

Section 42A report overview:

SECTION 12.1 FINANCIAL CONTRIBUTIONS OF CHAPTER 12 GENERAL AND DISTRICT-WIDE PROVISIONS

1.0 Introduction

- 1.1 The s42A report considers submissions regarding the provisions of Section 12.1 Financial Contributions of Chapter 12 General and District-wide Provisions. The scope of the report relates to submissions received on Section 12.1 Financial Contributions.
- 1.2 There were 19 submissions and 23 further submissions received on Section 12.1 Financial Contributions of Chapter 12. Submissions ranged from support, to opposing the financial contributions and the basis for their calculation, seeking a specific policy for a contribution for state highway roading and seeking amendments to the policy and rules, including remissions policies.
- 1.3 Section 12.1 is also subject to a number of consequential amendments arising from submissions to the whole of the PDP and other chapters. I have noted consequential amendments in the amended text of Section 4 of my report, to the extent possible at the time of writing the report.

2.0 Report Structure

- 2.1 The first two sections of my Section 42A report (Sections 1 and 2) provide an introduction to the report, its scope and key submission issues, and outline the key statutory and other relevant considerations.
- 2.2 Section 3 identifies the matters raised by submissions, provides an assessment of submission issues, my recommendations to accept, accept in part, or reject each submission point (including further submissions), and outlines any recommended amendments to the PDP as a result of the submissions.
- 2.3 I structured the submission analysis and recommendations in Section 3 around three topics:
 1. General / whole of Section 12.1
 2. Credits and remissions of financial contributions payable
 3. Rule (Standard) 12.1.3.
- 2.4 For efficiency, and in accordance with Clause 10(3) of Schedule 1 to the RMA, the evaluation of submissions under each topic area has, as much as possible, been undertaken on both an issues and provisions-based approach, as opposed to a submission by submission approach. However, in saying that, with the low number of submissions on this section, I have generally addressed each submission individually.

- 2.5 Section 4 of the report contains a marked up version of the amendments recommended to the Section 12.1 provisions.
- 2.6 Section 5 of my report contains a summary table of all the submissions (including further submissions) and the recommendations in relation to each submission point considered as part of the report.
- 2.7 The report also includes appendices which contain specific information and expert advice relevant to the assessment and recommendations of submissions made on Section 12.1.

3.0 Relationship to PDP Chapters

- 3.1 Section 12.1 Financial Contributions sets out the policies and standards for when and how the Council will take financial contributions from land use, subdivision and development throughout the District. In particular, Section 12.1 assists to implement Policies 8.1 and 8.2 of Chapter 8, Open Space, for when new residential development occurs within the District. Section 12.1 also assists to implement any new land use, development or subdivision that may result in a requirement to upgrade infrastructure, where such upgrade is not planned for.
- 3.2 Section 12.1 implements multiple objectives in Chapter 2, for example: 2.3 – Development management, 2.8 – Strong Communities, 2.11 – Character and Amenity Values, 2.13 – Infrastructure and Services, 2.14 – Access and transport and 2.14 – Open spaces / active communities. Our report references key objectives where they are relevant to the assessment of submissions and our recommendations.
- 3.3 The report highlights a number of consequential amendments I have recommended to Section 12.1 as a result of amendments recommended in other Section 42A reports. These amendments are varied and can relate to plan-wide issues (such as the deletion of policy explanations and summary rule tables), or are to help ensure consistency of policies, rules and standards between PDP chapters. I have identified these changes in the comments boxes in the amended text provided in Section 4 of my report.

4.0 Key submission topics / issues

- 4.1 Without detracting from the details contained in the submissions, which are addressed the report, I consider the following to be the key issues in contention with this section:
- Justification of the financial contributions provisions;
 - The New Zealand Transport Agency's relief sought for a specific policy for funding state highway upgrades; and
 - Application of the provisions, including remissions and exclusions.

5.0 Matters resolved and still to be resolved

- 5.1 On 20 September, the Panel received a letter from **Submitter 232 Bunnings Ltd** stating that it agrees with the s42A recommendations in respect to its submission points 262.18 and 262.20. Bunnings Ltd requested that this letter be tabled with the Panel in lieu of an appearance.
- 5.2 We note that **Further Submitter 129 Progressive Enterprises Ltd** will be appearing at the hearing and providing legal submissions in respect to **Submission 457.57 New Zealand Transport Agency**.
- 5.3 In respect of the evidence from **Submitter 457 NZ Transport Agency**, Mr Trotter advises in respect to the issue of joint funding that he accepts that NZTA jointly fund road maintenance and some capital projects with the Council. However, the comments in the memo around this related to joint funding for the existing and proposed SH1 capital works for which there is no arrangement. In preparing his advice, he assumed that NZTA would not be seeking to use financial contributions from development for maintenance activities.
- 5.4 I will discuss the recommendations of **Submitter 457 NZ Transport Agency** that I disagree with in my closing statement.
- 5.5 I do not consider that any provisions within Section 12.1 should be moved to the Proposed New Chapter 2A; however, I note that it is recommended that some of the policies in Chapter 8 be moved to this Chapter. I also do not consider that there are any issues in regard Section 12.1 that would require an amendment to Chapter 2: Objectives.
- 5.6 At this stage I am not recommending any further changes to my report; however, I maintain an open mind as I hear submissions during the course of this hearing.
- 5.7 Thank you Mr Chair and members of the Panel.



Gina Sweetman

22 September 2016