

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 9 June 1981.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

House of Representatives, 8 July 1981.

Words struck out are shown in italics with double black rule at beginning and after last line; words inserted are shown with triple rule before first line and after last line.

Hon. Mr Highet

LOCAL GOVERNMENT AMENDMENT (NO. 2)

ANALYSIS

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A BILL INTITULED

An Act to amend the Local Government Act 1974

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Local Government Amendment Act (No. 2) 1980, and shall be read together with and deemed part of the Local Government Act 1974* (hereinafter referred to as the principal Act).

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(2) This Act shall be deemed to have come into force on the 1st day of January 1981.

2. Functions of united councils—Section 260 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978) is hereby amended by inserting, after the words “section 266”, the words “or section 266A”.

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3. Functions relating to developments of regional importance—The principal Act is hereby amended by inserting, after section 266 (as enacted by section 2 of the Local Government Amendment Act 1978), the following section: 15
 “266A. Every council shall have and perform and exercise within its region all the functions and powers conferred upon it by sections 293 to 294 and sections 297A and 299 of this Act.”

4. Interpretation and application—(1) Section 270 (1) 20 of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978) is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

“‘Actual capital value’, in relation to any development, 25
 means the value of the development if sold on the open market on such terms and conditions as a bona fide purchaser and bona fide seller might be expected to agree, including the value of all improvements, (*plant*,) and fixed plant and machin- 30
 ery forming part of the development; but does not include the value of the land comprised in the development determined as at the day immediately before the commencement of the development:

*1974, No. 66

Amendments: 1975, No. 86; 1976, No. 55; 1977, Nos. 6, 109, 122; 1978, No. 43; 1979, No. 59

5 “ ‘Assessed value’, in relation to any development, means
the estimated cost of the development including
the estimated cost of all improvements, (*plant, and
machinery*) and fixed plant and machinery forming
part of the development as determined by the council
or the united council or regional council as the case
may require; but does not include the value of the
land comprised in the development determined as at
10 the day immediately before the commencement of
the development:

“ ‘Development levy’ means the levy fixed by a united or
regional council under section 294A of this Act on a
development for administrative, commercial, or
industrial purposes:

15 *Struck Out*

“ ‘Owner’, in relation to any land, includes the occupier
of that land:

20 “ ‘Valuer-General’ means the Valuer-General appointed
under section 4 of the Valuation of Land Act 1951.”

(2) Section 270 (1) of the principal Act (as so enacted)
is hereby further amended by repealing the definition of the
term “development”, and substituting the following definition:

Struck Out

25 “ ‘Development’, in relation to any land, means the
development or redevelopment of the land (not
being a subdivision of the land) by—

30 “(a) Constructing, erecting, or altering any one
or more buildings or other works on the land for the
purpose of providing 3 or more new or 2 or more
additional household units; or

35 “(b) Constructing, erecting, or altering any one
or more buildings or other works intended to be
used solely or principally for administrative, com-
mercial, or industrial purposes or any combination
of those purposes where the value of the con-
struction, erection, or alteration is in excess of
\$100,000; and includes

40 “(c) The draining, excavation, filling, or reclama-
tion of the land, or the making of retaining walls
or other works relating to that draining, excavation,
filling, or reclamation; and

Struck Out

“(d) The grading or levelling of the land or the removal of rocks, stone, sand, or soil from the land; and

“(e) The removal or destruction of vegetation; or 5

“(f) The arresting or elimination of erosion or flooding; and

“(g) The construction of any tramway or railway (other than a Government railway as defined in the Government Railways Act 1949),— 10

before, during, or after any such construction, erection, or alteration; but does not include the construction or alteration of any pipeline on land that is not otherwise subject to the development; and ‘develop’ has a corresponding meaning: 15

“Provided that where the council is of the opinion that the owner of any land proposes to construct, erect, or alter one or more buildings or other works on the land in stages and the total proposed construction, erection, or alteration would, if carried out otherwise than in stages, constitute a development as defined in the foregoing provisions of this definition, the total construction, erection, or alteration shall constitute one development for the purposes of this Part of this Act:” 25

New

“‘Development’ has the meaning given to it in section 271A of this Act:

(3) Section 4 (2) of the Local Government Amendment Act 1979 is hereby consequentially repealed. 30

New

4A. Local Government Amendment Act 1981 not to apply to certain developments not completed at 1 January 1981—
The principal Act is hereby amended by inserting, after section 270 (as enacted by section 2 of the Local Government Amendment Act 1978), the following section: 35

