

MINUTES

TITLE: Development Contributions Subcommittee
DATE: Wednesday, 6 December 2006
TIME: 3.30 pm
VENUE: Council Chamber, 189 Queen Street, Richmond.

PRESENT: Crs E M O'Regan and T E Norriss

IN ATTENDANCE: Manager Consents (J Hodson), Development Engineer (D Ley),
Administration Officer (B D Moore)

1. COOKSON, STEVENS AND THURLOW, 12, 14 & 16 WARREN PLACE, MAPUA – APPLICATIONS BC061290, BC061291, BC061292

1.1 Appeal Application

The applicants had made a combined application for a review of the building consent condition for development contributions on each of these subject Lots 3, 4 and 5 of DP 18043. The applicants did not wish to be charged any development contribution levies at all.

1.2 Presentation of Objection

Mr J Stevens presented evidence on the objection, on behalf of the three applicant landowners. He said that the applicants had paid the development contribution levies in order to obtain building consent. Mr Stevens said that the subdivision had gained consent in 1993 and the developer complied with all Council requirements of the time including the provision of required services and infrastructure and made substantial contributions in lieu of development contribution payments. Mr Stevens said that the applicants felt discriminated against as only one of the eight industrial buildings in this subdivision had been required to pay a development contribution levy. He was concerned that other buildings had been constructed with lesser requirements for car park servicing, stormwater collection, seismic compliance and lesser floor levels.

Mr Stevens said that owners of the undeveloped titles have been paying a water rate for years, without using water and even though they have water meters, they are being invoiced for a connection. Mr Stevens said that the applicants concluded that they were being penalised unreasonably, as the last builders on this 13 year old subdivision and that no development contribution levies are therefore properly due.

Mr Stevens tabled a series of photographs to show the amount of rubbish which had been buried within the site and caused major ground stability problems.

Cr O'Regan acknowledged this information but informed the applicants that this matter would not be heard at this hearing as the subcommittee had no delegated authority to consider the information.

1.3 Staff Report

Mr Ley spoke to his staff report EP06/12/05 of 28 November 2006, contained within the agenda. He explained that the applicants have three separate allotments and that the buildings being constructed have party walls at the common boundaries. Mr Ley explained that the application has been assessed as a separate building on each of the three lots and in all cases a development contribution levy has been calculated equivalent to one household unit of demand for water, wastewater, roading and stormwater on each allotment.

Mr Ley said that in his opinion, that these levies and all connection fees should be reconfirmed in accordance with the requirements of the Long Term Council Community Plan.

1.4 Right of Reply

Mr Stevens responded for the applicants and reminded the Subcommittee of the level of present services and especially the contributions made by the original land developer. He said the original contributions plus the levies required for this building consent make a considerable total figure.

The Committee reserved its decision at 4.40 pm.

RESOLUTION TO EXCLUDE THE PUBLIC

**Moved Crs O'Regan / Norriss
EP06/12/01**

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

Cookson, Stevens and Thurlow

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 passing this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Cookson, Stevens and Thurlow	Consideration of a development contributions objection.	A right of appeal lies to the Environment Court against the final decision of Council.
Moved Crs O'Regan / Norriss EP06/12/02		
THAT the open meeting be resumed and the business transacted during the time the public was excluded be adopted. CARRIED		

2. **COOKSON, STEVENS AND THURLOW, 12, 14 & 16 WARREN PLACE, MAPUA – APPLICATIONS BC061290, BC061291, BC061292**

**Moved Crs Norriss / O'Regan
EP06/12/03**

THAT the Committee declines the request to waive the development contributions imposed on the buildings at 12, 14 and 16 Warren Place, Mapua for the reasons set out in the attached letter.

CARRIED

Date Confirmed:

Chair:

8 December 2006

Maxx Partnership
C/- Matt Cookson
192 Stafford Drive
Ruby Bay
MAPUA 7005

Dear Sirs

DEVELOPMENT CONTRIBUTION OBJECTION/REVIEW FOR INDUSTRIAL BUILDINGS AT 12, 14 AND 16 WARREN PLACE, MAPUA

I refer to your attendance on 6 December 2006 at a review into the assessment of the development contributions set in respect of the above buildings at Warren Place, Mapua. I also acknowledge the written and oral presentation you made to the Subcommittee consisting of Councillors O'Regan and Norris.

Council staff had recommended that 1 HUD be charged for each of the following: roading, wastewater, water and stormwater for each of the respective buildings. You indicated that the charges as invoiced have been paid.

Your request was that no Development Contributions should be charged for the development. The reasons you put forward at the review were that you considered that all necessary contributions had been paid at the time the original subdivision was created and that as the services were already existing in the locality and connections had been provided to the sites at the time of subdivision, no further contribution is necessary.

The Committee has considered the perspective you have presented with regard to "who is the developer" and whether or not the Development Contributions Policy is applicable in your circumstances, ie, at the time of building consents being issued as opposed to at the time subdivision consents are granted.

I wish to advise that the Committee is clear that the Development Contributions Policy as contained in the Tasman District Council Long Term Council Community Plan 2006 is applicable in the circumstances in relation to building consents and therefore the charges have been correctly imposed and therefore no reduction or waiver is made. The position that you have put forward reflects the situation prior to the amendment to the Local Government Act 2004 and the subsequent implementation of the concept of development contributions created through the Long Term Council Community Plan. This situation has changed throughout most councils in New Zealand.

The Committee acknowledges that you also presented documents, plans and photographs in relation to material that has been uncovered on the site during foundation excavations and this has added to the costs of the development. The Committee is clear that this is a matter to be dealt with quite separately to the question of the appropriateness of the development contributions and thus no further comment on that matter is made or weight able to be given to the issue raised.

Thank you for your presentation.

Yours faithfully



Jean Hodson
Manager, Consents