

The Resource Management Act 1991

Selwyn District Council

**Proposed District Plan
(Rural and Townships Volumes)**

Variation 30 – Financial Contributions

A variation to amend the provisions within the Proposed District Plan relating to Financial Contributions.

Date of Notification: 12th January 2008

Introduction

The Council has historically required those whose developments place new demands on the District's reserves and infrastructure services to make a fair contribution toward the necessary expansion of those services. The notified Proposed District Plan (PDP) provides a range of provisions and references within both the Rural and Townships Volumes which deal with financial contributions.

Financial contributions help promote the sustainable management of natural and physical resources in terms of Section 5 of the Resource Management Act 1991 ("the Act"). The term financial contributions is defined in Section 108(10) of the Act, as including land or money which is required to be paid as a condition on a resource consent; or in a rule for a *permitted activity* (no resource consent is needed). Financial contributions can be taken to recover the costs of:

- Providing utilities and community facilities.
- Maintaining or enhancing reserves or other areas with special values.
- Mitigating effects of activities on the environment.

If these costs are not funded through financial contributions, they are funded through general rates. Therefore, the purposes for which financial contributions are taken and the proportion of costs which are funded through financial contributions is an important part of the Council's financial planning.

The recently enacted Local Government Act (LGA) 2002 provides for the Council to establish new policy covering development contributions and the Council has taken up this opportunity under the Long Term Council Community Plan (LTCCP). Development contributions are a fiscal tool to identify and allocate, fairly and equitably, the cost of growth. A development contribution shifts the burden for providing land or funds for certain infrastructure from the territorial authority and its ratepayers, to the person who causes the need for that infrastructure. It is an issue of fairness and equity, to ensure that growth does not create a burden on existing ratepayers who have not themselves created the need for that infrastructure.

The Council's 2006-2016 LTCCP has been developed and has incorporated provisions relating to the taking of development contributions (the Development Contribution Policy). This Policy has been through the necessary public process and has been approved. The development Contribution Policy contains provisions to take contributions for:

- Network Infrastructure (water, sewerage, stormwater, roading)
- Community Infrastructure (eg libraries)
- Reserves

The Development Contribution Policy does not cover esplanade strips/esplanade reserves as these are covered by financial contributions under the RMA and do not fall within the scope of the LGA. The LGA also does not cover the issue of avoiding, remedying or mitigating the environmental damage that an activity may cause. As such, policy relating to this issue is still retained within the PDP.

With the Development Contribution Policy in place under the LGA, there is no longer a need for reciprocal provisions within the District Plan. It is important that these provisions be removed from the District Plan so as to avoid confusion in the use of the two documents and to avoid the appearance of double counting in the taking of contributions. The purpose of this Variation is to remove the unnecessary references and provisions from the District Plan and make associated amendments.

What is a Variation?

A Variation is an amendment to a proposed plan, which is made by the Council under Clause 16A of the First Schedule to the Resource Management Act 1991 ("the Act"). The changes to the proposed plan, which are promoted in the Variation, occur from the date the Variation is publicly notified.

Section 32 of the RMA

The Council's Section 32 Evaluation and the Summary of this evaluation in respect of these matters accompany this Variation document, as **Attachment 1**. A challenge to any objective, policy, rule or other method contained in the Variation on the ground that that Section 32 has not been complied with can only be made through a submission on the variation.

Amendments to the Proposed District Plan

In summary the amendments include:

- Amendments to the objectives and policies of the District Plan to clarify the Council's decision to require development contributions for reserves, network infrastructure and community infrastructure under the Local Government Act (LGA) 2002;
- Deletion of all rules and references to rules in the District Plan which require financial contributions for reserves, network infrastructure and community infrastructure;
- Amendment to the provisions of the District Plan which refer to the LGA to reflect the 2002 amendments to that Act;
- Retention of provisions relating to the taking of esplanade strips / esplanade reserves;
- Retention of amended provisions relating to environmental damage;
- Introduction of new policies covering Environmental Compensation and the form of land contributions.

As references to financial contributions are made throughout both volumes of the District Plan, there are many text amendments proposed. These are detailed within **Attachment 2** while the relevant objectives, policies and methods for financial contributions are detailed in **Attachment 3**. A copy of the Development Contribution Policy under the LTCCP is attached as **Attachment 4**.

Making a Submission

Any person may make a submission on the Variation. The submission must be in the format of Form 5 of the Resource Management Act Regulations (Forms) 1991 – copies are available from the Council Services Centres at Leeston, Darfield, Rolleston and Lincoln or on the Council's website at www.selwyn.govt.nz.

A submission needs to include:

- Your name and contact details;
- The provisions which are being submitted on;
- Whether the person supports or opposes the Variation;
- The reasons for the submission;
- The decision the person wants the Council to make; and
- Whether the submitter wishes to be heard in support of their submission.

The submission form needs to be signed and lodged with the Council by **5.00pm on Friday the 22nd of February 2008**.

Process From Here

After submissions are closed, they will be summarised and advertised for further submissions.

The Council will then hold hearings for all submitters who requested to be heard in support of their submissions. The Council will make a decision on each submission. Each submitter will receive a copy of the Council's written decision on their submission and has 30 working days from that date to appeal any decision to the Environment Court.

Attachment 1

Section 32 Evaluation

1. Introduction

The Council has historically required those whose developments place new demands on the District's reserves and infrastructure services to make a fair contribution toward the necessary expansion of those services. The notified Proposed District Plan (PDP) provides a range of provisions and references within both the Rural and Townships Volumes which deal with financial contributions.

Financial contributions help promote the sustainable management of natural and physical resources in terms of Section 5 of the Resource Management Act 1991 ("the Act"). The term financial contributions is defined in Section 108(10) of the Act, as including land or money which is required to be paid as a condition on a resource consent; or in a rule for a *permitted activity* (no resource consent is needed). Financial contributions can be taken to recover the costs of:

- i) Providing utilities and community facilities.
- ii) Maintaining or enhancing reserves or other areas with special values.
- iii) Mitigating effects of activities on the environment.

If these costs are not funded through financial contributions, they are funded through general rates. Therefore, the purposes for which financial contributions are taken and the proportion of costs which are funded through financial contributions, is an important part of the Council's financial planning.

The recently enacted Local Government Act (LGA) 2002 provides for the Council to establish new policy covering development contributions and the Council has taken up this opportunity under the Long Term Council Community Plan (LTCCP). Development contributions are a fiscal tool to identify and allocate, fairly and equitably, the cost of growth. A development contribution shifts the burden for providing land or funds for certain infrastructure from the territorial authority and its ratepayers, to the person who causes the need for that infrastructure. It is an issue of fairness and equity, to ensure that growth does not create a burden on existing ratepayers who have not themselves created the need for that infrastructure.

The Council's 2006-2016 LTCCP has been developed and has incorporated provisions relating to the taking of development contributions (the Development Contribution Policy). This Policy has been through the necessary public process and has been approved. The development Contribution Policy contains provisions to take contributions for:

- Network Infrastructure (water, sewerage, stormwater, roading)
- Community Infrastructure (eg libraries)
- Reserves

The Development Contribution Policy does not deal with esplanade strips/esplanade reserves as these are covered by financial contributions under the RMA and do not fall within the scope of the LGA. The LGA also does not deal with the issue of avoiding, remedying or mitigating the environmental damage that an activity may cause. As such, existing policy relating to this issue is still retained within the PDP.

With the Development Contribution Policy in place under the LGA, there is no longer a need for reciprocal provisions within the District Plan. It is important that these provisions be removed from the District Plan so as to avoid confusion in the use of the two documents and to avoid the appearance of double counting in the taking of contributions. The purpose of this variation is to remove the unnecessary references and provisions from the District Plan and make associated amendments.

In summary the amendments include:

- Amendments to the objectives and policies of the District Plan to clarify the Council's decision to require development contributions for reserves, network infrastructure and community infrastructure under the Local Government Act (LGA) 2002.
- Deletion of all rules and references to rules in the District Plan which require financial contributions for reserves, network infrastructure and community infrastructure.
- Amendment to the provisions of the District Plan which refer to the LGA to reflect the 2002 amendments to that Act.
- Retention of provisions relating to the taking of esplanade strips / esplanade reserves.
- Retention of provisions relating to taking financial contributions to remedy environmental damage
- Introduction of new policies covering Environmental Compensation and the form of land contributions.

As references to financial contributions are made throughout both volumes of the District Plan, there are many text amendments proposed. These are detailed within **Attachment 2** while the relevant objectives, policies and methods for financial contributions are detailed in **Attachment 3**. A copy of the Development Contribution Policy under the LTCCP is attached as **Attachment 4**.

2. Statutory Requirements of Section 32 of the Act

Under Section 32 of the Act, before the Council publicly notifies the changes promoted in this Variation, it must carry out an evaluation to examine:

- the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
- whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.

The evaluation is required to take into account:

- The benefits and costs of policies, rules, or other methods; and
- The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

3. Objectives of the Proposed District Plan

This Variation does not intend to fundamentally alter the overall objectives of the PDP. It is proposed to make either text deletions or text changes to update the references in respect of financial contributions within the objectives.

This evaluation will therefore examine the extent to which the Variation achieves the objectives of the PDP.

4. Analysis of Benefits and Costs¹

The relevant assessment in this instance is whether the existing provisions within the PDP are the most appropriate method to deal with financial contributions, or whether the proposed deletion of, and changes to, these provisions is more appropriate, and what are the costs and benefits of this.

4.1 Deletion of, and Changes to, References to Financial Contributions

4.1.1 *The Issue*

The notified PDP provides a range of provisions and references within both the Rural and Townships Volumes which deal with financial contributions. These references range from discussion within the issues sections, to objectives and policies, to rules, and references within appendices.

Recently the Council's LTCCP has been developed and this has incorporated provisions relating to the taking of development contributions for network infrastructure (water, sewage, stormwater, roading), community infrastructure (e.g. libraries) and reserves.

Therefore, the Council has already made its decision to move from requiring financial contributions under the District Plan and the RMA, to requiring development contributions under the Local Government Act, wherever possible. This is a legitimate and reasonable decision for the Council to have made under its LGA powers. This decision has not been opposed or legally challenged, using the procedures available under the LGA. The decision is now confirmed by the Council through the LTCCP process and reversing the Council's decision in this regard is not a valid alternative to be evaluated under Section 32 of the RMA.

With these new provisions in place in the LTCCP, there is no longer a need for reciprocal provisions within the District Plan. It is important that the now redundant provisions within the District Plan be removed so as to avoid confusion in the use of the two documents and to avoid the appearance of double counting in the taking of financial contributions.

There are however some provisions which will be retained within the PDP and these are discussed further below.

4.1.2 *Options*

The options for dealing with this issue include:

- Leave the provisions and references relating to financial contributions within the district plan as they are currently (status quo); or

¹ The Act defines "benefits and costs" as including benefits and costs of any kind, whether monetary or non-monetary.

- Delete and change as appropriate the redundant provisions and references to financial contributions from the District Plan.

4.1.3 Recommended option

The recommended option for dealing with this issue is to delete and change as appropriate the redundant provisions and references to financial contributions from the District Plan. This would also include changing reference within the District Plan to the LTCCP to ensure users are aware of the development contribution policy. The details of how this would alter text within the District Plan are contained within **Attachment 2**.

4.1.4 Costs and Benefits

The following table assesses the costs and benefits of the recommended option:

Benefits	Costs
<ul style="list-style-type: none"> • Deletion of redundant and confusing references to financial contributions within the District Plan. • Clarity and certainty of provisions. • Easier use of the PDP for the public. • Provision of cross-references to refer users of the District Plan to the LTCCP. • Consistency of provisions relating to reserves, network and community infrastructure through location in one document. • Contributions for the provision of infrastructure obtainable via a less litigious process, both during policy development and on application for development. • More certain compliance costs, outcomes and shorter timeframes. • Annual updates and scrutiny available through the Annual Plan process and three yearly through the LTCCP process. 	<ul style="list-style-type: none"> • No costs have been identified.

The benefits of the recommended option are considered to outweigh the costs and therefore it is considered to be an appropriate means of achieving the objectives of the Plan.

4.2 Environmental Compensation

4.2.1 The Issue

There is a strong link between subdivision of land and the subsequent impacts of land use development. Development proposals can sometimes be sited on land which has significant open space or natural values. Examples of land with significant open space or natural values include areas of the Port Hills, Malvern Hills or the High Country. In some cases development may provide an opportunity to enhance the environment through the protection of significant features or through the provision of additional areas of open space.

