PC12 Hearing Speaking Notes

Ben Inger for The Adare Company Ltd

11 September 2024

Financial Contributions

1. In my opinion and for the reasons set out in my evidence, the adverse effects of intensification that the proposed financial contribution regime in PC12 seeks to offset will be addressed through the design and provision of new infrastructure and reserves in greenfield development areas. Offsetting the effects of intensification that will be enabled by PC12 in existing urban areas should not be conflated with the very different circumstances for greenfield development areas, especially for the Peacocke Precinct where PC12 does not enable any additional density beyond PC5.

2. Ms Douglas has responded to my evidence by recommending the addition of a definition for "discount factor" in Chapter 24. She considers that it will be clear whether adequate on-site mitigation has been provided for individual developments and whether a financial contribution is required to be paid. The definition that she has recommended includes the following:

> *"The decision on the appropriate discount factor to apply to each financial contribution calculation will be determined by the Council on a case-by-case basis. The discount factor will be based on development specific attributes or the value of other contributions for the same purpose. The discount factor cannot include consideration of development contributions paid as these are already excluded from the calculation of financial contributions. The discount factor has no weight or bearing on Development Contributions payable."*

3. I consider that relying on a "discount factor" is an ineffective, inefficient and uncertain approach for the following reasons:

   (a) There is little guidance to establish what Council would consider in deciding whether to apply a discount and as a result it is not possible to determine whether and to what value financial contributions will be payable on the face of the District Plan. The definition that Ms Douglas has recommended provides little assistance and relies on a subjective assessment. I disagree with her opinion that it will be clear when a development is entitled to a discount. In my opinion, financial contribution costs will only be known with certainty when contributions are assessed and levied by Council at the resource consent, building consent or service connection stage;

(b) In my experience, developers require as much cost certainty as possible to inform decisions about purchasing land and progressing resource consent applications for a development. I am often engaged by developers to provide planning advice to assist with this. The uncertainty with the proposed financial contributions regime would mean that I would be unable to give clear advice on what the financial contribution costs would be, other than the capped figures for Residential Amenity and Te Ture Whaimana;

(c) The process to challenge Council's decisions on financial contributions would be via appeals on resource consent decisions which would be costly, time consuming, inefficient and uncertain. There would be no ability to challenge a decision on financial contributions for Permitted Activities;

(d) Council could levy financial contributions at building consent or service connection stages in circumstances when subdivision has been consented and/or titled but houses have not been built (such as Amberfield). There is a high likelihood that this will surprise many people. Knowing if financial contributions have already been paid, still need to be paid or will be discounted by Council (and to what value) would likely require enquiry with Council and even then the answer may not be clear. This is also likely to create administrative problems for Council.

4. For these reasons, I don't share Ms Douglas' view that a "discount factor" can and should be relied upon. It fails to address the primary issue, which is that there are no adverse effects that require offsetting for the Peacocke Precinct and other greenfield development areas.

5. If the proposed financial contribution provisions are retained, then a more nuanced approach of excluding activities that do not contribute to the issue at the heart of the proposed financial contributions regime would be more efficient and effective than imposing a blanket obligation and requiring remissions on a case-by-case basis. The changes that I have recommended in my evidence would achieve this by excluding the requirement for financial contributions for greenfield development.

Roading and Access Standards

6. I agree with the changes that Mr Black has recommended in his rebuttal evidence to Rule 25.14.4.1(h)(i) (vehicle crossings), Rule 25.14.4.1(h)(iii) (internal access standard) and Rule 25.14.4.1(j) (rear lanes in Peacocke).

Assessment Criteria – Appendix 1.3.3

7. In my evidence I said that duplication and/or inconsistency existed between the assessment criteria in P Peacocke Structure Plan and proposed new assessment criteria in B Design and Layout, C Character and Amenity and G Transportation.

8. In response to my evidence, Mr Black has identified ten assessment criteria in G Transportation where he recommends equivalent assessment criteria in P Peacocke Structure Plan should apply instead. I have reviewed those criteria and agree they all cover transport matters where there is duplication and/or inconsistency with P Peacocke Structure Plan. Mr Black has recommended that each of these criteria should be accompanied by the following note:

> *"Note: This criterion does not apply to development within the Peacocke Medium-Density Residential Zone where criteria xxx apply instead".*

9. I have reviewed the assessment criteria in B Design and Layout and C Character and Amenity criteria again and, while some criteria relate to matters that are similar to P Peacocke Structure Plan, I do not consider that there is any inconsistency under those headings. There is also less duplication than there is in G Transportation. On that basis, I am now satisfied that there is no need for any changes or separate clause in relation to the assessment criteria under B Design and Layout and C Character and Amenity to address duplication and/or inconsistency. I am comfortable that the changes that Mr Black has recommended to G Transportation address the matters raised in my evidence.

10. I also set out in my evidence that some of the assessment criteria read as rules or design guidance. To address this, I suggest the assessment criteria are reviewed and redrafted by HCC to:

    (a) Remove design guidance and include it in relevant Design Guides in Appendix 1.4, where it is required and not already proposed to be addressed in a Design Guide. Assessment criteria A1, A3, B1 and C11 already require an assessment of consistency with any relevant design guide in the District Plan; and

    (b) Delete assessment criteria that read as de facto rules, including all references to "rule of thumb".

11. This would enable the assessment criteria to be simplified and shortened, which would make the District Plan more effective and administratively efficient to implement.

Ben Inger