

**Reprint
as at 1 November 2013**



**Local Government (Auckland
Transitional Provisions) Fees and
Charges Regulations 2010**

(SR 2010/374)

Local Government (Auckland Transitional Provisions) Fees and Charges
Regulations 2010: revoked, on 1 November 2013, by regulation 3.

Anand Satyanand, Governor-General

Order in Council

At Wellington this 26th day of October 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 5(1)(a) and (b) of the Local Government (Auckland Transitional Provisions) Act 2010, His Excellency the Governor-General makes the following regulations acting—

- (a) on the advice and with the consent of the Executive Council;
and
- (b) on the recommendation of the Minister of Local Government.

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Department of Internal Affairs.

Contents

		Page
1	Title	3
2	Commencement	3
3	Revocation	3
4	Interpretation	3
Part 1		
Prescribed fees and charges		
5	Prescribed charges for Resource Management Act 1991 matters	3
6	Prescribed fees and charges for Building Act 2004 matters	4
7	Prescribed fees and charges for animal management matters	4
8	Prescribed fees and charges for miscellaneous matters	5
Part 2		
Status, revocation, limitations, etc, of fees and charges		
9	Status of fees and charges	5
10	Council may revoke fees and charges	6
11	Council not limited by fees and charges	6
12	Council must take into account fees and charges paid to another local authority before Council's establishment	6
13	Fees and charges inclusive of GST	7
Part 3		
Modifications to enactments		
14	Modification of section 219 of Building Act 2004 <i>[Revoked]</i>	7
15	Modification of section 68 of Local Government (Auckland Transitional Provisions) Act 2010	7
Schedule 1		
Resource Management Act 1991 matters		
Schedule 2		
Building Act 2004 matters		
Schedule 3		
Animal management matters		
Schedule 4		
Miscellaneous matters		

Schedule 5
Officer hourly charge rate

16

Regulations

1 Title

These regulations are the Local Government (Auckland Transitional Provisions) Fees and Charges Regulations 2010.

2 Commencement

These regulations come into force on 1 November 2010.

3 Revocation

These regulations expire, and are revoked, on the close of 31 October 2013.

4 Interpretation

In these regulations, unless the context requires another meaning,—

Auckland Council or **Council**, in relation to a matter, means whichever of the following entities of the Auckland Council is responsible for the matter:

- (a) the governing body of the Council; or
- (b) a local board of the Council; or
- (c) a council-controlled organisation of the Council

matter means a function, duty, or power of the Auckland Council described in the first column of Schedules 1 to 4.

Part 1

Prescribed fees and charges

5 Prescribed charges for Resource Management Act 1991 matters

- (1) On and from 1 November 2010, the charges set out in the second column of Schedule 1 are the charges for the matters described in the first column of that schedule.
- (2) The charges prescribed in subclause (1) are deemed to be fixed by the Auckland Council under section 36(1) and (2) of the

Resource Management Act 1991, and, subject to subclause (3), that section and the rest of that Act apply accordingly with any necessary modification.

- (3) If the costs of the time spent by an officer of the Council are required to be determined for the purposes of calculating any additional charge in a particular case under section 36(3) or (3A) of that Act, the appropriate hourly rate set out in Schedule 5 must be used in the calculation.

6 Prescribed fees and charges for Building Act 2004 matters

- (1) On and from 1 November 2010, the fees and charges set out in the second column of Schedule 2 are the fees and charges for the matters described in the first column of that schedule.
- (2) The fees and charges prescribed in subclause (1) are deemed to be imposed by the Auckland Council under section 219(1) of the Building Act 2004 and, subject to subclause (3), that section and the rest of that Act apply accordingly with any necessary modification.

- (3) *[Revoked]*
Regulation 6(2): amended, on 13 March 2012, by section 94(2) of the Building Amendment Act 2012 (2012 No 23).
Regulation 6(3): revoked, on 13 March 2012, by section 94(3) of the Building Amendment Act 2012 (2012 No 23).

7 Prescribed fees and charges for animal management matters

- (1) On and from 1 November 2010, the fees and charges set out in the second column of Schedule 3 are the fees and charges for the matters described in the first column of that schedule.
- (2) The fees and charges prescribed by subclause (1) are deemed to be—
 - (a) prescribed or set by the Auckland Council under section 37(1) or 68(1) of the Dog Control Act 1996, and those sections and the rest of that Act apply accordingly with any necessary modification; or
 - (b) set by the Auckland Council under section 14(1) of the Impounding Act 1955, and that section and the rest of that Act apply accordingly with any necessary modification.

