

MINUTES

TITLE: Development Contributions Review - Delegated Committee
DATE: Thursday, 26 March 2009
TIME: 9.05 am
VENUE: Motueka Service Centre, 7 Hickmott Place, Motueka
PRESENT: Crs M J Higgins, T E Norriss
IN ATTENDANCE: Regulatory Manager (J Hodson), Development Engineer (D Ley)

1. APPLICATION NO BC080416 – CROCKFORD FAMILY TRUST, 22 WILLOW AVENUE, TAKAKA

The applicants sought a review of Council's Development Contributions pursuant to the Local Government Act 2002.

Mr N McFadden tabled and presented the application on behalf of P and L Crockford who were also in attendance.

Cr Higgins asked what interest the Crockfords took in the 2006 LTCCP.

Mr Crockford said he did not know the new Local Government Act had changed which gave powers to Council to require development contributions. Even if he had known he would have assumed he would be paying DP1 and DP 2 for the rest of the consent.

Mrs L Crockford read a statement on behalf of Mr P Crockford.

Mr Crockford said they have their own soakpits with only two of three being used at the moment. During the last flood the overflows in the paddock were not overflowing.

Cr Norriss asked if there were alterations to the plans put forward since the resource consent.

Mr Crockford said they realised they had too many family units and amended the plans to increase the number of units. They visualised they would have started six months after their house sold, but it was three years. They went through the consent process and completed stage one. They wanted to get buses back into Golden Bay and thought 18 units would be right, but they can only put two people in one unit, so only having 18 units meant they were not big enough for buses. Laurie Davidson approved an increase by two units but no more beds.

Mr McFadden said resource consent was granted which requires development to be in accordance with the application. That was what consent and stage one development was. The link is you can not apply for building consent until you have got resource consent. LTCCP is made under the Local Government Act not the Building Act.

2. Development Officer, D Ley

Mr Ley spoke to his report which was contained in the agenda. He tabled a plan showing the location of the sewer pipes which were installed and upgraded.

Cr Norriss asked if there was a connection fee for wastewater paid.

Mr Ley said there probably would have been.

Mr Ley said Council has been consistent in applying development contribution fees.

Cr Higgins said when these fees were introduced some people from Lake Rotoiti came to Council quite distressed. He asked if allowance was made then and if this committee made an allowance, what precedent would it be setting.

Ms Hodson said policy was clear that it is from the date the application is lodged. Whatever regime was in place from date of application is what was used for the assessment. There had to be a cut-off date.

Cr Norriss said there was a rush on applications before the new regime came into place.

Mr Ley said other people would be interested if you made a decision that set something different. Some people might come back and want a refund.

Ms Hodson said there is a 15 working day objection period.

Cr Norriss asked how many of these resource consents had been granted but not yet given effect to/

Ms Hodson had no idea, stating that resource consents are good for five years.

Mr Ley said some people sit on a resource consent for five years.

Cr Norriss knew of instances where building consents were issued before resource consents. He said it should never happen that way.

Mr McFadden put forward a proposition based on 2003 – 2005 figures.

Mr Ley said Council officers apply rules on the day things are applied for.

Mr McFadden asked what the ramifications would be if relief was to be granted. How many of these objections have come before Council on a situation like this? Why do you have quasi judicial power to deal with objections if the day you apply is the only answer? He said in these circumstances relief is justified, but it may not be in any others that come before you. To say, we are not going to give relief in one case because somebody else may seek relief is an injustice. Council knew what it was dealing with. He said had Crockfords had knowledge of the proposed increases they may have applied. In this case, due process had been started.

The meeting adjourned at 9.56 am.

2. APPLICATION NO BC080416 – CROCKFORD FAMILY TRUST, 22 WILLOW AVENUE, TAKAKA

**Moved Crs Higgins / Norriss
EP09/03/11**

**THAT pursuant to Local Government Act 2002, the Committee made the following decision.
CARRIED**

The Committee considered that the highly unusual circumstances associated with the events of your development project did create grounds for a special reassessment and an adjustment should be made to the development contributions required to be paid.

In particular, it was noted that almost two years had elapsed between the resource consent application being lodged (August 2003) and the final Consent Orders being made by the Environment Court (March 2005). The first stage of the motel project was granted a building consent in July 2005 and the second stage was granted a building consent in May 2008. During that time, considerable changes have been made to the Council's Development Contribution requirements which normally would have to be paid. However, the Committee accepts that the details of these changes are difficult for most people to fully understand and you had assumed that the same "regime" that applied for the first stage would apply to the second stage. Although this is not correct in fact, it is an understandable situation.

Therefore, given the delays associated with the project (which if they had not occurred one could assume that the entire project would have been completed before the new higher Development Contributions were created), the Committee considered that it is fair and reasonable to create a compromise which is most succinctly described as "splitting the difference" between the full assessment amount and the amount the applicant calculated as set in the submission on Page 8, (less the deduction based on the occupancy factor).

Full assessment (DC= \$58,368 + FC=\$1583.33) =	\$59,951.33
Calculation by applicant (excluding the occupancy factor) =	\$17,461.00
Mid-point =	\$38,706.16

Therefore, the Committee has determined that the total new reassessed Development Contribution (and financial contribution) payable on Stage 2 of the motel development at 22 Willow Street, Takaka shall be \$38,706.16 including GST.

Date Confirmed:

Chair:

