

PART 10

DEVELOPMENT IMPACT FEES

**DEVELOPMENT LEVIES, RESERVES CONTRIBUTIONS, FINANCIAL CONTRIBUTIONS, ESPLANADE RESERVES, WORKS AND SERVICES**

**10.1 INTRODUCTION**

The establishment and conduct of activities within the District generally impose some impact on other natural and physical resources. Often there is little direct relationship between existing activities and proposed new undertakings. At the same time, there is an identifiable effect of new development on existing infrastructure such as roading, public utilities and community facilities.

In recognition of such impacts and the desirability of ensuring the proper management of the resources of the District, a regime for development impact fees, including reserves contributions, financial contributions esplanade reserves and strips, is set out in the District Plan.

**10.2 OVERVIEW**

The present quality and extent of urban infrastructure in the District reflects the historical rate and pattern of development and the way in which resources have been managed to accommodate this development. In many instances, such as water supply and stormwater reticulation, small 'local' solutions have arisen in response to demand. Little attention has been given to the possible longer-term requirements of growth and the way in which these should be built in to strategic planning and capital works planning.

More recently, the shortcomings of the traditional response have been evidenced by poor performance by such utilities as stormwater systems and has led to constraints on future growth. Local reticulation has been unable to cope with more widespread demands. Stormwater networks in Central Papakura are beyond capacity; water supply sources and reticulation to some parts of the District are limited; sewerage disposal at Drury is a constraint to future urban development in the south; reserves, parks and playing fields in Takanini are inadequate to meet demand.

In order to properly accommodate future urban development as set out in the District Plan, the Council is concerned to ensure that the impacts of such development upon infrastructure and community facilities is clearly identified and levied. Where the impacts are the greatest, the levies will be higher. Conversely, where impacts are minimal or negligible, levies will be reduced.

**10.3 ESPLANADE RESERVES AND STRIPS**

The practice of securing esplanade reserves and strips along the coastal margin and the edges of rivers and streams is an important resource management technique and achieves several important resource management goals. Esplanade reserves and strips provide an opportunity for the protection of the quality of adjacent bodies of water, the protection and enhancement of habitats, the conservation of flora and fauna, heritage values, the retirement of hazard areas and the provision of secure public access to the coastal marine area where appropriate. The existence and provision of

esplanade reserves and strips is a tangible expression of the principles of resource management.

Therefore, it is Council policy to require esplanade reserves or strips upon the subdivision or granting of a resource consent along the mark of the mean high water spring tide of the sea and the bank of any river as the principal technique for achieving the resource management goals outlined above. The Council's policy will be implemented within the framework of the provisions on taking esplanade reserves or strips as contained in the Resource Management Act 1991 and its amendments. This District Plan contains policies and rules directed at securing, in public ownership and for posterity, esplanade reserves of sufficient scale and nature such that the goals and objectives of the Plan may be realised.

The width of an esplanade reserve or esplanade strip is generally to be 20 metres. However, in recognition of the fact that the coastal areas of the District exhibit considerable variations in their physical character and in the way man has responded to these natural variations, rules have been formulated which outline the criteria which may be used in varying the width of the esplanade reserve or esplanade strip to be provided in any particular location. The Council will consider applications seeking a reduction or increase in the required width of an esplanade reserve or esplanade strip and these will be assessed against criteria as set out in the Plan.

#### **10.4 RESOURCE MANAGEMENT ISSUES**

- The provision of infrastructure and community facilities in accordance with present levels of supply and future demands.
- The establishment of a balance between public and private use of community resources.

#### **10.5 RESOURCE MANAGEMENT STRATEGY**

- To implement a regime of development impact fees based on contributions of cash, land, work or services.
- To structure development impact fees so that the impacts of development are fairly levied.
- To subject resource consents for subdivision and the establishment of activities to conditions of consent requiring the payment of a development impact fee before a consent may be implemented.

