

USER FEES AND CHARGES SCHEDULE

Abstract

This document sets out the West Coast Regional Council's Proposed User Fees and Charges for the 2024/25 financial year.



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THE WEST COAST
REGIONAL COUNCIL

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Introduction

Councils are permitted, by law, to collect fees from private users of public resources and recover costs relating to the resources and services it provides.

This document sets out the basis upon which Council:

- Is authorised to charge fees to the public;
- Calculates the amount of fees and charges; and
- Recovers and/or enforces payment of the fees and charges.

The User Fees and Charges Schedule is reviewed annually. Fees and charges that require formal adoption under section 150 of the Local Government Act 2002 may be consulted on in conjunction with a long-term or annual plan. The fees set out in this Schedule will come into effect on 1 July 2024 and will continue until superseded. A copy of this User Fees and Charges Schedule will also be published on Council's website.

The law acknowledges that some of the costs associated with administering the private use of public resources have a community benefit and should therefore be funded from the general rate. For example, the West Coast Regional Council (the Council) grants resource consents that allow organisations and individuals the private benefit to use public resources such as air, water or the coast. Where the benefits associated with consents are solely to applicants, they pay the associated costs in full. Where benefits accrue more widely – such as in the case of environmental monitoring – then a portion of the costs is met through rates.

The fees and charges set out in this document are consistent with the Council's Revenue and Finance Policy, which sets out the funding and cost recovery targets for each Council activity.

This document is set out in three parts:

- Part One: General principles and policies for charges
- Part Two: Schedule of fees and charges
- Part Three: Policies on charges for specific activities and functions

1. General principles and policies

1.1 Principles

1.1.1 Charges must be lawful

The Council can only levy charges which are allowed by legislation. Section 13 of the Local Government Official Information and Meetings Act 1987 enables the Council to charge for providing information sought under the provisions of the Act or the Official Information Act 1982.

Section 36 of the Resource Management Act 1991 (RMA) enables the Council to fix charges for its various functions (refer to Section 2.2).

Section 150 of the Local Government Act 2002 enables the Council to fix charges payable under its bylaws and charges for the provision of goods, services, or amenities in accordance with its powers and duties, for example recovering the costs of responding to environmental incidents and inspecting dairy farms operating under permitted activity rules for discharges to land.

Section 444(2) of the Maritime Transport Act 1994 allows the Council to fix reasonable charges for its activities/services relating to “Tier 1 sites”.

Section 243 of the Building Act 2004 enables the Council to impose fees or charges for performing functions and services under the Act.

Section 135 of the Biosecurity Act 1993 enables the Council to recover its costs of administering this Act and performing the functions, powers and duties provided for in this Act by such methods it believes on reasonable grounds to be the most suitable and equitable in the circumstances.

1.1.2 Charges must be fair and reasonable

The sole purpose of a charge is to recover the reasonable costs incurred by the Council in respect of the activity to which the charge relates. Charges must be fair and relate to the consent holder’s activities. Actual and reasonable costs will be recovered from resource users and consent holders where the use of a resource directly incurs costs to the Council.

The Council must also consider the benefits to the community and to consent holders when setting a charge. It would be inequitable to charge consent holders

for resource management work done in the interests of the regional community and vice versa.

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

Some charges imposed on consent holders are based on the full costs of the Council's administration and monitoring of their consents.

1.1.3 Charges must be uniformly applied

Charges will not vary greatly within classes of activities within the context of the scale of the activity, except where environmental incidents and non-compliance with consent conditions incur additional supervision costs.

1.1.4 Charges must be easy to understand, transparent and predictable

Charges will be calculated and published in a way that is clear, logical and justifiable. Council's work and the associated costs should be transparent and easily identifiable, so as to give resource users certainty with their dealings with Council, and the extent of their liability.

1.1.5 The Council must act responsibly

Council will implement its user fees and charges schedule in a responsible manner. If there are any significant changes in charges, advance warning will be given to consent holders with the opportunity to make adjustments.

The charges in this document support preferred resource use practices aimed at reducing Council's work and associated costs.

1.2 General policies

1.2.1 Time periods

The policies, formulae and charges set out in this document apply each year from 1 July to the following 30 June, or until replaced by new charges adopted during the annual plan or long-term plan as prescribed by the Local Government Act 2002.

1.2.2 Minimum Annual charges

Annual charges shall apply from 1 July to the following 30 June each year, or until amended by the Council. A minimum annual charge as set out in Section 2.6 to all consents other than sewage discharge permits for individual dwellings, and new consents granted after 1 March each year when the minimum annual charge will be waived for the remainder of that financial year.

1.2.3 Goods and Services Tax

The charges and formulae outlined in this document are exclusive of GST, except where noted otherwise.

1.2.4 Debtors

All debtors' accounts will be administered in accordance with this policy and outstanding debts will be pursued until recovered.

1.3 Policy on remission of charges

In general, all fees and charges set out in this document are to be met by the person invoking the service or activity that the fee or charge relates to (for example, the consent applicant in the case of consent processing services or the consent holder in the case of consent administration or monitoring).

Where a person seeks to have any fee or charge set out in this document remitted, that person may make an application in writing to the Corporate Services Manager for the remission of the charge setting out in detail the applicant's case which may include financial hardship, community benefit or environmental benefit.

Where the application/consent relates to a structure, the remission of any charge will only be considered if that structure is available at no charge for public use.

Existing waivers or remissions issued for charges may be subject to review, as this policy may be reviewed.

