

# Have your say

## Whakaputa i ō whakaaro



*Statement of Proposal: Proposed Changes to Bay of Plenty Regional Council's Resource Management Act Charges*





# 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 Resource Management Act and Building Act Charges Policy (“Charges Policy”) sets out our charges under these Acts.*

Every year we review the Council Charges Policy. Last year we carried out a more in-depth review to ensure the charges reflect the true cost of carrying out our work under the RMA. This year, the proposed changes are less extensive but do include the second stage of the increase to the data and science charges. This two-stage increase was consulted on last year, and the first stage was implemented in 2018/19. The other main proposals are an inflationary increase of 1.024% to all fixed charges and, in response to consent holder feedback, exempting low-risk on-site effluent treatment systems from the annual administration charge unless an inspection is carried out.

This document, the Statement of Proposal, outlines the changes we propose to our charges. We also considered the option of limiting the changes to just increasing the charges to reflect inflation, as we have done in previous years. This would have meant only a small increase in costs to consent holders and applicants. However it would also have meant either reducing the level of service we provide or covering the additional costs through our general funds, paid by all ratepayers. We did not consider either of these options to be fair or equitable. Because we need to take into account the increased cost of performing our RMA functions, particularly in the data and science areas, Council considered that retaining the existing RMA charges was not a sustainable option. The charges could also be changed in other ways, for example, to reflect other priorities and drivers. But Council considers that its preferred option best supports its work programme going forward and results in charges that are fair and equitable. The preferred option also allows the community to give feedback on specific proposals.

We are currently seeking feedback on these changes and we want to know what you think. Council will receive your feedback through written submissions and the ‘Have Your Say’ events in late April/ May. The charges set will be in the Resource Management Act and Building Charges Policy 2019/20 which will be finalised in June 2019.

Please see [www.boprc.govt.nz/feesandcharges](http://www.boprc.govt.nz/feesandcharges) for the supporting information documents which contain a full list of the RMA charges, including the proposed changes, along with the ‘Resource Management Act Charges Analysis’ which explains how the classes of charges meet the criteria specified in the RMA.

For information about how to give feedback please see pages 3 and 12 of this document.

***Submissions close at 4:00 pm, 6 May 2019.***

# How can you have your say

We're consulting on the proposed changes to our charges between 18 March and 6 May 2019, in parallel with the consultation on our Annual Plan (details are available at [www.boprc.govt.nz/annualplan](http://www.boprc.govt.nz/annualplan)).

You can provide a written submission on the proposals outlined in this consultation document at any time during the consultation period using our online form at [www.boprc.govt.nz/feesandcharges](http://www.boprc.govt.nz/feesandcharges) by email to [feesandcharges@boprc.govt.nz](mailto:feesandcharges@boprc.govt.nz) or by using the submission form attached to this document on page 13. You can also present your views in person to Councillors at our 'Have your Say' community events.

**Have your say** – Towards the end April we'll be holding four 'Have Your Say' events as part of the Annual Plan consultation process. These are an opportunity for you to come together with other members of the community, in a café style environment, to discuss the issues, including the proposed RMA charges, in more depth with Councillors – face-to-face. You will also be able to make submissions at the events. These are being held instead of formal hearings. A list of where we will be and when we will be available is on our website at [www.boprc.govt.nz/annualplan](http://www.boprc.govt.nz/annualplan)

Once consultation has closed on 6 May 2019, Councillors will discuss all the feedback received and make some decisions about what changes to make to our RMA charges. These decisions will be made public and we will set the charges in our Resource Management Act and Building Charges Policy 2019/20 which will be finalised in June 2019.

If you have any questions about the submission process, please contact the Corporate Planning team on **0800 884 880**.

*Submissions must be received by 4:00 pm, 6 May 2019.*

**Have your say**  
18 March to 6 May

**Deliberations**  
Early June 2019

**RMA charges set**  
Late June 2019

*We want to hear from you!*



# 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.*

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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 are reviewed annually. This year we are proposing some minor updates and improvements to our charges along with an inflationary increase of 1.024% on our fixed charges.*

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**The key changes proposed are summarised as follows:**

## **APPLICATION CHARGES FOR RESOURCE CONSENTS**

- Include an additional category in Tier 2 of the general resource consent application deposits as follows: 'Review of consent conditions (deposit fee is payable by the 20<sup>th</sup> of the month following service of notice by Council)'.

## **ANNUAL CONSENT CHARGES - ADMINISTRATION CHARGE**

- Exempt low-risk onsite wastewater (low-risk OSET) consents from the annual administration charge unless an inspection has been carried out.
- Adjust the wording in Table 10 of the Charges Policy to provide for a general exemption from the annual administration charge for low risk activities with an inspection frequency of 10 years or more.

