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14.0 FINANCIAL CONTRIBUTIONS, WORKS AND SERVICES

14.1 Introduction

The Act requires Council to manage the effects of subdivision and development in a manner which promotes the sustainable management of natural and physical resources.

This is particularly important for Gisborne District as it is experiencing increasing pressure on the physical environment and infrastructure (water, sewerage, roads and stormwater) due primarily to the following factors:

- the infrastructure reaching the end of its life;
- existing infrastructure not being of a sufficient standard to provide the required level of service;
- higher environmental standards particularly for sewerage treatment;
- new industry requiring access to services;
- growth in residential development;
- sensitivity of the environment to subdivision and development.

Financial contributions, and the provision of works and services for subdivision and development is a mechanism whereby:

- the community can provide for the services and facilities that are necessary for its wellbeing, health and safety;
- natural and physical resources can be managed in a sustainable way for present and future generations;
- the adverse effects on the environment from subdivision and development can be avoided, remedied or mitigated.

Contributions can be taken in various forms (cash or land) and are thus a flexible method of managing environmental effects. Contributions taken from subdivision and development will, however, be inadequate to cover the capital cost of the infrastructure as many of the required services are either not in place or require a substantial upgrade. The use of financial contributions, therefore, needs to be integrated with other methods if natural and physical resources are to be sustainably managed. The other methods which have been utilised throughout the plan include:

- restricting development on unsuitable land;
- controlling how land is developed.

In addition to the above physical service infrastructure reserve land and facilities are under increasing pressure from residents and visitors to the District who seek leisure and recreational facilities. Financial contributions will need to be taken and works and services provided on subdivision, and development in certain defined situations.

14.2 General Principles

Financial contributions and the provision of works and services must be reasonable and fair taking into account the following principles:

- the level or significance of the adverse effects on the environment particularly those values associated with natural character and landscape;
- the extent to which the subdivision, use or development causes the effects;

- the extent to which subdivision and development has both positive and negative effects; and
- the extent of the community benefit or cost.

In order to determine responsibility for service provision services are divided into two categories:

1. On site services are those works and services carried out within and as part of a subdivision or development. They include parking, water, power, stormwater and roading. The provision of these works and services are the responsibility of the subdivider or owner;
2. Off site services are trunk and community services outside of the site or subdivision which serve the community in general and are incidental to the subdivision or development. These services include sewage and water treatment plants, landfill sites and community facilities such as reserves and libraries. These are provided by Council using funds from rates, grants, loans or user charges.

Council will only take off-site financial contributions for:

- Leisure Facilities (including reserves and esplanade reserves);
- Roads (excluding internal subdivision roads which are the responsibility of the developer);
- Water supply;
- Sewerage;
- Stormwater.

The on site and off site services that are required as a direct result of a subdivision or development are the responsibility of the developer. Financial contributions will still be required if adequate sewerage, stormwater, water supply and roading systems are already in place to serve the subdivision or development. In this circumstance Council would have installed the service to ensure that adverse environmental effects were avoided, remedied or mitigated. It will then seek to recover this cost from subdividers and developers.

Provision for financial contributions and works and services within the plan sends a signal that there is a cost on the environment involved in carrying out development or subdivision. The burden of the cost should be borne fairly and equitably between the developer and the community. An undue financial burden on community facilities should be offset by a contribution from the developer.

14.3 Issues

- 14.3.1 The existing infrastructure is not of a sufficient standard to provide the required level of service which if left unattended could lead to adverse environmental effects.
- 14.3.2 The adverse effects generated by industrial and to a lesser extent residential growth have the potential to overload existing infrastructure services.
- 14.3.3 The environment is sensitive to subdivision, use and development and adequate provision must be made for servicing to ensure that the adverse effects are avoided, remedied or mitigated.
- 14.3.4 There is pressure from the community and visitors to provide recreation services to meet their recreation needs.

- 14.3.5 Lack of public access to and along the riparian areas of lakes, wetlands, rivers and the coastal marine area results in a loss of amenity and recreational opportunity.
- 14.3.6 Some activities within and adjoining riparian margins of rivers, lakes, wetlands and the coastal environment can result in a loss of conservation values.

14.4 General Objective

1. The effects of anticipated land use activities for which subdivision or development is undertaken shall be taken into account and the supporting framework of works and services and financial contributions shall be provided before new certificates of title are issued for land that has been subdivided or development proceeds.

Principal reason (1): Land is normally subdivided in order to permit legal ownership to be taken to some defined part or parts of an original title. Although subdivision is deemed to be an "activity" under the Act it is only a paper transaction. Subdivision, however, carries with it an expectation of land use. It is assumed that the effects of the proposed or anticipated land uses will be examined during the subdivision process. During the subdivision process the framework of services including access, water, sewerage must be investigated and the effects of the activity determined.

