

Further Submission on Variation 2 (Financial Contributions) to the Proposed Waimakariri District Plan by Kāinga Ora – Homes and Communities

Clause 8 of Schedule 1 to the Resource Management Act 1991

To: Development Planning Unit
Waimakariri District Council
Private Bag 1055
Rangiora 7440
Submission lodged via email: developmentplanning@wmk.govt.nz

Name of Further Submitter: Kāinga Ora – Homes and Communities

1. **Kāinga Ora – Homes and Communities** (“**Kāinga Ora**”) makes this further submission on Variation 2 to the Proposed Waimakariri District Plan (“**Variation 2**”) in support of/in opposition to original submissions to Variation 2.
2. Kāinga Ora has an interest in Variation 2 that is greater than the interest the general public has, being an original submitter on the Variation with respect to its interests as Crown entity responsible for the provision of public housing, and its housing portfolio in Waimakariri District.
3. Kāinga Ora makes this further submission in respect of submissions by third parties to Variation 2.

Reasons for further submission

4. The submissions that Kāinga Ora supports or opposes are set out in the table attached as **Appendix A** to this further submission.
5. The reasons for this further submission are:

- (a) The reasons set out in the Kāinga Ora primary submission on Variation 2.
 - (b) In the case of the Primary Submissions that are opposed:
 - (i) The Primary Submissions do not promote the sustainable management of natural and physical resources and are otherwise inconsistent with the purpose and principles of the Resource Management Act 1991 ("**RMA**");
 - (ii) The relief sought in the Primary Submissions is not the most appropriate in terms of section 32 of the RMA;
 - (iii) Rejecting the relief sought in the Primary Submissions opposed would more fully serve the statutory purpose than would implementing that relief; and
 - (iv) The Primary Submissions are inconsistent with the policy intent of the Kāinga Ora primary submission.
 - (c) In the case of Primary Submissions that are supported:
 - (i) The Primary Submissions promote the sustainable management of natural and physical resources and are consistent with the purpose and principles of the RMA and with section 32 of the RMA;
 - (ii) The reasons set out in the Primary Submissions; and
 - (iii) Allowing the relief sought in the Primary Submissions supported would more fully serve the statutory purpose than would disallowing that relief.
6. Without limiting the generality of the above, the specific relief in respect of each Primary Submission that is supported or opposed is set out in **Appendix A**.
7. Kāinga Ora wishes to be heard in support of its further submission.
8. If others make a similar submission, Kāinga Ora will consider presenting a joint case with them at a hearing.

DATED 21 November 2022

Kāinga Ora – Homes and Communities



Brendon Liggett

Manager – Development Planning

ADDRESS FOR SERVICE:

Kāinga Ora – Homes and Communities

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Appendix A – Further Submission Table

Submitter Number and Name	Submission Point Number	Chapter Topic/ Provision	Submission Position	Summary of Decision Requested (Decision Sought)	Kāinga Ora response (support or oppose)	Kāinga Ora reasons	Decision(s) sought (allow or disallow)
66 Mark Allan - on behalf of Bellgrove Rangiora Ltd	66.1	FC- Koha putea – Financial Contributions General	Oppose	Ensure consistency with development contributions policy, remove duplication with development contributions, and replace references to 'offset' or 'offsetting' with 'mitigate' or 'contribute towards'.	Support	Kāinga Ora supports this submission and the submitter's proposed amendments for the reasons expressed in, and to the extent that these are consistent with, its primary submission.	Allow
66 Mark Allan - on behalf of Bellgrove Rangiora Ltd	66.2	FC- Koha putea – Financial Contributions FC-01 Infrastructure	Oppose	Amend Objective FC-O1 to clarify that contributions required to mitigate effects on Council infrastructure must be fair, reasonable, and consistent.	Support	Kāinga Ora supports this submission and the submitter's proposed amendments for the reasons expressed in, and to the extent that these are consistent with, its primary submission.	Allow
66 Mark Allan - on behalf of Bellgrove Rangiora Ltd	66.3	FC- Koha putea – Financial Contributions FC-02 Environment	Oppose	Amend Objective FC-O2 to clarify that any contribution required to mitigate impacts on the environment must be fair, reasonable and consistent.	Support	Kāinga Ora supports this submission and the submitter's proposed amendments for the reasons expressed in, and to the extent that these are consistent with, its primary submission.	Allow
66 Mark Allan - on behalf of Bellgrove Rangiora Ltd	66.4	FC- Koha putea – Financial Contributions FC-P1 Provision	Amend	Amend Policy FC-P1 (provision of infrastructure) to: <i>"Except where already provided for by the current WDC Development Contributions Policy, financial contributions are required where housing intensification, subdivision, and development or both have an adverse environmental effect on existing infrastructure, which requires capacity increases, upgrades or other modification to the infrastructure ahead of the scheduled maintenance/replacement program, or outside the scope of scheduled maintenance/replacement programme."</i>	Support	Kāinga Ora supports this submission and the submitter's proposed amendments for the reasons expressed in, and to the extent that these are consistent with, its primary submission.	Allow
66 Mark Allan - on behalf of Bellgrove Rangiora Ltd	66.5	FC- Koha putea – Financial Contributions FC-R1 New Residential	Oppose	Remove or amend Rule FC-R1 to: clearly articulate when any calculated financial contribution must be paid by; and provide greater certainty on the process for obtaining a financial contributions assessment and how this will be undertaken in a fair and reasonable way.	Support	Kāinga Ora supports this submission and the submitter's proposed amendments for the reasons expressed in, and to the extent that these are consistent with, its primary submission.	Allow
66 Mark Allan - on behalf of Bellgrove Rangiora Ltd	66.6	FC- Koha putea – Financial Contributions	Oppose	Remove or amend Rule FC-R2 to: clearly articulate when any calculated financial contribution must be paid by; and provide greater certainty on the process for obtaining a	Support	Kāinga Ora supports this submission and the submitter's proposed amendments for the reasons expressed in, and to the extent that these are consistent with, its primary submission.	Allow

