

Development Contributions Policy

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Introduction

Waikato district has experienced significant growth in recent times which is expected to continue. In particular, Waikato district now includes Pokeno, a major growth node for the foreseeable future.

Although growth is often described as positive for the community, it also presents a number of challenges. One of the greatest challenges for the council is expanding its infrastructure networks to cater for increased demand.

The cost of expanding these networks is typically high, and the issue of funding inevitably arises. A range of funding sources are available to Council including rates, financial contributions under the Resource Management Act 1991, grants, subsidies and development contributions. Funding infrastructure solely related to additional demand via general rates (or other indirect means) can be inequitable, where existing ratepayers are neither the primary cause nor the primary beneficiaries. Where new infrastructure also benefits the wider community, an appropriate funding balance must be struck.

This document sets out the Council's policy on development contributions.

Objectives

The purpose of this policy is to:

- a) Ensure that new development contributes fairly to the funding of Council's infrastructure;
- b) Establish a policy framework for the calculation and application of development contributions;
- c) Set development contribution levies at a level which supports district plan and infrastructure strategy outcomes.

Definitions

Activity means a good or service provided by, or on behalf of, a local authority or a council-controlled organisation, e. g. water supply, transport networks.

Allotment has the meaning given to it in section 218(2) of the Resource Management Act 1991.

Allotment area is the total land area of an allotment.

Applicant is the person/persons that apply for resource consent, building consent or service connection.

Accommodation units means units, apartments, rooms in 1 or more buildings, or cabins or sites in camping grounds and holiday parks, for the purpose of providing overnight, temporary, or rental accommodation

Asset management plan means council documents outlining how each main asset class will be managed, upgraded and expanded as required.

Catchment means the area served by a particular infrastructure investment.

Capital expenditure means the cost of capital works for network infrastructure, reserves and community infrastructure.

Community facilities means reserves, network infrastructure, or community infrastructure that development contributions may be required for in accordance with section 199 of the Local Government Act 2002.

Community infrastructure means land or buildings and structures on land (development assets) on land, owned or controlled by the territorial authority to provide the following public amenities:

- i. Community centres or halls for the use of a local community or neighbourhood
- ii. Play equipment that is located on a neighbourhood reserve
- iii. Toilets for use by the public.

Community outcomes means the outcomes that the Council aims to achieve in meeting the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions.

Council means the Waikato District Council.

Development means

- (a) any subdivision, building (as defined in section 8 of the Building Act 2004), land use, or work 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 agreement means a voluntary contractual agreement made under sections 207A to 207F of the LGA between 1 or more developers and 1 or more territorial authorities for the provision, supply, or exchange of infrastructure, land, or money to provide network infrastructure, community infrastructure, or reserves in 1 or more districts or a part of a district

Development contribution means a contribution -

- (a) provided for in this policy; and
- (b) calculated in accordance with the methodology; and
- (c) comprising-
 - (i) money; or

- (ii) land, including a reserve or esplanade reserve (other than in relation to a subdivision consent), but excluding Maori land within the meaning of Te Ture Whenua Maori Act 1993, unless that Act provides otherwise; or
- (iii) both.

Development contribution policy means this policy on development contributions included in the Long Term Plan of the Council under section 102(2)(d) of the Local Government Act 2002.

District means the Waikato district.

District Plan means the District Plan of Waikato District Council.

Dwelling means any building, whether permanent or temporary, that is occupied, in whole or in part, as a residence; and includes any structure or outdoor living area that is accessory to, and used wholly or principally for the purposes of, the residence; but does not include the land upon which the residence is sited

Financial contribution has the same meaning as Financial Contributions in section 108(9)(a)-(c) of the Resource Management Act 1991.

Goods and Services Tax (GST) means goods and services tax under the Goods and Services Tax Act 1985.

Gross Floor Area (GFA) means, for the purposes of development contributions, the sum of the area of all floors of all buildings on any site measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two abutting buildings but excluding:

- carparking
- loading docks
- vehicle access and manoeuvring areas/ramps
- plant and equipment enclosures on the roof
- service station canopies
- pedestrian circulation space in an enclosed retail shopping centre
- any foyer/Lobby or a primary means of access to an enclosed retail shopping centre, which is accessed directly from a public place

Household Equivalent Unit (HEU) means an average residential dwelling occupied by a household of average size.

Impervious Surface Area For the purpose of development contribution Impervious Surface Area (ISA) means the area of any site that is not capable of absorbing water and includes any area that:

- Is covered by buildings
- Is covered by decks
- Is occupied by swimming pools
- Is used for parking, manoeuvring or loading of motor vehicles
- Is paved with a continuous surface with a run-off coefficient of greater than 0.45.

LGA means the Local Government Act 2002

Local authority means a regional council or territorial authority.

Methodology has the same meaning as methodology in section 197 of the Local Government Act 2002.

Minor residential unit (“Granny Flats”) means a secondary residential unit with a gross floor area that does not exceed 70 square metres, on a site which can be used either as a rental property or to house a dependent relative and is subservient to the larger residential unit on the site. The minor residential unit may be separate, or be a part of a main residential unit.

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 activity in a non-residentially zoned area, excluding rural areas, or where the predominant activity is not residential or rural. It further includes, but is not limited to, commercial and industrial development. Where;

Commercial means any activity involving commercial transactions, or providing commercial or administrative services, and includes, non-school activities, offices and banks; but excludes premises or activities involving industrial manufacture or production and retail trade.

For the purposes of development contributions any consents deemed to be a commercial land use type will be assessed for development contributions.

Industrial means:

- a) any premises used for any industrial or trade purposes; or
- b) any premises used for the storage, transfer, treatment, or disposal of waste materials or for other waste-management purposes, or used for composting organic materials:
or
- c) any other premises from which containment is discharged in connection with any other industrial or trade process.
- d) any activity where people use materials and physical effort to:
 - Extract or convert natural resources
 - Produce goods or energy from natural or converted resources
 - Repair goods
 - Store goods (ensuing from an industrial process)

For the purposes of development contributions any consents deemed to be an industrial land use type will be assessed for development contributions.

