



PROPOSED KAPITI COAST DISTRICT PLAN 2012

s42A Report: Part B – Section 12.1, Financial
Contributions - Chapter 12, General and District-wide
Provisions

Gina Sweetman - 26 August 2016



Executive Summary:

1. This report considers submissions received by Kapiti Coast District Council (the Council) in relation to the relevant policies and rules as they apply to Chapter 12; General and City-wide Provisions – Financial Contributions. That is, this S42A report is solely focussed on Section 12.1 Financial Contributions.
2. The report outlines recommendations in response to the key issues that have emerged from these submissions.
3. 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. Section 12.1 is also subject to consequential amendments arising from submissions to the whole of the PDP and other chapters.
4. Of the 19 submissions and 23 further submissions, four of the submissions and two of the further submissions related to the Priority Areas for Restoration provisions which were formally withdrawn on 30 October 2014. Given those provisions no longer have any formal status, I have not considered them in this s42A report.
5. Some changes to the Proposed District Plan (PDP) provisions are recommended to address matters raised in submissions and are summarised below:
 - Significant rewording of the section to provide better clarity of:
 - the basis for financial contributions
 - how they relate to development contributions
 - their purpose
 - how they are calculated
 - how and when financial contributions will be taken
 - how they will be remitted, if a development does not proceed
 - exemptions.
 - Increased clarity about the application of particular circumstances when a contribution will or will not be taken.

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- Appendix 4 Notes from meeting with submitter 191 Landlink Ltd

Section 1: Introduction

1.1 Purpose

1. This report is prepared under the provisions of section 42A of the Resource Management Act 1991 (RMA).
2. This report has been commissioned by Kapiti Coast District Council in accordance with Section 42A of the RMA to consider all submissions and further submissions received following the public notification of the Proposed District Plan (PDP) and to make recommendations on those submissions.
3. This report:
 - Outlines the statutory provisions relevant to the district plan review process;
 - Discusses general issues;
 - Discusses both the original and further submissions received following notification of the PDP;
 - Makes recommendations as to whether or not those submissions should be accepted or rejected; and
 - Concludes with a recommendation for changes to the PDP provisions or maps based on the preceding discussion in the report.
4. Some changes are recommended to the provisions as notified and these are contained in Section 4 of this report. A summary of all recommendations on submissions and further submissions is contained in Section 5 of this report.
5. This report addresses Section 12.1, Financial Contributions, of Chapter 12 of the PDP.
6. This report is intended to be read in conjunction with Section 42A Report: Part A – Background and Process which contains factual background information, statutory context and administrative matters pertaining to the district plan review and PDP. Section 42A Report: Part A is common to all chapters of the PDP whereas Part B is specific to each chapter or topic and addresses the submissions and further submissions relevant to that particular aspect of the PDP.

1.2 Authors

7. My name is Gina Sweetman. I hold a Bachelors of Planning and Masters of Planning (First Class Honours), both from the University of Auckland. I am a full member of the New Zealand Planning Institute. I have over 23 years' experience in local government, central government and private practice. I have been self-employed since 2010.
8. My experience includes roles as preparing and presenting plan changes and associated policy advice to councils and presenting evidence at corresponding evidence. I have been involved in both policy development of financial contribution

provisions and their administration through resource consent processes, including objections and resolving appeals. When working in central government, I assisted to prepare guidance on financial contributions and provided input into the new development contributions provisions contained in the Local Government Act. I am one of 26 nationally appointed Development Contributions Commissioners. My role in preparing this report is that of an expert planner.

9. I note that I have recently taken the lead for this section from Sherilyn Hinton. However, prior to my now taking the lead, I had advised and assisted Ms Hinton in the review of submissions, early discussions with Landlink Ltd, the preparation of the Submitter Engagement Version of the PDP, and the briefing of Council experts who have inputted into this report.
10. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court December 2014. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
11. The scope of my evidence relates to Section 12.1, Financial Contributions, of Chapter 12 General and City-wide Provisions. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner.
12. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
13. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
14. The literature or other material which I have used or relied upon in support of my opinion are as follows:
 - The Resource Management Act 1991;
 - The New Zealand Coastal Policy Statement 2010;
 - The Wellington Regional Policy Statement 2013;
 - The Submitter Engagement Version of the PDP;
 - Operative and proposed district plans from other territorial authorities;
 - The Kapiti Coast District Council Long Term Plan 2015, and the many other documents which we have referred to while reviewing the submissions and further submissions in the context of the PDP.
15. In evaluating the information and making recommendations on submissions, I have relied on input from Jacinta Straker, Manager, Financial Planning and Performance, Sean Mallon, Group Manager Infrastructure Services, and Neil Trotter, Roading Network Planning Team Leader, all of Kapiti Coast District

Council. The technical reports prepared by Jacinta Straker, Sean Mallon and Neil Trotter are appended to this report in Appendices 1 and 2.

1.3 Content of the Officer's Report

16. The purpose of this report is to bring to the attention of the Commissioners the relevant information and issues regarding Section 12.1, Financial Contributions, of Chapter 12 General and City-wide Provisions, along with recommendations on the submissions and further submissions. As submitters are entitled to speak and present evidence at the hearing, the recommendations contained within this report are preliminary only, relating only to the written submissions and any information accompanying that submission. I emphasise that the conclusions and recommendations made in this report are my own, based on the information to hand at the time of writing this report, and are not binding upon the Commissioners. It should not therefore be assumed that the Commissioners will reach the same conclusion as ourselves having considered all the evidence brought before the hearing.
17. A total of 19 submissions from 10 submitters and 29 further submissions from 25 further submitters were 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. Section 12.1 is also subject to consequential amendments arising from submissions to the whole of the PDP and other chapters.
18. Of the 19 submissions and 29 further submissions, four of the submissions and two of the further submissions related to the Priority Areas for Restoration provisions which were formally withdrawn on 30 October 2014. Given those provisions no longer have any status, I have not considered them in this s42A report.
19. This report is structured as follows:
 - Section 1:** Introduction
 - Section 2:** Statutory Considerations
 - Section 3:** Consideration of Submissions and Further Submissions
 - Section 4:** Recommended Amendments to Section 12.1
 - Section 5:** Recommendations to Submissions and Further Submissions
20. Appendices attached to this report include:
 - Appendix One:** Memo from Jacinta Straker
 - Appendix Two:** Memo from Sean Mallon and Neil Trotter
 - Appendix Three:** Feedback from Te Ohu Taiao
 - Appendix Four:** Notes from meeting with Submitter 191: Landlink Ltd
21. In respect of the last Appendix, the feedback from Te Ohu Taiao, I note that the main area of concern to Te Ohu Taiao was in respect of the financial implications of the work undertaken by the Council on the justification of the financial contribution quantum, and the financial implications of this on community and papakainga housing. I note that there were no specific submission points which

addressed community or papakainga housing. I have addressed the findings from the Council work on the justification of the quantum in this report.

1.4 Key issues in contention

22. Without detracting from the details contained in the submissions, which are addressed through this report, I consider the following to be the key issues in contention in the chapter:
- 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.
23. I have structured the Section 42A report around these concerns.

Section 2: Statutory Considerations

24. There are a number of key statutory documents which must be noted as part of considering the PDP. These statutory documents are discussed more thoroughly in Section 42A Report: Part A – Background and Process, however there are some statutory considerations specific to Section 12.1 of Chapter 12 which I discuss below.

2.1 Resource Management Act 1991

25. Section 108 of the Resource Management Act 1991 (the RMA) provides for the charging of financial contributions. Under section 108(9), a financial contribution means a contribution of money or land, or a combination of both. Under section 108(10), a consent authority can only impose a condition of consent requiring a financial contribution where the condition is imposed in accordance with the purposes specified in the plan and the level of contribution is determined in the manner described in the plan.
26. Financial contributions are typically used to offset the effects arising from land use, development and subdivision.
27. Under section 200(1)(a) of the Local Government Act 2002, a territorial authority must not require the payment of a development contribution if it has imposed a financial contribution as a condition of consent under s108(2)(a) in relation to the same development for the same purpose.
28. I note that the Resource Management Amendment Bill 2015 which is currently before the Select Committee includes a proposed clause which would see sections 108(2)(a) (9) and (10)) repealed with a five-year transitional period. However, I note that proposed new section 108AA would still provide for a resource consent being granted with a condition akin to a financial contribution where effects arising

can be directly attributed to the activity. I also note that at this point in time there is no guarantee that this proposed amendment will proceed.

2.2 New Zealand Coastal Policy Statement (NZCPS)

29. The PDP must give effect to the NZCPS as directed by section 75 (3)(b) of the RMA. I consider that there are no directly relevant provisions in the NZCPS.

2.3 National Policy Statements

30. There are no relevant national policy statements.

2.4 Regional Policy Statement

31. As at the date the PDP was notified, the Proposed Wellington Regional Policy Statement 2009 was still the subject of appeals to the Environment Court. Accordingly, the PDP was required to give effect to the Operative Regional Policy Statement 1999 by Section 75(3)(c) of the RMA. The provisions of the Proposed Wellington Regional Policy were required to be given regard to by Section 74(2)(a)(i).

32. The Proposed Regional Policy Statement for the Wellington region was made operative on 24 April 2013. The PDP was notified before the Regional Policy Statement (RPS) was made operative and was therefore prepared on the basis of giving effect to the Operative RPS, with regard given to the Proposed RPS.

33. Any changes to the PDP recommended in this report are constrained to the scope provided by submissions. However, where submissions enable PDP provisions to be aligned with the now Operative RPS, we have identified this opportunity in this report.

34. There are no specific provisions contained in the RPS that relate to financial contributions. However, I consider that the following provisions are indirectly relevant, as the taking of financial contributions for open space and reserves and the upgrading of infrastructure to mitigate effects generated by activities, will assist to achieve these:

- Objective 10 – The social, economic, cultural and environmental, benefits of regionally significant infrastructure are recognised and protected
- Policy 7 – recognising the benefits from renewable energy and regionally significant infrastructure
- Objective 22 – A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:

...

(h) integrated public open spaces

...

- Policy 33 – Supporting a compact, well designed and sustainable regional form

- Policy 54 - achieving the region's urban design principles
- Policy 55 - maintaining a compact, well designed and sustainable regional form
- Policy 58 – Co-ordinating land use with development and operation of infrastructure
- Policy 67 – Maintaining and enhancing a compact, well-designed and sustainable regional form.

2.5 Other Relevant National Instruments

35. There are no other national instruments of direct relevance to the issues addressed in this report.

2.6 National Environmental Standards

36. There are no relevant national environmental standards.

2.7 Trade Competition

37. No consideration of trade competition has been given with respect to Section 12.1 Financial Contributions - Chapter 12 General and City-wide Provisions. There are no known trade competition issues raised within the submissions on this Section of Chapter 12.

2.8 Plans or Proposed Plans of Adjacent Territorial Authorities

38. The Kapiti Coast District adjoins Horowhenua District to the North, Porirua City to the South and Upper Hutt City, South Wairarapa District and Carterton District to the east.

39. The drafting and notification of the PDP was carried out generally in advance of the majority of adjacent territorial authority's district plan review programmes. Therefore, opportunities for alignment of provisions or plan structure were limited.

40. All adjacent territorial authorities were notified as part of the PDP process. No specific cross boundary issues were raised.

41. During the preparation of the PDP, Kapiti Coast District Council officers regularly attended a meeting of the regional policy managers, including representatives from all territorial authorities from the Wellington region. These meetings included representatives from Greater Wellington Regional Council, and provided the opportunity to explore opportunities for greater alignment of policy and plan structure.

42. Due to the timeframes of the Kapiti Coast District Plan review programme relative to the district plan review programmes of other TA's, opportunities for plan alignment were limited.

43. Since the notification of the PDP other TA's have advanced their own district plan review programmes, providing opportunity for the consideration of alignment of provisions where within the scope of submissions.

Section 3: Consideration of Submissions and Further Submissions

3.1 Report Structure

44. Submitters and further submitters submitting on Section 12.1 of Chapter 12 raised a number of issues which have been grouped into sub-topics within this report. These issues are addressed in the following sections of the report:

Table 1 - Overview of Submission Topics

Issue Topic	Report Section
General / Whole of Section 12.1	3.3
Credits and remissions of financial contributions payable	3.4
Rules	3.5

45. The table in Section 5 should be used to locate the relevant sections where each submission is discussed. The submissions have been grouped into similar topics. Note that some submissions will be addressed under a number of topic headings based on the topics contained in the submission.
46. Section 3 discusses the issues raised in the submissions and further submissions, makes recommendations on whether those submissions / further submissions should be accepted or rejected, and gives reasons for such recommendations.
47. For efficiency and in accordance with Clause 10(3) of the First Schedule of the RMA, the following evaluation has been undertaken on both an issues and provisions-based approach, as opposed to a submission by submission approach. The evaluation has been organised in accordance with the chapters of the PDP as notified.
48. Given the low number of submission / further submission points to consider, this discussion contains specific recommendations on each submission point. The specific recommendations on each submission / further submission point are also contained in Section 5.
49. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I concur with the relief sought and rationale for that relief, I have noted my agreement and provided my recommendation in the summary of submission table in Section 5. Where I have undertaken further evaluation of the relief sought in a submission(s), my evaluation and recommendations are set out in this section of the report.

