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**MARLBOROUGH  
DISTRICT COUNCIL**



2 June 2020

Record No: 2091106  
File Ref: D050-001-02  
Ask For: Mike Porter

## **Notice of Council Meeting – Monday, 8 June 2020**

Notice of the Council Meeting to be held in the Whitehaven Room, ASB Theatre, 2 Hutcheson Street, Blenheim on Monday, 8 June 2020 to commence at 9.00 am.

### **BUSINESS**

As per Order Paper attached.

MARK WHEELER  
**CHIEF EXECUTIVE**



**Order Paper for the  
COUNCIL MEETING**  
to be held in the Whitehaven Room, ASB Theatre, 2 Hutcheson Street, Blenheim  
on MONDAY, 8 JUNE 2020 commencing at 9.00 am

### **Open Meeting**

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7.	Deliberation on Submissions on the Annual Plan Update 2020-21 (Please refer to and bring all submissions already circulated)	Page	12
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9.	Building Control Group Fees for 2020/2021 Financial Year (includes Appendix 9.1 and Appendix 9.2)	Pages	16 - 21
10.	Proposed Changes to 2020-21 Annual Plan Performance Measures	Page	22

### **Additional Items in Open Meeting**

11.	Annual Review Resource Consent Monitoring Fees & Charges - Resource Management Act 1991 (includes Appendix 11.1 and Appendix 11.2)	Pages	23 - 35
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## Marlborough District Council

**Order Paper for the  
COUNCIL MEETING**  
to be held in the Whitehaven Room, ASB Theatre, 2 Hutcheson Street, Blenheim  
on MONDAY, 8 JUNE 2020 commencing at 9.00 am

### 1. Karakia

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Tēnā koutou, tēnā koutou, tēnā koutou katoa  
E te Atua tō mātou Kai-hanga,  
ka tiāho te maramatanga me te ora, i āu kupu kōrero,  
ka tīmata āu mahi, ka mau te tika me te aroha;  
meatia kia ū tonu ki a mātou  
tōu aroha i roto i tēnei huihuinga.  
Whakakī a matou whakaaro ā mātou mahi katoa,  
e tōu Wairua Tapu.  
Āmine.

(God our Creator,  
when you speak there is light and life,  
when you act there is justice and love;  
grant that your love may be present in our meeting.  
So that what we say and what we do may be filled with your Holy Spirit.  
Amen.)

### 2. Apologies

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### 3. Declaration of Interests

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Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

## 4. Consultation Summary (includes Appendix 4.1)

(Cllr Peters) (Report prepared by M Fletcher)

F230-A20-09-03

### Purpose of report

1. To provide Councillors with a summary of the consultation process.

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## RECOMMENDATIONS

That Council agrees to:

1. **Defer implementing Kerbside Recycling for Renwick for the immediate future; and**
2. **Adopt the revised Stormwater Development Contributions Policy proposal contained in the Consultation Document.**

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## Comments

2. This year's consultation process yielded 193 submissions. This number is an over 60% increase on last year's 118. This increase was driven by the high number of submitters on Kerbside Recycling for Renwick. However, the number of submitters who wish to personally present to Council has decreased from >80 to <60.
3. Also as has been the case in the past, submissions have been made on a very wide range of topics. While many of the issues raised do not have budgetary impacts, the submission process is a very important way for the community to engage with Council.

## Submissions

4. The **attached** (as **Appendix 4.1**) identifies the topic areas contained in submissions and how frequently the topic is raised.
5. As can be seen from Appendix 4.1, the biggest number of submission responses related to the specific questions relating to Kerbside Recycling for Renwick and the revised Stormwater Development Contributions Policy.
6. Of the 138 submissions received on the topic of Kerbside Recycling for Renwick:
  - 98 answered – “Yes”;
  - 22 answered – “No”;
  - 17 answered - “Don't Know”;
  - 1 answered – “Not Applicable”.
7. While appreciating the benefits of recycling and that the majority of submitters are in favour of kerbside recycling in Renwick being accelerated to 1 July 2020, there are three points that Councillors may take into account in their deliberations:
  - Significant disruptions in the market for recycled material have occurred, firstly with China not taking plastic waste, and secondly with COVID-19. The amount that can be recycled has been further impacted by the Recycling Centre being out of commission. While the Recycling Centre should recommence operations in the near future, the quantities that can be recycled will still be below previous volumes for some time;
  - The cost of implementing Kerbside Recycling for Renwick has so far been removed from the budget to achieve the proposed rates increase of 1.96%;
  - It will reduce the rating impact on Blenheim and Picton ratepayers, albeit by a small amount; and

- Council can still implement Kerbside Recycling for Renwick in 2021-22, hopefully when we are past the worst impacts of COVID-19.
8. As a result it is recommended that Council defers implementing Kerbside Recycling for Renwick for the immediate future.
9. Of the 43 submissions received on the topic of Development Contributions:
- 7 answered – “Yes”;
  - 1 answered – “No”;
  - 17 answered - “Don’t Know”;
  - 1 answered – “Not Applicable”.
10. The one submitter that answered “No”, provided no specific comment or rationale for their view. However, it should be noted that the submitter has consistently submitted against any increase in Development Contributions since their establishment in 2009.
11. As a result it is recommended that Council adopt the revised Stormwater Development Contributions Policy proposal contained in the Consultation Document.
12. The next two largest specific areas relate to Community Facilities (32) and Other (32).
13. In regard to Community Facilities there has been a strong push for walking and cycling and additional facilities.

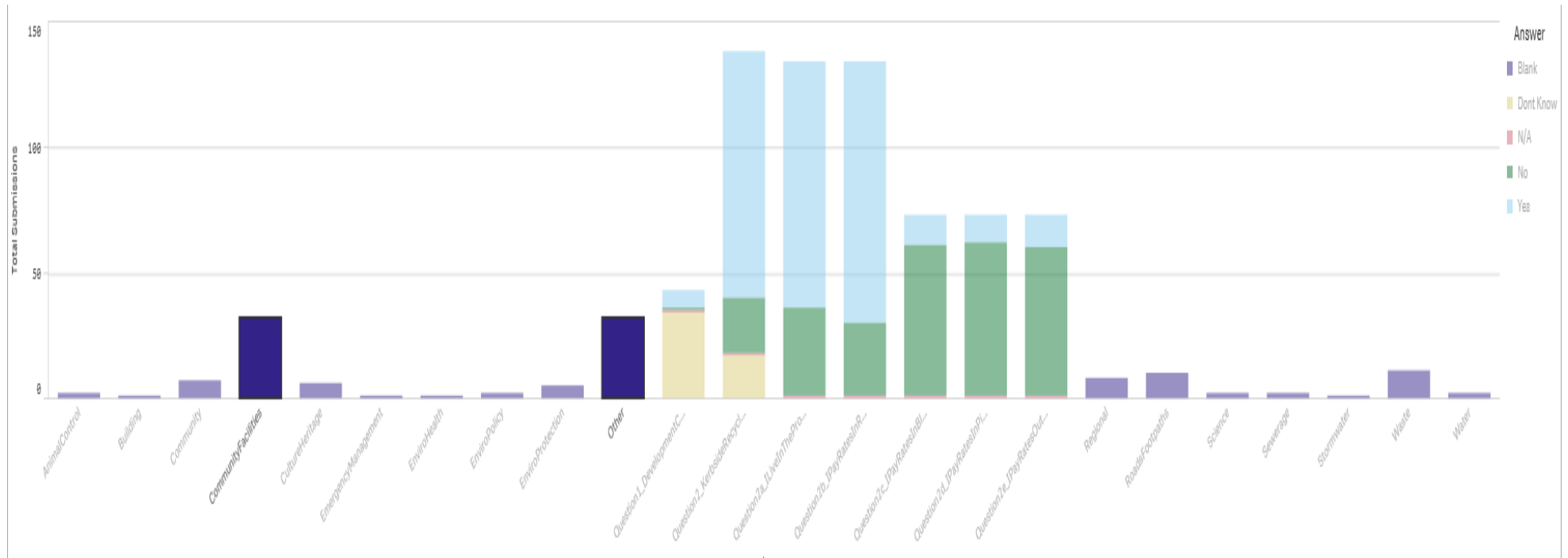
## Attachments

*Appendix 4.1 – Submissions by Topic*

Page 4

Author	Martin Fletcher, Chief Financial Officer
Authoriser	Mark Wheeler, Chief Executive

## Submissions by Topic





## 5. Revised Budget

(Cllr Peters) (Report prepared by M Fletcher)

F230-A20-10-03

### Purpose of report

1. To inform Councillors of the outcome of the 2020-21 Annual Plan Budget Review Process.
2. To inform Councillors of the forecast position of the Forestry and Land Development, Infrastructure Upgrade and Emergency Events Reserves.
3. To obtain Council's agreement to the assumptions and changes made to achieve the proposed revised budget.

