

## Section 18 – Financial Contributions

### Explanatory Text

Text that has been deleted is shown in ~~strikethrough~~.

Text that has been added is shown as underlined.

Consequential renumbering may occur throughout.

Text that is not underlined or struck through is original text from the operative Waipā District Plan and will be carried over as currently drafted.

Additional changes in response to submissions are shown in blue underlined or ~~strikethrough~~ with the relevant submission point following e.g. (1.1).

Additional changes in response to evidence are shown in red underlined or ~~strikethrough~~.

### 18.1 Interpretation

18.1.1 For the purposes of this section only, the following definitions apply:

- (a) ~~Bedroom means an area of a residential unit that is not the kitchen, bathroom(s), laundry and toilet(s); the dining room or living room (but not both) whether open plan with the kitchen or not; entrance halls and passageways; garage; and any other room smaller than 6m<sup>2</sup>; (32.15)~~
- (b) ~~Betterment means the restoration and protection of the Waikato and Waipā Rivers and their catchments as required under Te Ture Whaimana; (32.15)~~
- (c) Developer means any individual, entity, or group undertaking development.
- (d) Development means any subdivision, building (as defined in section 8 of the Building Act 2004), land use, or work and includes site works, building construction, alterations, extensions or additions.
- (e) ~~Greenfield development means subdivision and/or urban development of previously undeveloped rural land; (32.15)~~
- (f) ~~Gross Floor Area has the same meaning in Part B ‘Definitions’ of the operative Waipā District Plan; (32.15)~~
- (g) Infrastructure has the same meaning in Part B ‘Definitions’ of the operative Waipā District Plan.
- (h) Land value has the same meaning as ‘land value’ under the Ratings Valuations Act 1998.
- (i) ~~Non-residential development means all other activities other than residential activities (32.15)~~
- (j) Residential development means the use of land and buildings for people for living accommodation (whether or not the person is subject to care or supervision). (32.15)
- (k) Te Ture Whaimana has the same meaning in Part B ‘Definitions’ of the operative Waipā District Plan.

In the event of any conflict with the definitions in Part B of the Waipā District Plan (Definitions), the above definitions prevail.

## 18.2 Introduction

18.1.1 2.1 The financial contributions provisions in this Plan deal with conditions imposed on resource consents. Under section 77E of the Resource Management Act 1991, financial contributions are able to be used as a mechanism for avoiding, remedying or mitigating adverse effects, or ensuring positive effects on the environment to offset any adverse effects (79.291). Section 108 of the Act allows Council to impose a consent condition requiring a financial contribution be made when it grants resource consent.

18.1.2 2.2 Financial contributions achieving the Plan's objectives and are distinct from, and in addition to, Council's Development Contributions Policy (DCP), which and provides Council with an alternative method to obtain contributions to fund infrastructure manage effects (32.15) required as a result of growth. ~~Either~~ Where financial contributions will be used on their own, or to supplement development contributions will not be used for the same purpose where the development contributions are insufficient to fully avoid, remedy, mitigate or compensate for the adverse effects of the activity. Table 18.1 below sets out the application of both development and financial contributions.

**Table 18.1: Contributions Overview**

	Legislation	Description
Development Contributions (and Policy)	Local Government Act 2002	Generally applicable to planned or anticipated development, subdivision and growth. Fund and offset the cost of new infrastructure and infrastructure upgrades for planned or anticipated development, subdivision and growth
Financial Contributions	Resource Management Act 1991	Generally applicable to unplanned, unanticipated, more intensive, or more rapid development, subdivision and growth. Avoid, remedy, mitigate or compensate for adverse effects, or ensure positive effects on the environment to offset any (79.291) adverse effects, where the adverse effect arises from unplanned or un-anticipated development, subdivision and growth (including permitted activities, activities requiring resource consent, on-site effects and off-site effects)

18.1.2 In the context of new development and subdivision, this Plan uses financial contributions to build into the cost of the development or subdivision any physical, environmental, or social costs that can be identified. It does this by ensuring that the developer avoids, remedies, mitigates, or compensates for any adverse effects.

### Purpose of Financial Contributions

18.1.3 2.3 The general purpose of In this Plan, financial contributions are used for the following reasons: ~~(a) To~~ to (32.15) recover from developers and/or applicants a contribution in the form of money, or land, or a combination of both money and land, which:

- ~~(i)~~ (a) Avoids, remedies, or mitigates adverse effects of the proposed activity on the environment, or ensures positive effects on the environment to offset any adverse effects (79.291), including but not limited to, effects associated with:
  - (i) Three waters/transport network connections (32.15) Three waters connections,

network improvements or capacity upgrades when a development is located outside of Councils reticulated service area(s) and seeks to connect; subject to Council;

- Approving the connection; and/or
- Having wastewater capacity; and/or
- Having the necessary resource consent to discharge. (32.15)

(ii) Three waters/transport network improvements Transport network connections, improvements or capacity upgrades located off the subject site that are not provided for by any other Council funding mechanism that are required or are likely to be required as a result of a subdivision application, land use consent application or development (including permitted activities). (32.15)

~~(iii) Three waters/transport capacity upgrades; (32.15)~~

(iv) Parks/reserves/open space network enhancement/improvement;

(v) Streetscape amenity improvements;

(vi) Where the capital expenditure items identified in this rule are not otherwise funded via Council's Development Contributions Policy.

