

Have your say

Whakaputa i ō whakaaro

Statement of Proposal: Fees and Charges Policy





What's this about?

We work with the community to promote the sustainable management of natural physical resources. As part of this work we manage the environmental impacts of activities through the issuing and monitoring of consents.

The Resource Management Act 1991 (RMA) and Building Act 2004 form the foundation of the majority of our work. The proposed Fees and Charges Policy ("Charges Policy") sets out our charges under these Acts, and also changes to Charges under our Bylaws and general cost recoverable work.

A comprehensive review of our RMA and BA charges was carried out in 2018 to ensure the charges reflect the true cost of carrying out our work. Changes from the review were consulted on and were introduced in two stages with the second stage in 2019/20, including increases to the data and science charges. Council decided not to make any further changes in 2020/21, which was in part due to the uncertainties created by COVID-19.

This document, the Statement of Proposal, outlines the changes we propose to our charges and we want to know what you think. We have incorporated other charges we have into the Charges Policy to provide for increased transparency and improve consistency. Council will receive your feedback through written submissions. People who make a written submission can speak to their submission at hearings scheduled for 12-16 April 2021. The charges set will be in the Fees and Charges Policy which will be finalised in June 2020 following Council consideration of submissions.

Please see **www.participate.boprc.govt.nz/fees-and-charges** for the supporting information documents which contain a full list of the RMA charges, including the proposed changes.

You can make a submission online at **www.participate.boprc.govt.nz/fees-and-charges** by email to **Feesand.Charges@boprc.govt.nz** or by using the form on page 11 of this document

Submissions close at 5:00 pm, Tuesday 6 April 2021.



Resource Management Act 1991, section 36

The Resource Management Act 1991 (RMA) sets out how we should manage our environment. It promotes the sustainable management of natural physical resources and forms the foundation for the majority of our work.

To carry out this work, we process resource consents, monitor and manage consented and other authorised activities and monitor the state of the region's resources. The costs associated with this work are set under section 36 of the RMA in the Council Charges Policy and we pass these costs along to applicants and consent holders.

Under section 36 we can recover reasonable costs for a number of functions, including the following:

- Receiving, processing and granting of resource consents (including certificates of compliance);
- Administration, monitoring and supervision of resource consents (including certificates of compliance) and resource management functions under section 35 of the RMA (environmental monitoring);
- Reviewing resource consent conditions under Section 128(1)(a) and (c) of the RMA and reviews carried out at the request of the consent holder;
- Providing information in respect of Council plans and resource consents;
- Supplying documents;
- Charges authorised by regulations; and
- Additional charges whereby a fixed fee is not enough to recover our costs. For example, where the cost of processing a consent application is greater than the deposit fee paid by the applicant.

Summary of proposed changes

The charges associated with the work we carry out under the RMA were last updated for 2019/20. This year we are proposing some updates and improvements to our charges along with changes resulting from two years of cost pressures and updated assessments of risk and effort required to meet our environmental standards.

The key changes proposed are summarised as follows:

CHANGE 1: INCORPORATION OF OTHER CHARGES

Council adopted a new Flood Protection and Drainage Bylaw in 2020. Charges under this Bylaw have been included in the Charges Policy rather than in the Bylaw. It is proposed to increase the Port Charges under the Navigation and Safety Bylaw.

CHANGE 2: CONSENT MONITORING CATEGORIES AND FREQUENCIES

Compliance monitoring is conducted on a risk basis. The proposed changes include revisions to the frequency of monitoring and the categories that are applied.

CHANGE 3: FEES AND CHARGES

All fees and charges have been subject to a complete review. Factors involved in the review included:

- Effort and frequency of compliance monitoring
- Appropriate amount of cost recovery for the private benefit received by consent holders under the Revenue and Financing Policy and Funding Needs Analysis
- Staff salary rates

In some cases, fixed fees have been reduced where workload estimates have been able to be reduced. Other changes are the cumulative impact of two years of cost pressures.

CHANGE 4: ADMINISTRATIVE CHANGES

- A provision has been added for consents that have a higher than standard risk to allow for increased to monitoring frequencies which will be charged on the basis of actual and reasonable costs. Consent holders will be provided with written notification if this applies
- References to legislation have been updated as required.
- Travel costs are proposed to be charged on an actual basis rather than a flat rate.



Explanation of proposed changes

Change 1: Incorporation of other Charges

The proposed Fees and Charges Policy includes content for the Flood Protection and Drainage Bylaw and the Navigation Safety Bylaw. Including all fees and charges in one policy aids transparency and helps to improve consistency of the approach to setting charges.

The Flood Protection and Drainage Bylaw did not set fees and charges in anticipation of using the updated Fees and Charges Policy. The Navigation Safety Bylaw has one proposed change to fees with Port Charges (Harbour Dues) for each vessel exceeding 1,000 gross tonnage increasing from \$11.60 to \$17.65 (excluding gst) per 1,000 gross tonnage or part thereof.

Change 2: Consent monitoring categories and Frequencies

Compliance monitoring is conducted on a risk basis. The proposed changes include revisions to the frequency of monitoring and the categories that are applied. For example, geothermal monitoring was categorised by location only (Rotorua and non-Rotorua) which is proposed to be expanded for high/medium/low risk.

The proposed changes to our monitoring frequencies are outlined in the table below.