“270A. (1) The Local Government Amendment Act 1981 shall not have the effect of applying this Part of this Act to any development to which this Part of this Act did not apply before the 1st day of January 1981. 40

Struck Out

New

5 “(2) Where, before the 1st day of January 1981, a reserves contribution under section 294 of this Act has been required to be made in respect of any development or part of a development (other than fixed plant and machinery) and that development or part of a development has not been completed before that date, this Part of this Act shall apply in respect of that development or part of a development as if the Local
10 Government Amendment Act (No. 2) 1980 had not been passed.”

New

15 “(2) Subject to subsection (3) of this section, where, before the 1st day of January 1981,—
“(a) A development or part of a development had not been completed; and
“(b) A decision had been made that no reserves contribution need be made or requiring a reserve contribution to be made—
20 this Part of this Act shall apply in respect of that development or part of a development as if the Local Government Amendment Act (No. 2) 1980 had not been passed.
“(3) Where, before the 1st day of January 1981,—
25 “(a) A development or part of a development had not been completed; and
“(b) The development or part of a development includes or is intended to include fixed plant or machinery—
this Part of this Act (as amended by the Local Government Amendment Act (No. 2) 1980 and any subsequent amend-
30 ment) shall apply in respect of that fixed plant or machinery.”

New

35 **4B. Development defined**—The principal Act is hereby amended by inserting, after section 271 (as enacted by section 2 of the Local Government Amendment Act 1978), the following section:
“271A. (1) For the purposes of this Part of this Act the expression “development” means development or redevelopment (other than subdivision) by—
40 “(a) Constructing, erecting, or altering any one or more buildings or other works for the purpose of providing 3 or more new or 2 or more additional household units; or

New

- “(b) Constructing, erecting, or altering any one or more buildings, fixed plant and machinery, or other works intended to be used solely or principally for administrative, commercial, or industrial purposes or any combination of those purposes where the value of the construction, erection, or alteration is in excess of \$100,000. 5
- “(2) For the purposes of subsection (1) of this section, the construction, erection, or alteration of any buildings, fixed plant and machinery, or other works shall include— 10
- “(a) The fencing, draining, excavation, filling, or reclamation of land, or the making of retaining walls or other works relating to that fencing, draining, excavation, filling, or reclamation; and 15
- “(b) The grading or levelling of land or the removal of rocks, stone, sand, or soil from land; and
- “(c) The removal or destruction of vegetation; and
- “(d) The arresting or elimination of erosion or flooding; and 20
- “(e) The construction of any tramway or railway (other than a Government railway as defined in the Government Railways Act 1949),—
- relating to any such construction, erection or alteration; but shall not include the construction or alteration of any pipeline or associated pumping works on land that is not otherwise subject to the development. 25
- “(3) Where it is proposed to construct, erect, or alter one or more buildings, fixed plant and machinery, or other works in stages and the total proposed construction, erection, or alteration would, if carried out otherwise than in stages, constitute a development as defined in the foregoing provisions of this definition, the total construction, erection, or alteration shall constitute one development for the purposes of this Part of this Act.” 35

5. Contributions for services where subdivision is for administrative purposes—Section 283 of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978) is hereby amended by inserting, in subsection (1) and the proviso to subsection (3), after the words “solely or principally for” at each place where they occur, the word “administrative,”. 40

6. Development levy to be reduced by value of preservation works—Section 291 (2) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978), is hereby amended by inserting, after the words “reserves contribution”, the words “or development levy”. 45

7. Development plan—(1) Section 293 of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978) is hereby amended by repealing subsection (2), and substituting the following subsection:

- 5 “(2) The council may require the owner—
 “(a) To submit to the council a plan of the development, with such additional copies of the development plan as the council may require, before the development is commenced; and
 10 “(b) To include in the plan such details of the development and to supply to the council such particulars of the development as the council considers necessary to enable the assessment of the amount of the contribution payable under section 294 of this Act or the development levy payable under section 294A of this Act and for the purposes of the application of sections 280, 281, 283, 289, 291, 292, and 302 of this Act to the development.”

