

SUBMITTERS

G & J McVicar and Christ's College
Canterbury

COUNCIL

Christchurch City Council

SUBMISSION ON PUBLICLY NOTIFIED
PROPOSAL FOR LONG TERM COUNCIL
COMMUNITY PLAN 2006-2016

Presented for filing by:

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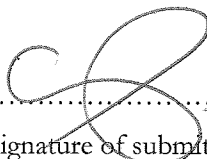
Solicitor dealing with proceeding:

E L Woolley

To The Christchurch City Council

Name of submitter: G & J McVicar and Christ's College Canterbury

1. This is a submission on the Draft Long Term Council Community Plan ("LTCCP").
2. Our submissions relates to Volume 2 – Draft Development Contributions Policy ("DDCP"). The specific provisions of the DDCP that our submission relates to are:
 - 2.1 Section 2.3
 - 2.2 Section 2.4
 - 2.3 Section 3.7
 - 2.4 Section 4.2
 - 2.5 Section 4.4
 - 2.6 Section 6.1
 - 2.7 Section 6.3
 - 2.8 Section 6.4
 - 2.9 Section 6.6.2
 - 2.10 Section 6.6.3
 - 2.11 Section 7.2
3. We seek amendments to these specific sections of the Draft LTCCP for the reasons outline in the **attached** document.
4. We wish to be heard in support of our submission at the hearings to be held between Thursday 25 May and Wednesday 7 June 2006.


.....
Signature of submitter

(Or person authorised to sign on behalf of submitter)

Date 3/05/2006.....

Address for service of submitter

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**SUBMISSION ON CHRISTCHURCH CITY COUNCIL
OUR COMMUNITY PLAN 2006 TO 2016
DRAFT FOR PUBLIC CONSULTATION LONG TERM COUNCIL COMMUNITY PLAN ("LTCCP")**

Section 2.3: Existing Applications & Section 2.4 Credits

1. Section 2.3 states that it is the Council's policy that only applications lodged and granted on or after 1 July 2004 (being the date on which the Council's first Development Contributions Policy came into force) will be subject to development contributions charges.
2. Section 2.4 recognises that development contributions for historical developments will only be required in respect of additional development over and above that which has already taken place.
3. Our submission is that the policy relating to existing applications and credits should also take into account developments that are subject to references to the City Plan that were initiated prior to 2004. For example, the submitters' lodged a submission on the City Plan when it was first notified to re-zone a block of land in Worsleys Valley, Cashmere. This re-zoning process is still ongoing, and it therefore some recognition needs to be incorporated in the policy for developments such as these. To not do so is to seemingly change the rules half way through the process for the submitters, and is grossly unfair. This is in stark contrast to the aim of the DDCP which aims to promote equity through its credit system.
4. We therefore seek that an amendment be made to section 2.4.1, which lists the principles for assessment of historic credits.

Section 3.7 Reserves (Page 17)

5. This section states that where development contributions are sought for reserves, the maximum allowable under Section 203 of the Local Government Act 2002 ("LGA") will be charged in every case.
6. Our submission is that this section should be altered to allow the Council to retain the discretion to accept less than the maximum where there are other significant benefits for the community that can be gained through an overall development package. For example, the vesting of significant pieces of land for recreational purposes, in areas of Christchurch where land is highly sought after and valued for that purpose.

Section 4.2 Non-Residential Applications (Page 19)

7. This section states that the Council is conscious that development contribution charges should be recovered at the earliest opportunity and should not be unfairly borne by future potential purchasers of subdivided sites.
8. It is our submission that such a statement needs to be replicated for residential developments, to allow the development contributions to be recovered at the earliest possible stage for all developments.

Section 4.4 Extraordinary Circumstances

9. This section reserves a discretion for the Council to enter into specific arrangements with a developer for the provision of particular infrastructure to meet the special needs of a development, e.g. where a development requires a special level of service or is of a type or scale which is not readily assessed in terms of household unit equivalents.
10. It is our submission that this section ought to also refer to developments that are extraordinary in other ways and that can provide significant benefits for the community in

ways such as the provision of recreational tracks. The Council should retain a discretion to be able to enter into specific arrangements with the developers of such extraordinary developments also. Such a discretion could be invoked by a request made by the developer.

