

MINUTES

TITLE: Environment and Planning Subcommittee
DATE: Monday, 5 September 2005
TIME: 11.30 am
VENUE: Council Chambers, 189 Queen Street, Richmond

PRESENT: Crs E M O'Regan (Chair), E E Henry, T B King

IN ATTENDANCE: Manager Consents (J Hodson), Senior Consent Planner, Subdivision (M Morris), Corporate/Engineering Administrator (V M Gribble)

1. APPLICATION RM050398 - R W and I C ENRIGHT, QUEEN STREET, RICHMOND

1.1 Presentation of Application

Mr J Fitchett was in attendance to present the application which was a Section 357 objection to condition 1 of resource consent RM050398.

Mr Fitchett tabled and spoke to a submission on behalf of the objectors. He noted that when there were two titles previously, they were not identical to the subdivision being asked for now. He advised that he was not aware of whether there was a fire wall between the two buildings proposed to be subdivided.

Mr Morris advised that he was not aware that the land had previously been held in two titles but with a subdivision application just the current title is looked at.

1.2 Planner's Report

Mr Morris said Council has chosen the subdivision stage to take development reserve levies. He said the levy is taken on all subdivisions, notwithstanding that there is a dwelling on the lot. He said Council will be creating a loophole if it approves this application. He accepted there may be special circumstances with this case, but Council has consistently imposed levies on subdivisions. This is a commercial development which also has an impact on Council's services. There is a waiver provision for waiver of reserve levy but that should be for situations where a development has no impact on Council's services. If Council allows waivers for these situations, people will see it as a way of getting around the reserve fund contribution.

Cr O'Regan asked what is the nature of development that changes or takes place at point of subdivision.

Cr King said with a 20 lot subdivision it is reasonable to assume there will be 20 houses, which fits the wording of the policy. In this case, the argument is the buildings are already there and it is what you are anticipating will happen in the future. Under Council's policy, if there is further development on the sites would that attract contribution through the LTCCP, i.e. if they knock down a building and rebuild.

Mr Morris said if a larger development than is there at the moment is developed, it would be assessed under the HUDs.

Cr O'Regan said in this case it is simply drawing a line through the building and both businesses keep operating. What impact will that have on community services?

1.3 Right of Reply

Mr Fitchett said the building is already there and Mr Morris hasn't been able to answer what effects in future will be generated.

Moved Crs O'Regan / King EP05/09/29

THAT the public be excluded from the following part of the proceedings of this meeting namely:

R W and I C Enright

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Subject	Reasons	Grounds
R W and I C Enright	Consideration of a planning application.	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

Moved Crs Henry / King EP05/09/30

THAT for the purposes of discussing the application of R W and I C Enright as an "In Committee" item, the Manager Consents be authorised to be in attendance as advisor.

CARRIED

Moved Crs King / O'Regan EP05/09/31

THAT the public meeting be resumed and that the business transacted during the time the public was excluded be adopted and that the following resolutions be confirmed in open meeting.

CARRIED

2. APPLICATION RM050398 - R W and I C ENRIGHT, QUEEN STREET, RICHMOND

**Moved Crs O'Regan / King
EP05/09/31**

THAT pursuant to Section 357 of the Resource Management Act 1991 the Council UPHOLDS the objection that Condition 1 be deleted.

REASONS FOR THE DECISION

1. The Committee was told that in 1974, two existing titles were amalgamated to create the subject property being Lot 1 DP 8786. The two previous titles were CT 3B/202 being Pt DP 4080 (16 perches) and CT 3B/216 being Part Lot 2 DP 5119 (4.4 perches.) Subsequently the building was erected on the land which is in two separate tenancies.
2. In the light of the proof that two titles had previously existed, the Committee considered that this was grounds to waive the financial contribution for reserves and community services.
3. The Committee was made aware of the concern around the possibility of multi tenancy buildings being constructed and subsequently subdivided and thus trying to circumvent the requirement to pay a financial contributions based on the argument that the development already existed and therefore the subdivision would have no further adverse effect. The Committee was concerned if this could become a "loophole" in the Council's policy structure, but noted that this decision would not create such a loophole as the decision to waive the payment of the financial contribution on the historical facts that two titles used to exist, not that the built development already exists.

CARRIED

The meeting adjourned at 12.10 pm.

Confirmed:

Chair: