

# MINUTES

**TITLE:** Environment and Planning Subcommittee  
**DATE:** Friday 14 October 2005  
**TIME:** 9.30 am  
**VENUE:** Council Chamber, 189 Queen Street, Richmond.

**PRESENT:** Crs E M O'Regan (Chair) and T E Norriss

**IN ATTENDANCE:** Environment and Planning Manager (D C Bush-King),  
Development Engineer (D Ley), Administration Officer  
(B D Moore)

## 1. **PROGRESSIVE ENTERPRISES LIMITED – FRESH CHOICE SUPERMARKET, TAKAKA – OBJECTION TO DEVELOPMENT CONTRIBUTION LEVIES**

Mr J O'Sullivan, representing the objector, tabled a submission and a copy of a plan for the subject site on the corner of Willow and Motupipi Streets, Takaka. Mr O'Sullivan acknowledged that Council staff had carried out an arbitrary assessment of 20 HUD which set the roading levy at \$50,800.00. He referred to the note within the staff report which showed that a calculation for a potential 800 vehicle movements per day to this commercial site would be equivalent to 80 new residential properties with a potential development impact levy of \$203,200.00 for roading.

The staff report noted the Council Management Team, chose to reduce the required levy by 75% to the equivalent of 20 household units of demand for roading purposes, to fix the required payment at \$50,800.00.

Mr O'Sullivan said that the new supermarket site has advantages including better street access and more onsite parking. The site plan showed the proposed parking all located within the subject site with the total 103 car parks being in excess of the TRMP requirements. The applicant sought that Council should reassess its HUD assessment from 20 to 10 HUD, such that the roading component of the development contribution is reduced from \$50,800.00 to \$25,400.00.

Mr O'Sullivan said that the development will have a minimal effect on the existing roading infrastructure. He noted that the staff report stated that Council is satisfied the proposal is unlikely to produce any adverse effects beyond the area of the development and the actual potential effects are likely to be minor. The level of stormwater HUD was then addressed by Mr O'Sullivan for Progressive Enterprises. He said it was Progressive's contention that the revised assessment is still too high and that Council should revise its assessment to one HUD. He provided a number of reasons and included information about the two new large soak pits for run off from the paved asphalt areas and from the building roofs.

The supermarket floor is to be constructed at a level above potential flood levels and the site will incorporate a 9 metre wide floodway on adjoining land to the southeast of the building and this will be protected by an easement in favour of the supermarket site.

A flood hazard report had been completed by Engineer Mr R Stocker, to support the applicant's design proposals.

## **1.2 Staff Report**

Development Engineer, D Ley, said that the proposed new building supermarket enterprise is required to stand on its own merits in regard to parking and access matters. He said that some other use will be made of the existing supermarket building. Mr Ley said that a 20 HUD calculation is considered fair and reasonable and that the applicant has advised that it will be expecting 700 to 800 vehicle movements per day. He said that in regard to stormwater, Council had already reduced the stormwater HUD by 50% to five HUD.

Mr Ley said that the stormwater soak pits would work most of the time and that the proposed secondary flow paths for floodwater would be needed when the soak pits are not working. He produced a chart to demonstrate the proposed levels of the site and potential flood levels.

## **1.3 Right of Reply**

Mr O'Sullivan responded for Progressive Enterprises and said that an existing Takaka business with less traffic than the supermarket is likely to become the tenant of the existing supermarket building. He reminded the hearing panel that the points raised in his submission significantly support a roading HUD reduction from 20 to 10 HUDs. Mr O'Sullivan said that the improved impact on the local area has not been reflected and shown in the staff report.

Mr O'Sullivan said that the proposed work which Council expects to undertake in Takaka has to be directly reflected and related to the proposed subject development to be of relevance. Mr O'Sullivan repeated that the proposed stormwater work listed in the Annual Plan/LTCCP, needs to be shown as related to the subject site.

Mr O'Sullivan noted that there is no stormwater reticulation available to take any flow from the subject site. He acknowledged that during major flood events which may occur every 50 years or so, secondary flow paths may be created by the same will apply to other locations on property within Takaka. He said in summary that the applicant, Progressive Enterprises, requests that there be 10 roading HUDs and one stormwater HUD.

