

Resource Management Act 1991
Proposed Selwyn District Plan
Township & Rural Volume

**Report and Recommendations of Hearings Panel on
Submissions on the Selwyn District Proposed District Plan
as Notified, Variation 1 to the Township Volume of the
Proposed District Plan (Township Vol) and Variation 30 –
Financial Contributions**

Hearings Panel

Cr Jack Percy (Chair)

Cr Nigel Barnett

Commissioner Graham Taylor

Date of Hearing 16 October 2008

1. Introduction

We have been appointed as a Hearings Panel by the Selwyn District Council to hear and make recommendations on submissions made on *Variation 1 – Financial Contributions and Variation 30 – Financial Contributions* to the Township and Rural volumes of the Proposed Selwyn District Plan (“PDP”), and original submissions to the Proposed Selwyn District Plan Township and Rural volumes that are deemed to be submissions on Variation 30 by Clause 16B(1) of the First Schedule to the Resource Management Act 1991 (“RMA”)

The role of this Hearings Panel is to hear and make recommendations to the Selwyn District Council on submissions on the proposed plan and variations. Final decisions will be subsequently confirmed by resolution of the Council before being released.

2. Background

The notified Township (December 2000) and Rural (September 2001) volumes of the Proposed Selwyn District Plan contained different provisions regarding financial contributions. Subsequent Variation 1 to the Township Volume of the PDP notified in September 2001 proposed changes to the PDP to bring the Township and Rural volumes in line. A significant number of submissions and further submissions were received in relation to the financial contribution provisions of the two PDP volumes and Variation 1 and were considered by a Council Hearings Panel in March 2004 (we were referred to Officers Report OR 49).

The 2004 Panel expressed concern that the PDP provisions were deficient as they did not properly specify any methodology for determining the maximum level of contributions as required by section 108(10)(b) to the Resource Management Act 1991. As a consequence it recommended that the Council:

(a) Reconsider the financial contributions provisions of its Proposed Plan with a view to the promulgation of a Variation; and

(b) Defer further consideration of the submissions identified in OR 49 until submissions to that Variation are heard.

Further, subsequent to Variation 1 and the above 2004 recommendation, the Council has become able to levy development contributions under a Development Contributions Policy formulated under the Long Term Council Community Plan (LTCCP) pursuant to the Local Government Act 2002. The Council can now take contributions under either the Resource Management Act 1991 or the Local Government Act 2002.

The Council's Development Contributions Policy came into effect on 1st July 2006, and has been utilised by the Council since that date. The Development Contribution Policy contains provisions to take contributions for network infrastructure, community infrastructure and reserves, therefore the PDP and Variation 1 provisions relating to these matters are now effectively redundant. The exceptions are esplanade reserves (which are dealt with under Part 10 of the Resource Management Act 1991 and do not fall within the scope of the Local Government Act 2002 provisions), and environmental compensation policy intended to mitigate adverse effects of an activity on the environment.

The 2004 Panel recommendation and subsequent adoption of the Development Contribution Policy resulted in the notification of *Variation 30 – Financial Contributions* on the 12th of January 2008. The purpose of Variation 30 is to remove the unnecessary references and provisions from the District Plan and make associated amendments.

The submission and further submission period closed on the 12th of May 2008. As a result of recommendation 49.1, and pursuant to Clause 16B of the First Schedule to the Act, all submissions on both the Township and Rural Volumes of the PDP and submissions on Variation 1 to the PDP also become submissions to Variation 30.

3. Procedural Matters

We were advised that on 28th of May 2008, Council resolved to approve those parts of the PDP not affected by submissions or appeals or unresolved designation issues, and deemed that the Plan would become operative on the 10th of June 2008. In response to a number of submissions about the format of the rules in the Plan as notified, Council made a decision to completely reformat the rules section of the Plan (Decision 1.5). This substantially altered the form and layout of the rules in the District Plan which was made operative to that of the PDP as notified. As such, our discussion on particular provisions and recommended amendments use the reformatted provisions of the Operative District Plan. All references to the Proposed District Plan (PDP) in this report refer to the now Partially Operative District Plan.

4. The Hearing

The Hearing was held on 16th October 2008.

We received a section 42A report and recommendations by Andrew Mactier, Policy Planner employed by the Council. The report contained an overview of the background to the notified PDP and Variations 1 and 30, the legislative framework, summary of submissions and relief sought, and assessment and recommendations on submissions. The report was pre-circulated to the Panel and all other parties and was taken as read. The Panel was also provided with full copies of the notified PDP provisions and variations, submissions and further submissions, and the 2004 reports and Panel recommendations on the original notified PDP provisions and Variation 1.

Mr Mactier was also present at the hearing to answer any questions and provide further clarification to the Panel on any matters arising.

Appearances were recorded by Clare Hunter on behalf of TrustPower Limited, and Sonia Voldseth representing Federated Farmers of New Zealand (Inc.). Letters and written statements were also received and tabled from the New Zealand Transport Agency, Broadfield Estates Limited, Gillman Wheelans Limited and BHL Trust.

We also note that subsequent to the hearing it became apparent that one or more submitters may not have been included in the summary of submissions provided to the hearing, and were not served with notice of the hearing. Council staff contacted the submitter(s) and the matter was ultimately resolved by the withdrawal of the submission(s). Accordingly we are satisfied that there is no need to reconvene the hearing to hear any additional matters.

The following records the attendances and discussion at the hearing:

4.1 Appearances

TrustPower Ltd (6, 690, 357, 363F) – Clare Hunter

Clare Hunter provided a written statement in support of the TrustPower submissions. Her evidence outlined TrustPower's interest in the Proposed Plan, discussed key issues arising from Variations 1 and 30, and addressed the relief sought by TrustPower Ltd.

TrustPower operates three hydro-electricity generating schemes in the Canterbury Region, including Lake Coleridge in Selwyn District. Their submission raised concerns with the lack of methodology in Variations 1 and 30 for calculating contributions under “environmental damages” and “environmental compensation” provisions.

Whilst Variation 30 proposes removal of Proposed Plan provisions for financial contributions, it also seeks to introduce “environmental damages” policies, to provide discretion to take monetary contribution to assist funding the cost of mitigating effects arising from natural hazards. TrustPower Ltd considers that these are effectively financial contributions, however there was no method for determining them in the proposed rules. TrustPower partially supported Variation 30 insofar as development contributions are proposed to be dealt with under the Local Government Act 2002 and also partially supported the proposed inclusion of environmental compensation provisions, however also opposed it insofar as there was inadequate provision for the circumstances and criteria for determining contributions.

Ms Hunter noted that the Council Officer recommendation was to remove the proposed “environmental damages” policies, which would satisfy TrustPower Ltd's concerns. We concur with that recommendation.

The TrustPower submission also opposed policies which provide the Council with the discretion to apply the concept of “environmental compensation”, which she considered failed to sufficiently clarify the Council's powers and discretions. She considered that the application of environmental compensation is a form of financial contribution, an interpretation which was rejected by the reporting officer recommendation. Ms Hunter agreed that it is different from a development contribution used to fund infrastructure, however considered that the same principles in setting contributions should apply. She noted that the proposed policy on environmental compensation only referred to two situations being land acquisition and hazard mitigation – she did not consider that this provided for the full range of potential compensation which could also include matters such as money, land or offsite works.

Ms Hunter noted that the proposed policy only related to subdivision activities, however noted that this was not clear, and it may also apply to other activities such as utilities and infrastructure, of interest to TrustPower. Environment Court caselaw (*JF Investments v Queenstown Lakes District Council – C48/06*) suggested guidelines for assessing compensation. She did not consider the proposed policy consistent with the Courts definition

and guidelines, and considered that amendment was required to better define environmental compensation. She suggested amendments to the policy that she considered might achieve this.

We considered the matters raised by Ms Hunter. We noted that the policies in question are clearly contained in Sections 4.2 *Subdivision of Land* and 4.1 *Residential Density and Subdivision in the Rural Area* in the Township and Rural Volumes respectively. The location and accompanying explanatory statements make it clear that they apply to subdivision, and not to other activities such as utilities and infrastructure.

We have considered the case law and suggested amendments referred to by Ms Hunter however note that in this case the policy simply provides acknowledgement that there may be circumstances where environmental compensation could be considered. It does not propose any specific rules or other methodology, nor any compulsion for the acquisition or protection of land. There is therefore no ability for the Council to specifically impose compensation provisions on applicants. Environmental compensation is therefore most likely to arise as a negotiated applicant initiative, in order to provide a net public or environmental benefit such as access to or protection of a particular area of land or landscape feature, which may be weighed against other adverse effects of a proposal. The policy provides a means for the Council to consider this amongst other matters as a tool for such proposals on a very limited basis. At such a broad policy level, and due to the diverse range of possible situations where environmental compensation could be used, we do not consider it practicable or necessary to provide the level of detail as to methodology suggested by Ms Hunter. We agree that this would be appropriate if environmental compensation provisions were to be embodied in the rules, where there was an element of compulsion, or the ability for the Council to specifically require compensation, however this is not the case here. We also consider that the suggested amendments are beyond the scope of the submission in any case.

Federated Farmers of NZ (Inc), North Canterbury Province (40) – Sonia Voldseth / Neil Stott

Sonia Voldseth and Neil Stott spoke in support of the submission from the North Canterbury Province of Federated Farmers. They had originally submitted in general support of the Proposed Plan in 2001, but raised issues concerning reserves contributions and definition of development. They had not specifically submitted on Variations 1 or 30.

Their original plan submission had opposed the definition of 'development'. We note that the original definition has been deleted by Variation 30, and that Federated Farmers did not oppose the new definition.

The original submission also supported provisions relating to not requiring reserve contributions on rural sites over 4ha. Under Variation 30 this has been changed, and the proposed rule now refers to "Taking Land Instead of Cash" criteria with reference to the Councils LTCCP Development Contribution Policy. She referred to the policy which enables a developer to put forward a proposal for a reserve to be taken – Federated Farmers had no concern provided that this was the case, and the Council would not have discretion to require land as reserve. They considered that clarification of this was necessary in the Plan rules.

Whilst we understand the rationale behind this submission, we note that the LTCCP Development Contribution Policy is a separate document promulgated under the Local Government Act, and which is reviewed on a regular basis under that Act. Accordingly we do not consider it appropriate to include these provisions in the District Plan as they relate to a separate statutory document which is subject to change. Similarly, changes to the LTCCP Development Contribution Policy are beyond the scope of Variation 30. We note that Federated Farmers may wish to submit on these matters during the annual LTCCP process.

A further matter of concern to Federated Farmers related to clarification of rule 10.9.2 concerning esplanade reserves, which includes reference to the LTCCP taking of land for cash criteria. They sought clarification as to whether both the RMA or Development Contributions Policy may apply.

We note that Esplanade Reserve provisions are specifically provided for in Part 10 of the RMA, with their purpose being defined in section 229. They are a separate matter to general contributions for infrastructure and reserves. They are also deemed a financial contribution by section 108(9)(b). However unlike other contributions they are not a matter for which the Council can require contributions under the LTCCP Development Contributions Policy under the Local Government Act. Accordingly it is appropriate that they continue to be dealt with by the District Plan rules under the RMA only. Where general contributions are required beyond that covered by the esplanade reserves rules then the Development Contributions Policy provisions apply. The RMA also provides for compensation in some cases where esplanade reserves are required beyond those required by the District Plan or section 230. We note that this is effectively the same as the situation that existed prior to the Local Government

Act 2002, where required esplanade reserves were not included in the calculation of general reserve contributions.

The final matter addressed in the Federated Farmers presentation related to general support for proposed change to Policy 14 regarding Environmental Compensation. No further amendments were sought.

Written Statement – Stephen Higgs, New Zealand Transport Agency (10, 686, 358)

A written statement on behalf of the New Zealand Transport Agency (NZTA) was tabled at the hearing. The principal concern was loss of opportunity to seek financial contributions to manage effects on utility operators such as the NZTA, where resources such as highways are not controlled by the Council. The Council is not able to impose contributions under the LTCCP Development Contribution Policy for such works.

Mr Higgs advised that from time to time, larger developments located away from state highways may have an indirect effect necessitating intersection improvement or works remote from the development. An example was intersection upgrade works at Rolleston, although in that case funding was resolved by agreement, with the Council securing its share through developer contributions, and the NZTA through its own funding sources as opposed to financial contributions. The NZTA had in some occasions relied on the use of financial contributions to fund intersection upgrades, although Mr Higgs was not aware of any case where this had occurred in Selwyn District except for the Rolleston agreement. He cited cases in the Buller and Grey Districts where agreements on funding upgrades had occurred.

He considered that developer contributions under the LTCCP disadvantaged utility operators such as NZTA, as the Council can only obtain contributions for works covered by its own capital works program, which can not include works on highways. NZTA may not always be in a position to fund upgrades attributable to a development remote from the highway, therefore the Council would need to find funding elsewhere. Mr Higgs discussed three options identified in the Council Officer report and advised that NZTA preferred the second option, being works and services completed. He did not consider that the other identified options being bonds and covenants for works were appropriate, and they would be unlikely to assist network utility operators.

For these reasons NZTA preferred that some means of relief through financial contributions remain as a limited tool in the absence of other options. In practice this is rarely used but

acts as a 'safety net' when alternatives are unavailable. Mr Higgs however acknowledged that in the majority of cases, upgrades can be dealt with as conditions for works. He suggested that a policy to enable the Council to take financial contributions towards the cost of any upgrade to the state highway be reinserted in the Rural and Township Volumes of the Plan, along with an additional policy and rule.

We acknowledge that the Council's Development Contribution Policy is unable to include third party contributions to organisations such as NZTA, where such works are not included in the Council capital works program. However we also note that situations where this may occur are extremely rare. Mr Higgs evidence was that it has never arisen in Selwyn District outside of the specific Rolleston case. In that case, funding for intersection upgrading was met by agreement, where the Council was able to recover its funding share through financial contributions. Such a resolution would remain possible in future using the Local Government Act 2002 provisions provided the Council included its share of such works in the LTCCP.

We note that in the majority of cases, consent conditions are able to address works required on highways as a result of an activity, and that this remains the most commonly used tool. Further, where a major development proposal is proposed in a location remote from a state highway but which may have indirect effects on it, then the NZTA has the opportunity to be involved in the submission and hearing process as an affected party – in the same way as any other network utility operator separate from the Council that may be affected by a proposal. Such effects form part of the considerations of the Council on an application, and may be material to any decision to grant or refuse consent. It follows that if there were a significant indirect adverse effect on the highway or any other network infrastructure, a prudent applicant should be consulting with bodies such as NZTA to ensure that effects can be mitigated, which may include agreeing to works. If such mitigation can not be provided then an applicant would risk their consent being refused. In this respect NZTA is in the same position as any other network operator, or any other person or organisation adversely affected by a proposal.

We do not therefore consider it necessary to include specific provision in the Plan to require financial contributions to address adverse effects on state highways controlled by NZTA ahead of any other utility operator. To do so would elevate effects on highways above effects on other utility operators and persons.

We are also mindful of the issue of scope as identified in Mr Mactier's report, and consider that the amendments suggested by Mr Higgs go beyond the scope of the submissions

originally lodged by Transit NZ. As such, other persons have not had opportunity to lodge further submissions or be heard on these amendments. Simple retention of the original PDP provisions is not sufficient, as these do not contain the methodology required to assess contributions.

Whilst we do not consider it necessary, if the Council were mindful to further consider provisions for financial contributions for highway or other non-Council utility upgrades (that are unable to form part of the LGA Development Contributions Policy, then we consider a further change or variation to the District Plan would be required.

Letters Tabled - Broadfield Estates Limited (360F), Gillman Wheelans Ltd (361F) and BHL Trust (362F)

We record that the above submitters provided letters supporting the officer recommendations in respect of their further submissions 360F, 361F and 362F. The further submissions opposed the submissions discussed above by Transit New Zealand (now NZTA). The letters also raised concern that the Transit New Zealand submissions did not propose any specific methodology for assessing the level of contributions, therefore any methods which may be suggested through evidence should require further plan change or variation.

