

# Statement of Proposal

## Fees and Charges for functions under the Food Act 2014 and the Resource Management Act 1991

May 2017

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# Statement of Proposal

## Proposed Fees and charges for functions under the Food Act and Resource Management Act

### *Reasons for the Proposal*

Waitomo District Council sets fees and charges for the provision of certain goods and services to the community.

We apply user fees and charges to fund the operating expenses of activities where the people who benefit can be directly identified and charged. This is a 'user-pays' basis to ensure equity so that people who directly get the benefit of a service pay for the service as well.

Council has carried out an annual review of the fees and charges which provides the opportunity to reflect changing circumstances in the operating environment. A review of the existing fees and charges (2016/17) has been completed which has resulted in some changes to the fees and charges proposed for the 2017/18 year.

Council is seeking public feedback on proposed changes to fees for functions under the Food Act 2014 (the Food Act) and the Resource Management Act 1991 (the Resource Management Act).

### *Council's Revenue and Financing Policy*

When setting the fees and charges a number of considerations are kept in mind, including indirect benefit to the community, distribution of benefits and ability to pay. These considerations are explained in full in Council's Revenue and Financing Policy.

Council's Revenue and Financing Policy provides information on funding sources that are available to Waitomo District Council and provides the rationale for the use of each funding source. Fees and charges are a legitimate source of funding activities (or parts of activities).

Fees and charges are set according to Council's Revenue and Financing Policy where:

- It is assessed that the level of benefit to identified user groups justifies the seeking of charges; and
- There are identifiable and distinct user groups identified by Council's Revenue and Financing Policy; and
- User fees represent the fairest method to seek a contribution from identified users.

The Revenue and Financing Policy includes the percentage of fees and charges Council aspires to collect for the relevant activity. The actual fees and charges collected by Council will vary dependent on a number of external factors.

### *Key Matters*

#### **1. Proposed fees and charges for functions under the Food Act**

The Food Act 2014 set up a new regime for licensed food premises to comply with, and Council was required to implement this within its fees and charges. Before it set the new fees in the 2016/17 year, Council undertook a consultation and heard from the community. As a result of community feedback, changes were made to the proposal, and the new licence regime was implemented.

Now that the new licensing regime has been in place for a year, Council is able to refine the fees and charges to better reflect the actual costs of the new regime to Council, and to provide a fairer and more transparent fee structure to food premises in the district.

Some of the existing charges have been increased to better reflect actual processing times, and two new fees have been added – a charge for providing copies of documentation, and a cancellation fee.

Some services take less time for Council to process than others and the proposed changes to the application fees reflect this.

There is also a proposed addition of an hourly rate after the first hour. This will mean straightforward applications will be cheaper than applications which are more complex, or require Council to spend more time processing (for example, if an application is incomplete).

<b>Proposed fees and charges for functions under the Food Act 2014</b>	
<b>Description</b>	<b>Proposed 2017/18 fee or charge (\$)</b>
All administration and verification activities including annual verification, reporting, non conformance visits and any activity not specified in the schedule below	160.00 per hour
Application for new registration of Template Food Control Plan	180.00 (plus hourly rate of 160 after the first hour)
Application for renewal of registration of Template Food Control Plan	160.00 (plus hourly rate of 160 after the first hour)
Application for amendment of registration of Template Food Control Plan	160.00 (plus hourly rate of 160 after the first hour)
Voluntary suspension of Template Food Control Plan	85.00 (plus hourly rate of 160 after the first hour)
Application for new registration of premises under a National Programme	120.00 (plus hourly rate of 160 after the first hour)
Application for renewal of registration of premises under a National Programme	110.00 (plus hourly rate of 160 after the first hour)
Voluntary suspension of National Programme	85.00 (plus hourly rate of 160 after the first hour)
Issue of improvement notice, or review of an improvement notice	150.00 (plus hourly rate of 160 after the first hour)
Application for statement of compliance	150.00 (plus hourly rate of 160 after the first hour)
Copy of Food Control Plan folder and documents	25.00
Cancellation of an audit or verification within 24 hours of the scheduled date and time of audit	100.00

## 2. Fees and charges for functions under the RMA

Council is proposing a new structure for its fees and charges under the Resource Management Act. The new proposed structure outlines deposits, fixed fees and other recoverable expenses to make it clear from the outset the types of costs an applicant can expect for each type of application or service. It makes the true costs of services clearer for applicants, and provides Council the ability to recover fair costs for the services.

These fees and charges better reflect the actual costs Council incurs in providing these services, to ensure the ratepayer does not unfairly subsidise a service from which a specific user benefits.

