

# Resource Management Act 1991 Charging Policy

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For more information, contact the Marlborough District Council:

MARLBOROUGH DISTRICT COUNCIL  
PO BOX 443  
BLENHEIM 7240  
NEW ZEALAND

TELEPHONE (0064) 3 520 7400  
FACSIMILE (0064) 3 520 7496  
EMAIL [compliance@marlborough.govt.nz](mailto:compliance@marlborough.govt.nz)  
WEB [www.marlborough.govt.nz](http://www.marlborough.govt.nz)



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# CONTENTS

<b>1.</b>	<b>Introduction</b>	<b>1</b>
1.1.	About this document.....	1
1.2.	The Resource Management Act charging philosophy .....	1
1.3.	Access to community resources .....	1
1.4.	Customer service.....	1
1.5.	Charges for sand and gravel extraction.....	2
1.6.	Goods and services tax .....	2
1.7.	Automatic adjustment for annual inflation .....	2
<b>2.</b>	<b>Principles</b>	<b>2</b>
2.1.	Charges must be lawful .....	2
2.2.	Charges must be reasonable .....	2
2.3.	Charges must be fair .....	2
2.4.	Charges will recognise the effects of location .....	3
2.5.	Charges must be simple to understand .....	3
2.6.	Charges must be transparent.....	3
2.7.	Charges must be predictable and certain .....	3
2.8.	The Council must act responsibly .....	3
2.9.	The method of charging.....	3
2.9.1.	Charging methods for applications.....	3
2.9.2.	Charging methods for monitoring.....	4
2.9.3.	Use of specialist advisers.....	4
2.9.4.	Use of external providers .....	4
2.9.5.	Commissioners.....	4
<b>3.</b>	<b>Application Charges</b>	<b>5</b>
3.1.	Introduction.....	5
3.2.	Applications for resource consents .....	5
3.2.1.	Types of resource consent .....	5
3.2.2.	Getting the right consent .....	5
3.2.3.	Resource consent application process .....	5
3.2.4.	Charges for processing applications .....	6
3.2.5.	Application charge for non-notified resource consents .....	7
3.2.6.	Application charge for notified resource consents .....	7
3.2.7.	Variations from the base charge .....	8
3.2.8.	Multiple consent applications .....	9
3.2.9.	Charging basis .....	9
3.2.10.	Payment .....	10
3.2.11.	Rights of objection and appeal.....	10

3.3.	Application charge for a change to the conditions of a resource consent .....	11
3.4.	Application charge for a certificate of compliance or existing use certificate .....	11
3.5.	Application charges for a requirement for a designation .....	11
3.5.1.	Receiving, accepting or rejecting a requirement for a designation .....	11
3.5.2.	Charging basis .....	11
3.5.3.	Right of objection and appeal.....	11
4.	<b>Interpretation</b>	<b>12</b>
5.	<b>Appendix I Extract from the Act</b>	<b>13</b>
5.1.	Provision in the Resource Management Act for Charging.....	13

# 1. Introduction

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## 1.1. About this document

This document is the Marlborough District Council's Resource Management Charging Policy ("Policy"). It describes the charges the Council makes for a range of resource management services.

The Policy is in two sections as follows:

- (a) Obtaining resource consents
- (b) Requirement to designate land

Some of these charges are of a one-off nature for example Council charges only once for processing your application.

Other charges are ongoing for the life of certain consents. In those instances Council charges annually or biennially for:

- (a) The administration of consents (our customer service charge);
- (b) Monitoring compliance with consent conditions; and
- (c) Carrying out state of the environment monitoring.

Charges are implemented pursuant to the Resource Management Act 1991 (the Act) and follow the procedures of the Local Government Act 2002. Those latter procedures require the public notice of an intention to introduce or vary charges.

## 1.2. The Resource Management Act charging philosophy

The Act has brought many changes to the philosophy and practice of resource management. One of these changes is an emphasis on the beneficiary pays principle; those who benefit from the use of natural and physical resources can now expect to pay the full costs of that use.

The charges in this Policy reflect that philosophy, but they also recognise that the community benefits from Council's role as a resource manager.

## 1.3. Access to community resources

The Council manages the community's resources. Our rivers, aquifers, air, and coastal waters do not have individual ownership, they are owned by the community.

By obtaining resource consents, individuals can access these resources for their own private use and economic benefit.