**And**

(vii) To give effect to Te Ture Whaimana including positive effects on the environment to offset any adverse effects (79.291) and its requirement for restoration and protection of the Waikato and Waipā Rivers (and their catchments) and the relationship between the Waikato and Waipā Rivers (and their catchments) and Waikato-Tainui, Waikato and Waipā River Iwi, and the Waikato Region's communities and all other objectives and strategies contained within Te Ture Whaimana.

~~To provide a fair and reasonable contribution to finance the extension or development of bulk services or other infrastructure costs as a result of a development or subdivision; and  
Along with other provisions, to provide a mechanism to avoid, remedy, or mitigate and/or offset adverse effects on the environment; and~~

~~For assessing and quantifying the likely adverse environmental effects of any development or subdivision undertaken in the Waipā District on adjoining districts, cities, towns, and communities outside the District to enable contributions to be collected and made towards the mitigation of those adverse environmental effects.~~

~~18.1.4 2.4~~ In addition to these general purposes, more specific purposes are identified in the Financial Contributions Rules and performance standards part of this section.

~~18.1.4~~ Financial contributions are intended to offset the cost of future capital works and the cost of capital already incurred where a development consumes that capacity; together with other related costs necessitated by new development or subdivision.

~~18.1.5 2.5~~ Financial contributions Fees will vary between areas of the District and also for different types of development or subdivision.

~~18.1.5 2.6~~ A financial contribution in the form of a Heavy Vehicle Impact Fee (HVIF) may be required where heavy vehicle traffic movements from a development are likely to cause an accelerated reduction in the useful life of the local road network that was not reasonably anticipated when

the relevant roads were constructed, and which can be attributed directly or indirectly to the development, mineral extraction activity or subdivision.

Advice Notes:

1. All Financial contribution calculations are exclusive of Goods and Service Tax (GST). GST will apply to all Financial Contributions at the prevailing rate.
2. Refer to Section 15 - Infrastructure, Hazards, Development and Subdivision for rules related to vesting land in Council ownership.

### **18.2 3 Resource Management Issues**

18.2.1 3.1 New development or subdivision, or infill and intensification, can result in adverse effects on natural and physical resources and ~~, and can result in~~ inequities in cost sharing.

18.2.2 3.2 The provision of adequate infrastructure and services is an essential part of effective growth planning and implementation. ~~the development or subdivision process.~~

### **18.3 4 Objectives and Policies**

~~Please also refer to the objectives and policies of Part C, Part D and Part E, as relevant.~~

#### **Objectives – General purpose of financial contributions (32.15)**

18.4.1 Financial contributions are required in accordance with the Financial Contributions Rules and performance standards in order to:

- (a) Avoid, remedy, or mitigate adverse effects of the proposed activity or development on the environment; and
- (b) Ensure positive effects on the environment to offset ~~any~~ adverse effects (79.291); and
- (c) Give effect to Te Ture Whaimana, including the requirement for betterment.

#### **Objective – Planned, ~~f~~ Financed growth**

18.3.1 4.2 ~~To ensure that the a~~ Adverse environmental effects on the District’s network infrastructure are funded from the development or subdivision that has or will affect the infrastructure addressed or that has generated or will in order to cater for the generate additional demand generated by new development or subdivision.

#### **Policies – General**

18.4.2.1 ~~The following general policies apply: (a)~~ Require financial contributions for the general purposes set out in ~~Objective 18.4 the General Purpose Statement~~ and the Financial Contributions Rules and performance standards. (32.15)

18.4.2.2 ~~(b)~~ (32.15) Determine the nature and amount of financial contributions in accordance with the methodology set out in the Financial Contributions Rules and performance standards.

18.4.2.3 ~~(c)~~ (32.15) Financial contributions in the form of money must be paid before the proposed activity or development occurs.

18.4.2.4 ~~(d)~~ (32.15) Financial contributions in the form of land must vest in Council prior to completion of the activity or development.

18.4.2.5 ~~(e)~~ (32.15) Financial contributions will be applied to the purpose for which they are required.

*Policy - Early recognition of costs*

~~18.3.1.2~~ 4.2.26 (32.15) The adverse environmental effects of development or subdivision that can be addressed by requiring a financial contribution, shall be clearly identified at the planning and consenting stage (building and resource consents) of the development or subdivision.

*Policy – Planned growth*

~~18.3.1.2~~ To ensure that planned growth is adequately financed by taking financial contributions up to 10 years in advance of Council undertaking infrastructure works for Council provided infrastructure.