We have discussed the issue of scope above in this respect.

5. Recommendations on Submissions on Notified Proposed District Plan and Variation 1

We note that a large number of submissions were lodged in respect of the financial contribution provisions of both notified PDP volumes and on Variation 1, which are deemed submissions on Variation 30. This also includes several general submissions that were lodged by parties in overall support of the PDP as notified, but which did not seek specific relief on any matters.

For the purpose of assessment of these submissions we have adopted the categories identified by Mr Mactier in his s.42A report as follows:

- (a) General support for the PDP as notified
- (b) General provisions for financial contributions

- (i) General support or opposition
 - (ii) Application of financial contributions to Network Utility Operators
 - (iii) Payment of Financial Contributions at subdivision or land use
 - (iv) Maximum Amount Payable
 - (v) Use of discretion
- (c) Works and Services
 - (i) Taking Financial Contributions in Land
 - (ii) Provisions for Infrastructure and Utilities
- (d) Reserves
 - (i) General
 - (ii) Reserve contributions in Rural areas and Business zones
 - (ii) Amount of reserve contributions
- (e) Financial Contributions to Mitigate Environmental Effects
- (f) Definitions

Recommendations on submissions dealing with (a) General submissions are addressed in Section 5.1 below while submissions dealing with topics (b) (i), (ii), (iii) and (v), (c), (d), and (f) are addressed in section 5.2 below.

Submissions relating to (b)(iv) *Maximum Amount Payable* and (e) *Financial Contributions to Mitigate Adverse Effects on the Environment* are dealt with separately in Section 6.

The full list of submitters and further submitters on topics (a) through (f), with the exception of those topics dealt with in Section 5.2 is attached in **Appendix I** (topic (a)) and **Appendix II** (topics (b) to (f)).

5.1 General Submissions

We note that these submissions were lodged supporting either the overall provisions in the Rural Volume of the PDP as notified or supporting Federated Farmers who in turn supported the provisions of the PDP on which they had not made a specific submission. Consequently, these submissions became submissions on every provision of the PDP and subsequent variations. We have heard no specific evidence from parties in respect of these submissions. We note that decisions are required in respect of these submissions to the extent that any amendments made to the PDP would result in a partial rejection of the submission insofar as the PDP is amended, or partial acceptance of the submission to the extent that the PDP remains unchanged.

We have therefore recommended that they be accepted or rejected depending on whether changes are recommended to each provision in the fuller recommendations.

Recommendation 1

That the Council:

1. **Accepts** the submissions and further submissions identified in **Appendix 1** insofar as they relate to parts of the Rural Volume of the PDP where no amendments are recommended.
2. **Rejects** these submissions and further submissions identified in **Appendix 1** insofar as they relate to parts of the Rural Volume of the PDP where amendments to consequential amendments are recommended.

Reasons for Recommendation

The reasons are as recorded under the recommendations on specific provisions of the PDP.

Amendments to the District Plan

As recorded under the recommendations on specific provisions of the PDP.

5.2 Financial Contributions – Topics (b) – (f)

We note that these submissions either supported the inclusion of provisions relating to financial contributions or, where they opposed them, sought amendments to various aspects of the provisions as notified.

The purpose of Variation 30 is to remove all financial contribution provisions from the PDP. The Local Government Act (LGA) 2002 provides for the Council to establish new policy covering development contributions and we note that the Council has had a Development Contribution Policy in place under the Long Term Council Community Plan (LTCCP) since 2006. Accordingly we agree that there is no longer a need for reciprocal provisions within the District Plan relating to the taking of financial contributions, and that they should be removed from the District Plan. We therefore recommend that these submissions be rejected, as the provisions referred to will be deleted from the Plan in their entirety.

In terms of topic (f) – Definitions, North Canterbury Federated Farmers (submission 40.14) sought an amendment to the definition of ‘development’. We have discussed this in section 4.1 of this recommended decision, noting that while Federated Farmers sought changes to

the original PDP definition it did not submit against the deletion of the definition in Variation 30, and its replacement with a new definition, and we heard no further evidence on his matter.

Therefore, our recommendation is that all submissions on topics (b) through (f) and contained in **Appendix II** be **rejected**.

Recommendation 2

That the Council:

Rejects all submissions and further submissions identified in **Appendix II** insofar as they relate to specific provisions on topics (b) through (f) for financial contributions or financial contributions generally.

Reasons for Recommendation

The financial contribution provisions, including the definition for 'development' for the purpose of determining financial contributions from the District Plan are no longer required, as the Council is instead relying on development contributions levied under the Councils Development Contributions Policy contained in the Long Term Council Community Plan.

Amendments to the District Plan

Nil.

6. Submissions on Variation 30 & Outstanding Submissions on the Notified PDP and Variation 1 to the PDP

The following recommendations relate to submissions on Variation 30, and submissions on the Township and Rural Volumes of the PDP and Variation 1 identified as (b)(iv) *Maximum Amount Payable* and (e) *Financial Contributions to Mitigate Adverse Effects on the Environment* in the discussion in preceding section 5. In accordance with the format of Mr Mactier's s.42A report and recommendations they have been categorised into the following groups for our assessment:

- (a) Submissions supporting or opposing Variation 30 in its entirety; and

- (b) Submissions on Environmental Damages Policies and submissions on maximum amount of financial contributions payable; and
- (c) Submissions on the Environmental Compensation Policies

6.1 Submissions in Support of or Opposition to Variation 30

Submitter	Sub. Point	Summary		Decision Requested
356 Christchurch City Council Support	356.1	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: <ul style="list-style-type: none"> • Christchurch City Council's approach • the Urban Development Strategy (Settlement pattern key approach; Integrated Land Use, Infrastructure and Funding action). 	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.
	Further Sub.	363F	TrustPower Limited	Oppose
	356.3	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).	Withdraw provisions 18 and 28 on pages 20 and 30 of the previous submission dated 7/12/2001.
358 Transit New Zealand Oppose	358.1	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.	Reject the deletion of financial contributions from the Proposed District Plan.
	Further Sub.	3601F	Broadfield Estates Ltd	Oppose
	Further Sub.	361F	Gillmans Limited	Oppose
	Further Sub.	362F	BHL Trust	Oppose
	Further Sub.	363F	TrustPower Limited	Oppose in part
	358.2	Township, Part 3, Rule 5 Subdivision for Living and Business	Insert additional words "for road infrastructure upgrades." to rule 1.1.14	Retain the wording on page 368 and amend to read: Financial Contributions, 1.1.14 Any financial contributions payable for road infrastructure upgrades.

Submitter	Sub. Point	Summary		Decision Requested
	358.3	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."	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	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.	<p>Amend the wording of 4.4 Development Contributions Policy pages 206-214 to read:</p> <p>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.</p> <p>New paragraph 3 to read:</p> <p>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 may be required in lieu of development contributions being taken.</p>
	358.5	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.."	<p>Amend the wording of the issues of the Development Contributions Policy in the Township Volume page 85 to read:</p> <p>The Council anticipates recovering the majority of it funds for road upgrades from 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.</p>
	358.6	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."	<p>Retain the wording of Section 2.1 Transport Networks (Road, Rail and Airfields), II Strategy, Page 87 and amend to read:</p> <p>A policy to take financial contributions for roads that require to be upgraded in lieu of a development contribution.</p>
	358.7	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.	<p>Retain the wording of Section 2.1 Transport Networks (Road, Rail and Airfields), Policy 2, pages 88-89 and amend to read:</p> <p>b) Enable the Council to take financial contributions towards the cost of any upgrade to the State Highway.</p> <p>NOTE: the upgrading of State Highways is undertaken by Transit New Zealand to their own standards.</p>

Submitter	Sub. Point	Summary	Decision Requested
	358.8	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." 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	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". Amend the wording of (ii) Policies and Methods, Roads, Policy 2 to read: Methods <ul style="list-style-type: none"> • Road hierarchy <ul style="list-style-type: none"> ▪ Appendix 9 • District Plan Rules <ul style="list-style-type: none"> ▪ Vehicle Manoeuvres; ▪ Subdivision; • LTCCP <ul style="list-style-type: none"> ▪ Development Contribution Policy ▪ Financial Contribution
	358.10	Rural, 2.2 Physical Resources, Section 2.1, II Policy 7	Retain Policy 7 and include the word "network" with regard to utilities. 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	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. 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	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. 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	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. 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: <ul style="list-style-type: none"> • 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.

Submitter	Sub. Point	Summary	Decision Requested
	358.14	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.	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	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.	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: <ul style="list-style-type: none"> • LTCCP - Development Contributions; • District Plan Rules - Subdivision, Financial Contributions
	358.16	Rural, Part 3, Rule III Building Keep the reference in the table to Financial Contributions and the rules, objectives and policies that are affected.	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	Rural, Part 3, Rule IV Roading Keep the rules referring to financial contributions payable under Rule X - Subdivision.	Retain rules on pages 245 and 246: 2.2.6 and 3.2.5
	358.18	Rural, Part 3, Rule IV Roading Allow for financial contributions to be paid where development contributions have not been paid. Insert "where a development contribution has not otherwise been paid."	Retain the wording of District Plan Rules, Rule IV Roading 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	Rural, Part 3, Rule IV Roading Allow for Financial contributions to be retained in the rules and reference tables.	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	Rural, Part 3, Rule X Subdivision, Notes Insert the word "improved" into note 15.	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.

Submitter	Sub. Point	Summary	Decision Requested
	358.21	Rural, Part 3, Rule X Subdivision Insert the words "for road infrastructure".	Retain the wording of District Plan Rules, Rule X Subdivision, page 335-336 and amend to read: Financial Contributions for road infrastructure.
	358.22	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."	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	Rural, Part 3, Appendix 21 Reinstate financial contributions for situations where a development contribution has not been paid.	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	Township, Part 2.3, Physical Resources Allow for financial contributions to be taken in lieu of development contributions for other controlling authorities.	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.

6.1.1 Discussion and Recommendations

The above submissions were lodged on Variation 30 and were either in general support of or general opposition to the removal of provisions relating to financial contributions. We note that Christchurch City Council's submission (356.1) supports the removal of all financial contributions from both volumes of the PDP in favour of the development contribution provisions within Selwyn District Council's Development Contribution Policy.

With the exception of Christchurch City Council, we either heard direct evidence or received tabled statements from all other submitters listed above, as recorded in section 4 of this report.

We note that although the Transit NZ and TrustPower submissions and further submissions appeared on face value to oppose the removal of financial contribution provisions from the Plans, it was clear from the evidence of both submitters that neither opposed the removal of provisions to the extent that they are now covered by the Development Contribution Policy under the LGA 2002. Both submitters concerns related to narrower focussed issues, concerning in Transit NZ's case the taking of contribution for highway upgrades, and in TrustPower's case, the provisions relating to Environmental Damages and Environmental Compensation. We have discussed these matters in respect of the evidence presented at the hearing in section 4.1 of this report.

We agree that retention of financial contribution provisions in the District Plans is unnecessary where those contributions are now being taken under the alternative LGA Development Contributions Policy. The District Plan provisions are effectively redundant, and it is potentially confusing for readers of the plans to retain the duplicate provisions. We therefore concur with the recommendation that these provisions are removed as per Variation 30.

We now turn to consider the discrete issues raised by submitters.

We note that TrustPower made a further submission opposing the Christchurch City Council submission, to the extent that it considered that financial contributions are needed to offset any significant adverse effects resulting from activities which cannot be avoided, remedied or mitigated. We note that the further submission in effect requested the retention of Environmental Damages Policies in both volumes of the District Plan. We discuss these in the following section 6.2 and have recommended that the Environmental Damages Policies be deleted from the District Plan. We note the evidence of Ms Hunter that TrustPower accepts this recommendation. Therefore, we agree with the recommendation that the further submission of TrustPower (363F) be rejected.

We have discussed the evidence of Mr Higgs for NZTA in support of the Transit NZ submissions which opposed the removal of all transport related financial contributions for roading infrastructure (submission 358.1) and requested that a range of provisions be retained to provide for the taking of financial contributions to offset the adverse effects of

development on the State Highway network (submissions 358.2 to 358.24). As recorded in our discussion in section 4.1, we consider that retention of specific provisions to take financial contributions for state highway upgrades is unnecessary. We consider that there are sufficient mechanisms available including resource consent conditions for works, funding agreements (whereby the Council may then include its share of funding in the LTCCP and recover through contributions), and through due consideration by applicants and the Council of adverse environmental effects on network utilities including roads through the consultation, submission, hearing and decision phases of applications to ensure that adverse effects are adequately mitigated. In this respect effects on highways are treated the same as effects on any other resource or person.

We agree with Mr Mactier's assessment that neither Variation 30 or the Transit submission provide the necessary methodology, formula or criteria to determine the form of the financial contribution payable and the amount to be levied. Therefore, any person reading Transits submissions could not anticipate how the District Plan may be amended as a result of accepting the submissions and make a valid further submission. As recorded in section 4.1, for the same reason we also consider that the alternative wording suggested in Mr Higg's statement would be beyond the scope of this hearing. We therefore recommend that the submission of Transit New Zealand be rejected and all further submission in opposition to their submission be accepted.

Recommendation 3

That the Council:

Accepts in part the submission of the Christchurch City Council (356.1).

Accepts the submission of the Christchurch City Council's submission (356.3), and the further submissions of Broadfield Estates Ltd (360F), Gillman Wheelans Ltd (361F), BHL Trust (362F) and TrustPower Limited (363.3F)

Rejects the submissions of Transit New Zealand (358.1 to 358.24) and the further submission of TrustPower Ltd (363F)

Reasons for Recommendation

It is agreed that removal of all now redundant financial contribution provisions from the plan

is necessary as contributions are now taken under the Local Government Act 2002. Duplication is unnecessary and potentially confusing.

Submissions by Transit NZ requested that the Council introduce methods to determine the form of the financial contribution payable and the amount to be levied in respect of road infrastructure upgrades. However, no submissions identified what the method(s) should be. Therefore, any person reading the submissions could not anticipate how the District Plan may be amended as a result of accepting the submissions, and make a valid further submission.

Further, it is considered that there are adequate other mechanisms available that Council can utilise to offset significant adverse effects on roading and other infrastructure and resources resulting from activities which cannot be avoided, remedied or mitigated

Amendments to the District Plan

Nil

6.2 Submissions on Environmental Damages Policies and Maximum Amount of Financial Contributions Payable

Submitter	Sub. Point	Summary		Decision Requested
351 Transpower New Zealand Limited Provisional Support	351.1	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.	The policy should be deleted or reworded to be more specific. And any consequential amendments.
	Further Sub.	363F	TrustPower Limited	Support
	351.2	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	The policy should be deleted or reworded to be more specific. And any consequential amendments.
	Further Sub.	363F	TrustPower Limited	Support

Submitter	Sub. Point	Summary		Decision Requested
357 Submitter: TrustPower Limited Provisional Support	357.1	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	<ul style="list-style-type: none"> • Adequately address the matters relevant to the exercise of the Council's discretion to require financial contributions including to take appropriate account the positive effects of development activities; • 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	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.	That the variation is withdrawn.

6.2.1 Discussion and Recommendations

Submissions addressed in this section relate to financial contributions to mitigate adverse effects of activities on the environment and the maximum amount of financial contribution payable. Submissions on the notified PDP and Variation 1 to the PDP relating to these topics have also been assessed. Summaries of these submissions are included in **Appendix III**.

We note that two submitters (Transpower NZ Ltd – 351.1, 351.2 and TrustPower - 357.1, 357.2, 363F) lodged submissions specifically on Variation 30. Transpower sought deletion or rewording of Environmental Damages policies B3.4.27 (Township volume) and B3.4.20 (Rural volume) to the extent that there was a lack of policy guidance as to how they may be applied. TrustPower supported this submission.