3.2 Format for Consideration of Submissions

50. The consideration of submissions follows the following structure:
Section 3 of this Hearings Report considers the submissions and further submissions received. Each section comprises sub-sections entitled:
- Matters Raised by Submitters – summarises the issues raised in the submissions and further submissions and the relief sought.
 - Assessment – consideration of the issues raised.
 - Recommendations – this outlines my recommendations to accept, accept in part or reject each point of submission and further submissions.
 - Recommended Amendments – outlines my recommended amendments to the PDP text in response to the points of submission and further submissions.
51. Where I recommend changes in response to submissions, these are shown as:
- Text recommended to be added to the PDP is underlined.
 - Text recommended to be deleted from the PDP is ~~struck through~~.
52. A copy of Section 12.1 of Chapter 12 as amended by my recommendations contained within this Hearings Report is included in Section 4 of this report.
53. It should be noted that there are amendments proposed in Section 4 of my report that are a consequence of amendments proposed in other Section 42A reports. These can relate to whole of plan issues (such as the deletion of explanations) or between chapters to ensure consistency between policies, rules and standards. I do not intend to repeat the decisions sought in these submissions (or the assessment of them) in my report; however, they will be identified in the comments boxes in Section 4 of my report, along with the reasoning for the proposed change.
54. The significant consequential recommended change to Section 12.1 of Chapter 12 is a restructuring of the rules to provide greater clarity and ease of interpretation and application.
55. Amendments as provided for under Clause 16(2) Schedule 1 of the RMA are also proposed in Section 4 of my report where the amendment has minor effect or corrects minor errors.

3.3 General / Whole of Section 12.1

Matters raised by submitters

56. This section identifies submissions that apply generally to Section 12.1, including those that:
- Support Section 12.1 provisions
 - Oppose Section 12.1 provisions and rationale
 - Seek the introduction of a new policy approach
 - Minor amendments
57. This section also highlights the main recommended consequential changes that affect Section 12.1 as a result of submissions on the PDP as a whole.

General Support

58. Submissions 480.62 and 480.64 Kapiti Coast Grey Power Association support the funding for infrastructure upgrades needed to serve growth being funded by those who cause the need for that infrastructure through the subdivision and development of land, and the policy and calculations for the financial contributions.

General Opposition

59. Submission 262.18 Bunnings Ltd opposes the quantum of the proposed recreation and open space financial contribution applicable in working (industrial) zones and opposes the basis for calculation of a household unit equivalent in the industrial zone. The submitter seeks that the quantum of recreation and open space financial contribution payable in working (industrial) zones be deleted or reduced.
60. Submission 191.53 Landlink Ltd does not consider that the section 32 report is adequate for reserves contribution. It seeks a comprehensive assessment of open space need to determine the necessary contributions. This is supported by FS41 Ian Jensen.
61. Submissions 28.38 to 28.40 Bryce Wilkinson state that development and financial contributions have a valid potential role to play, but if undisciplined can add to the anti-developmental and anti-subdivision biases in the PDP that have been identified in other parts of his submission, and to the extent that the Council is both a regulator and a provider of infrastructure it has a conflict between its duty to regulate impartially and its incentive to gold plate or feather bed its provider vehicle or to use it as a cash-cow, all at a non-transparent cost to the community. The submissions:
- Seeks that where feasible, the Council could reduce its conflict of interest by separating out the provider function and the regulator function;
 - To the extent that this is not feasible, set up an appeal / arbitration / mediation procedure that guards against the divisive perception and reality of the undue exploitation of the conflict in setting levels for financial and development contributions; and

- Any other decision that would appropriately address the concerns in this submission.

62. These submissions are supported by FS139 Allan Smith and FS229 Ken Moselen.

New Policy Approach

63. Submission 457.57 New Zealand Transport Agency seeks the following amendments to Section 12.1:

- a. The Proposed Plan have a separate section for State Highway financial contributions in section 12.1 of the Proposed Plan that states the purpose for a financial contribution towards State Highway works, and a methodology for determining the level of contribution.
 - b. The Council develop an equitable contribution methodology to be included in the Proposed Plan regarding the taking of financial contributions for new State Highway infrastructure or the upgrading of existing State Highway infrastructure.
 - c. Section 12.1 include the following (or similar) purpose statement
Purpose:
Providing for new, or contributing to the upgrade of existing, State highway infrastructure that is required as the result of traffic effects from development or subdivision.
 - d. The insertion of the following in Section 12.1.1:
The NZTA expects that increased demands on State highway infrastructure will be borne by the development in a timely manner. Consequently:
 - a. *Where works are programmed by the NZ Transport Agency the development will bear the proportion of the costs generated by that development and any costs associated with bringing forward the timing of the works*
 - b. *Where works are not programmed by the NZ Transport Agency the development will bear the full costs of the infrastructure necessary to accommodate that development*
 - e. Amend proposed section 12.1.1 (ii) to read:
the upgrade of offsite infrastructure (including the State highway network) where a financial contribution towards the cost of is needed to undertake the upgrade ahead of programmed works which will address any environmental effects created by the proposed development.
 - f. Amend the fourth sentence in the explanation under proposed Policy 12.2 to read:
The provisions of this Plan ensure that activities which create demands on community infrastructure (including the State highway network) pay their fair share.....
 - g. The Council clarify why proposed Policy 12.1.3 has no ability to collect financial contributions for public transport.
- OR similar.

64. Further Submitters FS42 - Ngatotara Farms Ltd and Rod Agar; FS57 - Anthony and Anne McEwan; FS58 - Michael & Elizabeth Welch; FS59 - Barry, Suzanne and Timothy Mansell; FS60 - Tasman Lakes Estates Ltd; FS61 - Cavallo Agistment Ltd; FS102 - USNZ Forestry Group Ltd; FS153 - Garlap and Mahaki Holdings Ltd; FS178 - Land Matters Ltd; FS179 - C D Bowie; FS180 - Lutz Brothers Ltd; FS181 - Bellcamp Trust Company; FS182 - John & Brenda Cheese; FS183 - Kennott Trust Company Ltd and Kauri Trust; FS184 - Kumototo Nominees & Patone Holdings; FS185 - Millhaven Ltd; FS186 - Mahaki Holdings Ltd; FS187 - RNR Trust all oppose this submission in part. FS129 - Progressive Enterprises Ltd opposes the submission.

Minor Amendments

65. Submission 440.82 Kapiti Coast District Council seeks that the explanatory text in the introduction be amended to read *“the upgrade of off-site infrastructure where a financial contribution towards the cost is needed to undertake the upgrade ahead of programmed works which will address any environmental effects created by the proposed development.”*

Assessment

General Support

66. In regard to submissions 480.62 to 480.64 Kapiti Coast Grey Power Association, I recommend that this submission point be accepted, noting amendments proposed in response to other submissions.

General Opposition

67. The Council has reviewed its current approach to financial contributions in response to the submissions in general opposition, and in particular those of Bunnings Ltd and Landlink Ltd. The findings of that review is set out in a report prepared by Jacinta Straker, Council’s Manager Financial Planning and Performance. A copy of the report is attached as Appendix 1.

68. I consider that particular points to note from the Council review are:

- The Local Government Act (LGA) determines that it is appropriate to charge contributions on the basis of market land value. Section 203(1) of the LGA states that development contributions must not exceed 7.5% of the value of additional lots created by subdivision, and the equivalent value of 20m² of land for each additional household unit / accommodation unit created by development;
- The market value based approach contained in the PDP is in line with the approach taken by many other councils in New Zealand, including Upper Hutt and Hutt City Councils more locally.
- The Council is currently reviewing its Development Contributions policy under the LGA. As part of this review, the Council is considering moving the funding requirement for development that increases the demand for reserves and public open spaces to its Development Contributions policy.

- Given that the LGA only provides for development contributions to be taken for planned and budgeted works, generally based on forecasted growth, the Council is intending to retain the ability to take financial contributions for reserves and public open space purposes for un-forecast growth and developments.
- Over the last five years (2010/11 to 2014/15), the Council spend almost \$11million to upgrade and expand the network of parks and reserves, including strategic land acquisition. The Council has a further expenditure of \$81million over the next 30 years.
- Over the last ten years, the Council has also acquired land vested in lieu of cash financial contributions which amounts to \$3.5million.
- Over the last ten years, that Council has received approximately \$5.4million in financial contributions for reserves and public open space.

69. It is evident from the above that the financial contributions being taken through land use and subdivision development only equates to part of the true cost of providing for reserves and public open space within the District.
70. In respect of Submission 191.53 Landlink Ltd, I consider the PDP as notified provides the justification for the level of contribution taken for residential development through land use or subdivision consent (or as a permitted activity). That is, the contribution is set at a level so as to achieve policies 8.1 to 8.3, Open Space. Policy 8.1 is focussed on enabling all urban residences to have access to public open space within a 400 metre distance. Policy 8.2 is focussed on providing for new publicly accessible parks for subdivisions and new or upgrades to parks to accommodate for infill housing. Policy 8.3 reiterates the importance of taking financial contributions to ensure the Policies 8.1 and 8.2 can be achieved. Further, the text set out on pages 12-6 and 12-7 provide further justification as to the rationale for the level of contributions set. I note that I have recommended that these be deleted. This is for the reason that this is actually the s32 justification for the provisions and is not necessary within the text of the Plan itself. This justification is already provided in the s32 report which was made available at the time of notification of the PDP.
71. I also note that the provisions contained in the PDP directly relate to the Council's Open Space Strategy 2012, which provides greater context and justification of the appropriateness of requiring financial contributions from new residential development for reserves and public open space purposes. This strategy identifies that as of 2012, there were gaps in the reserves and public open spaces provided within Kapiti Coast¹. This Strategy also provides the Council approach for evaluating public open space acquisition².
72. Having considered the submission, the Development Contributions Policy, the section 32 analysis notified with the PDP, the Open Space Strategy and the wording in the PDP as notified, I consider that there is justification for the

¹ See pages 19 – 28 of the Open Space Strategy 2012.

² See Section 11 of the Open Space Strategy 2012.

contributions imposed in respect of financial contributions from residential dwellings and subdivision resulting in additional lots. I have recommended a reconfiguration of this section to provide greater policy clarity, in particular the linkages with the Open Space Zone Policies. To this end, I recommend that this submission be accepted in part.

73. In respect of Submission 262.18 Bunnings Ltd, I note that the calculation of Household Unit Equivalent (HUE) for non-residential activities is the same as that included in the Council's Development Contributions Policy 2015. That this calculation is in an operative Council document promulgated using the special consultation procedure under the Local Government Act indicates that it has been subject to public scrutiny and acceptance. I also note that the Operative District Plan included rules for financial contributions as follows:

Rule E.1.2(c): A contribution of \$8 plus GST (adjusted in accordance with changes in the Consumer Price Index from the date of notification of this Plan) per m² of gross floor area, prior to the commencement of any commercial or industrial building, imposed as a condition of a permitted land use activity or a land use consent where a reserve contribution has not been made at the time of the subdivision creating the lot on which the commercial or industrial building is situated.

Rule E.1.2(f): As a condition of any subdivision consent in the Commercial/Retail or Industrial/Service zones a contribution of 10% plus GST of the market value for each new additional lot. The market value shall be determined by Council or a Valuer appointed by the Council.

74. To that end, requiring a financial contribution from non-residential development is not a new matter; such contributions were already required under the Operative District Plan. What is different is the method of calculation of the contribution payable.
75. However, through my examination of the relevant documentation³ and discussions with relevant Council staff, I have been unable to find any justification for the taking of a financial contribution for reserves and public open space from non-residential development for the purposes as proposed in the PDP (as set out in policy 12.1 and policies 8.1 and 8.2). In particular, there is no evidence available that demonstrates that additional non-residential floor area and subsequent employees will generate an increased demand for reserves and public open space. There is also no evidence available to determine the ratio of resident to non-resident employees which may provide a basis for non-resident employees creating demand. I also note that there is no other policy justification contained in the PDP, unlike Policies 8.1 and 8.2 which do specifically relate to the provision of reserves and public open space for residential development.

³ The s32 report, the Development Contributions Policy and the Open Space Strategy.

