

# **1 Introduction**

## **1.1 What are development contributions?**

- 1.1.1 A development contributions policy provides the Council with a method to obtain contributions to fund infrastructure required as a result of growth.
- 1.1.2 Development contributions may be required in relation to developments if the effect of the developments is to require new or additional assets of increased capacity and as a consequence the Council incurs capital expenditure to provide appropriately for network infrastructure or reserves. In addition the Council may require development contributions to pay, in full or in part, for capital expenditure already incurred by the Council in anticipation of development.

## **1.2 Application of development contributions**

- 1.2.1 This Development Contributions Policy (Policy) provides for the Council to impose development contributions to fund growth related capital expenditure on:
- Network infrastructure, (ie water supply, wastewater, stormwater, transport and roading)
  - Reserves.
- 1.2.2 The Council will not require development contributions where:
- It has imposed a condition on a resource consent in relation to the same development for the same purpose under section 108(2)(a) of the Resource Management Act 1991; or
  - The developer will fund or otherwise provide for the same local network infrastructure or reserve in agreement with the Council (and citywide fees will still apply); or
  - The Council has received, or will receive, funding from a third party.

### **1.3 Relationship with financial contributions in the District Plan**

- 1.3.1 This Policy is distinct from and in addition to the provisions in the District Plan that provide the Council with discretion to require financial contributions under the Resource Management Act 1991.
- 1.3.2 The Council will use this Policy where a development contribution is payable for a particular purpose within a catchment and for all citywide contributions.
- 1.3.3 However, where a development results in the Council incurring capital expenditure that is not covered by this policy, the Council may impose a financial contribution as a condition of resource consent under section 3.4.5 of the District Plan which states that:
- “Where a proposed development creates the need for increased capacity or upgrades to infrastructure at the point of connection (in terms of traffic, stormwater, sewers, or water) the Council may require a payment towards the cost of necessary works. The Council will set a payment on the basis of what is believed to be a fair and appropriate proportion of the costs that should be borne by the developer (up to 100%)”.*
- 1.3.4 The Council will also continue to impose financial contributions on any development to which this Policy does not apply. (See section 7.3 for a summary of the District Plan financial contributions).

### **1.4 Effective date**

- 1.4.1 The Council first adopted a Development Contributions Policy on 28 June 2005. Amendments to the policy were approved on 28 June 2006, 27 June 2007, 29 June 2009, 11 June 2013, 15 April 2014, 7 May 2014, and 27 August 2014. The draft policy is proposed to be effective from 1 July 2015.
- 1.4.2 Any application for resource consent, building consent or service connection received by the Council on or after 1 July 2005 is required to pay the development contribution payable under this Policy, or its subsequent amendments. This requirement is subject to the exception in paragraph 4.3.
- 1.4.3 For more information on the effective date, transitional provisions, and what to do if amendments are made to a proposal for which resource consent was applied for before 1 July 2005, see section 4.

## **1.5 How to find your way around this Policy**

### 1.5.1 This Policy is in two parts:

#### *Part 1: The Operational Policy*

This sets out what development contributions are payable, when they are assessed, and when they need to be paid etc (see sections 2 to 6).

#### *Part 2: The Substantive Policy*

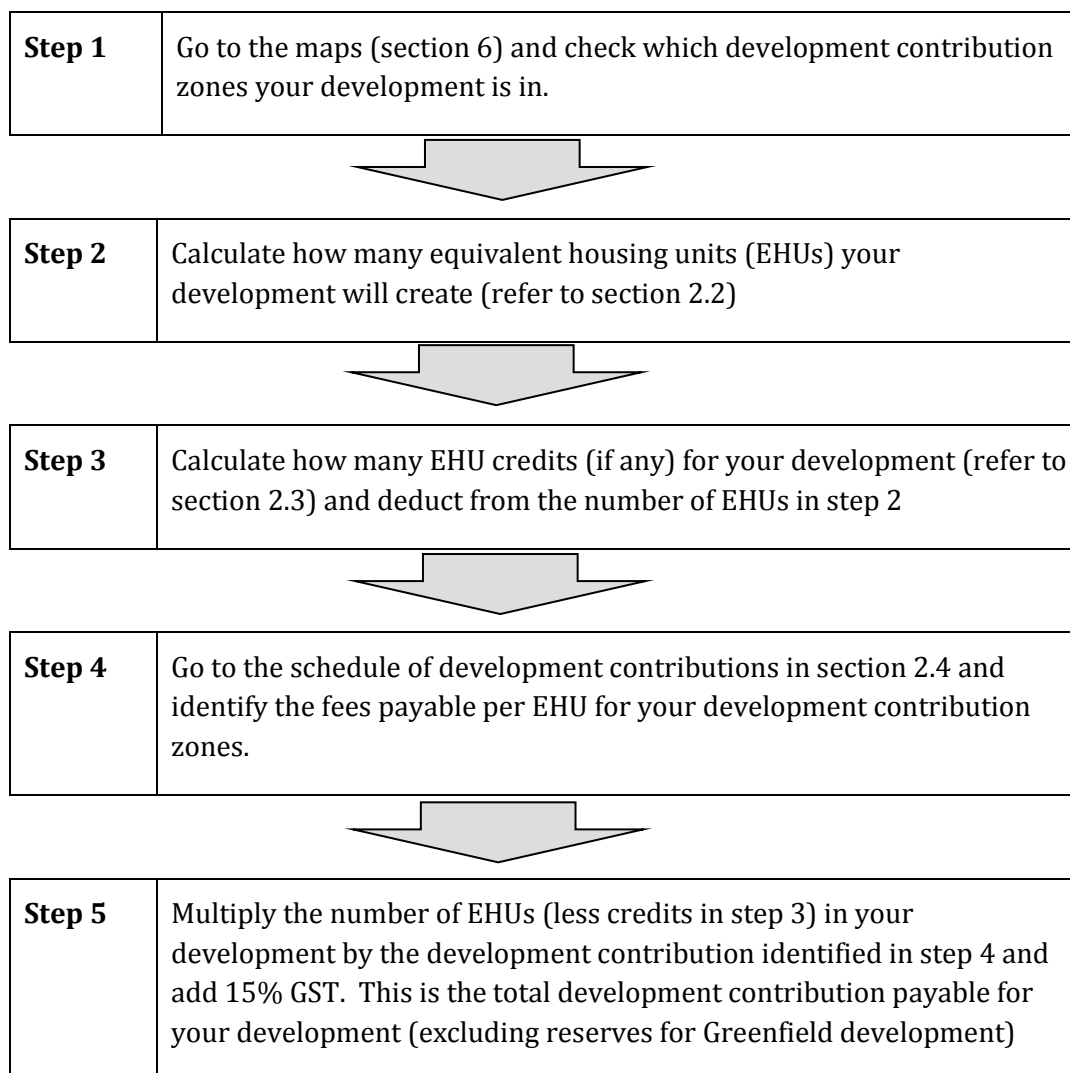
This sets out the legislative framework, the process followed by the Council, the methodology followed to make the decision to use development contributions to fund growth related capital expenditure and the relevant capital expenditure figures (see sections 7 to 12).

## PART 1: OPERATIONAL POLICY

### 2 Application of this Policy

How to calculate your development contribution

#### 2.1 Step by step process



Note: Contact the Council to determine the reserves payable for Greenfield development.

## 2.2 How to calculate the number of EHUs

2.2.1 Development contributions are payable for the number of EHUs created by each development. EHUs are applied as follows:

<b>Type of development:</b>	<b>EHU assessment based on:</b>
Residential development	1 EHU per household unit 0.7 EHU per one-bedroom household unit
Fee simple subdivision	1 EHU per allotment
Non-residential development	1 EHU for every 42m <sup>2</sup> of gross floor area ( <b>gfa</b> )

## 2.3 EHU credits for existing development

2.3.1 In some cases, credits may be used to reduce the development contribution payable. Credits will be expressed in EHUs. Credits will not be refunded, and can only be used for developments on the same site and for the same activity in respect of which they were granted. Credits cannot be used to reduce the number of units of demand to less than zero.

2.3.2 A credit is given for the number of EHUs assessed for the development or use existing at the time the application is assessed for the development contribution payable, to recognise situations where existing structures on the site or uses on the site mean that the development being assessed will not contribute to growth to the extent that the assessed number of units of demand implies.

2.3.3 Any self-assessment or special assessment under section 2.5.5 must include a determination of any credits for the development. In other cases the Council will, at the same time as any assessment of development contributions is made, calculate any credits for the development by applying the same criteria for ordinary EHUs under this Policy.