Section 6.1: Timing of Development Contributions

11. This section requires payment of a development contribution upon granting:
 - 11.1. A resource consent for subdivision or land use;
 - 11.2. A building consent;
 - 11.3. An authorisation for a service connection.
12. The section further states that development contributions will be assessed and advised at the earliest opportunity and reassessed and invoiced at current costs at each later stage at which a development contribution may be payable for a development. Generally the Council considers that the initial subdivision consent stage is the most appropriate time to take a development contribution for several reasons (which are listed).
13. The section recognises that large subdivisions may be developed in stages, where one land use consent may be granted for the entire subdivision prior to any subdivision consents being granted. Similarly, that development contributions will be sought at land use consent or building consent stage, or on application for a service connection, where intensification for residential or non-residential purposes takes place independently of subdivision.
14. It is our submission that the policy also needs to provide for development contributions to be sought upon a re-zoning of the land, prior to subdivision consent being applied for and granted. This would allow a comprehensive development contributions package to be negotiated with the Council, where the development is such that significant benefits to the community can also be obtained from the vesting of land in the Council in conjunction with the payment of reserve contributions.
15. It is submitted that such an approach can be taken and would not result in any 'underpayment' or miscalculation of development contributions by virtue of the further provisions for changes in development that is contemplated in Section 6.1. This part of section 6.1 recognises that if it becomes apparent at a subsequent application for consent or service authorisation that the nature of activities has changed from that envisaged at the time a previous development contribution was paid, the development contribution will be reassessed and any demand difference debited or credited.

Section 6.3 Limitations to the Application of Development Contributions

16. This section provides that the Council will not require a development contribution to the extent that:
 - 16.1. It has already, under s108(2)(a) of the Resource Management Act 1991, imposed a condition on a resource consent relating to the same development for the same purpose; or
 - 16.2. If the development will fund or otherwise provide for the same reserve network infrastructure or community infrastructure; or
 - 16.3. The Council has received or will receive full funding from a third party for those works.

17. It is submitted that if the Council amends Section 6.1 as described above, that a further amendment should be made to this provision so that a development contribution may not be required by the Council if an overall development contributions package has already been agreed to by the Council at an earlier stage in the process, and the development as contemplated when the package was negotiated is proceeding.

Section 6.4 Cash as Opposed to Land

18. This section states that for the avoidance of doubt, Section 1.6 of the policy does not in any way limit the Council's discretion as to whether development contributions for reserves will be paid in the form of cash or land.
19. It is our submission that this section should be amended to clearly state that less cash than the maximum allowed for under the LGA may be accepted in some circumstances where substantial amounts of land are being received, even if the value accorded to that land is less than the LGA maximum allowable amount. In particular, this should apply to circumstances such as the submitters' proposed development, where substantial amounts of land for the public benefit in terms of environment compensation are being received by the Council.

Section 6.6.2 Review of Development Contributions

20. This section states that the Council does not consider it appropriate to provide any formal review process because sufficient opportunities are considered to exist for any applicant to discuss all matters relating to this policy with Council staff, to outline any extraordinary circumstances, and for matters to be brought before the Council for a decision.
21. It is our submission that the DDCP as it currently stands does not do this. As outlined above, there needs to be amendments made to the extraordinary circumstances section, and indeed to many of the other sections reserving a discretion for the Council before the policy as a whole can be considered to be equitable. Additionally, while matters can be brought before the council for a decision, if they are not all clearly outlined in the DCP, then it is unclear to a developer what matters the Council will entertain for such discretionary consideration, and what it will not.

Section 6.6.3 Remission and Reduction of Development Contributions

22. In line with the submission made relating to section 6.6.2 above, this policy states that there is no provision for any remissions or reductions to be applied for or granted. Therefore, while the DDCP is stating that there are sufficient opportunities for any application to discuss **all** matters relating the policy with Council staff and outline extraordinary circumstances, it then states in the line below that there is to be no consideration of any remissions or reductions. This seems wholly contradictory, and as such there ought to be some provision for remissions or reductions to be applied for or granted.

Section 7.2 Private Development Agreements

23. This section provides for the Council, at its discretion, and where it is in the best interests of the developer, the Council, and the Christchurch community, to enter into a private development agreement with a developer for the provision of cash, land or works and defer or credit any contribution payable under this policy.
24. The submitters are supportive of the provision for such agreements, however, we feel that there needs to be amendments made to other sections of the policy in order for such agreements to be truly effective, and for them to be able to cover a wide range of issues such as will be required to implement such agreements.