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Financial Contributions



16.1 Introduction

Where the Otago Regional Council grants a resource consent, it may impose a condition requiring that a financial contribution be made for the purposes specified in Section 108 of the Act.

Financial contributions may be for various purposes specified in the Plan including the purposes of ensuring positive effects on the environment to offset any adverse effects (environmental compensation).

The provisions which follow are intended to reflect the requirements of Section 108(9) of the Act and Clause 5 of Part 1 of the Second Schedule of the Act and set out:

1. The circumstances when such contributions may be imposed.
2. The purposes for which such contributions may be required and used.
3. The maximum amount of any contribution.
4. Assessment criteria to which the Council will have regard when deciding whether to impose a financial contribution, the type of contribution, and the amount of such contribution.

In deciding on any financial contribution, the Otago Regional Council will take into account that requiring a contribution may not be appropriate in every case, even where there are adverse effects. Every resource consent application needs to be considered as to the nature and extent of any contribution that may be required. The Otago Regional Council does not intend that environmental effects should be fully mitigated or fully compensated in every case. The maximum amounts indicated in this chapter are intended as an upper limit. The actual amount of particular contributions will vary depending upon the circumstances and the application of the criteria outlined above.

16.2 Circumstances, purpose and maximum amount

Financial contributions may be imposed on any coastal permit in the circumstances and for the purposes set out below. Contributions may be in the form of money or land or a combination of money and land. Contributions of money to the Council must be applied to the general purpose for which such contributions were taken.

The following provisions set out circumstances and purposes for which financial contributions may be imposed and used, and the method of calculating the maximum amount of the contribution in each case.

16.2.1 Maintenance and enhancement of public access to and along the coastal marine area.

Circumstances: Where public access to or along the coast will be limited or prevented by the activity for which consent is granted.

Purpose 1: To mitigate such effects by providing for public access to or along the coast through or around the area to which the consent applies.

Maximum amount: The full actual cost of providing access sufficient to fully mitigate adverse effects on public access.

Purpose 2: To offset or compensate for reduction or loss of access by contributing to new or enhanced access to or along another part of the coastal marine area within the same general locality or serving the same general community.

Maximum amount: The full actual cost of providing or contributing alternative public access to a reasonably equivalent standard and extent to that which will be lost or reduced.

16.2.2 Public open space and facilities in the coastal marine area

Circumstances: Where the activity, for which a resource consent is granted, occupies or affects any part of the coastal marine area which is or was previously open to the public and contains or previously contained facilities or space used by the public in the coastal marine area.

Purposes: To mitigate or compensate for such effects by providing public open space or public facilities on or in the vicinity of the site, or at an alternative location in the coastal environment in the same general locality or serving the same general community (including a contribution to any public reserves).

Maximum amount: The full actual cost of providing land, or an interest in land or works or services to provide public open space or public facilities of a reasonably equivalent standard or extent to those which are lost or affected by the granting of the consents.

16.2.3 Planting or maintenance of coastal vegetation

Circumstances: Where the activity for which the consent is granted will or is likely to result in destruction or damage to vegetation or habitats.

Purposes: To mitigate, remedy or compensate for the loss of vegetation by planting, replanting, transplanting (where appropriate with native species of local stock) or maintaining new or existing plantings either at or adjacent to the site concerned or elsewhere in the same general locality.

Maximum amount: The full actual costs of the works and of providing land, or an interest in land or works or services to provide for planting, replanting, transplanting or maintaining new or existing plantings.

16.2.4 Landscaping or planting

Circumstances: Where the activity for which consent is granted is likely to cause or contribute to adverse effects on visual amenities and/or involves land clearance or disturbance.

Purposes: To reduce the adverse effects of land clearance, land disturbance and structures in the coastal marine area by landscaping or replanting on or adjacent to the site in question.

Maximum amount: The full actual costs of carrying out such works and of providing land sufficient to fully mitigate the adverse effects of the activity.

16.2.5 Fencing or screening

Circumstances: Where the activity for which consent is granted is likely to contribute to adverse effects on visual amenities, heritage features or conservation areas.

Purposes: To contribute to screening to reduce adverse visual effects or to fencing or screening to protect or separate heritage features or conservation areas.

Maximum amount: The full actual costs of carrying out such works to a standard sufficient to fully mitigate the adverse effects of the activity.

