

**ORDINARY MEETING**

**OF**

**STRATEGY AND POLICY COMMITTEE**

**MINUTES**

**Time:** 9:30 am  
**Date:** Wednesday, 5 February 2020  
**Venue:** Ngake (16.09)  
Level 16, Tahiwī  
113 The Terrace  
Wellington

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**PRESENT**

Mayor Foster  
Councillor Calvert (Deputy Chair)  
Councillor Condie  
Councillor Day (Chair)  
Councillor Fitzsimons  
Councillor Foon  
Councillor Free  
Councillor Matthews  
Councillor O'Neill  
Councillor Pannett  
Councillor Paul  
Councillor Rush  
Councillor Sparrow  
Councillor Woolf  
Councillor Young



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## 1. Meeting Conduct

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### 1.1 Karakia

The Chairperson declared the meeting open at 9:30 am and invited members to stand and read the following karakia to open the meeting.

**Whakataka te hau ki te uru,  
Whakataka te hau ki te tonga.  
Kia mākinakina ki uta,  
Kia mātaratara ki tai.  
E hī ake ana te atākura.  
He tio, he huka, he hauhū.  
Tihei Mauri Ora!**

Cease oh winds of the west  
and of the south  
Let the bracing breezes flow,  
over the land and the sea.  
Let the red-tipped dawn come  
with a sharpened edge, a touch of frost,  
a promise of a glorious day

(Councillor Foon joined the meeting at 9:30 am)

### 1.2 Apologies

No apologies were received.

(Councillor Pannett joined the meeting at 9:31 am)

### 1.3 Conflict of Interest Declarations

No conflicts of interest were declared.

### 1.4 Confirmation of Minutes

**Moved Councillor Day, seconded Councillor Fitzsimons**

#### **Resolved**

That the Strategy and Policy Committee:

1. Approve the minutes of the Strategy and Policy Committee Meeting held on 11 December 2019, having been circulated, that they be taken as read and confirmed as an accurate record of that meeting.

**Carried**

### 1.5 Items not on the Agenda

There were no items not on the agenda.

(Councillor Young joined the meeting at 9:32 am)

(Councillor Calvert joined the meeting at 9:35 am)

## **1.6 Public Participation**

### **1.6.1 Rosina van der Aa**

Rosina van der Aa spoke to item 2.1 Response to petition to resurface island bay esplanade in asphalt.

### **1.6.2 Francesca Pouwer**

spoke to item 2.1 Response to petition to resurface island bay esplanade in asphalt.

### **1.6.3 Dolf van Asbeck**

spoke to item 2.1 Response to petition to resurface island bay esplanade in asphalt.

### **1.6.4 Millions of Mothers: Alicia Hall & Merinda Robert**

Representing Millions of Mothers, Alicia Hall and Merinda Robert spoke to item 2.2 Central city safer speeds engagement report.

### **1.6.5 Generation Zero**

Representing Generation Zero, Aaron Cox spoke to item 2.2 Central city safer speeds engagement report.

### **1.6.6 Cycle Wellington**

Representing Cycle Wellington, Mark Johnson, Jonathan Coppard and Patrick Morgan spoke to item 2.2 Central city safer speeds engagement report.

### **1.6.7 Living Streets Aotearoa**

Representing Mike Mellor, Living Streets Aotearoa spoke to item 2.2 Central city safer speeds engagement report.

### **1.6.8 Roland Sapsford**

Roland Sapsford spoke to item 2.2 Central city safer speeds engagement report.

### **1.6.9 Mt Victoria Residents Association**

Representing Mt Victoria Residents Association, Angela Rothwell spoke to item 2.2 Central city safer speeds engagement report.

## **Tabled items**

### **Attachments**

- 1 Francesca Pouwer - Sealing summary
- 2 Francesca Pouwer - Summary Presentation
- 3 Living Street Aotearoa
- 4 Roland Sapsford

The meeting adjourned for morning tea at 10:45 am and reconvened at 11:03 am with the following members present: Mayor Foster, Councillor Calvert, Councillor Condie, Councillor Day, Councillor Fitzsimons, Councillor Foon, Councillor Free, Councillor Matthews, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Sparrow, Councillor Woolf and Councillor Young

(Councillor O'Neill returned to the meeting at 11:08)

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## **2. General Business**

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### **2.1 Response to petition to resurface island bay esplanade in asphalt**

**Moved Councillor Condie, seconded Councillor Fitzsimons**

**Resolved**

That the Strategy and Policy Committee:

1. Receive the information.

**Carried**

### **2.2 Central city safer speeds engagement report**

**Moved Councillor Condie pro-forma, seconded Mayor Foster**

**Amended officers' Recommendation/s**

That the Strategy and Policy Committee:

1. Receive the information.
2. Agree to formally consult on changing all central city speed limits of 50km/h to 30km/h with the exception of Waterloo Quay, Customhouse Quay (north of Panama Street), Jervois Quay, Cable Street, Wakefield Street (east of Taranaki Street), Kent Terrace, Cambridge Terrace and Taranaki Street (~~noting no change to the existing 30km/h zone on Courtenay Place~~).

**Moved Councillor Condie, seconded Councillor Foon, the following amendment**

**Resolved**

That the Strategy and Policy Committee:

3. Direct officers to prioritise lowering the speed on Taranaki street to 30km/h, including the necessary supporting physical changes, as soon as practicable within the LGWM programme, subject to standard legislative process.

A division was called for, voting on which was as follows:

**For:**

Mayor Foster  
Councillor Condie  
Councillor Day (Chair)  
Councillor Fitzsimons  
Councillor Foon  
Councillor Free  
Councillor Matthews  
Councillor O'Neill

**Against:**

Councillor Calvert (Deputy Chair)  
Councillor Pannett  
Councillor Paul  
Councillor Rush  
Councillor Sparrow  
Councillor Woolf  
Councillor Young

Majority Vote: 8:7

**Carried**

The meeting adjourned at 11:29 am and reconvened at 11:31 am with all the members present.

**Moved Councillor Pannett, seconded Councillor Paul, the following amendment**

That the Strategy and Policy Committee agree that the areas with 30km/h speed limit should be extended to:

1. In the East – from the intersection of Oriental Parade and Carlton Gore Road, above Oriental Bay and Mt Victoria, southwards towards crossing Palliser Rd, immediately east of the intersection with Bayview, to take in Patterson St and running around the Basin and up Rugby St.
2. In the South – from the intersection of Tory and Rugby Sts, diagonally across Mt Cook to immediately north of the intersection with Bidwill and Wallace Sts, then along Hankey St to the intersection with Nairn, down Nairn to Brooklyn Rd, across Brooklyn Rd and Central Park to immediately south of the intersection of Marama and Ohio. Down Ohio and up Aro to meet Aro Valley 30k zone
3. In the West, down Aro, Willis and up Abel-Smith St to the Terrace. Along the Terrace to Bowen, up Bowen to the intersection of Bowen and Tinakori. Up Lewisville and east of Thorndon to meet Grant, along Grant to Cottleville (taking in Goldies Brae and Frandi), down Cottleville to Tinakori Rd and to the intersection with Thorndon Quay.
4. In the North – across Thorndon Quay at Tinakori and across rail yards to Waterloo Quay immediately North of Hinemoa St. Along Waterloo Quay, Jervis Quay, Cable St to Oriental to the intersection with Carlton Gore Road.

A division was called for, voting on which was as follows:

**For:**

Councillor O'Neill  
Councillor Pannett  
Councillor Paul

**Against:**

Mayor Foster  
Councillor Calvert (Deputy Chair)  
Councillor Condie  
Councillor Day (Chair)  
Councillor Fitzsimons  
Councillor Foon  
Councillor Free  
Councillor Matthews  
Councillor Rush  
Councillor Sparrow  
Councillor Woolf  
Councillor Young

Majority Vote: 3:12

**Lost**

(Councillor Paul left the meeting at 12:00 pm)  
(Councillor Paul returned to the meeting at 12:03 pm)



**Moved Councillor Young, seconded Councillor Free, the following amendment**

**Resolved**

That the Strategy and Policy Committee:

4. Agree that Wellington City Council urges the New Zealand Transport Agency (NZTA) to take urgent action to classify e-scooters as powered vehicles, so they can use roads;
5. Agree that Wellington City Council requests NZTA to make the use of helmets compulsory by e-scooter users when using the road;
6. Agree that Wellington City Council requests Central Government to amend legislation to allow e-scooters to use cycle ways, where provided.