The acquisition or protection of land with high landscape or natural values may often be impractical due to high land purchase costs. Environmental compensation is a tool that enables development proposals on land with high natural or open space values and which might be contrary to the objectives and policies of the PDP, to proceed, provided the significant open space or natural values are protected or there is a significant public benefit. It is important to bear in mind that environmental compensation does not form part of a proposals development contribution under the LGA.

The correct manner to consider the issue of environmental compensation is upon concluding an assessment of a proposed development or subdivision against the objectives and policies of the PDP as part of an overall weighting exercise. The consideration of a proposal against the individual objectives and policies of the PDP must take place as if the environmental compensation were not being offered and a conclusion, on this basis, being reached. That is to say, consideration must be had to the proposal without amendment or environmental compensation. The next step is to reach one final overall conclusion having weighed the negative aspects or costs of the proposal against the benefits that can be derived from the offer of environmental compensation to determine whether the proposal is now acceptable.

Land contributions as environmental compensation need to be included in the District Plan, as they are not for a purpose provided for under the LGA. This requires provision to be included in the District Plan that needs to be sufficiently flexible to provide for the full range of possibilities that could occur in the future, as the exact nature of any potential environmental compensation proposals can not be known at this time. This could be provided for through the inclusion of a Policy stating that the Council would consider the matter of environmental compensation as part of considering any proposal for a change of zoning or major resource consent. No specific financial contribution rules would be written into the District Plan.

There is currently a rule in the PDP addressing Environmental Damage which is linked to this issue, but does not appropriately cover the concept of environmental compensation. There is still a need for Council to have the ability to take a financial contribution to mitigate potential or actual adverse effects on areas beyond the boundary of a site where an activity causing the effects is occurring. It is proposed to remove the Environmental Damage policy and rule from the current Financial Contributions section of the PDP and insert amended Environmental Damages policies into Part 2, Section 3 – Peoples Health, Safety and Values. The current Environmental Damage rule is as follows:

RULE (3) - DAMAGE TO THE ENVIRONMENT

A financial contribution may be taken in circumstances where an activity may have significant potential effects on the environment. The contribution is used to help fund the costs of addressing effects which may occur on land outside the boundaries of the site. For example, work to reduce potential flooding or slips on other people's property, or works to contain or clean up pollution. Often, the Council requires a bond for these effects, but a monetary contribution may be more appropriate in some cases.

Purpose	Form	Method to Determine Contribution
To mitigate potential effects of activities on land outside the <u>boundaries</u> of the <u>site</u> , including (but not limited to) natural hazards and contamination of land or water.	Money	Up to 100% of the costs of any work required to mitigate the potential effects of the activity.

4.2.2 Options

The options for dealing with this issue include:

- Retain the Environmental Damage rule (status quo);
- Continue with no provision for contributions for the purpose of environmental compensation (status quo);
- Provide a new Environmental Compensation policy while retaining the current Environmental Damage provisions;
- Provide a new Environmental Compensation policy while retaining amended Environmental Damage policies;
- Provide a new Environmental Compensation policy while removing the Environmental Damage provisions.

4.2.3 Recommended option

The recommended option for dealing with this issue is to provide a new Environmental Compensation policy while retaining amended Environmental Damage policies.

The new Environmental Compensation policy would read:

"In limited circumstances and at the Council's discretion, to apply the concept of "environmental compensation" where:

- (a) land of high landscape or natural value is protected or made available for public use; or
- (b) significant public benefit will be gained from hazard mitigation measures which would substantially enhance amenity values"

This new policy would be supported by associated explanation and reasons.

The amended Environmental Damages policies would read:

“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”.

and

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.

and

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

These new policies would be supported by associated explanations and reasons.

4.2.4 Costs and Benefits

The following table assesses the costs and benefits of the recommended option:

Benefits	Costs
<ul style="list-style-type: none">• Provision for contributions as environmental compensation to be considered by the Council, where appropriate.• Protection of land with high open space, landscape and/or natural values• Ability to take financial contributions for activities which cause effects beyond the boundaries of the site where the activity is taking place is retained• Easier use of the plan for the public.	<ul style="list-style-type: none">• No costs have been identified.

The benefits of the recommended option are considered to outweigh the costs and therefore it is considered to be an appropriate means of achieving the objectives of the Plan.

4.3 Form of Land Contribution Policy

4.3.1 The Issue

While the area or value of land to be provided as a development contribution for reserves is determined under the LTCCP Development Contribution Policy process, at the time of subdivision consent it is necessary to consider the form of the land to be provided. This would involve consideration of the location, size, layout, topography, etc, of that land. This is because these characteristics need to be amenable to the proposed use for which the land will be taken. For example, it may be preferable for reserve land to be flat to allow sporting activities if that is the future intention for the land.

It is necessary to retain a policy and assessment criteria in the District Plan regarding the location, shape, layout, etc, of land that might be taken as a development contribution for reserves as this will still form part of the Subdivision Consent assessment.

The decision on whether to take land or cash, and how much, is a decision under the Development Contribution Policy, but the finer details of the location, shape, etc, of the land to be provided will still need to be addressed under the District Plan at the resource consent stage for subdivision.

4.3.2 Options

The options for dealing with this issue include:

- Leave the provisions and references relating to land contributions within the district plan as they are currently (status quo);
- Provide a new policy and assessment criteria relating to land contributions.

4.3.3 Recommended option

The recommended option for dealing with this issue is to provide a new policy and assessment criteria relating to land contributions in the District Plan.

The new Land Contribution policy would read:

“Provide for the consideration of the form of land to be taken, as a development contribution for reserves under the LTCCP Development Contribution Policy, when land is subdivided.”

The new land contribution assessment criteria would read:

In the Township Volume;

The provision, location, coordination, layout and formation of any land required for reserves, the provision of which is to comply with the “Criteria for Taking Land Instead of Cash” clause of the “Reserves - Specific Issues regarding Development Contributions Assessment” in the Development Contribution Policy of the 2006 - 2016 LTCCP.

and in the Rural Volume;

The extent to which the “Criteria for Taking Land Instead of Cash” clause of the “Reserves - Specific Issues regarding Development Contributions Assessment” in the Development Contribution Policy of the 2006 -2016 LTCCP will meet the needs of present and future generations.

4.3.4 Costs and Benefits

The following table assesses the costs and benefits of the recommended option:

Benefits	Costs
<ul style="list-style-type: none">• Easier use of the plan for the public.• Provision for determining the form of land contributions to be taken and assessment criteria for consents.	<ul style="list-style-type: none">• No costs have been identified.

The benefits of the recommended option are considered to outweigh the costs and therefore it is considered to be an appropriate means of achieving the objectives of the Plan.

4.4 Esplanade Strips / Esplanade Reserves

4.4.1 The Issue

Esplanade strips/esplanade reserves can be created at the time of subdivision in specified limited circumstances. Esplanade provision on subdivision is a statutory requirement under the RMA with no provision under the LGA. Therefore these provisions, as currently contained within the District Plan, have not transferred to the Development Contribution Policy and are not proposed to be changed under this variation. Some text changes have occurred to ensure consistency.

4.4.2 Options

The options for dealing with this issue include:

- Leave the provisions and references to esplanade strips and esplanade reserves within the district plan as they are currently (status quo);
- Remove the provisions and references to esplanade strips and esplanade reserves from the District Plan.

4.4.3 Recommended option

The recommended option for dealing with this issue is to retain the existing provisions for esplanade strips and esplanade reserves within the District Plan unchanged.

4.4.4 Costs and Benefits

The following table assesses the costs and benefits of the recommended option:

Benefits	Costs
<ul style="list-style-type: none">• Continuation of the existing situation for the taking of esplanade strips / esplanade reserves.	<ul style="list-style-type: none">• No costs have been identified.

The benefits of the recommended option are considered to outweigh the costs and therefore it is considered to be an appropriate means of achieving the objectives of the Plan.

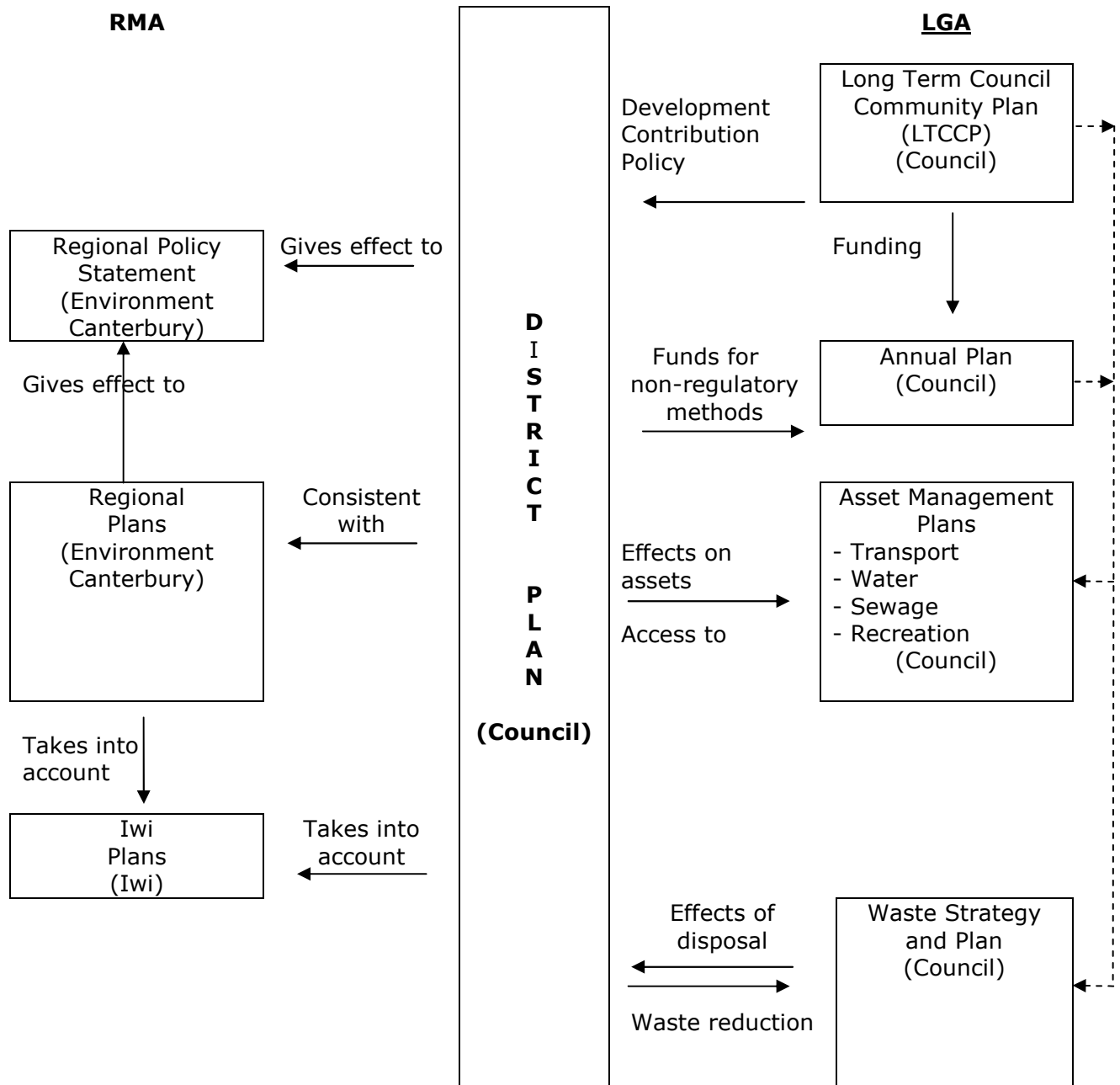
Attachment 2

Text Amendments to District Plan

(Amendments are shown with additions underlined> and deletions ~~struck out~~)

Volume One: Townships

1. Amend Part 1, Section 1.4, by deleting Figure 1 – Relationship Between Plans (page 4), and replacing it with the following:



2. Amend Part 1, Section 1.4, Explanation (page 5) as follows:

The Council is required to produce Plans to help it carry out its functions under both the Act and the Local Government Act ~~1974~~ 2002 (LGA). Figure 1 shows the relationships between the various strategies, policies and plans the Council produces and those produced by Environment Canterbury (the Regional Council) and Iwi.