14.5 General Policies

1. To ensure that it is possible to physically and financially provide land that is to be developed or subdivided with services and that a financial contribution be paid or works and services provided to ensure that the adverse effects of the subdivision or development are avoided or remedied.
2. To take financial contributions and require the provision of works and services in a fair and equitable manner to upgrade any existing public utility services that will serve the subdivision or development and to recoup the cost of existing public utility services.
3. To use financial contributions and provide for works and services where appropriate, as a condition in any resource consent to avoid, remedy or mitigate adverse effects. The financial contributions may include but not be limited to the following:
 - values associated with natural character and landscape;
 - rehabilitating habitat of fauna or flora;
 - accelerated erosion control;
 - natural hazard mitigation, where the activity on site specifically creates or exacerbates the need for works to mitigate a natural hazard;
 - avoiding, remedying or mitigating the adverse environmental effects of land disturbance and vegetation clearance activities on soil conservation and water values, including impacts on aquatic and wetland ecosystems and aquatic natural character.
4. To apply financial contributions equitably over the district and to clearly establish the manner in which financial contributions are collected, administered and used.
5. In considering an application for consent for a subdivision or development and deciding whether or not to grant consent the Council shall have regard to the following:
 - whether or not the subdivision or development would in the Council's opinion be contrary to the public interest. In determining whether a subdivision or development would be contrary to the public interest the Council shall have regard to the following criteria:
 - * the likelihood of the Council undertaking, within three years, works to

upgrade the existing public utility services to a standard adequate to serve the subdivision, development and/or wider area; and/or provide new public utility services which will be available to serve the subdivision, development and/or wider area;

- the extent to which works referred to in the preceding bullet point are provided for in the Council's Annual Plan;
- whether the subdivision or development would result in a duplication of resources or services having regard among other things to the matters referred to in the preceding bullet points;
- the extent to which the subdivision or development is likely to compromise or affect the capacity of the existing public utility services to serve other land in the supply district and/or network area and the ability to subdivide or develop that other land;
- whether the subdivision or development will adversely affect the provision of public utility services that will serve the area in which the subdivision or development is located, in the most efficient and economic way;
- whether the agreement has been reached with non Council network utility operators for connection to their network and provision of supply;
- whether provision has been or is to be made by the subdivider or developer to ensure the rational and co-ordinated provision of public utility services to serve the wider area within which the subdivision or development is located without involving the Council in expenditure or financial responsibility not provided for in its Annual Plan;
- whether the applicant is prepared to make provision for a reticulated sewerage system and a stormwater drainage system of an adequate capacity for expansion to serve land in the natural catchment above the subdivision or development in its ultimate landuse pattern;
- any other matter relevant to ensuring that all subdivision and development proceeds in a manner that:
 - * avoids a wasteful use of resources; *and*
 - * does not require from Council unplanned expenditure for the purposes of avoiding, remedying or mitigating adverse effects arising in or beyond the area of application. Council will work with developers to investigate alternative proposals and to negotiate other funding options to enable development to proceed.

6. To waive financial contributions on land acquired from Council where a financial contribution has been included in the purchase price to the developer.

Explanation (1): In order to avoid, remedy or mitigate the adverse effects of subdivision and development it is preferable to have services in place before the subdivision or development creates these effects.

Explanation (2): Financial contributions or the provision of works and services must be apportioned in a fair and reasonable manner to ensure that any upgrade as a result of the subdivision or development is at the cost of the subdivision or development. In certain circumstances it may be necessary to recoup the cost of existing public utility services that have previously been paid for by the Council or earlier developer, that serve the subdivision or development.

Explanation (3): Financial contributions may be applied as a condition on a resource consent. However they do not have to be used in all cases and an assessment of when they will be used will be carried out as required on an individual case basis. This policy shows that the common

use of financial contributions will be to remedy the adverse effects of an activity such as restoring damaged habitat or landscape values.

It is envisaged that financial contributions could only be taken to mitigate natural hazards in limited circumstances. Council at present does not always have sufficient information to isolate the specific causes and effects of natural hazards, for the purposes of taking a financial contribution. However there may be instances where the link is so direct and unquestionable that it is reasonable to require a contribution towards the cost of undertaking works that would not be necessary if the proposed activity did not establish. For example, erecting a building in an area that previously protected surrounding dwellings by acting as a ponding area during periods of flood.

Explanation (4): Set out the parameters under which contributions will be taken to ensure that the process is a fair and equitable one.

Explanation (5): Circumstances may arise that if a subdivision or development proceeded it may be contrary to the public interest. This situation could include as an example, a need for a public investment for the private good. The timeframe may be inappropriate for the service or could impact on the capacity of existing public utility services or could be a waste of resources. The considerations set out in the bullets may be mitigated if the developer is prepared to make provision for the total catchment in its ultimate land use pattern. Council recognises the difficulties and uncertainties that this may create for potential developers within the region. However Council cannot allow itself to be forced to divert monies from planned, budgeted works by the demands of developers who have obtained the necessary consents from Council to proceed with specific proposals. Developers need to consider the "real" costs associated with any development proposal, and need to be made aware of these potential costs prior to obtaining resource consents from Council. Council will encourage developers to propose and negotiate other funding options to enable development to proceed.

