
REPORT 1
(1215/52/05/IM)

DEVELOPMENT CONTRIBUTION REMISSION REPORT FOR 3 BATCHELOR STREET, NEWLANDS

1. Purpose of Report

The purpose of this report is to evaluate the development contribution fee remission application received from Mr V Sourirajan c/- NZ Hindu Association of Wellington for the proposed additions and alterations to the existing building (Hindu Temple) at 3 Batchelor Street, Newlands.

2. Executive Summary

The Development Contributions Policy (The Policy) allows for Council to remit development contributions in exceptional circumstances upon receipt of a remission application. Mr V Sourirajan c/- NZ Hindu Association has made an application for remission in respect of the development contributions assessment of \$12,281.42 for the proposed development at 3 Batchelor Street. Council officers consider that there are grounds to consider the application under the remission provisions in the Policy. It is recommended that partial development contribution be levied, which includes the contributions for reserves, roading, waste water and water supply.

3. Recommendations

Officers recommend that the Subcommittee:

1. Receive the information

2. Agree to remit the development contribution on 3 Batchelor Street to \$11,509.16 (excl GST).

3. Note that the Policy's remission provision provides that any decision of the Council will not create a precedent or expectations.

4. Background

4.1 The Policy

The Council adopted the Development Contributions Policy on 28 June 2005. The Policy provided that any proposal associated with an application for building consent, resource consent or service connection lodged on or after 1 July 2005, will be required to pay a contribution under the Policy (see clause 1.4.2 of the Policy).

In terms of the Policy, non-residential development is assessed on the basis of new gross floor area created by any development. Residential development is assessed on the basis of the number of equivalent household units created by any development.

4.2 Proposal

District Plan Zoning: Suburban Centre.

Applicant: Mr V Sourirajan c/- NZ Hindu Association.

Proposal: Additions and alterations to the existing building (Hindu Temple) at 3 Batchelor Street.

Date application lodged: A building consent application was lodged with the Council on 18 July 2007 for this work. The development contribution fees for this proposal were calculated under the 2007 Policy. I understand that the proposed works are already completed. The building consent is presently suspended pending the matter of the development contribution, so that the Code Compliance Certificate (CCC) can be issued.

5. Discussion

5.1 Provisions of the Policy

The relevant provisions of the Policy relating to remissions are as follows:

2.6 Remission and postponement

2.6.1 The Council may remit or postpone payment of a development contribution at its complete discretion. The Council will only consider exercising its discretion in exceptional circumstances. Applications made under this part will be considered on their own merits and any previous decisions of the Council will not be regarded as creating precedent or expectations.

2.6.2 Remissions will only be granted by resolution of the Council (or a Committee or Subcommittee acting under delegated authority).

2.6.3 An application for remission must be applied for before a development contribution payment is made to the Council. The Council will not allow remissions retrospectively.

2.6.4 An application must be made in writing, and set out the reasons for the request.

5.2 Reasons for remission application

The applicant is seeking a remission from the requirement to pay all the development contribution fees due. The reasons are attached and summarised below:

Reasons Officer's Comments

Objection Reasons	Officers' Comments
<p>Stormwater – The applicant has stated that the increase in stormwater discharge is very minimal with only 28m² increment in hard surface areas.</p>	<p>The Council's officers have assessed this aspect of the proposal and agree with this reasoning. There will be minimal increase (28m²) in hard-surfacing around the subject site. Generally, the proposed building addition was built on existing hard surfaced area, ie asphalt.</p> <p>It is recommended that the development contribution for storm water be remitted in full.</p>
<p>Water supply and waste water – The applicant has argued that the water usage will not change for the following reasons:</p> <ul style="list-style-type: none"> • The numbers of water outlets / taps remain unchanged. The sink in the temple have been relocated. • There are no changes to the kitchen area. No cooking is done in the kitchen, only 'Deity' (Gods / Idols) utensils are washed and some food offerings are reheated in the microwave. • The numbers of congregations to the temple have not increased since the completion of the extension. The additions to the temple are not for the devotees but rather for the 'Deities'. The allocated space for the congregation remains the same. 	<p>The Council agrees that waste water is related to water usage.</p> <p>Council's infrastructure officers have assessed this aspect of the proposal. The relevant officer agrees with the information supplied by the applicant, but does not agree for it to be used for the assessment of possible future uses of different forms of commercial activities. As the site is 'zoned' suburban centre, the building could be converted into other forms of commercial activity as a permitted activity and the water supply usage and waster water discharge would be different.</p> <p>The Council infrastructure is provided to accommodate peak</p>

