



**SEPTEMBER 2022**

## Welcome to Our Spring Edition Newsletter

### Inside This Issue

- 2022 Annual Fee Review
- Reminder - Certificate of Titles are required for Resource Consent applications
- Should I have a pre-application meeting with MDC planners?
- How much will my resource consent application cost?
- Hearing Decisions Issued 2021/2022
- Resource Consent Team Update 2021/2022
- Resource Consent Team - Timeframe Compliance
- Staff Profile

*This Resource Consent Team Newsletter provides information to assist those in the industry and their clients with respect to resource consent matters. It is not an exhaustive explanation of the matters that may be covered but a starting point for better understanding. If you seek specific information or advice you should consult a professional for bespoke guidance for your situation, or feel free to contact Council via the Duty Planning service on Council's website.*

### 2022 Annual Fee Review

The fees associated with resource consents have been reviewed and the new fee schedule can be found on Council's website. You can access the fee schedule using this link: <https://www.marlborough.govt.nz/services/resource-consents/fees-resource-consents>. Take a moment to read through the schedule to inform yourself of any changes to fees relating to processes you are generally involved in.



Photo sourced from Housing.com website.

### Reminder - Certificate of Titles are required for Resource Consent applications

A copy of an up-to-date Certificate of Title (less than three months old) is required to be attached to any application for resource consent, except for moorings and marine farms. Recently agents and applicants have not been consistently providing this information and there have been instances where resource consent has been issued contrary to a consent notice on the site. This has created issues for both Council and the applicant. The provision of the Certificate of Title is a basic requirement under Section 88. However, we do not see any merit in completely rejecting an application because it does not include a Certificate of Title. To avoid rejection and to address the informational requirements, if an application does not include an up-to-date Certificate of Title Council staff will provide a copy. Please note that there will be a charge for this service of \$20 per Certificate of Title.

## Should I have a pre-application meeting with MDC Planners?

Council encourages applicants with complex proposals to discuss their resource consent application with Council planners before they lodge the application. Processing a complex resource consent application is generally simpler, quicker, and less costly if the applicant has sought the Council's advice on the relevant plan provisions and information requirements before making an application.

## What am I likely to achieve at a pre-application meeting?

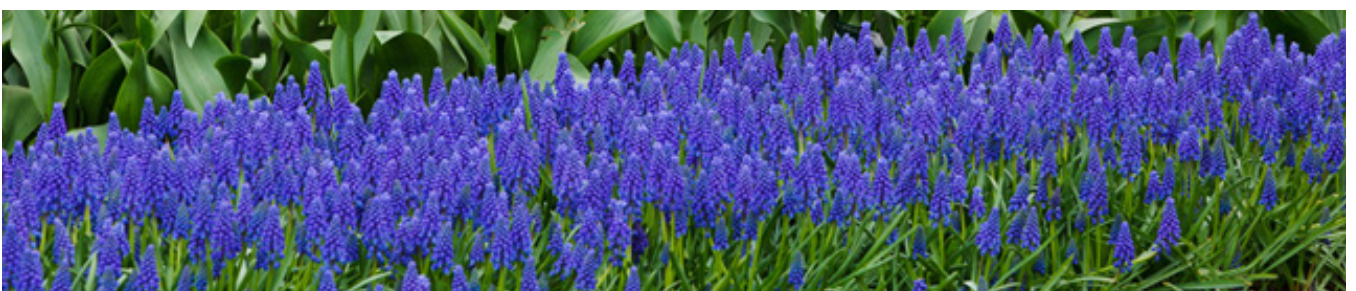
- Confirmation on whether a resource consent is required and whether other consents are likely to be required.
- Identification of the type of resource consent(s) required.
- An explanation of the resource consent process.
- Details on the application fee(s) required and the Council's charging policy.
- An estimate of likely costs.
- Identification of the relevant issues and the scope and detail of the information required to support the application, so it corresponds to the scale and significance of the environmental effects.
- An explanation of the informational requirements for the Assessment of Environmental Effects.
- An explanation of the notification process and the criteria for making the notification decision.
- Identification of any parties likely to be affected and a recommendation on the degree of consultation.
- Identification of iwi who may be affected by a proposal and their contact details.

## What will I not achieve at my pre-application meeting?

Pre-application meetings are intended to provide initial advice on specific issues identified for discussion by the applicant and any likely major issues. A pre-application meeting cannot replace the in-depth assessment associated with the formal application process. While the Council's advice is given in good faith, it in no way binds a decision of the Council. Any information offered during the pre-application process does not pre-empt the normal resource consent assessment and decision-making process.