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		FC-R2 Subdivision		financial contributions assessment and how this will be undertaken in a fair and reasonable way.			
66 Mark Allan - on behalf of Bellgrove Rangiora Ltd	66.7	FC- Koha putea – Financial Contributions FC-S1 Assessment	Oppose	Amend to FC-S1(1) with additional criteria: <i>The District Council will issue a Financial Contribution Calculation Assessment (which will be valid for three years from the date of issue) that specifies that either:</i> <i>a. all reasonable infrastructure costs incurred by the development have already been accounted for by the current Waimakariri District Council Development Contributions Policy and no further assessment is required; or that:</i> <i>b. all reasonable costs incurred or to be incurred in providing the service, utility or facility (including but not limited to; any legal, survey, design, planning, engineering costs and disbursements)</i>	Support in Part	Kāinga Ora supports the intent of the submission, but consistent with our primary submission, further amendments may be necessary to provide the desired clarity.	Allow in Part
66 Mark Allan - on behalf of Bellgrove Rangiora Ltd	66.8	FC- Koha putea – Financial Contributions FC-S1 Assessment	Oppose	Provide greater clarity for developers whilst being assured that everyone is being treated alike.	Support	Kāinga Ora supports this submission and the submitter's proposed amendments for the reasons expressed in, and to the extent that these are consistent with, its primary submission.	Allow
66 Mark Allan - on behalf of Bellgrove Rangiora Ltd	66.9	FC- Koha putea – Financial Contributions FC-S1 Assessment	Oppose	Amend FC-S1 to add more detail on how a financial contribution calculation assessment should be sought and the timing associated with obtaining one.	Support	Kāinga Ora supports this submission and the submitter's proposed amendments for the reasons expressed in, and to the extent that these are consistent with, its primary submission.	Allow
66 Mark Allan - on behalf of Bellgrove Rangiora Ltd	66.10	FC- Koha putea – Financial Contributions FC-S1 Assessment	Oppose	Amend the assessment methodology in FC-S1 to clarify that any costs calculated may only be in relation to effects of the activity (with any increased wider benefit of infrastructure that goes over and above that required by the activity to be paid by Council).	Support	Kāinga Ora supports this submission and the submitter's proposed amendments for the reasons expressed in, and to the extent that these are consistent with, its primary submission.	Allow
66 Mark Allan - on behalf of Bellgrove Rangiora Ltd	66.11	FC- Koha putea – Financial Contributions FC-S1 Assessment	Oppose	Amend FC-S2(1): <i>1. As part of the District Council Financial Contribution Calculation Assessment for drinking water, wastewater and stormwater firstly an assessment shall be undertaken to following calculation methodology will be used:</i> <i>a. assess whether the upgrade, extension or new infrastructure required has already been</i>	Support in Part	Kāinga Ora supports the intent of the submission, but consistent with our primary submission, further amendments may be necessary to provide the desired clarity.	Allow in Part