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### RECOMMENDATIONS

#### That Council:

1. **Note the proposed rates increase, prior to Council deliberating on Annual Plan submissions is 1.96% excluding the Energy Efficiency Voluntary target rate;**
2. **Note the steps taken and assumptions made to reduce the rates increase;**
3. **Agree to remove the items contained in paragraph 9 (ii) from the 2020-21 budget, noting that these items can be proposed again in 2021-22;**
4. **Note that delaying the implementation of Kerbside Recycling for Renwick to July 2021 has been included in the steps taken to achieve the 1.96% increase above as was signalled in the Consultation Document; and**
5. **Note the position of the Forestry and Land Development, Infrastructure Upgrade and Emergency Events Reserves prior to Council deliberating on Annual Plan submissions.**

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### Background/Context

4. Following Council's 27 February Budget Meeting a proposed rates increase of 4.86% was agreed. Between that time and Council going to consultation on its Annual Plan COVID-19 hit. Recognising the potential impact on the community while still maintaining core functionality, Council consulted on a rates increase of less than 2.2%. This movement is the same as the Local Government Cost Index.
5. Council was not specific as to where cuts would occur, but did signal that core services, Roading, Water, Sewerage and Stormwater would be maintained. Council also signalled that to assist keeping the economy moving and prepare Marlborough for the other side of COVID-19, it intended to keep its Capital Expenditure and Small Township Programmes going.
6. Compounding the challenge of achieving a rates increase of less than 2.2% is the expected reduction in Council Revenue, particularly in Fee funded activities as a result of the forecast decrease in economic activity within the District.

### Revised Rates Increase

7. The proposed rates increase prior to Council's consideration of submissions is 1.96%.

## How Was This Reduction Achieved?

8. To achieve an almost 3% reduction in proposed rates increase has required an across Council effort with all Departments making a contribution in one way or another.
9. A summary of the reductions follows:
  - i) Deferral of some levels of service improvements contained in the 2018-28 Long Term Plan (LTP). This involved reducing budgeted operating expenses and deferring the recruitment of some of the additional staff agreed to in the 2018-28 LTP;
  - ii) In consultation with the three Chairs, stopping or slowing the implementation of the following initiatives that were agreed at the 27 February budget meeting. These items include:

### **Community Facilities – Blenheim**

- Wither Hills maintenance \$35,000 (of \$85,000)
- Car Park maintenance \$25,000

### **Community Facilities – Picton**

- Waikawa \$10,000
- Beach Grooming \$4,000
- Foreshore/London Quay \$65,000
- Foreshore Parks \$30,000

### **Community Facilities – Other**

- Grovetown Lagoon \$15,000
- Street Trees \$15,000
- Havelock Waterfall Track \$15,000

Related to these items is the Picton Cruise Funding of \$60,000. While this item is Reserve funded as final service levels are still under development, with the impact of COVID-19 in the cruise industry the need for this service is unlikely to be needed for several years;

- iii) Delaying the implementation of Kerbside Recycling for Renwick to July 2021 which was signalled in the Consultation Document. A number of submissions have been received on this topic. It should be noted that this benefits Blenheim and Picton ratepayers as well as;
- iv) Applying a sinking lid policy for the replacement of important, but not immediately required staff who resign or retire over the next year;
- v) Reducing by 1% the assumed increase in staff remuneration. The final outcome is still subject to the outcome of collective contract negotiations;
- vi) Applying expected 2019-20 operating expenditure savings to the 2020-21 Budget. It is expected that the remaining carry forwards will still enable partially completed projects to be completed in 2021-22;
- vii) Reducing the estimate of external interest costs for 2021-22 to take account of the lower than expected level capital expenditure for 2019-20; and
- viii) The use of Tax loss offsetting subvention payments from Port Marlborough to mitigate the financial impact of a potentially reduced dividend in 2020-21.

## Reserve Balances

10. The following table summarises the forecast positions of the Forestry and Land Development, Infrastructure Upgrade and Emergency Events Reserves:

Forecast Reserve Balances	Est 30/6/2020 \$M	2020-21 \$M	2021-22 \$M	2022-23 \$M	2023-24 \$M	2024-25 \$M	2025-26 \$M	2026-27 \$M	2027-28 \$M	2028-29 \$M	2029-30 \$M
Forestry and Land Development Reserve	15.88	13.96	10.74	9.47	9.11	8.62	8.16	7.91	7.67	7.42	7.19
Infra Upgrade Reserve	9.43	10.86	11.60	11.57	11.06	9.91	8.34	7.08	6.03	4.83	3.12
Emergency Events Reserve	11.04	9.07	6.88	5.47	5.70	6.40	7.12	8.00	8.49	9.80	11.58

11. Councillors should note:

- a. That it is only post 2030 that the proceeds from Forestry will show a significant positive effect on the balance of the Forestry and Land Development Reserve;
- b. There may be some call on the Forestry and Land Development Reserve to meet Council's share of the cost of "Shovel Ready" projects, depending which ones are approved;
- c. The second and subsequent phases of TEAM's economic recovery plan may also identify other desirable expenditure from these Reserves;
- d. The Infrastructure Upgrade Reserve's forecast balances are reliant on Port Marlborough dividends and River Leases achieving their budgeted income. As noted above, the anticipated decrease in PMNZ 2020-21 dividend can be mitigated by means of a subvention payment;
- e. The forecast balances of the Emergency Events Reserves is post the allocation of \$1.2M for Community Facilities and Community Support organisations and the \$865,000 allocated for TEAM initiatives; and
- f. Community consultation on the desired balance of Emergency Events Reserve as at 30 June 2028 yielded a result of between \$10M and \$15M. This outcome is achieved in 2029-30.

Author	Martin Fletcher, Chief Financial Officer
Authoriser	Mark Wheeler, Chief Executive

## **6. Marlborough Roads Local Roads Asset Management Agreement (LRAMA) Management Charge**

(Cllr Maher)

R800-007-14

### **Purpose of report**

1. The agreement between Council and Waka Kotahi NZ Transport Agency which forms an entity known as Marlborough Roads, is expiring 1 July 2020. Waka Kotahi are supportive of renewing the agreement and requests an additional two staff to better deliver the objectives of the agreement.
2. Marlborough Roads has reviewed the management charge of the agreement, and, after considering the addition of two staff, propose the cost be increased by \$166,000 pa. Council is eligible for a 51% subsidy on this cost increase.

### **Executive Summary**

3. A review of the current Marlborough roads operation has identified the need for additional resource of the Transport Planner and a second Network Manager. The net cost of these positions budgeted at \$40,670 in 2020/21 can be funded from budget carryovers. The new positions will allow for increased efficiency in Marlborough Roads operations and allow for dedicated resource to address matters such as local road strategic planning and resource management, as well as greater focus on monitoring and quality and performance of the Network Outcomes Contract.