#### **10.6 OUTCOMES**

The outcome of this strategy is expected to be the protection of conservation values and the provision of infrastructure and community facilities in accordance with the needs of development and the community. An appropriate network of esplanade reserves, esplanade strips and access strips and other protective mechanisms along the coast and along the margins of lakes or rivers is expected to evolve in order to protect conservation values, provide public access and allow for recreational use of the areas.

## 10.7 OBJECTIVES AND POLICIES

### Objective

**10.7.1** *The efficient and sustainable management of the resources of the District.*

### Policies

**10.7.1.1** To secure development impact fees, including land or works, and reserve contributions at the time of the subdivision and development of land.

**10.7.1.2** To require the provision of development plans in respect of proposed developments.

### Objective

**10.7.2** *To protect, maintain and enhance the quality of the coastal management area and access to it.*

### Policies

**10.7.2.1** To require esplanade reserves, esplanade strips or access strips upon the subdivision of land abutting the coastal marine area or lakes and rivers of the District.

**10.7.2.2** To waive the requirement to vest ownership of land in the coastal marine area or the bed of a lake or a river in the Council where such waiver is appropriate and justified on the basis of evidence.

**10.7.2.3** To require esplanade reserves upon the stopping of a road pursuant to section 345 of the Local Government Act 1974.

## 10.8 EXPLANATION

The reason for these objectives and policies is to enable the proper development of the District with respect to provision of appropriate infrastructure and social capital. Reserves provide a range of active and passive recreation opportunities for residents and visitors alike.

In Urban Papakura, reserves provide visual relief, act as buffers between otherwise incompatible activities, as well as providing some form or shape to a locality. In the main, however, reserves provide for active sport and other important leisure activities.

With respect to esplanade reserves and esplanade strips, public access to the coastal environment is a matter of national importance as set out in the Resource Management Act 1991. Further, the protection and enhancement of the coastal management area is also a matter to be addressed in the District Plan. These imperatives are accommodated by way of a regulatory framework as outlined above.

By way of the above objectives, policies and rules, the Council will be securing its goal of environmental protection and enhancement. In this way, the District Plan recognises the fact that the coastal margin of the District and the edges of waterways and streams

vary in terms of slope, geology, vegetation cover and level of existing development. Requiring esplanade reserves or esplanade strips in accordance with the policies outlined above will meet the purposes of the Act and the goals and objectives of the District Plan by properly protecting conservation values, enabling public access to the coastal marine area while recognising the rights of property owners to develop their land.

## **10.9 RULES**

### **10.9.1 Development Plans**

Where the owner of any land in the District proposes to develop the land, he/she shall, before any work involving the disturbance of the land surface or the excavation of the land for the purpose of the development or other work in respect of the development (other than work authorised by the Council or necessary investigative work) is commenced, notify the Council in writing of the proposed development.

### **10.9.2 Esplanade Reserves and Esplanade Strips**

1. Where the subdivision of land abutting the coastal marine area or any lakes and rivers of the District creates any allotment less than four hectares in size, an esplanade reserve shall be provided. Where the width of any existing reserve area is less than 20 metres, the Council may require that reserve area to be increased in size in accordance with the assessment criteria in 10.9.3 below.
2. An esplanade strip may be created instead of an esplanade reserve where the creation of an esplanade reserve for public access or public recreation may conflict with conservation, cultural or spiritual values.
3. All applications for the subdivision of land abutting the coastal marine area or involving land on the margins of rivers and where any allotment less than four hectares in area is to be created shall indicate the location and extent of the esplanade reserve or esplanade strip required by the District Plan.
4. Any application for a variation in the width of an esplanade reserve or esplanade strip shall be by way of application for a discretionary activity and shall be concurrent with the associated subdivision application.
5. Any building or structure located within that part of an allotment to be vested as esplanade reserve shall be removed by the owner at his or her expense at the time of vesting.
6. Where the subdivision of land abutting the coastal marine area or any lakes or rivers of the District creates any allotment greater than four hectares in size, no esplanade reserve, esplanade strip or access strip shall be required.