Explanation (6): It is inequitable to require the payment of a contribution when this has already been paid as part of the land cost. Policy 6 is a provision that allows for cost recovery for services already in place. Council may include the cost of provision of services within the total cost of the land acquired from Council.

Principal reasons (1 - 6): Implements Objectives.

14.6 Objectives (Roading, Water supply, Sewerage and Stormwater)

1. Maintenance and enhancement of the transportation network to safely and efficiently accommodate traffic resulting from further subdivision and development.
2. Utilities such as sewerage, water supply and stormwater systems are provided, upgraded and sustained in a manner that protects the environment and the health of the community.

Principal reason (2 and 3): The provision of roading, sewerage, water supply and stormwater services and facilities is a sustainable method by which to avoid, remedy or mitigate the adverse effects of subdivision and development.

14.7 Policy (Roading, Water supply, Sewage and Stormwater)

3. To ensure the capacity of roading, sewerage and water supply and stormwater facilities is appropriate to fulfil the function demanded of it.

*Explanation (7): Sustainable means to manage the effects of subdivision and development.
Principal reason (7): Implements Objectives.*

14.8 Objectives (Reserves)

4. Adequate provision of recreation facilities and reserves to enable the inhabitants of the District to meet their recreational needs.

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|--|
| 5. Secure and fund recreation facilities in an equitable way, reflecting the likely demands for facilities arising from subdivision and development. |
|--|

Principal reason (4): The effects of subdivision and development can place pressure on recreation facilities and reserves and these effects need to be avoided, remedied or mitigated.

Principal reason (5): Objective to ensure that the costs of recreation facilities and reserves are met equitably by the community and subdividers and developers.

14.9 Policies (Reserves)

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|---|
| 6. To recognise that residential activities generate a demand on recreation facilities and reserves, towards which a contribution or the provision of works and services should be made by the subdivider and/or developer. |
| 7. To take financial contributions from all residential developments to ensure that additional leisure facilities are provided in relation to the rate of residential growth. |

Explanation (8 and 9): The Council's Leisure Strategy has identified deficiencies in the provision of recreation facilities and reserves which need to be redressed. Residential subdivision and development has an impact on reserves and recreation facilities.

Principal reason (8 and 9): Implements Objectives.

14.10 METHODS OF IMPLEMENTATION

14.10.1 Advocacy

1. Liaison with road users such as trucking, forestry, agriculture industries to achieve a coordinated interagency approach to roading.
2. Targeted consultation with the community to determine requirements for recreation facilities and reserves.

Principal reason (1): The roading issues facing the District should be tackled in conjunction with all the industry groups involved in roading.

Principal reason (2): Community needs change over time. The taking and spending of the reserves contribution should reflect this.

14.10.2 Economic Instruments

1. Sources of funding, other than financial contributions need to be sought for the funding of services that cannot be directly attributed to the effects of the subdivision or development or are District wide services that are of benefit to the wider community. The appropriate mechanisms could be rates, loans, gifts, and user charges. The appropriate mechanism to achieve this would be the Annual Plan
2. To use the Leisure Strategy and the Annual Plan as a process to ensure that development planning is carried out in a strategic way.
3. The operational costs of infrastructure will be recovered by means of trade waste charges, rates or water charges. Operational charges will not be recouped by means of a financial contribution under the RMA, 1991.

The capital cost of new infrastructure, upgrading of existing infrastructure or upgraded or new infrastructure for which the total cost has not been recovered may be recovered totally in part through financial contributions. Under certain circumstances a special rating area may also be established, under the relevant legislation, to recover capital cost through rates.

Principal reason (1): It is not feasible nor equitable to finance infrastructure from financial contributions where the effects are not directly attributable to the subdivision or development.

Principal reason (2): The formulation of the Leisure Strategy will highlight priorities and areas in which population growth is having an impact on recreation facilities. The reserve contribution will be inadequate in itself to finance reserve needs and so additional finance needs to be acquired through the annual plan process.

Principal reason (3): Financial contributions will be taken in circumstances where new infrastructure is required, infrastructure is required to be upgraded or where new infrastructure has been installed but the capital cost has not been recouped. Financial contributions will not be taken to cover operational charges.

14.10.3 Regulation

1. Zoning
2. Rules

Principal reason (1): Use of rules and zoning in the District Plan to manage and direct the provision of services throughout the District.

Principal reason (2): The mechanism of how and where financial contributions and the provision of works and services for subdivision and development will be taken will be set out in the rules.