Residential development means any activity in a residentially zoned area. Accommodation units in accordance with the Local Government Act 2002 are deemed to be residential.

Resource consent has the meaning given to it in section 2(1) of the Resource Management Act 1991 and includes a change to a condition of a resource consent under section 127 of that Act.

RMA means the Resource Management Act 1991.

Service connection means a physical connection to a service provided by, or on behalf of, a territorial authority.

Service connection fee means a charge for physically connecting to a service provided by, or on behalf of, a territorial authority.

Subdivision has the same meaning as in Section 218 of the Resource Management Act 1991.

Third party funds mean funding or subsidy, either in full or in part, from a third party. E.g. New Zealand Transport Agency subsidies for the roading network.

Unit of demand means the measure of demand for community facilities.

Navigating this Document

This document comprises the following sections:

- *Section 1* provides a brief **overview of the policy**, including the purpose of development contributions, when contributions may be required, the types of development that may be charged, and other general information regarding development contributions.
- *Section 2* addresses the **adoption and implementation** of this policy, including the date of adoption, the frequency and scope of policy reviews, and any transitional provisions.
- *Section 3* summarises the **capital expenditures** the council expects to incur (and has already incurred) to cater for growth.
- *Section 4* presents the **schedule of development contributions charges**, and details any limitations on the use of those funds.
- *Section 5* provides a simple flowchart diagram that shows **how to calculate** the contributions payable on developments.
- *Section 6* demonstrates **application of the policy** to various development activities and outlines how credits are granted.
- *Section 7* presents the council's policy on **remissions, reconsiderations, objections, refunds, and postponement** of development contributions
- *Section 8* provides details on **additional administrative matters**, such as invoicing and payment, service connection fees and the handling of GST.
- *Section 9* outlines **how demand has been measured**, including the definition of household equivalent units.
- *Section 10* presents the **methodology** used to calculate charges and outlines the **significant assumptions** underlying this policy.

I. Policy Overview

I.1 Purpose of development contributions

The purpose of development contributions under the LGA is to recover from persons undertaking development a fair, equitable, and proportionate portion of the total cost of capital expenditure necessary to service growth over the long term.

It is the Council's position that costs of growth-related capital expenditures should largely come from participants in the property development process, rather than from general rates or any other indirect funding source.

1.2 When development contributions may be required

According to the LGA, development contributions may be required in relation to developments if:

- the effect of the developments is to require new or additional assets or assets of increased capacity and, as a consequence,
- The council incurs capital expenditure to provide appropriately for those assets.¹

The council is also entitled to require a development contribution for capital expenditures incurred in anticipation of development.

1.3 Relationship to Financial Contributions under the Resource Management Act (RMA)

The Council continues to levy Financial Contributions under the provisions of its district plan. These are separate from, and may be levied in addition to, development contributions under the LGA. However, they cannot both be charged against the same development for the same purpose.

Additionally, developers will still be responsible for completing works on site to avoid, remedy, or mitigate adverse effects as a condition of consent, or in accordance with rules in the District Plan. Moreover, where necessary, financial contributions may still be sought for environmental reasons off-site, for example for trees to enhance visual amenity. Financial contributions may also be required for infrastructure that will solely benefit the proposed development or is needed to deal with its specific impacts. (Refer to Waikato District Plan, Chapter 16).

1.4 Types of development that may be charged

Any development that generates a demand for community facilities - whether residential or non-residential - may be required to pay a development contribution. Only the pipes or lines of a network utility operator are explicitly exempt under the LGA.

1.5 Types of activities that may be funded

The council may charge development contributions to help fund the total capital cost of:

- *Network Infrastructure* – This includes roads and other transport, water, wastewater, and stormwater networks.
- *Community Infrastructure* – This includes land purchases or the development of assets on land owned or controlled by the council to provide public amenities, specifically community halls, play equipment on neighbourhood reserves and public toilets.

¹ In this context, "effect" includes the cumulative effect that a development may have in combination with another development.

- Reserves – this includes both land acquisition and development but does not include land that forms or is to form part of any road or is used or is to be used for stormwater management purposes

Please also note that onsite works (within the boundaries of each development) remain the sole responsibility of developers and do not form part of this policy.

2. Adoption, implementation and review

2.1 Timing

Any application for resource consent, building consent or service connection submitted on, or after 1 July 2015 will be subject to the conditions of this policy.

Applications determined prior to this date will be assessed under previous development contributions policies. The method for calculating current charges payable under previous policies are available on council's website <http://www.waikatodistrict.govt.nz/Your-Council/Fees-and-charges.aspx>

Please note that in order for the charges within the current policy to apply, the existing consent would need to be surrendered and a new consent lodged. Applicants would need to give consideration to the impact of any changes in the district plan that may have come into effect during the corresponding period.

2.2 Frequency and scope of reviews

As required by the LGA, the Council will review this policy at least once every three years (or more frequently if deemed necessary). Such reviews may be triggered by – and will take into account – the following factors:

- any changes to the significant assumptions underlying the development contributions policy
- any changes in the capital works programme for growth
- any significant changes in the costs of labour, construction or technology
- any changes in the expected nature, scale, location or timing of development
- any changes that require new or significant modelling of the networks
- any changes to the District Plan
- the regular reviews of the Funding and Financial Policies, and the LTP
- any other matters the council considers relevant.

Each review will include a detailed analysis of the factors listed above. Any proposed changes will be carefully considered, and subject to consultation under Sections 82 and 82A of the LGA.

