



NOTICE OF MEETING OF THE DEVELOPMENT CONTRIBUTIONS REVIEW COMMITTEE

I hereby give notice that the Development Contributions Review Committee meeting of the Papakura District Council is to be held on:

DATE: Tuesday 8th September 2009

TIME: 3.30 pm

VENUE: Council Chambers
35 Coles Crescent
PAPAKURA

T Stratton
CHIEF EXECUTIVE OFFICER

MEMBERSHIP:

Chairperson	Clr Pringle
Deputy Chairperson	Clr Conroy
	HWM Penrose
	Clr Auva'a
	Clr Catchpole
	Clr Goldsmith
	Clr Jones
	Clr O'Connor
	Clr Piggott

(Quorum 4 members)

(The reports and recommendations contained in this Order Paper are not necessarily Council Policy and should not be taken as Council Policy, or opinion)

PAPAKURA DISTRICT COUNCIL

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PAPAKURA DISTRICT COUNCIL

AGENDA FOR THE MEETING OF THE DEVELOPMENT CONTRIBUTIONS POLICY REVIEW COMMITTEE TO BE HELD IN THE COUNCIL CHAMBERS, 35 COLES CRESCENT, PAPAKURA ON TUESDAY 8TH SEPTEMBER 2009 COMMENCING AT 3.30 P.M.

1. APOLOGIES

2. DEPUTATIONS AND PETITIONS

3. CONFIRMATION OF MINUTES

- (a) That the Minutes of the Development Contributions Policy Review Committee held on Tuesday 7th July 2009 be confirmed.

4. ITEMS FOR DECISION

(a) REQUEST FOR REVIEW OF DEVELOPMENT CONTRIBUTIONS – JACE INVESTMENTS, 149 PHILLIP RD

REPORTING OFFICER: David Russell
Development Engineer

ATTACHMENT: Request for Review
Original Assessment of Development Contribution
Revised Assessment of Development Contribution
Plan of proposed development

(Attachment No. 1)

PURPOSE OF THE REPORT

The purpose of this report is to consider the request to review the development contribution as assessed under the Development Contributions Policy, LTCCP 2006/16 for the proposed development of the site at the above address.

BACKGROUND

An application for building consent (No. 23830 for canopy, No. 23880 for coolstore and land use consent LU 9165) was made in January 2008 by JACE Investments. The Code Compliance Certificate was issued in December 2008. The proposed building works extend existing structures by 1,875 sq m on the property. The invoice prepared identified that a Development Contribution of \$43,868.25 including GST would be required.

BASIS OF THE OBJECTION

The applicant JACE Investments has requested a review of the above assessment.

The basis for the request (copy attached) for relief is as follows:

(a) The values of the development contributions are excessive.

The accountant, in lodging the request, acknowledges that she had recently joined the company and recognises that the appeal is outside the 15 working days allowed in the policy.

NARRATIVE

The application is within the 2007/08 year (January 08). The building consents were issued in June 2008 following a number of issues that are outside of this application. Following receipt of the letter in August 2008, Ms Stevens was contacted on 9 August 2008 and again on 11 May 2009 to discuss the objection reason. On each occasion Ms Stevens indicated that she needed guidance from the Directors of JACE Investments. To date Council has received no further information on the objection. However, looking at the request and considering the nature of the site and type of operations within the coolstore, the following could be considered.

1 Stormwater

Phillip Road is not serviced by a public reticulation system. Stormwater is managed by discharge to the open channels leading to the Papakura Stream. There are no plans in the LTCCP to provide a public stormwater system to Phillip Road. The applicant was required, as part of the building consent, to manage the stormwater discharge from the new building on-site.

The management of stormwater was achieved via:

- (a) Rainwater from the roof of the building is discharged via a debris removal system into pipes and on into the Papakura Stream.
- (b) Stormwater from the sealed carpark flows into swales to discharge into the peat soils.

Given that the site was to manage its stormwater discharges and there are no plans to provide a public stormwater system in the LTCCP, it is considered inappropriate that the stormwater contribution be charged.

2 Rooding

The road is a narrow local road. The site usage is as a coolstore. This will attract significant truck usage. As such the development will create demand on the rooding works both locally and District wide and it is considered appropriate to confirm the development contributions for these activities.

3 Community Infrastructure and Public Transport

These development contributions have been assessed in terms of the DCP for non-residential B Growth at the normal rates for these activities.

CONCLUSION

Development contributions have been assessed based on the increase in scale of development on the site. The 2 building consents have been issued and the associated Code Compliance Certificate has been released. The Development Contribution was assessed in terms of the land use consent.

It is recommended that no stormwater development contribution be required as the development manages its stormwater on site and there is no public reticulation system to discharge into.

It is considered that the development creates additional demand for rooding, public transport and community facilities in accordance with the DCP as assessed and that these development contributions should be confirmed.

DEVELOPERS COMMENTS

A copy of the report was sent to JACE Investments Ltd on 31 July 2009 for their comments. No comments have been received from the developer.

