

Absolutely Positively
Wellington City Council

Me Heke Ki Pōneke

Ordinary Meeting of Kōrau Tūāpapa | Environment and Infrastructure Committee Agenda

9:30am Thursday, 2 February 2023

Ngake (16.09)

Level 16, Tahiwī

113 The Terrace

Wellington



MEMBERSHIP

Mayor Whanau
Deputy Mayor Foon
Councillor Abdurahman
Councillor Apanowicz
Councillor Brown (Deputy Chair)
Councillor Calvert
Councillor Chung
Councillor Free
Pouiwi Holden Hohaia
Pouiwi Liz Kelly
Councillor Matthews
Councillor McNulty
Councillor O'Neill
Councillor Pannett
Councillor Paul (Chair)
Councillor Randle
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 04-803-8337, emailing public.participation@wcc.govt.nz 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

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1. Meeting Conduct

1.1 Karakia

The Chairperson will open the meeting 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 meeting.

Unuhia, unuhia, unuhia ki te uru tapu nui	Draw on, draw on
Kia wātea, kia māmā, te ngākau, te tinana, te wairua	Draw on the supreme sacredness
I te ara takatū	To clear, to free the heart, the body
Koia rā e Rongo, whakairia ake ki runga	and the spirit of mankind
Kia wātea, kia wātea	Oh Rongo, above (symbol of peace)
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 meeting, 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 8 December 2022 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 meeting:

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 meeting.

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 meeting 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 meeting 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 meeting 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 meeting setting forth the subject, is required to be lodged with the Chief Executive by 12.00 noon of the working day prior to the meeting concerned, and subsequently approved by the Chairperson.

Requests for public participation can be sent by email to public.participation@wcc.govt.nz, by post to Democracy Services, Wellington City Council, PO Box 2199, Wellington, or by phone at 04 803 8334, giving the requester's name, phone number and the issue to be raised.

2. General Business

RESIDUAL WASTE - SOUTHERN LANDFILL EXTENSION (PIGGYBACK OPTION) BUSINESS CASE

Kōrero taunaki | Summary of considerations

Purpose

1. This report to Kōrau Tūāpapa | Environment and Infrastructure Committee presents the business case for the Landfill Extension (piggyback option) and seeks budget approval, in line with the agreed option in the Long-term Plan.

Strategic alignment with community wellbeing outcomes and priority areas

Aligns with the following strategies and priority areas:

- Sustainable, natural eco city
- People friendly, compact, safe and accessible capital city
- Innovative, inclusive and creative city
- Dynamic and sustainable economy
- Functioning, resilient and reliable three waters infrastructure
- Affordable, resilient and safe place to live
- Safe, resilient and reliable core transport infrastructure network
- Fit-for-purpose community, creative and cultural spaces
- Accelerating zero-carbon and waste-free transition
- Strong partnerships with mana whenua

Strategic alignment with priority objective areas from Long-term Plan 2021–2031

Relevant Previous decisions

The following Council decisions are relevant to this paper:

The Southern Landfill Piggyback Expansion is included in the Council's 2021-31 adopted Long-term Plan. Wellington Region Waste Management and Minimisation Plan Joint Committee of 27 February 2017:

Adoption of the Draft Waste Management and Minimisation Plan (2017- 2023) for Public Consultation, [Minutes](#) Pūroro Maherehere I Annual Plan / Long-term Plan Committee of 1 June 2022, key amendments were:

Agree the LTP amendment for preferred option on the future of Southern Landfill – new landfill on top of exiting landfill (piggyback option). p.8, [Minutes](#).

Council intends for the piggyback landfill extension to be the last landfill extension. The complete list of amendment recommendations is as follows:

LTP amendments recommendation – the future of Southern Landfill:

10. Note a full community feedback report on the Southern Landfill options presented through consultation.

11. Agree the LTP amendment preferred option on the future of Southern Landfill - new landfill on top of existing landfill (piggyback option).

11A. Agree that it is this Council's intention that the piggyback landfill extension will be the final landfill extension.

11B. Note that the landfill extension Piggyback Option will work in parallel with an increased commitment to waste minimisation given effect by a Zero Waste programme that includes the sludge minimisation facility project, and the renewed Wellington Region Waste Management and Minimisation Plan (RWMMP), to be in place by late 2023.

11C. Note that to support the Council desire for the Piggyback Option to be the final extension to the Southern Landfill, waste minimisation initiatives will be prioritised so that landfill use is the final option, prolonging the useful life of the landfill extension as much as possible.

11D. Note plans to investigate and determine suitable alternatives for any residual waste will be undertaken well in advance of the landfill reaching capacity. This will include working in collaboration with other councils to review regional landfill capacity as per the current RWMMP and, if necessary, to identify alternative landfill sites.

11E. Note that council officers will continue to work with community representatives on the design of the landfill extension Piggyback Option prior to the resource consent application.

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

Financial considerations

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

- Capital funding of \$54.5M (inflation adjusted) to extend the Southern Landfill is provided for in the LTP for the period 2022 to 2047.
- The project requires \$36M to fund Parts A & B for the period 2022 to 2028. The current LTP has \$19.6M available from 2022 to 2028 and \$16.3M available from 2029 to 2031. A LTP amendment is required to bring forward \$16.3M from years 2029 to 2031 and align the LTP funds with the expected Capital spend.

Risk

Low | Medium | High | Extreme

- Risks associated with this project are outlined in the body of this report.

Authors	Sakura Rimington, Senior Programme Coordinator Stefan Borowy, Manager, Waste Operations
Authoriser	Chris Mathews, Manager Waste, Water and Resilience Rebecca Adams, Chief Advisor to CIO Siobhan Procter, Chief Infrastructure Officer

Taunakitanga | Officers' Recommendations

Officers recommend the following motion

That Kōrau Tūāpapa | Environment and Infrastructure Committee:

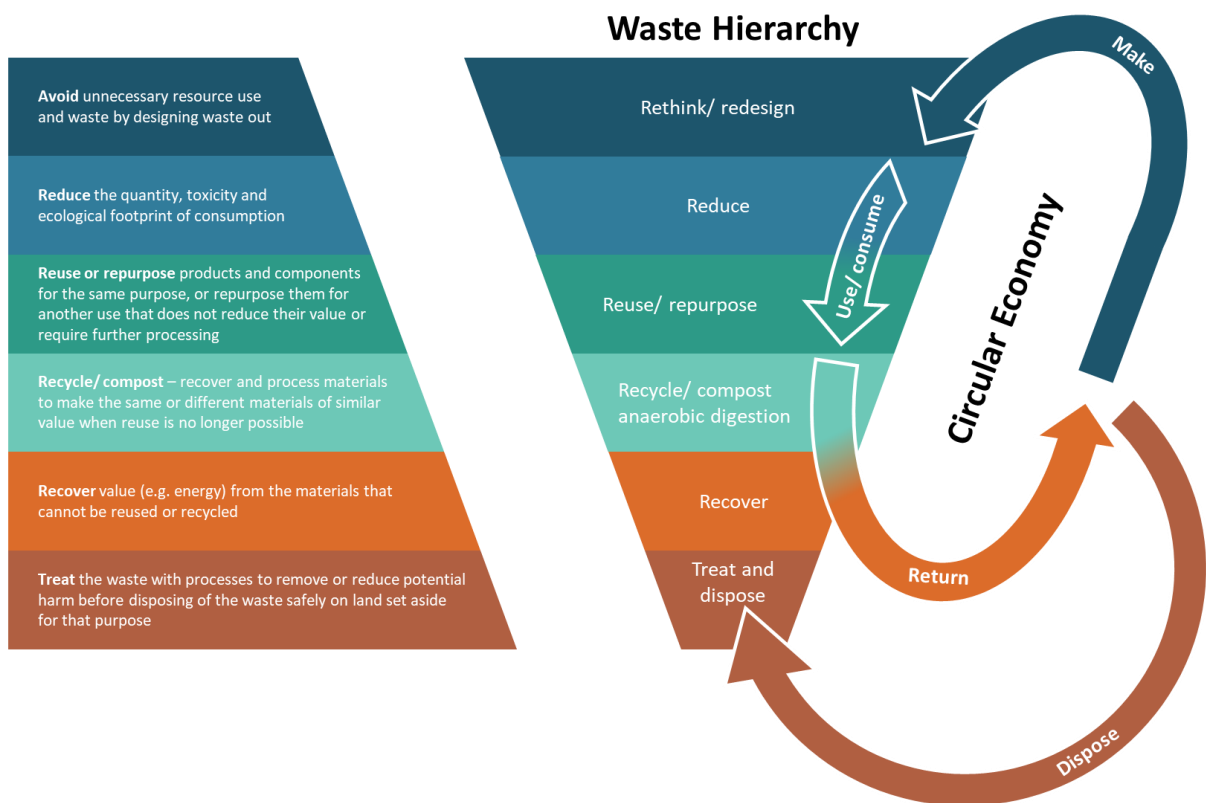
- 1) **Approve:** the business case to proceed with Parts A and B of the Southern Landfill Extension Piggyback Option (SLEPO) Project – to design, consent and construct a new landfill on top of a closed landfill with an estimated cost of \$36M (Capex), including a contingency of \$3.2M.
- 2) **Note** the project is at preliminary design stage and has identified a range of potential future risks that will be eliminated or validated through the detailed design and procurement processes. This is planned for June and September 2024 respectively.
- 3) **Agree** to an amendment to the LTP to bring forward \$16.3M from 2029-2031 period into the 2022-2028 period to address the timing of when funding is required to construct Parts A & B.
- 4) **Note** the funding request only covers Parts A and B and does not cover the full cost to develop and construct the SLEPO project. Development and construction of Parts C and D, and the funding of this, will be brought to Council when there is a clearer picture of the impact of future waste minimisation initiatives.
- 5) **Note** The resource consent including preparation of technical reports is on schedule to be lodged on 3 March 2023, in keeping with the required timeframe for the new landfill to be operating by June 2026.
- 6) **Note** The approval of this business case in February 2023 is required to remain on the critical path and ensure that WCC has a consented and built landfill in operation by June 2026.

Whakarāpopoto | Executive Summary

1. The Southern Landfill is a listed strategic asset for the Council, and the only approved existing residual waste disposal facility for Municipal Solid Waste (MSW), dewatered sewage sludge and hazardous waste in Wellington city – about 96,000 tonnes of municipal waste per annum goes to the Southern Landfill.
2. The existing resource consents expire in June 2026 and the current operational landfill (referred to as Stage 3) is also projected to reach capacity at the same time, requiring a new residual waste disposal solution to be in place by then to ensure the smooth running of Wellington city and supporting future growth.
3. A solution is therefore required to dispose of Wellington's residual waste (what's left after we reduce, reuse and recycle) from June 2026.
4. On 1 June 2022 the Council's Annual Plan/Long-Term Plan Committee agreed, as part of the annual plan process, that the preferred option for the future of the Southern Landfill was a "new landfill on top of existing landfill (piggyback option)".
5. On 30 June 2022 the Council adopted the Annual Plan 2022-23 which included the Long-term Plan amendment for the "piggyback option". While Council adopted the LTP amendment for the piggyback option, this is subject to funding approval, which is being sought through this paper.

Takenga mai | Background

6. Accelerating a waste free transition is a council priority in the 2021-31 Long-term Plan. The Council declared an ecological and climate emergency in 2019 and this is a key strategic driver for accelerating zero waste outcomes for Wellingtonians.
7. A Zero Waste Strategy is currently undergoing public consultation. This will be presented to council in April 2023 along with the Council Waste Action Plan that is being delivered through the Zero Waste Programme of work.
8. The Zero Waste Strategy is aligned with the legislated RWMMP that focuses on transitioning to a circular economy – increasing the amount of waste diverted from landfill through reuse, recovery, and recycling, and taking into consideration the waste hierarchy (see the diagram below).



9. We are in the process of finalising our Zero Waste Strategy, which recognises that the transition to zero waste will take time and the importance of continuing to manage residual waste including hazardous waste for the health and safety of our people and the environment in the long-term.
10. At the 14 October 2021 meeting of the Pūroro Waihanga | Infrastructure Committee a resolution directed officers to progress two parallel work streams (in order to ensure that all reasonably practicable options are available for the Council's consideration of the issue of the disposal of residual waste beyond 2026):
 - Continue to investigate and analyse further minimisation and waste disposal options and consultation requirements.
 - Undertake the work to initiate and lodge the necessary resource consent applications to extend the Southern landfill.

Kōrerorero | Discussion

11. The ‘piggyback’ option has undergone public consultation and has been selected by Council as the preferred option in the current Annual Plan 2022/23. The SLEPO Business Case details the multi-criteria analysis that was undertaken to reach the preferred option.
12. This paper focuses on the project timeline and financials.
13. On approval of the business case, the project team will complete the design and resource consent application and submit the resource consent application to Greater Wellington Regional Council in March 2023.
14. The illustration below shows the high-level project plan and key milestones: The approval of this business case in February is required to remain on the critical path and ensure the WCC has a consented and built landfill in operation by June 2026.

Key Project Milestone – Resource Consent	Approximate Date		2022				2023				2024				2025				2026	
	Start	Finish	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
Technical Reports and consent application	1-Apr-22	1-Dec-22	█	█	█	█														
Review of draft by GWRC	2-Dec-22	30-Jan-23				█	█													
Resource consents lodged	3-Mar-23						█													
Processing of consents by GWRC	3-Mar-23	29-Feb-24					█	█	█	█										
Resource Consent decision expected by		29-Feb-24								█										
Key Project Milestone – Part A & B Construction (No Environment Court)	Start	Finish																		
Detailed Design	1-Nov-23	30-Jun-24						█	█	█										
Contractor Procurement (ROI, RFP)	1-Apr-24	30-Sep-24							█	█	█									
Essential Construction Material Procurement	1-Oct-24	30-Sep-25									█	█	█	█						
Part A Landfill cell construction	1-Oct-24	30-Apr-25									█	█	█	█						
Part B Landfill cell construction	1-Oct-25	30-Apr-26													█	█				
Ready to receive residual waste	1-Jun-26																			█
Key Project Milestone – Part A & B Construction (Environment Court Appeal)	Start	Finish																		
Environment Court Appeal	1-Mar-24	30-Aug-25									█	█	█	█	█					
Detailed Design	1-Nov-23	30-Jun-24						█	█	█										
Contractor Procurement (ROI, RFP)	1-Apr-24	30-Sep-24							█	█	█									
Essential Construction Material Procurement	1-Oct-24	30-Sep-25									█	█	█	█						
Commence construction	1-Oct-24	30-Apr-25									█	█	█	█						
Undertake winter works	1-Jun-25	30-Sep-25													█	█				
Continue construction	1-Oct-25	30-Apr-26														█	█			
Ready to receive residual waste	1-Jun-26																			█

Kōwhiringa | Options

15. The Committee has the option to approve the business case and agree to the LTP amendment to bring forward \$16.3M from the 2029-31 period to the 2022-2028 period or not to approve the business case and LTP amendment.
16. Approval of the business case and LTP amendment will allow the project to remain on the critical path and ensure that WCC has a consented and built landfill in operation by

June 2026, allowing for the smooth running of the City and for waste minimisation progress to be made.

Whai whakaaro ki ngā whakataunga | Considerations for decision-making

Alignment with Council's strategies and policies

17. The proposed SLEPO Business Case aligns with several Council Strategies including, Te Atakura – First to Zero, Economic Wellbeing Strategi, Resilience Strategy, Tūpiki Ora – Maori Strategy, and the Zero Waste Strategy (draft).

Engagement and Consultation

18. Council publicly consulted on the three shortlisted options through the Long-term Plan consultation process. Formal public consultation (via the 2022/23 Annual Plan consultation process) and engagement with Mana Whenua was completed in early 2022 with the majority in support of the piggyback option.
19. A Residual Waste Disposal Working Group, representing local community groups from Ōwhiro Bay and Brooklyn, was established to provide input and feedback to the Resource Consent process for the Piggyback Option.

Implications for Māori

20. Through its Māori Partnerships Framework, the Council is partnering with Taranaki Whānui and Ngati Toa on this project. A Statement of Work is being progressed with an associated Project Partnership Charter to formalise this arrangement.

Financial implications

21. Capital funding of \$54.5M (inflation adjusted) to extend the Southern Landfill is provided for in the LTP for the period 2022 to 2047.
22. The project requires \$36M to fund Parts A & B for the period 2022 to 2028. The current LTP has \$19.6M available from 2022 to 2028 and \$16.3M available from 2029 to 2031. A LTP amendment is required to align the LTP funds with the expected Capital spend shown in the table below.

Financial Year	Part A					Part B	2027/28	2028/29	2029/30	2030/31	Total
	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27					
Description	Design and Consenting / Consent Processing	Consent Processing /	Construct Part A	Construct Part A	Construct Part B						
LTP Provision	1,309,900	4,895,834	7,396,985	1,438,133	1,479,650	1,522,712	1,567,207	6,580,438	8,056,206	1,710,145	35,957,210
Capex spend	600,000	1,697,608	1,551,358	13,124,597	3,990,025	7,821,478	7,131,603	-	-	-	35,916,669
Difference	709,900	3,198,225	5,845,626	- 11,686,464	- 2,510,375	- 6,298,766	- 5,564,396	6,580,438	8,056,206	1,710,145	40,541
Current LTP Provision 2022-2028	1,309,900	4,895,834	7,396,985	1,438,133	1,479,650	1,522,712	1,567,207				19,610,421
Current LTP Provision 2029-2031								6,580,438	8,056,206	1,710,145	16,346,789
Future LTP alignment requirement	none	none	none	1,932,712	2,510,375	6,298,766	5,564,396	none	none	none	16,306,248
Current LTP Provision 2022-2028 + Future LTP alignment requirement	1,309,900	4,895,834	7,396,985	3,370,845	3,990,025	7,821,478	7,131,603	none	none	none	35,916,669

23. Funding approval for Parts C & D will be subject to a future funding request, the timing of which will be determined by the expected reductions in the volume of residual waste to landfill as a result of Zero Waste Programme initiatives such the Sludge Minimisation

Facility, and the proposed kerbside organics collection service and organics processing facility. This could, for example see Parts A & B provide a residual waste disposal solution that extends well beyond 2031, delaying the timing for when Part C may be required.

24. The current \$54.5M LTP budget provision amount was a concept design estimate based on creating a new landfill (Stage 4) on a new site at the Southern Landfill. This option was rejected by Council in 2020 in response to concerns raised by the community. As a result, the option to build another landfill on top of an existing landfill (the Piggyback option) is council's preferred option, which was been endorsed following the Annual Plan 2022/23 public consultation process.
25. The project capital estimated cost for Parts A & B has been calculated by industry leaders Tonkin & Taylor, experienced in the design and construction of landfills, and peer reviewed by independent Quantity Surveying organisation Bond Construction Management Limited, also suitably experienced and qualified. The independent peer review in November 2022 came within 2.5% of the cost estimate by Tonkin & Taylor, providing a high level of confidence.
26. Tonkin & Taylor have determined a capital funding base estimate of \$32.7M (Base Case), excluding contingency for Parts A & B. This base estimate has been used to calculate the recommended (Likely Case) forecast scenario of \$36M, which includes \$3.2M (9.7%) contingency.

Legal considerations

27. Council's legal team have reviewed the attached business case. Feedback received including any legal requirements and risks have been incorporated into this business case.

Risks and mitigations

28. The key risks identified, and mitigations are detailed in the business case.

Disability and accessibility impact

29. There are no impacts related to disability or accessibility associated with this report.

Climate Change impact and considerations

30. The preferred option gives effect to the Wellington Region Waste Management and Minimisation Plan and is part of a larger circular economy system focused on transformational change and zero waste aspirations.
31. The Council can directly influence waste diversion at point of disposal. By having direct control of how waste will be disposed of at landfill, the Council can ensure strategic pricing and operations are in place to manage waste flows and support future waste minimisation initiatives.
32. Requires no minimum tonnage to operate efficiently and therefore supports the Council's waste minimisation initiatives.
33. No change from the existing landfill in regard to carbon emission impacts.

Communications Plan

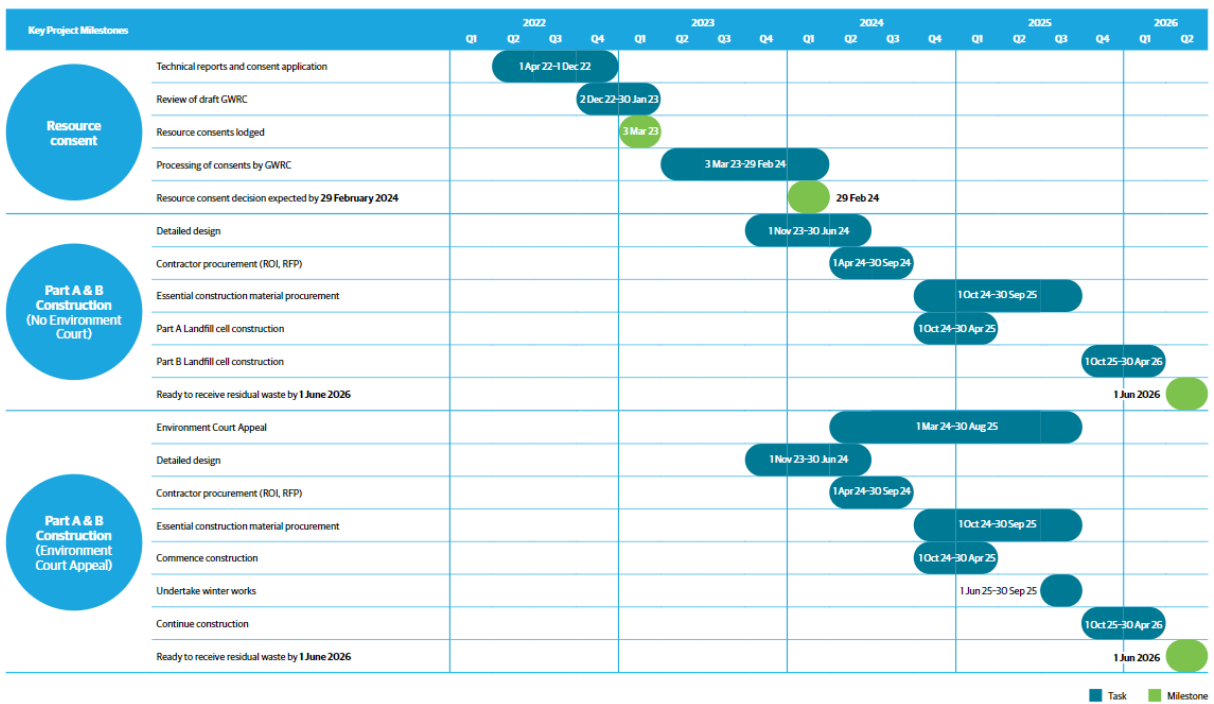
34. A project communications and engagement plan has been developed.

Health and Safety Impact considered


35. Compliance with Health and Safety regulations is a minimum requirement of all project planning and current physical works. All contracts are required to adhere to Health and Safety procedures.

Ngā mahinga e whai ake nei | Next actions

36. On approval of the business case, the project will complete the design and consent application with a view to submitting the consent to Greater Wellington Regional Council in March 2023. The illustration below shows the high-level project plan:



Attachments

Attachment 1. Southern Landfill Extension (Piggyback Option) Business Case - 2nd February 2023 [Download](#)  Page 18



**Project Business Case
(Significant) Residual
Waste Disposal -
Southern Landfill
Extension Piggyback
Option (SLEPO) Project**



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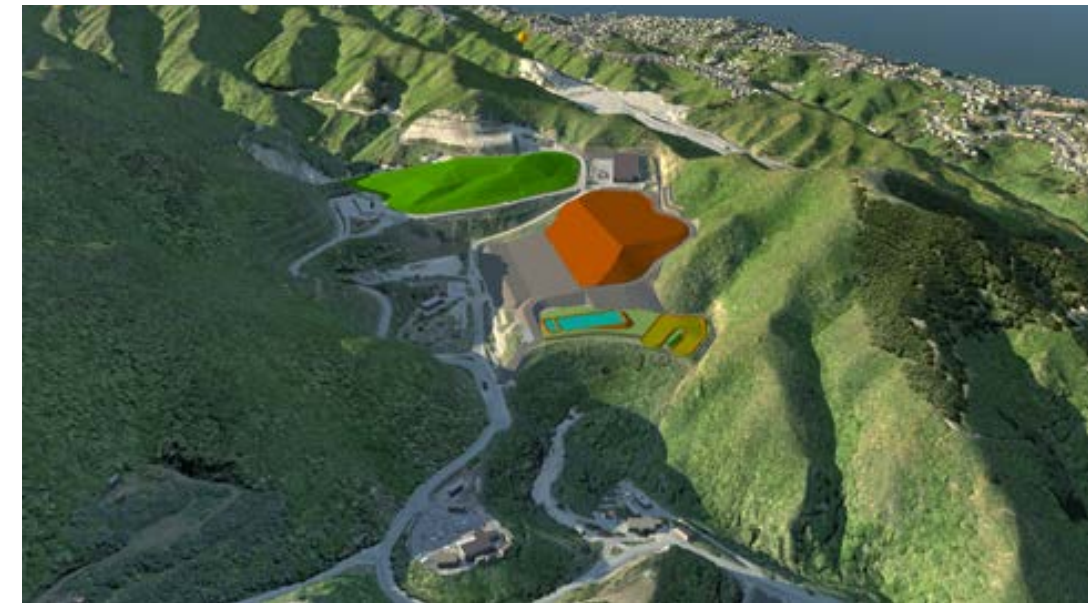
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Executive summary

Purpose

This business case presents the preferred option for residual waste disposal in Wellington city. It seeks formal approval from Wellington City Council (the Council) to extend the current landfill by constructing a new landfill on the top of the closed Stage 2 landfill. Development of the new landfill will be delivered in 4 Parts (construction phases) from 2024 to 2047. This Business Case seeks approval for 2 Parts only (Parts A and B) to deliver a residual waste disposal solution for the period 2026 to 2031 with design and consenting commencing in 2022 and construction in 2024-2025.

Implementation of Zero Waste Programme initiatives is expected to see Part A and B deliver a residual waste disposal solution that may extend beyond 2031, dependent upon the success of waste minimisation initiatives. On approval of the business case, the design and resource consent application will be completed and submitted to Greater Wellington Regional Council in March 2023.



Parts A and B completed in 2031+



Parts A, B, C and D completed in 2047+

Zero Waste strategic context

Globally there is unmistakable evidence of social, economic, environmental, and cultural benefits for countries to advance the transition to a more resource-efficient and circular economy:

1. Aotearoa New Zealand as a global citizen has started this transition, with the Ministry for the Environment developing a set of proposals for a new national waste strategy and options for developing new, comprehensive waste legislation
2. The proposed national waste strategy will set an innovative, bold direction to transform the way Aotearoa New Zealand thinks about, and manages, waste. The options for new waste legislation support the transition to a more circular economy, and better regulate the management of waste, products and materials circulating in the economy.

Local authorities, including Wellington City Council, have also started this transition. The Council declared an ecological and climate emergency in 2019 and this is a key strategic driver for accelerating zero waste outcomes for Wellingtonians.

Accelerating a waste free transition is a council priority in the 2021-31 Long-term Plan. We are finalising a Zero Waste Strategy, which was presented to council in December 2022. We are also organising all of our waste initiatives within a Zero Waste Programme to deliver on this strategic priority. We've already signalled intentions and begun community conversations and actions through strategies such as: Te Atakura - First to Zero and Tūpiki Ora.

At the 14 October 2021 Pūroro Waihanga | Infrastructure Committee meeting, it was agreed to adopt, in principle, the draft Waste Minimisation Roadmap which will inform the development of the Council's next Waste Management and Minimisation Plan (WMMP) in 2023. The current Regional Waste Management and Minimisation Plan remains the Council's operative waste plan, which will inform and promote the provision of effective and efficient waste management and minimisation within Wellington city until 2023.

¹ Please see the following OECD publications: Extended Producer Responsibility: Updated Guidance for Efficient Waste Management | READ online (oecd-ilibrary.org), and Towards a more Resource Efficient and Circular Economy - the role of the G20, G20, 2021 Italy

² Refer The New Zealand Waste Strategy: Reducing harm, improving efficiency | Ministry for the Environment

³ Adoption of the Draft Waste Management and Minimisation Plan (2017- 2023) for Public Consultation, Wellington Region Waste Management and Minimisation Plan Joint Committee, 27 February 2017: Minutes

⁴ The business case for SMF was approved by the Council on 30 June, 2022: Minutes, Sludge Minimisation Business Case.pdf

Problem statement

The Southern Landfill is the only approved, existing residual waste disposal facility for Municipal Solid Waste (MSW), dewatered sewage sludge and hazardous waste in Wellington city - about 78,000 tonnes of municipal waste per annum goes to the Southern Landfill. It is a listed strategic asset for the Council. The existing resource consents expire in June 2026 and the current operational landfill (referred to as Stage 3) is also projected to reach capacity at the same time, requiring a new residual waste disposal solution to be in place by then to ensure the smooth running of Wellington city and supporting future growth.

We need to decide how we dispose of Wellington's residual waste (what's left after we reduce, reuse and recycle) from June 2026.

Background and organisation overview

The Council has adopted a Regional Waste Management and Minimisation Plan³, which sets an ambitious target of reducing the total quantity of waste sent to landfills by a third. A key action from this work has been progressing the Sludge Minimisation Facility project⁴ which seeks to significantly reduce the volume of waste to landfill and enable waste reduction to accelerate by 2026. As well as dealing with our sludge in a different way, we are also actively investigating how to reduce the volume of organics and plastics entering at our landfill. Construction and demolition solutions also need to be identified to reduce the high and growing volume of waste from the construction sector.

Preferred solution option overview

Work began in 2009 to extend the current landfill to the north side of Stage 3 into a new area known as Stage 4. Public concerns were raised over the proposed Stage 4 landfill. In response, council put Stage 4 on hold in 2021. The Council engaged Beca and Fichtner to perform a technical and suitability assessment of a long list of possible waste technology options. In early October 2021, the initial assessment of possible options for residual waste treatment in Wellington city was completed, and a report published.

The Council passed the resolution below at the 14 October meeting of the Pūroro Waihanga | Infrastructure Committee. This provided the required framework and direction to land on a preferred residual waste disposal solution for Wellington. The resolution states:

Direct officers to progress two parallel work streams (in order to ensure that all reasonably practicable options are available for the Council's consideration of the issue of the disposal of residual waste beyond 2026).

- a. Continue to investigate and analyse further minimisation and waste disposal options and consultation requirements, reporting to Infrastructure.
- b. Undertake the work to initiate and lodge the necessary resource consent applications to extend the Southern landfill.

To arrive at a preferred residual waste disposal solution, a Residual Waste Working Party⁵ was established. Council, the working party and Beca collaboratively completed a detailed investigation and comprehensive Multi-Criteria Analysis (MCA) that considered different technology options in combination with key criteria. The long list evaluation results are summarised on the following page.

After 14 waste management technologies had been assessed, scored and reviewed by the Council and the working party, four were shortlisted as suitable options for Wellington City Council to assess in more detail. These were:

1. Energy from waste
2. Materials recycling facility
3. Mechanical biological treatment
4. Landfilling

A more detailed comparative assessment for the four technologies best suited to the Council and wider Wellington region's requirements was performed. The results and scoring process are outlined opposite.

⁵ This working party was formed in response to the resolution from 14 October; *Continue to investigate and analyse further minimisation and waste disposal options and consultation requirements, reporting to Infrastructure*

Technology	Summary	
	Total Score	Shortlist
Landfill	79	✓
Export (No collection)	64	
Export (Transfer Station)	61	
Energy from Waste	78	✓
Incineration w/o energy recovery	70	
Gasification		
Pyrolysis		
Anaerobic digestion	76	
Material Recycling Facility	82	✓
Mechanical Biological Treatment	82	✓
Composting	72	
Autoclave	58	
Vermiculture		
Insect food cycle		

Assessment Criteria
Local Community Effects
Environmental Effects (water)
Environmental Effects (land)
Environmental Effects (air)
Alignment with Circular Economy
Alignment with Te Atakura First to Zero
Consenting and Planning
Value for money
Robustness/reliability
Maturity of offtake market
Size
Resilience

Technology	Absolute Criteria			Results
	Programme	Technical Maturity	Scalability	
Landfill	✓	✓	✓	PASS
Export (No collection)	✓	✓	✓	PASS
Export (Transfer Station)	✓	✓	✓	PASS
Energy from Waste	✓	✓	✓	PASS
Incineration w/o energy recovery	✓	✓	✓	PASS
Gasification	✓	✗	✓	FAIL
Pyrolysis	✓	✗	✓	FAIL
Anaerobic digestion	✓	✓	✓	PASS
Material Recycling Facility	✓	✓	✓	PASS
Mechanical Biological Treatment	✓	✓	✓	PASS
Composting	✓	✓	✓	PASS
Autoclave	✓	✓	✓	PASS
Vermiculture	✓	✗	✓	FAIL
Insect food cycle	✓	✗	✓	FAIL

Criteria	Stage IV landfill expansion	Piggyback expansion	Energy from waste	Export (no collection)
1 GHG emissions	3	5	7	3
2 Circular economy	5	5	3	5
3 Community connection	7	7	5	1
4 Scalability	10	10	3	10
5 Technical maturity	10	10	7	10
6 Timeframe	7	10	3	10
7 Local community effects	3	5	7	10
8 Environmental effects (water)	3	3	7	5
9 Environmental effects (land)	3	3	7	3
10 Environmental effects (air)	5	7	3	5
11 Consent and planning	5	7	3	10
12 Value for money	7	10	5	1
13 Robustness/reliability	10	10	7	7
14 Size	10	10	10	10
15 Resilience	10	10	7	1
16 Te Ao Māori	5	7	3	1
Score (out of 160)	103	119	87	92

As a result of this process three options for residual waste disposal were identified, shortlisted, scored and consulted on via the public Annual Plan (Long-Term Plan Amendment) consultation process⁶:

1. New landfill on top of existing landfill (piggyback option)
2. Waste to energy incineration
3. No residual waste facility in Wellington city

A summary of the shortlisted options can be found in table 1.

Table 1: Summary of shortlisted options

⁶ www.letstalk.wellington.govt.nz/hub-page/annual-plan-2022-2023

Table 1: Summary of shortlisted options

	1. New landfill on top of existing landfill (piggyback option) Preferred option in Long-term Plan	2. Waste to energy incineration	3. No residual waste facility in Wellington city
Option Description	The construction of the new Class A landfill (a site that accepts Municipal Solid Waste (MSW), construction and demolition waste, and industrial wastes and contaminated soils) on top of the Stage 2 area, an area that has been previously landfilled and closed in 1996.	This option refers to the burning of waste to create heat that can be turned into energy, noting that only about 60% can be burned.	Wellington city waste is collected by existing contractors and dropped at a central transfer station for exporting to regional landfills such as Spicers and Silverstream landfills.
Strategic Alignment	<p>Gives effect to the Waste Management and Minimisation Plan and is part of a larger circular economy system focused on transformational change and zero waste aspirations</p> <p>There is no minimum Municipal Solid Waste tonnage volume requirement which therefore enables Wellington's Regional Waste Management and Minimisation Plan, Zero Waste Programme and Sludge Minimisation Facility</p> <p>The Council can directly influence waste diversion at point of disposal. By having direct control of how waste will be disposed of at landfill, the Council can ensure strategic pricing and operations are in place to manage waste flows and support future waste minimisation initiatives</p> <p>Requires no minimum tonnage to operate efficiently and therefore supports the Council's waste minimisation initiatives.</p>	<p>The Council can directly influence some waste diversion at point of disposal.</p> <p>The Council can directly influence waste diversion and associated zero waste targets.</p>	<p>Reputation: The Council could be perceived as not being responsible for the waste it produces and exporting the related environment impacts elsewhere</p> <p>The Council has less influence on waste diversion and associated zero waste targets.</p>

	1. New landfill on top of existing landfill (piggyback option) Preferred option in Long-term Plan	2. Waste to energy incineration	3. No residual waste facility in Wellington city
Environmental & Community Impacts	<p>Continued disposal of contaminated soil and asbestos contaminated material</p> <p>There will be some leakage of methane (a greenhouse gas) from the landfill outside of the landfill gas capture system</p> <p>The amount of carbon emissions will vary depending on the types of waste received and the efficiency of the gas capture system</p> <p>Ongoing after care of the landfill will be required (leachate, gas management and surface restoration)</p> <p>Some loss of regenerating bush, though this will be compensated with ecological funding or planting schemes off site.</p>	<p>Contaminated soil and asbestos contaminated material will need to be exported to another regional landfill</p> <p>Up to 25% of the resulting bottom ash and hazardous gas flue ash would still need to be transported to another regional landfill</p> <p>The 17% remaining sludge will also be required to be exported to regional landfills</p> <p>Footprint for facility is likely small requiring less removal of regenerating bush to construct</p> <p>Current local community impacts such as traffic, odour and windblown litter will remain.</p>	<p>No requirement to remove on-site vegetation</p> <p>There will be some leakage of methane (a greenhouse gas) from the landfill outside of the landfill gas capture system</p> <p>Less negative effects on the local environment and communities near the current Southern Landfill site, though these effects are transferred to the communities and the environment at the final waste disposal destination</p> <p>Additional emissions associated with transporting the waste over a longer distance.</p>
Carbon Impacts	No change from existing landfill.	Less than Option 1 initially as electricity generated can offset carbon, plus there is no methane generation Likely to have a higher long-term carbon impact than Option 1 as needs minimum volumes of waste to operate.	Slightly higher than Option 1 due to additional carbon used to transport waste to other facilities in, or outside, the region.
Resilience	<p>Greater resilience in an emergency event.</p> <p>Enhancing Wellington's resilience during an emergency by maintaining a disposal site for waste or hazardous materials</p> <p>More resilient in an emergency event than other options.</p>	<p>Reliance on overseas supply chain (facility parts) and expertise to continue to keep the plant operational</p> <p>Less resilient in an emergency as the facility has a limited in-feed capacity and can only process limited types of materials versus a landfill.</p>	<p>Reliant upon other local authorities continuing to accept Wellington's waste</p> <p>This could change in the event of an emergency or other landfill operational constraint, so impact on provision of services to ratepayers</p> <p>The Council will have no guarantees that it will have a place to dispose of large quantities of waste in an emergency.</p>

	1. New landfill on top of existing landfill (piggyback option) Preferred option in Long-term Plan	2. Waste to energy incineration	3. No residual waste facility in Wellington city
Constraints	Extension of resource consents need to be completed and approved (two years is built into the current plan).	Can't treat all waste, such as contaminated soil and asbestos. It only treats the combustible portion of the waste, such as what can be burned Requires a minimum tonnage to operate efficiently. As waste reduces further, waste would be required to be imported to substitute this loss of waste or the council could operate the waste to energy plant less cost effectively Difficult to scale down and remain cost-effective with falling waste volumes likely to be a barrier to further waste minimisation.	Sludge Minimisation Facility is required to be operational due to the 4:1 waste to sludge requirement Security of supply as the other councils can prioritise their own waste over Wellington city's.
Ratepayer Service Levels	No change for Wellingtonians They continue to benefit from having a conveniently accessible Class A landfill and associated services, such as the Tip Shop.	No change (assuming located at Southern Landfill).	Commercial customers will likely need to travel further.
Timeframe	Operational by June 2026 (consenting risks and construction requirements well understood).	While there are examples of these facilities overseas, it is untested from a regulatory perspective in New Zealand High risk of obtaining the required approvals to operate the facility by the expiry of the existing landfill consent in June 2026 (mid-2027 more probable).	Available once the Sludge Minimisation Facility is operational (planned June 2026).
Delivery & Operation Costs	Capex (Part A and B) = \$36M (4+ years) Opex = \$4M p.a.	Capex = \$215.0M (25 years) Opex = \$5M pa.	Capex = \$0 Opex = \$6M pa.

	1. New landfill on top of existing landfill (piggyback option) Preferred option in Long-term Plan	2. Waste to energy incineration	3. No residual waste facility in Wellington city
Financial Impact	No impact on rates through continuation of the current self-sustaining financial model The \$4M pa Opex is currently covered by current landfill gate fees Southern Landfill gate fees collected, \$6.0M pa also fund kerbside recycling collections and waste minimisation activities Can be scaled down as waste volumes fall while still generating necessary revenue to operate Costs of after-care required once the landfill is closed.	Gate fees will cover the cost of operation but will not generate the additional \$6M that Southern Landfill contributes to fund kerbside recycling collections and waste minimisation activities The \$6M pa will therefore need to a funding source. Based on 81,155 rateable properties (as at 1 July 2022). This is equivalent to \$73.93 pa rates increase per property Energy produced could provide enough power for 6,340 homes or 8-9% of Wellington's residential demand (based on 8MWh/HH) The Opex cost of \$5M pa includes \$4.8M pa revenue from sales of power generation Less after-care costs once plant is decommissioned.	With no Southern Landfill gate fees being collected, \$6M pa Opex will be required to fund kerbside recycling collections and waste minimisation activities A proportion of operational costs will likely need to be recovered from rates No capital investment requirement No after-care costs once landfill is decommissioned Can be scaled down as waste volumes fall, becoming more cost-effective.

Mana Whenua partnership

A key aim for Wellington City Council was to underpin the decision-making process with consideration of its obligations to the people and environment within Wellington city and apply a Māori world view when evaluating the benefits and limitations of different options. This directed the selection process to encompass many criteria above and beyond technical and economic benefits, including:

- the Council’s responsibilities as kaitiaki of the proposed development site and surrounding waterways, environment and communities;
- whether the technology being assessed aligned with the Council’s Te Atakura First to Zero plan to reduce the climate change impacts of its operations; and
- whether implementation of each technology would promote more regenerative and circular management of waste products, and support the development of more sustainable waste management practices.

Through its Māori Partnerships Framework, the Council is partnering with Taranaki Whānui and Ngati Toa on this project. A Statement of Work is being progressed with an associated Project Partnership Charter to formalise this arrangement.

The Council has also appointed Taranaki Whānui CEO Lee Hunter to the Zero Waste Steering Committee which will oversee the Zero Waste programme,

including the Residual Waste Disposal - Southern Landfill Extension Piggyback Option (SLEPO) project from August 2022. For more information about the Steering Committee please see the section on Governance and Management below.

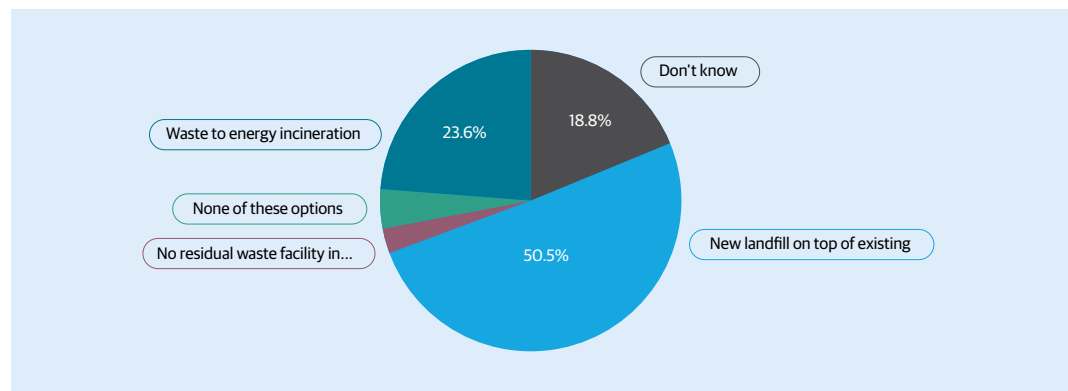
Stakeholder engagement and public consultation

The Residual Waste Working Party was established in November 2021. Its makeup facilitated a range of views that ensured robust discussion and affirmation of the process followed and shortlist of options. The working party consisted of representatives from Owhiro Bay Residents Association, Greater Brooklyn Residents Association, Waste Management, Zealandia, Waste Free Wellington, Friends of Owhiro Stream, EnviroWaste, Zero Waste Network and Para Kore.

As a result of workshops held with the working party and establishment of key criteria for the MCA, the Council created a shortlist of options. After that the formal public consultation (via the Long-Term Plan Amendment - Annual Plan 2022/23 consultation process) and engagement with mana whenua was completed. The working party, having fulfilled its purpose, was disestablished.

As illustrated below, more than 50% of respondents supported a new landfill on top of the existing landfill (piggyback option) over other options.

Diagram 1: Public response on shortlisted options as collated through the WCC 2022/23 Annual Plan consultation process



Community support aligns with Option 1: Southern Landfill Extension Piggyback Option (SLEPO). Our analysis also concludes Option 1 is the best option. Therefore, the recommended option for Wellington is to construct a new landfill on the top of the closed Stage 2 landfill (closed 1996).

In keeping with the above council resolution to *initiate and lodge the necessary resource consent applications to extend the Southern Landfill*, a community working group was established in March 2022 to provide

feedback and input into the design and resource consent application.

The working group is made up of representatives from Owhiro Bay Residents Association, Greater Brooklyn Residents Association, Waste Management, Zealandia and Friends of Owhiro Stream and supported by a Terms of Reference that sets out the purpose, role, responsibility and guiding principles. Regular workshops are being held as outlined in table 2 below.

Table 2: Stakeholder workshop schedule

Workshop	Date	Status	Purpose
1 (kick-off)	6 Apr 2022	Completed	Introduce the project, timeline and proposed concept design
2	4 May 2022	Completed	Introduce and discuss types of investigations for ecology, geology, hydrology and water quality
3	1 Jun 2022	Completed	Introduce and discuss findings for traffic, landscaping, noise and air quality. Discuss summary of feedback received from workshop 2 and any concerns raised, including options for how these could be potentially mitigated
4	6 Jul 2022	Completed	Provide summary of feedback received from workshop 3 and any concerns raised, including options on how these could be potentially mitigated
5	7 Sep 2022	Completed	Provide summary of feedback received from workshop 4 and any concerns raised, including options on how these could be potentially mitigated.
6	30 Nov 2022	Completed	Introduce and discuss the landfill management plan
7	15 Feb 2023	Scheduled	Close out any remaining areas of concern

On 1 June 2022 the Council’s Annual Plan/Long-Term Plan Committee agreed, as part of the annual plan process, that the preferred option for the future of the Southern Landfill was a “new landfill on top of existing landfill (piggyback option)”.

On 30 June the Council adopted the Annual Plan 2022-23 which included the Long-term Plan amendment for the “piggyback option”.

Benefits

The key benefits from adopting this recommended SLEPO solution include:

- **Waste diversion:** The Council can directly influence waste diversion at the point of disposal and implement strategically aligned waste reduction and minimisation initiatives
- **Resilience:** The Council will have a strategic asset to dispose of large quantities of waste in an emergency event
- **Value for money:** This is best value for money to deliver the Council's climate change targets compared to alternative options
- **Environmental:** Close alignment with delivery of *Te Atakura - First to Zero* and the Wellington City Council Zero Waste Programme whereas the other two options (Waste to energy incineration and no residual waste facility in Wellington city) do not.

Investment objectives

The SLEPO project has been established with three key investment objectives:

1. Provide a landfill solution that minimises environmental and social impacts and enables the transition to a circular economy that encourages and promote waste management and minimisation activities
2. Safely dispose of residual waste from both residents and commercial operators in keeping with best practice and the requirements of the Resource Management Act
3. Be a cost-effective waste management solution.

Financial

Design, Consenting and Construction of Part A and B requires a capital budget of \$36M which is made of a \$32.7M Base Case and \$3.2M (9.7%) contingency. The current LTP has \$19.6M available from 2022 to 2028 and \$16.3M available from 2029 to 2031. A LTP amendment is required to align the LTP funds with the expected Capital spend.

The project capital forecast cost has been estimated by industry leaders Tonkin + Taylor, experienced in the design and construction of landfills, and peer reviewed by independent Quantity Surveying organisation Bond Construction Management Limited, also suitably experienced and qualified.

The independent peer review came within 2.5% of the cost estimate by Tonkin + Taylor, providing a high level of confidence.

Given the project is at the preliminary stage, the level of uncertainty will reduce significantly once the detailed design and procurement activities have been completed. This is planned for June and September 2024 respectively.

Procurement

Procurement for SLEPO relates primarily to the preparation and construction of the landfill cells, the associated earthworks and the supply of materials, including substrates, drainage and landfill liner. The preferred procurement option is an open tender with early contractor engagement and a separate material purchase contract for specialist materials.

The design of the landfill will be very prescriptive as the key design elements will form the basis of the resource consent approvals. Departing from the design may risk triggering unintended consent conditions or require the Council to relitigate the design. In this context, a more traditional procurement is beneficial and provides the opportunity for elements of risk-sharing built into the contract. Early contractor engagement allows the Council to secure the necessary resources to complete the project given the current market conditions. Performance-based contracts will be tailored to the supply relationship and reflect Wellington City Council risk tolerances.

Key procurement deliverables are:

- Procurement Plan is targeted for approval by June 2023. This will detail the approach to be taken to secure the required suppliers for the detailed design and construction phases of the project
- Procurement of the main contractor for the construction phase will be completed by September 2024
- The procurement of specialist materials

The SLEPO project team has developed a schedule for the delivery of the project by June 2026.

The following diagram outlines the project stages and key decision gates. The Programme Schedule illustrates two different timelines, one in the event of no environment court appeal and one if there is an environment court appeal. This is covered in the risk section. Both timelines will ensure that the new landfill will be operational by June 2026.

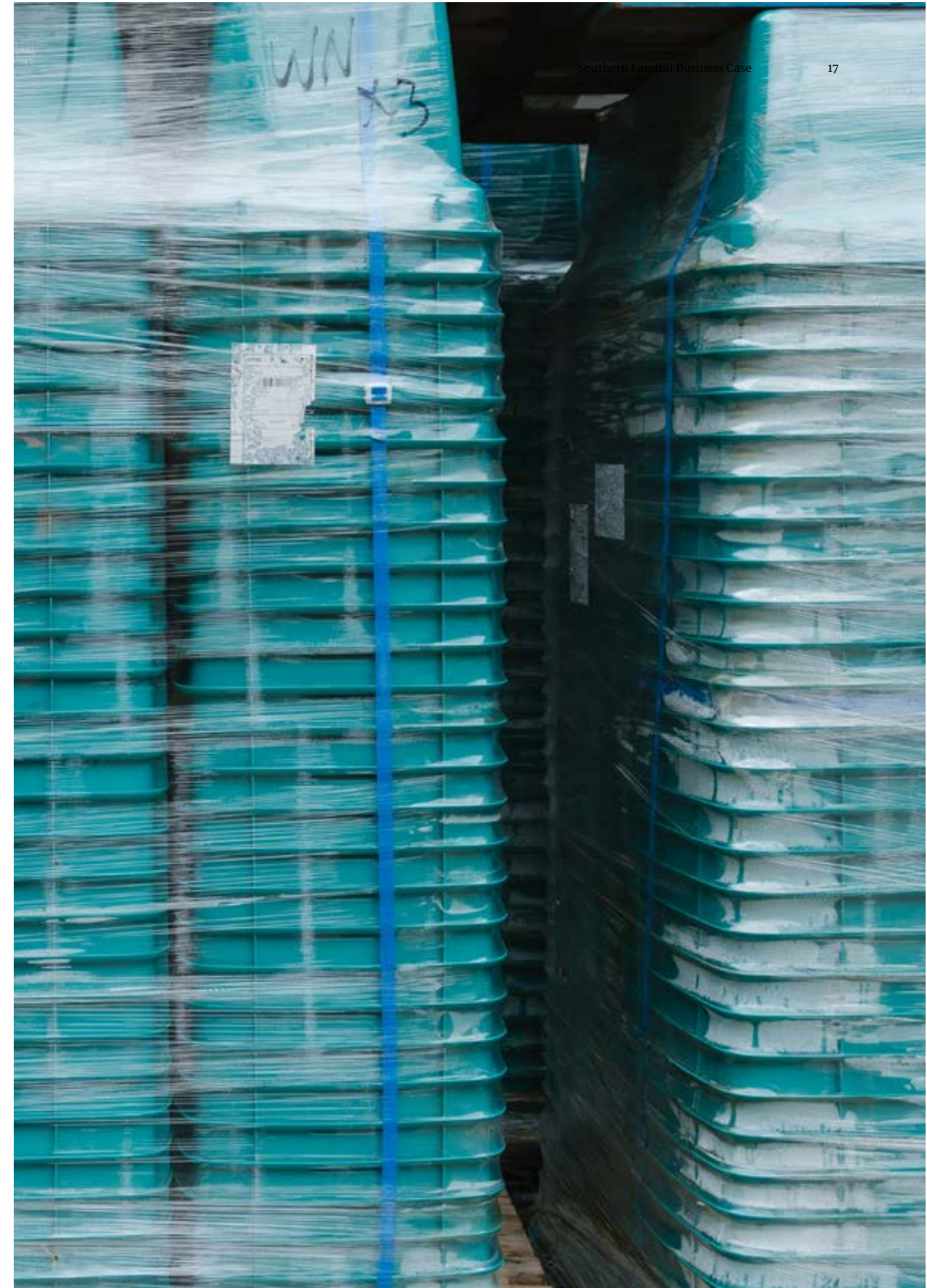
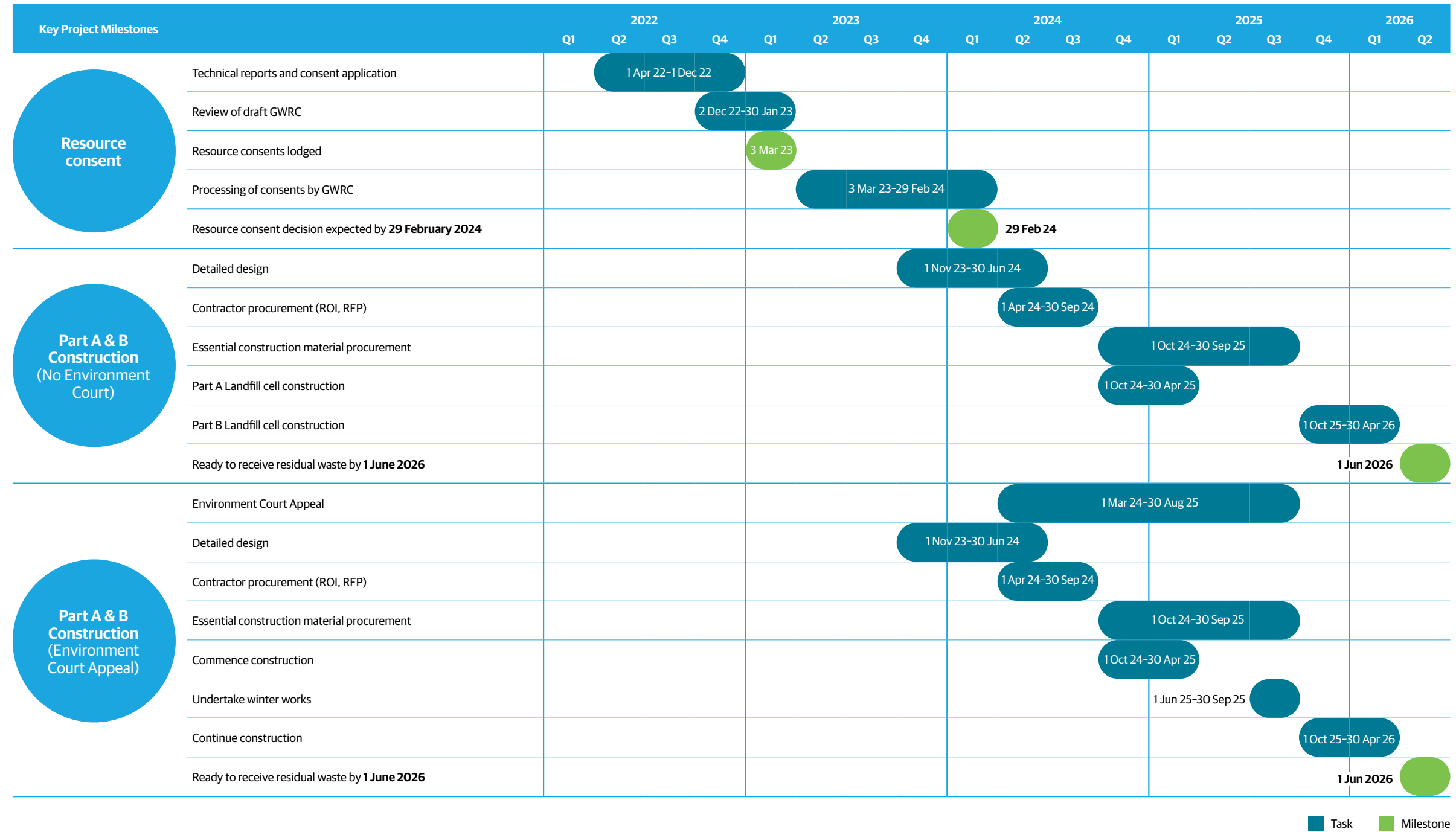


Diagram 2: Programme Schedule





Strategic case: Making the case for change

Zero waste strategic context

Strategic overview

As global economies and populations grow, continued pressure is put on Papatūānuku and rawa taiao - natural resources to produce the range of products available on the market. The Platform for Accelerating the Circular Economy has reported that the global increase in material resource use is predominantly due to several factors, including:

- Global reliance on virgin materials rather than making better use of existing resources
- Lack of end-of-life processing and poor design of products limiting the opportunity to recover and reuse as many products and materials as possible.

It is clear that continued global and country specific, for example Aotearoa New Zealand, population growth and demand for products and services will continue to place pressure on rawa taiao - environmental resources and the climate. To limit this, countries will need to implement policies that support climate change initiatives, improve whakahaere rauemi - resource management and ensure sustainable materials management building on the principles of the pūnaha whakarōpū para - waste hierarchy of reduce, reuse and recycle.

While countries around the globe, including Aotearoa New Zealand, are making, and will continue to make, improvements in resource productivity, these changes will likely not be sufficient to offset the global increase in material use and resultant carbon emissions. To support a step change in resource productivity and use, further efforts will be needed to increase resource efficiency, including:

- supporting a circular economy, an alternative to the traditional linear economy in which we keep resources in use for as long as possible, extract the maximum value from them while in use, then recover and regenerate products and materials at the end of each service life (see Figure 1), and
- improvements in the sustainable management of materials.



Figure 1: Design out waste and pollution. Keep products and materials in use. Regenerate natural systems.

Wellington City Council strategic alignment

Accelerating Zero Waste is a Council priority in the 2021-31 Long-term Plan. Wellington City Council is in the process of writing a Zero Waste Strategy. The outcomes and goals will be co-created with the community. We will be focusing efforts on where we can have the greatest impact to accelerate towards zero waste. To deliver the zero waste outcomes we are embarking on a significant Zero Waste Programme.

The Zero Waste Strategy will acknowledge the global and national context and trends, such as shifting to a circular economy, depleting natural resources and carbon emissions.

In 2019 the Council adopted *Te Atakura - First to Zero*, a blueprint which aims to ensure Wellington is a net zero emission city by 2050 and commits to making the most significant carbon reductions in the first 10 years. The implementation plan was approved in June 2020. At the same time the Council declared an ecological and climate emergency, accepting scientific evidence that there remains about a decade to take urgent action to reduce greenhouse gas emissions to avoid disastrous consequences for the environment and society.

In 2022, the Council adopted the *Economic Wellbeing Strategy*, which recognises the role of the economy in environmental, social, cultural and economic outcomes. One outcome is “Transitioning to a zero-carbon, zero-waste circular economy”. It is asking for businesses and organisations to play their part.

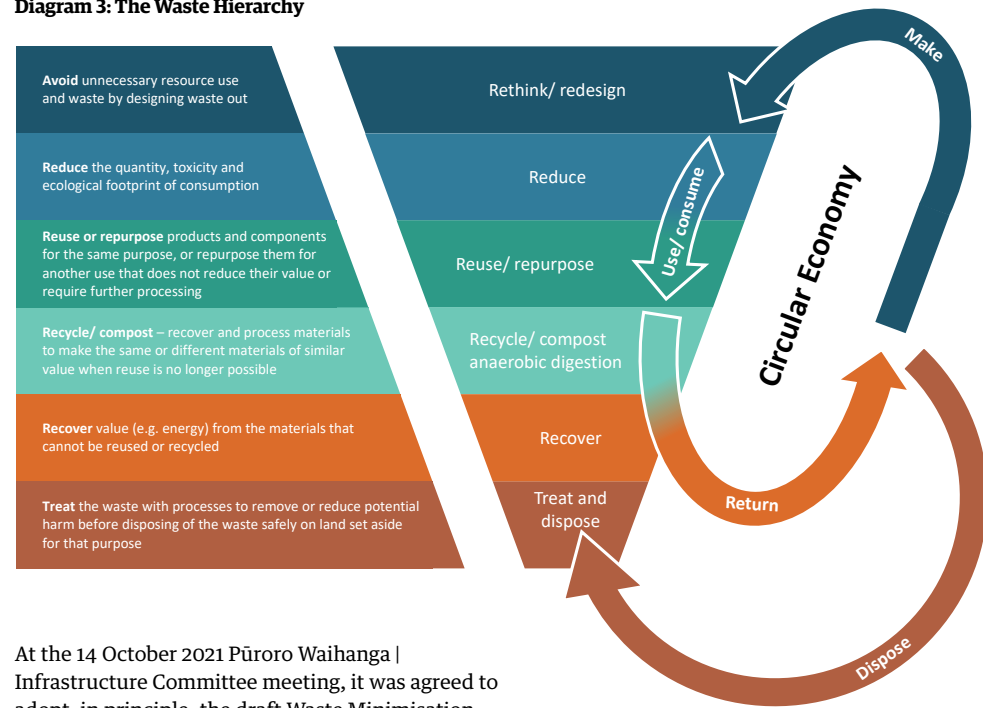
In 2022 the Council also adopted the *Tūpiki Ora - Māori Strategy*, which recognises the importance of mana whenua, Māori and the Council working collectively and cohesively together, and it will set a precedent for our future partnership work.

The vision of Tūpiki Ora - Māori Strategy is that the vitality of our environment is nourished, the wellbeing of our whānau is fostered, te ao Māori is embraced and celebrated.

Wellington City Council chose to participate in the Regional Waste Minimisation and Management Plan 2017-2023, rather than preparing its own plan. This plan focuses on increasing the amount

of waste diverted from landfill through reuse, recovery and recycling, taking into consideration the waste hierarchy (see diagram 1 below). The action resulting from this plan for Wellington City Council is the progression of a business case for the Sludge Minimisation Plant.

Diagram 3: The Waste Hierarchy



At the 14 October 2021 Pūroro Waihanga | Infrastructure Committee meeting, it was agreed to adopt, in principle, the draft Waste Minimisation Roadmap which will inform the development of council's next Waste Management and Minimisation Plan in 2023. The current regional WMMP remains the council's operative waste plan, which will inform and promote the provision of effective and efficient waste management and minimisation within Wellington city until 2023.

Diagram 4 illustrates how this project fits within the Council's strategic framework.

Diagram 4: Strategic context



This business case sets out a key step towards achieving this goal. It provides a residual waste disposal solution that supports the delivery of initiatives that minimise use of resources and maximising whakamahi anō - reuse and recovery. It also sets out a step change in the future management of the Southern Landfill while recognising its current importance in the transition to a net zero emission city by 2050.

Problem statement

The Southern Landfill is the only approved existing residual waste disposal facility for Municipal Solid Waste (MSW), dewatered sewage sludge and hazardous waste in Wellington city - about 96,000 tonnes per annum of municipal waste goes to the Southern Landfill. It is a listed strategic asset for Wellington City Council. The existing resource consents expire in June 2026 and the current operational landfill (referred to as Stage 3) is also projected to reach capacity at the same time, requiring a new residual waste disposal solution to be in place by then to ensure the smooth running of Wellington city and supporting future growth.

We need to decide how we dispose of Wellington's residual waste (what's left after we reduce, reuse and recycle) from June 2026.

Background and organisation overview

The Southern Landfill is the only approved existing waste disposal facility in Wellington city for Municipal Solid Waste, dewatered sewage sludge and hazardous waste, for safe disposal in compliance with the environmental standards in keeping with the Resource Consent granted by Greater Wellington Regional Council.

Wellington City Council owns the Southern Landfill located at Carey's Gully and operates this via a third-party supplier arrangement. It is considered a strategic asset for the Wellington City Council.

The current resource consent expires in June 2026 and the current landfill (referred to as Stage 3) is also projected to reach capacity at the same time, requiring a new residual waste disposal solution to be in place by then.

Work began in 2009 to extend the current landfill to the north side of Stage 3 into a new area referred to as Stage 4. Table 3 (page 25) provides an overview of the developments and activities between 2009 and where we are today in 2022.

We need to decide how we dispose of Wellington's residual waste (what's left after we reduce, reuse and recycle) from June 2026.

Table 3: Timeline of activities from 2009 to 2022 to secure a residual waste disposal solution by June 2026

Year	Description	Outcome
2009	The Long-term Plan included an extension of the landfill.	Work began to prepare a design and consent for the extension of the landfill post-2026.
2013	The Council lodged consent with the Greater Wellington Regional Council (GWRC) for a landfill extension on undeveloped land, north of the existing landfill, with a top to bottom of valley filling concept.	Negative feedback from local residents around the extent of the landfill expansion coincided with a change in waste portfolio managers, prompting the Council to place the consent on hold and review the concept of this extension.
2017-2019	The Council began work to develop a new landfill extension concept in the same area but this time filling from the bottom of the valley to the top of the valley. The concept considered removal of the need for the stream to continually run into the stormwater tunnel and be redirected around the landfill at a higher elevation through a new man-made stream.	After opposition from local residents saw the Council challenged, the project was put on hold and the process was restarted.
2020-2021	The Council starts analysing options to determine a preferred option on how the city will dispose of residual waste once the current landfill consent expires in 2026. A longlist of 14 possible options was shortlisted to three through a two-step MCA process.	Council officers directed to undertake the work to initiate and lodge the necessary resource consent applications to extend the Southern Landfill.
2022	The Council publicly consults on three possible residual waste disposal options as part of the Long-term Plan Amendment - Annual Plan 2022/23 consultation process.	Elected members receive feedback from the public consultation and in June 2022 the preferred option is adopted into the Long-term Plan.

In summary, given the concerns raised about the proposed Stage 4 landfill, in 2021 the Council put Stage 4 on hold. A comprehensive MCA was undertaken in 2021 to identify the best residual waste disposal solution for Wellington.

Investment objectives

The SLEPO project has been established with three key investment objectives.

1. Provide a landfill solution that minimises environmental and social impacts and enables the transition to a circular economy that

encourage and promote waste management and minimisation activities

2. Safely dispose of residual waste from both residents and commercial operators in keeping with best practice and the requirements of the Resource Management Act
3. Be a cost-effective waste management solution.

Table 4: Description of key investment objectives

Investment objective 1: Reduction of waste	In keeping with delivery of <i>Te Atakura - First to Zero</i> , Wellington City's blueprint for reducing greenhouse gas emissions to zero by 2050 That provides a landfill solution that minimises environmental and social impacts while facilitating essential waste management and minimisation activities and enables the transition to a circular economy and zero carbon future.
Investment objective 2: Safely dispose of residual waste	As a primary objective, security of supply and capacity for the continued safe disposal of Municipal Solid Waste (MSW) and dewatered sludge, acknowledging the outputs of the proposed sludge minimisation facility has not been finalised, is a priority. The security of supply has a direct influence on the costs to supply Council's kerbside waste services as well as other waste management directives. The solution should also be able to safely dispose of hazardous materials where possible, primarily, asbestos contaminated material and contaminated soils. It is acknowledged that such waste is produced as part of general development in the city including large scale infrastructure projects. The new landfill operation will be required to be designed to meet current standards to reduce and mitigate any environmental effects.
Investment objective 3: Cost effective waste management solution	The Council should at least cover the costs of construction and operation of the new waste facility through revenue generated from the waste disposal facility. Separate to this, Council may wish to continue to use surplus funds to contribute towards strategically aligned waste minimisation or diversion initiatives.

Preferred option assessment process overview

Assessment overview

To arrive at a preferred residual waste disposal solution, Council, community stakeholders and Beca undertook a detailed investigation and comprehensive multi-criteria analysis (MCA) that considered different technology options in combination with key criteria.

The Council engaged Beca and Fichtner in 2021 to perform a technical and suitability assessment of a long list of possible waste technology options to implement post-2026 and evaluate the relative advantages and disadvantages of applying each technology in a WCC context.

After the longlist of waste options had been assessed at a high-level and the best options identified, a more detailed comparative assessment for the four technologies best suited to the Council and wider Wellington region's requirements was performed.

In October 2021, the initial assessment of possible options for residual waste treatment in Wellington city was completed, and a report published to support public consultation on the shortlisted options.

The detailed analysis and MCA were completed in collaboration with community stakeholder groups in November and December 2021, and Beca prepared a "Future Waste Management Options" report for Council in January 2022. These two Beca reports are linked under Appendix 1 (a) and 1 (b).

Waste characteristics and constraints

The waste received at the Southern Landfill comes from a variety of different sources and contains multiple streams with different components. A summary of these is in Table 5 below.

Table 5: Landfilled Waste Characteristics

Stream	Category	Tonnage (average of previous 3 yrs)	Approximate%	Description
A	Domestic to transfer station	8383	9%	This is general waste received at our transfer station - usually residential customers
B	Mixed commercial	55874	58%	This is generally mixed commercial tonnages
C	Sludge/screenings to tip face	14286	15%	De-watered sludge
D	Special waste	17750	18%	Other types of unusual waste (approval upon application) - generally asbestos contaminated material

Separate from the waste that is landfilled on-site, the landfill also receives contaminated soil which is placed into dry cells instead of being mixed and landfilled with the other waste streams:

Stream	Category	Tonnage (average of previous 3 yrs)	Information
E	Contaminated soil	28297	This material linked to the amount of construction activity in the city - material uncovered is generally one-off - once contaminated material is gone; it is not reproduced

As seen in the tables above, about 37% of the total waste received is contaminated soil and special waste (generally asbestos-containing material) which fluctuates depending on construction activity in the city, and just over half of the total waste is mixed commercial and domestic waste. Wastewater treatment sludges make up 11% of the total waste received and 18% of landfilled waste.

Waste treatment solutions are limited for streams D and E, due to the hazardous nature of these wastes. These streams can't be processed to remove contaminants or recycled without extremely careful

processing, so it is realistic to assume that for the foreseeable future these streams will need to continue being disposed of in sealed, well-managed landfills. However, for other streams (especially streams A and B), there are a number of alternatives to landfilling. Most of the long list of options were focused on handling WCC's domestic and commercial wastes, as well as sludge.

Multi-criteria analysis process

An evaluation process was used to assess potential options and score their suitability. This included completing an “absolute criteria” assessment on a long list of options before scoring against a wider range of objectives.



Absolute criteria

Three “absolute criteria” were developed as bottom lines for option inclusion; technical maturity, timeframe and scalability. These were informed by what the Council considered fundamental to the aims of the project and were included as a first check for inclusion of any technology. Scores were categorised under “yes” (complies), “marginal” and “no” (does not comply). Technologies that did not align with any of the absolute criteria were not investigated further because:

- **Timeframe:** The consent for the Southern Landfill expires in June 2026 and as such future waste management options must be constructed and operational before this date. Alternatively, should the Southern Landfill reach capacity before June 2026 it would be expected that new technology could operate by this point
- **Technical maturity:** Implementing a process that is already established will reduce the technical risks involved. Where a technology has had 10 or more successful uses it is likely to be well understood with suitable parts, operators and expertise. Any option that has been implemented in less than five sites globally or is still in the research phase indicates that this process is novel and presents a higher risk for Wellington City Council. Where this is the case, the technology has been eliminated from further analysis
- **Scalability:** Some future waste solutions can be specific to certain tonnages and compositions, such as the amount of sludge or organics, which can make them more challenging to scale. However, to meet Wellington’s needs, technology needs to be able to adapt to possible shifts in waste disposal needs.

Table 6: Absolute criteria for option assessment scoring

Absolute criteria	Scoring rationale
Timeframe	Yes = Likely operational within timeframe Marginal = Likely operational with an acceptable interim solution of 1-2 years No = Not likely to be operational within timeframe.
Technical maturity	Yes = 10 or more successful references globally Marginal = 5 or more successful references globally No = Fewer than 5 successful references globally.
Scalability	Yes = Easily scalable/no requirements in terms of tonnages or composition Marginal = With some additional infrastructure/commitment the option can be adapted No = Can't be scaled.

General objectives

Options that passed the absolute criteria were then scored against the general objectives developed by WCC and Beca. These objectives reflected the investment outcomes the Council wanted, alongside the considerations required under the Local Government Act 2002 and Resource Management Act 1991.

In general, the below measurable criteria work together to accomplish three main overall objectives:

- Minimise the effects of the waste management technology on the surrounding community and environment, including odour and air, water, land pollution as well as social impacts like noise and traffic
 - Provide a proven, sensible and fiscally-responsible method for managing waste created in the Wellington region
 - Align with WCC’s future vision for Wellington city, where sustainable and regenerative economies are encouraged and the city transitions to net zero emissions by 2050 in line with science-based emissions reduction targets
 - Following the completion of the stakeholder groups two workshops and survey (outlined below), community stakeholder feedback resulted in the final criteria being redefined and used to evaluate the long and short list of waste options.
- Please see Table 7 below for a summary of these criteria.

Table 7: Assessment criteria (includes absolute criteria)

Criteria	Description
1 GHG emissions	Te Atakura First to Zero is the Council’s blueprint for reducing greenhouse gas emissions produced in Wellington city to zero by 2050. As such, WCC’s final waste option should align with this ambition.
2 Circular economy	The final waste option should support a transition to a circular economy that reflects natural systems and puts the wellbeing of Papatūānuku first.
3 Community connection	The final waste disposal option enables and supports community connection and understanding of residual waste management, and is not a barrier to waste minimisation initiatives
4 Scalability	The final waste option will need to support and enable future waste minimisation activities which are likely to reduce tonnages and can significantly change the composition of the waste received.
5 Technical maturity	Implementing a final waste option that is already established will reduce the technical risks involved. Where a technology has had 10 or more successful uses it is likely to be well understood with suitable parts, operators and expertise. Any option that has been implemented in less than 10 sites globally or is still in the research phase indicates that this process is novel and presents a higher risk for Wellington City Council.
6 Timeframe	The consent for the Southern Landfill expires in June 2026 and as such the Final Waste Option will need to be constructed and operational before this date.
7 Local community effects	The final waste option should minimise effects on the local community, including odours, noise, and traffic impacts that will disrupt residents, workers and visitors of the surrounding area.
8 Environmental effects (water)	The final waste option must uphold tikanga and Te Ao Māori to minimise adverse effects to waterways and surrounding aquatic environments, such as emissions to watercourses.
9 Environmental effects (land)	The final waste option must uphold tikanga and Te Ao Māori to minimise adverse emissions and contamination to surrounding land.
10 Environmental effects (air)	The final waste option must uphold tikanga and Te Ao Māori to minimise adverse emissions to air, including from transport, for example particulate or VOC emissions.
11 Consent and planning	The final waste option should have a strong likelihood of approval given existing policies, and alignment with central policy direction.

Criteria	Description
12 Value for money	The final waste option should provide overall value for money for Wellington city ratepayers and ensures any financial investments takes into account intergenerational costs considerations
13 Robustness/reliability	The final waste option should be robust and reliable enough to handle changes in incoming waste content, and any equipment should be available and online for as close to 100% of its required operational hours as possible.
14 Size	The final waste option should be able to fit within the existing site or be able to integrate into existing waste network.
15 Resilience	The final waste option should also have resilience in case of short-term significant increases in waste due to emergency situations like earthquakes or other natural disasters. This will consider day-to-day waste transport corridors including whether the solution is based locally or outside the Wellington region
16 Te Ao Māori	The final waste option should uphold Te Ao Māori and the commitments of Te Tiriti o Waitangi, to ensure the protection of tapu, the wellbeing and restoration of Papatūānuku, and provide options suitable for the physical and cultural environment of Aotearoa. As part of this, a strong partnership with Mana Whenua must be embedded within the foundation of the option.

MCA scoring

Each option was scored against the criteria with a score between 1 and 10 for its relative performance. An explanation of the meaning of each score is outlined in Table 8:

Table 8: Scoring Categories

Score	Meaning
1	Much worse than other options
3	Slightly worse than other options
5	Neutral
7	Slightly better than other options
10	Much better than other options

Long list of options

An overview of the long list of the 14 technologies considered is listed under Appendix 1 (a).

Absolute criteria assessment

Before assessing each option against the scoring criteria, an initial assessment was done against the three absolute criteria.

Table 9: Assessment of long list options against absolute criteria

Technologies option	Absolute criteria		
	1	2	3
	<i>Timeframe: Will be fully operational by the time the Southern Landfill reaches capacity or before June 2026; whichever occurs first?</i>	<i>Technical maturity: Has the technology been successfully applied overseas in similar cases?</i>	<i>Scalability: Can be easily scaled up or down to meet Wellington city's future waste disposal needs</i>
Energy from waste	Marginal (financial close in June 2022 would give you operation by 2026)	Yes	Marginal
Incineration w/o energy recovery	Marginal (financial close in June 2022 would give you operation by 2026)	Yes	Marginal
Anaerobic digestion	Yes	Yes	Marginal
Material recycling facility	Yes	Yes	Yes
Mechanical biological treatment	Yes	Yes	Yes
Composting	Yes	Yes	Yes
Autoclave	Yes	Yes	Marginal
Export (no collection)	Yes	Yes	Yes
Export (transfer station)	Yes	Yes	Yes
Gasification	Marginal (financial close in June 2022 would give you operation by 2026)	No	Marginal
Pyrolysis	Marginal (financial close in June 2022 would give you operation by 2026)	No	Marginal
Vermiculture	Yes	No	Marginal
Insect food cycle	Yes	No	Marginal
Landfill	Yes	Yes	Yes

Based on the above assessment, gasification, pyrolysis, vermiculture and insect food cycle were removed from the long list of options before scoring due to the lack of successful examples of these technologies internationally on waste similarly managed by the Council.

Long list evaluation results

Based on Beca’s assessments of each technology, a summary of the long list of options evaluation process results is provided on the following page.



Diagram 5: Evaluation process results

Technology	Absolute Criteria			Assessment Criteria	Summary	
	Programme	Technical Maturity	Scalability		Results	Total Score
Landfill	✓	✓	✓	Local Community Effects	79	✓
Export (No collection)	✓	✓	✓	Environmental Effects (water)	64	
Export (Transfer Station)	✓	✓	✓	Environmental Effects (land)	61	
Energy from Waste	✓	✓	✓	Environmental Effects (air)	78	✓
Incineration w/o energy recovery	✓	✓	✓	Alignment with Circular Economy	70	
Gasification	✓	✗	✓	Alignment with Te Atakura First to Zero		
Pyrolysis	✓	✗	✓	Consenting and Planning		
Anaerobic digestion	✓	✓	✓	Value for money	76	
Material Recycling Facility	✓	✓	✓	Robustness/reliability	82	✓
Mechanical Biological Treatment	✓	✓	✓	Maturity of offtake market	82	✓
Composting	✓	✓	✓	Size	72	
Autoclave	✓	✓	✓	Resilience	58	
Vermiculture	✓	✗	✓			
Insect food cycle	✓	✗	✓			

The score of each identified option, and high level strengths and weaknesses is shown below in Table 10. All objectives were weighted equally with options scored out of 10 for each (giving a maximum of 120 points).

The final scores were not intended to assign final rankings to the long list options - the scores were only used to select the four options that would be evaluated in detail.

Table 10: Long list scoring summary

Option	Strengths	Weaknesses	Score (out of 120)
Energy from waste	<ul style="list-style-type: none"> Recovery of energy/ash product Slightly reduced GHG emissions (compared with landfill) Reduced emissions to land/water Well-proven technology 	<ul style="list-style-type: none"> High capital cost Some air/particulate emissions Difficult to consent 	78
Incineration w/o energy recovery	<ul style="list-style-type: none"> Slightly reduced GHG emissions (compared with landfill) Reduced emissions to land/water Well-proven technology 	<ul style="list-style-type: none"> Some air/particulate emissions Difficult to consent Non-circular waste solution 	70
Anaerobic digestion (AD)	<ul style="list-style-type: none"> More circular waste solution Reduction in waste emissions 	<ul style="list-style-type: none"> High capital cost Not suitable for waste without treatment, less reliable AD solids will still need to be landfilled due to contaminants 	76
Material recycling facility (MRF)	<ul style="list-style-type: none"> More circular waste management solution Creation of potentially saleable material streams 	<ul style="list-style-type: none"> Lack of NZ market maturity for recycled material 	82
Mechanical biological treatment (MBT)	<ul style="list-style-type: none"> More circular waste management solution Creation of potentially saleable material streams 	<ul style="list-style-type: none"> Lack of NZ market maturity for recycled material 	82
Composting	<ul style="list-style-type: none"> More circular waste solution Reduction in waste emissions 	<ul style="list-style-type: none"> Compost will still need to be landfilled due to contaminants More expensive to operate for contaminated materials 	72
Autoclave	<ul style="list-style-type: none"> Decreased land and water pollution Decreased waste volumes 	<ul style="list-style-type: none"> Increased energy consumption without GHG emissions benefits Not a standalone technology Technically challenging and expensive 	58
Export (no collection)	<ul style="list-style-type: none"> No effects on local community No consenting required Mature market in NZ for this service 	<ul style="list-style-type: none"> Not resilient Higher operational cost Non-circular waste solution Increased GHG emissions 	64
Export (transfer station)	<ul style="list-style-type: none"> Few odour/traffic effects on local community No consenting required Mature market in NZ for this service 	<ul style="list-style-type: none"> Not resilient Higher operational cost Non-circular waste solution Increased GHG emissions 	61
Landfill	<ul style="list-style-type: none"> High value for money Mature market in NZ for this service Resilient 	<ul style="list-style-type: none"> Non-circular waste solution Will create GHG emissions Water/land emissions 	79

Short list of options

The options that passed the absolute criteria and scored highest against the remaining criteria were as follows:

1. Landfill extension (piggyback expansion and Stage 4)
2. Energy from waste
3. Materials recycling facility
4. Mechanical biological treatment.

The Council added a fifth option to no longer have a landfill but continue to operate the transfer station services and transport the waste to other landfills in the region, such as Spicers and Silverstream.

Options that met the criteria and carried forward from the first phase were as follows:

- Southern Landfill extension
- Energy from waste incineration
- Materials recycling facility
- Mechanical biological treatment
- Closure of the landfill - maintaining transfer station service.

On further analysis it became evident that the Material Recycling Facility and Mechanical Biological Treatment options are effectively waste reduction options and would still produce a significant amount of waste that would still need to be disposed of at a landfill. As a result, these two options were removed from further consideration but will be considered as part of Council's waste minimisation-focused work programmes.

There were also two options for a landfill extension - a greenfield development known as Stage 4 located to the north of the current Stage 3 landfill, and an alternative option, a smaller landfill extension that would sit on an older closed stage (Stage 2) of the landfill, referred to as the Southern Landfill Extension Piggyback Option.

After the 14 waste management technologies had been assessed and scored, four were shortlisted as suitable options for Wellington City Council to assess in more detail. These were:

1. Stage IV landfill expansion
2. Landfill piggyback expansion
3. Energy from waste
4. Export (closure of landfill).

... it became evident that the Material Recycling Facility and Mechanical Biological Treatment options are effectively waste reduction options and would still produce a significant amount of waste that would still need to be disposed of at a landfill.

Short list evaluation results

The results of this scoring process can be seen below in Table 11. For descriptions of the technologies assessed please see the Waste Technologies Assessment Matrix in Appendix 1 (c).

Table 11: MCA scoring summary for four options

Criteria	Stage IV landfill expansion	Piggyback expansion	Energy from waste	Export (no collection)
1 GHG emissions	3	5	7	3
2 Circular economy	5	5	3	5
3 Community connection	7	7	5	1
4 Scalability	10	10	3	10
5 Technical maturity	10	10	7	10
6 Timeframe	7	10	3	10
7 Local community effects	3	5	7	10
8 Environmental effects (water)	3	3	7	5
9 Environmental effects (land)	3	3	7	3
10 Environmental effects (air)	5	7	3	5
11 Consent and planning	5	7	3	10
12 Value for money	7	10	5	1
13 Robustness/reliability	10	10	7	7
14 Size	10	10	10	10
15 Resilience	10	10	7	1
16 Te Ao Māori	5	7	3	1
Score (out of 160)	103	119	87	92

None of the four options score perfectly against the identified criteria from the MCA assessment, and each has its own distinct advantages and disadvantages when compared with the other identified options.

Short list sensitivity analysis

Initially, all objectives were weighted equally with options scored out of 10 for each (giving a maximum of 160 points). This allowed for comparison between initiatives across all objectives. To account for relative importance of objectives as identified by WCC and community stakeholders, five different weighting scenarios were applied to understand the sensitivity of the findings and gain a better understanding of what the preferred options were. These scenarios were:

- Raw score (all objectives equal)
- Weighted for GHG emissions

- Weighted for alignment with Te Ao Māori
- Weighted for scalability
- Weighted for environmental emissions
- Weighted for resilience.

To conduct this assessment, an extra 20 points was assigned to the critical criterion in each sensitivity case, raising its total value to 30 points while others were kept at a value of 10 points.

The results of this comparison are given below in Table 12.

Table 12: Sensitivity weighting comparison

Option	Stage IV landfill	Piggyback landfill extension	Energy from waste (Efw)	Waste export
Raw score (%)	64%	74%	54%	58%
Weighted for GHG emissions (%)	61%	72%	56%	54%
Weighted for alignment with Te Ao Māori (%)	63%	74%	52%	52%
Weighted for scalability (%)	68%	77%	52%	62%
Weighted for environmental emissions (%)	61%	71%	55%	56%
Weighted for resilience (%)	68%	77%	56%	52%

These sensitivity analyses show the relative position of each option stays relatively constant throughout the sensitivity analysis process. Of the two local landfill extension options, SLEPO consistently ranks ahead of the Stage IV expansion. Both local landfill expansion options score higher than either energy from waste or waste export to landfill throughout all sensitivities.

Selecting a preferred option

Based on the results of this assessment process, the option identified as the preferred option for Wellington city's final waste management is the Southern Landfill Expansion Piggyback Option. It scored highest overall, showing that it performs strongest against the range of criteria considered.

This option leads in a number of categories, and in areas where it does not fully meet the ranking criteria it still performs similarly to other options. Its total score of 7.4 out of 10 available points (119 out of 160) is a full point ahead of the next nearest option (Stage IV landfill extension with 6.4 out of 10), and its position at the top of the list is repeated in each sensitivity test.

One of the main benefits of the piggyback landfill is that it aligns with the Council's intentions to increase waste diversion and recycling practices and reduce final waste volumes over the time the piggyback landfill would be operational. Providing a flexible end location for different kinds of waste over time would enable development and implementation of circular economies for different kinds of materials such as organic wastes, plastics and glass, when feasible.

The option is one of few that would be readily implementable within the required timeframe and would not pose any large barriers to consenting. In addition, SLEPO provides reasonable value for money due to the relatively low capital cost to construct and low ongoing operational cost (compared to other options and waste management projects).

Another big advantage of landfilling over alternate waste treatment technologies is that it is able to receive almost any kind of waste. Energy from waste, for example, is unable to receive and process contaminated soil and special waste streams. Therefore energy from waste would need to be employed in tandem with landfilling to provide appropriate coverage for the different wastes generated in Wellington city.

This option was also supported by community stakeholder groups, reflecting its well-rounded performance against nominated assessment criteria.

As a result of the MCA process, two options were identified and finalised as shortlisted. A third option, landfill closure (in combination with exporting waste to other landfills), was added at councillors' request.

The three options shortlisted and taken forward were:

1. New landfill on top of existing landfill (piggyback option)
2. Waste to energy incineration
3. No residual waste facility in Wellington city.

Council publicly consulted on the three options through the Long-term Plan Amendment - Annual Plan 2022/23 consultation process. In addition to promoting the opportunity and encouraging the public to provide feedback, Council also engaged with the public via a webinar. Questions and clarifications received were responded to.

At the Annual Plan/Long-term Plan Committee meeting held on 1 June 2022, the 2022/23 Annual Plan and Long-term Plan Amendment was deliberated and a recommendation made. The Council agreed to the LTP amendment preferred option on the future of Southern Landfill - the Southern Landfill Extension Piggyback Option. This was ratified at the subsequent Annual Plan/Long-term Plan Committee meeting on 30 June:

Underpinning the assessment process with a Māori world view

A key aim for Wellington City Council was to underpin the decision-making process by considering its obligations to the people and environment within Wellington city and apply a Māori world view when evaluating the benefits and limitations of different options. This directed the selection process to encompass many criteria above and beyond technical and economic benefits, including:

- The Council's responsibilities as kaitiaki of the proposed development site and surrounding waterways, environment and communities
- Whether the technology being assessed aligned with its *Te Atakura - First to Zero* plan to reduce the climate change impacts of Wellington City Council's operations
- Whether implementation of each technology would promote more regenerative and circular management of waste products, and support the development of more sustainable waste management practices.

Mana Whenua partnership

Through the Council's Māori Partnerships Framework, it is partnering with Taranaki Whānui and Ngāti Toa on this project. A Statement of Work is being progressed with an associated Project Partnership Charter to formalise this arrangement.

Council has also appointed Taranaki Whānui CEO Lee Hunter to the Zero Waste Steering Committee that has oversight of this project.

Stakeholders and engagement

Working party 2021

After submission of the first Beca report on 4 October 2021 and after the decision to no longer proceed with the Stage 4 landfill extension option, the 14 October Infrastructure Committee made the decision to undertake the work to initiate and lodge the necessary resource consent applications to extend the Southern Landfill.

A residual waste working party was established with representatives from Owhiro Bay Residents Association, Greater Brooklyn Residents Association, Waste Management, Zealandia, Waste Free Wellington, Friends of Owhiro Stream, EnviroWaste, Zero Waste Network and Para Kore.

MCA workshop process with community stakeholder groups

The MCA criteria and option evaluation process were refined in conjunction with the working party. This collaborative process involved two workshops in November and December 2021 to:

- Define and discuss the scope and objectives of the MCA assessment process
- Review the design and format of the MCA assessment process and criteria used in the assessment
- Re-examine the list of options to be evaluated.

These workshops were organised by Council and facilitated by Beca in-person and online to accommodate any COVID-19 restrictions.

Workshop attendees

The workshops were attended by a number of community interest groups, including:

- Owhiro Bay Residents Association
- Zero Waste Network
- Greater Brooklyn Residents Association
- Waste Free Wellington
- Para Kore
- Friends of Owhiro Stream
- Zealandia
- EnviroWaste Wellington
- Waste Management.

First workshop

The first workshop on 18 November 2021 was held at Wellington City Council, 113 The Terrace, Wellington. Beca facilitated a discussion on the original report, the aims and objectives of the original study, and the assessment process used to evaluate options for the Council's final waste management. The working group then gave feedback on the nature of the initial assessment and the structure of the MCA process employed by Beca and Fichtner to compare the options.

A full copy of the minutes of this discussion is available in Appendix 1 (d).

Second workshop

The second workshop on 14 December 2021 was also held at Wellington City Council, at 113 The Terrace, Wellington. Beca facilitated a discussion on numerous topics, including:

- The focus of the assessment in the context of Wellington's WMMP and overall waste management roadmap
- Options being considered as part of the assessment process
- Timeline for following consultation process and sensitivities surrounding existing landfill consent timelines.

Workshop participants then took part in a criteria feedback exercise to evaluate whether the existing criteria were fit for purpose, and highlight any gaps to be filled in the next round of analysis.

A full copy of the minutes is available in Appendix 1 (e).

Follow-up survey

To close out remaining actions from the second workshop, an online survey was submitted to workshop participants to collect additional feedback.

The survey was designed to collect feedback on three topics:

- The wording of existing criteria
- Any additional criteria that should be included
- Which criteria are most critical to success of the final waste option
- Any additional options that should be considered as part of the analysis.

Based on the stakeholder groups’ two workshops and survey feedback, the final criteria used to evaluate the long and short list of waste options was refined. As a result the council could create a shortlist of options. The working party, having fulfilled its purpose, was disestablished.

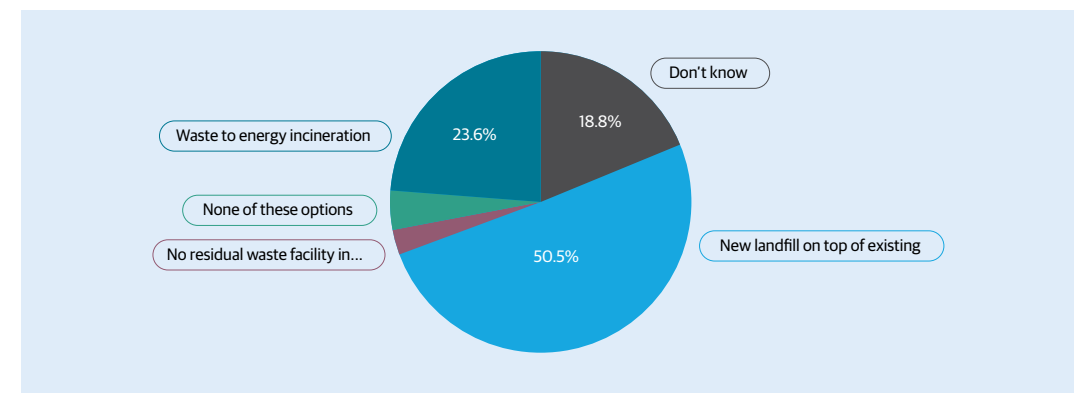
Public consultation

Council publicly consulted on the three options through the Long-term Plan consultation process. In addition to promoting the opportunity and encouraging the public to provide feedback, Council also engaged with the public via a webinar. Questions and clarifications received were responded to.

Formal public consultation (via the 2022/23 Long-term Plan consultation process) and engagement with Mana Whenua was completed in early 2022, the responses to the question:

“Do you prefer a new landfill on top of the existing landfill (piggyback option), or waste to energy incineration or having no residual waste facility in Wellington city?” Support was 50.5%, 23.6% and 2.8% respectively, with 4.3% in favour of “none of these options” and 18.6% as “don’t know”, as illustrated in the chart below.

Diagram 6: Public response on shortlisted options as collated through the WCC 2022/23 Long-term Plan consultation process



Working group 2022

In keeping with the Council resolution of 14 October 2021 to *initiate and lodge the necessary resource consent applications to extend the Southern Landfill*, a new community working group was established in March 2022.

This working group is made of representatives from Owhiro Bay Residents Association, Greater Brooklyn Residents Association, Waste Management, Zealandia and Friends of Owhiro Stream. The details and purpose of the working group are set out in the terms of reference, which can be found here. In summary, the key purpose is to consider and provide feedback, which covers:

- **The proposed design:** Provide feedback, including identifying any improvements that can be made to the design, noting that Council and its experts are responsible for ultimate decision-making owing to the associated liability this carries
- **Review of findings:** Provide feedback on the findings prepared as part of the resource consent application 2

- **Identifying impacts:** Identify impacts of the proposed design including, but not limited to, the effect on the environment and community
- **Mitigation:** Suggest options to mitigate any impacts that the proposed design may have including, but not limited to, the effect on the environment and community
- **Other:** Help to provide feedback on the operation of the piggyback option going forward through suggestions that will form part of the landfill management plan.

The working group is an advisory not a decision-making body, which means it can’t independently commission reports or incur expenses but may recommend such actions to the Council.

Regular workshops are being held as outlined in table 13 below.

Table 13: Stakeholder workshop schedule

Workshop	Date	Status	Purpose
1 (kick-off)	6 Apr 2022	Completed	Introduce the project, timeline and proposed concept design
2	4 May 2022	Completed	Introduce and discuss types of investigations for ecology, geology, hydrology and water quality
3	1 Jun 2022	Completed	Introduce and discuss findings for traffic, landscaping, noise and air quality. Discuss summary of feedback received from workshop 2 and any concerns raised, including options for how these could be potentially mitigated
4	6 Jul 2022	Completed	Provide summary of feedback received from workshop 3 and any concerns raised, including options on how these could be potentially mitigated
5	7 Sep 2022		Provide summary of feedback received from workshop 4 and any concerns raised, including options on how these could be potentially mitigated.
6	30 Nov 2022	Completed	Introduce and discuss the Landfill Management Plan. Close out any remaining areas of concern.
7	15 Feb 2023	Scheduled	Close out any remaining areas of concern

Potential scope and services

In scope:

Consideration of three alternative disposal options:

1. Implementation of the final option selected (June 2022)
2. Progress Option 1 now, specifically design and securing required resource consents
3. Stakeholder engagement, including Iwi, local community representatives.

The table below provides an overview of the scope of services to be delivered by the preferred disposal solution, in order of priority.

Table 14: Scope of Services

Priority	Services
1	Facility for the safe disposal of commercial quantities of Municipal Solid Waste (MSW) and sewage sludge Facility for the safe disposal of residential quantities of waste and hazardous waste, including materials from a transfer station
2	The facility must minimise any negative environmental impacts in line with current acceptable standards in keeping with best practice. This includes reducing the carbon footprint and emissions compared to the current operation
Optional priority	Services
3	Facility for the safe disposal of commercial quantities of contaminated soil and asbestos contaminated material

Out of scope:

Though out of scope for this business case, the Piggyback option will support delivery of the associated zero waste projects and initiatives under the Zero Waste Programme, and waste strategy and minimisation initiatives, specifically initiatives and opportunities to reduce the volume and types of materials to be disposed of. These are covered by the Regional Waste Minimisation and Management Plan.

Benefits

Having a proven residual waste disposal solution in place by June 2026 will provide the following benefits:

Table 15: Project benefit description

ID	High-level benefit	Description	Strategic imperative, KPI linkage, indicator framework
1	There is no minimum municipal solid waste tonnage volume requirement which contributes to achieving the Regional Waste Management and Minimisation Plan and Te Atakura (the Council's Zero Carbon Plan)	This enables Council to deliver on its waste reduction goals by putting in place a residual waste disposal solution option that has no minimum volume disposal requirement and is part of a larger circular economy system focused on transformational change and zero waste aspirations	LTP, Objective 5 (An accelerating zero carbon and waste-free transition) KPI linkages: WCC CEO KPIs: the Zero Waste Strategy and associated Action Plan is approved by the Council by 30 April 2023, and the Southern Landfill Resource Consent lodged by June 2023. Waste minimisation activities) Volume of waste diverted from landfill (tonnes) Te Atakura: Reduction in landfill waste by a third by 2026 Investment-level indicators: Progress on achievement of Te Atakura implementation plan
2	Ratepayer-convenient access to Council strategic asset and services that reduce residual waste to the landfill	Wellingtonians continue to benefit from having a conveniently accessible Class I landfill and associated services, such as the Tip Shop, providing the level of service expected from the Council	LTP Infrastructure Strategy
3	Council has control over access to the Southern Landfill which contributes to the Regional Waste Management and Minimisation Plan	By having direct control of how waste will be disposed of at landfill, Council can collaborate regionally and ensure strategic pricing and operations are in place to manage waste flows and support future waste minimisation initiatives	LTP, Objective 5 (An accelerating zero carbon and waste-free transition) KPI linkages: (Waste minimisation activities) Volume of waste diverted from landfill (tonnes) Te Atakura: Reduction in landfill waste by a third by 2026 Investment-level indicators: Progress on achievement of Te Atakura implementation plan
4	No or minimal rates impact	The Council should at least cover the costs of construction and operation of the new waste facility through the revenue generated from the waste disposal facility	WCC Financial and Cost Minimisation Strategy KPI linkages: Maintenance and operational costs Financial and health impacts on Wellingtonians and on Council (LTP) Investment-level indicators: Maintenance and operational costs
5	Greater resilience in an emergency event	This will enhance Wellington city's resilience during an emergency by maintaining a disposal site for waste or hazardous materials	Wellington Resilience Strategy KPI linkages: WCC Risk Register (Strategic Risks) Investment-level indicators: A maintaining of the risk rating expressed as per council's risk standard

ID	High-level benefit	Description	Strategic imperative, KPI linkage, indicator framework
6	Provide certainty of security of supply and capacity	For the continued disposal of Wellington's waste, including dewatered sewage sludge, or the future outputs from the proposed sludge minimisation facility and other hazardous waste while we transition to low waste society	Wellington Resilience Strategy KPI linkages: WCC Risk Register (Strategic Risks) Investment-level indicators: A maintaining of the risk rating expressed as per the Council's risk standard

Risks

The waste minimisation initiatives described in this business case sit within a range of treatments that contribute to addressing the Council's strategic risk of inadequate climate change response. Other treatments planned or in progress include sludge minimisation, reductions in energy consumption and Let's Get Wellington Moving projects.

The key risks identified in proceeding with the proposed Southern Landfill Extension Piggyback

Option are outlined below. Note, this excludes the Cost Risks listed in Table 17 under the Financial Case section, which are specifically related to the funding contingency provision.

Residual Risk Matrix

The matrix shows the residual rating for all main risks, for example, the rating when all mitigations have been implemented, versus planned.

Figure 2: Residual risk ratings on main risks

Likelihood	Impact			
	Minor	Moderate	Major	Severe
Almost certain				
Likely	#4 High leachate table	#3 Technical specialists		
Unlikely	#5 Supply costs	#2 Ecological concerns	#1 Resource consent not granted	
Rare		#6 Resource consent delayed	#6	

Figure 3: Ratings and mitigations for main risks in order of highest to least residual risk

#	Main risk descriptions	Initial rating		Residual rating		Comments & risk management strategies (mitigations)
		Likelihood	Impact	Likelihood	Impact	
1	Resource consent is not granted (opposed at the hearing, Environment Court and potentially Court of Appeal). While no certainty can be provided or guaranteed, the probability of this risk being realised is considered unlikely	Unlikely	Severe	Unlikely	Major	Through the public consultation process and ongoing engagement with various community groups in the resource consent process and addressing areas of concern, the probability of Council's application being appealed beyond the Environment Court is considered unlikely. The reason for no change in the overall rating is that no certainty can be given here as, under NZ RMA legislation, the right exists to a party wishing to appeal a GWRC hearing or Environment Court decision, albeit at great cost, particularly if unsuccessful and costs are awarded against the party objecting
2	Ecological concerns are not adequately mitigated to a level that meet the expectations of the community or Greater Wellington Regional Council, escalating the resource consent application to the Environment Court	Likely	Moderate	Unlikely	Moderate	The project has provided for an ecological compensation package to fund initiatives to offset environmental impacts and undertaking additional water quality monitoring
3	Lack of availability of technical and specialists required for the construction of the landfill	Likely	Moderate	Unlikely	Moderate	Early engagement and procurement with the market will be undertaken to secure required resources and specialists
4	A high leachate table in Stage 2 landfill compromises integrity of piggyback design and ability to deliver the project	Almost Certain	Major	Likely	Minor	Engage specialist to design the solution and implement this before lodging consent so that this risk/issue is removed Work is currently under way to design and install deep wells in Stage 2 to access and pump leachate to trade waste. This will mitigate the risk

#	Main risk descriptions	Initial rating		Residual rating			Comments & risk management strategies (mitigations)	
		Likelihood	Impact	Overall	Likelihood	Impact		Overall
5	If supply costs increase beyond current budget, as in what is being asked for in the business case, then this will require a request for additional funding or reworking of project outputs to fit the available budget Risk that there is inadequate supply of materials to construct the landfill which then delays delivery of the proposed solution	Likely	Moderate	Medium	Unlikely	Minor	Low	Contingency increased from 5% (\$2M) to 10% (\$6M) of the new preliminary design base case (associated risk of not being approved) Business case risk will be priced to determine contingency - supply chain and market constraints will be factored in Aim to procure early and stockpile where practicable Council will undertake early procurement of materials (2023) and store these to mitigate this risk. Materials included landfill liner and pipes
6	Resource consent is not granted in a timeframe that allows the facility to be constructed and operational by 2026	Unlikely	Moderate	Medium	Rare	Moderate	Low	Resource consent application is planned to be lodged in March 2023. The timeline builds in 12 months for the consent hearing and 18 months for any appeal to the Environment Court. Construction of the landfill will be staged. In the event of the landfill not being operational by June 2026, waste will need to be disposed of at neighbouring landfills, such as Silverstream and Spicers
7	Prior to lodging the resource consent application to GWRC, council becomes aware that there is strong opposition by a party(s) to the Piggyback option who are likely to appeal a decision by GWRC to grant consent.	Unlikely	Moderate	Medium	Rare	Moderate	Low	Council has the option to by-pass the GWRC hearing process and go direct to the Environment Court, saving time and cost but noting that the Environment Court decision is final (can only be appealed on points of law). Going direct to the Environment Court would not be viewed favourably by the community vs first going through a public hearing process and still having the option to appeal any decision to the Environment Court. Any decision to by-pass the GWRC hearing process should therefore be carefully considered.

Key constraints, dependencies, assumptions and SMF project

Constraints

The main constraints are:

- **Timeframe:** The residual waste disposal solution needs to be in place and operational by June 2026. If this requires new infrastructure to be constructed, then all regulatory processes, consents and procurement to construct must be in place by December 2024
- **Resources:** The necessary technical resources and construction expertise must be available at the time to construct and commission the landfill
- **Materials:** Specialist construction materials need to be available, specifically, landfill liner fabric and High Density Polyethylene (HDPE) pipes. The landfill liner will need to be imported.

The preferred residual waste disposal option will affect the availability of land at the Southern Landfill for any planned future waste diversion facilities that could potentially exist on the same Stage 2 closed landfill area.

Surplus landfill operation funds are currently used to fund other council activities, such as waste minimisation and kerbside recycling collection services. The Piggyback Option will allow this to continue versus the other two options.

Dependencies

The two dependencies are:

1. Stability of Stage 2 landfill. As identified in the Main Risks section above, the stability and design of the Piggyback option is dependent upon reducing the leachate table in Stage 2
2. Strength of existing tunnel to support the Piggyback option. The Piggyback option will be constructed on top of an existing tunnel that diverts a stream from the north of the Stage 3 landfill to the Carrey's Gully stream to the south of the Stage 2 area. An area of the tunnel has been identified as having potentially low rock cover which, without additional strengthening, may impact the ability to support the weight of the piggyback option. Work is under way to confirm this and, if required, additional strengthening will be undertaken in the tunnel.

Sludge Minimisation Facility (SMF) project inter-relationship

With the business case approved on 30 June 2022 to build a Sludge Minimisation Facility (SMF) at Moa Point, the SMF project will seek funding approval from Council to proceed with construction.

Building the SMF will enable the Council to materially decouple the disposal of sewage sludge from the Southern Landfill before the resource consent lapses. The relevant technical information must be provided to ensure outputs of the proposed sludge minimisation plan can be disposed in this new facility (dried pallets and, in the event of a SMF process failure, wet sludge).

The Wellington SMF is expected to come online at the same time as the Southern Landfill extension, which would mean the landfill could take treated bio-solids immediately. The Wellington Sludge Minimisation Project team and the SLEPO project team are working together to co-ordinate their activities, including ensuring incorporating any treated sludge/bio-solids disposal requirements into the consenting documentation for the landfill extension. Generally, Grade A bio-solids like those produced from the new Wellington Sludge Minimisation Facility can be disposed of without consent.



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Southern Landfill Business Case

Southern Landfill Business Case

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Financial case

Funding approach overview

Design, Consenting and Construction of Part A and B requires a capital budget of \$36M which is made of a \$32.7M Base Case and \$3.2M (9.7%) contingency. The current LTP has \$19.6M available from 2022 to 2028 and \$16.3M available from 2029 to 2031. A LTP amendment is required to align the LTP funds with the expected Capital spend shown in 16 table below.

The project operational and capital forecast costs have been estimated by industry leaders Tonkin + Taylor, who are experienced in the design and construction of landfills.

The Tonkin + Taylor forecasts have also been independently peer reviewed by quantity surveyor (QS) organisation Bond Construction Management Limited (Bond CM), considered one of the most experienced and qualified in the industry.

The independent review undertaken by BondCM determined that the construction cost estimate to construct the Piggyback Landfill is less than 2.5% than the construction estimate prepared by Tonkin + Taylor. Note, this excludes; resource consents, project delivery costs and costs specific to WCC.

At this relatively early stage of the project, the cost estimate difference of less than 2.5% provides a high level of confidence in the Tonkin and Taylor estimate.

A summary of the base estimate (including 9.7% contingency) is presented in Table 16.

Given the project is at a preliminary stage, the level of uncertainty will reduce significantly once the detailed design and procurement activities have been completed. This is planned for June and September 2024 respectively.

The project operational and capital forecast costs have been estimated by industry leaders Tonkin + Taylor, who are experienced in the design and construction of landfills.

Table 16: Budget estimate breakdown to design, consent and construct Parts A and B.

Base Case Estimate (Part A + Part B) (2022 \$)	
Resource Consent	
Prelim Design, Planning, Investigation, Water Quality Monitoring, Stakeholder Engagement	\$ 2,991,569
Total (Resource Consent) =	\$2,991,569
Landfill Engineering	
Landfill Development	\$ 16,516,296
Ecological Compensation (Terrestrial + Freshwater)	\$ 7,123,976
Roading Improvements	\$ 845,824
Stage 2 Leachate Table Reduction	\$ 1,075,200
Total (Landfill Engineering) =	\$ 25,561,295
WCC Misc. Costs	
Compost Relocation	\$ 290,000
Weighbridge and new kiosk	\$ 450,000
Existing sewer improvements	\$ 900,000
Total (Wcc Misc. Costs) =	\$ 1,640,000
Project Delivery Post Consent Approval	
Detailed Design, Tender and Construction Administration	\$ 2,556,130
Total (Project Delivery Post Consent Approval) =	\$ 2,556,130
Total Contingencies (sum of the above)	
Total Contingency Value, \$	\$ 3,167,675
Overall Contingency Percentage, %	9.7%
Base Rate (excluding contingencies)	\$32,748,994
Grand Total (including contingencies)	\$ 35,916,669

Table 17: This table below presents the recommended scenario capital spend between 2022 and 2047 noting that the cost is spread over this period to reflect the construction of multiple landfill cells.

Financial Year	Part A		Part B		2025/26	2026/27	2027/28	2028/29	2029/30	2030/31
	Design and Consenting / Consent Processing"	Consent Processing / Detail design	Construct Part A	Construct Part B"						
LTP Provision	1,309,900	4,895,834	1,438,133	1,479,650	1,522,712	1,567,207	6,580,438	8,056,206	1,710,145	35,957,210
Capex spend	600,000	1,697,608	13,124,597	3,990,025	7,821,478	7,131,603	-	-	-	35,916,669
Difference	709,900	3,198,225	-11,686,464	-2,510,375	-6,298,766	-5,564,396	6,580,438	8,056,206	1,710,145	40,541
Cumulative spend	-	-	-1,932,712	-	-	-	-	-	-	-
Current LTP Provision 2022-2028	1,309,900	4,895,834	1,438,133	1,479,650	1,522,712	1,567,207	-	-	-	19,610,421
Current LTP Provision 2029-2031	-	-	-	-	-	-	6,580,438	8,056,206	1,710,145	16,346,789
Cumulative Difference	709,900	3,908,125	-1,932,712	-2,510,375	-8,809,141	-11,863,161	5,564,396	16,346,789	1,710,145	16,306,248
Future LTP alignment requirement	none	none	1,932,712	2,510,375	6,298,766	5,564,396	none	none	none	16,306,248
Current LTP Provision 2022-2028 + Future LTP alignment requirement	1,309,900	4,895,834	3,370,845	3,990,025	7,821,478	7,131,603	none	none	none	35,916,669

The table below presents the capital spend between 2022 and 2030/31 and alignment with the LTP noting that the cost is spread over this period to reflect the construction of Parts A and B. An LTP amendment is required to align the LTP funds with the expected Capital spend.

Cost risks

The preliminary design of the Piggyback Option includes a range of potential future risks that may need to be provided for by the contingency provision. The table below provides a breakdown of the risk items that may contribute to a future cost increase, as outlined in the Tonkin + Taylor report (Appendix 2(a)).

Table 18: Significant risk items for SLEPO landfill construction works for PART A and Part B including enhanced Stage 3 Landfill cap ecological as compensation due to terrestrial ecology effects of SLEPO

Risk item	Major items requiring contingency allowance
Erosion and Sediment Control (ES)	<ul style="list-style-type: none"> Water retaining structures located above Stage 2 closed landfill (Sediment retention pond and polishing wetlands) Conceptual stage for design of polishing wetlands More stringent ESC measures may be required after consent review process
Earthworks	<ul style="list-style-type: none"> Increase in unsuitable soil material Lack of suitable soil material for Low Permeability Fill (LPF) Increase in earthwork quantity due to settlement of the Stage 2 closed landfill General increase in earthmoving cost Surface preparation to receive the landfill lining system is more complicated than envisaged during preliminary design stage
Slope stability (Provisional)	<ul style="list-style-type: none"> Require additional slope stabilisation measures such as rock bolt/dowel and sprayed concrete facing
Roading	<ul style="list-style-type: none"> Increase in material cost (AP65 sub-basecourse / AP40 basecourse) due to shortage of supply from quarries within the greater Wellington region
Groundwater system	<ul style="list-style-type: none"> Not at detail design stage. Pipes and trench dimensions are based on assumptions. Risk in changes to material type and size.
Stormwater system	<ul style="list-style-type: none"> Not at detail design stage. Drain, pipes and trench dimensions are based on assumptions. Risk in changes to material type and size.
Landfill lining system	<ul style="list-style-type: none"> Risk of design change and/or increase in quantity due to the unknown nature of the legacy Stage 2 closed landfill. E.g. highly compressible asbestos in old landfill would require significant reinforcement geotextile to manage differential settlement in the landfill basal lining system. Risk of significant material cost increase. Note: HDPE liner / Pozidrain material is not available from NZ or Australia.

Leachate collection system	<ul style="list-style-type: none"> Increase in material cost (40 / 20 gravels) due to shortage of supply from quarries within the greater Wellington region Not at detail design stage. Pipe dimensions are based on assumptions. Risk in changes to material type and size. Risk of significant HDPE pipe cost increase
Stage 2 closed landfill leachate pumping system	<ul style="list-style-type: none"> Design is at concept level and is subject to the performance of the leachate pumping trials yet to be undertaken Increase in material cost (40 / 20 gravels) due to shortage of supply from quarries within the greater Wellington region
Freshwater ecology offset / compensation	<ul style="list-style-type: none"> Ecological compensation is at an early stage of development and is subject to requirements following the consenting process
Landscape and revegetation. Terrestrial ecology offset / compensation	<ul style="list-style-type: none"> Ecological compensation is at an early stage of development and is subject to requirements following the consenting process. General increase in earthmoving cost
Stage 2 closed landfill gas collection system	<ul style="list-style-type: none"> Increase in material cost (40 / 20 gravels) due to shortage of supply from quarries within the greater Wellington region Risk of significant HDPE pipe cost increase Design is at concept level and is subject to change following better understanding of the condition of the existing Stage 2 landfill. Items that could impact design are: <ul style="list-style-type: none"> Presence of asbestos Elevated leachate level - when leachate is lowered, there is potentially a significant increase in LFG generation and emission Uncertainty of historical waste fill and prediction of LFG generation model
Stage 2 closed landfill gas collection system	<ul style="list-style-type: none"> Increase in material cost (40 / 20 gravels) due to shortage of supply from quarries within the greater Wellington region Risk of significant HDPE pipe cost increase Design is at concept level and is subject to change following better understanding of the condition of the existing Stage 2 landfill. Items that could impact design are: <ul style="list-style-type: none"> Presence of asbestos Elevated leachate level - when leachate is lowered, there is potentially a significant increase in LFG generation and emission Uncertainty of historical waste fill and prediction of LFG generation model

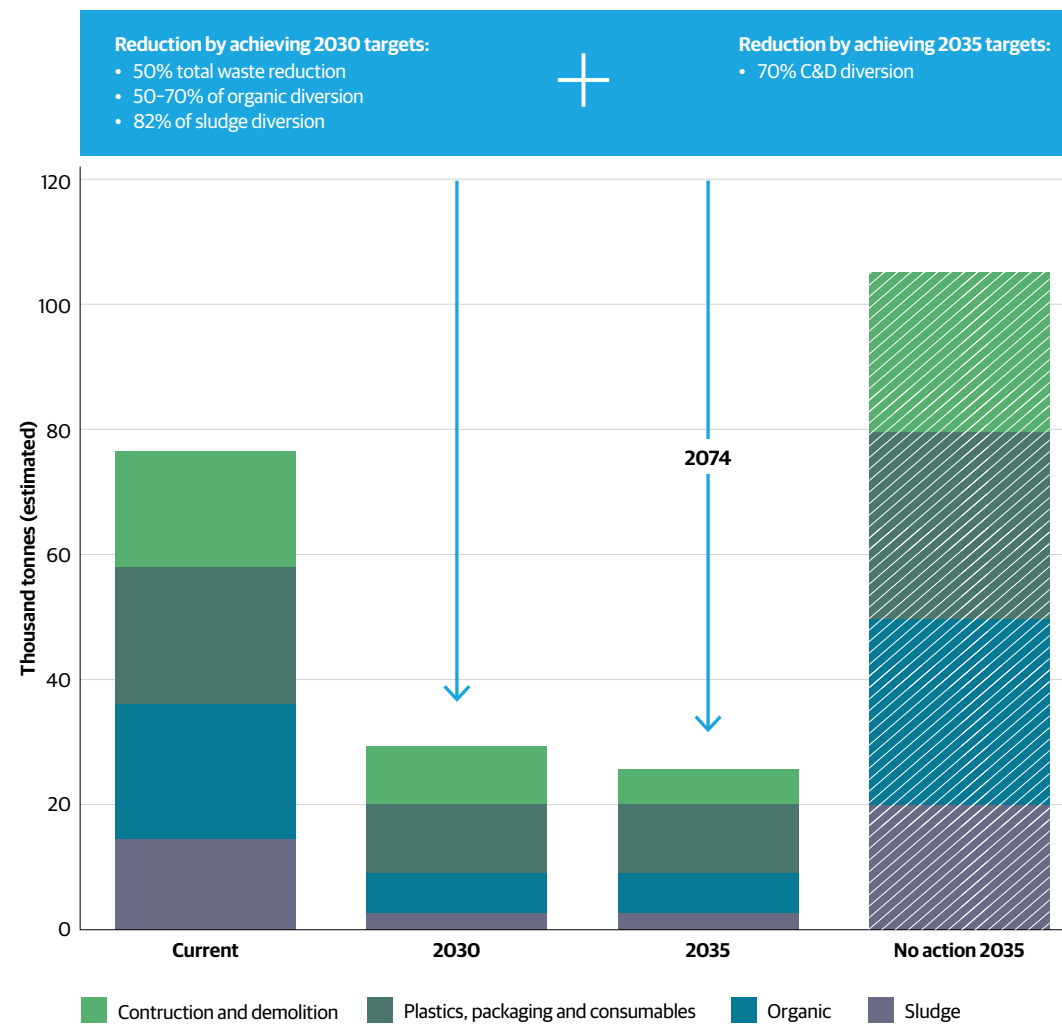
Operational/pre & post-project funding

The Southern Landfill follows a self-sustaining operating business model, and user gate fees cover operational and infrastructure costs. Landfill fees subsidise the Council’s kerbside recycling services, processing of collected recyclables, waste minimisation personnel, initiatives and activities. Operational budget models are prepared for the existing landfills and will be used to support gate fees to cover operational costs and waste minimisation

related activities. These are prepared and approved by council as part of the Annual Plan and Long-term-Plan budget cycles.

Post-closure of the Piggyback option (2046+), funding from the Closed Landfill Provisions would be required for about 30 years for the after-care of the landfill. This includes monitoring of leachate and disposal to trade waste, gas capture and integrity of landfill cap.

Figure 4: Southern Landfill Waste Reduction Plan





Commercial case

Procurement approach

Procurement of services to deliver the preferred option, the Southern Landfill Extension Piggyback Option, requires the following to be undertaken:

- **Part 1: Resource consent.** Preparation and lodgement of resource consent application to Greater Wellington Regional Council (GWRC) and Outline Plan of Works to WCC (Regulatory), followed by preparation and presentation of technical reports and supporting evidence to the resource consent hearing
- **Part 2: Landfill construction.** Construction of landfill cells and associated earthworks including supply of materials (substrates, drainage and landfill liner), design, project management and quality assurance.

The procurement approach to Part 1 and Part 2 are covered below.

Part 1: Procurement approach for resource consent application (GWRC) and Outline Plan of Works (WCC)

Tonkin & Taylor have been appointed by the Council to prepare and lodge the application for resource consent, with Beca sub-contracted to Tonkin & Taylor to prepare the Outline Plan of Works. The appointment is effectively an extension (variation) to the Southern Landfill Stage 4 resource consent application undertaken by Tonkin & Taylor.