Decisions on application for waivers or remissions shall be made by the Corporate Services Manager, who may remit a charge in part or full, or decline the application. No further consideration of the application will be undertaken

following issue of the final decision, except in relation to an objection against additional charges under section 357B of the Resource Management Act.

The Council can fix charges for recovering costs for consent processing, administration and monitoring under section 36 of the Resource Management Act 1991. The Council can also require the person liable for such a charge to pay an additional charge, where the fixed charge is inadequate to recover reasonable costs in respect to the service concerned (s36(5)RMA). The person receiving the additional charge has the right to object to the charge under section 357B of the Act and subsequently appeal to the Environment Court against the decision of the objection. Decisions on objections not resolved at staff level will be made by independent commissioners. The Council also has the absolute discretion to remit the whole or any part of a charge made under section 36 (s36AAB(1)of the RMA).

2. Schedule of fees and charges

2.1 Local government official information responses

In some cases, the Council is permitted to charge for the provision of official information. Requesters will be advised in advance if the Council decides to apply a charge.

For staff time	\$ excluding GST
First half hour	No charge
Per hour (after the initial free half hour)	\$185
For contractor time	
First half hour	No charge
Per hour (after the initial free half hour)	At cost
For resources	
Other disbursements	At cost
Photographs	At cost
Black and white photocopying – A4	20c
Colour photocopying – A4	80c

2.2 Staff charge out rates

Charges are applicable for a range of services performed by Council staff:

- Processing or review of consents under the Resource Management Act 1991
- Environmental and consent monitoring of:
 - Large-scale activities
 - Permitted activities
 - National Environmental Standards
 - Complaint/Incident response where the complaint is found to be substantiated
- Exercises and training for oil spill exercises and training, standard staff charge out rates apply
- Technical assessments and administration of functions under the Building Act 2004
- Mari-time related incidents
- Provision of commercial or residential property related information, consultation, advice or consent.

Council applies a standardised charge out rate across the organisation of \$185/hour + GST regardless of the staff member (e.g., administration officer, consents or compliance staff member, engineer or manager). Note that this rate also includes mileage fees. Council considers this standardised rate to cover actual and reasonable costs, and is fair in that those who benefit bear the costs (to avoid being subsidised by the general ratepayer).

Description	Hourly rate \$ excluding GST	Hourly rate \$ including GST
Standardised staff charge out rate	\$185	\$212.75
Contractor / External expert	At cost	At cost

Notes:

- Where there is a need for two or more staff to attend a site visit, the costs of all staff will be recovered.
- The charge out rate also includes the cost of mileage.

2.3 Resource consent fees

The following schedule of minimum estimated initial fees is the minimum an applicant can expect to pay. It is required to be paid prior to the processing of the consent commences. The final fee may be greater than this depending on the volume of work and associated costs to obtain the consent.

Description	Minimum estimated initial fee \$ excluding GST	Minimum estimated initial fee \$ including GST
Resource consent applications		
Land use consent and associated consents for dry bed gravel extraction	\$930	\$1,069.50
Land use consent and associated consents for river protection works	\$1,500	\$1,725
Discharge permits for dairy effluent discharges	\$1,500	\$1,725
Land use consent	\$1,500	\$1,725
Land use consent and associated consents for land based alluvial gold mining operations	\$2,240	\$2,576

Description	Minimum estimated initial fee \$ excluding GST	Minimum estimated initial fee \$ including GST
Coastal permits	\$1,500	\$1,725
All other resource consent applications	\$1,500	\$1,725
Consent administration		
Application for a change or cancellation of consent conditions under section 127	\$750	\$862.50
Application for a Certificate of Compliance or an Existing Use Certificate	\$750	\$862.50
Application to extend the lapsing period for a consent	\$750	\$862.50
Transfer of consents from the consent holder to another (payable by the person requesting the transfer)	\$185	\$212.50
Request for a change to consent holders name (payable by the person requesting the change)	\$185	\$212.50
Review of consent conditions under section 128^		
Transfer existing water permit between sites within a catchment		
Non-notified	\$185	\$212.50

^Fees will be charged at cost as per the hourly staff charge-out rate of \$185/hr + GST; or the actual and reasonable external expert cost.

Note: Approved resource consents attract annual charges. Refer Section 2.6.

Hearings		
Hearing costs (per hearing day per committee member) at hourly rates set by the Remuneration Authority* or the actual costs of Independent Commissioners	(Per Remuneration Authority)	
* Determination dated 1 July 2006 of consent hearing fees payable and defining the duties covered by the fee or excluded, currently \$80 per hour (Committee Member) and \$100 per hour (Chairman).		
Requests by applicants and/or submitters for independent commissioner(s) to hear and decide resource consent applications as provided for by S100A(2) of the RMA:		
<ul style="list-style-type: none"> • In cases where only the applicant requests independent commissioner(s), all the costs for the application to be heard and decided will be charged to the applicant. • In cases where one or more submitters requests independent commissioner(s), the Council will charge as follows: <ul style="list-style-type: none"> - The applicant will be charged for the amount that the Council estimates it would cost for the application to be heard and decided if the request for independent commissioner(s) had not been made; and - The requesting submitters will be charged equal shares of any amount by which the cost of the application being heard and decided in accordance with the request exceeds the amount payable by the applicant outlined above. 		
Notwithstanding the above, in cases where the applicant and any submitter(s) request independent commissioner(s) all the costs for the application to be heard and decided will be charged to the applicant.		

Photocopying costs for information provided under the RMA – consents hearings etc.