76. Further, I have also considered the requirements of the Local Government Act 2002, as amended by the Local Government Amendment Act 2014, in respect to development contributions. Section 198A, Restrictions on power to require contributions for reserves, specifically prevents a territorial authority from requiring a development contribution for the provision of any reserve if the development is non-residential in nature or for the non-residential component of a mixed use development. To me, it is clear that it is Government policy that it is not appropriate to take contributions for reserves and public open space from non-residential purposes.
77. I do not consider that not requiring a specific financial contribution for the provision of open space would negate the ability of the Council and a developer to ensure that onsite amenity is provided for development, as appropriate for a particular circumstance. That is appropriately dealt with on a case by case basis.
78. I conclude that it is not appropriate for the Council to require financial contributions for reserves and public open space from non-residential development as proposed in the PDP, given the lack of evidence in support. I therefore recommend that Submission 262.18 Bunnings Ltd be accepted.
79. I concur with submissions 28.38 to 28.40 Bryce Wilkinson, that significant care needs to be taken when setting policy direction and subsequently administering both financial and development contributions. In the case of Section 12.1, the proposed financial contribution provisions applying to reserves and public open space has been subject to public scrutiny input through the formal Schedule 1 process and any contribution required through a condition of consent must be consistent with these provisions. That is, there is no room for discretion on the contribution payable, except insofar as the Council will need to consider any credits for contributions already paid. I consider that the changes I recommend in respect to the calculation of credits removes uncertainty from how these will apply. In respect of any contribution payable for infrastructure mitigation, this would need to be determined on a case by case basis in conjunction with the applicant.
80. The RMA already has inbuilt measures to ensure that any decision made in both policy setting and rule administration are transparent and robust. These include:
- The requirement for the Council to notify a section 32 evaluation report which provides the justification for proposed provisions;
 - The ability for interested persons to submit and be heard;
 - The requirement for the decision makers to consider all submission points and to undertake a further section 32 evaluation;
 - The right of appeal on decisions made on submissions; and
 - The right of objection and appeal to resource consent conditions.
81. The LGA includes similar provisions in respect to development contributions, including Government appointed Commissioners to hear objections. I consider Mr Wilkinson's concerns are well addressed through the process to date and through

the subsequent implementation of the provisions. I recommend that this submission and further submissions be accepted in part.

New Policy Approach

82. In respect of Submission 457.57 New Zealand Transport Agency (NZTA), Sean Mallon, Council's Group Manager Infrastructure Services, has confirmed:
- That the State Highway network is solely funded by NZTA;
 - The Council has not previously provided any funding for upgrades to the State Highway network, as such upgrades are paid through general taxation; and
 - The Council's current Development Contributions policy does not include funding for State Highway upgrades.
83. Mr Trotter has further advised that the National Land Transport Programme⁴ sets out that the sources of funds for investment in land transport activities are:
- The National Land Transport Fund (NLTF);
 - Approved Organisations' local share; and
 - Supplementary funding.
84. Supplementary funds refer to contributions that are additional to the NLTF and local share funding. These include:
- development contributions towards the costs of improving network infrastructure;
 - betterment from landowners receiving value from road improvements;
 - Crown appropriations outside of the NLTF;
 - Additional contributions from local authorities or other parties that reduce the proportion of the Transport Agency's contribution to the cost of an activity below the normal Funding Activity Rate;
 - Contributions from community groups or other government agencies to community programmes;
 - Funds generated from road tolls;
 - Borrowing and payments from concession agreements;
 - The value of land and buildings of redundant public transport facilities owned by local authorities; and
 - Funds from the sale of future development rights of a new or redeveloped public transport facility owned and operated by a local authority.
85. Mr Trotter has advised that the Council has imposed conditions of consent on resource consents in the past where upgrading or other actions have been required to mitigate effects in respect to the State Highway network. I consider that this is appropriate, where a development has or will result in adverse effects that require upgrading to mitigate those effects.

⁴ Information sourced from: <https://www.pikb.co.nz/home/nzta-investment-policy/funding-assistance-and-sources/> NZTA Investment Policy. 8/08/216

86. I can appreciate why the NZTA would like a specific reference to upgrading works, and new works, in relation to the State Highway network. However, I consider that the section as recommended to be amended already provides sufficient direction that there is no need to specifically refer to the State Highway network. In particular:
- The introduction includes specific reference to upgrading off-site infrastructure, before programmed works that will address any environmental effects created by the proposed development; and
 - Policy 12.2 – Provision of Infrastructure includes a recommended amendment to the introduction to the Policy so that it provides greater clarity as to its intent and application. In particular, Policy 12.2 provides for the Council to take a contribution for upgrading of infrastructure beyond the site that the consent applies to.
87. The PDP definition of infrastructure refers directly to that contained in the RMA. The definition of infrastructure in section 2 of the RMA includes “(g) structures for transport on land by cycleways, rail, roads, walkways, or any other means:”, and therefore encapsulates the State Highway network already. I therefore do not support the specific reference to the State Highway network sought to 12.1.1(ii) as it is already provided for. NZTA has not provided sufficient justification as to why the State Highway network justifies specific reference above and beyond any other form of infrastructure. To include specific reference in my opinion would elevate unduly the State Highway network above other forms of infrastructure.
88. In respect of the proposed approach to financial contributions sought by NZTA in 12.1.1 – Introduction, I consider that a case by case approach is the best approach to determining the level of contribution payable. This is because the extent to which works are programmed or not, the costs of upgrading, the level of impact, will all differ from application to application. Further, inserting this into 12.1.1 would have no statutory weight regardless.
89. I am unclear on the last point by NZTA regarding “the Council clarify why proposed Policy 12.1.3 has no ability to collect financial contributions for public transport”. NZTA has not provided any clarity as to what is sought by this point, and it would be helpful for them to do so at the hearing to better understand the relief sought. I note that the Greater Wellington Regional Council is the body responsible for the planning, providing and subsidising of public transport within the Region. In my opinion, the definition of infrastructure encapsulates structures for public transport. I can see no reason why Policy 12.2 would not provide for the Council taking a financial contribution for the upgrading of public transport infrastructure (railway stations, bus shelters, etc.) where the effects of a development can be directly attributed to the need to upgrade that infrastructure. However, I do not think that a financial contribution could be taken for the provision of more buses for instance. Overall, I recommend that this submission be rejected and the further submissions opposing it in part or whole be accepted.

Minor Amendments

90. In respect of submission 440.82 Kapiti Coast District Council, I have recommended amendments to the introduction to Section 12.1 which reflect this request. I therefore recommend that this submission be accepted.

Consequential Amendments

91. In addition to the changes proposed to Section 12.1 as a result of submissions specific to this section, I have also recommended amendments as a consequence of submissions made on the PDP as a whole. The main consequential changes are listed below:
- The introduction has been simplified and rewritten to provide greater clarity about the purpose of financial contributions, what they may be required for, and how they relate to development contributions.
 - The rules section has been rewritten and restructured to more clearly set out what I consider are more appropriately defined as standards relating to activities that require the payment of a financial contribution(s), in a manner that is consistent with the rest of the PDP.
 - The explanatory text for policies has generally been recommended for removal in response to submissions seeking a more concise District Plan as recommended in section 3.5.3 of Section 42A Report – General / Plan Wide.
92. I have shown these recommended consequential changes in section 4 and referenced the relevant submissions that gave rise to them.

Recommendation

93. I recommend that submissions 480.62 and 480.64 of Kapiti Grey Power Association **be accepted**.
94. I recommend that submission 262.18 Bunnings Ltd **be accepted**.
95. I recommend that submission 191.53 Landlink Ltd and further submission FS41 Ian Jensen **be accepted in part**.
96. I recommend that submissions 28.38 to 28.40 Bryce Wilkinson and further submissions FS139 Allan Smith and FS229 Ken Moselen **be accepted in part**.
97. I recommend that submission 457.57 New Zealand Transport Agency **be rejected** and further submissions FS42 - Ngatotara Farms Ltd and Rod Agar; FS57 - Anthony and Anne McEwan; FS58 - Michael & Elizabeth Welch; FS59 - Barry, Suzanne and Timothy Mansell; FS60 - Tasman Lakes Estates Ltd; FS61 - Cavallo Agistment Ltd; FS102 - USNZ Forestry Group Ltd; FS153 - Garlap and Mahaki Holdings Ltd; FS178 - Land Matters Ltd; FS179 - C D Bowie; FS180 - Lutz Brothers Ltd; FS181 - Bellcamp Trust Company; FS182 - John & Brenda Cheese; FS183 - Kennott Trust Company Ltd and Kauri Trust; FS184 - Kumototo Nominees & Patone Holdings; FS185 - Millhaven Ltd; FS186 - Mahaki Holdings Ltd; FS187 - RNR Trust and FS129 - Progressive Enterprises Ltd **be accepted**.

98. I recommend that submission 440.82 Kapiti Coast District Council **be accepted**.

Recommended Amendments

99. I have recommended an overall re-write to Section 12.1 as a result of the submission points referred to above. The entire recommended rewrite to Section 12.1 is set out in Section 4 of this report.

3.4 Credits and remissions of financial contributions payable

Matters raised by submitters

100. Submission 262.20 Bunnings Ltd seek that policies 12.1 and 12.2, and the rules in chapter 12.1.3 be amended to include a clear procedure for remission of contributions where contributions have been paid previously.
101. Submission 550.56 Cuttriss Consultants Ltd seeks that Rule 12.1.3 be amended to replace "new additional lot" with 'additional lot' and add a comment on unit title subdivisions as an example of subdivisions where a credit will apply from building consent stage and a comment about cross lease updates or conversion from cross lease to fee simple as examples of subdivisions where no additional allotments or Household Unit Equivalents are created. This submission point is supported by further submissions FS9 - Egon Guttke; FS10 - Irena Guttke; FS142 - Valerie Ballinger; and FS178 - Land Matters Ltd.

Assessment

102. I agree with submission 262.20 Bunnings Ltd that it is appropriate for Section 12.1 to include a clear procedure for considering previous contributions and with submission 550.56 Cuttriss Consultants that it should be clear how credits are calculated. In response to these submissions, I have recommended that:
- The introduction includes specific reference to not requiring the payment of financial contributions where one has already been paid for the same development, purpose, and for the same level and intensity of development and the same level of effects
 - Policy 12.1 makes specific mention of credits for previously paid contributions and that contributions will not be taken at a later stage where a contribution has already been taken at an earlier stage for the same development, purpose and the same level and intensity of development.
 - Policy 12.2 makes specific mention that contributions will not be taken where a contribution has already been taken for the same development, purpose and the same level and intensity of development.
 - Rule (now called Standards) 12.1.3 includes Table 12A.1 which sets out how credits will be calculated and an explanation to how credits will be applied.

103. I consider that this will in part address the submitters requested relief, in ensuring that contributions already paid will be taken into account.
104. In respect of submission 262.20 Bunnings Ltd specifically, if the submitter is in fact referring to the refunding of contributions paid, then I do not see that there is a specific need to include reference within the Section to such a refund. This is because I consider that this circumstance is already clearly provided for under section 110 of the RMA, *Refund of money and return of land where activity does not proceed*, which states:
- "(1) Subject to subsection (2), where—*
- (a) a resource consent includes a condition under section 108(2)(a); and*
 - (b) that resource consent lapses under section 125 or is cancelled under section 126 or is surrendered under section 138; and*
 - (c) the activity in respect of which the resource consent was granted does not proceed,—*
- the consent authority shall refund or return to the consent holder, or his or her personal representative, any financial contribution paid or land set aside under section 108(2)(a).*
- (2) A consent authority may retain any portion of a financial contribution or land referred to in subsection (1) of a value equivalent to the costs incurred by the consent authority in relation to the activity and its discontinuance."*
105. There is no ability for a Council to override this higher level obligation under the RMA. However, to ensure visibility of this section of the RMA, I have recommended the addition of a sentence to the end of Section 12.1.1 which references section 110.
106. In respect of submission 550.56 Cuttriss Consultants Ltd, I consider that it is appropriate to provide greater clarity around the definition of lot, and have therefore recommended an amendment to Standard 12.1.3.4, relating to subdivision, so that it is specific that a contribution is payable for subdivision that results in the creation of an additional lot(s).

Recommendation

107. I recommend that submission 262.20 Bunnings Ltd **be accepted**.
108. I recommend that submission 550.56 Cuttriss Consultants Ltd and further submissions FS9 - Egon Guttke; FS10 - Irena Guttke; FS142 - Valerie Ballinger; FS178 - Land Matters Ltd **be accepted**.