16.2.6 Protection, maintenance or restoration of coastal protection areas

Circumstances: Where the activity for which consent is granted will, or is likely to contribute to adverse effects on any coastal protection area.

Purposes: To mitigate or offset such effects by providing for works which protect or restore the values within the coastal protection area.

Maximum amount: The full actual cost of works reasonably required to fully mitigate or reasonably compensate for such effects.

16.2.7 Protection, maintenance or restoration of sites, buildings, places or areas of historic or cultural importance

Circumstances: Where the activity for which consent is granted will adversely affect a historic site, building, place, or area, or one of cultural or spiritual significance to Kai Tahu.

Purposes: To mitigate or offset such effects by providing for works which protect or restore that site, building, place, or area, or to offset such effects by contributing to protection, maintenance or restoration or some alternative historic or cultural site, building, place, or area, elsewhere within the coastal environment in the same general locality.

Maximum amount: The full actual cost of works and of purchasing land reasonably required to fully mitigate or reasonably compensate for such effects.

16.2.8 Protection, restoration or enhancement of marine mammal or bird sites

Circumstances: Where the activity for which consent is granted is likely to cause or contribute to adverse effects on any site identified in Schedule 3 of this Plan as being important to marine mammals or birds.

Purposes: To mitigate or offset the adverse effects of the activity by protecting, restoring or enhancing the site, including (without limitation) maintenance and planting of vegetation, fencing, and foreshore protection and including contribution to such measures elsewhere in the same general locality.

Maximum amount: The full actual costs of works and of providing land sufficient to fully mitigate such effects.

16.2.9 Protection, restoration or enhancement of seabed and foreshore

Circumstances: Where the activity for which consent is granted is likely to cause or contribute to adverse effects on seabed or foreshore.

Purposes: To mitigate or offset the adverse effects of the activity by protecting, restoring or enhancing the seabed or foreshore, including (without limitation) maintenance and planting of vegetation, sediment replenishment, erosion protection works, fencing, and foreshore protection and including contribution to such measures elsewhere in the same general locality.

Maximum amount: The full actual costs of works to a standard sufficient to fully mitigate such effects.

16.2.10 Reduction of litter

Circumstances: Where the activity for which consent is granted is likely to contribute directly or indirectly to littering of the coastal marine area.

Purposes: To mitigate or offset such effects by contributing to litter collection facilities, services or signage in the general area of the activity.

Maximum amount: The full actual costs of contributions reasonably required to fully mitigate the effects referred to above.

16.2.11 General mitigation works

Circumstances: Where the activity for which consent is granted will cause or contribute to adverse effects on the environment which will not be adequately mitigated by any of the types of contribution described elsewhere in this section.

Purposes: Works on or adjacent to the site for the purpose of avoiding, remedying or mitigating the adverse effects of the activity, including protection, restoring or enhancing natural and physical resources or amenity values elsewhere in the coastal environment in the same general locality.

Maximum amount: The full actual costs of providing offsetting positive effects reasonably equivalent in standard, amenity value or environmental value to those amenities or resources which will be lost, compromised or adversely affected.

16.3 Financial contribution assessment criteria

In deciding whether or not to impose financial contributions, the types of contribution and their value, the Council will have particular regard to the following matters:

- (a) The extent to which any adverse effects deriving from the activity can and should be mitigated by way of works carried out on or near the site; or
- (b) The extent to which a financial contribution may offset or provide compensation to the community or environment for adverse effects caused or contributed to by the activity and not otherwise avoided, remedied or mitigated by the consent holder.
- (c) The extent to which a contribution is required to achieve the objectives and policies of this Plan.
- (d) In deciding the actual value of the financial contribution required, the Council will have particular regard to:
 - (i) The significance of the effects attributable to the activity;

- (ii) Where such effects are contributed to by other activities, the extent to which those effects can be reasonably attributed to the activity for which consent is granted;
 - (iii) The extent to which any positive effects of the activity offset any adverse effects.
- (e) Financial contributions should relate to the effects of the activity for which consent is granted and be reasonably proportionate to the significance of any adverse effects.
 - (f) The costs of establishing and conducting the activity.
 - (g) The necessity for establishing or continuing the activity in the coastal marine area, the availability of alternative locations and the reasons for the activity occurring in the coastal marine area.

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