## Council's Charging Policy for pre-application meetings/advice

Applicants will be charged for pre-application advice relating to resource consent proposals. The applicant will be charged for Council officer time. This may include any specialists deemed necessary to be in attendance by either the Planner or the applicant, (eg, Rivers Engineers, Environmental Scientists).



## How much will my resource consent application cost?

When asked this question the answer is “it varies depending on your application and effects.” In the last financial year, the Council processed 1065 applications for resource consent. The charges for processing these applications varied from a minimum of \$192.25 to a maximum of \$57,965.25.

Predictably the costliest applications to process were publicly notified applications which went to a hearing. There were six of these applications and the cost to process them went from a minimum of \$19,925.80 to a maximum of \$57,965.25. The median charge for processing a publicly notified application that went to a hearing was \$33,993.66.

The second costliest category of applications processed was the limited notified applications that went to a hearing. There were only five of these applications processed and they went from a minimum of \$17,679.37 to \$33,924.51. The median charge for processing a limited notified application that went to a hearing was \$24,179.54.

Avoiding a hearing significantly reduces the cost of processing a limited or publicly notified application. There were 73 limited notified applications that did not go to a hearing and the cost of processing these applications varied from a minimum of \$877.09 to a maximum of \$14,338.86. The median cost of processing a limited notified, no hearing application was \$1,833.34. There were 50 publicly notified applications that did not go to a hearing. The minimum cost of processing this type of application was \$1,248.06 and the maximum was \$9,543.68. The median cost of processing a publicly notified application that did not go to a hearing was \$1,897.57.

Most of the applications processed by the Resource Consent Team are not notified and do not go to a hearing. The cost to process a non-notified, no hearing application varied from \$192.25 to \$6,607.99. The median charge for processing a non-notified, no hearing application was \$1,248.82.



Spring is here and hopefully it will bring an end to the rains that have been a constant weather feature this winter. There are a number of events planned for Spring so get out and enjoy.

## Hearing Decisions Issued 2021/2022

As you all know the requirement to schedule hearings falls under section 100 of the RMA 1991, which places an obligation on Council to hold a hearing if it considers it necessary or the applicant or submitter has requested to be heard. Environmental Planners processing applications refer any application to hearing where they have reached a view that, for a variety of reasons, they are unable to recommend a grant of consent. Overall, it appears that hearings are, in the main, required due to the submitters stating a wish to be heard and not altering this stance.

There were 11 applications for resource consent, and three objections pursuant to section 357B of the RMA, progressed to hearing in the period between 1 July 2021 and 30 June 2022. The applications were heard either by an Independent Commissioner or members of the Resource Hearing Sub-Committee. The Objections were heard and determined by an Independent Commissioner.

There were 1065 decisions issued on applications for resource consent by Council's Resource Consents team for the period 1 July 2021 to 30 June 2022. The 11 applications that progressed to a hearing account for 1.03% of the overall applications. Of those 11 applications two decisions were issued where consent was refused, this means that 0.18% of applications received by Council were refused. Of the remaining applications that proceeded to hearing, six of the applications were granted and one was granted in part. At the time of drafting this article there are two applications still in hearing, for which decisions have yet to be issued. All three cost objections were heard and determined by Independent Commissioners, two were refused and one was granted in part as a result of an administrative error in the issue of the invoice.

Included in this group of hearings is the application U190438 – The New Zealand King Salmon Company Limited. This is an application for an offshore marine farm, the first application of this nature. This is a large and complex application that required 11 days in hearing. The hearing is adjourned to enable a round of further information. A decision is anticipated before the end of 2022.

Overall, there were 23 days spent in hearing in the 2021/2022 period.

In general, the Environmental Planners will work with the parties to help them resolve their differences or provide the opportunity for the applicant to work independently with the submitters to achieve this outcome. The applications progressed to hearing were for instances where the issues could not be resolved, and the case needed to be put before decision maker(s).

