# Absolutely Positively **Wellington** City Council

Me Heke Ki Pōneke

# Ordinary Meeting of Kōrau Tūāpapa | Environment and Infrastructure Committee Rārangi Take | Agenda

9:30 am Rāpare, 20 Huitanguru 2025 9:30 am Thursday, 20 February 2025 Ngake (16.09), Level 16, Tahiwi 113 The Terrace Pōneke | Wellington

# KŌRAU TŪĀPAPA | ENVIRONMENT AND INFRASTRUCTURE COMMITTEE 20 FEBRUARY 2025

Absolutely Positively Wellington City Council Me Heke Ki Pôneke

# MEMBERSHIP

Mayor Whanau **Deputy Mayor Foon** Councillor Abdurahman **Councillor Apanowicz** Councillor Brown (Chair) **Councillor Calvert** Councillor Chung **Councillor Free** Pouiwi Hohaia Pouiwi Kelly Councillor Matthews (Deputy Chair) Councillor McNulty Councillor O'Neill **Councillor Pannett Councillor Randle Councillor Rogers** Councillor Wi Neera Councillor Young

#### Have your say!

You can make a short presentation to the Councillors, Committee members, Subcommittee members or Community Board members at this meeting. Please let us know by noon the working day before the meeting. You can do this either by phoning 04-499-4444, emailing <u>public.participation@wcc.govt.nz</u>, or writing to Democracy Services, Wellington City Council, PO Box 2199, Wellington, giving your name, phone number, and the issue you would like to talk about. All Council and committee meetings are livestreamed on our YouTube page. This includes any public participation at the meeting.

# AREA OF FOCUS

The Kōrau Tūāpapa | Environment and Infrastructure Committee has responsibility for:

- 1) RMA matters, including urban planning, city design, built environment, natural environment, biodiversity, and the District Plan.
- 2) Housing.
- 3) Climate change response and resilience.
- 4) Council property.
- 5) Waste management & minimisation.
- 6) Transport including Let's Get Wellington Moving.
- 7) Council infrastructure and infrastructure strategy.
- 8) Capital works programme delivery, including CCOs' and Wellington Water Limited's capital works programmes.
- 9) Three waters

To read the full delegations of this committee, please visit wellington.govt.nz/meetings.

#### Quorum: 9 members

# TABLE OF CONTENTS20 FEBRUARY 2025

Bus	Business Page No.		
1.	Mee	eting Conduct	7
	1.1	Karakia	7
	1.2	Apologies	7
	1.3	Conflict of Interest Declarations	7
	1.4	Confirmation of Minutes	7
	1.5	Items not on the Agenda	7
	1.6	Public Participation	8
2.	Peti	tions	9
	2.1	Petition: Cuba Street and Abel Smith Street Intersection Safety	on 9
3.	Ger	neral Business	13
	3.1	Public Electric Vehicle Charging 'Charged-Up Capital' Project: Scope Of Installation Works	13
	3.2	Submission on Resoure Management Act (Consenting and Other System Changes) Amendment Bill 2025	21
	3.3	Decision register updates and upcoming reports	37
4.	Pub	lic Excluded	39
	4.1	Public Electric Vehicle Charging 'Charged-Up Capital' Project: Scope Of Installation Works	39

# 1. Meeting Conduct

# 1.1 Karakia

The Chairperson will open the hui with a karakia.

Whakataka te hau ki te uru,	Cease oh winds of the west
Whakataka te hau ki te tonga.	and of the south
Kia mākinakina ki uta,	Let the bracing breezes flow,
Kia mātaratara ki tai.	over the land and the sea.
E hī ake ana te atākura.	Let the red-tipped dawn come
He tio, he huka, he hauhū.	with a sharpened edge, a touch of frost,
Tihei Mauri Ora!	a promise of a glorious day

At the appropriate time, the following karakia will be read to close the hui.

Unuhia, unuhia, unuhia ki te uru tapu nui	Draw on, draw on
Kia wātea, kia māmā, te ngākau, te tinana,	Draw on the supreme sacredness
te wairua	To clear, to free the heart, the body
l te ara takatū	and the spirit of mankind
Koia rā e Rongo, whakairia ake ki runga	Oh Rongo, above (symbol of peace)
Kia wātea, kia wātea Āe rā, kua wātea!	Let this all be done in unity

# 1.2 Apologies

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

# **1.3 Conflict of Interest Declarations**

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

# 1.4 Confirmation of Minutes

The minutes of the meeting held on 5 December 2024 will be put to the Kōrau Tūāpapa | Environment and Infrastructure Committee for confirmation.

# 1.5 Items not on the Agenda

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

# Matters Requiring Urgent Attention as Determined by Resolution of the Kōrau Tūāpapa | Environment and Infrastructure Committee.

The Chairperson shall state to the hui:

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

The item may be allowed onto the agenda by resolution of the Kōrau Tūāpapa | Environment and Infrastructure Committee.

# Minor Matters relating to the General Business of the Kōrau Tūāpapa | Environment and Infrastructure Committee.

The Chairperson shall state to the hui that the item will be discussed, but no resolution, decision, or recommendation may be made in respect of the item except to refer it to a subsequent hui of the Kōrau Tūāpapa | Environment and Infrastructure Committee for further discussion.

# 1.6 Public Participation

A maximum of 60 minutes is set aside for public participation at the commencement of any hui of the Council or committee that is open to the public. Under Standing Order 31.2 a written, oral, or electronic application to address the hui setting forth the subject, is required to be lodged with the Chief Executive by 12.00 noon of the working day prior to the hui concerned, and subsequently approved by the Chairperson.

Requests for public participation can be sent by email to <u>public.participation@wcc.govt.nz</u>, by post to Democracy Services, Wellington City Council, PO Box 2199, Wellington, or by phone at 04 499 4444 and asking to speak to Democracy Services.

# PETITION: CUBA STREET AND ABEL SMITH STREET INTERSECTION SAFETY

# Whakarāpotopoto | Summary

Primary Petition	er: Da	n Clunie	
Total Signatures	: 538	3 (as at 28/01/2025)	
Presented by:	Da	n Clunie	
Relevant Previous decisions		tline relevant previous decisions tha nsidered in this paper.	t pertain to the material being
Financial consideration		ry provision in Annual Plan / Long-	☑Unbudgeted \$X
Risk			

⊡Low
------

🗆 Medium 🛛 🗆 High

□ Extreme

Authors	Dennis Davis, Principal Transport Engineer Soon Teck Kong, Transport Engineering and Operations Manager	
Authoriser	Brad Singh, Transport and Infrastructure Manager Jenny Chetwynd, Chief Infrastructure Officer	

# Taunakitanga | Officers' Recommendations

That the Kōrau Tūāpapa | Environment and Infrastructure Committee:

1. Receive the information and thank the petitioners.

# Takenga mai | Background

- Wellington City Council operates a system of Petitions whereby people can conveniently and electronically petition the Council on matters related to Council business.
- 3. Dan Clunie opened a Petition on the Wellington City Council website on 3 July 2024.
- 4. The Petition details are as follows:
- 5. <u>https://www.change.org/p/make-the-abel-smith-street-and-cuba-street-intersection-safer</u>
- 6. The background information provided for the Petition was:

The intersection of Abel Smith Street and Cuba Street in Wellington is incredibly unsafe. This intersection has four stop signs which causes cars to get confused about when their turn to go is- this confusion means crossing the road is very stressful and scary, especially for the

vulnerable members of our community such as those who are visually impaired, those who use mobility aids, those with disabilities, the elderly, and our tamariki. We believe this intersection needs a zebra crossing or traffic lights to make it safer. We feel like the council hasn't been listening to us, we have been asking them to do this for over 5 years now yet nothing has been done.

