

<h2 style="text-align: center;">SUMMARY OF SUBMISSIONS</h2> <h3 style="text-align: center;">VARIATION 30 – FINANCIAL CONTRIBUTIONS</h3>

Submission number: 351

Submitter: Transpower New Zealand Limited
Position: Provisional Support

Submission Details:

Variation 30

351.1 Summary: (Township, Part 2, 3.4 Policy 26 (new))

The explanation to the policy relates specifically to pollution and natural hazards. Similarly worded policies relating to pollution and/or natural hazards are already proposed for the inclusion in the District Plan. It is unnecessary and inappropriate to repeat the policy under the amenity heading when its text is largely unrelated to amenity matters.

Decision sought: The policy should be deleted or reworded to be more specific. And any consequential amendments.

351.2 Summary: (Rural, Part 2, 3.4 Policy 10 (new))

The explanation to the policy relates specifically to pollution and natural hazards. Similarly worded policies relating to pollution and/or natural hazards are already proposed for the inclusion in the District Plan. It is unnecessary and inappropriate to repeat the policy under the amenity heading when its text is largely unrelated to amenity matters.

Decision sought: The policy should be deleted or reworded to be more specific. And any consequential amendments.

Submission number: 356

Submitter: Christchurch City Council
Position: Support

Submission Details:

Variation 30

356.1 Summary: (Entire variation)

By removing all financial contribution provisions from the Proposed Selwyn District Plan in favour of the development contribution provisions within Selwyn District Council's Development Contribution Policy, Variation 30 is consistent with:

- Christchurch City Council's approach;
- the Urban Development Strategy (Settlement pattern key approach; Integrated Land Use, Infrastructure and Funding action).

Decision sought: Remove all financial contribution provisions from the Proposed Selwyn District Plan in favour of the development contribution provisions within Selwyn District Council's Development Contribution Policy.

356.2 Summary: (Environmental Compensation)

By providing a new environmental compensation policy, Variation 30 is consistent with the Christchurch City Council's approach to environmental compensation.

Decision sought: Provide a new environmental compensation policy.

356.3 Summary: (Withdrawal of Submission Points)

The submitter wishes to withdraw provisions 18 and 28 on pages 20 and 30 of their submission dated 7/12/2001 on the financial contributions provisions of the Proposed Selwyn District Plan (Rural Vol). (This submission was received at the time of the Proposed Selwyn District Plan being notified).

Decision sought: Withdraw provisions 18 and 28 on pages 20 and 30 of the previous submission dated 7/12/2001.

Submission number: 357

Submitter: TrustPower Limited

Position: Provisional Support

Submission Details:

Variation 30

357.1 Summary: (Entire variation)

The submitter wishes that the variation be approved, provided it is amended so that the submitters concerns are fully addressed. To include policies, rules, methods and criteria which meet the decisions requested below.

Decision sought:

- Adequately address the matters relevant to the exercise of the Council's discretion to require financial contributions including to

- Reflect that financial contributions will not generally be required as a condition of consent, unless there is not other means to avoid remedy or mitigate significant adverse environmental effects;
- Set out an appropriate methodology to be applied when determining the amount of any financial contribution;
- Adequately explain the general purpose for which the contribution may be used; and
- Are necessary to avoid confusion in the use of development contributions under the LGA and financial contributions under the RMA and to avoid double counting in the taking of contributions.

357.2 Summary: (Entire variation)

The submitter states that in the event the amendments asked for in 357.1 are not implemented; the entire variation should be withdrawn.

Decision sought: That the variation is withdrawn.

Submission number: 358

Submitter: Transit New Zealand

Position: Oppose

Submission Details:

Variation 30

358.1 Summary: (Entire variation)

The submitter opposes the Council's decision to remove all transport related financial contributions for roading infrastructure. The submitter states that a robust mechanism is required to prevent incremental deterioration of roading infrastructure through the cumulative impacts of a number of developments. They also state that the Variation introduces a lack of certainty with regard to the requirement for development contributions as a means of mitigating the adverse effects on roading infrastructure, as a result of development.

Decision sought: Reject the deletion of financial contributions from the Proposed District Plan.