TrustPower's submission (357.1) asked that the variation be approved, provided it is amended so that policies, rules, methods and criteria be developed and included in the Plan which in effect, determines the amount of financial contribution and sets out how and under what circumstances Council will take financial contributions. TrustPower's submission 357.2 asked that in the event that the relief sought in submission 357.1, that the entire Variation be withdrawn.

We agree that the Council is required to incorporate methodology, formula or criteria to determine the form and amount of any financial contribution levied. Variation 30 provides no such method(s) to determine the level of contribution required and neither has any submitter or further submitter. Accordingly we agree with the recommendation of Mr Mactier that the environmental damages policy be deleted. We have also recorded that Ms Hunter advised that TrustPower accepted this recommendation.

Accordingly, we recommend that the submissions of Transpower (351.1 and 351.2) and the further submissions of TrustPower (363.1F) be accepted. We also recommend that TrustPower's submission 357.1 be rejected and submission 357.2 be accepted in part, to the extent that policies relating to environmental damage in both volumes of the District Plan be withdrawn.

The remaining submissions identified in Appendix III are 'historical' submissions relating to the topic of Environmental Damages Policies. Various submitters on the PDP as notified and Variation 1 sought the retention of financial contributions to mitigate adverse effects of activities on the environment. However, we note that no submitters provided a methodology, formula or criteria to determine the form of the financial contribution payable and the amount to be levied, nor as we have recorded above did Variation 30.

Accordingly we recommend that these 'historical' submissions in support of removing Environmental Damages Policies be accepted and all submissions which sought amendments or which wished to retain the policies be rejected to the extent that the policies have been removed in their entirety.

As a result of the above discussion and the recommended rejection of submissions by Transpower and TrustPower and the consequent withdrawal of all financial contribution policies from the District Plan (Recommendation 4), we recommend that 'historical' submissions on the topics of the Maximum Amount of Financial Contributions made on the notified PDP and Variation 1 to the PDP be rejected.

Recommendation 4

That the Council:

Accepts the submissions of Transpower New Zealand Ltd (351.1 and 351.2), Heinz Watties Australasia (419.27), all further submitters who opposed the submission of North Canterbury

Fish and Game Council (382.19) as detailed in **Appendix III**, and the further submissions of TrustPower (363F).

Rejects the submissions of TrustPower (357.1), North Canterbury Fish and Game Council (382.19), Te Runanga o Ngai Tahu (681.36 and 681.40) and the further submissions of RJ Snoyink (F1014), JJ Snoyink (F 1013), EPA Canterbury (1037), and the New Zealand Historic Places Trust (F559) and **Accepts** all further submissions which opposed the submission of Te Runanga o Ngai Tahu (681.36 and 681.40) as detailed in **Appendix III**

Accepts in part the submission of TrustPower Ltd (357.2)

Reasons for Recommendation

When Council utilises provisions for the taking of financial contributions it is required by section 108(10)(b) of the Act to also provide a methodology, formula or criteria to determine the form of the financial contribution payable and the amount to be levied. Submissions received did not identify any methodology, formula or criteria. Therefore, any person reading the submissions could not anticipate how the District Plan may be amended as a result of accepting the submissions, and make a valid further submission.

In addition, Section 108(2) of the Act provides for a range of other mechanisms, in the form of conditions on resource consents, that Council can utilise to offset significant adverse effects resulting from activities which cannot be avoided, remedied or mitigated

Amendments to the District Plan

1. Amend Part B – 3 People's Health, Safety and Values, B3.1 – Natural Hazards, of the District Plan (Township Volume) by **deleting** Policy B3.1.9 (page B3-010) as follows:

Policy B3.1.9

~~To take a monetary contribution to help fund the costs of mitigating actual or potential natural hazards of an activity on areas beyond the boundary of the site.~~

Explanation and Reasons

~~Some activities can cause effects on land or waterbodies which are beyond the boundaries of the site where the activity is taking place. For example, activities which increase the risk of flooding or slips on other people's land. Where an activity runs the risk of ongoing effects on the environment, the Council usually requires the developer to enter into a bond, to ensure these funds are available should they be needed in the future. However, a monetary contribution may be more appropriate in some cases, for example, where works are required~~

on other land from the outset.

2. Amend Part B – 3 People's Health, Safety and Values, B3.2 – Hazardous Substances, of the District Plan (Township Volume) by **deleting** Policy B3.2.8 (page B3-020) as follows:

Policy B3.2.8

~~To take a monetary contribution to help fund the costs of mitigating actual or potential pollution of an activity on areas beyond the boundary of the site.~~

Explanation and Reasons

~~Some activities can cause effects on land or waterbodies which are beyond the boundaries of the site where the activity is taking place. For example, activities which leach contaminants and pollute land and water supplies downstream. Where an activity runs the risk of ongoing effects on the environment, the Council usually requires the developer to enter into a bond, to ensure these funds are available should they be needed in the future. However, a monetary contribution may be more appropriate in some cases, for example, where works are required on other land from the outset.~~

3. Amend Part B – 3 People's Health, Safety and Values, B3.1 – Natural Hazards, of the District Plan (Rural Volume) by **deleting** Policy B3.1.10 (page B3-008) as follows:

Policy B3.1.10

~~To take a monetary contribution to help fund the costs of mitigating actual or potential natural hazards of an activity on areas beyond the boundary of the site.~~

Explanation and Reasons

~~Some activities can cause effects on land or waterbodies which are beyond the boundaries of the site where the activity is taking place. For example, activities which increase the risk of flooding or slips on other people's land. Where an activity runs the risk of ongoing effects on the environment, the Council usually requires the developer to enter into a bond, to ensure these funds are available should they be needed in the future. However, a monetary contribution may be more appropriate in some cases, for example, where works are required on other land from the outset.~~

4. Amend Part B – 3 People's Health, Safety and Values, B3.2 – Hazardous Substances, of the District Plan (Rural Volume) by **deleting** Policy B3.2.6 (page B3-017) as follows:

Policy B3.2.6

~~To take a monetary contribution to help fund the costs of mitigating actual or potential pollution of an activity on areas beyond the boundary of the site.~~

Explanation and Reasons

~~Some activities can cause effects on land or waterbodies which are beyond the boundaries of the site where the activity is taking place. For example, activities which leach contaminants and pollute land and water supplies downstream. Where an activity runs the risk of ongoing effects on the environment, the Council usually requires the developer to enter into a bond, to ensure these funds are available should they be needed in the future. However, a monetary contribution may be more appropriate in some cases, for example, where works are required on other land from the outset.~~

5. Amend Part B 3 People's Health, Safety and Values, B3.4 – Quality of the Environment, Policies and Methods of the District Plan (Township Volume) by **deleting** Policy B3.4.27 (page B3-049) as follows:

~~Policy B3.4.27~~

~~To take a monetary contribution to help fund the costs of mitigating actual or potential natural hazards, pollution or other effects of an activity on areas beyond the boundary of the site.~~

Explanation and Reasons

~~Some activities can cause effects on land or waterbodies, which are beyond the boundaries of the site where the activity is taking place. For example, activities which increase the risk of flooding or slips on other people's land, or activities which may leach contaminants and pollute land and water supplies downstream. Where an activity runs the risk of ongoing pollution or other effects on the environment, the Council usually requires the developer to enter into a bond, to ensure these funds are available should they be needed in the future. However, a monetary contribution may be more appropriate in some cases, for example, where works are required on other land from the outset.~~

6. Amend Part B 3 People's Health, Safety and Values, B3.4 – Quality of the Environment, Policies and Methods of the District Plan (Rural Volume) by **deleting** Policy B3.4.20 (page B3-046) as follows:

~~Policy B3.4.20~~

~~To take a monetary contribution to help fund the costs of mitigating actual or potential natural hazards, pollution or other effects of an activity on areas beyond the boundary of the site.~~

Explanation and Reasons

~~Some activities can cause effects on land or waterbodies, which are beyond the boundaries of the site where the activity is taking place. For example, activities which increase the risk of flooding or slips on other people's land, or activities which may leach contaminants and pollute land and water supplies downstream. Where an activity runs the risk of ongoing pollution or other effects on the environment, the Council usually requires the developer to enter into a bond, to ensure these funds are available should they be needed in the future. However, a monetary contribution may be more appropriate in some cases, for example, where works are required on other land from the outset.~~

6.3 Environmental Compensation

Submitter	Sub. Point	Summary		Decision Requested
356 Christchurch City Council	356.2	Environmental Compensation	By providing a new environmental compensation policy, Variation 30 is consistent with the Christchurch City Council's approach to environmental compensation.	Provide a new environmental compensation policy.
	<i>Further Sub</i>	363F	<i>TrustPower Limited</i>	<i>Oppose</i>
357 Submitter: TrustPower Limited Provisional Support	357.1	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	<ul style="list-style-type: none"> • Adequately address the matters relevant to the exercise of the Council's discretion to require financial contributions including to take appropriate account the positive effects of development activities; • 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 <p>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.</p>

6.3.1 Assessment and Recommendations

We note that Variation 30 introduces an environmental compensation policy into Part B – 4 Growth of Townships Section 4.2 Subdivision of Land (Township Volume) and Part B – 4 Growth of Rural Area, Section 4.1 Residential Density and Subdivision in the Rural Area (Rural Volume) of the District Plan. The Environmental Compensation policy is a tool that enables development proposals on land with high landscape or natural values and which might ordinarily be contrary to the objectives and policies of the PDP to proceed, provided the significant landscape or natural values are protected or there is a significant public benefit. Environmental compensation does not form part of a proposals development contribution obligations under the Local Government Act 2002.

The Christchurch City Council (356.2) made a submission supporting the inclusion of the Environmental Compensation Policy into both the Rural and Township Volumes of the District Plan. The reason was that by providing a new environmental compensation policy, Variation 30 is consistent with the Christchurch City Council's approach to environmental compensation.

TrustPower made a submission on the whole of Variation 30 relating to the retention and inclusion of provisions which provide for financial contributions to offset significant adverse effects which cannot be avoided, remedied or mitigated. We have discussed the TrustPower submission and the evidence of Ms Hunter in this regard in section 4.1 of this report.

The TrustPower submissions sought that the provisions of the variation '*sufficiently clarify the Council's powers and discretions so as to avoid confusion in the use of development contributions under the LGA and financial contributions under the RMA and avoid the double counting in the taking of contributions*', and opposed Variation 30 to the extent that there is no methodology provided to be used when determining the amount of any financial contribution when applying the environmental compensation policy.

We refer to our discussion and conclusions on these matters in section 4.1. We concluded that the location and accompanying explanatory statements make it clear that they apply to subdivision, and not to other activities such as utilities and infrastructure. We agree that removal of the remaining financial contribution provisions from the Plan as contained in recommendation 4 means that potential confusion as to when development or financial contributions may be taken will not occur.

In relation to environmental compensation policy we agreed with Mr Mactier that this is not a financial contribution per se, and concluded that specific methodology would be impracticable and unnecessary. We concluded that the policy simply provides acknowledgement that there may be circumstances where environmental compensation could be considered as a tool, and does not propose any specific rules or other methodology, nor any compulsion for the acquisition or protection of land. At such a broad policy level, and due to the diverse range of possible situations where environmental compensation could be used, we do not consider it practicable or necessary to provide the level of detail as to methodology suggested by Ms Hunter. We also consider that the suggested amendments are beyond the scope of the submission in any case.

Accordingly our recommendation is that the submission of the Christchurch City Council (356.2) is accepted and the submission and further submission of TrustPower (357.1 and 363F) be rejected.

Recommendation 5

That the Council:

Accepts the submission of the Christchurch City Council (356.2).

Rejects the submission of TrustPower Limited (357.1a) and the further submission of TrustPower Limited (363F).

Reasons for Recommendation

Retaining the environmental compensation policy promotes the sustainable management of natural and physical resources of the district where land with high landscape or natural values is protected or made available for public use.


Case law has shown that where there is a net conservation benefit with a link to a development proposal, then utilising the concept of environmental compensation cannot be considered to be a financial contribution.

The policy enables recognition in appropriate circumstances of the use of environmental compensation as a tool. It does not contain any compulsion or inherent ability for the Council to impose compensation as would be the case with a financial contribution. Further, there is a wide range of potential circumstances where environmental compensation may be considered. Accordingly it is not considered that specific methodology to determine environmental compensation is practicable or necessary.

Amendments to the District Plan

Nil

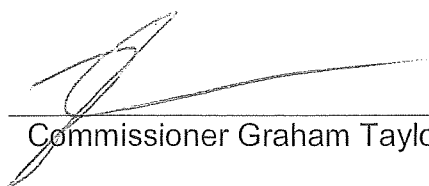
Recommended by:



Cr Jack Percy (Chair)



Cr Nigel Barnet



Commissioner Graham Taylor

24 November 2009

APPENDIX I

Summary of Submissions on the Notified PDP and Variation 1 –
General Support for the Proposed District Plan as Notified

Submission Point	Summary	Decision Requested																																																																																																												
Glenthorne Holdings Ltd & Glenthorne Station Ltd (393.20)	The submitter supports the submission from Federated Farmers.	Support for the submission from Federated Farmers (submission number 385).																																																																																																												
Philippa Innes (440.04)	Note: it would appear that the submitter seeks the same relief as sought by Federated Farmers in their submission (submission number 385).	Support submission by Federated Farmers of New Zealand (Inc.).																																																																																																												
Federated Farmers of New Zealand (385.01)	<p>With respect to the parts of the Proposed Plan that the submitter supports, they are satisfied that the Issues, Policies, Methods and Rules are necessary, appropriate and adequately justified in the Council's deliberations, extensive consultative process and Section 32 analysis. Any persons or organisations opposing such policies should be required to present their own Section 32 analysis.</p> <p>With respect to the parts of the Plan that the submitter opposes, or for which amendments are sought, the submitter is not satisfied that the Issues, Policies, Methods and Rules are necessary, appropriate and adequately justified in relation to the Council's intentions or the outcome of the extensive consultative process or their Section 32 analysis.</p>	Refer to Appendix A within the original submission for the submitter's Section 32 analysis.																																																																																																												
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Crown Public Health Limited (219.37)	The submitter supports the general tenor, or words to the like effect, of classes of activities defined as Non-Complying Activities, and Discretionary Activities, in Rules 1 and 2 as consistent with sustainable management and measures promoting the avoidance, remedy and mitigation of adverse noise effects on people and communities.	<p>Adopt Rules 1 and 2.</p> <p>Make such consequential amendments including words to the like effect, to any provision of the plan to conform or complement the amendments sought in these submissions, with such amendments to syntax as the context may justify.</p>																																																																																																												
Crown Public Health Limited (219.49)	The submitter supports the general tenor, or words to the like effect, of classes of activities defined as Non-Complying Activities, and Discretionary Activities in Rules 1-7 as consistent with sustainable management and measures promoting the avoidance, remedy and mitigation of adverse noise effects on people and communities.	<p>Adopt 3.2 - Listed Activities, Rules 1-7.</p> <p>Make such consequential amendments including words to the like effect, to any provision of the plan to conform or complement the amendments sought in these submissions, with such amendments to syntax as the context may justify.</p>																																																																																																												
Saville, J.W. & J.L. (67.1)	The submitter supports the Proposed Plan.	Support for the Proposed Plan, and specifically pertaining to the Prebbleton area.																																																																																																												