In addition to these regular reviews, the council will, in accordance with Section 106 (2C), annually increase its charges (excluding the portion relating to interest) in accordance with the rate of increase (if any), in the Producers Price Index Outputs for Construction provided by Statistics New Zealand since the development contribution was last set or increased. The Council will make publicly available information setting out details of the adjustment before it takes effect.

3. Planning for growth

This section presents historic and future growth trends, which provide both the context and need for this policy. It also outlines capital expenditures required to service the amount of growth in the district.

3.1 Growth projections

Accurate growth projections are a fundamental component of any development contributions policy. They help determine the extent of capital works required to service growth, as well as the level of demand over which the resulting costs should be spread.

For the purposes of this policy, growth projections have been produced separately for residential and non-residential developments. This allows any differences in the rates of growth to be accommodated

3.2 Capital expenditure required to service growth

Appendix 3 contains a table presenting capital expenditures (from the LTP) that the council expects to incur to meet the increased demands resulting from growth. It also identifies historic growth-related expenditures that the council has incurred in anticipation of demand. These will also be recovered from future development through this policy.

Appendix 4 relates to specific Parks and Reserves infrastructure that was completed or substantially underway in August 2014 which now falls outside the LGA definition of 'community infrastructure'. Council is able to continue to recoup these costs via the development contributions methodology in accordance with clause 8 of schedule IAA.

3.3 Policy rationale

Section 106(2)(c) of the LGA requires the council to explain – in terms of the matters outlined in section 101(3) - why it has determined to use development contributions to meet the expected capital expenditure set out in Section 3.2 above.

3.3.1 Community outcomes

Council's growth related capital expenditure primarily contributes to the "Economy" community outcome, as set out in Waikato District Council's LTP:

"We will promote sustainable growth, maintain accessible, safe and connected infrastructure and services, create an attractive business environment and provide sound financial governance."

The principle of sustainable growth is promoted by fairly apportioning the cost of expenditure for increased demand to developers. Development contributions provide a suitable method for funding increases in demand.

3.3.2 Distribution of benefits

By definition, capital works funded by development contributions are primarily for the benefit of future residents and businesses. Their aim is to increase capacity to accommodate new users, not to improve service levels for existing users. Using development contributions to fund growth-related works therefore aligns with the principle of benefits-based funding. The benefits arising from these projects for existing

communities and users is assessed and funded separately from development contributions.

3.3.3 Period over which benefits occur

Due to their 'lumpy' nature, most capital works provide additional capacity for long periods of time. Thus, in order to achieve intergenerational equity, and avoid over-recovery of costs allocated to development contribution funding, the council must fund them over relatively long time spans, too. Development contributions facilitate this, by spreading the cost over multiple years, thereby more closely aligning the period of funding with the period of benefit. Council has used a maximum cost recovery period of 25 years as the interest impact beyond this period is deemed to be uneconomic.

3.3.4 Need to undertake activity

Development -related growth pressures are a key driver of capital works funded by development contributions. Hence, requiring them to be largely funded by the growth community ensures that costs are borne by those who cause them to be incurred. This is both efficient and equitable.

Non-growth related capital expenditure is not funded by development contributions. The benefits from new or improved infrastructure for existing users are funded instead by loans to be repaid via rates over time. Appraising the overall benefits to the community is an important principle in determining the correct apportionment of costs between growth and existing users.

3.3.5 Separation from other activities

Growth-related capital works do not usually stand-alone within the council's capital works programme; they are usually included within much larger projects that simultaneously cater for a number of different needs.

The use of development contributions to fund the growth components means council must allocate the costs of capital works between various project drivers and recover those costs accordingly in proportion to the persons who will benefit from the assets provided.

3.3.6 Catchments

Whilst some services, such as roading, are generally available to all district residents on an unrestricted basis, the size and diversity of geographical characteristics across the district define natural catchments for services such as water supply, wastewater and stormwater. These characteristics, as well as the nature of the specific project, have been used to define catchment areas for the recovery of development contributions. Catchment areas vary between services, for instance a wastewater network may extend further than a natural stormwater catchment. As a consequence, development contributions vary across the district depending on the extent of works providing additional capacity.

In terms of reserves and community infrastructure the proposed works form part of a district-wide network that is available to all residents. Grouping across the entire district for these activities provides, on average, a lower development charge than would be experienced via a catchment methodology and is consistent with fairness and equity considerations of council's other funding policies e.g. general rather than targeted rates fund the ongoing operational and maintenance costs of these services. Accordingly they are charged on a district wide basis.

The district comprises a large rural area with multiple small urban areas. Its significant growth areas (Te Kauwhata, Pokeno, Tuakau and Tamahere) will have relatively few HEUs, even when anticipated development is complete. The capital cost of providing reserves and community infrastructure in catchments based on these small growth centres, or indeed any other basis that is less than catchment wide, would be prohibitive on a per HEU basis. It is Council's policy that all residents should have reasonable access to reserves and community infrastructure, and to make that possible the cost must be shared by all users.

Accordingly, development contributions for reserves and community infrastructure are charged on a district wide basis as it would be impractical to do otherwise.

To clarify: The council sets charges for water, wastewater and stormwater on a catchment-specific basis, but sets charges for roads, reserves and community facilities on a district-wide basis. In addition, the council has set catchment-specific roading charges where significant area-specific works are required. E.g. new structure plan areas.

4. Charges, usage and limitations

4.1 Schedule of charges

Appendix I contains a schedule of development contributions charges.

In addition to these regular reviews, the council will, in accordance with Section 106 (2C), annually increase its charges(excluding the portion relating to interest) in accordance with the rate of increase (if any), in the Producers Price Index Outputs for Construction provided by Statistics New Zealand since the development contribution was last set or increased.

These annual adjustments have been factored into the calculation of charges from the outset to avoid systematic over-recovery of funds, and are intended to improve the intergenerational equity of the policy by rewarding early-paying developments with slightly lower charges to reflect the time value of money.

The Council will make publicly available information setting out details of the adjustment before it takes effect.

4.2 Use of development contributions

The council will use development contributions only on the activity for which they are collected. This will be undertaken on an aggregated project basis for each catchment.

Contributions may not be redistributed across catchments or across activities, but they may be reallocated across projects within a catchment for a given activity. Thus, for instance, contributions collected for water projects in a specific water catchment will only be spent on water projects in that catchment.

4.3 Limitations

The council will not require a development contribution for network infrastructure, reserves or community infrastructure in the following cases:

- where, under S108(2)(a) of the Resource Management Act (RMA), it has imposed a condition on a resource consent in relation to the same development for the same purpose; or
- where the developer will fund or otherwise provide for the same reserve, network infrastructure, or community infrastructure; or
- where it has already required a development contribution for the same purpose, in respect of the same building work, on the granting of a building consent or certificate of acceptance; or
- where it has received, or will receive, full funding from a third party.

In addition, council will not charge a development contribution for the provision of any reserve:

- if the development is non-residential in nature; or
- for the non-residential component of a development that has both a residential component and a non-residential component.

Development contributions will not be used for the renewal or maintenance of assets. Nor will they be used for capital works projects that bear no relation to growth.

5. How to calculate contributions payable

The following table demonstrates how to calculate the contributions payable on a development.

Step	What to do	Where do I find it?
1. Identify catchments	Using the catchment maps, identify what catchment your development falls in for each development contribution.	Appendix 2
2. Identify contribution payable	Use the development contributions schedule to identify the contributions payable per unit of demand for the catchments identified in step 1.	Appendix 1
3. Calculate the number of Household Equivalent Units (HEU)	Use the units of demand table to calculate the number of HEUs generated for each activity. Subtract any credits that may apply. (In general credits are given for the pre-existing status of properties. Credits may also be granted for historic payments of development or financial contributions).	Section 9 Section 6.8
4. Calculate charges for each service	Multiply the HEU's calculated in step 3 by the contributions payable identified in step 2.	
5. Aggregate charges	Calculate the total development contributions payable by adding together the charges calculated in step 4.	

6. Assessment and application of policy

6.1 Timing of assessment

Development contributions do not automatically apply to every development in the district. Only developments that place extra demands on infrastructure - and which cause the council to incur capital costs – will be liable.

Whether or not a development will have to pay development contributions will usually be decided when granting:

- a resource consent under the RMA for a development ;
- a building consent under the Building Act 2004; or
- an authorisation for a service connection; or
- a certificate of assessment under the Building Act 2004.

6.2 Assessment process

Assessment of whether development contributions will be required will be made against the first consent application lodged for each development, and when (if any) subsequent consent is sought, a re-assessment will be undertaken. If, for whatever reason, development contributions were not assessed at the first available opportunity, they still may be required at subsequent stages in the development process.

6.3 Residential activities ²

6.3.1 Resource consent applications

The creation of allotments via subdivision provides scope for new dwellings, and therefore attracts development contributions at a rate of one HEU per *additional* allotment.

Any resource consent application that creates the potential to build additional independent dwellings will also attract development contributions at a rate of one HEU per *additional* allotment or dwelling.

6.3.2 Building consent applications

Dwellings constructed on allotments with registered titles may attract development contributions under this policy. The extent of any contributions payable will depend on whether any payments were made at earlier stages in the development process, as well as the specific services that the development is connected to.

Note: Additions to residential dwellings do not attract development contributions unless they create additional independent dwelling units. Thus, garages, car ports and garden sheds do not attract charges.

Minor dwelling units (“granny flats”) shall be assessed at 0.5 HEUs each. However, if no separate connections are required (for water, wastewater or stormwater) the fee shall be waived for each such service.

² Accommodation units are classified as a residential activity

6.3.3 Service connection applications

Service connection applications accompanied by building consent applications will not be assessed separately. Instead, they will be assessed as per section 6.3.2. Unaccompanied service connection applications will be assessed in the same manner as resource consent or building consent applications, but only for the activity for which connection is sought. Applications to separate-out shared water meters will not attract contributions.

6.3.4 Certificates of Assessment

Where the Council grants a certificate of assessment under the Building Act 2004, a development contribution may be payable at the time of granting the certificate if a development contribution would have been required had a building consent been granted for the building work in respect of which the certificate is granted.

6.4 Non-residential activities

6.4.1 Subdivision

Subdivisions will attract development contributions on each additional allotment created. If the intended built form and land use is unknown at the time of subdivision, each allotment will be charged a development contribution based upon the HEU's set out in Table 2 in Section 9. The balance will then be assessed at the time a building consent, land use consent or service connection application is lodged.

Any additional demand over that originally assessed will require additional development contributions to be paid proportionate to the level of increase.

If the intended built form is known at the time of subdivision, contributions will be based on each lot's planned gross floor area (GFA) and the intended land use.³

6.4.2 Land use and building consent applications

Non-residential developments will attract development contributions based on their GFAs and intended land use. If an existing structure that had connections to services is demolished or removed as part of the site development, the GFA of that structure will be used as a credit against any new structure(s) erected on the site.

6.4.3 Service connection applications

Service connection applications accompanied by building consent applications will not be assessed separately. Instead, they will be assessed as per section 6.4.2. Unaccompanied service connection applications will be assessed in the same manner as resource consent or building consent applications, but only for the activity for which connection is sought. Applications to separate shared water meters will not attract contributions.

6.4.4 Certificate of Assessment

Where the Council grants a certificate of assessment under the Building Act 2004, a development contribution may be payable at the time of granting the certificate if a development contribution would have been required had a building consent been granted for the building work in respect of which the certificate is granted.

³ Stormwater charges will be based on the impervious surface area of each non-residential development, not their gross floor areas.