Explanatory notes have been included which provides additional guidance for applicants.

### *Deposit charges*

Throughout the tables below, there is reference to 'deposits'. Deposit charges are levied at the start of the application and are payable at the time an application is submitted to Council for processing. The changes to these charges across the different sections all reflect this reason.

In proposing changes to deposit charges, the actual charges and costs incurred by applicants over the 2016/17 year were reviewed. The increases proposed below for deposit charges therefore better reflect the average actual cost to process applications.

There will be instances where an application may cost less than the deposit charge and in these instances a refund will occur. If a consent costs more to process than the deposit charge, the balance will be invoiced to the applicant.

<b>Proposed Resource Management fees</b>		
To be read in conjunction with the explanatory note for Resource Management fees and charges, found below.		
<b>Description</b>		<b>Proposed 2017/18 fee or charge (\$)</b>
<b>General</b>		
Pre application	Pre application meeting	Actual staff time
Lodgement meeting	To lodge any consent	Actual staff time
Pre-hearing meeting	For any meeting or mediation held (s99)	Actual staff time
Joint subdivision and landuse	For any joint subdivision and landuse consent application	Deposit 4,500 .00
Limited notified consent	<b>Any</b> resource consent that requires limited notification	Deposit 6,500 .00
Notified consent	<b>Any</b> resource consent that requires public notification	Deposit 10,000 .00
<b>Land use consents</b>		
Non notified	All land use consents, except as otherwise provided below	Deposit 1,000 .00
Non notified	Boundary dispensation (side yard only)	Deposit 600.00
<b>Subdivision consents</b>		
Non notified	creating 9 lots or less where no road/reserves proposed	Deposit 2,500.00
Non notified	creating 10 lots or more, or any subdivision where a road/reserve is proposed	Deposit 3,500.00
<b>Subdivision processes (post approval)</b>		
Section 223 certification		250.00

<b>Proposed Resource Management fees</b>		
To be read in conjunction with the explanatory note for Resource Management fees and charges, found below.		
<b>Description</b>		<b>Proposed 2017/18 fee or charge (\$)</b>
Section 224C certification		250.00
Section 241	Cancellation/partial cancellation of amalgamation condition	Fixed 450.00
Section 221	Consent notice - preparation, authorisation, change or cancellation	Fixed 250.00
Cross lease	Amendments to flats plans	Deposit 600.00
Engineering	For inspections of any works for conditions, including checking engineering plans and any amendments	Actual staff time
<b>Other resource management activities</b>		
Section 127	Application to change or cancel condition(s) of consent (non-notified only, notified consents will be charged the relevant notification fee)	Deposit 1,000.00
Section 125/126	Applications for extensions of consent periods	Deposit 600.00
Section 124	Exercise of resource consent while applying for new consent	Deposit 1,500.00
Section 128-132	Review of consent conditions (non-notified only, notified consents will be charged the relevant notification fee)	Deposit 800.00
Section 134	Transfer of holders interest in a consent (fixed fee)	Deposit 150.00
Section 139A	Existing use right determination	Deposit 2,000.00
Section 138	Application to surrender a resource consent	Deposit 500.00
Section 139	Application for Certificate of Compliance	Deposit 1,000.00
Section 357	Objection pursuant to sections 357(A) or (B)	Deposit 450.00
NES	Confirmation of compliance with National Environmental Standard	Actual staff time
Other	Any application pursuant to the RMA not listed elsewhere	Deposit 1,500.00
<b>Designations</b>		
Public or limited notified	Notice of Requirement for Designation	Deposit 10,000.00
Non-notified	Notice of Requirement for Designation	Deposit 5,000.00
Sections 181, 182	Requirement for alteration or removal/partial removal of designation	Deposit 1,500.00
Section 184/184A	Application to determine designation lapsing	Deposit 2,500.00
Section 180	Transfer of rights and responsibilities for designations	Deposit 1,500.00