14.11 RULES FOR FINANCIAL CONTRIBUTIONS and PROVISION OF WORKS and SERVICES

Note:

The rules contained in Section 14.11 – 14.16 of this chapter do not apply to any resource consent process required to comply with rules in Chapters 4, 6, or 7 of the Plan.¹

The following rules shall apply to all subdivision and development where a resource consent is required by this chapter or any other chapter in this plan, for subdivision and development in the:

- Gisborne urban area; and
- Te Karaka township;

in respect of public utility services (water, stormwater and sewerage) and District wide in respect of roading and reserve contributions:

Refer to 15.4.2 for contributions in lieu of parking.

General Rules

- 14.11.1 All development must comply with the rules specified in Chapter 12-Subdivision and the relevant zone chapters (Chapters 16-21).
- 14.11.2 Each allotment in a subdivision or a development must be provided with adequate sewerage, stormwater and water supply and roading systems.
- 14.11.3 All works required for the purpose of subdivision and development required on or within the site/s shall be funded entirely as a cost to the subdivision or development.
- 14.11.4 All works required for the purpose of a subdivision or development and/or required to ensure compliance with any rule in the Plan shall be funded entirely as a cost to the subdivision or development.
- 14.11.5 All subdivision is subject to Section 106 of the Act.

14.11.6 Nature of Contributions

- a) Additional capacity beyond that required by the subdivision or development may be built in at the request of the Council.
- b) If a subdivision or development requires a service ahead of the time, the Council may enter into an agreement with the developer, to the effect that the developer provides the service and the Council will endeavour to recover the cost of that service from subsequent developers through the resource consent process.
- c) Financial contributions in the form of money will be required by Council where the service, facility or works does not need to be provided immediately or in instances where it is more appropriate for the Council to carry out the work (e.g. works involving headworks) or it is not practical to provide the contribution in any other form.
- d) Any contribution may at the Council's discretion be taken in the form of money or land, or a combination of all forms.
- e) The maximum standards of work required are contained in Rules 14.16.1 - 14.16.5.
- f) Financial contributions in an amount that the Council considers fair and reasonable or the provision of works and services, will be required in order to:

¹ Ernslaw One Ltd Consent Order to RMA 292/00 signed 1st March 2006 (ref: PL12-022C).

- i) upgrade any existing public utility services or provide new public utility services that will serve the land in the subdivision or serve the development; and/or
- ii) recoup the cost of existing public utility services provided at the Council's expense or by a previous developer that serve the land in the subdivision or development; and
- iii) provide for reserves in the district.
- iv) Provide for esplanade reserves or esplanade strips to meet the purpose of s.229 of the Act.

14.11.7 Conditions on Consents

- a) Where subdivision consent or resource consent for development is to be granted a condition may be imposed requiring:
 - i) a contribution for reserve purposes;
 - ii) provision of works or services;
 - iii) a financial contribution for the purposes of:
 - Public utility services;
 - Mitigating adverse affects;
 - Ensuring positive effects on the environment to offset any adverse effect.
 - Setting aside of an esplanade reserve or esplanade strip

14.11.8 Payment of Financial Contributions or the Provision of Works and Services / Setting Aside of Land

- a) Financial contributions payable in the form of money or the provision of works and services as part of a subdivision consent must be paid or completed prior to the issue of a certificate under Section 224 of the Act, while contributions in the form of land shall vest on the deposit of the survey plan.
- b) Contributions in respect of a development must be paid or the works and services or setting aside of land completed prior to the uplifting of a building consent or where no building consent is required before commencement of the activity or as otherwise specified in any resource consent.
- c) Where subdivisions give effect to boundary adjustments, unit titling or cross leasing of fully developed and lawfully established sites, existing at date of notification of the Plan, no financial contributions will be required.

14.11.9 Amount Payable / Level of Works and Services / Setting Aside of Land

- a) The amount payable or the level of works and services or the setting aside of land required shall be in accordance with the formulae and rules set out in Rule 14.11.17, Rule 14.11.27(a) and (b) and Rule 14.16.1 - 14.16.5.
- b) Where payment or vesting of land or setting aside of land (for esplanade purposes) is delayed for more than 12 months from when the financial contribution was calculated and advised to the developer, it shall be adjusted annually on the anniversary of the consent in accordance with the Consumer Price Index where rules have not specifically specified the adjustment figure.
- c) Where any amount is required to be paid towards new or existing public utility services, or the upgrading of existing public utility services the actual amount to be

paid shall be based on the cost adjusted for inflation or adjusted for the costs involved in servicing the original capital, and taking account of depreciation.

14.11.10 Credits and Refunds

- a) Where a contribution was made in respect of a residential development of two or more dwellings on one allotment, and the allotment is subsequently subdivided to create separate allotments for those dwellings, no further contribution shall be payable for those allotments.
- b) Where an activity does not proceed and the consent lapses or is cancelled the financial contribution shall be refunded in accordance with Section 110 of the Act, upon application by the person who paid the contribution.