6.5 Council developments

The council is exempt from paying development contributions on any development (capital expenditure) for which development contributions are required. This avoids the possibility of collecting development contributions for one activity and using them to help fund another activity. However, any development undertaken by other local authorities may be liable for development contributions.

6.6 Special assessments and private development agreements

The approach taken to the identification of a long term infrastructure programme and the required expenditure is based upon “averaging” the likely demand from anticipated development, acknowledging that some development will create a higher level of demand and some will be lower. This approach is also reflected in the development contributions policy.

There is the possibility that some development may be proposed that would have markedly different characteristics in terms of demand for infrastructure capacity, for instance:

- Schools and universities
- Hospitals
- Wet industry.

Special assessment provisions will apply to such types of development, and any other development that is considered by the council to generate a level of demand that is significantly in excess of the levels identified in section 9 Table 2. A decision on whether a special assessment will be undertaken will be made by the council at the application stage, once details of the development are known. Applicants will be expected to provide supporting information and detailed calculations of the likely demand for roading, water, wastewater and stormwater capacity to enable a special assessment to be undertaken. This information will be used to calculate an equivalent HEU and the development will be charged accordingly.

In some circumstances a development may have particular needs, such as a specific level of service for water supply, or may involve the provision of infrastructure as part of the development. Another unusual circumstance is where a significant development is proposed and capital expenditure is required but none has been budgeted and no development contribution has been set. In these circumstances, where the council believes it is in the best interests of the community, private development agreements may be entered into with a developer. Private development agreements may be used in lieu of development contributions (the Council’s sole discretion) where a developer and the Council agree that particular infrastructure and/or services can be provided in a manner different to the council’s standard procedures/guidelines, and where the council’s minimum level of service will be achieved.

Such agreements must clearly state:

- the rationale for the agreement;
- the basis of any cost sharing;
- how and when the associated infrastructure will be provided;
- which lot(s) the agreement refers to; and
- the matters set out in section 207C(2) and (3) of the LGA.

6.7 Application in other circumstances

6.7.1 Cross-boundary developments

Some developments may span several catchments and/or straddle the district boundary with another territorial authority. In this event, the following rules will apply:

- Where a development spans more than one catchment, the total HEUs of that development will be allocated to the various catchments on the basis of site area. The resulting number of HEUs in each catchment will then be used to calculate contributions payable.
- Where a development straddles the district boundary with another territorial authority, development contributions will only be payable to Waikato District Council on the HEUs (or parts thereof) that are located within the Waikato district. (Development contributions may also be payable to other territorial authorities).

6.7.2 Consent variations

Applications to vary a resource or building consent, or the conditions of such consents, will trigger a reassessment. Any increase in the number of HEUs (relative to the original assessment) will be calculated and the contributions adjusted to reflect this. No automatic refund will be made for any decrease in the number of HEU's relative to the original assessment.

6.7.3 Boundary adjustments

Where consent is granted purely for the purposes of boundary adjustment, and no additional titles are created, development contributions will not be required.

6.8 Credits

6.8.1 Overview

As shown in section 6, the calculation of contributions payable requires the council to assess whether any credits shall apply. There are two types of credit. The first relates to development contributions that have already been paid in the past. For instance, a development may have paid contributions at the subdivision stage, and these must be taken into account if any further or additional development triggers reassessment at subsequent stages.

In general, credits will be given towards the activities for which payment was made on a HEU by HEU basis. Thus, if a development has already paid for two water HEUs, a credit for two water HEUs will be given at any reassessment. To clarify: credits are not provided for the dollars paid, but for the number of HEUs to which any previous payments correspond.

Provided written evidence of payment can be provided, no historical time limit will apply in the calculation of such credits, and all previous credits will be taken into account. This also applies to historic payments for financial contributions to the extent that such contributions related to the same infrastructure for which a development contribution is sought.

The second type of credit relates to the existing use or uses of a site. It recognises that development contributions only apply to increases in infrastructure demands caused by

developments. For instance, if a dwelling is demolished and replaced with a new dwelling, development contributions would not usually apply because there is no corresponding increase in infrastructure demand.

In other words, credit will also be given for the pre-existing status of properties as at the commencement of this policy (1 July 2015), even if no previous financial contribution or development contributions have been paid. Credits will be associated with the existing title and calculated and assigned to individual activities. More details on the nature of these credits are outlined below.

To clarify: where there is no connection to a reticulated system at the time development contributions are paid (either because unavailable or because an approved service is provided on site), a credit will be applied for those activities for which no connection exists. If a subsequent connection is made, development contributions will be required for that service connection at the service connection stage in accordance with the provisions of this policy. Also, if a property was not connected to a service prior to 1 July 2015, no credit will be given in respect of the service.

6.8.2 General principles of credit

- Residential credits will apply at the rate of one HEU per connected service per existing allotment or independent dwelling unit.
- Non-residential credits will be calculated on the basis of the GFA of the existing development, and converted to HEUs using the conversion factors set out in Table 2 in Section 9.
- On subdivision of undeveloped land, historic credits of one HEU per service connected per existing allotment will be allocated.
- For existing non-residential buildings that are extended or demolished and re-built to the same or higher intensity, the assessment of credits will be based only on the existing development prior to rebuilding.
- For existing residential buildings that are demolished or destroyed, no development contributions will be payable provided that the same number or fewer independent dwelling units are rebuilt. Any additional units will be assessed for payment of development contributions according to the terms of this policy.
- Credits must be allocated to the same allotment or allotments. This prevents the transfer of credits from one allotment to another.
- Credit will not be granted for infrastructure provided in excess of that required as a condition of any consent(s) issued by the council.
- Credits cannot be used to reduce the total number of HEUs to a negative number. That is to say, credits cannot be used to force payments by the council to the developer.

7. Remissions, reconsiderations, objections, refunds and postponement

7.1 Remissions

Remissions are adjustments to the scheduled charges for a particular activity, either as a percentage or in absolute (dollar value) terms. Remissions will only be invoked pursuant to a Council resolution, and are not able to be requested by applicants.