(2) Section 293 of the principal Act (as so enacted) is hereby further amended by adding the following subsections:

- 20 “(5) Where the council determines that the assessed value of any development that is solely or principally for administrative, commercial, or industrial purposes or any combination of those purposes exceeds \$50 million, the council shall, before the completion of the development, require the owner to submit a development plan *(whether the development was commenced before or after the commencement of this section)* and the council shall refer a copy of the development plan to the Valuer-General and the united council or
 25 the regional council.

“(6) The owner of the land shall notify the council in writing of any variation to the proposed development and any cancellation of all or part of the development.

- 35 “(7) Where any notification of a variation to a proposed development is given to the council it may exercise its powers and shall exercise its functions under this Part of this Act as if *(there had been a new notification of a proposed development)* the proposed development had been varied accordingly.”

- 40 (3) Section 4 (4) (a) of the Local Government Amendment Act 1979 is hereby consequentially repealed.

- 8. Reserves contributions in respect of development not exceeding \$50 million**—(1) Section 294 (1) of the principal Act (as enacted by section 2 of the Local Government
 45 Amendment Act 1978) is hereby amended by omitting the words “commercial or industrial purposes or both such purposes”, and substituting the words “administrative, commercial, or industrial purposes, or any 2 or more such purposes and the assessed value of the development is not in
 50 excess of \$50 million”.

Struck Out

(2) Section 294 of the principal Act (as so enacted) is hereby amended by inserting in subsection (1) (a), after the words “percent of the”, the word “assessed”.

New

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(2) Section 294 (1) of the principal Act (as so enacted) is hereby amended by omitting paragraph (a) and substituting the following paragraph:

“(a) The council may require him to pay to the council, as a reserves contribution, on or after the commencement of the development, an amount fixed by the council, not exceeding 0.5 percent of the assessed value of the development; or”

9. Compensation provisions relating to reserves not to apply to developments—Section 294 (7) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978 and amended by section 4 (4) (c) of the Local Government Amendment Act 1979) is hereby amended by omitting the number “290”.

New

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(2) Section 294 (9) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978 and amended by section 4 (4) (d) of the Local Government Amendment Act 1979) is hereby amended by omitting the number “290”.

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10. New sections inserted—(1) The principal Act is hereby amended by inserting, after section 294 (as enacted by section 2 of the Local Government Amendment Act 1978), the following sections:

“**294A. Calculation of development levy**—(1) Subject to subsections ~~(5)~~ (3) to (7) of this section, where, in accordance with section 293 (5) of this Act, a territorial authority has referred a development plan to a united council or a regional council, that united council or regional council may require the owner of the land to be developed to pay to that united council or regional council a development levy, *(within such time)* on or after the commencement of the development and in one payment or by instalments as the united council or the regional council specifies, at a rate fixed by that council, not exceeding 0.5 percent of the assessed value of the development as determined by that council.

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New

“(1A) The united council or regional council shall, as soon as reasonably practicable after receiving from an owner a request for a decision under subsection (1) of this section, 5 advise the owner of—

“(a) The assessed value of the development; and

“(b) The rate of the development levy (if any) that it requires the owner to pay.

“(2) When the actual capital value of a development has 10 been determined in accordance with section 294F of this Act, the rate of development levy assessed under subsection (1) of this section shall be applied to the actual capital value of the development and the owner shall pay that development levy to the united council or regional council within such time and 15 in one payment or by instalments as the council specifies.

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“(3) Where any development plan is so referred to a united council the united council shall appoint a committee whose members shall be only those of its members appointed 20 by the territorial authorities within the region that, in the opinion of the united council, are or will be affected by the proposed development for the purposes of—

“(a) Determining the assessed value of the development; and

25 “(b) Fixing the rate of any development levy to be paid under this section; and

“(c) Determining the distribution of that levy under section 294H of this Act; and

30 “(d) Exercising all the powers conferred upon a united council by this section.

“(4) Every such committee shall have all the powers of the united council in respect of the purposes specified in subsection (3) of this section.

New

35 “(3) Where any development plan is so referred to a united council, that council shall appoint a committee whose members—

40 “(a) Shall include those of its members appointed by the constituent authorities within the region that, in the opinion of the united council, are or will be affected by the proposed development; and

New

“(b) Shall include representatives of every other constituent authority that, in the opinion of the united council, is or will be affected by the proposed development and does not have the right to appoint a member of the united council other than jointly with any other constituent authority; and 5

“(c) May include representatives of any other local authority that in the opinion of the united council is or will be affected by the development. 10

“(4) Subject to subsection (4A) of this section, every committee appointed under subsection (3) of this section shall have all the powers of the united council for the purposes of—

“(a) Determining the assessed value of the development; and 15

“(b) Fixing the rate of any development levy to be paid under this section; and

“(c) Determining the distribution of that levy under section 294H of this Act, 20

and may exercise all the powers conferred on a united council by this section.