Council's job is to facilitate this access while making sure that the use is sustainable. That is, it is available for public use, both now and in the future.

The charges imposed on resource consent applicants and consent holders in this Policy are for the reasonable cost of the Council doing the job.

## 1.4. Customer service

The Council is a customer service organisation. The Council wants to provide you with excellent service and value for money. You have a right to good service that comes with the payment of your charges.

The Council recognises your desire to implement your activity as simply as possible and sees itself as a partner in that implementation process, as well as looking after your continued access to the resources of the region.

To this end, the charges in this Policy are:

- (a) Reasonable, fair, and consistent;
- (b) Based on the services Council delivers;
- (c) Able to be calculated before you start your activity.

## **1.5. Charges for sand and gravel extraction**

A charge is made for managing the extraction of sand or gravel from rivers. This charge is for the purpose of managing the extraction and ensuring that the performance of the waterway is not impaired.

## **1.6. Goods and services tax**

The charges and formulae described in this document **include** GST.

## **1.7. Automatic adjustment for annual inflation**

The Fees and Charges Schedule can be adjusted annually in line with the Consumer Price Index (CPI). Adjustment will be rounded to the nearest dollar. The December Annual CPI figure reported by Statistics New Zealand will be used for the following year's annual CPI adjustments.

# **2. Principles**

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The principles that have guided the Council in setting its resource management charges are set out below.

## **2.1. Charges must be lawful**

The Council can only levy charges that are allowed by the Act.

The procedures for fixing charges are detailed in section 36 of the Act. It specifically provides for:

- (a) Consent application charges ;
- (b) Consent administration and monitoring charges;
- (c) Charges for carrying out state of the environment monitoring; and
- (d) Charges for changes to policy statements and plans.

See Appendix I for a copy of section 36 of the Act.

## **2.2. Charges must be reasonable**

The sole purpose of a charge is to recover the reasonable costs incurred by the Council in respect of the activity to which the charge relates (see section 36(1)(b) of the Act).

## **2.3. Charges must be fair**

Charges must be fair and relate to consent holders' activities. The Council can only charge consent holders to the extent that their actions have contributed to the need for the Council's work.

The Council must also consider the benefits to the community and to consent holders when setting a charge. It would be inequitable to charge consent holders for resource management work done in the interests of the regional community and vice versa.

Council must also relate any charge to the effects of consent holders' activities on the state of the environment (see section 36(1)(c) of the Act).



## **2.4. Charges will recognise the effects of location**

Where Council incurs ongoing costs arising from consents, charges should be uniformly and consistently applied to consent holders.

In a district having lengthy and varied travel routes, charges will take account of location. Council will, however, otherwise provide the same service for the same price.

## **2.5. Charges must be simple to understand**

Charges should be clear and easy to understand. The administration and collection of charges should be simple and cost effective. To that end a scale of set charges is struck to enable the customer to assess likely costs of obtaining consent. Experience shows that this is not realistic in every circumstance; accordingly provision is also made for recovery of costs where an application falls outside the norm of the set charge.

## **2.6. Charges must be transparent**

Charges should be calculated in a way that is clear, logical and justifiable. The work of the Council for which costs are to be recovered should be identifiable.

## **2.7. Charges must be predictable and certain**

Resource consent applicants and resource users have a right to certainty about the cost of their dealings with the Council. The method of setting charges should enable customers to evaluate the extent of their liability.

Resource users need to know the cost of obtaining and maintaining a consent for an activity or to manage their business and to plan for future growth and development. Charges should not change too frequently or unnecessarily.

## **2.8. The Council must act responsibly**

The Council should implement its charging policy responsibly. Where there are significant changes in charges, the Council should provide advance warning and give consent holders the opportunity to make adjustments.

This means recognising that resource management charges are a cost to resource users. To enable businesses to control their costs, this Policy allows you to have your compliance monitoring undertaken by agencies other than the Council. This ensures that this service is contestable and is subject to the disciplines of a competitive market.

## **2.9. The method of charging**

Council has adopted a charging regime that matches its experience in cost recovery. Experience also indicates that customers generally prefer fixed charges so that they can make a judgement as to likely costs. The Act provides at section 36(3) for methods for setting charges and provides at Section 36(5) for recovering costs arising from the processing over and above that covered under the provisions of section 36(1).

A fixed charge system takes no account of the range of expenditure that occurs in practice, penalises the small simple application through over charging or, penalises the ratepayer by undercharging in respect of complex proposals.