7. The Petition closed on 28/1/2025 with 538 authenticated signatures. The list of authenticated signatures is presented as **Attachment 1**.

# Whakautu | Officers' response

# Whakarāpopoto | Executive Summary

8. Four-way STOP controlled intersection resulting in a low-speed environment

# Takenga mai | Background

9. The current layout has been in place since the 1980s. Since then, land use has changed from light commercial into an entertainment and shopping area resulting in more pedestrians crossing.

Road	Location	85 <sup>th</sup> % Speed	ADT	Year
Cuba St	61m North of intersection	34.2km/hr	2,745	2021
Cuba St	61m North of intersection	37km/hr	3,115	2011
Abel Smith St	108m West of intersection	41.3km/hr	2,754	2019
Cuba St	95m South of intersection	30.5km/hr	3,051	2019
Abel Smith St	154m East of intersection	38.6km/hr	3,475	2021
Abel Smith St	154m East of intersection	43.5km/hr	3,884	2011

10. WCC Traffic Count and Speed Data

- 11. The intersection is located within the CBD 30kph zone.
- 12. The average daily traffic counts remain relatively constant between 2011 and 2024, and are in the lower volume range.
- 13. There are no pedestrian crossing counts available at this intersection.

#### <u>Assessment</u>

- 14. The operating speeds in the vicinity of the intersection are up 10kph over the speed limit. However, all drivers must legally stop at the limit line on all approaches at this intersection, resulting in a low-speed environment.
- 15. During site observations, drivers are observed to safely comply with the four-way stop.

# Related Work

16. LGWM undertook an investigation of the intersection and developed a design to improve accessibility for pedestrians and mobility users at this intersection. The intersection improvements include raising the intersection to footpath level for easier accessibility and with ramps on all four approaches to further slow vehicle speed prior to entering the intersection. The project is currently prioritized and funding to be confirmed in the Minor Works Programme.

# Kōrerorero | Discussion

- 17. Four-way stops with courtesy crossings can cause confusion and delays for pedestrians, as they continually defer to cross due to conflicting vehicle movements.
- 18. Upper Cuba St is seeing increased pedestrian traffic as more people choose to live in the central city.
- 19. Feedback including this petition, shows people on foot and with impaired mobility find it difficult to cross and have raised safety and accessibility concerns. Our traffic engineer's assessment is that there are multiple ways to increase accessibility and improve safety and options will be investigated further, including zebra crossings etc.

# Ngā mahinga e whai ake nei | Next actions

- 20. This intersection is included in the Cuba St project, which is in the initial scoping stages. There will also be a 7-day SMART Safety analysis of this intersection undertaken as an input to the project. This will provide detailed insights into all transport mode movement patterns, critical conflicts, pedestrian and cyclist risks, and other safety concerns to support the Council's improvement initiatives.
- 21. Intersection design changes will be explored as part of the Cuba St Project.
- 22. Officers will be briefing councillors on the Cuba St project on 26th February 2025.

# Attachments

Nil

# 3. General Business

# PUBLIC ELECTRIC VEHICLE CHARGING 'CHARGED-UP CAPITAL' PROJECT: SCOPE OF INSTALLATION WORKS

# Korero taunaki | Summary of considerations

# Purpose

- 1. This report seeks decisions from the Committee on the future direction of WCC's electric vehicle charging infrastructure project 'Charged-up Capital' as directed by the Long-term Plan committee on 30 May 2024.
- 2. The costs & benefits are outlined in an appended report on the continuation of the Charged-up Capital project.

# Strategic alignment

3. The most relevant community outcomes, strategic approaches, and priorities for this paper include 1) creating a safe, resilient and reliable core transport infrastructure network; and 2) accelerating zero-carbon and waste-free transition.

# Relevant previous decisions

- 4. 29 June 2016: Low Carbon Capital Plan adopted via the annual plan process allocated 100 car parks for EV charging and Car Share.<sup>1</sup>
- <sup>5.</sup> 20 June 2019: Adoption of Te Atakura: First to Zero 2019 including allocation of \$3.4 project funding.<sup>2</sup>
- 6. 30 May 2024: The Kōrau Tōtōpū | Long-term Plan, Finance, and Performance Committee meeting resolved "that Year 1 funding for the installation of EV Chargers already approved is retained within the LTP (bringing total installed to 34) and that funding beyond this amount is removed, pending further advice on the costs and benefits of proceeding with installation of the remaining 26 chargers. As part of this advice Officers are also to investigate the potential to sell existing EV chargers to recover Council's investment." This report deals with the first part of this resolution and the second part is in the public excluded companion paper.

# Significance

7. The decision is **rated low significance** in accordance with schedule 1 of the Council's Significance and Engagement Policy.

<sup>&</sup>lt;sup>1</sup> <u>https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/plans-and-policies/annualplan/2016-17/wcc-annual-plan-2016-17-</u>

pdf.pdf?la=en&hash=B65F9876F1B716C9BD135C919C9EEB2D089C101E

<sup>2</sup> https://wellington.govt.nz/~/media/your-council/meetings/committees/city-strategy-

committee/2019/06/20/22-te-atakura--first-to-zero.pdf

#### **Financial considerations**

🗆 Nil	Budgetary provision in Annual Plan / Long-	☑ Unbudgeted \$X
	term Plan	

- 8. Should the Council decide to continue with the installation of chargers up to the previously decided 60, an additional \$1.3m would be required.
- 9. Should the Council decide to dispose of the uninstalled charger units and associated equipment, there may be some cost recovery and/or costs associated. Officers would need to engage the market to determine a financial value of the hardware.
- 10. Income from installed units will continue to provide a minor revenue source for council.

#### Risk

🛛 Low

□ High

□ Extreme

11. The works required to deliver the options in this paper are relativly well-known. As such, the risk rating is low.

Author	Peter Jones, Project Development Manager - EV Chargers
Authoriser	Vida Christeller, Manager City Design
	Moana Mackey, Chief Advisor to Chief Planning Officer
	Liam Hodgetts, Chief Planning Officer

#### Taunakitanga | Officers' Recommendations

Officers recommend the following motion:

That the Korau Tuapapa | Environment and Infrastructure Committee:

□ Medium

- 1. Receive the information.
- 2. Confirm the reduction of EV chargers to be installed through the Charged-up Capital project from 60 to 34 charging units.
- 3. Approve officers to dispose of the unused 26 charging units.

#### Whakarāpopoto | Executive Summary

- 12. WCC has installed 34 of the 60 chargers in scope of the Charged-up Capital project. This meets WCC contractual obligations to suppliers.
- 13. The installed network is achieving the benefits sought in the 2019 business case. The project has addressed the main barrier to residents switching to low-carbon EVs being the lack of publicly accessible EV charging facilities. It is the view of officers that continuing to install EV chargers is now no longer likely to significantly improve the benefits that are currently being achieved by the project. Therefore, it is recommended that the scope of installation be limited to the 34 EV charging units that have been installed.
- 14. It is recommended that council dispose of the remaining 26 charging units.