## **ANNUAL CONSENT CHARGES - COMPLIANCE MONITORING CHARGES**

- Include an additional schedule (Schedule 3A) for charges for Monitoring under the National Environmental Standards for Plantation Forestry (NESPF).
- Include an additional compliance monitoring category in Schedule 2A for Composting Facilities (including vermicomposting).
- Change the inspection frequency (to reflect associated risk) of:
  - Landfills - closed (Schedule 1A): from 5 yearly to 3 yearly.
  - Low-risk OSET consents (Schedule 1A): from 8 yearly to 10 yearly.
  - Dredging (Schedule 2A): from 1 yearly to 'as required'.

## **ANNUAL CONSENT CHARGES - DATA AND SCIENCE CHARGES**

- Introduce the second stage of the increase to the data and science charges as proposed in the 2018/19 consultation (Schedules 1B-12B).

## **STAFF TIME**

- Introduce charging of staff time to the nearest 15 minutes, with a minimum charge of 15 minutes.

## **GENERAL**

- Increase the staff charge out rates (Schedule A) by inflation of 1.024% (BERL) and update the associated charges in Tables 2, 7 and 13 and Schedules 1A, 1B-12B accordingly.



# Explanation of proposed changes

*The relevant section number is provided to help you find the detail in the supporting information document.*

## *Application charges for resource consents*

### **APPLICATION CHARGES FOR NON-NOTIFIED RESOURCE CONSENTS (SUPPORTING INFORMATION DOCUMENT SECTION 2.1.2)**

Last year, we introduced a three tier structure to our resource consent application deposits in order to provide greater transparency and give consent applicants a more realistic price expectation for a particular type of consent.

This year, in order to provide greater clarity around the specific category relating to ‘Changes, cancellation or review of consent conditions’ in Tier 2, it is proposed to split this category into two as follows:

<i>Current wording (2018/19 policy)</i>	<i>Proposed wording (highlighted)</i>
<p><i>Tier 2</i></p> <ul style="list-style-type: none"> <li>• Onsite effluent discharge (septic tanks)</li> <li>• Discharge farm dairy effluent</li> <li>• Remediation of contaminated land</li> <li>• Multiple bores (more than three)</li> <li>• Changes, cancellation or review of consent conditions</li> <li>• Transfer of consent to another site or another person at another site</li> </ul>	<p><i>Tier 2</i></p> <ul style="list-style-type: none"> <li>• Onsite effluent discharge (septic tanks)</li> <li>• Discharge farm dairy effluent</li> <li>• Remediation of contaminated land</li> <li>• Multiple bores (more than three)</li> <li>• <b>Changes to or cancellation of consent conditions</b></li> <li>• <b>Review of consent conditions (deposit fee is payable by the 20<sup>th</sup> of the month following service of notice by Council)</b></li> <li>• Transfer of consent to another site or another person at another site</li> </ul>

## Annual consent charges: Administration charge

(SUPPORTING INFORMATION DOCUMENT SECTION 2.4.1)

### EXEMPTIONS FOR LOW RISK CONSENTS

Exemptions from application charges and zero fee activities are provided in Table 10 (page 6) of the current Charges Policy, as follows:

<i>Consent category</i>	<i>Exempt from</i>
Long term consents for structures, reclamations or diversions in the Coastal Marine Area, rivers and lakes unless an inspection has been carried out (in which case the consent holder is charged as per Schedule 1A or 2A).	Administration charge
“Consequential” consents such as the discharge permit in an activity that involves a diversion and discharge, or the discharge permit in an activity that involves taking and discharging water (e.g. to heat a pool). To qualify, the “consequential” consent must occur as a natural consequence of the primary activity and have no significant environmental effect compared to the primary consent.	Administration charge

It is proposed to change the wording of the first exemption (which is currently specific to long term consents for structures, reclamations or diversions in the Coastal Marine Area, rivers and lakes) to create a general exemption for low risk consents (those with an inspection frequency of 10 years or longer). The proposed wording is as follows:

*“Long term consents with an inspection frequency of 10 years or more, unless an inspection has been carried out (in which case the consent holder is charged as per Schedule 1A or 2A)”*

### EXEMPTIONS FOR LOW-RISK ONSITE WASTEWATER CONSENTS

For the 2018/19 Charges Policy, Councillors made the decision to reintroduce the following charges for low-risk onsite wastewater consents (low-risk OSET), which had been exempt for a number of years:

- **Administration charge**
- **Compliance monitoring charges**
- **Data and science charges**

The rationale for reintroducing these charges was on the basis of ensuring the charges were fair and equitable and not placing an unfair burden on the general ratepayer. However, in light of feedback from consent holders, we are proposing to exempt the low-risk OSET consents from the annual administration charge on the same basis as other low risk consents: this means consent holders would only be charged the administration charge in the year that an inspection takes place.