14.11.11 Administration of Financial Contributions

- a) In accordance with Section 111 of the Act and Section 223F of the Local Government Act, 1974.
- b) A register containing the following information will be available to the public:
 - i) the amount;
 - ii) who paid and date of payment;
 - iii) the service to which the contribution relates.

14.11.12 Definition of "Serve"

- a) For the purpose of Rules 14.11.13 - 14.11.15 inclusive, the expression to "serve" in respect of land subdivision or development means to provide the relevant public utility service to the standard required to accommodate the effects that are directly generated by the proposed subdivision or development of the land.

14.11.13 Public Utility Services

14.11.13.1 Any contribution may in the Council's discretion take the form of money or land, or a combination of the two.

14.11.13.2 The maximum standards of work and services required are contained in the Schedule of Works set out in Rule 14.16.1 - 14.16.5.

14.11.13.3 Subject to the maximum amounts prescribed in Rules 14.11.14 and 14.16.1 - 14.16.5 the financial contribution or the provision of works and services in respect of public utility services may consist of:

- a) Work:
 - i) necessary to provide each allotment or the development with adequate sewerage, stormwater and water supply and roading systems and to connect those systems with the existing or new public utility services; and/or
 - ii) necessary to provide each allotment or the development with public utility services that will serve the land in the subdivision or serve the development; and/or

- b) Money:
 - i) the total cost of the work referred to in (a)(i) and/or (ii); and/or
 - ii) such contribution as the Council considers fair and reasonable towards the cost of upgrading any existing public utility services or providing new public utility services that will serve the land in the subdivision or serve the development; and/or
 - iii) such contribution as the Council considers fair and reasonable towards recouping the cost of existing public utility services provided at Council's expense that serve the land in the subdivision or development; and/or
- c) Land:
 - i) (including any easement over land) required for the purpose of all or part of any system that is to become part of the public utility services; and/or
- d) Additional Work, Money and Land:
 - i) such other amount of work, money and/or land which the applicant for a subdivision consent or for a consent to an activity involving a development has agreed, by way of binding legal agreement satisfactory to the Council, to contribute towards the provision of new public utility services or upgrading of existing public utility services; and/or
- e) Legal, Administration and other costs:
 - i) such amount as the Council considers fair and reasonable towards its legal, administration and other costs associated with the provision of services for the subdivision or development.

14.11.14 Maximum Contribution or Provision of Works and Services for Public Utility Services

- a) In any resource consent, the maximum amount of the financial contribution or provision of the work or service required in respect of public utility services, shall be one or more of the following as appropriate to the circumstances:
 - i) the amount of the work referred to in Rule 14.11.13.3 (a)(i) and/or (ii) or the total cost of that work; and/or
 - ii) the total cost of the new or upgrading work referred to in Rule 14.11.13.3 (b)(ii), provided that the amount required shall not exceed, in the case of public utility services, the extent to which the works in respect of which the applicant is liable, serve or will serve the land in the subdivision or development; and/or
 - iii) the contribution referred to in Rule 14.11.13.3 (b)(iii); and/or
 - iv) the fee simple in all of that part of any land used for the purpose of any system referred to in Rule 14.11.13.3 (c); and/or
 - v) any additional work, money and land referred to in Rule 14.11.13.3 (d); and/or
 - vi) any actual and reasonable legal or other costs required under Rule 14.11.13.3 (e) by the Council in connection with the above.

14.11.15 General purpose for which cash contribution will be used:

- a) Cash sums shall be used as follows:
 - i) sums required under Rule 14.11.13.3 (b)(i) shall be applied to meet the cost of the specified work;
 - ii) sums required under Rule 14.11.13.3 (b)(ii) shall be applied to the cost of the upgrading works in respect of which the amount is levied;

- iii) sums required under Rule 14.11.13.3 (b)(iii) shall be apportioned in respect of each of the existing public utility services in such amounts as the Council considers appropriate;
- iv) sums required under Rule 14.11.13.3 (d) shall be applied to meet the cost of the specified work;
- v) for the purpose of meeting the requirements of this rule separate accounts will be established by the Council in respect of each of the major public utility services;
- vi) sums paid in respect of the Council's legal and other costs shall be applied to the purpose for which they are levied;
- vii) in the event of surplus funds being available as a result of the Council having paid for services out of general revenue, monies levied shall be allocated to other projects designed to make provision for public utility services within the Council's district.

14.11.16 Roads

- a) Every subdivision and development must be provided with a roading system which:
 - i) satisfies the requirements as to frontage of Section 321 of the Local Government Act 1974;
 - ii) complies with the standards contained in Gisborne District Council's Code of Practice for Engineering Standards, 2000
 - iii) meets the requirements of Chapter 15-Parking;
 - iv) is to connected to the existing public roading system, so as to provide vehicular, and pedestrian access between the two systems.