7.2 Reconsiderations

An applicant may request a reconsideration of the development contribution payable on their development where there are grounds to believe that:

- The development contribution levies were incorrectly calculated/assessed in accordance with the development contributions policy, or
- The Council has incorrectly applied its development contributions policy, or
- The information used to assess the application, or the way in which the Council has recorded or used it when requiring a development contribution, is incomplete or contained errors.

Reconsideration will only be undertaken pursuant to a request by the applicant.

All reconsideration requests must be made within 10 days of receiving notice from the Council of the level of development contributions required.

Requests must provide the reference number of the relevant resource consent be short and concise, but fully outline the reasons why reconsideration is being sought and provide sufficiently reliable data to enable a revised estimate of demand and associated development contribution charge to be made.

Requests can be lodged with the Council in the following ways:

- By email at: DCReviewCommittee@waikato.govt.nz
With the subject line “request for reconsideration” and the reference number of the relevant resource consent.
- By writing to Council at the following address:
Attention: DC Review Committee
Waikato District Council
Private Bag 544
Ngaruawahia 3742

In undertaking the review the council:

- must consider the request as soon as reasonably practicable
- may, at its discretion, uphold, reduce, or cancel the original amount of development contributions required on the development and will communicate its decision in writing to the applicant within 15 working days of receiving all relevant information pertaining to the request
- may delegate this role to council officers or other suitably qualified persons as required.

In reaching a decision, the council will take account of the following matters:

- The Development Contributions Policy
- The extent to which the value and nature of works proposed by an applicant reduces the need for works proposed by the council in its capital works programme
- The level of existing development on the site
- Contributions paid and/or works undertaken and/or land set aside
- Any other matters the council considers relevant.

7.3 Objections

A formal objections process with Ministry registered commissioners is available in accordance with section 199 of the LGA. Schedule 13A of the LGA outlines the process in detail.

7.4 Refunds

There may be occasions where the council must refund development contributions collected under this policy. The specific circumstances in which this may occur – as well as the way in which refunds must be handled - are set out in sections 209 and 210 of the LGA. In essence, refunds may occur if:

- development or building does not proceed; or
- a consent lapses or is surrendered; or
- The council does not provide the reserve, network infrastructure or community infrastructure for which the development contribution was required.

Any refund will be issued to the consent holder of the development to which the refund applies.

The refund amount will be the contribution paid, less any costs already incurred by the council in relation to the development or building and its discontinuance, and will not be subject to any interest or inflationary adjustment.

7.5 Postponement

The Council will not consider postponements of contributions payable under the policy.

8. Other administrative matters

8.1 Reassessment and invoicing

The LGA allows the council to assess applications (for consents and service connections) at various stages of the development process to determine the extent of any development contributions payable. The council's policy is to undertake such assessments as early as possible. These assessments will be reassessed on 1 July each year, taking into account the rate of increase (if any) of the Producers Price Index since the development contribution was last set or increased, and any change of the number of HEUs since the original consent was granted for the respective development. An applicant can also request an invoice be generated at any time. If not requested by the applicant, an invoice will be issued at the earliest of:

- an application for a certificate under section 224(c) of the RMA; or
- an application for a Code Compliance Certificate under section 92 of the Building Act 2004; or
- a grant of land use consent where the change in use triggers additional demand, but a section 224(c), code of compliance or additional service connection is not required.
- a request for service connection

8.2 Timing of payments

The due date for payment will be:

- For subdivision resource consents: prior to issue of the section 224c certificate.
- For other resource consents: prior to the commencement of consent.
- For building consents: prior to Code Compliance Certificate.
- For service connections: prior to connection.
- For certificates of acceptance: prior to issue.

Note: In order to avoid PPI increases, development contributions may be paid earlier, as outlined in clause 8.1 above.

8.3 Non-payment and enforcement powers

Until a development contribution required in relation to a development has been paid, the council may:

- In the case of a development contribution assessed on subdivision, withhold a certificate under section 224(c) of the RMA.
- In the case of a development contribution assessed on building consent, withhold a Code Compliance Certificate under section 95 of the Building Act 2004.
- In the case of a development contribution assessed on an authorisation for a service connection, withhold a service connection to the development.
- In the case of a development contribution assessed on a land use consent application, prevent the commencement of resource consent under the RMA.
- In the case where a development has been undertaken without a building consent, withhold a Certificate of Acceptance for building work already done.

The council may register the development contribution under the Statutory Land Charges Registration Act 1928 as a charge on the title of the land in respect of which the development contribution was required, as provided for in section 208 of the LGA.

8.4 Contributions taken as money in first instance

The LGA specifies that contributions may be taken either as money, land or both. The council will usually take contributions as money, but may also accept land from time to time at its sole discretion as per the development contributions policy in place at time of assessment.

8.5 Service connection fees

Where physical connections to the network are required, the council will require service connections fees for the following services:

- potable water
- wastewater
- stormwater

These are separate from, and are charged in addition to, development contributions.

8.6 GST

The process for calculating development contributions is GST exclusive. Once all calculations are complete, GST is added to the levy calculations as required by the prevailing legislation and/or regulations of the day. Please note that while assessments are inclusive of GST they do not constitute an invoice for the purposes of the Goods and Services Tax Act 1985.

9. Measuring demand

9.1 Units of demand

Units of demand provide the basis for distributing the costs of growth. They illustrate the rates at which different types of development utilise capacity. The council has adopted the household equivalent unit (HEU) as the base unit of demand, and describes the demand for capacity from other forms of development as HEU multipliers (also known as conversion factors). These show the number of HEUs that shall apply per 100m² of gross

floor area (GFA) for non-residential development. For stormwater, the calculations are based on impervious surface area (ISA), not GFA.