8 Prescribed fees and charges for miscellaneous matters

- (1) On and from 1 November 2010, the fees and charges set out in the second column of Schedule 4 are the fees and charges for the matters described in the first column of that schedule.
- (2) The fees and charges prescribed by subclause (1) are deemed to be—
 - (a) prescribed or set by the Auckland Council under section 150 of the Local Government Act 2002, and, subject to subclause (3), that section and the rest of that Act apply accordingly with any necessary modification; or
 - (b) fixed by the Auckland Council under section 13 of the Local Government Official Information and Meetings Act 1987, and that section and the rest of that Act apply accordingly with any necessary modification.
- (3) If the costs of the time spent by an officer of the Council are required to be determined for the purposes of calculating any additional charge in a particular case under section 150 of the Local Government Act 2002, the appropriate hourly rate set out in Schedule 5 must be used in the calculation.

Part 2

**Status, revocation, limitations, etc, of fees
and charges**

9 Status of fees and charges

- (1) A fee or charge deemed to be fixed, imposed, prescribed, or set by the Auckland Council under any of regulations 5 to 8 is deemed to be fixed, imposed, prescribed, or set by the Council under the relevant enactment only to the extent that the Council could lawfully fix, impose, prescribe, or set the fee under that enactment.
- (2) To avoid doubt, these regulations affect any additional power that the Council may have to recover any further actual or reasonable costs in addition to a prescribed fee or charge only to the extent that an hourly rate for officer time is prescribed for the purposes of fees and charges to which regulations 5, 6, and 8(2)(a) apply.

10 Council may revoke fees and charges

- (1) To avoid doubt, the Auckland Council may, at any time,—
- (a) revoke a fee or charge prescribed by these regulations and replace it with a new one (using the required process under the enactment for which the fee or charge is deemed to be fixed, imposed, prescribed, or set); or
 - (b) revoke a fee or charge prescribed by these regulations without replacing it.

(2) *[Revoked]*

Regulation 10(2): revoked, on 13 March 2012, by section 94(4) of the Building Amendment Act 2012 (2012 No 23).

11 Council not limited by fees and charges

- (1) To avoid doubt, nothing in these regulations prevents the Auckland Council from fixing, imposing, prescribing, or setting a fee or charge for the carrying out or exercise of a function, duty, or power if a fee or charge for the particular function, duty, or power is not prescribed in these regulations.

(2) *[Revoked]*

Regulation 11(2): revoked, on 13 March 2012, by section 94(5) of the Building Amendment Act 2012 (2012 No 23).

12 Council must take into account fees and charges paid to another local authority before Council's establishment

- (1) To avoid doubt, the Auckland Council may not impose a fee or charge prescribed by these regulations if the person liable for it paid an equivalent fee or charge to the relevant local authority before 1 November 2010.

- (2) However, subclause (1) does not prevent the Council from recovering any further actual and reasonable costs from the person in relation to the matter if the enactment under which the fee or charge was fixed, imposed, prescribed, or set by the relevant local authority authorises the Council to do so.

- (3) For the purposes of this regulation,—

(a) *[Revoked]*

- (b) if the costs of the time spent by an officer of the Council are required to be determined for the purposes of recovering any of those further actual and reasonable costs, the appropriate hourly rate set out in Schedule 5 must be

used in the calculation (instead of any hourly rate that the relevant local authority may have used in such a determination were the local authority still in existence).

Regulation 12(3)(a): revoked, on 13 March 2012, by section 94(6) of the Building Amendment Act 2012 (2012 No 23).

13 Fees and charges inclusive of GST

The fees and charges prescribed by these regulations are inclusive of goods and services tax.

**Part 3
Modifications to enactments**

14 Modification of section 219 of Building Act 2004

[Revoked]

Regulation 14: revoked, on 13 March 2012, by section 94(7) of the Building Amendment Act 2012 (2012 No 23).

