



# Otago Regional Council

## Development Contributions and Financial Contributions Policy

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June 2024

The logo for Otago Regional Council features a stylized mountain range in yellow and blue above three wavy lines representing water. To the right of the graphic, the text "Otago Regional Council" is written in a blue, sans-serif font.	<b>Document Name:</b> Otago Regional Council Development Contributions and Financial Contributions Policy
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## 1. PURPOSE

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Under section 102(2)(d) of the Local Government Act 2002 Otago Regional Council (Council) is required to have a policy on development contributions and financial contributions. This Policy is reviewed and, where necessary, amended at least every three years.

## 2. DEVELOPMENT CONTRIBUTIONS

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Regional councils are not able to request development contributions. Under the Local Government Act 2002, the power to levy such contributions is restricted to territorial authorities.

## 3. FINANCIAL CONTRIBUTIONS

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Financial contributions are defined in section 108(9) of the Resource Management Act 1991 (RMA) as a contribution of:

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

Under section 108(10) of the RMA, a consent authority must not include a condition in a resource consent requiring a financial contribution unless:

- The condition is imposed in accordance with the purposes specified in the plan or proposed plan (including the purpose of ensuring positive effects on the environment to offset any adverse effect).
- And the level of contribution is determined in the manner described in the plan or proposed plan.

No financial contributions can be levied unless they are included within a regional plan.

## 4. REGIONAL PLANS

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Otago Regional Council currently has provisions for financial contributions in the following regional plans:

- Regional Plan: Coast for Otago
- Regional Plan: Water for Otago

When the Council grants a resource consent under the rules of these plans, it may impose a condition requiring a financial contribution for the purposes specified in the plan.

### **Regional Plan: Coast for Otago**

Provisions relating to the requirement for financial contributions under the Regional Plan: Coast for Otago are set out in the plan. The circumstances when financial contributions may be imposed are:

- Maintenance and enhancement of public access to and along the coastal marine area
- Public open space and facilities in the coastal marine area
- Planting or maintenance of coastal vegetation
- Landscaping or planting
- Fencing or screening
- Protection, maintenance or restoration of coastal protection areas
- Protection, maintenance or restoration of sites, buildings, places or areas of historic or cultural importance
- Protection, restoration or enhancement of marine mammal or bird sites
- Protection, restoration or enhancement of seabed and foreshore
- Reduction of litter
- General mitigation works

### **Regional Plan: Water for Otago**

Provisions relating to the requirement for financial contributions under the Regional Plan: Water for Otago are set out in the plan. The circumstances when financial contributions may be imposed are:

- To enable legal public access to and along the margins of lakes and rivers
- To enhance amenity values on the margins of lakes and rivers
- To maintain or enhance riparian vegetation or riparian habitat
- To enable landscaping or planting
- To protect the bed of a lake or river or its margins
- To protect, maintain or restore sites, buildings, places or areas of historic or cultural importance
- To protect aquatic ecosystems or their habitat
- To improve Regionally Significant Wetlands or regionally significant wetland values or create or reinstate wetland habitat or wetland values

In deciding on any financial contribution, Council will take into account that requiring a financial contribution may not be appropriate in every case, even where there are adverse effects. Every resource consent application needs to be considered on a case-by-case basis as to the nature and extent of any financial contribution that may be required.

## 5. TE TURE WHENUA MĀORI ACT

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Council's Development Contributions and Financial Contributions Policy must support the principles set in the preamble to the Te Ture Whenua Māori Act, which are:

Nā te mea i riro nā te Tiriti o Waitangi i motuhake ai te noho a te iwi me te Karauna: ā, nā te mea e tika ana kia whakaūtia anō te wairua o te wā i riro atu ai te kāwanatanga kia riro mai ai te mau tonu o te rangatiratanga e takoto nei i roto i te Tiriti o Waitangi: ā, nā te mea e tika ana kia mārama ko te whenua he taonga tuku iho e tino whakaaro nuitia ana e te iwi Māori, ā, nā tērā he whakahau kia mau tonu taua whenua ki te iwi nōna, ki ō rātou whānau, hapū hoki, a, a ki te whakangungu i ngā wāhi tapu hei whakamāmā i te nohotanga, i te whakahaeretanga, i te whakamahitanga o taua whenua hei painga mō te hunga nōna, mō ō rātou whānau, hapū hoki: ā, nā te mea e tika ana kia tū tonu he Te Kooti, ā, kia whakatakototia he tikanga hei āwhina i te iwi Māori kia taea ai ēnei kaupapa te whakatinana.

Whereas the Treaty of Waitangi established the special relationship between the Māori people and the Crown: And whereas it is desirable that the spirit of the exchange of kawatanga for the protection of rangatiratanga embodied in the Treaty of Waitangi be reaffirmed: And whereas it is desirable to recognise that land is a taonga tuku iho of special significance to Māori people and, for that reason, to promote the retention of that land in the hands of its owners, their whanau, and their hapu, and to protect wahi tapu: and to facilitate the occupation, development, and utilisation of that land for the benefit of its owners, their whanau, and their hapu: And whereas it is desirable to maintain a court and to establish mechanisms to assist the Māori people to achieve the implementation of these principles.

Council supports these principles through considering how the status of Māori freehold land affects the assessment of financial contributions on a case-by-case basis. As every block of Māori Freehold Land is different and requires specific consideration, Council's approach is to support the principles of the Te Ture Whenua Māori Act through providing for the most appropriate support for the particular circumstances of the block of land, its ownership structure and the aspirations of the owners.

## 6. USE OF FINANCIAL CONTRIBUTIONS

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Otago Regional Council does not have any operational or capital expenditure identified in its Annual Plan or Long-Term Plan that will be funded by financial contributions.