



Resource Legislation Amendments 2017

RESOURCE LEGISLATION AMENDMENTS 2017 – FACT SHEET 11

Fixed charges must be published, and regulations may set fixed charge requirements

This is part of a series of 16 fact sheets that give an overview of recent resource legislation amendments.

Section 36 of the Resource Management Act 1991 (RMA) enables councils to:

- fix charges for various administrative processes listed in section 36(1) (such as private plan changes, processing resource consent applications, monitoring and reviewing consent conditions, hearings by commissioners, notices of requirement, or providing information).
- require a person to pay *additional* charges under section 36(3), if the fixed charges were insufficient to cover the council's actual and reasonable administrative costs.

This fact sheet outlines new requirements for consent authorities regarding fixed charges.

Councils must publish all charges fixed under section 36

Previously there was no requirement for councils to publish information on their websites about the charges for various processes under the RMA. Some councils did this as a matter of good practice, while others had little to no information available.

The RMA has been amended to insert new section 36AAB(4), which requires councils to publish on a publicly accessible website an up-to-date list of charges they have fixed under section 36.

The intent of this change is to make the cost of administrative processes more visible for anyone who may be liable for fixed charges.

This change comes into force on the 19 April 2017.

Regulations may require fixed charges for certain consent decisions, commissioners and hearings

Previously there has been inconsistency in which processes councils choose to fix charges for. There has also been no obligation for councils to fix the *overall* charges for hearings on resource consent applications or plan changes.

The RMA has been amended to insert section 360E, which allows the government to make regulations:

- creating a schedule of activities that councils must fix charges for under section 36(1) of the RMA,
- requiring councils to fix charges for payment of hearings commissioners determining plan changes, or resource consent applications
- requiring councils to fix in advance the overall charge payable by the applicant for the hearing of a resource consent application or a plan change.
- requiring councils to fix charges for notices issued under the new exemptions in section 87BA or 87BB (this particular amendment will take place 6 months after royal assent in line with the other consenting changes).

The regulations cannot fix the actual charge amounts, which will be left to councils.

The regulations may allow councils to take the complexity of the application into account when fixing these charges. The regulations may also enable councils to fix charges for activities that are additional to routine resource consent processing, such as further information requests. However, if regulations are made requiring councils to fix charges under section 36(1) there is no ability for councils to recover additional costs under section 36(5).

This amendment is enabling only. The Government has not yet decided to make these regulations, which may be made at a later date.

The intent of the regulations would be to provide consistency between fixed charge schedules for different councils.

The regulation-making power comes into force on 19 April 2017.

Fact sheets in this series

This is one of a series of 16 fact sheets providing an overview of amendments to the:

- Resource Management Act 1991
- Conservation Act 1987
- Reserves Act 1977
- Public Works Act 1981
- Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.

The full set of fact sheets is available on our website:

www.mfe.govt.nz/publications/rma/resource-legislation-amendments-2017-fact-sheet-series

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