2.3.4 Examples where credits will arise are:

<b>Type of existing original development:</b>	<b>Nature of credit:</b>
Infill residential fee simple subdivision of existing allotment into 3 fee simple allotments	<ul style="list-style-type: none"> <li>▪ 1 EHU credit for the original allotment - development contributions payable on 2 EHUs</li> </ul>
Residential development of a CBD site with an existing 420m <sup>2</sup> gfa commercial building into 100 unit title apartments	<ul style="list-style-type: none"> <li>▪ 10 EHU credit (ie 420m<sup>2</sup> /42m<sup>2</sup> gfa) unless an assessment is undertaken</li> </ul>
Additional bedroom added to a one-bedroom household unit	<ul style="list-style-type: none"> <li>▪ 0.7 EHU credit – development contribution payable on 0.3 EHU</li> </ul>
Additional household unit on an existing allotment with one existing house (with or without subdivision)	<ul style="list-style-type: none"> <li>▪ 1 EHU credit for the existing household unit - development contribution payable for the additional household unit</li> </ul>
Development of four fee simple lots in the Northern Growth area for a 10,000m <sup>2</sup> gfa commercial storage facility	<ul style="list-style-type: none"> <li>▪ 4 EHU credits for the existing allotments – development contributions payable for the balance of the facility (10,000 / 42 m<sup>2</sup> gfa)</li> </ul>

## 2.4 Schedule of development contributions

2.4.1 The schedule of development contributions refers to areas A to P (general catchment zones) and Q to T (specific inner city parks and reserves and roading catchments zones that are additional to the general zones). These refer to geographically defined development contribution areas. Maps of the different development contributions catchment zones are shown in section 6.

2.4.2 All fees in the schedule are GST exclusive.

## Wellington City Council – 2015/16 Development Contributions Policy

Policy Map Zone	City Wide (\$ per EHU) *		Catchment Specific Infrastructure (\$ per EHU)				Draft Total Levies 2015/16	
	Residential	Non-Residential	Water Supply	Waste Water	Transport	Reserves	Residential	Non-Residential
	*	*				**		
A Roseneath	\$ 2,539	\$ 1,935	\$ 3,267	\$ 1,185	\$ -	\$ -	\$ 6,991	\$ 6,387
B Karori	\$ 2,539	\$ 1,935	\$ 1,724	\$ 2,440	\$ -	\$ -	\$ 6,703	\$ 6,099
C Beacon Hill	\$ 2,539	\$ 1,935	\$ -	\$ 1,185	\$ -	\$ -	\$ 3,724	\$ 3,120
D Brooklyn -Frobisher	\$ 2,539	\$ 1,935	\$ 1,575	\$ 1,185	\$ -	\$ -	\$ 5,299	\$ 4,695
E Kelburn	\$ 2,539	\$ 1,935	\$ -	\$ 1,185	\$ -	\$ -	\$ 3,724	\$ 3,120
F Johnsonville-Onslow	\$ 2,539	\$ 1,935	\$ 1,583	\$ 1,185	\$ -	\$ -	\$ 5,307	\$ 4,703
G Ngaio	\$ 2,539	\$ 1,935	\$ -	\$ 1,185	\$ -	\$ -	\$ 3,724	\$ 3,120
H Maldive	\$ 2,539	\$ 1,935	\$ -	\$ 1,185	\$ -	\$ -	\$ 3,724	\$ 3,120
I Churton-Stebbing	\$ 2,202	\$ 1,598	\$ 2,939	\$ 722	\$ 4,067	\$ -	\$ 9,930	\$ 9,326
J Grenada-Lincolnshire	\$ 2,202	\$ 1,598	\$ 4,082	\$ 722	\$ 3,643	\$ 295	\$ 10,944	\$ 10,045
K Maupuia	\$ 2,539	\$ 1,935	\$ -	\$ 1,185	\$ -	\$ -	\$ 3,724	\$ 3,120
L Newlands	\$ 2,539	\$ 1,935	\$ -	\$ 722	\$ -	\$ -	\$ 3,261	\$ 2,657
M Melrose	\$ 2,539	\$ 1,935	\$ 1,775	\$ 2,440	\$ -	\$ -	\$ 6,754	\$ 6,150
N Central & Coastal	\$ 2,539	\$ 1,935	\$ 998	\$ 1,185	\$ -	\$ -	\$ 4,722	\$ 4,118
O Tawa	\$ 2,539	\$ 1,935	\$ -	\$ 722	\$ -	\$ -	\$ 3,261	\$ 2,657
P Wadestown	\$ 2,539	\$ 1,935	\$ 2,487	\$ 722	\$ -	\$ -	\$ 5,748	\$ 5,144
Rural ***	\$ 1,916	\$ 1,312	\$ -	\$ -	\$ -	\$ -	\$ 1,916	\$ 1,312
Q Inner city Residential	\$ 2,539	N/A	\$ 998	\$ 1,185	\$ -	\$ 1,415	\$ 6,137	N/A
Q Inner city Non-Residential	N/A	\$ 1,935	\$ 998	\$ 1,185	\$ -	\$ -	N/A	\$ 4,118
R Johnsonville Town Centre	\$ 2,539	\$ 1,935	\$ 1,583	\$ 1,185	\$ 2,203	\$ -	\$ 7,510	\$ 6,906
S Adelaide Road	\$ 2,539	\$ 1,935	\$ 998	\$ 1,185	\$ 3,856	\$ -	\$ 8,578	\$ 7,974
T Pipitea Precinct - Residential	\$ 2,539	N/A	\$ 998	\$ 1,185	\$ 2,467	\$ 1,415	\$ 8,604	N/A
T Pipitea Precinct - Non Residential	N/A	\$ 1,935	\$ 998	\$ 1,185	\$ -	\$ -	N/A	\$ 4,118