## Annual consent charges: Compliance monitoring charges

### (SUPPORTING INFORMATION DOCUMENT SCHEDULES 1A AND 2A)

Our Regulatory Compliance Team monitor resource consents, undertaking site inspections to ensure the activity complies with the consent requirements and regional plan rules. The compliance monitoring charges are annual charges which cover these inspections as well as day to day contact with individual consent holders, quality checking and filing of monitoring returns and other administrative tasks.

We are proposing some minor changes to the compliance monitoring categories.

### ADDITIONAL COMPLIANCE MONITORING CATEGORY

We are proposing the introduction of an additional category into Schedule 2A for 'Composting facilities (including vermicomposting)'. These consents are currently managed either as minor industrial discharges (3 yearly inspections) with fixed fees under Schedule 1A or as open landfills (6 monthly inspections) with actual and reasonable charges under Schedule 2A. In order to provide consistency and clarity for consent holders, the creation of a dedicated category for these activities is proposed under Schedule 2A (attracting actual and reasonable charges), with a 3 yearly inspection frequency (Table 1).

Compliance category	Code	Inspection frequency	Comments
Composting facilities (including vermicomposting)	Compost	3 yearly	Composting and vermicomposting facilities; careful management required to mitigate odour and stormwater contamination issues.

Table 1: Proposed additional compliance monitoring category

### CHANGES TO INSPECTION FREQUENCIES

We are proposing to change the inspection frequency for three categories: landfills - closed ('Landfill min') and low-risk onsite effluent treatment systems ('OSET LR') in Schedule 1A, and dredging ('Dredge') in Schedule 2A. It is proposed to alter the inspection frequencies to reflect the level of risk associated with these consents (Table 2). We are not proposing changes to the fixed fees specified for landfills - closed and low-risk onsite effluent treatment systems in Schedule 1A, other than by inflation (see general changes on page 12).

Compliance category	Code	2018/2019 frequency	Proposed frequency	Rationale
OSET - low risk	OSET LR	8 yearly	10 yearly	Given the level of risk associated with OSET LR consents, it is considered appropriate that they are inspected on a frequency consistent with other activities deemed to be "low risk".
Landfills - closed	Landfill min	5 yearly	3 yearly	As a result of issues arising with historic landfills in the Bay of Plenty and the risks associated with these sites, it is recommended that they be visited three yearly.
Dredging	Dredge	1 yearly	As required	Inspections for dredging are only required when the activity is taking place (similar to earthworks and forestry consents).

Table 2: Proposed changes to inspection frequencies

## CHANGES TO MONITORING UNDER THE NATIONAL ENVIRONMENTAL STANDARDS FOR PLANTATION FORESTRY

The National Environmental Standards for Plantation Forestry (NESPF) came into effect on 1 May 2018 and apply to commercial forest blocks of more than one hectare. Under regulation 106 of the NESPF, we have responsibility for monitoring permitted activities authorised in the NESPF that address earthworks, river crossings, forestry quarrying and harvesting. Under section 36(1)(cc) of the Resource Management Act 1991, we are authorised to charge for this monitoring.

We are proposing to introduce an additional schedule, 'Schedule 3A', that outlines the charges for the monitoring of these permitted activities on an actual and reasonable basis (Table 3).

Compliance category	Code	Inspection frequency	Comments
Permitted forestry	NESPF	As required	<p>Monitoring of forestry activity which is being undertaken as a permitted activity under the following regulations of the NESPF:</p> <p><b>(a)</b> at the commencement, and for the duration of, earthworks undertaken in accordance with regulation 24;</p> <p><b>(b)</b> during pre-works, construction, and ongoing use and maintenance/removal of river crossings constructed and utilized in accordance with regulation 37;</p> <p><b>(c)</b> at the commencement, and for the duration of, quarrying undertaken in accordance with regulation 51;</p> <p><b>(d)</b> at the commencement, and for the duration of, harvesting undertaken in accordance with regulation 63(2).</p> <p>As a default, inspections during these activities will occur once every 2 months; however, that frequency may increase or decrease, at the compliance officers discretion, depending on the nature of the activity being undertaken, compliance levels and/or risks associated with the site.</p>

Table 3: Proposed schedule of charges for monitoring under the National Environmental Standards for Plantation Forestry

## Annual consent charges: Data and science charges

### (SUPPORTING INFORMATION DOCUMENT SECTION 2.4.3)

Section 35 of the RMA requires us to monitor the state of the whole or any part of the environment, and to undertake or commission research to enable us to effectively carry out our functions under the RMA. The majority of this monitoring and science work is undertaken for the benefit of the wider community and is funded through general funds. However, some of the work is also of benefit to consent holders. The RMA allows Council to recover costs from consent holders for this activity.