**Objective – Equitable sharing of costs**

18.3.2 To ensure that there is a fair and reasonable share of the costs of upgrading or providing new infrastructure to meet demands generated by the development or subdivision, and to enable future growth.

*Policy - Costs relating to effects*

~~18.3.2.3~~ 4.2.67 (32.15) Ensuring that the amount of financial contribution required reasonably reflects the cost of avoiding, remedying or mitigating the adverse effects, or the cost of ensuring positive effects on the environment to offset ~~any (79.291)~~ adverse effects.

*Policy – Cumulative effects*

18.4.2.8 Requiring financial contributions for new residential development to address an equitable share of offsetting adverse cumulative effects that accelerated intensification and/or additional population growth has on public streetscapes, public open spaces, and river networks and their catchments. (32.15)

**Objective - Heavy vehicle impact fee**

18.3.3 4.29 (32.15) To ensure the community is adequately protected from any unpredictable adverse effects of heavy vehicles on the District’s road network due to land use activities.

*Policy - To make provision for a heavy vehicle impact fee*

18.3.3.1 4.2.10 (32.15) A financial contribution in the form of a heavy vehicle impact fee will be required where a development creates adverse effects on the District’s road network which:

(a) ....

**18.4 5 Rules (32.15)**

~~These rules apply to any activity requiring a resource consent under parts D, E and F of this Plan; and for the avoidance of doubt, the rules also apply to any activity requiring a resource consent due to failing to comply with any performance standard of this Plan.~~

~~These rules specifically relate to financial contributions towards the provision and future operation of network infrastructure owned and/or operated by Waipa District Council, a Council Controlled Organisation, or for roading and transport; any adjoining Territorial Local Authority and/or the New Zealand Transport Agency (NZTA).~~

~~Financial Contributions shall be determined in accordance with the provisions of these rules, and Council may require the payment of financial contributions as a condition of consent.~~

**18.4.1 Activity Status Tables**

~~There are no activity status tables.~~

## **18.5.1 General Rules – General (32.15)**

18.5.1.1 ~~The general rules are as follows: (a) (32.15)~~ For permitted activities, financial contributions will be required prior to either the grant of building consent or the grant of service connection, whichever comes first.

18.5.1.2 ~~(b) (32.15)~~ For all classes of activities other than permitted activities, financial contributions will be required as a condition of land use or subdivision consent.

18.5.1.3 ~~(c) (32.15)~~ Financial contributions will be in the form of money calculated in accordance with the relevant Rule or performance standard, except where Council exercises its discretion to accept a financial contribution in the form of land, or a combination of land and money, in which case the financial contribution will be calculated in accordance with the relevant Rules or performance standard.

18.5.1.4 ~~(d) (32.15)~~ Financial contributions will be required for the purposes set out and on the basis that:

(a) ~~(i)(e) (32.15)~~ Financial contributions for all residential development will be calculated for the specific purposes and in accordance with the methodology in the applicable rules and performance standards; and

(b) ~~(ii)(f) (32.15)~~ Financial contributions for all other developments will be calculated for the specific purposes and in accordance with the methodology in the applicable rules and performance standards.

### **Rules - ~~Purpose of Requirement for financial contributions~~ (32.15)**

18.5.1.5 ~~The following rules outline the purpose for the financial contributions being taken. (a) In addition to the general rules, and performance standards, f~~Financial contributions will be required for development as follows for the following purposes: (32.15)

#### Three waters/transport infrastructure network

18.5.1.6 To avoid, remedy and mitigate the adverse effects of residential development, or ensure positive effects on the environment to offset ~~any~~ adverse effects (79.291), through the recovery of infrastructure ~~network~~ (32.15) costs associated with the following:

(a) Three waters connections, network improvements, and capacity upgrades when a development is located outside of Councils reticulated service area(s) and seeks to connect; subject to Council:

- Approving the connection; and/or
- Having wastewater capacity; and/or
- Having the necessary resource consent to discharge. (32.15)

and

(b) Transport connections including for multimodal transport options (30.25), network improvements, and capacity upgrades located off the subject site that are not provided for by any other Council funding mechanism that are required or are likely to be required as a result of a subdivision application, land use consent application or development (including permitted activities). (32.15)

~~(c) (32.15)~~ These costs will include:

- ~~(a)~~ (i) Where an existing network/system/supply (32.15) is available, the cost of connection with the existing system;
- ~~(b)~~ (ii) Where an existing network/system/supply (32.15) is available, but the capacity of the system is inadequate to meet the additional generated demand, the cost of connection and capacity upgrading of the existing system;
- ~~(c)~~ (iii) Where an existing network/system/supply (32.15) is available, but the network requires capacity upgrades or network improvements to ensure the connection does not compromise the network, the costs of those capacity upgrades or network improvements; and
- ~~(d)~~ (iv) Where an existing network/system/supply (32.15) is not available, the cost of extending the network/system/supply; (32.15)
- ~~(e)~~ (v) Any infrastructure works required under Rule 18.5.1.6 and not otherwise funded via Council's Development Contributions Policy are excluded. (32.15)

*Residential amenity (applies to Residential Zones the Medium Density Residential Zone only) (32.15)*

18.5.1.7 To avoid, remedy, and mitigate the adverse effects, including cumulative adverse effects, (32.15) of residential development density, or ensure positive effects on the environment to offset any adverse effects (79.291), through the recovery of costs associated with maintaining and improving residential amenity.