“(4A) No decision by any such committee shall be of any effect unless it has been confirmed by the united council. 25

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“(5) Where, under this Part of this Act or any corresponding former enactment, any land has been set aside or any work has been done or any money has been paid within the immediately preceding 5 years as reserves or as a contribution instead of reserves in respect of some or all of the land on which the development is to take place, the development levy payable under this section shall be reduced by the value of the land so set aside, or the work done or the amount of money paid, as the case may be. 30

“(6) If the united council or regional council so decides, it may require the owner to set aside an area or areas of land within the development in full or partial satisfaction of the amount required as a development levy, to be vested in that council or the territorial authority or territorial authorities nominated by that council as reserves under the Reserves Act 1977. 35 40

New

“(6A) No land shall be set aside and vested in a territorial authority under subsection (6) of this section without the prior consent of that territorial authority.

5 “(7) Where a territorial authority has set a reserve contribution under section 294 of this Act in respect of any development the united council or regional council shall set the development levy at a rate not less than the rate of *(the)* that reserves contribution.

10 “294B. **Application of other sections to developments—**
 (1) Sections 280, 281, 283, 289, 291, 292, 302, and 304 of this Act, as far as they are applicable and with the necessary modifications, shall apply with respect to every development to which section 294 or section 294A of this Act applies as
 15 if it were a subdivision of the land.

“ (2) In sections 280, 281, 283, 289, 291, 292, 302, and 304 of this Act (as applied by subsection (1) of this section to any development to which section 294A of this Act applies) the term “council” shall be read, notwithstanding the definition of the term “council” in section 270 (1) of this Act, as
 20 if it included the council of any territorial authority other than the council in whose district the development is situated acting with the consent of the united council or the regional council.

New

25 “(3) In the application of any of the sections specified in subsection (1) of this section to any development the powers conferred by those sections may be exercised notwithstanding that, in the application of those sections to a subdivision, the
 30 powers are expressed to be exercisable as a condition of the approval of a scheme plan.

“ (4) The application of any of the sections specified in subsection (1) of this section shall be in addition to any reserves contribution or development levy imposed under this
 35 Act.

“294C. **Variation of development plan or conditions imposed—**(1) The owner of the *(land)* development shall advise the council where any development plan submitted to the council (whether before or after the commencement
 40 of this section) is to be varied or is not to proceed.

“(2) Where any development plan is varied the council may impose any conditions that it would have had power to impose if a new development plan had been submitted to the council.

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“(3) Where the development plan has been referred to the united council or regional council under section 293 (5) of this Act or where the variation has increased the assessed value of the development to such an extent that the new assessed value is in excess of \$50 million, the council shall refer the variation to the united council or regional council in accordance with section 293 (5) of this Act.

“(4) Where any development plan of a development solely or principally for residential purposes has been varied under this section and the variation will result in closer development of an allotment or allotments in respect of which under this Part of this Act or any previous enactment a previous reserves contribution has been paid or land has been set aside or work has been done, within the immediately preceding 5 years, the previous reserves contribution or land set aside or work done shall be taken into account in determining the reserves contribution to be made or the land to be set aside or the work to be done as a result of the variation.

“(5) Where any development plan of a development solely or principally for administrative, commercial, or industrial purposes, or any 2 or more such purposes has been varied, and the variation will result, in the opinion of the council or the united council or regional council

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in—

“(a) An increase in the assessed value of the development;

or

“(b) A change in the nature of the development; and in respect of the land on which the development is to take place—

“(c) A previous reserves contribution has been paid; or

“(d) A previous development levy has been paid; or

“(e) Any land has been set aside; or

“(f) Any work has been done—

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5 in the nature of the development, and—

“(a) A previous reserves contribution has been paid; or

“(b) A previous development levy has been paid; or

“(c) Any land has been set aside; or

“(d) Any work has been done—

10 in respect of the development

within the immediately preceding 5 years under section 294 or section 294A of this Act or any corresponding former enactment, the reserves contribution or the development levy to be paid or the land to be set aside as a result of the variation shall be reduced by any money paid and the value of any land set aside or work done in accordance with paragraphs (c) to (f) of this subsection.

