

Submission on Proposed Waimakariri District Plan

Under Clause 6 of the First Schedule, Resource Management Act 1991

To: Waimakariri District Council
By email: developmentplanning@wmk.govt.nz

Submitter: Ravenswood Developments Limited (**RDL**)
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- 1 This is a submission on Variation 2 to the Proposed Waimakariri District Plan (**PWDP**).
- 2 RDL could not gain a trade competition advantage through this submission.
- 3 RDL's submission relates to the entirety of Variation 2.

Background

- 4 RDL is the developer of Ravenswood, a greenfield residential and commercial development at North Woodend.

Submission

- 5 Variation 2 contains proposes that financial contributions be assessed under the proposed District Plan Financial Contribution Standards (**Standards**), and monies calculated collected, in respect of:
 - (a) In the Medium Density Residential Zone – the development of more than two residential units per site; and
 - (b) In all Zones – subdivision creating more than two new allotments.
- 6 The Standards contain a general assessment methodology (**FC-S1**), together with particular direction for the calculation of financial contributions for water, wastewater and stormwater; acquisition and vesting of land; and roading (**FC-S2, FC-S3 and FC-S4**).
- 7 As a general submission, RDL considers that the provisions are too broad and do not provide appropriate specificity as to the basis on which financial contributions will be sought.

Statutory requirements for financial contributions

- 8 Section 77E provides that local authorities may make rules about financial contributions, and requires that those rules specify:
 - (a) The purpose for which the financial contribution is required;

- (b) How the level of the financial contribution will be determined; and
- (c) When the financial contribution will be required.

Purpose of the financial contribution

- 9 The Variation 2 provisions do not expressly identify a "purpose" for which financial contributions will be required, however the objectives (**FC-O1** and **FC-O2**) are that residential intensification, new subdivision and development contribute towards:
 - (a) Remedying or mitigating effects on Council infrastructure (**FC-O1**) and
 - (b) Mitigating their impact on the environment (**FC-O2**).
- 10 Those purposes are very broad, providing very little indication to developers or the public of the scope of financial contributions that may be sought, or the purposes for which they will be required. By comparison, financial contributions in other districts contain purpose statements which identify the particular types of infrastructure works to be funded by financial contributions (for example three waters, transport), and the particular environmental effects to be mitigated and outcomes to be achieved.
- 11 In terms of environmental effects, Policy FC-P1 appropriately identifies that financial contributions will be required in relation to adverse environmental effects *on infrastructure, which require unscheduled maintenance or replacement*.

Financial contributions will be required where housing intensification, subdivision, and development or both have an adverse environmental effect on existing infrastructure, which requires capacity increases, upgrades or other modification to the infrastructure ahead of the scheduled maintenance/replacement program, or outside the scope of scheduled maintenance/replacement programme.

- 12 However, objective FC-O2 and policy FC-P2 and assessment methodology FC-S1(c) more generally provide for financial contributions "to mitigate the effects on the environment". No detail is given as to what effects would be assessed or for what purposes or outcomes financial contributions would be collected and used.
- 13 The commencement of the Financial Contributions chapter sets out a number of "general circumstances where financial contributions may be required". The purpose of including that list "circumstances where financial contributions may be required" is unclear. It appears that this clause does not have any operative effect and does not inform the interpretation of subsequent provisions regarding the purpose for which financial contributions are sought under the WDP.

How the level of financial contributions will be determined

- 14 The basis for calculation of financial contributions for water, wastewater, stormwater and roading is set out in FC-S2 and FC-S4. They generally provide that a proportion of costs of the upgrade, extension or new infrastructure will be required, corresponding to the demand generated by the development.
- 15 FC-S3 relates to the acquisition and vesting of land. It provides that only the area of land required for the infrastructure or service will be required. It also provides that if the land value is more than the equivalent financial contribution value, the difference in value shall be a credit. It is assumed that this relates to the situation where a development only accounts for a proportion of the demand for the infrastructure/service on the acquired land.

- 16 The direction provided in FC-S2 – FC-S4 is very high level and essentially provides for the Council to calculate the cost of the infrastructure. RDL considers that the clarity and drafting of FC-S2 to FC-S4 should be improved, and further detail given as to how the financial contribution value, including the proportion of demand attributable to a development, will be calculated.

Overlap with development contributions

- 17 The broad scope of the proposed financial contributions provisions also generates significant potential for overlap with development contributions. While Standards FC-S2 and FC-S4 make reference to an assessment of whether the upgrade, extension or new infrastructure required is already accounted for in the growth component allowed for in the Development Contributions policy, only FC-S4 provides that it is only if this is not provided for in the Development Contribution policy that the cost of the infrastructure will be calculated by Council.
- 18 RDL considers that the financial contributions provisions should more expressly state that financial contributions will be levied for a different purpose to development contributions, and the calculation of financial contributions payable will not include the cost of any infrastructure or services funded via Council's Development Contributions policy.
- 19 RDL seeks amendments to Variation 2 to better accord with the Resource Management Act 1991, including the requirements of section 77E.

Decision Sought

- 20 RDL seeks amendments to Variation 2 to:
- (a) Identify specific purposes for which financial contributions will be required, specifically:
 - (i) Those purposes should be limited to capacity increases, upgrades or other modification to the infrastructure ahead of or outside of the scheduled maintenance or replacement.
 - (ii) If financial contributions are to be required for adverse effects on the environment (which is not supported), the adverse effects to be assessed and the purposes or outcomes for which the financial contribution will be sought should be clearly identified; and
 - (b) Explicitly state that in all cases, financial contributions will not be required for infrastructure, services or amenities for which development contributions are recoverable;
 - (c) Improve the level of detail, clarity and drafting of standards FC-S1 to FC-S4.
- 21 RDL seeks such other relief as may be required to give effect to this submission, including alternative, further or consequential amendments to objectives, policies, rules and definitions of the PWDP that address the matters raised by RDL.
- 22 RDL wish to be heard in support of this submission, and will consider presenting a joint case with others presenting similar submissions.

A handwritten signature in black ink, appearing to read 'S Eveleigh', with a stylized, flowing script.

Ravenswood Developments Limited

Signed by their duly authorised agents

Anderson Lloyd

Per: **Sarah Eveleigh**

9 September 2022