
MINUTES

THURSDAY 26 MARCH 2009

5.31PM

**Council Chamber
First Floor, Town Hall
Wakefield Street
Wellington**

PRESENT:

Mayor Prendergast
Councillor Ahipene-Mercer
Councillor Best
Councillor Cook
Councillor Coughlan
Councillor Foster
Councillor Gill
Councillor Goulden (5.31 – 7.05pm, 7.14 – 9.07pm)
Councillor McKinnon
Councillor Morrison
Councillor Pannett
Councillor Pepperell
Councillor Ritchie
Councillor Wade-Brown
Councillor Wain

021/09C **APOLOGIES**
(1215/11/IM)

NOTED:

There were no apologies.

022/09C **CONFIRMATION OF MINUTES**
(1215/11/IM)

Moved Mayor Prendergast, seconded Councillor Wain the motion that the minutes of the ordinary meeting held on Thursday 25 February 2009 having been circulated, be taken as read and confirmed as an accurate record of that meeting.

The motion was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, Goulden, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 15:0

The motion was declared CARRIED.

RESOLVED:

THAT Council:

- 1. Approve the minutes of the ordinary meeting held on Thursday 25 February 2009 having been circulated, be taken as read and confirmed as an accurate record of that meeting.*

023/09C **PUBLIC PARTICIPATION**
(1215/11/IM)

NOTED:

There was no public participation.

023/09C **DEPUTATION**
(1215/11/IM)

NOTED:

There was no deputation.

024/09C **ANNOUNCEMENTS BY THE MAYOR**
(1215/11/IM)

NOTED:

There were no announcements from the Mayor.

025/09C **PETITIONS**
(1215/11/IM)

NOTED:

There were no petitions.

026/09C **CONFLICT OF INTEREST DECLARATIONS**
(1215/11/IM)

NOTED:

1. Councillor Ahipene –Mercer advised that he had a conflict of interest in relation to Report 4 Clause 2 recommendation 4 line items C378 – Wellington Waterfront Project, A312 – Wellington Waterfront Operations and CX131 – Wellington Waterfront Development. He advised that he would not take part in discussion or debate on the items.
2. Councillor Cook advised that she had a conflict of interest in relation to Report 4 Clause 2 recommendation 4 line item C580 – St James Charitable Trust. She advised that he would not take part in discussion or debate on the item.
3. Councillor Coughlan advised that she had a conflict of interest in relation to Report 4 Clause 2 recommendation 4 line items C105 – Positively Wellington Tourism and C659 – Carter Observatory. She advised that he would not take part in discussion or debate on the items.

4. Councillor Foster advised that he had a conflict of interest in relation to Report 4 Clause 2 recommendation 4 line items A288 – Karori Wildlife Sanctuary, C669 – Indoor Community Sport Centre and CX499 – Indoor Community Sport Centre. He advised that he would not take part in discussion or debate on the items.
5. Councillor Wade-Brown advised that she had a conflict of interest in relation to Report 4 Clause 2 recommendation 4 line items C046 – Wellington Zoo Trust, CX125 – Wellington Zoo Trust Renewals and CX340 – Wellington Zoo Trust Upgrades. She advised that he would not take part in discussion or debate on the items.
6. Councillor Wain advised that she had a conflict of interest in relation to Report 4 Clause 2 recommendation 4 line items C102 – Wellington Museums Trust Funding and CX500 – City Gallery. She advised that he would not take part in discussion or debate on the items.

General Business

027/09C **ORAL HEARINGS – WELLINGTON WATERFRONT DEVELOPMENT PLAN 2008/2009 – 2018/2019**

Written submissions of the oral submitters.
(1215/11/IM)

(REPORT 1)

NOTED:

1. Pauline Swann representing Waterfront Watch Inc (submission 9) addressed the meeting in support of the Waterfront Watch Inc submission.
2. Alastair Smith representing Cycle Aware Wellington (submission 14) addressed the meeting in support of the Cycle Aware Wellington submission.
3. Linton Adams representing the Great Harbour Way Coalition (submission 13) addressed the meeting in support of the Great Harbour Way Coalition submission.

028/09C **FEEDBACK ON THE 10 YEAR WATERFRONT DEVELOPMENT PLAN**

Report of Warren Ulusele – Portfolio Manager, Council Controlled Organisations.
(1215/11/IM)

(REPORT 2)

Moved Councillor Foster, seconded Councillor Wade-Brown the substantive motion.

The substantive motion was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, Goulden, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 15:0

The substantive motion was declared CARRIED.

RESOLVED:

THAT Council:

1. *Receive the information.*
2. *Agree that the proposed amendments to the waterfront project as agreed at the 11 December 2008 meeting of the Strategy and Policy Committee be included in the 2009/19 LTCCP for consultation, subject to any changes as a result of oral submissions.*
3. *Note that specific waterfront projects and funding plans will continue to be publicly consulted on, and decided, via the annual Waterfront Development Plan process.*

029/09C **SUBMISSION ON THE RESOURCE MANAGEMENT (SIMPLIFYING AND STREAMLINING) AMENDMENT BILL 2009**
Report of Liz Moncrieff - Planning Policy Advisor.
(1215/11/IM) (REPORT 3)

Moved Councillor Foster, seconded Councillor Cook an amended substantive motion (amendments as follows in bold).

2. Agree that the submission on the Resource Management (Simplifying and Streamlining) Amendment Bill 2009, attached as Appendix 1 (**as amended**), be forwarded to the Local Government and Environment Select Committee for their consideration
9. **Consent applicants or submitters able to choose independent commissioners for their Hearing Committee**

9.1 The Council does not agree with the view espoused in the TAG report that those who make the rules should not implement the rules. A key premise of the RMA is that decision-making is best done by those close to the community affected by the decision (ie. elected councillors). Had the government intended to restrict those decision-making functions to only policy/plan making decisions, it would have done so originally. The Council finds elements of the TAG report unhelpful and contradictory, especially in respect of decision-making processes. For example, it considers that Councils are better placed to make decisions on Notices of Requirements than requiring authorities (ie. clause 110), but apparently are not best placed to make decisions on notified resource consents. **We note that the Government has set a standard for those able to sit on hearings so it is assumed then that those who've met the standard are judged (equally) qualified whether they are councillors or independent commissioners. If this is not the case then the standard needs to be raised for both independent commissioners and elected councillors. Improving the training offered under the Making Good Decisions programme will achieve this.**

13.2.3 Recommendation: Insert cross references to s15 of the Prostitution Reform Act into the relevant notification provisions (s93-94AAE) and section 104 of the RMA, **and clarify whether other legislation must be considered by decision-makers making decisions under the RMA.**

4. Authorise the Chief Executive **in consultation with the Portfolio Leader** to make any changes to the submission required as a result of the Council discussion, and to make editorial changes as required.

Moved Councillor Wade-Brown, seconded Councillor Pannett the following amendments to the submission:

“Part 1: Refer to Section 2: Security for Costs

Proposed new recommendation: Do not proceed with Clause 133 which re-instates the ability of the Environment Court to impose security for costs as this will reduce participation of people who bring legitimate cases before the Court. In the event the clause does proceed, the Act should impose a maximum amount able to be provided as security.

Part 2: Refer to Section 2.2.4: Third party appeals

Proposed new recommendation: Do not proceed with clause 131 as this will remove the ability of community groups representing the public interest from becoming a party to an appeal.

Part 3: Refer to section 10.8: Appeals on Plans restricted to points of law

Proposed new recommendation: Do not proceed with Clauses 132, 136 and Clause 148, specifically the amendments to clause 14(2) of the First Schedule as this will reduce public participation in the process, will clog the Court with applications to seek leave to appeal on matters other than points of law and may adversely affect how council hearings are run.

Part 4: Refer to section 2: Provisions that relate to public participation

Proposed new recommendation: That appeal filing fee be increased to \$200, rather than the \$500 proposed.

Part 5: Refer to Section 9: Independent Commissioners

Proposed new recommendation: Do not proceed with clause 73 (and all other consequential changes) as applicants or submitters should not be able to choose who hears a case. It is up to the Council to decide this, not applicants or submitters.

Part 6: Refer to section: Further submissions

Proposed new recommendation: Do not proceed with the changes in clause 148 to clause 8 of the First Schedule; submitters should be able to make further submissions.”

Councillor Gill foreshadowed the following and amendment to the submission, seconded by Councillor Morrison.

- “13.9 Restricting elected Councillors or Mayors from becoming an appellant / submitter on matters previously considered by the Council, committee or subcommittee.
- 13.9.1 The Council has some concerns with the ability of elected Councillors or Mayors to appeal matters to the Environment Court, causing delays, when those elected councillors or Mayors have previously been part of council debates on the issue. The Council considers that councillors or a Mayor have an ability over and above the general public to convince their peers of their perspective during debates on a given issue. Because of this it is inappropriate to then become a submitter/appellant on the same issue to gain additional leverage in the process. The Council appreciates that this is a significant issue (as it affects a

significant element of the Act i.e. who is or is not an affected parties under the Act). This issue needs to be considered by Local Government New Zealand and so perhaps would be better placed to be considered as part of the Phase 2 RMA reforms.

- 13.9.2 Recommendation: That consideration be given to reviewing the Act (as part of the phase 2 reforms) to restrict Councillors and Mayors from becoming an appellant / submitter on matters that they have previously debated and voted for in Council, committee or subcommittee meetings.”

(Councillor Goulden left the meeting at 7.05pm.)

The amendment part 1 was put:

Voting for: Councillors Cook, Foster, Gill, Pannett, Pepperell, Ritchie and Wade-Brown.

Voting against: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Coughlan, McKinnon, Morrison and Wain.

Majority Vote: 7:7

The amendment was declared LOST by casting vote.

The amendment part 2 was put:

Voting for: Councillors Cook, Foster, Pannett, Pepperell, Ritchie and Wade-Brown.

Voting against: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Coughlan, Gill, McKinnon, Morrison and Wain.

Majority Vote: 6:8

The amendment part 2 was declared LOST.

The amendment part 3 was put:

Voting for: Councillors Cook, Foster, Gill, Pannett, Pepperell, Ritchie and Wade-Brown.

Voting against: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Coughlan, McKinnon, Morrison and Wain.

Majority Vote: 7:7

The amendment part 3 was declared LOST by casting vote.

The amendment part 4 was put:

Voting for: Councillors Cook, Foster, Gill, Pannett, Pepperell, Ritchie and Wade-Brown.

Voting against: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Coughlan, McKinnon, Morrison and Wain.

Majority Vote: 7:7

The amendment part 4 was declared LOST by casting vote.

The amendment part 5 was put:

Voting for: Councillors Best, Foster, Pannett and Wade-Brown.

Voting against: Mayor Prendergast, Councillors Ahipene-Mercer, Cook, Coughlan, Gill, McKinnon, Morrison, Pepperell, Ritchie and Wain.

Majority Vote: 4:10

The amendment part 5 was declared LOST.

The amendment part 6 was put:

Voting for: Councillors Cook, Gill, Pannett, Pepperell, Ritchie and Wade-Brown.

Voting against: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Coughlan, Foster, McKinnon, Morrison and Wain.

Majority Vote: 6:8

The amendment part 6 was declared LOST.

The amendment moved by Councillor Gill was put:

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Coughlan, Gill, McKinnon, Morrison and Wain.

Voting against: Councillors Best, Cook, Foster, Pannett, Pepperell, Ritchie and Wade-Brown.

Majority Vote: 7:7

The amendment moved by Councillor Gill was declared CARRIED by casting vote.

The substantive motion as amended was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Wade-Brown and Wain.

Voting against: Councillors Pannett, Pepperell and Ritchie.

Majority Vote: 11:3

The substantive motion as amended was declared CARRIED.

RESOLVED:

THAT Council:

1. *Receive the information.*
2. *Agree that the submission as amended on the Resource Management (Simplifying and Streamlining) Amendment Bill 2009, attached as Appendix 1 (to these minutes), be forwarded to the Local Government and Environment Select Committee for their consideration.*
3. *Agree that the Mayor (or her nominated representative) together with relevant officers will make an oral submission to the Local Government & Environment Select Committee, should the opportunity arise.*
4. *Authorise the Chief Executive in consultation with the Portfolio Leader to make any changes to the submission required as a result of the Council discussion, and to make editorial changes as required.*

Reports from Committees – Part A Committee Decisions requiring Council approval

030/09C **STRATEGY AND POLICY COMMITTEE**
Meeting of Tuesday 10 March 2009
(1215/11/IM)

(REPORT 4)

1. **ITEM 041/09P CLIMATE CHANGE: COUNCIL'S APPROACH**
(1215/52/IM) (REPORT 4B)

Moved Mayor Prendergast, seconded Councillor Ahipene-Mercer the substantive motion.

(Councillor Goulden returned to the meeting at 7.14pm.)

The substantive motion was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Coughlan, Foster, Gill, Goulden, McKinnon, Morrison, Pannett, Pepperell, Ritchie and Wain.

Voting against: Councillors Cook and Wade-Brown.

Majority Vote: 13:2

The substantive motion was declared CARRIED.

RESOLVED:

THAT Council:

1. *Agree to refocus the corporate carbon neutrality goal by:*

(a) *retaining the carbon neutral goal as an aspirational vision but removing the 2012 deadline*

(b) *having a primary focus on the existing corporate and community emission reduction goals.*

2. **RECOMMENDED ADOPTION OF THE DRAFT LONG TERM
COUNCIL COMMUNITY PLAN 2009/2019 STATEMENT OF
PROPOSAL**
(1215/52/IM) (VARIOUS REPORTS)

Moved Mayor Prendergast, seconded Councillor McKinnon the substantive motion recommendations 1, 2, 3, 4, 5, 6 and 7.

Moved Councillor Ritchie, seconded Councillor Goulden the motion that there be a break of 15 minutes at 8.00pm.

The motion was put.

Voting for: Councillors Cook, Coughlan, Foster, Gill, Goulden, Pannett, Pepperell, Ritchie and Wain.

Voting against: Mayor Prendergast, Councillors Ahipene-Mercer, Best, McKinnon, Morrison and Wade-Brown.

Majority Vote: 9:6

The motion was declared LOST as there was not a ¾ majority.

Moved Councillor Best, seconded Councillor Wain the following amendments to recommendation 4.

“Part 1. Agree to amend the Tawa Driveways Levy to reflect the cost of services provided, by increasing the annual rate levied from \$100 (incl. GST) to \$150 (incl. GST) per property and delegate officers to update the relevant sections of the draft LTCCP to reflect this amendment.

Part 2. Agree that the following changes be made to library services and budgets and that officers update the relevant sections of the draft LTCCP to reflect this amendment:

- (a) OPEX reduction of \$180,000 per year (\$2.5 million over ten years) comprising administrative and security service efficiencies and a reduction in publicity materials.
- (b) CAPEX reduction of \$280,000 per year (for the next three years totalling \$865,000) for computer and central and branch library furniture upgrades.”

The amendment part 1 was put:

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, Goulden, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 15:0

The amendment part 1 was declared CARRIED.

The amendment part 2 was put:

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Coughlan, Foster, Gill, Goulden, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Councillor Cook.

Majority Vote: 14:1

The amendment part 2 was declared CARRIED.

(The meeting adjourned at 7.55pm and reconvened at 8.08pm.)

Moved Councillor Pepperell, seconded Councillor Ritchie the following amendment to recommendation 4.

“Amend the Revenue and Finance Policy to hold the general rate differential at the 2008/09 level of 3.8:1 (ie. Where a commercial property pays 3.8 times more general rate than a residential property of the same value) for the duration of the 2009/10 – 2018/19 LTCCP.”

Moved Councillor McKinnon, seconded Mayor Prendergast the motion that the amendment be put.

The motion to put the amendment was put:

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Coughlan, Foster, Gill, Goulden, McKinnon, Morrison, Pannett, Pepperell, Wade-Brown and Wain.

Voting against: Councillors Cook and Ritchie.

Majority Vote: 13:2

The motion to put the amendment was declared CARRIED:

The amendment was put:

Voting for: Councillors Cook, Gill, Pepperell and Ritchie.

Voting against: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Coughlan, Foster, Goulden, McKinnon, Morrison, Pannett, Wade-Brown and Wain.

Majority Vote: 4:11

The amendment was declared LOST.

Moved Councillor Wade-Brown, seconded Councillor Pannett the following amendment to recommendation 4.

“5.1.5 ICT Libraries

Agree that the additional \$100,000 provided for Community ICT initiatives shall include a contribution to the Smart Newtown Project.”

The amendment was put:

Voting for: Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Mayor Prendergast, Councillors Goulden and Morrison.

Majority Vote: 12:3

The amendment was declared CARRIED.

Andy Burns from Audit New Zealand was invited forward by Mayor Prendergast to address the meeting. Mr Burns advised the meeting that he

was please to advise that he had issued an unqualified audit opinion on the proposed draft LTCCP.

(Councillor Goulden was called to order by Mayor Prendergast under Standing Order 135.)

(The meeting adjourned at 8.48pm and reconvened at 8.51pm.)

The substantive motion recommendations 1, 2 and 3 were put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, Goulden, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 15:0

The substantive motion recommendations 1, 2 and 3 were declared CARRIED.

(Councillor Foster withdrew from the table due to a conflict of interest.)

The substantive motion recommendation 4 A288 – Karori Wildlife Sanctuary was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Gill, Goulden, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 14:0

The substantive motion recommendation 4 A288 – Karori Wildlife Sanctuary was declared CARRIED.

(Councillor Foster returned to the table.)

(Councillor Coughlan withdrew from the table due to a conflict of interest.)
Report 4 clause 2

The substantive motion recommendation 4 C105 Positively Wellington Tourism and C659 Carter Observatory was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Foster, Gill, Goulden, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 14:0

The substantive motion recommendation 4 C105 Positively Wellington Tourism and C659 Carter Observatory was declared CARRIED.

(Councillor Coughlan returned to the table.)

(Councillor Cook withdrew from the table due to a conflict of interest.)

The substantive motion recommendation 4 C580 – St James Theatre Trust was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Coughlan, Foster, Gill, Goulden, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 14:0

The substantive motion recommendation 4 C580 – St James Theatre Trust was declared CARRIED.

(Councillor Cook returned to the table.)

(Councillor Foster withdrew from the table due to a conflict of interest.)

The substantive motion recommendation 4 C669 – Indoor Community Sports Centre was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Gill, McKinnon, Morrison, Pannett, Ritchie, Wade-Brown and Wain.

Voting against: Councillors Goulden and Pepperell.

Majority Vote: 12:2

The substantive motion recommendation 4 C669 – Indoor Community Sports Centre was declared CARRIED.

(Councillor Foster returned to the table.)

(Councillor Wade-Brown withdrew from the table due to a conflict of interest.)

The substantive motion recommendation 4 C046 – Wellington Zoo Trust was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, Goulden, McKinnon, Morrison, Pannett, Ritchie and Wain.

Voting against: Councillor Pepperell.

Majority Vote: 13:1

The substantive motion recommendation 4 C046 – Wellington Zoo Trust was declared CARRIED.

(Councillor Wade-Brown returned to the table.)

(Councillor Ahipene-Mercer withdrew from the table due to a conflict of interest.)

The substantive motion recommendation 4 C378 – Wellington Waterfront Project, A312 – Wellington Waterfront Operation and CX 131 – Wellington Waterfront Development was put.

Voting for: Mayor Prendergast, Councillors Best, Cook, Coughlan, Foster, Gill, Goulden, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 14:0

The substantive motion recommendation 4 C378 – Wellington Waterfront Project, A312 – Wellington Waterfront Operation and CX 131 – Wellington Waterfront Development was declared CARRIED.

(Councillor Ahipene-Mercer returned to the table.)

(Councillor Wain withdrew from the table due to a conflict of interest.)

The substantive motion recommendation 4 C102 – Wellington Museums Trust Funding and CX500 – City Gallery was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Pepperell, Ritchie and Wade-Brown.

Voting against: Councillor Goulden.

Majority Vote: 13:1

The substantive motion recommendation 4 C102 – Wellington Museums Trust Funding and CX500 – City Gallery was declared CARRIED.

(Councillor Wain returned to the meeting.)

(Councillor Wade-Brown withdrew from the table due to a conflict of interest.)

The substantive motion recommendation 4 CX 125 – Wellington Zoo Renewals and CX340 – Wellington Zoo Upgrades was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, Goulden, McKinnon, Morrison, Pannett, Pepperell, Ritchie and Wain.

Voting against: Nil.

Majority Vote: 14:0

The substantive motion recommendation 4 CX 125 – Wellington Zoo Renewals and CX340 – Wellington Zoo Upgrades was declared CARRIED.

(Councillor Wade-Brown returned to the table.)

(Councillor Foster withdrew from the table due to a conflict of interest.)

The substantive motion recommendation 4 CX 499 Indoor Community Sports Centre was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Gill, McKinnon, Morrison, Pannett, Ritchie, Wade-Brown and Wain.

Voting against: Councillors Goulden and Pepperell.

Majority Vote: 12:2

The substantive motion recommendation 4 CX 499 Indoor Community Sports Centre was declared CARRIED.

(Councillor Foster returned to the table.)

The substantive motion recommendation 4 C616 – Creative Wellington Innovative Capital was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Gill, McKinnon, Morrison, Wade-Brown and Wain.

Voting against: Councillors Foster, Goulden, Pannett, Pepperell and Ritchie.

Majority Vote: 10:5

The substantive motion recommendation 4 C616 – Creative Wellington Innovative Capital was declared CARRIED.

The substantive motion remainder of recommendation 4 as amended was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, Goulden, McKinnon, Morrison, Pannett, Ritchie, Wade-Brown and Wain.

Voting against: Councillor Pepperell.

Majority Vote: 14:1

The substantive motion remainder of recommendation 4 as amended was declared CARRIED.

The substantive motion recommendations 5, 6 and 7 were put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, Goulden, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 15:0

The substantive motion recommendations 5, 6 and 7 were declared CARRIED.

RESOLVED:

THAT Council:

1. *Receive the information.*
2. *Note that the Draft Long Term Council Community Plan 2009/10 – 2018/19 statement of proposal has been updated to reflect decisions made at the Strategy and Policy Committee meeting of 10 -12 March 2009.*
3. *Note that Audit New Zealand has completed their review and have indicated that they expect to issue an unqualified report at this meeting.*
4. *Adopt the Draft Long Term Council Community Plan 2009/10 – 2018/19 statement of proposal (as attached in appendix one of the report of the Committee) including:*
 - *Community outcomes: a list of them and the process for determining them*
 - *Groups of activities: activity statements on the intended levels of service for activities grouped by strategy area*
 - *An outline of the steps the Council intends taking to develop Maori capacity to contribute to decision-making processes*
 - *A schedule covering the nature and scope of the activities of the Council's council-controlled organisations*
 - *Forecast Financial Statements*
 - *Funding Impact Statement*
 - *Statement concerning the balancing of the budget*
 - *Funding and Financial Policies (Revenue and Financing Policy, Development Contributions Policy, Investment and Liability Management policy, Rates Remission Policy, Rates Postponement Policy, and Policy on Partnerships with the Private Sector)*
 - *Statement of Significant Forecasting Assumptions*
 - *Summaries of the Assessment of Water and Sanitary Services and of the Waste Management Plans*
 - *Significance Policy*
 - *Audit Report*
5. *Delegate to the Chief Executive the authority to prepare a summary of information covering the major matters within the Draft Long Term Council Community Plan 2009/10 – 2018/19 statement of proposal.*
6. *Delegate to the Chief Executive Officer the authority to make any minor editorial changes that may arise as part of the publication process.*

7. *Agree that the statement of proposal and summary will form the basis of the special consultative procedure on the Draft Long Term Council Community Plan 2009/10 – 2018/19 that will run from 16 April 2006 to 18 May 2009.*

3. **ITEM 049/09P CONSULTATION AND COMMUNICATION PROGRAMME: DRAFT LONG TERM COUNCIL COMMUNITY PLAN 2009 – 2019**
(1215/52/IM) (REPORT 10)

Moved Mayor Prendergast, seconded Councillor Wade-Brown the substantive motion recommendation 1.

The substantive motion recommendation 1 was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, Goulden, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 15:0

The substantive motion recommendation 1 was declared CARRIED.

RESOLVED:

THAT Council:

1. *Establish the Draft Long Term Council Community Plan Hearings Subcommittee with the terms of reference as follows and that it elect a chairperson for the subcommittee.*

Draft Long term Council Community Plan Hearings Subcommittee:

Membership:

The Subcommittee's membership will consist of those elected members appointed as portfolio leaders and the Mayor.

Quorum:

4

Chair:

The Chair will be elected by Council.

Frequency of meetings

The Subcommittee will meet on an as required basis.

Sunset clause:

The Subcommittee will discontinue no later than 30 June 2009.

Parent Body:

The Subcommittee reports to the Strategy and Policy Committee.

General Purpose:

The Subcommittee has responsibility to hear submissions on the draft Long term Council Community Plan 2009-19 and report to the Strategy and Policy Committee.

Terms of Reference:

The Subcommittee will have responsibility and authority to:

- 1.0 Accept and hear submissions on Council's Draft Long Term Council Community Plan 2009-19 and report back to the Strategy and Policy Committee.*

Delegated Authority

The Draft Long Term Council Community Plan Hearings Subcommittee will have delegated authority to carry out activities within its terms of reference.

Council is required to elect a Chair for the Hearings Subcommittee. Mayor Prendergast sought nominations for Chair and Councillor McKinnon was nominated.

Moved Mayor Prendergast, seconded Councillor Wain the motion that Council agree that Councillor McKinnon be the Chair of the Draft Long Term Council Community Plan Hearings Subcommittee.

The motion was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Councillor Goulden.

Majority Vote: 14:1

The motion was declared CARRIED.

RESOLVED:

THAT Council:

1. *Agree that Councillor McKinnon be the Chair of the Draft Long Term Council Community Plan Hearings Subcommittee.*

NOTED:

Mayor Prendergast expressed her thanks to officers for their efforts during the extensive LTCCP process spanning a number of months. It has involved the trialling of new engagement techniques as well as involved an enormous amount of effort behind the scenes by staff reviewing all the activities and budgets, writing the plan and working with our auditors. She thanked Chief Executive Officer Garry Poole and his team for their work and professionalism. She noted that while the long-term plan is a collective effort, that thanks be particularly passed onto Brian Hannah, Baz Kaufman and Mehaka Rountree in the Strategy Directorate, and Helen Rogers, Andy Matthews, Kiri Rasmussen and the other team leaders and staff from Finance for all their work keeping us on track. Democratic Services and Publication and Design were also thanked for playing their part in the process.

031/09C **STRATEGY AND POLICY COMMITTEE**
Meeting of Thursday 19 March 2009
 (1215/11/IM)

(REPORT 5)

1. **ITEM 054/09P TRAFFIC RESOLUTIONS**
 (1215/52/IM) (REPORT 3)

Moved Councillor Foster, seconded Councillor Ritchie the substantive motion.

The substantive motion was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, Goulden, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 15:0

The substantive motion was declared CARRIED.

RESOLVED:

THAT Council:

1. *Approve the following amendments to the Wellington City Council Traffic Restrictions, pursuant to the provisions of the Wellington City Council Consolidated Bylaw 2008.*

(a) *Time Restricted Parking - P10 – Broadway – Miramar (01-09)*

Add to Schedule A (Time Restricted) of the Traffic Restrictions Schedule:

<i>Column One</i>	<i>Column Two</i>	<i>Column Three</i>
<i>Broadway</i>	<i>P10, Monday to Friday 8:00am - 9:30am, 4:00pm - 6:00pm</i>	<i>South side, following the southern kerbline 475.5 metres west from its intersection with Monorgan Road and extending in a westerly direction for 7 metres.</i>

(b) *No Stopping Saturday, Sunday and Public Holidays – Bannister Avenue – Johnsonville (03-09)*

Add to Schedule D (No Stopping Restrictions) of the Traffic Restrictions Schedule:

<i>Column One</i>	<i>Column Two</i>	<i>Column Three</i>
<i>Bannister Avenue</i>	<i>No Stopping Saturday, Sunday and Public Holidays</i>	<i>West side, following the western kerbline 22 metres north from its intersection with Kipling Street and extending in a northerly direction for 14 metres.</i>
<i>Bannister Avenue</i>	<i>No Stopping Saturday, Sunday and Public Holidays</i>	<i>West side, following the western kerbline 45 metres north from its intersection with Kipling Street and extending in a northerly direction for 20.5 metres.</i>
<i>Bannister Avenue</i>	<i>No Stopping Saturday, Sunday and Public Holidays</i>	<i>West side, following the western kerbline 78 metres north from its intersection with</i>

Kipling Street and extending in a northerly direction for 24.5 metres.

(c) No Stopping At All Times – Dominion Park Street – Johnsonville (04-09)

Add to Schedule D (No Stopping Restrictions) of the Traffic Restrictions Schedule:

Column One	Column Two	Column Three
Dominion Park Street	No Stopping At All Times	<i>Northeast side, following the kerbline 101 metres southeast of its intersection with Tarawera Road (Grid coordinate) $x=2661320.479466m$, $y=5995711.697438m$, and extending initially in a south-easterly direction, and then following the direction of the kerbline for a total 35 metres.</i>

(d) No Stopping At All Times – Oriental Parade – Oriental Bay - (06-09)

Delete from Schedule D (No Stopping Restrictions) of the Traffic Restrictions Schedule:

Column One	Column Two	Column Three
Oriental Parade	No Stopping At All Times	<i>South side, commencing 259.1 metres east of its intersection with Grass Street and extending in an easterly direction following the southern kerbline for 19 metres.</i>

Add to Schedule D (No Stopping Restrictions) of the Traffic Restrictions Schedule:

Column One	Column Two	Column Three
Oriental Parade	No Stopping At All Times	<i>South side, following the southern kerbline 265.1 metres east of its</i>

intersection with Grass Street and extending in an easterly direction for 13 metres.

