

25. Financial Contributions and Esplanade Reserves

25.1 Resource Management Issues

- 25.1.1 Subdivision and development may place extra demands on infrastructure and lead to them exceeding their capacity or increasing maintenance requirements beyond those anticipated.
- 25.1.2 Development adjacent to the margins of rivers, lakes and some streams may impact on the instream values contained in those water bodies.
- 25.1.3 Public access to the sea, rivers, streams and lakes may be restricted through inappropriate development or subdivision.
- 25.1.4 Esplanades play a conservation role through riparian protection and protection of water quality.
- 25.1.5 Inadequate bulk services may adversely affect the health of people and can lead to pollution of the environment.

25.2 Objectives

- 25.2.1 To ensure the natural and physical environment is protected from significant adverse environmental effects associated with subdivision and development. *Issues 25.1.1, 25.1.2, 25.1.3, 25.1.4, 25.1.5*
- 25.2.2 To ensure access to the sea and along the margins of the District's significant lakes, rivers and streams is maintained and where possible enhanced while providing for effective riparian management of these margins. *Issues 25.1.3, 25.1.4*
- 25.2.3 To ensure equitable sharing of the costs of the provision and maintenance of infrastructure for development. *Issue 25.1.1*

25.3 Policies

- 25.3.1 Financial contributions should be imposed where developments create adverse effects on Council services. *Objectives 25.2.1, 25.2.3*
- 25.3.2 Financial contributions should be imposed where the provision, extension, replacement or upgrading of a service is required by the change or intensification of land use which a subdivision or development will bring about. *Objective 25.2.3*
- 25.3.3 Subdivision and development should maintain and seek to enhance public access to, and maintain water values of the sea, rivers, streams, lakes and their margins. *Objective 25.2.2*
- 25.3.4 To assess relative Conservation Values for identified and sensitive water bodies to enable priorities to be established for the acquisition of Esplanade Reserves along margins of those waters. *Objective 25.2.2*
- 25.3.5 To promote linkages between esplanade reserves and strips and voluntary riparian management along waterways within the District. *Objective 25.2.2*

25.4 Rules

25.4.1 Other Service Providers

The financial contributions covered by this section of the plan apply only to infrastructure or network utilities provided by Council.

25.4.2 Esplanade Reserves

Any subdivision shall provide an esplanade reserve or esplanade strip where:

Policy 25.3.3

- ♦ it adjoins the sea, or
- ♦ it adjoins a river over 3 metres in width that is listed in Schedule 25.1 and is identified on map 25.4.2.1 as a river requiring an esplanade reserve, or
- ♦ it involves lots of less than 4 ha in area being created adjoining a river over 3 metres in width where the riparian area is predominantly covered in indigenous vegetation.

Schedule 25.1:

