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Report to Environment Committee
from Rob Forlong, Manager, Consents Management

Eastern Bays Little Blue Penguin Foundation – Request to Remit Consent Processing Charges

1.   Purpose

To allow the Committee to consider a request from the Eastern Bays Little Blue Penguin Foundation to remit resource consent application charges.

2.   Background

The Eastern Bays Little Blue Penguin Foundation Inc. recently sought and were granted consents to build a facility to receive and rehabilitate wild birds so that they can recover and then be re-released. The facility comprises aviaries and a "utilities area" with bird care facilities, an environmental education centre, and a café.

The consent applications were jointly processed between the Hutt City Council and the Wellington Regional Council. The consents required from the WRC related to the construction of a fence in the coastal marine area.

The Foundation recently wrote to us and requested that the WRC waive "some of the costs associated with the consent process". The request is attachment 1.

The charges associated with these consent applications are as follows:

Photocopying	$182.70
Advertising Costs	$2,443.88
Officer time	
• Initial Assessment and Advertising	$960 (17 hrs)
• Submissions and Organising Hearing	$1020 (17 hrs)
• Report Preparation	$4380 (73 hrs)
• Hearing attendance	$1860 (31 hrs)

- Post hearing $240 (4 hrs)
- Commissioner costs Yet to be billed

Total $11,086.58 (plus GST)

This cost does not include Commissioners' fees (estimated at $4,800). The Commissioners were required because the WRC made a submission on the applications.

3. Power to Waive Charges

Section 36(5) of the Resource Management Act 1991 gives you absolute discretion to remit all or part of any charge for consent processing. Hence there is no legal impediment to you granting the request.

4. Matters you may wish to Consider in reaching your Decision

In reaching a decision on this matter you need to balance a number of issues.

The Foundation is a charitable organisation that aims to improve the environment by rehabilitating injured and sick wildlife. For example, the Foundation is contracted by the Wellington Regional Council Harbours Department to rehabilitate wildlife in the event of a significant oil spill in the region. Clearly the WRC wants to encourage this type of operation.

On the other hand you need to think of the precedent you would set. There are a large number of organisations doing "good deeds" for the environment including private companies and individuals. If you granted this request then you could expect further requests from groups and individuals.

Because there is no provision in the Consents Management Department budget for remitting charges, there will be a flow on effect to our revenue line and our overall financial position. This situation will be exacerbated if you grant future requests from this or other similar organisations.

You should also consider the effect on ratepayers and other consent applicants. The funding policy requires that the full direct costs of processing resource consents is to be recovered from applicants. While the sum of money is not great in the context of our overall rate take, you need to determine whether it is fair for ratepayers to be subsidising the operation (particularly the café) and fair on other applicants who pay all their processing charges.

5. Communications

Your decision will be communicated to Eastern Bays Little Blue Penguin Foundation. It may be appropriate for you to remit part or all of the Commissioners' fees as a Commissioner was only required because the WRC submitted on the application.

6. **Recommendation**

That the Committee consider the report and determine whether to remit part of the Eastern Bays Little Blue Penguin Foundation's consent processing charges.

Report prepared by: Approved for submission:

ROB FORLONG   JANE BRADBURY
Manager, Consents Management   Divisional Manager, Environment

Attachments: 1