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Amendments to the Development Contributions Policy as resolved at the meeting of the Selwyn District Council on 10 September 2014

3.11 Reconsideration and Objections

The Local Government Act 2002 as amended in 2014 provides that anyone who is required to pay a development contribution may request a reconsideration. Within 10 working days of receiving notice to pay, an applicant may, in writing, request a reconsideration stating the grounds of any objection and the relief sought. As provided for in section 199A (1) those grounds are that –

a) the development contribution was incorrectly calculated or assessed under the territorial authority's development contributions policy; or

(b) the territorial authority incorrectly applied its development contributions policy;

(c) the information used to assess the person's development against the development contributions policy, or the way the territorial authority has recorded or used it when requiring a development contribution, was incomplete or contained errors.

Section 202A of the Local Government Act requires Council to set out the process for reconsiderations, including how the request can be lodged and the steps in the process that Council will apply when reconsidering the requirement to make a development contribution.

Requests for reconsideration can be lodged with Council in writing. Applications with insufficient information will be returned to the applicant, with a request for additional information.

Applications for reconsideration will be considered by a panel of up to three staff, including the Corporate Services Manager who has delegated authority to make the decision.

A decision in writing shall be given to the person who made the request within 15 working days after the date on which Council receives all required information relating to a request.

Schedule 13A of the Local Government Act 2002 also sets out an objection process if a person wishes to object to a development contribution being levied. Any objection must be lodged with the Council within 15 working days of receiving notice to pay a development contribution, or within 15 working days of receiving the outcome of any request for a reconsideration under section 3.11 above. Objectors must pay a deposit and are liable for all costs incurred in the objection process including staff and commissioner time, and other costs incurred by Council associated with any hearings.

3.12 Development Agreements

The Local Government Act 2002 as amended in 2014 now provides in sections 207A to 207F for the Council and a developer to enter into specific arrangements for the provision of particular infrastructure to meet the special needs of a development. This may occur where a development requires a special level of service or is of a type or scale which is not readily assessed in terms of an equivalent household unit of demand. The result of any Development Agreement overrides any obligation to pay development contributions in accordance with this policy.