~~(a)~~ These costs will include:

- (a) Where urban (32.15) public open spaces can be improved or extended, (32.15) the cost of land acquisition and development; and
- (b) Where streetscape amenity can be enhanced, the cost of that enhancement.

But shall exclude any costs otherwise funded via Development Contributions.

*Te Ture Whaimana (applies to all developments across all zones the Medium Density Residential Zone and the Commercial Zone only) (32.15)*

18.5.1.8 To give effect to Te Ture Whaimana, including positive effects on the environment to offset any adverse effects (79.291), including cumulative adverse effects, (32.15) and its requirement for restoration and protection of the Waikato and Waipā Rivers and their catchments, and the relationship between the Waikato River and Waikato- Tainui, Waikato River Iwi, and the Waikato Region's communities and all other objectives and strategies contained within Te Ture Whaimana.

~~(a)~~ These costs ~~will~~ may include but are not limited to: (49.13)

- (a) Riparian enhancement;
- (b) Wetland creation/protection/restoration/enhancement;
- (c) Erosion control measures;
- (d) Ecological/biodiversity;
- (e) Public access improvements to the Waikato River, including its tributaries;
- (f) Weed control measures;
- (g) Sediment reduction measures;

- (h) Waikato and Waipā Rivers / Te Ture Whaimana education; and
  - (i) Restoration / protection / enhancement of waahi tapu and sites of significance. (32.21)
- (b) (32.15) Calculations for contributions shall be as set out in the performance standards.

Advice Note (applies to 18.5.1): (32.15)

Financial contributions may be used towards the provision, upgrading or future operation of network infrastructure owned and/or operated by any of the following: Waipā District Council; a Council Controlled Organisation; any other community infrastructure management entity; any adjoining Territorial Local Authority; Waka Kotahi (New Zealand Transport Agency); and towards waterway enhancement undertaken by Waikato Tainui or the Waikato River Authority. (32.15)

#### **18.4.2 18.5.2 Performance Standards**

##### **Rule – Residential amenity (to be collected from the Medium Density Residential and Residential Zones-only) (32.15)**

*The following rules should be applied to any development and subdivision, including new development, infill development and permitted development and subdivision.*

- 18.5.2.1 To avoid, remedy or mitigate the adverse effects of medium density residential development through the recovery of costs associated with maintaining and improving residential amenity.
- 18.5.2.2 These costs will include:
  - (a) — Where public open spaces can be provided or improved, the cost of land acquisition and development and/or maintenance; and
  - (b) — where streetscape amenity can be enhanced, the cost of that enhancement. (32.15)

##### **Rule - Circumstances when financial contributions may be taken (65.24) (32.15)**

- 18.5.2.1 Costs will be recovered for all new dwellings in the Medium Density Residential Zone. ~~where it is necessary to avoid, remedy or mitigate the adverse effects, including the cumulative adverse effects, of medium density residential development to maintain and improve residential amenity in public open spaces and streetscapes.~~ (32.15)

##### **Rule - Determination of the maximum amount of financial contribution (32.15)**

- 18.5.2.3 For each additional bedroom at the site created by the development, a fixed financial contribution of \$400.00 shall be required. The financial contribution collected for residential amenity shall be the total of A plus B as follows ~~based on the following calculation~~ to a maximum amount of ~~\$1,300~~ \$1,800 per dwelling:

$$A - \text{Financial contribution charge} = (FC * n) * F$$

where:

FC = financial contribution per dwelling (\$1,300)

n = number of new dwellings

F = discount factor to account for development specific attributes or the value of other contributions (i.e., land for reserves, but excluding development contributions) for the same purpose (32.15)

B – Tree charge = \$500 per dwelling

18.5.2.4 Greenfield development will be required to pay 80% of the rate specified in Rule 18.5.2.3. (32.15)

**Rule - Timing of calculation and payment**

18.5.2.5 A financial contribution under Rules 18.5.2.3 and 18.5.2.4 shall be calculated at the earliest possible time from the options outlined below:

- (a) Subdivision, in which case a financial contribution calculated shall be paid prior to Council issuing any certificates under either Section 223 or 224 of the Act; or
- (b) Resource consent, in which case a financial contribution calculated shall be paid as a condition of that consent and prior to the activity commencing.; or
- (c) Building consent, in which case a financial contribution calculated shall be paid prior to the issue of consent. (32.15)

Activities that fail to comply with residential amenity financial contribution rules and/or performance standards will require a resource consent for a restricted discretionary activity.