Recommended Amendments

109. I recommend Section 12.1 be amended as follows:

Submitter number	Provision	Recommended Amendment
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	Reference	
262.20 Bunnings Ltd; 550.56 Cuttriss Consultants Ltd.	Introduction 12.1.1	<p><u>Council will not require further <i>financial contribution(s)</i> where they have been previously taken in relation to:</u></p> <ul style="list-style-type: none"> a) <u>the same <i>development</i>;</u> b) <u>the same purpose; and</u> c) <u>the same level and intensity of development, and the same level of effects.</u> <p><u>Note: Section 110 of the RMA applies when a land use, subdivision or development for which a financial contribution has been paid, does not proceed.</u></p>
	Policy 12.1	<p><u>A <i>financial contribution</i> based on Household Equivalent Units (HUE) will be required for all granted land use and <i>subdivision</i> consents, and as a requirement for permitted land use activities where it is determined they will increase the demand for reserves and public <i>open spaces</i> within the District and a financial or development contribution has not already been taken for the same development, purpose and at the same level and intensity of development.</u></p> <p><u>Council will use the contribution for reserves and public open spaces to:</u></p> <ul style="list-style-type: none"> • <u>contribute to district-wide facilities, and</u> • <u>address deficits within the District, and</u> • <u>undertake improvements to existing reserves and public open spaces.</u> <p><u>The level of <i>financial contribution</i> that is required reflects the demands on and costs of acquiring and improving reserves and public open space as follows:</u></p> <ul style="list-style-type: none"> • <u>The urban HUE value provides for the achievement of Policies 8.1 and 8.2;</u> • <u>The Ōtaki urban HUE value, set at 67% of the Urban value, recognises the lower land values compared to the rest of the District; and</u> • <u>The rural HUE value, set at 50% of the Urban value, recognises that rural areas generally have less need for or immediate access to local and neighbourhood parks;</u> <p><u>Council will apply credits in particular</u></p>

		<p><u>circumstances.</u></p> <p>Subdivision, use and development will provide for a contribution to the provision and/or improvement of public open space and/or reserve facilities sufficient to accommodate the open space, recreation, and leisure and open space needs of residents.</p>
	Policy 12.2	<p><u>A financial contribution may be required for any land use or subdivision application that results in the need to upgrade <i>infrastructure</i> beyond the site that the consent applies to. The extent and value of any particular financial contribution payable will be in proportionate withto:</u></p> <p>a) The extent that the activity creates a need for a financial contribution to achieve the objectives and policies of this Plan.</p> <p>b) The extent to which the financial contribution avoids, remedies or mitigates any on-site and off-site adverse environmental effects caused by the <u>subdivision, land use or development.</u></p> <p>c) The extent to which the adverse environmental effects of the <u>subdivision, land use or development</u> are off-set by the positive environmental effects of the type of <u>infrastructure.</u></p> <p>d) <u>The amount of financial or development contribution already taken for the same development, purpose and at the same level and intensity of development.</u></p>
	Rule (Standard) 12.1.3	See Section 4 of this report

3.5 Rule (Standard) 12.1.3

Matters raised by submitters

110. There was one submission received in support of the Rule, being submission 480.63 Kapiti Coast Grey Power Association who support the rules and standards on page 12.9.
111. The other submissions sought specific amendment to the rule, as set out below:

- Submission 262.19 Bunnings Ltd seeks that Rule 12.1.3 be amended to delete or reduce the quantum of recreation and open space financial contribution applicable in working (industrial) zones.
- Submission 285.7 Graeme Boucher opposes the development fees for a second dwelling and seeks they be amended so that they do not apply for the first additional building.
- Submission 53.4 Chris and Esmee Brown seek that development contributions be kept to a minimum with revenue clearly identified for the provision and operation of community facilities.

Assessment

112. I recommend that the support offered by submission 480.63 Kapiti Coast Grey Power Association be accepted, noting that the Rule has been recommended for amendment in response to other submissions.
113. I have addressed submission 262.19 Bunnings Ltd more generally under Section 3.3.
114. In respect of submission 285.7 Graeme Boucher, the submitter has not provided any rationale or evidence as to why a financial contribution should not apply to the first additional building. I have interpreted this relief to refer to residential dwellings specifically, rather than buildings generally. In my opinion, any additional dwellings will likely result in additional pressure on existing reserves and demand for new reserves, when existing reserves are not adequate. Not requiring a contribution from the first additional dwelling would mean that the wider ratepayer would be subsidising the additional pressure and demand resulting from a new residential dwelling, rather than from the activity causing the effect. I consider that is not an appropriate or equitable response and recommend that the submission point be rejected.
115. In respect of submission 53.4 Chris and Esmee Brown, the report from Ms Straker sets out how revenue is being taken and applied and confirms that the level of contribution payable for reserves and public open space is appropriate. I note that the financial contributions taken under Section 12.1 could only be applied for the upgrading of existing or provision of new reserves and public open space and the upgrading of infrastructure. There is no wider ability to take financial contributions for community facilities beyond reserves and public open space; rather, contributions for wider community facilities are taken through the Council's Development Contributions Policy, promulgated under the LGA.

Recommendation

116. I recommend that submission 480.63 Kapiti Coast Grey Power Association **be accepted**.
117. I recommend that submission 262.19 Bunnings Ltd **be accepted**.

118. I recommend that submission 285.7 Graeme Boucher **be rejected**.

119. I recommend that submission 53.4 Chris and Esmae Brown **be accepted**.

Recommended Amendments

120. I do not recommend any amendments specifically attributable to these submissions.

3.6 Conclusion on all topics in this chapter

121. In conclusion I consider that the submissions on Section 12.1 Financial Contributions of Chapter 12 should be accepted, accepted in part or rejected as set out in Section 4 below for the reasons set out in Sections 3.3 - 3.5 above. I recommend that provisions in Section 12.1 Financial Contributions of Chapter 12 as be amended as set out in section 5 below for the reasons set out in Section 3.3 – 3.5 above.

122. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents for the reasons set out in the Section 32 Analysis undertaken and included in Section 3 of this report.

Section 4: Recommended Amendments to Section 1.4 Definitions, and Section 12.1 Financial Contributions

Where we recommend changes in response to submissions, these are shown as:

- Text recommended to be added to the PDP is underlined.
- Text recommended to be deleted from the PDP is ~~struck through~~.

1.4 Definitions

One-bedroom household unit means a household unit (including a studio apartment) that has not more than two rooms excluding a kitchen, laundry, bathroom, toilet or any other room used solely as an entranceway, passageway or garage.

Comment [MM1]: Amendments respond to submitter 451 R Crozier & J Allin to ensure provisions are drafted so that unintended consequences do not occur.

12 General District-wide provisions

The primary objectives (set out in Chapter 2) that this chapter implements are Objectives 2.11 – Character and ~~Amenity Values~~; and 2.19 – Urban Design. The following objectives are also relevant to this chapter:

Comment [sh2]: Consequential amendment to simplify & avoid potential confusion with new recommended Chapter '2A – District-Wide Polices'.

Comment [SH3]: Consequential amendment as a result of changes recommended to this objective name in Chapter 2 Section 42A report.

- 2.1 Tangata whenua
- 2.3 Development Management
- 2.6 Rural Productivity
- 2.7 Heritage
- 2.8 Strong Communities
- 2.9 Landscapes
- 2.13 Infrastructure and Services
- 2.14 Access and Transport
- 2.16 Economic Vitality
- 2.17 Centres
- 2.18 Open Space / Active Communities

Introduction

This chapter covers:

- Section 12.1 Financial Contributions
- Section 12.2 Temporary Events
- Section 12.3 Signs
- Section 12.4 Noise

12.1 Financial contributions

12.1.1 Introduction

Financial contributions are a contribution of money, land, or a combination of both, to address the specific effects generated by a land use activity or *subdivision*.

Scope and application

The key purpose of *Financial Contributions* is to ensure that a fair proportion of the cost of new parks and open space areas and *infrastructure* upgrades needed to serve growth is funded by those who cause the need for that infrastructure through the *subdivision* and development of land. The purpose of the Financial Contributions policies is to ensure that the new or upgraded infrastructure does not place a disproportionate or unfair burden on the ratepayer, which would have an unacceptable economic effect on the community.

Development contributions or financial contributions

Development contributions

The Local Government Act 2002 requires the Council to have a policy outlining how it intends to fund additional or new infrastructure which is required by growth. The Local Government Act 2002 provides for the collection of development contributions to fund a fair share of the cost of expanding the capacity of existing Council-owned infrastructure to cope with additional demand from new development or activity.

Council has developed a Development Contributions Policy in the Council's Long Term Plan which gives effect to the Local Government Act 2002. Development Contributions under the Local Government Act 2002 are in addition to, and separate from Financial Contributions. Development contributions under the Local Government Act 2002 are able to consider the wider impacts of multiple developments on the infrastructure of the District (cumulative effects).

Financial contributions

Financial contributions under this plan may be required in respect of the mitigation of effects on any or all of the following:

- open spaces and reserves;
- upgrading off-site infrastructure, before programmed works that will address any environmental effects created by the proposed development;

Comment [SH4]: Amendments respond to plan-wide submissions which generally seek to simplify the PDP, reduce its length and make it easier to understand. See 136.1 and 2 NZ Wind Energy Association, 138.1 B Coe, 446.1 A Darragh, 548.1 M Cox, 581.1 Norm Antcliff, 715.5 Sharif Family Trust

- significant heritage and ecological features; and
- riparian margins.

Chapter 3 Natural Environment, Chapter 8 Open Space and Chapter 10 Historic Heritage provide further direction on where *financial contributions* may be payable.

Council will not require a further *financial contribution* where they have been previously taken in relation to:

- the same *development*
- the same purpose; and
- the same level and intensity of development, and the same level of effects.

In addition to *financial contributions* under this plan, Council also has a Development Contributions Policy under the Local Government Act 2002.

Council must not require a development contribution if it has imposed a *financial contribution* in relation to:

- the same *development*
- for the same purpose, and
- at the same level and intensity of development.

Financial Contributions under the Resource Management Act 1991 mainly consider the impact of developments based on an assessment of environmental effects. Council has expressed a preference to take development contributions in most circumstances rather than *financial contributions*.

The exceptions are *contributions* required for:

(i) open spaces and reserves; and

(ii) the upgrade of off-site *infrastructure* where a *financial contribution* towards the cost of is needed to undertake the upgrade ahead of programmed works which will address any environmental effects created by the proposed development.

As such *financial contributions* will generally only be required where the Development Contributions Policy does not apply or where the Development Contributions Policy does not address the type of adverse effects generated by the development or activity.

Note: Section 110 of the RMA applies when a land use, subdivision or development for which a financial contribution has been paid, does not proceed.

Financial contributions can be imposed under this District Plan in respect of the mitigation of effects on significant heritage and ecological features, riparian protection, roads, reserves, water supply, stormwater, sewerage and other network utilities. Development contributions and financial contributions cannot be taken for the same purpose.

Comment [SH5]: Amendments respond to plan-wide submissions which generally seek to simplify the PDP, reduce its length and make it easier to understand. See 136.1 and 2 NZ Wind Energy Association, 138.1 B Coe, 446.1 A Darragh, 548.1 M Cox, 581.1 Norm Antcliff, 715.5 Sharif Family Trust.

These amendments also respond to 440.82 Kapiti Coast District Council and 457.57 New Zealand Transport Agency.

Comment [SH6]: Amendments respond to plan-wide submissions which generally seek to simplify the PDP, reduce its length and make it easier to understand. See 136.1 and 2 NZ Wind Energy Association, 138.1 B Coe, 446.1 A Darragh, 548.1 M Cox, 581.1 Norm Antcliff, 715.5 Sharif Family Trust.

Amendments also respond in part to concerns raised in Submissions 262.18 and 262.20 Bunnings and 191.53 Landlink Ltd.

Comment [SH7]: Amendments respond to plan-wide submissions which generally seek to simplify the PDP, reduce its length and make it easier to understand. See 136.1 and 2 NZ Wind Energy Association, 138.1 B Coe, 446.1 A Darragh, 548.1 M Cox, 581.1 Norm Antcliff, 715.5 Sharif Family Trust.

Amendments also respond in part to concerns raised in Submissions 262.18 Bunnings and 191.53 Landlink Ltd.

Comment [sh8]: cl 16(2) [unnecessary – duplication]

Comment [sh9]: Amendments respond to plan-wide submissions which generally seek to simplify the PDP, reduce its length and make it easier to understand. See 136.1 and 2 NZ Wind Energy Association, 138.1 B Coe, 446.1 A Darragh, 548.1 M Cox, 581.1 Norm Antcliff, 715.5 Sharif Family Trust

Comment [GS10]: 262.20 Bunnings Ltd.

Comment [sh11]: Amendments respond to plan-wide submissions which generally seek to simplify the PDP, reduce its length and make it easier to understand. See 136.1 and 2 NZ Wind Energy Association, 138.1 B Coe, 446.1 A Darragh, 548.1 M Cox, 581.1 Norm Antcliff, 715.5 Sharif Family Trust

12.1.2 Policies

Policy 12.1 – Provision of reserves and public open spaces

A financial contribution based on Household Equivalent Units (HUE) will be required for all granted land use and subdivision consents and as a requirement for permitted land use activities where it is determined they will increase the demand for reserves and public open spaces within the District and a financial or development contribution has not already been taken for the same development, purpose and at the same level and intensity of development.

Council will use the contribution for reserves and public open spaces to:

- **contribute to district-wide facilities, and**
- **address deficits within the District, and**
- **undertake improvements to existing reserves and public open spaces.**

The level of financial contribution that is required reflects the demands on and costs of acquiring and improving reserves and public open space are as follows:

- **The urban HUE value provides for the achievement of Policies 8.1 and 8.2;**
- **The Ōtaki urban HUE value, set at 67% of the Urban value, recognises the lower land values compared to the rest of the District; and**
- **The rural HUE value, set at 50% of the Urban value, recognises that rural areas generally have less need for or immediate access to local and neighbourhood parks.**

Council will apply credits in particular circumstances.

Subdivision, use and development will provide for a contribution to the provision and/or improvement of public open space and/or reserve facilities sufficient to accommodate the open space, recreation, and leisure and open space needs of residents.

Explanation

The price of the contribution per HUE is based on August 2011 Quotable Value data.

Subdivision, use and development which increases the intensity of use should provide for a contribution to the provision and/or development of public open space and/or community facilities sufficient to accommodate the open space, recreation, and leisure and openspace needs of residents.