Consent holders benefit from our monitoring programme in various ways; it provides the evidence base needed for sound management of natural resources and the information can be used by consent holders to:

- **Prepare monitoring reports;**
- **Help with future consent applications;**
- **Implement conditions on their resource consents.**

Our Data and Science activities help monitor our water, land and air resources through the operation of monitoring sites which measure and monitor water quality, water quantity, air quality and ecosystems. The monitoring data are collected and managed on our databases and website and are also analysed and reported by our scientists. The costs of this monitoring are expected to increase over the next few years due to additional requirements being introduced through new legislation, such as the National Policy Statement for Freshwater Management.

Last year we proposed increasing our charges to recover approximately \$2 million through our Data and Science activities to better reflect the work undertaken that directly benefits consent holders. Implementing the proposed changes in full for 2018/19 would have resulted in some large one-off increases in charges, particularly for larger consents.

To ensure that any increases were managed in a fair and transparent manner we proposed introducing the new charges over two years – 50% of the increase in the first year (2018/19), and the remaining 50% in the second year (2019/20). The charges set in the 2018/19 Charges Policy included a 50% increase in the charges as the first stage.

## PROPOSED CHANGES

We are proposing the introduction of the second stage of the increase to the data and science charges: the remaining 50% of the increase to the charges. Please note that the inflationary increase has already been included in these charges.

Table 4 shows some examples of the proposed data and science charges. Full details of the proposed charges are included in the supporting information document.

<i>Schedule and step</i>	<i>Schedule description</i>	<i>Current annual charge 2018/19 (incl. GST)</i>	<i>Proposed annual charge 2019/20 (incl. GST)</i>
Schedule 1B Step 6	<b>Water management</b> - Consents to discharge industrial or process related water and/or contaminants	\$3,620	\$4,410
Schedule 2B Step 4	<b>Water management</b> - Consents to discharge sewage related water and/or contaminants	\$980	\$1,530
Schedule 3B Step 2	<b>Water management</b> - Consents to discharge agricultural related water and/or contaminants	\$160	\$240
Schedule 4B Step 4	<b>Water management</b> - Consents to discharge stormwater, quarrying, dredging, leachate and miscellaneous related water and/or contaminants	\$790	\$1,160
Schedule 5B Step 11	<b>Water management</b> - Consents to discharge warm water/geothermal fluid into the ground	\$8,100	\$9,160
Schedule 6B Step 5	<b>Water management</b> - Consents to take surface water	\$3,020	\$3,770
Schedule 7B Step 4	<b>Water management</b> - Consents to take groundwater excluding geothermal	\$2,430	\$2,800
Schedule 8B Step 4	<b>Water management</b> - Consents to take geothermal fluid and geothermal heat/energy	\$570	\$670
Schedule 9B Step 4	<b>Water management</b> - Consents to dam and/or divert	\$640	\$850
Schedule 10B Step 4	<b>Air management</b> - Consents to discharge contaminants into air	\$770	\$970
Schedule 11B Step 2	<b>Coastal management</b> - Coastal consents (other than takes and discharges)	\$120	\$135
Schedule 12B Step 2	<b>Land use management</b> - Land use consents	\$160	\$250

Table 4: Examples of proposed changes to the data and science charges

## General changes

### MINIMUM CHARGE FOR STAFF TIME (SUPPORTING INFORMATION DOCUMENT SCHEDULE A)

Charges for staff time are set out in Schedule A of the Charges Policy and are based on an hourly rate. In order to reduce complexity and administrative burden, it is proposed that when recording actual and reasonable charges, staff time is charged to the nearest 15 minutes, with a minimum charge of 15 minutes.

This would be included as an additional clause (d) in the General Matters section on page 10 of the Charges Policy.