**Components Residential of City-Wide Contributions above**

Reserves	604
Transport	1,312
Storm Water	165
Waste Water	121
Water Supply	337
<b>Total</b>	<b>2,539</b>

**Components Non-Residential of City-Wide Contributions above**

Reserves	-
Transport	1,312
Storm Water	165
Waste Water	121
Water Supply	337
<b>Total</b>	<b>1,935</b>

The stormwater component of the citywide fee (\$165 per EHU) is only applicable to the greatest number of EHUs on any floor in non-residential or multi-unit residential developments. For example, a three storey residential development with three two bedroom units on each floor would be liable for \$495 for stormwater.

\* See paragraph 12.2.11 and Appendix B6.1.2 – B6.1.5 for the development contribution for reserves for any Greenfield development.

\*\* Excluding Greenfield development.

\*\*\*Only citywide traffic and roading and reserves are payable. Water, stormwater and wastewater contributions will also apply to rural developments where it is practicable to connect to those services.

## **2.5 Additional information on assessing the development contribution payable**

### ***When the Council will not require a development contribution***

2.5.1 Under the Local Government Act the Council is unable to require a development contribution for a reserve, network infrastructure or community infrastructure if, and to the extent that:

- It has, under section 108(2)(a) of the Resource Management Act 1991, imposed a condition on a resource consent in relation to the same development for the same purpose; or
- The developer will fund or otherwise provide for the same local reserve, network infrastructure or community infrastructure in agreement with the Council (and citywide fees will still apply); or
- The Council has received or will receive funding from a third party.

### ***Development where there is no practical connection***

2.5.2 For developments where there is no practical connection to water supply or wastewater reticulation systems, the Council will reduce the amount of the contribution payable by the relevant fee (or fees) payable in that catchment as follows:

- Water – citywide and catchment
- Wastewater – citywide and catchment

2.5.3 If a development is subsequently connected to the water and/or wastewater reticulation systems, the following will be payable prior to the connection:

- The applicable additional citywide contribution; and
- The relevant catchment area development contribution.

### ***New connections***

2.5.4 Where an existing development that was not connected to the city water or wastewater network as at 1 July 2005 subsequently does connect, the development contribution that apply to the relevant water supply or wastewater catchment must be paid prior to the service being connected.



### ***Assessment for non-residential development***

2.5.5 The non-residential unit of demand (42m<sup>2</sup> gfa per EHU) may be departed from in the following circumstances:

#### ***Self-assessment***

2.5.5.1 An applicant may apply for a self-assessment of the number of EHUs payable for a particular development as follows:

- (a) Application must be made in writing before any development contributions payment in respect of the development becomes due.
- (b) The assessment must relate to all matters for which development contributions are payable under this Policy.
- (c) The onus is on the applicant to prove (on the balance of probabilities) that the actual increased demand created by the development is different from that assessed by applying the non-residential unit of demand in paragraph 2.2.1. Actual increased demand means the demand created by the most intensive non-residential use(s) likely to become established in the development within 10 years from the date of application.
- (d) The Council may determine an application made under this section at its discretion. In doing so the Council must take into account everything presented to it by way of the written application, and may take into account any other matter(s) it considers relevant.
- (e) Council may recover the actual and reasonable costs of determining the application at the hourly rates applicable to the relevant staff member within Council's User Fees and Charges.