Per page	\$ excluding GST			
	Colour A4	Colour A3	Black A4	Black A3
	0.80	1.60	0.20	0.40

Note:

- Double-sided is equivalent to two pages.
- Labour costs also to be recovered as per Section 2.2.

2.4 Application to prepare or change a policy statement or plan

Fees are required to be paid at the time of submitting applications.

Description	Minimum estimated initial fee \$ excluding GST
Minimum estimated initial fee required for preparation or change to a plan	\$55,000
Minimum estimated initial fee required for preparation or change to a policy statement	\$55,000

Note: in the event that the charges fixed under this special order are inadequate to enable the Council to recover its actual and reasonable costs for carrying out its functions the Council will render an additional charge pursuant to section 36(3) of the Resource Management Act 1991.

2.5 Building Act 2004

Building consents and certificates of approval

Under section 244 of the Building Act 2004, Council has decided to transfer the Building Act functions for consenting dams to Environment Canterbury. Fees will be charged in accordance with the fees and charges set by Environment Canterbury. All fees and charges for consent processing will be invoiced directly to the applicant by Environment Canterbury.

2.6 Annual charges

Once a resource consent is granted under Section 2.3, an annual consent administration fee is set. Refer to the following table for the Schedule of Annual Charges.

Description	Annual fee \$ excluding GST	Annual fee \$ including GST
Annual consent holder administration fee	\$115	\$132.25
Whitebait stands annual monitoring fee	\$200	\$230
Water takes fixed annual monitoring fee*	\$115	\$132.50

*This fee will apply to anyone that holds a resource consent for the consumptive take of water of 5 litres per second or greater.

Note: These charges cover the annual compliance required for the activity (for example a site visit). If additional staff time is required to address any non-compliance with

consent conditions or additional costs (for example, engineer costs) these will be applied as per Section 2.2.

2.7 Inspection and monitoring charges

Description	Charge \$ excluding GST	Charge \$ including GST
Dairy farm inspection and monitoring set fee	\$750	\$862.50
Small to medium scale mining fixed monitoring fee (includes coal mining, alluvial gold mining, quarries and black sand mining)	\$750	\$862.50
Large scale fixed monitoring mining fee (includes coal mining, alluvial gold mining and quarries)	\$1,120	\$1,288
Forestry operations fixed monitoring fee	\$750	\$862.50
Gravel extraction monitoring fee (exclusive of 2.8 Consented Gravel Take fee)	\$560	\$644
Permitted activity assessment for onsite wastewater (no site visit)	\$300	\$345
Permitted activity assessment for onsite wastewater with site visit	\$560	\$644

Note: Any follow-up site visits due to non-compliance, or inspections not covered by a set fee, will be charged at the officer hourly rate of \$185 + GST.

Any specific water quality testing and/or enforcement action required will be charged in addition to the inspection fee.

2.8 Consented gravel take fee

A fixed annual fee of \$0.25c/m³ per cubic metre on the consented gravel take volume will apply on all consents over 100m³ in volume.

2.9 Maritime activities

		\$ GST exclusive
<p>Maritime Rule Part 130B requires that the operator of an oil transfer site obtain the approval for a site marine oil spill contingency plan from the director of Maritime New Zealand. The power to approve these plans has been delegated by the director to the Chief Executive Officer (sub-delegated to Council employees) of the West Coast Regional Council in an instrument of Delegation pursuant to Section 444(2) of the Maritime Transport Act 1994.</p> <p>A minimum fee will apply.</p> <p>Section 444(2) of the Maritime Transport Act 1994 allows the Council to charge a person a reasonable fee for:</p>		
a.	Approving Tier 1 site marine oil spill contingency plans and any subsequent amendments	\$185/hr
b.	Renewal of Tier 1 site marine oil spill contingency plan, where staff time is less than one hour	\$185/hr
c.	Inspecting Tier 1 sites and any subsequent action taken thereafter in respect of preparation of inspection reports or reporting on non-conformance issues	\$185/hr
<p>Time will be charged at the officers actual recorded time charged at an hourly rate comprising actual employment costs plus a factor to cover administration and general operating costs.</p>		

2.10 Biosecurity

Notice of direction

The time taken in issuing a notice of direction under the Biosecurity Act 1993, will be charged to the owner or occupier at actual recorded time at the relevant hourly staff charge rate as set out in Section 3.2 of this schedule. This includes time related to investigations prior to issuing a notice of direction and in subsequent monitoring for compliance with a notice (refer Section 2.6).

Biosecurity activity	\$ excluding GST	\$ including GST
Notice of Direction – sections 122(1) or 122(2)	No charge	No charge
Notice of Intention to Work on Default Failed to comply with Notice of Direction 122(1) or 122(2) and Default work is able to be carried out by Council	\$185	\$212.75
Inspection fee – for inspections after a chargeable Notice of Direction or after a Notice of Intention to Act on Default	\$185/hr	\$212.75/hr

2.11 Miscellaneous charges

2.11.1 Room hire charge –

Description	\$ excluding GST	\$ including GST
Council Chambers		
- Hourly rate	\$50	\$57.50
- Half day (4 hours)	\$175	\$201.25
- Full day (8:00am – 5:00pm)	\$300	\$345
- After hours rate – per hour	\$60	\$69
Small meeting rooms		
- Hourly rate	\$40	\$46
- Half day (4 hours)	\$125	\$143.75
- Full day (8:00am – 5:00pm)	\$200	\$230
- After hours rate – per hour	\$60	\$69

Bookings will be subject to the availability of a meeting room. Priority will be given to Council business. Council's preference is to use Zoom software for conferencing and our Zoom connectors are able to interface with standard telephone networks and H 232 standards based conferencing facilities. We can also use Skype, Teams or some other systems with prior arrangement. Each room includes quality camera, audio equipment and large single display.