**Carried**

**Secretarial note:** Clause 4 was voted on separately and carried, the division for which is as follows:

**For:**

Mayor Foster  
Councillor Calvert (Deputy Chair)  
Councillor Condie  
Councillor Day (Chair)  
Councillor Fitzsimons  
Councillor Rush  
Councillor Sparrow  
Councillor Woolf  
Councillor Young

**Against:**

Councillor Foon  
Councillor Free  
Councillor Matthews  
Councillor O'Neill  
Councillor Pannett  
Councillor Paul

Majority Vote: 9:6

**Secretarial note:** Clauses 5 and 6 were voted on separately and carried unanimously.

(Councillor Fitzsimons left the meeting at 12:18 pm)

(Councillor Fitzsimons returned to the meeting at 12:22 pm)

**Moved Councillor Rush, seconded Councillor Calvert**

**Resolved**

That the Strategy and Policy Committee

7. Direct officers to ensure appropriate statistics over a representative period (no fewer than 5 years) are included in the information distributed for consultation identifying the number of serious and non-serious incidents, the mode of transport involved in each and location, along with the options explored to address these issues and the basis on which the 'safer speeds' proposal described by the recommended proposal was determined.

A division was called for, voting on which was as follows:

**For:**

Mayor Foster

**Against:**

Councillor Condie

Councillor Calvert (Deputy Chair)	Councillor Free
Councillor Day (Chair)	Councillor O'Neill
Councillor Fitzsimons	Councillor Pannett
Councillor Foon	Councillor Paul
Councillor Matthews	Councillor Woolf
Councillor Rush	Councillor Young
Councillor Sparrow	

Majority Vote: 8:7

**Carried**

**Moved Councillor Condie, seconded Mayor Foster, the following substantive motion**

**Resolved**

That the Strategy and Policy Committee:

1. Receive the information.
2. Agree to formally consult on changing all central city speed limits of 50km/h to 30km/h with the exception of Waterloo Quay, Customhouse Quay (north of Panama Street), Jervois Quay, Cable Street, Wakefield Street (east of Taranaki Street), Kent Terrace, Cambridge Terrace and Taranaki Street.
3. Direct officers to prioritise lowering the speed on Taranaki St to 30km/h, including the necessary supporting physical changes, as soon as practicable within the LGWM programme, subject to standard legislative process.
4. Agree that Wellington City Council urges the New Zealand Transport Agency (NZTA) to take urgent action to classify e-scooters as powered vehicles, so they can use roads;
5. Agree that Wellington City Council requests NZTA to make the use of helmets compulsory by e-scooter users when using the road;
6. Agree that Wellington City Council requests Central Government to amend legislation to allow e-scooters to use cycle ways, where provided.
7. Direct officers to ensure appropriate statistics over a representative period (no fewer than 5 years) are included in the information distributed for consultation identifying the number of serious and non-serious incidents, the mode of transport involved in each and location, along with the options explored to address these issues and the basis on which the 'safer speeds' proposal described by the recommended proposal was determined.

**Carried**

**Secretarial note:** Clause 4 was voted on separately and carried, the division for which is as follows:

**For:**

Mayor Foster  
Councillor Calvert (Deputy Chair)  
Councillor Condie  
Councillor Day (Chair)  
Councillor Fitzsimons  
Councillor O'Neill  
Councillor Rush  
Councillor Sparrow  
Councillor Woolf  
Councillor Young

**Against:**

Councillor Foon  
Councillor Free  
Councillor Matthews  
Councillor Pannett  
Councillor Paul

Majority Vote: 10:5

**Secretarial note:** Clause 7 was voted on separately and carried, the division for which is as follows:

**For:**

Mayor Foster  
Councillor Calvert (Deputy Chair)  
Councillor Day (Chair)  
Councillor Fitzsimons  
Councillor Foon  
Councillor Free  
Councillor Matthews  
Councillor Rush  
Councillor Sparrow  
Councillor Woolf

**Against:**

Councillor Condie  
Councillor O'Neill  
Councillor Pannett  
Councillor Paul  
Councillor Young

Majority Vote: 10:5

**Secretarial note:** Clauses 1, 2, 3, 5 and 6 were voted on separately and carried unanimously.

**Secretarial note:** In accordance with Standing Order 3.9.2, the Chairperson accorded precedence to some items of business and announced that the agenda would be considered in the following order:

- Item 2.4 Review of the Administrative Components of the Wellington City Consolidated Bylaw - Consultation Report
- Item 2.5 Reserves Act 1977: Wastewater Easements - White Pine Avenue Reserve (Woodridge) and Raroa Park & Play Area (Tawa)
- Item 2.3 Submission on the Government's issues and options paper on comprehensive review of the resource management system



## **2.4 Review of the Administrative Components of the Wellington City Consolidated Bylaw - Consultation Report**

**Moved Councillor Free, seconded Councillor Woolf**

### **Resolved**

That the Strategy and Policy Committee:

1. Receive the information.
2. Note that the *Wellington City Consolidated Bylaw Part 1: Introduction* presents common provisions to all parts of the *Wellington City Consolidated Bylaw*.
3. Note that public consultation has been undertaken on a proposed amended *Wellington City Consolidated Bylaw Part 1: Introduction*, by way of a statement of proposal approved by the City Strategy Committee on 22 August 2019.
4. Notes that there were no public submissions.
5. Agree that *Wellington City Consolidated Bylaw Part 1: Introduction* is in the most appropriate form of bylaw and does not give rise to any New Zealand Bill of Rights Act 1990 implications.
6. Recommends to Council that it adopt the amended *Wellington City Consolidated Bylaw Part 1: Introduction* (**Attachment 1**).
7. Delegate to the Chief Executive and the Governance Portfolio Leader the authority to apply to the bylaw any further amendment agreed by the Strategy and Policy Committee.

**Carried**

## **2.5 Reserves Act 1977: Wastewater Easements - White Pine Avenue Reserve (Woodridge) and Raroa Park & Play Area (Tawa)**

**Moved Councillor O'Neill, seconded Councillor Rush**

### **Resolved**

That the Strategy and Policy Committee:

1. Receive the information.
2. Agree to grant a wastewater easement in perpetuity over land at White Pine Avenue Reserve being **part of** Lot 1 DP 385115 (CFR 341006) pursuant to s48 of the Reserves Act 1977.
3. Agree to grant a wastewater easement in perpetuity over land at Raroa Park & Play Area being **part of** Lot 93 DP 14282 (CFR WN624/60) pursuant to s48 of the Reserves Act 1977.
4. Note that any approval to grant the easements (referred to above) is conditional on:
  - a. appropriate iwi consultation
  - b. all related costs being met by the relevant applicant for each easement
5. Note that the work within the easement areas will be subject to the relevant bylaw, building and/or resource consent requirements.

6. Note that the works to install the pipes will proceed in accordance with final Parks, Sport and Recreation (PSR) agreement to all replanting mitigation plans, track reinstatement and park management / work access plans.
7. Delegate to the Chief Executive the power to carry out all steps to effect the easements.

**Carried**

The meeting adjourned for lunch at 12:30 pm and reconvened at 1:03 pm with the following members present: Mayor Foster, Councillor Calvert, Councillor Condie, Councillor Day, Councillor Fitzsimons, Councillor Foon, Councillor Free, Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Sparrow, and Councillor Young

(Councillor Woolf returned to the meeting at 1:29 pm)

(Councillor Woolf left the meeting at 1:33 pm)

### **2.3 Submission on the Government's issues and options paper on comprehensive review of the resource management system**

**Moved Mayor Foster pro-forma, seconded Councillor Calvert**

#### **Recommendations**

That the Strategy and Policy Committee:

1. Receive the information.
2. Approve the revised submission, tabled at the meeting ~~as set out in Attachment 4~~, on the Government's issues and options paper on comprehensive review of the resource management system.
3. Agree to delegate authority to the Portfolio Leader Urban Development and the Chief Executive to finalise the submission, consistent with discussions and any amendments made by the Committee.
4. Note that the review of RMA delegations is a separate piece of work and will be reported back to Committee in March.

The meeting adjourned at 1:16 pm and reconvened at 1:25 pm with the following members present: Mayor Foster, Councillor Calvert, Councillor Condie, Councillor Day, Councillor Fitzsimons, Councillor Foon, Councillor Free, Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Sparrow, and Councillor Young

**Moved Mayor Foster, seconded Councillor Free, the following amendment**

#### **Resolved**

That the Strategy and Policy Committee:

5. Agree that paragraph 38 of the submission be amended as follows:

There is often a community expectation to be able to have a say on all consenting

activities occurring in any given area which creates a tension given that most consents are non-notified. In the circumstances when resource consents are notified, communities can also feel like their views are not considered equally alongside expert advice. The review should give consideration to the weight given to non-expert evidence in hearings. This is why broad and meaningful community involvement at the plan-making stage is crucial so that the community has input into the future of their community and as a result a clear understanding of the future of their neighbourhoods and city. This reduces the need for notification and re-litigation during resource consent processes.

