

## Exemptions and Objections Sub Committee Agenda

**Date:** 8 June, 2021

**Time:** 9:00 am

**Location:** Council Chamber  
Forum North, Rust Avenue  
Whangarei

**Elected Members:** Cr Shelley Deeming (Chairperson)  
Her Worship the Mayor Sheryl Mai  
Ken Couper  
Cr Greg Innes

For any queries regarding this meeting please contact  
the Whangarei District Council on (09) 430-4200.

**1. Declarations of Interest**

**2. Apologies**

**3. Confirmation of Minutes of Previous Exemptions and Objections Committee Meeting**

- 3.1. Minutes Exemptions and Objections Committee meeting 6 April 2021 3

**4. Decision Reports**

- 4.1. SD1800135 - Promethean Concepts Ltd - Objection to Costs 7

**5. Closure of Meeting**

Recommendations contained in the agenda are not the decisions of the meeting.

Please refer to minutes for resolutions.

## ***Exemptions and Objections Sub Committee – Terms of Reference***

**Parent Committee:**      **Strategy, Planning and Development Committee**

### **Membership**

**Chairperson:**              Councillor Shelley Deeming

**Members:**                Her Worship the Mayor Sheryl Mai  
                                      Councillors Ken Couper and Greg Innes

**Meetings:**                As required.  
                                      The relevant legislative requirements shall be taken into consideration when setting meeting dates.

**Quorum:**                    **2**

### **Purpose**

To hear and determine objections, appeals and applications in respect of the regulatory functions and responsibilities of Council.

### **Delegations**

- Hear and decide s357, s356A and 357B objections under the Resource Management Act where staff recommend decline.
- Determine and grant of Territorial Authority consents under S100 of the Gambling Act 2003 (as it relates to Class 4 Gambling Venues) and s65C of the Racing Act 2003 (as it relates to Board Venues).
- Consider objections relating to the classification of any dog as a dangerous dog under the Dog Control Act 1996.
- Consider objections relating to the classification of a person disqualified from owning a dog under s26 of the Dog Control Act 1996.
- Power to consider an objection to classification as a menacing dog under s33A and s33C of the Dog Control Act 1996.
- Power to consider and determine an objection to any notice issued requiring abatement of a barking dog nuisance under s55 of the Dog Control Act 1996.
- Hear and determine appeals in respect of assessments under Council's Development Contribution Policy (no ability to waiver).
- Hear and determine statutory appeals or objections in respect to any matter where no specific delegation applies.



### Item 3.1

#### Exemptions and Objections Sub-committee Meeting Minutes

**Date:** Tuesday, 6 April, 2021  
**Time:** 9:00 a.m.  
**Location:** Council Chamber  
 Forum North, Rust Avenue  
 Whangarei

**In Attendance** Cr Shelley Deeming (Chairperson)  
 Her Worship the Mayor Sheryl Mai  
 Ken Couper

**Not in Attendance** Cr Greg Innes

**Also present** Byron Haika (Objector)  
 Ralph Haika, Tracy Haika and Lizzie Warahi (in support)  
 Reiner Mussle (Manager Health and Bylaws)  
 Sean Holland (Animal Management Officer Armourguard)  
 Peter Banks (Animal Management Executive Officer Armourguard)

**Scribe** C Brindle (Senior Democracy Adviser)

#### 1. **Declarations of Interest**

There were no declarations of interest made.

#### 2. **Apology**

Cr Greg Innes

**Moved By** Her Worship the Mayor

**Seconded By** Ken Couper

That the apology be sustained.

**Carried**

**3. Confirmation of Minutes of Previous Exemptions and Objections Sub Committee Meeting**

**3.1 Minutes Exemptions and Objections Sub Committee Meeting held 4 November 2020**

**Moved By** Ken Couper

**Seconded By** Her Worship the Mayor

That the minutes of the Exemptions and Objections Sub Committee meeting held on Wednesday 4 November 2020, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.

**Carried**

**4. Decision Reports**

**4.1 Object to Disqualification from Dog Ownership**

**Moved By** Ken Couper

**Seconded By** Her Worship the Mayor Sheryl Mai

That the Committee hear the objection to the disqualification as a dog owner.

**Carried**

The Committee heard the objection. The Committee then closed the hearing and reserved its decision.

**Moved By** Her Worship the Mayor

**Seconded By** Cr Ken Couper

That the Committee's decision on the disqualification as a dog owner be reserved until such time as the Committee has considered the evidence and all relevant matters and the Committee's decision be issued in due course.

**Carried**

Following deliberations the Committee resolved:

The Committee having considered the information presented in writing and in person at the hearing determines that the Disqualification as an Owner Classification imposed on Mr Byron Haika, is upheld.

**Carried**

The full Decision of the Committee and the reasons for it's determination has been issued separately.

#### **4.2 Objection to Menacing Dog Classification – ‘Horse’ - Report- on fulfilment of conditions**

**Moved By** Cr Shelley Deeming

**Seconded By** Ken Couper

That the Committee

- a. Receives this report
  - a. Determines if condition c) set out by the Exemptions and Objections Committee on 20 November 2020 (Appendix B) has been met to the satisfaction of the Committee so that the menacing classification imposed on the dog ‘Horse’ may now be rescinded
  - b. Notes the information provided to the committee in respect to the related but separate signage issue (Appendix E).

**Carried**

*Secretarial Note: A letter from Liz Perales was tabled, staff will respond accordingly.*

#### **5. Closure of Meeting**

The meeting concluded at 10.32am.

Confirmed this 8<sup>th</sup> day of June 2021

Councillor Shelley Deeming (Chairperson)





## 4.1 SD1800135 – Promethean Concepts Limited – Objection to Costs

**Meeting:** Exemptions and Objections Committee  
**Reporting officer:** Katie Martin (Team Leader, RMA Consents)  
**Date of meeting:** 8 June 2021

Time	Hearing	Name
9am	Objection to Costs	Promethean Concepts Limited

### Hearing Procedure

#### Objection to costs under Section 357B of the Resource Management Act 1991

- Informal as possible – no cross examination. Only Committee members can ask questions
- Reporting Officer – brief outline of the objection. Their report is taken as read
- Questions of clarification – staff report
- Objector presents their case
- Question of clarification of objector
- Any final questions of clarification
- The Chairperson adjourns the hearing to deliberate on its decision based on the evidence submitted, following which the objector will be notified in writing of the decision.

Written decision within 15 working days.

## Report to Exemptions and Objections Committee – Objection to Costs

### 1. Introduction

- 1.1 An objection pursuant to Section 357B of the Resource Management Act 1991 (the “Act”) has been received from Promethean Concepts Limited in relation to the costs associated with the processing of a non-complying subdivision application.
- 1.2 The subject site is situated at 385 Whangarei Heads Road, Whangarei, legally described as Pt. Lot 30 DP 26260 (NA90D/166) and has an area of 2.8163ha. The application sought consent to undertake a 3-lot subdivision in the Rural Production Zone.
- 1.3 The application was prepared by Ms. Kellie Roland from Precision Planning Limited on behalf of Promethean Concepts Limited (the “applicant”). The initial application was lodged with Council on 5 September 2018. A redesign changed the site layout from an initial 4-lot subdivision to a 3-lot subdivision and the applicant provided an updated report to reflect these changes. This was received by Council on 27 July 2020.

The application was supported by specialist reports addressing the following matters: -

- |  |  |
|--|--|
| • Site Suitability Assessment                            | Vision Consulting Engineers Dated 2017 |
| • Landscape & Visual Assessment                          | Landform Consulting Limited Dated 2018 |
| • Traffic Impact Assessment                              | NCC Consulting Engineers Dated 2017    |
| • Preliminary Site Investigation<br>(contaminated soils) | Vision Consulting Engineers Dated 2018 |

- 1.4 The application went to a hearing before an independent hearing’s commissioner on 20 November 2020 and the subsequent decision was issued on 28 January 2021. The application was declined.
- 1.5 The total cost of processing the application was \$27,793.21, the balance owed at the time of invoice being \$22,462.19. The invoice was sent to Precision Planning Limited with a cover letter dated 2 March 2021 that included advice that any objection to costs must be made in writing and lodged with Council within 15 working days of receipt of the letter. The invoice (see Attachment 1) included the cost of a peer review by Littoralis Landscape Architecture of \$4977.84 (incl. GST), a geo-technical review by Tonkin & Taylor of \$2750.09 (incl GST), and hearings commissioner \$7,048.48 (incl GST).
- 1.6 The objection to costs was received via an e-mail from Precision Planning Limited on 16 March 2021 and included a number of matters in question (refer Attachment 2). While the objection letter details the tasks (as charged on the job costing sheet) that they are seeking to dispute, it does not provide any indication of what they constitute a reasonable amount (either in time or monetary figures), nor any indication of what they would consider a fair and reasonable processing fee.
- 1.7 During the weeks after receipt of the objection I analysed the tasks undertaken, the amount of time recorded for each task and the associated costings (including those of the external consultants) and provided a response to Precision Planning Limited on 14 April 2021. The response concluded *“Based on my review I do not agree with your objection and reasoning over the amount of the charges. I have been unable to identify any costs or time recordings that can be considered high or unreasonable and on that basis the costs associated with the processing of this consent remain as charged”*. (refer Attachment 3).

The response was provided within the 20-working day timeframe as set out by Section 357C(3)(a) of the Act.

- 1.8 Kellie Roland confirmed via e-mail on 21 April 2021 that they wished for the matter to heard by this committee.

## 2. Background Information

- 2.1 After lodgement of the subdivision application, from early on in the process the processing planner was very communicative with the applicant's agent over the nature of the application and observed concerns over its alignment with the District Plan. Following a 'no surprises' approach and highlighting the concerns to the applicant at an early stage to ensure all decisions made by the applicant with respect to the processing pathway and associated costs were on an informed basis. The initial Section 92 request for information (refer Attachment 4) was the initial formal communication in this regard. This was then followed up with regular written communication and a meeting on Monday 5 November 2018 (being early in the consent processing) whereby the concerns were highlighted in person with both the applicants and their agent present.
- 2.2 Communication with Ms Roland was regular from our end, however it is noted that Ms Roland encountered 'technical issues' with respect to her e-mail address and on several occasions asked that we change her e-mail address for service and also noted she had 'lost' the chain of communications and asked that we both re-send documentation and/or try alternate email addresses.

This made ensuring regular communication complex and added to the time taken in processing the application.

## 3. Statutory Considerations

- 3.1 Section 36 of the Act relating to administrative charges authorises Council to fix charges payable by applicants seeking resource consents for the carrying out of its functions in relation to the receiving, processing and granting of resource consents or other approvals. Section 36(4)(a) of the Act states that the sole purpose shall be to recover the reasonable costs incurred in respect of the activity. A person should only be required to pay a charge to the extent that the charges relate to benefits obtained by the person as opposed to being distinct from the community as a whole.
- 3.2 Section 357B of the Act "Right of objection in relation to imposition of additional charges or recovery of costs" provides a right of objection to additional charges imposed under Section 36 of the Act. An applicant only has the ability to object to the additional charges, and not to any initial deposit charges already paid.
- 3.3 The procedural requirements for making and hearing such objections are set out in Section 357C of the Act. These include requiring an objection to be lodged within 15 working days of the decision being notified, or such further time as may be allowed by Council.
- A notice of objection must specify the reasons for the objection.
- 3.4 In terms of Section 357D of the Act and the current objection, Council may dismiss the objection, uphold the objection in whole or part, or remit the whole or any part of the additional charge.

## 4. Assessment of Objection Issues – Processing Fee for SD1800135

- 4.1 The objection raises various issues grouped into topics -

- WDC – Various (three areas)
- Tonkin & Taylor (Peer review, engineering)
- Mike Farrow - Littoralis Landscape Architecture ("Littoralis")
- Lex Wright (Reporting Planner, WDC)
- Katie Martin (Team Leader, WDC)
- Farnsworth Management Services (Independent Commissioner)

4.2 The following table summary outlines my findings and responses, as provided to Ms Roland on 14 April 2021 (Attachment 3), having undertaken an analysis of the file and invoicing.

	Analysis & Discussion	Conclusion
<b>Section 95 Report</b>	<p><i>The objection outlines that they consider an excessive amount of time was charged for this work</i></p> <p>I have analysed the job costing sheet and reviewed the Section 95 report itself. Having done this, I can find approximately 64 units (6.4hours) that can be directly attributed to the preparation with this report. This includes –</p> <ul style="list-style-type: none"> <li>• Preparation of the original report – 4.5 hours</li> <li>• Amendments to the report – 1 hour</li> <li>• s95 Admin – 0.9 hours</li> </ul> <p>I agree with parts of the reasoning insofar that the WDC template was used as a basis for the report and that they requested notification. However, I do not agree the time taken can be considered as 'excessive'.</p> <p>The time taken is not as simplistic as populating a few template boxes, but also includes analysing &amp; summarising the s92 trail, collating the necessary information over the rules infringed and the subsequent plan change provisions that came into effect since the application was lodged.</p> <p>It also includes responding to Team Leader feedback and liaising with the admin staff over the up-coming notification.</p>	<p><b>The time taken is an accurate reflection of the time taken and is considered to align with the complexity of the proposal and necessary collation of information needed.</b></p> <p><b>A reduction is not considered appropriate.</b></p>
<b>Section 42A Report</b>	<p><i>The objection outlines that they consider an excessive amount of time was charged for this work</i></p> <p>In analysing the billing report, a total of 272 units (27.2hours) can be attributed to this task. This includes –</p> <ul style="list-style-type: none"> <li>• Preparation of the original report – 20.5 hours</li> <li>• Amendments to the report – 4.7 hours</li> <li>• Finalisation &amp; attachments – 2 hours</li> </ul> <p>The objection provides your breakdown of the costs / time based on the number of pages and suggests the use of a 'standard template'.</p> <p>As a starting point I note the length of the report is not reflective of the time needed to draft it, refine it and include the background reading and quotations and is not a true gauge of the complexity. That is true for this application where the issues were complex and required due consideration and analysis before the 'words hit the page'. The written text was backed up by that analysis and the culmination of two years' work.</p> <p>As a general comment, based on my years of experience and observation and management of time / costs, we would anticipate an average Section 42A report would take in the order of 20-30 hours to prepare. Obvious factors can skew that observation (such as a large volume of submissions to summarise etc), but the time for this report is well within the realm of what we would view as 'reasonable'.</p> <p>The need for the Section 42A reports to be complete, accurate, thorough and respond to all pertinent matters is imperative. Had we not taken the necessary time to prepare a detailed report, we would not have provided our analysis and assessment and would</p>	<p><b>The time to prepare a detailed report, provide an analysis &amp; assessment and ensure we were prepared, ensured we did not do the applicant, submitters and the commissioner a disservice or were unprofessional in our approach.</b></p> <p><b>A reduction is not considered appropriate.</b></p>