#### ***Special assessment***

2.5.5.2 If the Council believes on reasonable grounds that the increased demand for any matter assessed for a particular development by applying the non-residential unit of demand in paragraph 2.2.1 is less than the actual increased demand created by the development, it may require a special assessment to determine the number of EHUs as follows:

- (a) A special assessment must be initiated before any development contributions payment in respect of the development becomes due.
- (b) The assessment must relate to all matters for which development contributions are payable under this Policy.

- (c) The Council may request information from the applicant to establish the actual increased demand.
- (d) The Council must bear its own costs.
- (e) Everything the Council intends to take into account when making a special assessment must be provided to the applicant for a written reply at least 14 days before the assessment is determined.
- (f) The Council may determine a special assessment made under this part at its discretion. In doing so the Council must take into account everything presented to it by way of a written reply, and may take into account any other matter(s) it considers relevant.

### ***Assessment guidelines***

2.5.5.3 Without limiting the Council's discretion, when determining an application for either a self-assessment or a special assessment initiated by Council, the Council will be guided by the following:

<b>Infrastructure Type</b>	<b>Usage Measure per EHU</b>
Water supply	780 litres per day excluding storage
Wastewater	390 litres per day
Stormwater	Runoff co-efficient not exceeding 0.7
Traffic and roading	10 private vehicle trips per day
Reserves	600m <sup>2</sup> of allotment area

### ***Private development agreements***

- 2.5.6 The Council may enter into a private agreement with a developer. The agreement must clearly record why an agreement is being used, record the basis of the cost sharing when the infrastructure will be provided and, in particular, whether there is any variation from the principles in the Council's policy.
- 2.5.7 Any proposal as part of a private agreement that a new development should pay less than 100 percent of applicable development contributions will be dealt with as if it were an application for remission under this Policy.

## **2.6 Remission and postponement**

2.6.1 The Council may postpone payment or grant a remission on development contributions at its complete discretion.

2.6.2 Applications made under this part will be considered on their own merits and any previous decisions of the Council will not be regarded as creating precedent or expectations.

2.6.3 An application for remission must be made before any development contributions payment is due to the Council. The Council will not allow remissions retrospectively.

2.6.4 An application must be made in writing and set out the reasons for the request

### **2.6.5 Green Building Remission**

To encourage economic development and recognise the strategic importance of green star rated buildings a standard remission equating to 50% of the total standard assessed levy can be applied for developments that meet the criteria outlined below.

Conditions and criteria for 50% remission to standard assessment of development contributions levies.

A remission of the standard development contributions levy calculated may apply under the following conditions and criteria:

- If the building is a commercial or mixed development of greater than 10 equivalent household units it must have received a 5 Star Green Star Certified Rating or equivalent or higher.
- Remission application timeframes:
  - a) For Green Star Certified Rating, the remission must be applied for within 12 months of registration for certification with the New Zealand Green Building Council, or
  - b) For equivalent rating, the remission must be applied for within 12 months of the Development Contributions being assessed by Wellington City Council
- The remission will only apply to the standard DC assessment (hereinafter referred to as “the levy”) made on the property.
- The remission will not be available retrospectively once the Council has invoiced the Development Contributions levy.

The granting of green building remissions is delegated to the Chief Executive Officer.

2.6.6 Other remissions - the Council will only consider exercising its discretion in exceptional circumstances.

Other remissions will only be granted by resolution of the Council (or a Committee or Subcommittee acting under delegated authority).