Each room has power, wifi, whiteboard and a kitchen or kitchenette.

2.11.2 Photocopying and printing -

Per page	\$ excluding GST			
	Colour A4	Colour A3	Black A4	Black A3
	0.80	1.60	0.20	0.40

Note:

- Double-sided is equivalent to two pages.
- Labour costs also to be recovered as per Section 2.2.

3. Policies on charging and fees for specific activities and function

3.1 Provision of information and technical advice

The Council recognises that it has a significant advisory and information role. The Council has the right under legislation, to recover the costs of providing certain information.

3.1.1 Information provided under the RMA – consents, hearings etc.

Pursuant to the Local Government Act, and sections 36(1)(e) and (f) of the Resource Management Act, the Council may charge for the provision of information as follows:

3.1.1.1 *Reasonable charges* will be made to cover the costs of making information and documents available, for the provision of technical advice and consultancy services. These costs will include:

1. Staff costs related to making the information available, i.e. the standardised officer fee of \$185 + GST (refer Section 2.2)
2. Any additional costs incurred, for example, photocopying.

3.1.1.2 *Consistency, distance, location* – all time after the first half hour, and any disbursements involved in providing information that confers a private benefit on the recipient(s) shall be recovered by way of invoicing the cost in line with the policy set out above. The policy is consistent with that applied in local government, except when information is requested under the Local Government Official Information Act (refer section 3.1.2).

There is no concession for time or distance travelled by the Council Officer to provide technical information. No such concession is provided by other technical consultants.

Information given provided over the phone is to be treated exactly the same as information provided at an interview.

3.1.1.3 *Advise the cost in advance* – officers must warn the person seeking information in advance, that a cost will be incurred after the first half hour, and the cost per hour to be charged. This process allows the applicant to weigh the value of

his/her requirements, and will effectively control the amount of information sought and deflect frivolous requests.

The provision of information should be charged separately from the cost of processing any future resource application.

3.1.1.4 *Community and environmental groups* – where an organisation clearly gains no economic or private benefit for its members from the information sought, then the free time available is also half an hour, and will be treated on the same basis as requests under the Local Government Official Information and Meetings Act (refer to section 2.1.2) unless a regulation or plan provides otherwise. Additional time and disbursements may be charged for, as a reasonable control mechanism, to avoid frivolous or indulgent requests at the ratepayers' cost. These requests should be referred to a manager for a decision on charging.

3.1.1.5 *Educational information and materials, and consent holders* – when Council officers are involved in Resource Management Act workshops or public promotion aimed at increasing the public's awareness of the Resource Management Act consent procedures, the Councils environmental role, liaison on planning issues etc., there is a benefit to the greater community as well as the people attending. Information provided in this context clearly falls within the educational role of the Council and is not charged for.

3.1.1.6 *Consent holders* – all consent holders are entitled to information arising from the monitoring of their consents, including District Councils and other corporate bodies. Other information sought by District Councils is to be assessed on individual merit and referred to the relevant manager for a decision.

3.1.2 Information provided under the Local Government and Official Information and Meetings Act

The Local Government and Official Information and Meetings Act enables the public to have access to official information held by local authorities because this is good for accountability and effective participation. However, official information and deliberations are protected to the extent that this is consistent with public interest and personal privacy. More information about the Act, including how to make a request for public information and why it may be declined, is on the Office of the Ombudsman's website.

Section 15 of the Act provides for the recovery of the cost of making information available under the Official Information Act. However, there are some exceptions to this, for example, the Council cannot charge the Inland Revenue Department for its information requests. The current charges are set out in Section 2.1 of this User Fees and Charges Schedule.

Note: under section 15(1) of the Official Information Act, Council has 20 working days to make a decision (and communicate it to the requestor) on whether Council is granting or withholding the information, including how the information will be provided and for what cost. Council will also tell the requester that they have the right to seek a review by the Ombudsman of the estimated charge. If the charge is substantial the requester may refine the scope of their request to reduce the charge. Council may request a minimum estimated fee to be paid under the Official Information Act and the 2002 Charging Guidelines issued by the Secretary for Justice. Council will recover the actual costs involved in producing and supplying information of commercial value. In stating Council's fee schedule, Council reserves discretion to waive a fee if the circumstances of the request suggest this is appropriate, for example in the public interest or in cases of hardship.

3.2 Resource Management Act 1991

3.2.1 Introduction

Under Section 36(1) of the Resource Management Act 1991, the Council may charge for costs associated with the following:

1. Processing resource consent applications, including requests made by applicants or submitters under Section 100A of the Act.
2. Reviews of consent conditions (including under Section 128 of the Act)
3. Processing applications for certificates of compliance and existing use certificates
4. The administration and monitoring of resource consents
5. Carrying out state of the environment reporting
6. Applications for the preparation of, or changes to, regional plans or policy statements
7. For providing information in respect of plans and resource consents and the supply of documentation (also refer to Section 2.1.1).

3.2.2 Performance of action pertaining to charges

With regard to all application fees and amounts fixed under Section 36(1) of the RMA, the Council need not perform the action to which the charge relates until the charge has been paid in full (RMA, Section 36AAB(2)), except if section 36(1)(ab)(ii), 36(ad)(ii) or 36(cb)(iv) apply.