Submission Point	Summary	Decision Requested
Buckley, M.J. (139.2)	The submitter generally supports the Plan.	That the remainder of the Proposed Plan (apart from the amendments requested by the submitter under submission point 139.1(refer page 328)) be adopted.
Ian Allen Upston (693.01)	The submitter relies on the Federated Farmers to protect their interests.	Support for Federation Farmers submission in opposition to the Proposed District Plan i.e. seek same amendments etc as sought by Federated Farmers (submission number 385).
Federated Farmers of New Zealand (385.92)	The submitter supports all issues, objectives, policies and methods in Part II of the Proposed Plan except for those specifically commented on in other parts of this submission.	Adopt all the issues, objectives, policies and methods in Part II of the Proposed Plan except for those specifically commented on in other parts of this submission (refer to submission points 385.03 to 385.56 and 385.88 for submissions on the issues, objectives and methods). Note: the submitter has placed this decision under '1.1 Land and Soil' in their submission. However, it appears as though the intention was that it be placed under 'Part II - Issues, Objectives and Policies'.
Further Submissions	953F Jim Macartney Support 952F Mark Robert Support 958F L McKenzie Support 977F Bruce Nell Support 980F L M Nicoll Support 1026F Philip W Wareing Support 944F Garry & Honoria Lamers Support 868F Matthew Davis Bradley Support 881F Castle Hill Partnership Support 894F George Timothy Deans Support 902F P J Fleming Support 904F David Florance Support 909F Kelly Frame Support 919F Brian Goddard Support 921F Christopher C A Gray Support 928F B L & D J Haylock Support 931F Scott Hussey Support	950F Dwight William Love Support 954F John McDermott Support 974F Mount White Station Ltd Support 978F Lyn Nell Support 996F I H Reed Support 1039F Guy Martin Support 867F L I Bradley Support 869F M G Bradley Support 890F Lawrence Croft Support 901F Craig Eggleston Support 903F A D Florance Support 908F Bridget Frame Support 913F Margaret C George Support 920F Peter Graham Support 926F Rodger & Caroline Hardwick Support 930F Fiona J Hussey Support 936F R F James Support
Federated Farmers of New Zealand (385.90)	The submitter supports all the rules in the Rural Volume of the Proposed Plan except for as specifically commented in other parts of this submission.	Adopt all the rules in the Rural Volume of the Proposed Plan except for as specifically commented in other parts of this submission (refer to submission points 385.57 to 385.89 for submissions on the rules).
Further Submissions	901F Craig Eggleston Support 952F Mark Robert Support 869F M G Bradley Support 908F Bridget Frame Support 904F David Florance Support	950F Dwight William Love Support 909F Kelly Frame Support 958F L McKenzie Support 890F Lawrence Croft Support 868F Matthew Davis Bradley Support
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Submission Point	Summary	Decision Requested
	928F B L & D J Haylock Support	913F Margaret C George Support
	920F Peter Graham Support	953F Jim Macartney Support
	921F Christopher C A Gray Support	

APPENDIX II

Summary of Submissions on the Notified PDP and Variation 1 Submissions Addressed in Section 6.2 – General Provisions for Financial Contributions

(b)(i) General Support or Opposition

Submission Point	Summary	Decision Requested
Nancy Catherine Borrie (285.02)	The submitter supports Objective 1 and Policies 1, 2, 3, 4, 5, 6 and 8.	Adopt Objective 1 and Policies 1, 2, 3, 4, 5, 6 and 8. Note: the submitter has requested another decision in relation to this issue - refer to submission point 285.03, page 165.
Springston Recreation Reserve and Associated Sports Clubs (104.1)	No particular reason given.	In relation to Financial Contributions Rules (Variation 1) adopt Objectives 1 and 2 on page 8 of the Variation.

(b)(ii) Application of Financial Contributions to Network Utility Operators

Submission Point	Summary	Decision Requested
Telecom New Zealand Limited (3.17)	The financial contribution rules for subdivision provide a specific exemption for lots for utilities, but there is not an equivalent exemption for utilities in the rules for developments. Utilities do not create a demand for these facilities, and accordingly should not be subject to any such contributions.	Amend Rule 4 to provide an exemption for "utilities" from payment of any development contributions.
	Further Submissions	Support/Oppose
	10 Transit New Zealand	Support
TrustPower Limited (6.6)	This provision is supported as it recognises that utilities include significant positive social and economic effects to the local community and that it is appropriate that in these circumstances financial contributions be reduced or waived.	Adopt Policy 7. Any similar amendments with like effect.
TrustPower Limited (690.14)	This provision is supported in principle, as it is important for the local authority to recognise circumstances where a financial contribution is inappropriate. However, provision should be made in Policy 10 for other circumstances where requiring a financial contribution may be inappropriate. In this respect, utilities should not be required to pay financial contributions where it can be demonstrated that the utility provides significant social and economic benefits to the community and/or does not increase the demand for other services as a result of its development. Policy 10 is otherwise contrary to the purpose and principles of the Resource Management Act and does not promote sound planning practice.	Amend Policy 10 by including the following: "h. The utility provided significant social and economic benefit to the community. i. It can be demonstrated that the development or enhancement of the utility will not create additional demand for other services." Any similar amendments with like effect; Any consequential amendments that stem from the amendment of Policy 10 as proposed in this Submission.
	Further Submissions	Support/Oppose
	579 Orion New Zealand Ltd	Support
	687 Transpower New Zealand Limited	Support
Meteorological Service of New Zealand Ltd (516.09)	Meteorological activities do not make a demand on Council provided services and should not be subject to any requirements in respect of financial contributions when they do not have any adverse effects that require mitigation.	No financial contribution will be imposed on meteorological activities establishing on sites less than or equal to 500m ² in area. Any consequential amendments required to give full effect to the relief sought by this submission or any alternative relief that gives the same or similar effect. Note: the submitter has requested another decision in relation to this issue - refer to submission point 516.14, page 303.
Orion New Zealand Ltd	Network utility operators should not have to pay financial contributions on the "subdivision"	Delete Rule 1.27.

Submission Point	Summary	Decision Requested
(579.19)	<p>or "development" of sites for utility purposes. The stated purpose of financial contributions is that the subdivision or development of land may require the extension of public infrastructure to service the subdivision or development, and create a need for open space. Utility sites and developments make no such demands, and actually build up the public infrastructure. They should not be penalised for doing so.</p> <p>The "Reasons for Rules" on page 314 state that the rules "enable the Council to take financial contributions from 'developers'". Network utility operators service developments and are not "developers" in the sense referred to in this section. It should therefore be clarified that financial contributions are not levied on sites created for network utility buildings or structures.</p>	<p>And any consequential amendments to the Plan to reflect the relief sought in this submission.</p> <p>Note: the submitter has requested other decisions in relation to this issue - refer to submission points 579.11 and 579.12, page 321, 517.18, page 302, 579.19, page 236 and 579.20, page 236.</p> <p>Note: the submitter also made a submission on the Township Volume of the Proposed Plan - refer submission 170.</p>
Orion New Zealand Ltd (579.20)	Further Submissions	Support/Oppose
	516 Meteorological Service of New	Support
	687 Transpower New Zealand Limited	Support
	Network utility operators should not have to pay financial contributions on the "subdivision" or "development" of sites for utility purposes. The stated purpose of financial contributions is that the subdivision or development of land may require the extension of public infrastructure to service the subdivision or development, and create a need for open space. Utility sites and developments make no such demands, and actually build up the public infrastructure. They should not be penalised for doing so.	Delete Rule 10.1.
	The "Reasons for Rules" on page 314 state that the rules "enable the Council to take financial contributions from 'developers'". Network utility operators service developments and are not "developers" in the sense referred to in this section. It should therefore be clarified that financial contributions are not levied on sites created for network utility buildings or structures.	<p>And any consequential amendments to the Plan to reflect the relief sought in this submission.</p> <p>Note: the submitter has requested other decisions in relation to this issue - refer to submission points 579.11 and 579.12, page 321, 517.18, page 302, 579.19, page 236 and 579.20, page 236.</p> <p>Note: the submitter also made a submission on the Township Volume of the Proposed Plan - refer submission 170.</p>
	Further Submissions	Support/Oppose
	516 Meteorological Service of New	Support
	753 Telecom New Zealand Limited	Support
Orion New Zealand Ltd (579.18)	687 Transpower New Zealand Limited	Support
	Network utility operators should not have to pay financial contributions on the "subdivision" or "development" of sites for utility purposes. The stated purpose of financial contributions is that the subdivision or development of land may require the extension of public infrastructure to service the subdivision or development, and create a need for open space. Utility sites and developments make no such demands, and actually build up the public infrastructure. They should not be penalised for doing so.	That a new paragraph be added at the end of the introduction to read:
	The "Reasons for Rules" on page 314 state that the rules "enable the Council to take financial contributions from 'developers'". Network utility operators service developments and are not "developers" in the sense referred to in this section. It should therefore be clarified that financial contributions are not	<p>"Nothing in this Part applies to network utility operators in relation to subdivision and/or development of utility sites."</p> <p>And any consequential amendments to the Plan to reflect the relief sought in this submission.</p> <p>Note: the submitter has requested other decisions in relation to this issue - refer to submission points 579.11 and 579.12, page 321, 517.18, page 302, 579.19, page 236 and 579.20, page 236.</p> <p>Note: the submitter also made a submission on the Township Volume of the Proposed Plan - refer submission 170.</p>

Submission Point	Summary	Decision Requested
	levied on sites created for network utility buildings or structures.	
	Further Submissions	Support/Oppose
	516 Meteorological Service of New	Support
	687 Transpower New Zealand Limited	Support
Transpower New Zealand Limited (687.09)	<p>It is the submitter's view that financial contributions on resource consents are taken for essentially three reasons - reserve contributions, meeting servicing and infrastructure requirements and avoiding, remedying or mitigating environmental effects from the activity concerned. The submitter considers that while network utilities should be required to pay connection fees they should not be subject to the other requirements for financial contributions. The reasons for this are listed below:</p> <ol style="list-style-type: none"> 1. Utilities do not generate a demand for services, most are not staffed and thus do not require the provision of services for which financial contributions are required, such as reserves, reserve fund contributions and roads. Facilities such as substations are usually planned with the inclusion of visual buffers and landscaping so that the impacts on the visual attractiveness are mitigated as far as possible. 2. Utilities are essential services which promote the social and economic well being of the community and thereby warrant specific consideration. Expansion of network utility services is undertaken in response to consumer demand and as such the provision of these services should not be subject to additional costs. 3. Any financial contribution should directly relate to the effects that are being generated or provide some positive benefit to mitigate the effects generated. Any new or upgraded transmission line does not generate a demand for reserves. Nor do transmission lines have any real effect on the infrastructure as they form part of the essential infrastructure of the district and their sole purpose is to service the demand of other activities. <p>The submitter is opposed to the general imposition of financial contributions on permitted activities, particularly in relation to matters other than "connection fees". Such ability, as proposed in the provision will enable the Council to effectively tax all development.</p>	<p>That Network Utilities such as the submitter be exempt from financial contributions.</p> <p>And any consequential amendments made necessary as a result of the matters raised in these submissions and any other relief as to give effect to the submissions.</p>
	Further Submissions	Support/Oppose
	385 Federated Farmers of New Zealand	Oppose
	950 Dwight William Love	Oppose
	909 Kelly Frame	Oppose
	869 M G Bradley	Oppose
	908 Bridget Frame	Oppose
	857 Dian Anderson	Oppose
	868 Matthew Davis Bradley	Oppose
	934 H G and P M Innes	Oppose
	864 The Big River Company Ltd	Oppose
	881 Castle Hill Partnership	Oppose
	872 Samuel Bernard Bradley	Oppose
	870 Meredith Verna Bradley	Oppose
	930 Fiona J Hussey	Oppose

Submission Point	Summary	Decision Requested
	885 Terry Anthony Clemens	Oppose
	1033 Windwhistle District Society Inc	Oppose
	937 Warrick Roger James	Oppose
	1024 Ross Urquhart	Oppose
	977 Bruce Nell	Oppose
	979 Oliver Newbegin	Oppose
	887 K J Coe	Unclear
	1039 Guy Martin	Oppose
	978 Lyn Nell	Oppose
	1011 G E Sime	Oppose
	884 B E Clark	Unclear
	753 Telecom New Zealand Limited	Support
	952 Mark Robert McAtamney	Oppose
	925 J A H Guild	Oppose
	958 L McKenzie	Oppose
	890 Lawrence Croft	Oppose
	889 Amanda Jane Craw	Oppose
	867 L I Bradley	Oppose
	874 Jack Bernard Bradley-Diggle	Oppose
	866 David Orion Bradley	Oppose
	871 Penelope Ann Bradley	Oppose
	873 Tisha Jane Bradley	Oppose
	933 Gerard Wright Innes	Oppose
	931 Scott Hussey	Oppose
	932 Diana Margaret Innes	Oppose
	1012 Jacqueline Mary Sime	Oppose
	951 Antonia Louise McAtamney	Oppose
	968 Bruce Miles	Oppose
	1023 Louise Urquhart	Oppose
	862 S T and C J Bell Ltd and R D Bell	Oppose
	1000 Margaret Robertson	Oppose
	1026 Philip W Wareing	Oppose
	954 John McDermott	Oppose
	944 Garry & Honoria Lamers	Oppose
	1022 Tripp Partnership	Oppose
TrustPower Limited (690.19)	Rule X is opposed because it implies that utilities will be required to pay financial contributions for any effects their development induces. Utilities provide the community with significant social and economic benefits. Furthermore, the development of utilities seldom results in an increase in demand for a service in the community (such as recreational reserves). In this respect, Rule X is contrary to the purpose and principles of the Resource Management Act and does not promote sound planning practice.	<p>Add the following note to Rules 1, 2, 3, 4 of Rule X:</p> <p>"Given the significant social and economic benefits induced, utilities will not be required to pay financial contributions."</p> <p>"Any similar amendments with like effect;</p> <p>Any consequential amendments that stem from the amendment of Rule X as proposed in this Submission.</p>
	Further Submissions	Support/Oppose
	687 Transpower New Zealand Limited	Support
Meteorological Service of New Zealand Ltd (516.14)	Meteorological activities do not make a demand on Council provided services and should not be subject to any requirements in respect of financial contributions when they do not have any adverse effects that require mitigation.	<p>No financial contribution will be imposed on meteorological activities establishing on sites less than or equal to 500m² in area.</p> <p>Note: the submitter has requested another decision in relation to this issue - refer to submission point 516.09, page 236.</p>
Transpower New Zealand Limited (100)	The submitter considers that network utilities should not be subject to the other requirements for financial contributions for the following reasons: Utility operators, such as Transpower do not generate a demand for services as most are not staffed and thus do not require the provision of services for which financial contributions are required, such as reserves and reserve fund contributions; utilities are an essential service that promote	Amend the financial contribution rules as they relate to Variation 1 of the Proposed Plan to ensure that financial contributions will not be required on permitted activities and activities associated with the transmission and distribution of electricity.