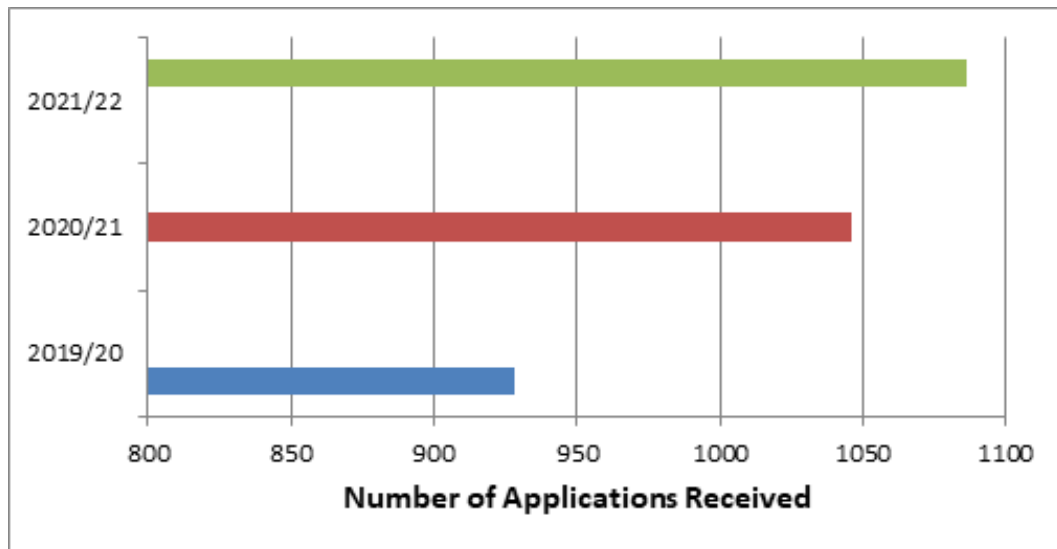
The 11 applications which proceeded to hearing were spread across the consent categories of water (two), coastal (four), land use (two), and subdivision (three).

The most common reason the applications were progressed to hearing was that they involved submitters who had stated a wish to be heard and had not withdrawn that wish or their submission. Only three of the applications involved unresolved issues identified by the Planner that required they be progressed to hearing as the officer was unable to recommend the consent be granted.

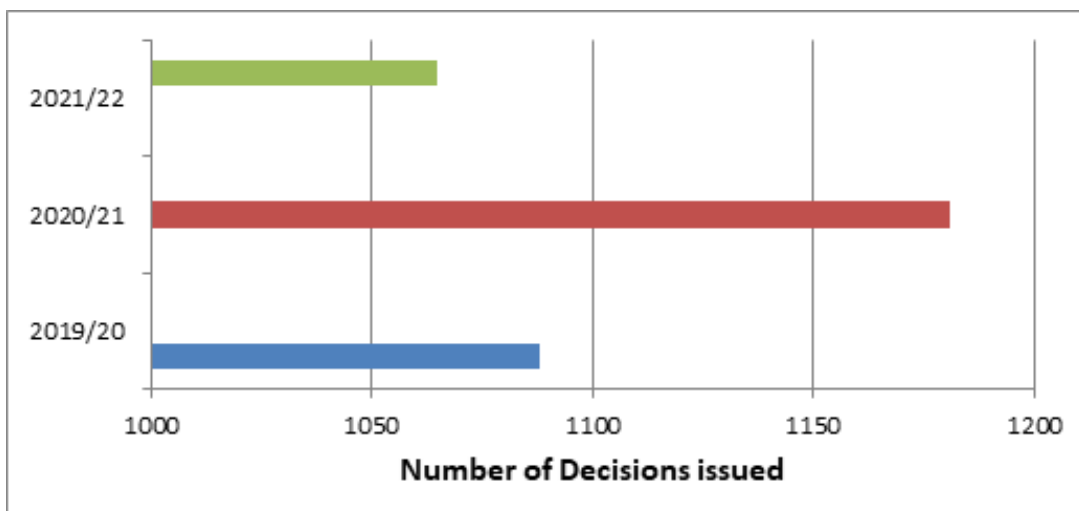


## Resource Consents Team Update 2021/2022

Despite the continued impacted of the global pandemic the 2021/2022 financial year was relatively steady for the Resource Consent Team. Overall, the number of applications received is slightly more than the previous two financial years. During the 2021/2022 financial year Council has received 1086 applications. Of that total, 974 were new applications for resource consent. Council has also received 102 applications for variations to resource consent conditions under section 127, 9 extensions to lapse date under section 125 and one objection to conditions/charges under section 357. In the same period in 2020/2021 Council received 928 applications and in 2019/2020 Council received 1046 applications.