3. Amend Part 1, Section 1.4, Explanation, by deleting the section entitled "Local Government Act 1974 ("the LGA") and replacing it with the following (page 5):

Local Government Act 2002 ("the LGA")

In New Zealand the powers of local government are set by Parliament and are contained in the LGA, and other specific statutes, such as the Resource Management Act 1991. The LGA reflects a departure from the way in which powers and functions have traditionally been codified in legislation. Instead of prescribing all the functions that local government should undertake, the LGA has instead provided local government with a general form of empowerment. The LGA encourages local authorities to focus on promoting the social, economic, environmental and cultural well-being of their communities, consistent with the principles of sustainable development.

Under the LGA, district councils are required to prepare a Long Term Council Community Plan (LTCCP) and an Annual Plan. The LTCCP covers a period of ten years and outlines the Council's medium to long term priorities. It describes how the Council intends to contribute to the community well-being over the life of the plan. The Annual Plan sets out the budget for each year and includes:

- a funding impact statement;
- forecast financial statements;
- statements setting out service levels and performance measures; and
- details of any changes from the information in the LTCCP.

The LTCCP and Annual Plan allocate funds for all Council's activities, including funds for non-regulatory methods, environmental monitoring in the District Plan and Asset Management Plans

The District Plan sets the policies and rules under which everyone (including the Council) must carry out their activities to protect the environment.

4. Amend Part 2, 1. Natural Resources, Section 1.2 Water, II Strategy, bullet point 7 (page 37) to read:

- Voluntary programmes to enhance vegetation planted along water bodies and the opportunity to use esplanade reserves, strips and plantings as 'credits' for some reserve contributions to improve amenity and natural character.

5. Amend Part 2, 1. Natural Resources, Section 1.2 Water, iii Policies and Methods, Policy 9, Method bullet point 1 (page 45) to read:

- District Plan Rules - ~~Financial Contributions~~ Esplanade strips (all zones)
6. Amend Part 2, 1. Natural Resources, Section 1.3 Ecosystems, ii Policies and Methods, Policy 3, Explanation and Reasons (page 50) to read:

Policy 3 may be implemented by taking an esplanade strip or reserve in accordance with the ~~Financial Contribution~~ Subdivision rules, or by using rules to create building or activity setbacks.

7. Delete Policy 4 on page 50, (Part 2, 1. Natural Resources, Section 1.3 Ecosystems, ii Policies and Methods) as follows. Renumber the subsequent Policies as necessary.

~~**4. Recognise the protection or enhancement of sites with "significant ecological values" or the margins of rivers or streams as a credit towards relevant reserve/open space contributions.**~~

Explanation and Reasons

~~The protection or enhancement of a "significant ecological site" or the margins of a river or stream makes a positive contribution to the open space and amenity values of townships in the District. Policy 4 enables the Council to recognise this contribution when levying financial contributions for new residential or business development.~~

Methods

- | | |
|--|--|
| <ul style="list-style-type: none"> • District Plan Rules • Economic Initiative | <p>Financial Contributions Subdivision</p> <p>Recognise approved/agreed work that enhances the ecological values or natural character of an area as a 'credit' towards any relevant reserve contribution (see Part 2, Section 4.4)</p> |
|--|--|
8. Delete the second bullet point in the Methods section for Policy 5 on page 51, (Part 2, 1. Natural Resources, Section 1.3 Ecosystems, ii Policies and Methods) as follows:

5. Ensure the maintenance and enhancement of public access to and along the margins of lakes or rivers except where it adversely affect their natural character, cultural values or sites of "significant ecological value".

Explanation and Reasons

The provision of public access along the edges of the coast, lakes and rivers is a matter to be recognised and protected under section 6(d) of the Act. The Act provides for the Council to take land to provide esplanade reserves for such access, when land is subdivided (section 230). The rivers and lakes on which esplanade reserves may be taken in Selwyn District's townships are listed in Appendix 12.

Sometimes, public access along rivers and lakes can have an adverse effect on the natural character or ecological values of the edge of the waterbody. The plan provides for esplanade strips to be taken to protect the margins of all rivers and lakes (Policy 3). However, esplanade reserves or public access through esplanade strips will only be provided if public access will not adversely affect the natural character or ecological values of the river or stream, or its margins, or adversely affect cultural values.

Methods

- District plan rules - Discretion to not take at subdivision stage, esplanade reserves along the waterbodies listed in Appendix 12.

~~• Financial Contributions~~

9. Amend Part 2, 1. Natural Resources, Section 1.4 Outstanding Natural Features and Landscapes, ii Policies and Methods, Policy 14, Method, Bullet Point 1 (page 61) to read:

- District Plan Rules - Activities near waterbodies
- ~~Financial contributions:~~ Esplanade Strips and Reserves

10. Add the following at the end of Part 2, 2. Physical Resources, Section 2.1 Transport Networks (Road, Rail and Airfields), I Issues, ii Issue 1 – Safe and Efficient Use of Transport Network (page 64):

...

The Council anticipates recovering the majority of its 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 where the roading improvements provide a direct benefit to the development being considered or the development itself requires the upgrade of the roading network adjacent to the development.

11. Add the following at the end of Part 2, 2. Physical Resources, Section 2.2 Utilities, I Issues, ii Issues with Utilities (page 80):

The LTCCP Development Contribution Policy requires the provision of development contributions toward the cost of utilities based on service catchments. All new developments in the service catchments will be subject to a development contribution. Development contributions are generally taken at the subdivision consent stage, though they may apply at the building consent stage or at the service connection stage on residential or rural

development where additional units of demand are created in the absence of subdivision.

12. Delete the second bullet point in II Strategy on page 81 (Part 2, 2. Physical Resources, Section 2.2 Utilities) as follows:

II – STRATEGY

The district plan uses the following basic strategy to address issues associated with utilities:

i. Demand & Effects on Utilities

- Information on effects of new residential or business growth on utilities must be included in any plan change request to rezone land.
- ~~Provision to take financial contributions for the cost of works needed on utilities vested in the Council.~~

ii. Efficient Use

- Residential or business growth is not promoted or restricted based on the capacity of existing utilities.
- Utility services needed for each area are set out in the plan and provision made to recover the costs of providing Council owned utilities.
- Any controls on utilities relate to effects, not the type of utility or who provides it.

iii. Effects of Utilities

- Effects of utilities on the environment are managed
- Potential 'reverse sensitivity' effects of activities on utilities are also managed, similar to any other activity.

13. Amend Part 2, 2. Physical Resources, Section 2.2 Utilities, ii Policies and Methods, Policy 3, Explanation and Reasons (page 83) to read:

...

The District Plan does:

- Set the standard of utility services needed for activities in each township to address effects, whether the utility services currently exist or not; ~~and~~
~~Provides for the full cost of providing utilities to be charged to the "users" unless the party providing the utility service chooses otherwise.~~

Costs for utility services are generally met through the LTCCP Development Contribution Policy process.

...

14. Amend Part 2, 2. Physical Resources, Section 2.2 Utilities, ii Policies and Methods, Policy 3, Methods (page 83) to insert:

- LTCCP - Development Contribution Policy

...

15. Delete the last part of the final bullet point in Part 2, 2. Physical Resources, Section 2.2 Utilities, ii Policies and Methods, Policy 3, Methods (page 83) as follows:

~~Financial Contributions~~

~~—Recover 100% of costs of work on utilities vested in the Council~~

16. Delete the whole of Policy 4 from Part 2, 2. Physical Resources, Section 2.2 Utilities, ii Policies and Methods (page 84) as follows. Renumber the subsequent Policies as necessary.

~~**4 — Provide for the Council to take financial contributions to recover the costs of new utilities or upgrades or connections to existing utilities, vested in the Council.**~~

Explanation and Reasons

~~The Council provides several utility services as a result of its functions under the Local Government Act 1974, including: water supplies; effluent disposal; solid waste disposal; land drainage; and roads. The Council must use financial contributions rules in its plan to recover any costs of mitigating the effects of activities on the utilities it owns or manages (pursuant to section 108 of the Act).~~

~~Policy 3 encourages the market to determine what is an efficient use of utilities, rather than having policies in the plan to actively promote residential growth in townships where utilities are under utilised. To allow 'the market' to act properly, the Council needs to retain the discretion to charge the full costs of providing utilities to people using them. Policy 4 provides for this.~~

~~A utility operator may choose to make the cost of providing utilities in some townships cheaper than others, to reflect differences in the cost of establishing new utilities and the potential loss of value through depreciation of existing, under utilised utilities. The Council thinks the utility operator is best equipped to make that decision.~~

Method

~~• District — Plan — Financial Contributions
Rules — Funding assets and depreciation of
under utilised assets~~

17. Add the following at the end of Part 2, 2. Physical Resources, Section 2.3 Community Facilities (and Reserves), I Issues, iii Issue 1 – Providing Community Facilities (page 89):

The LTCCP Development Contribution Policy requires the provision of contributions from growth-related development to generate the necessary funds for reserves and facilities for open space and recreation. Contributions will also be taken for the construction of the Castle Hill Community Centre.

18. Delete the second bullet point in II Strategy on page 90 (Part 2, 2. Physical Resources, Section 2.3 Community Facilities (and Reserves)).

II - STRATEGY

The district plan uses the following basic strategy to address issues with community facilities:

- i. Co-ordinating Community Facilities and Residential Growth:
 - Any plan change request to rezone land for residential or business development should include an assessment of: the impacts of the growth on community facilities; and ways in which those impacts can be addressed.
 - ~~Provisions to take financial contributions to support some community facilities which are provided by Council.~~
- ii. Adverse Effects
 - The plan has policies and rules to manage effects of community facilities, in the same way as other activities.

The Council's Asset Management Plans identify when community facilities vested in the Council may require additions or upgrades; and what the work is that is required. Other organisations that provide community facilities may have similar plans or policies.

19. Amend Part 2, 2. Physical Resources, Section 2.3 Community Facilities (and Reserves), ii Policies and Methods, Policy 1, Explanation and Reasons (page 91) as follows:

Any person ... facilities. ~~However, in some cases, financial contributions may be taken to ensure the facilities are adequate (see Policy 8 and Part 2, Section 4.4).~~ Development contributions towards community facilities are taken under the LTCCP Development Contribution Policy.

20. Amend Part 2, 2. Physical Resources, Section 2.3 Community Facilities (and Reserves), ii Policies and Methods, Policy 1, Methods (page 91) as follows:

- ...
- ~~District Plan Rules~~ ~~Financial Contributions~~
 - LTCCP ~~- Development Contribution Policy~~

21. Delete the whole of Policy 8 from page 94-95 (Part 2, 2. Physical Resources, Section 2.3 Community Facilities (and Reserves), ii Policies and Methods) as follows. Renumber the subsequent Policies as necessary.

~~**8 — Provide mechanisms to take financial contributions for costs of providing community facilities for new residents in townships.**~~

~~Explanation and Reasons~~

~~The Council may take financial contributions towards the cost of providing community facilities needed by additional residents, as a township grows.~~

~~Financial contributions are taken for community facilities already provided and to be provided by the Council, such as reserves and recreation facilities. They are funded through rates.~~

~~Whether financial contributions are taken and the amounts to be taken are specified in the policies in Part 2, Section 4.4 and the rules for each zone in Part 3 of the plan.~~

Methods

- ~~• District Plan Policies Section 4.4 Financial Contributions~~
- ~~• District Plan Rules Rule: Financial Contributions (all zones)~~

22. Amend Part 2, 2. Physical Resources, Section 2.3 Community Facilities (and Reserves), ii Policies and Methods, Policy 9, Method (page 95) as follows:

...

- ~~• District Plan Rules Subdivision: provision of financial contributions for reserves (all zones)
Financial contributions: amount of land or cash to be taken (all zones)~~
- LTCCP - Development Contribution Policy

23. Amend Part 2, 2. Physical Resources, Section 2.3 Community Facilities (and Reserves), ii Policies and Methods, Policy 10, Explanation and Reasons (page 96) as follows:

...

The Council ... purposes. In this area the L1 Creek is too narrow to take esplanade reserves under the RMA Financial Contribution process so such reserves provision would be taken as a full or partial contribution under the standard Financial (Reserve) Contributions imposed on subdivision considered under the LTCCP Development Contribution Policy process.

24. Amend Part 2, 2. Physical Resources, Section 2.3 Community Facilities (and Reserves), ii Policies and Methods, Policy 10, Method (page 96) as follows:

...

- ~~• District Plan Rules - Financial Contributions - Esplanade Subdivision~~
- LTCCP - Development Contribution Policy

25. Add a new Policy under Part 2, Peoples Health Safety and Values, 3.1 – Natural Hazards, ii Policies and Methods, following policy 8 (page 115) as follows:

- 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.

