

## STAFF REPORT

**TO:** Environment & Planning Subcommittee  
Development Contribution Levies – Delegated Committee

**FROM:** Dugald Ley, Development Engineer

**REFERENCE:** BC091078

**SUBJECT:** **NELSON-TASMAN HOUSING TRUST - REPORT EP10/01/02 -**  
Report prepared for meeting of 28 January 2010

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### 1. INTRODUCTION

The above building consent is to erect nine residential dwellings at 14 Bramley Street (off Hart Road, Bramley Estate) (three individual and three duplex) on a 2211 m<sup>2</sup> section fronting Hart Road with vehicle access via Bramley Street. The applicant has objected to the attached HUD (Household Unit of Demand) for the nine residential, i.e.:

- Five water HUDs
- Eight wastewater HUDs
- Eight roading HUDs
- Eight stormwater HUDs

### 2. BACKGROUND

Clearly this application is for residential use and is similar to the Waimea Village with smaller sites and services supplied by Council. All sites will drain to Council's wastewater and stormwater mains in Hart Road and the site will be supplied by one 50 mm diameter lateral and meter for water.

In the Ten Year Plan, Council sets out the requirements for imposing development contributions. For residential lots the amount is one HUD for each self-contained dwelling and for commercial lots it is determined by:

- Water – pipe size into the development
- Wastewater – number of pans/urinals
- Stormwater – area of roof and impermeable surface
- Roading – number of carparks required as per the TRMP.

The applicant's letter of 4 November 2009 sets out their assessment as if the application was a commercial activity. Clearly the units are to be used for residential purposes and the residential calculations should apply. (However officers have made a concession in regard to water as below).

The development contribution for residential lots when the site has recently been subdivided the formula is as follows:

First dwelling- Water	=33% of DC less amount paid at time of subdivision
Wastewater	=33% of DC less amount paid at time of subdivision
Stormwater	=33% of DC less amount paid at time of subdivision
Roading	=100% of DC less amount paid at time of subdivision

Any subsequent dwellings on the lot are required to pay the current DC amounts. Refer to pages 88 and 89 of Volume 2 of the Ten Year Plan.

However no refunds are payable due to the Ten Year Plan HUD amounts reducing over the time of subsequent plans.

In summary the first dwelling was given “discounts” as above and each new dwelling after that is required to pay the appropriate HUD amount.

Regarding the water HUD, staff considered that the applicant was only providing a single 50 mm diameter water meter for the entire site (i.e. Council only needs to read one meter and bill the body corporate or trust) and provided discretion by lowering the HUD amount to five HUDs in keeping with the “commercial” calculation of five HUDs for a 41-50 cm diameter water connection. (This was similar to the Brown Acre retirement village in Motueka and provided a saving of \$24,281 to the applicant).