14.11.17 Reserve Contributions

- a) In all zones, district wide where an additional lot is created by subdivision and the construction and occupation of residential buildings is a permitted activity a reserve contribution shall be paid by the developer in accordance with Rule 14.11.18.
- b) In all zones, district wide where any development is in excess of one dwelling unit per allotment, a reserve contribution shall be paid by the developer in accordance with Rule 14.11.18.
- c) In all zones, district wide, where a resource consent is granted for subdivision and/or development for residential purposes a reserve contribution shall be paid for each allotment created by subdivision and/or each dwelling in accordance with Rule 14.11.18.

14.11.18 Calculation of Reserve Contributions:

14.11.18.1 Land:

- a) The maximum contribution in the form of land shall be vested for the subdivision of lots up to and including one hectare excluding circumstances where both an esplanade reserve and a reserves contribution is required.
- b) Where the contribution is made in the form of land the owner shall vest in the Council an area of 130m² for each additional allotment created by subdivision.
- c) Where a developer carries out work on the land to be set aside as reserve as a condition of a resource consent, the value of the work shall be offset against the area of the land to be set aside as reserve.

14.11.18.2Cash:

- a) A contribution for development shall be applied to each additional residential unit, or in the case of subdivision to each equivalent residential unit as required by Rule 14.11.17.
- b) In circumstances where the financial contribution is made in a combination of land and cash, the contribution shall be assessed in terms of both Rules 14.11.18.1 and 14.11.18.2.
- c) Where a financial contribution for reserve purposes is to be made in cash, the owner shall pay a sum based on the site value and the site area of each residential unit as follows:

$$\frac{\text{Site value (\$)} \times 30}{\text{Site Area (m}^2\text{)}}$$

- d) The maximum amounts shall be paid for the subdivision of lots up to and including one hectare excluding circumstances where both an esplanade reserve and a reserves contribution is required.

14.11.18.3 Exemptions:

- a) Where a financial contribution for reserves purposes has already been paid on a lot or subdivision within the last six years, this contribution shall be taken into account when assessing further contributions for reserve purposes. This will be based on the number of additional residential units for which financial contribution has been paid. Residential units in addition to those already paid for will be liable for further contributions for reserve purposes according to Rule 14.11.20.1 and 14.11.20.2.

14.11.19 Sewerage

- a) There must be an existing public system of sewerage drainage being a system which is:
 - i) within or contiguous to the land to be subdivided or developed, and
 - ii) providing adequate service to all allotments in the catchment upstream of the subdivision or development, and
 - iii) available to adequately service all allotments in the subdivision or available to adequately service the development.
- b) The development and all allotments in the subdivision are to be provided with connections to the existing public system at an outlet approved by the Council:

PROVIDED THAT within the Taruheru Block and Rural Industrial A and B zones the payment of a financial contribution shall be calculated in accordance with Rules 14.11.23 and 14.11.24.

14.11.20 Water Supply

- a) There must be an existing public water system, being a system which:
 - i) Consists of rider mains where the costs of providing such are cheaper than the costs of individual connections to the main;
 - ii) Is within or contiguous to the land to be subdivided or developed; and
 - iii) Is available to adequately provide for the supply of water to all of the lots in the subdivision or development including water for fire fighting purposes.
- b) The development and all allotments in the subdivision or development must be provided with connections to the existing public system at connection points approved by the Council:

PROVIDED THAT within the Taruheru Block and Rural Industrial A and B zones the payment of a financial contribution shall be calculated in accordance with Rules 14.11.23 and 14.11.24.

14.11.21 Stormwater Disposal

- a) There must be an existing public system of stormwater drainage being a system which is:
 - i) within or contiguous to the land to be subdivided or developed;
 - ii) making adequate provision for the disposal of stormwater from all allotments in the catchment upstream of the subdivision or development having reference to the requirements of the Gisborne District Council's Code of Practice for Engineering Standards, 2000;
 - iii) available to make adequate provision for the disposal of stormwater from all allotments in the subdivision or development having reference to the requirements of the Gisborne District Council's Code of Practice for Engineering Standards, 2000
- b) The development and all allotments in the subdivision are to be provided with connections to the existing public stormwater system at an outlet or outlets approved by the Council:

PROVIDED THAT within the Taruheru Block and Rural Industrial A and B zones the payment of a financial contribution shall be calculated in accordance with Rules 14.11.23 and 14.11.24.

14.11.22 Roading

- a) There must be an existing public road being a road which is:
 - i) within or contiguous to the land to be subdivided or developed so as to provide access from the land to be subdivided or developed to the existing public roading system, or the road is accessible by means of a private road or private way;
 - ii) of the standards required by Chapter 15-Parking for a road within the residential, commercial, rural, industrial zones or Port Management Area, whichever is applicable;
 - iii) of the standards required by the Gisborne District Council's Code of Practice for Engineering Standards, 2000.