358.2 Summary: (Township, Part 3, Rule 5 Subdivision for Living and Business)

Insert additional words "for road infrastructure upgrades." to rule 1.1.14

Decision sought: Retain the wording on page 368 and amend to read: Financial Contributions, 1.1.14 Any financial contributions payable for road infrastructure upgrades.

358.3 Summary: (Township, Part 3, Rule 5 Subdivision for Living and Business)

Specific to the table labelled - Access, Reserve and Utility Allotments. Insert into rule 2.1.9 "for road infrastructure upgrades."

Decision sought: Retain the wording on page 372 and amend to read: Financial Contributions, 2.1.9 Any financial contributions payable for road infrastructure upgrades.

358.4 Summary: (Township, 4.4 Development Contributions Issues)

The submitter supports the inclusion of a requirement for development contributions for roading and other transport infrastructure. The impacts of development on the roading network can be both local and strategic, including the impact on connecting intersections. Insert "with exception for roading in limited circumstances." into paragraph 1. Insert new paragraph 3.

Decision sought: Amend the wording of 4.4 Development Contributions Policy pages 206-214 to read:

Accordingly, the Council's requirements for land and/or cash for the provision of growth related reserves and for network and community infrastructure are contained within the Development Contribution and such contributions are no longer taken under the District Plan with exception for roading in limited circumstances.

New paragraph 3 to read:

The exception to this is where improvements are required to the State Highway, which is managed by Transit New Zealand. In that situation the Council cannot take developer contributions to mitigate these effects and financial contributions maybe required in lieu of development contributions being taken.

358.5 Summary: (Rural, 2.2 Physical Resources, Section 2.1)

Under Issues 1 - Safe and Efficient Use of Transport Network, Residential Growth the text should clarify that both developer contributions and financial contribution can be used. Insert into the Development Contribution policy "However, when appropriate, financial contributions may be taken in lieu of developer contributions in respect of works potentially required by other controlling authorities to mitigate the effects of that development.."

Decision sought: Amend the wording of the issues of the Development Contributions Policy in the Township Volume page 85 to read:

The Council anticipates recovering the majority of it funds for road upgrades form rates income or LTNZ subsidies. However, the LTCCP Development

Contribution Policy provides for development contributions to be taken in specific situations development itself requires the upgrade of the roading network adjacent to the development. However, when appropriate, financial contributions may be taken in lieu of developer contributions in respect of works potentially required by other controlling authorities to mitigate the effects of that development..

358.6 Summary: (Rural, 2.2 Physical Resources, Section 2.1, II Strategy) Allow for financial contributions to be taken instead of developer contributions. Insert "...for roads that require to be upgraded in lieu of a development contribution."

Decision sought: Retain the wording of Section 2.1 Transport Networks (Road, Rail and Airfields), II Strategy, Page 87 and amend to read:

A policy to take financial contributions for roads that require to be upgraded in lieu of a development contribution.

358.7 Summary: (Rural, 2.2 Physical Resources, Section 2.1, II Policy 2) When addressing the Council's ability to take contributions towards upgrades to transport networks, insert the text "towards the cost of any upgrade to the State Highway" into Policy 2.

Decision sought: Retain the wording of Section 2.1 Transport Networks (Road, Rail and Airfields), Policy 2, pages 88-89 and amend to read:

b) Enable the Council to take financial contributions towards the cost of any upgrade to the State Highway.

NOTE: the upgrading of State Highways is undertaken by Transit New Zealand to their own standards.

358.8 Summary: (Rural, 2.2 Physical Resources, Section 2.1, II Policy 2) In the explanation and reasons to Policy 2 insert the text "The exception to this is where improvements are required to the State Highway, which is managed by Transit New Zealand. In that situation the Council cannot take developer contributions to mitigate these effects and a financial contributions maybe required in lieu of development contributions being taken."