Reference

Object
2.18

Comment [A12]: Amendments to policy wording respond to plan-wide submissions which generally seek to simplify the PDP, reduce its length and make it easier to understand. See 136.1 and 2 NZ Wind Energy Association, 138.1 B Coe, 446.1 A Darragh, 548.1 M Cox, 581.1 Norm Antcliff, 715.5 Sharif Family Trust.

Amendments also respond in part to concerns raised in Submissions 262.18 and 262.20 Bunnings and 191.53 Landlink Ltd.

Comment [sh13]: Amendments to help clarify calculations respond in part to concerns raised in 262.19 Bunnings Ltd, as well as the plan-wide submissions which generally seek to simplify the PDP, reduce its length and make it easier to understand. See 136.1 and 2 NZ Wind Energy Association, 138.1 B Coe, 446.1 A Darragh, 548.1 M Cox, 581.1 Norm Antcliff, 715.5 Sharif Family Trust.

Policy 12.2 – Provision of infrastructure

A financial contribution may be required for any land use or subdivision application that results in the need to upgrade infrastructure beyond the site that the consent applies to. The extent and value of any particular financial contribution payable will be in proportionate withto:

- a) ~~The extent that the activity creates a need for a financial contribution to achieve the objectives and policies of this Plan.~~
- a) The extent to which the financial contribution avoids, remedies or mitigates any on-site and off-site adverse environmental effects caused by the subdivision, land use or development.
- b) The extent to which the adverse environmental effects of the subdivision, land use or development are off-set by the positive environmental effects of the type of infrastructure.
- c) The amount of financial or development contribution already taken for the same development, purpose and at the same level and intensity of development.

Explanation

The policy provides a framework whereby a financial contribution will be fair and reasonably determined. The test of the reasonableness of a financial contribution is fundamental to the implementation of Section 108(9) of the Act. The developer is required to meet the full actual costs of on-site development works and off-site development works to avoid, remedy or mitigate any adverse environmental effects caused by the subdivision, use or development. The provisions of this Plan ensure that activities which create demands on community infrastructure pay their fair share through financial contributions. This can be in the form of land, cash or in some circumstances physical works such as the upgrading of intersections or provision of playground facilities.

Purpose

Financial contributions will be charged to provide for the acquisition and improvement of reserves and open spaces, in response to the effects of subdivision, land use and development.

Reference

Objective
2.13

Comment [SH14]: Amendments to policy wording respond to plan-wide submissions which generally seek to simplify the PDP, reduce its length and make it easier to understand. See 136.1 and 2 NZ Wind Energy Association, 138.1 B Coe, 446.1 A Darragh, 548.1 M Cox, 581.1 Norm Antcliff, 715.5 Sharif Family Trust

Amendments also respond in part to concerns raised in Submissions 457.57 New Zealand Transport Agency, 262.18 Bunnings and 191.53 Landlink Ltd.

Comment [A15]: cl 16(2)

Comment [GS16]: cl 16(2)

Comment [SH17]: cl 16(2)

Comment [GS18]: Submission 262.20 Bunnings Ltd

Comment [SH19]: Deletion of explanation responds to plan-wide submissions which generally seek to simplify the PDP, reduce its length and make it easier to understand. See 136.1 and 2 NZ Wind Energy Association, 138.1 B Coe, 446.1 A Darragh, 548.1 M Cox, 581.1 Norm Antcliff, 715.5 Sharif Family Trust.

Circumstances in which a contribution is required as a requirement or condition of a permitted activity or a resource consent and the amount of the contribution.

1. A contribution of \$7,500 plus GST in the Ōtaki urban area and \$11,250 plus GST for all other urban areas as a condition of subdivision consent for each new additional lot in the living, and working zones. Credit will be given for any Household Unit Equivalent (HUE) for which a contribution has been made at the building or land use consent stage.

2. A contribution of \$7,500 plus GST in the Ōtaki urban area and \$11,250 plus GST for all other urban areas as a requirement and condition of a permitted land use activity or a land use consent payable prior to the commencement of construction of any second or subsequent household unit (or HUE for any other land uses) on any lot in the living and working zones.

3. A contribution of \$5,625 plus GST as a condition of subdivision consent for each new additional lot in the rural zones. Credit will be given for any HUE for which a contribution has been made at the building or land use consent stage.

4. A contribution of \$5,625 plus GST as a requirement or condition of a permitted activity or a land use consent, payable prior to the commencement of construction of each second or subsequent household unit or HUE for any other land uses on any lot in the rural zones.

5. One bedroom units will be charged 50% of the financial contribution required in clause 2 (living and working zones) or clause 4 (rural zones) above. Expansion of one bedroom units that have received the 50% reduction, to create units with two or more bedrooms, will attract an additional 'top-up' charge of 50% of the financial contributions at the Building Consent stage, payable prior to the commencement of the expansion. This additional contribution is to reflect that such a development would no longer be classified as a one-bedroom unit, and rather would equate to a standard HUE.

6. The open space and reserves financial contributions do not apply to accessory buildings or farm buildings or to the creation of lots for network utilities.

7. The figures above are to be adjusted in accordance with changes in the Consumer Price Index from the date of notification of this Plan.

Note: HUEs are determined on a pro-rata basis, with 500 square metres (m²) of building gross floor area (GFA) being 1 HUE and buildings greater or less than 500m² of GFA calculated as a percentage or multiplier of 1 HUE.

Form of contribution

The contribution may, at the Council's discretion, be required in the form of cash, land, works or a combination of cash or land or works.

Calculation of financial contributions

The contributions have been calculated in the following way:

For reserve contribution purposes a fixed figure per Household Unit Equivalent (HUE) has been calculated as follows:

- (i) — The urban HUE value is set at a level that ensures subdivision and development contributes to the achievement of the guidelines in the Council's Open Space Strategy, which state that all households should be within a 400 metre walking distance of a public park. The fixed figure is set at a level that allows for the acquisition of land for a neighbourhood park (approximately 6000m²) at current land values (using August 2011 Quotable Value data), as well as a contribution to districtwide facilities (including ecological reserves and new district-level sportsfields). Where subdivision and development is already within 400 metres of a neighbourhood park, this funding can address deficits in other parts of the District.
- (ii) — The fixed figure is lower for the Ōtaki urban area on the basis of the lower land values there compared to the rest of the District, and therefore an anticipated lower cost of acquiring land for local and neighbourhood parks in Ōtaki.
- (iii) — The fixed figure is comparable to the land value percentage-based fees charged for subdivision under the 1999 District Plan (with the \$150,000 per lot value cap that was part of that policy) — i.e. the fixed fee of \$7,500 per HUE in the Ōtaki urban area is comparable to 7.5% of the value of a \$100,000 lot, and the fixed fee of \$11,250 per HUE elsewhere in the District's urban areas is comparable to 7.5% of the value of a \$150,000 lot.
- (iv) — The fixed figure for rural areas is half that of the District's urban areas (except for Ōtaki). This follows the same logic as the 1999 District Plan that HUEs in rural areas should be charged at 50% of the level of urban areas, due to the reduced access to local and neighbourhood parks in rural areas.
- (v) — For non-residential development, 500 square metres of gross floor area (GFA) are assumed to equal one HUE. This is based on the following analysis from the Council's Development Contributions Policy: One employee is approximately 40% of the average household size of 2.4, and is estimated to create half the demand of a household resident (based on 40-hour work week). This means that 5 employees are assumed to create 1 HUE of demand, and at an average of 100 square metres gross floor area (GFA) per employee, based on the District's predominantly non-office based employment profile, this equals 500 m² of GFA.

Comment [SH20]: The amendments to delete and reword these provisions into clearer 'rule' provisions respond to plan-wide submissions which generally seek to simplify the PDP, reduce its length and make it easier to understand. See 136.1 and 2 NZ Wind Energy Association, 138.1 B Coe, 446.1 A Darragh, 548.1 M Cox, 581.1 Norm Antcliff, 715.5 Sharif Family Trust.

These amendments also respond in part to concerns raised in Submissions 262.18 Bunnings and 191.53 Landlink Ltd.

12.1.3 Standards – Financial Contributions

The following table sets out the standards relating to financial contributions for reserve and public open space purposes and infrastructure upgrades.

Rule 12A.0. Applicability of Standards 12A.1

The standards in this Section apply to the Living, Working and Rural Zones of the District. These standards apply in addition to the relevant zone rules and standards.

Comment [GS21]: The amendments to reword and clarify the financial contribution 'rule' provisions respond to plan-wide submissions which generally seek to simplify the PDP, reduce its length and make it easier to understand. See 136.1 and 2 NZ Wind Energy Association, 138.1 B Coe, 446.1 A Darragh, 548.1 M Cox, 581.1 Norm Antcliff, 715.5 Sharif Family Trust.

These amendments also respond in part to concerns raised in Submissions 262.18 Bunnings and 191.53 Landlink Ltd

12A.1. Standards

The following standards apply to the activities listed in the table. These standards apply in addition to any other standard that is otherwise specified for the activity within this Plan.

<u>Activity</u>	<u>Standards</u>
1. <u>Creation of a new one-bedroom household unit</u>	1. <u>A financial contribution to the equivalent of 0.5 HUE shall be payable per each new <i>one-bedroom household unit</i> as set out in Table 12A.1 and shall take into account any credits provided in Table 12A.1.</u> 2. <u>The financial contribution shall be payable:</u> a. <u>As a condition of consent for any land use consent</u> b. <u>Prior to the commencement of construction for any relevant permitted land use activity.</u>
2. <u>Addition of new bedrooms to an existing one-bedroom household unit</u>	1. <u>A financial contribution to the equivalent of 0.5 HUE shall be payable for the first additional bedroom calculated as set out in Table 12A.1 and shall take into account any credits provided in Table 12A.1.</u> <u>Note:</u> <u>No additional HUE shall be payable above the first additional bedroom.</u> 1. <u>The financial contribution shall be payable:</u> a. <u>As a condition of consent for any land use consent</u> b. <u>Prior to the commencement of construction for any relevant permitted land use activity.</u>

12A.1. Standards

The following standards apply to the activities listed in the table. These standards apply in addition to any other standard that is otherwise specified for the activity within this Plan.

Activity	Standards
3. <u>Creation of a new household unit(s)</u>	<ol style="list-style-type: none">1. <u>A financial contribution to the equivalent of one HUE shall be payable per each new household unit as set out in Table 12A.1 and shall take into account any credits provided in Table 12A.1.</u> 2. <u>The financial contribution shall be payable:</u><ol style="list-style-type: none">a. <u>As a condition of consent for any land use consent</u>b. <u>Prior to the commencement of construction for any relevant permitted land use activity.</u>
4. <u>Subdivision of land that results in the creation of an additional lot(s)</u>	<ol style="list-style-type: none">1. <u>A financial contribution to the equivalent of one HUE shall be payable per each new additional computer register (lot) as set out in Table 12A.1 and shall take into account any credits provided in Table 12A.1.</u> 2. <u>The financial contribution shall be imposed as a condition of consent of any subdivision consent and:</u><ol style="list-style-type: none">a. <u>Where money is to be taken, shall be payable prior to the issue of a certificate under Section 224 of the RMA.</u>b. <u>Where land is to be taken, shall be vested on deposit of the survey plan.</u> <p><u>Exceptions:</u></p> <p><u>This standard does not apply:</u></p>

Comment [GS22]: 550.56 Cuttriss Consultants Ltd

12A.1. Standards

The following standards apply to the activities listed in the table. These standards apply in addition to any other standard that is otherwise specified for the activity within this Plan.

Activity	Standards
	<ul style="list-style-type: none"> • <u>To the creation of lots for network utilities.</u> • <u>Where a title with an area less than 50m², provided that the title is for a lot of a greater size forming part of the same subdivision.</u>

Table 12A.1 Contribution payable per Household Unit Equivalent

	Living and Working Zone	Living and Working Zone – Otaki Urban Area	Rural Zone
<u>One Household Unit Equivalent</u>	<u>\$11,250 plus GST, as adjusted annually by the Consumer Price Index from 29 November 2012.</u>	<u>\$7,500 plus GST, as adjusted annually by the Consumer Price Index from 29 November 2012.</u>	<u>\$5,625 plus GST, as adjusted annually by the Consumer Price Index from 29 November 2012.</u>
<u>Credits</u>	<p>In calculating the number of HUE, the Council will:</p> <p>a. <u>apply credits where and to the extent that:</u></p> <ul style="list-style-type: none"> • <u>there is pre-existing lawfully established demand on the site, and</u> • <u>a financial contribution(s) has already been paid for the same site and for the same</u> 		

Comment [GS23]: 550.56 Cuttriss Consultants Ltd; 262.20 Bunnings Ltd

	<p>activity, at the same level of intensity and the same level of effects, and / or</p> <ul style="list-style-type: none"> • <u>a development contribution has already been paid for reserves and public open space for the same site and for the same activity, at the same level of intensity and the same level of effects.</u> <p><u>Note: This includes <i>financial contributions</i> or development contributions paid at the subdivision stage, applied as a credit towards the effect of subsequent building activity.</u></p> <p>b. <u>Only apply credits for developments on the same site</u> c. <u>Not provide for credits to be transferred to another development</u> d. <u>Not permit credits to be used to reduce the number of units of demand to less than zero</u> e. <u>Not refund any credits</u></p>
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Comment [GS24]: 262.20 Bunnings Ltd

Explanation:

The following are examples of credits that may be applicable:

<u>Prior development</u>	<u>New development</u>	<u>Financial contribution assessment (taking into account any credit)</u>	<u>Credit for pre-existing demand</u>
<u>One title</u>	<u>Residential fee simple subdivision into 3 titles (two additional lots)</u>	<u>2 HUE for the additional lots</u>	<u>1 HUE credit for the original lot</u>

Comment [A25]: Responds to 550.56 Cuttriss Consultants Ltd

<u>One-bedroom household unit, which had already had a 50% reduction in financial contributions</u>	<u>Add one or more new bedrooms</u>	<u>0.5 HUE for the modification</u>	<u>0.5 HUE credit for the existing development</u>
<u>One house on an existing lot</u>	<u>One additional household unit, with or without subdivision.</u>	<u>1 HUE for the additional household unit.</u>	<u>1 HUE credit for the existing household unit</u>
<u>Block of four flats on a single title</u>	<u>Convert to unit titles</u>	<u>Nil for the title conversion</u>	<u>4 HUE credit for the existing development</u>

Comment [A26]: Amended in response to plan-wide submissions which generally seek to simplify the PDP, reduce its length and make it easier to understand. See 136.1 and 2 NZ Wind Energy Association, 138.1 B Coe, 446.1 A Darragh, 548.1 M Cox, 581.1 Norm Antcliff, 715.5 Sharif Family Trust.

