

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of a Notice of Objection pursuant to  
Section 357 of the Resource Management Act 1991

**BETWEEN** Whitby Coastal Estates Limited  
*Applicant*

**AND** Wellington Regional Council Council  
*Respondent*

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NOTICE OF OBJECTION

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MACALISTER TODD PHILLIPS BODKINS  
Solicitors Wanaka  
PO Box 392 Phone (03) 443 4383  
Fax (03) 443 4384 DX ZP96501

G M Todd

TAKE NOTICE that Whitby Coastal Estates Limited (WCEL) being the applicant for Resource Consent to the Wellington Regional Council ("Council") HEREBY GIVES notice pursuant to Section 357 of the Resource Management Act 1991 of an objection in respect of the charges imposed by the Council in respect of the receipt, processing, notification, hearing and determination of the application for Resource Consent numbers WGN030036[22237], [22238] and [22313] ("consents")

UPON THE FOLLOWING GROUNDS

1. That the total amount charged by the Council for receipting, processing, notifying, hearing and determining the consents amount to \$24,719.06 plus GST, apportioned as to
  - (a) Fixed charges required on filing of application of \$3,937.50 exclusive of GST
  - (b) Additional charges of \$23,871.44 exclusive of GST invoiced as per tax invoice dated the 5<sup>th</sup> of March 2004 and received by the applicant's agents on the 12<sup>th</sup> of March 2004.
2. That additional charges may be charged by Council pursuant to section 36 (3) of the Act provided a fixed charges in any case to enable the local authority to recover its actual and reasonable charges in respect of the matter concerned.
3. That it is submitted that the additional charges charged are in all of the circumstances unreasonable;
  - (a) The scope of the applications to the authority
  - (b) The fact that the same were heard on a joint basis with independent commissioners appointed by the Porirua City Council such commissioners having been required to be appointed given an acknowledgment of possible prejudice and pre-determination in respect of the application by the Porirua City Council.
  - (c) The fact that the hearings only took 2 **H** full hearing days.
  - (d) That it was the Council who determined that it should appoint independent commissioners to hear the applications to the Council.
  - (e) The applicant has been charged for the Council's officers time in respect of the receipt, processing, notification, hearing and determination of the applications at a rate of \$70.00 per hour plus GST which in all of the circumstances is excessive and unreasonable.
  - (f) That the time incurred by the Council's offices in receipting, notifying, reporting in all the circumstances excessive attending the hearings and notifying the decision.

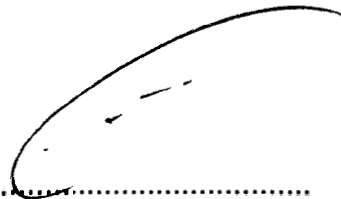
(g) That the Council in levying the additional charges has failed to take into consideration and the extent of the community benefit obtained from the notification obtaining from the hearing of the applications and the submissions and the benefit the imposition of conditions on the grant the of Resource Consents.

4. The applicant seeks the following relief:

(a) That the charges levied are re-assessed and waived or substantially reduced.

5. The applicant wishes to be heard in support of this objection.

Dated this 26<sup>th</sup> day March 2004



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Graeme Morris Todd  
Counsel for Whitby Coastal Estates Limited