## **2.7 Reconsideration of a development contribution**

- 2.7.1 In accordance with section 199A of the Local Government Act 2002, a person may request that the Council reconsiders the requirement of a development contribution if that person has grounds to believe that:
- The development contribution was incorrectly calculated or assessed under the Council’s Development Contributions Policy; or
  - The Council incorrectly applied its Development Contributions Policy; or
  - The information used to assess the person’s development against the Development Contributions Policy, or the way the Council has recorded or used it when requiring a development contribution, was incomplete or contained errors.
- 2.7.2 A request for consideration must be made within 10 working days after the date on which the applicant receives notice from the Council of the level of development contribution required.
- 2.7.3 An application for reconsideration must be made in writing and include supporting information and addressed to:
- Manager City Planning and Design  
Wellington City Council  
PO Box 2199  
Wellington
- 2.7.4 All requests for reconsiderations will be considered in the first instance by the Wellington City Council Development Contributions Advisor (DC Advisor). If the DC Advisor agrees that an error was made or the policy was applied incorrectly, then a recalculation of the development contribution notice will be issued. If the DC Advisor confirms the original assessment then they shall give written notice of this decision to the applicant.
- 2.7.5 If the applicant objects to the decision of the DC advisor, then they may request that the decision is considered by the Wellington City Council’s Regulatory Processes Committee for a final decision.
- 2.7.6 The Council will within 15 working days after the date on which it received all required relevant information relating to the request, give written notice of the outcome of its consideration to the person who made the request.

## **2.8 Objections to a development contribution**

- 2.8.1 In accordance with section 199C of the Local Government Act 2002, a person may lodge an objection to the development contribution requirement on the grounds that Council has:
- a) failed to properly take into account features of the objector’s development that, on their own or cumulatively with those of other developments, would substantially reduce the impact of the development contribution on requirements for community facilities; or
  - b) required a development contribution for community facilities not required by, or related to, the objector’s development, whether on its own or cumulatively with other developments; or
  - c) required a development contribution in breach of section 200 of the Local Government Act 2002; or
  - d) incorrectly applied its development contributions policy to the development
- 2.8.2 The right of objection does not apply to challenges to the content of the development contributions policy.
- 2.8.3 The decision of any development contributions objection is to be made by a development contribution commissioner named in the approved register and selected by the Council.
- 2.8.4 An objection must be lodged within 15 working days after:
- the date on which the objector received notice of the level of development contribution required; or
  - the date on which the objector received the notice of the outcome of a reconsideration under section 199B of the LGA 2002.
- 2.8.5 The notice of objection under Schedule 13A(1) of the LGA 2002 must –
- a) be in writing; and
  - b) set out the grounds and reasons for the objection, and
  - c) the relief sought; and
  - d) state whether the objector wishes to be heard on the objection
- 2.8.6 In accordance with section 150A of the Local Government Act 2002, the cost for services of a development contributions commissioner(s), the hearing and administration support will be payable by the objector.
- 2.8.7 Applicable fees and allowances for a witness appearing at a development contribution hearing must be paid by the party on whose behalf the witness is called.
- 2.8.8 Schedule 13A of the Local Government Act 2002 sets out the procedure for development contribution objections.

## **2.9 Refunds**

- 2.9.1 Refunds will be made in accordance with sections 209 and 210 of the Local Government Act 2002, including any amendments made to those provisions at the time of making a refund.

## **3 Assessment and payment**

This part of this Policy sets out when development contributions will be required (ie assessed by the Council) and when payment is required.

### **3.1 Requirement**

- 3.1.1 For every development, the Council has the discretion to require a development contribution under section 198 of the Local Government Act 2002 when:
  - 3.1.1.1 Resource consent is granted under the Resource Management Act 1991 for a development within the Wellington City district; or
  - 3.1.1.2 Building consent is granted under the Building Act 2004 for building work situated in the Wellington City district (including the grant of a certificate of acceptance); or
  - 3.1.1.3 Authorisation for a service connection is granted.

### **3.2 When the Council will require a development contribution**

- 3.2.1 The following sets out when the Council will assess developments for development contributions. The Council retains the discretion to change its approach (subject to compliance with section 198 of the Local Government Act 2002) from time to time.
- 3.2.2 The amount of the development contribution payable will be calculated under the schedule of development contributions in this Policy that applies at the date of the assessment.
- 3.2.3 **Liability should construction not commence within two years.**

Should construction of a development not commence within two years of being granted building consent, the remission of charges and fees provided under this policy shall no longer apply. At that stage, all fees and charges will be fully payable for the development as per usual. Commencement of construction will be deemed to have occurred when the activity for which a resource and building consent has been issued, has commenced.

### ***Subdivision of land (excluding unit title development)***

- 3.2.4 Development contributions required in respect of a resource consent being granted under the Resource Management Act 1991 for the fee simple subdivision of land, will be assessed when the application for subdivision consent is received.
- 3.2.5 Where subdivision consent provides for its implementation in stages, the Council will apportion any development contribution assessed between each stage at its sole discretion.

### ***Building consent***

- 3.2.6 The Council will assess all developments requiring a building consent when the application for building consent is received.