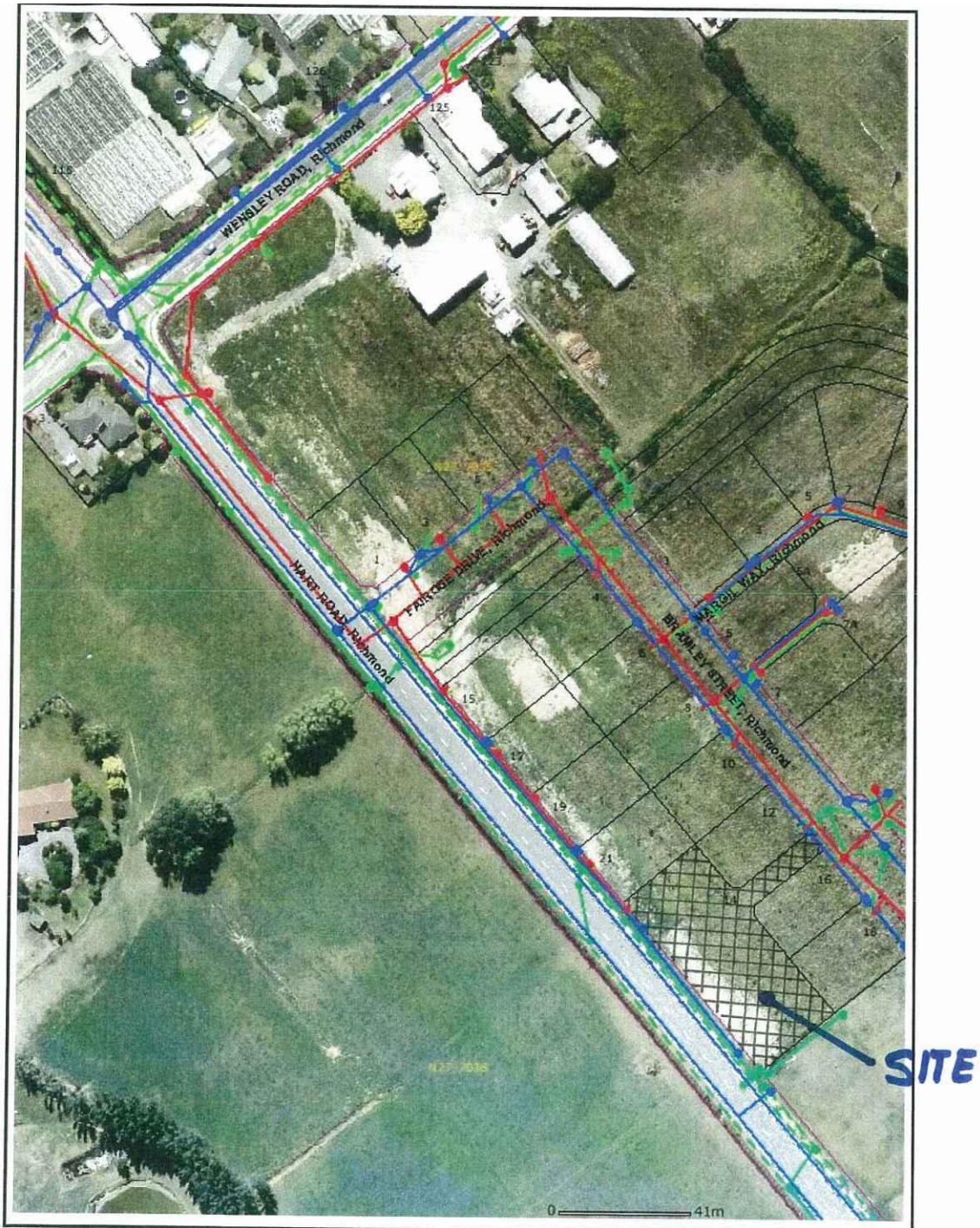
The applicant via McFadden McMeeken Phillips’ letter of 7 December 2009 has not disagreed that the nine residential dwellings will create effects similar to other residential dwellings and there is no valid reason why these HUD amounts should not be imposed.

However, the applicant has gone into great detail regarding the status of the trust and its value to the community. It is respectfully suggested that this committee is not the forum for Council to grant concessions to community activities. The appropriate vehicle is funding via a Council policy (charitable trust) via the annual plan or ten year plan process. I am unaware of such a policy at Tasman District Council.

### **3. RECOMMENDATION**

**THAT the Development Contributions as set out in the building consent be confirmed and that the applicant be advised to make formal application for either a grant or waiver of the charges through the Annual Plan or Ten Year Plan process.**

