

**EXTRAORDINARY MEETING**

**OF**

**REGULATORY PROCESSES COMMITTEE**

**AGENDA**

**Time:** 9:30am  
**Date:** Wednesday, 29 November 2017  
**Venue:** Committee Room 1  
Ground Floor, Council Offices  
101 Wakefield Street  
Wellington

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**MEMBERSHIP**

Mayor Lester  
Councillor Calvert  
Councillor Calvi-Freeman  
Councillor Lee  
Councillor Sparrow (Chair)

**Have your say!**

*You can make a short presentation to the Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this either by phoning 803-8334, emailing [public.participation@wcc.govt.nz](mailto:public.participation@wcc.govt.nz) or writing to Democratic Services, Wellington City Council, PO Box 2199, Wellington, giving your name, phone number and the issue you would like to talk about.*

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## **AREA OF FOCUS**

The Regulatory Processes Committee has responsibility for overseeing the Council's regulatory functions.

The committee will have responsibility for:

- Resource Management Act (RMA) Commissioners – Approve List and Appointment Guidelines
- Dog Objections and Fencing of Swimming Pools
- Road Stopping
- Temporary Road Closures
- Liquor Ban Bylaw Appeals
- Development Contributions Remissions.
- Approving leases under the “Leases Policy for Community and Recreation Groups”

**Quorum:** 3 members

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## **1 Meeting Conduct**

### **1.1 Apologies**

The Chairperson invites notice from members of apologies, including apologies for lateness and early departure from the meeting, where leave of absence has not previously been granted.

### **1.2 Conflict of Interest Declarations**

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

### **1.3 Public Participation**

A maximum of 60 minutes is set aside for public participation at the commencement of any meeting of the Council or committee that is open to the public. Under Standing Order 3.23.3 a written, oral or electronic application to address the meeting setting forth the subject, is required to be lodged with the Chief Executive by 12.00 noon of the working day prior to the meeting concerned, and subsequently approved by the Chairperson.

### **1.4 Items not on the Agenda**

The Chairperson will give notice of items not on the agenda as follows:

***Matters Requiring Urgent Attention as Determined by Resolution of the Regulatory Processes Committee.***

1. The reason why the item is not on the agenda; and
2. The reason why discussion of the item cannot be delayed until a subsequent meeting.

***Minor Matters relating to the General Business of the Regulatory Processes Committee.***

No resolution, decision, or recommendation may be made in respect of the item except to refer it to a subsequent meeting of the Regulatory Processes Committee for further discussion.



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## 2. General Business

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# DEVELOPMENT CONTRIBUTIONS REMISSION PROPOSAL FOR RESERVES AT CHURTON PARK

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### Purpose

1. To obtain approval for a remission of Development Contributions payments.

### Summary

2. The Development Contributions (DCs) Policy provides for the Council to consider a request for remission of payment.
3. The development of land at Winsley Terrace and Westchester Drive (Churton Park) includes the vesting of a 4538m<sup>2</sup> neighbourhood park (refer to **Appendix 1**, Lot 100). On the basis of the high value of the land being vested as reserve and the high recreation values, the land owner is seeking a remission for the Development Contributions for reserves (which equates to a total of approximately \$88,685).
4. Officers recommend approval of the remission request. It represents a scenario where the value of the proposed reserve to vest (both in financial terms and reserves network value for Wellington City) outweighs the loss of revenue for city wide reserves development.

### Recommendation/s

That the Regulatory Processes Committee:

1. Receive the information.
2. Agree to a remission in Development Contributions payment (for reserves only) in relation to the land areas outlined in the plans attached as **Appendix 1** to a total value of up to \$88,685.

