

# N.Z. CASHFLOW CONTROL LTD

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5<sup>th</sup> May 2006

To: Christchurch City Council  
[ccc-plan@ccc.govt.nz](mailto:ccc-plan@ccc.govt.nz)

From: NZCCL ("Cashflow")

Subject: **Christchurch City Council Development Contributions Policy – Submissions**

We are the owner of several properties within the boundaries of Christchurch city. They are:

10 Bedford Row  
130 Barbadoes Street  
67 Fairfield Avenue  
21 Hargest Crescent  
9 Havelock Street  
376 Selwyn Street  
95 Warrington Street  
2/29 Wildberry Street  
136 Panorama Road  
183D Rockinghorse Road  
183E Rockinghorse Road  
207B Rockinghorse Road  
209 Rockinghorse Road  
217 Rockinghorse Road  
67 Hawke Street  
69 Hawke Street  
110 Seaview Road  
114 Seaview Road

"Cashflow" and associated property companies have been investors in the city (and elsewhere) for over three decades. During those years various phases of our business evolution have developed. Such phases have included facets such as:

- Investigation and research
- Acquisition
- Enhancement of assets
- Expansion
- Associated services
- Etc

Over recent years we have been progressing to significant development of many of our properties. That is the phase of business evolution that we are now at. An example is the serviced apartment development of an associated company (Jakari) of 161 Hereford Street.

We have made submissions about the contradictory, inconsistent aspects of the Council's Development Contributions Policy proposal via other companies in our group.

In these submissions we consider it is appropriate to record that our genuine development intentions for many of our (above) portfolio are now unlikely to proceed. Uncertainty generally leads to increased costs and expenses. The financial viability of property development projects become jeopardised. Such circumstances are not a worthwhile business environment in which to invest.

We have taken legal advice on the Council's proposal. There are several aspects to that advice. They may ultimately be canvassed in the Courts.

One limb of our advice centers around the long established Rules of Natural Justice. Such Rules are encapsulated in our justice system, regardless of any “legislative” provisions.

The Rules of Natural Justice are not solely confined to allowing submissions and hearings. Rather the time allowed is important. Also, the very decision reached must be rational and reflect the cogency and authority of the submissions received. For example, it is legally unlikely that a decision could be sustained in Court which is manifestly contrary to the decision-maker’s (the Council’s) own rules, objectives and policies contained within its own document (the District Plan). That would be (at least) paramount to being ultra vires.

In our submission that would be unacceptable. Our legal advice supports that view.