The amendments also respond in part to the concerns raised in submissions 262.18 Bunnings and 191.53 Landlink Ltd.

Comment [A27]: Responds to 550.56 Cuttriss Consultants Ltd

Comment [A28]: Responds to 550.56 Cuttriss Consultants Ltd

Section 5: Recommendations to Submissions and Further Submissions

SECTION 5

Proposed District Plan

Chapter 12: General and City-wide Provisions – Section 12.1 Financial Contributions only

Summary of Recommendations on Submissions



SUMMARY OF RECOMMENDATIONS

Sub. No.	Submitter	Topic	Decision Sought	Section of this Report	Officer's Recommendation	Officer's Reasons / Comments	Recommended Amendments to PDP?
480.62	Kapiti Coast Grey Power Association	General	Support the funding for infrastructure upgrades needed to serve growth being funded by those who cause the need for that infrastructure through the subdivision and development of land.	3.3	Accept	General intent of section 12.1 is retained but amended in response to other submissions	No
480.64	Kapiti Coast Grey Power Association	General	Support the policy and calculations for the financial contributions.	3.3	Accept	General intent of section 12.1 is retained but amended in response to other submissions	No
191.53	Landlink Ltd	Section 32	Do not consider the section 32 report is adequate for reserves contribution. A comprehensive assessment of open space needs is required to determine the necessary contributions.	3.3	Accept in part	I consider that Section 12.1 as notified in itself provides clarity and rationale. Policy direction is set in Policies 8.1 and 8.2. I have recommended minor amendments to provide greater clarity	Yes
FS41			<i>Support</i>				
262.18	Bunnings Ltd	Section 12.1 - General	Oppose the proposed financial contributions in the working (industrial) zone and the basis for calculation of them.	3.3	Accept	I do not consider that there is any evidence providing justification for taking such	Yes

Sub. No.	Submitter	Topic	Decision Sought	Section of this Report	Officer's Recommendation	Officer's Reasons / Comments	Recommended Amendments to PDP?
						contributions as proposed and is inconsistent with the LGA.	
280.38	Bryce Wilkinson	Section 12.1 – General	Reduce the conflict of interest of Council by separating out the provider function and the regulator function.	3.3	Accept in part	The provider and regulator function are separate and defined. Section 12.1 provides a clear policy framework.	No
<i>FS139 and FS229</i>			<i>Support</i>				
280.39	Bryce Wilkinson	Section 12.1 – General	To the extent that this is not feasible, set up an appeal/arbitration/mediation procedure that guards against the divisive perception and reality of the undue exploitation of the conflict in setting levels for financial and development contributions.	3.3	Accept in part	The provider and regulator function are separate and defined. Section 12.1 provides a clear policy framework.	No
<i>FS139 and FS229</i>			<i>Support</i>				
280.40	Bryce Wilkinson	Section 12.1 – General	Any other decision that would appropriately address the concerns in this submission.	3.3	Accept in part	The provider and regulator function are separate and defined. Section 12.1 provides a	No

Sub. No.	Submitter	Topic	Decision Sought	Section of this Report	Officer's Recommendation	Officer's Reasons / Comments	Recommended Amendments to PDP?
						clear policy framework.	
<i>FS139 and FS229</i>			<i>Support</i>				
457.57	New Zealand Transport Agency	Section 12.1 – General	<p>Amend section 12.1 (Financial Contributions) as follows:</p> <p>a. The Proposed Plan have a separate section for State highway financial contributions in section 12.1 of the Proposed Plan that states the purpose for a financial contribution towards State highway works, and a methodology for determining the level of contribution.</p> <p>b. The Council develop an equitable contribution methodology to be included in the Proposed Plan regarding the taking of financial contributions for new State highway infrastructure or the upgrading of existing state highway infrastructure.</p> <p>c. Section 12.1 include the following (or similar) purpose statement Purpose: Providing for new, or contributing to the upgrade of existing, State highway infrastructure that is required as the result of traffic effects from development or subdivision.</p>	3.3	Reject	The submitters concerns are already adequately addressed through Section 12.1 and in particular Policy 12.2	No

Sub. No.	Submitter	Topic	Decision Sought	Section of this Report	Officer's Recommendation	Officer's Reasons / Comments	Recommended Amendments to PDP?
			<p>d. The insertion of the following in Section 12.1.1:</p> <p>The NZTA expects that increased demands on State highway infrastructure will be borne by the development in a timely manner. Consequently:</p> <p>a. Where works are programmed by the NZ Transport Agency the development will bear the proportion of the costs generated by that development and any costs associated with bringing forward the timing of the works</p> <p>b. Where works are not programmed by the NZ Transport Agency the development will bear the full costs of the infrastructure necessary to accommodate that development</p> <p>e. Amend proposed section 12.1.1 (ii) to read: the upgrade of offsite infrastructure (including the State highway network) where a financial contribution towards the cost of is needed to undertake the upgrade ahead of programmed works which will address any environmental effects created by the proposed development.</p> <p>f. Amend the fourth sentence in the explanation under proposed Policy 12.2 to read:</p> <p>The provisions of this Plan ensure that activities</p>				

Sub. No.	Submitter	Topic	Decision Sought	Section of this Report	Officer's Recommendation	Officer's Reasons / Comments	Recommended Amendments to PDP?
			<p>which create demands on community infrastructure (including the State highway network) pay their fair share.....</p> <p>g. The Council clarify why proposed Policy 12.1.3 has no ability to collect financial contributions for public transport.</p> <p>OR similar.</p>				
			<p><i>FS42, FS57, FS58, FS59, FS60, FS61, FS102, FS153, FS178, FS179, FS180, FS181, FS182, FS183, FS184, FS185</i></p> <p><i>Oppose in part – Section 12.1, and the support/opposition, amendments, rules and standards, and other provisions that the submitter contends give effect to the above amended policy direction, and has requested change thereof - The relief sought by NZTA is rejected.</i></p>				
			<p><i>FS129</i></p> <p><i>Oppose - Section 12.1.</i></p>				
440.8 2	Kapiti Coast District Council	Explanatory Text	Amend explanatory text in “financial contributions” to read: “the upgrade of off-site infrastructure where a financial contribution towards the cost is needed to undertake the upgrade ahead of programmed works which will address any environmental effects created by the proposed development.”	3.3	Accept	I have recommended amendments to provide relief for the submission point.	Yes
262.2	Bunnings	General	Amend policies 12.1 and 12.2 and the rules in	3.4	Accept	I have recommended	Yes

Sub. No.	Submitter	Topic	Decision Sought	Section of this Report	Officer's Recommendation	Officer's Reasons / Comments	Recommended Amendments to PDP?
0	Ltd		chapter 12.1.3 to include a clear procedure for remission of contributions where contributions have been paid previously.			amendments to Section 12.1 to provide clarity on how credits will apply where contributions have been paid previously. I have also made reference to s110 of the RMA regarding refunds.	
550.56	Cuttriss Consultants Ltd	Rule 12.1.3 Recreation and open space financial contribution	Amend Rule 12.1.3 to replace 'new additional lot' with 'additional lot' and add a comment on unit title subdivisions as an example of subdivisions credit will apply from building consent stage and a comment about cross lease updates or conversion from cross lease to fee simple as examples of subdivisions where no additional allotments or HUEs are created.	3.4	Accept	I have recommended amendments to Section 12.1 to provide clarity on how credits will apply where contributions have been paid previously.	Yes
<i>FS9, FS10, FS142, FS177, FS178</i>			<i>Support</i>				
262.19	Bunnings Ltd	Rule 12.1.3 Recreation and open space financial contribution	Amend to delete or reduce the quantum of recreation and open space financial contribution payable in working (industrial) zones and amend the basis for calculating household equivalents.	3.4	Accept	I do not consider that there is any evidence providing justification for taking such contributions as proposed and is inconsistent with the	Yes

Sub. No.	Submitter	Topic	Decision Sought	Section of this Report	Officer's Recommendation	Officer's Reasons / Comments	Recommended Amendments to PDP?
						LGA.	
285.7	Graeme Boucher	Rule 12.1.3 Recreation and open space financial contribution	Oppose the development fees for a second dwelling and amend so they do not apply for the first additional building.	3.4	Reject	The submitter has provided no justification why such an exemption should be provided. Any new dwelling will create an increased demand.	No
53.4	Chris & Esmee Brown	Rule 12.1.3 Recreation and open space financial contribution	Keep Development Contributions to a minimum with revenue clearly identified for the provision and operation of community facilities.	3.4	Accept	The level of contribution payable is considered appropriate. The contributions taken are being used for new and upgrading of existing parks and reserves.	No
480.63	Kapiti Coast Grey Power Association	Rule 12.1.3 Recreation and open space financial contribution	Support the rules and standards on page 12.9	3.4	Accept	General intent of section 12.1 is retained but amended in response to other submissions	No

APPENDIX 1:

MEMORANDUM FROM JACINTA STRAKER

APPENDIX 2:

MEMORANDUM FROM SEAN MALLON AND NEIL TROTTER

APPENDIX 3:

NOTES FROM MEETING WITH SUBMITTER 191 LANDLINK

Kāpiti Coast District Council

Submitter Engagement Version PDP

File Note

		File no. [E Docs]
Subject / project: SEV Chapter 5 & 12		
Name of Submitter: Landlink Ltd VJ Ltd Waikanae North Ltd		Submitter #: 191 227 286
Submitter Address:		Contact #: Ben Addington, ph (04) 902 6161
Date: 15 October 2015	Time: 9-10am	Venue: Mamaku meeting room
Between: Sherilyn Hinton & Ben Addington		

Details:

1) Waikanae North Development Zone (CH5 – Appendix 5.6)

- Note: Waikanae North Ltd have sold some land south of the school to VJ Ltd.
- Lot 23 – small area of open space – would like the open space area on the structure plan map to match the reserves on the subdivision plan for clarity/certainty purposes. Can we amend map to reflect?
- Also the perimeter area where the small lots have been created. Yellow makes more sense for these lots than the current green.
- Ben will check with his client first and then send plans showing the details (plus dwg drawings from GIS). **[Action 1]**

2) Financial Contributions (CH12)

- Ben provided a number of verbal comments on the SEV changes to the Financial Contributions section of Chapter 12.
- A lot of comments/questions related to ensuring clarity of the wording changes. Sherilyn to consider comments and whether further wording changes for clarification are appropriate. **[Action 2]**
- Ben questioned the reference on pg 12-4 of the SEV to “significant heritage and ecological features, and riparian zones” – what does this actually mean? Council could consider purchase or developer offer up as an FC, but what beyond this? Sherilyn to check reference. **[Action 3]**
- Improve wording of Policy 12.1 by amending along lines of “A financial contribution.....may be required for land use and subdivision consent decisions and where it is determined there is an increase in the demand for....”. Also in relation to 3rd bullet point under the level of FC required – change the word “access” to “need” – rural residents would likely have less need for open space access because they live in a rural area and on larger lots etc. Sherilyn to consider if appropriate. **[Action 4]**
- Policy 12.1, 2nd bullet point under level of FC required re: lower Otaki value – Ben questions if this is reasonable/equitable long term?
- Policy 12.1, 4th bullet point under the level of FC required re: commercial HUE – Ben questions if this is effectively double-counting people living and also working in the district? And is the connection based on land value being lost in this clause/requirement?
- Policy 12.1 explanation – example calculation table – Ben questions whether the reference to employment mostly being in industries that are not office based is justifiable? Sherilyn to check and reconsider if necessary **[Action 5]**
- Rule 12.1.3.1 (pg 12-6) re timing of assessment. Ben questioned if there are situations where there are permitted activity land uses that don't need building consent? These wouldn't be captured? **[Action 6]**
- Question re: where is the authority to charge a FC on a permitted activity? -> RMA s77 1 (c)
- Question re: wording of Rule 12.3.3 – should the wording specifically refer to esplanade strip or esplanade reserve? Or is the reference to land ok as it is? Adopt RMA wording – be consistent. **[Action 7]**
- Rule 12.1.3.4 timing of payment – land should be taken as first part of subdivision? C.f. vested on deposit of survey plan. Sherilyn to check with Wayne re: normal practice. **[Action 8]**
- Ben noted some inconsistencies in use of HUE c.f HEU (eg in Rule 12.1.3.5) – fix errors (should be HUE). **[Action 9]**
- Ben questioned if the words “may be on a separate title or shared title” in rule 12.1.3.5 are necessary/needed? **[Action 10]**