	<p>have been unprepared and done the applicant, submitters and the commissioner a disservice and been unprofessional in our approach.</p> <p>The suggestion that a “significant re-write” was also required is not correct. Rather, this time was spent strengthening areas of the draft based on a ‘fresh pairs of eyes’ reading through it and offering suggested feedback. Again, this is a standard part of the process.</p> <p>The 31 pages presented to the commissioner provides a succinct summation of a long journey in processing this file and cannot be simplified by your suggestion the ‘number of pages’ don’t align with the costs.</p>	
<b>Landscape Peer Review</b>	<p><i>The objection outlines that they consider the charges of this work are high for this work based on “the extent of the effects” (as perceived by them) AND council staff involvement with the peer reviewer was unreasonable.</i></p> <p>It is acknowledged that the application was lodged with a Landscape and Visual Assessment prepared by Georgina Olsen of Landform Consulting Limited. It is also recognised that the applicant’s agent was advised early in the processing that a peer review was considered necessary.</p> <p>Despite the statement that “...Council did not confirm costs with the applicant prior to commissioning the work...” it is clear from our records that is incorrect. An e-mail was sent to Kellie Roland on 22 November 2018 and it outlined the estimated costs and asked for confirmation and acceptance (refer Attachment 5). The subsequent trail of e-mails demonstrates they were both aware of the costs and that the work was being undertaken. I cannot find any evidence of concerns over the estimated or accruing costs being raised.</p> <p>Further to that, an e-mail from Kellie Roland dated 21 March 2019 (refer Attachment 6) makes mention of the peer review and outlines that they sought to confirm that any costs incurred by Littoralis would invoice to Council and then on-charged to the applicant – again a form of recognition of the costs involved.</p> <p>We do not agree that the overall costs (being \$4977.84) are <i>high for this work based on “the extent of the effects”</i>. In looking back over the file and review work it is clear this statement simplifies a protracted and involved process.</p> <p>The initial peer review dated 13 February 2019 concluded -</p> <p><small>In light of the inherent conflicts that the proposal brings relative to the zone provisions, and the more likely potential adverse effects involved, it is considered that the proposal does not qualify for the gr resource consent in its present form.</small></p> <p>Subsequent to that, the various interactions that took place regarding the proposal over many months sought to reach a point where the effects were acceptable and could be supported by Littoralis. This took time and effort and incurred associated costs and this process was kept transparent for the applicant by Lex in his regular communications and updates.</p> <p>In conjunction with the many times Lex acted as being the intermediary between the applicant and Littoralis, is it also noted that in many cases direct discussion took place between Kellie Roland / Georgina Olsen and Littoralis – discussions that Council was not a party to. These direct communications incurred costs Council had no control over, costs directly initiated by applicant representatives.</p> <p>When auditing the trail of work undertaken, the effects discussed and amendments made to the proposal, it is clear the effects were</p>	<p><b>The estimated costs were communicated to you; the costs incurred included work directly initiated by yourself/ Georgina Neumann; and the communication between council and Littoralis was both appropriate and necessary.</b></p> <p><b>A reduction is not considered appropriate.</b></p>

	<p>not 'simple' or narrow but required extensive and involved work and the associated costs are reflective of this.</p> <p>This is also true of the communication between Council staff and Littoralis. Similar to the communications between Kellie Roland / Georgina Olsen and Littoralis, these communications took place for us to have an exact understanding of the nature of the issues and ensure there was clear understanding about specific questions we had and were keen to get his feedback on. This is entirely appropriate and added a small fraction to the overall costs.</p>																																																																			
<b>Team Leader Involvement</b>	<p><i>The objection outlines that they consider an excessive amount of Team Leader involvement was undertaken.</i></p> <p>The work undertaken by the Team Leader (TL) on this file was approximately 16.3 hours not all of which was recorded as chargeable (13.5 hours chargeable). I can also confirm that more time than this was spent on matters associated with this application that was not captured on the billing report.</p> <p>The TL time can be broadly discussed as follows –</p> <ul style="list-style-type: none"> <li>• <b>Processing Planner Support</b></li> </ul> <p>While the experience of a processing planner does play a significant part in the level of Team Leader support needed, this must also be tempered against the complexity and quirks of the particular application. In this case the issues involved were complex and as highlighted to the applicant many times presented a scenario where Council support could not be found right from the outset. This level of complexity by its nature requires an added element of support, however when we look at the breakdown of the chargeable time associated with this is it is not outside the realm of reasonableness or 'normality'.</p> <table border="0"> <tr> <td></td><td>Assess Application (S88)</td><td></td></tr> <tr> <td>Katie Martin</td><td>Discussions</td><td></td></tr> <tr> <td>Katie Martin</td><td>Discussions</td><td>ph call with Mike F</td></tr> <tr> <td>Katie Martin</td><td>Discussions</td><td>ph call with Mike f/ Lex</td></tr> <tr> <td>Katie Martin</td><td>General Admin</td><td></td></tr> <tr> <td>Katie Martin</td><td>General Admin</td><td>liaise commissioner, Mil</td></tr> <tr> <td>Katie Martin</td><td>General Admin</td><td>organise legal opinion &amp; comment</td></tr> <tr> <td>Katie Martin No Chg</td><td>General Admin</td><td></td></tr> <tr> <td>Katie Martin</td><td>Hearing</td><td></td></tr> <tr> <td>Katie Martin No Chg</td><td>Hearing</td><td>prep &amp; discussion</td></tr> <tr> <td>Katie Martin</td><td>Meetings</td><td>meet applicant/ agent</td></tr> <tr> <td></td><td>Notification</td><td></td></tr> <tr> <td>Katie Martin</td><td>Decision</td><td>read info &amp; check draft</td></tr> <tr> <td></td><td>Notification</td><td></td></tr> <tr> <td>Katie Martin</td><td>Decision</td><td>check, sign</td></tr> <tr> <td>Katie Martin No Chg</td><td>Phone Call</td><td>Mike F re updated evidence</td></tr> <tr> <td>Katie Martin</td><td>Report</td><td>read draft report, feedback</td></tr> <tr> <td>Katie Martin</td><td>Report</td><td>read amendments</td></tr> <tr> <td>Katie Martin</td><td>Report</td><td>check amendments, dis</td></tr> <tr> <td>Katie Martin</td><td>Report</td><td>check addendum</td></tr> <tr> <td>Katie Martin No Chg</td><td>Report</td><td>read &amp; amend</td></tr> <tr> <td>Kaylee Kolkman</td><td>Report</td><td>check commissioner rep</td></tr> </table>		Assess Application (S88)		Katie Martin	Discussions		Katie Martin	Discussions	ph call with Mike F	Katie Martin	Discussions	ph call with Mike f/ Lex	Katie Martin	General Admin		Katie Martin	General Admin	liaise commissioner, Mil	Katie Martin	General Admin	organise legal opinion & comment	Katie Martin No Chg	General Admin		Katie Martin	Hearing		Katie Martin No Chg	Hearing	prep & discussion	Katie Martin	Meetings	meet applicant/ agent		Notification		Katie Martin	Decision	read info & check draft		Notification		Katie Martin	Decision	check, sign	Katie Martin No Chg	Phone Call	Mike F re updated evidence	Katie Martin	Report	read draft report, feedback	Katie Martin	Report	read amendments	Katie Martin	Report	check amendments, dis	Katie Martin	Report	check addendum	Katie Martin No Chg	Report	read & amend	Kaylee Kolkman	Report	check commissioner rep	<p><b>The TL involvement in the processing of this application is considered reasonable.</b></p> <p><b>A reduction is not considered appropriate.</b></p>
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	<p>Katie Martin No Chg Research post hearing research, discussion</p> <p>Having scrutinised the job costing sheet for Team Leader support I am comfortable there are no time or costs recordings that can be considered excessive (either individually or collectively).</p> <ul style="list-style-type: none"> <li>• <b>Applicant Request</b></li> </ul> <p>A meeting was attended by both Lex and I at the applicant's request. This is not a standard step in most applications but occurred due to an applicant-initiated request and accrued 0.9 hours of cost.</p> <ul style="list-style-type: none"> <li>• <b>Hearings Commissioner Support</b></li> </ul> <p>At the adjournment of the hearing the commissioner issued two directions that required council provide a further addendum to the original Section 42A report. The commissioner was specific in the matters he wanted canvassed and those matters required that Council seek out legal advice.</p> <p>Some of the work involved in seeking out the detail requested was undertaken at Team Leader level, with the addendum prepared including a collaboration between the Team Leader and processing planner. This collaboration is considered appropriate given attendance at the hearing by both staff members and the discussion / directive at the hearing by the commissioner being predominantly directed at the Team Leader.</p> <p>I accept that this is time that could be described as 'above the norm', but consider it is reflective of the circumstances of the proposal. This broadly accounts for 10.5 hours of the Team Leader time.</p> <ul style="list-style-type: none"> <li>• <b>Review of the Commissioner Decision</b></li> </ul> <p>The work involved in this <b>does not</b> include any alteration to the content or nature of the analysis of decision. The review is a grammatical, fact check, and any findings are given as feedback that the commissioner may choose to either accept or ignore. The standard process initiated by most commissioner involves the commissioners providing us a draft decision asking for our review and feedback. This is an entirely appropriate process and <b>does not</b> alter the analysis, reasons or decision of the commissioner.</p>	14
<p><b>Commissioner Hourly Rate</b></p>	<p><i>The objection outlines that they consider an incorrect hourly rate was charged for this work based on earlier advice over possible hearing costs</i></p> <p>It is acknowledged that in doing due diligence over how / whether to proceed you sought advice over possible costs. This was provided by Lex Wright via an e-mail to Ms. Roland in April 2020 and included an indication of the possible commissioner costs. That was based on the hourly rates that were in place at that time via the independent commissioner contracts.</p> <p>In the time that elapsed between that e-mail and the hearing date, a renewal process of appointed commissioners was undertaken with a new pool of independent commissioners selected. This process also included a review of the costs and a new hourly rate put place.</p> <p>Council's new Fees and Charges came in to effect on 1 July 2020 and this notes the following -</p>	<p><b>The commissioner hourly rate aligns with the Fees and Charges policy and the hourly rate applicable when the hearing was held.</b></p> <p><b>A reduction is not considered appropriate.</b></p>

	<p><b>Hearings required for any resource consent or other permission:</b></p> <ul style="list-style-type: none"> <li>• Cost of third party/hearings commissioners will be charged at actual cost.</li> <li>• All staff and consultant's costs will be charged at actual cost.</li> <li>• Miscellaneous charges will be charged at actual cost.</li> <li>• All costs will be itemised.</li> </ul> <p>Based on that, the commissioner was charged at the hourly rate applicable at the time the hearing was held. I acknowledge this differs from that included in Lex's e-mail, but I also note his e-mail was clear the hourly rate was not a 'quote' but an <u>indication</u> (through use of the word 'circa') and his e-mail also directed you to the Fees and Charges policy.</p> <p>The commissioner costs align with this.</p> <p>(refer Attachment 7)</p>	
<p><b>Tonkin &amp; Taylor Review</b></p>	<p><i>The objection outlines that they consider the passing on of this cost is disputed as applicant pre-approval for the cost associated with this work was not gained.</i></p> <p>As part of the review process I have liaised with Nadia de la Guerre (WDC Team Leader - Development Engineering). I also note a breakdown of the process surrounding the use of Tonkin + Taylor (T+T) would be useful to clarify both their role and the associated fees.</p> <p>The engagement of T+T to assist with resource consents is something that has been occurring for a few years now and occurs when a site is identified as having potential stability / geo-technical hazards. Council engage T+T to assist with the review of applications in medium and high instability sites or any other sites with areas of concern, based on their competency in the specialised area of Geotechnical engineering. These types of reviews can only be carried out by geo-technical professionals with set qualifications. The report is reviewed and signed off by a Senior Engineer as part of their quality control process. The hourly rates charged by T+T reflect the degree of competency required for these geotechnical reviews. The cost of geotechnical reviews is a process that is regularly being reviewed and refined by us to streamline it as best we can and try and keep costs down.</p> <p>Ms. Roland acknowledged that the use of T+T was highlighted to the applicant by Lex in an e-mail on 25 March 2020 and I note that information over potential costs also provided to Ms. Roland via e-mail on 16 April 2020 as follows –</p> <ul style="list-style-type: none"> <li>• <i>Tonkin and Taylor peer review of engineering report – as advised by Ms. Nadia de la Guerre (WDC Team Leader – Development Engineering):-</i> <ul style="list-style-type: none"> <li>○ <i>in the region of \$3 - \$5K, depending on complexity.</i></li> </ul> </li> </ul> <p>In conjunction with that Nadia de la Guerre's feedback has provided the following explanation of the work undertaken -</p> <p><u>First review</u></p> <p><i>A review was carried out on the report prepared by Vision Consulting Engineers Limited (19/01/2018). The conclusion of the review was that insufficient information has been provided to address the stability hazards on the site. The offal pit was noted and requested that this be remediated, or guidance provided for land development near this pit. The cost of this review was invoiced at \$2019.55 incl GST. I consider the cost reasonable considering the expertise involved.</i></p>	<p><b>The costs of this review fall below the estimated amount and are considered reasonable.</b></p> <p><b>A reduction is not considered appropriate.</b></p>



	<p><u>Second review</u></p> <p><i>The agent then informed Council that a different engineering company has been engaged to prepare a response to the T+T RFI/S92. The agent requested a quote for the review of the second report. Council provided an estimate on 16 April 2020 of \$3- \$5k.</i></p> <p><i>Tonkin + Taylor then carried out the review of the report provided by Initia dated 14 October 2020 in response to the previous RFI.</i></p> <p><i>You will note that the review was carried out <u>after</u> the quote has been provided.</i></p> <p><i>The cost of this review was invoiced at \$730.54 incl GST, well under the quote.</i></p> <p><i>The total cost was for the review of 2 separate reports, e-mails and preparing a tabulated response. The number of employees involved represents the administration staff, reviewer, senior Engineer signoff and director signoff as part of their quality assurance process.</i></p> <p><i>The costs of this review at \$2,391.38 fall below the estimated amount and are considered reasonable.</i></p> <p><i>(refer Attachment 8)</i></p>	
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## 5. Conclusion

- 5.1 The cost to process the application was \$27,793.21, the balance owed at the time of invoice being \$22,462.19. The proposal to undertake a 3-lot subdivision in the Rural Production Zone was processed in an open, communicative manner taking a 'no surprises' approach.
- 5.2 The invoice and billing report for the application can be found at Attachment 1. This outlines in detail the time spent processing the application.
- 5.3 Having reviewed the objection and associated background material it is concluded that the processing costs, including the peer review and / or reporting by various external consultants, satisfies the criteria of Section 36(4) of the Act and thus represents the actual and reasonable costs incurred in the processing of the application.