26. Add a new Policy under Part 2, Peoples Health Safety and Values, 3.2 – Hazardous Substances, ii Policies and Methods, following policy 7 (page 127) as follows:

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.

27. Delete Policy 10 from page 136 (Part 2, 3. People's Health, Safety and Values, Section 3.3 Cultural and Heritage Values, ii Policies and Methods) as follows. Renumber the subsequent Policies as necessary.

~~10. Consider waiving all or part of any financial contributions payable for activities involving sites of cultural or heritage value, where there is a benefit to the community from protecting the site.~~

28. Amend Part 2, 3. People's Health, Safety and Values, Section 3.3 Cultural and Heritage Values, ii Policies and Methods, Policy 9, Explanation and Reasons (page 136) as follows:

The provisions ... community.

Policy 9 ... consents.

~~Policy 10 gives the Council the choice to waive all or part of any financial contributions payable for subdivision of or activities on heritage sites or buildings. The discretion applies where the activity will result in some public benefit through the protection or enhancement of the site or building. Similar~~

~~provisions apply to sites with special ecological values. In addition, the Council has a contestable fund of money for projects which enable it to assist with the maintenance or restoration of sites with cultural and heritage values.~~

29. Amend Part 2, 3. People's Health, Safety and Values, Section 3.3 Cultural and Heritage Values, ii Policies and Methods, Policy 9, Methods (page 137) as follows:

...

- ▲ District Plan Rules - ~~Financial Contributions~~
- LTCCP - Development Contribution Policy

30. Add a new Policy under Part 2, Peoples Health Safety and Values, 3.4 – Quality of the Environment and amenity Values, ii Policies and Methods, following policy 25 (page 150) as follows:

26. To take a monetary contribution to help fund the costs of mitigating actual or potential natural hazards, pollution or other affects 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.

Renumber subsequent policies as necessary

31. Amend Part 2, 3. People's Health, Safety and Values, Section 3.4 Quality of the Environment and Amenity Values, ii Policies and Methods, Policy 31, Explanation and Reasons (page 153) as follows:

Policy 31 recognises that trees, bush and other natural features can add to the amenity values of a township, even when on private land and only able to be admired from across the fence. Policy 31 encourages landowners to keep such features when developing their sites, ~~by considering them as credits for reserve contributions.~~ The features addressed in Policy 31 do not include trees, bush or sites which are formally protected for their heritage, cultural or ecological values in the District Plan. These features are provided for in Part 2, Sections 1.4 and Part 2, Section 3.4 of the plan. The LTCCP Development Contribution Policy allows for consideration of retained trees and vegetation as a credit towards development contributions for reserves.

32. Amend Part 2, 3. People's Health, Safety and Values, Section 3.4 Quality of the Environment and Amenity Values, ii Policies and Methods, Policy 31, Methods (page 153) as follows:

...

- ~~• Fiscal Incentive — Financial Contributions~~
- LTCCP — Development Contribution Policy

33. Amend Part 2, 3. People's Health, Safety and Values, Section 3.4 Quality of the Environment and Amenity Values, ii Policies and Methods, Policy 32, Methods (page 153) as follows:

...

- ~~• Fiscal Incentive — Recognise enhancement of these features as a 'credit' towards open space/reserve contributions.~~
- LTCCP — Development Contribution Policy

34. Amend Part 2, 4. Growth of Townships, Section 4.1 Residential Density, I Issue (page 156) as follows:

...

If a township has a local stream or river, public access along that waterbody may enhance the amenity values of the new residential area. Trees, bush, and pasture often add to the amenity values of a township, even when they are on private land. The loss of pasture land is inevitable if the area is used for residential development, but it may be possible to retain trees or bush areas as part of the new residential development. The LTCCP Development Contribution Policy allows for consideration of retained trees and vegetation as a credit towards development contributions for reserves.

35. Amend Part 2, 4. Growth of Townships, Section 4.1 Residential Density, II Strategy (page 157) as follows:

...

- Open space areas are provided to mitigate effects of building density. ~~The contribution required relates to building density.~~
- ~~• Preserving trees, bush or other natural features on sites, as part of new residential development, can be counted towards financial contributions.~~

36. Amend Part 2, 4. Growth of Townships, Section 4.1 Residential Density, ii Policies and Methods, Policy 10 Explanation and Reasons (page 162) as follows:

The provisions to take land or cash to provide reserves or open space are included in the ~~rules for financial contributions~~ LTCCP Development Contribution Policy.

Method

- ~~• District Plan Rules — Financial Contributions~~
- LTCCP — Development Contribution Policy

37. Amend Part 2, 4. Growth of Townships, Section 4.1 Residential Density, ii Policies and Methods, Policy 11 Explanation and Reasons (page 162) as follows:

Policy 11 is primarily implemented by advocacy, and a fiscal incentive—credits on contributions for 'open space'. The LTCCP Development Contributions Policy provides for consideration of retained trees and vegetation as a credit towards development contributions for reserves.

Method

- ...
- LTCCP - Development Contribution Policy

38. Amend Part 2, 4. Growth of Townships, Section 4.2 Subdivision of Land, I Issues (page 165) as follows:

...

Subdivision is the process under which the consent authority can take land for esplanade reserves and esplanade strips, in accordance with rules in the plan. The LTCCP Development Contribution Policy provides a process for taking development contributions for the provision of network and community infrastructure and reserves.

...

39. Delete Policy 7, Part 2, 4. Growth of Townships, Section 4.2 Subdivision of Land, ii Policies and Methods, (page 168) and replace with the following Policy 7:

~~7. Provide for financial contributions to be taken for the provision of utilities and services required by new allotments, when land is subdivided.~~

Explanation and Reasons

~~The consent authority may take financial contributions for the cost of providing utilities and facilities to new allotments, in accordance with rules in the district plan. Part 2, section 4.4 outlines the financial contribution provisions for this district plan. The provisions allow contributions to be taken at either the stage land is subdivided or when it is used for the new activity, depending on when the consent authority thinks is the most appropriate time for the contributions to be paid.~~

Methods

- ~~District Plan Policies~~ ~~Financial Contributions (Part 2, Section 4.4)~~
- ~~District Plan Rules~~ ~~Financial Contributions Subdivision (all zones)~~

7. Provide for the consideration of the form of land to be taken under the LTCCP Development Contribution Policy, when land is subdivided.

Explanation and Reasons

The consent authority may take development contributions under the LTCCP for the cost of providing growth-related network and community infrastructure, and reserves for open space and recreation. The provisions allow development contributions to be taken at either the subdivision consent

stage, building consent stage, or at the time of service connection, depending on when the consent authority thinks it is the most appropriate time for them to be paid. While the area/value of land to be provided as a development contribution for reserves is determined under the LTCCP Development Contribution Policy process, it is necessary to consider the form of the land to be provided as reserves, including consideration of the location, size, layout, topography, etc, of that land at the time of subdivision consent. This is achieved through reference to the "Criteria for Taking Land Instead of Cash" policy in the Development Contribution Policy in the 2006 – 2016 LTCCP.

Methods

- LTCCP - Development Contribution Policy
- District Plan Rules - Subdivision (all zones)

40. Add a new policy under Part 2, 4. Growth of Townships, Section 4.2 Subdivision of Land, ii Policies and Methods, following Policy 7 (page 168) as follows:

8. "In limited circumstances and at the Council's discretion, to apply the concept of "environmental compensation" where:

a) land of high landscape or natural value is protected or made available for public use; or

b) significant public benefit will be gained from hazard mitigation measures which would substantially enhance amenity values"

Explanation and Reasons

There is a strong link between subdivision of land and the subsequent impacts of land use development. Subdivision activity can, in some cases, provide an opportunity to enhance the environment through the protection of significant features or through the provision of additional areas of open space. The Plan provides for the consideration of environmental compensation at the time of subdivision or development proposals. In some circumstances development may be proposed on land, where there are significant open space or natural values, examples being portions of the Port Hills, Malvern Hills and the High Country. The ability to acquire or protect such land in exchange for development opportunities is an option the Council will explore in appropriate circumstances. However, it is important to bear in mind that environmental compensation does not form part of a proposals development contribution under the LGA.

The acquisition or protection of land having high landscape or natural values is often impractical on account of land purchase costs. The use of the concept of "environmental compensation" (public ownership or covenants) for development rights has to be approached with some caution, but does offer a cost effective means to the community of achieving environmental benefits. This may result in development in locations which may not meet all other

policy criteria, but any such arrangement must still require permitted development to be sustainable and environmentally acceptable.

The acquisition of land by the Council as environmental compensation for development opportunities in terms of Policy 8 would generally be in addition to, and not instead of, any requirement to provide land or cash for reserves under the Council's Development Contribution Policy. The Development Contribution Policy requires provision for public reserves for open space and recreation at the time of any residential and/or business development and/or subdivision. However, the provision of environmental compensation may be a situation where it is appropriate for the Council to exercise its discretion to reduce the amount of development contribution payable under the remission provisions of its Development Contribution Policy.

Environmental compensation may also be appropriate in circumstances where a public benefit is obtained from hazard mitigation, but only where as a result of such measures, there is a significant enhancement of amenity values (eg plantings, or wetlands for flood retention). It would not apply to normal sound management practices which landowners can be expected to undertake. Environmental compensation would arise in circumstances requiring significant development proposals, which would arise through plan changes, variations or resource consents, the outcome of which would still be subject to rights of submission and appeal under the Act.

Methods

- District Plan Rules - Subdivision (all zones)

41. Amend the fourth bullet point from Part 2, 4. Growth of Townships, Section 4.2 Subdivision of Land, IV Environmental Results (page 169) as follows:

- ~~Potential buyers of allotments do not have 'nasty' surprises that the lot they purchased cannot be built on or there is money owing for financial contributions.~~ On land identified as having significant open space or natural values, the Council has the ability to consider environmental compensation, depending on the circumstances of subdivision and development.

42. Delete from Part 2, 4. Growth of Townships, Section 4.3 Residential and Business Development , II Objectives, Policies and Methods, Table 1 (page 174) as follows:

~~4.4 Financial Contributions Objectives 1 to 3
Policies 1 to 7, 10 to 14~~

43. Delete the whole of Section 4.4 Financial Contributions on pages 206 – 214 (Part 2, 4. Growth of Townships) and replace it with a new section, as follows:

4.4 - Development Contributions

I – Issues

The distribution of the costs between private parties and general rates for:

- Providing reserves and network and community infrastructure; and
- Mitigating the fiscal effects of providing growth related infrastructure

i) What are Development Contributions?

The term development contributions, defined in Section 197 of the Local Government Act 2002, means a contribution –

- a) provided for in a development contribution policy included in the long-term council community plan of a territorial authority; and
- b) calculated in accordance with the methodology; and comprising:
 - i) money;
 - ii) land, including a reserve or esplanade reserve (other than in relation to a subdivision consent), but excluding Maori land within the meaning of Te Ture Whenua Maori Act 1993, unless that Act provides otherwise; or
 - iii) both.

Development contributions can be taken to provide for:

- i) Reserves;
- ii) Network infrastructure;
- iii) Community infrastructure.

In most cases provision for reserves (for open space and recreation), land for esplanade purpose, network infrastructure or community infrastructure is made at the time of subdivision of the land. However, in some instances land use development and activities are undertaken without associated subdivision of land.

Contributions of land and/or cash arising from growth-related development can be required by the Council either under the Resource Management Act by way of the District Plan or under the Local Government Act 2002 by way of a Development Contribution Policy in the Long Term Council Community Plan (LTCCP). The Council has developed a Development Contribution Policy within the requirements of the Local Government Act. 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 Policy and such contributions are no longer taken under the District Plan. Requirements for the provision of esplanade reserves/strips and provisions relating to environmental compensation and the form of land contributions are included within the Subdivision provisions of the District Plan, while requirements for the provision of financial contributions to mitigate environmental damage are included as policies in Part 2 Section 3, Peoples Health, Safety and Values.

Where costs are incurred in relation to maintenance of infrastructure or for improvements in service levels, these costs are met through targeted rates rather than development contributions. Therefore, the purposes for which development contributions are taken and the proportion of costs which are

funded through development contributions is an important part of the Council's financial planning.

Note – esplanade reserves and strips – see Part 2, Sections 1.3 and 2.3 and Part 2, Section 5 Subdivision Rules for Living and Business Zones..

II – STRATEGY

The provision to take development contributions under the LTCCP Development Contribution Policy will be complimentary to the subdivision consent process. Esplanade reserves/strips will be taken under the subdivision consent process, while consideration of the form of land to be provided as reserves will also be considered at the time of subdivision.