Discretion will be restricted to the following matters:

- The extent to which the proposal is consistent with the objectives and policies in Section 18 (financial contributions).
- The extent to which the proposal complies with the performance standards in Section 18 (financial contributions), and the reasons for non-compliance.
- The effects that the development will create in relation to the residential amenity financial contribution.
- The mitigation measures provided or the value of other contributions provided in relation to the residential amenity financial contribution.

**Rule – Te Ture Whaimana o Te Awa o Waikato (Vision and Strategy for the Waikato River) (to be collected from the Medium Density Residential and Commercial Zones only) (32.15)**

**The following rules apply to any development and subdivision, including new, infill and permitted development and subdivision.**

**Rule - Circumstances when financial contributions may be taken (32.15)**

18.5.2.6 Costs will be recovered for all new dwellings in the Medium Density Residential Zone or the Commercial Zone. where it is necessary to avoid, remedy or mitigate the adverse effects of medium density residential development on the water quality and/or the minimum flows of the Waikato and Waipā Rivers and their catchments.

**Rules - Determination of the maximum amount of financial contribution (32.15)**

18.5.2.7 For each additional bedroom at the site created by the development, a fixed financial contribution of \$400.00 shall be required. The financial contribution collected for Te Ture Whaimana shall be based on the following calculation to a maximum amount of \$1,500 per dwelling:

Financial contribution charge = (FC \* n) \* F

where:

FC = financial contribution per dwelling (\$1,500)

n = number of new dwellings

F = discount factor to account for development specific attributes or the value of other contributions (i.e. land for reserves, but excluding development contributions) for the same purpose (32.15)

18.5.2.8 For non-residential development \$2,000.00 per 100m<sup>2</sup> of Gross Floor Area. (65.26) (32.15)

#### **Rule - Timing of calculation and payment**

18.5.2.9 A financial contribution under Rules 18.5.2.7 and 18.5.2.8 shall be calculated at the earliest possible time from the options outlined below:

- (a) Subdivision, in which case a financial contribution calculated shall be paid prior to Council issuing any certificates under either Section 223 or 224 of the Act; or
- (b) Resource consent, in which case a financial contribution calculated shall be paid as a condition of that consent and prior to the activity commencing.; or
- (c) Building consent, in which case a financial contribution calculated shall be paid prior to the issue of consent. (32.15)

Activities that fail to comply with the Te Ture Whaimana financial contribution rules and/or performance standards will require a resource consent for a restricted discretionary activity.

Discretion will be restricted to the following matters:

- The extent to which the proposal is consistent with the objectives and policies in Section 18 (financial contributions).
- The extent to which the proposal complies with the performance standards in Section 18 (financial contributions), and the reasons for non-compliance.
- The effects that the development will create in relation to the Te Ture Whaimana financial contribution.
- The mitigation measures or the value of other contributions provided in relation to the Te Ture Whaimana financial contribution.

#### Advice notes:

1. Te Ture Whaimana has the legal effect of a National Policy Statement. Where there is an inconsistency with provisions in other national planning standards, the New Zealand Coastal Policy Statement and the National Planning Standards, Te Ture Whaimana will prevail.
2. Under s108 (2)(a). a consent authority may impose a condition on a resource consent it has granted that requires a financial purpose. Where a financial contribution is made in cash it must be used reasonably in line with the purpose for which the contribution was received.
3. Financial contributions taken under the above rules will be used to avoid, remedy or mitigate the effects of medium density residential intensification and the resulting discharges on the Council's infrastructure network and/or water takes through the Council's infrastructure network.

## Rule – Non-residential development

18.5.2.10 Non-residential development in all zones: \$2,000.00 per 100m<sup>2</sup> of Gross Floor Area. (32.15)

### **Reticulated water services**

*The following rules apply to any development and subdivision, including new, infill and permitted development and subdivision, that seeks to connect to Council's reticulated water services.*

### **Rule - Circumstances when financial contributions may be taken**

~~18.4.2.1~~ 18.5.2.9 Council will ~~may~~ require the payment of a Financial Contribution where a development or subdivision located outside Council's water supply area seeks to connect, and Council approves such connection, and where development contributions have not been paid or are not payable.

### **Rule - Determination of the maximum amount of financial contribution**

~~18.4.2.2~~ 18.5.2.10 The maximum amount of Financial Contribution ~~that (32.22) may be~~ taken for connection to a water supply system in a Council reticulated water supply area shall be the greater of:

#### **EITHER**

$$\$A \times [B / [B + C]]$$

#### **where:**

A = the replacement value of the specific water reticulation system after adjustment for capital expenditure in this activity at the time the connection is sought.

B = the number of residential equivalent connections to be added to that reticulation system where:

≤ 20mm nb diameter connection = 1 residential equivalent connection

32mm nb dia connection = 3 residential equivalent connections

50mm nb dia connection = 10 residential equivalent connections

75mm nb dia connection = 14 residential equivalent connections

100mm nb dia connection = 25 residential equivalent connections

150mm nb dia connection = 56 residential equivalent connections

C = the total number of existing connections to that water reticulation system.

