

**SUBMISSION BY RUSSELY VILLAGE LIMITED TO  
CHRISTCHURCH CITY COUNCIL**

**DRAFT ANNUAL PLAN 2008/2009 AND DRAFT AMENDMENTS  
TO THE LONG TERM COUNCIL COMMUNITY PLAN 2006/2016**

1. Russley Village Limited ("the Company") is the company involved in the development of Russley Village. The company wishes to make a submission on the draft annual plan in regard to the following respects:

The Christchurch City Development Contributions Policy requires amendment to take into account specific characteristics of retirement villages.

2. The current policy, while making provision for minor household units, fails to take into account the differing characteristics of retirement village dwellings. As a result, the current policy is unlawful in that it:
  - (a) Fails to take into account the reduced demand on infrastructure by retirement villages;
  - (b) Fails to take into account the reduced occupancy rates and density of retirement village dwellings;
  - (c) Fails to take into account the nature and extent of onsite services available to residents, particularly the self containment of recreational activities;
  - (d) Fails to take account of the reduced demand of each residential unit on services and infrastructure;

- (e) Fails to recognise that the nature and extent of Council provided services which residents opt out of by reason of age and/immobility as well as being provided private alternatives.
3. The test for whether a development contribution can be required was the subject of considerable judicial comment in the decision *Neil Construction Limited and Others v North Shore City Council*. There the Court said:

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*"Local Authorities must follow a series of steps when considering whether a development contribution may be required. You must first be a "development" (as defined in section 197 as a subdivision or development that generates a demand for reserves or infrastructure), and secondly a causal connection between development and its effects in requiring additional assets or increased capacity. Does the development either alone or cumulatively with another development, require new or additional assets or assets of increased capacity to provide for reserves or infrastructure which will cause a Council to incur capital expenditure of has already caused the Council to incur capital expenditure for the development".*

4. It is therefore vital that the Council identify a causal connection between a development and a requirement to pay for reserves and infrastructure. The causal connection alone, however, does not mean that the quantum can be fixed without again having reference to the nature of the demand.
5. The Retirement Village Operators within New Zealand have empirical data which provides conclusive evidence that in all respect retirement villages place at the very minimum 50% reduction on the demand for both local and regional infrastructure.
6. In addition, we note with concern the Council has been identifying the value of reserve liability based on a developed valuation of the land. There is no logical or lawful basis for the Council to require that.

7. The policy as currently drafted fails to take into account matters relevant to enabling fairness and equity to the community and to Retirement Village Operators.
8. Russley Village Limited wishes to be heard in respect of this submission.



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**S J Simons**  
Counsel for **RUSSELY VILLAGE LIMITED**

Dated: *21 April* 2008

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