# Takenga mai | Background

- 15. In 2016/17 Council adopted the Low Carbon Capital Plan (LCCP), which included making 100 car parks across the city available for EV charging and Car Share via the Annual Plan process. The Annual Plan process went through full public consultation and factored in the expected loss of revenue for the car parks (up to a third of which could be made available in the central city).
- 16. In 2017, there was only one publicly available EV charger in Wellington City a slow "trickle charger" at the now demolished Z service station on Featherston Street. Given one of the biggest barriers to EV uptake globally was "range anxiety" the fear of not being able to find a charger when you need it the need for charging infrastructure was critical in enabling the uptake of electric vehicles. Particularly with the battery capacity of the first generation EVs beginning at ~100km for a Mitsubishi i-MiEV (compared to ~400km for a first-generation Tesla).
- 17. A particular challenge for EV uptake in Wellington City is that, according to 2024 WCC Core Property System data, 40% of living units in Wellington do not have off-street parking so are unable to charge at home. For those residents, publicly accessible charging infrastructure is the primary option to charge their vehicle.
- 18. This meant that the uptake of the more affordable (but smaller battery) EVs was not happening and as such the private sector was not interested in investing in charging infrastructure.
- Councils across the country were approached to partner on provision of infrastructure to break this impasse. Councils were seen as a natural partner given, they own many public facilities and land conducive for community EV charging (e.g. pools, libraries, sports fields etc).
- 20. In the ensuing three years Council provided spaces for three 50kW fast chargers and several AC 'slow' chargers at key locations.
- 21. WCC also installed fourteen 7kw AC 'slow' chargers in residential areas in partnership with EECA and ChargeNet. Most of the financial investment for these chargers was provided by EECA and Chargenet.
- 22. In 2019 officers were asked to develop options to expand the network. Officers prepared an option for a network of 25kW chargers across the city at Council facilities. The 25kW chargers were chosen as they could fully charge a car like a Nissan Leaf in an hour (which aligned with the general amount of time spent at these facilities) and be more easily fitted with the existing electrical infrastructure. This expansion was adopted through Te Atakura: First to Zero later that year.
- At the same time as adopting Te Atakura, Wellington City Council declared a Climate Emergency. Petrol and diesel emissions associated with cars contributed 24% of the city's carbon emissions.
- 24. Making the switch to electric vehicles (EVs) is an essential component of our zero emissions future, as they reduce emissions by 80% compared to combustion engine vehicles (after production-related emissions are factored in). Initiatives to enable more Wellingtonians to make the shift to low-carbon transport modes are some of the most effective ways that we can achieve our 2050 zero emissions target.
- 25. In 2020 in accordance with the adoption of Te Atakura, WCC initiated the 'Chargedup Capital' project to accelerate EV adoption.

# KŌRAU TŪĀPAPA | ENVIRONMENT AND INFRASTRUCTURE COMMITTEE 20 FEBRUARY 2025

- 26. The project was designed to complement investment by the private sector. The private sector predominantly seeks to install high-power charging facilities (50kW+ DC charging) in central locations. Opportunities to install this infrastructure is limited in Wellington due to the power, space, and land ownership restrictions.
- \$3.4m was allocated in the 2021-2031 long term plan to deliver the installation of 60 24kW DC EV chargers.
- 28. An open market Return for Procurement was run in 2020 to appoint a provider to install and operate the services. A 5+5 year service provision contract was awarded to Meridian Energy Limited.
- 29. WCC received \$498,785 of funding from the Energy Efficiency & Conservation Authority (EECA).
- 30. WCC purchased the hardware for 60 EV charging stations at the outset of the project. This includes the charging units and the mounting plinths.
- 31. As of 31 October 2024, 34 'Charged Up Capital' EV chargers have been installed across 16 sites around Wellington.
- 32. Actual spend to 30 November 2024 for the 'Charged-up Capital' project is \$2.5m (~\$2M WCC funded and ~\$0.5m EECA funded).
- 33. In the 30 May 2024 meeting, Kōrau Tōtōpū | Long-term Plan, Finance, and Performance Committee agreed the following: that Year 1 funding for the installation of EV Chargers already approved is retained within the LTP (bringing total installed to 34) and that funding beyond this amount is removed, pending further advice on the costs and benefits of proceeding with installation of the remaining 26 chargers.
- 34. The modelled income and commercial details of the chargers indicate that the net gain to council is likely to be achieved over time and depending on market uptake of EVs. These details can be found in the Public Excluded companion paper.
- 35. Future use of the network is expected to increase. The uncertainty of this market increase (noting the wide range of influences) makes modelling future charger use challenging. Therefore, the modelling used assumes current use rates.
- 36. The scope of this paper is limited exclusively to the 'Charged-up Capital' project. Details on the ownership, use, decision making or commercial agreements of any other EV charger in the Wellington area are not discussed here

# Korerorero | Discussion

- 37. It is the view of officers that the 'Charged-up Capital' project has achieved its primary objective of contributing to the availability of publicly accessible EV charging.
- 38. Access to public EV charging infrastructure is no longer considered a primary barrier to adoption of EVs. This is evidenced by the current network not being at capacity.
- 39. EV chargers have now been installed in most suburbs in Wellington. A map of the installation locations is included as an attachment.

- 40. With a publicly accessible EV charger network now in place and meeting current demand, it is unlikely that continuing to install chargers through this project would significantly contribute to an increase in the uptake of EV ownership in Wellington. The investment from the private market in EV charging services has grown since the implementation of the 'Charged-up Capital' project.
- 41. In addition, the power, space requirements and land permissions required to install EV chargers limit further feasible locations available to install more on-street chargers.
- 42. WCC purchased assets for 60 EV charging stations (including both the mounting plinths and charging units) at the outset of the project. The remaining 26 assets are in storage awaiting the decision on this paper. Officers would need to go to market to establish if there is a market and if so the market rate of the remaining uninstalled plinths and charger units.

# Kōwhiringa | Options

- 43. Confirm the reduction of EV chargers to be installed through the Charged-up Capital project from 60 to 34 chargers and dispose of the purchased unused assets.
- 44. Continue with installation of chargers in the Charged-up Capital project and retain WCC ownership of the chargers. Two sub-options are available:
  - a) Include \$1.3m in the next LTP to enable the installation of the remaining 26 EV chargers (bringing the total installed to 60 chargers listed in 2022 Te Atakura Implementation Plan).
  - Restore the budget from the 2021-2024 LTP budget into the 2025-2035 LTP and install the maximum number of chargers available within this budget (approximately 20 more chargers).

# Whai whakaaro ki ngā whakataunga | Considerations for decision-making

- 45. The modelled income from the user charges for the installed network of 34 chargers is currently included in the 2024-2034 Long-Term Plan.
- 46. There is no CAPEX in the 2024-2034 LTP (or LTP amendment) to continue installation of EV chargers.

#### Alignment with Council's strategies and policies

- 47. 2019 Te Atakura: First to Zero
- 48. He Rautaki Ōhanga Oranga Economic Wellbeing Strategy

# **Engagement and Consultation**

49. New proposals for EV chargers through the Charged-up Capital project are subject to public consultation through the Traffic Resolution Process. No engagement and consultation are required for the decisions sought from this paper.