<b>Proposed Resource Management fees</b>		
To be read in conjunction with the explanatory note for Resource Management fees and charges, found below.		
<b>Description</b>		<b>Proposed 2017/18 fee or charge (\$)</b>
Sections 177, 178	Request to the requiring authority responsible for an earlier designation. Application to do anything which would prevent or hinder the public work or project	Deposit 600.00
Section 176	Application for outline plan	Deposit 650.00
Section 176A(2)	Waiver of requirement for outline plan	Deposit 150.00
<b>Heritage orders</b>		
Sections 189/189A, 196, 177	Requirement for a heritage order. Requirement for removal of heritage order. Request to requiring authority responsible for the earlier heritage order.	Deposit 1,500.00
<b>Plan Change application (to amend the District Plan)</b>		
1st schedule	Processing, considering and determining a private plan change application.	Deposit 30,000.00
<b>Compliance and monitoring</b>		
General	Administration, review, correspondence.	Actual staff time
Inspections (excluding engineering)	To monitor progress with giving effect to any resource consent, and compliance with consent conditions.	150 per inspection
Engineering	For any inspection required.	Actual staff time
<b>Miscellaneous charges</b>		
Legal instruments	Search for easement documents, covenants, encumbrances, or any other document registered on Certificates of Title.	Actual staff time + LINZ costs
Affixing council's seal/authorising document	For administrative costs incurred in affixing council's seal and/or signature to any document where a charge is not otherwise listed.	Fixed 170.00
Variation/cancellations	Variation or cancellation of any legal document/instrument not otherwise listed.	Fixed 450.00
Public notice	Costs associated with public notices.	Actual staff time + advertisement fees
Signs	Affixing signs on site.	Fixed 35 per sign
Delegated approvals	Staff decision on application, acting under delegated authority.	Actual staff time
Bonds – excluding engineering	Preparation, release and signing of any bond (excluding engineering).	Fixed 300.00

<b>Proposed Resource Management fees</b>		
To be read in conjunction with the explanatory note for Resource Management fees and charges, found below.		
<b>Description</b>		<b>Proposed 2017/18 fee or charge (\$)</b>
Bonds - engineering	Preparation, release and signing of any bond - engineering (roading and servicing works).	Fixed 400.00
Consultants	The applicant will reimburse council for any fees paid by council to any consultants.	Actual consultant costs + actual costs
Noise control	For the return of equipment seized under the RMA.	Fixed 180.00
<b>Hearings</b>		
Attendance	A charge will be made for the costs of all staff and/or consultants required to attend a hearing.	Actual staff/consultant time
Hearing by commissioner	Where independent commissioners preside.	Actual costs
Hearing by Council	A charge will be made per councillor, including time spent on site visits.	260 + 204 for each 1/2 hour or part thereof
Postponement/withdrawal or cancellation	If the applicant fails to give a minimum of 5 working days written notice of a request for cancellation, withdrawal or postponement of a scheduled hearing.	Actual costs
Venue	Hiring a venue for the hearing	Actual costs
<b>Request for information/supply of resource management documents</b>		
Providing general advice	Providing advice and considering proposed applications.	Actual staff time
Providing information	Any request to provide information in respect of the District Plan or any consent.	Actual staff time
Providing copies	Copying information relating to consents and Council's functions under section 35 of RMA and the supply of any document.	Actual staff time + photocopying costs
Waitomo District Plan	Full printed copy of text and planning maps.	150.00 per copy
Photocopying – charged as per Council's corporate rate		
<b>Officer's hourly charge out rates</b>		
Waitomo District Council staff member		180.00 per hour
Consultant		Actual costs
<b>Mileage</b>		
For each kilometre travelled		1.20 per km
<b>Hazardous Activities and Industries List (HAIL) determinations</b>		
Investigation fee		Fixed 80.00

**Resource management fees and charges – explanatory note**

These fees and charges become operative on 1 July 2017 and will apply for all work carried out and decisions issued on or after 1 July 2017, irrespective of when the application was lodged with the Council.

**Fixed charges**

1. The charges set out in this schedule are charges which are fixed pursuant to Section 36 of the Resource Management Act 1991 (RMA).

All such charges are stated inclusive of GST at 15%, however should the GST rate be amended, GST will be charged at the prevailing rate.

2. All fixed charges are payable in full in advance. Pursuant to Section 36(7) of the RMA, the Council will not perform the action or commence processing the application to which the charge relates until it has been so paid.

**Note:** Documentation or certificates will not be issued until payment of charges have been cleared.

**Additional charges**

Where a fixed charge is in any particular case inadequate to enable the Council to recover its actual and reasonable costs in respect of the matter concerned, the Council will require the applicant to pay an additional charge to the Council.

The following may also be included as additional charges:

- a) If it is necessary for the services of a consultant to be engaged by the Council (including their attendance at any hearing or meeting) then the consultant's fees will be charged in full to the applicant as an additional charge;
- b) If any legal fees are incurred by the Council in relation to legal advice obtained for any particular application, including any fees incurred if Council's solicitor is required to be present at any hearing, mediations or meetings, these fees will be charged in full to the applicant as an additional charge;
- c) If any Commissioner hearing fees and associated costs are incurred in considering and determining any particular application, these fees will be charged in full to the applicant as an additional charge.