### **10.9.3 Assessment Criteria for Variation in the width of an Esplanade Reserve or Esplanade Strip**

1. In considering any application seeking a variation in the width of esplanade reserve or esplanade strip as required by the District Plan, the Council shall

consider the following criteria as matters against which to assess whether the general conditions for discretionary activities are met:

- (a) the extent to which the proposed variation in the width of the esplanade reserve or esplanade strips meets the objectives and policies of the Plan in respect of the conservation and enhancement of the coastal environment and, in particular, the:
  - i) maintenance or enhancement of the natural functioning of the adjacent sea or river or natural watercourse;
  - ii) maintenance or enhancement of water quality;
  - iii) maintenance or enhancement of terrestrial or aquatic habitats;
  - iv) mitigation of any potential natural hazards;
  - v) maintenance of the landform feature affected by the proposed esplanade reserve or esplanade strip; and
  - vi) protection or enhancement of fauna and flora.
- (b) the extent to which public access to the coastal marine area from the lot to be created or any existing or future adjacent esplanade reserve or esplanade strip is enabled or hindered;
- (c) the extent to which the recreational use of the esplanade reserve system and adjacent sea or natural watercourse is fostered or hindered;
- (d) the physical characteristics of the land;
- (e) existing land use;
- (f) matters of accretion or erosion;
- (g) matters of public safety or security; and
- (h) whether the use of conservation covenants or other suitable alternative means would achieve the objectives of the District Plan.

#### **10.9.4 Waiver of Requirement for an Esplanade Reserve or Esplanade Strip**

- 1. The Council retains the discretion pursuant to section 77(1) of the Resource Management Act 1991 to waive a requirement for an esplanade reserve or esplanade strip if it is satisfied that there is:
  - (a) adequate alternative public access; or
  - (b) adequate means of protecting water quality and conservation values; or
  - (c) adequate provision for public recreational use of the area of the coast, river or lake in question.
- (d)

#### **10.9.5 Circumstances in which an Access Strip May be Appropriate**

- 1. The creation of an access strip may be appropriate where land being subdivided can provide enhanced public access (consistent with the relevant objectives and policies of the Plan) from a road or reserve to any existing or proposed esplanade reserve or esplanade strip.

#### **10.9.6 Vesting of Land in the Coastal Marine Area or the Bed of a Lake or River**

1. Pursuant to section 237A(2) of the Act, the Council reserves the discretion to waive the requirement to vest land in the coastal marine area or the bed of a lake or river where the Council is satisfied that conservation values, public access or public recreational values relating to that part of the coastal marine area or that lake or river will not be adversely affected by the waiver or where there are exceptional circumstances including whether the land on either side of a river is held in one title.

#### **10.9.7 Requirement for an Esplanade Reserve where a Road is Stopped**

1. Where a road is stopped pursuant to section 345 of the Local Government Act 1974, the Council reserves the discretion to waive the requirement for or vary the width of any required esplanade reserve or to require an esplanade strip in replacement for an esplanade reserve.
2. The Council may waive or vary the width of any required esplanade reserve if it is satisfied that there is:
  - (a) adequate alternative public access; or
  - (b) adequate means of protecting water quality and conservation values; or
  - (c) adequate provision for public recreational use of the area of the coast, river or lake in question.

#### **10.9.8 Reserve Contributions**

##### **10.9.8.1 Reserve Contributions in the Case of Subdivisions**

1. Where the allotments on a subdivisional plan are intended to be used solely or principally for residential, commercial or industrial purposes or to accommodate a residential component, such as for studio/warehousing developments, the Council shall either:
  - (a) make it a condition of its approval of the survey plan that 6 percent of the value of each such additional allotment shown on the survey plan be paid to the Council unless a reduction of the amount is made in accordance with Rule 3 below; or
  - (b) require the owner to set aside as public reserves under the Reserves Act 1977 or service lanes an area of land within the subdivision of a value equal to the amount that would otherwise require to be paid under Rule 1(a); or
  - (c) the Council and the owner may agree that a combination of Rules 1(a) and 1(b) above shall apply

*provided that*

in any case where Rule 1(c) above applies, the value of the total contribution (whether in money or land or both) shall not exceed the amount specified in Rule 1(a) above.