6. Agree that the submission be amended to add commentary to paragraph 27 about the national direction on the management of significant risk of natural hazards (including earthquakes) will give clearer direction to everyone (including the courts) what level of risk can be tolerated in specific areas and what land use responses are most appropriate

**Carried**

**Moved Councillor O'Neill, seconded Councillor Paul, the following amendment**

**Resolved**

That the Strategy and Policy Committee:

7. Agree to that paragraph 23 of the submission be replaced with the following paragraph:

The Council supports using the RMA as a tool to address both mitigation and adaptation to climate change. This would mean the RMA is amended to enable consideration of both the effects of development on climate change, and the effects of climate change on new and existing developments. Removing restrictions to considering climate change effects such as these in the current decision making framework is necessary to achieve the aim of Climate Change Response (Zero Carbon) Amendment Act. Producing reports on climate change effects may be difficult for applicants to resource and produce.

8. Agree that paragraph 25 of the submission be replaced with the following paragraph:

The Council considers that the Government has a much greater role to play in responding to the effects of climate change, particularly ensuring a consistent response to sea level rise across the country, such as a national adaptation plan and national direction. Adaptation to sea level rise through land use actions such as managed retreat will require financial support from the Government.

**Carried**

**Moved Councillor Fitzsimons, seconded Councillor Matthews, the following amendment**

**Resolved**

That the Strategy and Policy Committee:

9. Agree to remove paragraph 46 of the submission.

A division was called for, voting on which was as follows:

**For:**

Councillor Calvert (Deputy Chair)  
Councillor Day (Chair)  
Councillor Fitzsimons  
Councillor Foon  
Councillor Matthews  
Councillor O'Neill  
Councillor Young

**Against:**

Mayor Foster  
Councillor Condie  
Councillor Free  
Councillor Pannett  
Councillor Paul  
Councillor Rush  
Councillor Sparrow

**Absent:**

Councillor Woolf

Majority Vote: 7:7

The chair exercised her casting vote in accordance with standing order 2.6.2, and voted for the amendment.

**Carried**

(Councillor Foon left the meeting at 2:17 pm)

The meeting adjourned at 2:18 and reconvened at 2:24 pm with the following members present: Mayor Foster, Councillor Calvert, Councillor Condie, Councillor Day, Councillor Fitzsimons, Councillor Foon, Councillor Free, Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Sparrow, and Councillor Young

**Moved Councillor Pannett, seconded Councillor Condie, the following amendment**

**Resolved**

That the Strategy and Policy Committee:

10. Agree to further revise the submission tabled at the meeting to include the following amendments:
  - a. Include brief evidence of how the Act has worked in Wellington in terms of water quality, waste, housing provision and quality, climate change, historic heritage and so on.
  - b. Note that Council supports a comprehensive review of the Act with an aim of improving the guardianship of resources for future generations whilst allowing meeting the current generation to meet its own needs within ecological limits.
  - c. Include brief discussion on whether the framing of resource management is the correct framing in the current context and suggest a move towards a framing of protection of natural resources for future generations and with a Te Ao Māori perspective.
  - d. Purpose of the Act – recommend that the Government moves from an effects-based regime to one that sets out a complete set objectives supported by a strong planning regime which would include environmental protection and the adequate provision of infrastructure and housing.
  - e. Support Tangata whenua having a greater role in resource management decision making with greater guidance given to councils on how to achieve this.
  - f. Agree that mitigating Climate Change should be both central to Section 5 as well as having its own National Policy Statement. Note also that the NPS should acknowledge how a just transition will take effect. Note that the Council has agreed to prioritise the first 10 years to reduce emissions in Te Atakura – First to Zero.
  - g. Include a statement saying that the Council would like to see greater public



participation in the resource guardianship process with a presumption of greater public notification and that appeal rights should be restored around residential, boundary and subdivision activities that are not non-complying (current time appeal rights apply to non-complying activities only).

- h. Note that the Building Act in concert with the Resource Management Act can be used as a tool to increase resilience. Preparation for earthquakes needs to be elevated in the legislation with its own National Policy Statement.
- i. Note that parties operating under the Resource Management Act are not equally resourced and that there is a need to look at further mechanisms to allow for greater participation.
- j. Remove reference to congestion charging and state that the Government should introduce a full suite of financing tools that Councils could decide to adopt in consultation with its community.

**Carried**

(Councillor Paul left the meeting at 2:28 pm)

(Councillor Paul returned to the meeting at 2:30 pm)

**Moved Mayor Foster, seconded Councillor Calvert, the following substantive motion**

**Resolved**

That the Strategy and Policy Committee:

1. Receive the information.
2. Approve the revised submission, tabled at the meeting, on the Government's issues and options paper on comprehensive review of the resource management system.
3. Agree to delegate authority to the Portfolio Leader Urban Development and the Chief Executive to finalise the submission, consistent with discussions and any amendments made by the Committee.
4. Note that the review of RMA delegations is a separate piece of work and will be reported back to Committee in March.
5. Agree that paragraph 38 of the submission be amended as follows:

There is often a community expectation to be able to have a say on all consenting activities occurring in any given area which creates a tension given that most consents are non-notified. In the circumstances when resource consents are notified, communities can also feel like their views are not considered equally alongside expert advice. The review should give consideration to the weight given to non-expert evidence in hearings. This is why broad and meaningful community involvement at the plan-making stage is crucial so that the community has input into the future of their community and as a result a clear understanding of the future of their neighbourhoods and city. This reduces the need for notification and re-litigation during resource consent processes.

6. Agree that the submission be amended to add commentary to paragraph 27 about the national direction on the management of significant risk of natural hazards (including earthquakes) will give clearer direction to everyone (including the courts) what level of risk can be tolerated in specific areas and what land use responses are most appropriate.

7. Agree to that paragraph 23 of the submission be replaced with the following paragraph:

The Council supports using the RMA as a tool to address both mitigation and adaptation to climate change. This would mean the RMA is amended to enable consideration of both the effects of development on climate change, and the effects of climate change on new and existing development. The Council recommends that the Government considers how this would work in practice, who is responsible for decision making, and what flow-on effects there could be. For example, should the RMA be changed to allow regional councils to consider greenhouse gas emission in discharge consents, which is explicitly prevented under section 104E and 70A? Should the emission of greenhouse gases be a matter of consideration on all resource consents which is currently precluded under section 104? Removing restrictions to considering climate change effects such as these in the current decision making framework may be necessary to achieve the aim of Climate Change Response (Zero Carbon) Amendment Act. Producing reports on climate change effects may be difficult for applicants to resource and produce.
8. Agree that paragraph 25 of the submission be replaced with the following paragraph:

The Council considers that the Government has a much greater role to play in responding to the effects of climate change, particularly ensuring a consistent response to sea level rise across the country, such as a national adaptation plan and national direction. Adaptation to sea level rise through land use actions such as managed retreat will require financial support from the Government.
9. Agree to remove paragraph 46 of the submission.
10. Agree to further revise the submission tabled at the meeting to include the following amendments:
  - a. Include brief evidence of how the Act has worked in Wellington in terms of water quality, waste, housing provision and quality, climate change, historic heritage and so on.
  - b. Note that Council supports a comprehensive review of the Act with an aim of improving the guardianship of resources for future generations whilst allowing meeting the current generation to meet its own needs within ecological limits.
  - c. Include brief discussion on whether the framing of resource management is the correct framing in the current context and suggest a move towards a framing of protection of natural resources for future generations and with a Te Ao Māori perspective.
  - d. Purpose of the Act – recommend that the Government moves from an effects-based regime to one that sets out a complete set objectives supported by a strong planning regime which would include environmental protection and the adequate provision of infrastructure and housing.
  - e. Support Tangata whenua having a greater role in resource management decision making with greater guidance given to councils on how to achieve this.
  - f. Agree that mitigating Climate Change should be both central to Section 5 as well as having its own National Policy Statement. Note also that the NPS should acknowledge how a just transition will take effect. Note that the Council has agreed to prioritise the first 10 years to reduce emissions in Te Atakura – First to Zero.
  - g. Include a statement saying that the Council would like to see greater public participation in the resource guardianship process with a presumption of greater public notification and that appeal rights should be restored around residential,

boundary and subdivision activities that are not non-complying (current time appeal rights apply to non-complying activities only).