(e) *No Stopping At All Times, Bus Stop – Farnham Street – Mornington (07-09)*

Delete from Schedule B (Class Restricted) of the Traffic Restrictions Schedule:

<i>Column One</i>	<i>Column Two</i>	<i>Column Three</i>
<i>Farnham Street</i>	<i>Bus Stop, At All Times</i>	<i>East side, commencing 194 metres north of its intersection with Havelock Street and extending in a southerly direction following the northern kerbline for 12 metres.</i>

Add to Schedule B (Class Restricted) of the Traffic Restrictions Schedule:

<i>Column One</i>	<i>Column Two</i>	<i>Column Three</i>
<i>Farnham Street</i>	<i>Bus Stop, Monday to Friday</i>	<i>East side, following the kerbline 182 metres south of its intersection with Havelock Street (Grid coordinate) x=2657782.347161m, y=5986142.762599m, and extending in a southerly direction for 12 metres.</i>

Add to Schedule D (No Stopping Restrictions) of the Traffic Restrictions Schedule:

<i>Column One</i>	<i>Column Two</i>	<i>Column Three</i>
<i>Farnham Street</i>	<i>No Stopping At All Times</i>	<i>South side, following the kerbline 153 metres south of its intersection with Havelock Street (Grid coordinate) x=2657782.347161m, y=5986142.762599m, and extending in a</i>

Farnham Street	No Stopping At All Times	westerly direction for 10 metres. East side, following the kerbline 175 metres south of its intersection with Havelock Street (Grid coordinate) $x=2657782.347161m$, $y=5986142.762599m$, and extending in a southerly direction for 7 metres.
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(f) **No Stopping At All Times – The Ridgeway – Mornington (08-09)**

Delete from Schedule D (No Stopping Restrictions) of the Traffic Restrictions Schedule:

Column One The Ridgeway	Column Two No Stopping At All Times	Column Three East side, commencing 243.5 metres east of its intersection with Ingestre Street and extending in a southerly direction following the eastern kerbline for 31.5 metres to its intersection with Farnham Street.
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Add to Schedule D (No Stopping Restrictions) of the Traffic Restrictions Schedule:

Column One The Ridgeway	Column Two No Stopping At All Times	Column Three East side, commencing 49 metres northeast of its intersection with Farnham Street (Grid coordinate) $x=2657675.543475m$, $y=5986159.710078m$, and extending initially in a south-westerly direction, and then following the direction of the kerbline for a total 40 metres.
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(g) **Time Restricted Parking – P5 – Churton Drive – Churton Park (09-09)**

Add to Schedule A (Time Restricted) of the Traffic Restrictions Schedule:

Column One	Column Two	Column Three
Churton Drive	P5, Monday to Friday 8:00am - 9:00am, 2:30pm - 3:30pm, school term only	East side, commencing 120 metres south of its intersection with Halswater Drive and extending in a southerly direction following the kerbline for 30 metres (5 car spaces).

(h) **No Stopping At All Times – Northland Road – Northland (10-09)**

Add to Schedule D (No Stopping Restrictions) of the Traffic Resolution Schedule:

Column One	Column Two	Column Three
Northland Road	No Stopping At All Times	East side, 85 metres from its intersection with Garden Road and extending in a northerly direction for 5 metres.

(i) **Bus Stop – Broadway – Miramar (12-09)**

Delete from Schedule B (Class Restricted) of the Traffic Restrictions Schedule:

Column One	Column Two	Column Three
Broadway	Bus Stop, At All Times	North side, commencing 40 metres east of its intersection with Hobart Street and extending in an easterly direction following the northern kerbline for 12 metres.

Add to Schedule B (Class Restricted) of the Traffic Restrictions Schedule:

Column One	Column Two	Column Three
Broadway	Bus Stop, At All Times	North side, commencing 28 metres east of its

intersection with Hobart Street following the northern kerbline in an easterly direction for 12 metres.

(j) Time Restricted Parking – P60 – Daniell Street – Newtown (13-09)

Delete from Schedule A (Time Restricted) of the Traffic Restrictions Schedule:

Column One	Column Two	Column Three
Daniell Street	<i>P30, Monday to Thursday 8:00am - 6:00pm, Friday 8:00am - 8:00pm, Saturday 8:00am - 1:00pm</i>	<i>East side, commencing 13 metres south of its intersection with Constable Street and extending in a southerly direction following the eastern kerbline for 34 metres.</i>

Delete from Schedule D (No Stopping Restrictions) of the Traffic Restrictions Schedule:

Column One	Column Two	Column Three
Daniell Street	<i>No Stopping At All Times</i>	<i>East side, commencing at its intersection with Constable Street and extending in a southerly direction following the eastern kerbline for 13 metres.</i>

Add to Schedule A (Time Restricted) of the Traffic Restrictions Schedule:

Column One	Column Two	Column Three
Daniell Street	<i>P30, Monday to Saturday 8:00am - 6:00pm</i>	<i>East side, following the eastern kerbline 13 metres south of its intersection with Constable Street and extending in a southerly direction for 23 metres.</i>
Daniell Street	<i>P60, Monday to Saturday</i>	<i>East side, following the eastern kerbline 36</i>

8:00am - metres south of its
6:00pm intersection with
Constable Street and
extending in a southerly
direction for 11 metres.

Add to Schedule D (No Stopping Restrictions) of the Traffic Restrictions Schedule:

Column One	Column Two	Column Three
Daniell Street	No Stopping At All Times	East side, following the eastern kerbline from its intersection with Constable Street and extending in a southerly direction for 13 metres.

(k) Bus Stop – Evans Bay Parade – Hataitai (14-09)

Add to Schedule B (Class Restricted) of the Traffic Restrictions Schedule:

Column One	Column Two	Column Three
Evans Bay Parade	Bus Stop, Monday to Friday	East side, following the eastern kerbline 1340.5 metres south from its intersection with the north eastern kerbline of Maida Vale Road (Grid Coordinates X = 2661036.839346, Y = 5988797.389227) and extending in a southerly direction for 12 metres.

(l) Mobility Park – Brandon Street – Lambton (23-09)

Delete from Schedule B (Class Restricted) of the Traffic Restrictions Schedule:

Column One	Column Two	Column Three
Brandon Street	Vehicles Displaying an Operation Mobility Permit Only, Parking Meters, P120 Maximum,	North side, commencing 9 metres east of its intersection with Lambton Quay and extending in an easterly direction following the northern kerbline for 5

*Monday to
Thursday
8:00am -
6:00pm, Friday
8:00am -
8:00pm,
Saturday
8:00am -
6:00pm*

*metres
(1 car park).*

Delete from Schedule D (No Stopping Restrictions) of the Traffic Restrictions Schedule:

<i>Column One</i>	<i>Column Two</i>	<i>Column Three</i>
<i>Brandon Street</i>	<i>No Stopping At All Times</i>	<i>North side, commencing 3 metres east of its intersection with Lambton Quay and extending in an easterly direction following the northern kerbline for 6 metres.</i>

Delete from Schedule F (Metered Parking) of the Traffic Restrictions Schedule:

<i>Column One</i>	<i>Column Two</i>	<i>Column Three</i>
<i>Brandon Street</i>	<i>Parking Meters, P120 Maximum, Monday to Thursday 8:00am - 6:00pm, Friday 8:00am - 8:00pm, Saturday 8:00am - 6:00pm</i>	<i>North side, commencing 14 metres east of its intersection with Lambton Quay and extending in an easterly direction following the northern kerbline for 15 metres (5 car parks).</i>

Add to Schedule F (Metered Parking) of the Traffic Restrictions Schedule:

<i>Column One</i>	<i>Column Two</i>	<i>Column Three</i>
<i>Brandon Street</i>	<i>Metered Parking, P120 Maximum, Monday to Thursday 8:00am - 6:00pm, Friday</i>	<i>North side, following the northern kerbline 76 metres west of its intersection with Featherston Street and</i>

Brandon Street	8:00am - 8:00pm, Saturday 8:00am - 6:00pm Metered Mobility Parking, Displaying an Operation Mobility Permit Only, At All Times, P120 Maximum, Monday to Thursday 8:00am - 6:00pm, Friday 8:00am - 8:00pm, Saturday 8:00am - 6:00pm	extending in a westerly direction for 6 metres (2 angle car parks). North side, following the northern kerbline 82 metres west of its intersection with Featherston Street and extending in a westerly direction for 9 metres (2 angle car parks).
Brandon Street	Metered Parking, P120 Maximum, Monday to Thursday 8:00am - 6:00pm, Friday 8:00am - 8:00pm, Saturday 8:00am - 6:00pm.	North side, following the northern kerbline 91 metres west of its intersection with Featherston Street and extending in a westerly direction for 3 metres (1 angle car park).

Add to Schedule D (No Stopping Restrictions) of the Traffic Restrictions Schedule:

Column One	Column Two	Column Three
Brandon Street	No Stopping At All Times	North side, following the northern kerbline 94 metres west of its intersection with Featherston Street and extending in a westerly direction to its intersection with Lambton Quay for 14.5 metres.

(m) Time Restricted Parking – P60, P15 and Bus Stop – Broadway – Miramar (24-09)

Delete from Schedule A (Time Restricted) of the Traffic Restrictions Schedule:

Column One Broadway	Column Two <i>P15, At All Other Times, Except 7:00am - 9:00am, Monday to Friday</i>	Column Three <i>South side, commencing 40.5 metres east of its intersection with Strathmore Avenue and extending in an easterly direction following the southern kerbline for 11.5 metres.</i>
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Delete from Schedule B (Class Restricted) of the Traffic Restrictions Schedule:

Column One Broadway	Column Two <i>Bus Stop, Monday to Friday 7:00am - 9:00am</i>	Column Three <i>South side, commencing 40.5 metres east of its intersection with Strathmore Avenue and extending in an easterly direction following the southern kerbline for 11.5 metres.</i>
Broadway	Bus Stop	<i>South side, commencing 20 metres east of its intersection Strathmore Avenue and extending in an easterly direction following the southern kerbline for 20.5 metres.</i>

Add to Schedule A (Time Restricted) of the Traffic Restrictions Schedules:

Column One Broadway	Column Two <i>P15, At All Times</i>	Column Three <i>South side, commencing 32 metres east of its intersection with Strathmore Avenue and extending in an easterly direction following the kerbline for 42 metres.</i>
Broadway	<i>P60, Monday to Sunday 8:00am - 6:00pm</i>	<i>North side, commencing 44 metres east of its intersection with Ira Street and extending in a easterly direction following kerbline for 68 metres.</i>

Add to Schedule B (Class Restricted) of the Traffic Restrictions Schedules:

Column One	Column Two	Column Three
Broadway	Bus Stop, At All Times	<i>South side, commencing 20 metres east of its intersection with Strathmore Avenue and extending in an easterly direction following the kerbline for 12 metres.</i>

(n) Time Limited Parking - P60 – Glamis Avenue– Miramar (26-09)

Add to Schedule A (Time Restricted) of the Traffic Restrictions Schedules:

Column One	Column Two	Column Three
Glamis Avenue	P60, Monday to Sunday 8:00am - 6:00pm	<i>Westside, commencing 23 metres from its intersection with Broadway and extending in a southerly direction following the kerbline for 18 metres (6 angle parks).</i>

(o) Ambulance Parking At All Times – Taranaki Street – Te Aro (28-09)

Delete from Schedule D (No Stopping Restrictions) of the Traffic Restrictions Schedule:

Column One	Column Two	Column Three
Taranaki Street	No Stopping At All Times	<i>East side, commencing 4.5 metres north of its intersection with Cable Street and extending in a northerly direction following the eastern kerbline for 16.5 metres.</i>
Taranaki Street	No Stopping At All Times	<i>East side, commencing at its intersection with Cable Street and extending in a northerly direction following the eastern kerbline for 35 metres.</i>
Taranaki Street	No Stopping At	<i>East side, commencing</i>

All Times *29.5 metres from its intersection with Cable Street and extending in a northerly direction for 9 metres.*

Add to Schedule B (Class Restricted) of the Traffic Restrictions Schedule:

<i>Column One</i>	<i>Column Two</i>	<i>Column Three</i>
<i>Taranaki Street</i>	<i>Ambulance Parking, At All Times</i>	<i>East side, commencing 24 metres north of its intersection with Cable Street (Grid coordinate) x=2659081.517806m, y=5989186.919892m, and extending in a northerly direction following the eastern kerbline for 8 metres.</i>

Add to Schedule D (No Stopping Restrictions) of the Traffic Restrictions Schedule:

<i>Column One</i>	<i>Column Two</i>	<i>Column Three</i>
<i>Taranaki Street</i>	<i>No Stopping At All Times</i>	<i>East side, commencing 4.5 metres north of its intersection with Cable Street (Grid coordinate) x=2659081.517806m, y=5989186.919892m, and extending in a northerly direction following the eastern kerbline for 19.5 metres.</i>
<i>Taranaki Street</i>	<i>No Stopping At All Times</i>	<i>East side, commencing 32 metres north of its intersection with Cable Street (Grid coordinate) x=2659081.517806m, y=5989186.919892m, and extending in a northerly direction following the eastern kerbline for 4 metres.</i>

- (p) **No Right Turn At All Times – Wexford Road/Calabar Road – Miramar (31-09)**

Add to Schedule C (Direction, Placement and Lane Use) of the Traffic Restrictions Schedule:

Column One	Column Two	Column Three
Wexford Road	<i>No Right Turn, At All Times</i>	<i>Vehicles must not turn right from Wexford Road into Calabar Road.</i>
Calabar Road	<i>No Right Turn, At All Times</i>	<i>Vehicles must not turn right from Calabar Road into Wexford Road.</i>

2. **ITEM 056/09P ELECTED MEMBERS' REMUNERATION: 2009/2010 FINANCIAL YEAR**
(1215/52/IM) (REPORT 1)

Moved Mayor Prendergast, seconded Councillor Ahipene-Mercer the substantive motion.

The substantive motion was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Councillor Goulden.

Majority Vote: 14:1

The substantive motion was declared CARRIED.