3.2.3 Applications for resource consents, reviews of resource consent conditions, certificates of compliance and existing use certificates

3.2.3.1 *Applicants will be charged for the reasonable costs, including disbursements, of receiving and processing applications for resource consents, reviews of resource consent conditions under Sections 127 and 128 of the RMA or certificates of compliance and existing use certificates. These include:*

- a. *Minimum estimated initial fee* on an application as set out in Section 3.3. These minimum charges for resource consent applications are charges ‘fixed’ under Section 36(1) of the RMA (they are therefore not subject to objection rights). All consent processing costs which exceed the minimum estimated initial fee are considered to be additional charges pursuant to Section 36(5) of the RMA and these may be progressively charged on a monthly basis or invoiced at the end of the consenting process. Prior to consideration to the application, the Chief Executive Officer is authorised to require an additional minimum estimated initial fee of up to \$20,000 for complex applications. This fee also applies to the review of consents under section 128 of the RMA.
- b. *Hearings* – the costs of pre-hearing meetings and hearings will be charged to the applicant. The costs of Councillors who are members of hearing committees (panel) will be recovered as determined by the Remuneration Authority. Staff costs and hearing panel members’ fees, or the reasonable costs of independent (non-Councillor) commissioners, at formal hearings will be charged.

Charges relating to joint hearings will be apportioned by the authorities involved, according to which authority has the primary role of organising the hearing.

Where a hearings panel has directed that expert evidence is pre-circulated then all persons who are producing such evidence shall be responsible for providing the prescribed number of copies of such

evidence to the Council. In the event that the Council needs to prepare copies of such evidence the person producing the evidence will be charged for the copying.

Submitters that request that independent hearing commissioners under Section 100a of the RMA will also be charged a portion of the cost of those hearing commissioners in accordance with Section 36(1)(ab).

- c. *External cost disbursements* will also be charged; for example, advertising, legal and consulting advice, laboratory testing, hearing venues and incidental costs.
- d. *Withdrawn applications* are subject to the minimum fees set out in Section 2.3 as appropriate, or the actual costs of the work completed to the date of withdrawal (whichever is greater).

3.2.3.2 *The final costs of processing each resource consent application* will be based on the minimum initial estimated fee, the Standardised Officer rate for any costs above the minimum estimated average fee at the rate set out in Section 2.2 and disbursements. In the event that contractors are used to assist the Council in processing resource consent applications, the actual costs of the contractors will be used in calculating the final costs.

3.2.3.3 *Where an application is for multiple activities involving more than one type of consent*, minimum estimated initial fees are required for each type. However, the Council may determine that there are packages of consent applications that do not require individual minimum estimated initial fees for each consent type.

3.2.3.4 *The consent holder will be invoiced the amount of the minimum estimated fee for reviews of consent conditions* at the time the review is initiated by the Council.

3.2.4 Administration, monitoring and supervision of resource consents

3.2.4.1 *Administration* covers how the Council records and manages the information it has on the resource consents it grants. The Council is obliged to keep “records of each resource consent granted by it” under Section 35(5)(g) of the RMA, which must be “reasonably available [to the public] at its principal office (section 35(3) of the RMA. The Council keeps this information on hard copy files or electronic databases. The costs of operating and maintaining these systems are substantial.

The minimum annual resource consent charge set out in 3.6 recovers some of the costs of administration of resource consents.

3.2.4.2 *Monitoring* is the gathering of information to check consent compliance and to ascertain the environmental effects that arise from the exercise of resource consents. The Council is obliged to monitor “the exercise of the resource consents that have effect in its region” under Section 35(2)(d) of the RMA.

3.2.4.3 *Supervision* covers functions that the Council may need to carry out in relation to the ongoing management of resource consents. This can include the granting of approvals to plans and other documentation, review and assessment of self-monitoring results provided by the consent holder, provision of monitoring information and reports to consent holders, meetings with consent holders relating to consent compliance and monitoring, and participation in liaison and/or peer review groups established under consent conditions or to address issues relating to the exercise of resource consents.

In determining charges under Section 36 of the RMA, the Council has given consideration to the purpose of the charges and the Council’s functions under the Act. It is considered that consent holders have both the privilege of using resources and responsibilities for any related effects on the environment. It is the Council’s role to ensure that the level of effects is managed, monitored and is acceptable, in terms of sustainable management and the community’s values. The annual charges for administration, monitoring and supervision of resource consents are based on the assumption that those consents will be complied with and exercised in a responsible manner.

Annual resource consent (management) charges will be based on a minimum charge plus charges for consent monitoring and/or supervision undertaken by Council staff. Where appropriate, a portion of costs associated with State of Environment monitoring or resources used by consent holders is also collected, for example, the costs of running Council’s hydrological sites, water quality monitoring networks and associated surveys such as macroinvertebrate and fish monitoring. This particularly applies to water take consents, both surface and groundwater.

3.2.5 Invoicing non-scale fees

3.2.5.1 The majority of large-scale activities or activities with high potential adverse effects (where annual monitoring costs exceed \$1,000 + GST) will be monitored, the results recorded/reported and subsequently invoiced to the consent holder on an actual and reasonable cost basis.

3.2.5.2 Invoices will be generated once the costs of any work have exceeded a prescribed sum. This will be determined by the scale of the activity. Costs will be invoiced in a timely manner during the progress of the work to ensure that large amounts of costs do not accrue, unless otherwise authorised by the consent holder.