- h. Note that the Building Act in concert with the Resource Management Act can be used as a tool to increase resilience. Preparation for earthquakes needs to be elevated in the legislation with its own National Policy Statement.
- i. Note that parties operating under the Resource Management Act are not equally resourced and that there is a need to look at further mechanisms to allow for greater participation.
- j. Remove reference to congestion charging and state that the Government should introduce a full suite of financing tools that Councils could decide to adopt in consultation with its community.

**Carried**

**Secretarial note:** Clause 9 was voted on separately and carried, the division for which is as follows:

**For:**

Councillor Calvert (Deputy Chair)  
Councillor Condie  
Councillor Day (Chair)  
Councillor Fitzsimons  
Councillor Matthews  
Councillor O'Neill  
Councillor Young

**Against:**

Mayor Foster  
Councillor Free  
Councillor Pannett  
Councillor Paul  
Councillor Rush  
Councillor Sparrow

**Absent:**

Councillor Foon  
Councillor Woolf

Majority Vote: 7:6

**Attachment**

- 1 Revised submission on the Government's issues and options paper on comprehensive review of the resource management system

The meeting concluded at 2:51 pm with the reading of the following karakia:

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

Authenticated: \_\_\_\_\_  
Chair

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**ORDINARY MEETING**

**OF**

**STRATEGY AND POLICY COMMITTEE**

**MINUTE ITEM ATTACHMENTS**

**Time:** 9:30 am  
**Date:** Wednesday, 5 February 2020  
**Venue:** Ngake (16.09)  
Level 16, Tahiwī  
113 The Terrace  
Wellington

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**Business**

**Page No.**

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**Tabled items at public participation**

- |    |                                         |    |
|----|-----------------------------------------|----|
| 1. | Francesca Pouwer - Sealing summary      | 2  |
| 2. | Francesca Pouwer - Summary Presentation | 6  |
| 3. | Living Street Aotearoa                  | 8  |
| 4. | Roland Sapsford                         | 10 |

**2.3 Submission on the Government's issues and options paper on comprehensive review of the resource management system**

- |    |                                                                                                                           |    |
|----|---------------------------------------------------------------------------------------------------------------------------|----|
| 1. | Revised submission on the Government's issues and options paper on comprehensive review of the resource management system | 14 |
|----|---------------------------------------------------------------------------------------------------------------------------|----|



# COMMUNICATION PLANNER

Name: Resident 3 - Dolf van Asbeck  
Company: WCC  
Position: Strategy & Policies Committee  
Address: 16/113 The Tce, Wgtn.

Subject: The Esplanade sealing  
File:  
Circulate: 5 Feb. 2020 meeting  
Delegate to:  
Return to:

Bus.: Fax: Res.: Cell.:

Type	Date/Note	Time/Seq.	Subject	Response	Follow-up Date
------	-----------	-----------	---------	----------	----------------

			My	My name is Dolf van Asbeck I am a resident on the Esplanade (committee summary)	
RESPONSE			Response to E-petition It has the effect of minimising residents concerns and understanding them.	The report is a re-statement of a standard position, NOT an assessment of the specific concerns.	
AC			It <del>also</del> avoids the criteria for AC sealing - Volume of traffic - amenity value		
CATEGORY			The report avoids defining the road category	Principal Road 3000 - 7000 vehicles/day The estimate 5168 / day 11hr day (light without least between 0800 & 1800 (11hrs)	
			The Report minimises the effect of the noise by quoting the noise testing by Opus inappropriately	The noise testing does not catch the effect of the rumble The rumble penetrates into wooden houses (uninsulated)	
FLOW			- Noise test sample does not reflect traffic volume But the small sample number HIDE'S - there is no effort to quantify traffic in the report	Let me explain. 5768 cars over 11hrs is 73 nearly 8 cars / MIN Each car takes 8s - from 1st hearing to passing away THERE IS NO QUIET TIME This was covered in the original Report for the committee & SIMPLY NOT ADDRESSED. Opus graph shows how the low frequencies have higher intensities on two coast 3/5 seal INTENSE RUMBLE	Over

Item Tabled items Attachment 1

## COMMUNICATION PLANNER

Name:

Phone:

Type ✓	Date/ Note	Time/ Seq.	Subject	Response	Follow-up Date
			Definition The Esplanade as a Principal Road	- Is defined as a road with "Dominant through vehicular movement" It is a major thoroughfare As well as a 'destination' for the coast	
			Criteria The Esplanade meets the criteria for asphaltic cement sealing:	i) High volume ii) - Amenity value	
			Cost	We understand your cost factors. But you have ignored your own criteria of amenity value and high volume traffic, changing demographics resulting in > traffic Emphasise in In this situation the use of chip seal is inconsistent with your own criteria.	
			Restitution	Because there were problems with laying the seal in 2018, & Fulton Hogan have said the seal will not last the predicted life ( <del>James Worley @ 186</del> ) You will also know this from the residents complaints on this issue to the Council. <del>since the two years of original laying</del> We ask the Esplanade is resealed with asphaltic cement in the next 6 months.	
				i	

Type: O = Outgoing Call I = Incoming Call M = Meeting  
C = Correspondence F = Facsimile

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STRATEGY AND POLICY COMMITTEE  
5 FEBRUARY 2020

Item Tabled items Attachment 1

Item 2.1 Attachment 1

Flushed vs. Non-flushed chipseal

It is likely that before it was replaced, the previous chipseal surface had become somewhat worn, and perhaps flushed in places, with less texture depth than the new chipseal surface. To estimate the impact that flushing may have on noise level we have measured and computed the difference between the 2018 heavily-flushed chipseal and the 2018 non-flushed chipseal:

Vehicle Type	Sample Size	Difference* dB
Passenger Cars	23	-0.9
Vans	2	-0.7
Utes	4	+0.5

\* positive values indicate the flushed chipseal surface was louder than the non flushed surface

2 The 29 paired pass-by measurements of passenger cars, vans, and utes gives an average difference of -0.7 dB, meaning that the flushing appears to cause a very slight reduction in road surface noise level. There was only one truck pass-by during the survey, so no conclusions regarding trucks can be drawn. This approach does not account for the impact of chip wear on the road surface noise, although our previous experience indicates that it contributes a lower magnitude than flushing.

3 It is therefore likely that the noise level change between the old and the new chipseal would be at most +1 dB. The threshold of perception for a noise level increase is generally taken as requiring a change of 2 dB or more, all else held equal, so it is unlikely that the road is perceptibly louder in absolute terms after the reseal.

Spectra

4 Although the overall noise level is unlikely to have changed perceptibly, the character of the noise may have changed. The relevant aspect of the character in this case is the frequency spectrum.

5 The tyres of passenger cars, utes, and vans interact with high texture surfaces such as chipseal and not only generate higher overall noise levels, but also create more sound energy at low frequencies, which is perceived as a rumbling sound. As the surface texture decreases so does the peak noise level as well as the amount of rumble. The peak frequencies themselves remain the same, but their level changes.

6 The following figure illustrates this concept using data from a recent road noise research project, by comparing the typical spectra of a car tyre passing over a two-coat 3/5 chipseal with spectra from the same tyre on an asphalt surface (in this case SMA, which is acoustically similar to AC). The texture change on The Esplanade was much smaller than the change between asphalt and chipseal presented below, but this exaggerated version is helpful to clearly illustrate the low-frequency effects of surface texture.