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## **RECOMMENDATIONS**

**That Council approve:**

1. **That the Local Road Asset Management Agreement be renewed with an additional management charge of \$166,000 pa, noting that Council is eligible for a 51% subsidy on this cost increase.**
  2. **That the new positions and Management Agreement cost increases be budgeted from 1 January 2021.**
  3. **That this increase be funded from budget carryovers in 2020/21.**
- 

### **Background/Context**

4. Marlborough Roads was established under a LRAMA from 1 July 2000. This was subsequently renewed in 2005, 2010 and 2015.
5. Marlborough Roads is responsible for the management and maintenance of both Council roads and associated assets and Waka Kotahi State highway network.
6. The value of the LRAMA to Council is reduced maintenance costs and efficient professional services. The key strategic objectives are: -
  - capture synergies and provide value for money to MDC and the Waka Kotahi,
  - maintain service levels to existing standards,
  - retain a Marlborough Roads office in Blenheim,
  - maximise the integration of State highway and local roading network functions, and
  - enhance the public perception of "Marlborough Roads".
7. Performance in terms of these objectives is the subject of regular management, Committee and Council reporting and Waka Kotahi financial and technical performance audits.

### **Opportunities for improvement**

8. Marlborough Roads believe greater value can be delivered to better deliver the objectives of the agreement with the appointment of a Transport Planner and a second Network Manager.
9. Currently there is no specific Transport Planner and the functions are managed as time allows by the Marlborough Roads Manager, Steve Murrin. The role of a dedicated local road Transport Planner would carry out: -
  - local road strategic planning and resource management,
  - transport related development impact assessments, and
  - the planning and assessment of additional policy and infrastructure needed to support growth and development.

The appointment would free up time for the Marlborough Roads Manager to focus on his core functions and enable more comprehensive local road transport planning to be undertaken.
10. The appointment of a second Network Manager will enable the network to be split North and South. Currently there is only one Network Manager servicing the whole local roading network. The functions of a Network Manager are to efficiently maintain the networks performance to agreed levels of service and includes: -
  - responding to customer issues, emergency works and liaising with other stakeholders including Council officers,
  - managing streetlight, bridge and jetty maintenance, and other associated transport assets,
  - managing capital improvements such as low cost low risk works, bridge and jetty replacements, seal extensions, footpath and kerb and channel improvements,
  - managing corridor access requests, and reviewing development/utilities working on the network,
  - and overall responsibility for temporary traffic management on the network, and
  - regularly monitor and auditing of the Network Outcomes Contract quality and performance.

Providing a second Network Manager will ensure these functions can be carried out competently across the network and enable greater quality management of the new Network Outcomes Contract.

### **Management charge**

11. Marlborough Road's annual charge for the provision of the LRAMA, excluding external physical works and professional services contract payments, is currently \$634,000/annum (which attracts Waka Kotahi financial assistance). An increase to \$800,000 is proposed for the additional two resources. The increase is eligible for a 51% Waka Kotahi financial assistance rate.
12. Recruitment is expected to take several months. That is normally followed by a notice period for the successful applicant. Given this the budget for 2020/21 can be 50% of the full year; i.e. \$83,000 per annum, with eligibility for a 51% subsidy and a net cost of \$40,670. Assessment/Analysis

### **Option One (Recommended Option)**

13. Approval of management charge increase of \$166,000 pa to facilitate the recruitment of a Transport Planner and second Network Manager

### **Advantages**

14. Increased efficiency in the Marlborough Roads operation which will allow staff to focus more core activities
15. Dedicated resource to address local road strategic planning and resource management matters

16. Increased resource to respond to customer issues as they occur, as well as operational matters such as capital improvements, monitoring the quality and performance of the Network Outcomes Contract, etc

*Disadvantages*

17. Increased budgeted net cost of \$40,670 in 2020/21 which would be funded from budget carryovers

**Option Two – Status Quo**

*Advantages*

18. Increased budgeted net cost of \$40,670 in 2020/21 will not occur

*Disadvantages*

19. Increased efficiency in the Marlborough Roads operation will not occur
20. Challenges will still remain with addressing local road strategic planning and resource management matters
21. Challenges with monitoring the quality and performance of the Network Outcomes contract will not occur

Author	Andrew James, System Management – Top of the South, NZTA
Authoriser	Richard Coningham, Manager Assets and Services

## **Summary of decision-making considerations**

### **Fit with purpose of local government**

The proposal relates to providing a public service and it is considered good-quality and cost effective.

### **Fit with Council policies and strategies**

	<i>Contributes</i>	<i>Detracts</i>	<i>Not applicable</i>
LTP / Annual Plan	✓	<input type="checkbox"/>	<input type="checkbox"/>
Financial Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Infrastructure Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Social well-being	<input type="checkbox"/>	<input type="checkbox"/>	✓
Economic development	<input type="checkbox"/>	<input type="checkbox"/>	✓
Environment & RMA Plans	<input type="checkbox"/>	<input type="checkbox"/>	✓
Arts & Culture	<input type="checkbox"/>	<input type="checkbox"/>	✓
3 Waters	<input type="checkbox"/>	<input type="checkbox"/>	✓
Land transport	✓	<input type="checkbox"/>	<input type="checkbox"/>
Parks and reserves	<input type="checkbox"/>	<input type="checkbox"/>	✓

This proposal contributes to the categories identified above as the provision of roading services impacts on budgets, infrastructure and land transport as an increased level of service will result.

### **Nature of the decision to be made**

The options do not involve a significant decision in relation to land or a body of water.

### **Financial considerations**

The proposal will be funded from budget carryovers in 2020/.

### **Significance**

The decision is considered of low significance under Council's Significance and Engagement Policy.

### **Engagement**

No engagement is proposed as this does not meet the Council's Significance and Engagement Policy threshold.

### **Risks: Legal / Health & Safety etc**

There are no known significant risks or legal implications as [describe why].

### **Climate Change Implications**

There are no known climate change implications to this decision.

## **7. Deliberation on Submissions on the Annual Plan Update 2020-21**

(Please refer to and bring all submissions already circulated)

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(The Mayor)

F230-A20-09-03

### **Purpose of report**

1. To enable Members to deliberate on the submissions made on the Annual Plan Update 2020-21.

### **Executive Summary**

2. The submissions were made available to Council for the hearings to be conducted on 2 and 3 June 2020.
3. Members should note that this meeting is the final opportunity to alter budgets for the 2020-21 Annual Plan, due to the legislative requirements for striking rates and the publication of the Final 2020-21 Annual Plan document.

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### **RECOMMENDATION**

**That the 2020-21 Annual Plan be amended as appropriate to incorporate the decisions made by Council on submissions, and that the revised budgets and resultant rates and charges be adopted for inclusion in the 2020-21 Annual Plan.**

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## 8. Proposed Amendments to Resource Consent Fees – Resource Management Act 1991

(includes Appendix 8.1)

(Cllr Oddie) (Report prepared by Anna Eatherley)

R450-002-R02

### Purpose of report

1. To propose the adoption of an amendment to the existing fee schedule for charges associated with the Resource Management Act 1991.

### Executive Summary

2. A review of the Resource Consent Fee schedule has been carried out in accordance with Council Policy. The proposed amended fee schedule, increases fees by the Consumer Price Index (CPI) (refer **Appendix 8.1**). Council has considered the relative benefits to the consent holders and the community at large in accordance with section 36(4) in setting the proposed schedule of fees. The proposed fees and charges will maintain the split of cost recovery from public/private funding sources for the Resource Consent Group. Consultation was undertaken and no submissions were received.

### RECOMMENDATION

**That the Council adopt the proposed amendment to Resource Consent Fees – Resource Management Act 1991 from 1 July 2020.**

### Background/Context

3. The Environment Committee considered the proposed amendment to the existing fees and charges and recommended that consultation be undertaken using special consultative procedures under section 83 of the Local Government Act 2002 at its meeting on 5 February 2020. Full Council ratified the Committee's decision on 27 February 2020.
4. All stakeholders were sent the information by email on 28 February 2020 and the details were published on the Council website, the Marlborough Express and the Christchurch Press. The submission period closed 30 March 2020. No submissions were received.