2. Notwithstanding anything in Rule 1 above,
  - (a) Where any front yard or side yard wider than the requirements specified in this Plan applying to the land on the subdivisional plan is voluntarily provided on that land by the owner by the imposition of building-line

restrictions or otherwise, and that front yard or side yard will be available for the general use of the public for recreation purposes, the Council may, subject to such conditions as it thinks fit:

- (i) offset against the amount that would have otherwise been payable under Rule 1 above the value of that yard to the extent that it is wider than the requirements of this Plan as determined by the Council, or;
    - (ii) offset against the area that would otherwise be required to be set aside under Rule 1 above the area of that yard to the extent that it is wider than those requirements.
  - (b) Where the owner has set aside or agrees to set aside an area on the roof of any building or proposed building on, or to be erected on, any land in the subdivision for use by the public for recreation purposes during ordinary business hours, the Council may, subject to such conditions as the Council thinks fit:
    - (i) offset against the amount that would otherwise be payable under Rule 1 above the whole or part of the value, as determined by the Council, of that area of roof, or:
    - (ii) offset against the area required to be set aside under this rule the whole or part of that area of roof.
  - (c) In setting aside land for the public on private land under this Rule in order to obtain the offset in regard to reserve contribution levies, it will be necessary that an instrument be formally registered on the title of that land setting out the public's right of access and where appropriate, recreation.
3. Where the subdividing owner undertakes, pursuant to a requirement of the Council, earthworks, tree planting, or other work on the land to be set aside as reserves in terms of this part (not being work done for ensuring the stability of the land or necessary land drainage), and the work is done to the satisfaction of the Council, the value of that work shall be taken into account in assessing the area to be set aside under Rule 1 or, as the case may be, the contribution to be made under Rule 2 (whether in money or land or both). Council will only consider using the offset for reserve contribution provided for in this Rule where the amount of direct expenditure on the reserve is in excess of \$5,000. An exception to this conditional offset is studio warehousing developments where private reserves are to be provided as a Council requirement.
4. The sum to be paid to the Council or the area of land to be set aside by the owner in terms of this rule shall be ascertained having regard only to the number of the allotments in the subdivision in excess of the number of allotments comprised in the land before the subdivision that could have been used for residential, commercial or industrial purposes or to accommodate a residential component. As a guide and where applicable, the existing lots will be taken to be that already occupied by the building and the new lot will be regarded as being those where newer buildings have been erected or there is potential to erect buildings on those lots in the future.

#### **10.9.8.2 Reserves Contributions for Cross-Leases, Unit Titles, Company Leases and Leases over Twenty Years**

The reserves contributions specified above apply to all applications for cross-leasing, unit title development, company leases and leases over twenty years.

### **10.9.8.3 Payment and Use of Reserves Contributions**

1. The Council shall apply all reserves contributions received in terms of this rule for the following purposes:
  - (a) for the purchase of land to be held as public reserves, subject to the Reserves Act 1977, in the locality in which the land included in the scheme plan is situated and for the improvement and development as reserves of the land so purchased;
  - (b) for any refund to the owner who paid the money to the Council of the whole or part of the amount paid by them in any case where the subdivisional plan is revoked or lapses.
2. Where, in the opinion of the Council, the locality is adequately served by reserves or it is impracticable to purchase land as provided in Rule 10.9.8.1.1 above, the money held for the purpose of that rule shall be applied for all or any of the following purposes:
  - (a) in the purchase of other land in the District to be held as public reserves, subject to the Reserves Act 1977, and for the improvement and development of any land in the District held as public reserves;
  - (b) for the improvement and development as pleasure grounds or sports grounds of other land) not being public reserves) vested in or controlled by the Council in the District;
  - (c) in the payment to any local authority or public body in which land in the District is vested for the purpose of public recreation, in order that the land so vested may be added to or improved or developed;
  - (d) subject to such terms and conditions as the Council thinks fit, for the advancing of money to the administering body of any public reserve within the District (being a reserve which is subject to the Reserves Act 1977) for the purposes of adding to or improving or developing the reserve;
  - (e) where, in the opinion of the Council, it will be of benefit to the inhabitants of the locality in which the subdivision is situated:
    - (i) for adding to or improving or developing any land outside the District that is vested in or controlled by the Council for the purpose of public recreation; or
    - (ii) with the consent of the Minister of Conservation and subject to such terms and conditions as the Minister thinks fit, for making payments or advances to any local authority or public body for the purpose of adding to or improving or developing any land outside the District that is vested in or controlled by that local authority or public body for the purpose of public recreation; or



