

Submission on Council Development Contribution Policy
Comprised in the Draft Long Term Council Community Plan

- Name of Submitter Trudi Burney


- I am completing this submission on behalf of Eliot Sinclair & Partners Ltd., Consulting Surveyors and Engineers.

- I wish to talk to the main points in my written submission at the hearings to be held between 28 May 2007 and 5 June 2007.

- My submission refers to the Full Version of the Council Development Contribution Policy.

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- Signature 
_____ on behalf of ELIOT SINCLAIR & PARTNERS LTD.

- Date _____ 11 May 2007

▶ **Introduction**

The expectations of Elliot Sinclair & Partners Ltd. in making a submission to the draft LTCCP Development Contribution Policy is to ensure that the resulting Policy is fair, rigorous, transparent and capable of clear and concise interpretation. Further, that the Council's systems to ensure the effective administration of this policy are appropriate and in place on or before the effective date for this policy.

Our desire, as a company, is to ensure that the policy is rigorous enough to enable our staff to correctly interpret obligations for payment of contributions, thereby allowing us to provide timely and appropriate advice to clients who intend embarking on a land development project.

▶ **Submission**

1. Existing Credits

Agreements made with developers for preservation of reserve credits arising from prior subdivisions, acknowledged in the form of a consent notice, prior subdivision consents or documented agreements between Council and developer, have not been addressed in the new policy. In our view Council has a responsibility to honour these agreements made in good faith to the full extent that they were intended. These agreements would have occurred prior to 30 June 2007.

We would expect Council to include a new paragraph in the policy under 3.2.2 Step 2 (page 38) to allow for existing credits agreed to between the developer and Council to be acknowledged and taken into account to the full extent intended when calculating HUE credits available to a development.

2. Amalgamations for Procedural Matters

Council needs to recognise the procedural steps necessary to convert fee simple titles into unit titles. For example two fee simple titles at the time of subdivision application are intended to be amalgamated (for which no Council consent is required) but then subdivided into two unit titles. At one point in this process there will be only one amalgamated fee simple title that will be subsequently be subdivided into two unit titles. In our view there is no additional demand resulting from this change of tenure and credit of the two original titles should be acknowledged. Another example is if three fee simple titles were to become eight unit titles; prior to the unit titles the three fee simple titles would have to be amalgamated making one title then the eight unit titles could be created. Three credits should be applied to this development based on the three original fee simple titles.

We would expect Council to include a new paragraph in the policy under 3.2.2 Step 2 (page 38) to protect existing credits whilst an interim amalgamation phase is undertaken before further subdivision particularly when calculating contributions where there is a proposed change of land tenure.

3. Complete Application

We are seeking clarification as to the meaning of 'complete application' (page 34). Does this mean that if there are requests for further information (RFI's) and the applicant is unable to satisfy this request to the extent deemed necessary by Council ahead of 1 July 2007 or any subsequent DCP anniversary that the contribution assessment will be based on the new contributions policy? Concern arises as consents lodged in good faith may be deemed to be incomplete as further information has been requested. In our view the word 'complete' should be removed from the policy.

4. Subsequent Applications After 1 July 2007

Consents lodged prior to 1 July 2007 will have an assessment made in accordance with the 2006 transitional policy where some of the charges in the new policy are discounted to a nil amount. There is concern that if a resource consent, building consent or service connection application was subsequently lodged after 1 July 2007, that contributions for those items previously assessed as nil would be required to be assessed on the new application.

In our view the initial consent or application should credit 1 HUE to the activity. The DCP should reflect that a subsequent application for consent or application should not allow for further contributions to be assessed as there would be no additional demand created.

For example a nil transport contribution would be payable on a building consent lodged prior to 1 July 2007 but if the subdivision was lodged after the new policy was adopted Council would currently require this contribution to be paid on the subdivision. As the activity could be established under the building consent, subsequent subdivision consents should not entitle the Council to recover further contributions.

We would expect the new DCP to state that no further charges will be applied for subsequent consents or connections if an assessment has been made in terms of a consent or application lodged prior to 1 July 2007.