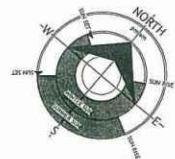
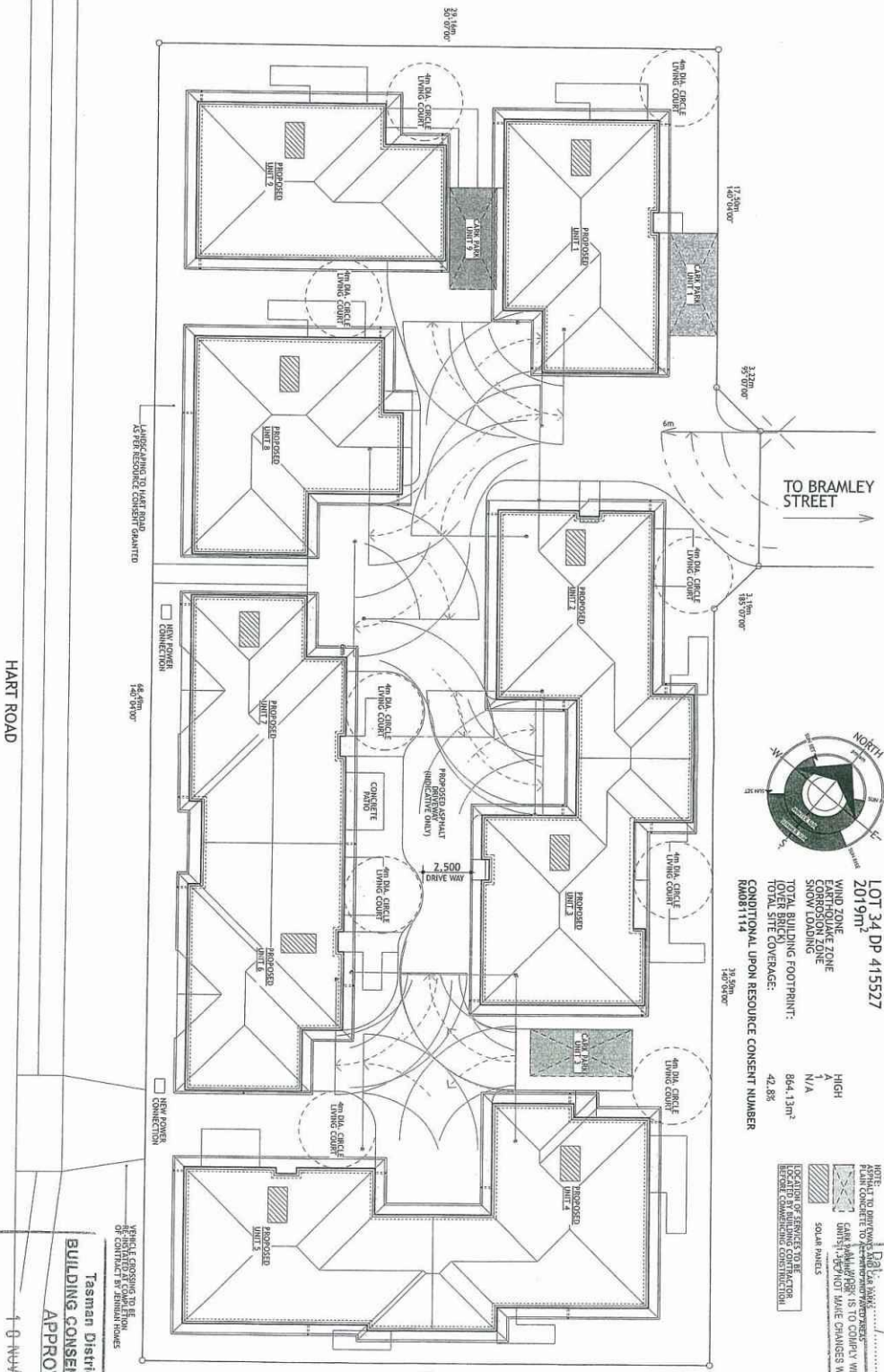
Dugald Ley  
**Development Engineer**



### ExploreTasmanMap

22/12/2009 **DISCLAIMER:**

This map is derived from ExploreTasman and has generally been compiled from data generated by and supplied to the TDC. It has no legal status and is known to be incomplete. To ascertain the exact location of any item, TDC advises that the customer arrange onsite verification. TDC will not be liable for any damages or loss whatsoever suffered from the use of this information. Cadastre sourced from Land Information New Zealand data. Crown Copyright reserved.



LOT 34 DP 415527  
2019m<sup>2</sup>  
WIND ZONE  
EARTHQUAKE ZONE  
SNOW LOADING  
TOTAL BUILDING FOOTPRINT: 864.13m<sup>2</sup>  
TOTAL SITE COVERAGE: 42.8%  
CONDITIONAL UPON RESOURCE CONSENT NUMBER RM081114

NOTE: THIS DRAWING IS FOR INFORMATION ONLY. THE CLIENT IS TO VERIFY ALL INFORMATION WITH THE NZ BUILDING CODE AND ANY OTHER RELEVANT REGULATIONS. THE CLIENT IS TO VERIFY ALL INFORMATION WITH THE NZ BUILDING CODE AND ANY OTHER RELEVANT REGULATIONS. THE CLIENT IS TO VERIFY ALL INFORMATION WITH THE NZ BUILDING CODE AND ANY OTHER RELEVANT REGULATIONS.

Tasman District Council  
BUILDING CONSENT AUTHORITY  
APPROVED DRAWINGS  
Consent Number BC.....  
Signed .....

Tasman District Council  
BUILDING CONSENT AUTHORITY  
APPROVED  
10 NOV 2009  
BUILDING CONSENT  
ALL WORK IS TO COMPLY WITH THE NZ BUILDING CODE  
DO NOT MAKE CHANGES WITHOUT PRIOR APPROVAL

Date: 23 OCT 2009  
Revision: WD-D WORKING DRAWINGS  
Job #: NB 08405-08413  
Drawn: K.B.  
Checked: K.A.  
Approved: F.F.