Submission Point	Summary	Decision Requested
	the social and economic well being of the community and thereby warrant specific consideration; any financial contribution should directly relate to the effects that are being generated or provide some positive benefit to mitigate the effects generated. Any new upgrade of transmission line does not generate a demand for reserves nor do transmission lines have any real effect on the infrastructure with a sole purpose to service the demand of other activities.	
Orion New Zealand Limited (170.7)	Network utility operators should not have to pay financial contributions on the "subdivision" or "development" of sites for utility purposes. The stated purpose of financial contributions is that the subdivision or development of land may require the extension of public infrastructure to service the subdivision or development, and create a need for open space. Utility sites and developments make no such demands, and actually build up the public infrastructure. They should not be penalised for doing so.	That a new paragraph be added at the end of "5.1 Purposes" on page 366 to read: Nothing in this Part applies to network utility operators in relation to subdivision and/or development of utility sites. Consequential amendments to the plan to reflect the relief sought in this submission.
	Further Submission	Support/Oppose
	49 Transpower New Zealand Limited	Support
Meteorological Service of New Zealand Limited (194.17)	Meteorological activities do not make a demand on Council provided services and should not be subject to any requirements in respect of financial contributions when they do not have any adverse effects that require mitigation.	Amend Section 5 to include the following: "No financial contribution will be imposed on meteorological activities establishing on sites less than or equal to 400m2 in area." AND any consequential amendments required to give full effect to the relief sought in this submission OR any alternative relief that gives the same or similar effect.
Telecom Mobile Limited (83.12)	The financial contribution rules for subdivision provide a specific exemption for lots for utilities, but there is not an equivalent exemption for utilities in the rules for developments. Utilities do not create a demand for open space and recreation facilities, and accordingly should not be subject to any such contributions.	Amend Rule 4 to provide an exemption for "utilities" from payment of any development contributions.
	Further Submission	Support/Oppose
	10 Transit New Zealand	Support

(b)(iii)Payment of Financial Contributions at Subdivision or Land Use

Submission Point	Summary	Decision Requested
Eclectic Energy (374.10a)	The submitter requests that if the Council has already charged a financial contribution for each lot on a subdivision, it should not be able to put a rule in the Plan which allows it to 'double-dip' by charging a second time when a residential unit is erected.	That if the Council has already charged a financial contribution for each lot on a subdivision, it should not be able to put a rule in the Plan which allows it to charge a second time when a residential unit is erected. Note: the Rule 1.21 relates to Rule X Financial Contributions, X(2) - Reserves and Recreation Areas and Facilities, page 306, in particular Form and Method to Determine Contribution - Land Use ii. Note: the submitter also refers to Rule 2, page 306. Refer to submission point

		374.11, page 306.
	Further Submissions	Support/Oppose
	Eclectic Energy (F374)	Support

(b)(v) Use of Discretion to Take Financial Contributions

Submission No.	Summary	Decision Requested
Nancy Catherine Borrie (285.03)	The submitter opposes Objective 2, and Policy 10 (f) and (g). A reduction in financial contributions is tantamount to a subsidy by Council and existing ratepayers. Ratepayers should be advised and consulted prior to the granting of a subsidy. This would be a more transparent process.	Where Council wishes to grant a reduction in financial contributions, the matter be referred to the relevant Area Community Board, Area Board, Advisory Committee, Township Community etc. for comment and confirmation. Note: the submitter has requested another decision in relation to this issue - refer to submission point 285.02, page 165.
Prebbleton Community Association Inc. (191.43)	The reduction of financial contributions for recreation reserves and recreation facilities should not be considered lightly as a reduction in these facilities within any particular community could have adverse affects on the amenity value of that area at the expense of increased benefit to another area. Therefore reductions in contributions should only be considered if Council is completely satisfied that there will not be such an adverse effect. To ensure that there is a commitment to the proper provision of these services the reduction should not exceed 50% of the contribution payable. It is considered unreasonable to expect other contributors or ratepayers to subsidise facilities for development in certain areas. The authority for Council to reduce the amount of financial contributions levied in any other circumstances where it thinks fit is not a transparent provision and should be deleted.	That policy 10 be amended by maximising the discretion of Council to reduce financial credits to 50% of the financial contribution payable. That Policy 10 f. and g. (of Variation No.1) be deleted. The decision sought may require some alterations to the wording or cross referencing of policies. It is expected that if Council adopts the submission then it will make any subsequent alterations which may be necessary to other parts of the Plan.
	Further Submissions	Support/Oppose
	190 Borrie, N.C.	Support
Victor Melvyn Challies (332.08)	The reduction of financial contributions for recreation reserves and recreational facilities should not be considered lightly as a reduction in these facilities within any particular community could have adverse affects on the amenity value of that area at the expense of increased benefit to another area. Therefore reductions in contributions should only be considered if Council is completely satisfied that there will not be such an adverse effect. To ensure that there is a commitment to the proper provision of these services the reduction should not exceed 50% of the contribution payable. It is considered unreasonable to expect other contributors or ratepayers to subsidise facilities for development in certain areas. The authority for Council to reduce the amount of financial contributions levied in any other circumstances where it thinks fit is not a transparent provision and should be deleted.	Amend Policy 10 by maximising the discretion of Council to reduce financial credits to 50% of the financial contribution payable. Delete Policy 10 f. and g. Note: Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan. Note: the submitter has requested other decisions in relation to this issue - refer to submission points 332.05, page 163, 332.06, page 164, 332.07, page 167, 332.08, page 170, 332.28, page 306 and 332.29, page 312.
Prebbleton Community Association (599.08)	The reduction of financial contributions for recreation reserves and recreational facilities should not be considered lightly as a reduction in these facilities within any particular community could have adverse affects on the amenity value of that area at the expense of increased benefit to another area. Therefore	Amend Policy 10 by maximising the discretion of Council to reduce financial credits to 50% of the financial contribution payable. Delete Policy 10 f. and g. Note: Some of the decisions sought may

Submission No.	Summary	Decision Requested
	<p>reductions in contributions should only be considered if Council is completely satisfied that there will not be such an adverse effect. To ensure that there is a commitment to the proper provision of these services the reduction should not exceed 50% of the contribution payable.</p> <p>It is considered unreasonable to expect other contributors or ratepayers to subsidise facilities for development in certain areas.</p> <p>The authority for Council to reduce the amount of financial contributions levied in any other circumstances where it thinks fit is not a transparent provision and should be deleted.</p>	<p>require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.</p> <p>Note: the submitter has requested other decisions in relation to this issue - refer to submission points 599.05, page 163, 559.06, page 164, 559.07, page 167, 559.08, page 170, 559.28, page 306 and 559.29, page 312.</p>
	Further Submissions	Support/Oppose
	1020 Te Runanga o Ngai Tahu	Support

(c)(i) Taking Financial Contributions in Land

Submission Point	Summary	Decision Requested
CDL Land New Zealand Limited (135.5)	<p>The way the provisions are worded presently leaves no room for discussion or negotiation. There may well be site specific matters that determine the form of contribution that should be taken. It is submitted that it would be better to be able to discuss the form the contribution is to take before the consent is issued rather than having to appeal the decision.</p>	<p>Amend Rule 1 by adding after the words "The form of the contribution shall be determined by the Council." the following:</p> <p>"This determination will be made following the consideration of any request by the party paying the contribution as to what form it should take. The reasons for this determination shall be included in the resource consent granted including why any request by the party paying the contribution has been accepted or rejected."</p> <p>And all other appropriate, necessary and consequential amendments including those to issues, strategies, objectives, policies, environmental results, rules and reasons to rules be amended to give full effect to this submission.</p> <p>Note: the submitter has requested another decision on this issue - refer submission point 135.8 page 339.</p>
	Further Submission	Support/Oppose
	837 White, C.E.	Oppose

Submission Point	Summary	Decision Requested
K.J. & J.J. Partnership (180.11)	The way the provisions are worded presently leaves no room for discussions or negotiations. It would be better to be able to discuss the form the contribution is to take before a consent is issued rather than having to appeal the decision to have the matter resolved.	<p>Amend Section 5.3 Financial Contribution Rules - Rule 1, by adding after the words "The form of the contribution shall be determined by the Council." the following words: " This determination will be made following the consideration of any request by the party paying the contribution as to what form it should take.</p> <p>The reasons for this determination shall be included in any resource consent granted including why any request by the party paying the contribution has been accepted or rejected."</p> <p>All other appropriate, necessary and consequential amendments including those to issues, strategies, objectives, policies, environmental results, rules and reasons to rules be amended to give full effect to this submission.</p> <p>Note: the submitter has requested another decision in relation to this issue - refer submission point 180.12 page 340.</p>
CDL Land New Zealand Limited (135.8)	The way the provisions are worded presently leaves no room for discussion or negotiation. It is submitted that it would be better to be able to discuss the form the contribution is to take before the consent is issued rather than having to appeal the decision.	<p>Amend Rule 3 by adding after the words "The form of the contribution shall be determined by the Council." the following: "This determination will be made following the consideration of any request by the party paying the contribution as to what form it should take. The reasons for this determination shall be included in the resource consent granted including why any request by the party paying the contribution has been accepted or rejected."</p> <p>And all other appropriate, necessary and consequential amendments including those to issues, strategies, objectives, policies, environmental results, rules and reasons to rules be amended to give full effect to this submission</p> <p>Note: the submitter has requested another decision in relation to this issue - refer submission point 135.5 page 337.</p>
	Further Submission	Support/Oppose
	837 White, C.E.	Oppose
K.J. & J.J. Partnership (180.12)	The way the provisions are worded presently leaves no room for discussions or negotiations. It would be better to be able to discuss the form the contribution is to take before a consent is issued rather than having to appeal the decision to have the matter resolved.	<p>Amend Section 5.3 Financial Contribution Rules - Rule 3, by adding after the words "The form of the contribution shall be determined by the Council." the following words: " This determination will be made following the consideration of any request by the party paying the contribution as to what form it should take.</p> <p>The reasons for this determination shall be included in any resource consent granted including why any request by the party paying the contribution has been accepted or rejected."</p> <p>All other appropriate, necessary and consequential amendments including those to issues, strategies, objectives,</p>

Submission Point	Summary	Decision Requested
		<p>policies, environmental results, rules and reasons to rules be amended to give full effect to this submission.</p> <p>Note: the submitter has requested another decision in relation to this issue - refer submission point 180.11 page 337.</p>
Eclectic Energy (374.10b)	The submitter requests that if the Council has already charged a financial contribution for each lot on a subdivision, it should not be able to put a rule in the Plan which allows it to 'double-dip' by charging a second time when a residential unit is erected.	<p>The Council should not have the decision as to whether money or land is taken as a contribution for the erection of a new residential unit. The payment should be money, unless the Council and the owner mutually agree on land as the form of payment.</p> <p>Note: the Rule 1.21 relates to Rule X Financial Contributions, X(2) - Reserves and Recreation Areas and Facilities, page 306, in particular Form and Method to Determine Contribution - Land Use ii.</p> <p>Note: the submitter also refers to Rule 2, page 306. Refer to submission point 374.11, page 306.</p>
	Further Submission	Support/Oppose
	374 Eclectic Energy	Support
Eclectic Energy (374.11)	That the Council should not have the decision as to whether money or land is taken as a contribution for the erection of a new residential unit. The payment should be money, unless the Council and the owner mutually agree on land as the form of payment.	<p>Objection to Rule X - Financial Contributions in particular with reference to Rule 1.21, page 216.</p> <p>Note: the submitter also refers to Rule 1.21, page 216. Refer to submission point 374.10, page 216.</p> <p>Note: The Rule 1.21 relates to Rule X Financial Contributions, X(2) - Reserves and Recreation Areas and Facilities, page 306, in particular Form and Method to Determine Contribution - Land Use ii.</p>
	Further Submission	Support/Oppose
	374 Eclectic Energy	Support

(c)(ii) Provisions for Infrastructure and Utilities

Submission Point	Summary	Decision Requested
Transit New Zealand (686.25)	Policy 1 (for the District Council to take financial contributions for the upgrading and provision of new roads) is supported by the submitter.	Retain current wording of Policy 1.
Transit New Zealand (10.6)	Policy 1 needs to be broadened to make it clear that the Council may also recover up to 100% of the costs of upgrading road networks and intersections as a result of new residential and business activities.	Amend Policy 1 in Section 4.4 - Financial Contributions by inserting the following words between "utilities" and ", services": "(including road networks and intersections)".
Richardson, J. (58.7)	The submitter supports this Policy but comments that the pedestrian and cycle recreation routes away from roads are a valuable resource for Lincoln township. They are particularly desirable if substantial residential expansions is envisaged. If Lincoln is to be a desirable place to live then outdoor recreational facilities need to be provided for and maintained.	Add to Policy 3 "To acquire or negotiate access routes for walkways in the vicinity of townships."
Selwyn District Council (238.1)	The addition of a note to the section of Rule 4 which explains how costs are calculated is sought, to clarify that any financial contribution for upgrades to the road network	<p>Add the following note beneath Rule 4.2.1 (of Variation 1 - Financial Contributions):</p> <p>"Note – any works to the road network</p>

Submission Point	Summary	Decision Requested
	may also include the costs of ancillary works, e.g. street lighting, signage, landscaping or beautification, and traffic calming.	include ancillary works such as street lighting, signage, landscaping or beautification, and traffic calming."
Catholic Diocese of Christchurch (171.16)	The submitter opposes Policy 12, which limits the period in which the Council levies financial contributions for privately funded works (beyond those required to serve the developers own activities), to a maximum of 10 years. The time limit may discourage development from what may be far-sighted proposals to provide excess capacity in anticipation of further development, and thereby avoid or reduce the need to upsize or duplicate roading or utility services in the future. It is not unusual for development of neighbourhood to extend beyond a 10 year period, and it would be unfair for another developer to be able to take advantage of the original developer's excess capacity without compensating him/her accordingly. By contrast, there is no limit on the recovery of costs of excess capacity funding by the Council.	Amend Policy 12 of Variation 1 on page 15 (Section 5 Financial Contributions Rule) by deleting " - 10 years from the time the excess capacity is able to be used by other activities"
	Further Submission	Support/Oppose
	163 Chaney, K.F.	Oppose

(d) Reserves (i) General Submissions

Submission Point	Summary	Decision Requested
Prebbleton Community Association (599.05)	<p>It is submitted that this Section does not recognise that reserves and public facilities are used by all sections of the community. The creation of any allotment capable of having a dwelling unit erected upon it, regardless of size (density) and zoning, should be subject to the payment of a reserve contribution for the purposes of providing for local reserves and public facility requirements.</p> <p>That the financial contribution section be amended and that objective, policies and rules are amended or re-written to ensure that the principles embodied in submission points 599.01, page 151, 599.35, page 26, 599.02, page 83, 599.03, page 109 and 599.04, page 159 are included and implemented.</p>	<p>Amend the financial contribution section and that objective, policies and rules are amended or re-written to ensure that the principles embodied in submissions 599.01, page 151, 599.35, page 26, 599.02, page 83, 599.03, page 109 and 599.04, page 159 are included and implemented.</p> <p>Council should prepare a proper reserve and public facilities development plan for each community following a full assessment of the present and future needs of the local community areas. The development plan should be prepared in consultation with residents.</p> <p>Local reserve contributions should only be used within the community area in which they are collected.</p> <p>Note: Some of the decisions sought may require some alterations to the wording or cross-referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.</p> <p>Note: the submitter has requested other decisions in relation to this issue - refer to submission points 599.01, page 151, 599.35, page 26, 599.02, page 83, 599.03, page 109, 599.04, page 159, 599.05, page 163, 599.06, page 164, 599.07, page 167, 599.08, page 170, 599.28, page 306 and 599.29, page 312.</p>
Victor Melvyn Challies (332.05)	It is submitted that this Section does not recognise that reserves and public facilities are	Amend the financial contribution section and that objective, policies and rules are amended