14.11.23 Formulae for Water, Sewerage and Stormwater:

Taruheru Subdivision Block

- a) When any form of residential or non-residential development permitted in the zone exceeds 1 dwelling per 800m² the contribution shall be based on equivalent household units with loadings determined by peak discharge or consumption. An equivalent household unit shall mean a single dwelling on an 800m² lot at an average occupancy rate of 3.2 persons per unit.

Refer to Appendix 20 -
Taruheru Subdivision
Block Plan.

- b) Where the Council constructs solely the services or where additional capacity is required the full costs in respect of the collector sewer main, stormwater swale drain, sewage pump station, water distribution main will be payable based on the following formula (per property charge):

$$\frac{\text{Total Cost / Total Activity Area} \times \text{time multiplier for inflation}}{800\text{m}^2 \text{ lots available in catchment}}$$

- i) Total Activity Area = Area benefiting from the asset provided
 ii) 800m² = The minimum permitted subdivisional lot
 iii) Time multiplier for inflation = Producers Price Index: Outputs Construction Industry from the time of construction to the time a contribution will be sought or the equivalent total cost to construct at the time the contribution is sought, whichever is the lowest.

14.11.24 Formulae for Water, Sewerage and Stormwater:

Rural Industrial A and B Zones

- a) Where the Council constructs solely the services or where additional capacity is required the full costs in respect of the collector sewer main, stormwater swale drain, sewage pump station, water distribution main will be payable based on the following formula:

$$\text{Total Construction Cost} \times \frac{\text{Peak Utilisation}}{\text{Total Capacity}}$$

- i) Peak Utilisation = Peak drawoff (l/s) or peak discharge (l/s) from the site
 b) Total Capacity = Total capacity of the service measured at the point of discharge or supply into or out of the Rural Industrial A and B zones, or at the connection to the existing reticulation outside of the industrial area for the sole use of the industrial area.

14.11.25 Formulae for Water, Sewerage and Stormwater – Sponge Bay

- a) Where the Council constructs the services or where additional capacity is required the total costs in respect of the provision of water, sewerage and stormwater reticulation to serve the Sponge Bay development identified in Appendix 36, will be payable as a cost to the developer.

14.11.25 Notification

- a) Subject to Section 94(5) of the Act, applications regarding financial contributions shall not be publicly notified and shall be considered without the written approval of affected parties.

14.11.27 Esplanade Reserves and Strips

- a) Subject to the maximum amounts prescribed in Rule 14.11.28 the financial contribution, shall be the provision of land to establish an esplanade reserve or esplanade strip (including any easement over land) for some or all of the purposes specified in s.229 of the Act and shall include the purpose of ensuring positive effects on the environment.

14.11.28 Level of Contribution

Gisborne Urban Area and the District's Rural Townships

- a) For any resource consent required to comply with the rules in Chapter 16, 17, 18 and 19 affecting land in Gisborne urban area and the rural townships which abuts any part of or along the District's coastal marine area or any part of a river specified in Rule 13.6.4 an esplanade reserve or esplanade strip shall be provided. Any such esplanade reserve or esplanade strip shall not be less than 20 metres wide.

Rural Zones

- b) For any resource consent required to comply with the rules in Chapter 16 or 21 which abuts any part of or along the District's coastline or any part of a river specified in Rule 13.6.4 an esplanade strip shall be provided. Any such esplanade strip shall not be less than 10 metres wide.

14.11.29 Matters to be Considered

- a) When determining whether to impose a condition requiring an esplanade reserve or strip Council may consider the following:
 - i) The creation of an esplanade strip instead of an esplanade reserve
 - ii) The width of any such esplanade reserve or strip
 - iii) The appropriateness of the creation of an access strip
 - iv) Conservation value of the site
 - v) Public access to or along the coastal marine area or any strategically important river
 - vi) The ability to gain access onto and between an existing or potential future reserve
 - vii) Recreational opportunity
 - viii) The waiver or part-waiver of any such esplanade reserve or esplanade strip.

