# SUBMISSION TO CHRISTCHURCH CITY COUNCIL

**Topic: DRAFT LONG TERM COUNCIL COMMUNITY PLAN (LTCCP)**

**Submitter:**

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I, Peter James Mahoney, director of Aidanfield Holdings Limited and project director of the Aidanfield residential development at Halswell, make the following submissions to the Christchurch City Council in respect to the Draft Long Term Council Community Plan:

**Reserve Contribution Policy**

It is noted that Christchurch City Council has decided to establish its reserve contribution policy within the provisions of the Local Government Act 2002. Section 203 of the LGA requires that development contributions for reserves must not exceed the greater of:

*"(a) 7.5% of the value of the additional allotments created by a subdivision; and*
*(b) the value equivalent of 20 square metres of land for each additional household unit created by the development."*

The historical background to reserve contributions as set out in Appendix 1, Page 79, Volume 3 concludes that:

*"contributions towards reserve within Christchurch City have been able to be required at a rate of at least 7.5% of the land being subdivided (cash or land) since the 1800's. In many circumstances, more has been able to be required (10% or 130m²). The Council has generally required the maximum allowable contribution to be provided for reserves in Christchurch City. This has resulted in the level of reserves - open space, amenity plantings, recreation opportunities, etc - that the City's residents currently enjoy and expect to be able to continue to enjoy."*

It is understood that under the Local Government Amendment Act 1979, an appropriate level of reserves have been set aside within residential subdivisions (7½% or 130m²) and it is submitted that the Council should generally continue to require vesting of reserve land in residential subdivisions wherever possible.

Aidanfield Holdings Limited as a major land owner and subdivider is concerned that Council may make a practise of dispensing with reserves within new subdivisions and opt for the "cash" payment to purchase and develop reserves elsewhere. It is believed that most larger subdivisions (ie 50 lots or more – a minimum of 5 hectares), would normally require recreational reserves to be provided within the subdivision as residents would expect some form of neighbourhood reserve/amenity in close proximity to their residential address. A policy of taking reserve contribution in cash should, in our submission, be limited to situations where the subdivision or development is already adequately served by reserves or the provision of land as reserves is impracticable. The suggestion of Council requiring a cash contribution on larger subdivisions should be avoided and only apply

where suitable land cannot be vested. Further, it is submitted that where land is vested as reserve, this should also include where appropriate, landscape and development work undertaken which enhances the quality of the reserve and with appropriate credits given to the subdivider/developer.

**Basis of Valuation to Calculate Land Equivalent**

Objection is made to the basis of valuation proposed to calculate land equivalent (4.1.8.4, Page 73, Volume 3). The requirement that Council will appoint a registered valuer to undertake an undeveloped land value for the land to be vested as reserve and this value is then be reconciled with the cash value of the contribution based on developed residential allotments as described in the formula, is considered inequitable. The proposal as suggested, is intended to establish a cash value based on developed residential section values and then apply this determined cash sum to acquire reserve land at undeveloped land value rates. The proposal as such is considered inequitable and would enable Council to acquire land at a vastly greater rate than the present 130m² per lot.

It is submitted that the value of the land to be vested as reserve should be assessed at *"fair market value"* as is the normal situation which applies in many territorial local authorities throughout New Zealand. The suggestion of applying a formula as now proposed by Council, is inconsistent with the principle of fair market value: with the cash equivalent value based on developed sites then being applied to undeveloped land, which would result in the subdivider/developer having to vest significantly larger areas of land than is provided for under the 130m$^2$ per site formula.

**Appointment of Registered Valuer**

Clauses 4.1.8.3 and 4.1.8.4 (Pages 72-73, Volume 3) state that the Council will appoint a registered valuer to provide valuations to apply the formula in 4.1.8.2, but there appears to be no provision for the subdivider or owner to contest this valuation. It is our submission, that all valuations undertaken whether they be for Council or a subdivider/owner must be contestable and before being applied to the reserve contribution formula, must be agreed upon by the parties concerned. In the event of any dispute, then the valuation should be determined by reference to an independent third party or arbitration.

**Mean Value of Allotments**

Objection to 4.1.8.3, is made where all individual allotments will be used to determine a mean value to be applied in the formula suggested in 4.1.8.2. Situations could well occur where it is inappropriate to apply a **mean value** of all the lots, particularly when the balance of allotments are either substantially larger or smaller and as a consequence more or less valuable than other allotments.