Submission Point	Summary	Decision Requested
	<p>used by all sections of the community. The creation of any allotment capable of having a dwelling unit erected upon it, regardless of size (density) and zoning, should be subject to the payment of a reserve contribution for the purposes of providing for local reserves and public facility requirements.</p> <p>That the financial contribution section be amended and that objective, policies and rules are amended or re-written to ensure that the principles embodied in submission points 332.01, page 151, 332.35, page 26, 332.02, page 83, 332.03, page 109 and 332.04, page 159 are included and implemented.</p>	<p>or re-written to ensure that the principles embodied in submissions 332.01, page 151, 332.35, page 26, 332.02, page 83, 332.03, page 109 and 332.04, page 159 are included and implemented.</p> <p>Council should prepare a proper reserve and public facilities development plan for each community following a full assessment of the present and future needs of the local community areas. The development plan should be prepared in consultation with residents.</p> <p>Local reserve contributions should only be used within the community area in which they are collected.</p> <p>Note: Some of the decisions sought may require some alterations to the wording or cross-referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.</p> <p>Note: the submitter has requested other decisions in relation to this issue - refer to submission points 332.01, page 151, 332.35, page 26, 332.02, page 83, 332.03, page 109, 332.04, page 159, 332.05, page 163, 332.06, page 164, 332.07, page 167, 332.08, page 170, 332.28, page 306 and 332.29, page 312.</p>
<p>New Zealand Historic Places Trust Pouhere Taonga (140.63)</p>	<p>The submitter supports the discussion under Maintaining and Enhancing the Environment that refers to the contribution heritage sites make to the attractiveness of Selwyn.</p>	<p>Adopt the reference to heritage sites in the discussion under Maintaining and Enhancing the Environment.</p>
<p>Victor Melvyn Challies (332.06)</p>	<p>The key features of the strategy do not refer to a reserve contribution as a percentage of the market value of a property.</p>	<p>Add the following to the Key features in II - Strategy: "A reserve contribution is also charged for residential units on the basis of a % of market value."</p> <p>Note: Some of the decisions sought may require some alterations to the wording or cross-referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.</p> <p>Note: the submitter has requested other decisions in relation to this issue - refer to submission points 332.05, page 163, 332.06, page 164, 332.07, page 167, 332.08, page 170, 332.28, page 306 and 332.29, page 312.</p>
<p>Prebbleton Community Association (599.06)</p>	<p>The key features of the strategy do not refer to a reserve contribution as a percentage of the market value of a property.</p>	<p>Add the following to the Key features in II - Strategy: "A reserve contribution is also charged for residential units on the basis of a % of market value."</p> <p>Note: Some of the decisions sought may require some alterations to the wording or cross-referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the</p>

Submission Point	Summary	Decision Requested
		Plan. Note: the submitter has requested other decisions in relation to this issue - refer to submission points 599.05, page 163, 559.06, page 164, 559.07, page 167, 559.08, page 170, 559.28, page 306 and 559.29, page 312.
Prebbleton Community Association Inc. (191.41)	The key features of the strategy do not refer to a reserve contribution as a percentage of the market value of a property.	Amend the Financial Contribution, II -Strategy (page 7) of Variation No.1 so that a reserve contribution is charged for residential units on the basis of a % of market value. The decision sought may require some alterations to the wording or cross-referencing of policies. It is expected that if Council adopts the submission then it will make any subsequent alterations which may be necessary to other parts of the Plan.
Springston Recreation Reserve and Associated Sports Clubs (104.2)	No particular reason given.	In relation to Financial Contributions Rules (Variation 1) adopt Policy 5 on page 10.
Christchurch City Council (295.31)	The submitter supports the collection of reserve contribution from residential development for reserve purposes and the protection of special landscape and ecological values. Flexibility to offset that contribution where land is given or works undertaken towards protection or enhancement of environmental or cultural values is also supported. Increased financial contributions will allow SDC greater potential capability to partner with the City on joint venture open space initiatives, walkways and protection of ecological and scenic areas of value to people of both authorities eg. the inner plains in the Prebbleton to Halswell area and the southern Port Hills.	Retain Policy 5. Note: the submitter has requested another decision in relation to this issue - refer to submission point 295.32, page 168.
	Further Submissions	Support/Oppose
	293 RD, JR & DJ Butt, JS Bisphan, DJ Clark.	Oppose
Lincoln Community Committee (129.20)	Support Policy 9.	Adopt Policy 9.
Borrie, N.C. (201.11)	Amend Policy 9, by adding a definition of "sufficient". Reserves are used for many activities and are important for the well being of present and future generations in terms of S.5 of the Act. "Sufficient" is vague and uncertain in its effect. It needs to be more specific and not left to Council's discretion.	Add a definition of "sufficient" in relation to Policy 9. Policy 9 states "Ensure residents in Selwyn District have access to sufficient reserve areas to meet their needs for space for active and passive recreation." Note: refer also to submission 201.12 (page 342) for inclusion in the Definitions Section of the Plan.
Borrie, N.C. (201.12)	Reserves are used for many activities and are important for the well being of present and future generations in terms of S.5 of the Act. "Sufficient" is vague and uncertain in its effect. It needs to be more specific and not left to Council's discretion.	Add a definition of "sufficient". Note: the submitter seeks under submission 201.11(page 98) that a definition be added to the Plan in respect of Policy 9 on page 98. Policy 9 states "Ensure residents in Selwyn District have access to sufficient reserve areas to meet their needs for space for active and passive recreation."
New Zealand	The submitter supports Environmental Result 2	Retain Environmental Result 2.

Submission Point	Summary	Decision Requested
Historic Places Trust Pouhere Taonga (559.58)	that refers to the contribution new residential units are required to make towards protecting and enhancing areas of special landscape, cultural, heritage values.	
	Further Submissions	Support/Oppose
	912 Friends of Otahuna Valley	Support
Prebbleton Community Association Inc. (191.44)	One of the main purposes of the financial contributions is to provide both recreation reserves and recreational facilities for communities. This is not clearly identified in the Rule. The provision of these facilities should be determined by proper assessment of each community's needs, and the production of Asset Development and Management Plans with associated Long-Term Financial Strategies to show how and when the necessary facilities will be provided. District contributions (flat fee) should be used for projects which benefit the District and Local contributions should only be used for the benefit of the communities in which they are collected.	<p>That a further "Purpose" be added to Rule (2) as follows: "7. To provide recreation reserves and recreational facilities to service Communities. Such facilities to be determined by an assessment of the needs of each community and provide for in an Recreation Reserve and Recreational Facilities Development and Management Plan including a Long-Term Financial Strategy."</p> <p>The decision sought may require some alterations to the wording or cross-referencing of policies. It is expected that if Council adopts the submission then it will make any subsequent alterations which may be necessary to other parts of the Plan.</p>
Prebbleton Community Association (599.28)	<p>One of the main purpose of the financial contributions is to provide both recreation reserves and recreational facilities for communities. This is not clearly identified in the Rule. The provision of these facilities should be determined by a proper assessment of each community's needs, and the production of Asset Management Plans with associated Long Term Financial Strategies to show how and when the necessary facilities will be provided and or developed.</p> <p>District contributions (flat fee) should be used for projects which benefit the District and Local contributions should only be used for the benefit of the communities in which they are collected.</p>	<p>Add a further "Purpose" to Rule (2) as follows:</p> <p>"7. To provide recreation reserves and recreational facilities to service local communities. Such facilities to be determined by an assessment of the needs of each community and provided for in Asset Management Plan with associated Long Term Financial Strategies to provide for and develop the required facilities."</p> <p>Note: Some of the decisions sought may require some alterations to the wording or cross-referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.</p> <p>Note: the submitter has requested other decisions in relation to this issue - refer to submission points 599.05, page 163, 559.06, page 164, 559.07, page 167, 559.08, page 170, 559.28, page 306 and 559.29, page 312.</p>
	Further Submissions	Support/Oppose
	385 Federated Farmers of New Zealand	Oppose
Victor Melvyn Challies (332.28)	<p>One of the main purpose of the financial contributions is to provide both recreation reserves and recreational facilities for communities. This is not clearly identified in the Rule. The provision of these facilities should be determined by a proper assessment of each community's needs, and the production of Asset Management Plans with associated Long Term Financial Strategies to show how and when the necessary facilities will be provided and or developed.</p> <p>District contributions (flat fee) should be used for projects which benefit the District and Local contributions should only be used for the benefit of the communities in which they are collected.</p>	<p>Add a further "Purpose" to Rule (2) as follows:</p> <p>"7. To provide recreation reserves and recreational facilities to service local communities. Such facilities to be determined by an assessment of the needs of each community and provided for in Asset Management Plan with associated Long Term Financial Strategies to provide for and develop the required facilities."</p> <p>Note: Some of the decisions sought may require some alterations to the wording or cross-referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.</p>

Submission Point	Summary	Decision Requested
		Note: the submitter has requested other decisions in relation to this issue - refer to submission points 332.05, page 163, 332.06, page 164, 332.07, page 167, 332.08, page 170, 332.28, page 306 and 332.29, page 312.

(d)(ii) Reserve Contributions in Rural and Business Zones

Submission Point	Summary	Decision Requested
Springston Recreation Reserve and Associated Sports Clubs (104.3)	This appears to have been missing. Add for consistency.	In relation to Financial Contributions Rules (Variation 1) amend Policy 6 on page 10 by adding after "for outdoor recreation reserves," and before "within" the words and "community facilities".
Prebbleton Community Association Inc. (191.42)	The policy is not adequately worded in that it does not refer to recreational facilities and to residential neighbourhoods rather than communities. Reserves and recreational facilities are not just for the benefit neighbour hood but for the wider community. (Reference - Community reserve rating areas). The explanation given for reserve contributions not being levied on allotments of more than 4 hectares does not recognise the reality of the use of reserves and recreational facilities. The fact is that people on areas of more than 4 hectares use these facilities as much as Township people. The comment that Council will not in most cases take money as a reserve contribution cannot be substantiated until a full assessment has been made of the various needs of the communities from which the contributions are taken. The comment shows lack of appreciation of the benefits of planned local recreational facilities in developing environments.	<p>That the wording of Policy 6 be deleted and the following substituted: "To take a further financial contribution from any additional residential unit erected in a Business, Rural or Living Zone to provide for recreation reserves and recreational facilities, within local community areas."</p> <p>Under the Explanation and Reasons for Policy 6 (second to last paragraph) that the reason a reserve contribution is to be taken from allotments of more than 4 hectares be deleted.</p> <p>Also under the Explanation and Reasons for Policy 6 (final paragraph) the reference: "In most cases the Council will take the contribution as money and use the money to purchase the allotments within the subdivision, which it thinks will make appropriate reserves and playgrounds." be deleted. And rewrite the last sentence of that paragraph to read "The Council may choose to take land, if the land offered is of a suitable size, and shape and in an appropriate location for a community recreation reserve or recreational facility."</p> <p>The decision sought may require some alterations to the wording or cross-referencing of policies. It is expected that if Council adopts the submission then it will make any subsequent alterations which may be necessary to other parts of the Plan.</p>
	Further Submissions	Support/Oppose
	190 Borrie, N.C.	Support
Federated Farmers of New Zealand (385.56)	The submitter supports the policy that a "reserve contribution is not levied on rural allotments which are 4 hectares or more in size because these allotments are large enough to maintain open space and to have their own areas for outdoor recreation on site.	The submitter supports Policy 6 - Explanation and Reasons.
	Further Submissions	Support/Oppose
	901 Craig Eggleston	Support
	952 Mark Robert McAtamney	Support
	869 M G Bradley	Support
	908 Bridget Frame	Support
	904 David Florance	Support
	868 Matthew Davis Bradley	Support
	894 George Timothy Deans	Support
	919 Brian Goddard	Support
	930 Fiona J Hussey	Support
	902 P J Fleming	Support

Submission Point	Summary	Decision Requested
	977 Bruce Nell	Support
	1039 Guy Martin	Support
	978 Lyn Nell	Support
	996 I H Reed	Support
	926 Rodger & Caroline Hardwick	Support
	913 Margaret C George	Support
	920 Peter Graham	Support
	921 Christopher C A Gray	Support
	950 Dwight William Love	Support
	958 L McKenzie	Support
	909 Kelly Frame	Support
	890 Lawrence Croft	Support
	867 L I Bradley	Support
	881 Castle Hill Partnership	Support
	931 Scott Hussey	Support
	980 L M Nicoll	Support
	974 Mount White Station Ltd	Support
	903 A D Florance	Support
	934 H G and P M Innes	Support
	936 R F James	Support
	1026 Philip W Wareing	Support
	944 Garry & Honoria Lamers	Support
	928 B L & D J Haylock	Support
	954 John McDermott	Support
	953 Jim Macartney	Support
Victor Melvyn Challies (332.07)	<p>The policy is not adequately worded in that it does not refer to recreational facilities, and, refers to residential neighbourhoods rather than communities. Reserves and recreational facilities are not just for the benefit of the neighbourhood but for the wider community. The explanation given for reserve contributions not being levied on allotments of more than 4 hectares does not recognise the reality of the use of reserves and recreational facilities. The fact is that people on areas of more than 4 hectares use these facilities as much as Township people.</p> <p>The comment that Council will in most cases take money as a reserve contribution cannot be substantiated until a full assessment has been made of the various needs of the communities from which the contributions are taken. This comment shows a lack of appreciation of the benefits of planned local recreational facilities in developing environments.</p>	<p>Delete the wording of Policy 6 and substitute with the following:</p> <p>"To take a further financial contribution from any additional residential unit erected in a Business or Living or Rural Zone to provide for recreation reserves and recreational facilities, within local community areas."</p> <p>Explanation and Reason - Policy 6 That the reason a reserve contribution is to be taken from allotments of more than 4 hectares be deleted.</p> <p>Delete the reference "In most cases the Council will take the contribution as money and use the money to purchase the allotments within the subdivision, which it thinks will make appropriate reserves and playgrounds."</p> <p>And rewrite the last sentence of that paragraph to read: "The Council may choose to take land, if the land offered is of a suitable size, and shape, is in an appropriate location and is assessed as being required for a community recreation reserve or recreational facility in that area."</p> <p>Note: Some of the decisions sought may require some alterations to the wording or cross-referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.</p> <p>Note: the submitter has requested other decisions in relation to this issue - refer to submission points 332.05, page 163, 332.06, page 164, 332.07, page 167, 332.08, page 170, 332.28, page 306 and 332.29, page 312.</p>

Submission Point	Summary	Decision Requested
<p>Prebbleton Community Association (599.07)</p>	<p>The policy is not adequately worded in that it does not refer to recreational facilities, and, refers to residential neighbourhoods rather than communities. Reserves and recreational facilities are not just for the benefit of the neighbourhood but for the wider community. The explanation given for reserve contributions not being levied on allotments of more than 4 hectares does not recognise the reality of the use of reserves and recreational facilities. The fact is that people on areas of more than 4 hectares use these facilities as much as Township people.</p> <p>The comment that Council will in most cases take money as a reserve contribution cannot be substantiated until a full assessment has been made of the various needs of the communities from which the contributions are taken. This comment shows a lack of appreciation of the benefits of planned local recreational facilities in developing environments.</p>	<p>Delete the wording of Policy 6 and substitute with the following:</p> <p>"To take a further financial contribution from any additional residential unit erected in a Business or Living or Rural Zone to provide for recreation reserves and recreational facilities, within local community areas."</p> <p>Explanation and Reason - Policy 6 That the reason a reserve contribution is to be taken from allotments of more than 4 hectares be deleted.</p> <p>Delete the reference "In most cases the Council will take the contribution as money and use the money to purchase the allotments within the subdivision, which it thinks will make appropriate reserves and playgrounds."</p> <p>And rewrite the last sentence of that paragraph to read: "The Council may choose to take land, if the land offered is of a suitable size, and shape, is in an appropriate location and is assessed as being required for a community recreation reserve or recreational facility in that area."</p> <p>Note: Some of the decisions sought may require some alterations to the wording or cross-referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.</p> <p>Note: the submitter has requested other decisions in relation to this issue - refer to submission points 599.05, page 163, 599.06, page 164, 599.07, page 167, 599.08, page 170, 599.28, page 306 and 599.29, page 312.</p>
<p>Prebbleton Community Association (599.04)</p>	<p>People who live in the Rural area use local community reserves and recreational facilities. This policy should be amended to include contributions to these local community facilities.</p>	<p>Amend Policy 8 (2) by adding after the words ".....heritage values of the District" the words "and "Local Communities."</p> <p>That the relevant rules of the Plan are rewritten to ensure that this policy is implemented.</p> <p>Note: Some of the decisions sought may require some alterations to the wording or cross-referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.</p> <p>Note: the submitter has requested another decision in relation to this issue - refer to submission point 599.05, page 163.</p>
<p>Christchurch City Council (295.20)</p>	<p>The submitter supports the taking of financial contributions toward the costs of purchasing or upgrading reserves or recreational facilities. Continued residential development in the rural areas will lead to greater residential demand for public open space, especially for off road walkways, multiuse sports areas and larger parks suitable for day trip outings and community facilities.</p>	<p>Adopt Policy 4.</p>

