

# RUSSELL McVEAGH

DATE 11 May 2007 TOTAL PAGES 3

FROM Christian Brown REPLY TO FAX 64 9 367 8590

TO Annual Plan Coordinator  
Christchurch City Council  
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## SUBMISSION ON DRAFT DEVELOPMENT CONTRIBUTIONS POLICY

Please find attached a submission on the Draft Development Contributions Policy on behalf of Westfield (New Zealand) Limited.

Could you please confirm by phone, to the number below, that this submission has been received.

Yours faithfully  
**RUSSELL McVEAGH**



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**SUBMISSION BY WESTFIELD (NEW ZEALAND) LIMITED ON DRAFT  
DEVELOPMENT CONTRIBUTIONS POLICY**

To: Christchurch City Council ("**Council**")  
PO Box 237  
**CHRISTCHURCH**

Submission on: Draft Development Contributions Policy

Name: Westfield (New Zealand) Limited  
 ("**Westfield**")

Address: C/- Russell McVeagh at the address for  
service set out below

**Submission**

1. Westfield is willing to make its fair share of contributions towards Council costs, including through rates and development contributions.
2. However, it is not prepared to tolerate costs that are unlawfully or unreasonably imposed, or imposed without a proper statutory basis.
3. Westfield seeks assurance, particularly in light of the recent High Court decision in *Neil Construction and others v North Shore City Council* (21 March 2007) High Court, Auckland, Potter J, CIV-2005-404-4690, that:
  - (a) the Council's development contribution policy ("**DC Policy**") has been developed in full accordance with the s101(3) Local Government Act 2002 requirements;
  - (b) that the costs of Council capital works are not being unfairly loaded onto business (who may be seen as an "easy target"); and
  - (c) that the proposed increases are truly justified on a principled basis.
4. Westfield requests that the Council obtains an independent legal and economic audit of its current DC Policy to confirm that it accords with the above principles before moving to further expand the DC Policy and take further contributions:
  - (a) The 2006 DC Policy is based on the 2004 DC Policy.
  - (b) The 2004 DC Policy bears some similarity to the North Shore City 2004 DC Policy which has recently been found to be unlawful.
  - (c) Although the 2006 DC Policy is an update of the 2004 DC Policy, if that earlier policy is flawed, then so too will the 2006 policy and any amendments to it currently proposed.
5. There is therefore a real risk that the DC Policy is unsound.

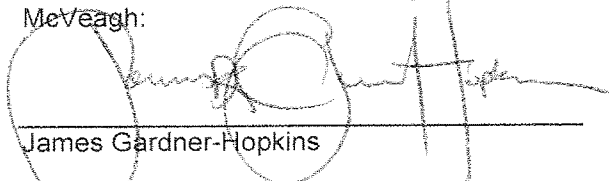
6. Westfield, and the development community in general, value a stable development environment where costs are known and do not significantly increase on an annual basis. The proposed impacts of the 2007 changes are significant, even if they are phased in slowly, and give Westfield no confidence that there will not be additional changes into the future. It would be more appropriate to provide a time for "bedding in" of the DC Policy, substantive review of the DC Policy occurring during each triennial LTCCP review, rather than on a yearly basis.

**Decision Sought**

7. Westfield requests that:
- (a) The current level of development contributions be maintained for the 2007/08 period.
  - (b) That Council obtains an independent legal and economic audit of the current DC Policy.
  - (c) That Council fully demonstrates its calculation methodology and compliance with the Local Government Act 2002.

Westfield wishes to be heard in support of this submission.

Signature: WESTFIELD (NEW ZEALAND) LIMITED by its solicitors and authorised agents Russell McVeagh:



James Gardner-Hopkins

Date: 11 May 2007

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