- (iii) for the improvement or development, for recreational purposes, of any foreshore, whether within or outside the District, where the control of that foreshore has been vested in the Council.
- (f) for the purchase of land within the District as a site for cultural or community centre purposes;
- (g) for the preservation of anything required to be preserved pursuant to a condition imposed by the Council under this Plan;
- (h) for the provision or improvement of any community recreational facilities at any school, established or about to be established where:
  - (i) a licence has been granted under section 6A of the Education Lands Act 1949 in respect of the use or occupation of those community recreational facilities; and
  - (ii) the Minister of Recreation and Sport has notified the Council in writing that he/she is satisfied that the licence so granted provides for the reasonable use by members of the public of the community recreational facilities.
- 3. Where any such money is applied in the improvement or development of any land (not being a public reserve) vested in or controlled by the Council as a recreation ground or sports ground, the land shall therefore be held in trust by the Council for those purposes.
- 4. Any local authority or public body or administering body to which any advance is made in terms of this rule shall be deemed to have power to borrow the money so advanced.
- 5. Within the Glenora Structure Plan Area, the structure and layout of reserves, comprising the larger elements (but excluding Bruce Pulman Park), and comprising a neighbourhood park, walkway/cycleway and stormwater detention pond, shall be laid out generally in accordance with Appendix 16A, Glenora Structure Plan. The neighbourhood reserve shall be laid out to meet the specifications of Rule 16.1.3.5.6 and Appendix 16A, Glenora Structure Plan.

### **10.9.9 Development Impact Fees in the Case of Subdivisions**

#### **10.9.9.1 Public water supply and drainage**

- 1. In any case where the Council is of the opinion that all or any part of the land in respect of which a survey plan is submitted to it for approval is intended to be used solely or principally for administrative, commercial, industrial or residential purposes, or any two or more such purposes, the Council may, as a condition of its approval of the survey plan, require the owner:
  - (a) where an existing public water supply system or drainage system is available to service the subdivision (being a system within or contiguous to the land in the subdivision):
    - (i) to pay, or enter into a bond to pay, to the Council an amount of money towards the cost of upgrading the said system. The required amount shall be limited to the extent to which the works, in respect of

which the owner is so liable, serve, or are intended to serve, the land in the subdivision.

- (ii) to supply and lay within the subdivision necessary pipes and ancillary equipment for water supply or drains, as the case may be, to the satisfaction of the Council.
  - (b) where any such system lies within or is contiguous to any part of the land on the scheme plan:
    - (i) to pay, or enter into a bond to pay, to the Council an amount of money towards the cost of providing water or drainage pipes and connections as the case may be from the said system. The required amount shall be limited to the extent to which the works in respect of which the owner is so liable or are intended to serve the land in the subdivision.
    - (ii) to connect the said pipes with the said system.
  - (c) Where any such system is not available, but is likely to be available within a period of five years, to pay, or enter into a bond to pay, to the Council an amount of money towards the cost of providing such a system to serve the subdivision and/or providing water or drainage from that system to the subdivision or to any allotments in the subdivision. The required amount shall be limited to the extent to which the works in respect of which the owner is so liable serve or are intended to serve the land in the subdivision.
2. The liability of the owner under Rule 10.9.9.1.1 shall be limited to the extent to which the works in respect of which he is so liable serve or are intended to serve the land in the subdivision.
3. Where, pursuant to this rule or to the corresponding provisions of any former order or enactment, an owner contributes or has contributed, or enters or has entered into a contract to contribute, to the cost of any connection or system and that connection or system will serve any other land, the Council may require the owner of that land to pay, or enter into a contract to pay, to the Council, a financial contribution towards the cost of that connection or system, to the extent that it serves or is intended to serve that other land and the owner of that other land shall comply with that requirement accordingly;

*provided that* if no building being used solely or principally for administrative, commercial or industrial or residential purposes or any two or more such purposes, is erected on that other land, the owner thereof shall not be required to make any such payment or enter into any such contract except –

- (a) as a condition of the building consent for the erection of such a building; or
- (b) in any case where a building consent is not required, before commencing the construction of such a building; or
- (c) as a condition of the approval by the Council of a survey plan of subdivision of that other land solely or principally for administrative, commercial, industrial or residential purposes or any two or more such purposes.

4. In any case to which Rule 10.9.9.1.3 applies, the liability of the owner under that subsection shall be in addition to his liability under any requirement of the Council under Rule 10.9.9.1.1 of this section as a condition of its approval of a survey plan of subdivision of his land.
5. In this section,  
'Drainage' means sewerage drainage or stormwater drainage and includes a sewage treatment plant and 'drain' has a corresponding meaning.

#### **10.9.9.2 Roading contributions as a condition of approval of survey plan**

1. For the purpose of forming, diverting, or upgrading any existing road or forming any new road because of new or increased traffic owing to the subdivision of any land the Council may, as a condition of approval of a survey plan, require the owner to:
  - (a) pay, or enter into a binding contract to pay, to the Council a financial contribution towards the cost of forming or upgrading roads or parts of roads within or adjacent to the subdivision or any other land vested in the same owner to a state or standard that may be specified by the Council to the extent that it serves or is intended to serve that other land or require the owner to carry out, or enter into a binding contract to carry out that work; or
  - (b) dedicate a strip of land for widening any road; or
  - (c) pay, or enter into a contract to pay, to the Council a fair and reasonable contribution towards the cost of street lighting within the subdivision.
  - (d) comply with both Rule 1(a), Rule 1(b) and Rule 1(c) above.
2. No requirement under Rule 1(a) above shall require contributions from or the carrying out of work by an owner:
  - (a) that exceed the extent to which the road serves or is intended to serve the subdivision; or
  - (b) in the case of a road that is adjacent to the subdivision or other land vested in the same owner, that exceeds half the estimated cost of the work,whichever is the lesser.
3. No requirement under Rule 1(b) above may require the dedication of land having a total value in excess of the maximum contribution that could be required of the owner under Rule 1(a) above.
4. No requirements under Rule 1(c) above may require contributions, works, or dedication of land of a total value in excess of the maximum value of the contributions, work or land to be dedicated that could be required if the requirements were made under only one of Rules 1(a) and 1(b) above.
5. In determining the contributions or extent of work to be carried out by an owner for the purposes of Rule 2 above, the fair market value of any land required to be dedicated by the owner under Rule 1(b) above shall, to the extent that the land is required to serve the subdivision, be counted as a contribution by the owner.

6. Where an owner is required to dedicate land under Rule 1(b) above, he shall be entitled to be paid by way of compensation from the Council the fair market value of so much of the land as is in excess of the land required for any road that serves or is intended to serve the subdivision.
7. The fair market value of any land required to be determined for the purposes of Rule 1(b), Rule 3, Rule 4 or Rule 6 above, shall be determined as at the date when the allotments on the scheme plan are first available for sale or such other date as may be agreed by the owner and the Council and the fair market value shall be fixed by agreement between the owner of the land and the Council or, in default of agreement or if the Council so decides, by the Valuer-General.
8. The value of any work carried out or required to be carried out by an owner and the estimated cost of any work shall, for the purposes of Rule 1 or Rule 2 above, be determined by decision of the Council.

**10.9.9.2.1 Land for road formation or widening**

1. Notwithstanding anything in Rule 10.9.9.2 above, the Council, instead of requiring the owner to make provision for the construction of roads or to complete the work of making new roads shown on the survey plan, may agree with the owner that the Council will carry out the work of constructing the roads or making the new roads, in consideration of the owner transferring to the Council part of the land in the subdivision or any other land.
2. For the purpose of forming any new road or of diverting any existing road, the Council may;
  - (a) take, purchase, or otherwise acquire, land in accordance with the provisions of the Local Government Act 1974; or
  - (b) require as a condition of its approval of any survey plan, the transfer, pursuant to an agreement with the owner, of any land marked for roading on the plan where the Council decides to undertake the formation of the road or roads itself; or
  - (c) where,
    - (i) any allotment on the survey plan has a frontage to an existing road of a width less than that specified in the Code of Urban Subdivision or Schedule 9A, which was not laid off or dedicated pursuant to a plan of subdivision previously approved under any former enactment, whether by the Council or by any other authority; and
    - (ii) the Council is of the opinion that if that road were a new road to be provided by the owner to give access to that allotment, the Council would require a road of a greater width;require as a condition of its consent to its approval of the survey plan, the owner to set back the frontage of that allotment to a distance sufficient to enable that road to be widened to the width that would be required by the Council for a new or proposed road of a like nature under the Development Code

*provided that* the Council shall not require the owner to set back the frontage of that allotment to a distance from the middle line of the road as it originally existed greater than half the width of the road when widened to the width that would be required by the Council as aforesaid.

3. In any case to which Rule 2(c) above applies;
  - (a) the owner shall dedicate as a road the strip of land between the frontage line as so set back and the frontage line as previously existing and thereupon the land so dedicated shall form part of the existing road; and
  - (b) the owner of the land so dedicated shall be entitled to compensation by the Council, to be claimed and ascertained under the Public Works Act 1981; and in assessing such compensation the Land Valuation Tribunal shall take into consideration the necessity for or advantage of affording greater road space and the betterment accruing to the whole property affected, and any such betterment shall be a set-off against the compensation claimed.

#### **10.9.10 Development Impact Fees in Respect of Industrial, Commercial or Administrative Development**

##### **1. Works and Services**

A development impact fee for works and services shall be levied on any industrial, administrative or commercial development with the value of \$200,000 or more. Such contributions shall be taken to mitigate any adverse effects and for the purposes specified in Rule 10.9.8.3 above and for the following:

public water supply and drainage in accordance with Rule 10.9.9.1  
roading and street lighting in accordance with Rule 10.9.9.2  
sanitary sewer upgrading  
stormwater sewer upgrading  
stormwater treatment

##### **2. Reserve Contributions**

Where the owner of any land in the District undertakes a proposed development that is solely or principally for administrative, commercial or industrial purposes, or combined residential and industrial such as studio/warehousing development, or any 2 or more such purposes and the assessed value of the development is not in excess of \$50 million:

- (i) the Council may require him/her to pay to the Council, as a reserve contribution on or after the commencement of the development, an amount not exceeding 0.5 percent of the assessed value of the development; or
- (ii) the Council may require him/her to set aside, as public reserves or service lanes to be vested in the Council, an area of land within the land shown on the development plan, to the satisfaction of the Council, of a value equal, as at the date of lodgement of the development plan, to the amount that would otherwise be required to be paid under paragraph (i) of this rule; or

- (iii) the Council may require the developer to carry out reserve upgrading works as in Rule 10.9.10.1 above.
  - (iv) the Council and the owner may agree that a combination of paragraphs (i) (ii) and (iii) of this rule shall apply, *provided that* in any case where paragraph (iv) of this rule applies, the total contribution under that paragraph (whether in money, land or works) shall not exceed the amount specified in paragraph (i) of this rule.
  - (v) the Council may require the developer to include private reserve areas within the development where the proposal is for studio/warehousing developments and if the development is a greater distance than 800 metres from a public reserve.
3. Where, under this rule, any land had been set aside or any money paid or any work done within the immediately preceding 5 years, as reserves or as a contribution in lieu of reserves in respect of the land on which the development is to take place, or the greater part thereof, the amount payable under this rule shall be reduced by the value of the land so set aside or of the work done, or the amount of money paid, as the case may be.