#### **OR**

The total assessed cost of providing additional water supply capacity (including the additional cost of abstraction, treatment, storage and reticulation) in the water reticulation system needed to service the development or subdivision.

### **Rule - Timing of calculation and payment**

~~18.4.2.3~~ 18.5.2.11 A Financial Contribution under Rules ~~18.4.2.1 and 18.4.2.2~~ 18.5.2.8 and 18.5.2.9 shall be

calculated at the earliest possible time from the options outlined below: ~~either at the time of:~~

- (a) Subdivision, in which case a financial contribution calculated shall be paid prior to Council issuing any certificates under either Section 223 or 224 of the Act; or
- (b) Resource consent, in which case a financial contribution calculated shall be paid as a condition of that consent, and prior to the activity commencing; or
- (c) Building consent, in which case a financial contribution calculated shall be paid prior to the issue of consent.

Advice Notes:

1. The replacement value of a Council reticulation system in a reticulated water supply area is the valuation reported in or supporting the most recent Council Annual Report.
2. The financial contributions for reticulated water services will not be levied on Council funded growth cells identified in this Plan or development or subdivision located within Council's reticulated water supply areas.
3. The financial contributions for reticulated water services exclude the cost of connection to a water reticulation system or the cost of water reticulation within the development or subdivision.
4. Once a development or subdivision is physically connected to a Council water reticulation system, it is deemed to be part of that water reticulation system.

### Wastewater collection services

*The following rules apply where a **any** development or subdivision including new, infill and permitted development and subdivision, seeks to connect to Council's wastewater collection services.*

#### Rule - Circumstances when financial contributions may be taken

~~18.4.2.4~~ 18.5.2.12 Council ~~will~~ may require the payment of a financial contribution where a development or subdivision located outside any of Council's wastewater service areas seeks to connect, subject to Council having wastewater disposal capacity, and where development contributions have not been paid or are not payable.

#### Rule - Determination of the maximum amount of financial contribution

~~18.4.2.5~~ 18.5.2.13 The maximum amount of financial contribution ~~that may be~~ taken for connection to a service network system in a Council wastewater service area shall be the greater of:

#### EITHER

$$\$A \times [B / [B + C]]$$

#### where:

- A = the replacement value of the specific wastewater system after adjustment for capital expenditure in this activity at the time the connection is sought.
- B = the number of residential equivalent connections to be added to that reticulation system where:
  - ≤ 100mm nb diameter gravity connection = 1 residential equivalent connection
  - 150mm nb dia gravity connection = 3 residential equivalent connections
  - ~~200~~ 150 mm nb dia gravity connection = 10 residential equivalent connections
- C = the total number of existing connections to that wastewater system.

**OR**

The total assessed cost of providing additional wastewater system capacity (including the additional cost of storage, pumping, transportation, processing and disposal) to the wastewater system needed to service the development or subdivision.

**Rule - Timing of calculation and payment**

~~18.4.2.6~~ 18.5.2.14 A Financial Contribution under Rules 18.5.2.12 ~~18.4.2.4~~ and 18.5.2.13 ~~18.4.2.5~~ shall be calculated at the earliest possible time from the options outlined below: ~~either at the time of:~~

- (a) Subdivision, in which case a financial contribution calculated shall be paid prior to Council issuing any Certificates under either Section 223 or 224 of the Act; or
- (b) Resource consent, in which case a financial contribution calculated shall be paid as a condition of that consent, and prior to the activity commencing; or
- (c) Building consent, in which case a financial contribution calculated shall be paid prior to the issue of consent.

Advice Notes:

- 1. The replacement value of a Council wastewater system in a wastewater service area is the valuation reported in or supporting the most recent Council Annual Report.
- 2. The financial contributions for wastewater services will not be levied on a Council funded growth cells identified in this District Plan, or development or subdivision located within a Council wastewater service area.
- 3. The financial contributions for wastewater services exclude the cost of connection to a wastewater system or the cost of sewerage within the development or subdivision.
- 4. Once a development or subdivision is physically connected to a Council wastewater system, it is deemed to be part of that wastewater system.

**Stormwater services**

*The following rules apply where ~~a~~ any development or subdivision including new, infill and permitted development and subdivision, seeks to connect to Council's consented stormwater services.*

**Rule - Circumstances when financial contributions may be taken**

~~18.4.2.7~~ 18.5.2.15 Council ~~will~~ may require the payment of a Financial Contribution where a development or subdivision located immediately outside any of Council's stormwater systems seeks to connect, subject to Council having the necessary resource consent to discharge and where development contributions have not been paid or are not payable.

**Rule - Determination of the maximum amount of financial contribution**

~~18.4.2.8~~ 18.5.2.16 The maximum amount of Financial Contribution ~~that (32.22) may be~~ taken for connection to an existing Council stormwater system shall be the greater of: -

**EITHER**

$$\$I \times [J / [J + K]]$$

**where:**

I = the replacement value of the relevant stormwater system after adjustment for capital expenditure in this activity at the time the connection is sought; and

- J = the gross area of the development measured in hectares; and  
K = the gross area served by the relevant stormwater system excluding the activity.