3.2.6 Timing

3.2.6.1 Invoicing of consent annual charges will be in the quarter following the adoption of the Long-term Plan or Annual Plan by the Council, or after monitoring of the consent has been undertaken (post billing).

3.2.6.2 In some cases, such as consents relating to short-term activities, invoicing of charges may be deferred until after the Council has completed all, or a significant portion, of its planned monitoring of a consent.

3.2.6.3 Where any resource consent for a new activity is approved during the year and will be liable for future annual charges, the actual costs of monitoring activities will be charged to the consent holder subject to Section 2.2.7.4 below.

3.2.6.4 In any case, where a resource consent expires, or is surrendered, during the course of the year and the activity or use is not ongoing, then the associated annual charge will be based on the actual and reasonable costs of monitoring activities to the date of expiry or surrender, and also the administrative/monitoring costs incurred as a result of the expiry/surrender of the consent.

3.2.6.5 Where a resource consent expires during the course of the year but the activity or use continues and requires a replacement consent, then the annual charges will continue to be applied.

3.2.7 Setting of annual resource consent (monitoring) charges

3.2.7.1 Basis of charges

1. The charges reflect the nature and scale of consented activities. In general, those activities having greater actual or potential effects on the environment require greater supervision and monitoring from the Council. In setting these charges, the Council has duly considered that their purpose is to recover the reasonable costs in relation to the Council's administration, monitoring and supervision of resource consents and for undertaking its functions under Section 35 of the RMA.
2. In respect of the Council's administration role, a standard minimum annual charge will apply to cover some of the costs of operating and maintaining its consents-related information systems.
3. Where appropriate, a proportion of the costs of monitoring the state of environment (Section 35(2)(a)) is incorporated in the charge to the consent holder. In such cases, the Council has had particular regard to Section 36AAA(3)(c), that is, the extent that the monitoring relates to the likely effects of the consent holder's activities or the extent that the likely benefit to consent holders exceeds the likely benefit of the monitoring to the community. The costs to the Council associated with this activity may be shared between consent holder and the community. This recognises that there is value and benefit to the community of work the Council undertakes with respect to monitoring the state of the environment. In the Council's judgement this is a fair and equitable division.
4. To date, a State of Environment charge has been incorporated into the annual charges applying to consents for water takes, known as the water take user charge. With the increased requirements on the Council as a result of the Essential Freshwater Package there is an increasing need to have a separate State of Environment charge associated with water takes of 5 litres per second. This was included in the 2022/23 Annual Plan.
5. A set fee of \$0.25 per cubic metre on the consented gravel take volume will apply to all consents 100m³ or greater to fund monitoring for the broader impacts of gravel takes, for example river cross-sections, beach surveys, research and analysis.

3.2.8 Additional monitoring/supervision charges

3.2.8.1 Where non-compliance with resource consent conditions is encountered, or not programmed, and additional monitoring is necessary, the costs will be recovered in addition to the set annual charge.

3.2.8.2 The purpose of additional supervision charges is to recover costs of additional supervisory work that is required to be undertaken by Council when people, including consent holders, do not act in accordance with their consents or Council's rules relating to resource use.

3.2.8.3 Additional supervision charges relate to those situations where consent conditions are not being met or adverse effects are resulting from the exercise of a consent; or unauthorised activities are being carried out.

3.2.8.4 When consent non-compliance or an unauthorised activity is found, the person is, if possible, given the opportunity to remedy the situation and is informed that costs of additional supervision will be recovered. Such activity may also be subject to infringement notices, enforcement orders or prosecutions.

3.2.8.5 Charges for additional supervision will be calculated on an actual and reasonable basis.

3.2.8.6 The costs that make up the charge will include:

1. Labour costs: Standardised Officer fee (refer Section 2.2) actual recorded time spent, including travel time, in following up the non-compliance matter or unauthorised activity; plus
2. Any sampling and testing costs incurred; plus
3. Any equipment costs (excluding vehicle running costs) associated with the monitoring of the non-compliance; plus
4. Any external costs incurred (e.g. external contractors, hire of clean-up equipment).
5. For consent holders only, no additional supervision charge will applied when the annual charges for their consents are sufficient to cover the costs incurred in following up their consent non-compliance.

3.2.9 Charges for emergency works

Under Section 331 of the RMA, the Council may charge for the costs associated with any emergency works required for the:

1. Prevention or mitigation of adverse environmental effects;
2. Remediation of adverse effects on the environment; or
3. Prevention of the loss of life, injury, or serious damage to property.

The costs charged will be the actual and reasonable costs incurred by Council to do the works.

Charges for labour are outlined in Section 2.2.

3.2.10 Changes in resource consent status

1. Where any resource consent is approved during the year, and will be liable for annual charges, the actual costs of monitoring activities will be charged to the applicant. The annual minimum fee will continue to apply per the Council's policy in section 3.2.7.2.
2. For large-scale activities where a resource consent expires, or is surrendered, during the course of the year and the activity or use is not ongoing, then the associated annual charge will be based on actual and reasonable costs incurred to the date of expiry or surrender, including costs incurred as a result of monitoring and administration activities with the expiry or surrender of the consent. The annual minimum fee will continue to apply.
3. Where a resource consent expires during the course of the year but the activity or use continues and is subject to a replacement process, then the annual charges will continue to apply.

3.2.11 Charges set by regional rules

3.2.11.1 When developing a regional plan, the Council may create regional rules to prohibit, regulate or allow activities. These rules may specify permitted activities, controlled activities, discretionary activities, non-complying activities, prohibited activities and restricted coastal activities.

