Management Act 1991 (RMA) will attract an initial charge (deposit) payable at the time of lodging an application as per Section 1 below.

Where the cost of processing the consent is not fully covered by the initial charge, additional charges will be applied (under Section 36 of the RMA).

Section 2 below lists the various costs that may be charged to a consent. Changes to current charges are shown as strikethrough and new charges shown as bold.

All charges listed in this Schedule are GST inclusive

	Activity	Initial Charge
1.1	All activities (other than listed below)	\$1,300
1.2	Subdivision 1-3 lots	\$1,300
	Subdivision 4 plus lots	\$2,000
1.3	Bore permits; Certificate of Compliance; Change of consent conditions or consent notice; Culverts, weirs and other minor structures on the bed of watercourses; Existing Use Certificate; Extension of lapsing period; Fences; Flats Plan update and check; Gravel extraction; Outline Plan approvals; Relocate building; Removal of trees listed in the Nelson Resource Management Plan; Replacement Permits; Right of Way approval; Signs; Simple consent process; Transfer/part transfer of Permits	\$500
1.4	NOTIFIED APPLICATIONS: Additional charges for applications requiring notification/ limited notification. (This charge must be paid prior to notifying the application and is in addition to the initial charge paid when the application is lodged).	\$7,000
1.5	Removal of trees listed in the Nelson Resource Management Plan that are confirmed in writing by a qualified arborist as diseased or a threat to public safety.	No charge
1.6	Heritage Buildings: Non-notified application to conserve and restore heritage building, place or object listed in the Nelson Resource Management Plan.	No Charge
1.7	Private Plan changes (Note: Council's policy is to recover 95% of the costs involved for the whole process from the applicant).	\$10,000
1.8	Heritage Orders	\$3,500

- 1.9 Where an application involves multiple consents the initial charge is payable at the higher rate plus \$250.00 for each accompanying application.
- 1.10 Where all or part of any initial charge (deposit) is not paid at application time, the Council reserves the right to not process that application.

2. Costs Charged to a Consent

	Details	Charge
2.1	Council Staff – all staff time inclusive of overhead component associated with processing and assessing applications.	\$145 \$148 per hour
2.2	Hearings Panel Charges:	
	- per Councillor as Commissioner (rate set by Remuneration Authority)	\$80 per hour
	- Councillor as Chairperson (rate set by Remuneration Authority)	\$100 per hour
	- Independent Commissioner (requested by applicant)	Cost
	- Independent Commissioner (requested by submitter)	Cost less Councillor rate (applicant pays the Councillor rate)
	- Independent Commissioner(s) required for expertise or due to conflict of interest issues	Cost
2.3	Legal advisors and consultants engaged by Council, or reports commissioned, after discussion with the applicant, to provide expertise not available in-house under s.92(2) RMA.	Cost plus administration charges
2.4	Experts and consultants engaged by Council to undertake assessment of an application where the complexity of the application necessitates external expertise, or where resource consent processing is required to be outsourced due to conflict of interest issues (this is not a s92(2) RMA commissioning).	Cost plus administration charges
2.5	All disbursements, such as telephone calls, courier delivery services, all public notification costs, postage for notified applications and document copying charges.	Cost plus administration charges
2.6	Consultants engaged by the Council where skills are normally able to be provided by in-house staff or when Council staff workloads are unusually high.	\$145 \$148 per hour
2.7	Urban Design Panel reviews a proposal before a resource consent application is lodged	No charge
2.8	The applicant agrees (as per 2.3 above) to the Urban Design Panel reviewing the proposal after a resource consent application is lodged	Cost plus administration charges

2.9 Photocopying Charges

A4	\$0.20 per page;
A3	\$0.50 per page;
Large copies	\$3.00 per page or actual cost from Copy Service plus staff time.

2.10 Monitoring Charges

- 2.10.1 If monitoring is required, a one-off charge of \$100.00 will be invoiced as part of the consent cost. Any extra work that is required to monitor compliance with the consent conditions will be charged at the appropriate hourly rate for Council staff and separately invoiced.
- 2.10.2 Monitoring charges associated with review of information required to be provided by a condition of resource consent will be charged for at the appropriate hourly rate for Council staff or actual cost for specialist consultant.
- 2.10.3 Where the applicant is required or authorised to monitor the activity, the Council's costs in receiving and assessing the monitoring information will be charged directly to the consent holder at the appropriate hourly rate for Council staff or actual cost of the specialist involved.

2.11 Administration Charges

	Item/Details	Charge
2.11.1	Insurance levy – for each resource consent.	\$30
2.11.2	Street naming and numbering (costs of reporting to Hearings Panel and advising all statutory agencies).	Council staff hourly rate in 2.1 above
2.11.3	Street numbering – application for alteration.	\$125
2.11.4	Documents for execution – removal of building line restrictions; easement documents, caveats, covenants and other documents to be registered with LINZ presented after subdivision processed or where not associated with a subdivision application.	\$175 for each document
2.11.5	Certificate under Overseas Investment Act.	\$385
2.11.6	Confirmation of compliance with the Nelson Resource Management Plan for NZ Qualifications Authority.	\$385
2.11.7	Confirmation of compliance with the Nelson Resource Management Plan for liquor licence applications.	\$70
2.11.8	Section 357 Administration charge.	\$255
2.11.9	Private right-of-way – review against existing names and advising all statutory agencies where appropriate.	\$225

	Item/Details	Charge
2.11.10	Authentication report for small-scale solid-fuel burning appliance or open fire.	\$70
2.11.11	Removal of designation.	\$305
2.11.12	Swing Mooring annual charge (monitoring costs are additional, refer 2.10.3 above).	\$75
2.11.13	Transfer of Consents to new owner (S.135(1)(a), S.136(1), S.136(2)(a), or S.137(2)(a) Resource Management Act)	\$150
2.11.14	Claiming a swing mooring the Council removed from the Coastal Marine Area that did not have a coastal permit	\$300
2.11.15	Claiming a vessel that was towed and hauled out of the Coastal Marine Area as it was tied to a non consented mooring that was uplifted	Cost for tow and haul out

2.12 Discount for Late Consents

- 2.12.1 Where statutory processing timeframes have not been met and this is the fault of the Council, a discount of 1% of the total processing costs per each day the consent is late, up to a maximum of 50%, will be credited.

3. Invoicing

- 3.1 Where processing costs exceed the level of the initial charge (deposit), monthly invoices for any additional charges may be sent to the applicant.
- 3.2 Annual swing mooring charges shall be due on 1 December. The initial payment is due within 30 days of the mooring being installed. Moorings installed 1 December to 1 June will incur the full annual charge. Moorings installed from 1 June to 30 November will be charged half of the annual charge. The Council reserves the right to agree to other arrangements in writing.
- 3.3 The Council has no obligation to perform any action on any application until the charges for the action have been paid in full; such payment will be required by the 20th of the month following invoice.
- 3.4 Where any interim invoice is disputed, work on processing the application will be stopped until the matter is resolved at the discretion of the Manager Resource Consents.
- 3.5 The option of monthly invoices only, in lieu of initial charges, may be available on strict credit conditions as follows:
- The consent process, or Council involvement in the project, is likely to extend over a period in excess of 6 months; and
 - The total amount for invoices is likely to exceed \$5,000; and
 - The applicant is in good financial standing with a satisfactory credit record and agrees to abide by the Council's usual credit terms or

- d) The applicant is a regular customer of the Council's Resource Consents Business Unit, is in good financial standing with no record of unpaid invoices, who agrees to pay each and every invoiced charge by the 20th of the month following the date of issue of the invoice.

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