The LTCCP Development Contribution Policy will ensure that those responsible for development and/or subdivision that places additional demands on the Councils provision of reserves and network or community infrastructure will contribute a fair and reasonable contribution towards the expansion of those services.

III – Objectives, Policies and Methods

(i) Objectives

1. The parties creating the need for the expenditure meet the costs of establishing or upgrading reserves and network and community infrastructure and developing and enhancing the recreational and amenity values of the District.
2. The Council uses its discretion to take development contributions under the LTCCP Development Contribution Policy in a transparent and consistent manner.

Explanation and Reasons

Development contributions are taken to help address the fiscal effects which a new development may have on the existing ratepayers of an area. If development contributions are not taken, the costs of addressing these effects must be funded from general rates.

ii) Policies and Methods

Policy 1. To ensure that subdividers and/or developers meet the costs of any required provision of works and services as a result of land use development and/or subdivision.

Explanation and Reasons

The Council has decided that all development contributions for new or upgraded reserves or network and community infrastructure as a result of development and/or subdivision will be in accordance with the Development Contribution Policy under the LTCCP and the Local Government Act 2002. This Policy will enable the Council to ensure that those responsible for

development and/or subdivision that places additional demands on the Council's provision of reserves and network or community infrastructure will contribute a fair and reasonable contribution to the provision and expansion of these services.

Methods

- LTCCP - Development Contribution Policy
- District Plan - Subdivision

IV Environmental Results

The following environmental results should occur from implementing Section 4.4:

- New developments and subdivisions which increase demand on the Council's reserves and network and community infrastructure contribute towards the cost of provision and expansion of them.

V Monitoring

See Appendix 1.

44. Insert the following text under Part 3, District Plan Rules, 2. Land Use Rules for Living Zones, above 2.1 Status of Activities (page 220) as follows:

Note:

Development contributions under the LTCCP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development. Refer to Section 4.4 Contributions, I Issues on page 206 (Part 2, 4. Growth of Townships) for further information on development contributions.

45. Insert the following text under Part 3, District Plan Rules, 3. Land Use Rules for Business Zones, above 3.1 Status of Activities (page 291) as follows:

Note:

Development contributions under the LTCCP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development. Refer to Section 4.4 Contributions, I Issues on page 206 (Part 2, 4. Growth of Townships) for further information on development contributions.

46. Insert the following text under Part 3, District Plan Rules, 4. Utilities Rules, after note 4 (page 350) as follows:

...

5. Development contributions under the LTCCP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development. Refer to Section 4.4 Contributions, I Issues on page 206 (Part

2, 4. Growth of Townships) for further information on development contributions.

47. Delete the following text under Part 3, District Plan Rules, 4. Utilities Rules, Restricted Discretionary Activities (page 353) as follows:

1.13 Any activity which does not comply with Rule 1.5 shall be a *restricted discretionary activity*. The exercise of the Council's discretion shall be limited to:

- (a) whether surrounding sites have overhead or underground cables;
- (b) if surrounding sites have overhead cables, the time frame with which they are likely to be replaced with underground cables;
- (c) any physical or technical difficulties with laying cables underground to the site;
- ~~(d) any financial contributions payable.~~

48. Insert the following text under Part 3, District Plan Rules, 5. Subdivision Rules for Living and Business Zones, above 5.1 Status of Activities (page 364 as follows:

Note:

Development contributions under the LTCCP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development. Refer to Section 4.4 Contributions, I Issues on page 206 (Part 2, 4. Growth of Townships) for further information on development contributions.

49. Delete the following text under Part 3, District Plan Rules, 5. Subdivision Rules for Living and Business Zones (page 368) as follows:

Financial Contributions

~~1.1.14 Any financial contributions payable.~~

Renumber subsequent rules as necessary.

50. Amend the following text under Part 3, District Plan Rules, 5. Subdivision Rules for Living and Business Zones, Subdivision – Access, Reserve and Utility Allotments table (page 372) as follows:

Financial Contributions

~~2.1.9 Any financial contributions required.~~

Point Strips

2.1.10: The creation of any 200mm wide allotment to deny access onto a particular road for traffic safety purposes.

- ~~(i) Ensure the payment of a financial contribution by any adjoining property owner who have the potential to subdivide or develop that land, and who should contribute a fair and reasonable share in the costs of construction and, where applicable, land value; and~~
- ~~(ii) Deny access onto a particular road for traffic safety purposes.~~

Renumber subsequent rules as necessary.

51. Amend the following text under Part 3, District Plan Rules, 5. Subdivision Rules For Living and Business Zones, Rule 3, Table 2 – “Matters over which the Council has restricted the exercise of its discretion” (page 392) as follows:

Roads, Reserves and Walkways/Cycleways

3.1.32

- (i) The provision, location, coordination, layout and formation of all roads and vehicular accessways, ~~reserves~~ and walkways/cycleways; and
- (ii) The provision, location, coordination, layout and formation of any land required for reserves, which is to comply with the Criteria for Taking Land Instead of Cash” clause of the “Reserves Specific Issues regarding Development Contributions Assessment” in the Development Contribution Policy of the 2006 -2016 LTCCP; and

Renumber subsequent clauses as necessary.

52. Delete the following text under Part 3, District Plan Rules, 5. Subdivision Rules for Living and Business Zones, Rule 3 Table 2 – “Matters over which the Council has restricted the exercise of its discretion” (page 393) as follows:

...

- ~~(viii) Whether contributions towards existing or proposed reserves elsewhere than in the area being subdivided would be more appropriate than the provision of land within that area;~~

53. Delete the following text under Part 3, District Plan Rules, 5. Subdivision Rules for Living and Business Zones, Subdivision – General table (page 394) as follows:

Financial Contributions

~~3.1.42 Any financial contributions payable.~~

Renumber subsequent rules as necessary.

54. Delete the whole of Section 6 Financial Contribution Rules from page 397-407 (Part 3, District Plan Rules).

55. Insert the following text under Part 3, District Plan Rules, 7. Definitions (page 409) after the definition of ‘Commercial rearing’ as follows:

Community Infrastructure: has the same meaning as in Section 197 of the Local Government Act 2002. *

56. Delete the definition for Development under Part 3, District Plan Rules, 7. Definitions (page 409) as follows and replace with the following text:

~~Development:~~ ~~for the purpose of determining financial contributions, development means development or re-development of the site and includes the construction, erection, establishment or alteration of any building, or any other works. Development also includes:~~

- ~~Any fencing, drainage, earthworks, filling or reclamation of land, or the making of any retaining walls or other works relating to that fencing, drainage, earthworks, filling or reclamation; and~~
- ~~The grading or levelling of land or the removal of rocks, stone, sand or soil from land; and~~
- ~~The removal or destruction of vegetation; and~~
- ~~The arresting or elimination of erosion or flooding, and~~
- ~~The provision for or installation of any mode of transport including any railway or tramway relating to any such construction or erection, establishment or alteration;~~
- ~~But shall not include the construction or alteration of any pipeline or associated works on land that is not otherwise subject to development.~~

Development: for the purpose of determining development contributions, development means any subdivision or other development that generates a demand for reserves, network infrastructure, or community infrastructure but does not include the pipes or lines of a network utility operator.

57. Insert the following text under Part 3, District Plan Rules, 7. Definitions (page 409) after the definition of 'Development' as follows:

Development Contribution: has the same meaning as in Section 197 of the Local Government Act 2002. *

58. Insert the following text under Part 3, District Plan Rules, 7. Definitions (page 412) after the definition of 'Monofill' as follows:

Network Infrastructure: has the same meaning as in Section 197 of the Local Government Act 2002. *

59. Insert the following text at the end of the Definitions section (Part 3, District Plan Rules, 7. Definitions), pages 417-418:

Community Infrastructure: in Section 197 of the Local Government Act 2002 means:

- (a) land, or development assets on land, owned or controlled by the territorial authority to provide public amenities; and
- (b) includes land that the territorial authority will acquire for that purpose.

Development Contribution: in Section 197 of the Local Government Act 2002 means a contribution:

- (a) provided for in a development contribution policy included in the long-term council community plan of a territorial authority; and
- (b) calculated in accordance with the methodology; and
- (c) comprising—
 - i) money; or
 - ii) land, including a reserve or esplanade reserve (other than in relation to a subdivision consent), but excluding Maori land within the meaning of Te Ture Whenua Maori Act 1993, unless that Act provides otherwise; or
 - iii) both.

Network Infrastructure: in Section 197 of the Local Government Act 2002 means:

The provision of roads and other transport, water, wastewater, and stormwater collection and management

60. Delete the following text under Appendix 14 – Information to be submitted with a Plan Change Request (page 498) as follows:

...

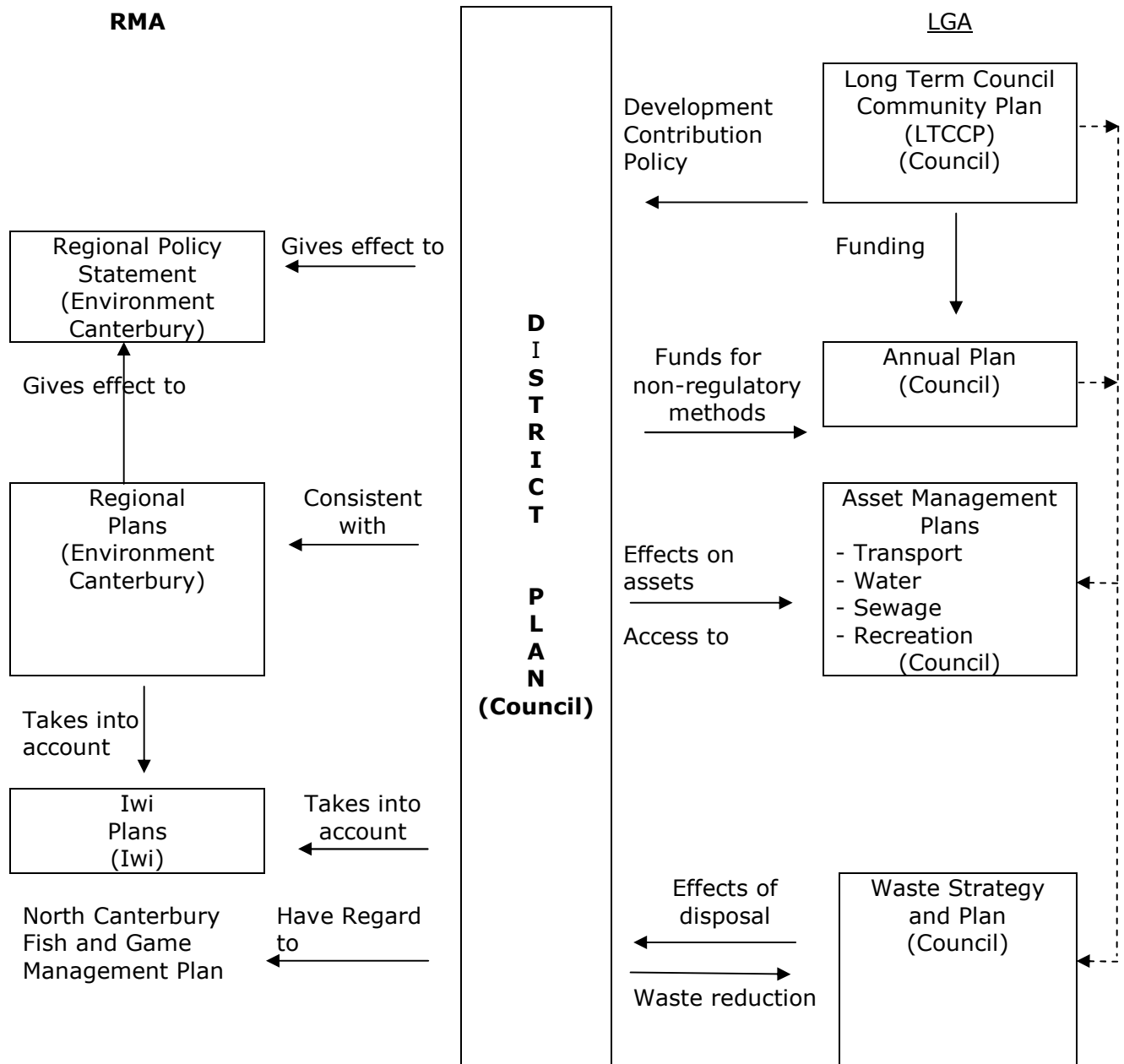
Financial Contributions

~~Until such time as the proposed plan is notified, the rules to allow the Council to take financial contributions to recover up to 100% of the costs of any work required to public utilities or services, as a result of the proposed residential or business development.~~

61. Any other consequential amendments to give effect to this variation, including amended section numbering, page numbering, and contents pages, as required.