Submitter Number and Name	Submission Point Number	Chapter Topic/ Provision	Submission Position	Summary of Decision Requested (Decision Sought)	Kāinga Ora response (support or oppose)	Kāinga Ora reasons	Decision(s) sought (allow or disallow)
				<p><i>accounted for in growth component allowed for in the Development Contributions policy. <u>If the upgrade, extension or new infrastructure required has already been allowed for in the Development Contributions policy then no further assessment is required. If the required upgrade, extension or new infrastructure has not been provided for in the Development Contributions policy then the following calculation methodology will be used:</u></i></p> <p><i>b. assess the increase in capacity of the upgrade, extension or new infrastructure required and only charge the proportion needed to service the proposed development;</i></p> <p><i>c. where required to be installed on Council land and agreed to by the Council, the 100% estimated cost of all materials, installation and commissioning of a water supply booster pump and associated infrastructure to maintain water pressure in any building three or more stories in height;</i></p> <p><i>d. and assess provision of on-site stormwater management, and if sufficient to manage a 10 year storm, either no or a reduced financial contribution will be required.</i></p>			
66 Mark Allan - on behalf of Bellgrove Rangiora Ltd	66.12	FC- Koha putea – Financial Contributions FC-S4 Financial	Oppose	<p>Amend FC-S4:</p> <p><i>As part of the District Council Financial Contribution Calculation Assessment for roading firstly an assessment shall be undertaken to following calculation methodology will be used: assess whether the upgrade of extension to or new roading infrastructure required is already accounted for in the growth component allowed for in the Development Contributions policy. <u>If the upgrade, extension to or new roading infrastructure required has already been allowed for in the Development Contributions policy then no further assessment is required.</u></i></p> <p><i>If the required upgrade, extension to or new infrastructure has not been provided for in the Development Contributions policy then the following methodology will be used to calculate the contribution required by Council:</i></p> <p><i>a. if not provided for in the Development Contributions policy, the cost of the upgrade extension or new roading infrastructure will be</i></p>	Support in Part	Kāinga Ora supports the intent of the submission, but consistent with our primary submission, further amendments may be necessary to provide the desired clarity.	Allow in Part

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				<p>calculated by Council; the percentage contribution required to be paid by the development will be calculated as follows:</p> <p><u>a. for the costs of upgrading or extending existing roading infrastructure the percentage contribution shall be based on vehicle movements per day generated by the development divided by vehicle movements per day of the development plus vehicle movements per day of any potential additional lots that could develop plus average daily traffic: % contribution = vmpd development/ (vmpd development + vmpd potential new lots + current average daily traffic);</u></p> <p><u>b. for the cost contribution associated where new roads are required, the financial contribution will be based on a unit rate per kilometre of new road multiplied by the number of new lots divided by the existing lots plus proposed new lots; and</u></p> <p><u>c. where land is required to be vested for roading purposes, the area of land, the value of the land, and its [spelling corrected] proposed classification, shall be specified by Council.</u></p>			
71 Anderson Lloyd – Sarah Eveleigh - on behalf of Ravenswood Developments Limited	71.1	FC- Koha putea – Financial Contributions General	Oppose	No specific relief is sought. However, the submission states that the variation 2 provisions are too broad and do not provide appropriate specificity as to the basis on which financial contributions will be sought.	Support	Kāinga Ora supports this submission and the submitter's proposed amendments to the extent that these are consistent with its primary submission.	Allow
71 Anderson Lloyd – Sarah Eveleigh - on behalf of Ravenswood Developments Limited	71.3	FC- Koha putea – Financial Contributions General	Oppose	No specific relief is sought. However, the submission states that the variation 2 provisions do not expressly identify a "purpose" for which financial contributions will be required, the purposes in objectives FC-O1 and FC-O2 are broad and provide very little indication as to the scope of financial contributions that may be sought, or the purposes for which they will be required. The submission notes that other districts contain purpose statements which identify the particular types of infrastructure works to be funded by financial contributions (for example three waters, transport), and the particular environmental effects to be mitigated and outcomes to be achieved.	Support	Kāinga Ora supports this submission and the submitter's proposed amendments to the extent that these are consistent with its primary submission.	Allow

