

Report to the Rural Services and Wairarapa Committee
from Steve Blakemore, Manager Planning and Resources

Objection to Consent Processing Charges

1. Purpose

To obtain Committee consideration of an objection by the Castlepoint East Coast Recreational Jetty Trust to the costs charged for processing recent consent application.

2. Background

2.1 A consent application to construct a jetty was received on 28 September 1999. It was notified with submissions closing on 5 February 1999 and a joint hearing was held on 21 April 1999.

2.2 The hearings committee declined the consent in their decision released on 10 May 1999. The period for appeal passed with no appeals lodged.

2.3 Charges for processing the consent were invoiced to the applicant with an accompanying letter and summary on 4 June 1999.
(Refer Attachments 1, 2 and 3.)

2.4 The charges were carefully scrutinised with management, and reductions made in accordance with Council policy and other factors. Time charged to this job was 233.50 hours, reduced to 193 hours as actual and reasonable costs. The reductions were made to account for:

- Initial 'public liaison' with submitters
- The 'neutral location' aspect of the policy
- Level of staff experience and any training content
- Research undertaken that may be used in future applications
- Familiarisation with the application necessitated by staff changes

The reductions made had a monetary value of \$2430 plus GST.

- 2.5 An objection to these charges was received on 22 June 1999 with a request to discuss the objection with the Wairarapa Committee. (Refer Attachment 4.)

3. The Legal Position

- 3.1 Council's Resource Management Charging Policy, February 1997 sets out the basis for charging consents processing. For notified consents charges comprise:

- Application Charge \$3000 plus GST
- Additional Costs \$11141.89 plus GST in this case

- 3.2 Under Section 357(4) of the Resource Management Act 1991, objections can only be lodged against additional costs.

- 3.3 When such an objection is received the Council is required to consider the application as soon as practicable, giving the objector at least five working days notice of the meeting. This has been done. (Refer Attachment 4)

- 3.4 Council has delegated such considerations to the Rural Services and Wairarapa Committee. It may:

- dismiss the objection or uphold the objection wholly or partly; and
- remit the whole or any part of the additional charge

It is required to give notice in writing to objectors of its decision and the reasons for it.

- 3.5 Once the decision on the objection has been made, objectors have 15 working days to appeal the decision to the Environment Court.

4. Discussion

- 4.1 The application proved to be time consuming because of insufficient information in a number of areas. Two matters were of particular concern:

- (i) The accompanying Assessment of Environmental Effects did not provide technical information on the nature of the marine environment or any expected effects on this during and post construction
- (ii) The dimensions and structural nature of the walkway and jetty kept being altered, even during the hearing.

4.2 The need for firm information in both areas resulted in the application being stopped twice and this information requested. The needs were also conveyed in a meeting with the Trust Chairman. In the end it was decided that the information was not going to be forthcoming and the hearing should proceed with the applicant taking the risk of advancing an incomplete application. (Refer Attachments 5, 6 and 7)

4.3 The hearing decision refers directly to these deficiencies stating:

The construct and presentation of the case itself was not especially robust, as it lacked important information...

We are aware that ...the Wellington Regional Council ...requested additional information to help process the application, but the information they received from the applicant was inadequate. The applicant's unwillingness to provide the information requested lead to difficulties in assessing the exact nature of the proposed activities and the effects of those activities.

The application lacked evidence to convince us that the proposed jetty and walkway would not have adverse effects on flora and fauna.

4.4 When new information is provided or proposals change after an AEE has been submitted considerable time can be taken in ensuring submitters are fully aware of such changes.

This application was put on hold under the provisions of Section 92 of the Resource Management Act and with subsequent information provided it was necessary to get this out to submitters.

4.5 The objection makes no specific reference to areas where costs are held to be unfair or unreasonable. It appears to be an objection to the overall quantum of the costs. Clarification of the objection should be sought by the Committee.

4.6 Costs have been assembled for other notified consents which had a one-day hearing as follows:

Waiohine Stopbank	17,247
Benmar Orchard	5,458
WN Water Take	11,120
WN Cleanfill	7,523
WN Air Discharge	5,184
WN Landfill	10,908
WN Landfill	10,241
WN Effluent to Land	11,597
WN River Works	7,753
WN River Works	9,670

- 4.7 The Committee needs to determine if costs are:
- (i) In accordance with the provisions of the Act and the Council's Resource Management Charging Policy
 - (ii) Fair and reasonable, in that they are costs that can fairly be attributed to have been required by the application with associated work undertaken in an efficient manner.
- 4.8 Council's Resource Management Charging Policy embodies 'user pay' principles. The charges of \$14141.89 need to be considered against the \$300,000 indicative cost of the project.

The policies make no provision for cost reductions when a consent is declined. Any reductions outside of Council policies could be viewed as either a reduction for declined consents or a subsidy made by Regional ratepayers towards community proposals.

5. Publicity

No additional publicity is proposed on this item.

6. Recommendation

That the Committee considers the objection of the Castlepoint East Coast Recreational Jetty Trust to the additional charges made in relation to Consent WAR 9800184, and makes a determination as set out in Section 3.4 of this report.

Report prepared by:

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