14.12 Controlled Activities

The following activities shall be controlled activities, subject to assessment against the relevant requirements set out in General Rule 14.11.1, 14.11.2 and 14.11.16:

- 14.12.1 Amendments to cross lease, unit titles and company lease plans for the purpose of showing additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners and boundary adjustments
- 14.12.2 Activities (subdivision or development) in all zones (excluding the Taruheru Subdivision Block and the Rural Industrial A and B zones) listed as Controlled activities shall be considered as Controlled activities for the purpose of this chapter provided that they comply with the minimum criteria for public utility services contained in General Rules 14.11.19 - 14.11.22
- 14.12.3 In the Taruheru Subdivision Block and the Rural Industrial A and B zones, subdivision or development complying with the minimum criteria as to public utility services contained in General Rules 14.11.23 and 14.11.24

14.13 Restricted Discretionary Activities

The following activities shall be restricted discretionary activities, subject to compliance with the relevant requirements set out in Rule 14.11.1, 14.11.2 and 14.11.6:

- 14.13.1 Activities (subdivision or development) in all zones (excluding the Taruheru Subdivision Block and the Rural Industrial A and B zones) listed as a Restricted Discretionary activity shall be considered as Restricted Discretionary for the purpose of this chapter provided that they comply with the minimum criteria for public utility services contained in General Rules 14.11.19 - 14.11.22

14.14 Discretionary Activities

The following activities shall be discretionary activities:

- 14.14.1 In all zones subdivision or development listed as a Controlled or Restricted Discretionary activity that does not comply with Rule 14.11.19 - 14.11.22
- 14.14.2 In all zones subdivision or development listed as a Discretionary activities

14.15 Non Complying Activities

The following activities shall be non complying activities:

- 14.15.1 Subdivision or development listed as Non Complying activities in any zone

14.16 SCHEDULE OF WORKS

14.16.1 General

- a) This Schedule sets out the maximum standard for public utility services which may be required in respect of the provision of public utility services to a subdivision or development.
- b) The provision of works or services are primarily aimed at the provision of physical work agreed to by the Council and the subdivider/developer and carried out by the subdivider/developer as part of the subdivision or development. They are further intended to give preference to relating a subdivider's/developer's responsibilities to the natural characteristics of the land which can be identified prior to purchase and subdivision or development.

14.6.2 Roads

- 14.16.2.1 The total cost of developing new roads and streets (including unformed legal roads and streets) to serve a subdivision or development shall be met entirely as a cost to the developer, to a standard to fulfil the function of the road or street in accordance with the rules specified in Chapter 15-Parking.

14.16.2.2 Existing Roads

- a) The financial contribution based on the above will be applied in the first instance to the upgrading of the road(s) serving the subdivision or development. Except that the financial contribution may be allocated to other parts of the roading network affected by the proposed subdivision or development.
- a) The maximum contribution for or towards upgrading improvements to the existing network in the vicinity of the proposed subdivision or development will be to provide, a financial contribution calculated in accordance with the following:

Estimated Cost (\$) of roads(s) serving the subdivision or development multiplied by:

$$\frac{\text{Annual Average Daily Traffic Increase AADT}}{\text{Existing Traffic} + \text{Annual Average Daily Traffic Increase}}$$

14.16.3 Land Drainage

- a) The subdivider or developer is required to provide for all capital improvements within the subdivision or development site to the standards and requirements set out in the appropriate resource consent and reflected in the Gisborne District Council's Code of Practice for Engineering Standards, 2000, and make provision for any improvements required by the impact of the subdivision or development beyond the subdivision or development site.

- b) Land that floods or has a potential to flood is considered the full responsibility of the owner. The cost and benefits of developing land containing open water courses, overland flow paths, and flood prone areas, is a matter for the developers to determine, without dependence on Council funding and without creating impacts beyond the site being subdivided or developed.

14.16.4 Sanitary Drainage

- a) The subdivider or developer is required to provide for all capital improvements within the subdivision or development site to serve the whole catchment in its ultimate land use pattern and connect the site system to the nearest adequate outlet and in accordance with the Gisborne District Council's Code of Practice for Engineering Standards, 2000.
- b) The upper limit for this requirement is when the scale of operations is of regional significance and the Council accepts responsibility for capital improvements, maintenance and operation.

14.16.5 Water Supply

- a) The subdivider or developer is required to contribute to the cost of a water supply system in accordance with the Gisborne District Council's Code of Practice for Engineering Standards, 2000.
- b) Where the effects of subdivision or development may exceed the capacity of the existing system the developer will be required to use a network analysis model to determine capacities and reticulation upgrades required to service their subdivision or development. The Council has a calibrated working network analysis model of the existing reticulation which is available for use by the developer at their cost. This will allow pipe sizes to be determined and costs to be charged or apportioned.
- c) All other capital improvements within the subdivision or development site will be provided for by the subdivider or developer.

14.17 ANTICIPATED ENVIRONMENTAL RESULTS

- a) Subdivision and development contribute towards the cost of infrastructural services or the provision of works and services to ensure that the effects of the development are avoided, remedied or mitigated.
- b) Ensure that the social wellbeing of the community is enabled through the provision of reserve contributions to offset the impact of subdivision and development.
- c) Preservation of specific environments along the coast, rivers, streams and other water bodies and their protection from adverse effects of development and subdivision.
- d) Provision of appropriate public access to environments that the community use for recreation purposes, and which contribute to the community's social, economic and cultural well-being and health.