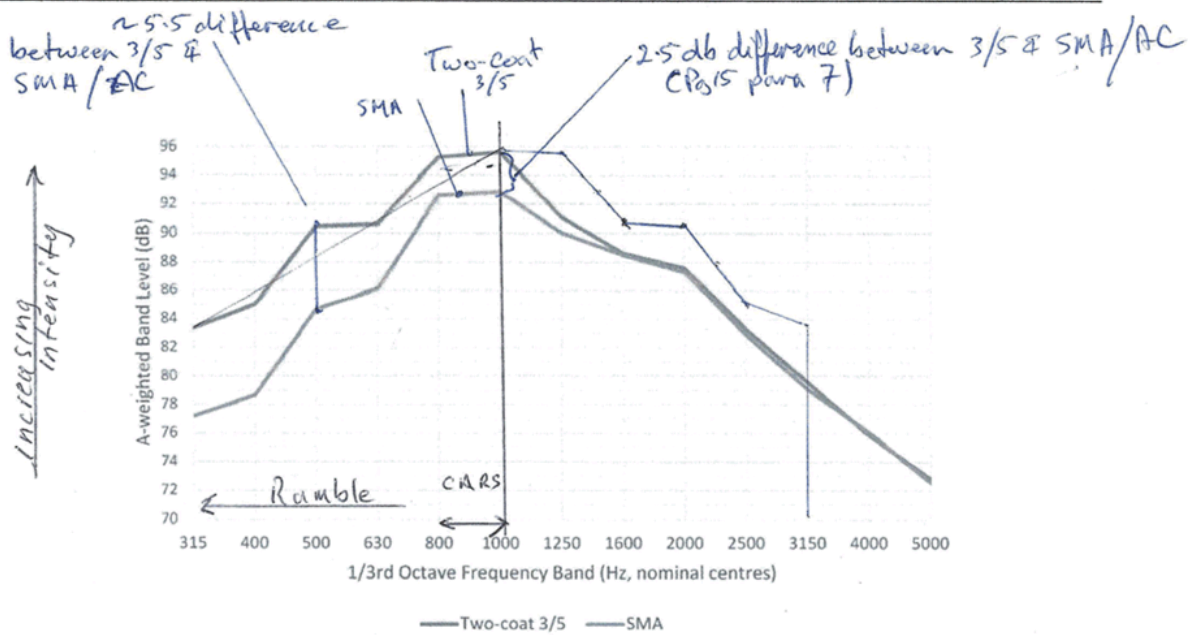
on Pg 16

Para 7 The highest bands of noise emission are at 800 Hz and 1000 Hz, and these almost completely define the absolute noise level difference of 2.5 dB between these two particular surfaces. However, the difference at lower frequencies is even more pronounced, exceeding 5 dB at 500 Hz, and it is these lower frequencies that give chipseal its characteristic rumble sound. There is almost no effect of texture on the high frequencies.

Item 2.1 Attachment 1

STRATEGY AND POLICY COMMITTEE  
5 FEBRUARY 2020

Absolutely Positively  
Wellington City Council  
Me Heke Ki Pōneke



The forces generated on the larger tread-blocks of truck tyres affect their noise generation in a different way, and it is often observed (as it was on The Esplanade) that the smoother surfaces such as AC and SMA can cause the tyres to emit a high frequency tonal whining noise.

Our hypothesis is therefore that the resealing of the road has restored texture to the surface that had previously been worn down by traffic, environmental effects, and aging. This restored texture may have slightly increased the overall noise level (dominated by car traffic in the 800 Hz and 1000 Hz frequency bands) by a maximum of about 1 dB, but the increase at lower frequencies may have been much higher. Residents are likely to be responding to a change in the character of the noise, especially the low-frequency content, rather than the overall noise level itself.

Conclusions

The current measured road surface noise correction of the 2018 chipseal surface is +3.5 dB, which is below the +6.0 dB correction predicted by the NZTA's road surface guide. This indicates that the chipseal 3/5 surface laid on The Esplanade is not noisier than has traditionally been expected of this specification road surface, and is in fact considerably quieter.

It is likely that the resealing of the previously worn chipseal surface with new chipseal has contributed up to an additional 1 dB to the overall noise level. On its own, this increase would not be noticeable by even the most sensitive observers. However, the restoration of texture is likely to have caused the low frequency surface noise from passing cars to be increased, changing the character of the sound by enough to be noticeable to residents.

The noise from trucks is not likely to have changed in any noticeable way, because truck tyres do not have the same relationship with road texture as passenger car tyres. Trucks and vehicles with loud exhausts are the loudest vehicles to pass along The Esplanade, so the resurfacing will not have had any effect on the peaks in noise level to which residents are exposed.

Collectively, the evidence indicates that the road is likely to have become louder by an imperceptible amount, but the character of the noise has changed to have more low-frequency content. As the current surface wears from traffic and loses texture it is likely to slowly lose some of that low-frequency content.

The rumble is incessant because at 7 to 8 cars/minute

www.wsp-opus.co.nz

there is not let up of the noise (Each vehicle's noise takes about 8s to become audible & then fade).



Item Tabled items Attachment 1



1. **Resident 1** whose family has lived on Esplanade for 70 years

*Noise level is intrusive and disturbing along The Esplanade.*

- On disturbance scale we can say yes to 9/13 (see handout).

*The Esplanade is a thoroughfare and classed as a principle road*

- It has always been busy but traffic flow has increased many times over the years.

*(Hence the roundabouts installed at Lyall Bay and Island Bay)*

2. **Resident 2** who has lived on Esplanade for 34 years

*The disturbing noise is caused by the rumble of the tyres but the noise reduces on asphaltic concrete*

- The rumble is not represented by decibel measurement (see Engineer's Report.) The S&P Committee summary only quotes decibel difference as 'an imperceptible change'.
- This is irrelevant from resident's point of view: we hear the rumble.
- Noise is exacerbated because houses are right along the road, some parts have no footpath, and there is a cliff face that echoes the rumble.

*Description of the road by S&P Committee report mentions two factors*

- Route for trucks to landfill
- Access to the South Coast

*That The Esplanade is a thoroughfare, is not mentioned in report:*

- There is **ongoing traffic flow( 5.30 am to 11 pm) due to**
  - i. It being a by-pass to avoid congestion of inner city routes
  - ii. Busses to and from Kilbirnie depot to the hub at Shorland Park
  - iii. Other incidental traffic: 5 months of sewerage trucks from Moa Point, Boy racers, car enthusiasts, tourist busses etc.

*The Esplanade has amenity value. 'The access to the south coast' means this road has amenity value: Walkers, cyclists, beach, café, divers in Marine reserve*

- Oxford definition of amenity: *pleasantness of place, mode of life*
- Apart from the noise, chipseal wears down tyres and the rubber goes into the environment. In in this case it includes a Marine Reserve

*Based on existing criteria: The Esplanade should have Asphaltic Concrete*

- Asphalt is used for range of structural reasons and to reduce noise where there is **high traffic flow and/or high pedestrian flow in amenity areas and on motor ways**
- Chip seal is much cheaper and more hardwearing under certain conditions. Many NZ roads have this surface, including suburban streets to reduce cost. (WCC 'Why chipseal')

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pamphlet) **The Esplanade is not a suburban street. It is a principal road with ongoing traffic flow and amenity value. It should therefore have asphaltic concrete.**

Last but not least:

*The Council has responsibility not only to be cost effective with rate payer's tax money, it also needs to take due care and consider well-being and environmental factors.*



Public Participation at Wellington City Council Strategy and Policy Committee  
on Wednesday 5 February 2020  
with respect to Agenda Item 2.2, Central city safer speeds engagement report

Contact person: Mike Mellor  
Email: [mmellor1@gmail.com](mailto:mmellor1@gmail.com), [wellington@livingstreets.org.nz](mailto:wellington@livingstreets.org.nz)  
Phone: 027 684 1213  
Date: 4 February 2020

Thank you for this opportunity.

We fully support the extension of the current 30km/h zone to cover the whole city centre (except where lower limits apply) for the many excellent reasons outlined in the agenda. We see it as a positive move for all users of the central area, with very little downside: while pedestrians and cyclists will be prioritised (as is WCC's policy, in particular the transport hierarchy), vehicle average (as opposed to maximum) speeds will not be affected significantly. But we suggest that the proposed consultation does not go far enough.

#### 1. Taranaki St

It is disappointing that the LGWM consultation has been watered down by the exclusion of Taranaki St, where 200-odd metres are already 30km/h (a section where, unfortunately, vehicle movements have been prioritised over people movements by the removal of pedestrian refuges). To say that any early changes on Taranaki St would be "unnecessarily disruptive" is an example of outdated vehicle-centred thinking: the current disruption is primarily to people trying to cross this wide, severance-causing road, which would be reduced by lower speeds; the suggested disruption is to vehicles, which currently have primacy but are lower down the hierarchy. If WCC wants to be taken seriously about the desire to have a vibrant people-centred city, it needs to take such old-fashioned thinking with a pinch of salt: Taranaki St is a significant barrier and risk for pedestrian and cyclist movement, and needs to be included. And, as the agenda notes (para 17), to be able to change the speed limit, the street must be included in the consultation. Including streets keeps options open; excluding streets from the consultation shuts options down.

## 2. Other city streets

Para 29 notes:

*There are a number of other areas within or adjacent to the central area that safe speed limits less than 50km/h will be considered in the future. These will be brought forward as the LGWM programme progresses. These areas could include Thorndon (Molesworth Street, Murphy Street, Mulgrave Street, Thorndon Quay etc.) and arterials including Jervois Quay, Wakefield Street, Cable Street, Kent Terrace and Cambridge Terrace.*

We see no reason for the proposed delay: these streets create risk and severance (for example, between the central area and the waterfront, Te Papa and Mt Victoria). That needs to be addressed, so why not now? As noted above, including them in the consultation keeps options open, excluding them shuts options down.

## 3. Physical changes

The opportunity needs to be taken to build on the slower speeds by making the area more pedestrian and cycle friendly, through things like raising pedestrian crossings to footpath level and getting bikes and scooters off the footpath into their own lanes.