**OR**

The total assessed cost of providing additional stormwater system capacity (including the additional cost of stormwater retention, pumping, transportation, processing, disposal and resource consent variation costs) needed to service the activity.

**Rule - Timing of calculation and payment**

~~18.4.2.9~~ 18.5.2.17 A Financial contribution under Rules 18.5.2.15 ~~18.4.2.7~~ and 18.5.2.16 ~~18.4.2.8~~ shall be calculated at the earliest possible time from the options outlined below: ~~either at the time of:~~

- (a) Subdivision, in which case a financial contribution calculated shall be paid prior to Council issuing any Certificates under either Section 223 or 224 of the Act; or
- (b) Resource consent, in which case a financial contribution calculated shall be paid as a condition of that consent, and prior to the activity commencing; or
- (c) Building consent, in which case a financial contribution calculated shall be paid prior to the issue of consent.

Advice Notes:

1. The replacement value of a Council stormwater system is the valuation reported in or supporting the most recent Council Annual Report.
2. The financial contributions for stormwater services exclude the cost of physical connection to a stormwater system or the cost of stormwater infrastructure within the development or subdivision.
3. Once a development or subdivision is physically connected to a Council stormwater system, it is deemed to be part of that stormwater system.

**Road corridor services**

*The following rules apply to development or subdivision, including permitted activities, that gives rise to increases in vehicular and/or pedestrian traffic.*

**Rule - Circumstances when financial contributions may be taken**

~~18.4.2.10~~ 18.5.2.18 Council may require as part of a subdivision or development the payment of a financial contribution. A financial contribution may be payable where infrastructure for vehicles, and pedestrians cycling and walking (30.26) that is located off the site of the activity that is subject to consent:

- (a) Requires construction, upgrading or improving; and
- (b) The funding of the required works has not, for any reason, been fully or adequately provided for by other funding instruments available to Council; and
- (c) Where a development or subdivision will, or is likely to, adversely ~~effect~~ affect existing or proposed public roads managed by a road controlling authority other than Council, financial contributions may at Council's sole discretion and with appropriate justification, and in consultation with the appropriate road controlling authority, be assessed and used as though the road controlling authority was Council.

**Rule - Determination of the maximum amount of financial contribution**

~~18.4.2.11~~ 18.5.2.19 The maximum amount of financial contribution for road corridor services that may be taken shall be determined on the basis of the following formula:

$$\$F \times [G / [G + H]]$$

**where:**

- F = the assessed total cost of constructing, upgrading and/or improving traffic and/or pedestrian routes (including land purchases) as a consequence of the development.
- G = the average annual assessed volume of vehicular traffic measured in vehicles per day directly attributable to the development.
- H = the average annual assessed volume of vehicular traffic measured in vehicles per day currently using routes that will require constructing, upgrading and/or improving as a consequence of a development.

**Rule - Timing of calculation and payment**

~~18.4.2.12~~ 18.5.2.20 A financial contribution under Rules 18.5.2.18 ~~18.4.2.10~~ and 18.5.2.19 ~~18.4.2.11~~ shall be calculated at the earliest possible time from the options outlined below: ~~either at the time of:~~

- (a) Subdivision, in which case a financial contribution calculated shall be paid prior to Council issuing any certificates under either Section 223 or 224 of the Act; or
- (b) Resource consent, in which case a financial contribution calculated shall be paid as a condition of that consent and prior to the activity commencing; or
- (c) Building consent, in which case a financial contribution calculated shall be paid prior to the issue of consent.

Advice Notes:

1. The assessment of traffic volumes will be based on traffic models acceptable to Council following consultation with the relevant road controlling authority.
2. The financial contributions for Road Corridor Services will not be levied on development located within any funded growth cells identified in this Plan.
3. The financial contributions for Road Corridor Services exclude the cost of physically connection to traffic or pedestrian walking and cycling (30.26) routes or the cost of providing traffic and pedestrian walking and cycling (30.26) services within the development or subdivision.
4. Once a development or subdivision is physically connected to the road controlling authority or Council's traffic or pedestrian walking and cycling (30.26) routes, it is deemed to be part of those traffic or pedestrian walking and cycling (30.26) routes.

**Heavy vehicle impact fee**

*The following rules apply to development, including permitted development, that gives rise to increases in vehicular and pedestrian traffic, and constructing, upgrading or early renewal of traffic and pedestrian routes.*

**Rule - Circumstances when financial contributions may be taken**

~~18.4.2.13~~ 18.5.2.21 Council may require as part of a development (including permitted), subdivision or land use consent, the payment of a financial contribution where:

- (a) Routes and other infrastructure for vehicles and pedestrians off the site subject to consent requires construction or upgrading; and/or

- (b) Increases in heavy traffic are likely to lead to infrastructure renewal; and/or
- (c) Construction or upgrades are required earlier than expected; and/or
- (d) Where the effects of the development adversely affect public roads managed by other agencies, any financial contribution taken may be used by those agencies to upgrade those roads.