### INFLATIONARY INCREASE (SUPPORTING INFORMATION DOCUMENT TABLE 2, TABLE 7, TABLE 13, SCHEDULE A, SCHEDULE 1A AND SCHEDULES 1B-12B)

We are proposing an inflationary increase of 1.0245% (taken from Business and Economic Research Limited, BERL) as outlined in our Long Term Plan 2018-2028, to be applied to our fixed charges: this includes charges in Table 2, Table 7, Table 13, Schedule A, Schedule 1A and Schedules 1B-12B.

## Building Act charges

There are no proposed changes to the Building Act charges.

# How to have your say

*You can have your say by providing a submission in any of the ways outlined below.*

*Submissions close 4pm on Monday 6 May.*

*When making a submission by email or in writing please ensure you reference “Council RMA Charges” in your subject line.*

#### **Complete a submission at an event:**

Complete a submission at one of our Information or Have Your Say community events.

#### **Complete a submission online:**

Visit [www.boprc.govt.nz/feesandcharges](http://www.boprc.govt.nz/feesandcharges)

#### **Email your submission form to:**

[feesandcharges@boprc.govt.nz](mailto:feesandcharges@boprc.govt.nz)

#### **Complete the submission form attached and post it to us at:**

Freepost Number 122076  
Council RMA Charges Submissions  
Bay of Plenty Regional Council  
PO Box 364, Whakatāne 3158

#### **Visit any of our offices across the Bay of Plenty:**

- 5 Quay Street, Whakatāne
- 87 First Avenue, Tauranga
- 1125 Arawa Street, Rotorua

# What do you think?



## Your details

First name: \_\_\_\_\_

Surname: \_\_\_\_\_

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 (optional):

- Male  
 Female  
 Gender diverse

### Your age (optional):

- 0-17 years  
 18-24 years  
 25-34 years  
 35-44 years  
 45-54 years  
 55-64 years  
 65 or older  
 I'd rather not say

### Your ethnicity (optional):

- European  
 Maori  
 Pacific Islander  
 Asian  
 Middle Eastern/  
Latin American/African  
 Other, please specify: \_\_\_\_\_

I wish to keep my contact details confidential  Yes  No

Do you wish to discuss your submission with Councillors at the Have Your Say events?  Yes  No

**If submitting by email or post, please fill out your submission below.**

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

You can also make a submission online at [www.boprc.govt.nz/feesandcharges](http://www.boprc.govt.nz/feesandcharges)

Once completed, please send this form to:

Freepost Number 122076

Council RMA Charges Submissions

Bay of Plenty Regional Council, PO Box 364, Whakatane 3158

## 1. Application charges for non-notified resource consents *See page 7*

Include an additional category in Tier 2 for 'Review of consent conditions'.

Do you support the change?

Yes  No  No opinion

## 2. Administration charge *See page 8*

Exempt low-risk onsite wastewater (low-risk OSET) consents from the annual administration charge unless an inspection has been carried out.

Do you support the change?

Yes  No  No opinion

## 3. Exemptions from the administration charge *See page 8*

Adjust the wording in Table 10 of the Charges Policy to provide for a general exemption from the annual administration charge for low risk activities (with an inspection frequency of 10 years or longer).

Do you support the change?

Yes  No  No opinion

**4. Compliance monitoring charges - additional category**  
*See page 9*

Include an additional compliance monitoring category in Schedule 2A for Composting facilities (including vermicomposting).

*Do you support the change?*

- Yes  No  No opinion

**5. Compliance monitoring charges - adjust inspection frequency**  
*See page 9*

Change the inspection frequency of landfills (closed), low-risk OSET and dredging.

*Do you support the change?*

- Yes  No  No opinion

**6. Compliance monitoring charges - National Environmental Standards for Plantation Forestry**  
*See page 10*

Include an additional schedule (Schedule 3A) for charges for Monitoring under the National Environmental Standards for Plantation Forestry (NESPF).

*Do you support the change?*

- Yes  No  No opinion

***Any other feedback***

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**7. Data and science charges**  
*See page 10*

Introduce the second stage of the increase to the data and science charges as proposed in the 2018/19 consultation (Schedules 1B-12B).

*Do you support the change?*

- Yes  No  No opinion

**8. Staff charges**  
*See page 12*

Introduce charging of staff time to the nearest 15 minutes, with a minimum charge of 15 minutes.

*Do you support the change?*

- Yes  No  No opinion

**9. General**  
*See page 12*

Increase the fixed charges in Table 2, Table 7, Table 13, Schedule A, Schedule 1A and Schedules 1B-12B by inflation of 1.024% (BERL).

*Do you support the change?*

- Yes  No  No opinion





[www.boprc.govt.nz/feesandcharges](http://www.boprc.govt.nz/feesandcharges)