Decision sought: Amend the wording of the Explanations and Reasons on pg 89 to read:

Developments can affect the classification of a road by increasing the volume of traffic. When development changes the volume or type of traffic on a road, the LTCCP Development Contribution policy enables the Council to take T development contributions to pay for the road upgrades (see section 4.2). This may include the forming of any unformed legal road to provide access to a property. The exception to this is where improvements are required to the State Highway, which is managed by Transit New Zealand. In that situation the Council cannot take developer contributions to mitigate these effects and

a financial contributions maybe required in lieu of development contributions being taken.

358.9 Summary: (Rural, 2.2 Physical Resources, Section 2.1, II Policy 2) Allow for financial contributions in addition to development contributions policy as a method. Insert "Financial Contribution".

Decision sought: Amend the wording of (ii) Policies and Methods, Roads, Policy 2 to read:

Methods

- Road hierarchy
 - Appendix 9
- District Plan Rules
 - Vehicle Manoeuvres;
 - Subdivision;
- - LTCCP
 - Development Contribution Policy
 - Financial Contribution

358.10 Summary: (Rural, 2.2 Physical Resources, Section 2.1, II Policy 7) Retain Policy 7 and include the word "network" with regard to utilities.

Decision sought: Retain the wording of (ii) Policies and Methods, Roads, Policy 7 and amend to read:

Policy 7 to take financial contributions:

a) For the costs of supplying dwellings with network utilities.

358.11 Summary: (Rural, 2.2 Physical Resources, Section 2.1, II Policy 7) Policy 7 should be retained and the text "Transit New Zealand" should be inserted into the explanations and reasons for policy 7 to clarify who the roads are vested to.

Decision sought: Amend the Explanations and Reasons of Policy 7 to read:

In some areas, roads may need to be sealed or upgraded. Where the roads, are vested in Transit New Zealand, the Council has to take financial contributions if it wishes to recover the costs of this work.

358.12 Summary: (Rural, 2.4 Growth of Rural Area, 4.1 Policies and Methods)

Reinstate policies 12a and 12b, regarding how and when financial contributions shall be paid.

Decision sought: Retain the wording of (ii) Policies and Methods, Policies 12(a) and 12(b), page 175:

Policy 12(a) Require any financial contributions owing to be paid at the time an allotment is created whenever practical; and
12(b) If financial contributions are not paid at this time, ensure an appropriate mechanism is used to inform people that financial contributions have not been paid.

358.13 Summary: (Rural, 2.4 Growth of Rural Area, 4.1 Policies and Methods)

Under the explanations and reasons for Policies 8-11 insert the text "There are unexpected financial contributions in respect of road network." to the list of requirements and issues surrounding building a dwelling.

Decision sought: Amend the wording of (ii) Policies and Method, Policies 8-11, Explanations and Reasons, page 175-176, and amend to read:

Explanations and Reasons: The District Plan...find that:

- The allotment is too small; or
- It does not have an adequate building square or sunlight;
- There are unexpected development contributions for reserves and network and community infrastructure; or
- There are unexpected financial contributions in respect of road network.

358.14 Summary: (Rural, 2.4 Growth of Rural Area)

Clarify the taking of development contributions by inserting the text "with exception for roading in limited circumstances." into sentence 3 and adding a new paragraph explaining how Council should take land and/or cash for roading infrastructure.

Decision sought: Amend the wording of Issues, Objectives and Policies, 4 Growth of Rural Area 177-186. Amend sentence 3 to read:

Accordingly, the Council's requirements for land and/or cash for the provision of growth related reserves and for network and community infrastructure are contained within the Development Contribution and such contributions are no longer taken under the District Plan with exception for roading in limited circumstances.

Add new paragraph 3:

The exception to this is where improvements are required to the State Highway, which is managed by Transit New Zealand. In that situation the Council cannot take developer contributions to mitigate these effects and a financial contributions maybe required in lieu of development contributions being taken.

358.15 Summary: (Rural, 2.4 Growth of Rural Area, Policy 1)

Allow for the taking of financial contributions in lieu of development contributions when State Highway improvements are required.

Decision sought: Amend the wording of Policy 1, Explanations and Reasons pages 177-186 to add a new paragraph:

The exception to this is where improvements are required to the State Highway, which is managed by Transit New Zealand. In that situation the Council cannot take developer contributions to mitigate these effects and a financial contributions maybe required in lieu of development contributions being taken.

