

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.

Subdivision of land (excluding unit title development)

3.2.3 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 subdivision consent is granted.

3.2.4 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

3.2.5 The Council will assess all developments requiring a building consent when the building consent is granted.

Land use consent or unit title development

3.2.6 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

- 3.2.7 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

- 3.2.8 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

- 3.2.9 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).
- 3.2.10 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.