- Is it clear what the term “urban areas” refers to? **[Action 11]**
- Ben question – where there is a mixed use development proposed (residential & commercial or industrial) are FCs required for both components? Ben – thinks this is expensive and unnecessary – particularly for a large warehouse type development where they are storing goods and there are few employees. Sherilyn check treatment of mixed use activities **[Action 12]**
- What is a “farm building” – referenced in Rule 12.1.3.10 (exemptions) – not a defined term. **[Action 13]**
- Re: Rule 12.1.3.11 (credits) – clarify how land is valued as a HUE? – prefer to retain dollar amount rather than HUE. Comment relevant not just for credits – also wider how land is offset against HUEs? **[Action 14]**
- Rule 12.1.3.12 (credits not refunded) – Ben would like the wording of this rule clarified – what does it mean exactly? **[Action 15]**
- Check use of “site” in rule 12.1.3.13 (+ other references) – does it make sense within context of definition changes? Eg is Waikanae North a site? **[Action 16]**
- Rule 12.1.3.14 – concerns re: infrastructure provision requirements under this rule – how is this identified? At council’s whim? What council wants vs what is actually needed? What criteria used? What timescale? **[Action 17]**
- Rule 12.1.3.16 (contributions not required) – does the second bullet point re: titles less than 50m² actually make sense? Do we need to clarify that alterations to an existing building won’t require an FC? **[Action 18]**

Actions

#	Action Description	Responsibility	Timeframe (if applicable)
1	Ben to send drawings showing details of the changes he’s seeking to the maps.	Ben	
2	Sherilyn to consider comments and whether further wording changes for clarification are appropriate.	Sherilyn	
3	Sherilyn to check the reference to “significant heritage and ecological features, and riparian zones” (pg 12-4 SEV).	Sherilyn	
4	Sherilyn to consider suggested wording amendments to Policy 12.1 introduction and bullet points.	Sherilyn	
5	Sherilyn to consider if reference to employment mostly being in industries that are not office based is justifiable	Sherilyn	
6	Check wording/logic of Rule 12.1.3.1 & treatment of permitted activities that don’t require building consent.	Sherilyn	

7	Sherilyn to check wording of Rule 12.3.3 – should the wording specifically refer to esplanade strip or esplanade reserve?	Sherilyn	
8	Sherilyn to check 12.1.3.4 timing of payment requirements with Wayne	Sherilyn	
9	Sherilyn to fix incorrect references – HEU should be HUE	Sherilyn	
10	Look at whether text in brackets in Rule 12.1.2.5 following Standard household unit is necessary	Sherilyn	
11	Sherilyn to consider if any amendments are required to clarify what the term “urban areas” means	Sherilyn	
12	Sherilyn check treatment of mixed use activities & FC fee charged	Sherilyn	
13	Consider whether “farm building” requires clarification	Sherilyn	
14	Consider whether any clarification required re: Rule 12.1.3.11 dollar amount vs HUEs	Sherilyn	
15	Consider wording of Rule 12.1.3.12 (credits not refunded) & whether clarification required	Sherilyn	
16	Check use of “site” in rule 12.1.3.13 (+ other references)	Sherilyn	
17	Rule 12.1.3.14 – consider whether any merit in concerns re: infrastructure provision requirements	Sherilyn	
18	Consider whether any clarification required re: Rule 12.1.3.16	Sherilyn	

APPENDIX 4:

FEEDBACK FROM TE OHU TAIAO

Kāpiti Coast District Council Proposed District Plan

Te Ohu Taiao Workshop Notes & Actions

Topic:	Workshop #10 Chapter 12 General District-wide Provisions
Meeting Date:	9 and 10 November 2015
Venue:	Nikau Room, Council Offices, Rimu Road, Paraparaumu

Attendees

Name	Title/Role
Sherilyn Hinton	Principal Policy Planner
Mahinarangi Hakaraia	Ngā Hapū o Ōtaki Representative
Ann-Maree Ellison	Te Āti Awa ki Whakarongotai Representative
Hohepa Potini	Ngāti Toa Rangatira Representative
Michelle Conland	Planning Support for Te Ohu Taiao

Workshop summary

Sherilyn Hinton noted that this chapter includes provisions in relation to financial contributions, temporary events, signs and noise. She discussed the approach proposed to be taken for financial contributions and development contributions. TOT asked how papakainga fit into financial contributions. Sherilyn noted that the definition of Household

Unit Equivalent states “For the avoidance of doubt, a 2 bedroom or greater minor flat or papakainga unit will be 1 HUE.” Therefore, if you are subdividing or adding a new house to a section, including for papakainga, you would have to pay the financial contributions.

In relation to signs, there was a discussion about the use of Te Reo in signage. Sherilyn noted that these provisions relate more to the location of signage, and of signage not affecting the amenity of areas. However, historic features signage rules are proposed in the SEV to be moved to this chapter. Therefore, TOT felt that Policy 12.9 Sign assessment criteria should include tangata whenua considerations in the policy to encourage awareness of the history and meaning of the area.

In relation to noise there was a discussion around reverse sensitivity effects and the requirement for acoustic insulation. TOT noted that they understand the justification and rationale of the provisions for new houses and developments. However, existing properties are already aware of and accepting of the noise. TOT questioned why should extending your property mean that you have to add insulation or go through a consent process? TOT noted that they are keen to hear the outcome of discussions with NZTA and Malcolm Hunt due to the effects that these provisions could have on iwi land.

There was a discussion about the amateur radio submissions requesting specific provisions for aerials and antenna. Some submitters are seeking permitted activity rules that would allow for antennas and aerials up to 20m high in urban zones and 30m in rural zones. TOT believes that these provisions sit more appropriately within Chapter 11 Infrastructure. In addition, TOT considers that any antenna and aerial rules should not be a permitted activity as resource consent is needed to mitigate adverse amenity effects and ensure that they are located appropriately. There should also be a limit on the number of installations per property. TOT recommends that these rules be a non-complying activity.

Matters discussed⁵

Item
<p>Chapter 12 Background</p> <ul style="list-style-type: none">• Contains financial contributions, temporary events, signs and noise.• <i>What are financial contributions?</i> Method RMA provides that Council can use to mitigate adverse effects. Targeted at a particular development proposal. Can be money or land or a combination of both.• Has relationships with other chapters – key ones include the zone based chapters – Chapters 3, 5, 6, 7, 8 and 11.• Key objectives – Objective 2.11 Character and amenity, Objective 2.19 Urban design, and Objective 2.16 Economic vitality

⁵ Te Ohu Taiao (TOT) comments are italicised.

Financial contributions

- Must be related to addressing the effects of the activity (compared with Development Contributions which are collected to address the effects of growth on infrastructure).
- Can't charge both an FC and a DC for the same activity & purpose.
- 2 policies and a series of rules outlining the circumstances where an FC will be charged, the amount and form of contribution etc.
- Council is leaning more towards development contributions rather than financial contributions, while also wanting to be able to use financial contributions. Development Contributions can be updated annually whereas FC can only be changed through the plan change.
- *Would it be fair to say that the amount of FC is dependent on the detail in the resource consent application?* Yes, depends on the effects etc.
- Different councils have different approaches.

Temporary Events

- Recognises benefits of temporary events to the district & seeks to ensure adverse effects on environment and community are minimised.
- Temporary events include sporting, concerts, parades, festivals, exhibitions, etc.
- *Eg. the SHAG (Sustainable Home and Garden) Show, Waitangi Day?* Yes
- 2 policies + 2 rules (1 permitted activity, 1 restricted discretionary).
- Permitted activity standards relate to duration, hours of operation, noise, light spill & glare, traffic, dust & debris, waste & sanitation etc, to try and catch any of those adverse effects. Otherwise a restricted disc activity.

Signs

- Recognises the importance/value of signs (eg. communication, directions, advertise goods & services, promote events/activities) but also that they can have a range of adverse effects.
- Provides for suitably designed and located signs as permitted activities subject to specific standards.
- Key issues include public benefit, impacts on character, amenity & safety (includes driver safety).
- 5 policies + 12 rules (ranging from permitted through to non-complying) Different rules for the different zones. Different scales anticipated in each of those zones.

Noise

- Outdoor noise is controlled by local & regional authorities through the provisions of the RMA, but some specific noise sources are dealt with under other legislation eg. dogs (Dog control legislation), vehicles on a road (NZTA), aircraft take-off or landing, workplace noise.
 - S.31 RMA gives territorial authorities primary responsibility for controlling the emission of noise and mitigation of effects of noise.
 - S.16 RMA places a general duty on all operators & occupiers to adopt the best practicable option to ensure noise does not exceed a "reasonable level".
 - The permitted day & night noise limits help in determining "reasonable level".
Under the RMA what does reasonable level mean? The limits in the plan give a guide. Measured in decibels. Can give a warning, confiscate equipment. How does fireworks fit into that? Doesn't really fit into these rules. Relies on neighbours ringing in and complaining.
 - In the RMA the definition of noise also includes vibration, so the rules relate to this as well.
 - 6 policies + 39 rules (ranging from permitted through to prohibited).
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Financial Contributions – Changes from the ODP

- ODP has separate chapters for signs, noise, financial contributions & temp events; the PDP brings them all together into one chapter.
- ODP had separate reserve contribution fees for Residential, Commercial and Rural zones – the PDP has an Urban fee, an Ōtaki Urban fee & a Rural fee. *Why does Ōtaki have a separate fee?* Because the land values are lower.
- PDP has revised the reserve contribution fee amounts. Sets a fixed fee for residential and non-residential Household Unit Equivalents (HUE) at amounts corresponding to a capped land value figure. More \$ value than in the ODP. Some submitters have submitted against these amounts. Need to have good justification for contributions. Central Govt is looking at this closely. Would like Councils to find other ways to obtain money for subdivisions – changes to RMA likely.
- *Are there many submissions against this?* Not too many, but they are the big players in subdivisions. They would be happy with no financial or development contributions.
- *So what do you get for this fee?* The right to create a section/build a house.
- If you're not adding a new dwelling there is no charge.
- If you are subdividing or adding a new house to a section, then you would have to pay the financial contributions.
- *The development of numerous houses would cost?* – have to pay that many FC's. But could be cash or land.
- *Paying same amount whether you are subdividing one section or a developer with multiple sections. How does papakainga fit into this?* Definition of Household Unit Equivalent states "For the avoidance of doubt, a 2 bedroom or greater *minor flat* or *papakainga unit* will be 1 HUE."
- There are provisions for discounts in the plan.
- There is a question about how much of a financial contribution can Council collect for reserves from an industrial or commercial activity. There may not be any present or nearby that they can use. *Would there not be a consideration that they are supporting the broader community?* Coastlands is a good example as there are reserves, walking linkages in close proximity. There are still going to be effects from their commercial activity – traffic etc.
- Financial contributions for industrial or commercial activity - *Could be used for greening the area, urban design, and town centre planning. Shouldn't be exempt from paying contributions. Reverse sensitivity effects (esp from Industrial activities) could be mitigated through the contributions. Those green spaces that exist are well used. If taken out may lose those areas.*
The Waikanae Hotel is being demolished on the corner of Te Moana Road and SH1 for commuter carparking, backs on to the marae – need greenery to block carparking – could be provided through financial contributions. In Ōtaki could encourage a wider footpath, cycleway, bridle path, screening, in front of the industrial area along Riverbank Road.

