

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 the development contribution payable under the Council's Development Contributions 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 EHU's for the total development.

4.3 TRANSITIONAL PROVISION FOR DEVELOPMENTS THAT APPLIED FOR RESOURCE CONSENT PRIOR TO 1 JULY 2005

4.3.1 A development contribution 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) 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, there is a specific decision of Council not to impose a financial contribution; or 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 met (i.e. the financial contribution has been paid in full to the Council in accordance with the conditions of consent if payment is due under the condition);
- (d) The subsequent application for resource consent, building consent or service connection is received by Council within 5 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;

provided that, if this provision applies, and the subsequent application shows there is an increase in EHU's, development contributions will be payable in an equivalent manner as provided for in paragraph 4.2.1 above.

(Note: an example where the provision would apply is where a building consent application shows that the residential: non-residential mix of development has changed from that assessed when the financial contribution condition was imposed, resulting in an increased number of EHU's.)

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 the policy

4.3.3 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-controlled Organisations, Council-controlled Trading Organisations or Council 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 reserves, network infrastructure or community infrastructure for which development contributions may be required in accordance with section 199 of the LGA 2002.

Community infrastructure means:

- (a) land, or development assets on land, owned or controlled by Council to provide public amenities; and
- (b) includes land that the Council will acquire for that purpose.

Development means:

- (a) any subdivision or other development that generates a demand for reserves, network infrastructure, or community 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 development contribution policy; and
- (b) calculated in accordance with the methodology.

Development Contribution Policy means the policy on development contributions included in the LTCCP for a territorial authority under section 102(4)(d) of the LGA 2002.

Equivalent Household Unit (‘EHU’) means:

TYPE OF DEVELOPMENT:	EHU ASSESSMENT BASED ON:
Residential development	1 EHU per Household unit
Fee simple subdivision	1 EHU per allotment
Non residential development	1 EHU for every 65m ² of gfa unless changed following an assessment under the process in 2.5.5 below