### Attachments

*Appendix 8.1 – Schedule of fees and charges*

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Author	Anna Eatherley, Resource Consents Manager
Authoriser	Gina Ferguson, Consents and Compliance Group Manager, Regulatory Services

## Schedule of Fees and Charges

<b>Fee Table: Resource Consents</b>		
<b>Note</b>		
Information about Council's invoicing policy is given to Clients when their application is acknowledged as accepted (or otherwise). Applicants should also refer to the Marlborough District Council Charging Policy - Resource Management Act, for an explanation as to the structure of costs for a resource consent application. Council will charge interest on overdue invoices at 15% per annum from the date of issue to the date of payment. In the event of non-payment the applicant and/or the agent will be liable for all legal and other costs of recovery.		
The fixed initial application fees listed in the schedule are minimum charges for the resource consent applications and are charges "fixed" under Section 36 (1) of the Resource Management Act 1991 (they are therefore not subject to objection rights). All consent processing charges, which exceed the fixed initial application fee are considered to be additional charges pursuant to Section 36 (3) of the Resource Management Act 1991 and these may be charged on a monthly basis or invoiced at the end of the consenting process. The final cost of processing each resource consent application will be based on actual and reasonable costs, and will include the charging of staff time at the rates in the schedule of fees for staff hourly processing rates and disbursements. Where charges are lower than the original application fee paid a refund will be made. Failure to pay at any stage will result in Council stopping the process until the charges are paid.	<b>Charge Type</b>	<b>Fees are GST Inclusive Charge \$</b>
<b>Minor Resource Consents</b>		
Bore Construction -		
Domestic	Flat	\$335.00
Irrigation	Flat	\$675.00
<b>Notified Resource Consents</b>		<b>Charge \$</b>
All Applications (including subdivisions)	Base*	\$5,710.00
Section 127, 128	Base*	\$5,710.00
<b>Non-Notified Resource Consents</b>		<b>Charge \$</b>
All Applications but excluding subdivisions.	Base*	\$1,000.00
Subdivisions (Note: Engineering charges are additional**)	Base*	\$1,480.00
<b>Miscellaneous Consents, Certificate and Permissions</b>		<b>Charge \$</b>
Registration service for lodgement of change/cancellation of consent notice	Flat	\$880.00
Section 124, 125, 126, 127, 128, 136, 139, 139A, 221	Base*	\$1,000.00
Land Registry Compliance (Certificates, Consents)	Flat	\$330.00
Removal of Building Line Restriction	Flat	\$330.00
Section 348 LGA Right of Way Applications	Base*	\$1,000.00
Deemed Permitted Boundary Activity (refund if application rejected, minus rejection charge)	Flat	\$690.00
Rejected Deemed Permitted Boundary Activity application	Flat	\$75.00
Surcharge – Receiving hard copy applications, lodging online	Flat	\$75.00
<b>Transfers</b>		<b>Charge \$</b>
Water (excluding Section 136 (2)(b)(ii) transfers), Coastal (Marine Farm)	Flat	\$340.00
Coastal (Other), Discharge, Land Use	Flat	\$110.00
Water under Section 136 (2)(b)(ii)	Base*	\$1,000.00
<b>Sections 223, 224 - Approval or deposit of survey plans</b>		<b>Charge \$</b>

4 lots or less (each stage)	Actual	Actual
5 or more lots (each stage)	Actual	Actual
<b>Outline Plan Approvals and Notice of Requirements</b>		<b>Charge \$</b>
Section 176A Approval of Outline Plan	Base*	\$1,000.00
Outline Plan Waiver	Flat	\$110.00
<b>Notice of Requirements or Alterations to Designations</b>		<b>Charge \$</b>
Non Notified	Base*	\$1,420.00
Notified	Base*	\$5,710.00
<b>Statements and Miscellaneous Certificates</b>		<b>Charge \$</b>
Provide required documentation	Base*	\$340.00
<b>Site Inspection</b>		<b>Charge \$</b>
Disbursements, e.g. boat hire	Actual	Actual
<b>Engineering Charges - Subdivision and Land Use**</b>		<b>Charge \$</b>
Engineering -		
Evaluation for 1-3 lots	Flat	\$585.00
Evaluation for 4-10 lots	Flat	\$1,520.00
Evaluation for 11-20 lots	Flat	\$2,550.00
Evaluation for 20+ lots	Flat	\$4,000.00
Engineering evaluation for each additional dwelling (Land Use Consent)	Flat	\$385.00
<b>Other Rates and Charges</b>		<b>Charge \$</b>
Hearings Committee or Commissioner [Local Government ( <i>Local Authorities Salaries and Allowances</i> ) Determination 2001]	Variable	Variable
Hearing Cancellation Fee	Flat	\$2,240.00
Environmental Planner/Senior Environmental Planner	Per Hour	\$153.00
Hearings Facilitator	Per Hour	\$153.00
Administration Officer	Per Hour	\$102.00
Lead Senior Environmental Planner/Resource Consents Manager	Per Hour	\$182.00
Consultants (internal or external charges)	Variable	Variable
<b>Miscellaneous</b>		
Certificate (Overseas Investment Act 1973)		
Up to ½ hour	Base*	\$92.00
Up to 1 hour	Base*	\$184.00
* Base fee is an application fee or notification lodgement fee only. Refer to "Marlborough District Council Charging Policy - Resource Management Act"		
** Engineering Charges are additional to the base charge. Refer to "Marlborough District Council Charging Policy - Resource Management Act"		

## **9. Building Control Group Fees for 2020/2021 Financial Year (includes Appendix 9.1 and Appendix 9.2)**

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(Clr Sowman) (Report prepared by Bill East)

R450-002-B01

### **Purpose of report**

1. To provide Council with the proposed schedule of fees for Building Control activities under the Building Act 2004 to take effect from 1 July 2020.

### **Executive Summary**

2. On 5 February the Environment Committee was presented with the proposed Building Control Groups for 2020/2021.
3. The report provided a copy of all Building Act 2004 related fees, including the proposed Flat Fee system and miscellaneous building related fees.
4. Also included was a proposal to consider the ability to make annual Consumer Price Index (CPI) adjustments to Building Control Group fees without consultation.
5. The proposed fees were consulted upon, under special consultative procedures, no submissions were received.

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### **RECOMMENDATION**

**That the Council adopt the proposed Schedule of Fees for Building Control activities to take effect from 1 July 2020.**

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### **Background/Context**

6. The purpose of the Building Control Group (BCG) is to perform the functions of an accredited Building Consent Authority and a Territorial Authority as set out in the Building Act 2004 (the Act).
7. The Act provides for Council to set fees and charges for functions and services performed by the authority. These functions and services include:

#### **Building Consent Authority Functions**

- Receive process and grant building consents
- Inspect building work for which it has granted a building consent
- Issue Notices to Fix
- Issue Code Compliance Certificates
- Issue Compliance Schedules

#### **Territorial Authority Functions**

- Receive process and grant Project Information Memoranda and Related Information
- Grant building consents which are subject to a waiver or modification of the Building Code
- Receive, process and grant Certificates of Acceptance
- Issue Compliance Schedule Statement and amended Compliance Schedules

8. The Act (s 219 and s 240) empowers the Council and its Building Consent Authority to charge for the performance of any function or service under that Act.

9. A Building Consent Authority can refuse to perform a function or service under the Act if it has not received payment.
10. The fee structure and the fee levels for the BCG are reviewed annually in accordance with Council Policy.
11. All stakeholders were sent the information by email 27 February 2020 and the details were published on the Council website, the Marlborough Express and the Christchurch Press. The submission period closed on 30 March 2020. No submissions were received.
12. The proposed Flat Fees and miscellaneous fees consulted upon are in the attachments below.