**Remissions**

Aidanfield Holdings Limited support the philosophy of granting remissions from reserve contributions where certain criteria are met (Page 85, Volume 3). However, concern does exist about some of the criteria which is to be applied, and that some of the requirements may be either inappropriate or too onerous, and that Council and any officer can arbitrarily apply discretion in considering which of the criteria may qualify for any particular situation Clear guidelines are required to provide some degree of certainty in this area of granting remissions..

In regard to development works undertaken to form part of a developed reserve, we do have some concerns as to basic development standards above which Council will not grant remission. It is believed some of the requirements as suggested are overly prescriptive and may, in certain circumstances, be inappropriate. For example:

*"2. Planting of specimen trees that attain a mature height of at least 15 metres and are a minimum of 2 metres in height at the time of planting, between 10 and 15 metres apart, over 30% of the total area."*

Accordingly if trees are not spaced between 10 and 15m apart, the work will apparently not qualify for remission. If the specimen trees chosen grow to less than 15m in height , again no remission is available.

Under Surface Water Management (Page 86, Volume 3) the words *"through fulfilment of some or all of the following circumstances"* suggest that the Council may decide only a small number of the listed items need to be addressed to qualify a particular subdivision for a 20% remission, or then again it could require that all of the criteria be met. This is considered to be too arbitrary.

Some of the criteria listed under Surface Water Management (pages 86-87) appear more as a *"wish list"* setting out how the Council wants to see reserves designed generally, rather than specifically relating to surface water management reserves. For example, it is sumbitted that most of the *"location"* criteria have no particular relevance to surface water management and the following should be deleted (page 86):

*Being land:*

- *of at least 200m wide fronting a local street which immediately adjoins a living zone or zones.*
- *adjoining or linking through to existing land for open space and recreation purposes.*
- *within 5-10 minutes walk from both the living and business areas they are intended to serve.*
- *which, for district parks, is within 400m walking distance of the nearest bus stop.*
- *safely accessed by pedestrians via an on-site public car-park, or an immediately adjoining public car-park, or a pedestrian crossing or pedestrian islands on the road or roads immediately adjoining it.*
- *located in an area of low rural and/or urban amenity values and/or bio-diversity.*

It is submitted that none of the above criteria relate to surface water management reserves any more than they relate to recreation reserves in general. Accordingly remissions from reserve contributions should be granted in respect of <u>all</u> reserves meeting location criteria, not just surface water management reserves.

It is submitted that the maximum remissions on development contributions for open space and recreation are too conservative. It is suggested that remission of *"up to 20% in all other circumstances"* be increased to <u>50%</u>. It is also noted that *"a combined total of 50%"* remissions will be too low for a subdivision or development that meets several remission criteria (existing allotments and buildings, surface water management, esplanade reserves or strips, heritage items, vegetation/trees, natural features/ecology/habitats, artworks in public places, social/affordable housing).

**Regulatory Services - Land Use and Subdivision Consents**

The LTCCP sets out performance measures for the processing of applications for land use and subdivision consents in accordance with the Resource Management Act (Page 105, Volume 2).

The stated performance measures include:

*"Process 100% of subdivision applications within 20 working days"*, and

*"Approve 100% of engineering plans within 20 working days of receipt of accepted plans".*

There is concern that at the present Council has difficulty in achieving the performance standards as set out under the Resource Management Act and there is no evidence to suggest the situation will change once the LTCCP takes effect. Our own experience suggests that processing of applications for large subdivisions can take several months for non-notified consents. Similarly, engineering plans take several months to be approved.

In submission, it is suggested that the combined time for processing and approval of engineering plans should be 20 working days, (with an absolute maximum of 25 working days) rather than 20 working days from when the amended plans have been received until they are approved. Council should, in our submission, make serious attempts to meet these timeframes rather than allow them to drag on indefinitely at considerable expense to the applicant subdivider.

From our perspective, time delays with Christchurch City Council are one of the biggest issues facing Aidanfield Holdings Limited. We would respectfully urge Council to take action to rectify this situation and comply with the statutory timeframes as set out under the Resource Management Act.

The above submissions prepared by:

P J Mahoney – Project Director
Aidanfield Holdings Limited

Signed by:

**Warren J McCall**
of Davie Lovell Smith as authorised consultant and agent acting on behalf of Aidanfield Holdings Limited