

BEFORE THE HEARING PANEL APPOINTED BY KAIPARA DISTRICT COUNCIL

IN THE MATTER OF the Resource Management Act 1991 (RMA)

AND

IN THE MATTER OF the hearing of submissions on Proposed Private Plan Change
82: Moonlight Heights Limited

**MEMORANDUM BY COUNSEL FOR KAIPARA DISTRICT COUNCIL IN
RESPONSE TO QUESTION REGARDING USE OF FINANCIAL
CONTRIBUTIONS FOR RESERVES**

DATED 11 AUGUST 2023



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MAY IT PLEASE THE HEARING PANEL:

1. As the Hearing Panel is aware, one of the key remaining areas of disagreement between the Applicant and the section 42A team during the hearing¹ related to whether a Shared Use Path (**SUP**) is needed from the plan change area down part of Awakino Road, to address the effects of PPC82 on the transport network.
2. During the hearing, Commissioner Larsen:
 - 2.1 referred counsel for the Council to Rule 22.10.6 Reserves of the Operative District Plan which enables the Council to take a financial contribution for reserves, including a cash contribution of 5% of the value of each lot that is created; and
 - 2.2 asked counsel for the Council to confirm his recollection that financial contributions for reserves may have been used to fund (in part) the SUP that has been constructed by the Council in Mangawhai.²
3. Counsel has made enquiries with Council officers and can advise that:
 - 3.1 the Council applied \$654,000 of financial contributions for reserves to construction of the SUP in Mangawhai; and
 - 3.2 this was on the basis that SUPs are a recreational activity, and the Mangawhai SUP was providing access to the coast.



Warren Bangma
Counsel for the Kaipara District Council
11 August 2023

¹ Held in Dargaville on 9 and 10 August 2023.

² The Chair of the Hearing subsequently directed that an answer to this question be provided by 12pm on 14 August 2023: Direction 4, paragraph 2(ii).