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62. Amend Part 1, Section 1.4, by deleting Figure 1 – Relationship Between Plans (page 4), and replacing it with the following:



63. Amend Part 1, Section 1.4, Explanation (page 5) as follows:

The Council is required to produce Plans to help it carry out its functions under both the Act and the Local Government Act ~~1974~~ 2002 (LGA). Figure 1 shows the relationships between the various strategies, policies and plans the Council produces and those produced by Environment Canterbury (the Regional Council) and Iwi.

64. Amend Part 1, Section 1.4, Explanation, by deleting the section entitled "Local Government Act 1974 ("the LGA") and replacing it with the following (page 5):

Local Government Act 2002 ("the LGA")

In New Zealand the powers of local government are set by parliament and are contained in the LGA, and other specific statutes, such as the Resource Management Act 1991. The LGA reflects a departure from the way in which powers and functions have traditionally been codified in legislation. Instead of prescribing all the functions that local government should undertake, the LGA has instead provided local government with a general form of empowerment. The LGA encourages local authorities to focus on promoting the social, economic, environmental and cultural well-being of their communities, consistent with the principles of sustainable development.

Under the LGA, district councils are required to prepare a Long Term Council Community Plan (LTCCP) and an Annual Plan. The LTCCP covers a period of ten years and outlines the Council's medium to long term priorities. It describes how the Council intends to contribute to the community well-being over the life of the plan. The Annual Plan sets out the budget for each year and includes:

- a funding impact statement;
- forecast financial statements;
- statements setting out service levels and performance measures; and
- details of any changes from the information in the LTCCP.

The LTCCP and Annual Plan allocate funds for all Council's activities, including funds for non-regulatory methods, environmental monitoring in the District Plan and Asset Management Plans

The District Plan sets the policies and rules under which everyone (including the Council) must carry out their activities to protect the environment.

65. Delete from Part 2, Issues, Objectives and Policies, 1 Natural Resources, 1.3 Water, Policy 9, Methods (page 58) as follows:

Methods

• ~~———— District Plan Rules ————— Financial Contributions~~

66. Amend Part 2, Issues, Objectives and Policies, 1 Natural Resources, 1.3 Water, Policy 11, Methods (page 61) as follows:

Methods

- District Plan Rules - ~~Financial Contributions~~
 - Esplanade strips
67. Insert under Part 2, Issues, Objectives and Policies, 2 Physical Resources, 2.1 Transport Networks (Road, Rail and Airfields), (ii) Issue 1 – Safe and Efficient Use of the Transport Network, Resident Growth (page 85) the following text:
- ...
- The Council anticipates recovering the majority of its 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 where the roading improvements provide a direct benefit to the development being considered or the development itself requires the upgrade of the roading network adjacent to the development.
68. Delete from Part 2, Issues, Objectives and Policies, 2 Physical Resources, 2.1 Transport Networks (Road, Rail and Airfields), II Strategy (page 87) the following text:
- ~~A policy to take financial contributions from activities that require roads to be upgraded.~~
69. Delete from Part 2, Issues, Objectives and Policies, 2 Physical Resources, 2.1 Transport Networks (Road, Rail and Airfields), II Objectives, Policies and Methods, (ii) Policies and Methods, Roads, Policy 2 (page 88-89) the following text:
- ...
- ~~**b) Enable the Council to take financial contributions towards the cost of any upgrade to the road.**~~
- Note:** the upgrading of State Highways is undertaken by Transit New Zealand to their own standards.*
70. Amend Part 2, Issues, Objectives and Policies, 2 Physical Resources, 2.1 Transport Networks (Road, Rail and Airfields), II Objectives, Policies and Methods, (ii) Policies and Methods, Roads, Policy 2 (page 89) as follows:

Explanation and Reasons

Every road in the District is classified using a combination of destination (the link the road provides) and the number of vehicles using it. The standards for the design and formation of roads, vehicular accessways, and vehicle crossings; and the rules for land uses, alongside roads, are based on the classification the road has in the road hierarchy. Road classifications are listed in Appendix 9.

Activities Developments can affect the classification of a road by increasing volume of traffic. When a ~~new activity development~~ changes the volume or type of traffic on a road, ~~Policy 2~~ the LTCCP Development Contribution Policy ~~requires the road to be upgraded to comply with the standards. The Policy~~

enables the Council to take financial development contributions to pay for ~~these~~ road upgrades (see Section 4.2, ~~Policy 2~~). This may include the forming of any unformed legal road to provide access to a property.

Appendix 10 ...

71. Delete from Part 2, Issues, Objectives and Policies, 2 Physical Resources, 2.1 Transport Networks (Road, Rail and Airfields), II Objectives, Policies and Methods, (ii) Policies and Methods, Roads, Policy 2 (page 89) the following text:

Methods

- Road Hierarchy - Appendix 9.
- District Plan Rules
 - Vehicle manoeuvres
 - Subdivision
 - ~~Financial contributions~~
- LTCCP - Development Contribution Policy

72. Insert the following text under Part 2, Issues, Objectives and Policies, 2 Physical Resources, 2.2 Utilities, I Issues, ii. Issues with Utilities, Need for Utilities (page 97) as follows:

...

If residential density increases and allotment sizes get smaller, some parts of the rural area will require additional utilities, for example: reticulated water supplies, reticulated sewage treatment and disposal, and waste collection. The District Plan allows for residential development at higher densities in the Rural Zone immediately surrounding townships (see Section 4.1 Residential Density and Subdivision). These allotments will need utilities similar to those in townships.

Under the LTCCP Development Contribution Policy, the costs associated with these additional utilities can be met through development contributions. The LTCCP Development Contribution Policy requires the provision of development contributions toward the cost of utilities based on service catchments. All new developments in the service catchments will be subject to a development contribution. Development contributions are generally taken at the subdivision consent stage, though they may apply at the building consent stage or at the service connection stage on residential or rural development where additional units of demand are created in the absence of subdivision.

73. Insert the following text under Part 2, Issues, Objectives and Policies, 2 Physical Resources, 2.2 Utilities, III Objectives, Policies and Methods, ii. Policies and Methods, Policy 1 (page 100) as follows:

Method

- LTCCP - Development Contribution Policy
- District Plan Rules
 - Subdivision
 - Water supply
 - Sewage disposal

74. Delete Policy 2 from Part 2, Issues, Objectives and Policies, 2 Physical Resources, 2.2 Utilities, III Objectives, Policies and Methods, ii. Policies and Methods (page 100) as follows:

~~**Policy 2. Take financial contributions to cover the costs of new utilities, or upgrades or connections to existing utilities, vested in the Council.**~~

Explanation and Reasons

~~The Council provides utility services as part of its functions under the Local Government Act 1974, including: water supplies; effluent disposal; solid waste disposal; land drainage; and roads. The Council must use financial contributions rules in its Plan to recover any costs of installing or upgrading the utilities it owns or manages (pursuant to Section 108 of the Act). This policy should be read in conjunction with Section 4.2.~~

Methods

- ~~• District Plan Rules~~ ~~Financial Contributions~~
- ~~• Asset Management Plans~~ ~~Funds, assets and depreciation of under-utilised assets~~

Renumber subsequent policies as necessary.

75. Amend the following text under Part 2, Issues, Objectives and Policies, 2 Physical Resources, 2.3 Community Facilities and Recreational Areas, I Issues, ii. Recreation Areas, Access and Camping, Funds (page 106-107) as follows:

~~When new residential development occurs in townships a reserve contribution is paid towards the purchase and development of reserves and recreational facilities. In the past a similar contribution has not been paid in the Rural Zone even though residents in the Rural Zone can and do use these facilities, too. Under this District a reserve contribution will be paid on all new residential development towards the development the purchase and development of reserve areas and recreational facilities (See Section 4.2, Policies 5, 6 and 7).~~

The LTCCP Development Contribution Policy requires the provision of development contributions from growth-related development to generate the necessary funds for reserves and facilities for open space and recreation. Contributions will also be taken for the construction of the Castle Hill Community Centre.

Protecting and enhancing the special areas of the District adds to the recreational and amenity values of the Rural Zone. Special areas include: areas of outstanding natural features and landscapes, significant ecological sites and sites with heritage or cultural values. These areas contribute to the amenity values of the district and make it a more pleasant place to live and work in. Some of the ~~reserve~~ development contributions collected from

residential development in the District are used to help fund the costs of protecting or enhancing these special areas, see Section 4.2, Policy 5 through Council acquisition of them.

76. Delete the following text under Part 2, Issues, Objectives and Policies, 2 Physical Resources, 2.3 Community Facilities and Recreational Areas, II Strategy (page 107) as follows:

- ~~Policies and rules to take reserve contributions for the purchase and development of recreational facilities, and the protection and enhancement of special areas.~~

77. Delete Policy 4 from Part 2, Issues, Objectives and Policies, 2 Physical Resources, 2.3 Community Facilities and Recreational Areas, III Objectives, Policies and Methods, ii) Policies and Methods, Community Facilities (page 109) as follows:

~~Policy 4. Take financial contributions towards the costs of purchasing or upgrading reserves areas or recreational facilities.~~

Explanation and Reasons

~~Any new residential development in the District can make use of community facilities or recreational facilities. Residential development in townships has traditionally paid reserve contributions but residential development in the Rural Zone has not. Policy 4 allows the Council to take a contribution from residential development in the Rural Zone for these purposes too. This policy should be read in conjunction with Section 4.2, Policy 5.~~

Method

- ~~District Plan Rules~~ ~~Financial Contributions~~

78. Add a new Policy under Part 2, Peoples Health, Safety and Values, 3.1 – Natural Hazards, ii Policies and Methods, following policy 9 (page 127) as follows:

Policy 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.

79. Add a new Policy under Part 2, Peoples Health, Safety and Values, 3.2 – Hazardous Substances, ii Policies and Methods, following policy 5 (page 137) as follows:

Policy 6. To take a monetary contribution to help fund the costs of mitigating the 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.

80. Delete the following text under Part 2, Issues, Objectives and Policies, 3 People's Health, Safety and Values, 3.3 Cultural and Heritage Values, III Objectives, Policies and Methods, ii) Policies and Methods, Heritage Sites and Buildings, Policy 9 (page 149) as follows:

Methods

...

● — District Plan Rules — Financial Contributions

81. Add a new Policy under Part 2, Peoples Health, Safety and Values, 3.4 – Amenity Values, Quality of the Environment and Reverse sensitivity Effects, ii Policies and Methods, following policy 20 (page 163) as follows:

Policy 21. 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.

82. Amend the following text under Part 2, Issues, Objectives and Policies, 4 Growth of Rural Area, 4.1 Residential Density & Subdivision in the Rural Area, I Issues ii) Subdivision, ii Inefficient Use of Land (page 167) as follows:

Minimum allotment sizes for subdivision in the rural area can result in inefficient land uses, if the minimum is more than an activity requires. The LTCCP Development Contribution Policy includes 'Criteria for Taking Land instead of Cash', which stipulates that Council may take land as a form of development contribution. This may result in a more efficient use of land in the case of minimum subdivision lots, as some of the land could then be vested and used as reserve instead of privately owned.

83. Amend the following text under Part 2, Issues, Objectives and Policies, 4 Growth of Rural Area, 4.1 Residential Density & Subdivision in the Rural Area, III Objectives, Policies and Methods, (i) Objectives (page 168) as follows:

...

Objective 3 relates to subdividing land, generally. The objective is to avoid unnecessary restrictions on subdividing land, while ensuring people are not *caught* buying allotments that:

- Are unable to be used for their intended purpose; or
- Have unexpected costs for utility services or ~~financial~~ development contributions.

There is no minimum allotment size for subdividing land. **Objective 3** is achieved through policies and rules to ensure that:

- i. Any allotments created is of an appropriate size and shape for its intended use, has all utility connections required under the Plan or expected for it's use; and any ~~financial~~ development contributions are paid; or
- ii. There is appropriate notation on the Certificate of Title to advise people of any limitations on use of the allotment or ~~financial~~ development contributions owing.

