

6. Financial contributions

Where the Regional Council grants a coastal permit, it may impose a condition requiring that a financial contribution be made for the purposes specified in the coastal plan.

The term 'financial contribution' is defined in Section 108(9) of the Act to mean:

... 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 Maori land within the meaning of the Maori Land Act 1993 unless that Act provides otherwise; or
- c) works, including (but without limitation) the protection, planting, or replanting of any tree or other vegetation or the protection, restoration, or enhancement of any natural or physical resource; or
- d) services—

or any combination thereof, made for the purposes specified in the plan (including the purpose of ensuring positive effects on the environment to offset any adverse effect) and which does not exceed in value the maximum amount specified in, or determined in accordance with, the plan.

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).

All monies collected under the financial contributions regime of the plan are collected by the Taranaki Regional Council for use in such a manner as the Council deems fit in order to avoid, remedy or mitigate the adverse effects on the coastal environment of the activity that the financial contribution is levied on. When deciding how those contributions should be levied or allocated, consideration should be given to matters contained in public submissions on a coastal permit application.

Clause 5 of Part 1 of the Second Schedule to the Act further requires the Taranaki Regional Council to specify in the plan the circumstances when a financial contribution may be imposed, the maximum amount of the contribution that may be imposed or the formula by which the contribution may be calculated and the general purposes for which the contribution may be used.

The provisions which follow reflect the requirements of the Act and set out:

- The circumstances when such contributions may be imposed.
- The purposes for which such contributions may be required and used.
- The manner in which the amount of the contribution will be determined.
- Matters which the Taranaki Regional Council will have regard to when deciding whether to impose financial contribution, the type or types of contribution, and the amount of any contribution.

6.1 Circumstances, purpose and 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 land, works, services or money or any combination of the two. Contributions of money to the Taranaki Regional Council must be used for 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 manner in which the amount of contribution will be determined is also set out.

(a) Maintenance or improvement of public access to and along the coast

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

- (i) Purposes: To avoid or mitigate such effects by providing for public access to or along the coast through or around the area to which the consent applies.

Determination of amount: The amount of contribution will be determined by reference to the matters set out in section 6.2, but will be an amount that will be sufficient to avoid, remedy or mitigate adverse effects on public access.

- (ii) Purposes: 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.

Determination of amount: The amount of contribution will be determined by reference to the matters set out in section 6.2, but will be an amount that will contribute to alternative public access to a reasonably equivalent standard and extent to that which will be lost or reduced.

Note: The operation of this section is limited to restriction of access within the coastal marine area. The limitation of access to and along the coastal marine area from activities that are conducted solely above mean high water springs is not able to be compensated for under this section.

(b) Enhancement of recreational amenities in the coastal marine area

Circumstances: Where the activity for which consent is granted is likely to cause or contribute to adverse effects on recreational amenities in the coastal marine area.

Purposes: To mitigate or offset such effects by creating or improving recreational opportunities or facilities or other public amenities on or in the vicinity of the site, and/or at an alternative location in the coastal environment in the same general locality or serving the same general community (including contribution to the maintenance or enhancement of public reserves).

Determination of amount: The amount of contribution will be determined by reference to the matters set out in section 6.2, but will reflect the cost of maintaining recreational amenity values at a reasonably equivalent level as if consent had not been granted, and/or to provide alternative recreational amenities to a reasonably equivalent standard or extent to those which will be lost.

(c) Planting or maintenance of coastal vegetation

Circumstances: Where the activity for which consent is granted is likely to cause or contribute to destruction or damage of coastal vegetation on habitats or contribute to erosion of foreshore or dunes or adversely affect visual amenities.

Purposes: To mitigate or offset such effects by way of planting or maintaining vegetation (including native vegetation) within the coastal environment for the purpose of protecting, restoring or enhancing the coastal environment (either at the site concerned or elsewhere in the same general locality).

Determination of amount: The amount of contribution will be determined by reference to the matters set out in section 6.2, but will provide for protecting, restoring or enhancing the site in question so as to fully avoid, remedy or mitigate any adverse effects; or the full cost of providing protection, restoration or enhancement to reasonably compensate for the adverse effects of the activity.

(d) 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.

Determination of amount: The amount of contribution will be determined by reference to the matters set out in section 6.2, but will provide for carrying out such works to avoid, remedy or mitigate the adverse effects of the activity.

(e) 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 reduce adverse visual effects by fencing or screening to protect and/or separate heritage features or conservation areas.

Determination of amount: The amount of contribution will be determined by reference to the matters set out in section 6.2, but will provide for such works to avoid, remedy or mitigate the adverse effects of the activity.

(f) Protection, maintenance or restoration of sites of historic or cultural importance

Circumstances: Where the activity for which consent is granted will adversely affect a historic site, or one of cultural or spiritual significance to the Tangata Whenua.

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

Determination of amount: The amount of contribution will be determined by reference to the matters set out in section 6.2, but will provide for such works reasonably required to avoid, remedy or mitigate such effects, and/or reasonably compensate for such effects.

(g) 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 the 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.

Determination of amount: The amount of contribution will be determined by reference to the matters set out in section 6.2, and the amount will be sufficient to avoid, remedy or mitigate such effects.

(h) 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 and/or signage in the general area of the activity.

Determination of amount: The amount of contribution will be determined by reference to the matters set out in section 6.2, and will be an amount reasonably required to avoid, remedy or mitigate the effects referred to above.

(i) Esplanade reserves or esplanade strips on reclamation

Circumstances: Where consent is granted for reclamation or draining of the foreshore and/or seabed. (Without limitation on (a) or (b) above).

Purposes: Establishment of an esplanade reserve or esplanade strip for the purpose of contributing to conservation values, or enabling public access to or along the sea, or enabling public recreational use of the esplanade reserve or strip and adjacent coastal marine area.

Determination of amount: The amount of contribution will be determined by reference to the matters set out in section 6.2, and will provide for establishing an esplanade reserve 20 metres wide along that part of the proposed reclamation that is adjacent to the sea.

(j) 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, and/or restoration of natural or physical resources.

Determination of amount: The amount of contribution will be determined by reference to the matters set out in section 6.2, and will provide for such works reasonably necessary to fully avoid, remedy or mitigate the adverse effects of the activity.

(k) General - environmental compensation

Circumstances: Where the activity for which consent is granted will have adverse effects which will not be adequately avoided, remedied or mitigated and those effects can be offset by practicably positive effects elsewhere in the coastal marine area.

Purposes: To provide positive effects by way of environmental compensation by protecting, restoring and/or enhancing natural and physical resources and/or amenity values elsewhere in the coastal environment in the same general locality.

Determination of amount: The amount of contribution will be determined by reference to the matters set out in section 6.2, and will provide for 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.

6.2 Matters to be considered

In deciding whether or not to impose financial contributions, the types of contribution and their value, the Taranaki Regional 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.
- (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 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 Taranaki Regional Council shall 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) Financial contributions may not be appropriate in every case even where there are adverse effects.
- (g) The actual amount of particular contributions will vary depending upon the circumstances and the application of the criteria outlined above.
- (h) The Taranaki Regional Council does not intend that environmental effects should be "fully mitigated" or fully compensated in every case.