

APPENDIX 5

FINANCIAL CONTRIBUTIONS



- Part A General rules for financial contributions
- Part B Rules for financial contributions - INFRASTRUCTURE
- Part C Rules for financial contributions - COMMUNITY FACILITIES
- Part D Rules for financial contributions - future growth areas and new areas of open space

Part A General rules for financial contributions

Circumstances under which financial contributions may be required

5.1 Subdivision

The COUNCIL may require, by way of condition, a financial contribution for INFRASTRUCTURE and COMMUNITY FACILITIES for any resource consent for subdivision.

5.2 DWELLING HOUSES where no subdivision

- (a) The COUNCIL may require a financial contribution for INFRASTRUCTURE and COMMUNITY FACILITIES for each DWELLING HOUSE constructed, erected or otherwise relocated on any SITE that is not proposed to be subdivided.
- (b) Rule 5.2 (a) shall apply to any BUILDING consent authorising the construction of a BUILDING or BUILDINGS to be used for one or more new DWELLING HOUSES where the new construction is replacing, in whole or in part, an existing DWELLING HOUSE or DWELLING HOUSES and the use of such existing DWELLING HOUSE or DWELLING HOUSES for human habitation purposes has been discontinued for a continuous period of more than two years.

5.3a Development within the Egmont Road Industrial C Environment Area Structure Plan Area

The COUNCIL may require, by way of a condition of consent, a financial contribution for INFRASTRUCTURE for any resource consent for land use or subdivision within the Egmont Road Industrial C Environment Area Structure Plan Area in Appendix 28.

5.3b Additional consideration of development within the Area Q Structure Plan

The COUNCIL may require, by way of a condition of consent, a financial contribution for INFRASTRUCTURE for any resource consent for land use or subdivision within the Area Q Structure Plan area in Appendix 31.

Purpose for which financial contributions will be used

5.4 INFRASTRUCTURE and COMMUNITY FACILITIES

The COUNCIL will use financial contributions required in respect of

INFRASTRUCTURE and COMMUNITY FACILITIES for the purposes of:

- (a) avoiding, remedying or mitigating those adverse effects on the environment that are directly or indirectly related to a subdivision or development; and
- (b) promoting positive effects that contribute to the health and safety, and social and cultural wellbeing of the community.

Other matters

5.5 Bonds

APPLICANTS may be required to enter into a bond or bonds, as the circumstances require, to ensure that financial contributions required as a condition of resource consent are complied with in all respects.

Explanation

Adverse effects on the environment as a consequence of subdivision and development can occur. In given circumstances the ability to eliminate, remedy or mitigate such effects, or promote positive effects, may be most effectively achieved through the COUNCIL requiring a financial contribution.

Administratively the most appropriate time to require a financial contribution is at the time of subdivision, or where there is no subdivision, when the BUILDING consent is being applied for in respect of a new DWELLING HOUSE to be erected or an existing DWELLING HOUSE to be relocated.

Examples of DWELLING HOUSE development, which may not involve subdivision, include housing complexes ranging from multi-unit development to relocatable home parks, retirement villages and papakainga.

In accordance with the principles of rational nexus, transparency and accountability, the COUNCIL will use financial contributions for the purposes for which they are taken.

In certain circumstances it may be necessary for APPLICANTS to enter into legally binding agreements as a means of the COUNCIL ensuring compliance with conditions of resource consent. Section 108 2 (b) of the ACT provides for bonds as conditions of resource consent.

Part B Rules for financial contributions - INFRASTRUCTURE

5.6 Water supply

- (a) The APPLICANT is required to meet the full cost of all land and works necessary to provide any subdivision or development with an adequate and sufficient POTABLE WATER supply, including water for fire fighting purposes and in particular, will be required to:
 - (i) meet all of the ON-SITE INFRASTRUCTURE costs; and
 - (ii) meet the fair and reasonable OFF-SITE INFRASTRUCTURE costs necessary in the provision of an adequate and sufficient POTABLE WATER supply to any subdivision or development.
- (b) For the purposes of assessing the cost of works under Rule 5.6(a) any required works will be designed and specified so as to meet the COUNCIL'S adopted Land Development and Subdivision Infrastructure Standard.
- (c) The upper limit of any contribution required under this rule will be determined by the COUNCIL in consultation with the APPLICANT and will be limited to the value of land and works necessary to meet the water supply demand of the subdivision or development.

