

Reference Number: 2024/1112

20 June 2024

[REDACTED]

Tēnā koe [REDACTED]

Thank you for email of 13 June 2024 requesting under the Local Government Official Information and Meetings Act 1987 (LGOIMA), information relating to changes to the Council fees. Please see outlined below a response to your request.

***Can you please tell me what part of the act you can apply late fees? Our understanding is you can only apply fees to cover cost or fines as outlined in the act. If a NTF and penalty fee is given that's covered under the act. We can't see a provision for this fee.***

Section 219 of the Building Act 2004 allows for Territorial Authorities to impose a fee or charge (or both) for the performance of any function or service under the Act. Section 281A sets out that a territorial authority has discretion as to how the fee or charge is charged or set and how it may be paid or collected. It further allows for territorial authorities to set a fixed charge or variable fee, charge on the basis of hourly rate or any other rate or method of charging (amongst other examples).

The reason why Council has set a differentiation between a BWoF renewal submitted on time and complete, and a BWoF renewal submitted late and/or incomplete, is because it requires extra administration resource to process a late or incomplete application, and now the associated cost for this is being imposed on owners as the user.

The BWoF renewal – complete and on time fee is \$157.00 and accounts for the cost recovery of approx. 1hour of administration time required to action each renewal. Renewal administration tasks includes sending reminder letters, checking forms, checking IQP registers, possible liaising with owners/IQP's, invoicing, checking payments and payment reconciliation.

The BWoF renewal - late and/or incomplete fee is \$235.00 and accounts for 1.5hrs of administration time. This accounts for the cost recovery of an extra ½ hour of administration time required. Additional administration tasks include further follow-up with owners and/or IQP's, and reporting on overdue timeframes.

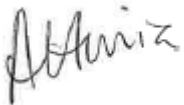
The late and/or incomplete fee is not intended to replace a NTF, or be used in substitute of the infringement fees available in the Building (Infringement Offences, Fees and Forms) Regulations 2007.

You are entitled to seek an investigation and review by the Office of the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Horowhenua District Council publishes responses to Local Government Official Information and Meetings Act 1987 (LGOIMA) requests that we consider to be of wider public interest, or which relate to a subject that has been widely requested. To protect your privacy, we will not generally publish personal information about you, or information that identifies you. We will publish the LGOIMA response along with a summary of the request on our website. Requests and responses may be paraphrased.

If you would like to discuss this decision or any of the information provided as part of this request, please contact Brent Harvey (Group Manager Community Experience and Services) on [brenth@horowhenua.govt.nz](mailto:brenth@horowhenua.govt.nz) or [LGOIMAOfficer@horowhenua.govt.nz](mailto:LGOIMAOfficer@horowhenua.govt.nz).

Ngā mihi



Ashley Huria  
**Executive Sponsor**