## **Attachments**

*Appendix 9.1* – 2020-2021 Flat Fee Table Proposed

Page 18

*Appendix 9.2* – Proposed Miscellaneous Building Consent Fees

Page 20

Author	Bill East, Building Control Group Manager
Authoriser	Gina Ferguson, Consents and Compliance Group Manager, Regulatory Services

2020-2021 Flat Fee Table Proposed				2020-2021 - 2% increase				
Band	Consent Category	Value (\$)	Range	Zone 1 (\$)	Zone 2 (\$)	Zone 3 (\$)	Zone 4A (\$)	Zone 4B (\$)
Band A	Commercial, Industrial, Communal residential, Communal non-residential, New dwelling.	Up to \$200,000	Single storey	4,580.00	5,466.00	6,944.00	8,982.00	10,987.00
			With any part more than single storey	4,825.00	5,710.00	7,188.00	9,226.00	11,232.00
		\$200,001 - \$400,000	Single storey	4,957.00	5,843.00	7,322.00	9,359.00	11,365.00
			With any part more than single storey	5,712.00	6,598.00	8,076.00	10,114.00	12,120.00
		\$400,001 - \$800,000	Single storey	5,834.00	6,720.00	8,199.00	10,236.00	12,242.00
			With any part more than single storey	6,202.00	7,087.00	8,566.00	10,603.00	12,609.00
		\$800,001 - \$1,500,000	Single storey	6,905.00	7,890.00	9,532.00	11,796.00	14,025.00
			With any part more than single storey	7,517.00	8,502.00	10,144.00	12,408.00	14,637.00
		\$1,500,001 - \$4,000,000	N/A	11,026.00	12,207.00	14,178.00	16,895.00	19,570.00
\$4,000,001 - \$10,000,000.00	N/A	13,586.00	14,768.00	16,738.00	19,455.00	22,130.00		
		<\$10,000,001.00		Negotiable				
Note: Consents with multiple structures will incur additional inspection fees as required. Refer inspection fee costs.								
Band	Consent Category	Value (\$)	Range	Zone 1 (\$)	Zone 2 (\$)	Zone 3 (\$)	Zone 4A (\$)	Zone 4B (\$)
Band B	Significant projects will be charged as new work with Band A fees.  Dwelling additions, Commercial additions, Industrial additions, Communal additions non-residential, Outbuildings	Minor works < \$7,500.00	N/A	520.00	717.00	1,046.00	1,498.00	2,189.00
		\$7,500.01 - \$25,000		1,142.00	1,438.00	1,930.00	2,610.00	3,768.00
		\$25,001 - \$50,000		1,887.00	2,182.00	2,675.00	3,354.00	4,410.00
		\$50,001 - \$100,000		3,091.00	3,583.00	4,404.00	5,536.00	6,946.00
		\$100,001 - \$400,000		4,151.00	5,037.00	6,515.00	8,553.00	10,855.00
		\$400,001 - \$800,000		5,834.00	6,720.00	7,342.00	10,236.00	12,242.00
		\$800,001 - Upward		Charged as Band A work	Charged as Band A work	Charged as Band A work	Charged as Band A work	Charged as Band A work
Note: Consents with multiple structures will incur additional inspection fees as required. Refer inspection fee costs.								

Band	Consent Category	Value (\$)	Range	Zone 1 (\$)	Zone 2 (\$)	Zone 3 (\$)	Zone 4A (\$)	Zone 4B (\$)
Band C	Solid fuel heaters, solar water heaters, plumbing, drainage and wastewater systems	Minor works > \$10,000	N/A	393.00	426.00	449.00	797.00	797.00
		Minor works < \$10,000		413.00	512.00	649.00	902.00	1,113.00
		\$10,000 - \$50,000		561.00	659.00	797.00	1,050.00	1,291.00
		> \$50,000 refer Band F		Charged as Band F work	Charged as Band F work	Charged as Band F work	Charged as Band F work	Charged as Band F work
Band	Consent Category	Value (\$)	Range	Zone 1 (\$)	Zone 2 (\$)	Zone 3 (\$)	Zone 4A (\$)	Zone 4B (\$)
Band D	Marquees.	Any	Standard Marquees	265.00	364.00	617.00	754.00	907.00
Band	Consent Category	Value (\$)	Range	Zone 1 (\$)	Zone 2 (\$)	Zone 3 (\$)	Zone 4A (\$)	Zone 4B (\$)
Band E	Multi use approval applications	Up to \$7,500.00	N/A	125.00	224.00	388.00	615.00	768.00
		\$7,501 - \$20,000		240.00	437.00	792.00	1,218.00	1,524.00
		\$20,001 - \$100,000		375.00	868.00	1,795.00	2,821.00	3,586.00
		\$100,001 - \$500,000		552.00	1,438.00	2,916.00	4,954.00	6,331.00
		\$500,001 and above		840.00	1,825.00	3,467.00	5,731.00	7,261.00
Band	Consent Category	Value (\$)	Range	Zone 1 (\$)	Zone 2 (\$)	Zone 3 (\$)	Zone 4A (\$)	Zone 4B (\$)
Band F	Jetties, swimming pools/fencing, retaining walls, any other SED design with engineer inspections (not dams or reservoirs), SED conservatory	Up to \$7,500.00	N/A	413.00	512.00	676.00	902.00	1,055.00
		\$7,501 - \$20,000		707.00	805.00	970.00	1,196.00	1,349.00
		\$20,001 - \$100,000		1,501.00	1,600.00	1,764.00	1,991.00	2,144.00
		\$100,001 - \$500,000		1,885.00	2,180.00	2,673.00	3,352.00	3,811.00
		> \$500,001 refer Band A		Charged as Band A work	Charged as Band A work	Charged as Band A work	Charged as Band A work	Charged as Band A work

Publish 2020 - 2021	
<b>Miscellaneous Building Consent Fees (inclusive of GST unless stated)</b>	
<b>Consultancy fees (if applicable)</b>	
Structural component - consultants review fee	Consultants fee plus 15%
Specialist advice - consultants review fee	Consultants fee plus 15%
Recovery of charges by New Zealand Fire Service	As charged plus 15%
<b>Other Agency Charges</b>	
Levies (calculated exclusive (net) of GST)	
BRANZ Levy - collected on behalf by MDC	
Less than \$20,000	No Charge
\$20,000 and greater	\$1.00 per \$1,000
MBIE Levy - collected on behalf by MDC	
Less than \$20,444	No Charge
\$20,444 and greater	\$1.75 per \$1,000
<b>Related Matters (if applicable)</b>	
S71 Building Act Title Notations	\$1,530.00
S75 Building Act Title Notations	\$1,530.00
Lapsing of Building Consent	\$77.00
Receiving hard copy applications	\$77.00
Processing of full private BCA applications	\$163.00
Refusing of building consent (officer time is charged in addition)	\$163.00
Extension to time to commence building work under a building consent	\$77.00
Notices to Fix/Serving Notices	\$196.00
<b>Charge Out Rate (if applicable)</b>	
Officer charge out rate for work not covered by the Fee Schedule (per hour)	\$140.00
<b>Inspection Fees (charged additionally as applicable)</b>	
<b>Building Consent Inspection</b> - Additional Inspection fees	\$163.00
<b>Pool Inspection</b> - Additional Inspection fees	\$82.00
<b>CS &amp; BWof Inspection</b> - Additional Inspection fees	
- 1st hour	\$163.00
- Over 1st hour (Charged in 1/2 hour increments)	\$82.00
<b>Certificate for Public Use (CPU)</b>	
Application fee	\$175.00
Additional inspection for CPU	\$163.00
<b>Travel fees per zone (charged additionally if applicable)</b>	
Inspection travel fees when not part of a consent application - Zone 1	\$97.00
Inspection travel fees when not part of a consent application - Zone 2	\$125.00
Inspection travel fees when not part of a consent application - Zone 3	\$291.00
Inspection travel fees when not part of a consent application - Zone 4A (boat)	\$516.00
Inspection travel fees when not part of a consent application - Zone 4B (boat)	\$738.00



