

Memorandum of Understanding in relation to Grenada North Reserve

Background and context

Grenada North Nominees Limited (**Developer**) owns land at Jamaica Drive, Grenada North (**Developer's land**), which it is planning to develop for housing purposes. The Developer's land adjoins Wellington City Council (**Council**) land at Grenada North Reserve (**Council land**).

The Developer has put a proposal forward to the Council whereby it would place fill on Council land to create a flat platform to accommodate stormwater treatment and detention infrastructure and a usable park area.

The parties acknowledge that this MOU:

1. Sets out the next steps for both parties in respect of the above proposal; and
2. Affirms that Council officers support the proposal in principle and are willing to proceed in good faith and acting reasonably towards the negotiation of an agreement with the Developer in respect of the matters required for the above proposal (the **Agreement**).

Agreement between Council and the Developer

The parties anticipate that the Agreement will include (without limitation):

1. Processes required under the Reserves Act 1977 for utility infrastructure easements and a licence for the works.
2. Commercial terms including in relation to compensation/betterment.
3. That all reasonable legal and survey costs associated with the Agreement will be met by the Developer.
4. That the Developer will be responsible for procuring all regulatory approvals and consents for the transactions (eg Resource Consents, building consents, compliance with District Plan requirements, etc). In this respect Council notes that the creation of a flat park area on Council land may not satisfy, in part or in full, the District Plan requirements for the provisions of open space associated with the proposed residential development.
5. Council internal approval and consent conditions (refer below);

Council's requirements/conditions for supporting the Developer's proposal

The parties acknowledge and agree that the Council land that is proposed to be used for stormwater infrastructure is currently held under the Reserves Act 1977. Any Agreement entered into between the parties will need to be conditional in all respects on Council procuring all internal approvals and consents for the transactions set out in the Agreement, which will include compliance with, and satisfaction of, all of the criteria and processes set out in the Reserves Act 1977.

The steps and approvals for this process will include (without limitation):

1. In-principle support is obtained from WWL and GWRC (refer below).
2. Once a proposal has been sufficiently developed and is acceptable to Council officers (including in relation to GWRC and WWL's in principle support to the works), the Agreement will be drafted and negotiated covering the required transactions (including in relation to the grant of an easement and a licence to the Developer for works on Council land). The Agreement will be prepared by Council and the terms agreed between the parties.
3. Council officers then prepare a committee paper and Council Committee will vote on a resolution whether or not to proceed with the transactions contemplated by the Agreement, including in relation to the grant an easement for utility infrastructure on the reserve.
4. If the resolution is carried, public notification of the proposal in respect of the reserve is undertaken.
5. If objections are sustained, a further committee paper will be required for a decision that takes into account submissions.

Next steps for the Developer

Council will need to be satisfied in respect of the following matters:

1. Wellington City Council Parks Sport and Recreation (PSR)

The Developer must provide plans and reports to PSR covering the design and layout of the stormwater infrastructure and the works in the reserve including reinstatement. The design and layout will need to be acceptable to PSR in relation to risk, function and compatibility with the Reserves Act 1977.

2. Wellington Water Limited (WWL)

The Developer must seek feedback from WWL on its proposed approach to stormwater management to service the Developer's land.

The proposed approach to stormwater management must cover, at a conceptual level:

- The types of infrastructure
- The capacity of the main components
- The standards the infrastructure will comply with
- Maintenance requirements.

3. Greater Wellington Regional Council (GWRC)

The Developer must seek feedback from GWRC on its proposed earthworks and discharge of water into a stream.

The proposed approach to earthworks must cover, at a conceptual level:

- The general location and volume of fill
- Engineering requirements to be satisfied
- Geotechnical requirements to be satisfied.

The proposed approach to water discharge must cover, at a conceptual level:

- The general location and volume of discharge
- Water quality requirements to be satisfied
- Hydraulic requirements to be satisfied
- Identification of any other consent (e.g. freshwater) required from GWRC.

General

Council not acting as regulator

The Developer acknowledges that Council enters into this MOU in its landowner/commercial capacity and not in its capacity as regulator. Nothing in this MOU will be construed as:

1. limiting or fettering the discretion of Wellington City Council in the exercise of its statutory and regulatory powers and functions; or
2. requiring Wellington City Council to exercise its statutory and regulatory powers and functions in a particular way.

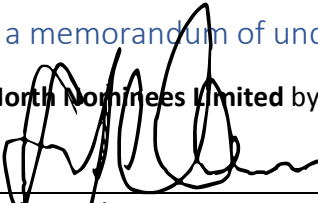
MOU non binding

The parties acknowledge and agree that:

1. This MOU does not create any legally binding obligations on the parties. It is intended only to convey the parties' intention to engage in good faith in the above process.
2. Any formal documentation (including the Agreement) the parties may elect to enter into as a result of the above will at all times remain subject to all internal approvals and consents as each party may respectively consider necessary or desirable.

Signed as a memorandum of understanding

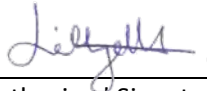
Grenada North Nominees Limited by



 Director/Authorised Signatory
SCOTT ADAMS

 Print Name

Wellington City Council by



 Authorised Signatory
 Liam Hodgetts

 Print Name

Date: 29/04/2022