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71 Anderson Lloyd – Sarah Eveleigh - on behalf of Ravenswood Developments Limited	71.4	FC- Koha putea – Financial Contributions General	Oppose	No specific relief sought. However, the submission states that whilst objective FC-O2, policy FC-P2, and assessment standard FC-S1(c) provide for financial contributions to "mitigate the effects on the environment", no detail is provided as to what effects would be assessed or for what purposes and outcomes the contributions would be used for.	Support	Kāinga Ora supports this submission and the submitter's proposed amendments to the extent that these are consistent with its primary submission.	Allow
71 Anderson Lloyd – Sarah Eveleigh - on behalf of Ravenswood Developments Limited	71.5	FC- Koha putea – Financial Contributions Introduction	Oppose	No specific relief sought. However, the submission states that the introductory text in the Financial Contributions chapter sets out a number of "general circumstances where financial contributions may be required", where the purpose of including that list is unclear and does not inform the interpretation of subsequent provisions	Support	Kāinga Ora supports this submission and the submitter's proposed amendments to the extent that these are consistent with its primary submission.	Allow
71 Anderson Lloyd – Sarah Eveleigh - on behalf of Ravenswood Developments Limited	71.6	FC- Koha putea – Financial Contributions FC-S2 and FC-S4	Amend	Amend standards FC-S2, FC-S3, FC-S4 to clarify how financial contribution value, including attribution of proportions is determined.	Support	Kāinga Ora supports this submission and the submitter's proposed amendments for the reasons expressed in, and to the extent that these are consistent with, its primary submission.	Allow
71 Anderson Lloyd – Sarah Eveleigh - on behalf of Ravenswood Developments Limited	71.7	FC- Koha putea – Financial Contributions FC-S2 and FC-S4	Amend	Amend financial contributions provisions to more expressly state that financial contributions will be levied for a different purpose to development contributions, and the calculation of financial contributions payable will not include the cost of any infrastructure or services funded via Council's Development Contributions policy.	Support	Kāinga Ora supports this submission and the submitter's proposed amendments for the reasons expressed in, and to the extent that these are consistent with, its primary submission.	Allow
71 Anderson Lloyd – Sarah Eveleigh - on behalf of Ravenswood Developments Limited	71.8	FC- Koha putea – Financial Contributions General	Amend	Seeks amendments to Variation 2 to better accord with the Resource Management Act 1991, including the requirements of section 77E. Amend Variation 2 to: (a) Identify specific purposes for which financial contributions will be required, specifically: (i) Those purposes should be limited to capacity increases, upgrades or other modification to the infrastructure ahead of or outside of the scheduled maintenance or replacement. (ii) If financial contributions are to be required for adverse effects on the environment (which is not supported), the adverse effects to be assessed and the purposes or outcomes for	Support	Kāinga Ora supports this submission and the submitter's proposed amendments for the reasons expressed in, and to the extent that these are consistent with, its primary submission.	Allow

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				<p>which the financial contribution will be sought should be clearly identified; and</p> <p>(b) Explicitly state that in all cases, financial contributions will not be required for infrastructure, services or amenities for which development contributions are recoverable;</p> <p>(c) Improve the level of detail, clarity and drafting of standards FC-S1 to FC-S4.</p> <p>Seeks such other relief as may be required to give effect to this submission, including alternative, further or consequential amendments to objectives, policies, rules and definitions of the PWDP that address the matters raised</p>			
73 Luke Hinchey - on behalf of Retirement Villages Association of New Zealand Incorporated	73.1	FC- Koha putea – Financial Contributions General	Amend	<p>The Retirement Village Association seeks amendments to Variation 2 to:</p> <p>Ensure the dual financial and development contributions regimes will not result in double dipping; Provide certainty as to the financial contributions that will be required to be paid; Ensure the calculation methodology takes into account cost of works undertaken as part of development; and Provide a retirement village-specific regime for retirement villages that takes into account their substantially lower demand profile compared to standard residential developments.</p>	Oppose	Whilst Kāinga Ora agrees with a number of sentiments expressed in the submission, it considers the relief sought is inappropriate and may result in greater uncertainty to users of the Plan. It is Kāinga Ora's view that it would be inappropriate for there to be a 'retirement village specific regime' for Financial Contributions, in the manner proposed by the RVA submission. Accordingly, Kāinga Ora opposes this submission and the submitter's proposed amendments.	Disallow
73 Luke Hinchey - on behalf of Retirement Villages Association of New Zealand Incorporated	73.2	FC- Koha putea – Financial Contributions General	Oppose	Amend all relevant provisions to: Ensure the dual financial and development contributions regimes will not result in double dipping; Provide certainty as to the financial contributions that will be required to be paid; Ensure the calculation methodology takes into account cost of works undertaken as part of development; and Provide a retirement village-specific regime for retirement villages that takes into account their substantially lower demand profile compared to standard residential developments.	Oppose	Whilst Kāinga Ora agrees with a number of sentiments expressed in the submission, it considers the relief sought is inappropriate and may result in greater uncertainty to users of the Plan. It is Kāinga Ora's view that it would be inappropriate for there to be a 'retirement village specific regime' for Financial Contributions, in the manner proposed by the RVA submission. Accordingly, Kāinga Ora opposes this submission and the submitter's proposed amendments.	Disallow