

File No: 23265

10 May 2007

Freepost 178  
Annual Plan  
Christchurch City Council  
P O Box 237  
**CHRISTCHURCH**

Dear Sir/Madam

**SUBMISSION BY CDL LAND (NZ) LTD**

We enclose herewith a submission by CDL Land (NZ) Ltd relating to the Council's Annual Plan.

Please acknowledge receipt in due course.

Yours faithfully  
**DAVIS OGILVIE & PARTNERS LTD**



**IAN DALTON**  
Senior Associate

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**CHRISTCHURCH CITY COUNCIL**  
**DRAFT 2007 AMENDMENTS TO THE LTCCP 2006-2016**  
**DEVELOPMENT CONTRIBUTIONS POLICY**  
**SUBMISSION BY CDL LAND NEW ZEALAND LTD**

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**CONTACT DETAILS**

Name of Submitter: CDL Land (NZ) Ltd

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Christchurch  
Attention: Ian Dalton

Phone Number: 03 366 1653

Email: [ian@dop.co.nz](mailto:ian@dop.co.nz)

Signature:



A handwritten signature in cursive script, appearing to read 'Ian Dalton', is written over a solid horizontal line.

Date:

10 May 2007

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## 1.0 INTRODUCTION

1.1 CDL Land (NZ) Ltd (CDL) is a land development company with interests in projects throughout New Zealand. In particular CDL have been involved in residential developments at Bromley/Ferrymead, Lincoln, Kaiapoi and Hamner. CDL is still involved with the development of Rolleston and the potential development of 25ha of land in the Marshlands/Burwood locality.

1.2 CDL wishes to make the following submissions on the amended Development Contributions Policy being introduced as part of the 2007 Amendments to the Councils LTCCP 2006-2016.

## 2.0 VALIDITY

2.1 It is noted that the Council adopted the amended Development Contributions Policy prior to any assessment of the High Courts decision on development contributions in North Shore City (Neil Construction Ltd and Others v North Shore City Council (CIV2005-404-4690)). That decision could affect the validity of some aspects of the proposed amendments. In this context it is considered that the following extract from the High Court decision is particularly relevant:

*"[115] These examples illustrate application of the statutory requirements that before development contributions may be required there must be first a "development" (as defined) and secondly a casual connection between the development and its effect in requiring additional assets or increased capacity. A development which either alone or cumulatively with another development, does not have the effect of requiring additional assets or increased capacity may not be made subject to development contributions" (emphasis added).*

2.2 It is also acknowledged that the Council is aware of this situation and that any necessary changes may be introduced by Council initiating submissions to its own LTCCP. It is accepted that this would be a logical and practical approach.

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2.3 In the interests of transparency it is considered that any such "Council initiated" submission must be made available to other submitters prior to any hearing. This is essential if submitters are to have an opportunity to comment on any such changes.

### **3.0 PRIVATE DEVELOPER AGREEMENTS**

3.1 CDL supports the concept of Private Developer Agreements as set out in Section 3.3.3 of the Proposed Policy. The only points of concern are that any such agreements should be transparent and that there should be consistency between agreements so far as possible given the circumstances pertaining to each case.

### **4.0 TRANSPARENCY**

4.1 CDL wishes to emphasise the need for transparency in all aspects of the assessment of development contributions. In particular it is considered that all of the information referred to in Section 1.6 should form part of the published policy.

### **5.0 HEARING**

5.1 CDL does wish to speak to this written submission at the hearings to be held between 28 May and 5 June 2007.