RESOLVED:

THAT Council:

- 1. Confirm the salary only model as the basis of remunerating the elected members of the Wellington City Council for the 2009/2010 financial year.*

2. Agree that:
- *elected members (excluding the Mayor) and community board members receive a nil salary increase for the 2009/2010 financial year;*
 - *it request the Remuneration Authority to increase the remuneration pool for the 2009/2010 financial year by \$48,276 (rather than the notified figure of \$68,779) to provide for:*
 - *the total salaries paid to community board members to be funded from the pool;*
 - *the correction of a small anomaly that currently exists with regard to the salary received by the Chair of the Grants Subcommittee;*
 - *an increase to the Mayor's salary of \$5,493 pa (as determined by the Remuneration Authority).*

Note:

- (a) *The allocation of the pool is based on the governance structure approved by the Council at its meeting on 24 April 2008.*
- (b) *The Mayor's salary for the 2009/2010 financial year has been set by the Remuneration Authority and cannot be amended.*
- (c) *The level of community board members' remuneration met from the pool will be increased from 56.69% to 100% (i.e. an increase of \$42,683 from \$55,877 to \$98,560).*
- (d) *A sum of \$42,683 is currently funded from outside of the remuneration pool to meet the balance (i.e. 43.31%) of community board members salary for the 2008/2009 financial year.*
- (e) *The salary rates which will apply for the 2009/2010 financial year under this proposal will be as follows:*

<i>Mayor</i>	<i>\$153,660 pa</i>
<i>Deputy Mayor</i>	<i>\$106,720 pa</i>
<i>Portfolio Leaders (x 5)</i>	<i>\$86,456 pa</i>
<i>Associate Portfolio Leaders (x 2)</i>	<i>\$73,325 pa</i>
<i>Chair, Regulatory Processes Committee</i>	<i>\$83,325 pa</i>
<i>Chair, Grants Subcommittee</i>	<i>\$73,325 pa</i>
<i>Councillor (x 4)</i>	<i>\$67,114 pa</i>
<i>Chair, Tawa Community Board</i>	<i>\$20,160 pa</i>
<i>Member, Tawa Community Board (x 5)</i>	<i>\$8,060 pa</i>
<i>Chair, Makara/Ohariu Community Board</i>	<i>\$12,900 pa</i>
<i>Member, Makara/Ohariu Community Board (x 5)</i>	<i>\$5,040 pa</i>

3. *Confirm its previous decisions that the car currently supplied to the Mayor is for mayoral use only and that the Remuneration Authority be advised accordingly.*

4. *Ratify the “informal decision” it made on 17 December 2008 to discontinue the payment of a mileage allowance to elected members for the use of their private vehicles on Council business, and that this decision takes effect from 18 December 2008.*

Note:

This ratification requires the approval of the Remuneration Authority as it involves a change to the Council’s current rules and policies in relation to the payment of allowances and the reimbursement of expenses to its elected members.

5. *Agree to the amended rules and policies for the reimbursement of elected members’ expenses and the payment of allowances for the 2009/2010 financial year, as contained in Appendix 6 of this report, and that those rules and policies are referred to the Remuneration Authority for approval.*

NOTED:

Mayor Prendergast noted that as the vote was not unanimous, the recommendations would be referred to the Remuneration Authority for final decision.

Reports from Committee - Part B

Committee decisions for Council to note

032/09C **RECEIPT OF INFORMATION FOR NOTING FROM COMMITTEES**
(1215/11/IM)

Moved Mayor Prendergast, seconded Councillor Pannett, the motion that Council receive the information for noting from the Strategy and Policy Committee meetings of Tuesday 24 February 2009, Tuesday 10 March 2009 and Thursday 19 March 2009.

The motion was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, Goulden, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 15:0

The motion was declared CARRIED.

RESOLVED:

THAT Council:

1. *Receive the information for noting from the Strategy and Policy Committee meetings of Tuesday 24 February 2009, Tuesday 10 March 2009 and Thursday 19 March 2009.*

STRATEGY AND POLICY COMMITTEE

Meeting of Tuesday 24 February 2009

(1215/11/IM)

(REPORT 6)

1. **ITEM 029/09P WELLINGTON MUSEUMS TRUST FUNDING PROPOSAL**
(1215/52/IM) (REPORT 2)

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. *Note that the Wellington Museums Trust has submitted a funding proposal for an additional \$1.1 million in 2009/10, plus one-off funding of \$283,000, and an ongoing annual inflation adjustment estimated at approximately \$120,000 per annum from 2009/10.*
3. *Note that following discussion with officers, the Trust has submitted a revised proposal for additional funding to be staged over 3 years (and including inflation adjustments) being \$635,000 in 2009/10, \$520,000 in 10/11 and \$305,000 in 2011/12, and one-off funding of \$283,000 in 2010/11 for Plimmer's Ark and the collection store relocations.*
4. *Note that in 2006 the Council approved an additional \$100,000 per annum for the increased operational costs of the redeveloped City Gallery, which is budgeted from 08/09 when the Gallery was originally due to be re-opened. The Wellington Museums Trust has, in its revised proposal, included this funding in its forecasts from 2009/10.*
5. *Agree to accept the advice of the Museums Trust in respect of its recommendations for the future management of the Plimmer's Ark timbers, as the entity charged with managing Wellington's heritage collection.*
6. *Agree to include the following in the upcoming draft 2009/19 LTCCP deliberations:*

- a. *An annual increase in the operating grant for the Wellington Museums Trust to stage the implementation of its strategy over three years, as outlined in the table below:*

Additional base line funding				
<i>Project</i>	Operating expenses \$000			Additional funding by 11/12
	<i>09/10</i>	<i>10/11</i>	<i>11/12</i>	
	<i>\$000s</i>	<i>\$000s</i>	<i>\$000s</i>	<i>\$000s</i>
<i>C102 – Wellington Museums Trust operating grant</i>	<i>350</i>	<i>400</i>	<i>450</i>	<i>1,200</i>

- b. *One-off funding of \$283,000 (Opex) for the costs of the move and fit-out of a heritage collection store during 2010/11 and the relocation of the Plimmers Ark timbers, subject to all remaining costs being met from other sources as proposed by the Trust. If the external funding obtained is insufficient to meet costs, or an alternative proposal (e.g. purchase of a facility) to a new lease is proposed following investigations, the Council will reconsider its options.*
- c. *Note that, as part of the pre-engagement process ahead of the draft 2009/10 LTCCP, the public is being asked to consider the option of charging out-of-town visitors for access to the Wellington Museums Trust's facilities, and that feedback from the public will be reported to the Committee during the draft LTCCP deliberations in March 2009.*
- d. *Request that officers explore options to fund the recommended increase from 2010/11 (other than from general rates), and report back to the Strategy and Policy Committee in October 2009.*
- e. *Request that the Council Controlled Organisations Performance Subcommittee set key performance indicators and agree current baselines so that the benefit of the increase in funding can be measured and reported.*

STRATEGY AND POLICY COMMITTEE

Meeting of Tuesday 10 March 2009

(1215/11/IM)

(REPORT 7)

1. **ITEM 037/09P LONG TERM COUNCIL COMMUNITY PLAN – EARLY ENGAGEMENT**
(1215/52/IM) (REPORT 2)

THAT the Strategy and Policy Committee:

1. *Receive the information.*
 2. *Note that a broad engagement programme raised awareness of the Long Term Council Community Plan process and sought community input for the draft Long Term Council Community Plan.*
 3. *Note the views of the community generated from the early engagement programme in the attached report as part of the draft Long Term Council Community Plan deliberations.*
 4. *Note that input received from the early engagement programme informed the recommendations of the key issues paper being presented to this Committee concurrently.*
2. **ITEM 038/09P RESIDENTS' PANEL**
(1215/52/IM) (REPORT 3)

THAT the Strategy and Policy Committee:

1. *Receive the information.*

STRATEGY AND POLICY COMMITTEE
Meeting of Tuesday 24 February 2009
(1215/11/IM)

(REPORT 8)

1. **ITEM 053/09P PROJECT WESTWIND**
(1215/52/IM) (REPORT 2)

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. **ITEM 055/09P SISTER CITIES CONFERENCE, CAMBRIDGE, WAIPA DISTRICT, 22-24 APRIL 2009**
(1215/52/IM) (REPORT 4)

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. *Approve the attendance of one Elected Member at the 'Sister Cities Conference' to be held in Cambridge, Waipa District, 22-24 April 2009 and agree that the costs associated with attending the conference are met from the Elected Members Budget (GVEM01).*

3. *Note that there is a Strategy and Policy Committee meeting on Thursday 23 April 2009 and a Partnership Wellington Trust Board meeting on Friday 24 April 2009.*
4. *Note that a report on the conference will be presented to the Strategy and Policy Committee in accordance with Council policy.*

033/09C **QUESTIONS**
(1215/11/IM)

NOTED:

There were no questions.

The meeting concluded at 9.07pm.

Confirmed: _____
Chair
/ /



SUBMISSION FROM WELLINGTON CITY COUNCIL ON THE RESOURCE MANAGEMENT (SIMPLIFYING AND STREAMLINING) AMENDMENT BILL 2009

Submission to: **Local Government and Environment Select
Committee**

Bill: **Resource Management (Simplifying and
Streamlining) Amendment Bill 2009**

From: **Wellington City Council**

Date: **03 April 2009**

1. Introduction

- 1.1. Wellington City Council welcomes the opportunity to comment on the Resource Management (Simplifying and Streamlining) Amendment Bill 2009.
- 1.2. The Council was one of the first major cities to have a fully operative District Plan (4 July 2000) and achieved this by making a conscious effort to limit variations to the Plan and to resolve appeals as quickly as possible. Since the Plan became operative, the Council has notified 69 Plan Changes to allow better management of development, better achieve strategic direction for the city, and respond to case law and experience. The requirement to keep plans up to date is a necessary, on going function of the Council.
- 1.3. The Council processes on average 900 resource consents a year and 300 other permissions, putting the Council in the top 10 territorial authorities in terms of processing consents.
- 1.4. Our overall budget for administration of the RMA (ie. plan preparation, resource consent processing and monitoring, enforcement and compliance) is approximately \$7m in the 2008/09 year, of which almost \$3m is funded through user charges and fees.
- 1.5. The Council is well aware of the significant administrative workload the Act imposes and for this reason generally supports those provisions that will ease the administrative burden of both the plan development and consent application processes without reducing protection for the environment. Appendix One outlines a summary of all clauses and notes briefly the provisions supported by the Council.
- 1.6. This submission concentrates on those provisions we believe will not achieve their intended outcome (ie. a streamlined or simplified process), where environmental outcomes and core RMA decision-making principles may be adversely affected, or where further clarification is required in the legislation to achieve the stated objectives.
- 1.7. Also highlighted are other issues that were not included in the Bill but should be considered by the Select Committee. Of particular note is the need for those exercising functions under the Act to take greater consideration of the quality of the built environment.
- 1.8. We appreciate that the focus of this Bill is to make some quick, effective changes to the RMA to reduce costs and delays (ie. to address process issues) but the Council is concerned that any changes made to the Act do not affect the core environmental values of the Act (ie. environmental outcomes). The Council wishes to re-iterate that the purposes and principles of the Act continue to provide a sound basis for people and

communities who seek to provide for their social, economic and cultural wellbeing etc whilst ensuring that we protect the natural and physical resources of the environment for now and for future generations.

2. Provisions relating to public participation

2.1. The Bill contains a number of provisions that collectively will reduce public participation in the planning process. Specifically:

- 2.1.1. Third party appeal rights (s274 parties) narrowed to those who had already made a submission or are directly affected (cl 131)
- 2.1.2. Presumption for public notification of all resource consents reversed (clause 68)
- 2.1.3. Security for costs re-introduced (cl 133)
- 2.1.4. Appeal filing fee increased to \$500.

2.2. The appropriate level of public participation in the process has long been a vexed issue, with successive amendments to standing rights in the Town and Country Planning Act and the RMA as evidence of this. Careful balance is needed between allowing sufficient public participation to add value to the outcomes and ensuring efficient processes to minimise delays to developers and investors. On balance we support all proposals except clause 68 and suggest an amendment to clause 131, as outlined below.

2.2.1. **Third Party Appeal Rights (cl131):**

2.2.2. The Council's experience with appeals involving third parties is that most third parties are either submitters or directly affected. Given this, the proposal to narrow who may become s274 parties (to remove those who represent a relevant public interest) is unlikely to have a significant impact on actual practice. The Council is however concerned at the delays associated with the involvement of some s274 parties.

2.2.3. It is our experience that s274 parties can provide appropriate checks and balances on the appeal process, particularly where appeals are settled through mediated consent orders. However, the Council has experienced situations where s274 parties become involved in an appeal on one matter, using it to pursue other agendas.

2.2.4. In our view, where Council and an applicant reach agreement through mediation, 274 parties should only be entitled to continue to pursue their case if it is to bring the substance of the agreement back towards the original council decision. That is, to protect the position (the original decision) which they agreed to by virtue of not appealing that decision. This right should be preserved. However, Council considers that they should not be entitled to raise new matters, which is generally the cause of ongoing litigation.

<p>2.2.5. Recommendation: Proceed with clause 131. Recommend that further work is carried out as part of the phase 2 amendments to clarify the scope and role of s274 parties.</p>

2.2.6. **Presumption now towards non-notification of all consents (cl 68):**

2.2.7. It is agreed that this provision reflects common practice across Councils. Our council notifies around 1.5% of all resource consents processed; less than the national average. The reason for this is that the Council works with most applicants choose to work with Council officers to amend their proposals to reduce the environmental effects to the point where the effects are *de minimis*. Of these around half are limited notified. The Wellington City District Plan makes widespread use of the ability to include a rule in the plan stating that certain applications will be non-notified. It is used for technical matters requiring expert opinion eg. traffic and parking, urban design etc.

2.2.8. Despite the practice to not publicly notified consents in most cases, there are a large number of people in the community who want more consents to be notified, not less. It is likely that this amendment will be perceived as making it more difficult for people to have their voices heard. Given the Council's other concerns with the provision (below) there does not appear to be any valid reason to change the approach taken.

2.2.9. We are concerned that reversing the presumption will actually create more work for Councils, therefore not achieving the intended simplified, streamlined process. Councils will likely be asked to amend their plans to include rules in plans stating when applications will be notified (clause 94AAD), ie. to balance out the non-notification statements already in the Plan. Litigation over what matters are specifically identified as requiring full public notification is inevitable; creating new uncertainty, further delays and costs.

2.2.10. The Council also has concerns with proposed section 93A regarding the change in the threshold test from *de minimis* effects to more than minor effects. The test will require greater discretion/judgement by officers making the decision regarding whether a party is affected or not. The decision regarding affected parties under the "*de minimis*" test is already difficult and requires a degree of judgement. An example of how this provision amends the decision about an affected party is described below:

A proposal for an addition to a new dwelling will create additional shading and bulk and visual dominance effects on the adjoining site to the south.

The potential effects created are greater than those provided for as a permitted baseline in the district plan. The additional shading created on the adjoining site will be additional shading of 1 hour in the morning at mid-winter. Under the current legislation the adjoining property owner would definitely be identified as a potentially affected party and their written approval required. The test under the Bill is more difficult. The critical question is likely to be how much shading the property currently receives – for example it may only receive 3 hours at mid-winter and if this is cut by an additional hour then it will only receive 2 hours.

- 2.2.11. Proposed new section 94AA (also in cl 68) also raises the threshold test for notification and introduces a new phrase “beyond the immediate environment”. In changing the nature of the notification test here too, Council officers will be required to develop new understanding of what that phrase means. Those notification decisions will be challenged and re-litigated before the Court.
- 2.2.12. In summary, while the proposed provision reflects actual practice it will result in more work for councils if required to update their plans. This is a particular risk for the Wellington City District Plan as members of the community may wish to see the existing non-notification statements balanced by rules stating when notification will be required. The clause will also increase council workload initially as Councils are required to revise their understanding in assessing ‘more than minor’ effects and what the phrase ‘beyond the immediate environment’ means. Litigation is likely to increase as council decisions on who is an affected person are challenged.