Submission Point	Summary	Decision Requested
	Further Submissions	Support/Oppose
	382 North Canterbury Fish & Game	Support
	293 RD, JR & DJ Butt, JS Bisphan, DJ	Oppose
Victor Melvyn Challies (332.04)	People who live in the Rural area use local community reserves and recreational facilities. This policy should be amended to include contributions to these local community facilities.	<p>Amend Policy 8 (2) by adding after the words ".....heritage values of the District" the words "and "Local Communities."</p> <p>That the relevant rules of the Plan are re-written to ensure that this policy is implemented.</p> <p>Note: Some of the decisions sought may require some alterations to the wording or cross-referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.</p> <p>Note: the submitter has requested another decision in relation to this issue - refer to submission point 332.05, page 163.</p>
Springston Recreation Reserve and Associated Sports Clubs (104.5)	People owning lots larger than 4 ha still use local reserve facilities and therefore they should pay a reserve contribution of 2% of the market value of all the allotments over 4ha in area being created by subdivision.	Amend Financial Contributions Rules (Variation 1) Table 1 (page 26), to specify that lots greater than 4 hectares should pay 2% of the market value.
New Zealand Historic Places Trust Pouhere Taonga (559.54)	The submitter supports the taking of financial contributions for the purpose of protecting the cultural and heritage values of the District.	<p>Retain Policy 8 (b).</p> <p>Note: the submitter has requested another decision in relation to this issue - refer to submission point 559.80, page 306.</p>
	Further Submissions	Support/Oppose
	912 Friends of Otahuna Valley	Support
Victor Melvyn Challies (332.29)	As referred to earlier there is no justification for not levying Reserve Contributions on allotments of more than 4 hectares. These residents utilise the community facilities and this is recognised by the payment of charges for local Recreation Reserve and Community Centre facilities. To be fair and accountable Council should divide the whole of the District into Community Centre/Reserve rating areas as all parts of the District benefit from these facilities. Therefore the subdivision and erection of new/additional dwelling units on these allotments should require the payment of a Local Contribution.	<p>That the title to Table One inserting the number 2 (2%) under the heading of Local Contribution (% of market value of allotments) for a Density of > 4ha.</p> <p>Note: Some of the decisions sought may require some alterations to the wording or cross-referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.</p> <p>Note: the submitter has requested other decisions in relation to this issue - refer to submission points 332.05, page 163, 332.06, page 164, 332.07, page 167, 332.08, page 170, 332.28, page 306 and 332.29, page 312.</p>
Prebbleton Community Association (599.29)	As referred to earlier there is no justification for not levying Reserve Contributions on allotments of more than 4 hectares. These residents utilise the community facilities and this is recognised by the payment of charges for local Recreation Reserve and Community Centre facilities. To be fair and accountable Council should divide the whole of the District into Community Centre/Reserve rating areas as all parts of the District benefit from these facilities.	<p>That the title to Table One inserting the number 2 (2%) under the heading of Local Contribution (% of market value of allotments) for a Density of > 4ha.</p> <p>Note: Some of the decisions sought may require some alterations to the wording or cross-referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.</p> <p>Note: the submitter has requested other decisions in relation to this issue - refer to submission points 599.05, page 163, 599.06,</p>
	Therefore the subdivision and erection of new/additional dwelling units on these allotments should require the payment of a Local Contribution.	

Submission Point	Summary	Decision Requested
		page 164, 559.07, page 167, 559.08, page 170, 559.28, page 306 and 559.29, page 312.
Prebbleton Community Association Inc. (191.15)	There is no justification for not levying Reserve Contributions on allotments of more than 4 hectares. These residents utilise the community facilities and this is recognised by the payment of charges for local Recreation Reserve and Community Centre facilities. To be fair and accountable Council should divide the whole of the District into Community Centre/reserve rating areas as all parts of the District benefit from these facilities. Therefore the subdivision and erection of new/additional dwelling units on these allotments should require the payment of a Local Contribution.	That Table 1 be amended by including the number 2 (2%) under the heading of Local Contribution (% of market value of allotments) for a Density of >4ha. The decision sought may require some alterations to the wording or cross-referencing of policies. It is expected that if Council adopts the submission then it will make any subsequent alterations which may be necessary to other parts of the Plan.
Prebbleton Community Association Inc. (191.45)	No particular reason given.	That the title to Table 1 be amended as follows: "TABLE ONE - RESERVE CONTRUBUTION FEES FOR RESIDENTIAL UNITS IN THE LIVING, BUSINESS AND RURAL ZONES" The decision sought may require some alterations to the wording or cross-referencing of policies. It is expected that if Council adopts the submission then it will make any subsequent alterations which may be necessary to other parts of the Plan.
Kajens Trading and Development Limited (164.17)	The submitter oppose the imposition of a reserve contribution payable on the development of Business Zoned Land. The creation of additional businesses within the township does not increase the demand for reserve purposes.	Delete Rule 3(ii). That all other appropriate, necessary and consequential amendments including those to issues, strategies, objectives, policies, environmental results, rules and reasons to rules be amended to give full effect to this submission.

(d) Reserves - Amount of Reserve Contributions

Submission Point	Summary	Decision Requested
Aylesford Management Limited (173.19)	<p>The submitter seeks rezoning from Rural to Rural Living of two blocks of land near Prebbleton, referred to as the Mair and Shands blocks. The Mair block is located on the corner of Blakes and Shands Roads. The Shands block is located on the western side of Shands Road, between Blakes and Trents Roads. Refer submission point 173.20 Map 13. This submission is made in the context of this rezoning request.</p> <p>The submitter opposes this part of the Plan. The maximum contribution of 5% of the market value of the land in the additional lots authorised by any subdivision consent within the Rural Living (Mair) Zone is considered too high and should be somewhat reduced. This zone is proposed to provide a minimum allotment size of 0.5ha and based on market values at the time a 3.0% contribution would be reasonable.</p>	<p>Amend Section 5, Rule 3, i. All Living Zones by amending the first sentence under "Maximum Contribution" to read as follows: "3% of the market value of the land ..."</p> <p>All other appropriate, necessary and consequential amendments including those to issues, strategies, objectives, policies, environmental results, rules and reasons to rules be amended to give full effect to this submission.</p> <p>Note: The submitter has requested other decisions in relation to this issue - refer submission points 173.2 page 150, 173.2 page 150, 173.3-4 page 151, 173.5 page 155, 173.6-7 page 153, 173.8 page 165, 173.9-10 page 168, 173.11 page 184, 173.12-13 page 211, 173.14 page 342, 173.15 page 269, 173.16 271, 173.17 page 327, 173.18 page 328, 173.20 Map 13.</p>
	Further Submissions	Support/Oppose
	217 Canterbury Regional Council	Oppose
K.J. & J.J. Partnership (180.13)	The submitter supports the maximum quantum of contribution payable being 5% of the market value of the land involved. The quantum of the contribution is appropriate and sufficient to meet the reserve requirements necessitated by the creation of additional business development.	<p>The maximum contribution payable under Section 5.3 Financial Contribution Rules - Rule 3 (ii) be adopted.</p> <p>All other appropriate, necessary and consequential amendments including those to</p>

Submission Point	Summary	Decision Requested
		issues, strategies, objectives, policies, environmental results, rules and reasons to rules be amended to give full effect to this submission.
Britnell, E.C. (21.3)	The submitter considers the 5% contribution is inappropriate for both Living 1 and Living 2 zones.	Delete the 5% financial contribution in Rule 3 over all Living Zones and adopt the existing system 3.5% for Rural Residential (Living 2) and 7.5% for Residential (Living 1)
CDL Land New Zealand Limited (135.6)	The submitter supports the maximum quantum contribution payable being 5% of the market value of the land involved. The quantum of the contribution is appropriate and sufficient to meet the reserve requirements necessitated by the creation of additional business development.	That the maximum contribution payable under Rule 3(ii) be adopted in the Plan as it presently exists. And all other appropriate, necessary and consequential amendments including those to issues, strategies, objectives, policies, environmental results, rules and reasons to rules be amended to give full effect to this submission.
	Further Submissions	Support/Oppose
	837 White, C.E.	Oppose
Kajens Trading and Development Limited (164.16)	The submitter opposes the maximum contribution payable of 5%. In some parts of the District reserve areas are lacking and the Council requires a greater level of funding than would be provided through 5% levy to ensure sufficient additional reserves are established.	That Rule 3(i) page 340 be amended such that the value 5% is replaced with the value 7.5%. That all other appropriate, necessary and consequential amendments including those to issues, strategies, objectives, policies, environmental results, rules and reasons to rules be amended to give full effect to this submission.
Fraser, B. (112.1)	The submitter opposes the fees set. If a reserve contribution is paid by the developer in RR1 zone now they pay 3.5% of an understood valuation. The document states that the owner of the lot will be required to pay 4% of the market value of the allotment plus \$500.00 for District Contribution but they will be credited for original reserve contribution.	Delete the Financial Contribution Rules. Raise District rates elsewhere. Note: it is not clear whether the submitter opposes the financial contribution rules for all living zones, or just the lower density zones ie. 2500m2 and larger
Springston Recreation Reserve and Associated Sports Clubs (104.4)	The submitter is opposed to the granting of credits to developers/subdividers and seek that contributions should be paid as set out in the decision sought.	In relation to Financial Contributions Rules (Variation 1) Rule 2 Reserves and Recreation Areas and Facilities- Method to Determine Calculation - iv. Credits...(page 21), - all developers/subdividers should pay at least \$500 per case towards district facilities, and pay a contribution of at least 50% of the assessed amount towards local reserves and facilities, no matter what credits are available in their development. All lots should pay a local reserves/ facilities contribution.
	Further Submissions	Support/Oppose
	190 Borrie, N.C.	Support
Lincoln University and R. Wheeler (116.1)	The submitter opposes this proposed rule because it does not allow a reserve contribution credit to those existing vacant allotments created prior to 1 November 1989 that could be built on as of right without paying a reserve contribution. It is currently accepted practice that any existing lot carries a reserve contribution credit.	Add to Rule 2 the following: "A financial contribution under Rule X(2) is not required if a single residential unit is to be erected on an existing allotment which was created prior to 7 September 2001." Note: The Proposed Plan reference to Rule X(2) under Exemption (iii) page 20 is incorrectly referenced. It should read Rule (2) Land Use (ii), All other appropriate, necessary and consequential amendments including those to issues, strategies, objectives, policies, environmental results, rules and reasons to rules be amended to give full effect to this submission.
	Further Submissions	Support/Oppose
	190 Borrie, N.C.	Oppose
New Zealand	Equally important as collecting financial	Amend Policy 7 to include reference to the

Submission Point	Summary	Decision Requested
Historic Places Trust Pouhere Taonga (140.59)	contributions is the potential to have land containing cultural and heritage sites vested in reserve and/or covenanted, at the subdivision stage. This can be considered as part of the required financial contribution, resulting in important sites being protected and conserved.	possibility to have land vested in reserve and/or covenanted as part of the required financial contribution.
Christchurch City Council (295.32)	The submitter supports the collection of reserve contribution from residential development for reserve purposes and the protection of special landscape and ecological values. Flexibility to offset that contribution where land is given or works undertaken towards protection or enhancement of environmental or cultural values is also supported. Increased financial contributions will allow SDC greater potential capability to partner with the City on joint venture open space initiatives, walkways and protection of ecological and scenic areas of value to people of both authorities eg. the inner plains in the Prebbleton to Halswell area and the southern Port Hills.	Retain Policy 7ii. Note: the submitter has requested another decision in relation to this issue - refer to submission point 295.31, page 167.
	Further Submissions	Support/Oppose
	293 RD, JR & DJ Butt, JS Bisphan, DJ	Oppose
New Zealand Historic Places Trust Pouhere Taonga (559.57)	The submitter supports the waiving of financial contributions where land has been given or work undertaken towards the protection or enhancement of sites with significant cultural and heritage values.	Retain Policy 7ii.
	Further Submissions	Support/Oppose
	912 Friends of Otahuna Valley	Support
New Zealand Historic Places Trust Pouhere Taonga (559.80)	The submitter supports the references in this section of allowing financial contributions to be taken in money or land for the purpose of protecting or enhancing heritage and cultural sites.	Retain Rule (2) Purpose 6, Form and assessment criteria under 'Credits for payments Made at Subdivision', with regard to heritage and cultural sites (pages 306 to 307). Retain Form with regard to heritage and cultural sites. Retain the assessment criteria under Credits for Payments made at Subdivision with regard to heritage and cultural sites. Note: the submitter has requested another decision in relation to this matter - refer to submission point 559.54, page 159.
	Further Submissions	Support/Oppose
	1020 Te Runanga o Ngai Tahu	Support
	912 Friends of Otahuna Valley	Support

(f) Definition of Development

Submission Point	Summary	Decision Requested
North Canterbury Federated Farmers (40.14)	Oppose bullet points 1, 2 and 3, ie. Fencing, draining, earthworks and other similar developments should be exempt from financial contributions.	Delete bullet points 1, 2 and 3 from the definition of development

APPENDIX III

Summary of Submissions on the Notified PDP and Variation 1 Environmental Damages Provisions and Maximum Amount of Financial Contributions Payable

Summary of Submissions on Environmental Damages Provisions

Submission Point	Summary	Decision Requested
North Canterbury Fish & Game Council (382.19)	<p>Financial contributions should be available as a mitigation tool for any activity that uses physical or natural resources and should not be restricted to subdivisions.</p> <p>Activities in the District are predominantly agriculture-based. Agriculture has had ongoing environmental impacts that are likely to exacerbate with land intensification. Financial contributions are a valuable tool for remedying or mitigating environmental effects. Financial contributions embrace a polluter pays philosophy that recognises the impacts of activities and allows a compensatory measure to be included as conditions of consents. The allocation of financial contributions should be effects-based and not activities-based as suggested by the Proposed District Plan.</p>	<p>Extend Issue 1 (page 163) to include – "Protecting, maintaining and enhancing the health and of waterways and their margins."</p> <p>Environmental results – 2 – "All additional activities in the District Council contribute to the costs of developing reserves and recreational facilities and towards protecting, enhancing and maintaining areas with* landscape, cultural, heritage or ecological values."</p> <p>*Remove the term "special" as it is subjective and restricts the policy to existing values.</p> <p>Rule X - Extend to activities other than subdivision including agricultural and forestry activities for example,</p> <p>(a) plantation forestry (b) dairy conversions. Extension of the provision to include all activities with 20m of a waterway or wetland for which a consent is required, such as:</p> <ul style="list-style-type: none"> - earthworks - tree planting - roading & utilities - buildings - waste or hazardous substance related activities.
	Further Submission	Support/Oppose
	385 Federated Farmers of NZ	Oppose
	952 Mark Robert McAtamney	Oppose
	901 Craig Eggleston	Oppose
	958 L McKenzie	Oppose
	857 Dian Anderson	Oppose
	889 Amanda Jane Craw	Oppose
	867 L I Bradley	Oppose
	872 Samuel Bernard Bradley	Oppose
	864 The Big River Company Ltd	Oppose
	871 Penelope Ann Bradley	Oppose
	870 Meredith Verna Bradley	Oppose
	894 George Timothy Deans	Oppose
	1033 Windwhistle District Society Inc	Oppose
	974 Mount White Station Ltd	Oppose
	933 Gerard Wright Innes	Oppose
	931 Scott Hussey	Oppose
	951 Antonia Louise McAtamney	Oppose
	1023 Louise Urquhart	Oppose
	979 Oliver Newbegin	Oppose
	977 Bruce Nell	Oppose
	934 H G and P M Innes	Oppose
	1014 Rosalie Joy Snoyink	Support
	887 K J Coe	Oppose
	1039 Guy Martin	Oppose
	1026 Philip W Wareing	Oppose
	978 Lyn Nell	Oppose
	954 John McDermott	Oppose
	944 Garry & Honoria Lamers	Oppose
	1036 Neil Robertson	Oppose
	928 B L & D J Haylock	Oppose
	953 Jim Macartney	Oppose
	869 M G Bradley	Oppose
	909 Kelly Frame	Oppose
	950 Dwight William Love	Oppose
	908 Bridget Frame	Oppose