15 “(6) For the purposes of subsections (4) and (5) of this section, the value of any land set aside or of any work done shall be determined by the council or the united council or regional council, as the case may be.

25 “294D. Reserves contributions or development levy where development varied—(1) Where the council has been notified of a variation to the development that will, in the opinion of the council, increase the assessed value of the development the council may, subject to subsection (2) of this section, amend the reserves contributions payable under section 294 of this Act.

“(2) Where—

30 “(a) The variation to the development plan is, in the opinion of the council, likely to increase the assessed value of the development to an amount in excess of \$50 million and the development is one to which section 293 (5) of this Act would then apply; or

35 “(b) The development plan has been referred to a united council or regional council in accordance with section 293 (5) of this Act—

40 the council shall refer the variation to the united council or regional council and that council may amend the *(rate of)* or determine, as the case may require, the development levy payable under section 294A of this Act.

New

“(3) Where any development plan of a development solely or principally for residential purposes has been varied and the variation will result in closer development of an allotment or allotments in respect of which under this Part of this Act or any previous enactment a previous reserves contribution has been paid or land has been set aside or work has been done, within the immediately preceding 5 years, the reserves contribution to be paid or the land to be set aside as a result of the variation shall be reduced by any money so paid and the value of the land so set aside or work so done.

“(4) Where—

“(a) Any development plan of a development solely or principally for administrative, commercial, or industrial purposes, or any 2 or more such purposes is varied; and

“(b) The variation will result, in the opinion of the council or the united council or regional council, as the case may be, in an increase in the assessed value of the development or a change in the nature of the development; and

“(c) Within the 5 years immediately preceding the variation—

“(i) A previous reserves contribution has been paid; or

“(ii) A previous development levy has been paid; or

“(iii) Any land has been set aside; or

“(iv) Any work has been done—

in respect of the development under section 294 or section 294A of this Act,—

the reserves contribution or the development levy to be paid or the land to be set aside as a result of the variation shall be reduced by any money paid and the value of any land set aside or work done in accordance with any of the provisions of subparagraphs (i) to (iv) of paragraph (c) of this subsection.

“(5) Nothing in subsection (3) or subsection (4) of this section shall apply in respect of any reserves contribution or development levy paid, or any land set aside or work done in respect of—

“(a) Any subdivision; or

“(b) Any development other than the development to which this section is being applied.

“(6) For the purposes of subsections (3) and (4) of this section, the value of any land set aside or of any work done shall be determined by the council or the united council or regional council, as the case may be.”

“294E. **Redetermination of assessed value**—(1) The council or the united council or regional council as the case may be may at any time redetermine the assessed value of any development.

5 “(2) If at any time the united council or regional council believes that the value of a development in respect of which a development plan has not been referred to it under section 293 (5) of this Act has exceeded \$50 million it may require the council to redetermine the assessed value of the develop-
10 ment.

“**(3)** Where that redetermination or any other redetermination of the assessed value of a development shows that the assessed value of the development has increased, the provisions of this Part of this Act shall apply as if that
15 assessed value had been determined when the development was first notified to the council.

“**(4)** Where any redetermination by a council of the assessed value of a development shows that the assessed value of the development has increased to an amount in
20 excess of \$50 million, the council shall require the owner to submit a development plan if it has not already done so and shall refer the plan to the united council or regional council in accordance with section 293 (5) of this Act.

“294F. **Determination of actual capital value of develop-**
25 **ment**—(1) When any development that has an assessed value in excess of \$50 million is complete, the Valuer-General shall determine the actual capital value of the development as at the date of its completion.

“**(2)** When any development that has an assessed
30 value that does not exceed \$50 million is complete, the council shall determine the actual capital value of the development as at the date of its completion.

“**(3)** Where the actual capital value of any development to which subsection (2) of this section applies is determined
35 to have increased to an amount in excess of \$50 million the provisions of this Part of this Act shall apply to that development as if the assessed value of the development were the same as its actual capital value.

“294G. Calculation of reserves contributions and development levy when development completed—(1) When the actual capital value of the development has been determined under section 294F of this Act, the council or the united council or regional council, as the case may be, shall advise the owner of the land on which the development took place of—

- “(a) The actual capital value of the development; and
- “(b) The value of any reserves contribution made, money paid, land set aside, or interim development levy paid in accordance with this Part of this Act; and
- “(c) The net balance of the reserves contributions or development levy to be paid (if any); after deducting any payments made and the value of any land set aside in accordance with paragraph (b) of this subsection; or
- “(d) The amount of any refund payable to the owner where the value of the matters referred to in paragraph (b) of this subsection is greater than the reserves contributions or development levy.