## Recommendation

That pursuant to Section 357D of the Resource Management Act 1991, that the objection be dismissed, and the total costs invoiced for the subdivision consent to undertake a 3-lot subdivision in the Rural Production Zone (SD1800135) are payable. The total outstanding amount to be paid is therefore \$22,432.19 GST inclusive.

## 6. Attachments

- Attachment 1 – Billing Report and Invoices SD1800135
- Attachment 2 – SD1800135 Objection Letter
- Attachment 3 – SD1800135.01 Promethean Concepts Objection to Costs – reply
- Attachment 4 – SD1800135 – Section 92 Request – re 385 Whangarei Heads Rd
- Attachment 5 – E-mail to Ms Roland 22 November 2018 (Landscape Peer Review Costs)
- Attachment 6 – E-mail from Ms Roland 21 March 2019 (Landscape Review)
- Attachment 7 – Mark Farnsworth hearing invoice WDC 02
- Attachment 8 – E-mail communications with Ms Roland 16 – 21 April 2020 re: Cost Estimates for Notified Application



## Single Billing Listing

As at : 2/25/2021

**Payer Name:**

Michael Matteucci

385 Whangarei Heads Road, RD 4, Whangarei 0174

**Consent: Description:**

SD1800135 4 lot subdivision in Coastal Countryside and under NES.

**Application & Activity Charges**

<u>Date</u>	<u>Details</u>	
06/09/18	Land Use or Subdivision - non-notified - s88	1,304.35
28/07/20	Land Use or Subdivision Additional Pay for Notific	6,956.52
Net Total:		8,260.87

**Accumulated Costs**

<u>Date</u>	<u>Details</u>	<u>Quantity</u>	<u>Units</u>	<u>Rate</u>	<u>Amount</u>
06/09/18	Dee du Toit General Admin Application Set Up	11	Unit(6m)	8.35	91.83
06/09/18	Katie Martin Assess Application (S88)	2	Unit(6m)	15.65	31.30
13/09/18	Lex Wright Assess Application (S: Initial App Assessment	10	Unit(6m)	13.91	139.13
18/09/18	Lex Wright Site Visit Site Visit	12	Unit(6m)	13.91	166.96
18/09/18	Nadia de la Guerre Site Visit Site Visit	10	Unit(6m)	15.65	156.52
20/09/18	Lex Wright Assess Application (S: App Assessment - completion of main re	20	Unit(6m)	13.91	278.26
20/09/18	Nadia de la Guerre Initial Assessment Initial Assess & comments	20	Unit(6m)	15.65	313.04
21/09/18	Lex Wright Assess Application (S: DSI/LA reports assess	10	Unit(6m)	13.91	139.13
21/09/18	Lex Wright NC Research PC research - s.32 analysis RVE	10	Unit(6m)	0.00	0.00
24/09/18	Katie Martin Discussions	3.5	Unit(6m)	15.65	54.78
24/09/18	Lex Wright Discussions Discuss App w/ TL	3.5	Unit(6m)	13.91	48.70
24/09/18	Lex Wright Email Draft Letter to Agent	10	Unit(6m)	13.91	139.13
24/09/18	Lex Wright NC Research Obs & Pols Review	15	Unit(6m)	0.00	0.00
26/09/18	Lex Wright Email Completion of Letter to Agent	10	Unit(6m)	13.91	139.13
26/09/18	Lex Wright NC Meetings Discussion re: Landowner Submission	5	Unit(6m)	0.00	0.00
31/10/18	Lex Wright Read Info Initial Review of Sec 92 Response	3	Unit(6m)	13.91	41.74
05/11/18	Katie Martin Meetings meet applicnat/ agent	8	Unit(6m)	15.65	125.22
05/11/18	Lex Wright Meetings Meeting w/ Agent/Owners/TL	8	Unit(6m)	13.91	111.30
05/11/18	Lex Wright NC Research PC reviews / prep for meeting	10	Unit(6m)	0.00	0.00
13/11/18	Lex Wright Email Email to Mike Farrow - re: PR Availab	2	Unit(6m)	13.91	27.83
16/11/18	Lex Wright Email Email to Agent - re: Reviews	2	Unit(6m)	13.91	27.83
16/11/18	Paul Dell Email Email to Agent - re: Reviews	2	Unit(6m)	16.87	33.74
16/11/18	Paul Dell Email Added in error	-2	Unit(6m)	16.87	-33.74
21/11/18	Lex Wright Read Info Review of E-mail from Mike Farrow/Res	1	Unit(6m)	13.91	13.91
22/11/18	Lex Wright Email E-mail to agent - re: peer review	2	Unit(6m)	13.91	27.83
29/11/18	Lex Wright Email Email to agent - req for digital files	1	Unit(6m)	13.91	13.91
05/12/18	Lex Wright Read Info Review of E-mails from Agent	2	Unit(6m)	13.91	27.83
10/12/18	Lex Wright General Admin Dropbox Files Download/Folder Admin	3	Unit(6m)	13.91	41.74
12/12/18	Lex Wright Discussions Discussion w/ Devpt Engr - Sec 92 reqs	2	Unit(6m)	13.91	27.83
12/12/18	Lex Wright Email E-mail to agent - application summary	3	Unit(6m)	13.91	41.74
12/12/18	Lex Wright Other Subsidy Drafting of SFA - re: Landscape review	5	Unit(6m)	13.91	69.57
12/12/18	Lex Wright Meetings Discuss w/ TL - re: appl status & reqs	1	Unit(6m)	13.91	13.91
13/12/18	Lex Wright Email SFA to Littoralis Architecture	1	Unit(6m)	13.91	13.91
11/01/19	Lex Wright Read Info Review of DSI	3	Unit(6m)	13.91	41.74
11/01/19	Lex Wright Email E-mail to agent - re: RAP peer review req	2	Unit(6m)	13.91	27.83
21/02/19	Lex Wright Read Info Review LVA peer review	5	Unit(6m)	13.91	69.57
28/02/19	Other Professional Fees Littoralis Landscape - INV-4054	0	EACH	1074.80	1074.80
06/03/19	Lex Wright General Admin Landscape review invoice	1	Unit(6m)	13.91	13.91
20/03/19	Lex Wright Read Info Review LVA peer review	1	Unit(6m)	13.91	13.91
20/03/19	Lex Wright Phone Call Telco w/ agent	1	Unit(6m)	13.91	13.91

## Single Billing Listing

As at : 2/25/2021

20/03/19	Lex Wright NC	Discussions	Discuss w/ TL / Mike Farrow	5	Unit(6m)	0.00	0.00
21/03/19	Lex Wright	Read Info	Review e-mail from agent	3	Unit(6m)	13.91	41.74
22/03/19	Katie Martin	Discussions	ph call with Mike F	3.5	Unit(6m)	15.65	54.78
22/03/19	Lex Wright	Meetings	Telco w/ Mike Farrow	4	Unit(6m)	13.91	55.65
25/03/19	Lex Wright	Email	E-mail response to agent - re: LVA rev	3	Unit(6m)	13.91	41.74
17/04/19	Lex Wright	Email	Read e-mail	1	Unit(6m)	13.91	13.91
02/05/19	Katie Martin	Discussions	ph call with Mike f/ Lex	2.5	Unit(6m)	15.65	39.13
02/05/19	Katie Martin	General Admin		1	Unit(6m)	15.65	15.65
03/05/19	Lex Wright	Phone Call	Telco w/ Mike Farrow/Katie Martin	2.5	Unit(6m)	13.91	34.78
03/05/19	Lex Wright	Phone Call	Telco w/ Mike Farrow & Kate Martin	2.5	Unit(6m)	13.91	34.78
03/05/19	Lex Wright	Email	E-mail to KR & GN - re: Mike Farrow Res	2	Unit(6m)	13.91	27.83
06/05/19	Lex Wright	Email	E-mail to Agent @ AKL Airport Address	1	Unit(6m)	13.91	13.91
31/05/19	Other Professional Fees		Littoralis Landscape - INV-4084	0	EACH	380.00	380.00
18/07/19	Lex Wright	Email	Email to Agent	1	Unit(6m)	14.23	14.23
30/07/19	Lex Wright	General Admin	Read E-mail / Print / Dropbox access	2	Unit(6m)	14.23	28.47
02/08/19	Lex Wright	Email	E-mails to Mike F - re revised LVA	1	Unit(6m)	14.23	14.23
06/08/19	Lex Wright	Read Info	Review LVA / revised scheme plan	10	Unit(6m)	14.23	142.33
06/08/19	Lex Wright	Email	Draft e-mail response to agent	2	Unit(6m)	14.23	28.47
07/08/19	Lex Wright	Email	E-mail to agent/review response	2	Unit(6m)	14.23	28.47
14/08/19	Lex Wright	Email	E-mail to Mike Farrow	2	Unit(6m)	14.23	28.47
14/08/19	Lex Wright	Email	E-mail to agent for applicant	1	Unit(6m)	14.23	14.23
14/08/19	Lex Wright NC	Read Info	Review LVA peer review report	5	Unit(6m)	0.00	0.00
28/08/19	Lex Wright NC	Email	Liaison w/ Mike Farrow - re: LVA comme	5	Unit(6m)	0.00	0.00
03/09/19	Lex Wright	Read Info	Review comments from Mike Farrow	2	Unit(6m)	14.23	28.47
06/09/19	Lex Wright	Email	E-mail resp to agent	5	Unit(6m)	14.23	71.17
06/09/19	Lex Wright NC	Discussions	Discussion w/ TL	5	Unit(6m)	0.00	0.00
03/12/19	Lex Wright	Email	E-mail resp to agent	3	Unit(6m)	14.23	42.70
03/12/19	Lex Wright	General Admin	File Admin	2	Unit(6m)	14.23	28.47
04/12/19	Lex Wright	Email	E-mail to agent	2	Unit(6m)	14.23	28.47
10/12/19	Lex Wright	Email	E-mails to Mike F - re: LVA peer review	2	Unit(6m)	14.23	28.47
20/12/19	Lex Wright NC	Email	E-mail to agent	2	Unit(6m)	0.00	0.00
24/01/20	Lex Wright	Email	E-mail to Mike Farrow	1	Unit(6m)	14.23	14.23
29/01/20	Lex Wright	General Admin	File admin/processing costs review	2	Unit(6m)	14.23	28.47
29/01/20	Lex Wright NC	Email	Liaison w/ Mike Farrow - re: Conf call	2	Unit(6m)	0.00	0.00
30/01/20	Lex Wright	Email	E-mail to Mike Farrow - re LVA obs & po	5	Unit(6m)	14.23	71.17
30/01/20	Lex Wright	Email	2 x emails to agent/landscape arch	3	Unit(6m)	14.23	42.70
30/01/20	Lex Wright NC	Read Info	LVA report reviews (meeting prep)	4	Unit(6m)	0.00	0.00
31/01/20	Other Professional Fees		Littoralis Landscape Inv-4137	0	EACH	1615.00	1615.00
07/02/20	Lex Wright	Email	E-mail to Mike Farrow (re: PR report)	2	Unit(6m)	14.23	28.47
07/02/20	Lex Wright	Read Info	Review e-mail from Mike Farrow	1	Unit(6m)	14.23	14.23
11/02/20	Lex Wright	Email	E-mail to agents	3	Unit(6m)	14.23	42.70
17/02/20	Lex Wright	Read Info	Review LVA addendum (RA Chapter)	4	Unit(6m)	14.23	56.93
26/02/20	Lex Wright	General Admin	Generate interim invoice	1	Unit(6m)	14.23	14.23
26/02/20	Lex Wright	Read Info	Review LVA peer review (RA Chapter)	3	Unit(6m)	14.23	42.70
29/02/20	Other Professional Fees		Littoralis Landscape Inv-4141	0	EACH	332.50	332.50
04/03/20	Lex Wright	Email	E-mail to agents (KR & GO)	1	Unit(6m)	14.23	14.23
12/03/20	Lex Wright NC	Read Info	Review of initial AEE/e-mail comms	15	Unit(6m)	0.00	0.00
13/03/20	Lex Wright	Discussions	App review/discuss w/ TL	2	Unit(6m)	14.23	28.47
13/03/20	Lex Wright	Email	E-mail to Kellie R (agent)	0.5	Unit(6m)	14.23	7.12
18/03/20	Lex Wright	Email	E-mail to agent - re: next steps	4	Unit(6m)	14.23	56.93
20/03/20	Lex Wright NC	Email	Draft response to agent	5	Unit(6m)	0.00	0.00
23/03/20	Lex Wright	Email	Draft response to agent	4	Unit(6m)	14.23	56.93
25/03/20	Lex Wright	Email	E-mail to agent / applicant	1	Unit(6m)	14.23	14.23
09/04/20	Lex Wright	Email	E-mail to agent	1	Unit(6m)	14.23	14.23
14/04/20	Lex Wright	Email	E-mails to admin/Mike F re: cost ests	5	Unit(6m)	14.23	71.17
15/04/20	Lex Wright NC	Email	Draft resp to agent (re; cost ests)	6	Unit(6m)	0.00	0.00
16/04/20	Lex Wright	Email	E-mail to agent	2	Unit(6m)	14.23	28.47
17/04/20	Lex Wright NC	Email	Draft e-mail to agent - re: cost ests	20	Unit(6m)	0.00	0.00
21/04/20	Lex Wright	Email	E-mail to agent re:WDC hourly rates	2	Unit(6m)	14.23	28.47
30/04/20	Lex Wright	Email	E-mail to agent - sample PN costs	1	Unit(6m)	14.23	14.23