### **2.9.1. Charging methods for applications**

For application charges where activities have, historically, indicated a wide range of costs a base charge is set as an up front application fee and from records a determination of actual costs are made. It is considered fair that if under recovery is to prompt additional charges then over recovery should merit refund. To obviate activating processes for negligible amounts a trigger value is set for each base charge to set in train recovery/refund processes.

**A two part system comprising a flat charge for simple administrative processes, and a base charge plus variable charge is adopted for more complex processes. The base charge is an upfront cost to the applicant at commencement of the particular process.**

**Where a charge under section 36 is required to be paid, the Council is not obliged to process the application unless the required charge has been paid in full (section 36AAB refers).**

Non-notified or notified applications in a significant number of instances involve issues that reflect the complex character of the district. Consequently, the proper assessment of a proposal may require the retaining of specialist advisors on a range of topics to supplement Council's resources. The cost of retaining that resource is considered a proper cost to the proposal and is recovered at the actual cost incurred.

So –

**Flat charges** apply where the administrative process is largely consistent and repetitive enabling the setting of a fee that recovers costs albeit on an under or over basis.

A **base charge** is applied to those processes that are likely to incur costs that cannot be reasonably estimated (see sections 3.2.5 and 3.2.6 below).

A **trigger** will activate when costs exceed a prescribed level. Activation will generate either a refund or additional charges (the **variable charge** component).

A **variable charge** is that amount that is either over or under the base with the trigger applied.

### **2.9.2. Charging methods for monitoring**

The Charging Policy and details of charges for monitoring are set out in a separate document which can be viewed at Council's Customer Service Centre or on the Marlborough District Council's web site at [www.marlborough.govt.nz](http://www.marlborough.govt.nz).

### **2.9.3. Use of specialist advisers**

Council has a statutory duty to ensure that an application or a monitoring requirement is complete in respect of all resource management issues. It cannot maintain the full range of expertise on a day-to-day basis to ensure that those duties are discharged. Accordingly, from time to time Council must retain outside expertise and the costs will accrue to the applicant.

### **2.9.4. Use of external providers**

Council does not staff for peak levels of applications and it will, from time to time, use consultant firms to supply the necessary processing and monitoring capacity. The costs will accrue to the applicant and, in the case of processing applications, the base charge is offset against those costs. When considering an account for services it should be noted that there will be components of the process that require Council action and attract charges accordingly. In particular, for applications there will be the administrative part involving the receiving, filing and logging of applications and the hearing (if required) followed by the issuing of a decision.

### **2.9.5. Commissioners**

Commissioners are used from time to time for varying reasons and costs relating thereto can similarly vary. The basis of the charging is the current Local Government Elected Members Determination. The hearing cost will be the same whether heard by Council's Hearing Committee or a Commissioner or Commissioners other than in the following circumstances:

From time to time an application having special characteristics may dictate that a person having particular skills needs to sit with the Committee or in lieu of the Committee. The actual costs in those circumstances will be charged at cost to the applicant.

On some occasions an Applicant might request an independent decision maker, in which case the hearing will be the actual cost charged to the applicant.

In situations where Council has a particular interest a Commissioner will be used to provide for some measure of “arms length” objectivity in the hearing process. The cost of the hearing will be on the basis of the current Local Government Elected Members Determination.

## 3. Application Charges

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### 3.1. Introduction

This section of this Policy describes Council's policies on charging for:

- (a) an application for a resource consent or consents;
- (b) an application to have a resource consent or consents renewed or a period extended;
- (c) an application to have the conditions on a consent altered;
- (d) an application for a certificate of compliance or existing use certificate; and
- (e) an application for the preparation or change of a regional plan, regional policy statement or district plan.

### 3.2. Applications for resource consents

#### 3.2.1. Types of resource consent

Resource consents permit something to be done that would otherwise contravene the Act. They are classified by the Act (section 87) as follows:

- (a) Land use consent
- (b) Subdivision consent
- (c) Coastal permit
- (d) Water permit
- (e) Discharge permit

Council further classifies consent types for statistical and management purposes, this does not relate to the fees charged directly although a number of consents required for an application will often be indicative of the complexity and as a consequence the cost of processing.

#### 3.2.2. Getting the right consent

The applicant needs to critically look at the proposed activity and identify the type or types of consent required. Please enquire about guides to developing your application which may assist in avoiding delays in having it accepted. For more advice on the consents that are right for you, contact Council's Duty Planner.