“294H. Application of development levies fixed by united council or regional council—(1) Where under section 294A of this Act the united council or regional council has fixed the amount of any development levy, the proceeds of that levy shall be allocated in accordance with the provisions of this section.

“(2) The development levy assessed on the first \$50 million of the value of the development shall be paid to the territorial authority within whose district the development is to be constructed and shall be applied by that authority in accordance with section 288 of this Act as if it were reserves contributions received under this Part of this Act, and for no other purpose.

“(3) Subject to subsections (4) and (5) of this section, the development levy on the value of the development in excess of \$50 million shall be apportioned by the united council or regional council in such proportions as it thinks fit for any or all of the following purposes and for no other purpose:

- 5 “(a) In payment of any (administrative costs, including survey, valuation, and investigation costs and consultants’ fees (or) and legal fees, incurred by the united council or regional council or by a territorial authority, or other local authority in respect of the development for which the levy is payable:
- 10 “(b) To the territorial authority within whose district the development is situated, a further sum not exceeding 10 percent of that authority’s rate revenue for the immediately preceding financial year to be applied in accordance with section 288 of this Act as if it were reserves contributions received under this Part of this Act:
- 15 “(c) For expenditure in accordance with subsections (2) and (3) of section 288 of this Act as if the united council or regional council were a territorial authority and the development levy were reserves contributions:
- 20 “(d) To be retained by the united council or regional council and applied by that council only in the exercise of all or any of its powers or functions under Parts XV, XXII, XXIV, ~~(XXVIII, XXX)~~ XXVII, XXVIII, XXX, XXXI, or XXXVI of this Act in response to the development for which the development levy was paid:
- 25 *Struck Out*
- 30 “(e) To any other local authority that, in the opinion of the united council or regional council is carrying out any works that have been undertaken in response to the development for which the development levy was paid, and will be of general benefit to the residents of the region:
- New*
- 35 “(e) To any other local authority, whether within or outside the region, that in the opinion of the united council or regional council is carrying out any works in response to the development for which the levy was paid:

“(f) For the execution by the united council or regional council of any function authorised by any other Act or Order in Council, where such function is, in terms of that enactment or Order in Council, to be wholly or partly funded from a development levy. 5

“(4) No expenditure shall be made from any funds received, by way of a development levy from the owner of the land for which a development is planned, for any work, or service, or facility which, under section 294B or section 294I of this Act, the owner may be required to provide, whether or not the owner has been required to provide that work, service, or facility. 10

“(5) Where any land has been set aside under section 294A (6) of this Act, the united council or regional council shall deduct the value of that land from the proceeds of the development levy that would otherwise be allocated by or under this section to the united council, regional council, or territorial authority in which the land is vested. 15

“(6) In determining the amount of the development levy to be expended or allocated for reserves purposes, the united council or regional council shall have regard to the size and likely place of residence of the work force to be employed within the development or in ancillary occupations after its completion.” 20 25

(2) The following enactments are hereby consequentially repealed:

(a) Section 294 (9) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978): 30

(b) Section 4 (4) ~~[(c)]~~ (d) of the Local Government Amendment Act 1979.

Struck Out

11. Owner to contribute towards roads and waterworks—
The principal Act is hereby amended by inserting, before section 295 (as enacted by section 2 of the Local Government Amendment Act 1978), the following section: 35

“294I. (1) Where, in accordance with section 293 (5) of this Act, a territorial authority has referred a copy of a development plan to a united council or regional council and, in the opinion of that council the development will 40

Struck Out

require the construction or upgrading of roads or waterworks (as defined in section 376 (1) of this Act) in the district of any territorial authority other than the territorial authority in whose district the development is to take place, the united council or regional council may require the owner to contribute towards the cost of constructing or upgrading such roads or waterworks.

“(2) In assessing the amount of the owner’s contribution under subsection (1) of this section, the united council or regional council shall take into account the likely cost to the territorial authority affected of constructing or upgrading those roads or waterworks within the next 10 years if the development was not taking place.”