5.7 Wastewater collection and treatment

- (a) The APPLICANT is required to meet the full cost of all land and works necessary to safely and hygienically service any subdivision or development with an adequate and sufficient sewerage system, and in particular will be required to:
 - (i) meet all of the ON-SITE INFRASTRUCTURE costs; and
 - (ii) meet the fair and reasonable OFF-SITE INFRASTRUCTURE costs necessary in the provision of an adequate and sufficient means of sewage disposal to service any subdivision or development.

- (b) For the purposes of assessing the cost of works under Rule 5.6(a) any required works will be designed and specified so as to meet the COUNCIL'S adopted Land Development and Subdivision Infrastructure Standard.
- (c) The upper limit of the contribution will be determined by the COUNCIL in consultation with the APPLICANT and will be limited to the value of land and works necessary to meet the sewage disposal requirements of the subdivision or development.

5.8 Stormwater disposal

- a) The APPLICANT is required to meet the full cost of all land and works (including the contribution of land for stormwater detention purposes) necessary to dispose of stormwater from any subdivision or development so as to safeguard people from injury and property damage caused by surface stormwater runoff, and in particular will be required to:
 - (i) meet all of the ON-SITE INFRASTRUCTURE costs; and
 - (ii) meet the fair and reasonable OFF-SITE INFRASTRUCTURE costs necessary in the provision of an adequate and sufficient stormwater disposal system to any subdivision or development.
- b) For the purposes of assessing the cost of works under Rule 5.8(a) any required works will be designed and specified so as to meet the COUNCIL'S adopted Land Development and Subdivision Infrastructure Standard.
- c) The upper limit of the contribution will be determined by the COUNCIL in consultation with the APPLICANT and will be limited to the value of land and works necessary to adequately and safely dispose of all stormwater falling on the surface area of the subdivision or development.

5.9 Roading

- (a) The APPLICANT is required to meet the full cost of all land and works necessary to adequately and safely service the needs of traffic generated by a subdivision or development, and in particular, will be required to:

- (i) meet all of the ON-SITE INFRASTRUCTURE costs; and
 - (ii) meet the fair and reasonable OFF-SITE INFRASTRUCTURE costs necessary in the provision of an adequate and safe roading system to service any subdivision or development.
- (b) For the purpose of forming, diverting or upgrading any existing ROAD because of new or increased traffic owing to a subdivision, any requirement under Rule 5.9(a)(ii) shall:
- (i) not exceed the extent to which an existing ROAD serves or is intended to serve the subdivision; or
 - (ii) in the case of an existing ROAD that is adjacent to the subdivision, not exceed half the estimated cost of the required works.
- (c) Rules 5.9(a) or (b) will be deemed to have been complied with where the required works have been carried out by the APPLICANT and accepted by the COUNCIL. A method of compliance will be works that have been accepted by the COUNCIL as being of a standard that comply with the COUNCIL'S adopted Land Development and Subdivision Infrastructure Standard.
- (d) The upper limit of the contribution will be determined by the COUNCIL in consultation with the APPLICANT (and, as necessary, with Transit New Zealand) and will be limited to the value of land and works necessary to adequately and safely service the needs of traffic generated by the subdivision or development.
- 5.10 ROADING CONTRIBUTIONS for subdivision/development within the Egmont Road Industrial C Environment Area Structure Plan Area
- (a) The APPLICANT is required to meet the full cost of all land and works necessary to adequately and safely service the needs of traffic generated by subdivision or development within the Egmont Road Industrial C Environment Area Structure Plan Area, and in particular will be required to:
 - (i) meet all of the ON-SITE INFRASTRUCTURE costs which are necessary to avoid, remedy and mitigate any adverse traffic effects that may arise within the Structure Plan Area which are generated by the APPLICANT'S subdivision or development; and
 - (ii) meet the fair and reasonable OFF-SITE INFRASTRUCTURE costs necessary to ensure the provision of a safe and efficient roading system to service any subdivision or development within the Structure Plan Area, and in particular to ensure safe and efficient access to the Structure Plan Area from Egmont Road and egress from the Structure Plan Area onto Egmont Road; and
 - (iii) meet the fair and reasonable costs of land and works necessary to facilitate the construction of the portion of a link road between Egmont Road and Henwood Road which is shown as an Indicative Road on the Egmont Road Industrial C Environment Area Structure Plan in Appendix 28.
- (b) For the purpose of forming any new road, and/or diverting or upgrading any existing road because of new or increased traffic owing to a subdivision or development within the Egmont Road Industrial Area Structure Plan Area, any requirement under Rule 5.10(ii) and 5.10(iii) shall:
- (i) not exceed what is reasonably necessary to avoid, remedy or mitigate the traffic effects associated with the APPLICANT'S development or subdivision.
- (c) The upper limit of any contribution required pursuant to Rule 5.10(a) will be determined by the COUNCIL in consultation with the APPLICANT and will be limited to the actual cost of the land and works necessary.
- 5.11 Additional consideration of ROADING CONTRIBUTIONS for subdivision/development within the Area Q Structure Plan Area
- (a) The APPLICANT is required to meet the full cost of all land and works necessary to adequately and safely service the needs of traffic generated by subdivision or development within the Area Q Structure Plan Area, and in particular will be required to:

- (i) meet all of the ON-SITE INFRASTRUCTURE costs which are necessary to avoid, remedy and mitigate any adverse traffic effects that may arise within the Area Q Structure Plan area which are generated by the APPLICANT'S subdivision or development; and
 - (ii) meet the fair and reasonable OFF-SITE INFRASTRUCTURE costs necessary to ensure the provision of a safe and efficient roading system to service any subdivision or development within the Area Q Structure Plan area, and in particular to ensure safe and efficient access to the Area Q Structure Plan area from Wills Road and Airport Drive and egress from the Area Q Structure Plan area onto Wills Road and Airport Drive; and
 - (iii) meet the fair and reasonable costs OFF-SITE INFRASTRUCTURE costs necessary to ensure the provision of a safe and efficient roading system to service any subdivision or development within the Area Q Structure Plan area, and in particular to ensure safe and efficient access to Wills Road and Airport Drive from Devon Road (SH3) and egress from Wills Road and Airport Drive to Devon Road (SH3).
- (b) For the purpose of forming any new road, and/or diverting or upgrading any existing road because of new or increased traffic owing to a subdivision or development within the Area Q Structure Plan area, any requirement under Rule 5.10(ii) and 5.10(iii) shall:
- (i) not exceed what is reasonably necessary to avoid, remedy or mitigate the traffic effects associated with the APPLICANT'S development or subdivision.
- (c) The upper limit of any contribution required pursuant to Rule 5.10(a) will be determined by the COUNCIL in consultation with the APPLICANT and NZTA and will be limited to the actual cost of the land and works necessary.

Explanation

The above rules relating to INFRASTRUCTURE are necessary in order for the COUNCIL to be able to set conditions of resource consent for the contribution of cash or land to enable the mitigation, avoidance or remedying of adverse effects arising from subdivision or development.

Developers will be required to meet the full cost of ON-SITE INFRASTRUCTURE demands on INFRASTRUCTURE. They will also be required to meet a fair and reasonable cost of the OFF-SITE INFRASTRUCTURE works required.

The extent of contribution required will be dependent on the particular circumstances of an application. It is not possible to propose a calculation formula applicable in all situations. The extent of contribution required for OFF-SITE INFRASTRUCTURE works can be calculated as each type of INFRASTRUCTURE subject to the above rules is quantifiable as to available capacity and the demand that will occur as a consequence of subdivision and development.

Consideration towards the need for a financial contribution for INFRASTRUCTURE for a subdivision or development within the Egmont Road Industrial C Environment Area Structure Plan Area will be considered at the time of the subdivision or when considering a land use consent for traffic generation under Rule Ind100 or for the erection of a building under Rule Ind96. The extent of any ROADING contribution required will be dependent on the level of traffic generated by the particular development/subdivision and the associated effects of that traffic generation on the environment.

In addition to the standard financial contribution requirements consideration towards the need for a financial contribution for INFRASTRUCTURE for a subdivision or development within the Area Q Structure Plan area will also be considered at the time of the subdivision or when considering a land use consent for traffic generation. The extent of any ROADING contribution required will be dependent on the level of traffic generated by the particular development/subdivision and the associated effects of that traffic generation on the environment including the requirement to upgrade the Wills Road and Airport Drive intersections with Devon Road (SH3).