3.2.11.2 Permitted activities are allowed by a regional plan without a resource consent, if the activity complies with any conditions, which may have been specified in the plan. Conditions on a resource consent may be set in relation to any matters outlined in Section 108 of the RMA. They may include a specific condition relating to a financial contribution (cash, land, works and services) for any purpose specified in a plan.

3.2.11.3 The Council therefore reserves the right to set other charges pursuant to regional rates in regional plans. These charges will include staff costs for giving evidence in a New Zealand court; matters pertaining to actions required under the Maritime Transport Act 1994 or Biosecurity Act and any other regulated

activities. Any new charges would be notified through the public process required for a regional plan prior to its approval.

3.2.11.4 Actual and reasonable costs will be charged for fees set by regional rules. These costs include:

1. Staff costs – officers actual recorded time at the standardised rate
2. Hearings – the costs of pre-hearing meetings and hearings will be charged to the applicant. Council members’ hearing costs will be recovered as determined by the Remuneration Authority. Staff costs and committee members’ fees or the actual costs of independent commissioners at formal hearings will be charged.
3. For applications relating to restricted coastal activities, the applicant will also be charged the Council’s costs of the Minister of Conservation’s representative. Charges related to joint hearings will be apportioned by the authorities involved, according to which authority has the primary role of organizing the hearing.
4. External costs, disbursements, are additional to the above charges, for example advertising, consulting and legal advice, laboratory testing, hearing venues and incidental costs.

3.2.12 Preparing or changing a policy statement or plan

3.2.12.1 Any person may apply to the Council for the preparation or change to a regional plan. Any Minister of the Crown or any territorial authority of the region may request a change to a policy statement.

3.2.12.2 When considering whether costs should be borne by the applicant, shared with the Council, or borne fully by the Council, the following will be taken into account:

1. The underlying reason for the change; and
2. The extent to which the applicant will benefit; and
3. The extent to which the general community will benefit.

3.2.12.3 For the receipt and assessment of any application to prepare or change a policy statement or plan, actual and reasonable costs will be recovered. The charging policies are outlined below:

1. All applicants will be required to pay a minimum estimated initial fee set out in Section 2.3 based on the expected costs of receiving and assessing the application, up to but not including the costs of public notification. Actual and reasonable costs based on the hourly rate set out in Section 2.2 and

disbursements will be included in the minimum estimated initial fee. Any additional costs incurred in processing the application will be invoiced to the applicant.

2. For any action required to implement a decision to proceed with the preparation or change to a policy statement of plan, a minimum estimated initial fee as set out in Section 2.4 shall be made for the costs of public notification. This will be followed by a case-by-case assessment of where the costs shall fall. Any costs charged will be invoiced monthly from the date of public notification.

Prior to public notification, an estimate of total costs will be given to the applicant. The applicant will have the option of withdrawing the request on receipt of notice of the estimated costs.

Withdrawn requests are subject to payment of the actual and reasonable costs of relevant work completed to the date of withdrawal.

3.2.13 National Environmental Standards for Plantation Forestry

Under regulation 106 of the National Environmental Standards for plantation forestry, the Council may charge for monitoring of permitted activities specified by regulations 24, 37, 51 and 63(2) of the standards. This monitoring will be charged in accordance with sections 1.1 and 1.2 of this charging document. Charges will cover the travel and inspection time of the officer(s) undertaking the inspection (as per Section 2.2), as well as any sampling costs where required.

3.2.14 National Environmental Standards for Freshwater

Under Part 4 of the standard, the Council may charge for monitoring of permitted activities covered by the Standard. These will be charged in accordance with Sections 1.1 and 1.2 of this charging document. Charges will cover the travel and inspection time of the officer(s) undertaking the inspection (as per Section 2.2) as well as any sampling costs where required.

3.3 Local Government Act 2002 (land and resources)

The charges for the following Council activities/services have been set according to Section 105 of the Local Government Act:

3.3.1 Monitoring/inspections of permitted activities

Charges are payable to recover the costs of inspections of permitted activities to determine compliance with the permitted activity rules in the regional plans. The inspections are conducted in a manner for Council to carry out its functions and responsibilities under Sections 30, 35 and 36 of the RMA.

3.3.1.1 Inspections for farm dairy effluent discharges, small-medium and large scale mining operations, and forestry activities

1. Actual and reasonable cost of any specific water quality testing and/or time spent on enforcement action required will be charged in addition to the cost of site visit/inspection.
2. Where there is a need for two officers to attend, the cost of both officers will be recovered.
3. The charges are listed in Section 2.6.

3.3.1.2 Other permitted activities

1. The costs of the site visit/inspections, plus the reasonable cost of any specific water quality testing and/or enforcement action required will be charged.
2. The costs of monitoring RMA regulations that do not specifically provide for cost recovery will be charged at actual staff times as set out in Section 2.2.

3.3.2 Environmental incidents

Where a person (or persons) carries out an activity in a manner that does not comply with Sections 9, 12, 13, 14, 15, 315, 323, 328 or 329 of the RMA, Council will charge that person (or persons) for the actual and reasonable cost of any inspection/investigation it undertakes in relation to the activity. This cost may include:

1. Time spent by Council staff identifying and confirming the activity is taking or has taken place.
2. Time spent by Council staff identifying and confirming the person(s) responsible for causing or allowing the activity to take place or to have taken place.
3. Time spent by Council staff alerting and informing the person(s) of their responsibilities in relation to the activity, including any guidance or advice as to how any adverse effects of the activity might be managed.
4. Costs of any specific testing of samples taken.
5. Costs of professional services contracted to assist in the inspection/investigation of the activity.