84. Delete Policy 7 under Part 2, Issues, Objectives and Policies, 4 Growth of Rural Area, 4.1 Residential Density & Subdivision in the Rural Area, III Objectives, Policies and Methods, ii) Policies and Methods (page 174) and replace with the following:

~~Policy 7 Take financial contributions:~~

~~(a) For the costs of supplying dwellings with utilities and services.~~

~~(b) Towards the costs of providing recreational areas and facilities and protecting the landscape, ecological, cultural and heritage values of the District.~~

Explanation and Reasons

Some dwellings^{V13} in the rural area will require reticulated water supplies and sewerage treatment and disposal. In some areas, roads may need to be sealed or upgraded. Where the roads, water supplies and sewage systems

~~are vested in the Council, the Council has to take financial contributions if it wishes to recover the costs of this work.~~

~~People who live in the Rural Zone use the District's reserves, sports grounds and other recreational facilities. They benefit from the pleasant environment which is created by maintaining or enhancing areas with outstanding natural features and landscapes [R37.2] or sites with special ecological, cultural or heritage values. **Policy 7** allows that Council to take a cash contribution from every dwelling^{v13} erected in the District, for these purposes. (Dwellings^{v13} in townships pay a large contribution to fund neighbourhood reserves too.) **Policy 7** should be read in conjunction with Section 4.2 Policies 5 and 6.~~

Policy 7 Provide for consideration of the form of land to be taken, as a development contribution for reserves under the LTCCP Development Contribution Policy, when land is subdivided.

Explanation and Reasons

The consent authority may take development contributions under the LTCCP for the cost of providing growth-related network and community infrastructure, and reserves for open space and recreation. The provisions allow development contributions to be taken at either the subdivision consent stage, building consent stage, or at the time of service connection depending on when the consent authority thinks it is the most appropriate time for them to be paid.

While the area/value of land to be provided as a development contribution for reserves is determined under the LTCCP Development Contribution Policy process, it is necessary to consider the form of the land to be provided as reserves, including consideration of the location, size, layout, topography, etc, of that land at the time of subdivision consent. This is achieved through reference to the "Criteria for Taking Land Instead of Cash" policy in the Development Contribution Policy in the 2006 - 2016 LTCCP.

Methods

- LTCCP - Development Contribution Policy
- ~~District Plan Policies~~ - Financial Contributions (Part 2, Section 4.4)
- District Plan Rules - Financial Contributions
- Subdivision (all zones)

85. Delete Policies 12(a) and 12(b) from Part 2, Issues, Objectives and Policies, 4 Growth of Rural Area, 4.1 Residential Density & Subdivision in the Rural Area, III Objectives, Policies and Methods, ii) Policies and Methods (page 175) as follows:

~~Policy 12(a) Require any financial contributions owing to be paid at the time an allotment is created whenever practical; and~~

~~Policy 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.~~

86. Amend the following text under Part 2, Issues, Objectives and Policies, 4 Growth of Rural Area, 4.1 Residential Density & Subdivision in the Rural Area, III Objectives, Policies and Methods, ii) Policies and Methods, Policies 8-11 (page 175-176) as follows:

Explanation and Reasons

The District Plan ... find that:

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

Policy 11 ensures that any allotment which is created by subdivision ... in the future.

~~**Policy 12** encourages where practical financial contributions to be paid when land is subdivided. However, there are some parts of the rural area where there is much less demand for residential growth than in others. In these areas, it may be more practical to install utility connections and pay the financial contributions when there is buyer for the allotment rather than when it is created.~~

87. Add a new policy under Part 2, Issues, Objectives and Policies, 4 Growth of Rural Area, 4.1 Residential Density & Subdivision in the Rural Area, III Objectives, Policies and Methods, ii) Policies and Methods, (page 176) as follows:

14. "In limited circumstances and at the Council's discretion, to apply the concept of "environmental compensation" where:

(a) land of high landscape or natural value is protected or made available for public use; or

(b) significant public benefit will be gained from hazard mitigation measures which would substantially enhance amenity values"

Explanation and Reasons

There is a strong link between subdivision of land and the subsequent impacts of land use development. Subdivision activity can, in some cases, provide an opportunity to enhance the environment through the protection of significant features or through the provision of additional areas of open space. The Plan provides for the consideration of environmental compensation at the time of subdivision or development proposals. In some circumstances development may be proposed on land, where there are significant open space or natural values, examples being portions of the Port Hills, Malvern Hills and the High Country. The ability to acquire or protect such land in exchange for development opportunities is an option the Council will explore in appropriate circumstances. However, it is important to bear in mind that environmental compensation does not form part of a proposals development contribution under the LGA.

The acquisition or protection of land having high landscape or natural values is often impractical on account of land purchase costs. The use of the concept of "environmental compensation" (public ownership or covenants) for development rights has to be approached with some caution, but does offer a cost effective means to the community of achieving environmental benefits. This may result in development in locations which may not meet all other policy criteria, but any such arrangement must still require permitted development to be sustainable and environmentally acceptable.

The acquisition of land by the Council as environmental compensation for development opportunities in terms of Policy 14 would generally be in addition to, and not instead of, any requirement to provide land or cash for reserves under the Council's Development Contribution Policy. The Development Contribution Policy requires provision for public reserves for open space and recreation at the time of any residential and/or business development and/or subdivision. However, the provision of environmental compensation may be a situation where it is appropriate for the Council to exercise its discretion to reduce the amount of development contribution payable under the remission provisions of its Development Contribution Policy.

Environmental compensation may also be appropriate in circumstances where a public benefit is obtained from hazard mitigation, but only where as a result of such measures, there is a significant enhancement of amenity values (eg plantings, or wetlands for flood retention). It would not apply to normal sound management practices which landowners can be expected to undertake. Environmental compensation would arise in circumstances requiring significant development proposals, which would arise through plan changes, variations or resource consents, the outcome of which would still be subject to rights of submission and appeal under the Act.

Methods

- District Plan Rules - Subdivision

88. Delete the whole of section 4.2 Financial Contributions under Part 2, Issues, Objectives and Policies, 4 Growth of Rural Area (pages 177 - 186) and replace with the following:

4.2 – Development Contributions

I - Issues

The distribution of the costs between private parties and general rates for:
- Providing reserves and network and community infrastructure; and
- Mitigating the fiscal effects of providing growth related infrastructure.

- (i) What are Development Contributions?

The term development contributions, defined in Section 197 of the Local Government Act 2002, means a contribution –

- a) provided for in a development contribution policy included in the long-term council community plan of a territorial authority; and
- b) calculated in accordance with the methodology; and comprising:
 - i. money;
 - ii. land, including a reserve or esplanade reserve (other than in relation to a subdivision consent), but excluding Maori land within the meaning of Te Ture Whenua Maori Act 1993, unless that Act provides otherwise; or
 - iii. both.

Development contributions can be taken to provide for:

- i. Reserves;
- ii. Network infrastructure;
- iii. Community infrastructure.

In most cases provision for reserves (for open space and recreation), land for esplanade purpose, network infrastructure or community infrastructure is made at the time of subdivision of the land. However, in some instances land use development and activities are undertaken without associated subdivision of land.

Contributions of land and / or cash arising from growth-related development can be required by the Council either under the Resource Management Act by way of the District Plan or under the Local Government Act 2002 by way of a Development Contribution Policy in the Long Term Council Community Plan (LTCCP). The Council has developed a Development Contribution Policy within the requirements of the Local Government Act. 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 Policy and such contributions are no longer taken under the District Plan. Requirements for the provision of esplanade reserves / strips and provisions relating to environmental compensation and the form of land contributions are included within the Subdivision provisions of the District Plan, while requirements for the provision of financial contributions to mitigate environmental damage are included as policies in Part 2 Section 3, Peoples Health, Safety and Values.

Where costs are incurred in relation to maintenance of infrastructure or for improvements in service levels, these costs are met through targeted rates rather than development contributions. Therefore, the purposes for which development contributions are taken and the proportion of costs which are funded through development contributions is an important part of the Council's financial planning.

Note – esplanade reserves and strips – see Part 2, Sections 1.4 and 2.3 and Part 3, Rule X – Subdivision.

II – STRATEGY

The provision to take development contributions under the LTCCP Development Contribution Policy will be complimentary to the subdivision consent process. Esplanade reserves/strips will be taken under the subdivision consent process, while consideration of the form of land to be provided as reserves will also be considered at the time of subdivision.

The LTCCP Development Contribution Policy will ensure that those responsible for development and/or subdivision that places additional demands on the Councils provision of reserves and network or community infrastructure will contribute a fair and reasonable contribution towards the expansion of those services.

III – OBJECTIVES, POLICIES AND METHODS

(i) Objectives

1. The parties creating the need for the expenditure meet the costs of establishing or upgrading reserves and network and community infrastructure and developing and enhancing the recreational and amenity values of the District.
2. The Council uses its discretion to take development contributions under the LTCCP Development Contribution Policy in a transparent and consistent manner.

Explanation and Reasons

Development contributions are taken to help address the fiscal effects which a new development may have on the existing ratepayers of an area. If development contributions are not taken, the costs of addressing these effects must be funded from general rates.

(ii) Policies and Methods

Policy 1. To ensure that subdividers and / or developers meet the costs of any required provision of works and services as a result of land use development and / or subdivision.

Explanation and Reasons

The Council has decided that all development contributions for new or upgraded reserves or network and community infrastructure as a result of development and/or subdivision will be in accordance with the Development Contribution Policy under the LTCCP and the Local Government Act 2002. This Policy will enable the Council to ensure that those responsible for development and/or subdivision that places additional demands on the Council's provision of reserves and network or community infrastructure will contribute a fair and reasonable contribution to the provision and expansion of these services.

Methods

- LTCCP - Development Contribution Policy
- District Plan - Subdivision

IV – ENVIRONMENTAL RESULTS

The following environmental results will occur from implementing Section 4.2:

- New developments and subdivisions contribute towards the cost of provision and expansion of reserves and network and community infrastructure facilities.

V – MONITORING

See Appendix 1.

89. Delete from Part 3, District Plan Rules, Rule I Earthworks (page 194) the following text:

~~4.2.4 Any financial contributions payable under Rule X(1) or Rule X(3).~~

90. Amend Part 3, District Plan Rules, Rule II Tree Planting and Removing Heritage Trees (page 207) as follows:

9.2.7 Any effects of the proposed mode and route of transport, and any improvements required to the road network to allow access into and out of the site for planting or harvesting trees, ~~and any financial contributions payable for these improvements under Rule XI(1);~~

91. Add the following text under Part 3, District Plan Rules, Rule III Buildings (page 215) as follows:

Notes:

...

7. *PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.*
8. Development contributions under the LTCCP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development.

92. Delete from Part 3, District Plan Rules, Rule III Buildings (page 216) the following text:

~~2.3.5 Any financial contributions payable under Rule XI – Financial Contributions;~~

Renumber subsequent clauses as necessary.

93. Delete from Part 3, District Plan Rules, Rural Rules, Rule III Buildings (page 218) the following text:

~~3.2.6 Any financial contributions payable under Rule XI Financial Contributions;~~

Renumber subsequent clauses as necessary.

94. Delete from Part 3, District Plan Rules, Rule III Buildings (page 220) the following text:

~~6.2.4 Any financial contribution payable under Rule XI(3);~~

Renumber subsequent clauses as necessary.

95. Delete from Part 3, District Plan Rules, Rule III Buildings (page 225) the following text:

~~11.3.5 Any financial contributions payable under Rule XI Financial Contributions; and~~

Renumber subsequent clauses as necessary.

96. Delete from Part 3, District Plan Rules, Rule III Buildings (page 226) the following text:

~~12.2.6 Any financial contributions payable for forming or upgrading the road, in accordance with Rule XI(1).~~

Renumber subsequent clauses as necessary.

97. Delete from Part 3, District Plan Rules, Rule III Buildings (page 229) the following text:

~~13.2.7 Any financial contributions payable under Rule XI Financial Contributions; and~~

Renumber subsequent clauses as necessary.

98. Delete from Part 3, District Plan Rules, Rule III Buildings (page 236) the following text:

~~17.9.3 Any financial contributions payable under Rules X;~~

Renumber subsequent clauses as necessary.

99. Delete from Part 3, District Plan Rules, Rule III Buildings (page 237) the following text:

~~1.23 Any financial contributions payable under Rule XI Financial Contributions is paid prior to the building being erected on the site.~~

100. Delete from Part 3, District Plan Rules, Rule III Buildings (page 237) the following text:

~~18.1 Any activity which does not comply with Rule 1.23 shall be a non-complying activity.~~

101. Delete from Part 3, District Plan Rules, Rule III Buildings (page 239) the following text:

1.23 & 18.1	Financial Contributions	4.2	Objectives 1 & 2, policies 1 to 11
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102. Add the following text under Part 3, District Plan Rules, Rule IV (page 244) as follows:

Notes:

...