Compliance category	Current frequency	Proposed frequency
Air Discharge - large industry	3 monthly	6 monthly
Air Discharge - small industry	3 yearly	2 yearly
Comprehensive Catchment Stormwater	1 yearly	6 monthly
Composting Facilities (including vermicomposting)	3 yearly	1 yearly
Dredging	As required or 1 yearly	1 yearly
Geothermal Abstractors (Large Industrial)	6 Monthly	1 yearly
Hydro Dams	1 yearly	2 yearly
Industrial Discharges - major	3 monthly	6 monthly
Industrial Discharges - small	3 yearly	2 yearly
Industrial Abstraction - major	As required or 5 yearly	5 yearly
Municipal Abstraction - major	As required or 5 yearly	5 yearly
OSET - low risk	10 yearly	5 yearly
Piggeries	2 yearly	1 yearly
Spray - herbicides, etc.	As required	1 yearly

The proposed changes to compliance categories to better reflect risk and monitoring costs are outlined below. The greyed out rows are the old categories and are followed by the proposed new categories

Compliance category	Current Charge	Current Frequency	Proposed Charge (including gst)	Proposed Frequency
Geothermal Abstraction - excluding Rotorua field - old category	345.00	3 yearly		
Geothermal - non Rotorua - High Risk			Actual and Reasonable	1 yearly
Geothermal - non Rotorua - Medium Risk			425.00	2 yearly
Geothermal - non Rotorua - Low Risk			152.50	3 yearly
Geothermal Abstraction - Rotorua field only - old category	200.00	3 yearly		
Geothermal - Rotorua - High Risk			Actual and Reasonable	1 yearly
Geothermal - Rotorua - Medium Risk			425.00	2 yearly
Geothermal - Rotorua - Low Risk			152.50	3 yearly
Hort/Agr Abstraction (>5L/s) - old category	180.00	3 yearly		
Hort/Agr Abstraction (<5L/s) - old category	120.00	5 yearly		
Geothermal Abstractors (Warm Water) Bores Tga - old category	200.00			
Groundwater (Cold) Abstraction - Telemetry Reporting - Low Risk			160.00	5 yearly
Groundwater (Cold) Abstraction - Telemetry Reporting - High Risk			412.50	3 yearly
Groundwater (Cold) Abstraction - Manual Reporting - High Risk			495.00	3 yearly

Compliance category	Current Charge	Current Frequency	Proposed Charge (including gst)	Proposed Frequency
Groundwater (Cold) Abstraction - No Reporting - High Risk			97.50	3 yearly
Surface Water and Geothermal (Warm) Abstraction - Telemetry Reporting - Low Risk			162.50	5 yearly
Surface Water and Geothermal (Warm) Abstraction - Telemetry Reporting - High Risk			545.00	3 yearly
Surface Water and Geothermal (Warm) Abstraction - Manual Reporting - High Risk			502.50	3 yearly
Surface Water and Geothermal (Warm) Abstraction - No Reporting - High Risk			102.50	3 yearly
OSET - Medium Risk	New category		Actual and reasonable	2 yearly
Wastewater Plants – large – old category		6 monthly		
Wastewater Plants – small – old category		1 yearly		
Municipal Wastewater Treatment Plant			Actual and Reasonable	6 monthly

Change 3: Fees and Charges

All fees and charges have been subject to a complete review. Factors involved in the review included:

- Effort and frequency of compliance monitoring
- Appropriate amount of cost recovery for the private benefit received by consent holders under the Revenue and Financing Policy and Funding Needs Analysis
- Staff salary rates

In some cases, fixed fees have been reduced where workload estimates have been able to be reduced. Other changes reflect the cumulative impact of two years of cost pressures.

The proposed policy uses tracked changes to show the amount of all changes.

Change 4: Administrative Changes

A provision has been added for consents that have a higher than standard risk to allow for increased monitoring frequencies which will be charged on the basis of actual and reasonable costs. Consent holders will be provided with written notification if this applies. This prevents circumstances unique to an individual consent leading to increased costs for all consent holders. The proposed clause has been added to section 6 General matters and states:

(q) Council may identify matters unique to a particular consented activity which result in a higher risk to the environment and, as such, more frequent inspections may be required than are outlined in the corresponding activity in Schedule 2. In these cases, Council will provide written notice to the consent holder advising of the increased inspection frequency, and the cost of additional inspections will be recovered on an actual and reasonable basis.

Through the review of the Charges Policy, staff identified that clause (m) within Section 6 (General Matters) which relates to remittances of charges, had an incorrect reference to s36(5) of the RMA. The reference should in fact be s36AAB(1). It is therefore proposed to alter the wording to provide for the correct reference.

What do you think?



Your details

First name: _____

Last name: _____

Are you submitting as an individual, or on behalf of an organisation?

☐ Individual ☐ Organisation

Organisation (if applicable): _____

Phone number:

Email address:

Postal address:

Your gender:

○ Male

○ Female

☐ Non-binary

☐ Prefer not to say

Your age:

☐ I'd rather not say

Your ethnicity:

European

☐ Māori

- Pacific peoples

○ Asian

☐ MELAA (Middle Eastern/
Latin American/African)

☐ Other ethnicity:

☐ I wish to keep my contact details confidential

☐ Yes ☐ No

Submitting in person?

All submitters have the opportunity to present their feedback to council during the hearings process. Please indicate your preferred option below.

☐ I wish to speak to my submission ☐ I do not wish to speak to my submission

I will speak in: ☐ English ☐ Te Reo ☐ Sign language

I wish to speak in the location of ☐ Whakatāne ☐ Rotorua ☐ Tauranga

Your submission

This image shows a blank sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

If you require extra space please feel free to attach extra pages.

Once completed please send this form to:

Freepost Number 122076

Fees and Charges Submissions

Bay of Plenty Regional Council

PO Box 364, Whakatane 3158

You can make a submission by email to **Feesand.Charges@boprc.govt.nz** or online at **www.participate.boprc.govt.nz/fees-and-charges**

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