

178 Moncks Spur Rd
Morten Settlement
Christchurch
2.5.04

ChCh City Council
Draft Community Plan

I wish to make a submission to the City Council Draft Community Plan specifically in relation to the Rural and Residential Definitions for rating purposes.

I oppose the definitions of Rural and Residential as proposed in the 2005 Community Plan

The definition in Sector C Rural Properties appears to state that if a residential-rural or a residentially zoned property lies within a sewerred area then automatically it is classified as Residential even though it is "used principally for agricultural, horticultural, pastoral etc purposes". This is totally unacceptable. The availability of a sewer must not be the criterion on which to determine a rating classification. Land use and zoning should be the only criterion with which to base and calculate a rating system. In an extreme example the Council could decide to extend its sewerage system to every rural property in the region as an excuse to charge a higher local body tax. If the currently suggested definition is accepted

This definition also penalises those properties that have had their zones changed from Rural to one of either Residential or Residential-Rural. The town planning change has frequently taken place in spite of opposition from the affected land owners and in the face of much criticism for the destruction of Green Belts, removal of flood ponding areas and incorrect zoning of fertile productive soils for future housing. The change in zone often has an adverse affect on the farming viability of once productive farm land due to pressures from neighbours who dislike noisy smelly farming practices or from greedy City Councils who now are trying to demand extra taxation.

If a property is subject to a change of zone due to the rewritten City Plan and it is rezoned from Rural to Residential or Rural-Residential (including the LHB zone which allows continuation of farming even though existing use rights may not apply) then the existing Rural classification should still be applied for rating purposes but only for as long as there is no change in land use. This would allow a continuation of pastoral or horticultural activity without the undue burden of increased local body taxation. Only if the rural activity ceased then a Residential Rate would be applied.

This approach would be fair as it removes the retrospective application of local body taxes. This approach is the one found in the CCCouncil and the country's Building regulations. New laws come into force but buildings only have to comply with new

regulations if there is a change of use. Naturally additions to buildings must comply to the new code but not the existing structures. If this approach was accepted there would be a uniformity in applying rule changes which would be fair for both land owner and Council. Ill feeling between City residents and Council over rate issues is reasonably high, with many rate payers looking at squandered money (amounting to millions and rising!) especially in Cathedral Square. The continued threat of ever rising rates for CCC non essential spending is seen by many as "not City Council core business"

To summarise

: Properties currently rated Rural no matter what their land use zone is, and irrespective of whether or not they are serviced by the sewer are Rural as long as there is no land use change and there is a continuing rural activity. If there is a change in land use a new Rating Classification may apply.

It is also important to consider the following:

If historically a dwelling has been allowed as a town planning "right" because it has been considered to be secondary to the primary land use, as in a farm house attached to a farm (no matter how big the farm is) then assuming there is some rural activity taking place on the balance of the land, the property must be classified as a Rural one for rating purposes. It is worth noting here that the dwelling on such properties were considered essential for good farming practise. There are laws that require live stock to be properly tended, and living on site greatly helps this eg in the case of domestic dogs from nearby residential houses "worrying" sheep.

There is an anomaly however. If the dwelling was only allowed as a result of "economic viability" town planning decision, and the land is not being farmed etc and consequently not economical viable, then clearly the Rating classification is Residential

In all other cases there should be no onus to prove economic viability as hinted at in point a) Sector C. Any rurally accepted activity should be enough to qualify the property for a Rural classification

The presence of a sewer must not be taken into consideration when deciding the Rural Rate Classification. It is totally irrelevant.

I am very unhappy with the term "principally used". The interpretation of this condition must be made much more clear. I take it that in this context it means the main or leading use of the land. Who is to decide this and what guide lines will be applied? It must not be a Council officer as the impartiality could be questioned. (And as yet there appears to be no full and comprehensive definition of the word Principal in relation to the proposed rating change.)

Principal should mean what happens on the bulk of the land. If it is occupied by a house then there is no argument. The rating classification is Residential. If what happens on the bulk of the land is a rural activity and especially if that activity has an element of productivity, economic or not, then the land must be classified as Rural

Some examples;

A dwelling on say a 5 acre block that historically was a secondary use is clearly a rural rating class no matter what happens on the balance of the land as long as it has a rural flavour eg pet miniature horses or intensive horticulture for that matter.

A dwelling on say a 1012sq metre (1/4 acre) site within a rural zone with or without a sewer is clearly a residential rating classification because there is not enough scope to carry out a rural activity on the balance of available land that is not being used residentially. Naturally the property does not pay the sewer content of the rate.

A 500 acre commercial farm in a Rural-Residential zone that is on the edge of a subdivision has a sewer at one point of its boundry is according to the proposed definition subject to a Residential rate. This is unfair as the property is totally a Rural one.

There should not be any requirement for the financial viability to be proved especially if the dwelling was established without that requirement as far as Town Planning was concerned If however the dwelling was established as a consequence of the requirement that the rural activity had to profitable before building permission was granted, then the correct rating class is Residential if the property fails to comply

Each case must be considered on its merits. The proposed rules are too restrictive and not flexible enough .They create anomalies and therefore much ill feeling.

The rating definitions must be fair and correct For most there will be little argument but in relation to the Rural definition there must be much more flexibility. Reclassification retrospectively is a dangerous exercise. Only in very obvious cases should the rating classification be changed and then only if individual cases have the right to plead their case to an independent authority .Pleading ones case to a council officer is not satisfactory

Peter Croft
3.5.04

~~It is possible to attend and speak~~ my
~~Submission I will if asked!~~
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