

Appendix B

Refund of development contributions

209 Refund of money and return of land if development does not proceed

[1] A territorial authority must refund or return to the consent holder or to his or her personal representative a development contribution paid or land set aside under this subpart if—

- (a) the resource consent—
 - (i) lapses under section 125 of the Resource Management Act 1991; or
 - (ii) is surrendered under section 138 of that Act; or
- (b) the building consent lapses under section 52 of the Building Act 2004; or
- (c) the development or building in respect of which the resource consent or building consent was granted does not proceed; or
- (d) the territorial authority does not provide the reserve, network infrastructure, or community infrastructure for which the development contribution was required.

[2] A territorial authority may retain any portion of a development contribution or land referred to in subsection (1) of a value equivalent to the costs incurred by the territorial authority in relation to the development or building and its discontinuance.

210 Refund of money or return of land if not applied to specified reserve purposes

[1] If a development contribution has been required for a specified reserve purpose, a territorial authority must—

- (a) refund money received for that purpose, if the money is not applied to that purpose within 10 years after the authority receives the money or other period specified in the development contribution policy; or
- (b) return land acquired for the specified reserve purpose, if the authority does not use the land for that purpose within 10 years after the authority acquires the land or other period agreed by the territorial authority and the person who paid the development contribution.

[2] A territorial authority may retain part of the money or land referred to in subsection (1) of a value equivalent to the costs of the authority in refunding the money or returning the land.