# Māori Impact Statement

50. The impact of the installation of EV charging services is not considered of significance to Māori.

# **Financial implications**

51. There are minor financial implications. These are addressed in the discussion section above.

#### Legal considerations

52. The installation contract with Meridian Energy Limited lists 30 chargers as the minimum commitment to install. WCC are not contractually committed to install any more chargers.

# **Risks and mitigations**

53. There are no substantial risks to the council from the options presented in this paper.

# Disability and accessibility impact

54. There are no substantial disability and accessibility impacts of the options presented in this paper.

# **Climate Change impact and considerations**

- 55. This project was a key initiative in the 2016 Low Carbon Capital Plan and the 2020 Te Atakura: First to Zero Implementation Plan.
- 56. As the project has now met its objectives continued installation is not likely to have a significant impact on the uptake of electric vehicles in Wellington, the decision on whether to continue to install chargers is likely to have a negligible impact on Wellington carbon emissions.

# **Communications Plan**

57. The decisions made regarding the future of the Charged-up Capital project and the installations will be reported through the existing Te Atakura communications.

#### Health and Safety Impact considered

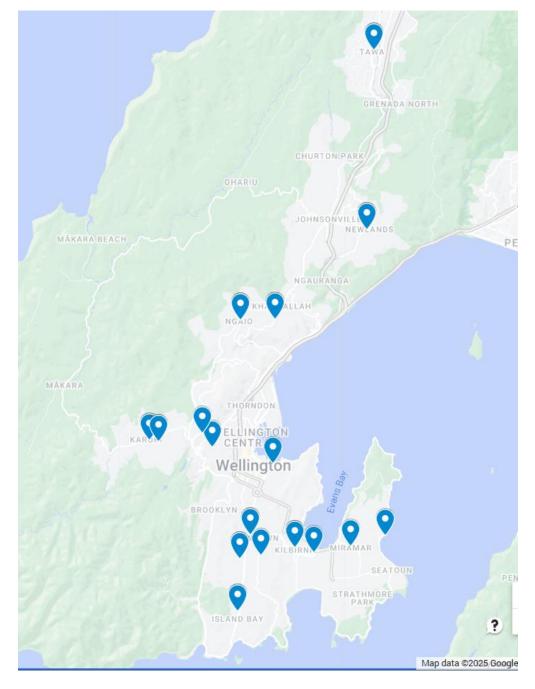
58. There are no substantial health and safety impacts of the options presented in this paper.

# Ngā mahinga e whai ake nei | Next actions

- 59. Following the decision by the council,
- a) Officers will either continue to install chargers or dispose of unused assets.
- b) Officers will continue to manage the installed network of EV chargers as part of business as usual.

#### Attachments

Attachment 1. Map of EV Charger locations installed through the Charged-up Page 19 Capital project



Attachment 2: Map of EV charger locations installed through the 'Charged-up Capital' project

# SUBMISSION ON RESOURE MANAGEMENT ACT (CONSENTING AND OTHER SYSTEM CHANGES) AMENDMENT BILL 2025

# Korero taunaki | Summary of considerations

# Purpose

1. This report to the Environment and Infrastructure Committee seeks approval to submit to Parliament's Environment Select Committee on the Resource Management (Consenting and Other System Changes) Amendment Bill 2025.

# Strategic alignment

2. The most relevant community outcomes, strategic approaches, and priorities for this paper include:

#### Community outcomes

- Cultural Wellbeing A welcoming, diverse and creative city
- Social Wellbeing A city of healthy and thriving whanau and communities
- Economic Wellbeing An innovative business friendly city
- Urban Form A liveable and accessible, compact city
- Environmental Wellbeing A city restoring and protecting nature

#### Strategic approaches

- Engaging our community
- Value for money and effective delivery

#### **Priorities**

• Increase access to good, affordable housing to improve the wellbeing of our communities

#### Relevant previous decisions

 The Council generally chooses to submit on Resource Management Act changes, most recently the Resource Management (Freshwater and Other Matters) Amendment Bill on 30 June 2024, and the Granny Flats/Minor Residential Units discussion document on 7 August 2024.

# Significance

4. The decision is **rated low significance** in accordance with schedule 1 of the Council's Significance and Engagement Policy, as there is a low impact on Council's ability to perform its role.

#### Financial considerations

🖾 Nil	Budgetary provision in Annual Plan / Long-	□ Unbudgeted \$X
	term Plan	

5. The submission has no direct financial impact.

#### Risk

🖂 Low

□ Medium

🗆 High

□ Extreme

6. Reputational or other risks resulting from approval of the submission are expected to be limited to consistency with earlier council submissions on related government proposals for resource management reform.

Author	Michael Duindam, Manager District Planning
Authoriser	Sean Audain, Manager Strategic Planning
	Liam Hodgetts, Chief Planning Officer

# Taunakitanga | Officers' Recommendations

Officers recommend the following motion:

That the Kōrau Tūāpapa | Environment and Infrastructure Committee:

- 1. **Receive** the information.
- 2. **Approve** the attached submission on the Resource Management (Consenting and Other System Changes) Amendment Bill 2025 (Attachment 1).
- 3. **Authorise** the Chair of the Kōrau Tūāpapa Environment and Infrastructure Committee to sign and make minor alterations to the submission.

# Whakarāpopoto | Executive Summary

- 7. Parliament's Environment Committee has <u>called for submissions on the Resource</u> <u>Management (Consenting and Other System Changes) Amendment Bill 2025</u> (the Bill).
- 8. The Bill amends a range of existing Resource Management Act (RMA) provisions across infrastructure and energy, housing growth, farming and the primary sector, natural hazards and emergencies, and system improvements.
- 9. This report presents Council with a draft submission to consider. The draft submission focuses on the RMA amendments relevant to the Council's operations: changes to heritage listings, resource consent hearings, natural hazards, making the Medium Density Residential Standards optional, the Streamlined Planning Process, resource consent changes, monitoring and enforcement tools, designations, and other smaller system improvements.
- 10. The draft submission generally supports the Bill's changes on these topics and suggests ways that they can work better. It also supports the proposed Streamlined Planning Process to "de-list" heritage buildings from the district plan, noting this will need national direction or other consequential RMA amendments as well.
- 11. The preferred option is Option 1 to approve the attached submission for lodgement with the Environment Select Committee.
- 12. This option ensures that Council positively influences these RMA amendments so they can work better for Wellington City and other councils.

# Takenga mai | Background

- 13. This Bill is part of a broader reform programme that includes:
  - Repealing the Natural and Built Environment Act and Spatial Planning Act in December 2023
  - Making it easier to build granny flats discussion document submissions closed August 2024
  - The Resource Management (Freshwater and Other Matters) Amendment Act enacted in October 2024
  - The Fast-track Approvals Act enacted in December 2024
  - Seven new national direction instruments, and fourteen amended national direction instruments, bundled into four packages: Energy and Infrastructure, Housing, Farming and the Primary Sector, and Emergencies and Natural Hazards. Due to be released for formal consultation in early 2025
  - Replacing the RMA with two new Acts: one to manage environmental effects arising from activities, and the other to enable urban development and infrastructure. These are scheduled to be introduced in mid-2025 and to become law mid-late 2026.
- The Bill was introduced to Parliament on 9 December 2024 and had its first reading on 17 December 2024. It is due to become law in mid-2025. The Bill amends the RMA to progress Government priorities and makes changes in five broad areas:
  - **Infrastructure and energy**: the changes will give effect to the Government's Electrify NZ reforms.
  - **Housing**: reforms to enable the first pillar of the Government's Going for Housing Growth policy, including allowing councils to opt out of the Medium Density Residential Standards. It will also provide new intervention powers for the Minister for the Environment, to ensure councils comply with national direction.
  - Farming and the primary sector: a reduction in the overlap between the RMA and the Fisheries Act 1996, changes to marine farming consent processes; freshwater farm plan changes, and resource consent applications for wood processing must be decided within one year.
  - **Emergency and natural hazards:** responses to natural hazards and emergencies will be made more efficient. It will also ensure the planning system is not allowing inappropriate development in areas with significant natural hazard risk.
  - **Resource management system changes:** higher fines for non-compliance and changes to how resource consent applications are managed. It will also provide councils with a quicker process for delisting heritage buildings.
- 15. The closing date for submissions on the Bill is 10 February 2025. Officials asked the Chair of the Environment Committee for an extension so that the Council can meet to discuss the content. The extension was approved; the closing date for the Council is now 21 February 2025.