### Background

5. The Development Contributions Policy 2015-2016 (the Policy) provides Council with a method to obtain contributions to fund infrastructure required as a result of growth. The Policy may be viewed in full at <https://wellington.govt.nz/your-council/plans-policies-and-bylaws/policies/development-contributions-policy>.
6. The Policy outlines the value of contributions that must be collected for each Equivalent Household Unit (EHU) which is created in the city; however, section 1.2.2 outlines the circumstances where contributions will not be required. One such circumstance is where “the developer will fund or otherwise provide for the same local network infrastructure or reserve in agreement with the Council (and citywide fees will still apply)”. The statement that the citywide fees will still apply generates the requirement for this remission approval request in this instance.
7. The component of the Reserve Agreements in relation to the developments under which a neighbourhood park reserve is vested in lieu of reserves development

contribution is a from of private agreement, as provided for in section 2.5.6 of the Development Contributions Policy.

8. Section 2.5.7 of the Policy outlines that any private agreement that equates to less than 100% of the “applicable development contribution” will need to be dealt with as if it were also an application for remission under the Policy. The proposed vested reserve is not equivalent to the applicable Citywide Reserves development contribution. There is no Catchment Specific Reserves development contribution applicable to the development. As such the vesting of the reserve cannot be considered an “applicable development contribution” and does not satisfy the citywide reserves component.
9. In summary, based on the requirements of sections 2.5.6 and 2.5.7, the vesting of a neighbourhood park is not an “applicable development contribution” in this case and as such the Reserves Agreement will be considered as an application for a remission.
10. Section 2.6 of the Development Contributions Policy 2015-2016 outlines Council’s ability to grant remissions which, through the Councils Terms of Reference and Delegations is delegated to Regulatory Processes Committee under item 11.

## Discussion

11. The applicant owns a number of parcels of land, some of which have associated resource consents for subdivision and some of which do not (refer **Appendix 1**). One of the approved subdivisions includes a proposed neighbourhood park reserve that will service the local community and provide for future walkway connections between Johnsonville and Churton Park. The proposed reserve site is zoned residential therefore has a high value in terms of both the cost to the developer in vesting it as reserve and the potential cost to the Council should we seek acquisition.
12. The proposed reserve is approximately 4300m<sup>2</sup> in area with a flat area suitable for informal recreation use for the local community. There is no associated reserve development (such as play equipment for example). Recent valuations by other local authorities shows the reserve land to be vested would cost around \$1.56m to purchase (at a rate of \$365/m<sup>2</sup>).
13. A reserves agreement proposes the vesting of the reserve in lieu of the reserves components of the development contributions owing. Levies for reserves included in the city wide category, currently at a cost of \$604 per Equivalent Household Unit are included in the proposed agreement. This remission is estimated to equate to \$88,685. This figure is the absolute maximum as it is calculated on the entire land area divided into 650m<sup>2</sup> sections when in reality roads and steep topography will reduce the total land area and therefore the potential number of Equivalent Household Units.
14. If Council declines the proposed remission, the applicant has suggested that the proposed reserve land would be developed for residential purposes. The opportunity to secure a neighbourhood park space and future walkway connection through the site will be lost. Development of the proposed reserve for residential purposes as suggested would require a variation to the current resource consent. The current subdivision consent for Winsley Terrace specifically notes that the applicant intends to vest Lot 100 as reserve in lieu of any financial contribution in respect of reserves.

## Next Actions

15. Officers will finalise a reserves agreement with the developers providing for the vesting of the reserve as proposed in lieu of development contribution payments for reserves. All other development contributions (wastewater, for example) remain payable and the



requirements for those components of the development contributions payable under the Policy are unaffected by this agreement.

### **Attachments**

Attachment 1. Churton Park development areas and reserves to vest

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Authoriser	Paul Andrews, Manager Parks, Sport and Recreation Barbara McKerrow, Chief Operating Officer

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## **SUPPORTING INFORMATION**

### **Engagement and Consultation**

N/A

### **Treaty of Waitangi considerations**

There are none.

### **Financial implications**

This report is for a remission to the Development Contributions payable as part of subdivision development by two private developers. This has financial implications as outlined in the report.

### **Policy and legislative implications**

Outlined in the report.

### **Risks / legal**

Legal advice has been received in relation to the application of the Development Contributions Policy and the proposed remission of payment as outlined in this report.