<ul style="list-style-type: none"> The number of toilet facilities has not increased, in fact the devotees usually avoid using the toilets in the temple as they consider the temple area to be a sacred place. <p>The waste water created will be in line with the water usage.</p>	<p>flows and periods of fluctuation in use do not reduce the need for capacity planning and development.</p> <p>For the above reasons, it is recommended that the water supply and the waste water components of the development be levied in full.</p>
<p>Traffic and Roothing – The applicant stated that the number of people who attend the temple is roughly 8 to 10 people on a normal day and about 100 to 120 on a Festival Day. There are 3 major festivals with a total number of 26 days in a year where the temple will be open to devotees. There are only 10 days in a year when the temple will have crowds exceeding 100 devotees.</p> <p>The temple is used from 7:00pm to 8:30pm daily and 8am to 9:30am on Saturdays. A couple of hours are used on a Sunday for maintenance work. In total this averages out to 20 hours a week. All parking is available on site. The applicant does not believe the proposal will increase the use of the surrounding roading network.</p>	<p>Regardless the use of the building, the new addition has increased the gross floor area of the building by an extra 255m². We do not believe the increase in floor area of the building will have no impact on the use of the building, it will have the opportunity to ‘draw’ more crowds to the premises (even if its not occurring at the moment).</p> <p>The development impact levy needs to also cater for the future potential use of the building, not just purely on the case of the current use.</p> <p>For the above reasons, it is recommended that the traffic and roading components of the development be levied in full.</p>
<p>Reserves – For the same reasons as above, the applicant believes that the proposal will not increase the use of the city reserves.</p>	<p>For the same reasons as above, that is, the need to recognise other possible future commercial / retail activities, it is recommended that the development contribution for the reserve be levied in full as well.</p>

6. Conclusion

The Policy requires that remissions are only granted in exceptional circumstances. There is no definition of what might comprise such circumstances.

If the sub-committee reaches a view that the circumstances are exceptional, it may agree to remit the application in full or in part.

It is recommended that the development contributions payable are remitted in the following way:

Development Contributions based on 2007/2009 policy	Original Fee (GST excl.)	Adjustment (GST excl.)	Revised Fee (GST excl.)
Zone reserves	0	0	0
Zone roading	0	0	0
Zone stormwater	0	0	0
Zone waste water	4,645.22	0	4,645.22
Zone water supply	0	0	0
Citywide reserves	1,748.32	0	1,748.32
Citywide roading	2,814.56	0	2,814.56
Citywide storm water	772.26	(772.26)	0
Citywide waste water	1,050.56	0	1,050.56
Citywide water supply	1,250.50	0	1,250.50
Community infrastructure	0	0	0
TOTAL	12,281.42	(772.26)	11,509.16

Contact Officer: *Jeffrey Loo - Planning Manager: Customer Service, Urban Development and Transport*

Attachments enclosed:

Consent Holder remission application and correspondence.
Plans.

Supporting Information

1) Strategic Fit / Strategic Outcome

The Development Contributions Policy supports Council's infrastructure-related activities, by ensuring those responsible for increased demand through growth contribute to the cost of services.

2) LTCCP/Annual Plan reference and long term financial impact

The sub-committee decision has implications for the LTCCP and financial impacts where the cost of the growth related portion of infrastructure development is paid for by those generating the additional demand.

3) Treaty of Waitangi considerations

This report has no implications for the Treaty of Waitangi.

4) Decision-Making

This is not a significant decision.

5) Consultation

a) General Consultation

This was undertaken as part of the remission process developed for Development Contributions. The applicant has been provided with a copy of this report for their information.

b) Consultation with Maori

This report has no direct impact on iwi so consultation was not conducted.

6) Legal Implications

There are no legal implications for this report.

7) Consistency with existing policy

There are no inconsistencies with other existing Council policies. The advice given in this report is consistent with Council's Development Contribution Policy 2007.