



## Policy – Financial Contributions

### Ngā Takoha Ahumoni

This policy has been developed by Council, as required by Section 102(2)(d) of the Local Government Act 2002. Under the Resource Management Act Councils are able to charge financial contributions. Environment Southland has included in its Regional Coastal Plan and its Regional Water Plan (including the proposed Southland Water and Land Plan), provisions for charging financial contributions.

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Policy No.	Policy Sponsor	Approval Date and Date of Next Scheduled Review	Approved By	MORF Reference	Related Standards
B10.3	Executive	<b>Approved</b> – 27 May 2004 <b>Reviewed</b> – 22 March 2006 <b>Reviewed</b> – 29 June 2018 <b>Approved</b> – 30 July 2021	Council	A33387	-

## 2. Definitions

The Council has a discretion where it may charge financial contributions under Section 108 of the Resource Management Act 1991 (RMA) as a condition of a grant of resource consent. A “financial contribution” means:

“...a contribution of—

- (a) money; or
- (b) land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Māori land within the meaning of Te Ture Whenua Māori Act 1993 that Act provides otherwise; or
- (c) a combination of money and land.”

## 3. Policy

No capital expenditure has been identified, as it related to increased demand for community facilities resulting from growth, in the Council’s Long-term Plan. Nor will any other capital expenditure be funded by financial contributions.

Environment Southland has the power to recover financial contributions in both its Regional Coast Plan and Regional Water Plan (including proposed Southland Water and Land Plan) under the Resource Management Act.

## 4. Regional Coastal Plan

The Regional Coastal Plan sets out the circumstances where financial contributions may be applied to offset the significant unavoidable adverse effects of certain activities on the coastal marine area.

Financial contributions will only be used to offset the adverse effects of notified controlled, discretionary or non-complying activities after all means of avoiding, mitigating or remedying adverse effects have been addressed. Where practicable, financial contributions will be applied as close as possible to the site where the adverse effects occur; or if not practicable, used for positive environmental effects intended to benefit people or communities most directly affected by the adverse effects.

The requirement for, and quantum of, financial contributions will be assessed on a case-by-case basis.

Where financial contributions are required, Environment Southland shall have the following priorities:

- land including esplanade reserves or strips;
- money;
- a combination of money and land.

Money is the least preferred form of financial contribution, but may be an appropriate form of compensation to address the cumulative adverse effects of minor singular activities. Circumstances where financial contributions may be imposed are:

- where public access to or along the coast or across the coastal marine area will be limited or prevented;
- where the activity is likely to cause or contribute to:
  - adverse effects on existing recreational opportunities and/or amenities facilities in the coastal marine area;
  - destruction or damage of coastal vegetation, erosion of foreshore or dunes, or adversely affect visual amenities due to the removal of coastal vegetation;
  - adverse effects on visual amenities and/or involves land clearance or disturbance;
  - adverse visual effects on heritage features or conservation areas;
  - the erosion of the seabed or foreshore;
- where the activity will adversely affect an historic site or one of cultural or spiritual significance to the tangata whenua;
- where the activity is likely to cause an increase in litter in the coastal marine area;
- where the activity (including discharges) for which consent is granted is likely to cause or contribute to the destruction or damage of significant habitat of flora or fauna.

The amount of the financial contribution will be determined in each of the above circumstances, generally, as follows: by calculating the fair and reasonable costs or full actual costs, where specified for:

- acquisition and vesting of land or interest in land;
- planting or maintenance of vegetation;
- landscaping or replanting;
- fencing or screening;
- protecting or restoring;
- erosion protection, sediment replenishment;
- provision of facilities or services;
- creation of habitat restoration area or pest management programme.

## 5. Regional Water Plan (including proposed Southland Water and Land Plan)

Where Environment Southland grants a resource consent under the Regional Water Plan (including the proposed Southland Water and Land Plan – pSWLP), it may impose a condition requiring that a financial contribution is made for specified purposes and under certain circumstances as set out in the Regional Water Plan (including pSWLP). The “activity” referred to in the following circumstances is the activity for which consent is granted. The circumstances are:

- maintenance or improvement of public access to and along rivers where public access to or along rivers or lakes will be limited or prevented by the activity;
- protection, restoration or enhancement of river and lake beds where the activity is likely to cause or contribute to adverse effects on river and lake beds;
- protection, maintenance or restoration of heritage values and of places, areas, or features of importance to tangata whenua – where the activity will adversely affect places, areas, buildings, or features of special historical, archaeological, architectural, scientific, ecological or intrinsic value (including trees or areas of vegetation with such values) and places, areas or features of

- importance to tangata whenua for spiritual, cultural or historical reasons;
- landscaping or planting – where the activity is likely to cause or contribute to adverse effects on visual amenities;
- fencing or screening – where the activity is likely to contribute to adverse effects on visual amenities, or conservation areas;
- general – mitigation works – where the activity will cause or contribute to adverse effects in the environment which will not be adequately mitigated by any types of contribution described elsewhere in the plan;
- general – environmental compensation – where the activity will have adverse effects which will not be adequately avoided, remedied or mitigated and those effects can be offset by positive effects elsewhere.

The amount of the financial contribution will be determined in each of the above circumstances, generally, as follows: by reference to matters set out in the Regional Water Plan (including pSWLP), but will be an amount (fair and reasonable or full actual costs) that will be sufficient to avoid, remedy or mitigate adverse effects.