

# **Selection of independent commissioners for hearing development contributions objections**

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<b>TO</b>	Thames-Coromandel District Council
<b>FROM</b>	Vanessa Cooling – Financial Policy Analyst
<b>DATE</b>	8 September 2014
<b>SUBJECT</b>	<b>Selection of independent commissioners for hearing development contributions objections</b>

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## **1 Purpose of Report**

To request that delegated authority be granted to the Chief Executive and Chair of Judicial Committee to approve the selection of independent commissioners for hearing development contributions objections.

## **2 Background**

On 8 August 2014 a number of amendments to the Local Government Act came into force, including provisions allowing developers to object to the development contributions assessed on their development to an independent commissioner. The new provisions allow councils to select and appoint up to three commissioners to hear an objection (and, where there is more than one, to appoint a chairperson) from a register of commissioners appointed by the Minister of Local Government. The list of commissioners that have been appointed by the Minister is attached for information (**Attachment A**).

## **3 Issue**

As this is a new provision in the Act, there is no established process for appointing commissioners. Staff recommend that the Council delegate authority to the Chief Executive and Chair of Judicial Committee to jointly approve the appointment of commissioners.

## **4 Discussion**

Schedule 13A Clause 3(2) includes some specific requirements relating to the selection of commissioners:

- (1) A territorial authority that has received an objection under clause 1 must, as soon as practicable after receiving the objection, select not more than 3 development contributions commissioners to decide the objection.
- (2.) The development contributions commissioners must—
  - a) be selected from persons named in a register of commissioners appointed by the Minister under section 199F or be selected in accordance with section 199H(2); and
  - b) not be elected members or employees of the territorial authority whose development contribution requirement is the subject of the objection; and
  - c) not be board members, shareholders, owners, employees, or contractors of the objector; and
  - d) in the opinion of the territorial authority, individually or collectively have the skills, knowledge, and experience necessary to—
    - (i) conduct a fair and appropriate hearing; and
    - (ii) understand and determine the principal matters in contention.

- (3) If the territorial authority proposes to select more than 1 commissioner, it must appoint one of them as the chairperson.

The proposed process for appointment of commissioners (and, if appropriate, chairpersons) follows similar lines to the appointment of commissioners for resource consent decisions. It would involve staff recommending one or more commissioners based on skills and experience relevant to the case and availability, and providing details of the case and reasons for the recommendation to the Chief Executive and Chair of Judicial Committee. This is expected to be in a format similar to the example document attached (**Attachment B**).

Delegated authority is required for this process to occur. If the Council does not choose to delegate authority, these matters will need to be brought to the Council for approval.

## **5 Suggested Resolution(s)**

That the Thames-Coromandel District Council:

1. Receives the report.
2. Delegates authority to the Chief Executive and Chair of Judicial Committee to jointly approve the appointment of independent commissioners for the purpose of hearing development contributions objections.

## **References-Tabled/Agenda Attachments**

<b>Attachment A</b>	<i>List of Independent Commissioners appointed by Minister</i>
<b>Attachment B</b>	<i>Example of document appointing independent commissioner</i>

*Attachment A*

[Attachment A - Independent Commissioners for hearing Development Contr...](#)

**Attachment B**

**Attachment B - Draft Appointment of Commissioner**