#### 3.2.3. Resource consent application process

Council's staff are happy to assist you when you are making your application for resource consent with the aim of ensuring that your application is processed quickly and simply, while meeting the requirements set down by the law.

It is stressed, however, that the application belongs to the applicant. The applicant is **responsible** for its contents and in difficult or major proposals the applicant may have to employ a range of technical advisers to ensure the proposal meets the requirements of the Act.

Council's first duty is to administer the Act and the statutory planning instruments for which it is responsible. Accordingly, it is conceivable that Council's objectives in any particular circumstance may be divergent from those of an applicant.

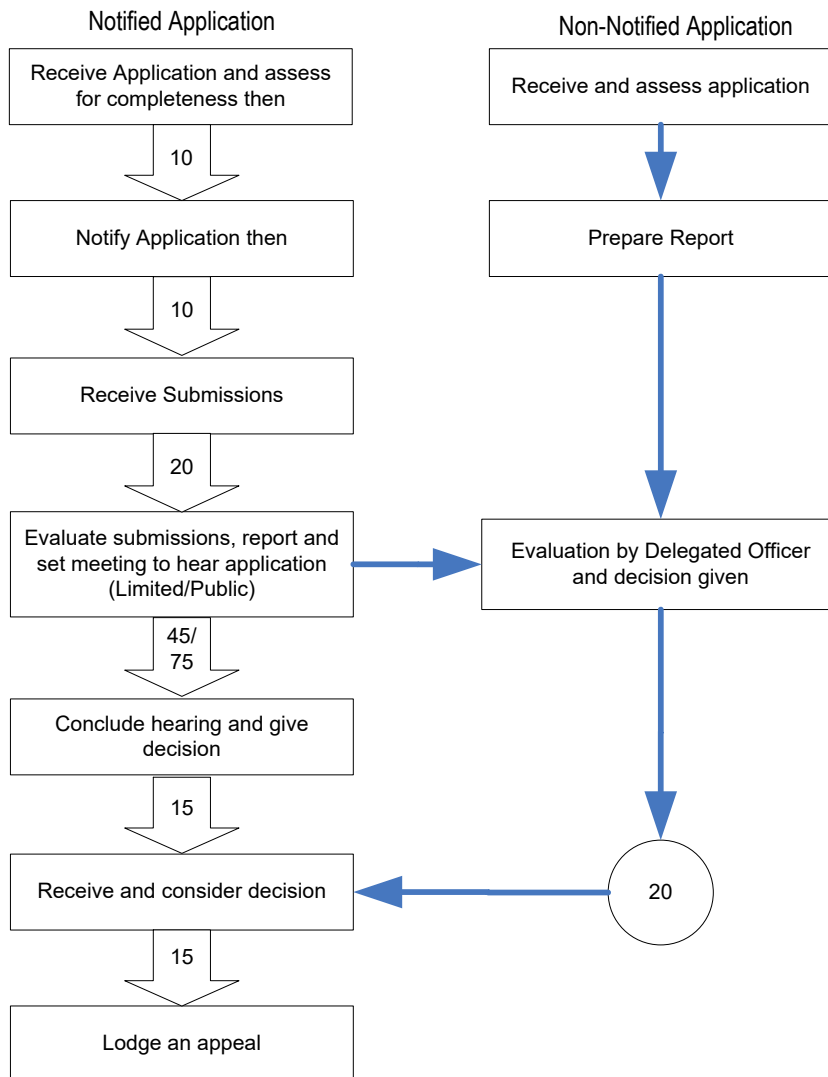
It is important to be aware that the Act expects that an application **will be notified** unless Council determines that the effects on the environment are minor. Council **may** also determine an application

**will** be notified notwithstanding that the effects are seen to be minor in a particular circumstance. This latter course is generally rare. Council will determine who might be potentially affected by a proposal.

Figure 1 below shows the stages through which consent applications pass. It also shows the statutory minimum time periods (in working days) which the law allows for the various stages.

There is provision to **extend timeframes** in the Act at section 37. The criteria for the exercise of the provisions are set out in the Act. The numbers in Figure 1 are **working days** as defined by the Act. There is no statutory time for the duration of a hearing although Council is required to progress without undue delay.