New

11. Owner to contribute to certain regional works—The principal Act is hereby amended by inserting, before section 295 (as enacted by section 2 of the Local Government Amendment Act 1978), the following section:

“294i. (1) Where, in accordance with section 293 (5) of this Act, a territorial authority has referred a copy of a development plan to a united council or regional council and, in the opinion of that council, the development will require the construction or upgrading of any—

“(a) Regional road (as defined in section 362 of this Act); or

“(b) Regional waterworks (as defined in section 399 of this Act); or

“(c) Regional trade wastes disposal system under Part XXVIII of this Act; or

“(d) Regional refuse disposal works under Part XXXI of this Act—

in the region or any out district of the region, the united council or regional council may require the owner to contribute towards the cost of constructing or upgrading any of the works contained in paragraphs (a) to (d) of this subsection.

New

“(2) In assessing the amount of the owner’s contribution under subsection (1) of this section, the united council or regional council shall take into account the likely cost to it of constructing or upgrading any of the works specified in that subsection within the next 10 years if the development was not taking place. 5

“(3) The liability of the owner under subsection (1) of this section shall be limited to the extent to which the works in respect of which he is liable serve or are intended to serve the development. 10

“(4) The requirement to make any contribution towards services under subsection (1) of this section shall be in addition to any reserves contribution or development levy imposed under this Part of this Act.” 15

12. Refund of money and return of land where development does not proceed—The principal Act is hereby amended by inserting, after section 297 (as enacted by section 2 of the Local Government Amendment Act 1978), the following section: 20

“297A. (1) Where a development does not proceed, the council and the united council or regional council shall return to the owner of the land or, if he is deceased, to his personal representative any land set aside under section 294 or section 294A (6) of this Act, and shall refund or return to that person— 25

“(a) Any reserves contributions paid or land set aside under section 294 of this Act; and

“(b) Any development levy paid under section 294A of this Act; and 30

“(c) Any land set aside or payments or contribution made in accordance with any requirement of a council or a united council or regional council under any of sections 281, 283, 289, 291, and 292 of this Act; and 35

“(d) Any regional services contributions paid under section 294I of this Act—

paid or made by the owner to the council or the united council or regional council, as the case may be, in respect of the development. 40

“(2) Notwithstanding subsection (1) of this section, the council and the united council or regional council may retain land, contributions, or levy referred to in that subsection of a value equivalent to the costs incurred by the council or the
5 united council or regional council in relation to the development and the discontinuance of the development.”

13. Objection to decision relating to developments—
Struck Out

10 (1) Section 299 of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978) is hereby amended by omitting from subsection (1) the numbers “294, 295, 296”, and substituting the following numbers “293 to 297A,”.

New

15 (1) Section 299 of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978) is hereby amended—

- (a) By inserting in subsection (1), after the word “sections”, the number “271A,”;
20 (b) By omitting from subsection (1) the number “294, 295, 296,”, and substituting the expression “293 to 297A,”.

(2) Section 299 of the principal Act (as so enacted) is hereby amended by adding the following subsection:
25 “(8) Notwithstanding the definition of the term ‘council’ in section 270 (1) of this Act, the term ‘council’ includes a united council and a regional council wherever it is used in this section.”

14. Appeals to Planning Tribunal—Section 300 (1) of the
30 principal Act (as enacted by section 2 of the Local Government Amendment Act 1978 and amended by section 7 (1) of the Local Government Amendment Act 1979) is hereby amended by inserting, after the words “the council”, the words “or the united council or regional council”.

35 **15. Appeal against determination of valuer—**The principal Act is hereby amended by repealing section 301 (as enacted by section 2 of the Local Government Amendment Act 1978), and substituting the following section:

“301. (1) Where the owner or a council is aggrieved by a determination of the council or of any valuer or of the Valuer-General under this Part of this Act fixing the value of any land or development or the value of any work, he or it may appeal *(, in the prescribed manner, to a Land Valuation Tribunal against that determination, and, subject to section 26 of the Land Valuation Proceedings Act 1948, the decision of the Tribunal thereon shall be final and conclusive.)* to a Land Valuation Tribunal. 5

New

“(1A) Every such appeal shall be made and determined in the manner prescribed by the Land Valuation Proceedings Act 1948 and the regulations made under that Act. 10

“(2) Notwithstanding the definition of the term ‘council’ in section 270 (1) of this Act, the term ‘council’ includes a united council and a regional council wherever it is used in this section.” 15