## Single Billing Listing

As at : 2/25/2021

22/06/20	Lex Wright	Email	E-mail w/ Mike Farrow re: App status	1	Unit(6m)	14.23	14.23
15/07/20	Lex Wright	Email	E-mail to Agent/File Admin	1	Unit(6m)	14.61	14.61
22/07/20	Lex Wright	Read Info	Review e-mail/collate docs/email agent	8	Unit(6m)	14.61	116.88
23/07/20	Lex Wright	Discussions	Discuss app w/ Devpt Engr	4	Unit(6m)	14.61	58.44
24/07/20	Brittany Pearce NC	General Admin	PO for T+T SS Report Review	3	Unit(6m)	0.00	0.00
24/07/20	Lex Wright	Email	E-mails to Agent/Devpt Engr	2	Unit(6m)	14.61	29.22
27/07/20	Brittany Pearce NC	General Admin	Sent purchase order to T+T	2	Unit(6m)	0.00	0.00
27/07/20	Lex Wright	Discussions	Discuss app w/ Devpt Engr/File Admin	5	Unit(6m)	14.61	73.05
27/07/20	Lex Wright	Discussions	Discuss fees w/ Admin team	2	Unit(6m)	14.61	29.22
27/07/20	Lex Wright	Phone Call	Telco w/ Kellie Roland (Agent)	3	Unit(6m)	14.61	43.83
28/07/20	Lex Wright	Meetings	Discuss app w/ Devpt Engr	1	Unit(6m)	14.61	14.61
04/08/20	Lex Wright	General Admin	Files download	2	Unit(6m)	14.61	29.22
05/08/20	Lex Wright	Email	E-mails to Devpt Engr & Littoralis	2	Unit(6m)	14.61	29.22
05/08/20	Lex Wright	Email	E-mail to TL	1	Unit(6m)	14.61	14.61
05/08/20	Lex Wright	Email	Draft resp to agent for applicant	3	Unit(6m)	14.61	43.83
12/08/20	Lex Wright	Report	Section 95 Report	5	Unit(6m)	14.61	73.05
13/08/20	Lex Wright	Report	Section 95 Report	40	Unit(6m)	14.61	584.40
14/08/20	Lex Wright	General Admin	Complete Sec 95 Report/Liaise w/ Admin	9	Unit(6m)	14.61	131.49
17/08/20	Katie Martin	Notification Decision	read info & check draft report	8	Unit(6m)	16.36	130.88
17/08/20	Lex Wright	Read Info	Review comments from TL	2	Unit(6m)	14.61	29.22
17/08/20	Lex Wright	Report	Section 95 Report Amends	5	Unit(6m)	14.61	73.05
18/08/20	Katie Martin	Notification Decision	check, sign	1.5	Unit(6m)	16.36	24.54
20/08/20	Lex Wright	General Admin	Application Admin	5	Unit(6m)	14.61	73.05
20/08/20	Lex Wright	Other Subsidy	Notification Documentation	3	Unit(6m)	14.61	43.83
20/08/20	Lex Wright	General Admin	e-Documents from RMA Admin Team	2	Unit(6m)	14.61	29.22
24/08/20	Lex Wright	Other Subsidy	Northern Advocate - Advert Wording	3	Unit(6m)	14.61	43.83
24/08/20	Lex Wright NC	Phone Call	Telco w/ WRMK Lawyer - re notification	1	Unit(6m)	0.00	0.00
28/08/20	Lex Wright	Report	Sec 95 Report Amends - re: TWM refs	5	Unit(6m)	14.61	73.05
31/08/20	Lex Wright	Email	E-mail comms w/ Vision Consulting Eng	2	Unit(6m)	14.61	29.22
07/09/20	Other Professional Fees		Tonkin & Taylor Inv 51349	0	EACH	0.00	1756.13
11/09/20	Brittany Pearce NC	General Admin	T+T Inv 51349 for approval	2	Unit(6m)	0.00	0.00
16/09/20	Lex Wright	Read Info	Read e-mail from agent/check submissic	2	Unit(6m)	14.61	29.22
17/09/20	Lex Wright	Read Info	Review submission / fwd to admin	9	Unit(6m)	14.61	131.49
18/09/20	Lex Wright	General Admin	File Admin	1	Unit(6m)	14.61	14.61
21/09/20	Lex Wright	Email	E-mail to agent/collate submissions	4	Unit(6m)	14.61	58.44
21/09/20	Lex Wright	Discussions	Hearing date discussions w/ Consents At	2	Unit(6m)	14.61	29.22
24/09/20	Lex Wright	Hearing	Hearing dates details/e-mail to agent	5	Unit(6m)	14.61	73.05
28/09/20	Lex Wright	Discussions	Discussion w/ Devpt Engr	2	Unit(6m)	14.61	29.22
28/09/20	Lex Wright	Email	E-mail to Mike Farrow (re: Hearing)	2	Unit(6m)	14.61	29.22
29/09/20	Lex Wright	Email	E-mail to Mike Farrow	0.5	Unit(6m)	14.61	7.31
30/09/20	Lex Wright	Discussions	Discuss Geotech report w/ Devpt Engr	1	Unit(6m)	14.61	14.61
01/10/20	Lex Wright	Read Info	Read e-mail from agent/e-mail to Devpt	1	Unit(6m)	14.61	14.61
06/10/20	Lex Wright	Discussions	Discuss app w/ Devpt Engr	1.5	Unit(6m)	14.61	21.92
07/10/20	Lex Wright	Email	E-mail to agent	0.5	Unit(6m)	14.61	7.31
15/10/20	Lex Wright	Email	E-mail to agent / Org Appt w/ DE	1	Unit(6m)	14.61	14.61
15/10/20	Lex Wright	General Admin	LVA Reports to Agent (as requested)	4	Unit(6m)	14.61	58.44
15/10/20	Lex Wright	Report	Report Prep / Template / Begin Draft	20	Unit(6m)	14.61	292.20
19/10/20	Lex Wright	Report	s42A Report	40	Unit(6m)	14.61	584.40
20/10/20	Lex Wright	Report	s42A Report	40	Unit(6m)	14.61	584.40
20/10/20	Lex Wright NC	Research	DP research	10	Unit(6m)	0.00	0.00
20/10/20	Nadia de la Guerre	Report	Read application and write Engineers rej	20	Unit(6m)	16.36	327.20
21/10/20	Lex Wright	Report	Report	45	Unit(6m)	14.61	657.45
21/10/20	Lex Wright NC	Research	DP Research/Discuss w/ TL	10	Unit(6m)	0.00	0.00
22/10/20	Lex Wright	Report	Report	40	Unit(6m)	14.61	584.40
22/10/20	Lex Wright NC	General Admin	Research / App Admin	10	Unit(6m)	0.00	0.00
23/10/20	Katie Martin	Report	read draft report, feedback	28.5	Unit(6m)	16.36	466.26
23/10/20	Lex Wright	Report	Complete s42A Draft	15	Unit(6m)	14.61	219.15
23/10/20	Lex Wright	Email	E-mail to agent	1	Unit(6m)	14.61	14.61
27/10/20	Katie Martin	Report	read amendments	4	Unit(6m)	16.36	65.44
27/10/20	Lex Wright	Report	Report Amendments	32	Unit(6m)	14.61	467.52

## Single Billing Listing

As at : 2/25/2021

28/10/20	Katie Martin	Report	check amendments, discuss	8.5	Unit(6m)	16.36	139.06
28/10/20	Lex Wright	Report	Final Report Amends/Appendices	20	Unit(6m)	14.61	292.20
30/10/20	Other Professional Fees		Tonkin & Taylor Inv 52551	0	EACH	0.00	635.25
04/11/20	Brittany Pearce NC	General Admin	T+T inv 52551 for approval	2	Unit(6m)	0.00	0.00
04/11/20	Brittany Pearce NC	General Admin	T+T Inv 52551 approved/receipted	2	Unit(6m)	0.00	0.00
09/11/20	Lex Wright	General Admin	File Admin	1	Unit(6m)	14.61	14.61
10/11/20	Lex Wright	Read Info	Download App Expert Evidence/Initial R	15	Unit(6m)	14.61	219.15
10/11/20	Lex Wright	Phone Call	Telco w/ Mike Farrow	1	Unit(6m)	14.61	14.61
10/11/20	Lex Wright	Email	E-mail to agent	0.5	Unit(6m)	14.61	7.31
11/11/20	Lex Wright	Read Info	Review LVA/LUC evidence	10	Unit(6m)	14.61	146.10
12/11/20	Lex Wright NC	Meetings	Meeting w/ TL & Mike F	5	Unit(6m)	0.00	0.00
13/11/20	Lex Wright	Email	E-mails to Mark Farnsworth/Mike Farro	2	Unit(6m)	14.61	29.22
17/11/20	Lex Wright	Meetings	Meeting w/ DP (Policy) re Evid Discussi	5	Unit(6m)	14.61	73.05
17/11/20	Lex Wright	Read Info	Review PSI Report	2	Unit(6m)	14.61	29.22
17/11/20	Lex Wright NC	Meetings	Meeting Org (DE/Policy) / Read E-mail	7	Unit(6m)	0.00	0.00
18/11/20	Lex Wright	Meetings	Review Apps Draft Conds w/ Devpt Engr	10	Unit(6m)	14.61	146.10
18/11/20	Lex Wright	Phone Call	Telco w/ Mike Farrow/E-mail Follow Up	3	Unit(6m)	14.61	43.83
18/11/20	Lex Wright NC	Phone Call	Telco w/ NZFS	4	Unit(6m)	0.00	0.00
18/11/20	Lex Wright NC	Read Info	Review App Material / Discuss	15	Unit(6m)	0.00	0.00
19/11/20	Katie Martin No Chg	Hearing	prep & discussion	3.5	Unit(6m)	0.00	0.00
19/11/20	Lex Wright	General Admin	File Admin	1	Unit(6m)	14.61	14.61
19/11/20	Lex Wright	Hearing	Hearing Prep/Collation of Docs	15	Unit(6m)	14.61	219.15
20/11/20	Brittany Pearce NC	Hearing	Hearing - Admin support	40	Unit(6m)	0.00	0.00
20/11/20	Katie Martin	Hearing		31	Unit(6m)	16.36	507.16
20/11/20	Katie Martin No Chg	General Admin		3	Unit(6m)	0.00	0.00
20/11/20	Lex Wright	Hearing	Hearing @ FN	24	Unit(6m)	14.61	350.64
20/11/20	Lex Wright	General Admin	App/File Admin	3	Unit(6m)	14.61	43.83
23/11/20	Katie Martin	General Admin	liaise commissioner, Mike F	4.5	Unit(6m)	16.36	73.62
23/11/20	Katie Martin No Chg	Research	post hearing research, discussion	14	Unit(6m)	0.00	0.00
24/11/20	Katie Martin	General Admin	organise legal opinion & LA comment	6	Unit(6m)	16.36	98.16
24/11/20	Lex Wright	Email	E-mail to Mike Farrow	2	Unit(6m)	14.61	29.22
25/11/20	Katie Martin No Chg	Phone Call	Mike F re updated evidence	4.5	Unit(6m)	0.00	0.00
30/11/20			Mike Farrow - SD1800135	0	EACH	0.00	926.25
01/12/20	Lex Wright	Phone Call	Telco w/ Mike Farrow	2	Unit(6m)	14.61	29.22
02/12/20	Lex Wright	Email	E-mail to Mike Farrow	1	Unit(6m)	14.61	14.61
07/12/20	Lex Wright	Report	Review Expert Info/Begin Addendum Re	35	Unit(6m)	14.61	511.35
09/12/20	Katie Martin	Report	check addedum	8	Unit(6m)	16.36	130.88
09/12/20	Lex Wright	Report	Draft Report (Further Info)	10	Unit(6m)	14.61	146.10
10/12/20	Lex Wright	Report	Complete report (further info)	20	Unit(6m)	14.61	292.20
11/12/20	Katie Martin No Chg	Report	read & amend	7.5	Unit(6m)	0.00	0.00
11/12/20	Lex Wright	Report	Report	5	Unit(6m)	14.61	73.05
21/12/20	Brittany Pearce	General Admin	Close hearing	3	Unit(6m)	8.73	26.19
22/12/20	Brittany Pearce	General Admin	Close Hearing	2	Unit(6m)	8.73	17.46
18/01/21	Lex Wright NC	Email	Assistance to Hearings Commisioner	1	Unit(6m)	0.00	0.00
19/01/21	Kaylee Kolkman	Report	check commissionre report	10	Unit(6m)	16.36	163.60
19/01/21	Lex Wright	Phone Call	Telco w/ Hearings Commissioner	1	Unit(6m)	14.61	14.61
20/01/21	Lex Wright	Read Info	Review HC Draft Decision	10	Unit(6m)	14.61	146.10
20/01/21	Lex Wright	Meetings	QC of HC Draft Decision w/ TL	10	Unit(6m)	14.61	146.10
27/01/21	Other Professional Fees		Mark Farnsworth Commissioner Fees	0	EACH	0.00	6129.11
28/01/21	Mary Willson No Chg	General Admin	Send commissioners report	2	Unit(6m)	0.00	0.00
25/02/21	Mary Willson No Chg	General Admin	Final invoice preparation	2	Unit(6m)	0.00	0.00
							27,793.21

Total Excluding GST: 19,532.34

Plus GST at 15%: 2,929.85

Excess Costs to be Billed: 22,462.19

**TAX INVOICE** Inv No: 4054

CONFLUENCE LTD T/A LITTORALIS LANDSCAPE ARCHITECTURE

GST N°: 82 843 000

Whangarei District Council  
 PO Box 9023  
 WHANGAREI  
 Att: Mr L Wright

Invoice Date: 28 February 2019

**RE : 1255 - PROMETHEAN CONCEPTS LTD PEER REVIEW**

Peer Review of Landscape Assessments RM005456

In accordance with a SFA dated 13th December 2018 for completion of:

Site visit and meet applicant's Landscape Architect.

Read assessment by Landform Consulting and application.

Prepare assessment report.

# Copy for your records

**FEES**

	Hrs	Rate	Ext
Mike Farrow	1.50	\$190.00	\$285.00
Christine Niblock	7.00	\$110.00	\$770.00

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**SUBTOTAL \$1,055.00**
**DISBURSEMENTS**

18 x kilometres at 90c	\$16.20
36 x A4 black & white copies at 10c each	\$3.60
	<hr/> \$19.80

**TOTAL FEES AND DISBURSEMENTS \$1,074.80****PLUS GST \$161.22**


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**TOTAL \$1,236.02**

Direct Credit welcomed to: BNZ 02 0492 0024390 00



**TAX INVOICE** Inv No: 4084

CONFLUENCE LTD T/A LITTORALIS LANDSCAPE ARCHITECTURE

GST N°: 82 843 000

Whangarei District Council  
 PO Box 9023  
 WHANGAREI  
 Att: Mr L Wright

Invoice Date: 31 May 2019

**RE : 1255 - PROMETHEAN CONCEPTS LTD PEER REVIEW**

Peer Review of Landscape Assessments RM005456

In accordance with a SFA dated 13th December 2018 for completion of:

Liaise with Council officers.  
 Review correspondence.  
 Prepare letter in reply.