**Purpose**

The purpose of each fixed charge and any additional charge is to recover the actual and reasonable costs incurred by the Council in receiving and processing applications and in issuing decisions and monitoring performance of conditions.

**Charge-out rates for council officers and mileage**

Charge out rates for Council officers are set out in this schedule and:

- a) Are fixed charges;
- b) If reference is made in the schedule to actual staff time, it will be charged in accordance with the relevant hourly charge-out rates;
- c) The charge-out rates for Council officers and for mileage will apply to all matters listed in the Schedule so that:
  - o if the fixed charge which has been paid in advance is greater by more than \$20.00 than the actual and reasonable costs incurred by the Council relating to that application, a refund will be given when those costs are finally assessed; and



- if the actual and reasonable costs incurred by the Council relating to that application are inadequate to enable the Council to recover its actual and reasonable costs then additional charges calculated for staff time at the same rate will be payable (as well as any other items of additional charge which may have been incurred).

**Additional fixed fees**

At any time after the receipt of an application and before a decision has been made the Council may fix a fee pursuant to Section 36(1) of the RMA which is in excess of the fixed charge set out in this schedule.

In that event:

- a) The Council may require that no further action will be taken in connection with the application until that fixed fee is paid in accordance with Section 36(7) of the RMA; and
- b) May also, pursuant to Section 36(3) of the RMA make additional charges.

**Remission of fees**

Staff with delegated authority may decide to reduce any charges following the criteria of Section 36(4)(b) of the RMA.

## **Consultation and Submissions**

Council is using the Special Consultative Procedure set out in section 83 of the Local Government Act 2002 through consultation, decision making, and adoption of these fees and charges.

Anyone can make a submission and we encourage you to tell us your views. A submission form is attached to this document.

This Statement of Proposal is available on Council's website [www.waitomo.govt.nz/haveyoursay](http://www.waitomo.govt.nz/haveyoursay), or alternatively, hard copies are available from:

- Waitomo District Library,
- Te Kuiti i-SITE, and
- Main reception Queen Street, Te Kuiti.

For any queries, please phone 07 878 0800.

When you complete the submission form included in this document or write to us, please indicate if you wish to speak at the hearing, which is scheduled for Wednesday 7 June from 1pm in the Council Chambers.

### **Consultation will take place from Thursday 4 May 2017 until 5pm on Friday 2 June 2017.**

Submissions may be submitted to Council by post, hand delivery or email.

Details of each of these methods are as follows:

- **Email:** [consultation@waitomo.govt.nz](mailto:consultation@waitomo.govt.nz)
- **Post:**  
Waitomo District Council,  
PO Box 404,  
Te Kuiti 3941
- **Hand Delivery:**  
Waitomo District Council, Queen Street, Te Kuiti

## **Key Dates**

<b>Key Milestone</b>	<b>Planned timeframe</b>
<b>Council Meeting</b> to adopt the proposed changes to the 2017/18 fees and charges under the Food Act and the Resource Management Act for public consultation	Tuesday 2 May 2017
<b>Consultation Period</b>	Thursday 4 May 2017 – Friday 2 June 2017
<b>Hearing</b> of submitters who wish to speak to their submission	Wednesday 7 June 2017
<b>Council Meeting</b> to make decisions (deliberate) and adopt the 2017/18 fees and charges under the Food Act and the Resource Management Act	Tuesday 27 June 2017

**Remember, submissions close at 5pm on Friday 2 June 2017.**

# Submission Form

## Proposed 2017/18 fees and charges for functions under the Food Act and Resource Management Act

**Submissions close 5pm Friday 2 June 2017**

Sub No.

*For office use only*

Name: \_\_\_\_\_

Postal Address: \_\_\_\_\_  
\_\_\_\_\_

Email Address: \_\_\_\_\_

Phone No: \_\_\_\_\_ Mobile Phone: \_\_\_\_\_

**Council intends to hear submissions on Wednesday 7 June 2017 from 1pm in the Council Chambers.**

Do you wish to speak to Council at the hearing about your submission?

Yes

No

***If you do not tick yes, we will assume that you do not wish to attend the hearing.***

Please note that all information contained in submissions will become public documents.

**Waitomo District Council are proposing to make changes to our 2017/18 fees and charges for functions under the Food Act and the Resource Management Act and are seeking your views. Please tell us what you think:**

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I have attached additional pages to my submission form