

- 2.6.2 Remissions will only be granted by resolution of Council (or a Committee or Subcommittee acting under delegated authority).
- 2.6.3 An application for remission must be applied for before a development contribution payment is made to Council. Council will not allow remissions retrospectively.
- 2.6.4 An application must be made in writing, and set out the reasons for the request.

## **2.7 REFUNDS**

- 2.7.1 Refunds will be made in accordance with sections 209 and 210 of the Local Government Act 2002, including any amendments made to those provisions at the time of making a refund.

## **3 ASSESSMENT AND PAYMENT**

This part of the policy sets out when a development contribution will be required (i.e. assessed by the Council) and when payment is required.

### **3.1 REQUIREMENT**

- 3.1.1 For every development, the Council has the discretion to require a development contribution under section 198 of the Local Government Act 2002 when:
  - 3.1.1.1 Resource consent is granted under the Resource Management Act 1991 for a development within the Wellington City district; or
  - 3.1.1.2 Building consent is granted under the Building Act 2004 for building work situated in its district (including the grant of a certificate of acceptance); or
  - 3.1.1.3 Authorisation for a service connection is granted.

### **3.2 WHEN COUNCIL WILL REQUIRE A DEVELOPMENT CONTRIBUTION?**

- 3.2.1 The following sets out when Council will assess developments for development contributions. Council retains the discretion to change its approach (subject to compliance with section 198 LGA 2002) from time to time.
- 3.2.2 The amount of the development contribution payable will be calculated under the schedule of development contributions in the policy that applies at the date of the assessment.

***Subdivision of land (excluding unit title development)***
- 3.2.3 A development contribution required in respect of a resource consent being granted under the Resource Management Act 1991 for the fee simple subdivision of land, will be assessed when the subdivision consent is granted.
- 3.2.4 Where a subdivision consent provides for its implementation in stages, Council will apportion any development contribution assessed between each stage at its sole discretion.

***Building consent***
- 3.2.5 Council will assess all developments requiring a building consent when the building consent is granted.

***Land use consent or unit title development***
- 3.2.6 Developments requiring a land use consent or subdivision consent for a unit title development will not be assessed for development contributions at the time of granting consent, unless no building consent is required.

***Service connection***

- 3.2.7 Developments requiring a service connection, for which a development contribution has not been assessed and/or paid, will be assessed at the time of the application for service connection.

***Changes to development***

- 3.2.8 Any development contribution may (at Council's sole discretion) be reassessed following any change that results in an increased demand (i.e. increased EHUs).

***Payment***

- 3.2.9 All development contributions required by Council must be paid prior to the Council issuing a code of compliance certificate, a section 224(c) certificate, a consent for a service connection or giving effect to a land use consent (as the case may be).
- 3.2.10 The Council at its sole discretion will accept a bank bond or surety to secure payment of any development contribution more than \$50,000. If the Council exercises its discretion to accept a bond or surety, the bonded sum will have an interest component, and the developer must meet the Council's costs for preparing the bond.

**3.3 POWERS OF COUNCIL IF DEVELOPMENT CONTRIBUTIONS ARE NOT PAID**

- 3.3.1 Until a development contribution required in relation to a development has been paid, Council may:
- 3.3.1.1 In the case of a development contribution assessed on subdivision, withhold a certificate under section 224(c) of the Resource Management Act 1991.
  - 3.3.1.2 In the case of a development contribution assessed on building consent, withhold a code compliance certificate under section 95 of the Building Act 2004.
  - 3.3.1.3 In the case of a development contribution assessed on an authorisation for a service connection, withhold a service connection to the development.
  - 3.3.1.4 In the case of a development contribution assessed on a land use consent application, prevent the commencement of a resource consent under the Resource Management Act 1991.
- In the case where a development has been undertaken without a building consent, not process an application for certificate of acceptance for building work already done.

***Security***

- 3.3.2 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 2002.