# Kōrerorero | Discussion

16. The draft Council submission (Attachment 1) generally supports the changes in the Bill. It does not comment on changes for infrastructure, energy, farming and fisheries, as these specific changes, when considering the detail of their focus, have little effect on Wellington City and the Council's activities.

#### The main points in the draft submission:

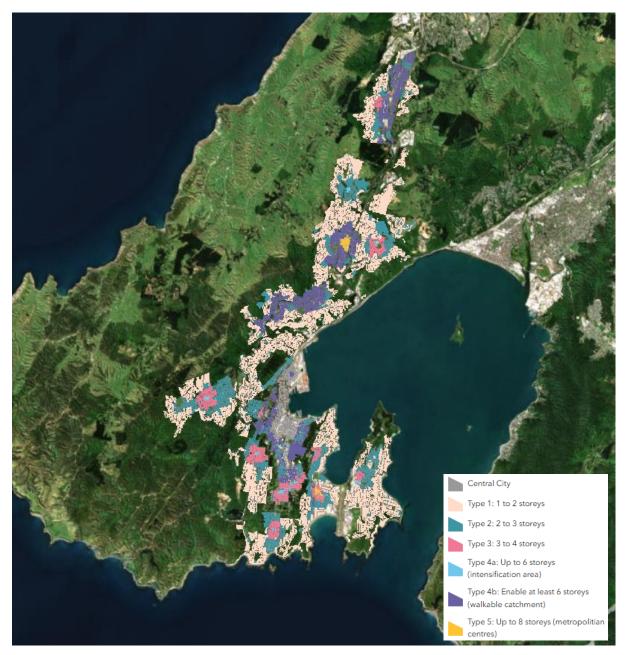
• Using a streamlined planning process to de-list heritage buildings is not changing underlying weighting and decision factors and would benefit from national direction guidance and/or further legislation changes.

# KŌRAU TŪĀPAPA | ENVIRONMENT AND INFRASTRUCTURE COMMITTEE 20 FEBRUARY 2025

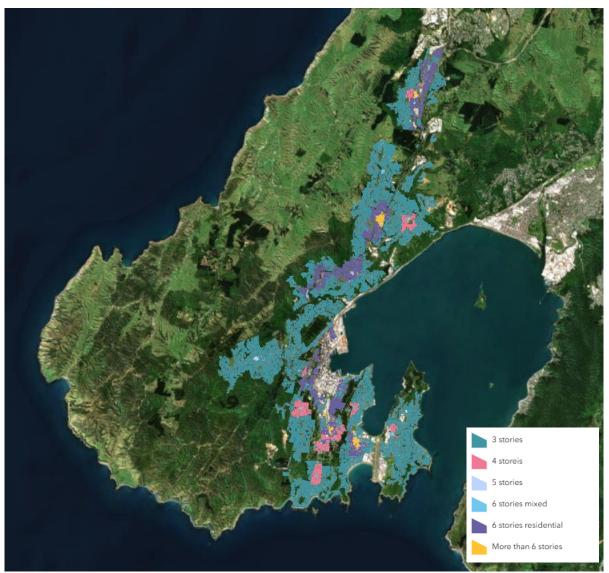
- The streamlined planning process should be available for listing and amending heritage items as well as removing them.
- Being required to waive resource consent hearings if Council has "enough information" aims to reduce timeframes and costs. But it also adds another decision point that could be challenged in appeals and judicial reviews.
- Applicants should be allowed a written right of reply about the submissions on their applications if a hearing is not allowed.
- Support for proposed natural hazard rules taking legal effect on notification.
- Support for the ability to refuse to grant a resource consent or to grant with conditions if the Council knows about significant natural hazard risk and extend this so the Council can exempt natural hazard rules applying where the Council knows that natural hazard risk does not exist (for example, if land is uplifted or new modelling is available).
- Support for national direction on natural hazard risk.
- Support for the option, process and timeframe for councils to choose whether to keep, amend or remove the Medium Density Residential Standards (MDRS) from the district plan, with a small clarification about when a council just removes some of the MDRS.
- Support for the Streamlined Planning Process amendments.
- General support for the RMA process amendments, including the designations process.
- Support for the amendments to strengthen monitoring and enforcement tools.

# Medium Density Residential Standards are already in the District Plan; the Council would need to decide whether to keep, amend, or remove them

- 17. The MDRS are an amendment to the RMA that took legal effect from August 2022. They allow three houses up to three storeys high per lot as a permitted activity in residential zones, if some basic building standards are met. Exemptions can only be for specific reasons listed in the MDRS, or other reasons justified by site-specific analyses, and only to the extent necessary to address the specific issue or value.
- 18. The Council gave full effect to the MDRS in March 2024 when it made decisions on the Tranche 1 provisions of the new district plan. The MDRS has effectively enabled medium density across most of Wellington City's residential zones, well beyond the areas identified for medium density in the Wellington City Spatial Plan, as shown in the two maps below. *Map 1* shows the zoning patterns from the 2021 Spatial Plan, while *Map 2* uses the same map layers but applied to the 2024 District Plan that incorporates MDRS.



Map 1: 2021 Spatial Plan Residential Zoning Pattern



Map 2: 2024 District Plan Residential Zoning Pattern

- 19. In addition to the implementation of MDRS across our residential areas, Council also upzoned in and around Centres Zones. For example, a minimum height of six stories now applies in the High Density Residential Zone. Furthermore, height limits under the 2000 District Plan have been removed and replaced with height thresholds, where developments seeking to go above height can apply to do so via resource consent. Height thresholds vary across the City Centre Zone. These changes collectively enable significantly more development capacity than the 2000 District Plan.
- 20. If this Bill passes, the Council would have one year to decide whether to keep, alter or remove the MDRS in the district plan, and inform the RMA Minister. If the decision is to alter or remove the MDRS, the Council must prepare a District Plan change to do this and to apply a revised National Policy Statement on Urban Development (NPS-UD) in the district plan.

# Kōwhiringa | Options

# **Option 1 – Approve the attached submission (recommended)**

21. Lodgement of this submission provides the Council with an opportunity to improve these amendments to the RMA to make them work better for Wellington City and other councils.

#### **Option 2 – Do not approve the attached submission (not recommended)**

22. The Council could decide not to make a submission on the Bill. This would limit the Council's opportunity to constructively influence changes to the Bill.