Drawing: SITE PLAN UNITS 1-9  
SCALE 1:200 @ A3

Client: NELSON TASMAN HOUSING TRUST  
LOT 34 DP 415527  
14 BRAMLEY ST  
RICHMOND

Your personality Our expertise **Jennian HOMES**



**McFADDEN McMEEKEN PHILLIPS**  
LAWYERS

7 December 2009

Tasman District Council  
Private Bag 4  
RICHMOND 7050

By email: [Jean.Hodson@tasman.govt.nz](mailto:Jean.Hodson@tasman.govt.nz)

Attention: Jean Hodson

**RE: NELSON TASMAN HOUSING TRUST - DEVELOPMENT CONTRIBUTION OBJECTION**

1. We act for the Nelson Tasman Housing Trust and the writer is a Trustee of the Trust.
2. We are in receipt of your email addressed to Wayne Ballantyne querying the nature of the Trust's objection to the Development Contributions which have been imposed by the Council in respect of the Trust's development at Bramley Estate, Richmond.
3. Whilst we acknowledge that the Council's Development Contribution Policy only provides for a review of assessments of non-residential developments we consider that the Trust's development should also be given special consideration by the relevant Council Sub-Committee for the reasons set out herein.
4. The Trust is a not for profit registered charitable trust. By way of background the Trust was established in 2004 as a community response to declining housing affordability in Nelson and Tasman Districts. The Trust works in partnership with central government, local councils (where possible) and other agencies to improve access to good quality, affordable housing to those on moderate to low incomes. The Trust's intention is to provide high quality housing for those in our community who do not fit Housing New Zealand Corporation or a Local Authorities criteria as being in need of housing, but who still find it difficult to afford high quality housing.
5. The community housing development at Bramley Estate, once completed, will provide nine high quality residential units for residents in the Tasman District who are simply unable to afford to pay the market rents dictated by the private rental market.
6. In that regard we note that the Long Term Council Community Plan provides for community housing as one of Council's key activities but notes:

*"The activity involves providing housing predominantly for elderly and other people who comply with the Council's Policy on Pensioner Housing."*

187 Bridge Street, P O Box 656, Nelson 7040, New Zealand, DX WC 70016, Phone: 03 548 2154, Fax: 03 548 2157, [www.mmp.co.nz](http://www.mmp.co.nz)  
RICHMOND OFFICE 6 Florence Street, PO Box 3846, Richmond 7050, Phone: 03 544 9845, Fax 03 544 8693  
TAKAKA OFFICE Commercial Street, Takaka, Phone: 03 525 0020 (visiting fortnightly)

27600/195224.1/VC PARTNERS Nigel McFadden, David Phillips, John Sandston, Graeme Downing, Victoria Chisnall  
SENIOR ASSOCIATE Annie Todd-Lambie ASSOCIATE Jennifer Penny

7. The Trust considers, that in providing the community housing at Bramley Estate for those on low to moderate incomes, it is assisting the Council in achieving a broader range of housing options beyond the need Council have identified in the LTCCP for elderly and pensioner housing.
8. Through the Trust's efforts in undertaking the development at Bramley Estate, over \$2,000,000.00 will be introduced to the Tasman District for the provision of affordable housing thus adding to and enhancing the range of housing options available to residents of the Tasman District. It is considered that the provision of this affordable housing is of considerable benefit to the Council and the Tasman District as a whole.
9. In addition the Trust is a not for profit organisation with all funds received from the rental of any houses owned by the Trust being used to repay development funding and future community housing development.
10. It is considered that the Trust and its development at Bramley Estate are unique such that the Council should give special consideration to the development and particularly whether development contributions should be imposed at all or at least a reconsideration of the quantum of the development contributions imposed on the Trust.
11. We should note for completion that the Trust has developed a close working relationship with the Nelson City Council and in recognition of that relationship and the valuable service being provided by the Trust, the Nelson City Council has determined not to charge the Trust development contributions on any community housing project in the Nelson District.
12. The Trust is desirous of developing a similar relationship with the Tasman District Council and any decision to waive or reduce development contributions payable by the Trust would certainly assist in strengthening the relationship between the Trust and the Tasman District Council.
13. We would be grateful if this matter could be considered further. We are happy to speak further to this letter at any meeting of the Sub-Committee.
14. We look forward to hearing from you.

Yours faithfully

**McFADDEN McMEEKEN PHILLIPS**



**Victoria Chisnall**

Partner

Victoria@mmp.co.nz