2.2.13. **Recommendation:** Do not proceed with clause 68 (and any other consequential amendments) as this will create more uncertainty, further costs and delays as Councils amend their plans and Council notification decisions are challenged for little apparent benefit.

3. Deletion of the non-complying consent category (cl 147)

- 3.1. This proposal is of significant concern to the Council. The justification for the deletion of the non-complying consent category is vague, with little real evidence that there is a problem. Removing the consent category will create significantly more work for councils.
- 3.2. In attempting to develop a plan that followed the effects based approach envisaged by the RMA when it was first introduced, the Wellington City District Plan uses the non-complying consent category primarily as a

default mechanism for any activity that is not specifically contemplated by the Plan's rules. It is most commonly used to provide an upper limit to developments. Applicants as well as the Council find this 'line in the sand' approach very helpful and an applicant will commonly amend their plans to avoid non-complying activity status. Some examples of developments that default to non-complying include:

- developments in the central area that go beyond 35% of the height standards (eg. maximum of 121m above msl for some sites)
- developments in the outer residential area that exceed the discretionary limit for site coverage of 42% (the permitted standard is 35%)
- developments in the outer residential area that exceed the discretionary limit for building recession planes by more than 3m.

- 3.3. There are a very small number of situations where certain listed activities (such as landfills, quarries or activities listed in the Health Act eg. Septic tank desludging and disposal of sludge) are not permitted, nor provided for as discretionary activities, thus defaulting on purpose to the non-complying consent category. The ability to list certain specific noxious activities and over scale activities as non-complying should be retained. We also point out that the Wellington City District Plan does not include any activities in the 'prohibited' category, underlining the importance of retaining the non complying category.
- 3.4. The primary concern with the deletion of this consent category is that it will trigger a review of all the objectives and policies in the Plan to ensure that they provide enough scope and guidance to consent processing staff on acceptable levels of development. The policies as currently drafted are not explicit enough for either applicants or council officers to know activities/level of activity go beyond what is generally acceptable or are just not contemplated by a Plan. More precise statements are needed in policies as to the scope of works likely to be approved or declined by the Council (due to their effects).
- 3.5. It is also noted that decision makers generally consider applications for non-complying activities more seriously as this clearly signals that such activities are not provided for in district plans. This will need to be emphasised through objectives, policies and assessment criteria.
- 3.6. If this clause proceeds, it is highly likely that a wholesale review of the Wellington City District Plan's policies will occur. This will undermine any administrative savings that would have otherwise been made with the proposed repeal of the 10 yearly plan review (cl 56); a proposal that we strongly support.
- 3.7. As part of the rolling review of the Wellington City District Plan, our Council has deleted many Controlled Activities or severely restricted the types of activities classified as Controlled Activities. The case law surrounding Controlled Activities has changed so significantly in the years

since the Plan was drafted that it is no longer appropriate for many of the activities it was originally used for. That is, the Council is not able to manage the effects of those activities as it first envisaged due to the limited nature of conditions able to be placed on Controlled Activities. If the Government wishes to reduce the number of consent categories, we recommend the Controlled Activity consent category be deleted. We accept that this could also require Councils to update their Plans, but this could be achieved progressively as part of rolling reviews over a number of years. This Council has already significantly reduced the number of activities categorised as Controlled because of the case law so for Wellington City any costs of changing the District Plan would be relatively limited.

3.8. Recommendation: 1. Do not proceed with clause 147 (and any consequential clauses) as it will trigger the need for Council to review its plan policies resulting in a significant plan change being prepared. 2. If necessary, amend the non-complying consent category so that it may only be used as a default consent category for activities that go beyond the relevant discretionary activity standards. That is, no specific activities should be listed directly in a non-complying rule or default there directly as a result of those activities not being provided for as Permitted, Controlled or Discretionary activities. 3. That Parliament considers deletion of the Controlled Activity consent category as part of the Phase 2 reforms of the Act.

4. Proposed Plans no longer have effect until decisions on submissions notified (cl 86A)

4.1. The Council appreciates the concerns the Government has with plan changes taking effect immediately, but on balance finds that the benefits of the current approach outweigh the costs associated with the proposed change.

4.2. It is agreed that the weighting to be given to proposed plan changes during the consideration of resource consent applications is complex and that it increases report writing requirements. However, there are benefits of having certain plan changes take effect immediately, ie. not all plan changes are designed to prevent development. It enables councils to better manage emerging issues (eg. need for new industrial or commercial areas) or to provide for new activities not anticipated when the Plan was first drafted. Council is concerned also that it will not be able to manage some activities effectively if, as a result of a plan change, landowners are able to apply for certificates of compliance to 'beat the plan change'. The Council has had numerous experiences of this behaviour.

4.3. If this provision is to proceed, we consider the following must occur to improve the intent of the provision. Firstly, this provision must only be pursued in conjunction with clause 148 (specifically clause 14 of the First Schedule) which limits appeal rights on plan changes. A more robust

process that ensures all plan changes are fully considered before having effect has to be coupled with greater security about their certainty once the decision has been made.

- 4.4. Secondly, we recommend an amendment to the Environment Court declaration process in clause 86A(2)(b). If a council has sought a declaration from the Environment Court that the rules in a notified plan change do take effect immediately then, whilst that declaration is being considered by the Court, no person should be able to lodge a Certificate of Compliance application or Controlled Activity resource consent application for any rule the plan change seeks to amend.

4.5. **Recommendation:** Do not proceed with clause 86A. In the event that this clause is pursued, clause 148 (ie. amendments to clause 14 of the First Schedule) must also proceed as drafted and clause 86A(2)(b) must be amended to ensure that while a declaration is being sought, no person may lodge a Certificate of Compliance application or Controlled Activity resource consent application for any permitted activity standard or rule that the plan change seeks to amend.

5. Further Submissions process revised (cl 148)

- 5.1. The Council supports the attempt in the Bill to streamline the plan making process by significantly revising the further submission process. The comments in the TAG report on this issue closely represent our own experiences with the further submissions process.
- 5.2. There are, however, some concerns at how the prescribed process will work in practice. Clarification is needed for proposed clause 8(1) of clause 148. Two scenarios are described below of how local authorities might respond to the proposed process:

Scenario 1: Submissions have been received on a proposal to reduce the current height of all properties in a heritage area. Some affected property owners did not submit at all, while some submitters suggested an alternative proposal whereby some properties in the heritage area remained at the same height, some properties had a reduced height and others have a height increase. Under the Bill as drafted, it is clear that affected persons would include those property owners that did not originally submit. But does it also include those other property owners who submitted, but did not submit on the variable height concept. Given that the subject matter relates to heritage, there are likely to be heritage groups interested in the matter. Is the Council able to seek the views of such groups, who originally supported the proposal in their submission, to obtain their views on submissions to increase height in the heritage area.

Scenario 2: Significant changes are proposed to the bulk and location rules for a residential zone. One submitter (a residents group) asks in its submission for a new permitted activity standard that has the effect of permitting a much greater range of building works. As this proposal would affect a large number of properties in the residential zone (not able to be individually identified), it would make sense for the Council to seek the views of all property owners by a public notice and submission process. This would prevent the prospect of the council failing to correctly identify those that would be affected by the submission. Would this approach still be permitted?

- 5.3. In our view, the 'further submissions' process outlined is not clear and without further clarification in the Bill, followed up with guidance on its implementation, it is highly likely that councils will be exposed to even greater risks of judicial review for failure to seek the views of an adversely affected person.
- 5.4. On balance, it would be simpler to keep the basic structure of the existing further submissions process, amending it in two ways to streamline it. Firstly, no original submitter is able to make a further submission; they can instead use the hearings process to rebut the views of other submitters. Secondly, reduce the timeframes for gathering further submissions from not less than 20 working days to not less than 10 working days.

5.5. **Recommendation:** Do not proceed with changes in clause 148 to clause 8 of the First Schedule. Instead, amend clause 8 of the First Schedule to specify that only persons who have not already made a submission under cl 6 of the First Schedule may make a further submission. Amend clause 7(1)(c) of the First Schedule to reduce the closing date for further submissions from 'not less than 20 working days' to 'not less than 10 working days'.

6. **Prohibition of rules for general tree protection in the urban environment (cl 52)**
- 6.1. Council offers tentative support to this provision based on its previous experiences with managing trees in the district plan.
- 6.2. The Council originally included a general tree protection rule in its proposed district plan but found it to be unworkable. The rule was replaced in favour of a schedule of listed trees in the Heritage Chapter of the Plan.
- 6.3. However, in a recent plan change for a new urban development area the Council did introduce a rule against general bush clearance as this seemed to be the best mechanism for protecting indigenous vegetation (required by s6(c)) on the rural land intended for future Greenfield subdivision.

- 6.4. Our concern with the proposed provision in the Bill is how to define the 'urban environment'. In relation to the plan change discussed above it is unclear whether the council would be prevented from putting in place the bush clearance rule given that the land is currently rural land, but intended for future development. If the rule is to proceed, the phrase 'urban environment' needs further clarification. We presume that it is intended to relate to the existing built environment.
- 6.5. Council also considers that there should be provision in legislation to protect areas of vegetation or individual/groups of trees but this needs to be achieved on the basis of specific assessment of the values of that vegetation rather than a simplistic approach (ie. size of a tree). We do not believe that the rule will prevent us from protecting stands of remnant indigenous vegetation, but this will require significant more work to accurately identify and plot those areas or stands of vegetation worthy of a specific listing in the Plan.

6.6. **Recommendation:** If clause 52 proceeds, further clarify the phrase 'urban environment'.

7. Effect of NPS and NES on Plans (cl 40 and 48)

- 7.1. The Council generally supports the refinement of provisions in the Act to ensure better linkages between national instruments and local authority planning processes. Council also considers it vitally important that national instruments be subject to robust consultative processes prior to their taking effect. We wish to note, however, that it is critical for both national policy statements and national environmental standards to be written in plain English and should reflect the approaches used in plans already. This will ensure that Councils can more readily adopt them into their plans without further formality, as desired by these amendments.

7.2. **Recommendation:** Proceed with clauses 40 and 48, but note our concerns that national instruments must be written in a clear manner reflecting the style used in plans already.

8. Resource Consent processing timeframes and discounting policy (cl 62, 63, 64, 65 and 25)

- 8.1. The Council does not support these changes. If the provisions are to proceed then clause 64 needs significant redrafting to remove the uncertainties that now exist due to the redrafting.
- 8.2. It is now unclear whether more than one request is allowed. At first glance, reading this section by itself, it seems that only one request is allowed, ie. "*A consent authority...may make a written request...*" under subsection 1. The current s92 states "*a consent authority may...request*

the applicant for consent to provide further information”, implying that there is no limit to the requests able to be made. The background material to the Bill states that the intent is that more than one request may be made, but that it is only the first request that can have the processing clock stopped while the information is being gathered by the applicant. This needs clarification in the Bill itself.

- 8.3. Assuming that the intent is to provide for more than one request, the Council is very concerned that the provisions do not allow the processing clock to be stopped for secondary information requests. It is quite common for complex applications that, upon receiving information from the first information request, the information triggers the need for yet more information. In these situations, to have the clock still ticking will put considerable constraints on achieving robust decision-making. Instead, it is highly likely that Councils will be forced to decline applications due to the lack of sufficient information based on the precautionary principle. For complex applications, much can be gained by stopping the clock and giving both the council and applicant the chance to negotiate solutions to issues that arise during the process. Whilst this may be seen by the applicant as causing delays, the alternative outcome of the Council declining the consent is surely not preferred.
- 8.4. What does Parliament intend by the phrase ‘*a reasonable time*’ within which the Council must make its further information request (subsection (3))? One interpretation is that the council must make a decision to request further information within 10 working days of receiving the application so that the requirements of subsection 4 can still be met. If this is the intended interpretation, then the subsection should state this to avoid the reader having to infer it based on another subsection.
- 8.5. Subsection 4 states the applicant must provide the information 10 days before the council makes its decision. In many cases, having received the further information, the Council is in a position to issue the decision within 2-3 days following the receipt of the information. It is assumed that this could still occur because it would be nonsensical to purposefully withhold the decision until the 10 days is completed merely to meet the wording of the Act. The drafting of the subsection should clarify this in plain English with words to the effect that the applicant must provide the information no less than 10 days before the end of the 20 working days allowed by the council to process the application.
- 8.6. Clause 65 states that the council must continue to process the application if the applicant refuses to provide the information requested. The Council assumes that Parliament is aware that failure to provide such information will mean the applicant runs the risk of the application being declined. The Council, if concerned about the lack of appropriate information to make a decision, will use the precautionary approach of declining the application rather than ‘hoping for the best’ and trusting that the applicant knows best.

- 8.7. In summary, these provisions are not supported because they will lower the standard of decision-making and will likely result in an increase of declined applications. This will not achieve the Government aim of streamlining and simplifying the process. If the provisions are to proceed, significant redrafting is required to clarify how they are to work.
- 8.8. The Council supports clause 25 (requirement to produce a policy on discounting administrative charges for failure to meet consent processing deadlines). This Council has already developed informal guidelines to assist decision-makers when making decisions on objections to consent fees. We accept that not all councils may have such guidance in place and so to require such policy is good practice.
- 8.9. We note with interest that the EPA is given 9 months to consider applications before it; recognition perhaps that some applications take considerably more time to process than 20 working days, or the 70 working days (approx.) for notified applications allowed for local authorities. As a metropolitan city surrounded by a large rural area, the Council has processed very large resource consent applications of a similar scale to those expected to be processed by the EPA (eg. Makara Wind farm application – 5000 submitters, Mill Creek wind farm – 800 submitters, Marine Education Centre - 500 submitters).
- 8.10. It is our view that the Act's timeframes and other processes do not discriminate very well between simple consents and more complex applications. Complex applications tend to involve a number of issues requiring the input of several experts (hence some delays) and tend to involve further information requests. Likewise, where applications involve submitters then the hearing process can introduce delays as well. Applications of this nature are difficult to consider and the time taken and information required is necessary in order to get the best decision for the environment.

<p>8.11. Recommendation: 1. Do not proceed with clause 62-65 as these will adversely affect good decision-making and may increase the number of declined applications. 2. Proceed with clause 25.</p>
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9. Consent applicants or submitters able to choose independent commissioners for their Hearing Committee

- 9.1. The Council does not agree with the view espoused in the TAG report that those who make the rules should not implement the rules. A key premise of the RMA is that decision-making is best done by those close to the community affected by the decision (ie. elected councillors). Had the government intended to restrict those decision-making functions to only policy/plan making decisions, it would have done so originally. The Council also considers that there is considerable value in councillors seeing

the District Plan in operation through sitting on consent hearings. The Council finds elements of the TAG report unhelpful and contradictory, especially in respect of decision-making processes. For example, it considers that Councils are better placed to make decisions on Notices of Requirements than requiring authorities (ie. clause 110), but apparently are not best placed to make decisions on notified resource consents. We note that the Government has set a standard for those able to sit on hearings so it is assumed then that those who've met the standard are judged (equally) qualified whether they are councillors or independent commissioners. If this is not the case then the standard needs to be raised for both independent commissioners and elected councillors. Improving the training offered under the Making Good Decisions programme will achieve this.