# Whai whakaaro ki ngā whakataunga | Considerations for decision-making

# Alignment with Council's strategies and policies

- 23. The submission and its content are in alignment with Council's strategies and policies as set out below:
  - Our City Tomorrow He Mahere Mokowā mō Pōneke A Spatial Plan for Wellington City 2021
  - Wellington City 2024 District Plan: Council Decisions Version
  - Heritage Resilience and Regeneration Fund
  - Wellington City Heritage Policy 2010
  - Wellington City Council's 11 November 2021 submission to the Environment Select Committee on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill including Medium Density Residential Standards
  - Housing Action Plan 2023 -2025

# Engagement and Consultation

24. No specific engagement and consultation have been undertaken with the public in the preparation of the submission other than internal consultation with business units.

#### Māori Impact Statement

- 25. Copies of our submission have been shared with our Tākai Here partners. However, due to limited time to prepare our submission, feedback on our submission was not able to be received or incorporated prior to reporting deadlines for this Committee. Any feedback received prior to the Committee meeting will be relayed for consideration.
- 26. In lieu of feedback from our Tākai Here partners, the submission commends any submission that these partners may make to the Environment Select Committee.
- 27. With regards to heritage-related proposals in the Bill, sites of significance to Māori are not affected.
- 28. The RMA procedural changes in this Bill do not directly affect the goals in the Council's Tūpiki Ora Action Plan.

# **Financial implications**

29. There are no direct financial implications relating to approving this submission.

#### Legal considerations

30. There are no direct legal implications resulting from approval of this submission. The draft submission discusses the risk of more judicial reviews if the Council is required to not hold hearings for contentious resource consent applications.

#### **Risks and mitigations**

31. Reputational or other risks resulting from approval of the submission are expected to be limited to consistency with earlier council submissions on related government proposals for resource management reform.

# Disability and accessibility impact

32. There are no impacts on disability or accessibility resulting from approval of the submission.

# **Climate Change impact and considerations**

- 33. A simplified process for adding, removing and changing heritage listings as proposed in the Bill may have a benefit for heritage structures that are affected by long-term sealevel rise, for example sea walls.
- 34. The ability in the Bill to decline resource consent applications in high natural hazard areas is useful when new information about climate change impacts not fully incorporated in the district plan becomes available.

#### **Communications Plan**

35. A communication plan has not been prepared for the release of this committee paper and associated submission.

#### Health and Safety Impact considered

36. There are no health and safety impacts arising from the submission.

#### Ngā mahinga e whai ake nei | Next actions

37. If the attached submission is approved by the Kōrau Tūāpapa Environment & Infrastructure Committee, with any amendments, the submission will be formally lodged with the Environment Select Committee no later than 24 February 2025.

#### Attachments

Attachment 1. Submission on RM (Consenting and Other System Changes) Page 29 Amendment Bill

Absolutely Positively Wellington City Council Me Heke Ki Põneke

Committee Secretariat Environment Committee Parliament Buildings Wellington

10 February 2025

#### Tēnā koutou

#### INTRODUCTION

- 1. Wellington City Council (the Council) thanks the Environment Select Committee for the opportunity to provide feedback on the proposed Resource Management (Consenting and Other System Changes) Amendment Bill (the Bill).
- 2. Wellington City Council supports the intent of the Bill to simplify the planning system and give more people the opportunity to build homes. The Council's own Community Outcomes in the 2024 Long Term Plan align to this intent though increasing access to good, affordable housing to improve the wellbeing of our communities. Ensuring that there is space for homes to be built is important for Wellington City which needs 20,000–32,000 new houses over the next 30 years.
- 3. Our submission focuses on parts of the Bill that impact the Council's day-to-day operations, particularly:
  - Heritage
  - Hearings
  - Natural hazards
  - Making the MDRS optional
  - The Streamlined Planning Process
  - Resource consent changes/system improvements
  - Monitoring and enforcement
  - Designations.

#### Heritage

Amendments to Section 80C of the RMA alone will not provide certainty and simplify the process for de-listing heritage buildings

 The Council values heritage, committing approximately \$380 million to strengthening and conservation projects for its own heritage buildings in the past 5 years and providing approximately \$1.9 million in funding to private building owners through the Heritage

Wellington City Council

PO Box 2199 Wellington 6140 New Zealand

Resilience and Regeneration Fund and Built Heritage Incentive Fund. Council has also completed a review of its heritage list and rules through our 2024 District Plan.

- 5. A number of challenges have arisen from these processes, largely stemming from the statutory framework that governs planning, building and continuing to evolve whilst Heritage provisions remained relatively static. The effect of this divergence has meant that it is in practice decisions to list buildings that were taken many years before present Building Act requirements for seismicity, accessibility or health and safety do not have a practical way of being reviewed and rebalanced in light of these evolving concerns. This leads to a limitation of options for building owners in how they might meet these challenges and can lead to regulatory failure where there is no practical mechanism for an owner to strengthen or demolish. Where this occurs a building will become derelict and fall out of use leading to poor outcomes for neighbours, communities and the city. This limitation of options can be seen in a number of high profile cases in Wellington City including the Town Hall and the Gordon Wilson Building.
- 6. The present inability to have a clear and practicable pathway that allows both listing and delisting of heritage listings in the light of evolving statutory duties is a source of the present tension within the Building Regulatory System. This tension is likely to exacerbate as previous historical decisions to list infrastructure such as sea walls and tunnels restricts or adds expense to ratepayers and taxpayers for adaptation options for climate change or investment in new infrastructure programmes. Similar tensions can be seen in the requests of liwi for the reinterpretation or delisting of places protected by Heritage Regulations.
- 7. We recommend that, as well as the Section 80C amendments, the government issues national direction to clearly define the thresholds for what can be considered heritage, and how its significance should be weighted against other priorities. This would allow Councils to confirm the balance of factors in protecting heritage buildings and confidently assess the heritage items within District Plan Schedules, removing items that do not meet the established criteria and keeping and adding items that do, through a Streamlined Planning Process (SPP). This would assist in restoring the proportionality of duty to effort that lies at the heart of good regulation. This proportionality is important to preserve as there are heritage buildings which if lost would be detrimental to New Zealand and future generations.
- 8. We note that this approach of national direction was the preferred option in the Regulatory Impact Statement on "Better Managing Outcomes for Historic Heritage".
- 9. Wellington City has 575 heritage-listed buildings in its District Plan. Most were rolled over or added through the recent District Plan Intensification Streamlined Planning Process (ISPP) without opposition. However, the community and local councillors contested several listings.

Wellington City Council

PO Box 2199 Wellington 6140 New Zealand

- 10. On 14 March 2024, the Council rejected the ISPP Independent Hearing Panel (IHP) recommendation to retain 10 specific heritage buildings (including the Gordon Wilson Flats) and instead recommended their removal from the heritage schedule. The deciding Minister went with the IHP's recommendation to keep the heritage listings due to insufficient evidence to support the delisting.
- 11. The Minister acknowledged our Mayor Tory Whanau's letter on ways to make it easier to delist heritage buildings, and said he had asked for advice on this matter. The Bill's proposed amendments to Section 80C appear to be a response to this request, with a SPP for delisting heritage buildings.
- 12. Whilst we support the introduction of an SPP to make a plan change faster . The SPP however will likely face the same barrier that impedes present processes, in that once an item is determined heritage it's protection is a matter of national importance regardless of its significance or public opinion, or the importance of other matters such as maintenance and upgrading infrastructure. In order to remedy this further amendment to the RMA may be required to more clearly balance matters of heritage with other considerations or provide for degrees of approach proportionate to significance and other factors. The Bill as drafted without further national direction or amendment is likely to bring the Council to the same position of being unable to de-list heritage items with certainty through a faster process, similar to what happened to the Council and the Minister through our ISPP.