Also amend the wording of Methods, pages 177-186 to read:

- LTCCP - Development Contributions;
- District Plan Rules - Subdivision, Financial Contributions

358.16 Summary: (Rural, Part 3, Rule III Building)

Keep the reference in the table to Financial Contributions and the rules, objectives and policies that are affected.

Decision sought: Retain the wording of Rule III Buildings, page 239:

1.23 & 18.1, Financial Contributions, 4.2, Objectives 1 & 2, policies 1 to 11.

358.17 Summary: (Rural, Part 3, Rule IV Roding)

Keep the rules referring to financial contributions payable under Rule X - Subdivision.

Decision sought: Retain rules on pages 245 and 246:
2.2.6 and 3.2.5

358.18 Summary: (Rural, Part 3, Rule IV Roding)

Allow for financial contributions to be paid where development contributions have not been paid. Insert "where a development contribution has not otherwise been paid."

Decision sought: Retain the wording of District Plan Rules, Rule IV Roding page 250 and amend to read:

Financial Contribution 1.17 Any financial contributions for road payable under Rule X Financial Contributions are paid where a development contribution has not otherwise been paid.

358.19 Summary: (Rural, Part 3, Rule IV Roding) Allow for Financial contributions to be retained in the rules and reference tables.

Decision sought: Retain the wording of rule:

Financial Contributions 7.1 Any activity which does not comply with Rule 1.17 shall be a discretionary activity.

18.1 & 7.1, Financial Contributions, 4.2, Objectives 1 & 2, policies 1-4 & 8-11.

358.20 Summary: (Rural, Part 3, Rule X Subdivision, Notes) Insert the word "improved" into note 15.

Decision sought: Amend the text under Part 3, District Plan Rules, Rule X Subdivision notes to read:

15. Development contributions under the LTCCP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed, expanded or improved as a direct result of growth from development.

358.21 Summary: (Rural, Part 3, Rule X Subdivision) Insert the words "for road infrastructure".

Decision sought: Retain the wording of District Plan Rules, Rule X Subdivision, page 335-336 and amend to read:

Financial Contributions for road infrastructure.

358.22 Summary: (Rural, Part 3, Appendix 18) Allow for the use of financial contributions by inserting the words "...where works or monetary contribution is required by a road controlling authority..." and "...for road infrastructure including connecting intersection,..." and "...where a development contribution has not otherwise been paid.".

Decision sought: Retain, District Plan Rules, Appendix 18 page 481 and amend to read:

Financial Contributions until such time as the proposed plan is notified, the rules to allow the Council to take financial contributions where works or monetary contribution is required by a road controlling authority to recover up to 100% of the costs of any work required for road infrastructure including connecting intersection, as a result of the proposed residential or business development, where a development contribution has not otherwise been paid.

358.23 Summary: (Rural, Part 3, Appendix 21)

Reinstate financial contributions for situations where a development contribution has not been paid.

Decision sought: Retain the wording of Part 3, District Plan Rules, Appendix 21, page 493-496 and amend to read:

4.1.3 The payment of any financial contribution under Rule X(1) or X(3); where a development contribution has not otherwise been paid.

Financial Contributions 4.2.6 Any financial contributions payable under Rule X, Rule 1 and 3, where a development contribution has not otherwise been paid...

Subdivision is a controlled activity with matters of control limited to nuisance effects associated with forming sections and laying services, utilities, easements and monitoring. Matters of control are also excluded in limited situations where road upgrades are required by another road controlling authority such as Transit New Zealand...

4.1.3 The payment of any financial contribution under Rule X(1) or X(3); where a development contribution has not otherwise been paid.

358.24 Summary: (Township, Part 2.3, Physical Resources)

Allow for financial contributions to be taken in lieu of development contributions for other controlling authorities.

Decision sought: Amend the wording of the Issues of the Development Contributions Policy in the Township Volume page 64 to read:

However the LTCCP Development Contributions Policy...However, when appropriate, financial contributions may be taken in lieu of developer contributions in respect of works potentially required by other controlling authorities to mitigate the effects of that development.