Part C Rules for financial contributions - COMMUNITY FACILITIES

5.12 Method of calculation of financial contribution

A financial contribution for COMMUNITY FACILITIES, to be known as the COMMUNITY FACILITIES base fee, shall be determined in accordance with the following formula:

$$X/Y = Z$$

Where X = capital expenditure on COMMUNITY FACILITIES over the next 10 years

Where Y = number of existing dwellings in the district plus the projected additional DWELLING HOUSES in the district over the next 10 years

Where Z = COMMUNITY FACILITIES base fee (GST not included)

Example of calculation of COMMUNITY FACILITIES base fee

Using the formula $X/Y = Z$

Where X = \$38,382,000.00 capital expenditure on COMMUNITY FACILITIES

Where Y = 29,188

Total existing dwellings: (1996 Census)	26,988
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Projected new DWELLING HOUSES:	<u>2,200</u>
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Formula factor B:	29,188
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Z = \$1,315.00 being COMMUNITY FACILITIES base fee (GST not included)

5.13 Sources of information

- The amount referred to in Rule 5.11 as “capital expenditure on COMMUNITY FACILITIES” shall be derived from the COUNCIL’S Long-term Council Community Plan but limited to those matters of capital expenditure that relate to COMMUNITY FACILITIES.
- The “number of existing dwellings” referred to in Rule 5.11 shall be the total number of dwellings in the district as recorded in the most current publication of the five yearly Census as prepared by Statistics New Zealand.
- The number of “projected DWELLING HOUSES” referred to in Rule 5.11 shall be the annual average number of DWELLING HOUSES authorised by BUILDING consent for the preceding five years multiplied by 10.

5.14 Formula factors to be set annually

- The “projected additional DWELLING HOUSES” in the district as referred to in Rule 5.12 (c) shall be calculated annually by the COUNCIL from its BUILDING consent records as at 30 June.
- The COMMUNITY FACILITIES base fee shall be set annually by the COUNCIL following the approval of the Annual Plan and shall be publicly notified.

5.15 Subdivision for residential living purposes

Every subdivision;

- approved within the RESIDENTIAL ENVIRONMENT AREA ; and
- every ALLOTMENT approved within the RURAL ENVIRONMENT AREA having an area of 4ha or less;

shall, by way of condition of subdivision consent, be liable for a COMMUNITY FACILITIES impact fee calculated in the following manner:

From the plan of subdivision determine the number of ALLOTMENTS to be used for residential living purposes that are additional to that existing immediately prior to subdivision.

Using the formula $N \times Z = C$

Where N = number of newly created ALLOTMENTS

Where Z = COMMUNITY FACILITIES base fee

Where C = COMMUNITY FACILITIES impact fee (GST not included)

5.16 New or relocated DWELLING HOUSES where no subdivision

Where a DWELLING HOUSE is to be constructed or otherwise relocated onto a SITE which:

- (a) has an existing certificate of title issued before 1 July 1988; or
- (b) has an existing certificate of title issued after 1 July 1988 and for which no reserves contribution has been made under the Transitional District Plan or for which no financial contribution for COMMUNITY FACILITIES has been made under this plan; and
- (c) and no subdivision of that SITE is proposed;

the owner of that SITE shall be liable for a COMMUNITY FACILITIES impact fee calculated in the following manner:

From plans for BUILDING consent determine number of DWELLING HOUSES to be constructed or otherwise relocated.

Using the formula $D \times Z = C$

Where D = number of new DWELLING HOUSES

Where Z = COMMUNITY FACILITIES base fee

Where C = COMMUNITY FACILITIES impact fee (GST not included)

Examples of calculation of COMMUNITY FACILITIES impact fee

a) Subdivision for residential housing purposes

A scheme plan of subdivision within the RESIDENTIAL or RURAL ENVIRONMENT AREA shows 10 lots are to be used for residential housing purposes.

Using the formula $N \times Z = C$

$N = 10$

$Z = \$1315.00$

$N \times Z = \$13,150.00$

$C = \$13,150.00$ plus GST, being COMMUNITY FACILITIES impact fee for the subdivision.

b) New dwellings where no subdivision

Plans lodged for building consent show five new DWELLING HOUSES are to be constructed on one existing certificate of title and no subdivision is proposed.