The Committee reserved its decision at 11.05 am.

**Moved Crs Norriss / O'Regan  
EP05/10/11**

**THAT the public be excluded from the following part of the proceedings of this meeting namely:**

Progressive Enterprises Limited

**The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:**

<b>Subject</b>	<b>Reasons</b>	<b>Grounds</b>
Progressive Enterprises Limited	Consideration of a development contribution assessment.	To maintain effective conduct of public affairs.

**CARRIED**

**Moved Crs O'Regan / Norriss  
EP05/10/12**

**THAT for the purposes of discussing the application of Progressive Enterprises Limited as an "In Committee" item, the Environment & Planning Manager be authorised to be in attendance as advisor.**

**CARRIED**

**Moved Crs Norriss / O'Regan  
EP05/10/13**

**THAT the public meeting be resumed and that the business transacted during the time the public was excluded be adopted and that the following resolutions be confirmed in open meeting.**

**CARRIED**

**2. PROGRESSIVE ENTERPRISES LIMITED – FRESH CHOICE SUPERMARKET, TAKAKA – OBJECTION TO DEVELOPMENT CONTRIBUTION LEVIES**

**Moved Crs Norriss / O'Regan  
EP05/10/14**

**THAT the Subcommittee agrees to uphold the staff assessment to impose five stormwater and 20 roading HUDs and directs the Environment & Planning Manager to convey the decision with reasons as follows:**

In relation to its liability to pay a development contribution the Subcommittee noted that the supermarket, while relocating from another CBD site, is a “greenfield” development located within the Takaka Urban Drainage Area. The Subcommittee accepts that the applicant intends to comply with the resource consent conditions which require onsite works to deal with stormwater control and car parking. However the Subcommittee does not consider this necessarily justifies a reduction in the assessed HUDs for stormwater or roading. Nor does applicant’s assertion that because resource consent was granted, a reason being that the effects were no more than minor, justify either a waiver or reduction. The statutory regime under which resource consents are granted is different from that relating to the imposition of a development contribution.

The Council’s Development Contribution Policy, outside of the Coastal Tasman Area (which is not applicable in this case), is a district wide policy which seeks to recover from subdivision and development, a source of funding which goes towards upgrading utility services to cope with growth-related pressures. While the LTCCP does not record any stormwater capital works commitment in the Motupipi St area in the next 10 years, there is still a very modest stormwater reticulation in the Takaka CBD, there are secondary flow path measures in place which are of indirect benefit to the subject site, and the also a general benefit that properties within the UDA receive through the provision of the service which allows people to move about Takaka during rain events, including visiting such establishments as a supermarket. Given that the development does therefore trigger an obligation to pay a Development Contribution, it remains to determine the appropriate quantum. The Subcommittee noted the applicant considered 1 stormwater HUD was appropriate in this case.

The site area approximates 6070 m<sup>2</sup> and will be built upon by a 1888 m<sup>2</sup> building and sealed car park. It is the view of the Subcommittee that the HUD equivalent for such an area covered in impermeable surfaces could reasonably be greater than the 5 HUDs assessed by staff, particularly if an average 700 m<sup>2</sup> residential allotment was used as the benchmark. Accordingly, in relation to the stormwater assessment, the Subcommittee considers the assessment of 5 stormwater HUDs is fair and proportionate in the circumstances.

In relation to the assessment of the roading HUDs, the Subcommittee notes there is a difference between the staff assessment of 20 and that of 10 by the applicant. At up to 700 vehicle movements per day, the Subcommittee accepts that the residential equivalent of 10 vehicle movements per day would give rise to an unacceptably high contribution given the traffic generating capability of a supermarket. Relocation of the supermarket to this site may have benefits to the locality of the current supermarket site but this is not a relevant matter as that building is able to accommodate new, but unknown, tenancies. The proposed supermarket will result in changed traffic flows and in its own right will attract customers by road to this new location. Taking into account the fact that customers will travel to town for reasons other than just visiting the supermarket, seasonal fluxes, and the role of the state highway network, the Subcommittee considered the equivalent of 20 residential HUDs was proportionate and appropriate for such a new development as this.

**CARRIED**

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**Confirmed:**

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**Chair:**