	<b>Building Warrants of Fitness &amp; Compliance Schedules</b>	
	New Compliance Schedule administration fee	\$49.00
	New Compliance Schedule generation fee (chargeable on each Specified System added)	\$87.00
	Amendment to Compliance Schedule (chargeable on each Specified System being added/amended/removed)	\$87.00
	Annual charge for Building Warrant of Fitness	\$49.00
	<b>Full Certificate of Acceptance , see COA brochure</b>	
	Application fee (paid on application)	\$510.00
Plus	Processing fee \$1,000.00	\$1,020.00
Plus	Processing con't - % of value of work	1.50%
Plus	Inspections and travel costs - evidence	
Plus	Equivalent building consent fee for project	
Plus	Levies, MBIE and BRANZ as per normal building consent	
Plus	Services fees	
Plus	Development levies	
	<b>Minor Certificate of Acceptance, see COA brochure</b>	
	Application fee (paid on application)	\$510.00
Plus	Processing con't - % of value of work	1.50%
Plus	Inspections and travel costs - evidence	
Plus	Equivalent building consent fee for project	
Plus	Levies, MBIE and BRANZ as per normal building consent	
Plus	Services fees	
Plus	Development levies	
	<b>Minor Amendments (Minimum of 1 hour charged out as 0.5 increments of hourly rate thereafter)</b>	\$140.00
	<b>Full Amendments (made up from processing, inspection)</b>	
	Application and administration	\$389.00
	Processing @ hourly rate	\$140.00
	Additional inspections required	\$163.00
	BRANZ and MBIE levies apply to increased value as per "Other Agency Charges"	
	<b>Schedule 1 Exemption 2 (calculated on average application)</b>	
	Minor Works up to \$25,000	\$563.00
	Minor Works \$25,001 - \$50,000	\$765.00
	Major Works \$50,001 - \$200,000	\$1,235.00
	Major Works \$200,001 - \$400,000	\$1,906.00
	Major Works \$400,001 - \$1,000,000	\$2,713.00
	Major Works > \$1,000,000.00	Negotiation considering value, type of work and risk
	<b>Project Information Memorandum (PIM)</b>	
	Application charge - Standard fee	\$418.00

## 10. Proposed Changes to 2020-21 Annual Plan Performance Measures

(Cllr Peters) (Report prepared by Rainbow Zhao)

F275-A19-05-03

### Purpose of report

1. To propose changes to the performance measures that were set for 2020-21 in the 2018-28 Long Term Plan that are no longer applicable.

### Executive Summary

2. Through the process of reporting mid-year achievement against our 2019-20 performance measures we identified two measures that need revising for the 2020-21 Annual Plan:

#### **Activity: Community Support**

Current Target	Interim result (against current target)	Proposed target
80% of actions in Positive Ageing Accord Plan completed relevant for that year.	Positive Ageing Plan expired in June 2019. In process of developing Age Friendly Community Strategy for future measurement.	To complete an Age Friendly Community Strategy by the end of 30 June 2021.

#### **Activity: Environmental Policy**

There were no performance measures for the 2020-21 Annual Plan in our 2018-28 Long Term Plan for this Activity. We are proposing a target we did not achieve in the past for 2020-21.

Level of Service	Indicator	Target for 2020-21
A second generation resource management framework for Marlborough.	A variation to the MEP providing for and managing the effects of marine farming activity is publicly notified.	By the end of 2020 calendar year*

### RECOMMENDATION

That Council approve the change to the Community Support target and the addition of the Environmental Policy indicator and target in the 2020-21 Annual Plan.

Author	Rainbow Zhao, Systems Accountant
Authoriser	Martin Fletcher, Chief Financial Officer

## Additional Item for the Council Meeting on 8 June 2020

### 11. Annual Review Resource Consent Monitoring Fees & Charges - Resource Management Act 1991

(includes Appendix 11.1 and Appendix 11.2)

(Cllr Hope) (Report prepared by Jamie Clark)

E360-006-02

#### Purpose

1. To consider the adoption of a Consumer Price Index (CPI) increase to the existing fee schedule for charges associated with consent monitoring activities under the Resource Management Act 1991 (RMA) for the financial year 2020-21 (refer to **Appendix 11.1**).
2. To accept amendments to the *Resource Management Consent Monitoring Charging Policy* (June 2017) to include the ability to make annual Consumer Price Index (CPI) adjustments (refer to **Appendix 11.2**).

#### Executive Summary

3. The current fees were last increased in 2017-18.
4. [Council costs have continued to rise over the intervening period.](#)
5. The current fees have been reviewed and it was recommended that there was an increase to align with the Consumer Price Index (CPI) to the Resource Consent Monitoring charges for the 2020-21 financial year.
6. Council's *Resource Management Consent Monitoring Charging Policy* has been reviewed and it was recommended the ability to make CPI adjustments to Monitoring Fees and Charges automatically on an annual basis from the 1 July each year is included.
7. Consultation was undertaken and no submissions were received.

#### RECOMMENDATION

That Council adopt the proposed amendments to existing fee schedule for charges associated with consent monitoring activities under Resource Management Act 1991 (RMA) for the financial year 2020-21.

#### Background/Context

8. The Environmental Committee considered the proposed amendment to the existing fees and charges and recommended that consultation be undertaken using special consultation procedure under section 83 of the Local Government Act 2002 at its meeting on 5 February 2020. Full Council ratified the Committee's decision on 27 February 2020.
9. The details were published on the Council website, the Marlborough Express and the Christchurch Press. The submission period closed on 30 March 2020. No submissions were received.

#### Attachments

*Appendix 11.1* – Schedule of fees and charges

Page 24

*Appendix 11.2* – Resource Management Consent Monitoring Charging Policy

Page 25

Author	Jamie Clark, Compliance Manager
Authoriser	Gina Ferguson, Consents and Compliance Group Manager, Regulatory Services

## Schedule of Fees and Charges

MDC Consents - Administration, Monitoring & Supervision	Proposed Charge (GST inc)
Sampling including the contracting of an independent consultant	Actual
Laboratory costs	Actual
Administration fee (monitoring)	\$41.00
Site inspection	Actual
Disbursements	Actual
Monitoring Charge-Water take Permits	\$265.00
Monitoring Charge-Swing Moorings	\$66.00
Environmental Protection Officer	\$153.00
Student Environmental Protection Officer	\$102.00

### Monitoring Charges for Permitted Activity Under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017

Environmental Protection Officer (per hour (pro rata))	\$153.00
Student Environmental Protection Officer (per hour (pro rata))	\$102.00
Laboratory costs	
Consultant	
Site Inspection	
Disbursements	
Additional monitoring due to non-compliance	

# Resource Management Consent Monitoring Charging Policy

January 2020



For more information, contact the Marlborough District Council:

ISO 9001  
Document Number:  
MPP0001-CI1835

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**MARLBOROUGH  
DISTRICT COUNCIL**

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## Highlights

- This Policy document contains our regime of resource management monitoring charges for the region. It comes into force on 1 July 2017 and includes:
  - Consent monitoring charges
- Once you receive a consent, you will receive either a one-off or annual consent monitoring charge which includes either:
  - An administration charge (\$41 per annum or one-off) and
  - A compliance monitoring charge (variable depending on your consent and compliance) if applicable.
- or
- A fixed annual compliance monitoring charge (this includes the administration charge) and
- An additional monitoring charge (variable depending on your consent) if the consent is determined in non-compliance.
- MDC will charge actual and reasonable costs for carrying out and monitoring all abatement notices and enforcement orders covering consented activities.
- The charge out rate for Marlborough District Council (Council) staff for all work relating to our resource management monitoring charges is \$153 per hour.

Council Adoption

# **1 Policy**

## **1.1 Introduction**

### **1.1.1 About this document**

This document is the Resource Management Monitoring Charging Policy ("Policy") for the Marlborough District Council (Council). It describes the charges that are payable to Council for a range of consent monitoring activities.

If you obtain resource consent, you will most likely receive an annual or one-off Consent Monitoring charge.

All of the charges in the Policy are made under either section 36 of the Resource Management Act 1991 (RMA), following special consultative procedures of the Local Government Act 2002. These charges are also consistent with the Council Revenue and Financing Policy.

### **1.1.2 Our philosophy**

The RMA has an emphasis on the beneficiary pays principle; those who benefit from the use of natural and physical resources are expected to pay the full costs of that use. The charges in this Policy reflect that philosophy.

### **1.1.3 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. However, by obtaining a resource consent, individuals can access these resources for their own private use and economic benefit.

Council's job is to facilitate this resource use. But it must also make sure that the resource use is sustainable, that it is available for public use, both now and in the future. The charges for consent holders in this Policy reflect the reasonable cost of Council doing this job.

### **1.1.4 Customer service**

We are a customer service organisation. We want to provide you with excellent service and value for money. You have a right to good service which comes with the payment of your charges. To this end, the charges in this Policy are:

- Reasonable, fair, and consistent
- Based on the services we deliver
- Reviewed annually to limit significant changes to charges

### **1.1.5 Goods and Services Tax**

The charges and formulae described in this document include GST.

