

# Resource Management Act 1991

## Proposed Monitoring Charges for permitted activity under the Resource Management (National Environmental Standards for Fresh Water) Regulations 2020

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This Statement of Proposal has been prepared as part of consultation regarding proposed charges for permitted activity monitoring under the Resource Management (National Environmental Standards for Fresh Water) Regulations 2020.

Section 36(3)(b) of the Resource Management Act (RMA) requires Council to seek public feedback on its proposed fees and charges through the Special Consultative Procedure under section 83 of the Local Government Act 2002.

The special consultative procedure gives the public an opportunity to make submissions and provide feedback on the proposed fees. Once the submission period closes, hearings will be conducted if people indicate they want to speak in support of their submissions.

## 1. Introduction

The Compliance Group of Council has a variety of functions that have an element of cost recovery.

While some charges are set by statute, other statutes give local authorities the power to set charges.

This proposal considers fees and charges for:

Monitoring of Permitted Activities under the Resource Management (National Environmental Standards for Fresh Water) Regulations 2020 (NES).

This NES has effect from 3 September 2020.

Subpart 3 of part 2 (intensive winter grazing) comes into force 1 May 2021. Regulations 12-14 (stock holding areas other than feedlots) and sub part 4 of part 2 (application of synthetic nitrogen fertiliser to pastoral land) comes into force 1 July 2021.

Council reviews its charges in response to legislative changes with functions and responsibilities on Council to ensure that:

- i. those who benefit from the services of the resource consent activity pay a fair and reasonable share of the costs of these services; and
- ii. the fees and charges reflect any changes in the cost of providing these services; and
- iii. the fees and charges align with Council's Revenue and Financing Policy.

Section 101(3) of the Local Government Act 2002 and Section 36AAA(4) of the Resource Management Act 1991 provide that charges can be set for regulatory functions.

## 2. Reasons for the Proposed Fees and Charges

Council considers it is appropriate that the full costs it incurs are charged to the affected individual rather than some of the cost being apportioned to the general ratepayer.

In fixing fees under section 36 of the RMA, Council is required to have regard to the following:

- That the sole purpose of the charge is to recover reasonable costs incurred by the local authority in respect of the activity to which the charge relates.
- A particular person or persons should only be required to pay a charge to the extent that:
  - the benefit of the local authorities actions to which the charge relates is obtained by those persons as distinct from the community or the local authority as a whole; or
  - where the need for the local authority's actions to which the charge relates is caused by the actions of those persons; or
  - in a case where the charge is in respect of the local authority's monitoring functions under section 35(2)(a) (which relates to monitoring the state of the whole or part of the environment), to the extent that the monitoring relates to the likely effects on the environment of those persons' activities, or to the extent that the likely benefit to those persons of the monitoring exceeds the likely benefit of the monitoring to the community of the local authority as a whole.

## 3. Resource Management Act – Proposed Fees and Charges

The fees and charges for the 2020/21 year have been reviewed and Council considers that the proposed changes are required.

### **Council is proposing:**

Introducing a new permitted activity monitoring charge for:

NES-Freshwater activities

- **\$155.00** per hour for an Environmental Protection Officer.
- Sampling/laboratory/contractors and disbursements to be charged at actual cost to Council.

## Schedule of Fees and Charges

Table 1 Proposed permitted Activity Monitoring Charges – For Monitoring under the NES – Fresh Water regulations

### Monitoring Charges for Permitted Activity under the Resource Management (National Environmental Standards for Fresh Water) Regulations 2020

Environmental Protection Officer (per hour - pro rata)	Fixed Annual	\$155.00
Laboratory Costs	Variable	Actual
Consultant	Variable	Actual
Site Inspection	Variable	Actual
Disbursements	Variable	Actual
Additional monitoring due to non-compliance	Variable	Actual

### Notes

- All fees include GST.

## 4. Options

Council reviewed monitoring charges for permitted activity under the NES and considers proposed changes are required to recover costs incurred by the Council

Council needs to consider what mechanisms are appropriate to meet the expenditure needs of the organization. The charges outlined in the Statement of Proposal represent activities where Council has considered that the principle of user or beneficiary pays is most appropriate.

Regarding the balance between individual benefit and community benefit, Council considers it is appropriate that 100% of the costs are met by the affected individual rather than some of this cost being apportioned to the general ratepayer.

It is generally viewed that because the monitoring activity is solely caused by the granting of consent to an applicant and they directly benefit from it, the consent holder should bear the full monitoring cost.

## 5. Have Your Say

Let us know what you think about our proposed Resource Management monitoring fees.

Anyone can make a submission. Your submission can support or oppose the proposals.

- You can make a submission online at <http://www.marlborough.govt.nz/> or you can collect a submission form from Council offices.
- Completed forms can be emailed to [monitoring@marlborough.govt.nz](mailto:monitoring@marlborough.govt.nz), submitted by hand, or posted to the Picton or Blenheim Council offices.

## Want More Information?

Submissions close  
5.00 pm, Monday  
29 March 2021.

If you have any questions about the proposed fees or need further information you can email [monitoring@marlborough.govt.nz](mailto:monitoring@marlborough.govt.nz), or phone Council on **03 520 7400**.

## Timeline

Timeline for considering  
the proposed fees.

**1 March 2021**

Special Consultation period begins

**29 March 2021**

Submissions close

Council considers submissions

Hearings if submitters wish to be heard

**TBA**

Hearings subcommittee determine  
submissions

**13 May 2021**

Decision taken to full Council for  
ratification

**1 July 2021**

New fees apply