Temporary Events – Changes from the ODP

- Provide more certainty regarding the management of temporary events
- Recognise/support community & economic benefits while managing any adverse effects (ODP has no specific policies).
- Mainly clarifying – there are now specific policies in relation to temporary events. Still required to submit a management plan under the permitted activity rules.
- *What effects do alcohol policies/liquor licensing have in relation to temporary events?* Sherilyn to check **(Action 1)**.
- *Is there information or a brochure which provides info for temporary events? Flow charts would be good. Producing a guide would be great.*

Signs - Changes from the ODP

- provisions retain and improve on the ODP provisions & aim to be more detailed/directive
- recognise public and economic benefits of signs, but ensure adverse effects on landscape, character and amenity values and pedestrian/cyclists/traffic safety are appropriately managed.
- *Are there tangata whenua considerations in relation to signs? Intention for Council to have a relationship with iwi in relation to place names and the history of areas. Shalom community had a relationship with M2PP, end of Leinster Ave needed a name. Final three were three Maori words – came from a child from who lived in the area who picked them from a Maori dictionary – no conversation with iwi about the appropriateness of these words in relation to names for the street.*
- *Policy 12.9 Sign assessment criteria – include tangata whenua considerations in the policy to encourage awareness of history and meaning of the area. People think Kāpiti means cabbage, but comes from Te Waewae Kāpiti o Tara rāua ko Rangitāne, which recognises a certain boundary point between areas. To recognise Council's unique partnership with iwi. Peka Peka should be one word. Signage becomes the educational forum.*
- Main focus of rules and policies is on signs some private business owners wishes to erect. *Issue relates more to public signage or where Te Reo is to be used on the sign.*
- *Te Haerenga Whakamua includes some values about signage – Pg 78, 79, (Pukengatanga) 101 (Tikanga 1.5.2), 102 (Tikanga 1.6.8)*
- *Was there something in the work plan about Te Reo signage. Yes, in the heritage area – heritage trails etc, to be in English and Te Reo. In the implementation phase it comes in. When there is a signage review it is captured – one is coming up soon. Encouraging other partners (eg. Friends of the Ōtaki River) to use same signage – TPA accredited, knowledge of local dialects. Kāpiti went through three iwi. Monica suggested adding names to list of translators. Let TWOK know the names of suitable people.*
- *Businesses that chose not to use the macron – is that because they don't understand the importance of what it means to iwi. How can we inform people? Perhaps something that could be done at Marae as part of Waitangi Day celebrations. Application of a macron needs to be consistent within Maori also. Monica said Tuhoe, for example prefer the use of double aa, as they believe the macron lowers it status.*
- May be issues around scope. Sherilyn to look into inclusion of tangata whenua considerations. **(Action 2)**

Noise - Changes from the ODP

- Noise provisions respond to a range of new noise standards introduced since 1999, as well as airport & urban growth plan changes.
- Policies more directly address transport corridors & reverse sensitivity issues.
- New rule on new dwellings within 40m railway line. *What is the current rule in relation to this? (Action 3)*
- Air noise boundaries established to regulate airport noise.
- New rules to control bird scaring devices.

General SEV changes

- Corrections of minor errors and minor wording improvements/clarifications using Clause 16(2), Schedule 1 RMA (immaterial changes).
 - Removing unnecessary duplications
 - Relocating or reorganising material
 - Consequential changes (ie. as a result of changes made elsewhere/ in response to other submissions)
 - Changes to ensure consistency across the plan (eg. removal of policy explanations and summary rule tables).
 - Name of chapter may be renamed 'General Provisions'. They don't directly relate to chapter 2A District-wide Policies which could be implied from the title.
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Financial Contributions - Key SEV changes

- Responds to general submissions seeking to simplify & make the PDP easy to understand - Wording and structural changes – rules do not have activity status.
- Responds in part to submissions opposing FC provisions, challenging basis of FC calculation & the justification/s32 (the link between 'who pays, what for, how much'). Finance people and Parks looking into this further.
- *How much of the budget comes from financial contributions, and how much is from rates?* In the LTP.
- Still room to improve on wording and clarity.
- FC's charged at the time of subdivision or if not, at the time a house is built.
- *If the FC's can't be increased to the proposed amount how does that affect the reserves and open spaces. And if it does increase, what extra will be provided?* This is what will be assessed for the s42A report and what the Finance and Parks people are looking in to. Mapping where parks are now, where growth is proposed to occur. Stocktake of assets – this is underway at the moment. *Do you think there will be many gaps?* Will be interesting to see. Had a look at what PCC are doing – they are going down the DC path, but keeping FC as a backstop. Due to work that they've done looking at parks which found that they have quite a bit of capacity for growth without impacting on parks and open spaces.
- ODP around since 1999. Lots of change since then, cost of land and assets has increased hugely.
- Once these provisions have gone through, there may be future reviews and plan changes that need to occur.
- Roads, water, etc, focus is on using DC. *In gated communities or similar situations, do they pay more DC, as there is no public good?* Not sure, probably not. Based on number of houses, vehicle movements, etc.
- *Keen to see outcome of the assessment being undertaken by Finance and Parks. Keen to see financial implications on community/Papakainga housing. (Action 4)*

Temporary Events - Post-SEV changes

- Consider whether the permitted activity noise standards in 12B.1 duplicate the noise rules/standards in 12D.1 (if yes, consider deletion).
 - Discussions with Council's noise expert (Malcolm Hunt) to clarify the relationship between temp events PA noise standards and noise controls in 12D.1 and remove unnecessary duplications within the PDP rules
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Signs – Post SEV changes

- Specific recognition of state highways in Policy 12.8 Safety – responds to submission by NZTA.
 - 12C.1.1.2 – Progressives made a submission around more clarity of free standing signs.
 - Amendment to rules for signs on Historic Heritage Features. Rule 12C.2.2A has been relocated from Chapter 10 to Chapter 12 so all rules relating to signage on heritage features are in one chapter. Policy 10.6 Use and modification of historic heritage includes the assessment criteria - *“the degree to which public interpretation of historic heritage is enhanced by the proposed activities, in accordance with relevant cultural protocols and without effects on the tangible or intangible historic heritage values”*. Policy 12.9 provides a sign assessment criteria however this does not include historic heritage or support the relocated rules. Rule 12C.3.2 (Discretionary Activity rule for signs on historic heritage) states that the assessment criteria is consistency with Policy 12.9 (notwithstanding that this assessment criteria may be deleted). *Regardless, historic heritage values should be included in this policy due to the introduction of rule 12C.2.2A.*
(Action 7)
 - Amendment to permitted activity rule for signs in Living Zones to exclude signs advertising prostitution or related activities (Rule 12C.1.7). *What are related activities? Is this an issue?*
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Noise – Key SEV changes

- Revised permitted activity rule for temporary military training activities (Rule 12D.1.7)
- New consolidated permitted activity rule for noise sensitive activities (Rule 12D.1.12) + consequential rule deletions to streamline/simplify and ensure no double-ups + new supporting Schedule 12.1 detailing minimum construction requirements for habitable rooms (to meet acoustic standards in the new rule).
- **Post SEV changes:**
 - Further improvements to policy and rule wording to increase clarity
 - Consider further amendments to policies and rules in response to submitter feedback including NZTA, Kiwirail, Fed Farmers:
 - Policy 12.11 – more clarity re: “noisy activities” (Fed Farmers) worried that this includes cows
 - Policy 12.12 – relate to ‘new’ transport network developments and not existing roads/rail (Kiwirail)
 - Rule 12D.1.7 - further amendments to respond to NZ Defence Force concerns re: temp military training activities (amend definition; amend status of activities not meetings PA standards from discretionary to controlled; be exempt from other rules in other chapters). Still being worked through. The way the PDP is structured you also need to look at other provisions that might apply.
 - Rule 12D.1.10 – amendments to respond to Fed Farmers concerns re: noise provisions for activities in rural areas & reverse sensitivity issues (eg clarify treatment of things like farm pumps, machinery working at night, aircraft operation). Still being worked through. They had questions around these activities. Rule is permitting normal rural activities. The note says:

Note: For the avoidance of doubt, recreational motorbike tracks, long-term or on-going sawmilling and any fixed motors or equipment are not permitted activities. Could be made clearer “are not permitted activities under rule 12D.1.10, refer instead to rule 12D.1.2.” *Suggestion “are not classified as rural equipment”.*

(Action 8)
 - Rule 12D.6 Prohibited Activities – consider amendments to Rule 12D.6.3 re: noise sensitive activities within the Airport Zone but outside the air noise boundary to be discretionary activities (KCAHL). Will be discussed in relation to the Airport land change.
- *What are noise sensitive activities?* – defined in Chapter 1 – buildings used for residential activities...Marae buildings, teaching areas.
- Key things to consider are that all the noise rules work together, that they are fair and equitable for all parties.

Reverse sensitivity - Noise and acoustic measures

- Policy 12.13 – add other tools in addition to acoustic measures, eg setbacks/no build buffers (NZTA)
- Rule 12D.1.12 – further amendments to new consolidated noise rule to ensure its workability & to address NZTA reverse sensitivity concerns (eg road corridor buffer; quantifying “altered”)

What's in the ODP? There are similar provisions but not exactly the same as new provisions regarding insulation

Understand provisions for new houses and developments. However, existing properties are already aware of and accepting of the noise – why should extending your property mean that you have to add insulation or go through a consent process? Element of upping quality of housing. General move around NZ to up the baseline for housing. *Marae that is located right on the road, if there were new buildings or alterations they would have to put in the extra insulation. Adds increased costs. Where did the measurement come from?* Malcolm Hunt came up with 10% increase of floor area. If not permitted becomes full discretionary. Only applies to houses next to big roads and rail corridor. “Any new or altered *habitable room* within 40m of the nearest edge of any carriageway of any formed State highway, or any transport corridor designated for State highway purposes that has yet to be formed.”

- NZTA want to protect their road corridors from reverse sensitivity via a no-build requirement - to be further discussed with Malcolm Hunt who is not convinced by NZTA's argument. He thinks this can be managed through other ways – acoustic insulation. *This could be done through designations/buying properties, although this would have to be done in a way that doesn't affect the amenity along state highways/roads.*
- *Keen to hear the outcome of discussions with NZTA and Malcolm Hunt due to effects on iwi land. (Action 10) Taking land for the road and now want to include extra provisions on the land that is left.*

Post SEV Changes - Amateur Radio

- Submitters are basically seeking permitted activity rules that would allow for antennas & aerials up to 20m high in urban zones and 30m in rural zones.
- Isthmus undertaking a landscape assessment to help inform our thinking & the drafting of provisions. Coming back to KCDC with assessment very soon.
- Reviewing relevant case law and the various approaches around the country. Want to ensure that any provisions we recommend are appropriate and workable (& integrate with other plan provisions eg restrictions within landscape and character, ecological, natural hazards, heritage areas etc).
- *Believe that these provisions sit more appropriately within Chapter 11 Infrastructure. Should have consistent rules with masts, satellite dishes and antenna that are in Chapter 11. It's not just network utilities that are included in Chapter 11. Policy 11.3 refers to radios which is relevant to amateur radio. Would need to add policies, rules, standards etc to Chapter 12 – goes against streamlining the plan. Assessment of amateur radio antennas and aerials should be undertaken in the same manner as those for masts, antenna, and satellite dishes. Interested to know the reasons for it not being included in Chapter 11.*
(Action 5)
- *Kāpiti is horizontal not vertical – even 12m is probably too high. Better if attached to a building perhaps. This is a hobby not a necessity, technology has moved on. Would be better for them to club together and have one in an appropriate place.*
- *These antenna and aerial rules should not be a permitted activity - need resource consent to mitigate adverse amenity effects and ensure that they are located appropriately. There should also be a limit on the number of installations per property. Recommend that these rules be a non-complying activity.***(Action 9)**
- *Very concerned about the effects on amenity of the area by installing these structures. There are already some aerials installed, is there are need for more?*
- *Equity issue with network utilities which are a necessity.*
- *If introduced into the chapter, who can comment? Only submitters or further submitters could speak to this at the hearing. Joan Allin and Heritage NZ (supporting not impacting on heritage items), and Go Underground Waikanae (?). Sherilyn to confirm status of submitters and further submitters, and provide information to TOT on any further engagement of submitters*
(Action 6).

Actions

#	Action Description	Responsibility	Timeframe (if applicable)
1	What effects do alcohol policies/liquor licensing have in relation to temporary events. Sherilyn to check	Sherilyn	
2	Sherilyn to look into inclusion of tangata whenua considerations in relation to signage policies, and scope for change.	Sherilyn	Prior to s42A report being finalised.

3	What is the current rule in relation to noise and new dwellings within 40m railway line?	Sherilyn	
4	Keen to see outcome of the assessment being undertaken by Finance and Parks. Keen to see financial implications on community/Papakainga housing.	Sherilyn	Prior to s42A report being finalised.
5	Believe that the amateur radio provisions sit more appropriately within Chapter 11. Should be consistent with Chapter 11 provisions. Interested to know the reasons for it not being included in Chapter 11. If this occurs, would like to see how these provisions sit within that chapter prior to the s42A report being finalised.	Gina/Sherilyn	Prior to s42A report being finalised.
6	To confirm status of amateur radio submitters and further submitters, and provide information to TOT on any further engagement of submitters.	Sherilyn	
7	Include historic heritage values as an assessment criteria in policy 12.9 due to the introduction of rule 12C.2.2A.	Sherilyn	
8	The note to Rule 12D.1.10 could be clarified. eg "are not permitted activities under rule 12D.1.10, refer instead to rule 12D.1.2." Suggestion "are not classified as rural equipment".	Sherilyn	
9	<i>Amateur radio antenna and aerial rules <u>should not be a permitted activity</u> - need resource consent to mitigate adverse amenity effects and ensure that they are located appropriately. There should also be a limit on the number of installations per property. Recommend that these rules be a non-complying activity.</i>	Sherilyn/Gina	
10	Rule 12D.1.12 – <i>Keen to hear the outcome of discussions with NZTA and Malcolm Hunt due to effects on iwi land adjacent to State Highway.</i>	Sherilyn	Prior to s42A report being finalised.

Meeting Close Out

Date notes issued to parties	24 November 2015
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Method of Issue	Email
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