**Figure 1 : The Steps in Processing a Consent Application -**



### 3.2.4. Charges for processing applications

The Flat or Base charges represents the usual cost to the Council of processing an application, these charges are shown in the schedule.

The variable component (**variable charge**) is applied when the accumulated costs exceed the prescribed threshold (**trigger**).

Council will make every endeavour to indicate to you when the variable charge may come to bear, it is in your interests to keep in contact with our office so that the earliest indications are received by you.

Council does not have a set charge for the advice it gives you before you make your application. It is important that you know how to make an application and how it will be processed, so Council provides

that information free of charge. Council **will not**, however, provide a consulting service to applicants. Where an applicant has insufficient knowledge to analyse a proposal and carry out the proper assessment of environmental effects then the services of an appropriate professional will need to be retained.

Please note that charges apply even if your consent application is refused, rejected or you withdraw your application.

Where you withdraw your application, your charge may be reduced, depending on how much work has been done on it at the time of withdrawal. The cost of processing the application will be calculated and a refund made (or additional amount may be charged) in accordance with section 3.2.7 of this Policy.

Applicants will be charged for the time spent on the application applying the hourly rate for Officers involved in the processing of the application; several classes of hourly rates are listed in the schedule. When costs exceed the base charge plus the trigger amount; or when costs are less than the base charge minus the trigger amount recovery or refund processes are implemented.

### 3.2.5. Application charge for non-notified resource consents

Resource consent qualifies as non-notified if its effects are assessed as being less than minor and those who might be potentially affected do not wish to make submissions on the aspects of concern.

The application charges for non-notified resource consents are detailed in the fee schedule.

The charges are the normal cost of processing a standard non-notified consent application. It provides for all or any of (but not necessarily limited to):

- (a) Consultation prior to application lodgement
- (b) Setting up the file and logging into the consents database
- (c) Distributing details for internal & external inputs
- (d) Engineering evaluation (including roading, infrastructure, geotechnical)
- (e) Calling for additional reports
- (f) Iwi consultation
- (g) Assessment of the application
- (h) Production of consent conditions
- (i) Disbursements, as required
- (j) Release of subdivision plan
- (k) Updating of consents database and distribution of decision

**Important Note:** Engineering fees set out in the fee schedule are additional to base charges for subdivisions and are not included in the accounting of the variable charge process.

### 3.2.6. Application charge for notified resource consents

In general, a resource consent is either limited notification or public notification. Public notifications are advertised in the newspaper and submissions called for if its effects are minor or more than minor, and/or if its effects are widespread and it is not possible to obtain the agreement of all those who might be potentially affected by it. Limited notifications are circulated to specifically identified persons/entities and submissions called for.

The charges for notified resource consent applications are detailed in the schedule.

This is the **base charge** and is the normal cost of processing a standard notified resource consent application. It provides for all or any of (but not necessarily limited to):

- (a) Consultation prior to application lodgement
- (b) Setting up the file and logging into the consents database

- (c) Assessing an application for notification purposes
- (d) Advertising and calling for submissions
- (e) Copying and mailing charges
- (f) Prehearing meetings
- (g) Iwi Consultation
- (h) Engineering evaluation (including roading, infrastructure, geotechnical)
- (i) Calling for additional reports
- (j) Assessment of submissions
- (k) Production of draft consent conditions
- (l) Full assessment of the application and report to Hearing Committee
- (m) Disbursements, as required
- (n) Hearing costs
- (o) Administrative assistance in the hearings process
- (p) Updating consents database and distributing decision
- (q) Release of subdivision plan

For some notified consent applications, however, the cost of processing may vary from the **base charge**. This depends upon the complexity of the application (see section 3.2.7). Some additional factors influencing the possibility of additional costs are:

- (a) Reports commissioned to deal with matters arising out of submissions or pre-hearing meetings
- (b) Inputs from specialist advisers

These costs may contribute to the exceeding of the base charge already received and constitute the **variable charge**.

**Important Note:** Engineering fees set out in the fee schedule are additional to base charges for subdivisions and are not included in the accounting of the variable charge process.

### 3.2.7. Variations from the base charge

The actual cost of processing a resource consent application can change if it is complex, contentious, or arouses public interest.

**The full cost implications of an application are not always apparent at the outset.**

If the characteristics of the consent applied for leads to work or expense by the Council over and above **base charge**, Council may seek to recover the actual and reasonable costs of processing the consent. The Act allows Council to impose an additional charge in these circumstances (under section 36(5)).