## 4. Next steps

As noted (para 16) LGWM's Early Delivery programme includes reviewing speed limits on SH1 east of the Mt Victoria Tunnel (70km/h is too fast for urban roads) and a pedestrian/cycle crossing of Cobham Drive, fixing a major severance issue. We strongly support these initiatives.

## 5. Conclusion

Please expedite these important parts of the LGWM programme – the city has been waiting too long!

### **About Living Streets**

*Living Streets Aotearoa is New Zealand's national walking and pedestrian organisation, providing a positive voice for people on foot and working to promote walking-friendly planning and development around the country. Our vision is "More people choosing to walk more often and enjoying public places".*

*The objectives of Living Streets Aotearoa are:*

- *to promote walking as a healthy, environmentally-friendly and universal means of transport and recreation*
- *to promote the social and economic benefits of pedestrian-friendly communities*
- *to work for improved access and conditions for walkers, pedestrians and runners including walking surfaces, traffic flows, speed and safety*
- *to advocate for greater representation of pedestrian concerns in national, regional and urban land use and transport planning.*

*For more information, please see [www.livingstreets.org.nz](http://www.livingstreets.org.nz).*

Kia ora tātou. Tēnā koe councillors and mayor

My first time advocating for a 30km/hr speed limit was in the early 90s, back when Andy was a baby councillor

That's nearly 30 years ago; there was solid evidence then of the benefits to health, safety, emissions and amenity of slower speeds. In the three decades since, that evidence base has only grown stronger as more and more cities make room for people on their streets.

Today we are playing catch up, not just with the world but with Auckland! Yes car dependent Auckland has a comprehensive 30km/hr CBD plan already approved.

More than many things you do, a comprehensive 30km/hr zone will save lives and avoid injuries; we'll never know whose but someone's near miss at 30km/hr would be a funeral at 50. The stakes are high, especially so for our children.

So be brave. Go where your experience as a person walking or cycling in town, the evidence of decades and the quiet voice of that person whose life you will save all lead you.

Unfortunately, the proposal before you is half-hearted and half-baked. You and our city deserve better.

LGWM's proposal is timid, not brave and while it is cautious, it is not safe, because it says it's ok to have motorised bowling alleys right where people walk in large numbers. It says two minutes travel time across the city (which is the difference between 30 and 50km/hr in free flow) is more important than the life you will save.

Some of us drive cars some of the time. Some of us ride bicycles some of the time. Almost all of us walk. The life you save could be your own.



I'm asking you today to instead start formal consultation with a proper proposal – one for a comprehensive 30km/hr zone that makes sense on the ground, rather than looking tidy on a map. One that includes arterial roads – which are just city streets – at 30km/hr. One which means you don't leave a 30km/hr zone and then re-enter it 50m later. One which protects school children crossing the road.

Start with all that. Start with a comprehensive proposal – just as Auckland did – and whittle it back if needed. But don't start timid.

A group of us looked at a map and our experience of Wellington on foot, on bikes and in cars, and came up with something that doesn't look as pretty on a map, but works as lived experience, and which represents a real attempt at change.

I've handed around this alternative. Use it as a starting point for your discussion if you like, but please don't just accept Appendix 2 as your starting point – because we can be better, and we deserve better.

My plea is: start with ambition and vision, if you have to come back towards the more mundane then do so, but my suspicion is that Wellington will be the same as everywhere. Once we make the change, there will be a few grumbles and then people will say "why did you take so long?"

Ngā mihi kia koutou.

*Roland Sapsford*  
5/2/2020



## Proposed boundary for 30 km/hr zone: Description

Based on the experience of people when they are outside cars, connecting with 30km/hr zones in existing suburbs, and creating boundaries which ensure people do not weave in and out of the 30km/hr zone.

1. In the East – from the intersection of Oriental Parade and Carlton Gore Rd, above Oriental Bay and Mt Victoria, southwards crossing Palliser Rd, immediately east of the intersection with Bayview, to take in Patterson St and running around the Basin and up Ruby St.
2. In the South – from the intersection of Tory and Ruby Sts, diagonally across Mt Cook to immediately north of the intersection of Bidwill and Wallace Sts, then along Hankey St to intersection with Nairn, down Nairn to Brooklyn Rd, across Brooklyn Rd and Central Park to immediately south of the intersection of Marama and Ohiro. Down Ohiro and up Aro to meet Aro Valley 30k zone.
3. In the West, down Aro, Willis and up Able-Smith St to the Terrace. Along the Terrace to Bowen, up Bowen to the intersection of Bowen and Tinakori. Up Lewisville and east of Thorndon to meet Grant, along Grant to Cottleville (taking in Goldies Brae and Frandi), down Cottleville to Tinakori Rd to the intersection with Thorndon Quay.
4. In the North – across Thorndon Quay at Tinakori and across rail yards to Waterloo Quay. Immediately north of Hinemoa St. Along Waterloo Quay, Jervois Quay, Cable St to Oriental, along Oriental to the intersection with Carlton Gore Rd.

This would include “arterial roads” and state highways within the zone, which are after all city streets crossed by thousands of people.

If there are concerns about the inclusion of Oriental Parade, an alternative is to exclude this area. In this version the north and east boundaries would meet at the Cable St / Oriental Parade intersection as above. The eastern boundary would instead run south on Oriental Parade, and then Kent Tce to Hawker St, up Hawker, Moller and Palliser to immediately east of the intersection with Bayview, the southwards to take in Patterson as above.

## Why this matters – some examples

Appendix 2 **excludes known pedestrian risk areas** – some examples from southern Te Aro alone:

- back streets (Hopper St) with judder bars off upper Taranaki and Webb St
- pedestrian crossings for Wellington High School on Taranaki St and Tory St
- busy pedestrian crossings on Webb St near top of Cuba
- Areas of significant WCC housing in lower Aro St, Brooklyn Rd
- Busy pedestrian crossings at the intersection of Aro St and Willis St
- top of Able Smith St and end of Terrace outside Te Aro School

Appendix 2 **does not join up 30km/hr zones** – notably Aro Valley and Thorndon – with the city zone, meaning people drive 30 – 50 – 30 in the space of 50m in the case of the Aro zone.





5 February 2020  
Via email: [rmreview@mfe.govt.nz](mailto:rmreview@mfe.govt.nz)

**To the Resource Management Review Panel**

**Submission on the Government's issues and options paper on comprehensive review of the resource management system**

Wellington City Council (The Council) welcomes the opportunity to provide comment on the issues and options paper. The attached submission provides comments on each of the issue areas identified by the Panel.

The Council recognises that this is an initial phase of engagement and that further consultation will take place in the future on the Government's preferred direction for the Resource Management System. The Council looks forward to continuing to be involved in this process.

Yours sincerely

Andy Foster  
Mayor of Wellington

## Wellington City Council

### Submission on the Government's issues and options paper on comprehensive review of the resource management system

#### Introduction

1. The following is Wellington City Council's (the Council) submission to the 'Transforming the Resource Management System: 'Opportunities for Change' issues and options paper, which has been released as part of the Government's comprehensive review of the resource management system.
2. The Council notes that the review is focused on the Resource Management Act 1991 (RMA), as well as its links to the Local Government Act 2002 (LGA) and Land Transport Management Act 2003 (LTMA). The RMA is one of the primary tools driving local government decision-making and planning. In terms of shaping the future of our built environment it is one of the most pivotal tools available to local government.
3. The Council recognises that the aim of this review is *'to improve environmental outcomes and enable better and timely urban and other development within environmental limits'*, and supports this aim.
4. The Council provides the following comments on each of identified issue areas for consideration by the Panel. The Council's comments are informed by its experiences as a Territorial Authority functioning within the resource management system in a Wellington context.

#### Issues 1 and 2: Legislative architecture and purpose and principles of the Resource Management Act 1991

5. The Council does not consider that the management of natural and built environments can, or should be, separated by different pieces of legislation. The Council notes arguments that the current integrated approach to resource management has led to poor outcomes for both natural and urban environments. The Council considers that these arguments do not recognise that the environment in its broadest sense is not constrained by an urban and natural distinction. Effects of land use activities in an urban environment (however defined) have direct impacts on the natural environment.
6. Turning back the clock to a pre-RMA approach of separate pieces of legislation for managing different parts of the environment is not supported. It is difficult to see how separating out the consideration and management of environments and effects into different pieces of legislation will allow a realistic and balanced approach to the management of resources. Separation of land use planning and environmental management is likely to cause greater conflict in the management of resources, where integrated management is fundamental.
7. The Council notes however that urban, rural and 'natural' environments do require different management approaches and experience different pressures. Legislation needs to be flexible enough to empower local authorities to manage the subtleties of their environments and the relationships between them, not force a division. Resolving conflicts and practice issues from changing to a separated legislative system would ultimately end up the task of

the courts. Accordingly, there would be significant time delays settling disputes and determining best practice while pressure on the environment continues to grow.