#### Request for Broader Application of Section 80C RMA Amendments

- 13. We recommended that Section 80C allow councils to use a SPP to list and amend listing of heritage items, not just remove them. The Bill's Explanatory Note says the Bill intends to "simplify the **listing and** de-listing of heritage buildings and structures." However, the proposed amendment to Section 80C only addresses the removal of heritage protection (i.e. de-listing).
- 14. The current proposed amendments to Section 80C of the RMA only apply to heritage buildings or structures. However, the Wellington City District Plan also includes heritage protection for Heritage Areas and non-heritage buildings that contribute to these areas. Clarification is sought as to whether these elements were intentionally excluded. If not, it is recommended that Section 80C be expanded to encompass all heritage listings within District Plans, not solely heritage buildings and structures.

#### Hearings

15. The Bill proposes to amend Section 100 of the RMA stipulating that a hearing must not be held if the consent authority has sufficient information to make a decision on the application.

Wellington City Council

PO Box 2199 Wellington 6140 New Zealand

- 16. We recognise the amendment aims to reduce timeframes and lower costs for resource consents. However, the change would cause some implementation problems that could be mitigated through guidance, or more specificity within this RMA amendment.
- 17. The amendment introduces uncertainty about whether a Council truly has adequate information to forgo a hearing. People can then challenge this discretionary decision through a judicial review or an Environment Court appeal. In our experience, submitters often expand on their written submissions during hearings, presenting new information and insights not previously captured in writing. Furthermore, individuals are more inclined to challenge decisions if they feel their concerns have not been fully considered or heard. The amendment could unintentionally increase time and costs at the final stages of the consent process because of appeals or judicial reviews. To limit this risk, Council staff are likely to make conservative decisions on whether there is sufficient information to waive a hearing.
- 18. Additionally, if the Council decides that a hearing must not be held, the applicant does not have a chance to present critical information in response to submissions, more evidence to counteract submitter claims, or how submitter concerns can be mitigated. Normally this could be set out through the hearing.
- 19. To mitigate this risk, we recommend that applicants be allowed to respond to submitters when a hearing is waived. Specifically, we propose the following amendments:
  - 16.1 Amending new Section 103BA to require Council to provide all of the information listed in Section 103BA *prior* to a decision on the resource consent being made.
  - 16.2 Amending Section 100 to add another matter below (3) which reads: 'Where a decision has been made not to hold a hearing, the consent authority must send all evidence outlined in Section 103BA to the applicant. The applicant shall then have 10 working days to respond in writing to the consent authority with their own evidence in response'.
- 20. If the proposed amendment proceeds, the Council will add information on our website informing submitters that a hearing may not be held, even if they want one. We also recommend that the Ministry for the Environment include this information on their relevant webpages so councils can refer to nationally consistent messages.

#### Natural hazards

We support proposed natural hazard rules having legal effect

21. The Bill's amendments to sections 80E, 86B and 106A of the RMA<sup>1</sup> are positive because they elevate the importance of managing natural hazard risks. In particular:

Wellington City Council

PO Box 2199 Wellington 6140 New Zealand

<sup>&</sup>lt;sup>1</sup> Natural Hazards can form part of an Intensification Planning Instrument (IPI), rules relating to natural hazards will have immediate legal effect at the time of public notification, and land use consent can be declined where there is a significant risk from natural hazards.

- 18.1 The amendment to Section 80E allows natural hazard management to be included in an IPI, even if it does not affect the Medium Density Residential Standards (MDRS) or qualify as a qualifying matter. This broadens the scope for including hazard management in plan changes and ensures the provisions are not subject to appeals, speeding up their implementation.
- 18.2 The amendment to Section 86B of the Act elevates natural hazard management in line with other Section 6 matters.

We support the ability to refuse consent or add conditions if a land use will result in a s significant hazard risk, .

- 22. The amendment to Section 106 of the RMA to create new 106A of the RMA which relates to land use consents is positive. This will enable Councils to manage significant natural hazard risk for land use consents, particularly where a district plan does not include provisions to manage a specific natural hazard (such as through mapping and associated policies and rules) in a similar way to that provided for subdivision consents under s106. However, it is unclear why the approach to land use activities needs to differ to the current approach to subdivision under s106.
- 23. Council recommends that 106A(1)(a) is re-worded to recognise that, particularly in Wellington, very few sites will have no existing risk from natural hazards, and that significant risk can be mitigated to appropriate levels. Wellington City is susceptible to a wide range of natural hazards covering large areas of the city, including fault hazard, liquefaction, coastal inundation, flooding and tsunami. Although a natural hazard may be considered significant, for example flood inundation, the risk to people and property may be low.
- 24. We also request that consideration be given to extending s106 and s106A to provide councils the option to exempt natural hazard rules applying where the Council is satisfied that natural hazard risk does not exist. For clarity, this could be where best available information is in the form of new modelling information which confirms that a site is not impacted by a particular natural as opposed to an applicant providing a site-specific assessment or proposing mitigation to manage the hazard.
- 25. Examples of this include changes in flood hazard extent due to drainage improvements, diversion of stream through development, accretion and reclamation. We consider that enabling councils in this way would result in cost and time savings for developers, with no increase in hazard risk. Importantly, this should not create an obligation on councils to "prove" there is a risk remaining, or take a course of action if information is provided, but would simply provide an option for a council to use at their discretion.

Wellington City Council

PO Box 2199 Wellington 6140 New Zealand

We support national direction on natural hazard risk assessment

- 26. We support national direction and guidance material for land use planning for natural hazards being developed. This direction will ideally provide a standard methodology for Councils to identify, assess and classify hazard risk. While the existing s106 and the proposed s106A, stipulate what is required for a risk assessment, national guidance on what constitutes 'significant' hazard risk is needed, particularly in light of the proposed s106A(1).
- 27. We also highlight that a number of councils within the Wellington Region have recently incorporated a similar risk-based approach to the management of natural hazards into their District Plans. The government may want to consider the these as a starting point for a template for managing natural hazard risks in New Zealand. Councils requiring unique natural hazard methods that are different from the standardised framework could justify this through a RMA Section 32 Evaluation Report.
- 28. The Wellington City District Plan maps natural hazards and groups activities based on hazard sensitivity, with associated plan provisions that seek to manage risk.

#### Making the MDRS Optional

- 29. Wellington City Council has already given effect to the Medium Density Residential Standards under the National Policy Statement on Urban Development (NPS-UD). We understand the revised NPS-UD will have a requirement to provide sufficient capacity for 30 years of housing demand. Allowing flexibility in MDRS application gives councils the opportunity to meet the NPS-UD objectives in a manner suited to their local context.
- 30. However, the Council seeks clarification on the following point: Under the current RMA, a council plan change or private plan change must continue to give effect to the MDRS and cannot introduce rules or standards that are more restrictive than those outlined in the MDRS. The Bill does not clarify whether this requirement remains in place if a council decides to remove only part of the MDRS, as allowed under new Section 77FA.
- 31. For example, if a council chooses to alter the MDRS by removing the 50% building coverage standard in specific locations while retaining the rest of the MDRS within the district plan, and subsequently notifies the Minister in writing of this decision, would a private plan change be allowed to reduce the 11-meter building height standard without prior notification to the Minister as required under Section 77FB?
- 32. Council recommends that the Bill include a new provision to explain whether a Council that has only altered *part* of its MDRS still has to comply with RMA sections 77G 77M for its *remaining* MDRS provisions.

