



STAFF REPORT

TO: Environment & Planning Subcommittee
Development Contribution Levies

FROM: Dugald Ley, Development Engineer

REFERENCE: BC070875

SUBJECT: **STILLWATER GARDENS - EP07/09-03** - Report Prepared for
5 September Hearing

1. INTRODUCTION

Stillwater Gardens has recently applied for consent to erect a further 16 x two-bedroom villas/self-contained dwellings on land (Lot 1, DP362961, 5271 m²) immediately to the west (over the stream) of the existing facility at 44 Templemore Drive. The applicant has appealed the Council's decision that Development contributions for 15 equivalent household units of demand (HUDs) for each of the services, ie roading, water, stormwater and wastewater that has been imposed for this development. (Plan and application shown in Appendix 1 & 2)

2. DISCUSSION

Officers viewed this application as a residential activity rather than a commercial activity where the assessment criteria for commercial activities is set out in Table 3, Page 64, volume 2 of the LTCCP.

It was the officer's view that dwellings such as these were no different to for example:

- a) a detached dwelling at the rear of an existing dwelling where an elderly relative is looked after by their family;
- b) a row of flats occupied by families or solo parents and rented out;
- c) A group of dwellings or flats owned or rented out by Housing New Zealand.

Also the definition of a dwelling is set out in the TRMP viz – means a building or part of a building for a single self-contained house-keeping unit whether one or more persons (where "simple self-contained house-keeping unit" means a single integrated set of sleeping, ablution and cooking facilities.

Dwellings can be as large as five-bedrooms and can be as small as a one-bedroom flat built. In all cases each one would have been assessed at one HUD.

This application is of a similar nature as outlined above where the dwelling is rented to the individual until the occupant no longer requires it.

On 19 June 2007 the applicant, through their designer/architect (David Todd Ltd) calculated the HUD amount using Table 3 from the LTCCP mentioned above. A copy of this letter is attached (Appendix 3).

Council assessed the application to 15 HUDs for each service, ie first dwelling free (see attached Appendix 4). Note also, Council gave some relief where the pavilion was not charged.

The applicant through their legal adviser (Duncan Cotterill) on 9 August 2002 appealed Council's decision and made an assessment as set out in their letter (see attachment 4 pages, Appendix 5).

I have summarised the applicant's and TDC's assessments in the following table:

Table 1

Service	HUDs		
	Architect	Lawyer	TDC
Water	10	10	15
Wastewater	17	14	15
Stormwater	13	13	15
Roading	10	5	15

As previously set out Officers assessed this application as a residential style activity rather than a commercial activity such as an office block, restaurant or similar. Clearly the applicant's own advisers are at odds as to an agreed position for HUD amounts.

If the Committee choose that the 16 villas (15 liable for development contribution) were principally for residential use then Council's decision should be upheld. Note the "Oxford" definition of a "villa" is a ".....detached or semi-detached house in suburban or residential district...."

If, however as the applicant would suggest that this application is more aligned with, for example rental of an office block or commercial building, then the calculation as per the LTCCP (Table 3, page 64, Volume 2) should apply.

For each service the following would apply:

Table 2

		HUDs
Water – size of pipe into development 100 mm diameter		10
Wastewater – number of pans/urinals ÷ 2	$\frac{27}{2} = 13.5$	14 (rounded)
Stormwater – impervious surface ÷ 300 ie,	$\frac{4014}{13}$	13
Roading – 1xcar park per dwelling + 3 for staff = 19	$\frac{19}{3} = 6.3$	6 (rounded)

It is my view however that the application is clearly for "residential" use and that the officer's assessment as outlined below be confirmed.

3. RECOMMENDATION

THAT the Committee upholds officer's decision that the villas are deemed to be residential dwellings and are required to contribute one HUD each except for the first free one.

Dugald Ley
Development Engineer



44 TEMPLEMORE DR

13/6/2007 **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.





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19 June 2007

Tasman District Council
 Private Bag 4
RICHMOND

Attention **ADMINISTRATION OFFICER – BUILDING CONTROL**

Dear Sir

**BC070818 HUD REQUIREMENTS –
 STILLWATER GARDENS RETIREMENT VILLAGE LTD**

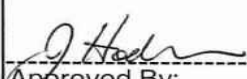

The HUD requirements for this project are:

Water 51-100mm dia	Demand Unit 10
Waste water 16 Villas (ie 1 household unit) Pavilion (ie 1 household unit) (total 27 pans on site)	16 1
Stormwater 3852 sq m impervious area 1 HUD = 300 sq m	13
Roading 32 carparks provided 1 HUD = 3 carparks	10

If you require any further information please contact me.

Yours faithfully
DAVID TODD LTD

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Tasman District Council Development and Financial Contributions			
Applicant:	Stillwater Gardens	BC No:	070818
Val No:	1961000901		
Project:	16 Retirement Units and a pavillion		
Project Value	\$1,950,000		
Financial Contribution Reserves			
	Consent value		1,950,000.00
	Less GST		1,733,333.33
Reserves are calculated	0% 50000		\$0.00
on the value of building	0.50% 50001 to 200000		\$750.00
work over \$50,000 (excl GST)	0.25% >200001		\$3,833.33
			\$4,583.33
Building Development Contribution			
Non Residential No: HUD	DC	Full Amount	DIL Received
15	Water	\$3,065	\$46,986.45
15	Wastewater	\$6,087	\$93,313.71
15	Roading	\$1,554	\$24,864.00
15	Stormwater	\$1,561	\$23,930.13
			\$189,094.29
			Discount of 5% 9,454.71
			Discounted Total \$179,639.58
			FC \$4,583.33
			DC (-5%) \$179,639.58
			Total Payable \$184,222.91
 Approved By:		 Approved By:	
Assess as 16 residential units, no charge for pavillion. Previous project			
(resthome & hospital) applied for prior to DC policy and assess at RC for FC's.			
1st Dwelling discount applied.			