$D \times Z = C$

$D = 5$

$Z = \$1315.00$

$D \times Z = \$6575.00$

$C = \$6575.00$ plus GST, being COMMUNITY FACILITIES impact fee for the development

5.17 Building consent not to be delayed

Rule 5.15 shall not delay or prevent the issue of any BUILDING consent applied for in respect of any dwelling.

5.18 Circumstances under which financial contribution may be offset

- (a) The contribution required under rules 5.14 and 5.15 may be offset by the contribution of land (including esplanade reserves or strips) or items (such as works of art), deemed by the COUNCIL to be of natural, recreational, cultural or heritage value including land covenanted to the Department of Conservation and the Queen Elizabeth II Trust.
- (b) The value of any land or item contributed to be offset the required monetary contribution will be assessed and determined by the COUNCIL in consultation with the applicant. Where agreement cannot be reached as to the value of the offset in lieu of the required monetary contribution the COUNCIL will obtain an independent professional valuation at its own cost as the basis for the COUNCIL'S final assessment and determination of the value of the offset.
- (c) Where land or lake or riverbed is required to be vested in the COUNCIL by an APPLICANT under Part X of the ACT, Rule 5.17 (a) will apply only to that land or lake or river bed for which compensation is payable by the COUNCIL.

Explanation

The taking of financial contributions for COMMUNITY FACILITIES recognises the linkage between residential living capacity and the demand for recreational and cultural facilities. The COUNCIL'S Long-term Council Community Plan makes provision for capital expenditure for a wide range of works. These include the ongoing need for development and improvement of public open space in the district. In addition, capital expenditure is proposed for a range of cultural and recreational facilities which meet both local and district-wide needs. All persons residing in the district have access to and use the district's COMMUNITY FACILITIES. New development places additional actual and/or potential demand on the available or planned facilities. For this reason financial contributions for COMMUNITY FACILITIES may be required of any subdivision or development (urban or rural) that will result in increased residential capacity.

The COUNCIL'S Long-term Council Community Plan, which is updated tri-annually, identifies where financial resources need to be directed for COMMUNITY FACILITIES. Table 5.1 is derived from the Long-term Council Community Plan as adopted by the COUNCIL in June 2004.

Requiring new residential and small lot rural subdivision, and housing developments where there is no subdivision, to make financial contribution toward the enhancement of COMMUNITY FACILITIES is considered appropriate and equitable. In respect of proposed residential development where no subdivision is intended, the value of any financial contribution made for reserves on land titles issued before 1 July 1988 is deemed to have been fully expended.

The calculation formulae recognise the adverse effects to be addressed and the positive effects to be promoted in the provision of local and district-wide facilities. The information sources and the setting of the COMMUNITY FACILITIES base fee on an annual basis provides certainty for APPLICANTS.

Rule 5.18 provides for financial contributions toward COMMUNITY FACILITIES to be offset by land and other items of value to the community.

Business or industrial activity (i.e. where no residential development is proposed) is not required to make financial contributions for COMMUNITY FACILITIES. This recognises that non-residential activity does not make direct demands on COMMUNITY FACILITIES.

TABLE 5.1: Long-term Council Community Plan - capital expenditure for COMMUNITY FACILITIES