# Copy for your records

**FEES**

	Hrs	Rate	Ext
Mike Farrow	2.00	\$190.00	\$380.00

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**SUBTOTAL**      **\$380.00**


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**TOTAL FEES AND DISBURSEMENTS**      **\$380.00**
**PLUS GST**      **\$57.00**


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**TOTAL**      **\$437.00**

Direct Credit welcomed to: BNZ 02 0492 0024390 00



## TAX INVOICE

Inv No: 4137

CONFLUENCE LTD T/A LITTORALIS LANDSCAPE ARCHITECTURE

GST N°: 82 843 000

Whangarei District Council  
 PO Box 9023  
 WHANGAREI  
 Att: Mr L Wright

Invoice Date: 31 January 2020

**RE : 1255 - PROMETHEAN CONCEPTS LTD PEER REVIEW**

Peer Review of Landscape Assessments RM00456

In accordance with a SFA dated 13th December 2018 for completion of the following since May 2019:

Liaise with Council officers &amp; Ms Olsen.

Review interim report &amp; provide informal written feedback (early September 2019).

Scrutinise updated report &amp; provide review (January 2020).

# Copy for your records

**FEES**

	Hrs	Rate	Ext
Mike Farrow	8.50	\$190.00	\$1,615.00

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**SUBTOTAL**      **\$1,615.00**


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**TOTAL FEES AND DISBURSEMENTS**      **\$1,615.00**
**PLUS GST**      **\$242.25**


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**TOTAL**      **\$1,857.25**

Direct Credit welcomed to: BNZ 02 0492 0024390 00

**TAX INVOICE** Inv No: 4141

CONFLUENCE LTD T/A LITTORALIS LANDSCAPE ARCHITECTURE

GST N°: 82 843 000

Whangarei District Council  
 PO Box 9023  
 WHANGAREI  
 Att: Mr L Wright

Invoice Date: 29 February 2020

**RE : 1255 - PROMETHEAN CONCEPTS LTD PEER REVIEW**

Peer Review of Landscape Assessments RM00456

In accordance with a SFA dated 13th December 2018 for completion of the following since January 2018:

Liaise with Council officers.

Review response to s.92 re rural area provisions &amp; provide reporting letter.

# Copy for your records

**FEES**

	Hrs	Rate	Ext
Mike Farrow	1.75	\$190.00	\$332.50

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**SUBTOTAL**      **\$332.50**


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**TOTAL FEES AND DISBURSEMENTS**      **\$332.50**
**PLUS GST**      **\$49.88**


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**TOTAL**      **\$382.38**

Direct Credit welcomed to: BNZ 02 0492 0024390 00

**TAX INVOICE** Inv No: 4215

CONFLUENCE LTD T/A LITTORALIS LANDSCAPE ARCHITECTURE

GST N°: 82 843 000

Whangarei District Council  
 PO Box 9023  
 WHANGAREI  
 Att: Mr L Wright

Invoice Date: 30 November 2020

**RE : 1255 - PROMETHEAN CONCEPTS LTD PEER REVIEW****Advice relating to hearing RM10298****In accordance with Council Instructions for completion of the following since October 2020:**

Meeting with planning staff &amp; subsequent teleconferences.

Review applicant's evidence &amp; relate to assessment documents.

Provide letter of advice in relation to Commissioner's Direction of 24th November.

# Copy for your records

**FEES**

	Hrs	Rate	Ext
Mike Farrow	4.75	\$195.00	\$926.25
<b>SUBTOTAL</b>			<b>\$926.25</b>
<b>TOTAL FEES AND DISBURSEMENTS</b>			<b>\$926.25</b>
<b>PLUS GST</b>			<b>\$138.94</b>
<b>TOTAL</b>			<b>\$1,065.19</b>

Direct Credit welcomed to: BNZ 02 0492 0024390 00

Whangarei District Council  
 Private Bag 9023  
 Whangarei Mail Centre  
 Whangarei 0148  
  
 Attention: Alison Thompson

7 September 2020  
 Invoice No: 51349  
  
 Your reference:  
 Project Manager: Jen Smith

Project 1012149.1000R WDC – Subdivision Reviews

**Invoice August 2020**

This invoice covers work up to 21/08/2020 undertaken by Tonkin & Taylor (T+T) on the Engineering Panel Agreement (updated on 07/02/2020) for Whangarei District Council relating to the site at **385 Whangarei Heads Rd, Tamaterau.**

We have completed our geotechnical review of the geotechnical report provided for resource consent (**SD1800135**) for this site, as approved by Whangarei District Council under PO# **RM10143**.

Further review may be required on receipt of a response/additional information from the developer or their engineer.

A summary of our costs against each staff member is provided below.

# Copy for your records

Phase 048 385 Whangarei Heads Rd, Tamaterau

**Professional Fees**

	Hours	Rate	Amount	
Brzeski, John	.50	241.50	120.75	
Nathan, Melissa	.75	115.50	86.63	
Rogers, Nick	1.00	420.00	420.00	
Styles, Natalie	.25	105.00	26.25	
Tutbury, Ryan	7.00	157.50	1,102.50	
Totals	9.50		1,756.13	
<b>Total Professional Fees</b>				<b>\$1,756.13</b>
		<b>Subtotal excluding GST</b>		<b>\$1,756.13</b>
		<b>15% GST</b>		<b>\$263.42</b>
		<b>Total this Invoice</b>		<b>\$2,019.55</b>

Bank account details for payment of accounts is 03-0195-0136855-00 Westpac Broadway Newmarket, Auckland. For international payments, use SWIFT code WPACNZ2W. Please include the invoice number in the relevant reference field. Account remittances to [accts@tonkintaylor.co.nz](mailto:accts@tonkintaylor.co.nz) **Payment is requested within 7 days.**

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Project	1012149.1000R	WDC – Subdivision Reviews	Invoice	51349
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**Due Date: 14 September 2020**

# Copy for your records

Bank account details for payment of accounts is 03-0195-0136855-00 Westpac Broadway Newmarket, Auckland. For international payments, use SWIFT code WPACNZ2W. Please include the invoice number in the relevant reference field. Account remittances to [accts@tonkintaylor.co.nz](mailto:accts@tonkintaylor.co.nz) **Payment is requested within 7 days.**

**Exceptional thinking together**

[www.tonkintaylor.co.nz](http://www.tonkintaylor.co.nz)

---

Tonkin & Taylor Ltd | 105 Carlton Gore Road, Newmarket, Auckland 1023, New Zealand  
PO Box 5721, Victoria Street West, Auckland 1142 **P** +64-9-355 6000 **F** +64-9-307 0265 **E** [aki@tonkintaylor.co.nz](mailto:aki@tonkintaylor.co.nz)



Whangarei District Council  
 Private Bag 9023  
 Whangarei Mail Centre  
 Whangarei 0148  
 Attention: Alison Thompson

30 October 2020  
 Invoice No: 52551  
 Your reference:  
 Project Manager: Jen Smith

Project 1012149.1000R WDC – Subdivision Reviews

### Invoice October 2020

This invoice covers work up to 23/10/2020 undertaken by Tonkin & Taylor (T+T) on the Engineering Panel Agreement (updated on 07/02/2020) for Whangarei District Council relating to the site at **385 Whangarei Heads Rd, Tamaterau.**

### Previous Invoice

Completed geotechnical review of the geotechnical report provided for resource consent (**SD1800135**) for this site, as approved by Whangarei District Council under PD# **RM10145**.

### This Invoice

Review of new geotechnical report prepared by Initia in response to the previous RFI queries.

Provision of suggested consent conditions.

We do not anticipate further response/additional information from the developer or their engineer.

A summary of our costs against each staff member is provided below.

Phase	048	385 Whangarei Heads Rd, Tamaterau		
Professional Fees				
		Hours	Rate	Amount
Anderson, Clive		.25	420.00	105.00
Nathan, Melissa		.50	115.50	57.75
Tutbury, Ryan		3.00	157.50	472.50
	Totals	3.75		635.25
Total Professional Fees				\$635.25

Bank account details for payment of accounts is 03-0195-0136855-00 Westpac Broadway Newmarket, Auckland. For international payments, use SWIFT code WPACNZ2W. Please include the invoice number in the relevant reference field. Account remittances to [accts@tonkintaylor.co.nz](mailto:accts@tonkintaylor.co.nz) **Payment is requested within 7 days.**

Project	1012149.1000R	WDC – Subdivision Reviews	Invoice	52551
			<b>Subtotal excluding GST</b>	<b>\$635.25</b>
			<b>15% GST</b>	<b>\$95.29</b>
			<b>Total this Invoice</b>	<b><u>\$730.54</u></b>

**Due Date: 6 November 2020**

# Copy for your records

Bank account details for payment of accounts is 03-0195-0136855-00 Westpac Broadway Newmarket, Auckland. For international payments, use SWIFT code WPACNZ2W. Please include the invoice number in the relevant reference field. Account remittances to [accts@tonkintaylor.co.nz](mailto:accts@tonkintaylor.co.nz) **Payment is requested within 7 days.**

**Exceptional thinking together**

[www.tonkintaylor.co.nz](http://www.tonkintaylor.co.nz)

Tonkin & Taylor Ltd | 105 Carlton Gore Road, Newmarket, Auckland 1023, New Zealand  
PO Box 5721, Victoria Street West, Auckland 1142 [P +64-9-355 6000](tel:+6493556000) [F +64-9-307 0265](tel:+6493070265) [E aki@tonkintaylor.co.nz](mailto:aki@tonkintaylor.co.nz)

**FARNSWORTH MANAGEMENT SERVICES**

48 Cullen Street  
MANGAWHAI 0505

**GST No: 066-015-963**

No WDC 02

**Supplier No 12087**

27 January 2021

Whangarei District Council

Private Bag

**WHANGAREI**

**TAX INVOICE**

For Attention – FinanceHelpDesk@wdc.govt.nz  
ConsentsAdmin@wdc.govt.nz

**Purchase Order: RM100745**

SD1899135

Promethean Concepts Limited lodged

Application lodged by Precision Planning Ltd relating to a subdivision proposal being, a Non-Complying, three lot subdivision of 385 Whangarei Heads Road; a site of 2.8236 hectares(ha) in the Rural Production Zone - seeking to create: Lot 1 of 1.6833ha; Lot 2 of 0.473ha and Lot 3 of 0.660ha

**FINAL ACCOUNT:** *Independent Hearing Commissioner Consideration: – Read Officer's Report; review Application documents; Conduct hearing; Seek further information and draft decision.*

Copy for your records			
Date	Application	Unit hrs	Total(\$)
<u>Hours</u>			
<u>Pre-hearing</u>			
Reading:	Section 42A Report (31 pages)	1.00	220.00
	Submissions		
	Application & Technical Reports	4.40	968.00
	Review plans, photos etc		
	Pre-circulated Evidence (94 Pages)	2.00	440.00
	Directions etc	1.00	220.00
Site Visit	11 November 2020	1.50	330.00
<u>Hearing</u>	20 November 2020	4.00	880.00
<u>Post Hearing</u>			
	Direction	0.50	110.00
	Further Information (48 Pages)	1.00	220.00
	Draft Decision	12.00	2,640.00

Phone: 09 431 5438 / 027 44 55 968

[markcf60@gmail.com](mailto:markcf60@gmail.com)



**Travel**

Site Visit 11 November - no charge

Hearing 20 November travel to Council	128km	0.79	101.12
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Direct Payment can be made:

Farnsworth Management Services

020159 0000678 02

**Total \$ 6,129.12**

**GST 919.36**

**Invoice Total \$ 7,048.48**

# Copy for your records





# precisionplanning

15 March 2021

Whangarei District Council  
Private Bag 9023  
Whangarei

Our Ref: 1721-2

Attention: Resource Consents Manager

To Whom it May Concern

**SD1800135: Promethean Concepts Limited: 385 Whangarei Heads Road, Tameterau**  
**Objection to Costs**

My Clients are in receipt of the final invoice for SD1800135, totalling \$27,793.21 (amount owing of \$22,462.19). Pursuant to Section 357B of the Resource Management Act, the Applicants object to the overall charges (being the imposition of additional charges and the recovery of costs as set out below:

Charge From	Reason for Cost	Cost	Reason for objection
WDC – Various	Preparation of S95 Report	\$1,119.68	The Applicant requested notification. The Section 95 report was seven pages, prepared using a standard WDC template. The report covered standard items such as a description of the site, proposal, information requested and received and plan rules. The time spent preparing and reviewing the s95 Report (approximately 6 hours) is excessive on the basis of the report prepared (especially given the seniority of the Officer involved).
Tonkin & Taylor	Geotechnical Review	\$2,391.38	The Applicant was advised of the review after Tonkin & Taylor had been commissioned to undertake the work (refer email L Wright Wednesday, 25 March 2020, indicative costs provided 16 April 2020). The cost of this review was not provided to the Applicant for approval prior to commencement of work. The cost of the review is disputed on the basis that: <ul style="list-style-type: none"> <li>- Was a desktop review only. No site visit was undertaken;</li> </ul>

			<ul style="list-style-type: none"> <li>- Five T&amp;T staff contributed to the review which is excessive given the review required / undertaken.</li> <li>- The response received was completed using a pro-forma template comprising three pages.</li> <li>- Additional matters raised went beyond the scope of review (e.g. comments on contamination).</li> </ul> <p>The cost of the subsequent review by Tonkin &amp; Taylor of the Initia Report not provided to the Applicant for approval.</p>
Littoralis	Landscape and Visual Effects Peer Review	\$4,977.84	While the Applicant agreed in principle to the Landscape and Visual Peer Review, the Council did not confirm costs with the Applicant prior to commissioning the work. The peer review work was not completed in a timely manner and created significant delays in the processing of the consent. The overall cost associated with the Landscape Architect's involvement with this application are high given the output provided and the extent of effects considered (and noting the original position of the landscape architect).
L Wright	Landscape and Visual Effects Peer Review attendances	\$1,236.29	The costs associated with Landscape and Visual Effects Peer Review attendances are considered excessive. Despite the work completed by Littoralis being an independent peer review of the work completed by Ms Olsen, the timesheets supplied by Council indicate various discussions with Mr Farrow throughout the course of the peer-review process which indicate Council input into the review process over and above what could be reasonably expected for a peer review being carried out by a Senior Professional.
L Wright	Preparation of Section 42A Report	\$3,462.57	The costs associated with the preparation of the Section 42A report are excessive. The Section 95 report was 31 pages,