Duncan
LAWYERS

9 August 2007

Tasman District Council
Private Bag 4
Richmond

Attention: Tracey McNally

Dear Tracey

Development and Financial Contributions

We act for Tom Nimmo, who has received an invoice for Development and Financial Contributions for the expansion to the Stillwater Gardens Retirement Village. We would like to raise some matters with you with respect to the calculations for development contributions. We are unsure whether this invoice was a draft. If a formal review is now necessary please advise and we will arrange for a lodgement fee of \$125 to be paid.

With respect to Development Contributions the Council has treated the proposed extension to the retirement village as a residential activity. We consider that this is the correct approach as the Application for resource consent was for a residential and community use. However, the Council has treated each villa as an independent Household Unit of Demand (HUD). We have analysed Table 3 on page 64 of the Long Term Council Community Plan which sets out how an HUD is calculated. When calculating the Development Contributions for a non-residential activity the Council looks at how a non-residential activity compares to an HUD, based on the assumptions for an HUD set out in this Table. Although, as set out above, this is for a residential activity we consider that in this case it is appropriate to look at the assumptions behind an HUD in order to gain an appreciation of how comparable retirement villas are to standard dwellings.

We note that the Council is given a wide discretion to assess the contributions payable. Firstly section 5.3 of the LTCCP provides for special reviews. Further, section 6 of the Development Contributions Policy states that "Council also reserves the right to refund monies in circumstances it considers appropriate in relations to payments made for second dwellings".

Firstly, in relation to contributions for water, the total amount payable according to the invoice is \$46,986.45. The number of HUDs on a site is based on the pipe size. In this case the pipe size proposed is 100mm. When you look to Table 3 this is equivalent to 10 household units of demand (as opposed to 16 used in the Council assessment).

The HUD required for stormwater is based on an HUD causing 300m² of non-pervious surface. In this case the total area of non-pervious surface is 4014.67m². The basis for this figure is set out in the spreadsheet attached. Dividing this total amount of non-pervious surface by 300m² (which is the figure attributed to an HUD) this gives a total number of 13 HUDs on the site.

Waste water is based on 2 pans/urinals per HUD. On the site there are a total number of 27 toilets proposed. In order to calculate the number of HUDs per site this figure must be divided by 2 which (with rounding) gives 14 HUDs (as opposed to 16 used in the Council's calculation).

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AUCKLAND

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The HUD for roading is based on the number of car parking spaces required for the particular use. As set out in the Traffic Design Group report attached to the Resource Consent Application for the Village, the Plan requires 1 space per 5 beds, or 1 per dwelling plus 1 per staff for elderly persons homes. It is not proposed for any staff to be parked on site and therefore the total number of car parking spaces required is 16. In order to calculate the number of HUDs on the site we must divide 16 car parking spaces by 3 which gives a total of 5 HUDs on the site (as oppose to 16 used in the Council's calculations). This is consistent with the Traffic Design Group report which states that the 16 proposed villas would closely generate similar patterns to 5 – 6 residential units.

Therefore we consider that there are a number of assumptions that are used for standard dwellings that do not apply to a retirement village. On this basis we request a review of the amount of development contributions assessed as being payable. Attached to this letter is a spreadsheet setting out the number of HUDs we consider is appropriate together with the amount of development contributions that would be payable as a result.

We look forward to hearing from you. We would be happy to meet with you to discuss this further and please do not hesitate to contact me if you have any questions in the meantime.

Yours sincerely

PP Elise Williams

Shoshona Goodall
Solicitor

s.goodall@duncancotterill.com

SWGRV HUD COSTS TDC

Water Supply	100mm	10 HUD	\$ 3,065.00	1 at 33%	\$ 1,011.45
			\$ 3,065.00	*9	\$ 27,585.00
Waste Water	27 pans	14 HUD	\$ 6,087.00	1 at 33%	\$ 2,008.71
			\$ 6,087.00	*13	\$ 79,131.00
Roading	Road Report	5 HUD	\$ 1,554.00	*1	\$ 1,554.00
			\$ 1,554.00	*4	\$ 6,216.00
Storm Water	As per Table	13 HUD	\$ 1,561.00	1 at 33%	\$ 515.13
			\$ 1,561.00	*12	\$ 18,732.00
					<u>\$ 136,753.29</u>
Letter 26th July 2007 GST included					\$ 189,094.00
Reduction					<u>\$ 52,340.71</u>

SWGRV Coverage per Unit

Buildings	1970						1970.00	
Road	1600						1600.00	
Pavilion	68.293						68.29	
Villa A & B	8.6	9	26.6	1.2	2.4		47.80	
Villa C & D	11.5	10	15.3	6.24	4.32		47.36	
Villa E & F	11	11.3	6.9	6.9	4.08	5.2	45.38	
Villa G	11	6.8	4.08				21.88	
Villa H & N	11.2	11.2	5.9	6.3	1.2	7.92	43.72	
Villa I	10.3	9.4	5.62				25.32	
Villa O & P	11.3	11	6.8	6.7	4.42	6.22	46.44	
Villa J & K	11.3	11.3	25.2	0.78	0.78		49.36	
Villa L & M	10.5	11.3	0.96	0.96	25.4		49.12	
							4014.67	4014.67
Area of building site	5058.00	Area of total site	5270.00				5058.00	5270.00
Area not hard covered							1043.33	1255.33
Area Divided by 17 units								236.1572 per unit