

Christchurch City Council – Draft Long Term Community Plan – 2009-2019

Submission by: Ngai Tahu Property Limited

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## **SUBMISSION POINT 1 – PROPOSED DEVELOPMENT CONTRIBUTIONS POLICY**

### **1. Definition of Development**

The definition of development excludes pipes or lines of a network utility operator. We consider that this definition should be expanded to include kiosk sites. Kiosks do not generate any demand for development contributions. Whilst contribution staff do not usually count these sites within an assessment, it is not clear within the Policy that they should be excluded from an assessment.

**Amend the definition of development on page 174 by adding the words “kiosk sites” to point (b)**

### **2. Reassessment of Contributions**

The discussion under the heading ‘Payment’ on page 176 is ambiguous on what will be reassessed. We consider that this needs to be clarified. For example if a party has paid all the infrastructure contributions within the 12 month assessment period, but not the reserves component what can be reassessed? Is it just the reserves contribution, or can all of the contributions be reassessed against the current policy.

**Amend this section to state that only those contributions which have not been paid within the 12 month period can be reassessed.**

### **3. Development of a site not currently serviced.**

The third paragraph under point ‘3.2.1 Step 1 Determine the number of HUEs per activity’, states contributions are not payable for infrastructure services where they are not currently available. However it goes on to state that “if, at a future time, the above catchment boundaries expand and/or the site or any part of it is connected or developed and is thus able to use such services, it may attract a development contribution for those activities”.

There is uncertainty as to whether a site should be able to be charged contributions if the situation changes and further what contributions would be payable. We consider that if a site has gained consent from Environment Canterbury for water supply and/or discharge of stormwater and/or sewer, that regardless of whether the catchment boundaries are expanded to include the site, if a contribution is payable this should only occur once a connection to the service is sought. If the owner of the site is sufficiently happy to stay with their on-site systems, then no demand for the service is created and no contribution should be payable.

Further we consider that there needs to be clarification as to what contribution would be payable - is it the contribution at the time the original development was undertaken, or at the time that the service is available and a connection made?

**Amend this section of the policy to remove the statement ‘the above catchment boundaries expand and/or’.**

**Amend this section by clarifying which contributions would be payable when a connection is made.**

#### **4. Determining HUE Credits**

If you have a site with an existing building and hardstand areas on it and you demolish it to replace it with a new smaller building, the site should retain credits to the GFA and ISA that previously existed on the site as of right. Therefore, the new building could be expanded to the maximum that previously existed, without having to pay any additional contributions. Any floor area or hardstand over that which previously existed should pay contributions. The only way that this can be achieved at the moment is through a PDA and this is at ‘Council’s discretion’.

**Amend the policy so that any unused credits are recognised.**

#### **5. Non-residential HUE credits**

The final bullet point of Table 3.2.2a on page 181 states:

*“Except at the Council’s discretion, an historical credit will not be given for a lot that is redeveloped, either in its original configuration or, following a boundary change, as part of another lot, whether the original activity on that lot was non-residential and it did not pay, or was unlikely to have paid, a contribution towards reserves and network and community infrastructure when it was originally developed.”*

The above statement would appear to be contradictory to the following point on page 180 which states:

*“On any application for resource consent, building consent or authorisation for service connection in respect of non-residential development which will replace any existing non-residential, or for subdivision of a site containing existing non-residential development, credits will be assessed for each activity by applying the equivalences in Table 3.2.1n to the GFA/ISA of the existing development”*

The statement on page 181 appears to be a change to Council’s current policy where an assumed ‘1 HUE’ credit for an allotment has been applied for non-residential site when they are either subdivided or redeveloped, regardless of whether a contribution has previously been paid. We are unsure whether Council is intending that **all** non-residential sites that have not been redeveloped receive no credits for existing buildings and activities, or whether it is more concerned with utility sites and closed road parcels and the like that would never have paid a contribution.

**Amend the final bullet point under Table 3.2.2a on page 181 to make it clear that this relates to utility sites, closed road land parcels (and the like), and not to all non-residential sites.**

**6. Matters of Council's discretion**

We note also that the issue of an historical credit discussed above is subject to "Council's discretion". We consider that where there are matters that are subject to Council's discretion they should be decided upon by a committee, or at the least that the decision of the officer concerned can be appealed to a committee. Such a committee could be at a senior staff (Team leader) level.

**7. Disagreements on Assessments**

There is currently no process available where there is a disagreement concerning how an assessment is undertaken. This is often based around the interpretation of the policy, and at times a lack of understanding of the development proposed. Some form of process needs to be established to resolve such disagreements, for example the committee suggested in point 6 above.

**We wish to talk to this submission**

A handwritten signature in black ink, appearing to read "M. Hume", is written over the typed name "M. Hume".

Signed on behalf of Ngai Tahu Property Limited

16 April 2009