However, Council will advise you as soon as possible where it considers your application may lead to extra charges.

In some cases, the cost of processing your consent may be less than that calculated from the schedule. If the actual and reasonable cost of processing your consent differs more than that calculated by the application of the **trigger**, Council will refund the difference.

Where additional costs accrue due to complexity or protracted processing, Council will issue interim invoices monthly or at defined points in the process.

Refer to the Interpretation (see section 4) for an explanation of the terms describing charges.

### 3.2.8. Multiple consent applications

A number of consents may be required for the same activity at the same site. For applications, Council does not charge on a consent basis but on an application basis. See sections 3.2.4 and 3.2.7.

However, the complexity of a large project with multiple consents is generally indicative that the **base charge** will be exceeded. The additional costs will accrue when the **trigger** level set in the schedule is reached.

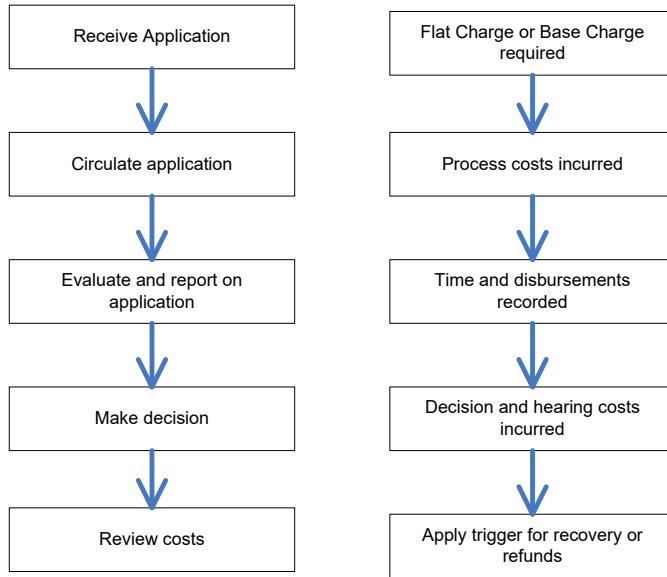
### 3.2.9. Charging basis

In situations where Council charges on the basis of its actual and reasonable costs (e.g. where your consent application takes longer than Council expected), Council charges for time, disbursements and overheads in the following way:

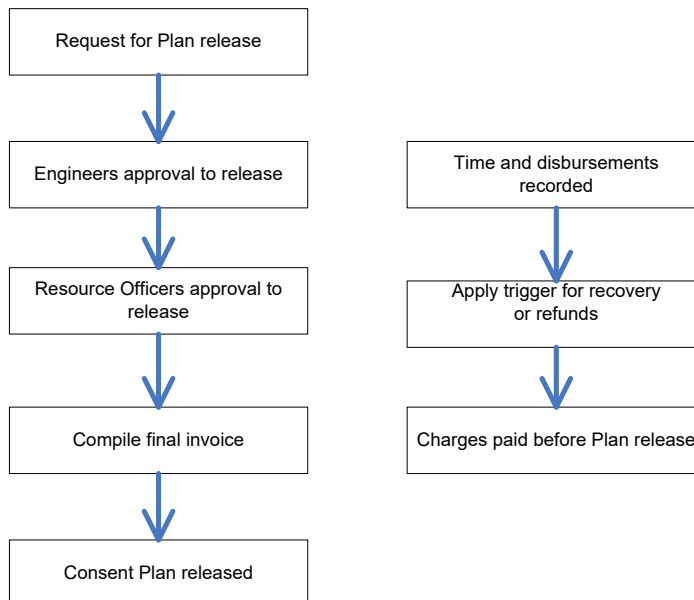
- (a) Administrative services:
  - (i) Staff time is charged on the formula basis –  
*Time specifically accumulated by an Officer/s against an application multiplied by the **chargeout rate**.* The charge-out rate is detailed in the fee schedule.
  - (ii) Copying and mailing costs
  - (iii) The cost of staff time in hearings and pre-hearing meetings is chargeable.
  - (iv) The cost of hearings.
  - (v) The review of a subdivision consent for compliance with conditions before releasing the subdivision plan is chargeable.
  - (vi) Maintenance of printing, database and file storage systems.
- (b) Consultants services:
  - (i) Where the Council uses a consultant to assess an element or elements of an application or attend on meetings or hearings, the actual costs will be charged as a **disbursement**.
- (c) Disbursements:
  - (i) Disbursements include, laboratory analysis, consultants (expert advice), and hearing costs (other than staff time);
  - (ii) The fees do not include any charges payable to the Crown in respect of any application (e.g., the Maritime Safety Authority's fee for checking the navigational safety of maritime structures).
- (d) Overheads
  - (i) The chargeout rates includes all overhead costs for staff, in particular - electronic systems, secretarial support, telephone, fax, accommodation, miscellaneous equipment, vehicle standing costs and consumables generally.
  - (ii) Consumables not included in the overhead component are postage and copying associated with notified applications. These costs are quite variable and can often be significant and are invoiced as disbursements.