### **1.1.6 Automatic fees adjustment**

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 Stats NZ will be used for the following years annual CPI adjustments.

## **1.2 Principles**

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

### **1.2.1 Charges must be lawful**

The Council can only levy charges which are allowed by the RMA.



Section 36 of the RMA provides for consent administration and monitoring charges.

### **1.2.2 Charges must be reasonable**

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

### **1.2.3 Charges must be fair**

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

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*. We take this into account when setting the proportion of charges we wish to recover for State of the Environment monitoring from an individual consent holder.

Where possible, Council will look for opportunities to streamline and improve processes to ensure that compliance monitoring functions continue to be cost effective and efficient.

### **1.2.4 Charges will recognize the effects of location**

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

### **1.2.5 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.

### **1.2.6 Charges must be transparent**

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

### **1.2.7 Charges must be predictable and certain**

Consent applicants and resource users are entitled to certainty about the cost of their dealings with Council. The manner in which charges are set should enable customers to evaluate the extent of their liability.

Resource users need to know the cost of obtaining and maintaining a consent to manage their business and to plan for future growth and development. Charges should not change unnecessarily; any charges must be transparent and fully justified.

### **1.2.8 Council must act responsibly**

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

### **1.2.9 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(1) for setting fixed charges and provides at Section 36(5) for recovering additional costs where a fixed charge is inadequate to recover the Council's actual and reasonable costs in respect of the matter.

### **1.2.10 Your right of objection and appeal**

If you consider any additional charge (that is any charge which exceeds the fixed monitoring or administration charge) is unreasonable, you may object to Council in accordance with s357 of the RMA. You need to make your objection in writing to Council within 15 working days of receiving

your account. Council will hear your objection and make a decision on whether to uphold it. If you are still not satisfied then you may appeal Council's decision to the Environment Court.

## 1.3 Consent monitoring charges for resource consents

### 1.3.1 Consent monitoring charges

The components of the consent monitoring charge which consent holders face are;

- a fixed administration charge and
- a variable charge for compliance monitoring if applicable or
- a fixed charge for compliance monitoring (this is inclusive of the administration charge)

The details of charges are set out in a separate document, the fee schedule, which can be viewed on the Marlborough District Council's web site at [www.marlborough.govt.nz](http://www.marlborough.govt.nz).

Field C

### 1.3.2 The administration charge

Summary:	The annual or one-off administration charge for administering your consent is \$41 (incl. GST).
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#### 1.3.2.1 What we do for your money

There is a cost in providing a range of customer services relating to consents. We pass this cost on to consent holders. The services we provide are:

- General Information about your consent and conditions.
- The maintenance of an up-to-date record of your consent on our database.
- The maintenance and improvement of monitoring databases.
- A record of any changes in the status of your consent (e.g., if you surrender your consent or transfer it to another person)
- The administration of these charges.
- The review of the charging policy at regular intervals
- The maintenance and storage of your permanent consent file

#### 1.3.2.2 The basis for the administration charge

The basis for the administration charge is the time spent on the above tasks by Council staff. As most consents take about the same time to maintain, this cost is averaged across all consent holders. A standard administration charge applies to all consents, fixed monitoring charges are inclusive of this administration charge.

The charge includes overhead costs which are related to the services we deliver. These costs include office rental, stationery, and computer and database costs.

#### 1.3.2.3 Application of the administration charge

The administration charge is \$40 per consent per year (incl. GST). The full customer service charge applies to consents which:

- Are active and where there is ongoing administration and/or monitoring by Council or by the consent holder
- Are temporarily inactive such as before the activity has commenced, but where there will be ongoing administration and/or monitoring when the consent becomes active.



#### 1.3.2.4 Circumstances where the annual administration charge does not apply

The annual administration charge does not apply:

- Where the activity which the consent was granted has concluded (e.g. Land-use building consent) and the consent will most likely not require future monitoring.
- Where the activity is subject to a fixed annual monitoring charge where the administration charge is included in this fixed charge.
- Other circumstances at our discretion.

The annual administration charge does not apply in this instance because little or no work is required to maintain the record on the database in the long term.

#### 1.3.3 The compliance monitoring charge-Fixed Annual Charge

Summary:	A fixed annual charge for monitoring of a specific type of consent. Current fixed annual monitoring charges are: <ul style="list-style-type: none"> <li>• Coastal Permits-Moorings (charged per mooring) \$66.00 (incl GST)</li> <li>• Water Take Permits (charged per water meter) \$265.00 (incl GST)</li> </ul> <p><b>The fixed charges are inclusive of the annual administration charge</b></p>
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For consent monitoring charges where activities have historically indicated largely consistent and repetitive costs for a 'desktop review' and/or inspection a flat fixed charge is set up.

Costs for following up any non-compliance are not included in the fixed annual monitoring charge; these costs are therefore charged as additional variable costs.

#### 1.3.4 The compliance monitoring charge-Variable Charge

Summary:	Your compliance monitoring programme is tailored to your individual circumstances. You pay only the cost of monitoring your consent. This is charged at an hourly rate. <ul style="list-style-type: none"> <li>• Environmental Protection Officer: \$153.00/hour (incl GST)</li> <li>• Student Environmental Protection Officer: \$102.00/hour (incl GST)</li> <li>• Other Council officers charged at rate on Council's fees schedule.</li> </ul>
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**Variable charges** apply to activities where consent conditions and the nature and scale of activity is likely to vary. All variable charges are based on actual and reasonable costs since the previous invoice. There may be some instances where the variable charge may be \$0 as no monitoring is undertaken in the previous year.

Resource consents are invoiced variable charges when Council has undertaken monitoring of the consent including:

- Undertaking site inspections to ensure the activity complies with the consent requirements.
- Ensuring compliance with plans (including site plans, management plans and contingency plans) and quality criteria.
- Quality checking and filing of monitoring returns.
- The preparation of reports for file or Council.
- Staff time and costs associated with non-compliance follow up, including correspondence, reports, investigation and issuing abatement notices.

Variable charges are considered additional charges under section 36(5) of the Act. Section 36(7) provides for any additional charge to be open to objection and appeal.

#### **1.3.4.1 What we do for your money**

The purpose of compliance monitoring is to confirm that consent holders are meeting the conditions of their consents. The conditions on resource consents are designed to control any adverse effects on the environment arising from the exercise of the consent. We need to know that consents are being complied with. In this way we can ensure the resource you are using remains fit for you and other consent holders to use.

We have a strategic compliance monitoring programme that prioritises monitoring of resource consents that have either a greater environmental impact, generate community concern or are related to trends highlighted through the State of the Environment Report.

As part of the monitoring programme for a consent, we may:

- Carry out site visits and inspections (where required)
- Review management plans and/or the results of any monitoring carried out by you or your consultants
- Advise you on the outcome of the compliance visit

Occasionally, we may also need to use outside expertise to assist with the monitoring of some consents. The costs of these experts may be included as part of your compliance monitoring charge.

#### **1.3.4.2 The basis for the compliance monitoring charge**

The basis for the compliance monitoring charge is the actual and reasonable cost of carrying out your compliance monitoring programme. You pay only the cost of monitoring compliance with your consent.

Council has considered the criteria in section 36 of the RMA before setting this charge. It considers that the need for this type of monitoring arises only because of consent holder's activities and that the benefits accrue entirely to consent holders. It is appropriate, then, for consent holders to bear the reasonable cost of this monitoring.

Variable charges are made up of the cost of staff time to carry out an inspection (if required), audit any monitoring information provided by you, follow up any non-compliance, and reporting back to you outcomes of any compliance monitoring (if required).

Where Council uses a consultant that provides a skill set and experience that will assist the compliance process, particularly with any complex or technical matters; the charge out rate is based on the charge out rate of the consultant engaged to undertake the work.

#### **1.3.4.3 Self-monitoring and auditing**

Where appropriate, some activities will be monitored using self-monitoring, where you provide us with information or data on how your activity is meeting your consent conditions. We will audit your information or data and charge for this time on an actual and reasonable basis. The charge you receive will only cover the work we do to assess the data you provide and report to you on any compliance outcomes, which means we can pass on some savings to consent holders.