Waterway	Reasons for inclusion	Conservation Values
Mokau River	<ul style="list-style-type: none"> - Whole catchment is considered a high priority for protection. - Lower Mokau River catchment (up to Te Matai bridge) has whitebait fishery and is known giant kokopu habitat. - Includes Panirau Stream - native fishery. <p>NB. In the upper catchment (above Te Matai bridge) the land use activities have a direct influence on the lower catchment influencing fish habitat.</p>	A
Awakino River and Mangaorongo Stream	<ul style="list-style-type: none"> - Whole catchment is considered a high priority - Mid to lower reaches - recreational and whitebait fishery including whitebait spawning sites. - Upper reaches - native fishery. 	A
Waikawau River	<ul style="list-style-type: none"> - Mid to lower reaches - recreational and whitebait fishery. - Upper reaches - recreation and native fishery. 	A
Kiritehere Stream	<ul style="list-style-type: none"> - Whitebait fishery including whitebait spawning sites. - Upper tributaries (e.g.. Ngongoronui Stream) are known kokopu habitat. 	A
Marokopa River (lower reaches)	<ul style="list-style-type: none"> - Lower reaches - whitebait fishery including whitebait spawning sites. 	A
Lake Taharoa	<ul style="list-style-type: none"> - High native fishery values. - One of the few lakes left in NZ that has not been commercially developed. 	A
Waitomo Stream	<ul style="list-style-type: none"> - High priority. - Significant karst dominated ecosystem that could be enhanced significantly through catchment protection - habitat of chironomid (midge) or glowworm food. - High recreation/tourism values - potential of up to 500,000 visitors per year. 	A
Mangapu Stream	<ul style="list-style-type: none"> - Lower reaches - high karst, recreation, tourism value - one cave of international importance and two of national importance. - Mid reaches - best Kahikatea stand in North Island. 	A
Waiharakeke Stream	<ul style="list-style-type: none"> - Head waters known to contain short jawed and giant kokopu. 	A
Mangauiti Stream	<ul style="list-style-type: none"> - Cultural (lampray) fishery. 	B
Tawarau River	<ul style="list-style-type: none"> - Recreational fishery. 	B
Mangaohae Stream	<ul style="list-style-type: none"> - Recreational fishery. 	A
Mangaokewa Stream	<ul style="list-style-type: none"> - Recreational values. - Upper reaches - intrinsic values. 	B
Manganui River	<ul style="list-style-type: none"> - Native fishery. - Lower reaches - recreational, whitebait fishery. 	B
Turipoto Stream	<ul style="list-style-type: none"> - Catchment will forested - intrinsic values. 	C
Mangapohue Stream	<ul style="list-style-type: none"> - Significant to karst environment. - Ecological values, e.g. threatened plan species - Recreational value. 	C
Marokopa River	<ul style="list-style-type: none"> - Upper reaches - recreational fishery. 	C
Mapiu Stream	<ul style="list-style-type: none"> - Intrinsic value. - Stream already has substantial existing riparian margins that can be extended. 	C
Waimiha Stream	<ul style="list-style-type: none"> - Recreational fishery. 	C
Waipa River	<ul style="list-style-type: none"> - Upper reaches - recreational fishery. 	C

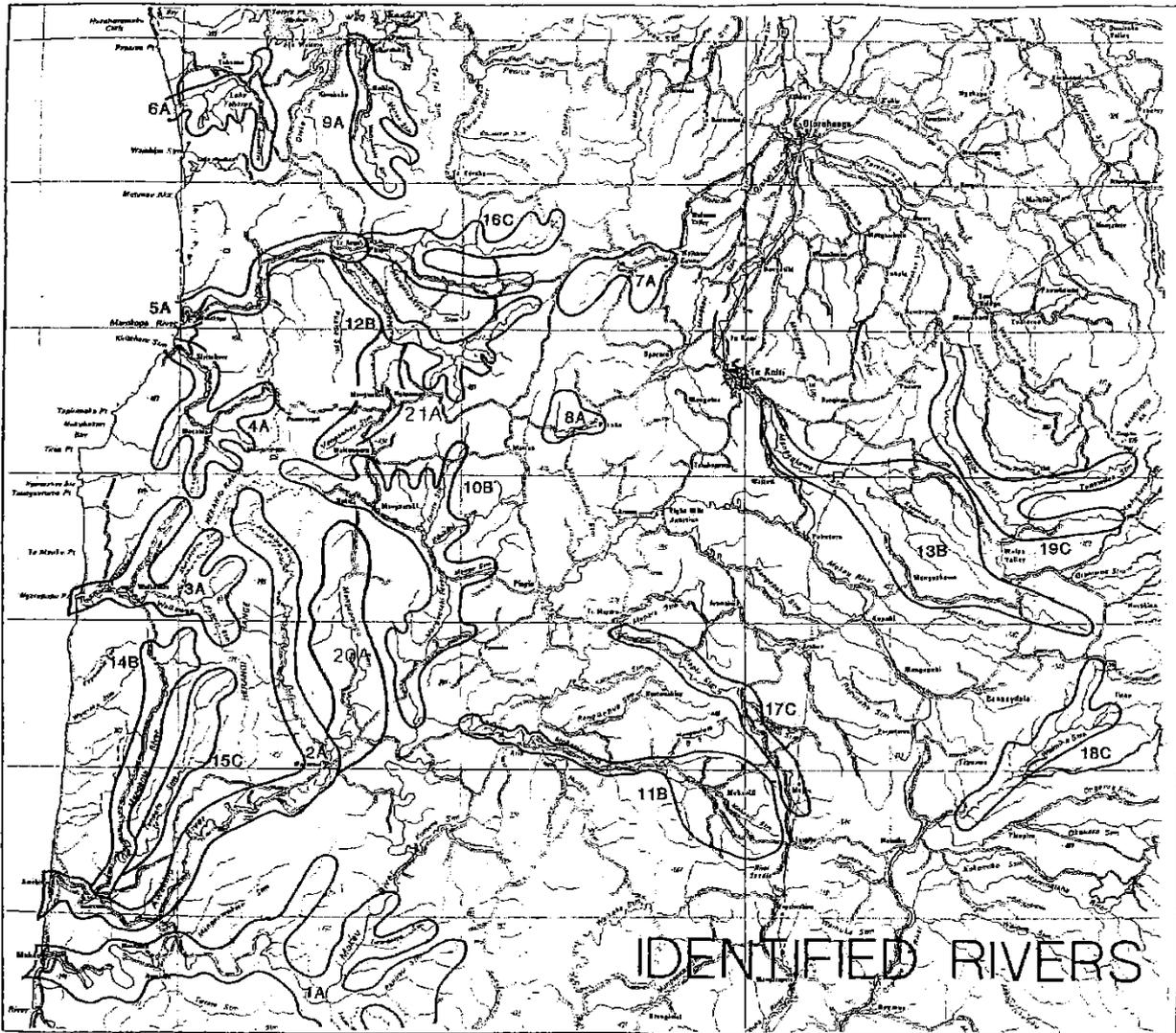
Criteria for categories of protection of waterways:

- A High percentage of catchment in native forest - many species evolved within this indigenous environment;
- A Unimpeded access to the sea - many species have a marine phase within their lifecycle;
- A Protection of karst dominated ecosystems;
- A/B Knowledge of water quality and the stability of the catchment - based on current in-house knowledge - protection and enhancement of riverine ecosystems;
- B Knowledge of the existing fishery values;
- B Protection of traditional (cultural) fishery;
- C Landscape value - scenic rivers and streams;
- C Recreational fishery - Trout;
- C Other recreational values - rafting, kayaking, swimming, etc.

A = highest priority B = mid priority C = lower priority

The information in Schedule 25.1 was provided by the Department of Conservation at the request of the Council. Council acknowledges and appreciates the information therein.

25.4.2.1 IDENTIFIED RIVERS



RIVERS and STREAMS

Category A

- 1A Mokau River (lower reaches)
- 2A Awakino River
- 3A Waikawau River
- 4A Kritehere Stream
- 5A Marokopa River (lower reaches)
- 6A Lake Taharoa
- 7A Waitomo Stream
- 8A Mangapu Stream
- 9A Waiharakeke Stm
- 20A Mangaorongo Stm
- 21A Mangaohoe Stm

Category B

- 10B Mangaotaki River
- 11B Mokaulti Stream
- 12B Tawarau River
- 13B Mangaokewa Stm
- 14B Manganui River

Category C

- 15C Turipoto Stream
- 16C Marokopa River (upper reaches) & Mangapohue Stm
- 17C Mapiu Stream
- 18C Waimiha Stream
- 19C Waipa River

25.4.3 Esplanade reserves and strips may be reduced below 20 metres width in the following circumstances:

Policy 25.3.3

- (a) where an existing structure is located within the 20 metre reserve and an appropriate smaller reserve can be created
- (b) where a public work or network utility is to be located on the land affected by the reserve and for reasons of security or public safety public access over the full 20 metres is not appropriate.
- (c) where the use of adjoining land may be adversely affected and the purpose of the reserve, as set out in Section 229 of the Act, and taking into account the categories in Schedule 25.1, can be achieved by a reduced width.