- 9.2. It is the Council's view that a decision on this issue should not be based on the perceived competency or otherwise of elected officials to make decisions on resource consents. Rather, the council supports the approach because it will provide choice for applicants and submitters, will assist with scheduling hearings and will increase flexibility in managing the hearings process. The Council notes that the legislation provides for the independent commissioner (if requested) to either sit alone, or to sit on a hearing committee alongside elected councillors and that the decision on which approach is used lies with the Council.
- 9.3. We endorse the requirement whereby the person requesting the independent commissioner should pay any additional costs associated with that request (cl24). Those having to pay the additional costs will need to be made aware that the costs could be significant.

9.4. **Recommendation:** Proceed with clause 73 (and consequentially clause 24) on the basis that it will assist in scheduling hearings on time, and it is not a reflection of the competency of elected officials to sit on hearings committees. The Council supports the proposal that those requesting independent commissioners should pay the additional costs associated with that request.

10. **Bill limits appeals on plans (district plan changes) to questions of law and prevents 'whole of plan change' appeals (cl 148, specifically amendments to cl 14 of the First Schedule)**
- 10.1. The Council considers this change is a significant amendment to the current approach and finds the issues, outlined below, to be very finely balanced.
- 10.2. On the one hand, the amendment will have significant benefits for the plan making process by reducing the burden of defending wide ranging appeals. This Council has notified 69 plan changes, 11 variations and 3 designations since the plan became operative in July 2000. The Council is presently working through 57 separate appeals before the Environment Court. A

significant portion of officer time and legal costs (roughly \$400k annually) is invested in managing the appeals process. Enabling plan appeals to be only on points of law should reduce the delays in having plans take full effect and ultimately improve environmental outcomes sooner.

- 10.3. The amended approach also importantly reinforces a key principle of the RMA that local councils are the primary policy makers for matters affecting their local environment and community, not the Environment Court.
- 10.4. However, the Council is very concerned at the implications this change would have on the council hearing process. We anticipate that the 'user-friendly, less formal' approach to council hearings (necessary to ensure lay people feel comfortable in an otherwise imposing environment) will change as submitters feel compelled to use lawyers and expert witnesses to present the most robust case possible. The Council is concerned this will lead to a very legalistic, adversarial process and will consequently intimidate those unable to afford experts to assist them. The Council is concerned that this change may result in more legalistic debates about process occurring at the hearing, diverting attention away from the core environmental issues.
- 10.5. We anticipate that submitters will want to question other submitters, ie. cross examination in order to fully test the evidence put forward by particular submitters. Currently, only the chair of a Hearing Committee can ask questions of the submitters. However, with more onus on a robust hearing and testing of the evidence presented, we expect submitters may wish to formalise this by directly cross-examining other submitters.
- 10.6. Councils will very likely need to amend their own committee structures to reflect the increased need for robust decisions. This Council currently delegates to a Hearings Committee (usually three councillors) the duty to conduct the hearing and make a recommended decision to the full council. It is then expected that the full council will adopt the recommendation of the hearings committee without amendment because natural justice requires that only those who've read/heard the evidence should be the ones to make the decision. The Council will need to consider whether this approach is appropriate under the proposed provisions.
- 10.7. This is a particularly vexed issue; with the advantages to the Council very clear in respect of the plan making process, but the adverse implications being spread across the council and submitters involved in the Council hearing process. On balance, the Council considers the proposed amendments are appropriate but only if significant further direction is given to Councils on:
 - whether Councils are expected to adopt more formal procedures for Council hearings (including whether cross-examination of submitters is anticipated), and

- how to ensure that individuals or community groups with little or no funding will receive a fair and equitable hearing, and
- whether councils should amend their committee structures to manage the robust hearings responsibilities.

10.8. Recommendation: Proceed with clause 148, specifically the amendments to clause 14(2) of the First Schedule. Recommend that the Ministry be required to update their guidance material to councils on managing the hearings process to address concerns about increased use of experts, whether cross-examination can occur, how to ensure lay people can still fully participate in the process and whether changes are needed to council structures for conducting hearings.

11. Provisions relating to trade competition

11.1. The Council generally supports any attempts to reduce efforts by any person or persons to abuse planning processes to stymie the activities of their trade competitors. However there are a number of concerns with the provisions as drafted and these need further revision if they are to achieve the objectives sought.

11.2. The ‘effects of trade competition’ (several clauses, specifically cl51)

11.2.1. Clause 51 proposes to amend s74(3) by adding the “or the effects of trade competition”. In doing so, it responds to a recent High Court case (General Distributors Limited v Waipa District Council) in which a trade competitor sought to argue that any effects arising from trade competition, whether directly or indirectly could legitimately be considered. This argument was rejected by the Court, which quite rightly found that (Wylie J):

“It follows that s74(3) does not preclude a territorial authority preparing or changing its district plan, from considering those wider and significant social and economic effects which are beyond the effects ordinarily associated with trade competition. Indeed it is obliged to do so in terms of s74(1).”

This decision is supported by a considerable number of other cases, including by the Supreme Court (Discount Brands), where Blanchard J. found that:

“....significant economic and amenity values did have to be taken into account. Such effects on amenity values would be those which had a greater impact on people and their communities than would be caused simply by trade competition.”

11.2.2. Given this, it is unclear why the Minister for the Environment found it necessary to propose a change to this clause. Further, the clause proposed may have several unintended consequences. By prohibiting consideration of both trade competition and its effects, without further clarification of which particular effects this includes, it is considered likely that the Courts may re-interpret the established case law on this issue. A reasonable interpretation of the proposed clause is that consideration of all effects arising either directly or indirectly from trade competition could not be considered by a decision maker under the Act contrary to the established case law outlined above. This would have serious and significant implications for resource management practice across the country.

11.2.3. Wellington City Council, similar to many other territorial authorities, have established objectives and policies within the District Plan seeking to locate particular retail and other commercial activities in town centres. This policy approach is based on well established resource management reasons, including:

- to ensure sustainable use of transport, by reducing vehicles trips and vehicle kilometres, by locating commercial activities in established
- reducing vehicle emissions
- enhancing accessibility to essential services and facilities for all members of society, including those who are socially disadvantaged or without access to a private vehicle
- maintaining centres of sufficient intensity to support increased residential development in and around them (a central tenet of the growth management strategy)
- maximising the effectiveness of existing public infrastructure already provided in established centres
- retaining the viability and vitality of established centres to enable them to fulfil important social and economic functions

11.2.4. **Recommendation:** Do not proceed with clause 51 (and all other related clauses). If clause 51 does proceed, amend the provision to specify the particular effects to which regard is not to be had, ie. those effects directly related to trade competition. The redrafted clause could read as follows: *“In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the direct effects of trade competition.”* It is also recommended that Parliament make it clear that this does not include the indirect economic, social and environmental effects, which are beyond those ordinarily associated with trade competition.

11.3. Managing submissions made by a trade competitor (cl 72, 139, 148)

11.3.1. Whilst we accept the need for provisions that prevent trade competitors from abusing planning processes, we anticipate difficulties enforcing the provisions which limit the scope of submissions able to be made by a trade competitor. We recommend that the Ministry provide explicit guidance in this respect as soon as possible. Guidance should include how to manage the decision by local authorities to reject submissions considered to be related to direct effects of trade competition, and how to manage the process if that decision is challenged. The guidance should also include examples or scenarios of issues likely to be raised by trade competitors in submissions.

11.3.2. We are concerned that decisions to reject submissions by trade competitors will lead to an increase in judicial reviews.

11.3.3. **Recommendation:** Proceed with clauses 72, 139 and 148 in relation to trade competition but ensure that the Ministry provides detailed guidance on how to manage submissions by trade competitors.

12. Costs relating to local authority involvement in Ministerial call-in or agreed direct referrals to the Environment Court

12.1. The Council generally supports the intent of the revised call-in provisions (cl 35, 93, 95, 99-104) and the new direct referral provisions (cl 60). Our main concern with these provisions is that it is unclear from the legislation whether councils are able to recover their costs of being involved in both processes.

12.2. It appears that these costs are to be borne by the relevant local authority and its ratepayers. This is unreasonable when the legislation directs that the local authority must be involved in, or administer certain parts, of the process.

12.3. If these provisions proceed without responding to this concern, Councils may be reluctant to agree to direct Environment Court referrals because at least if they make the initial decision themselves they are able to recover their costs from the applicant. If a decision is appealed to Court, the Council's initial defence has already been prepared and paid for as part of the council consent hearing. Unless a cost benefit analysis supports the direct referral process, local authorities may be reluctant to agree.

12.4. **Recommendation:** proceed with cl 35, 93, 95, 99-104 and 60, but provide for new provisions that specify that local authority is able to recover the costs of its involvement in the process from the applicant.

13. **Further Matters to be included in this Bill and/or Phase 2 of the Minister's proposed amendments.**

13.1. There are a number of other matters which the Council wishes the Select Committee to consider during its review of the Bill.

13.2. **References required in RMA to s15 of the Prostitution Reform Act**

13.2.1. The High Court recently made a decision on a judicial review of the process followed by the Wellington City Council in approving a resource consent to the increased activities of a brothel and in deciding that the consent was to be processed without public notification (Mount Victoria Residents Association Incorporated v The Wellington City Council And Anor HC Wn Civ-2008-485-1820 [5 March 2009]).

13.2.2. The Council accepts the decision of the Court that the Council should have considered s15 of the Prostitution Reform Act during its notification and substantive decisions. However, the Council is concerned that other local authorities may make a similar error of law when considering brothel applications. The RMA has always been regarded as a complete code (ie. reference is not required to other legislation to complete decision-making required under the Act). Plainly this is no longer the case and it is recommended that relevant cross references are made to s15 of the Prostitution Reform Act within appropriate sections 93-94AAE (the notification provisions) and section 104 (consideration of applications).

13.2.3. **Recommendation:** Insert cross references to s15 of the Prostitution Reform Act into the relevant notification provisions (s93-94AAE) and section 104 of the RMA, and clarify whether any other legislation must be considered by decision-makers making decisions under the RMA.

13.3. **Appropriate policy direction on the quality of urban development**

13.3.1. The RMA gives insufficient emphasis to achieving quality urban development outcomes. That this country's principal land use planning legislation is largely silent on urban growth, urban management and urban quality is a significant omission and differs from almost all other OECD countries. In particular there is no reference to good urban design within the Act. There is a clear need for greater direction within

the Act on national principles for urban management; supported by a suite of national policy statements.

13.3.2. **Recommendation:** Amend the Act to include reference to good urban design. Require the Ministry to develop a range of national policy statements on matters such as: urban design; housing choice and affordable housing; transit-orientated development; landscape and heritage.

13.4. Use of non-statutory policy and other levers

13.4.1. The last five years has seen a considerable growth in the development of non-statutory urban policy by local authorities. This includes the development of regional urban growth strategies, strategic plans at a citywide level, and place-based plans for specific areas where growth is planned. These instruments are being used to manage elements of growth outside of the statutory RMA processes. There are also a range of other levers being utilised, such as land purchase and development, joint ventures and incentives.

13.4.2. These non-statutory mechanisms and levers have been effective at managing certain elements of urban growth and development and they should be recognised as complementary approaches to the statutory approaches. However the value and effectiveness of these mechanisms can be enhanced further by bringing some of them into a statutory framework and thereby ensuring that the appropriate linkages are made between different policy documents and by providing additional implementation means.

13.4.3. **Recommendation:** That explicit reference is made in the Act to the relevance of Council approved policies in making decisions on resource consents.

13.5. Restricting elected Councillors or Mayors from becoming an appellant / submitter on matters previously considered by the Council, committee or subcommittee.

13.5.1. The Council has some concerns with the ability of elected Councillors or Mayors to appeal matters to the Environment Court, causing delays, when those elected councillors or Mayors have previously been part of council debates on the issue. The Council considers that councillors or a Mayor have an ability over and above the general public to convince their peers of their perspective during debates on a given issue. Because of this the Council considers it is inappropriate to then become a submitter/appellant on the same issue to gain additional leverage in the process.

13.5.2. The Council is particularly concerned about the perception of other submitters that a hearings panel made up of Councillors may be swayed by the views of a fellow councillor who is appearing in the case as a submitter.

13.5.3. The Council appreciates that this is a significant issue (as it affects a significant element of the Act i.e. who is or is not an affected party under the Act, and natural rights of councillors as any other citizens to participate in consents processes). This issue needs to be considered by all councils and Local Government New Zealand and so would be better placed to be considered as part of the Phase 2 RMA reforms.

13.5.4. **Recommendation:** That consideration be given to reviewing the Act (as part of the phase 2 reforms) to restrict Councillors and Mayors from becoming an appellant / submitter on matters that they have previously debated and voted for in Council, committee or subcommittee meetings.

13.6. **Compliance costs of the RMA, s328 Excessive noise directions**

13.6.1. The Council thoroughly supports all provisions in the Bill that increase the fines for offences under the Act.

13.6.2. The Council is aware of one other area where it believes that costs incurred by the council should be able to be recovered from the person committing the offence. In relation to the council's duty to manage excessive noise, the Council notes that there is no mechanism in the RMA to recover the costs incurred by the Council in rendering alarms inoperable. These costs are around \$15,000 a year to the Council. Recovery of costs is only available under section 336(2)(b) where property has been seized etc. Seizing an alarm is generally considered impractical for Councils.

13.6.3. We recommend that a new subsection is added to section 328 which enables councils to recover the costs associated with attending alarm call-outs. This could be worded as:

“ ss (8) Where the Local Authority has entered a place to render an alarm inoperable that is producing or contributing to excessive noise, the owner of the property shall be liable for all reasonable costs incurred by the Local Authority”.

Reasonable costs would include contracting a locksmith and possibly council officer time.

13.6.4. **Recommendation:** Amend section 328 by adding a new subsection to enable local authorities to recover the costs of attending alarm call-outs.

13.7. **Streamlining work under the Enforcement Notice provisions (s327(3) RMA)**

13.7.1. The Council recommends that the period that excessive noise directions can remain in place for be increased from 72 hours to a minimum of 7 days, though preferably longer. It is not uncommon for a noise issue to reoccur soon after the 72 hour period is completed. In the worst cases this results in a constant repetitive cycle of issuing excessive noise directions. Enabling a longer period that the excessive noise direction is in force for will save Council costs and improve the noise environment for those affected.

13.7.2. **Recommendation:** Review the appropriateness of the 72 hour period in section 327 (3) of the RMA.