We reserve the right however to carry out selected or random compliance monitoring ourselves if deemed necessary on activities where no inspections have been identified. You will only be charged the full cost of the inspection if we find that you are not fully complying with your resource consent.



#### 1.3.4.4 Additional compliance monitoring charges

Fixed compliance monitoring charges are based on the premise that consent holders use resources in a responsible manner and according to the conditions of their consent. The charge covers only routine monitoring.

Where the actual and reasonable costs incurred by us in carrying out compliance monitoring exceed any fixed compliance monitoring charge identified for your resource consent, then these costs may be recovered by way of an additional charge. Any additional charge is levied under section 36(5) of the Act. Section 36(7) provides for any additional charge to be open to objection and appeal.

Additional compliance monitoring charges apply in situations where:

- Resource users need to undertake further work to meet conditions of their resource consent and there is consequently additional monitoring work required
- Further inspections, assessment and reporting are required from Council for the activity than originally anticipated
- Non-compliance with consent conditions has been observed following an incident notification
- Site visits requested by the consent holder

Where non-compliance is recorded during **routine or random monitoring**, remedial action is identified and advised to the consent holder in writing. You will receive an additional charge for the costs of the follow up undertaken by Council to ensure that compliance with consent conditions is met.

Where we carry out monitoring as a result of an **incident notification** (for example, a complaint about water pollution or odour release), the consent holder is only charged if the consent is breached and non-compliance is observed.

Where we carry out an inspection to determine compliance with an **enforcement order or abatement notice** for a consented activity, we will charge the consent holder actual and reasonable costs for any follow up visit to confirm that the required action has been taken and full compliance with the notice and your resource consent is achieved.

We levy any additional charges on an actual and reasonable basis. The charge is made up of:

- The cost of any staff time (including travel time) necessary to carry out an inspection and to prepare a report at the charge out rates identified in the fees schedule
- Associated disbursements, such as specialist advice

In all circumstances where an additional charge might apply, we provide you with a written report stating why your consent is not in compliance and, where practicable, give suggestions for improvement.

#### 1.3.5 The compliance monitoring charge-Actual Charge

##### 1.3.5.1 Use of specialist advisers

Council has a statutory duty to ensure that a monitoring requirement is complete in respect of all resource management issues. From time to time, Council may retain outside expertise and the costs will accrue to the consent holder. This may include charges for sampling and testing.

##### 1.3.5.2 Use of external providers

Council may, from time to time, use consultant firms to supply the necessary monitoring capacity. The costs will accrue to the consent holder. For monitoring, acquisition of further information, checking and (if required) taking enforcement action to ensure compliance, are chargeable actions.

##### 1.3.5.3 Disbursements

Council may incur charges when monitoring your consent; these may include such costs as water taxi charges, photocopying etc., such costs will accrue to the consent holder.

### **1.3.6 Changes to consent monitoring charges**

#### **1.3.6.1 Consent termination**

Where a resource consent expires, or is surrendered, during the course of the year 1 July to 30 June the following year and the activity to which it relates ceases before 1 December that year, any invoiced annual fixed monitoring charge will be credited 50% for that year.

#### **1.3.6.2 Consent expiry and replacement**

Where a resource consent expires during the course of the year, but the activity to which the consent relates continues until the consent is replaced, then the consent monitoring charges outlined in this Policy apply.

#### **1.3.6.3 Consent transfer**

Where a resource consent is transferred during the course of the year (e.g., when a property with a consent is sold to a new owner), it is the responsibility of the original owner to advise us of the change. *Any apportionment of fees after the charge has been made remains the responsibility of the respective owners.* We may not accept a transfer of consent unless the fees have been paid in full.

#### **1.3.6.4 Relationship of charges to infringement offences**

Where we utilise the infringement offences legislation for environmental offences, no charge will be made for preparation of documents relating to the issue of the infringement notice.

#### **1.3.6.5 Relationship of charges to enforcement orders and abatement notices**

Council may also seek reimbursement for any actual and reasonable costs it incurs in inspecting an activity to determine compliance with an enforcement order or abatement notice under section 315 and section 323 of the RMA.

## **1.4 Payment of charges**

### **1.4.1 Date charges become operative**

This Policy applies from 1 July 2017 and will continue in effect until amended or replaced under section 36(3) of the Act. We intend to review the Policy on an annual basis.

### **1.4.2 When charges are invoiced**

#### **1.4.2.1 Consent monitoring charges**

Consent monitoring charges are applicable from the date of the granting of your consent. Consents which have ongoing consent monitoring charges are invoiced on the granting of the consent and annually thereafter for each period 1 July to 30 June the following year. Consent with one-off monitoring charges are invoiced on the granting of your consent. Annual monitoring and administration charges cover the period 1 July to 30 June the following year. If an activity is consented during the period 1 July to 30 June the following year, the full annual monitoring charge is invoiced. The first annual monitoring or administration charge is not invoiced on a prorate basis.

#### **1.4.2.2 Remission of charges**

We may remit any charge referred to in this Policy, in part or in full, on a case by case basis, and solely at our discretion (see section 36AAB(1) of the RMA).

#### **1.4.2.3 Debtors and unpaid charges**

Under this Policy debtors and unpaid charges are treated like any other outstanding amount owed to Council. An outstanding debt will be pursued according to Council's procedures.

## 2 Schedule of Fees and Charges (Consent Monitoring)

Resource Consents - Administration, Monitoring & Supervision	Charge Type	Charge \$ (Incl GST)
Sampling including the contracting of consultant	Variable	Actual
Laboratory costs	Variable	Actual
Administration fee (monitoring)	Fixed Annual or One-off	\$41.00
Site inspection	Variable	Actual
Disbursements	Variable	Actual
Monitoring Charge-Water take Permits	Fixed Annual	\$265.00
Monitoring Charge-Moorings	Fixed Annual	\$66.00
Environmental Protection Officer	Per Hour	\$153.00
Student Environmental Protection Officer	Per Hour	\$102.00

## **Additional Item for the Council Meeting on 8 June 2020**

### **12. Blenheim Business Association**

(Cllr Peters) (Report prepared by Jamie Lyall)

C230-001-B04

#### **Purpose**

1. To seek Council approval to allocate funding of \$20,000 from the Forestry and Land Development Reserve to the Blenheim Business Association (BBA) for operating purposes for the 2020-21 financial year.

#### **Executive Summary**

2. The BBA have requested funding of \$20,000 to allow the coordinator role to continue for the next 12 months.

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#### **RECOMMENDATION**

**That funding of \$20,000 be allocated to the Blenheim Business Association from the Forestry and Land Development Reserve for operating purposes for the 2020-21 financial year.**

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#### **Background**

3. Council has approved funding for the BBA as follows:
  - a) 2016-17 Annual Plan - \$25,000.
  - b) 2018-19 Annual Plan - \$25,000.
  - c) 2019-20 Annual Plan - \$15,000 and \$15,000 granted in November 2019.
4. In 2018-19 the BBA appointed a co-ordinator to manage the day to day interactions with clients, provide a social media presence, carry out administration and advocacy, events leverage/conduit, deal with member (and non-member) queries, meeting preparation, website updates, manage pop up park initiatives, arrange Xmas decorations, co-ordinate Marlborough Mile research and to liaise with Council.
5. In the 2019-20 the BBA were part of strategic discussions held with the Chamber of Commerce and Business Trust Marlborough to investigate operational synergies, innovations and efficiencies that could be achieved between the groups. A report was compiled and presented to Council in early 2020.
6. Post Covid-19 the BBA has been very active surveying, working with and providing support to Blenheim CBD retailers. The BBA has also been active in supporting the recent economic related parking and footpath occupancy changes.

#### **Comments**

7. The BBA consists of a motivated group of volunteers who give freely of their time. Councillor Fitzpatrick is Council's representative on the BBA and other Councillors regularly attend monthly BBA meetings. The co-ordination role is based on 20 hours a week and is important for ensuring that works streams are actioned and followed through.
8. The BBA are an excellent conduit for sharing information and seeking feedback from Blenheim's central business area community for Council. It is considered that the BBA will play a very important role in assisting the retail community to adapt to the post Covid-19 environment.

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