The following subsections outline the demand characteristics of each HEU and the conversion factors (multipliers) used to convert non-residential demand to HEUs.

9.2 Base units

The following table summarises the demand characteristics of each household equivalent unit, which represents an average household living in a single dwelling.

Table 1: **Base Units (Demand per HEU)** *Trickle feed only

Activity	Base Unit	Demand per HEU
Roading	Vehicle trips per day	10
Water Supply – Urban	M ³ /day/lot	0.7
Water Supply – Rural*	M ³ /day/lot	1.8
Wastewater	M ³ /day/lot	0.49
Stormwater	Impervious surface area (ISA)	260m ²
Community facilities	Base Unit determined by Level of Service per lot for respective service area	1

9.3 Conversion factors

The following table outlines the conversion factors used to convert non-residential developments to household equivalent units (HEUs). These have been based on the conversion factors used by other Councils, and are consistent with local experience. However, the Council will continue to monitor the infrastructure demands created by non-residential developments to ensure that these factors remain relevant, and with a view to review as required.

Please also note that section 6.6 of this policy allows a special assessment to be undertaken where the application of these factors may result in an unreliable estimate of infrastructure demands.

Table 2: HEUs per 100m² of Gross Floor Area (*ISA for stormwater)

Activity	HEUs per 100m ² GFA
Roading	0.4
Water Supply	0.25
Wastewater	0.25
Stormwater*	0.25
Community facilities	n/a
Reserves	n/a

10. Methodology and significant assumptions

10.1 Methodology overview

The method the Council uses to calculate development contributions comprises the following eight steps:

Step	Explanation	LGA reference
1. Define catchments	<p>For network based services, such as water, stormwater and wastewater the total costs are allocated across catchments, which are based on the area to be serviced by the network.</p> <p>For arterial and collector roading networks the catchment is based on structure plan boundaries. For some more localised infrastructure a sub-catchment is in place.</p> <p>For the small portion of district-wide intersection improvements, safety and pavement rehabilitation works related to growth in the capital works schedule the catchment is the Waikato district.</p> <p>For community infrastructure and reserves the catchment is the Waikato district.</p>	<p>Schedule 13(1)(a)</p> <p>Section 197AB(g)</p>
2. Define Levels of Service	<p>Review the capital works programme in terms of Council's asset management plans to determine whether there are any shortfalls in the current service levels.</p>	
3. Identify growth related capital works	<p>Capital expenditure already incurred in anticipation of growth, net of third party contributions.</p> <p>The proportion of total future capital works planned in the LTP resulting from growth.</p> <p>Service level and renewal related costs are met from funding other than development contributions.</p>	<p>Schedule 13(1)(b)</p> <p>Section 101(3)</p>
4. Allocate project costs between growth & non-growth drivers	<p>100% of growth related capital expenditure will be funded by development contributions.</p> <p>The costs relate directly to expenditure within the LTP and the proportion identified for growth can be reasonably identified.</p> <p>The cost of capital (interest) is split between growth & non-growth. The growth related interest is included in the</p>	<p>Section 106(2)(b)</p>

Step	Explanation	LGA reference
	development contribution charge, and the non-growth related interest is rate payer funded.	
5. Define appropriate units of demand	<p>Council will use household equivalent units (HEUs) differentiated on a residential and non-residential basis.</p> <p>For residential development, HEU charges will be applied uniformly for each allotment for simplicity and cost effectiveness of administration. Further dwellings (subject to minor residential unit considerations) will also have the charges applied on this uniform basis.</p> <p>For non-residential development, HEUs are calculated on the basis of Gross Floor Area (GFA) and Impervious Surface Area (ISA) conversion factors. Water, wastewater and stormwater conversions equate to 1 HEU for every 400m² of GFA (ISA for stormwater). Roading conversions equate to 1 HEU for every 250m².</p> <p>Where demand is demonstrably different from the demand outlined in this policy, a special assessment is likely to be required.</p>	Schedule 13(1)(b)
6. Identify the capacity life for growth	<p>The period where spare capacity is available for new users will vary across each asset.</p> <p>Costs are distributed over the capacity life of a project to a maximum of 25 years. Beyond this period the interest impacts are deemed uneconomic.</p>	Section 197AB(b) Schedule 13(1)(b) and (2)
7. Allocate costs to each unit of demand	The development contribution per HEU is calculated by spreading the total cost of capital expenditure resulting from growth (including debt servicing) of each catchment across their capacity life.	Schedule 13(1)(b)
8. Calculate fees by activity and catchment	A schedule of charges is included in the policy to enable development contributions to be calculated by infrastructure type and catchment.	Section 201(2)

Step	Explanation	LGA reference
	The significant assumptions, criteria for credits, remission, reconsiderations and refunds, valuation basis for maximum reserve charges and catchment maps support this policy.	Section 201(1)(a),(b),(c) and (d)

A detailed discussion of this methodology is provided in the Development Contributions Methodology Report (available at the Council's offices). A brief summary of the report follows.

10.2 Methodology Steps

10.2.1 Define catchments

Service catchments are geographic boundaries within which linkages can be created between infrastructure investments and the specific developments that benefit from those investments and/or which cause them to occur. The smaller the catchment; the tighter these linkages become.

For example, suppose the council installs a water treatment plant to serve a small area of growth. If a catchment is used to isolate the specific developments that caused that particular investment to occur (and who will receive direct service from it), only those developments will help fund its costs. If a catchment is not used, however, the costs of that investment will be spread across all the developments in the district, regardless of whether they caused (or benefited from) the investment.

Given the intentions of the LGA - to allocate costs on the basis of causation and benefits received - it follows that catchments should be used where appropriate, i.e. where the size and diversity of geographical characteristics across the Waikato district define natural catchments for services.