	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	TOTALS
RENEWALS (\$)											
GBAG General	40,000	42,000	43,000	43,000	43,000	43,000	43,000	43,000	43,000	43,000	426,000
GBAG Building	30,000	10,000	-	35,000	53,000	-	159,500	-	45,000	8,000	340,500
Puke Ariki General	494,000	520,000	610,000	890,000	920,000	670,000	720,000	670,000	890,000	720,000	7,104,000
Puke Ariki Building	220,000	20,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	640,000
Recreation and Event Venues	770,000	840,000	379,000	740,000	643,000	498,000	449,000	688,000	710,000	836,000	6,553,000
Parks	3,616,000	1,704,000	1,619,000	1,840,000	2,005,000	1,779,000	1,740,000	1,848,000	2,190,000	1,697,000	20,038,000
YMCA	-	-	-	-	-	-	-	-	-	-	-
Sub-total	5,170,000	3,136,000	2,701,000	3,598,000	3,714,000	3,040,000	3,161,500	3,299,000	3,928,000	3,354,000	35,101,500
IMPROVEMENTS (\$)											
GBAG General	41,000	43,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000	444,000
GBAG Building	-	23,700	-	-	-	-	-	-	-	-	23,700
Puke Ariki General	-	-	-	-	-	-	-	-	-	-	-
Puke Ariki Building	-	-	-	-	-	-	-	-	-	-	-
Recreation and Event Venues	104,000	165,000	-	-	-	-	65,000	-	-	-	334,000
Parks	2,663,000	180,000	80,000	80,000	930,000	80,000	80,000	80,000	80,000	80,000	4,333,000
Cycleways	-	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
YMCA	-	-	-	-	-	-	-	-	-	-	-
Purchase of DEKA building	-	-	-	-	-	-	-	-	-	-	-
CBD Upgrading	100,000	550,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	2,250,000
Sub-total	2,908,000	1,061,700	425,000	425,000	1,275,000	425,000	490,000	425,000	425,000	425,000	8,284,700
TOTAL (\$)	8,078,000	4,197,700	3,126,000	4,023,000	3,465,000	3,465,000	3,651,500	3,724,000	4,353,000	3,779,000	43,386,200

Note: The information in this table is derived from the New Plymouth District Council Long-term Council Community Plan as approved by the COUNCIL on 29 June 2004.

Part D Rules for financial contributions - future growth areas and new areas of open space

5.19 Rules for financial contributions - open space fee

A financial contribution for future growth areas for the purpose of providing open space shall be determined in accordance with the following formulas in Rules 5.20 and 5.21. Each new ALLOTMENT on subdivision (except those created solely for NETWORK UTILITIES, ROADS, reserves or access) shall, by way of condition of subdivision consent, be liable for a new open space fee. Where a financial contribution is not taken at the time of subdivision then it may be taken at the time of BUILDING Consent. The methodology for determining the open space fee is shown in provision 5.20 and 5.21. At this stage a fee will only be charged for Area Q. Additional dwelling yield numbers will need to be added to Table 5.20 through a plan change for any other future growth areas for a financial contribution for open space to be taken.

5.20 Percentage Methodology

$$(A \div B \div C) * 100 = Y$$

Where A = Total capital expenditure for land purchase and development of open space in Area Q Plan Change as identified in the Long-Term Plan (excluding GST)

Where B = Forecasted dwelling yield within the growth area

Where C = Average land value within Area Q (excluding GST)

Where Y = Percentage

5.21 Open space fee

$$X \times Y = Z$$

Where X = value of the new ALLOTMENT (excluding GST)

Where Y = percentage of the ALLOTMENTS value

Where Z = open space fee (excluding GST)

Examples of calculation of open space fee (these are only example figures)

Using the formula $X \times Y = Z$

Where X = \$150,000 (value of the new ALLOTMENT)

Where Y = 2.6% (percentage of the ALLOTMENTS value)

Where Z = \$3,900 = (open space fee for the ALLOTMENT/DWELLING HOUSE) (excluding GST)

An open space fee must be set for each new ALLOTMENT/DWELLING HOUSE

Sources of information

The following information is used to determine “Y” which is the percentage amount to be charged within a particular growth area for open space. The percentage should not exceed the amount identified in Table 5.20.

- The capital expenditure referred to as “A” being the total capital expenditure for land purchase and development of open space in the growth area shall be derived from the Council’s Long-Term Plan and relates directly to those projects that require the purchase and development of open space in the growth area (excluding GST).
- The amount referred to as ‘B’ being the number of dwellings that are able to be built within the growth area, as shown in Table 5.20.
- The amount referred to as “C” is the average land value within the area and the general surrounds - valuation to be determined by the Council.

Table 5.20

Growth Area	Dwelling Yield - (B)	Percentage - (Y) to not exceed
Area Q, Wills Road, Airport Drive Structure Plan rezoning area rezoned through Plan Change 20	930 ¹	4%

The following information is required alongside “Y” to determine the open space fee.

- d) The amount referred to in “X” shall be determined by the Council from a registered valuation. Where agreement cannot be reached as to the value the COUNCIL will obtain an independent professional valuation at its own cost as the basis for the COUNCIL’S final assessment and determination of the value.

