

## 6 Financial contributions

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### 6.1 Introduction

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

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

- ... a contribution of:
- money; or
  - 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 Māori Land Act 1993 unless that Act provides otherwise; or
  - a combination of money and land.

The Taranaki Regional Council may also impose a condition requiring that services or 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, be provided.

Financial contributions may be required for various purposes, including for the purposes of ensuring positive effects on the environment to offset any adverse effects and to mitigate adverse effects on the environment of use and development (environmental compensation) provided these purposes are required to be specified in the plan. The level of the contribution is to be determined in the manner described in the plan.

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 consider when deciding whether to impose a financial contribution, the type or types of contribution and the amount of any contribution.

### 6.2 Circumstances, purpose and amount

Financial contributions may be imposed on any discharge to air permit for a controlled, restricted discretionary or discretionary activity in the circumstances and for the purposes set out

below. The manner in which the amount of contribution will be determined is also set out. Contributions of money to the Taranaki Regional Council must be used for the purpose for which the contribution was taken. Assessment of whether a contribution is required, the form of any contribution and its actual value, will be in accordance with the matters set out in Section 6.3.

#### a) Protection, maintenance, restoration or enhancement of public amenities

**Circumstances:** Where the discharge for which consent is granted is likely to cause or contribute to adverse effects on public amenities.

**Purposes:** To mitigate or offset such effects by protecting, maintaining, restoring or enhancing public amenities, including the maintenance or provision of alternative sites that serve the same general purpose.

**Determination of amount:** The amount of contribution will be determined by reference to the matters set out in Section 6.3 but will be an amount that will enhance public amenities to a reasonably equivalent level or standard to those which will be lost.

#### b) Protection, maintenance or restoration of heritage values and of places, areas or features of importance to tangata whenua

**Circumstances:** Where the discharge for which consent is granted 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.

**Purposes:** To avoid, remedy, mitigate or offset such effects by protecting, maintaining or restoring the place, area, building or feature and/or to offset such effects by contributing to protection, maintenance or restoration of some alternative place, area, building or feature 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 6.3 but will be an amount that is reasonably required to avoid, mitigate or reasonably compensate for such effects.

### 6.3 Matters to be considered

In deciding whether 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 purpose of the financial contribution is to avoid, remedy, mitigate offset or compensate 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.
- b) Whether adverse effects are likely to occur notwithstanding any avoidance, remedy or mitigation undertaken.
- c) The adverse effects for which a contribution is imposed cannot be avoided, remedied or mitigated directly by project design or adoption of the best practicable option for preventing or minimising the effects of the discharge.
- d) The adverse effects are not of such significance that to allow the activity (with or without a financial contribution) would be contrary to the purpose of the Act.
- e) Granting a discharge permit and requiring a financial contribution would be more effective in achieving the purpose of the Act (including recognition of the economic and social benefits of the activity) and the objectives and policies of this plan than declining consent or granting a consent without a condition requiring a financial contribution.
- f) In deciding the actual value of the financial contribution required, the Taranaki Regional Council will have particular regard to:
  - (i) the significance of the adverse effects attributable to the activity;
  - (ii) where such adverse effects are contributed to by other activities, the extent to which those adverse effects can be reasonably attributed to the activity for which consent is granted; and
  - (iii) the extent to which any positive effects of the activity offset any adverse effects.
- g) Financial contributions shall relate to the effects of the activity for which consent is granted and be in reasonable proportion to the significance of any adverse effects.
- h) Financial contributions may not be appropriate in every case, even when there are adverse effects.
- i) The actual amount of particular contributions will vary depending on the circumstances and the application of the guidelines and criteria outlined above.
- j) The Taranaki Regional Council does not intend that adverse environmental effects must be fully mitigated or fully compensated in every case by way of financial contributions.
- k) Any financial contribution required shall be reasonable, consistent with the purpose of the Act and reasonably relate to effects of the activity for which consent has been granted.