### ***Land use consent or unit title development***

- 3.2.7 Unless no building consent is required, developments requiring a land use consent or subdivision consent for a unit title development will **not** be assessed for development contributions at the time of consent being granted under the Resource Management Act 1991.

### ***Service connection***

- 3.2.8 Developments requiring a service connection, for which development contributions have not been assessed and/or paid, will be assessed at the time of the application for service connection.

### ***Changes to development***

- 3.2.9 Any development contribution may (at the Council's sole discretion) be reassessed following any change that results in an increased demand (eg increased EHUs).

### ***Payment***

- 3.2.10 All development contributions required by the Council must be paid prior to the Council issuing a code of compliance certificate, a section 224(c) certificate, a consent for a service connection or giving effect to a land use consent (as the case may be), unless a payment delay agreement has been approved by the Council.

Payment delay applications will be considered by Council where:

- the development will have 10 or more equivalent household units (under the standard calculation in section 2.2)
- it is satisfied the applicant has sufficiently proven that the building is not occupied, and
- that the building has not been sold.



Any successful application for delayed payment expires after two years after the code of compliance certificate has been issued or upon sale of any part of the development, whichever occurs first.

- 3.2.11 The Council at its sole discretion will accept a bank bond or surety to secure payment of any development contributions more than \$50,000. If the Council exercises its discretion to accept a bond or surety, the bonded sum will have an interest component, and the developer must meet the Council's costs for preparing the bond.

### **3.3 Powers of the Council if development contributions are not paid**

- 3.3.1 Until a development contribution required in relation to a development have been paid, the Council may:
- 3.3.1.1 In the case of a development contribution assessed on subdivision, withhold a certificate under section 224(c) of the Resource Management Act 1991.
  - 3.3.1.2 In the case of development contributions assessed on building consent, withhold a code compliance certificate under section 95 of the Building Act 2004.
  - 3.3.1.3 In the case of development contributions assessed on an authorisation for a service connection, withhold a service connection to the development.
  - 3.3.1.4 In the case of development contributions assessed on a land use consent application, prevent the commencement of resource consent under the Resource Management Act 1991.
  - 3.3.1.5 In the case where a development has been undertaken without a building consent, not process an application for certificate of acceptance for building work already done.

#### ***Security***

- 3.3.2 The Council may register any development contributions under the Statutory Land Charges Registration Act 1928 as a charge on the title of the land in respect of which the development contributions were required, as provided for in section 208 of the Local Government Act 2002 or it may require other appropriate security as agreed with the developer.

## **4 Transitional provisions**

### **4.1 Effective date**

- 4.1.1 Any application for resource consent or building consent or application for service connection received by the Council on or after 1 July 2005 will be required to pay any development contributions payable under this Policy. This requirement is subject to the exception in paragraph 4.3 below.

### **4.2 Amendments**

- 4.2.1 If:

- An application for resource consent that was lodged prior to 1 July 2005 is amended; or
- An application is made to amend a condition of resource consent (where the application for that resource consent was lodged prior to 30 June 2005)

and the amendment results in an increase in the total EHU assessment from that which would have been applicable (had this Policy been applied to the development) then this Policy will apply to the increase in EHUs for the total development.

### **4.3 Transitional provision for developments that applied for resource consent prior to 1 July 2005**

- 4.3.1 Subject to the proviso below, development contributions will not be required on any resource consent, building consent, or service connection where the applicant can satisfy the Council that all of the following conditions are met:

- (a) The Council has already granted resource consent for the development, (and the application for that resource consent was lodged prior to 30 June 2005).
- (b) The subsequent application for resource consent, building consent or service connection is:
  - For the identical development as the activity authorised in the resource consent in (a) above; and
  - Is applied for in order to give effect to the resource consent in (a) above.
- (c) One of the following apply:
  - There was no jurisdiction to impose a financial contribution under the District Plan when the resource consent application lodged prior to 1 July 2005 was granted; or

- If there was jurisdiction to impose a financial contribution under the District Plan when the resource consent application lodged prior to 1 July 2005 was granted, either (i) there is a specific decision of the Council not to impose a financial contribution; or (ii) if a condition of consent has been imposed on the development under section 108(2)(a) of the Resource Management Act 1991 requiring a financial contribution to be paid, and the condition has been satisfied in full.
- (d) The subsequent application for resource consent, building consent or service connection is received by the Council within five years of the date that the resource consent received prior to 1 July 2005 was granted, or the resource consent received prior to 1 July 2005 has been given effect to.

