

# Wellington City Council Best Practice Example

## Source of Further Information

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## Source of Example

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## Description of Best Practice Example

Wellington City Council has had few requests for private plan changes, but anticipates a growing number now that the District Plan has been operative for more than two years. In most cases, privately initiated plan changes will be entirely privately funded. However, some applicants are likely to request that Council contribute to funding in whole or in part, on the basis of some degree of public benefit or links to the implementation of Council policy. The costs of preparing a change to the District Plan can be considerable.

To prepare for the likelihood of private plan change applications, and funding requests, the Council has established pre-lodgement criteria related to funding. The criteria are also intended to help establish if there is a basis for a Council initiated plan change. The question of who will benefit and therefore who should fund the work to develop a plan change may be a critical issue prior to lodgement of a private plan change request. The issue of funding may significantly influence the Council's later formal decision about whether to "adopt" the plan change as its own. If the Council has contributed significant funding (on the basis of public benefit) it may be more likely to adopt the plan change rather than to "accept" it as a private plan change request.

## Method

Criteria have been established for considering Council funding of private plan change requests. The criteria are:

1. Will the change result in any significant public benefit?
2. Are there policy implications that Council wants to manage?
3. Is there a text or mapping error in the District Plan?
4. Is there a genuine grievance that Council should respond to?
5. Has Council given an undertaking to fund or undertake a plan change when resolving an appeal on the proposed district plan?

The purpose of using these criteria is to provide some degree of certainty about how costs may be split between the Council and applicant before considerable work is undertaken on developing the plan change. The nature of the split is dealt with by a Council committee that restricts its consideration to only this funding issue.

Decisions on the merits of the plan change are left for the statutory process controlled by the RMA.

## **Lessons Learned**

The Council recognises that the pre-lodgement process to deal with potential private plan changes may only be an initial process. That process is likely to evolve with further experience of dealing with private plan change requests. In particular, the Council recognises that further criteria may be developed in the future.

It is likely that policy will need to be developed to address the funding of references to the Environment Court.

## **Benefits**

Setting criteria for decision making is seen as a necessary means of demonstrating consistency in decision making. Inconsistent decision making could otherwise lead to pressure being applied by applicants, and otherwise comparable applications being treated differently. Consistency of decision making avoids the potential for unacceptable precedents to be set.

Early discussions between applicants and the Council regarding the funding issue provides greater certainty regarding likely expenditure.

## **Costs**

The Council has taken a two-stage and two-tiered approach to plan change charges. An initial deposit is required, followed by a further deposit if the Council decides to accept the application. The scale of the second deposit depends on the Council's assessment of whether the plan change has major or minor significance.

Even where the Council rejects an application (pursuant to Clause 25(4)), considerable officer time may have been spent. The Wellington City Council recognises that such actual and reasonable costs should be recoverable in accordance with section 36 of the RMA.

Where an application is to be adopted by the Council decisions have yet to be made about how the funding of the request from that point forward will occur.

## **Other Comments**

The Council's approach recognises the importance of discussions with an applicant prior to actual lodgment of a private plan change request. The funding criteria discussed in this best practice example are only part of the Council's focus on addressing significant issues prior to entering into the statutory process for a private plan change.