10.2.2 Define levels of service

Service levels define the quality of service, and are typically embedded in the council's asset management plans. Service levels are critically important because they help identify any shortfalls in the existing service and, therefore, the extent to which capital works reflect backlog (to resolve poor existing service levels). This, in turn, informs the allocation of project costs between growth and non-growth drivers.

10.2.3 Identify growth-related capital works

Next, the specific capital works need to be identified for which development contributions are sought. These comprise both future capital works – as listed in the LTP – and historic works undertaken in anticipation of growth.

10.2.4 Allocate project costs

Many of the capital works projects underlying this policy are multi-dimensional. That is to say, very few projects are designed to serve only growth. The reason for this is so-called "economies of scope." Economies of scope mean that it is cheaper to undertake one project that serves several purposes than to undertake a series of smaller single-purpose projects.

Economies of scope lead to shared costs, and the goal of cost allocation is to spread those shared costs across project drivers (one of which is growth).

The cost allocations underlying this policy are based on a two-staged approach. In stage one, the method checks whether a project is to any degree required to service growth. If so, stage two derives a percentage cost allocation. Both stages of the allocation process have been guided by a number of considerations, such as:

- Section 101(3) of the LGA. This sets out the issues to which the Council must have regard when determining its funding sources. These include the distribution of benefits, (in terms of the time period over which the benefits arise and the area that receives the benefit) the extent of any cost causation, and the impacts on community outcomes and policy transparency. It also requires the Council to consider the overall impact of any allocation of liability for revenue needs on the community.
- Asset management plans, which provide details about the scale and nature of capital works.
- Network modelling, which helps understand the usage of infrastructure networks.
- Cost allocation principles, such as standalone costs and incremental costs.
- The presence of any third party funding.

More detail on the council's cost allocation methodology can be found in the Council's Development Contributions Methodology Report (available at Council offices).

10.2.5 Define appropriate units of demand

After identifying the specific capital works for which contributions will be required, we need to identify the unit of demand used to attribute costs to different forms of development. The LGA requires this to be done on a consistent and equitable basis.

The council considers the household equivalent unit (HEU), which captures the demands of an average household, as the appropriate unit of demand, and specifies the demands imposed by other forms of development as multipliers. This approach mirrors that used by other councils in New Zealand.

10.2.6 Identify the capacity life for growth

The capacity life of an asset is the period over which it has spare capacity to accommodate new users. This may differ from its useful life, which is the period over which it remains in service.

In accordance with section 197AB(b), project costs should be spread over the asset's capacity life. This makes sense, because only developments occurring within the capacity life can physically connect to the network and receive benefit from its provision.

In some cases, however, the design life may be very long and a shorter funding period may be used. In this development contributions policy, costs are spread over an asset capacity life of up to a maximum of 25 years.

10.2.7 Allocate costs to each unit of demand

This is a fairly straightforward exercise, and is carried out within the development contributions funding model. It entails spreading the total growth-related costs of each project (along with any debt-servicing) costs to the various developments that are predicted to fall within the same catchment and within the asset's design life.

10.2.8 Calculate fees by activity and catchment

The final step is to aggregate the costs of each project at the activity/catchment level. The results are then used to derive the schedule of development contributions.

10.3 The funding model

A funding model has been developed to calculate charges under this policy. It tracks all the activities for which contributions are sought, the catchments underlying each activity, and the infrastructure projects related to growth. It also incorporates growth projections for each catchment and each type of development.

The funding model embodies a number of important assumptions, including:

- All capital expenditure estimates are inflation-adjusted and GST exclusive.
- The backlog, renewal and maintenance portions of each project will not be funded by development contributions.
- Methods of service delivery will remain largely unchanged.
- Interest will be earned by the council where contributions precede works. Conversely, interest expenses will be incurred (or interest revenue will be foregone) where works precede contributions. Both are calculated at the weighted average interest cost of borrowings.
- Any debts incurred for a project will be fully repaid by the end of that project's funding period.
- The development contributions will be adjusted on 1 July each year at the rate of increase in the Producers Price Index Outputs for Construction. This has been modeled as an average increase of 1 per cent per annum. Developers may pay the required development contributions prior to issue of a section 224(c) certificate, to avoid paying for annual increases in the Producers Price Index.
- Increases in general rates and user charges - due to increases in the number of ratepayers – will be sufficient to fund increases in operational expenses (including depreciation) associated with growth-related capital works.

10.4 Other significant assumptions

A number of other important assumptions underlie this policy. The most significant of these are outlined below.

10.4.1 Planning timeframe

This policy is based on the ten-year time frame of the LTP and on the principle that costs triggered by growth over that period should be both allocated to, and recovered within, that period. However, in many cases, economies of scale require the council to build assets of greater capacity that extend beyond the timeframe of the LTP.

The council accepts that, in such cases, it may have to bank roll costs and recover them over time from future developments. Any costs incurred in anticipation of future growth (i.e. beyond the LTP) will be allocated to and recovered in those later years, subject to a maximum total recovery period of 25 years.

10.4.2 External funding

This policy assumes that the eligibility criteria used - and the level of funding provided - by third parties (such as New Zealand Transport Agency) remain unchanged over the life of the LTP.

10.4.3 Best available knowledge

The growth projections and capital works programme contained in the Council's LTP underlying this policy represent the best available knowledge at the time of writing. These will be updated as better information becomes available and incorporated in the policy at review times.

10.4.4 Changes to capital works programme

Deviations from projected growth rates will result in acceleration or delay of the capital works programme (or the re-sequencing of projects), rather than more significant changes to the overall scope of capital works.

10.4.5 Avoidance of double-dipping

Development contributions will not be sought for projects already funded by other sources, such as external subsidies or financial contributions.

10.5 Identification of risks

The main risks associated with this policy are uncertainty over (i) the rate and timing of growth, and (ii) the exact nature of future growth-related capital works, and their associated cost and timing. In both cases, the most effective risk mitigation strategy is to constantly monitor and update the policy as better information becomes available.