6. Clean up costs and materials.

Where an incident occurs on a site that 'holds' a resource consent and a breach of consent conditions is confirmed, then this section does not apply. Any actual and reasonable costs incurred in the investigation of the incident will be recovered as additional consent monitoring charges.

3.3.3 Investigation of land for the purposes of identifying and monitoring contaminated land

The Council is responsible for identifying and monitoring contaminated land under Section 30(1)(ca) of the RMA. Council will recover the costs of inspection. This may include:

1. Actual time spent by Council staff undertaking any site visit (including preparation, travel, time on site, administration and any required follow-up activity) (refer Section 2.2).
2. Costs of any specific testing of samples taken.

3.4 Maritime activities

3.4.1 Charges for maritime-related incidents (Local Government Act 2002)

These charges are made to recover the costs incurred by the Council as a result of staff responding to any incident that causes or may have the potential to cause, adverse environmental effects. The response action taken by Council staff may include, but will not be limited to, monitoring, inspection, investigation, clean-up, removal, mitigation and remediation works. Actual costs for consumables, plant and equipment used/hired during a response will also be charged in addition to staff hours (as set out in Section 2.2) as appropriate.

3.4.2 Charges for Marine Tier 1 oil transfer sites (Maritime Transport Act 1994)

3.4.2.1 Maritime Rule Part 130B requires that the operator of an oil transfer site obtain the approval for a site marine oil spill contingency plan from the Director of Maritime New Zealand. The power to approve these plans has been delegated from the Director of Maritime New Zealand. The power to approve these plans has been delegated by the Director to the Chief Executive Officer (sub-delegated to Council employees) of the West Coast Regional Council in an Instrument of Delegation pursuant to Section 444(2) of the Maritime Transport Act 1994.

3.4.2.2 Section 444(2) of the Maritime Transport Act 1994 allows the Council to charge a person a reasonable fee for:

1. Approving Tier 1 site marine oil spill contingency plans and any subsequent amendments.
2. Inspecting Tier 1 sites and any subsequent action taken thereafter in respect of preparation on inspection reports or reporting non-conformance issues.

3.4.2.3 Fee – the Council will charge an officers actual recorded time charged at the standardised hourly rate as set out in Section 2.2.

3.5 Building Act 2004

3.5.1 Dams

Under section 244 of the Building Act 2004, Council has decided to transfer the Building Act function for consenting dams to Environment Canterbury. Fees will be charged in accordance with the Fees and Charges policy set by Environment Canterbury. All fees and charges for consent processing will be invoiced directly to the applicant by Environment Canterbury.

3.6 Biosecurity Act 1993

3.6.1 Regional Pest Management Plan

3.6.1.1 Section 135 of the Biosecurity Act provides regional councils with options to recover the costs of administering the Act and performing the functions, powers and duties under a pest management plan or pathway management plan. This recovery must be in accordance with the principles of equity and efficiency. Section 135 of the Biosecurity Act authorises the recovery of costs by such methods that they believe to be the most suitable and equitable in the circumstances, including fixed charges, estimated charges, actual and reasonable charges, refundable or non-refundable deposit paid before the provision of the service, charges imposed on users of services or third parties, and cost recovery in the event of non-compliance with a legal direction.

3.6.1.2 Request for work

An authorised person may request any occupier to carry out specified works or measures for the purposes of eradicating or preventing the spread of any pest in accordance with the West Coast Regional Pest Management Plan.

3.6.1.3 Legal directions

An authorised person may issue a legal direction to any occupier to carry out specified works or measures for the purposes of eradicating or preventing the spread of any pest in accordance with the West Coast Regional Pest Management Plan. The legal direction shall be issued under Section 122 of the Biosecurity Act and specify the following matters:

1. The place in respect of which works or measures are required to be undertaken;
2. The pest for which the works or measures are required;
3. Works or measures to be undertaken to meet the occupier's obligations;
4. The time within which the works or measures are to be undertaken;
5. Action that may be undertaken by the management agency (generally the Council) if the occupier or occupiers fail to comply with any part of the direction;
6. The name, address, telephone number and email address of the management agency and the name of the authorised person issuing the legal direction.

3.6.1.4 Failure to comply with a legal direction

Where a legal direction has been given to an occupier under the West Coast Regional Pest Management Plan, and the occupier has not complied with the requirements of the legal direction within the time specified, then the Council may enter onto the place specified in the legal direction and carry out, or cause to be carried out, the works or measures specified in the legal direction, or such other works or measures as are reasonably necessary or appropriate for the purpose of giving effect to the requirements of the legal direction.

3.6.1.5 Recovery of costs incurred by the management agency

Where the Council undertakes works or measures for the purposes of giving effect to the requirements of a request for work or a legal direction, it shall recover the costs incurred from the occupier pursuant to Sections 128 and 129 of the Biosecurity Act and may register the debt as a charge against the certificate of title for the land. Refer to Section 2.2 for the fee structure covering Staff costs.

3.6.1.6 Failure to pay

Section 136 of the Biosecurity Act provides for regional councils with the ability to apply a penalty to charges under the Biosecurity Act that remain unpaid for more than 20 working days since the charge was demanded in writing. Council will apply a penalty of 10% of unpaid charges to the debt incurred, after a period

of 20 working days from the due date stated on the original invoice. In addition to this, 10% will be applied for every completed period of six calendar months that the debt remains unpaid (six-month period will be calculated from the 21st day of the charge remaining unpaid).