**Rule - Determination of the maximum amount of financial contribution**

~~18.4.2.2~~ 18.5.2.22 The maximum amount of financial contribution for traffic and pedestrian routes that may be taken shall be determined on the basis of the following:

$$\$(G)/[(F) + (G)] \times (H)$$

**where:**

- F = the volume of vehicular traffic (measured in equivalent standard axles for a 40 year design period) currently using routes that will require construction, upgrading or earlier renewal as a consequence of the development.
- G = the volume of heavy vehicular traffic (measured in equivalent standard axles for a 40 year design period) directly attributable to the development.
- H = the cost of construction, upgrading or renewal of traffic and pedestrian routes as a consequence of the development.

Advice Notes:

1. The fee will be charged as a lump sum where the activity is expected to continue for less than three years. Where the development activity is expected to continue for longer than three years, the fee may by agreement be allocated on the basis of a unit rate related to the materials transported.
2. In respect of the Significant Mineral Extraction Zone only - Council, at its sole discretion, may accept any monetary value of financial contribution required, as a supply of aggregate for Council use up to the equivalent monetary value at the market rate at the time of calculation.

**Rule - Timing of calculation and payment**

~~18.4.2.3~~ 18.5.2.23 A financial contribution under Rules 18.5.2.21 ~~18.4.2.13~~ and 18.5.2.22 ~~18.4.2.4~~ shall be calculated, either at the time of:

- (a) Subdivision, in which case a financial contribution calculated shall be paid prior to Council issuing any certificates under Section 224 of the Act; or
- (b) Resource consent, in which case a financial contribution calculated shall be paid as a condition of that consent and in the manner set out by any condition of that consent. ; or
- (c) Building consent, in which case a financial contribution calculated shall be paid prior to the issue of consent.

**Financial contributions of land (65.28)**

**Rule - Contribution of land**

18.5.2.24 The following rules apply when a contribution of land has been offered:

- (a) Where a developer offers land as a financial contribution, Council has the sole discretion to accept land as a substitute for a monetary financial contribution. The value of the land

is to be determined by an independent property valuer [agreed between the Council and the developer.](#) (32.15)

- (b) Where Council exercises its discretion to collect a financial contribution in the form of land, the vesting of this land in Council must be a condition of any land use or subdivision consent.
- (c) Vesting of land shall occur prior to Council issuing a Section 224(c) certification under the Resource Management Act 1991 and prior to Council issuing a Code Compliance Certificate or building consent under the Building Act 2004.
- (d) The land value of the area of land provided shall not be less than the amount of a monetary financial contribution calculated under the relevant [Rules or](#) (32.15) performance standards (whichever applies).

**Advice Notes:**

1. Any land valuation will be undertaken by a qualified and experienced registered valuer.
2. The valuation methodology will be industry best practice at the time of the valuation.

**Rule - Contribution of land and money**

**18.5.2.24**

In circumstances where Council exercises its discretion to collect a financial contribution in the form of a combination of land and money, the contribution must be assessed in terms of both the [applicant applicable](#) (32.15) Rule and performance standards (whichever applies).

**Advice note:**

**Worked Example**

A worked example follows. It demonstrates the steps in calculating the Te Ture Whaimana and Residential Amenity financial contributions using a hypothetical example with the following key assumptions:

- 10-unit intensification development.
- Both Te Ture Whaimana and Residential Amenity contributions apply.
- Two (existing) dwellings are credited.
- The developer is providing (volunteering) their own riparian planting.

Item		Te Ture Whaimana	Residential Amenity	
			Residential Amenity	Tree
FC-rate	$FC_{rate}$	1,500	1,300	500
Total dwelling	b	10	10	10
Credits (for existing dwellings)	c	2	2	2
Relevant dwellings	$n = (b-c)$	8	8	8
<b>Unadjusted FC</b>	$e = FC_{rate} * n$	12,000	10,400	4,000
Discount factor <sup>1</sup>	F	60%	0%	n/a
<b>Financial contribution charge to recover</b>	$FC_{charge} = e * (1-F)$	4,800 (x)	10,400 (y)	4,000 (z)
	<b>SUM</b> (x + y + z)		<b>19,200</b>	
1 - Based on development attributes and developer's activities				

## Section 21 – Assessment Criteria and Information Requirements

### Explanatory Text

Text that has been deleted is shown in ~~striketrough~~.

Text that has been added is shown as underlined.

Consequential renumbering may occur throughout.

Text that is not underlined or struck through is original text from the operative Waipā District Plan and will be carried over as currently drafted.

Additional changes in response to submissions are shown in blue underlined or ~~striketrough~~ with the relevant submission point following e.g. (1.1).

Additional changes in response to evidence are shown in red underlined or ~~striketrough~~.

### 21.1.18 Financial Contributions

There are no specific Financial Contributions assessment criteria. Please refer to [the matters of discretion in section 18 - Financial Contributions](#).