



STAFF REPORT

TO: Mayor and Councillors

FROM: Manager Regulatory, Jean Hodson

REFERENCE: L221

SUBJECT: **PROPOSED CHANGES TO LTCCP- DEFINITIONS - EP08/03/02 -**
Report Prepared for Meeting of 6 March 2008

1. INTRODUCTION

This report is intended to assist Council with considering possible changes to the current Long Term Council Community Plan (LTCCP).

The main focus is on the definition of “dwelling” as this is the trigger for the requirement to pay development contributions (DC) for residential type activities.

In addition, the LTCCP currently does not contain a definition of “worker’s accommodation” and thus such proposals have been assessed for development contributions on the basis of a commercial activity. This may also need to be clarified by including an appropriate definition and HUD formula.

2. CURRENT DEFINITIONS:

TRMP:

Dwelling – means a building or part of a building for a single self-contained housekeeping unit, whether of one or more persons (where “single self-contained housekeeping unit” means a single integrated set of sleeping, ablution, and cooking facilities).

Workers’ Accommodation – means a collection of buildings that:

- (i) provides the functional requirements of one or more self-contained housekeeping units; and
- (ii) locates in separate buildings, sleeping facilities from sanitary and eating facilities; and
- (iii) is used for the residential accommodation of persons employed.

LTCCP:

Dwelling- means a building or part of a building for a single, self-contained, housekeeping unit, whether of one or more persons (where “self contained house keeping unit” means a single integrated set of sleeping, ablution and cooking facilities) **and** includes an accessory building that exceeds 15 square metres in area

and is able to be used for sleeping accommodation whether or not it contains ablutions, cooking or kitchen facilities.

3. ISSUES WITH DEFINITION OF “DWELLING”

- The LTCCP definition arose out of difficulties experienced where accessory buildings (and parts of dwellings) were being altered to enable them to be used for self-contained accommodation with no reference to Council. Thus Council was “missing out” on DC’s in some cases. However, administrative experience has raised concerns as follows.
- The two definitions of “dwelling” do not match which causes confusion and some degree of acrimony.
- It is difficult for people to accept why they have to pay a DC because of the definition contained in the LTCCP, but cannot call their building a “dwelling” in “planning terms”.
- The second part of the LTCCP definition is too wide as it captures all accessory buildings over 15 m². The practice has been to only apply the DC to accessory buildings over 36 m² where the floor layout lends itself to being able to be used for self contained accommodation i.e. it contains more plumbing than just bathroom facilities and more than one room. Even this has resulted in extended discussions and difficulties.
- Currently, when a building consent is received which contains a floor plan which contains an area which could be used as an additional self contained unit, the applicant is requested to amend the floor plan by adding a statement such as: **“No kitchen/cooking facilities to be included and not to be used for self-contained accommodation”**. This is in line with the principle of taking people at their word. If subsequently it is discovered that an additional “dwelling” has been created by the addition of facilities not originally indicated, the appropriate enforcement action could be taken.
- If this course of action is taken, the possibility exists for some people to avoid making a contribution by “disguising” a proposed self contained unit. There is also the likelihood of increased enforcement workload at a later date. However, there will be greater certainty for applicants and staff with regard to when a DC is applicable.

The proposal would be to amend the definition of dwelling to read as follows:

Dwelling – means a building or part of a building for a single self-contained housekeeping unit, whether of one or more persons (where “single self-contained housekeeping unit” means a single integrated set of sleeping, ablution, and cooking facilities)

4. ISSUE - “WORKERS’ ACCOMMODATION”

Generally, such accommodation is proposed on rural land which is not serviced by Council reticulated services and therefore only the Roding Contribution is imposed. Table 3 in the LTCCP includes a formula of three carparks (as required by the TRMP)

per HUD. There is no carparking requirement for worker's accommodation currently contained in the TRMP which creates an anomaly whereby a rural dwelling (used for a worker and family or a group of workers) would attract a DC for roading, whereas a worker's accommodation complex would not. Currently the practice is to assess worker's accommodation on the basis of a 1 Household Unit of Demand (HUD) for every 10 beds proposed. Thus if a proposed complex included 20 beds, there would be a requirement for 2 roading HUDs to be paid. The reasoning is that often workers' do not have their own vehicles and use group transport provided by the employer and thus the demand on the road network is reduced.

One solution would be to add to the definition of "dwelling" by adding the following phrase:

"NOTE: Worker's accommodation as defined in the TRMP will be assessed on the basis of one HUD per 10 beds".

5. ISSUE – WATER SUPPLY IN COASTAL TASMAN AREA

The DC Policy refers to new residential activities as the basis for calculating the unit of demand in the Coastal Tasman Area. In relation to the provision of water the correct description should be development on each allotment as it is proposed that one unit of water will be supplied to each title. This may pose an issue where there is more than one dwelling per title. If a second dwelling is approved then no DC would be imposed. There are currently five cases where DCs have been required but not paid and we will cancel these. There is one case of payment and we will have to reimburse.

We would propose to get round this by inserting a new sentence in Clause 1.4 as follows and to consequentially change a footnote to Table 4, Schedule 1:

"The exception to this is in relation to water where the development is a second or subsequent dwelling on an allotment. The reason for this is that only one unit of water will be provided to each allotment. This means that after 1 July 2004, the creation of the allotment or the first dwelling will trigger the imposition of the development contribution for water, whichever occurs first."

6. OTHER ISSUES

- Rural activities: There is no car parking requirement in the TRMP (see Table 16.2D) for a number of rural activities such as farming, viticulture, agriculture, dairy sheds etc, thus there is currently no DC for roading network for such land uses. Previously the assessment criteria in the LTCCP contained a formula of 1 HUD per 10 vehicle movements. This was considered to be too difficult to administer for a number of reasons and it was changed to 1 HUD per three car parks. The Council may wish to instruct appropriate staff to address this matter further.
- Community based activities: Activities such as churches and community halls are required to provide a large number of carparks according to the TRMP but the general intensity of use of the carparks is much lower compared to commercial activities. However, the current formula of 1 HUD per three carparks does not allow for such reduced intensity land uses which can create a

perceived inequity whereby a church which is only used to capacity on infrequent occasions is required to pay a contribution calculated on an equal basis to that of a commercial land use where the carparks are utilised more intensely. The Council may wish to address this or it could be left to the discretion of the “sub-committee” which hears objections to the DC which are assessed by staff.

- Currently the LTCCP contains a formula whereby the first dwelling on a title only pays 33% of the current DC for water, wastewater and stormwater which is paid at the time of subdivision. This policy was adopted as a means of reducing the costs to the home builders at the time the Development Contribution Policy was introduced in 2004. Council may wish to consider if this “grandfathering” policy should remain.
- The case brought about against North Shore City Council by Neil Housing established some principles on which development contributions can be levied. One such principle was that in order for a DC to apply there has to be a clear nexus between the development and the demand for infrastructure. In the case of subdivisions involving new allotments which have existing dwellings which are already serviced, we should amend the policy to delete the final paragraph in Clause 1.4 which reads

“For the avoidance of doubt a development contribution will be required at the time of creating any new allotment by subdivision regardless of whether any buildings exist on the new allotments.”

6. RECOMMENDATIONS

1. That this report be received.
2. That the Council amend the Development Contributions Policy in the Long Term Council Community Plan by as set out in paragraphs 3, 4, and 6 of this report and instruct staff on any other matters arising

[A copy of the amended Development Contributions Policy is attached for inclusion in the Annual Plan.]

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