**15 Modification of section 68 of Local Government
(Auckland Transitional Provisions) Act 2010**

Section 68 of the Local Government (Auckland Transitional Provisions) Act 2010 must be read as if the following subsection were inserted after subsection (2):

“(2A) However, if a fee or charge to which this section applies relates to a matter for which a fee or charge is prescribed by the Local Government (Auckland Transitional Provisions) Fees and Charges Regulations 2010, the fee or charge payable to the Auckland Council is the fee or charge prescribed by the regulations.”

Schedule 1

rr 4, 5(1)

Resource Management Act 1991 matters

Matter for which charge payable	Charge (\$)
Application for resource consent—pre-application meeting	205
Application for land use consent—non-notified and for roof-mounted skylight, solar tube, roof window, or sun tunnel	255

Matter for which charge payable	Charge (\$)
Application for land use consent—non-notified and for single infringement of controlled or restricted discretionary activity in district plan (for example, accessory building, additions and alterations, signs)	715
Application for land use consent—non-notified and for multiple infringements of the district plan	1,150
Application for land use consent—non-notified, for tree works, and district plan requires payment of a charge	615
Application for land use consent—non-notified and to carry out works in, on, or under the bed of a lake, river, or stream	2,045
Application for land use consent—non-notified and for any other type of residential application	870
Application for land use consent—non-notified and for any other type of non-residential application	1,020
Application for land use consent—notified, for tree works, and district plan requires payment of a charge	510
Application for land use consent—notified and involving heritage item	1,535
Application for land use consent—limited notified	3,120
Application for land use consent—notified and includes a notice of requirement	4,090
Application for land use consent—any other notified application	4,090
Application for subdivision consent—boundary adjustment	680
Application for subdivision consent—freehold subdivision around existing development	1,015
Application for subdivision consent—freehold subdivision of 1 or 2 lots	1,150
Application for subdivision consent—freehold subdivision of 3 or more lots	1,535
Application for subdivision consent—first stage of cross-lease or unit title	1,090
Application for subdivision consent—subsequent stage of cross-lease or unit title	615
Application for subdivision consent—unit title certificate, cross-lease, unit title amendment, or unit title variation	615
Application for combined land use and subdivision consent—non-notified and for 1 to 10 lots	2,915
Application for combined land use and subdivision consent—non-notified and for 11 or more lots	3,755
Application for coastal permit—non-notified	2,045
Application for water permit—non-notified and to take, use, dam, or divert surface water	2,045

Matter for which charge payable	Charge (\$)
Application for water permit—non-notified and to drill or alter a bore	430
Application for water permit—non-notified and to take, use, or divert groundwater	2,045
Application for discharge permit—non-notified and to divert or discharge stormwater	2,045
Application for discharge permit—non-notified and relating to sediment control from earthworks, roading, tracking, trenching, or quarry	2,555
Application for discharge permit—non-notified and to discharge domestic wastewater up to 6 m ³	2,045
Application for discharge permit—non-notified and to discharge domestic wastewater of 6 m ³ or more	2,555
Application for discharge permit—non-notified and to discharge other domestic contaminants	2,555
Application for discharge permit—non-notified and to discharge from dairy farm	2,045
Application for discharge permit—non-notified and to discharge from contaminated land	5,110
Application for discharge permit—non-notified and to discharge contaminants from industrial or trade processes (other than to air)	2,045
Application for discharge permit—non-notified and to discharge contaminants to air where main discharge is odour	15,335
Application for discharge permit—non-notified and to discharge other contaminants to air	5,110
Application for coastal permit, water permit, or discharge permit—limited notified	7,665
Application for coastal permit, water permit, or discharge permit—notified and to discharge contaminants to air where main discharge is odour	15,335
Application for coastal permit, water permit, or discharge permit—notified (any other)	7,665
Application for hearing of resource consent	1,535
Application to extend period after which resource consent lapses	460
Application to change or cancel condition of a non-notified resource consent	460
Application to change or cancel condition of notified resource consent	1,230
Review of non-notified resource consent conditions	460
Review of notified resource consent conditions	1,230
Transfer of coastal permit, water permit, or discharge permit (in whole or in part) to another person on the same site	205

Matter for which charge payable	Charge (\$)
Transfer of coastal permit, water permit, or discharge permit (in whole or in part) to another site (non-notified)	2,045
Permission to transfer water permit or discharge permit (in whole or in part) to another site (notified)	3,065
Acceptance of surrender of resource consent	205
Issue of certificate of compliance	570
Confirmation of compliance with national environmental standard	570
Issue of existing use certificate	570
Approval of outline plan of works	460
Consent to vary or cancel consent notice condition	1,020
Approval of survey plan	240
Issue of certificate that survey plan approved for purposes of lodging with Registrar-General of Land	255
Issue of certificate for survey plan relating to subdivision approved for purposes of lodging with Registrar-General of Land	345
Consent to individual disposition of land held in particular certificate of title or cancellation of requirement that allotments be amalgamated	345
Consent to creation, surrender, or variation of easement	345
Inspection or other compliance and monitoring	0

**Schedule 2
Building Act 2004 matters**

rr 4, 6(1)

Matter for which fee or charge payable	Fee or charge (\$)
Application for building consent—pre-application	205
Application for building consent on land subject to natural hazards	170
Application for building consent if national multiple-use approval	500
Application for building consent for demolition or house renewal	185
Application for building consent in any other case with building project value no more than \$1,999	90
Application for building consent in any other case with building project value of \$2,000 to \$4,999	245
Application for building consent in any other case with building project value of \$5,000 to \$19,999	400
Application for building consent in any other case with building project value of \$20,000 to \$99,999	550
Application for building consent in any other case with building project value of \$100,000 to \$499,999	585
Application for building consent in any other case with building project value of \$500,000 or over	1,270
Application for exemption from building consent requirements	165
Issue of project information memorandum or site information report	190
Application for code compliance certificate with building project value of no more than \$19,999	60
Application for code compliance certificate with building project value of \$20,000 or over	155
Application for code compliance certificate for consents granted under Building Act 1991	125
Carrying out product assessment	460
Receiving producer statement	125
Application for consent to extension of building consent	85
Application to avoid lapse of building consent	85
Application for building consent that requires waiver or modification of building code	100
Application for certificate of acceptance	295
Issue of compliance schedule—base charge	90
Issue of compliance schedule—additional charge per specified system	20
Amendment to compliance schedule	80

Matter for which fee or charge payable	Fee or charge (\$)
Registration of annual building warrant of fitness—1 specified system only	60
Registration of annual building warrant of fitness—more than 1 specified system	90
Building warrant of fitness inspection	110
Approval of independently qualified person—base charge	75
Approval of independently qualified person—additional charge per specified system	45
Issue of notice to fix	205
Building inspection (per inspection)	110
Inspection of building outside Auckland	340
Application for certificate of public use	175
Certificate that proposed use of premises meets requirements of building code	80
Unauthorised building work inspection (as part of determining whether to issue certificate of acceptance)	205
Receipt of specialist report for purposes of determining whether building safe or sanitary, or both	160

Schedule 3
Animal management matters

rr 4, 7(1)

Matter for which fee or charge payable	Fee or charge (\$)
<i>Dog Control Act 1996</i>	
Application for dog owner licence	No charge
Multiple dog permit application fee	31
Pound fee—seizure of dog	34
Pound fee—sustenance of impounded dog	17 per day
Registration fee—standard charge if no other category applies and fee paid in period beginning 1 July and ending 1 August	100
Registration fee—standard charge if no other category applies and fee paid in period beginning 2 August and ending 30 June*	123
Registration fee—neutered dog, owner has dog owner licence, and fee paid in period beginning 1 July and ending 1 August	45
Registration fee—neutered dog, owner has dog owner licence, and fee paid in period beginning 2 August and ending 30 June*	67
Registration fee—non-neutered dog, owner has dog owner licence, and fee paid in period beginning 1 July and ending 1 August	51
Registration fee—non-neutered dog, owner has dog owner licence, and fee paid in period beginning 2 August and ending 30 June*	74
Registration fee—neutered dog, owner does not have dog owner licence, and fee paid in period beginning 1 July and ending 1 August	72
Registration fee—neutered dog, owner does not have dog owner licence, and fee paid in period beginning 2 August and ending 30 June*	94
Registration fee—dog owner is superannuitant with Community Services Card entitlement	45
Registration fee—dog described in paragraphs (a) or (b)(i), (iii) to (ivc), and (vi) of definition of working dog in section 2	0
Registration fee—dog described in paragraph (b)(ii) or (v) of definition of working dog in section 2	22
Registration fee—dog classified as dangerous dog under section 31 and fee paid in period beginning 1 July and ending 1 August	150% of applicable fee
Registration fee—dog classified as dangerous dog under section 31 and fee paid in period beginning 2 August and ending 30 June*	150% of applicable fee
Replacement of registration label or disc	5 per label or disc
<i>Impounding Act 1955</i>	

