

Charges for Incident Inspections

Summary: The Council may charge people or organisations whose activities contravene a regional plan for costs it incurs in inspecting those activities.

1.1 Circumstances in which a charge may apply and charges applicable

Where a person (or persons) or organisation carries out an activity in a manner that contravenes the provisions of Section 9, 12, 13, 14, 15, 327, or 329 of the Resource Management Act 1991, the Council may charge that person (or persons) or organisation for the cost of any inspection it undertakes in relation to that activity. This cost may include:

- (1) time spent by Council officers identifying and confirming that the activity is taking or has taken place;
- (2) time spent by Council officers identifying and confirming the person(s) or organisation responsible for causing or allowing the activity to take place or have taken place;
- (3) time spent by Council officers alerting and informing the person(s) or organisation responsible of their responsibilities in relation to the activity, including any suggestions or advice relating to how any adverse effects might be avoided, remedied, or mitigated;
- (4) travel time from the Council's nearest relevant office;
- (5) costs by way of disbursements (such as laboratory analysis costs).

The Council will only charge for time spent which exceeds 30 minutes. Travel time will be included in the calculation of this time.

Any charge will only be such as to allow the Council to recover its actual and reasonable costs, and will only be made to the extent that the Council's actions are occasioned by the actions of the person (or persons) or organisation responsible for the activity to which the charge relates.

1.2 Charges not Applicable to Consented Activities

Section 1.1 of this Policy does not apply to any activity to which a resource consent issued by the Council relates. Charges for inspections for resource consents are provided for in the Council's Resource Management Charging Policy, 1997.

1.3 Authority to Charge

These charges are made under section 690A of the Local Government Act 1974.

1.4 Charge-out rate

The rate at which staff time shall be charged shall be the same as the hourly rate applicable at the time in the Council's Resource Management Charging Policy. As at 1 February 2000, this is \$60 per hour (plus GST).

1.5 Goods and Services Tax

Goods and Services tax will be added to any charge made under these provisions.

1.6 Remission of Charges

The Council may remit any charge made under Section 1.1 above, in part or in full, on a case by case basis, and at its discretion.

1.7 When Due

Charges are due within 28 days.

1.8 Relationship of Charges to Infringement Offences

Where an infringement notice under the Resource Management (Infringement Offences) Regulations 1999 is issued by the Council in relation to the activity, or for a related activity, the provisions of those Regulations to do with payment, further action, non-payment of fees, defences, and queries and correspondence will be relevant to the timing and payment of any charge made under Section 1.1 above.

For example, if one of the defences listed in the Regulations is accepted, then no charge will be made for Council inspections under Section 1.1.

1.9 Relationship of Charges to Enforcement Orders Under s.314 of the Resource Management Act 1991

The Council may also seek reimbursement for any actual and reasonable costs it incurs in avoiding, remedying, or mitigating any adverse effect on the environment, by way of an enforcement order under s.314 of the Resource Management Act 1991.

2.0 Relationship of Charges to the Maritime Transport Act 1994

These charges do not apply to marine oil pollution incidents. These are provided for under the Maritime Transport Act 1994.

2.1 Date Charges become Operative

These charges will apply from 1 May 2000 and will continue in effect until amended or replaced under s.690A of the Local Government Act 1974.

