

# Cost recovery

## Frequently asked questions

### ? Why am I receiving a bill from you?

As a council, we have a policy of recovering costs where breaches of consent conditions or rules are confirmed, from the person or company responsible. It is only fair that those responsible bear the costs and the general ratepayer does not.

You have received this invoice as you have been found liable following an investigation. You may be directly responsible for causing the breach (e.g. lighting a fire in breach of the Regional Air Plan or discharging a contaminant into a waterway), or you may have liability because you are the consent holder or have other indirect responsibility for the breach.

### ? What if it was an accident?

During an incident investigation, all aspects are considered, including whether the situation occurred as a result of an unavoidable accident, or was due to negligence or a deliberate act. This forms part of determining any further action, including recovery of costs.

### ? What am I paying for?

You are required to cover the costs for any officers who may need to attend a site visit, or their time spent finding out more about the incident and making necessary phone calls to establish details. You must also pay for the time it takes to follow up these incidents, including that of investigators to determine what action should be taken.

In order to complete an investigation, certain minimum requirements must be met and these will be different depending on the type of incident. If we feel it is necessary to take samples of water or soil to confirm contamination or help determine effects on the environment, you will also be charged for the cost of having these samples analysed.

### ? How do you determine how much I have to pay?

We take into account the actual costs of investigating the incident and then charge this time out in line with our Fees and Charges Schedule which is reviewed each year as part of

the Annual or Long-term Plan. It's available on our website ([www.es.govt.nz/about-us/fees](http://www.es.govt.nz/about-us/fees)) and undergoes public consultation regularly.

### ? What if I can't afford to pay the costs?

We urge you to get in touch as soon as possible with our finance department to arrange a payment plan to suit.

### ? What if I don't agree with the costs?

You may lodge an objection to Environment Southland in respect of the decision to levy the cost recovery charge. We must then review the decision and may dismiss or uphold your objection, wholly or in part. Please note that any objections must be:

- in writing;
- set out the reasons for objecting and the relief sought; and
- lodged with us within 28 working days of this decision being served on you.

### ? What's the difference between an infringement and a cost recovery invoice?

An infringement is a penalty you are given for breaching a rule, regulation or consent, while the cost recovery invoice is a charge for actual costs of investigating this.

### ? Who pays for incidents where you can't find the person responsible?

There are always some incidents where it is not possible to find the person responsible – these sometimes include things like dead stock or contaminants in a waterway. We try our best to establish the person responsible but if we can't then these costs have to be carried by the general ratepayer.