4. *PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.*

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

103. Delete from Part 3, District Plan Rules, Rule IV Roding (page 245) the following text:

~~2.2.6 Any financial contributions payable under Rule X(1) or (3); and~~

Renumber subsequent clauses as necessary.

104. Delete from Part 3, District Plan Rules, Rule IV Roding (page 246) the following text:

~~3.2.5 Any financial contributions payable under Rule X(1) or (3); and~~

Renumber subsequent clauses as necessary.

105. Delete from Part 3, District Plan Rules, Rule IV Roding (page 250) the following text:

~~Financial Contributions~~

~~1.17 Any financial contributions for roads payable under Rule X Financial Contributions are paid.~~

106. Delete from Part 3, District Plan Rules, Rural Rules, Rule IV Roding (page 250) the following text:

~~Financial Contributions~~

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

107. Delete from Part 3, District Plan Rules, Rule IV Roding (page 251) the following text:

1.18 & 7.1	Financial Contributions	4.2	Objectives 1 & 2, policies 1 to 4 & 8 to 11
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108. Add the following text under Part 3, District Plan Rules, Rule V Utilities (page 254) as follows:

Notes:

...

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

109. Delete from Part 3, District Plan Rules, Rule V Utilities (page 261) the following text:

~~5.5.3.6 Any financial contributions payable under Rule XI(1) or (3); and~~

Renumber subsequent clauses as necessary.

110. Delete from Part 3, District Plan Rules, Rule V Utilities (page 262) the following text:

~~5.5.7.6 Any financial contributions payable under Rule XI Financial Contributions;~~

Renumber subsequent clauses as necessary.

111. Delete from Part 3, District Plan Rules, Rule V Utilities (page 265) the following text:

~~5.7.4.5 Any financial contributions payable under Rule XI Financial Contributions;~~

Renumber subsequent clauses as necessary.

112. Delete from Part 3, District Plan Rules, Rule V Utilities (page 266) the following text:

~~5.7.8.6 Any financial contributions payable under Rules X(1) or (3); and~~

Renumber subsequent clauses as necessary.

113. Delete from Part 3, District Plan Rules, Rule V Utilities (page 271-272) the following text:

~~**5.11 Financial Contributions Utilities**~~

~~**Utility Buildings Permitted Activities**~~

~~5.11.1 Any financial contributions payable under Rule XI Financial Contributions is paid prior to the building being erected on the site.~~

Utility Buildings—Other Activities

~~5.11.2 Any activity which does not comply with Rule 5.11.1 shall be a non-complying activity.~~

Utility Structures—Permitted Activities

~~5.11.3 Any financial contributions payable under Rule XI Financial Contributions are paid prior to any utility structure being erected.~~

~~5.11.4 Any activity which does not comply with Rule 5.11.3 shall be a discretionary activity.~~

114. Add the following text under Part 3, District Plan Rules, Rule VIII Waste Generation, Storage and Disposal (page 295) as follows:

Notes:

...

10. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.

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

115. Delete the following text under Part 3, District Plan Rules, Rule VIII Waste Generation, Storage and Disposal (page 296) as follows:

~~2.3.4 Any financial contributions payable under Rule X(1) or (3); and~~

Renumber subsequent clauses as necessary.

116. Add the following text under Part 3, District Plan Rules, Rule IX Activities (page 301) as follows:

Notes:

...

6. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.

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

117. Delete the following text under Part 3, District Plan Rules, Rule IX Activities (page 305) as follows:

~~7.2.4 Any financial contributions payable under Rule XI(3);~~

Renumber subsequent clauses as necessary.

118. Delete the following text under Part 3, District Plan Rules, Rule IX Activities (page 307) as follows:

~~9.2.3 Any financial contributions payable under Rules XI(1) or (3);~~

Renumber subsequent clauses as necessary.

119. Delete the following text under Part 3, District Plan Rules, Rule IX Activities (page 308) as follows:

~~10.2.3 Any financial contributions payable under Rule XI(1) or (3); and~~

Renumber subsequent clauses as necessary.

120. Delete the following text under Part 3, District Plan Rules, Rule IX Activities (page 311) as follows:

~~(e) Any financial contributions payable under Rule XI(1) or (3)~~

Renumber subsequent clauses as necessary.

121. Delete the following text under Part 3, District Plan Rules, Rule IX Activities (page 312) as follows:

~~12.2.2 Any financial contributions payable under Rule XI(1);~~

Renumber subsequent clauses as necessary.

122. Delete the following text under Part 3, District Plan Rules, Rule IX Activities (page 330-331) as follows:

...

Rules 1.11 and 13, and Rules 1.12 and 14 address effects of traffic generation on the safety and efficiency of the road network and the amenity values of residents. Rule 1.10, through cross referencing to Rule IV, requires all carparking from any activity to be on-site or on land adjoining the site, rather than on the road reserve. Rule 1.11 manages the volume of traffic an activity may generate as a *permitted activity*. The reason for the rule is not to prevent activities which generate higher volumes of traffic from occurring in the Rural Zone. Rather, it is to ensure that the road is of sufficient standard to accommodate the additional traffic volume safely ~~and to take financial contributions towards any upgrade if the Council requires them.~~ Therefore ...

123. Add the following text under Part 3, District Plan Rules, Rule X Subdivision (page 333) as follows:

Notes:

...

14. *Works affecting any archaeological sites require the consent of the New Zealand Historic Places Trust Pouhere Taonga (refer Section 3.3, subsection (iv) "Archaeological Sites" page 129.*

15. *Development contributions under the LTCCP Development Contribution Policy will be taken where network infrastructure, community*

infrastructure or reserves have to be constructed or expanded as a direct result of growth from development.

124. Amend the following text under Part 3, District Plan Rules, Rule X Subdivision (page 335-336) as follows:

Financial Contributions

~~1.3.9 Any financial contributions payable under Rule X(1-3);~~

Taking Land Instead of Cash

1.3.9 The extent to which the "Criteria for Taking Land Instead of Cash" clause of the "Reserves - Specific Issues regarding Development Contributions Assessment" in the Development Contribution Policy of the 2006-2016 LTCCP will meet the needs of present and future generations.

~~1.3.10 The creation of any allotment up to 200mm wide (point strip) to:~~
~~(i) — Ensure any adjoining land owner pays a financial contribution to use any excess capacity in any road or utility which is funded by any other party; or~~
~~(ii) — To prevent access on to any particular road for any other purpose; and~~

1.3.10 The creation of any allotment up to 200mm wide (point strip) to prevent access on to any particular road for any other purpose; and

125. Add the following text under Part 3, District Plan Rules, Rule X – Subdivision, Matters of Discretion after Esplanade Reserves or Strips (page 352) as follows:

13. Taking Land Instead of Cash

13.1 The extent to which the "Criteria for Taking Land Instead of Cash" clause of the "Reserves - Specific Issues regarding Development Contributions Assessment" in the Development Contribution Policy of the 2006-2016 LTCCP will meet the needs of present and future generations.

126. Delete the following text under Part 3, District Plan Rules, Rule X Subdivision (page 354) as follows:

1.3.11 & 1.3.12	Financial Contributions & Point Strips	2.1 2.2 2.3 4.1 4.2	Objective 1, Policy 2 Objective 1, Policy 2 Objectives 1 & 2, Policy 4 Objectives 1 to 3, 7(a) & 7(b) Objectives 1 & 2, policies 1 to 11
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127. Delete the whole of Part 3, Rule XI Financial Contributions (pages 357-369).

128. Insert the following text under Part 3, District Plan Rules, 3. Definitions (page 385) after the definition of 'Community Facility' as follows:

Community Infrastructure: has the same meaning as in Section 197 of the Local Government Act 2002. *

129. Delete the following text under Part 3, District Plan Rules, 3. Definitions (page 385) as follows:

~~**Depreciated Value:** for the purposes of Rule XI — Financial Contributions, includes the historic cost of forming, installing or upgrading any road or other utility, less an amount calculated and deducted for depreciation of the asset. The amount of depreciation is calculated using the methodology for calculating depreciation which is set out in the Council's Annual Financial Report.~~

130. Amend the following text under Part 3, District Plan Rules, Definitions (page 386) as follows:

Developer: includes any person or persons who are legally liable for paying any financial development contribution taken upon the granting of which is a precondition to a permitted activity under the district plan, or a condition on any a resource consent, a building consent or an authorisation for a service connection.

131. Insert the following text under Part 3, District Plan Rules, 3. Definitions (page 386) after the definition of 'Developer' as follows:

Development Contribution: has the same meaning as in Section 197 of the Local Government Act 2002. *

132. Insert the following text under Part 3, District Plan Rules, 3. Definitions (page 389) after the definition of 'Municipal Solid Waste' as follows:

Network Infrastructure: has the same meaning as in Section 197 of the Local Government Act 2002. *

133. Insert the following text at the end of the Definitions section (Part 3, District Plan Rules, 3. Definitions), pages 394-395:

Community Infrastructure: in Section 197 of the Local Government Act 2002 means:

- (a) land, or development assets on land, owned or controlled by the territorial authority to provide public amenities; and
- (b) includes land that the territorial authority will acquire for that purpose.

Development Contribution: in Section 197 of the Local Government Act 2002 means a contribution:

- (a) provided for in a development contribution policy included in the long-term council community plan of a territorial authority; and
- (b) calculated in accordance with the methodology; and
- (c) comprising—
 - (i) money; or

- (ii) land, including a reserve or esplanade reserve (other than in relation to a subdivision consent), but excluding Maori land within the meaning of Te Ture Whenua Maori Act 1993, unless that Act provides otherwise; or
- (iii) both.

Network Infrastructure: in Section 197 of the Local Government Act 2002 means:

The provision of roads and other transport, water, wastewater, and stormwater collection and management

134. Delete the following row from Part 3, Appendix 1 – Monitoring Strategy (page 377) as follows:

Financial Contributions	<ul style="list-style-type: none"> • The number of financial contributions paid at the land use stage rather than subdivision. • The amount of reserve contribution being collected and where it is spent. 	<ul style="list-style-type: none"> • To assess whether it is worthwhile for the plan to have provisions to take financial contributions at land use stage. • To assess whether the financial contributions taken for reserve contributions are adequate. 	<ul style="list-style-type: none"> • Annually • Annually
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135. Delete the following text under Part 3, District Plan Rules, Appendix 18 (page 481) as follows:

Financial Contributions

- ~~Until such time as the proposed plan is notified, the rules to allow the Council to take financial contributions to recover up to 100% of the costs of any work required to public utilities or services, as a result of the proposed residential or business development.~~

136. Delete the following text under Part 3, District Plan Rules, Appendix 21 (page 493) as follows:

Financial Contributions

4.1.3—The payment of any financial contribution under Rule X(1) or X(3);

Renumber subsequent clauses as necessary.

137. Delete the following text under Part 3, District Plan Rules, Appendix 21 (page 495) as follows:

Financial Contributions

~~4.2.6 Any financial contributions payable under Rule X, Rules 1 and 3. Financial contributions are not payable for reserves in recognition of the extensive area of land that has already been set aside for conservation and recreation purposes (see Outline Development Plan).~~

Renumber subsequent clauses as necessary.

138. Delete the following text under Part 3, District Plan Rules, Appendix 21, reasons for rules (page 496) as follows:

...

Subdivision is a controlled activity with matters of control limited to nuisance effects associated with forming sections and laying services, utilities, easements, ~~financial contributions~~ and monitoring. This is consistent with the general approach taken to subdivision in the Plan. ~~No financial contributions are payable for reserves in recognition of the extensive area of land that has already been set aside for conservation and recreation purposes (see Outline Development Plan).~~ The Terrace Downs Existing Development Area totals 256.1532 ha and the area already preserved as Crown Reserve, the proposed area to be donated as Crown Reserve, and the area subject to a covenant, totals approximately 67 ha. This represents 26% of the property. The public Rakaia Walkway, which runs through the property, is to be preserved as a public accessway, thus enhancing access to the existing reserve and proposed reserve. The Existing Development Area also provides for large open space recreation for golf, rugby and other sports as well as significant facilities for recreation purposes.

139. Delete the following text under Part 3, District Plan Rules, Appendix 22 (page 501) as follows:

Financial Contributions

~~4.1.7 The payment of any financial contribution under Rule X(I) or X(3);~~

Renumber subsequent clauses as necessary.

140. Any other consequential amendments to give effect to this variation, including amended section numbering, page numbering, and contents pages.

Attachment 3

Objectives, Policies and Methods – Financial Contributions

Attachment 4

Development Contribution Policy