Back in 2019, Tonkin & Taylor was appointed to undertake the Stage 4 resource consent via an open-market competitive tender process. In 2020 the Stage 4 consent process was put on hold and later abandoned in favour of the Piggyback Option. The decision to continue with Tonkin & Taylor, in keeping with the procurement process at the time, was based on the following reasons:

- A competitive tender process had been undertaken and awarded to Tonkin & Taylor for Stage 4 and therefore the benefits of the competitive offer (pricing, experience, resourcing, methodology) would continue and apply to the Piggyback Option

- The resource consent application for Stage 4, specifically assessment of environmental effects, was well advanced, enabling unique learnings and findings to be carried over to the Piggyback Option providing a level of efficiency that would be lost if the Council engaged another supplier.
- Owing to the relatively tight timeframe to secure resource consents before June 2026, going back to the market to recommence a procurement process risked not having a residual waste disposal solution in place by June 2026
- Acknowledging the tight timeframe, the instruction was given by Council for officers to immediately proceed with progressing the resource consent application for the Piggyback Option in parallel with working through alternative options and the Long-term Plan Amendment Annual Plan public consultation process
- The revised budget estimate from Tonkin + Taylor for the Piggyback Option was consistent (relative to) the budget estimate provided for the Stage 4 resource consent application.

Part 2: Procurement options for the construction of the Southern Landfill Extension Piggyback Option

The options considered to procure the services of a supplier to construct the landfill are:

- Option 1:** Open tender - with early contractor engagement and separate material purchase contract for specialist materials
- Option 2:** Open tender
- Option 3:** Closed tender
- Option 4:** Existing preferred supplier agreement
- Option 5:** All of Government contract
- Option 6:** Existing syndicated contract.

Preferred procurement option for Part 2, construction of the Southern Landfill Extension Piggyback Option

Option 2: Open tender - with early contractor engagement and separate material purchase contract for specialist materials, is the preferred approach. There are currently no existing preferred supplier agreements in place at WCC for this type of work. There are also no All-of-Government contracts or syndicated contracts the Council could sign up to in relation to this work. A closed tender is not appropriate because there are sufficient contractors who can undertake this, given the value of the construction and the nature of work being sufficiently complex to engage in an open procurement process. The design of the landfill will be prescriptive with minimal room to depart from this - the key design elements will form the basis of the resource consent approvals. Typically, once consent has been approved there will be resource consent conditions that require the landfill to be constructed in keeping with the design documents lodged.

Departing from the design may risk triggering unintended consent conditions or require the Council to relitigate the design.

In this context, a more traditional procurement is beneficial and provides the opportunity for elements of risk-sharing built into the contract. Risk-sharing would be based on risk assigned to the party best positioned to manage and mitigate the risk.

Early contractor engagement with close monitoring from a quantity surveyor (BondCM) allows the Council to secure the necessary resources to complete the project given the tight timeframe.

Given current global supply and freight challenges, a separate material purchase contract for specialist materials, such as the landfill liner fabric that will sit beneath the new landfill to prevent loss of leachate, will ensure potential overseas supply chain risks can be minimised, particularly given the time-sensitive nature of the project. The council will get early indication of the type of liner that will be required with certainty from technical experts working on behalf of the consenting authority to ensure the right liner is purchased. The early procurement and delivery of materials that will be taken will mitigate the material supply risk.

The design of the landfill will be prescriptive with minimal room to depart from this - the key design elements will form the basis of the resource consent approvals.

Market analysis

There are four major elements to the work for Part 2, construction of the Southern Landfill Extension Piggyback Option, as listed in the table below:

Table 19: Construction elements

Elements	Contractor supply	Local contractor demand	Comments
Earthworks	High	High	Contractor must have appropriate plant and machinery to construct the landfill with experience and track record undertaking similar type of earth works
Liner installation	Low (specialist)	Medium	Contractor must have a proven and successful track record in liner installation
Gas collection systems	Low (specialist)	Medium	Council has a 25-year supply agreement with LMS Ltd, a landfill gas specialist, to manage the biogas produced as a by-product of the landfill. Through the agreement LMS Ltd has exclusive rights to the biogas which it uses to produce electricity. The agreement provides LMS Ltd with an incentive to maximise the efficiency of biogas collection and management which, in turn, benefits the council by reducing the amount of carbon emitted into the atmosphere and the fees associated with these emissions
Drainlayers	Medium	High	Council will require an appropriately-sized and proven drainlayer to install new leachate collection drains and leachate lines Demand for such a specialist will be high given the amount of drainage work in the city over the coming years. We understand the required lead times and can start procurement early to mitigate risks associated with this

Given the above, early engagement with the contractor is key to successful delivery of the project.

Liner installation will require specialist contractors and these materials are not manufactured locally, which means early contractor engagement and buying liners from overseas early could reduce the risk of delays to construction.

The procurement strategy for the preferred option

The procurement plan for Part 2, construction of the Southern Landfill Extension Piggyback Option, is proposed as a two-stage process for the main contractor; a Registration of Interest (ROI), including early market briefings, and a Request for Proposals (RFP), which will be either an open or closed tender depending on the level of response to the ROI.

This approach has several benefits. It informs the market of what is coming and informs council on where the market is at regarding the level of interest shown in the project, the likely number of parties that may submit proposals and learnings that can be shared with council that may influence the ROI, RFP and form of contract documents. This approach has been successfully used on other projects of this scale.

The following services will need to be procured through an open tender in advance of the main contractor procurement:

- Engineer to the contract
- Project manager
- Quantity surveyor.

Requirements

Council will seek interested and suitability qualified and experienced contractors to undertake all earthworks and installation of materials and substrates in strict accordance with the detailed design, as approved by Council and the Greater Wellington Regional Council.

Earthworks, by nature, is seasonal and, given the scope of work, will require two earthwork seasons. Council, through a third party engineer to the contract, will oversee the construction and implementation of the required work to ensure it adheres to the detailed design, including ensuring any variations remain within the tolerance of resource consent conditions and approval of Greater Wellington Regional Council.

Risk allocation

Risk allocation between the main contractor awarded the contract to construct the Piggyback Option and Council includes, but is not limited to, the following:

Main contractor

1. Risks associated with undertaking and delivering all physical earthworks and installations in accordance with the required design
2. Risks associated with delivery of the required earthworks within the agreed timeframe
3. H&S compliance associated with undertaking the physical works and in accordance with WCC PBCU responsibilities and obligations
4. Risk associated with resourcing the project (suitably qualified people, equipment) to meet items 1-4.

Third-party engineer to the contract

1. Risk and liability associated with ensuring construction milestones and deliverables align with the approved design and resource consent conditions.

Council

1. Risk associated with financing the project
2. Risk associated with securing resource consents and any delays
3. Risk of timely decision-making
4. Risk associated with an alternative temporary disposal solution should the Piggyback option not be completed in time for reasons outside the control of the main contractor and engineer. This could include, for example, a situation of force majeure or unforeseen weather events reducing available time in the construction season
5. Securing supply of materials that require a long lead time, before awarding a contractor.

Contractual approach

It is envisaged this will be a measure and value contract with clear assignment of risk and responsibility sharing. Under a measure and value contract, payment to the contractor is determined by measuring the work carried out and valuing this in accordance with the schedule of rates stipulated in the contract agreement.

Council's preference is for a single main contractor to be responsible for managing the whole project and engaging sub-contractors with pre-determined rates as part of the ROI and RFP process. Examples of sub-contractors include installation of the landfill liner and supply and installation of the gas collection system.

The procurement plan will set out the final contractual approach and arrangements. This will include incentives for on-time and early completion of the project combined with liquidated damages for late delivery.

Contract management

The Zero Waste Programme governance framework (refer section 8.1) will oversee the contract management with support from commercial partnerships and ensure any additional assurance activities are established and monitored for the construction and implementation phase, with clear definitions of roles and responsibilities.





Management case

Planning for successful delivery

There are two stages to deliver this project:

Stage 1: Secure resource consent from Greater Wellington Regional Council and approval of the Outline Plan by Wellington City Council for the Southern Landfill Extension Piggyback Option

Stage 2: Construction and commissioning of the piggyback option. Stage 2 is conditional upon resource consent being granted with consent conditions that are acceptable to council.

The approach to project management will be in keeping with the requirements of the Investment Delivery Framework (IDF).

Stage 1: Secure resource consent

Stage 1 has started and if this business case is approved, then this work will continue. If an alternative option is preferred, work will discontinue.

Council has engaged Tonkin + Taylor to secure resource consents for this project. A project team has been established, including Beca, other technical specialists and Wellington City Council. The programme of works detailing the scope and timeline is provided in Appendix 3a

Fortnightly meetings are being held to bring the project team together. Key decisions and actions are recorded in meeting minutes. All project documents, including risk register, technical reports and meeting minutes, are stored on Sharepoint for all project team members to access. Internal reporting occurs on a weekly basis and project risks and issues are recorded on the project risk register.

Stage 2: Construction and commissioning of the piggyback option

Implementation of the project is dependent upon resource consent being granted, including consent conditions that are acceptable to council.

For completeness, even if consent is granted this could be appealed to the Environment Court. Any notice of appeal must be lodged within 15 working days of receiving the hearing decision. Any appeal after the closing date will require a waiver of the time limit by the Environment Court.

Programme management of the piggyback option will be similar to Stage 1, with Council also engaging an external engineering expertise to fulfil the role of engineer to the contract. The programme of works providing an overview of the key milestones and timeline is provided in Appendix 3b.

Governance arrangements

To oversee the project, the council has established a Zero Waste Programme structure being led by a steering committee that consists of a mix of external and internal members with a balance of skills, experience and industry knowledge. The steering committee will be chaired by the council's Waste, Water and Resilience Manager. The SLEPO project team comprises a mixture of external and internal technical resources. The council will maintain overall project control and direction through the Zero Waste Programme management team and steering committee and will procure operational elements from suitably qualified organisations.

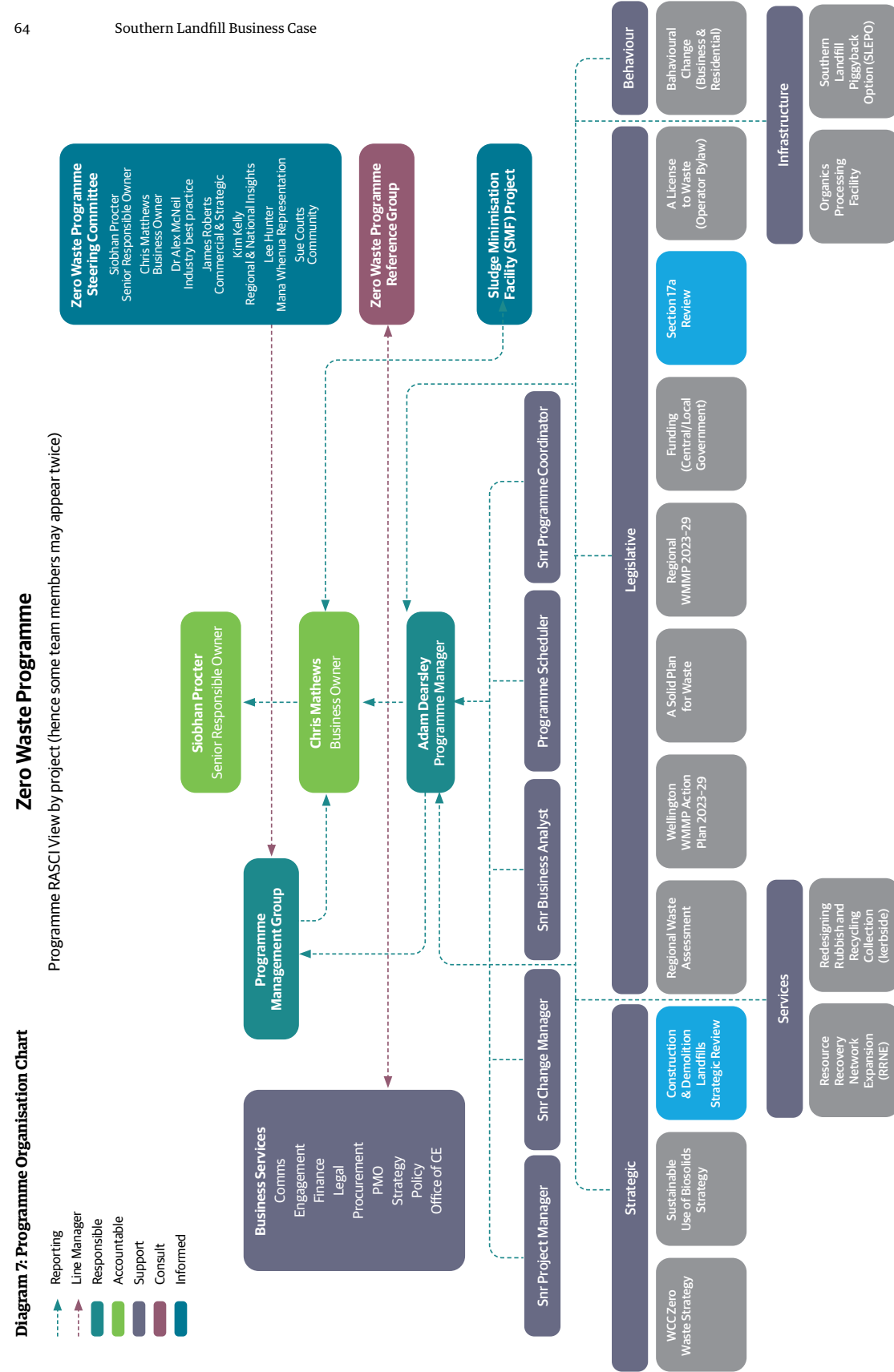


Table 20: Programme governance

Body	Membership	Board type
Priority Investment Steering Group	CIO, CFO, CCCO, CPO, CDO, PMO Manager	Executive leadership team (monthly)
Infrastructure Committee	Elected members	Governance (3 monthly)
Zero Waste Programme Steering Committee	Siobhan Procter, Chief Infrastructure Manager (Chair)	Governance (monthly)
Zero Waste Programme team meeting	Adam Dearsley, Zero Waste Programme Manager (Chair)	Management (weekly)
Residual waste - SLEPO project team meeting	George Fietje, Project Manager	Management fortnightly'

Risk and issues management

The approach to all project risks and issues consists of:

- i) Identifying risks and issues at any time during the management and delivery of the project
- ii) Assessing the probability of each risk or issue and the impact this may have on the project and outcome
- iii) Determining current controls in place to manage the risk or issue and mitigation required to address this
- iv) Implementing the steps required to mitigate the risks.

- v) Project risk and issues register kept in the project folder (SharePoint)
- vi) Key project risks and issues are identified and communicated to the Zero Waste Programme manager.

Risk and Issues are identified and recorded as follows:

Schedule management

Key project milestones are provided in the table below for Stage 1 (resource consent) and Stage 2 (construction).

Table 21: Project milestones by stage

Key project milestones	
Stage 1: Resource consent	Planned completion date
Long-term Plan Amendment (2022-23 Annual Plan) accepted (decision to proceed with project)	30 June 2022
Complete technical reports and assessment of environmental effects	1 December 2022
Draft resource consent application reviewed by GWRC	2 December 2022
Feedback received from GWRC	30 January 2023
Design with working party concludes	28 February 2023
Resource consents lodged	3 March 2023
Processing of resource consent completed by GRWC	29 February 2024
Resource consent decision	29 February 2024
Stage 2: Construction of Parts A and B (no appeal to the Environment Court)	Planned completion date
Procurement plan finalised (note, this represents early commencement before knowing if resource consent has been granted)	30 March 2023
Detailed design completed	30 June 2024
Contractor procurement completed	30 September 2024
Essential material procurement completed	30 September 2025
Construction season 1 (1 October 2024-30 April 2025) <ul style="list-style-type: none"> Relocation of existing infrastructure Construct sediment pond and polishing wetlands Construct ground water and stormwater system Commence earthworks 	April 2025
Construction season 2 (1 October 2025 to 30 April 2026) <ul style="list-style-type: none"> Install landfill lining system 	April 2026
Part A landfill cell completed and ready to receive residual waste	1 June 2026
Part B landfill cell completed and ready to receive residual waste	1 June 2027

Key project milestones

Stage 2: Construction of Parts A and B (appeal to the Environment Court)	Planned completion date
Procurement plan finalised	30 March 2023
Detailed design completed	June 2024
Contractor procurement completed	30 September 2024
Essential material procurement completed	30 September 2025
Construction season 1 (1 October 2024 to 30 April 2025) <ul style="list-style-type: none"> Relocation of existing infrastructure Construct sediment pond and polishing wetlands 	30 April 2025
Winter works (1 May-30 September 2025) <ul style="list-style-type: none"> Site clearance Construct ground water and stormwater system Ecology compensation/mitigation 	30 September 2025
Construction season 2 (1 October 2025 to 30 April 2026) <ul style="list-style-type: none"> Commence earthworks Install landfill lining system 	1 June 2026
Part A landfill cell completed and ready to receive residual waste	1 June 2026
Part B landfill cell completed and ready to receive residual waste	1 June 2027

Change management

Change management practices are in place.

Refinement of these practices to suit the relevant parties will be made throughout the procurement phase to align with the contractual agreement for the main works contractor.

Change management will be facilitated through the Zero Waste business owner, programme manager and SLEPO project manager. The Zero Waste Programme has identified stakeholders for each project to ensure that updates, including any changes, are appropriately communicated. At this stage no change management requirements have been identified to the operation of the piggyback option, effectively a continuation of the current Stage 3 landfill operation.

Stakeholder communications and engagement management

A SLEPO engagement and communication plan has been developed, refer; Comms & Engagement Plan - Residual Waste Disposal DRAFT v1.docx. This will be a living document reflecting the need for the SLEPO project to be capable of delivering relevant and positive information to all interested parties during the various stages.

A Zero Waste Programme overarching engagement and communications strategy and plan is under development to align the SLEPO project with other zero waste projects and initiatives.

Reporting and assurance

Reporting process and control

The SLEPO project will report in accordance with the Investment Delivery Framework (IDF) guidelines set out by the council's Project Management Office (PMO). This includes a suite of reports covering the breadth of traditional project reporting. Reporting cycles will align with monthly steering committee meeting and WCC PMO reporting timelines.

Monitoring and assurance

The SLEPO project team and Zero Waste Programme team are working closely with the WCC PMO and will follow all guidance and assurance activities required, as instructed by the PMO, in line with agreement from the Zero Waste Programme business owner and senior responsible owner.

For the detailed design and construction phase, the council will appoint an external and independent engineer to the contract to represent its interests and provide assurance project delivery is in accordance with scope, specifications, quality, budget and timelines, including any contract variations.

Project milestones

Preliminary project milestones are outlined in the schedule summary under section 7.2. The schedule and key milestones will be further developed as part of Stage 1.

Post-project evaluation

A post-project evaluation plan will be developed in line with the IDF in due course.

Benefits management

To ensure the project's benefits are realised, periodic reviews will be undertaken and reported via the Priority Investment Report and to the Zero Waste Programme steering committee.

Next steps

After approval of the business case, council will formalise continuation of Stage 1 to secure resource consent with the project team, Mana whenua and community stakeholder groups.



J015159

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

SELECT COMMITTEE SUBMISSION ON WATER SERVICES LEGISLATION BILL AND THE WATER SERVICES ECONOMIC EFFICIENCY AND CONSUMER PROTECTION

Kōrero taunaki | Summary of considerations

Purpose

1. This report to Kōrau Tūāpapa | Environment and Infrastructure Committee summarises the Water Services Legislation Bill and the Water Services Economic Efficiency and Consumer Protection Bill, which were referred to the Finance and Expenditure Committee by the House of Representatives on 14 December 2022. It proposes a number of issues for Council to raise in its submission to the Select Committee before the submission's deadline of 17 February 2023.

Strategic alignment with community wellbeing outcomes and priority areas

Aligns with the following strategies and priority areas:

- Sustainable, natural eco city
- People friendly, compact, safe and accessible capital city
- Innovative, inclusive and creative city
- Dynamic and sustainable economy
- Functioning, resilient and reliable three waters infrastructure
- Affordable, resilient and safe place to live
- Safe, resilient and reliable core transport infrastructure network
- Fit-for-purpose community, creative and cultural spaces
- Accelerating zero-carbon and waste-free transition
- Strong partnerships with mana whenua

Strategic alignment with priority objective areas from Long-term Plan 2021–2031

Relevant Previous decisions

Outline relevant previous decisions that pertain to the decision being considered in this paper.

Te Kaunihera o Pōneke | Council Committee of September 2021, Councillors received the information pertaining to Government's Reform: Three Waters and passed several resolutions including:

- Welcome the introduction of Taumata Arowai and the proposed economic water regulator.
- Note the recommendations of the Mayoral Taskforce: Three Waters were accepted unanimously by the Council and in regard to the Water Reforms.

Te Kaunihera o Pōneke | Council Committee of July 2022, Councillors received the information summarising the Government's Water Services Entities Bill, which supported the development of a Council submission to the Select Committee.