Submission Point	Summary	Decision Requested
	904 David Florance	Oppose
	868 Matthew Davis Bradley	Oppose
	923 J M Grigg	Oppose
	874 Jack Bernard Bradley-Diggle	Oppose
	866 David Orion Bradley	Oppose
	873 Tisha Jane Bradley	Oppose
	881 Castle Hill Partnership	Oppose
	885 Terry Anthony Clemens	Oppose
	930 Fiona J Hussey	Oppose
	932 Diana Margaret Innes	Oppose
	1012 Jacqueline Mary Sime	Oppose
	902 P J Fleming	Oppose
	903 A D Florance	Oppose
	1024 Ross Urquhart	Oppose
	968 Bruce Miles	Oppose
	623 Santa Enterprises	Oppose
	1013 Jules J Snoyink	Support
	1037 EPA Canterbury	Support
	1000 Margaret Robertson	Oppose
	1011 G E Sime	Oppose
	936 R F James	Oppose
	996 I H Reed	Oppose
	1022 Tripp Partnership	Oppose
	884 B E Clark	Oppose
	926 Rodger & Caroline Hardwick	Oppose
	920 Peter Graham	Oppose
	921 Christopher C A Gray	Oppose
Heinz Watties Australasia (419.27)	The submitter opposes Rule 3 for the reason that financial contributions should be restricted to meeting the costs of any upgrades for servicing or provision for reserves and land for open space. It is considered that this provision is arbitrary and unnecessary. Any significant adverse effects should be avoided or mitigated by conditions of consent or requirements for a bond.	Delete Rule 3. Or Any other decision to provide relief consistent with what is sought. And Any necessary consequential amendments to give effect to the above relief.
Te Runanga o Ngai Tahu & Te Taumutu Runanga (681.36)	The submitter opposes Policy 8. It is considered that the suggested wording will provide clarification and is consistent with the provisions of Part II of the Resource Management Act 1991.	Add the following additional wording to Policy 8: "To undertake financial contribution's necessary to fund the cost of mitigating the actual or potential effects on sites of cultural significance to tangata whenua (e.g. damage to waahi tapu, waahi taonga, silent file or mahinga kai areas)". That any other consequential amendments to the Plan required to explain, provide clarity or give effect to these changes be made. Note: the submitter has requested another decision in relation to this issue - refer to submission point 681.40, page 308.
	Further Submission	Support/Oppose
	559 New Zealand Historic Places Trust	Support
	925 J A H Guild	Oppose
	857 Dian Anderson	Oppose
	1011 G E Sime	Oppose
	933 Gerard Wright Innes	Oppose
	931 Scott Hussey	Oppose
	932 Diana Margaret Innes	Oppose
	1012 Jacqueline Mary Sime	Oppose
	937 Warrick Roger James	Oppose
	903 A D Florance	Oppose
	977 Bruce Nell	Oppose
	936 R F James	Oppose

Submission Point	Summary	Decision Requested
	1026 Philip W Wareing	Oppose
	954 John McDermott	Oppose
	944 Garry & Honoria Lamers	Oppose
	913 Margaret C George	Oppose
	953 Jim Macartney	Oppose
	901 Craig Eggleston	Oppose
	890 Lawrence Croft	Oppose
	904 David Florance	Oppose
	934 H G and P M Innes	Oppose
	930 Fiona J Hussey	Oppose
	885 Terry Anthony Clemens	Oppose
	1033 Windwhistle District Society Inc	Oppose
	980 L M Nicoll	Oppose
	902 P J Fleming	Oppose
	968 Bruce Miles	Oppose
	887 K J Coe	Oppose
	1039 Guy Martin	Oppose
	978 Lyn Nell	Oppose
	884 B E Clark	Oppose
	926 Rodger & Caroline Hardwick	Oppose
	920 Peter Graham	Oppose
	921 Christopher C A Gray	Oppose
Te Runanga o Ngai Tahu & Te Taumutu Runanga (681.40)	The submitter opposes Rule 3. It is considered that the suggested wording will provide clarification.	<p>Amend the third sentence of the explanation for Rule 3, as an example of possible circumstances resulting in financial contribution as follows:</p> <p>"For example, damage to waahi tapu, waahi taonga, silent file or mahinga kai areas, work to reduce potential flooding or slips..."</p> <p>That any other consequential amendments to the Plan required to explain, provide clarity or give effect to these changes be made.</p> <p>Note: the submitter has requested another decision in relation to this issue - refer to submission point 681.36, page 169.</p>
	Further Submissions	Support/Oppose
	884 B E Clark	Oppose

Summary of Submissions on Maximum Amount Payable

Submission Point	Summary	Decision Requested
Lincoln University (27.11)	The submitter opposes Rule 4 as it does not define with certainty the method for determining the form of contribution or method of calculating any cash contribution or equivalent value.	<p>Develop methods for defining the form of the contribution and the method of calculating the amount of any cash contribution. This may include exemptions from open space and recreation contributions and credits for some other contributions.</p> <p>Note: the submission notes that the relief sought is unable to be achieved by way of Council decision on submission and it is therefore requested that the Council proceed with a variation to the Plan. Variation 1 - Financial Contributions was notified on 7 September 2001.</p>
Ministry of Education (87.19)	The Ministry opposes Rule 1, 2, 4 and 5 insofar as they do not define with certainty the method for determining the form that any contribution will take and the method of calculation the amount of any cash contribution or equivalent value. The term	Develop methods for defining with certainty the method for determining the form of the contribution and the method of calculating the amount of any cash contribution. This may include exemptions from open space and

Submission Point	Summary	Decision Requested
	"maximum contribution" is not defined in the Plan. There are strong grounds for the rules to provide exemptions from recreation and open space contributions for Developments on school sites given the extensive amount of formal and informal open spaces that are provided on school sites.	recreation contributions. Note: the submitter notes that this relief is unlikely to be achieved by way of Council decision on submissions and it is therefore requested that the Council proceed with a variation to the Plan. Variation 1 Financial Contributions was publicly notified on 7 September 2001. The submitter has requested other decisions in relation to this issue - refer to submission points 87.15 page 337 and 87.17 page 338 and 87.21 page 341.
N.Z. Police (93.10)	The submitter opposes Rule 4 as it does not define with certainty any method for determining the form or maximum amount of any cash contribution or equivalent value. In addition, there are strong grounds for the rules to provide exemptions from recreation and open space contributions for Developments on Police station sites given insignificant demand they place on reserves and the fact that such facilities are often used as community meeting places.	Develop methods for defining with certainty the method for determining the form of the contribution and the method of calculating the amount of any cash contribution. This may include exemptions from open space and recreation contributions. This relief is unlikely to be achieved by way of a Council decision on submissions and it is therefore requested that the Council proceed with a variation to the Plan. There may, however, be other methods of achieving the desired relief.
Lincoln University (27.12)	The submitter opposes Rule 5 as it does not define with certainty the method for determining the form of contribution or method of calculating any cash contribution or equivalent value.	Develop methods for defining the form of the contribution and the method of calculating the amount of any cash contribution. This may include exemptions from open space and recreation contributions and credits for some other contributions. Note: the submission notes that the relief sought is unable to be achieved by way of Council decision on submission and it is therefore requested that the Council proceed with a variation to the Plan. Variation 1.- Financial Contributions was notified on 7 September 2001.
Ministry of Education (87.21)	The Ministry opposes Rule 1, 2, 4 and 5 insofar as they do not define with certainty the method for determining the form that any contribution will take and the method of calculation the amount of any cash contribution or equivalent value. The term "maximum contribution" is not defined in the Plan. There are strong grounds for the rules to provide exemptions from recreation and open space contributions for Developments on school sites given the extensive amount of formal and informal open spaces that are provided on school sites.	Develop methods for defining with certainty the method for determining the form of the contribution and the method of calculating the amount of any cash contribution. This may include exemptions from open space and recreation contributions. Note: the submitter notes that this relief is unlikely to be achieved by way of Council decision on submissions and it is therefore requested that the Council proceed with a variation to the Plan. Variation 1 Financial Contributions was publicly notified on 7 September 2001. The submitter has requested other decisions in relation to this issue - refer to submission points 87.15 page 337 and 87.17 page 338 and 87.19 page 340.
AgResearch Limited (25.10)	The submitter opposes Rule 1 as it does not define with certainty any method for determining the form or maximum amount of any cash contribution or equivalent value.	Develop methods for defining the form of the contribution and the method of calculating the amount of any cash contribution

Submission Point	Summary	Decision Requested
Lincoln University (27.8)	The submitter opposes Rule 1 as it does not define with certainty the method for determining the form of contribution or method of calculating any cash contribution or equivalent value.	Develop methods for defining the form of the contribution and the method of calculating the amount of any cash contribution. This may include exemptions from open space and recreation contributions and credits for some other contributions. Note: the submission notes that the relief sought by way of Council decision is unable to be achieved by way of Council decision on submissions and it is therefore requested that the Council proceed with a variation to the Plan. Variation 1 Financial Contributions was notified on 7 September 2001.
New Zealand Institute for Crop and Food Research Limited (62.12)	The submitter opposes Rule 1 as it does not define with certainty any method for determining the form or maximum amount of any cash contribution or equivalent value.	Develop methods for defining the form of the contribution and the method of calculating the amount of any cash contribution. Note: the submitter notes that the relief is unlikely to be achieved by way of Council decision, and therefore a variation is requested. Variation 1 Financial Contributions was notified on 7 September 2001.
Landcare Research New Zealand Limited (64.11)	The submitter opposes Rule 1 as it does not define with certainty any method for determining the form or maximum amount of any cash contribution or equivalent value.	Develop methods for defining the form of the contribution and the method of calculating the amount of any cash contribution. Note : the submitter notes that the relief is unlikely to be achieved by way of Council decision, and therefore requests a variation. Variation 1 Financial Contributions was notified on 7 September 2001.
Ministry of Education (87.15)	The Ministry opposes Rule 1, 2, 4 and 5 insofar as they do not define with certainty the method for determining the form that any contribution will take and the method of calculating the amount of any cash contribution or equivalent value. The term "maximum contribution" is not defined in the Plan. There are strong grounds for the rules to provide exemptions from recreation and open space contributions for Developments on school sites given the extensive amount of formal and informal open spaces that are provided on school sites.	Develop methods for defining with certainty the method for determining the form of the contribution and the method of calculating the amount of any cash contribution. This may include exemptions from open space and recreation contributions. Note: the submitter notes that this relief is unlikely to be achieved by way of Council decision on submissions and it is therefore requested that the Council proceed with a variation to the Plan. Variation 1 Financial Contributions was publicly notified on 7 September 2001. The submitter has requested other decisions in relation to this issue - refer to submission points 87.17 page 338 and 87.19 page 340 and 87.21 page 341.
N.Z. Police (93.8)	The submitter opposes Rule 1 as it does not define with certainty any method for determining the form or maximum amount of any cash contribution or equivalent value. In addition, there are strong grounds for the rules to provide exemptions from recreation and open space contributions for Developments on Police station sites given insignificant demand they place on reserves and the fact that such facilities are often used as community meeting places.	Develop methods for defining with certainty the method for determining the form of the contribution and the method of calculating the amount of any cash contribution. This may include exemptions from open space and recreation contributions. This relief is unlikely to be achieved by way of a Council decision on submissions and it is therefore requested that the Council proceed with a variation to the

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		Plan. There may, however, be other methods of achieving the desired relief.
AgResearch Limited (25.4)	The submitter opposes Rule 2 as it does not define with certainty any method for determining the form or maximum amount of any cash contribution or equivalent value.	Develop methods for defining the form of the contribution and the method of calculating the amount of any cash contribution
Lincoln University (27.10)	The submitter opposes Rule 2 as it does not define with certainty the method for determining the form of contribution or method of calculating any cash contribution or equivalent value.	Develop methods for defining the form of the contribution and the method of calculating the amount of any cash contribution. This may include exemptions from open space and recreation contributions and credits for some other contributions. Note: the submission notes that the relief sought is unable to be achieved by way of Council decision on submission and it is therefore requested that the Council proceed with a variation to the Plan. Variation 1 - Financial Contributions was notified on 7 September 2001.
New Zealand Institute for Crop and Food Research Limited (62.5)	The submitter opposes Rule 2 as it does not define with certainty any method for determining the form or maximum amount of any cash contribution or equivalent value.	Develop methods for defining the form of the contribution and the method of calculating the amount of any cash contribution. Note: the submitter notes that the relief is unlikely to be achieved by way of Council decision and therefore a variation is requested. Variation 1 Financial Contributions was notified on 7 September 2001.
Landcare Research New Zealand Limited (64.5)	The submitter opposes Rule 2 as it does not define with certainty any method for determining the form or maximum amount of any cash contribution or equivalent value.	Develop methods for defining the form of the contribution and the method of calculating the amount of any cash contribution. Note: The submitter notes that the relief is unlikely to be achieved by way of Council decision and therefore requests a variation. Variation 1 Financial Contributions was notified on 7 September 2001.
Ministry of Education (87.17)	The Ministry opposes Rule 1, 2, 4 and 5 insofar as they do not define with certainty the method for determining the form that any contribution will take and the method of calculation the amount of any cash contribution or equivalent value. The term "maximum contribution" is not defined in the Plan. There are strong grounds for the rules to provide exemptions from recreation and open space contributions for Developments on school sites given the extensive amount of formal and informal open spaces that are provided on school sites.	Develop methods for defining with certainty the method for determining the form of the contribution and the method of calculating the amount of any cash contribution. This may include exemptions from open space and recreation contributions. Note: the submitter notes that this relief is unlikely to be achieved by way of Council decision on submissions and it is therefore requested that the Council proceed with a variation to the Plan. Variation 1 Financial Contributions was publicly notified on 7 September 2001. The submitter has requested other decisions in relation to this issue - refer to submission points 87.15 page 337 and 87.19 page 340 and 87.21 page 341.
N.Z. Police (93.9)	The submitter opposes Rule 2 as it does not define with certainty any method for determining the form or maximum amount of any cash contribution or equivalent value. In	Develop methods for defining with certainty the method for determining the form of the contribution and the method of calculating the amount of any cash

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	<p>addition, there are strong grounds for the rules to provide exemptions from recreation and open space contributions for Developments on Police station sites given insignificant demand they place on reserves and the fact that such facilities are often used as community meeting places.</p>	<p>contribution. This may include exemptions from open space and recreation contributions.</p> <p>This relief is unlikely to be achieved by way of a Council decision on submissions and it is therefore requested that the Council proceed with a variation to the Plan.</p> <p>There may, however, be other methods of achieving the desired relief.</p>
<p>N.Z. Police (93.11)</p>	<p>The submitter opposes Rule 5 as it does not define with certainty any method for determining the form or maximum amount of any cash contribution or equivalent value. In addition, there are strong grounds for the rules to provide exemptions from recreation and open space contributions for Developments on Police station sites given insignificant demand they place on reserves and the fact that such facilities are often used as community meeting places.</p>	<p>Develop methods for defining with certainty the method for determining the form of the contribution and the method of calculating the amount of any cash contribution. This may include exemptions from open space and recreation contributions.</p> <p>This relief is unlikely to be achieved by way of a Council decision on submissions and it is therefore requested that the Council proceed with a variation to the Plan.</p> <p>There may, however, be other methods of achieving the desired relief.</p>