**Proviso:** even where section 4.3.1 otherwise applies, if a subsequent application results in an increase in EHUs, development contributions will be payable in accordance with section 4.2.1 above.

- 4.3.2 For the purposes of 4.1.1 and 4.3.1, if an application lodged prior to 1 July 2005 was rejected under s88(3) of the Resource Management 1991 or s48(1) of the Building Act 2004, it is deemed not to have been received by the Council prior to 1 July 2005.

### ***Exemption from the application of this Policy***

- 4.3.3 The Council's own developments are exempt from being liable to pay development contributions. For the avoidance of doubt, this exemption does not apply to Council organisations, Council-controlled organisations or Council controlled trading organisations.

## 5 Definitions

In this Policy:

**Actual increased demand** means the demand created by the most intensive non-residential use(s) likely to become established in the development within 10 years from the date of the application.

**Allotment** has the meaning given to it in section 218(2) of the Resource Management Act 1991, and **'lot'** has the same meaning.

**Community facilities** mean parks and reserves and network infrastructure for which development contributions may be required in accordance with section 199 of the Local Government Act 2002.

**Development** means:

- (a) any subdivision or other development that generates a demand for reserves or network infrastructure; but
- (b) does not include the pipes or lines of a network utility operator.

**Development contribution** means a contribution:

- (a) provided for in this Policy; and
- (b) calculated in accordance with the methodology.

**Development Contribution Policy** means this Policy on development contributions under section 102(4) (d) of the Local Government Act 2002.

**Equivalent Household Unit ('EHU')** means:

Type of development:	EHU assessment based on:
Residential development	1 EHU per household unit (other than a one-bedroom household unit)
Fee simple subdivision	1 EHU per allotment
Non-residential development	1 EHU for every 42m <sup>2</sup> of gfa

**Greenfield development** means: a proposal that creates new residential or rural residential areas, and without limiting this definition in anyway, includes residential or rural residential development on land that was zoned rural or open space. It also includes land that was zoned residential within the land areas to which appendices 12 to

14 and 16 to 22 apply in the operative District Plan as at 1 July 2005.<sup>1</sup> For the avoidance of doubt, developments falling within this definition are also required to pay citywide and catchment based (ie local) reserves.

**Gross floor area (gfa)** is the sum of all floors of all buildings on a site, measured from the face of exterior walls, or from the centre lines of walls separating two buildings. In particular, gross floor area includes:

- lobbies at each floor
- floor space in interior balconies and mezzanines
- all other floor space not specifically excluded.

The gross floor area of a building shall not include:

- elevator shafts and stairwells
- uncovered stairways
- floor space in terraces (open or roofed), external balconies, breezeways, porches
- areas used for vehicle parking and vehicle circulation, lift towers and machinery rooms
- switchboard areas / plant rooms.

**Household unit** means a home or residence that is a self-contained unit includes kitchen and bathroom facilities of any nature and is physically separated, or capable of being separated, from any other household unit.

**Methodology** means the methodology for calculating development contributions set out in schedule 13 to the Local Government Act 2002.

**Network infrastructure** means the provision of roads and other transport, water, wastewater, and stormwater collection and management.

**Network utility operator** has the meaning given to it by section 166 of the Resource Management Act 1991.

**Non-residential development** means any development that falls outside the definition of residential development in this policy.

**One-bedroom household unit** means a household unit that has not more than two rooms excluding a kitchen, laundry, bathroom, toilet or any room used solely as an entranceway, passageway or garage . This includes studio apartments.

**Residential development** means the development of premises for any domestic or related purpose for use by persons living in the premises alone or in family and /or non-family groups (whether any person is subject to care, supervision or not), and

---

<sup>1</sup> For example, if land to be developed was zoned rural in the District Plan as of 1 July 2005 the subdivision will be treated under the Development Contributions policy as a ‘Greenfield development’.

residential activity has the same meaning. For the avoidance of doubt, residential development does not include:

- work from home, hotels, motels, camping grounds, motor camps or other premises where residential accommodation for five or more travellers is offered at a daily tariff; or
- rest homes, hostel accommodation or similar premises that provide shared or communal facilities (and residential activity, and use, has the same meaning).

**Service connection** means a physical connection to a service provided by, or on behalf of, the Council.