			<p>prepared using a standard WDC template. The report covered standard items such as a description of the site, proposal, information requested and received and plan rules (presumably "cut and pasted" from Section 95 report).</p> <p>The substantive assessment comprised 17 pages (inclusive of verbatim objectives and policies from WDC Plan and NZCPS); it is unclear how the costs associated with the preparation of the report can be justified.</p> <p>Significant "re-write" of Assessment report following review by Team Leader, the costs of which are borne by the Applicant.</p>
Katie Martin	Team Leader Time / Cost	\$1,858.70	<p>A range of tasks (and associated costs) undertaken by the Team Leader are considered excessive on the basis that:</p> <ul style="list-style-type: none"> <li>- A Senior Planner (L Wright) was tasked with processing the application.</li> <li>- The level of review undertaken (time/costs) is greater than what is reasonably expected when a Senior Planner is responsible for processing the Application.</li> <li>- Tasks carried out by the TL (at a higher cost) that should have been undertaken by the Processing Planner (i.e. conversations with M Farrow).</li> </ul>
WDC – Various	Staff Review of Independent Commissioner Decision	\$470.41	<p>Staff review of Independent Commissioner decision (prior to its issue) is</p> <ul style="list-style-type: none"> <li>(1) not appropriate as it is an independent decision; and</li> <li>(2) are not costs that should be borne by the Client on the basis of (1) above.</li> </ul>



Farnsworth Management Services	Independent Commissioner charges	\$6,129.12	The Applicant was advised via email on 21 April that the hourly rate charged by Hearing Commissioner was "circa \$170 per hour". The Commissioner charge for this hearing was \$220 hour. It is not clear why the hourly rate was significantly higher than what was advised to be the average hourly Commissioner rate.
WDC – Various	General Administrative Charges		A number of administrative tasks have been carried out by the Senior Planner (e.g download dropbox folder, review LA invoice, file admin, download expert evidence, indicative hearing costs, generate interim invoice, processing costs review) at a rate of \$188/hr. These tasks did not warrant the Planner spending time on them and they could have been delegated to the Consents Administration team to manage overall project costs – eg. Planning Assistant (RMA Consents) / Support Assistant (District Plan/Health and Bylaws/Building Processing) \$100/hr.

Yours faithfully

**PRECISION PLANNING LIMITED**



Kellie Roland

**DIRECTOR**

cc. Promethean Concepts Limited



In reply please quote SD1800135.01  
Or ask for Katie Martin

14 April 2021

Precision Planning  
c/- kellie.j.roland@gmail.com

Dear Kellie

## ***Objection To Costs – Promethean Concepts Limited***

We are in receipt of your recent objection to costs relating to resource consent SD1800135. The application was a subdivision that was declined by the Independent Hearings Commissioner and incurred processing invoiced costs totalling \$22,462.19.

Having read over the objection I understand you feel dissatisfied with the overall processing costs and make comments on the specifics of the staff / consultants involved.

In response to your objection I have reviewed the file in question to ascertain the path it took through the process and scrutinised the job costing sheets for both the in-house staff and the consultants engaged to identify if any excessive time was spent on tasks and the associated cost. I have also discussed my findings with Team Leader Roger Quinton to gain independent scrutiny of my findings.

As a result of that review work, I provide the following synopsis. The discussion behind this synopsis is included in the attached table.

- The processing of this application was protracted and extended over many months. Your objection simplifies the application and all but suggests the processing was 'normal' without any particular twists or turns and as such the associated processing time recorded and charged for it is excessive. While setting aside the recorded time / costs and in looking just at the application itself, the processing needed for this file included various stops / starts.
- Council provided consistent advice over our concerns with this proposal and ensured you were provided with regular communication over any updates as they occurred. We do not consider there were any 'surprises' that could then justify the costs being unreasonable.
- Having scrutinised the planning related job costing sheet and invoices I consider they are a true reflection of the necessary work needed to process this application. And in many instances work was undertaken that was neither recorded or on-charged to you.
- The costs / hourly rates associated with the landscape peer review were disclosed to you early in the processing and in many cases the costs that were incurred were due to direct discussion between yourself / Georgina Olsen (nee Neumann) and Mike Farrow – discussions that council was not a party to nor involved in the time / cost consideration of them.
- The costs incurred through the Tonkin & Taylor review fall below the estimated amount provided to you and are considered reasonable.

Based on my review I do not agree with your objection and reasoning over the amount of the charges. I have been unable to identify any costs or time recordings that can be considered high or unreasonable and on that basis the costs associated with the processing of this consent remain as charged.

If you are not satisfied with this outcome, the next available step to you is for the matter to be referred to the Objections Committee for consideration. Please advise if you wish to pursue this option.

Yours faithfully



Katie Martin  
**Team Leader RMA Consents**

## Objection To Costs – Promethean Concepts Limited : Analysis

	Analysis & Discussion	Conclusion
<b>Section 95 Report</b>	<p><i>Your objection outlines you consider an excessive amount of time was charged for this work</i></p> <p>I have analysed the job costing sheet and reviewed the s95 report itself. Having done this, I can find approximately 64 units (6.4hours) that can be directly attributed to the preparation with this report. This includes –</p> <ul style="list-style-type: none"> <li>• Preparation of the original report – 4.5hours</li> <li>• Amendments to the report – 1 hour</li> <li>• s95 Admin – 0.9hours</li> </ul> <p>I agree with parts of your reasoning insofar that the WDC template was used as a basis for the report and that you requested notification. However, I do not agree the time taken can be considered as 'excessive'.</p> <p>The time taken is not as simplistic as populating a few template boxes, but also includes analysing &amp; summarising the s92 trail, collating the necessary information over the rules infringed and the subsequent plan change provisions that came into effect since the application was lodged.</p> <p>It also includes responding to Team Leader feedback and liaising with the admin staff over the up-coming notification.</p>	<p><b>The time taken is an accurate reflection of the time taken and is considered to align with the complexity of the proposal and necessary collation of information needed.</b></p> <p><b>A reduction is not considered appropriate.</b></p>
<b>Section 42A Report</b>	<p><i>Your objection outlines you consider an excessive amount of time was charged for this work</i></p> <p>In analysing the billing report, a total of 272 units (27.2hours) can be attributed to this task. This includes –</p> <ul style="list-style-type: none"> <li>• Preparation of the original report – 20.5hours</li> <li>• Amendments to the report – 4.7hours</li> <li>• Finalisation &amp; attachments – 2hours</li> </ul> <p>Your objection provides your breakdown of the costs / time based on the number of pages and suggests the use of a 'standard template'.</p> <p>As a starting point I note the length of the report is not reflective of the time needed to draft it, refine it and include the background reading and quotations and is not a true gauge of the complexity. That is true for this application where the issues were complex and required due consideration and analysis before the 'words hit the page'. The written text was backed up by that analysis and the culmination of two years' work.</p> <p>As a general comment, based on my years of experience and observation and management of time / costs, we would anticipate an average s42A report would take in the order of 20-30 hours to prepare. Obvious factors can skew that observation (such as a large volume of submissions to summarise etc), but the time for this report is well within the realm of what we would view as 'reasonable'.</p>	<p><b>The time to prepare a detailed report, provide an analysis &amp; assessment and ensure we were prepared, ensured we did not do the applicant, submitters and the commissioner a disservice or were unprofessional in our approach.</b></p> <p><b>A reduction is not considered appropriate.</b></p>



	<p>As you will be aware the need for the s42A reports to be complete, accurate, thorough and respond to all pertinent matters is imperative. Had we not taken the necessary time to prepare a detailed report, we would not have provided our analysis and assessment and would have been unprepared and done the applicant, submitters and the commissioner a disservice and been unprofessional in our approach.</p> <p>The suggestion that a “significant re-write” was also required is not correct. Rather, this time was spent strengthening areas of the draft based on a “fresh pairs of eyes” reading through it and offering suggested feedback. Again, this is a standard part of the process.</p> <p>The 31 pages presented to the commissioner provides a succinct summation of a long journey in processing this file and cannot be simplified by your suggestion the ‘number of pages’ don’t align with the costs.</p>	
<b>Landscape Peer Review</b>	<p><i>Your objection outlines you consider the charges of this work are high for this work based on “the extent of the effects” (as perceived by you) AND council staff involvement with the peer reviewer was unreasonable.</i></p> <p>It is acknowledged that the application was lodged with a Landscape and Visual Assessment prepared by Georgina Olsen of Landform Consulting Limited. It is also recognised that you were was advised early in the processing that a peer review was considered necessary.</p> <p>Despite the statement that “...council did not confirm costs with the applicant prior to commissioning the work...” it is clear from our records that is incorrect. An email was sent to you on 22 November 2018 and it outlined the estimated costs and asked for confirmation and acceptance. The subsequent trail of emails demonstrates you were both aware of the costs and that the work was being undertaken. I cannot find any evidence of concerns over the estimated or accruing costs being raised.</p> <p>Further to that, an email from you dated 21 March 2019 makes mention of the peer review and outlines that you seek to confirm that any costs incurred by Mike Farrow would invoice to council and then on-charged to your client – again a form of recognition of the costs involved.</p> <p>We do not agree that the overall costs (being \$4977.84) are <i>high for this work based on “the extent of the effects”</i>. In looking back over the file and review work it is clear this statement simplifies a protracted and involved process.</p> <p>The initial peer review dated 13 February 2019 concluded -</p> <p style="text-align: center;">In light of the inherent conflicts that the proposal brings relative to the zone provisions, and the more direct likely potential adverse effects involved, it is considered that the proposal does not qualify for the grant of resource consent in its present form.</p> <p>Subsequent to that, the various interactions that took place regarding the proposal over many months sought to reach a point where the effects were acceptable and could be supported by Littoralis. This took time and effort and incurred associated costs and this process was kept transparent for you by Lex in his regular communications and updates.</p> <p>In conjunction with the many times Lex acted as being the intermediary between the applicant and Mike Farrow, is it also noted that in many cases direct discussion took place between yourself/ Georgina Olsen and Mike Farrow– discussions that council was not a party to. These direct communications incurred costs council had no control over, costs directly initiated by applicant representatives.</p>	<p><b>The estimated costs were communicated to you; the costs incurred included work directly initiated by yourself/ Georgina Neumann; and the communication between council and Mike Farrow was both appropriate and necessary.</b></p> <p><b>A reduction is not considered appropriate.</b></p>

	<p>When auditing the trail of work undertaken, the effects discussed and amendments made to the proposal, it is clear the effects were not 'simple' or narrow but required extensive and involved work and the associated costs are reflective of this.</p> <p>This is also true of the communication between council staff and Mike Farrow. Similar to the communications between yourself/ Georgina Olsen and Mike Farrow, these communications took place for us to have an exact understanding of the nature of the issues and ensure there was clear understanding about specific questions we had and were keen to get his feedback on. This is entirely appropriate and added a small fraction to the overall costs.</p>																																																																		
<b>Team Leader Involvement</b>	<p><i>Your objection outlines you consider an excessive amount of Team Leader involvement was undertaken.</i></p> <p>The work undertaken by the Team Leader (TL) on this file was approximately 16.3 hours not all of which was recorded as chargeable (13.5 hours chargeable). I can also confirm that more time than this was spent on matters associated with this application that was not captured on the billing report.</p> <p>The TL time can be broadly discussed as follows –</p> <ul style="list-style-type: none"> <li><b>Processing Planner Support</b></li> </ul> <p>While the experience of a processing planner does play a significant part in the level of Team Leader support needed, this must also be tempered against the complexity and quirks of the particular application. In this case the issues involved were complex and as highlighted to you many times presented a scenario where council support could not be found right from the outset. This level of complexity by its nature requires an added element of support, however when you look at the breakdown of the chargeable time associated with this is it is not outside the realm of reasonableness or 'normality'.</p> <table border="0"> <tbody> <tr> <td>Katie Martin</td><td>Assess Application (S88)</td><td></td><td>2</td></tr> <tr> <td>Katie Martin</td><td>Discussions</td><td></td><td>3.5</td></tr> <tr> <td>Katie Martin</td><td>Discussions</td><td>ph call with Mike F</td><td>3.5</td></tr> <tr> <td>Katie Martin</td><td>Discussions</td><td>ph call with Mike f/ Lex</td><td>2.5</td></tr> <tr> <td>Katie Martin</td><td>General Admin</td><td></td><td>1</td></tr> <tr> <td>Katie Martin</td><td>General Admin</td><td>liaise commissioner, Mike F</td><td>4.5</td></tr> <tr> <td>Katie Martin</td><td>General Admin</td><td>organise legal opinion &amp; LA comment</td><td>6</td></tr> <tr> <td>Katie Martin No Chg</td><td>General Admin</td><td></td><td>3</td></tr> <tr> <td>Katie Martin</td><td>Hearing</td><td></td><td>31</td></tr> <tr> <td>Katie Martin No Chg</td><td>Hearing</td><td>prep &amp; discussion</td><td>3.5</td></tr> <tr> <td>Katie Martin</td><td>Meetings</td><td>meet applicant/ agent</td><td>8</td></tr> <tr> <td>Katie Martin</td><td>Notification Decision</td><td>read info &amp; check draft report</td><td>8</td></tr> <tr> <td>Katie Martin</td><td>Notification Decision</td><td>check, sign</td><td>1.5</td></tr> <tr> <td>Katie Martin No Chg</td><td>Phone Call</td><td>Mike F re updated evidence</td><td>4.5</td></tr> <tr> <td>Katie Martin</td><td>Report</td><td>read draft report, feedback</td><td>28.5</td></tr> <tr> <td>Katie Martin</td><td>Report</td><td>read amendments</td><td>4</td></tr> </tbody> </table>		Katie Martin	Assess Application (S88)		2	Katie Martin	Discussions		3.5	Katie Martin	Discussions	ph call with Mike F	3.5	Katie Martin	Discussions	ph call with Mike f/ Lex	2.5	Katie Martin	General Admin		1	Katie Martin	General Admin	liaise commissioner, Mike F	4.5	Katie Martin	General Admin	organise legal opinion & LA comment	6	Katie Martin No Chg	General Admin		3	Katie Martin	Hearing		31	Katie Martin No Chg	Hearing	prep & discussion	3.5	Katie Martin	Meetings	meet applicant/ agent	8	Katie Martin	Notification Decision	read info & check draft report	8	Katie Martin	Notification Decision	check, sign	1.5	Katie Martin No Chg	Phone Call	Mike F re updated evidence	4.5	Katie Martin	Report	read draft report, feedback	28.5	Katie Martin	Report	read amendments	4	<p><b>The TL involvement in the processing of this application is considered reasonable.</b></p> <p><b>A reduction is not considered appropriate.</b></p>
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<b>Commissioner Hourly Rate</b>	<p><i>Your objection outlines you consider an incorrect hourly rate was charged for this work based on earlier advice over possible hearing costs</i></p> <p>It is acknowledged that in doing due diligence over how/ whether to proceed you sought advice over possible costs. This was provided by Lex Wright via an email in April 2020 and included an indication of the possible commissioner costs. That was based on the hourly rates that were in place at that time via the independent commissioner contracts.</p> <p>In the time that elapsed between that email and the hearing date, a renewal process of appointed commissioners was undertaken with a new pool of independent commissioners selected. This process also included a review of the costs and a new hourly rate put place.</p>	<p><b>The commissioner hourly rate aligns with the Fees and Charges policy and the hourly rate applicable when the hearing was held.</b></p> <p><b>A reduction is not considered appropriate.</b></p>																				