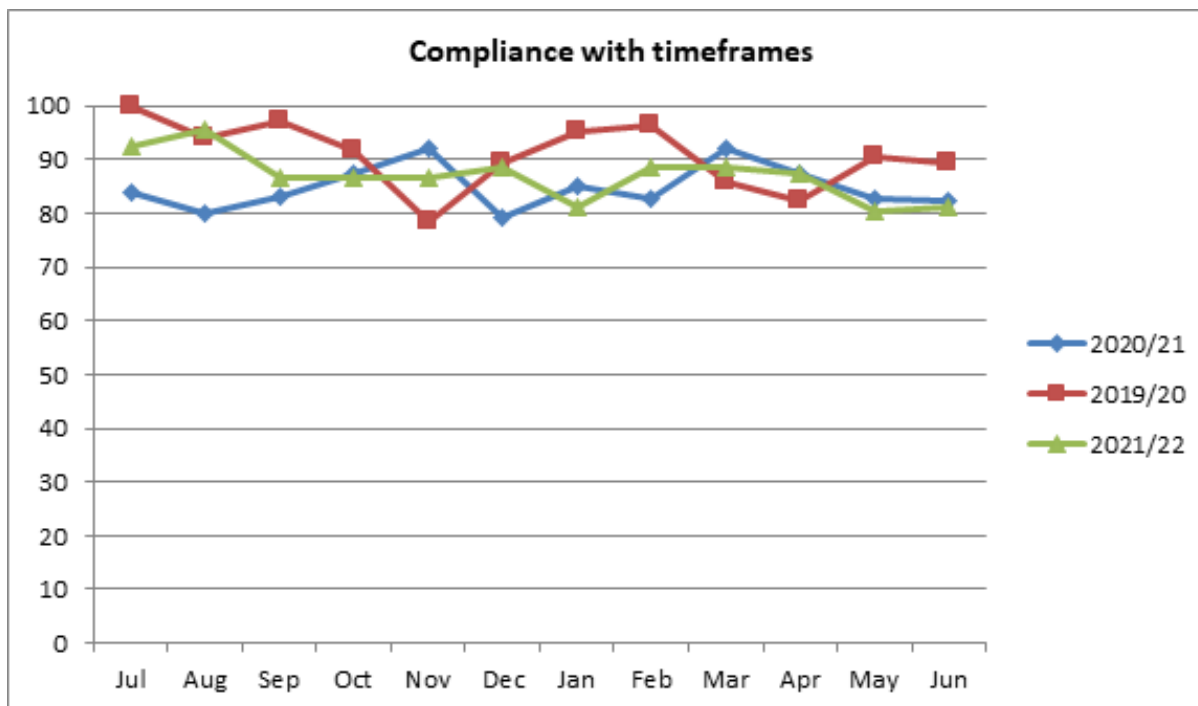
In the 2021/22 calendar year Council issued 1,065 decisions. Of that total, 931 were for new applications for resource consent. Council has also issued 119 section 127 decisions (variations to resource consent conditions) and 15 section 125 (extension to lapse date). In the same period in 2020/21 Council issued 1,181 decisions and in 2019/20 Council issued 1088 decisions.



Over the 2021/22 financial year 16 applications were rejected under section 88. This compares to 12 rejected in 2020/21, 38 rejected in 2019/20 and 48 rejected in 2018/19. The reduced number over the last two financial indicates better educated and applicants awareness of the informational requirements of section 88 of the RMA.

## Resource Consent Team - Timeframe Compliance

Compliance with statutory timeframes for the 2021/22 year was similar to the 2020/21 financial year and has not been achieved to the same extent as the 2019/20 financial year.



There are a few reasons why timeframe compliance has not been achieved including:

- The complexity of the applications received.
- Staff resources – loss through retirement and resignation of experienced planners with relevant skill sets.
- Challenges with new systems and processes – Procon has been phased out and ReCApp has been introduced.
- Operating under three Plans.
- The global pandemic and associated lockdowns/restrictions on normal operations.

Several measures have now been instituted to address timeframe compliance including:

- The establishment of three Lead Senior Environmental Planners to mentor and train developing staff and to allocate and monitor workload.
- The establishment of a Technical Lead land Use Planner role to manage and process the major land use applications.
- The achievement of appropriate staffing levels.
- The creation of a pathway with full Council support for staff to develop and achieve recognition as a Senior Environmental Planner.
- Improvements and fixes to ReCApp to extend its capabilities beyond the current minimum viable product, particularly days in processing alerts for planners and the manager.
- A business continuity plan including fully functional electronic devices for all staff enabling business as usual regardless of Covid-19 Level.

## Staff Profile

### Jo Pitts

Jo has recently returned to Council in July joining the team as an Environmental Planner. Originally from Canterbury, she moved to Marlborough with her husband in 2001 after spending two years working in London. Jo finds Marlborough a great place for bringing up a young family and especially enjoys spending time in the Marlborough Sounds. Prior to her role with MDC Jo worked for Lundons Law in a legal executive role. Jo is currently working in the area of coastal consents.



**Next Issue out 1 December 2022**