Matter for which fee or charge payable	Fee or charge (\$)
Poundage fee for cow, horse, deer, ass, or mule (initial impoundment)	20
Poundage fee for cow, horse, deer, ass, or mule (each subsequent day)	10
Poundage fee for sheep, goat, or pig (initial impoundment)	10
Poundage fee for sheep, goat, or pig (each subsequent day)	5
Sustenance of impounded animal	5 per day

* For these entries, if the fee relates to a dog less than 3 months old, or imported into New Zealand, and registered for the first time on or after 2 August of the registration year, the fee must be calculated by dividing the relevant annual fee into 12 portions and imposing a fee based on the number of complete months remaining in the registration year.

**Schedule 4
Miscellaneous matters**

rr 4, 8(1)

Matter for which fee or charge payable	Fee or charge (\$)
<i>Local Government Act 2002</i>	
Consent to cancellation of building line restriction (under section 327A of the Local Government Act 1974)	345
Application for consent to new or revised property number (under section 319B of the Local Government Act 1974)	0
Certificate that proposed use of premises meets requirements of Resource Management Act 1991 for purposes of Sale of Liquor Act 1989	190
Inspection or approval (other than under Building Act 2004 or Resource Management Act 1991) of new lot connection, on-line or on-grade replacement of public drain, alteration to man-hole lid level, or connection of 50 mm domestic fire sprinkler	145
Inspection or approval (other than under Building Act 2004 or Resource Management Act 1991) of works relating to common accessway	665
Inspection or approval (other than under Building Act 2004 or Resource Management Act 1991) of any other private works relating to or affecting public work	380
Council involvement for purposes of construction of private drains (section 459 or 460 Local Government Act 1974)	1,020
Providing copy of extract of register of independent qualified persons or licensed building practitioners	30
Issue of weekly building consent register report, resource management consent register report, or both (annual subscription)	1,010
Issue of monthly building consent register report, resource management consent register report, or both (annual subscription)	490
Issue of monthly building consent register report, resource management consent register report, or both (single request)	95
<i>Local Government Official Information and Meetings Act 1987</i>	
Application for land information memorandum for vacant lot	150
Application for land information memorandum for any other lot	235
Urgent application for land information memorandum for vacant lot	255
Urgent application for land information memorandum for any other lot	335

Schedule 5
Officer hourly charge rate

rr 5(3), 6(3), 8(3)

Council officer dealing with matter	Hourly rate (\$)
Legal services officer, building control manager, manager inspections, project manager, resource consents manager, manager integrated consents, licensing and compliance manager, or any other manager	153
Team leader resource consents, team leader building, team leader development engineering, team leader subdivisions, team leader licensing and compliance, or any other team leader	143
Specialist noise assessor, senior planner, senior development engineer, senior planner subdivisions, senior environmental monitoring advisor, senior consents and compliance advisor, senior processor, senior traffic engineer, or any other senior officer	138
Senior building advisor, technical building advisor, building control specialist, or any other senior building professional (processing and inspection)	133
Resource consent planner, development engineer, building control planner, subdivisions advisor, urban designer, incident advisor, or arborist	123
Building processing and inspections, compliance officer, monitoring officer, pollution response advisor, or environmental health inspector	112
Team leader administration	112
Assistant planner, graduate development engineer, graduate resource consents planner, or planning technician	112
Administrative officer	87

Rebecca Kitteridge,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 27 October 2010.

Reprints notes

1 *General*

This is a reprint of the Local Government (Auckland Transitional Provisions) Fees and Charges Regulations 2010 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, will have the status of an official version once issued by the Chief Parliamentary Counsel under section 17(1) of that Act.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Building Amendment Act 2012 (2012 No 23): section 94

Local Government (Auckland Transitional Provisions) Fees and Charges Regulations 2010 (SR 2010/374): regulation 3