RECOMMENDATIONS

1. That the information be received.
2. That the stormwater development contribution not be required as the development makes no demand on Council Stormwater infrastructure and hence the Assessment be reduced to remove the stormwater component of the fee (\$12,169.29 incl. GST).
3. That the balance of the objection be disallowed as the assessment of the development contributions for rooding, public transport and community infrastructure is in accordance with the Development Contributions Policy.
4. That the development contribution assessment for LU 9165 at 149 Phillip Road be reduced from \$43,868.25 to \$31,698.96 (including GST).

4. ITEMS FOR DECISION

(b) REQUEST FOR REVIEW OF DEVELOPMENT CONTRIBUTIONS – AINTREE DESIGN AND BUILD, 20 MARPHONA CRESCENT, TAKANINI

REPORTING OFFICER: David Russell
Development Engineer

ATTACHMENT: Request for Review
Original Assessment of Development Contribution
Revised Assessment of Development Contribution
Plan of proposed development
Developer comments 6 Aug 2009

(Attachment No. 2)

PURPOSE OF THE REPORT

The purpose of this report is to consider the request to review the development contribution as assessed under the Development Contributions Policy, LTCCP 2006/16 for the proposed development of the site at the above address.

BACKGROUND

An application for building consent (No. 23164 for a new building on the site and associated hardstand) was made in March 2008 by Aintree Design and Build. The CCC was issued in September 2008. The invoice prepared identified that a Development Contribution of \$53,138.25 including GST would be required. This was paid by the developer and the request for review was lodged soon after.

BASIS OF THE OBJECTION

The applicant Aintree Design and Build has requested a review of the above assessment.

The basis for the request (copy attached) for relief is that development contribution should only be charged on developed area, and that landscaping should not be part of the developed area.

NARRATIVE

The development application was to build a warehouse industrial building and associated hardstand on the site. It is their view that landscaping does not form part of the developed area.

In terms of the District plan there is a requirement to landscape the front 7.5m reducible to 3.75m on application, and 5m when the development is against a reserve or residential land. In this case there is landscaping at the front of the lot and also at the rear boundary (to the Papakura Stream Esplanade Reserve. There is also landscaping within the property to an extent greater than the District Plan requirements.

The site is situated within an urban industrial 3 zone and has been assessed under the Non-Residential B basis. The DCP 2006/16 definition of the relevant site area is as follows:

Site area developed

Means that portion of the site that is to be used to undertake a Non-residential B activity (including carparking, and landscaping associated with the activity), but does not include land set aside for another purpose or otherwise not associated with the activity (for example, vacant land).

In this case, the requirement for landscaping along the frontage of the site is usual for an industrial site and is required by the District Plan to mitigate effects of the development as a general rule and is included within the definition of "site area developed".

However, the requirement for landscaping at the rear of the site is not the usual situation considered in establishing the DCP and effectively restricts industrial activity usage of this area by setting the landscaped area aside for "use" associated with the adjacent reserve. This area of 5m x 40m = 200 sq m is considered to be outside the definition of "site area developed" as land not associated with the activity.

CONCLUSION

The provision of landscaping to the road frontage of an industrial development is considered to be associated with the activity and hence to be considered in the assessment of the "site area developed" for calculation of development contributions.

However, the provision of additional landscaping associated with the adjacent reserve is considered to be outside the definition of "site area developed". Hence, it is considered that the assessed area should be reduced by 200 sq m and accordingly, it is recommended that the development contributions be reduced from \$53,138.25c to \$49,273.65c (including GST).

DEVELOPERS COMMENTS

The developer has commented in discussions and by email (refer to attachment) that 50% of the front yard is required to be landscaped under the District Plan and that he considers any extra (landscaping) to be "undeveloped area". The developer has also noted that the use of the rear of the site is further restricted in that the rear 8m of the site cannot be built on although part may be used for parking and seeks reassessment on this basis.

The developer has also commented that he would accept any decision made in regard to this matter.

FURTHER COMMENT

The District Plan sets a standard in Table 6.2 for Industrial 3 Zones of a rear yard of 8m as submitted by the developer which has been applied in this case due to the reserve at the rear. It is considered that this is the relevant determinant of the area that is outside the "site area developed" with due reduction for the area able to be used as carparking. Accordingly, it is recommended that the area excluded from the site area developed be increased from 200 sq m to 264 sq m due to the rear yard requirement of 8m and the development contribution be reduced from \$53,138.25c to \$48,307.50c (incl. GST).

RECOMMENDATIONS

1. That the information be received.
2. That the front area of landscaping be considered to be land associated with the activity in accordance with the Development Contributions Policy and included in the site area developed and confirmed as included in the development contribution as assessed.

3. That the rear area of landscaping be considered to be land not associated with the activity and not included in the site area developed due to the rear yard requirement of 8m and hence the development contribution for LU 9165 at 20 Marphona Crescent, Takanini be reduced from \$53,138.25 to \$48,307.50c (incl. GST) with refund of the difference to the applicant.