8. While it has taken many years for integrated management approaches to work their way into the RM system, we are now starting to see these being adopted in RMA plans, for example, water sensitive urban design principles. The Council considers that slow progress embedding such approaches in plans is not driven by the RMA per se but by other barriers.
9. The Council generally supports the 'sustainable management' purpose of the RMA as set out in Part 2, section 5, as it recognises that the natural and urban environments require an integrated management approach. The Council considers that more clarity can be achieved through greater Government direction. This direction should provide certainty in the management of specific resources with a focus in outcomes required to be achieved or environmental bottom lines. This could be achieved through principles/targets set in legislation (eg as in the recent Zero Carbon Bill), or through more detailed national direction (eg, a national direction tool for each section 6 matter of national importance).
10. The Council considers that additional matters need to be elevated within the decision making framework of the RMA, either as matters of national importance, or as a fundamental component of sustainable management to reflect current pressures on the environment. These matters are:
  - mitigating and responding to the effects of climate change
  - the provision of affordable housing
  - the creation of quality urban environments
  - the development and operation of strategic infrastructure
11. The Council refutes the continued rhetoric that the RMA is the single greatest barrier to the provision of housing, particularly affordable housing. Instead the Council considers that the high cost of housing in some parts of the country is instead driven by the collective effect of:
  - Financial incentives (eg, security of property investment and access to capital).
  - Developer incentives (eg, Maximising return by constructing limited numbers of high value houses where different typologies and higher yield could be achieved, land banking to keep prices high).
  - High cost of building materials.
  - Limited capacity of the construction sector.

### **Issue 3: Recognising Te Tiriti o Waitangi and te ao Māori**

12. Many Māori groups frequently face challenges participating in the resource management system due to capacity and capability constraints. These constraints are not equal around the country, and vary between iwi depending on many factors including Treaty settlement status and financial capability to be involved. The Council is therefore uncertain whether tweaking the legislative framework for partnering with Māori in the resource management system will lead to better outcomes for Māori, without providing support and resource to do so.
13. The Council encourages the Government to work towards a consistent approach at a national level to the resourcing, education and succession planning for Māori input in resource management. For example, the Government could create a fund to assist training young Māori in resource management. Furthermore, the Council suggests that local government be enabled to recover costs on behalf of Māori when their input is sought on resource management proposals.

14. The Council suggests that a clearer RMA definition of 'iwi authority' would be beneficial. The present definition is broad and uncertain. A more specific definition would increase certainty for both local authorities and Māori who can be engaged when undertaking functions such as consultation, joint management agreements and Mana Whakahono ā Rohe agreements.
15. The definition of 'sustainable management', and any other legislative purpose, should address Māori world views in policy and plan making processes. Recent national direction, such as the Draft National Policy Statement for Freshwater Management has pursued the concept of te mana o te wai as an example.

#### **Issue 4: Strategic integration across the resource management system**

16. The Council supports introducing requirements for spatial planning, and is already undertaking its own spatial planning exercise at the broad scope identified in the issues and options paper. The Council's spatial plan addresses areas of protection and vulnerability (climate change and natural hazards) and the alignment of growth and infrastructure. This spatial plan will in turn inform the district plan review as also discussed in the paper. The Council suggests this is the correct scope of spatial plans. The Council is also involved in a regional spatial planning process. The Council considers that it is important for regional councils and territorial authorities work together at this level to ensure that the outcomes sought by their delegated functions are consistent (eg, in the management of effects of urban development on stream networks).
17. While supportive of the requirement to undertake spatial planning exercises the Council suggests the Panel undertake further analysis of the benefits of legally binding spatial plans and what this would mean in practice. The paper does not contain a level of detail for the Council to come to a position on whether spatial plans should be legally binding. The Council considers that the biggest benefits of current spatial planning processes is their non-statutory nature, allowing flexibility for local authorities to resolve high level issues with the community and achieve buy-in to more detailed district plan processes.
18. The Council notes however that many other local authorities (particularly smaller and rural based councils) will struggle to resource the development of a spatial plan in addition to existing legislative requirements under the RMA. This pressure will only increase given the suite of national direction approaching implementation. The Council notes that the requirement to produce a Future Development Strategy under the National Policy Statement on Urban Development Capacity is akin to a high level spatial plan.
19. Including spatial planning within the RMA is supported over creating a separate spatial planning act. This is consistent with the Council's position on the integrated management of resources, and will avoid more legislative complexity.
20. The Council questions whether difficulties aligning land use planning with processes under the LGA and LTMA are practice related (eg, due to operating in 'silos'), rather than driven by legislation. There are many organisations with complementary functions at both central and local government levels that need to align to properly undertake spatial planning. The Council considers that the Government can take a more proactive role in spatial planning processes by working collaboratively alongside local authorities, iwi and infrastructure providers to develop tools on how to do this more effectively.
21. The provision of Government infrastructure is fundamental to leverage the opportunity of spatial planning processes, whether it be transport, health, or school infrastructure and is a

critical input into how spatial plans and eventually district plans are configured. For example the size and scale of a new school proposal can signal the typology of housing a local authority should facilitate through district plan rules. A commitment to continued engagement is critical to ensuring successful spatial planning. The Council suggests that the Government can take steps to increase the visibility of its planning and infrastructure intentions over the long term, in the same way that local authorities will be required to.

### **Issue 5: Addressing climate change and natural hazards**

22. The Council has joined hundreds of other cities around in the world in declaring a State of Climate and Ecological Emergency by accepting local and international scientific evidence that there remains around a decade to take urgent action to reduce greenhouse gas emissions in order to avoid disastrous consequences. The Council has taken action by recently committing to making Wellington City a zero carbon capital by 2050 through the Te Atakura First to Zero Strategy.
23. The Council supports using the RMA as a tool to address both mitigation and adaptation to climate change. This would mean the RMA is amended to enable consideration of both the effects of development on climate change, and the effects of climate change on new and existing development. The Council recommends that the Government considers how this would work in practice, who is responsible for decision making, and what flow-on effects there could be. For example, should the RMA be changed to allow regional councils to consider greenhouse gas emission in discharge consents, which is explicitly prevented under section 104E and 70A? Should the emission of greenhouse gases be a matter of consideration on all resource consents which is currently precluded under section 104? Removing restrictions to considering climate change effects such as these in the current decision making framework may be necessary to achieve the aim of Climate Change Response (Zero Carbon) Amendment Act. Producing reports on climate change effects may be difficult for applicants to resource and produce.
24. Being able to consider the effects of climate change in RMA plans and policy statements will enable councils to manage risk relevant to their regions, particularly around sea level rise and the broader effects of climate change. For such a change to achieve its intended effect, the Government would need to support local authorities by providing strong direction on how to consider climate change in its decision and plan making processes, and how to undertake these crucial conversations with the community so that it does not become another variable to be 'balanced out'. This lends itself to being elevated within the decision making framework.
25. The Council considers that the Government has a much greater role to play in responding to the effects of climate change, particularly ensuring a consistent response to sea level rise across the country, such as a national adaptation plan and national direction. Adaptation to sea level rise through land use actions such as managed retreat will only be possible with financial support from the Government.
26. The Council considers that the Building Act 2004 also has potential to be a lever to achieve positive environmental outcomes. This could be through encouraging measures such as green roofs and the use of materials that have less of an effect on climate change, as is done in other planning jurisdictions. The Council notes that the Building Act places liability on local authorities to ensure the suitability of structures and would accordingly add another layer of risk in pursuing green roofs and other technologies.
27. The Council points towards Wellington's well known vulnerability to seismic risk, a situation also faced and previously experienced by other local authorities. The Council considers this

is another area in which the Government can step up and provide clearer direction to local authorities on appropriate levels of risk and response, before events occur.

### **Issue 6: National direction**

28. The Council supports greater direction and certainty from central government on the management of specific resources with a focus on outcomes required or bottom lines. Each section 6 matter of national importance (and any that are subsequently added through this process) should be accompanied by a national direction tool. Appropriate resourcing should also be provided by the Government to ensure timely implementation.
29. The Council has been concerned by the unresolved conflicts and a lack of integration in recent national direction, particularly the recent freshwater and urban development national policy statements. These conflicts push local authorities into the position of not being able to completely fulfil the intent of either national direction. Without clear direction, local authorities are required to make compromises, or trade-offs between these resources, which call into question the ability to recognise and provide for section 6 matters.
30. The Council's submission on these documents has advocated for a 'rational' level of direction that does not deal with the minutia of plans. Rather, national direction must be clear about the outcomes management of nationally significant resources should achieve.