13.8. Section 32 reports

13.8.1. The requirement to produce section 32 reports (justifying the need for a plan change) adds significant time and costs to the plan preparation process. There is no question that the appropriate consideration of alternatives and justification of policies must be done in order to assess whether a plan change is required. However, to require the production of a specific report summarising all the work carried out that contributed to plan change is unnecessary as, in our experience, these reports repeat other reports required to be prepared as part of the plan change. Council papers, for example, that seek approval to notify a plan change are the main document officers must prepare and these set out the issues, justify why a plan change is necessary and the options considered as part of the process. Currently, section 32 reports are appended to the council papers.

13.8.2. **Recommendation:** Delete s35(5) and (6) of the RMA, which is the requirement to prepare a summary of the evaluation carried out and the reasons for that evaluation.

13.9. Section 35 monitoring reports

13.9.1. The monitoring requirements for territorial authorities are onerous. Monitoring needs to be more specific to policies and less focussed on state of the environment issues, which are more relevant for regional councils. Councils struggle to find the resources to achieve the requirements and it can divert scarce resourcing from other more important areas for little practical benefit. In practice, monitoring is carried out on a needs basis, ie. as part of the section 32 requirement to consider alternatives and justify policies.

13.9.2. **Recommendation:** Review the monitoring requirements for territorial authorities, specifically to repeal section 35(2)(a) and section 35(2A).

14. Representation at the Local Government and Environment Select Committee

The Council would like to take up the opportunity to present to the select committee.

On behalf of Wellington City Council:

Kerry Prendergast
Mayor

APPENDIX 1 - Wellington City Council Clause by Clause Submission

Amendments to principal Act	WCC position	Reason
<i>Clause 1</i> is the Title clause.	Support	
<i>Clause 2</i> is the commencement clause. Different sections come into force at different times. <i>Clause 147</i> , which removes the non-complying activity category from the principal Act, comes into force 3 years and 1 day after the date on which the Act receives the Royal assent. <i>Clause 151(1) and (2)</i> , containing transitional provisions relating to existing district rules that protect trees, come into force 2 years and 1 day after the date on which the Act receives the Royal assent. The rest of the Act comes into force on the day after the date on which it receives the Royal assent.	Partially Oppose	The Council does not support the removal of the non-complying activity status.
<i>Clause 3</i> provides that the Bill amends the Resource Management Act 1991.	Support	
<i>Clause 4</i> amends section 2(1). Definitions.	Support	
<i>Clause 5</i> amends section 4 so that an abatement notice, excessive noise direction, or enforcement order may be issued or made against the Crown.	Support	Entirely appropriate for the Crown to have such enforcement orders issued against them.
<i>Clause 6</i> replaces section 9. The section has been rewritten in a way that streamlines and simplifies it. The only substantive change is the addition of a reference to national environmental standards.	Support	Clarifies effect of national environmental standards.
<i>Clauses 7 and 8</i> remove material from sections 10 and 10B to assist in the streamlining and simplifying of the Act. The material removed is almost incomprehensible. It has been comprehensively overhauled and moved to the new definitions of land and use.		
<i>Clause 9</i> replaces section 11(1)(a). The paragraph is	Support	Clarifies effect of national environmental

rewritten in a way that streamlines and simplifies it. The only substantive changes are the addition of a reference to national environmental standards and the removal of references to a District Land Registrar and the Registrar of Deeds.		standards.
<i>Clause 10</i> amends section 12 to include references to national environmental standards.	Support	Clarifies effect of national environmental standards.
<i>Clause 11</i> amends section 13(1) and (2). The subsections are rewritten in a way that streamlines and simplifies them. The only substantive change is the addition of a reference to national environmental standards.	Support	Clarifies effect of national environmental standards.
<i>Clauses 12 to 15</i> amend sections 14 to 17 to include references to national environmental standards.	Support	Clarifies effect of national environmental standards.
<i>Clause 16</i> repeals sections 19 and 20 and the heading above section 19. These provisions, in amended form, have been moved to Part 5 of the Act (see <i>clause 59</i>).	Oppose	These clauses are consequential to other changes proposed that do not allow plans to take effect immediately. As those changes are not supported these changes are also not supported.
<i>Clause 17</i> inserts a heading before section 20A.	Support	Provides clarification
<i>Clause 18</i> substitutes a <i>new section 22</i> . The new section allows an enforcement officer to require a natural person breaching the Act to give the officer the person's date of birth.	Support	Useful clarification
<i>Clause 19</i> inserts a <i>new section 25B</i> . The new section authorises the Minister to direct a regional council to commence a review of the whole or any part of its regional plan and a territorial authority to commence a review of the whole or any part of its district plan.	Support	The Clause complements the repeal of the 10 year Plan review requirement.
<i>Clause 20</i> amends section 28 to remove the Minister of Conservation's functions relating to restricted coastal activities.	n/a	The Council expresses no view on the revised functions for the Minister of Conservation

<p><i>Clause 21(1)</i> rewrites section 29(1)(a) to (h) to streamline and simplify the paragraphs by putting them in a sensible order. The only substantive change is that paragraphs are added to ensure that the Minister cannot delegate to the chief executive of the Ministry for the Environment the Minister's powers to recommend the making of delegated legislation.</p>	Support	Useful clarification
<p><i>Clause 21(2)</i> authorises the Minister to delegate to the Environmental Protection Authority (established under <i>new Part 4A</i>) his or her functions, powers, and duties under sections 144, 145, and 147 (which relate to decisions on proposals of national significance).</p>	Support	The Council supports this clause as it will enable more efficient decision-making on significant applications
<p><i>Clause 22</i> amends section 34A. The first amendment clarifies that a local authority may not delegate the power to approve a proposed policy statement or plan under clause 17 of Schedule 1. The second amendment is consequential on the amendments to sections 171 to 176A that provide for the local authority to decide on a requirement for a designation (instead of making a recommendation to the requiring authority).</p>	Support	Clarifies who can and cannot approve a proposed Plan change. The Council also supports the change in approach for the approval of notices of requirement for designations.
<p><i>Clause 23</i> amends section 35 to include references to national environmental standards.</p>	Support	Clarifies effect of national environmental standards.
<p><i>Clause 24</i> amends section 36 to allow a local authority to fix charges in relation to the costs of deciding an application for a resource consent. The charges are payable by persons who request that the local authority delegates its powers to hear and decide the application in accordance with <i>new section 100A</i>. Section 36 is also amended consequentially on <i>new sections 87C to 87G</i>.</p>	Support	The Council agrees that the persons requesting independent Commissioners should be required to pay accordingly.
<p><i>Clause 25</i> inserts a <i>new section 36AA</i>. The new section requires a local authority to adopt a policy in respect of</p>	Conditionally support	See main submission for our discussion.

discounting administrative charges imposed under section 36 in the circumstances where a resource consent is not processed within the time frames set out in the Act, and the responsibility for the failure rests with the local authority.		
<i>Clause 26</i> amends section 37B to clarify when the Minister has the powers of a consent authority for the purposes of sections 37 and 37A and to include the Environmental Protection Authority as a consent authority for the purposes of those sections.	Support	Clarifies process
<i>Clause 27</i> amends section 38 so that the Minister of Conservation's power to appoint enforcement officers reflects changes made to the Minister's functions.	n/a	The Council expresses no view on the revised functions for the Minister of Conservation
<i>Clause 28</i> amends the heading to section 41 to make it more informative. It also repeals section 41(4) and moves the material to a more logical place in <i>new section 41D</i> .	Support	Simplifies Act
<i>Clause 29</i> adds a consequential cross reference to <i>new section 41D</i> .	Support	Simplifies Act
<i>Clause 30</i> inserts <i>new sections 41BA and 41BB</i> giving a local authority power to require an expert report before or during a hearing. The authority must send the report to interested parties at least 15 working days before the hearing, if briefs of evidence are being circulated, or at least 5 working days before the hearing, if they are not.	Support	Clarifies process
<i>Clause 31</i> amends section 41C. The amendments remove material from section 41C(4) as the material is now more logically placed in <i>new section 41BB</i> ; ensure that everyone involved in a hearing receives the same information; and allow the consent authority to strike out a submission by a trade competitor that does not comply with the new rules on the content of submissions by trade competitors.	Support	Clarifies process, but guidance needed from MfE on striking out of submissions.

<i>Clause 32</i> inserts a <i>new section 41D</i> , based on current section 41(4).	Support	Clarifies process
<i>Clause 33</i> amends the definition of local authority in section 42(6).	Support	Clarifies definition
<i>Clause 34</i> repeals section 42A. The substance of the section is moved to a more logical place as <i>new section 92AB</i> .	Support	Clarifies process
<i>Clause 35</i> inserts <i>new Part 4A</i> in the Act. The new Part establishes the Environmental Protection Authority and sets out its functions.	Support	Provides alternative efficient processes for assessing significant applications.
<i>Clause 36</i> provides for the Secretary for the Environment to exercise the powers, functions, and duties of the Environmental Protection Authority until the provision is repealed.	Support	Necessary transitional amendment
<i>Clause 37</i> inserts <i>new sections 43AA to 43AC</i> . <i>New section 43AA</i> collects together, from section 2(1), the definitions of terms used in this Part, and adds a definition for proposed policy statement. <i>New section 43AAB</i> sets out the definitions of district rule and regional rule and <i>new section 43AAC</i> sets out the definition of proposed plan	Support	Puts definitions into the Part of the Act to which they mostly relate.
<i>Clause 38</i> makes the heading of section 43A more accurate.	Support	Clarifies heading
<i>Clause 39</i> amends section 43B to explain more clearly how national environmental standards, rules, and consents fit together.	Support	Clarifies process
<i>Clause 40</i> replaces section 44 with a provision that enables minor and technical amendments to be made to national environmental standards more easily. It also inserts a <i>new section 44A</i> that sets out local authorities' duties in relation to national environmental standards.	Support	Clarifies process and outlines the scope of when Councils can amend plans in response to NES without going through the First Schedule process.

<i>Clause 41</i> amends section 46A to add national environmental standards to the matters the Minister must consider when choosing a process for making a national policy statement. Section 46A is also amended so that the alternative process (under section 46A(1)(b)) can be used to prepare the proposed national policy statement even if the statement specifically directs that amendments be made to a document.	Support	Clarifies process
<i>Clause 42</i> amends section 47 to restrict the liability of a member of a board of inquiry.	Support	Appropriate that BoI members should not be held personally liable.
<i>Clause 43</i> inserts a <i>new section 47A</i> . The new section gives the Minister the power to direct a board of inquiry to suspend its inquiry and the power to provide the board with additional material to consider. The powers may only be exercised before the board reports to the Minister.	Support	Will make the BoI process more flexible.
<i>Clause 44</i> amends section 50 to update a cross reference and to provide that the Minister has the right to be heard at a hearing into a proposed national policy statement. Submitters already have the right to be heard.	Tentatively support	Unsure why the Minister would need to be heard by the BOI when the Minister ultimately makes the decision and does not need to adopt the BoI recommendations.
<i>Clause 45</i> amends section 51 to require a board of inquiry to also consider any additional material provided by the Minister under <i>new section 47A</i> .	Support	Will make the BoI process more flexible.
<i>Clause 46</i> inserts <i>new section 51A</i> . The new section lets the Minister withdraw all or part of a proposed national policy statement before it is approved.	Support	Will make the BoI process more flexible.
<i>Clause 47</i> amends section 52 to provide that the Minister may withdraw all or part of a proposed national policy statement after considering the report and recommendations made by a board of inquiry.	Support	Will make the BoI process more flexible.
<i>Clause 48</i> amends section 55. That section concerns a local authority's duty to amend a document if the document is	Support	The Council supports this amendment as it will reduce costs and delays for Councils in updating

affected by a national policy statement. The amendment to section 55 more clearly distinguishes between the specific duty to amend a document in a manner directed by the statement, and the overlapping general duty to amend a document to give effect to the statement. The first type of amendment (under the specific duty) must be made without further formality, but the amendment must be publicly notified. The second type of amendment (under only the general duty) must be made using the process set out in Schedule 1.		their Plans.
<i>Clauses 49 to 51</i> amend sections 61, 66, and 74 to ensure that the effects of trade competition are treated in the same way as trade competition itself.	Oppose	See main submission for our discussion
<i>Clause 52</i> amends section 76 by inserting <i>new subsection (4A)</i> . The new subsection prohibits a rule in a district plan from providing for the protection of any tree, or group of trees, in an urban environment unless the tree or group of trees is specifically identified in a schedule to the district plan, or located within a reserve or an area subject to a conservation management plan or conservation management strategy.	Conditional support	See main submission for our discussion
<i>Clause 53</i> repeals and substitutes sections 77A and 77B to clarify how a local authority may categorise activities, make rules for activities, and specify conditions in a plan or proposed plan.	Support	Clarifies process
<i>Clause 54</i> repeals sections 77C and 77D consequentially to the amendments made in <i>clause 53</i> .	Support	Provisions no longer needed
<i>Clause 55</i> repeals section 78A as a consequence of the inserting of <i>new section 80</i> (see <i>clause 57</i>).	Support	Provision no longer needed
<i>Clause 56</i> changes the requirement in section 79(2) for a territorial authority to review its district plan at no more than	Support	Significant support for this provision. The Council already embarked on a rolling review of

10 year intervals, to a requirement to review its plan if the plan no longer assists the authority to carry out its functions in order to achieve the purpose of the Act.		all chapters in the Plan as this seemed the most practical approach to up-dating the Plan. This provision will save the Council significant cost and delays in re-notifying chapters of the Plan that have recently been amended.
<i>Clause 57</i> repeals and substitutes section 80. <i>New section 80</i> sets out when combined regional and district documents may be prepared, implemented and administered.	Support	Clarifies and extends scope of what may be in a combined Plan.
<i>Clause 58</i> amends section 82. The amendment clarifies that the process set out in Schedule 1 must be used to change a policy statement or plan to remove an inconsistency. The amendment also provides that the relevant process under section 55 must be used to amend a policy statement or plan to give effect to another policy statement.	Support	Clarifies process
<i>Clause 59</i> inserts a new heading and <i>new sections 86A to 86C</i> . These sections set out the legal effect of rules and when certain rules are to be treated as operative.	Oppose	See main submission for our discussion
<i>Clause 60</i> inserts <i>new sections 87A to 87G</i> . <i>New section 87A</i> sets out the consequences of describing an activity as being permitted, controlled, restricted discretionary, discretionary, non-complying, or prohibited. <i>New section 87B</i> sets out when certain activities must be treated as discretionary activities or prohibited activities. <i>New sections 87C to 87G</i> provide for an application for a resource consent to go directly to the Environment Court for a decision, bypassing the local authority process.	Conditional support	See main submission for our discussion
<i>Clause 61</i> makes amendments to section 88A that are consequential on <i>new sections 87A to 87G</i> .	Support	Consequential changes
<i>Clauses 62 and 63</i> amend sections 88B and 88C to clarify the time periods in sections 91, 101(2), and 115(a).	Oppose	See main submission for our discussion