5.22 If a financial contribution has not been taken at the time of Subdivision Consent then it can be taken at the time of BUILDING Consent, except for those allotments created prior to 4 June 2015 where no financial contribution for open space will be charged.

5.23 Where a second DWELLING HOUSE on an ALLOTMENT is within a future growth area 50% of the original open space fee paid on the ALLOTMENT will become the open space fee for the new DWELLING HOUSE. This will also apply to the third and any subsequent DWELLING HOUSES on the ALLOTMENT within a future growth area. If the ALLOTMENT is subsequently subdivided the value of the open space fee will be determined by the value of the new ALLOTMENT in accordance with Rules 5.21 and 5.22 above. The amount already paid as the open space fee for each DWELLING HOUSE will be deducted from the open space fee per ALLOTMENT.

5.24 The registered valuation for the purpose of establishing the value as required by ‘X’ in Rule 5.21 is required before the issuing of the 224 certificate for any new ALLOTMENT.

5.25 BUILDING consent not to be delayed

Rules 5.22 and 5.23 shall not delay or prevent the issue of any BUILDING consent applied for in respect of any dwelling.

5.26 Circumstances under which financial contribution may be offset

- (a) The contribution required under rules 5.19 to 5.25 may be offset by the contribution of land (including esplanade reserves or strips), deemed by the COUNCIL to be of value for open space, including land covenanted to the Department of Conservation and the Queen Elizabeth II Trust.

- (b) The value of any land or item contributed to be offset against the required monetary contribution will be assessed and determined by the COUNCIL in consultation with the applicant. Where agreement cannot be reached as to the value of the offset in lieu of the required monetary contribution the COUNCIL will obtain an independent professional valuation at its own cost as the basis for the COUNCIL’S final assessment and determination of the value of the offset.

Explanation

Financial contributions for new areas of open space recognise the link between the development of new urban areas and the demand for open space and recreational facilities. The COUNCIL has planned for new residential expansion through the Framework for Growth. Detailed structure planning of these growth areas has identified the need for areas of new open space. The purpose of the new areas of open space can be for recreation use or beautification and can include local parks, local playgrounds, local sportsgrounds, pathways/cycleway linkages and landscaping/beautification strips.

It is fair and reasonable that the costs of providing for new areas of open space are apportioned to the new growth areas and the new neighbourhoods that generate the demand for these spaces. An open space fee for each new ALLOTMENT or DWELLING HOUSE is required in particular growth areas. The percentage referred to in “Y” shall be set for each growth area. The percentage is arrived at by considering the requirements for purchasing and development of the open space in the growth area, as identified in the relevant Structure Plans. The methodology for determining the percentage for the growth area is identified in Provision 5.20 and for the Area Q Plan Change in Table 5.20. The capital expenditure identified in the Long-Term Plan and annual plans assists in the setting of this percentage. Consideration is then given to the dwelling yield in the area to be served by the new open space.

A percentage amount based on the land value of the ALLOTMENT being created has been set for each growth area based on an assessment of land values and capital costs of purchase and development of the areas of open space required. This percentage amount is set as a proportion of the new ALLOTMENTS market value. This ensures that any contribution is set relative to the costs of open space purchase. Each new ALLOTMENT will pay its own open space fee to contribute to the

purchase and development of open space in the local growth area. This will ensure that the COUNCIL is able to fund and provide for appropriate areas of open space.

The open space fee will be taken at the time of subdivision within future growth areas. If it is not taken at the time of subdivision, or if there is more than one DWELLING HOUSE on an ALLOTMENT then the fee will be taken at the time of BUILDING consent for a new DWELLING HOUSE from the date of the decision of Plan Change PLC14/00042 on 4 June 2015. Where there are two or more DWELLING HOUSES on a property, each dwelling will be required to contribute an open space fee as a proportion of the value of the ALLOTMENT. Requiring new developments, where there is no subdivision, to make financial contribution toward new areas of open space is considered appropriate and equitable. If the ALLOTMENT is further subdivided the open space fee will be assessed as per a new ALLOTMENT and any difference in contribution adjusted to acknowledge the contributions already paid.

Financial contributions toward new areas of open space may be offset by land and other items of value to the community. This is to be determined in negotiation with the COUNCIL, as land provided needs to be appropriately located, of sufficient quality and consistent with the directions outlined in any Structure Plans.