### **Issue 7: Policy and planning framework**

31. The Council agrees that RMA plans take too long to be made operative, which imposes significant costs on business and ratepayers. Initiatives to try and shorten this process are supported. In doing this the Council recognises the inherent tension of simultaneously truncating plan-making processes for efficiency gains, while preserving public participation and community expectations of the ability to seek legal review.
32. The Council notes that governments of all 'stripes' have consecutively chopped and changed plan making, notification and consenting processes in the interests of expediting decision making. These amendments have increased complexity at the expense of public participation.
33. The Council reiterates that plan making is best undertaken at a local level. This allows broad and meaningful community involvement that is hugely important so that a collective vision for the creation of quality urban environments can be developed and agreed. Doing so can give local authorities, the community, stakeholders, and decision makers confidence in a robust plan. The Council is currently reviewing how decision making arrangements function across the country. Releasing a draft plan is now commonplace in the plan making process in an effort to start engagement conversations early.
34. The Council notes that currently only rules relating to historic heritage and natural resources have immediate legal effect in plan changes processes, and suggests that this may need to be re-examined.
35. It is suggested the Panel revisit the need for the 'further submissions' process (Schedule 1, clause 8) and examine what impacts this has on plan making timeframes.

### **Issue 8: Consents/approvals**

36. During 2017/2018, the Council processed 837 resource consents, of which 827 (98.8%) were non-notified. 830 of these resource consents were processed on time (99.2%). However, this is highly reliant on the use of section 37 time extensions, usually with the applicant's agreement.
37. Despite the above figures which suggest the consenting system is functioning effectively, the Council agrees that changes are needed to reduce complexity and increase certainty. These factors are frequently pointed out by applicants as leading to increased costs which are accordingly passed on through the system.
38. There is often a community expectation to be able to have a say on all consenting activities occurring in any given area which creates a tension given that most consents are non-notified. In the circumstances when resource consents are notified, communities can also feel like their views are not considered equally alongside expert advice. This is why broad and meaningful community involvement at the plan-making stage is crucial so that the community has input into the future of their community and as a result a clear understanding of the future of their neighbourhoods and city. This reduces the need for notification and re-litigation during resource consent processes.
39. Currently the notification process is fractured and split based on arbitrary factors such as activity class and type. Often applicants will withdraw their application or revise the proposal if Council indicates it will be notified. This often prevents bold projects proceeding at all.
40. The Council recognises that automatic notification of all resource consents is an option raised by the Panel. Further explanation of how the Panel considers this could work is needed for the Council to have a position on this matter. The Council notes this system is used in other jurisdictions and would be a fundamental shift in culture around notification. It could help to ensure that communities are aware of applications made in their local area, and would require nuancing to ensure resource consent processes do not become more costly or less efficient due to irrelevant or vexatious submissions by those not directly affected. One way of managing this could be by allowing anyone to make a submission, but limit appeals to only those genuinely affected.
41. The Council does often receive additional information from concerned citizens during resource consent processes (although they have not been determined to be adversely affected). These 'submissions' have no weight in the decision-making process, but information contained within them can sometimes provide useful background for processing planners. The planners need to consider whether the information provided is relevant and within the scope of matters of discretion (where the application has a controlled or discretionary restricted activity status). An approach that sees all resource consents automatically notified needs to account for the perspectives of developers and others who apply for resource consents.
42. The Panel's eventual recommendation should recognise the variation in relative complexity of consents and scale information requirements to suit, as opposed to a 'one size fits all' approach that we currently have. In the Council's opinion, recent 'boundary activity' changes have been successful in reducing the burden of complete resource consent processes for simple breaches of plan rules. Changes to practice such as the use of 'short form' applications / reports for proposals with small scale breaches could present efficiencies. Alternatively, consideration should be given to whether complex consents should be allowed more time for processing to ensure that their implications are well considered.

43. The Council agrees that the case-by-case assessment of activities through individual resource consents has come at the expense of managing the cumulative effects of multiple consents. More guidance is needed how to assess this. One option the Council has identified in relation to permitted activities could be a change to practice to include more specific requirements, such as the preparation of management plans, for earthworks activities.
44. The Council supports initiatives to make plans more accessible to the community and is exploring digital solutions through the district plan review that will help increase participation and understanding. Such initiatives include the use of ePlans, as well as another tool the Council is developing that allows users to query development proposals against coded district plan rules.

### **Issue 9: Economic instruments**

45. The Council notes that tools such as transferable development rights have been used in RMA plans, but are constrained to the purpose of managing environmental effects, rather than as mechanisms in a more general sense.
46. The Council supports enabling local authorities to introduce congestion charging as a tool to influence behaviour change. Doing so would help with the leveraging the opportunity of the city shaping 'Let's Get Wellington Moving' programme to integrate land use and infrastructure development.
47. The Council considers there is a need for a broader nationwide review of both the funding and financing tools available to Local Government. This should consider how the national economic system could provide for more equitable distribution and application of economic tools / resources at a local level. Doing so would help ensure that local authorities have incentives to facilitate development and growth when value can be captured.

### **Issue 10: Allocation**

48. The Council recognises that the options discussed in the paper are more relevant to Regional Councils.
49. Officers have reviewed an early draft of the Greater Wellington Regional Council's response and support comments exploring a different basis for water allocation that focuses on prioritised resource uses (i.e. public water supply and efficient use).

### **Issue 11 and 12: System monitoring and oversight and Compliance, monitoring and enforcement**

50. The Council notes that there are already independent oversight roles in the system, mainly through the Parliamentary Commissioner for the Environment (PCE), as well as through the Environmental Report Act which gives roles to the Ministry for the Environment and Statistics NZ. The main issue with system oversight has been fragmented or missing data sources. One solution to this could involve making better use of local authorities' data sources, and increasing central government funding of data gathering.
51. The Council considers the main barrier to effective Compliance, Monitoring and Enforcement (CME) under the RMA is resourcing constraints. The Council is fortunate to have comparatively more CME resource than other local authorities, which the paper notes is non-existent in some districts.



52. The Council notes that the offence-making provisions can be clumsy to navigate, and with respect to the prosecution regime, what should be a quite simple prosecution matter (for example, breaching a condition of a resource consent) needs to be charged in a roundabout way, resulting in unnecessary evidence, a convoluted burden of proof, and peripheral matters taking precedence.
53. The Council notes that enforcement action is costly. In the event that an appeal against Council's enforcement action is not upheld, full costs of the enforcement action and legal proceedings are never recovered. This could be examined in the review to ensure that 'doing the right thing' doesn't cost Council, and environmental breaches are not considered by offenders as part of the cost of doing business. Increasing fines could act as a disincentive to such behaviour.
54. The Council supported recent changes in the RMA Amendment Bill to empower the EPA to take enforcement action, in the same way that local authorities can.

### **Issue 13: Institutional roles and responsibilities**

55. The Council does not consider that MfE needs a bigger operational role in the RM system. Instead the Council considers MfE should take a much greater leadership role in the provision of national direction that is clear, resolving trade-offs and conflicts upfront.
56. Furthermore, MfE should assist local authorities in a funding and resourcing capacity to implement national direction and providing support and funding for local government initiatives / systems to streamline the consenting / district plan drafting process.
57. The Council again notes that city shaping and plan making must remain the responsibility of local authorities who are best place to hear the desires of and work alongside their communities to deliver resource management plans.

### **Issue 14: Reducing complexity across the System**

58. The Council notes that the RMA is an easy target to blame for rhetoric around costs, delays and uncertainty.
59. While the Council agrees that RMA processes can take time, this can often be caused by deficient resource consent applications which lack information necessary to fully consider the implications of activities and land use change. In these circumstances applicants are required to provide further information which they may not have anticipated or costed. Pre-application meetings between applicants and local authorities can help set expectations on information that will need to be provided.
60. A number of legislative tools have been developed to remove the complexities of current RMA processes. While there has been an initial focus on improving consenting for nationally significant projects, councils continue to face challenges in progressing locally significant programmes of work. To remedy this imbalance, there is a need for a standardised approach between both levels of government.
61. The Council encourages central Government to consider partnership between local authorities and crown entities in cases where those crown entities are granted additional powers to circumvent aspects of the planning process (for example Kāinga Ora under the Urban Development Bill). This could enable the delegation of powers to local authorities in

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undertaking development, utilising an in-depth understanding of local issues when delivering projects that serve both local and national interests.