### **Climate Change impact and considerations**

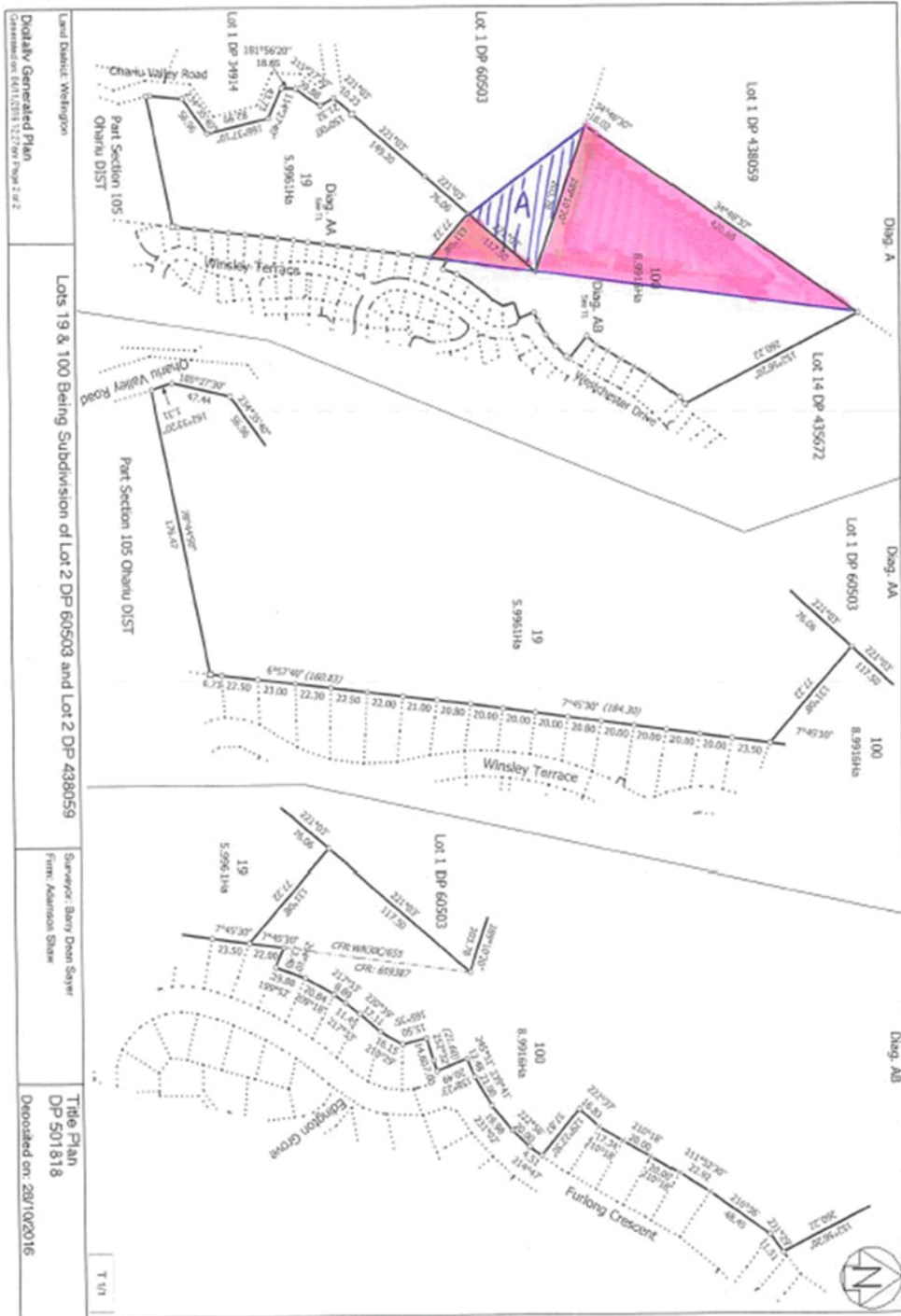
None

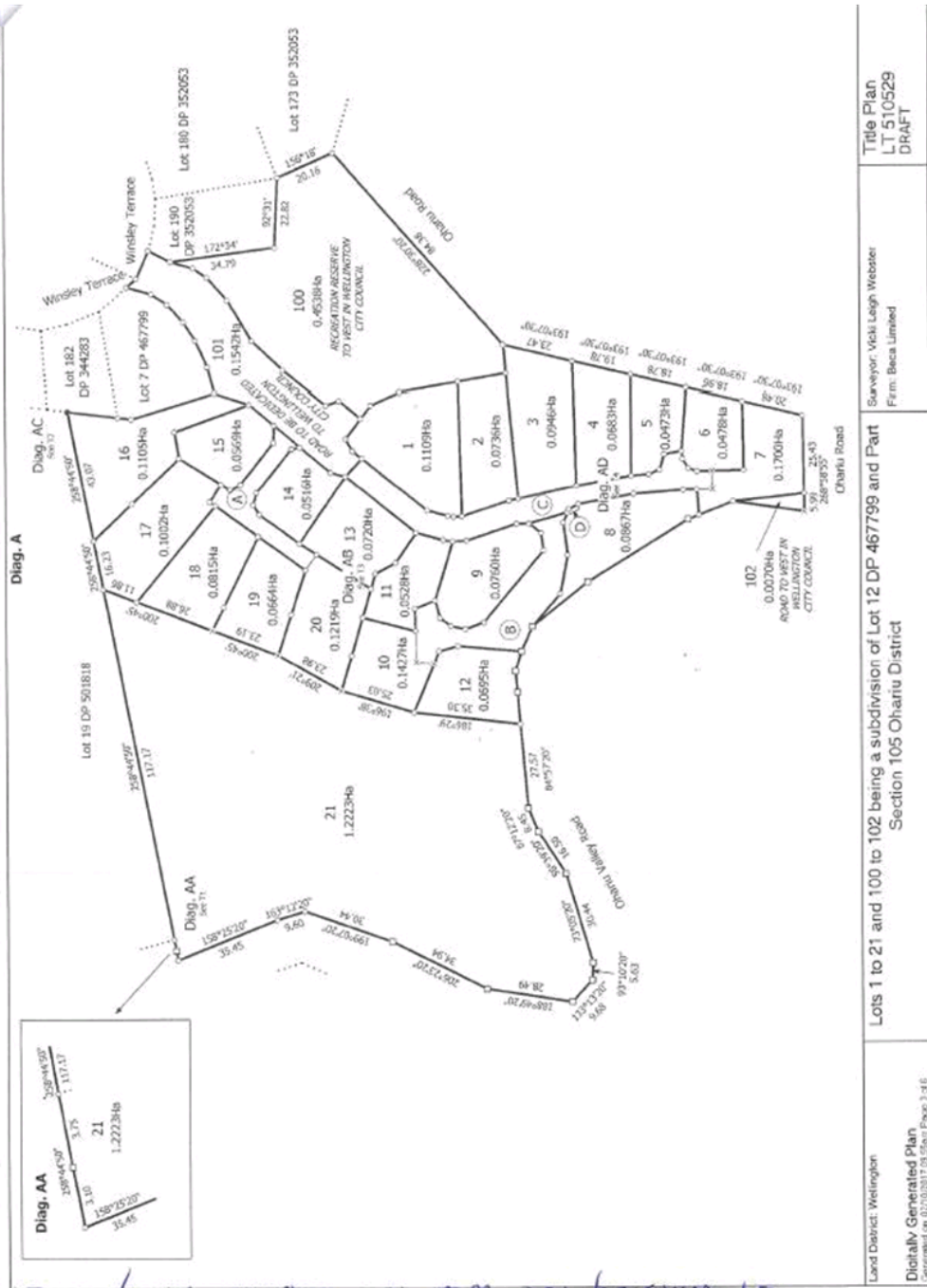
### **Communications Plan**

N/A

### **Health and Safety Impact considered**

None





Land District: Wellington	Surveyor: Vicki Leigh Webster	Title Plan LT 510529 DRAFT
Digitally Generated Plan Generated on: 02/10/2017 09:55am Page 3 of 6	Firm: Becca Limited	
Lots 1 to 21 and 100 to 102 being a subdivision of Lot 12 DP 467799 and Part Section 105 Oharu District		