	<p>Councils new Fees and Charges came in to effect on 1 July 2020 and this notes the following -</p> <div style="background-color: #f4a460; padding: 5px; margin: 10px 0;"> <b>Hearings required for any resource consent or other permission:</b> </div> <ul style="list-style-type: none"> <li>• Cost of third party/hearings commissioners will be charged at actual cost.</li> <li>• All staff and consultant's costs will be charged at actual cost.</li> <li>• Miscellaneous charges will be charged at actual cost.</li> <li>• All costs will be itemised.</li> </ul> <p>Based on that, the commissioner was charged at the hourly rate applicable at the time the hearing was held. I acknowledge this differs from that included in Lex's email, but I also note his email was clear the hourly rate was not a 'quote' but an <u>indication</u> (through use of the word 'circa') and his email also directed you to the Fees and Charges policy.</p> <p>The commissioner costs align with this.</p>	
<b>Tonkin &amp; Taylor Review</b>	<p><i>Your objection outlines you consider the passing on of this cost is disputed as applicant pre-approval for the cost associated with this work was not gained.</i></p> <p>As part of the review process I have liaised with Nadia de la Guerre (WDC Team Leader - Development Engineering). I also note a breakdown of the process surrounding the use of Tonkin + Taylor (T+T) would be useful to clarify both their role and the associated fees.</p> <p>The engagement of T+T to assist with resource consents is something that has been occurring for a few years now and occurs when a site is identified as having potential stability / geo-technical hazards. Council engage T+T, to assist with the review of applications in medium and high instability sites or any other sites with areas of concern, based on their competency in the specialised area of Geotechnical engineering. These types of reviews can only be carried out by Geo-tech professionals with set qualifications. The report is reviewed and signed off by a senior Engineer as part of their quality control process. The hourly rates charged by T+T reflect the degree of competency required for these geotechnical reviews. The cost of Geotechnical reviews is a process that is regularly being reviewed and refined by us to streamline it as best we can and try and keep costs down.</p> <p>You acknowledge that the use of T+T was highlighted to you by Lex in an email on 25 March 2020 and I note that information over potential costs also provided to you via email on 16 April 2020 as follows –</p> <ul style="list-style-type: none"> <li>• Tonkin and Taylor peer review of engineering report – <i>as advised by Ms. Nadia de la Guerre (WDC Team Leader – Development Engineering): -</i> <ul style="list-style-type: none"> <li>○ <i>In the region of \$3 - \$5K, depending on complexity.</i></li> </ul> </li> </ul> <p>In conjunction with that Nadia de la Gurre's feedback has provided the following explanation of the work undertaken -</p> <p><u>First review</u></p> <p><i>A review was carried out on the report prepared by Vision Consulting Engineers Limited (19/01/2018). The conclusion of the review was that insufficient information has been provided to address the stability hazards on the site. The offal pit was noted and requested that this be remediated, or guidance provided for land development near this pit. The cost of this review was invoiced at \$2019.55 incl GST. I consider the cost reasonable considering the expertise involved.</i></p>	<p><b>The costs of this review fall below the estimated amount and are considered reasonable.</b></p> <p><b>A reduction is not considered appropriate.</b></p>

	<p><u>Second review</u></p> <p><i>The agent then informed Council that a different engineering company has been engaged to prepare a response to the T+T RFI/S92. The agent requested a quote for the review of the second report. Council provided an estimate on 16 April 2020 of \$3- \$5k.</i></p> <p><i>Tonkin + Taylor then carried out the review of the report provided by Initia dated 14 October 2020 in response to the previous RFI.</i></p> <p><i>You will note that the review was carried out <u>after</u> the quote has been provided.</i></p> <p><i>The cost of this review was invoiced at \$730.54 incl GST, well under the quote.</i></p> <p><i>The total cost was for the review of 2 separate reports, emails and preparing a tabulated response. The number of employees involved represents the administration staff, reviewer, senior Engineer signoff and director signoff as part of their quality assurance process.</i></p> <p><i>The costs of this review at \$2,391.38 fall below the estimated amount and are considered reasonable.</i></p>	
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In reply please quote: SD1800135

Property id: 039618

Or ask for: Lex Wright

25 September 2018

Precision Planning Limited  
14 Puriri Road  
Beachlands  
AUCKLAND 2018

Dear Kellie

### **Proposed Resource Consent Application before the Whangarei District Council**

**Applicant:** Promethean Concepts Limited  
**Location:** 385 Whangarei Heads Road, Waikaraka  
**Reference:** SD1800135

I am the reporting officer on the above resource consent application. Myself and other relevant Whangarei District Council officers have now assessed the application and undertaken a site visit of the property. Subsequent to this assessment and based on the potential effects, Council consider that this application is likely to be subject to publicly notification. It is also noted that based on the proposed layout and accompanying information provided, the proposal is not supportive of the current and proposed district plan and the outcomes sought and as such it is unlikely to receive a favourable recommendation. The key reasons for this are summarised below:-

- The proposal clearly contravenes the objectives and policies under both the WDC Operative District Plan (the "Plan") and decisions version of Rural Plan Change 85A. In particular, it is considered that the proposal will generate ad-hoc / ribbon development.
- The proposed subdivision in its current format challenges the integrity of the Plan.
- The Plan does not take into consideration the economic productivity of the land, of which your report places a strong emphasis on. Productivity can take many forms and it is not solely related to site size. It is also noted that rural productivity is only one consideration in the objectives and policies, which recognise land holds value for many reasons and not just its productive use.
- The proposed subdivision, being a non-complying activity, doesn't clearly differentiate from other sites in the Coastal Countryside Environment/Rural Countryside Environment/Coastal Area (i.e. a distinguishing feature so as not to create a precedence effect).

It is also noted that a submission from the landowners was made in regards to the rural plan changes (Sub No. 0170), requesting consideration for the site to be re-zoned to a less sensitive zoning standard to allow for future housing. The submission was however rejected by the Hearings Panel in their report dated 23 November 2017 (SEE Paragraph 649), as the panel did not consider Rural Urban Expansion Environment (RUEE) or Rural Village Residential Environment (RVRE) appropriate zonings for the property for the following reasons:-

- *The site is in a small village and would provide a significant amount of residential capacity due to its size. This is not consistent with the 30/50 approach to consolidate growth in large and growth villages.*
- *The site is within the Coastal Area.*
- *The site is identified as a HAIL site.*

Based on this initial assessment, could you please advise if you wish to pursue the application on this basis. If you are happy to proceed with the application as submitted the following information is requested pursuant to Section 92 of the Resource Management Act 1991.

## **Section 92 Request**

### **1. Coastal Countryside Environment – Chapter 74 Assessment**

The main report submitted with the application did not include an assessment of the proposal against the relevant criteria pertaining to the Coastal Countryside Environment, of which the subject site is zoned under the Whangarei District Council (WDC) Operative District Plan. As such, could you please provide an addendum to the application that addresses this.

#### **NOTE:**

This chapter has not been deleted from the WDC Council website.

Please click on the following link to this chapter:-

<http://www.wdc.govt.nz/PlansPoliciesandBylaws/Plans/DistrictPlan/Documents/District-Plan-Part-G-Environments/38-Countryside-and-Coastal-Countryside.pdf>

If you have any issues with the above hyperlink, please contact me directly in this regard.

### **2. Development Engineering**

The proposed subdivision has been assessed by Council's Development Engineering Officer, Ms. Nadia de la Guerre, who has requested further information in regards to the following:-

#### **Roading**

In discussions with the Roothing Department, the Senior Roothing Engineer raised concerns on the condition of the road fronting the development. The annual average daily traffic (AADT) count on Whangarei Heads Road is 5600 in the location of the proposed entrance. This number places the road in an Arterial Road classification. The road formation does not currently comply with the Whangarei District Council Environmental Engineering Standards 2010 (EES) under Table 3.2.

Section 3.4.4 in the EES states that an upgrade of the road fronting the development can be required where the effects of the development will, in the opinion of the Roothing Manager, have an adverse effect on the road or surrounding road network. The construction of a vehicle crossing in the proposed location and the addition of three (3) lots accessing this location will have an adverse effect on the other users of the road. The start of a median strip in this location will encourage road users to overtake vehicles turning left into the Right of Way with the risk of crossing the centre line.

The Roothing Department requires the road frontage of the development to be upgraded to a Class D Arterial Road on the side of the development. Alternatively, a left turn treatment in accordance with a Type 2 intersection will be considered as acceptable.

Based on the above, could you please confirm which of the two options you would prefer to have incorporated into the proposal?

#### **Site Suitability Report**

The Site Suitability report states that no ground investigations have been carried out at the time of the report. As such, could you please demonstrate compliance with Rule 73.3.4 in terms of a minimum 100m<sup>2</sup> building site being identified, and compliance with Section 106 of the RMA in terms of the suitability of the land for the proposed development. The building site shall be clear of overland flowpaths as recommended in the Site Suitability report submitted in support of the application.

In addition, could you please provide a pdf copy of the original site suitability report, as the resolution of the hard copies provided is in black and white and difficult to read.

**NOTE:** These overland flowpaths would be protected by way of easements at the Section 223 & 224 stages of the proposal.



### **Flooding**

The site is in both the Whangarei District Council and Northland Regional Council Flood Susceptible areas. Please provide a report or certificate from a suitably qualified and experienced professional which indicates that the activity is designed to accommodate the flood hazard and will not create any adverse effects upstream or downstream, nor endanger human life.

If you require any further information/clarification in regards to the above development engineering matters, you can contact Ms. de la Guerre in the first instance via the following contact details:-

E: [nadia.delaguerre@wdc.govt.nz](mailto:nadia.delaguerre@wdc.govt.nz)

P: (09) 470 3012

### **Advice Note – re: Wastewater**

It is not clear if the effluent field serving the existing dwelling, is contained within the boundaries. Confirmation will be required under a condition of consent. The NRC Water & Soil plan states that the discharge results in no more than minor contamination of ground and surface water beyond the boundary of the property on which the discharge is taking place.

### **3. Peer Review Assessment – re: Landscape & Visual Assessment**

The Landscape and Visual Impact Assessment submitted with the application addresses the effects of the proposed development within the existing environment, however given the nature of the proposed subdivision, Council consider a peer review of this report be undertaken to assess (in particular) the following:-

- Adequacy of the catchment area assessed against the proposal.
- Assessment of the potential visual and landscape effects associated with the proposal on the existing environment.
- Assessment of the recommended mitigation measures/design controls pertaining to any future development on the proposed allotments.

Could you please provide confirmation of your acceptance of this requirement. Once received, Council will provide you with details of the nominated reviewer and an estimate of costs for your review/agreement.

### **4. Peer Review Assessment – re: Preliminary Site Investigation (PSI) & Detailed Site Investigation (DSI) Reports**

Given the level of detail associated with these reports, Council are wanting a peer review assessment to confirm the proposal satisfies the applicable standards under the NESCS Regulations and that the conclusions/recommendations are satisfactory.

Could you please provide confirmation of your acceptance of this requirement. Once received, Council will provide you with details of the nominated reviewer and an estimate of costs for your review/agreement.

Pursuant to Section 92A(1) you are required to respond (in writing) to this request for further information within 15 working days of this letter, being **25 September 2018**. You can respond by either;

- 1 Providing the information requested, or
- 2 Seeking a later date to provide the information by, or
- 3 Refusing to provide the requested information.

Processing of this application has been put on hold from, **16 October 2018**. The processing of the application will restart:

- 1 When all of the above requested information is received, or
- 2 From the revised date for the requested information to be provided, if you have provided written confirmation that you are unable;
- 3 From the date that you have provided written confirmation that you do not agree to providing the requested information, or
- 4 Fifteen working days from the date of this letter.

If Council does not receive any response to this request for information by the above date, or if you refuse to provide the information, the application will continue to be processed to a decision. This may mean that the application receives a negative recommendation as the requested information is integral to understanding the environmental effects of the proposal.

### Processing Considerations

Upon receipt of your acknowledgement and acceptance of our early advice and the above requested information, a formal notification assessment will be completed. At this stage the assessment will contain a recommendation that the tests of Section 95 cannot be met and public notification is recommended. We will re-consider this in light of the Section 92 information, however we feel it is prudent to advise you of our initial assessment to ensure you and your client have information upon which to base your decisions about proceeding with the application.

Based on the above, the options available to you are:-

- If you are accepting of our initial advice you may wish to amend your Section 95 assessment to request public notification to avoid additional processing costs.
- Withdraw the application.

If you wish to discuss the contents of this letter or the proposal, please contact me at Council on Ph: (09) 430 4200 to discuss the matter, or alternatively, to make an appointment for a meeting at a convenient time.

Kind regards,



Lex Wright  
**Planner – RMA Consents**



Katie Martin  
**Team Leader – RMA Consents**

**Lex Wright**

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**From:** Lex Wright  
**Sent:** Thursday, 22 November 2018 11:46 AM  
**To:** 'Kellie Roland'  
**Subject:** LU1800135 - Landscape & Visual Assessment Peer Review

**Categories:** [SharePoint] You saved this message in 'Resource Consents > 2018 > SD1800135'

Hi Kellie,

In reference to the above, Mike Farrow from Littoralis Landscape Architecture has confirmed that his firm can undertake the peer review of the Landscape & Visual Assessment (as prepared by Landform Consulting Limited). Mike has confirmed that the assessment will be undertaken by a graduate landscape architect working for him, Christine Niblock, who will work under his direction and have the final report assessed/approved by him.