<i>Clause 64</i> replaces section 92. The <i>new section 92</i> no longer deals with the provision of reports to consent authorities because that is done by <i>new section 4IAB</i> , if there is a hearing, and by <i>new section 92AB</i> , if there is no hearing.	Oppose	See main submission for our discussion
<i>Clause 65</i> clarifies that a consent authority must consider an application under section 104 even if the applicant does not meet certain obligations in relation to the consent authority requesting further information.	Oppose	See main submission for our discussion
<i>Clause 66</i> inserts <i>new section 92AB</i> . The new section deals with reports requested by a consent authority when it has decided not to hold a hearing.	Support	Clarifies process
<i>Clause 67</i> consequentially amends a cross reference in section 92B and clarifies that a consent authority must consider an application under section 104 even if the applicant does not meet certain obligations in relation to the consent authority requesting the applicant's agreement to the commissioning of a report.	Oppose	Will reduce quality decision-making and increase declined applications.
<i>Clause 68</i> repeals sections 93 and 94 and substitutes <i>new sections 93 to 94AAE</i> . The sections set out how a consent authority determines whether or not to notify an application for a resource consent and the manner in which it may do so.	Oppose	See main submission for our discussion
<i>Clause 69</i> amends section 94A to ensure that the effects of trade competition are treated in the same way as trade competition itself. It also updates a cross-reference consequential on the amendments made by <i>clause 68</i> .	Conditional Support	See main submission for our discussion
<i>Clause 70</i> repeals sections 94B, 94C, and 94D. The matters in these provisions are now covered by <i>new sections 93 to 94AAE</i> .	Oppose	Consequential changes
<i>Clause 71</i> amends section 95 by setting a 10 day time restriction for a consent authority to decide whether or not to	Support	Clarifies process

notify an application for a resource consent.		
<i>Clause 72</i> replaces section 96 to limit the rights of trade competitors to make submissions on applications.	Conditional Support	See main submission for our discussion
<i>Clause 73</i> inserts <i>new section 100A</i> . The new section applies to certain applications for resource consents. Applicants and submitters on a relevant application may request that the local authority delegate its functions, powers, and duties to hear and decide the application to at least 1 hearings commissioner who is not a member of the local authority.	Support	See main submission for our discussion
<i>Clause 74</i> amends section 102 to specify who may hear and decide matters in a joint hearing by 2 or more consent authorities if a request has been made under <i>new section 100A</i> .	Support	See main submission for our discussion
<i>Clause 75</i> amends section 103 to specify who may hear and decide matters that are considered together by a local authority if a request has been made under <i>new section 100A</i> .	Support	See main submission for our discussion
<i>Clause 76</i> inserts a <i>new section 103A</i> . The new section requires a hearing to be concluded no later than 10 working days after it is adjourned, if it is adjourned after the applicant's right of reply has been exercised	Support	Will prevent delays in hearings process.
<i>Clause 77</i> amends section 104 to add national environmental standards to the matters that must be considered when a consent authority is determining an application and also to ensure that the effects of trade competition are treated in the same way as trade competition itself. The clause also amends section 104 to direct a consent authority to have regard to whether it has adequate information to enable it to determine an application, including whether a request under <i>new section 92</i> or section	Conditional support	Support inclusion of NES into s104. See main submission for concerns about considering the 'effects of trade competition'.

92A resulted in further information or a report being available		
<i>Clause 78</i> amends section 104A.	Support	Enhances link with NES
<i>Clause 79</i> amends section 104C.	Support	Enhances link with NES
<i>Clause 80</i> amends section 113 to ensure that decisions on applications record that national environmental standards were considered. It also clarifies other matters to which the section applies.	Support	Enhances link with NES
<i>Clause 81</i> amends section 116 consequentially on <i>new section 87E</i> . Section 116 is also amended to remove the special provision for when coastal permits commence. The default commencement provisions now apply to coastal permits.	n/a	The Council expresses no view of coastal permit provisions.
<i>Clause 82</i> substitutes <i>new section 117</i> . The new section provides that a regional council is the consent authority for an application to carry out a restricted coastal activity. The section specifies the council's functions, powers, and duties for hearing and deciding on the application, and requires the council to delegate these under section 34A(1). The delegates must include 1 person nominated by the Minister of Conservation.	n/a	The Council expresses no view of coastal permit provisions.
<i>Clause 83</i> repeals sections 118, 119, and 119A. Those sections are redundant because hearing committees no longer make recommendations about coastal permits. Some of the repealed provisions are effectively replaced, under new section 117, by the default provisions that apply to an application for a resource consent.	n/a	The Council expresses no view of coastal permit provisions.
<i>Clause 84</i> amends section 120 so that the right to appeal applies to decisions about coastal permits and the Minister of Conservation may appeal against those decisions.	n/a	The Council expresses no view of coastal permit provisions.
<i>Clause 85</i> amends section 121 to remove a provision that	n/a	The Council expresses no view of coastal permit

is now redundant because hearing committees no longer make recommendations in relation to coastal permits.		provisions.
<i>Clause 86</i> amends section 128 to require a consent authority to initiate a review of the conditions of a resource consent if required by a court order.	Support	Clarifies process
<i>Clause 87</i> amends section 130 to apply the relevant provisions to the review of a coastal permit. The provisions are modified by parts of <i>new section 117</i> so that, among other things, the functions, powers, and duties relating to review must be delegated under that section. Other consequential amendments are also made.	n/a	The Council expresses no view of coastal permit provisions.
<i>Clause 88</i> amends section 131 to remove reference to hearing committees.	n/a	The Council expresses no view of coastal permit provisions.
<i>Clause 89</i> amends section 132 to apply the default provisions to the decision on review of a coastal permit. Under <i>new section 117</i> , any functions, powers, and duties in those provisions that relate to review must also be delegated.	n/a	The Council expresses no view of coastal permit provisions.
<i>Clause 90</i> amends section 139 to allow certificates of compliance to be issued for activities that comply with national environmental standards and to allow the Environmental Protection Authority to issue certificates of compliance if the proposal or activity concerned relates to a matter that is or is part of a proposal of national significance called in by the Minister under section 141B(1).	Support	Clarifies that certificates of compliance can be issued for compliance with a NES.
<i>Clause 91</i> repeals and substitutes section 140 which is the definition section that applies to the call in provisions of the Act.	Support	Clarifies process
<i>Clause 92</i> amends section 141 to clarify the role of the Minister of Conservation.	n/a	The Council expresses no view on the role of the Minister for Conservation
<i>Clause 93</i> inserts <i>new sections 141AA to 141AAI</i> . The new	Support	May create process efficiencies for significant works

sections extend the current call in provisions in the Act, including by involving the Environmental Protection Authority in the process.		
<i>Clause 94</i> amends section 141A which relates to the Minister's powers to intervene.	Support	Create a flexible process
<i>Clause 95</i> amends section 141B so that, in considering whether a matter is part of a proposal of national significance, the Minister may have regard to whether it relates to a network utility operation that extends, or is proposed to extend, to more than 1 region in New Zealand.	Support	May create process efficiencies for significant works
<i>Clause 96</i> amends section 143.	Support	Clarifies process
<i>Clause 97</i> amends section 144.	Support	Clarifies process
<i>Clause 98</i> updates a cross reference in section 145 and references in other provisions.	Support	Clarifies process
<i>Clause 99</i> amends section 146 in relation to appointing board members and restricting their liability.	Support	Clarifies process and limits liability of BoI.
<i>Clause 100</i> inserts <i>new sections 146A to 146D</i> which relate to the conduct of boards of inquiry relating to requests for regional plans or requests for changes.	Support	Clarifies process
<i>Clause 101</i> amends section 147.	Support	Clarifies process
<i>Clause 102</i> amends section 148 to restrict comments on a board of inquiry's draft report to minor or technical aspects of the report.	Support	Clarifies process
<i>Clause 103</i> amends section 149.	Support	Clarifies process
<i>Clause 104</i> amends section 149A which relates to appeals.	Support	Clarifies process
<i>Clause 105</i> amends section 149B.	Conditional Support	Clarify how local authorities can recover their costs of being involved in the process.
<i>Clause 106</i> amends section 150AA.	Support	Clarifies process
<i>Clause 107</i> removes an obsolete reference from section 154.	Support	Simplifies Act

<i>Clause 108</i> amends section 168A to update references to notification provisions. Section 168A(2) is amended consequentially on <i>new sections 87C to 87G</i> . <i>New section 100A</i> is already included in the range of provisions applied by section 168A(2), so that a request for delegation can be made under that section.	Oppose	Oppose changes to notification regime – see main submission.
<i>Clause 109</i> amends section 169.	Oppose	Oppose changes to notification regime – see main submission.
<i>Clause 110</i> amends section 171 so that a territorial authority makes the decision about a requirement for a designation, instead of a recommendation to the requiring authority who then makes the decision.	Support	Appropriate that TAs make these decisions for the reasons outlined in the TAG report.
<i>Clause 111</i> repeals section 172, which is now redundant because a requiring authority does not make the decision on its requirement for a designation.	Support	Consequential change as a result of Clause 110
<i>Clause 112</i> amends section 173 so that a territorial authority must give notice of its decision, and include the requiring authority as a recipient.	Support	Consequential change as a result of Clause 110
<i>Clause 113</i> amends section 174 to refer to the decision of the territorial authority and to add the requiring authority as a person who may appeal against the decision.	Support	Consequential change as a result of Clause 110
<i>Clause 114</i> amends section 175 to refer to the decision of the territorial authority (rather than the requiring authority).	Support	Consequential change as a result of Clause 110
<i>Clause 115</i> updates cross references in section 176.	Support	Clarifies process
<i>Clause 116</i> amends section 176A so that a territorial authority can require a requiring authority to change its outline plan, and to let the requiring authority appeal the requirement to make the changes.	Support	Appropriate that TAs exercise more control over designation process.
<i>Clause 117</i> updates a cross reference in section 177.	Support	Clarifies process
<i>Clause 118</i> amends section 189A.	Support	Clarifies process

<i>Clause 119</i> amends section 190.	Support	Clarifies process
<i>Clause 120</i> amends section 191.	Support	Clarifies process
<i>Clause 121</i> updates a cross reference in section 193A.	Support	Clarifies process
<i>Clause 122</i> amends section 194.	Support	Clarifies process
<i>Clause 123</i> amends section 203 to restrict the liability of a member a special tribunal, in the same way as for a member of a board of inquiry under amended sections 47 and 146.	Support	Clarifies process and limits liability
<i>Clause 124</i> updates cross references in section 205.	Support	Clarifies process
<i>Clause 125</i> amends section 206(2) to remove the restriction on the liability of a member of a special tribunal, which has been replaced by a different provision in section 203.	Support	Consequential change
<i>Clause 126</i> replaces an outdated reference to the Local Government Act 1974 in section 221.	Support	Updates Act
<i>Clause 127</i> updates a cross reference, and replaces an outdated reference to the Local Government Act 1974, in section 224.	Support	Updates Act
<i>Clause 128</i> amends section 245 to remove a provision that is now redundant, because the Minister of Conservation's functions have changed.	n/a	The Council expresses no view on the amended role of the Minister of Conservation.
<i>Clause 129</i> amends section 246 to consequentially amend a cross reference.	Support	Clarifies process
<i>Clause 130</i> amends section 250 to increase the number of Environment Judges who may be appointed from 8 to 10.	Support	Flexibility will be required in the Environment Court to cope with its increased functions
<i>Clause 131</i> amends section 274 to prevent trade competitors from pursuing one another through appeals to the Environment Court and to make the Attorney-General the only person who can represent the public interest.	Support	See main submission for discussion. Seek further changes to the role of s274 parties.
<i>Clause 132</i> inserts <i>new section 280A</i> which relates to extend the scope of an appeal under clause 14 of Schedule 1.	Support	Consequential change given scope of appeals narrowed.

<i>Clause 133</i> repeals section 284A. Repealing the section has the effect that the Environment Court can require security for costs.	Support	Provides flexibility to discourage known vexatious appellants. Provision used sparingly when it was in effect previously, and still requires the Council (if a defendant in proceedings) to agree amongst themselves to ask for security of costs, to which the Environment Court may still decide no.
<i>Clause 134</i> amends section 285 consequentially on <i>new section 87E</i> and <i>new Part 11A</i> .	Support	Clarifies process
<i>Clause 135</i> repeals section 289 because it is obsolete.	Support	Consequential change
<i>Clause 136</i> inserts <i>new section 290AA</i> and sets out the powers of the Environment Court in regard to appeals under clause 14 of Schedule 1.	Support	See main submission for discussion
<i>Clause 137</i> amends section 293 to clarify that it applies only to proposed policy statements and plans.	Support	Clarifies process
<i>Clause 138</i> amends section 308 which relates to appeals to the Court of Appeal.	Support	Clarifies process
<i>Clause 139</i> inserts a <i>new Part 11A</i> , which contains provisions stopping trade competitors from using the Act against one another.	Conditional support	See main submission for discussion
<i>Clause 140</i> amends section 325.	Support	Clarifies process
<i>Clause 141</i> amends section 339. The first amendment increases the maximum penalty for certain offences from \$200,000 to \$300,000, in the case of an individual, and to \$600,000, in the case of a body corporate. The penalty of imprisonment is retained for individuals. The second amendment provides that, if a person is convicted of an offence that involves an act or omission that contravenes a resource consent, the court may also make an order requiring a review of the consent to be initiated.	Support	Increases fines for offences under the Act

<i>Clause 142</i> amends section 352 to provide for the service of documents by email.	Support	Will ease administrative burden of Act
<i>Clause 143</i> amends section 357A consequentially on <i>new section 92AB(2)</i> .	Oppose	As a consequence of not supporting proposed changes to section 92
<i>Clause 144</i> amends section 358.	Support	Clarification
<i>Clause 145</i> amends section 360.	Support	Clarifies process
<i>Clause 146</i> replaces outdated references to the Minister of Transport in section 395.	Support	Updates Act
<i>Clause 147</i> removes the category of non-complying activities from the Act. The commencement of this provision is delayed by 3 years (see <i>clause 2(1)</i>).	Oppose	See main submission for discussion
<i>Clause 148</i> amends Schedule 1.	Support and oppose	See main submission for discussion on the changes to the First Schedule that are not supported.
<i>Clause 149</i> enacts <i>Schedule 2</i> , which makes minor amendments to the principal Act.	Support	Updates Act
<i>Schedule 1</i> makes amendments consequential on <i>clause 147</i> .	Oppose	Consequential changes opposed
<i>Schedule 2</i> amends the principal Act to— <ul style="list-style-type: none"> • replace references to District Land Registrars or Registrars of Deeds with references to the Registrar-General of Land because District Land Registrars and Registrars of Deeds no longer exist; • remove a reference to the Hazards Control Commission because the Hazards Control Commission never existed; • remove references to Schedule 2 because Schedule 2 no longer exists; • make technical or consequential updates. 	Support	Updates Act
<i>Clauses 150 to 163</i> make transitional provisions.	Support and oppose	The need for these provisions is consequential

		on other decisions being made, some of which we oppose (eg. removal of non-complying activities)
<i>Clauses 164 to 167</i> amend enactments other than the principal Act.	Support	Consequential changes