Wellington City Council

PO Box 2199 Wellington 6140 New Zealand

33. The Council also recommends that further guidance be given on the calculation of capacity under the NPS-UD and a mechanism for reconciling capacity calculations in mixed use zones is developed to give more consistency nationally.

#### **Streamlined Planning Process**

- 34. We generally support the proposed amendments to the Streamlined Planning Process (SPP), and we recommend no changes to these amendments.
- 35. It is positive that councils will have the final decision on recommendations made by an SPP Panel. This will leave decision making in the hands of local decision makers. In addition, it is positive that an appeal can only be made on recommendations that Councils reject. This means that the main benefit of the SPP is kept in that recommendations which are accepted by the Council will not be appealable.

#### **Resource Consent Proposals/System Improvements**

- 36. The proposed Bill contains numerous amendments that will affect resource consenting at Council.
- 37. We generally support most of the amendments relating to system improvements and make no further comment.
- 38. We support the amendments that are codifying normal council practice into law to ensure a reasonable level of service, including:
  - 34.1 The proposed amendment to Section 92 of the RMA. Further information requests are currently only sent if the information is necessary to decide on the resource consent.
  - 34.2 The proposed amendment to Section 107 of the RMA. It is the Council's normal practice to share draft conditions with an applicant and provide an avenue for comment on these conditions prior to granting a resource consent.
- 39. We ask the Bill to clarify whether the proposed changes to Section 92 are likely to require an additional assessment (i.e. a new process), or if current processes would continue. While we support consent authorities justifying their information requests, we caution against any changes that require a notable increase in work which would increase processing time and costs to consent applicants.
- 40. We consider the 1 year timeframe in the new Section 88BA (certain consents must be processed and decided no later than 1 year after lodgement) may be too tight in some circumstances, especially if a full assessment is done. However, if there is no room for movement in this amendment, we can work with this timeframe.

Wellington City Council

PO Box 2199 Wellington 6140 New Zealand

#### **Monitoring and Enforcement Proposals**

- 41. We support the proposed RMA amendments to strengthen monitoring and enforcement. It is important that there are reasonable avenues within the RMA to properly monitor activities and follow up on any breaches of the RMA. Council believes that the proposed changes provide a stronger framework for this.
- 42. Much of the enforcement work that the Council carries out relates to recidivist offenders. The amendments to Sections 104 and 108 and the addition of Section 314A in the RMA enable councils to look to previous offending under the Act. This is difficult to do under the current RMA and often means prosecution is the only avenue, which can take many years.
- 43. However, Council notes that as currently proposed the amendments do not specifically allow for the ability to trace the compliance history of companies and directors. This is important as the proposed amendments may be able to be circumvented through changing company names, as often happens. Therefore, we recommend that the ability to do this is included in Sections 104, 108 and new Section 314A of the RMA.

#### Designations

- 44. Proposed changes to the designation process are broadly supported, in particular the proposed changes to section 168. This will simplify the preparation of notices of requirement and their assessment by territorial authorities.
- 45. We support extending the expiration date for designations from 5 to 10 years. This will align well with the 10-year review cycle of district plans and provide a more reasonable period for councils and network utility operators to deliver infrastructure.

#### Further information and opportunity to present this submission.

- 46. Wellington City Council would like to present these points in person at the Environment Select Committee.
- 47. For information and scheduling, please contact Michael Duindam, Manager District Planning (<u>michael.duindam@wcc.govt.nz</u>) in the first instance.
- 48. The Council acknowledges its mana whenua partners Taranaki Whānui ki te Upoko o te Ika, Te Rūnanga o Toa Rangatira and Te Rūnanganui o Te Āti Awa ki te Upoko o Te Ika a Māui, and commends any submission these authorities make to the Environment Select Committee on this Bill.

Wellington City Council

PO Box 2199 Wellington 6140 New Zealand

# Korero taunaki | Summary of considerations

# Purpose

1. This report provides an update on which previous decisions have been implemented and which are still outstanding. It also provides a list of items scheduled to be considered at the next two meetings (hui).

# Why this report is being considered

2. This report is considered at every ordinary meeting and assists in monitoring progress on previous decisions and planning for future meetings.

# Taunakitanga | Officers' Recommendations

Officers recommend the following motion:

That the Korau Tuapapa | Environment and Infrastructure Committee:

1. Receive the information.

Author	Tian Daniels, Democracy Advisor
Authoriser	Sean Johnson, Democracy Team Leader
	Liam Hodgetts, Chief Planning Officer

# Whakarāpopoto | Executive Summary

#### **Decision register updates**

- 3. A full list of decisions, with a status and staff comments, is available at all times on the Council website. Decisions where work is still in progress, or was completed since the last version of this report can be viewed at this link: <u>https://meetings.wellington.govt.nz/your-council/decision-register?CommitteeName=Kōrau+Tūāpapa+%7C+Environment+and+Infrastructure+Committee%2BPūroro+Waihanga+%7C+Infrastructure+Committee%2BPūroro+Āmua+%7C+Planning+and+Environment+Committee&Triennium=2022-2025%2B2019-2022&UpdatedSinceLastMeeting=true&MeetingDate=17+Oct%2C+2024</u>
- 4. If members have questions about specific resolutions, the best place to ask is through the written Q&A process.
- 5. This body passed 40 resolutions at the last meeting:
  - 6 are complete and 34 are still in progress.
- 6. 88 in progress resolutions were carried forward from previous reports:
  - 17 are now complete and 77 are still in progress.

# Upcoming reports

7. The following items are scheduled to go to the next two hui:

Rāpare, 20 Poutū-te-rangi 2024 (Thursday, 20 March 2024)

- Wellington Airport's Huetepara Proposal Review and Recommendations (PX)
- CAB and MOB Redevelopment Heads of Terms (PX)

Rāpare, 08 Haratua 2025 (Thursday, 08 May 2025)

- Housing Action Plan 6-montly Report
- Community climate adaptation pilot scope and approach
- Car share guidelines

# Takenga mai | Background

- 8. The purpose of the decisions register is to ensure that all resolutions are being actioned over time. It does not take the place of performance monitoring or full updates. A resolution could be made to receive a full update report on an item, if desired.
- 9. Resolutions from relevant decision-making bodies in previous trienniums are also included.
- 10. Elected members are able to view public excluded clauses on the Council website: <u>https://meetings.wellington.govt.nz/your-council/decision-register</u>.
- 11. The upcoming reports list is subject to change on a regular basis.

#### Attachments

Nil

# 3. Public Excluded

# Recommendation

That the Korau Tuapapa | Environment and Infrastructure Committee:

1. Pursuant to the provisions of the Local Government Official Information and Meetings Act 1987, exclude the public from the following part of the proceedings of this meeting namely:

General subject of the matter to be considered		Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
4.1	Public Electric Vehicle Charging 'Charged-Up Capital' Project: Asset Ownership	7(2)(i) The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	s48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.

2. Direct officers to consider the release of publicly excluded information that can be publicly released following the hui.