A schematic diagram of the activities and related charges is set out in Figure 2 and the additional activities associated with subdivision plan release are shown in Figure 3.

**Figure 2**



**Figure 3**



**3.2.10. Payment**

Flat and base charges for applications are due at the time of lodging of documentation. Variable charges will be invoiced at pertinent phases, for example -

- (a) at time of notice of meeting for notified applications and subsequent to a hearing where this is prolonged.

**3.2.11. Rights of objection and appeal**

If you consider any additional charge (levied under section 36(5) of the Act) to be unreasonable, you may object. The Council will hear your objection and make a decision on it. You may appeal this decision to the Environment Court.



### **3.3. Application charge for a change to the conditions of a resource consent**

Council charges the actual and reasonable cost of any work arising from an application by the consent holder, or a review of conditions initiated by the Council. The costs are detailed in the fee schedule.

### **3.4. Application charge for a certificate of compliance or existing use certificate**

A certificate can be issued by the Council pursuant to sections 139 and 139A of the Act.

The application charge for a certificate is set out in the fee schedule.

This charge represents the cost of processing a certificate of compliance or existing use certificate. Sections 3.2.7 to 3.2.11 of this Policy (relating to variations from this charge) also apply to certificates of compliance and existing use certificates as if the references to resource consents in those sections were references to certificates of compliance and existing use certificates.

### **3.5. Application charges for a requirement for a designation**

#### **3.5.1. Receiving, accepting or rejecting a requirement for a designation**

When the Council receives a requirement for a designation, it may treat the request in one of two ways.

The Council may decide to:

- (a) “reject” the request. In this case, the request would go no further; or
- (b) “accept” the request, but to charge the applicant the cost of processing the application.

#### **3.5.2. Charging basis**

The basis on which actual and reasonable costs are charged is described in section 3.2.9 of this Policy.

#### **3.5.3. Right of objection and appeal**

If you consider any additional charge (levied under section 36(5) of the Act) to be unreasonable, you may object. The Council will hear your objection and make a decision on it. You may appeal this decision to the Environment Court.

## 4. Interpretation

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Base Charge	A charge to be paid as an application fee or hearing lodgement fee. The actual charge for an application may vary up or down relative to the base charge subject to the application of the trigger level and the costs incurred.
Chargeout Rate	A uniform salary rate based on the departmental costs for salaries and overheads for a class of officer.
Disbursement	A charge arising from meeting costs of providing consumables or the retaining of external services, necessary for the processing of an application.
Flat Charge	A charge which is not subject to either refunding or additional cost recovery.
Trigger	The margin on the base charge at which either a refund is given or costs are recovered.
Variable Charge	A recovery or a refund calculated by taking account of the actual costs, the base charge and the application or the trigger value.

## 5. Appendix I Extract from the Act

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### 5.1. Provision in the Resource Management Act for Charging