The estimated timing/costs for the review is detailed below:-

- 7 x hours for Christine Niblock (Landscape Architect) @ \$110.00/hr (NOTE: Includes allowance for a site visit);
- 1.5 x hours for Mike Farrow (Principal Landscape Architect) @ \$190.00/hr
- Above estimate costs exclude GST and disbursements.

**NOTE:** Mike has also advised that they have capacity at present to advance a review quite quickly.

Could you please confirm your acceptance of this fee estimate. If you require any additional/clarification in regards to this please let me know.

Kind regards,  
Lex

Nga Mihi | Regards

**Lex Wright**

Manager – RMA Consents | Planning & Development Department

Whangarei District Council | Forum North | Private Bag 9023, Whangarei 0148 | [www.wdc.govt.nz](http://www.wdc.govt.nz)

P 09 430 4200 | DDI 09 945 4351 | Extn: 8851 | E [lex.wright@wdc.govt.nz](mailto:lex.wright@wdc.govt.nz)

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**Lex Wright**

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**From:** Kellie Roland <kellie@precisionplanning.co.nz>  
**Sent:** Thursday, 21 March 2019 7:25 AM  
**To:** Lex Wright  
**Subject:** RE: SD1800135 - 385 Whangarei Heads Road

Hi Lex,

Ahead of our phone call today, I wanted to set out where we are at in the process.

- (1) We have now reviewed the peer review and have spoke to Mike Farrow;
- (2) There appears to be some ability to rework the subdivision and landscape plan, along with the visual assessment to respond to the matters raised in the landscape assessment.
- (3) It is proposed that Georgina works with Mike to refine matters of contention and develop an alternate proposal that is mutually agreeable to both the Applicant and the Council. Obviously we need direction as to whether Council will abide by this process or whether there are residual concerns about the development.
- (4) Any costs incurred by Mike would be billed to Council, and forwarded to my Client.
- (5) All other section 92 matters have been addressed, however I have paused on sending them as the above process is likely to change boundary alignments and house site locations and therefore will pause on sending this information unless otherwise required.
- (6) Would like to understand your thoughts on the above process.

I am in a meeting until about 10.30 – so anytime through to 12.30 for a call would be great. I am in meetings for the remainder of the day.

Thanks,  
Kellie

---

**From:** Lex Wright [mailto:lex.wright@wdc.govt.nz]  
**Sent:** Wednesday, 20 March 2019 2:20 p.m.  
**To:** kellie@precisionplanning.co.nz  
**Subject:** SD1800135 - 385 Whangarei Heads Road

Kellie,

I have been in and out of the office for the last couple of days and just catching up on e-mails/phone messages – so I do apologise for not returning your calls from this week.

I will be in the office all day tomorrow so I'll give you a call then.

Regards,  
Lex

Nga Mihi | Regards

**Lex Wright**

Planner – RMA Consents | Planning & Development Department

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P 09 430 4200 | DDI 09 945 4351 | Extn: 8851 | E [lex.wright@wdc.govt.nz](mailto:lex.wright@wdc.govt.nz)

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**FARNSWORTH MANAGEMENT SERVICES**

**48 Cullen Street  
MANGAWHAI 0505**

**GST No: 066-015-963**

No WDC 02

**Supplier No 12087**

27 January 2021

Whangarei District Council

Private Bag

**WHANGAREI**

**TAX INVOICE**

For Attention – FinanceHelpDesk@wdc.govt.nz  
ConsentsAdmin@wdc.govt.nz

**Purchase Order: RM100745**

SD1899135

Promethean Concepts Limited lodged

Application lodged by Precision Planning Ltd relating to a subdivision proposal being, a Non-Complying, three lot subdivision of 385 Whangarei Heads Road; a site of 2.8236 hectares(ha) in the Rural Production Zone - seeking to create: Lot 1 of 1.6833ha; Lot 2 of 0.473ha and Lot 3 of 0.660ha

**FINAL ACCOUNT:** *Independent Hearing Commissioner Consideration: – Read Officer's Report; review Application documents; Conduct hearing; Seek further information and draft decision.*

<b>Date</b>	<b>Application</b>	<b>Unit(hrs)</b>	<b>Rate(\$)</b>	<b>Total(\$)</b>
<b><u>Hours</u></b>			<b>(\$220)</b>	
<b><u>Pre-hearing</u></b>				
Reading:	Section 42A Report (31 pages) Submissions	1.00		220.00
	Application & Technical Reports Review plans, photos etc	4.40		968.00
	Pre-circulated Evidence (94 Pages)	2.00		440.00
	Directions etc	1.00		220.00
Site Visit	11 November 2020	1.50		330.00
<b><u>Hearing</u></b>	20 November 2020	4.00		880.00
<b><u>Post Hearing</u></b>				
	Direction	0.50		110.00
	Further Information (48 Pages)	1.00		220.00
	Draft Decision	12.00		2,640.00

Phone: 09 431 5438 / 027 44 55 968

[markcf60@gmail.com](mailto:markcf60@gmail.com)

**Travel**

Site Visit 11 November - no charge

Hearing 20 November travel to Council	128km	0.79	101.12
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Direct Payment can be made:

Farnsworth Management Services  
020159 0000678 02

**Total \$ 6,129.12**

**GST 919.36**

**Invoice Total \$ 7,048.48**



**Lex Wright**

**From:** Kellie Roland <Kellie.Roland@aucklandairport.co.nz>  
**Sent:** Tuesday, 21 April 2020 9:41 AM  
**To:** Lex Wright  
**Subject:** RE: Council Ref: SD1800135 - Proposed Subdivision @ 385 Whangarei Heads Road

**EXTERNAL:** This email originated from outside Whangarei District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Thanks

**From:** Lex Wright <lex.wright@wdc.govt.nz>  
**Sent:** Tuesday, 21 April 2020 9:40 AM  
**To:** Kellie Roland <Kellie.Roland@aucklandairport.co.nz>  
**Subject:** RE: Council Ref: SD1800135 - Proposed Subdivision @ 385 Whangarei Heads Road

Hi Kellie,

Further to your e-mail below, I can advise the following: -

The hourly rates for Council Professional Fees is set out in our current Fees and Charges schedule, which you can access [here](#). In particular, see page 10 of this document.

The relevant hourly rates for this application would be the following: -

- Team Leader RMA Consents - \$184.00/hr
- Senior Planner RMA Consents - \$184.00/hr
- Senior Development Engineering Officer - \$184.00/hr
- Planning Assistant RMA Consents - \$98.00/hr

**NOTE:**

- Time is charged @ 6 minute units.
- These hourly rates are inclusive of GST.

It is anticipated that there would only be one commissioner required. Commissioners are charged out at circa. \$170 p.h. + GST + expenses.

I was hoping to give you a better indication of potential costs based on a previous notified application, however I don't have all that information at hand. I'll try and get something through to you in the next couple of days in that regard.

Thanks,  
Lex

Nga Mihi | Regards

**Lex Wright**

Senior Planner – RMA Consents | Planning & Development Department

Whangarei District Council | Forum North | Private Bag 9023, Whangarei 0148 | [www.wdc.govt.nz](http://www.wdc.govt.nz)

M 021 193 6145 | E [lex.wright@wdc.govt.nz](mailto:lex.wright@wdc.govt.nz)

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**From:** Kellie Roland <[Kellie.Roland@aucklandairport.co.nz](mailto:Kellie.Roland@aucklandairport.co.nz)>  
**Sent:** Tuesday, 21 April 2020 9:00 AM  
**To:** Lex Wright <[lex.wright@wdc.govt.nz](mailto:lex.wright@wdc.govt.nz)>  
**Subject:** RE: Council Ref: SD1800135 - Proposed Subdivision @ 385 Whangarei Heads Road

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Appreciate it - thanks

**From:** Lex Wright <[lex.wright@wdc.govt.nz](mailto:lex.wright@wdc.govt.nz)>  
**Sent:** Tuesday, 21 April 2020 8:59 AM  
**To:** Kellie Roland <[Kellie.Roland@aucklandairport.co.nz](mailto:Kellie.Roland@aucklandairport.co.nz)>  
**Subject:** RE: Council Ref: SD1800135 - Proposed Subdivision @ 385 Whangarei Heads Road

Hi Kellie – I'll have something to you before 11am.

Nga Mihi | Regards

**Lex Wright**

Senior Planner – RMA Consents | Planning & Development Department

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M 021 193 6145 | E [lex.wright@wdc.govt.nz](mailto:lex.wright@wdc.govt.nz)

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**From:** Kellie Roland <[Kellie.Roland@aucklandairport.co.nz](mailto:Kellie.Roland@aucklandairport.co.nz)>  
**Sent:** Tuesday, 21 April 2020 8:57 AM  
**To:** Lex Wright <[lex.wright@wdc.govt.nz](mailto:lex.wright@wdc.govt.nz)>  
**Subject:** FW: Council Ref: SD1800135 - Proposed Subdivision @ 385 Whangarei Heads Road

**EXTERNAL:** This email originated from outside Whangarei District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Lex,

Following this up – I am talking to my Client this morning at 11am and really need an idea of full costs please.

As a minimum can you please advise your hourly rate, the engineers hourly rate and what Council pays Commissioners. I am expecting that there would be a single Commissioner hearing this application (please advise if this is not the case).

Thanks,  
 Kellie

**From:** Kellie Roland  
**Sent:** Thursday, 16 April 2020 10:24 AM  
**To:** 'Lex Wright' <[lex.wright@wdc.govt.nz](mailto:lex.wright@wdc.govt.nz)>  
**Subject:** RE: Council Ref: SD1800135 - Proposed Subdivision @ 385 Whangarei Heads Road

Thanks Lex. It would be really helpful if you could give some indicative costs for Council – I see that as the biggest cost – even some idea around timeframes to prepare s42 report – appreciate there are swings and roundabouts with these things but by virtue of the scope and scale of the application I'm sure you will have an idea of how many hours its likely to take you to draft. I'd also appreciate understanding what your hourly rate is.

I understand that this is all indicative and wont "hold you" to these. My Clients do however need to understand what the likely costs are before making a decision to proceed or not.

Thanks,  
 Kellie

**From:** Lex Wright <[lex.wright@wdc.govt.nz](mailto:lex.wright@wdc.govt.nz)>  
**Sent:** Thursday, 16 April 2020 9:54 AM  
**To:** Kellie Roland <[Kellie.Roland@aucklandairport.co.nz](mailto:Kellie.Roland@aucklandairport.co.nz)>  
**Subject:** RE: Council Ref: SD1800135 - Proposed Subdivision @ 385 Whangarei Heads Road

Hi Kellie,

Please see below cost estimates/details I have been provided in regards to the items listed. It is quite difficult to give more realistic costs in certain areas, so unfortunately we can't elaborate as such in regards to the final bullet point.

Having said that, I have asked our administration team for examples of the most recent notified applications, which are currently being sourced. I'll forward that information onto you once received.

Lex

**EXTERNAL:** This email originated from outside Whangarei District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Lex,

Can you please provide a breakdown of costs associated with the following

- Tonkin and Taylor peer review of engineering report – *as advised by Ms. Nadia de la Guerre (WDC Team Leader – Development Engineering):* -
  - *In the region of \$3 - \$5K, depending on complexity.*
- Council costs to commence notification – *as advised by WDC Administration RMA Consents:* -
  - *The deposit is \$6K for public notification.*
  - *\$1.5K was paid as at the time the application was lodged, therefore \$4.5K would be required up front.*
  - *NOTE:*
    - *The current charges associated with the processing of the application is \$6,942.69.*
    - *The \$4.5K payment would reduce this current outstanding amount to \$2,442.69 (i.e. \$6 942.69 - \$4 500.00), which would then increase with the charges incurred thereafter (ads, commissioner, staff time etc).*
    - *Any additional costs are based on time/ cost rates and therefore cannot be reliably be estimated but would include preparation of the s95 report/ decision, notification preparation (letters, advert, application copies/ online uploading etc)*

- Mike Farrow's involvement in hearing process (cost of evidence preparation and attendance at hearing)
  - *Circa. \$3,120.00 ex GST and disbursements*
  - *NOTE: Mike has asked to emphasize that the nature of a notification and hearing can only be crudely estimated and that the pricing he has provided needs to be treated accordingly.*
- Council costs from through to release of decision, including Hearing / Commissioner costs (indicative) – as advised by WDC Administration RMA Consents: -
  - *It is quite difficult to give realistic estimates, as it is quite dependent on how many submissions Council receive, if a hearing is required, how many submitters wish to be heard etc.*
  - *Staff time for preparation of a s42A report, hearing attendance*
  - *Commissioners are charged out at circa. \$170 p.h. + GST + expenses.*
  - *While we try to do most things electronically now, there may be printing, posting fees if someone requests hard copies.*
  - *We are required to put 2 copies in the library/customer service, plus all the staff time actual and reasonable plus if there's a hearing – it's staff time and attendance at hearing.*

Can you please advise when I can expect this.

Thanks,  
Kellie

### RESOLUTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following parts of proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

1.	The making available of information would be likely to unreasonably prejudice the commercial position of persons who are the subject of the information. {Section 7(2)(c)}
2.	To enable the council (the committee) to carry on without prejudice or disadvantage commercial negotiations. {(Section 7(2)(i))}.
3.	To protect the privacy of natural persons. {Section 7(2)(a)}.
4.	Publicity prior to successful prosecution of the individuals named would be contrary to the laws of natural justice and may constitute contempt of court. {Section 48(1)(b)}.
5.	To protect information which is the subject to an obligation of confidence, the publication of such information would be likely to prejudice the supply of information from the same source and it is in the public interest that such information should continue to be supplied. {Section 7(2)(c)(i)}.
6.	In order to maintain legal professional privilege. {Section 2(g)}.
7.	To enable the council to carry on without prejudice or disadvantage, negotiations {Section 7(2)(i)}.

### Resolution to allow members of the public to remain

If the council/committee wishes members of the public to remain during discussion of confidential items the following additional recommendation will need to be passed:

#### Move/Second

"That \_\_\_\_\_ be permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of Item \_\_\_\_\_.

This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because \_\_\_\_\_.

*Note:*

*Every resolution to exclude the public shall be put at a time when the meeting is open to the public.*