

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.