#### **10.9.11 Reserve Contribution in the Case of Additional Household Units**

Where additional household units are to be located on an allotment or parcel of land a reserve contribution shall be paid to Council for the purposes specified in Rule 10.9.8.3 above.

This contribution shall be in cash assessed as the value of six percent of the value of the allotment or parcel of land on which the proposed household unit(s) is to be located. In circumstances where no parcel of land can be specifically linked to a household unit (such as in the case of a multi-storey building) a nominal area of land shall be valued. The value of any nominal area shall be calculated by dividing the total area of the allotment by the number of units to be built.

#### **10.9.12 Development Impact Fees in the Case of Household Units**

Where the owner of any land in the District proposes to develop the land for household units, a development impact fee shall be paid to the Council as follows:

public water supply and drainage in accordance with Rule 10.9.9.1  
roading and street lighting in accordance with Rule 10.9.9.2

#### **10.9.13 Development Impact Fees in Respect of the Effects of Activities**

Where the owner of any land in the District proposes to develop the land, particular works or services may be required to be provided, or the equivalent value to be paid in cash for environmental and infrastructure improvements such as roading improvements, drainage upgrading, environmental protection of certain significant habitats or improving the quality of the environment.

**10.9.14 General Conditions Applying to all Subdivisions**

**10.9.14.1 Preservation of trees and buildings of historic interest and wildlife habitat**

1. The Council may make it a condition of its approval of any scheme plan that the owner make provision or further or other provision for the preservation of the natural landscape, trees or areas of trees or bush, or buildings or sites of historic or archaeological interest or other sites of particular significance (including urupa), or wildlife habitats, or for the planting of trees or shrubs or the creation of wildlife habitats.
2. Where, under Rule 1 above, the Council requires that land be set aside or that work be carried out, the area of land to be set aside as reserves under this Plan, or as the case may be, the reserves contribution (or development levy payable under this Plan shall be reduced by the value of the land set aside or the value of the work done, as the case may be, to be determined under the Rules of this Plan).
3. Where the Council requires such provision as is specified in Rule 1 above to be made, it may require the owner to enter into a bond for the payment by him/her to the Council of any amount determined by the Council in the event of the owner failing to comply with the Council's requirements.
4. Before selling or granting a lease of or entering into an agreement to sell or grant a lease of any land in respect of which the owner has entered into a bond pursuant to Rule 3 above he/she shall notify the Council in writing of his/her intention to sell or grant a lease of or enter into an agreement to sell or grant a lease of the land, and the Council shall make such enquiries as may be necessary to ascertain whether or not the conditions imposed have been complied with.

**10.9.15 General Conditions Applying to all Developments**

- (a) The Council may require the owner to enter into a bond for the due payment of any reserves contributions or development impact fees payable in terms of the rules above or for the due compliance in their application to the development.
- (b) Notwithstanding anything in any bylaw of the Council, the Council shall refuse to grant consent for any construction, erection or alteration constituting or forming part of any development if adequate provision has not been made or is not practicable for stormwater drainage or sewerage drainage of the land or the disposal of sewerage from the land or the supply of water to the land.
- (c) The Council may refuse to grant consent for any construction, erection or alteration constituting or forming part of any development:
  - (i) on the grounds that public services in respect of stormwater drainage or sewerage drainage of the land, or the disposal of sewage from the land, or the supply of water to the land are not available and will not be available within a period of 5 years;
  - (ii) until a bond required by the Council pursuant to paragraph (a) of this rule has been duly entered into.

**10.9.16 Code of Urban Subdivision**

All subdivision shall be carried out in accordance with the relevant performance standards of this District Plan. There are various methods which may be employed to satisfy these criteria. One such method is the Council's Development Code which is available at the Council offices.