#### 36 Administrative charges

- (1) A local authority may from time to time fix charges of all or any of the following kinds:
- (a) charges payable by applicants for the preparation or change of a policy statement or plan, for the carrying out by the local authority of its functions in relation to such applications:
    - (aa) charges payable by an applicant who makes a request under section 100A in relation to an application for a resource consent, even if 1 or more submitters also make a request, for the cost of the application being heard and decided in accordance with the request:
    - (ab) charges payable if 1 or more submitters make a request under section 100A in relation to an application for a resource consent, but the applicant does not also make a request, as follows:
      - (i) charges payable by the applicant for the amount that the local authority estimates it would cost for the application to be heard and decided if the request had not been made; and
      - (ii) charges payable by the submitters who made a request for equal shares of any amount by which the cost of the application being heard and decided in accordance with the request exceeds the amount payable by the applicant under subparagraph (i):
    - (ac) charges payable by a requiring authority or heritage protection authority who makes a request under section 100A in relation to a notice of requirement, even if 1 or more submitters also make a request, for the cost of the requirement being heard and decided or recommended on in accordance with the request:
    - (ad) charges payable if 1 or more submitters make a request under section 100A in relation to a notice of requirement, but the requiring authority or heritage protection authority does not also make a request, as follows:
      - (i) charges payable by the requiring authority or heritage protection authority for the amount that the local authority estimates it would cost for the requirement to be heard and decided or recommended on if the request had not been made; and
      - (ii) charges payable by the submitters who made a request for equal shares of any amount by which the cost of the requirement being heard and decided or recommended on in accordance with the request exceeds the amount payable by the authority under subparagraph (i):
    - (ae) charges payable by persons proposing to undertake an activity, for the carrying out by the local authority of its functions in relation to issuing a notice under section 87BA or 87BB stating whether the activity is a permitted activity:
    - (af) charges payable by a person making an objection under section 357A(1)(f) or (g), if the person requests under section 357AB that the objection be considered by a hearings commissioner, for the cost of the objection being considered and decided in accordance with the request:
  - (b) charges payable by applicants for resource consents, for the carrying out by the local authority of any 1 or more of its functions in relation to the receiving, processing, and granting of resource consents (including certificates of compliance and existing use certificates):
  - (c) charges payable by holders of resource consents, for the carrying out by the local authority of its functions in relation to the administration, monitoring, and supervision of resource consents (including certificates of compliance and existing use certificates), and for the carrying out of its resource management functions under section 35:

- (ca) charges payable by persons seeking authorisations under Part 7A, for the carrying out by the local authority of its functions in relation to the allocation of authorisations (whether by tender or any other method), including its functions preliminary to the allocation of authorisations:
  - (cb) charges payable by holders of resource consents, for the carrying out by the local authority of any 1 or more of its functions in relation to reviewing consent conditions, if—
    - (i) the review is carried out at the request of the consent holder; or
    - (ii) the review is carried out under section 128(1)(a); or
    - (iii) the review is carried out under section 128(1)(c); or
    - (iv) the review is carried out under section 128(2):
  - (cc) charges payable by a person who carries out a permitted activity, for the monitoring of that activity, if the local authority is empowered to charge for the monitoring in accordance with section 43A(8):
  - (d) charges payable by requiring authorities and heritage protection authorities, for the carrying out by the local authority of any 1 or more of its functions in relation to designations and heritage orders:
  - (e) charges for providing information in respect of plans and resource consents, payable by the person requesting the information:
  - (f) charges for supply of documents, payable by the person requesting the document:
  - (g) any kind of charge authorised for the purposes of this section by regulations.
- (1A) To avoid doubt, charges may be fixed under subsection (1) to recover costs incurred by the consent authority for performing its functions under—
- (a) sections 88 to 88F, 91(1) and (2), 91A to 92B, 95, 95A(2), and 96 to 103B in relation to an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977 that is made jointly with an application for a resource consent:
  - (b) Part 2 of Schedule 1 in relation to an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977 that is made jointly with a request for a change to a district plan or regional plan.
- (2) Charges fixed under this section must be either specific amounts or determined by reference to scales of charges or other formulae fixed by the local authority.
- (3) Charges may be fixed under this section only—
- (a) in the manner set out in section 150 of the Local Government Act 2002; and
  - (b) after using the special consultative procedure set out in section 83 of the Local Government Act 2002; and
  - (c) in accordance with section 36AAA.
- (3A) [Repealed]
- (4) A local authority must fix a charge under this section if required to do so by regulations made under section 360F.

#### *Additional charges*

- (5) Except where regulations are made under section 360F, if a charge fixed under this section is, in any particular case, inadequate to enable a local authority to recover its actual and reasonable costs in respect of the matter concerned, the local authority may require the person who is liable to pay the charge to also pay an additional charge to the local authority.
- (6) A local authority must, on request by any person liable to pay a charge under this section, provide an estimate of any additional charge likely to be imposed under subsection (5).
- (7) Sections 357B to 358 (which deal with rights of objection and appeal against certain decisions) apply in respect of the requirement by a local authority to pay an additional charge under subsection (5).
- (8) Section 36AAB sets out other matters relating to administrative charges.