

Information Sheet

Resource Management Act Section 36 and Building Act Charges 2021

Why have I received this invoice?

Under the Resource Management Act (RMA), Bay of Plenty Regional Council is responsible for managing a wide range of natural resources including air quality, geothermal energy, ground and surface water.

The costs of administration and monitoring of consents, and monitoring of the region's resources is recovered from consent holders. For most resource consents an annual charge is payable by the consent holder under Section 36 of the RMA. The invoice is the annual charge for the period from 1 July 2021 – 30 June 2022.

How are these charges set?

BOPRC regularly review the Section 36 Charges Policy. Consent holders can make submissions as part of this process. The Section 36 and Building Act Charges Policy 2021 was adopted by Council in June 2021. It is available to download from our website www.boprc.govt.nz.

Printed copies can be requested from our Regulatory Coordination Team, by emailing RegulatoryAdmin@boprc.govt.nz

How are the charges made up?

The annual charge is made up of:

- the Administration charge;
- Compliance Monitoring charge; and
- Data and Science charge.

The administration charge is paid by the majority of consent holders. It contributes to administration services costs, such as compiling and monitoring accounts, dealing with general enquiries and maintaining databases and electronic filing system.

The compliance monitoring schedule of charges (Schedule 1A and 2A) sets out fees that consent holders pay based on the actual and reasonable cost of carrying out compliance monitoring of consents.

The data and science charge is a fixed annual fee which covers a portion of BOPRC's costs of carrying out regional and impact monitoring and specific investigations into the state of the environment. This monitoring ensures consent conditions are set appropriately.

Please read the Section 36 and Building Act Charges Policy 2021 for more detail about these, as well as the schedules and steps that are applied, for different types of consents.

Why haven't I received one of these invoices before?

If you have been granted a resource consent in the last 12 months, this is likely to be the first time that you have received an annual S36 charges invoice in relation to your consent. If you have had a consent transferred to you in the last 12 months this may also be the first time that you have received an invoice.

What does the Compliance Monitoring component of my annual charge pay for?

The compliance monitoring charge covers the actual and reasonable time spent carrying out compliance monitoring of consents; not limited to, but including:

- Auditing of monitoring data provided
- Site visits and associated administration
- Contact and correspondence with consent holders

Note: A fixed fee of \$245.00 is chargeable for the late submission of records and monitoring reports. This fee will only apply after consent holders have been given a reasonable opportunity to comply, and reflects the additional staff time spent following up late submissions of records.

Do I have to pay even if I am not using the consent?

You must pay the charges until your consent either expires or Bay of Plenty Regional Council has processed a written request (from you) that you no longer need it, for example if you ask for the consent to be transferred or surrendered.

You must still pay annual charges even if you are not physically exercising your consent. This is because even though you may not be doing anything now, you have the right to start operating your activity at any time.

If you are sure you will not be using your consent at any time in the future, you may choose to surrender (cancel) it and in some cases make the resource available for someone else.

How do I surrender my consent?

To surrender (cancel) your consent you need to complete and sign a surrender form. This form can be downloaded from our website boprc.govt.nz or obtained from one of our offices.

There is no charge for surrendering your consent.

We need to accept your surrender before it is officially surrendered. You may have to complete any remedial or other required works before it can be surrendered.

You cannot continue or restart your activity once your consent has been surrendered.

How do I transfer my consent?

You can transfer your consent to another person or party if they will be operating the same activity at the same location. A common reason for transferring a consent is if you have sold the property which the consented activity is on.

To transfer your consent a transfer form needs to be completed and signed by both the consent holder and the person/party it is being transferred to, and forwarded to Bay of Plenty Regional Council along with the transfer fee.

The transfer form can be downloaded from our website boprc.govt.nz or obtained from one of our offices.

The consent holder is responsible for initiating the transfer and remains liable for the consent, including the annual charges and any non-compliance, until the transfer is accepted by Bay of Plenty Regional Council.

Do I have to pay if I'm not using all that my resource consent allows?

The annual charges are based on what your consented activity and what that allows, not what you are or are not doing or using.

What do I do if I think I have been charged incorrectly?

Please make sure that you have read this information sheet and the Section 36 and Building Act Charges Policy 2021 first.

If you think you shouldn't have received an invoice or have been charged incorrectly, contact the Regulatory Coordination Team at Bay of Plenty Regional Council, preferably in writing (address right) or by email to RegulatoryAdmin@boprc.govt.nz (with **S36 charges** in the subject line).

Please quote your resource consent number and invoice number in any correspondence.

All accounts should be paid by the 20th of the month.

If you would like to discuss instalment options please contact Accounts.Receivable@boprc.govt.nz

Council may impose an additional administrative charge to cover the cost of debt recovery from individual consent holders.



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