25.4.4 Esplanade reserves and strips may be waived in the following circumstances:

Policy 25.3.3

- (a) Where the land is already or will be protected in perpetuity by way of a Queen Elizabeth II National Trust covenant, Reserves Act covenant or other registered legal instrument subject to appropriate alternative provision being made for public access along the water body concerned.
- (b) Where the subdivision is a boundary adjustment.
- (c) Where a public work is or is to be located on the foreshore or bank of a waterway and for reasons of public safety and security the reserve and public access is not appropriate.
- (d) Where by reason of public safety, an esplanade reserve would be inappropriate and public safety cannot be assured by some other means. For example physically dangerous sites, or activities, including reclamation's, defence lands, industrial subdivision for activities including hazardous substances.
- (e) Where a particular reach of any river included in Schedule 25.1 does not have the identified values, and continuity of reserve is unnecessary to achieve the purposes of the Act.
- (f) Where the provision of an esplanade strip would be isolated from other esplanade strips and would be unlikely to ever form part of a continuous link.
- (g) Where the parcel of land is not substantially changed in area by the subdivision and the land use is unlikely to change materially as a result of the subdivision. An example is where a balance area is created as part of a subdivision of a farm.

Note: Any esplanade reserve or strip that is required on subdivision that is:

- (i) over 20m wide, or
- (ii) on lots 4ha and over

shall be subject to the compensation provisions in Section 237 of the Act.

Note: Section 345 of the Local Government Act 1974 requires any road or portion of road that is stopped adjacent to a river, lake, or mean high water mark of the sea to be vested in Council as esplanade reserve (subject to Section 77 of the Act). Section 77(1)(a) of the Act allows the District Council to include a rule in a District Plan that allows an esplanade reserve to be set aside of a width greater or lesser than 20 metres. Rule 14.5.2.4 of this plan is included in accordance with Section 77(1)(a) and applies to the Te Maika proposal outlined in Section 14.1.11.

25.4.5 General contributions towards works and services shall be as follows:

All works and services required by this District Plan to be provided as part of any activity or subdivision on or within the site shall be funded entirely as a cost to the activity or subdivision.

Policies
25.3.1 & 25.3.2

25.4.6 Road Access : Assessment Criteria

An application for subdivision consent or resource consent shall include information on the likely traffic generation of the proposed activity. Council may impose a condition under s108(2)(c) of the Act to carry out works to improve the safety of the roads serving the activity. In considering any such condition Council shall take into account the following assessment criteria:

- ♦ The adequacy of the existing roads to safely accommodate the traffic increases.
- ♦ Whether safety improvements are needed to cater for the increased traffic.
- ♦ What proportion of the works should be the responsibility of the applicant.

25.4.7 Bulk Services

- (a) Where connection is required to a service provided by Council, the developer/subdivider shall pay all actual connection costs.
- (b) Where upgrading or extension is required to provide a building or subdivision with a Council service the share of cost of the service attributable to that building or subdivision shall be paid by the developer of subdivider.

Policy 25.3.1

25.4.7.1 In this section the term "bulk services" refers to water supply, sanitary drainage, and stormwater drainage services.

The purpose of the contributions required for bulk services are:

- (a) To provide a supply of potable water for estimated domestic and industrial consumption levels.
- (b) To maintain the health and amenity of inhabitants or occupants and to protect the natural and physical environment from disposal of sanitary waste.
- (c) To prevent damage to or loss of property or amenity from uncontrolled run-off of stormwater during subdivision and later development of the land.

25.4.7.2 Financial contributions for bulk services are calculated on the basis that:

- (a) Council costs should be recovered at the time that benefits accrue to subdividers/developers.
- (b) Costs of any Council expenditure should be recovered from subdividers / developers in a manner that matches the extent to which the direct benefits of that expenditure accrue to subdividers / developers.

25.4.7.3 The financial contribution for bulk services shall be in the form of money and shall be as follows:

- (a) 100% of all actual connection costs where connection is provided to a service provided by Council.
- (b) 100% of the attributable share of the cost of upgrading or extending a Council service required to provide a development/subdivision with that service.

25.5 **Anticipated Environmental Outcomes**

An environment where:

- (a) the adverse effects of developments or subdivisions on Council services are avoided, remedied or mitigated
- (b) public access to and along the district rivers and lakes is maintained and enhanced
- (c) the district's rivers, lakes and their margins are sustainably managed and, where required, protected and preserved
- (d) people's health is not adversely affected by the standard of services.