Significance

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

Financial considerations

Nil

Budgetary provision in Annual Plan / Long-term Plan

Unbudgeted \$X

Risk

Low

Medium

High

Extreme

Authors	Chris Mathews, Manager Waste, Water and Resilience Ben Henderson, Senior Strategy Advisor
Authoriser	Siobhan Procter, Chief Infrastructure Officer

Taunakitanga | Officers' Recommendations

Officers recommend the following motion

That the Kōrau Tūāpapa | Environment and Infrastructure Committee:

- 1) Notes the first of three related Bills, the Water Services Entities Bill, became law on 12 December 2022.
- 2) Approves the submission, as set out in Attachment 1 on the two remaining Bills before the Finance and Expenditure Select Committee Water Services Legislation Bill and the Water Services Economic Efficiency and Consumer Protection Bill.
- 3) Agrees to delegate authority to the Chief Executive to finalise the submission, including any amendments agreed by the Korau Tuapapa | Environment and Infrastructure Committee as well as any minor consequential edits.

Whakarāpopoto | Executive Summary

1. The Government is progressing its three waters reform programme, with the Water Services Entities (WSE) Bill becoming law on 12 December 2022.
2. The Government's intent is to address the national problem of aging infrastructure and the need for delivery of safe, reliable drinking water, wastewater and stormwater services for current and future generations.
3. The Mayoral Taskforce (2020) Three Waters made recommendations endorsed by the Council that recognised the need for Three Waters reform.
4. In 2021, the water quality regulator Taumata Arowai, became accountable for the delivery of the Water Services Act 2021.
5. On 25 July 2022, Council made a written submission on the Water Services Entities Bill to the Finance and Expenditure Select Committee. The Bill was the first of three pieces of requisite legislation to enable WSEs to assume responsibility for three waters service delivery from 1 July 2024.

6. On 12 December 2022, the Water Services Entities Bill received Royal Assent and became the Water Services Entities Act. This means that four publicly owned entities (WSEs) can now be established, and these will be accountable for three waters service delivery across New Zealand.
7. Under the legislation, all water assets will be retained in public ownership with each Council receiving one share per 50,000 in its district. Local councils will be the only shareholders in these entities. These shares cannot be sold or otherwise transferred and do not come with a financial benefit or liability. With this arrangement, balance sheet separation is achieved.
8. The Water Services Legislation Bill (WSL Bill) and the Water Services Economic Efficiency and Consumer Protection Bill (Economic Regulation Bill) were introduced on 8 December 2022. These two bills build on the Water Services Entities Act by setting out the technical detail of three waters and service delivery:
 - The WSL Bill sets out the Water Services Entities' functions, powers obligations, and oversight arrangements.
 - The Economic Regulation Bill regulates the price and quality of water infrastructure services and protects consumers.
9. Both proposed bills had their first reading on 13 December 2022 and were referred to the Finance and Expenditure Select Committee, which has set a deadline of 17 February 2023 for written submissions from local government.
10. The government anticipates that the Water Services Legislation Bill and the Water Services Economic Efficiency and Consumer Protection Bill will pass into legislation by the end of June 2023 and has set the submission period and hearing schedule accordingly.
11. The draft submission (Appendix 1) on both proposed bills sets out a range of issues that Officers recommend the Council raise with the Select Committee

Takenga mai | Background

12. Wellington City Council, like local authorities across the country is grappling with aging infrastructure and the increasing cost of investment in renewals and upgrades to meet forecast growth in demand.
13. A key requirement of the reform process was balance sheet separation to remove the funding constraint that currently exist by keeping the assets on Council's balance sheets.
14. In July 2022, Councillors received the information summarising the Water Services Entities Bill, which outlined the matters Council raised in a submission to the Finance and Expenditure Select Committee.
15. On 12 December 2022, the Water Services Entities Bill received Royal Assent and became the Water Services Entities Act. This means that four publicly owned entities (WSE's) can be formed.
16. The WSEs will retain public ownership of assets and operate three waters infrastructure and services.

17. Each WSE will be a body corporate and will be co-owned by the territorial authorities in its service area; recognised in shares, to provide a tangible expression of ownership by communities and territorial authorities.
18. The WSE Act defines the service area for each entity through reference to territorial authority districts, or parts of districts. Wellington forms part of Entity C.

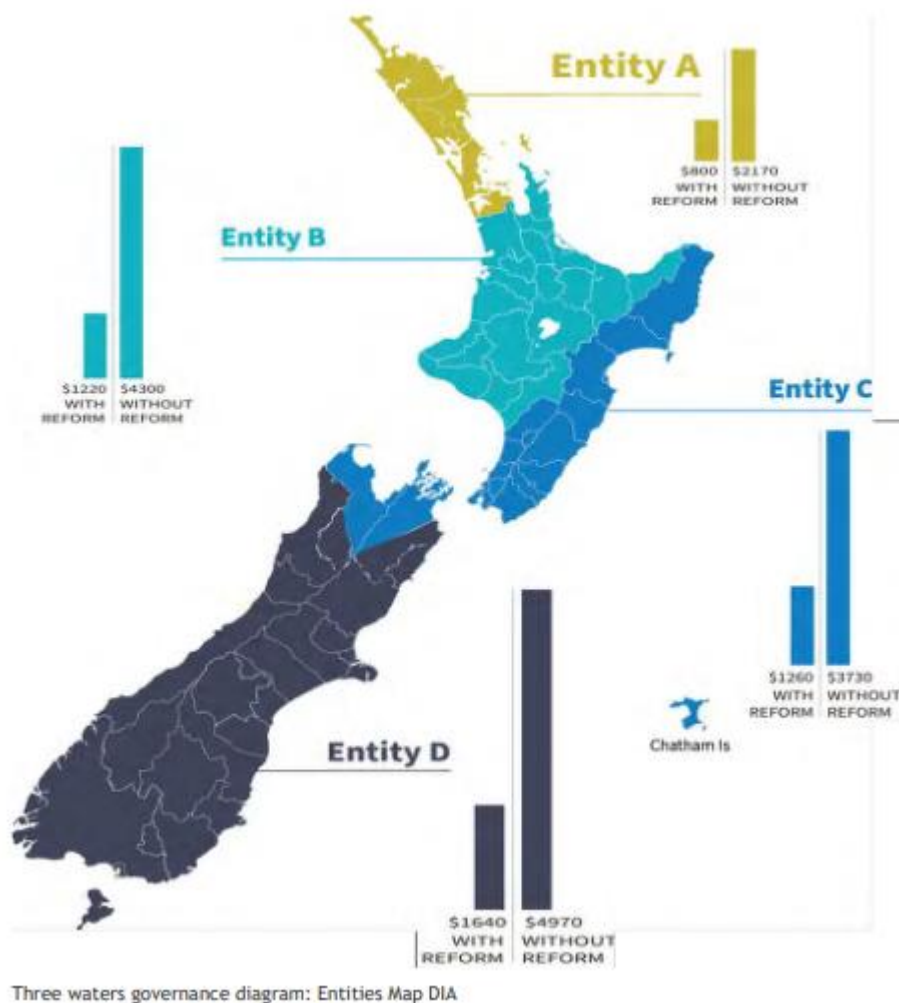


Figure 1 Three Waters Governance diagram: Entities Map.

19. The WSEs will have a two-tier governance structure:
20. Strategic level - regional representative groups (with regional 'advisory panels') will provide regional and local level direction and oversight, including joint monitoring of the water services entities.
21. The regional representative groups (RRG) will be based on a representative model. They are to consist of no fewer than 12, and no more than 18, regional representatives, and an equal number of territorial authority representatives and mana whenua representative.

22. Operational level – the water service entities will appoint independent, skill based professional boards. These independent boards are to consist of no fewer than 6, and no more than 10, members and are appointed by and accountable to the RRG.
23. Under the Water Services Entities Act local councils within an entity boundary will collectively own the water service entity on behalf of the communities they serve, and council ownership will be through a shareholding structure. Each local council will be given one share in the water services entities per 50,000 people in its district (rounded up).
24. Local councils will be the only shareholders in these entities. These shares cannot be sold or otherwise transferred; and do not come with a financial benefit or liability.
25. Safeguards against future privatisation have been written into this legislation to maintain ongoing public ownership of the new water services entities.
26. The Water Services Legislation Bill (WSL Bill) and the Water Services Economic Efficiency and Consumer Protection Bill (Economic Regulation Bill) were introduced on 8 December 2022. The two bills build on the Water Services Entities Act by setting out the technical detail of three waters and service delivery:
 - The WSL Bill sets out the Water Services Entities' functions, powers obligations, and oversight arrangements.
 - The Economic Regulation Bill regulates the price and quality of water infrastructure services and protects consumers.
27. Both bills had their first reading on 13 December 2022 and were referred to the Finance and Expenditure Committee, which has set a deadline of 17 February 2023 for written submissions from local government.

Kōrerorero | Discussion

28. The draft submission on both proposed Bills sets out a range of issues that Officers recommend the Council raises with the Select Committee.
29. Key concerns include:
 - The risk that local voice of Wellingtonians may be lost in the complex governance arrangement of the Regional Representative Group and the WSE.
 - The risk that council planning and investment prioritisation processes could be misaligned with the WSE, thereby impacting council's ability to deliver key infrastructure and services (e.g. to growth areas).
 - The high level nature of the Relationship Agreements and the fact that they not legally binding - we suggest the WSL Bill treats local authorities as core organisations undertaking growth planning and placemaking which three waters services enables.
 - The WSL Bill compels councils to collect revenue on behalf of WSEs until 2029. This has the potential to cause public confusion, as councils will be collecting money for a service for which they have no direct accountability. Officers recommend that this is strongly opposed.
 - The lack of detail relating to would have expected to see some borrowing guidelines relating to who can lend to the organisations along with some direction on what constraints would be applied to the borrowing so as to guide

treasury / financing functions once they are stood up. It is critical that when assets are transferred off our balance sheet, our Council is left “no worse off” as contemplated when the reform process started – without any detail about how this will occur in this Bill, Council is exposed to significant risk.

- A lack of detail about how The Water Services Economic Efficiency and Consumer Protection Bill will provide the economic regulation and consumer protection framework required for water services. Further details regarding how this is intended to work are required.

Kōwhiringa | Options

30. The Kōrau Tūāpapa | Environment and Infrastructure Committee may choose to:

- **Approve** the submission
- **Do not approve** the submission and decline to submit on the draft Bills.

Whai whakaaro ki ngā whakataunga | Considerations for decision-making

Alignment with Council’s strategies and policies

31. The proposed submission responses are consistent with the Council's strategies and policies

Engagement and Consultation

32. Te Tari Taiwhenua Department of Internal Affairs (DIA) is leading engagement on three waters reform.

33. Our submission is subject to the Official Information Act 1982, and DIA may choose to publish all or parts of our responses on their website.

Implications for Māori

34. The bill recognises Te Tiriti o Waitangi and Te Mana o te Wai. WSEs must give effect to Te Mana o te Wai and the principles of Te Tiriti o Waitangi.

Financial implications

35. There are no financial implications of submitting on the bill.

Legal considerations

36. There are no legal implications of submitting on this bill.

Risks and mitigations

37. N/A

Disability and accessibility impact

38. N/A

Climate Change impact and considerations

39. N/A

Communications Plan

40. A short update on the submission process, and a copy of the WCC submission will be made available on the Council website.


Health and Safety Impact considered

41. N/A

Ngā mahinga e whai ake nei | Next actions

42. If the Kōrau Tūāpapa | Environment and Infrastructure Committee approve the submission on the Water Services Legislation Bill and the Water Services Economic Efficiency and Consumer Protection Bill, it will be submitted electronically to the Finance and Expenditure Select Committee by Friday 17 February 2023.

Attachments

Attachment 1. WCC submission on Water Services Legislation Bill and the Water Services Economic Efficiency and Consumer Protection Bill [↓](#)  Page 62

17 February 2023

Committee Secretariat
Finance and Expenditure
Parliament Buildings
Wellington 6140

Members of the Finance and Expenditure Select Committee

Re: Water Services Legislation Bill and the Water Services Economic Efficiency and Consumer Protection Bill

Wellington City Council (the Council) welcomes the opportunity to submit on the Water Services Legislation (WSL) Bill and the Water Services Economic Efficiency and Consumer Protection (WSEEC) Bill.

The delivery of safe, reliable drinking water, wastewater and stormwater services for current and future generations is contingent on cooperative working relationships between local government, iwi, the WSEs and our partners in central government, with the council-WSE relationship being a critical one for the success of three waters reform.

Three Waters in Wellington City

The Council's three waters network (drinking water, wastewater, and stormwater) includes 2,653km of pipes, 65 reservoirs, 103 pump stations and three treatment plants, with a combined value in the billions. Our three waters system, by its very nature, is largely out of sight and can be easily overlooked. In December 2019 and into early 2020 several high-profile pipe failures, particularly in Wellington's wastewater network, led to concerns about the condition of the city's underground infrastructure. These three waters network challenges that are faced in Wellington are by no means unique, with local authorities throughout the country grappling with aging infrastructure that is now starting to fail, and the increasing cost of undertaking upgrades.

In responding to these challenges, the Council established a Mayoral Taskforce on Three Waters in 2020 to inquire into specific issues related to water in Wellington. The Taskforce unanimously agreed that transformational change in governance, asset ownership, funding and management is required to lift the city's three waters network performance to the level appropriate for a modern, inclusive, and environmentally sustainable city.

Our key comments on the Water Services Legislation Bill

We recognise that the relationship between councils and the WSEs is critical. We are concerned that the legislative difference between the purpose of councils and the purpose of the WSEs will place a strain on this relationship. It is not clear in the legislation what partnering and engagement with

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councils will mean in practice – this needs to be clarified.

- Our Council finds it unacceptable that local government must collect water charges on behalf of WSEs until 2029. We oppose being compelled to collect revenue for a service that we no longer control and deliver, despite a ‘reasonable payment’ being made for providing this service, particularly because of the potential for confusion this will cause for our residents.
- We would have expected to see the legislation providing greater clarity for how the WSEs will give effect to growth and placemaking requirements of the Council’s District and Spatial plans, as the WSEs prepare 30-year infrastructure investment plans.

Water Services Legislation Bill

Purpose of WSEs and local government

Under the Local Government Act 2002, councils are required to promote the social, economic, cultural and environmental wellbeing of communities. This drives how councils make decisions about the investments we undertake and services we deliver. WSEs do not share this purpose, and their governing legislation does not reflect the important role water services play in upholding the social, economic, cultural and environmental wellbeing of communities.

The WSL Bill appears to treat councils as just another stakeholder group for a WSE to engage with.

The WSL Bill provides for collaborating with hapū or iwi relating to the provision of water services. However, the Bill is silent on collaboration with any agencies outside the water sector (section 13(j) of the WSL Bill acting to limit the agencies WSEs are expected to collaborate with to water services sector-related). Building strong relationships with the business sector to plan for and enhance economic wellbeing and collaborating with other utility providers to share learnings and best practice, is equally as important as collaboration with overseas water agencies (as set out in proposed new section 13(k)).

Recommendation

That Part 1 clause 7 be amended by adding collaboration with other infrastructure providers to promote social, environmental and economic wellbeing to the list of functions of water service entities.

Relationship Agreements – Part 13, sub-part 3

The purpose of a Relationship Agreement is to identify the governing principles, dispute resolutions processes, information sharing arrangements, any arrangements with hapū or iwi relating to the provision of water services for which the parties have obligations for, ways of working to operate and maintain stormwater, and engagement processes between the parties for strategic planning.

WSEs are required to enter into Relationship Agreements with a territorial authority owner, a regional council whose boundary is inside, or overlaps with, the water services entity’s service area,

and a transport corridor manager whose jurisdiction overlaps with the water services entity's service area. One Relationship Agreement can be entered by multiple parties.

These agreements are not legally binding and are to be high-level, setting out how the parties intend to work together collaboratively and in good faith. Given that the relationship agreement will not be legally enforceable, the WSL Bill should do more to establish the context of the special role and nature of the relationship agreement between a WSE and a council – via an express statutory basis and mandate.

In its current form, the WSL Bill treats councils as simply another stakeholder, rather than the core organisation undertaking growth planning and placemaking which three waters services enables.

The legislation needs to reflect that WSEs will operate within a broader system that services communities but that councils remain central to that overall picture as well as being democratically accountable. Communities should be able to expect both service organisations to work together for their benefit.

Recommendation

That the WSE extend the intention of Relationship Agreements to include the special role and nature of the Council. For example, an express expectation of joint care and stewardship for all the systems impacted by their respective actions for the benefit of local communities.

Specifically, the WSE needs to clarify how it will give effect to growth and placemaking requirements of the Council's District and Spatial plans as the WSEs prepare 30 -year infrastructure investment plans.

Government Policy Statement on Water Services

The WSL Bill further extends the scope of the Government Policy Statement: Water Services (GPS) to empower the Government to set policy expectations with regarding:

- Geographic averaging of residential water supply and residential wastewater service prices across each water services area, and
- Redressing historic service inequalities to communities

The extension of the role of the GPS allows a future Minister to impose a set of priorities upon the WSEs that might, for example, override the policy positions of an RRG and the constituent territorial authorities. The Minister can set expectations as per Section 133 that will significantly direct investment decisions and the associated spending without any financial contribution (or provision of other support) to the achievement of their own objectives.

Recommendation

That the Committee amend clause 133(2) by adding a clause that requires the Government to explicitly state how it intends to support other agencies to implement the GPS: Water or explain its reasons for not providing support.

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Collecting water services charges – clauses 336 - 338

Pass through billing - the Chief Executive of water services entity may authorise local authorities to collect charges. The expectation is that councils will collect charges on behalf of the water services entity, with reasonable compensation for doing this work. If there is any disagreement regarding the terms of a charges collection agreement the matter must be referred to the Minister (to be resolved within 20 working days). The charges collection agreement expires at the close of 30 June 2029.

Our Council finds it unacceptable that local government must collect water charges on behalf of WSEs until potentially 2029. We oppose being compelled to collect revenue for a service that we no longer control and deliver, despite a 'reasonable payment' being made for providing this service.

- This arrangement has the potential to cause public confusion as councils will be collecting money for a service, they have no direct accountability for.
- There will potentially be a significant administrative burden to manage for unpaid charges. It is noted that local authorities are not required to take responsibility for unpaid charges but are required to advise the Entity Chief Executive about the unpaid charge and if Council does not intend to collect the unpaid charge.

Recommendation

That clauses 336-338 be removed from the WSL Bill and Entities take responsibility for their own billing requirements.

Governance structure and accountability

The regional representative groups and regional advisory panels, entities and their boards are to be accountable to communities. We wish to reiterate our Council's concerns raised in our submission on the Water Services Entities Act 2022 relating to the complexity of the governance structure diluting local voice.

Each body will be representing a wide geographic area with many diverse communities and areas of interest.

- Local communities need to be assured that their interests are safeguarded and represented in this process.
- We suggest that the Regional Representative Group (RRG) works with councils and iwi/ Māori to develop a model that allows for strong local/ regional representation based around sub-Water Service Entity (WSE) cluster areas. This could be achieved in the interim through applying existing regional council boundaries, entailing the local councils and iwi.
- In resolving any tension between councils and the WSEs, it appears that councils would potentially be limited to escalating issues to the RRG and providing input on relevant planning/ policy documents (unless resolution is included in a 'relationship agreement').
- We are concerned that planning and investment prioritisation processes have the potential for misalignment between those plans councils produce and the prioritised infrastructure delivery of the WSEs. For example:

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- Approval of the Statement of Expectation (SOE) and Statement of Intent (SOI) as they need to be aligned with the representative groups at the sub-WSE areas.
- Alignment of the WSE planning processes with spatial planning and proposed Resource Management Act (RMA) reforms at regional and local levels.

When combining the WSEs' governance arrangements with some of the function outlined in the WSL Bill, such as councils collecting water services charges on behalf of WSEs, our Council is concerned that there will continue to be an implicit expectation from the community that local government is still responsible for three waters service delivery. Councils need to have control over things they are responsible for. In fulfilling its Local Government Act 2002 responsibilities, local government must be given the mandate to set some of the operating parameters that a WSE must respond to in order for local government to deliver on its duties and objectives.

Balance sheet support

The observation from reviewing the Water services legislation Bill was a distinct lack of direction relating to funding of the new WSE's and any framework or direction for how the entities will be supporting their balance sheet. We would have expected to see some borrowing guidelines relating to who can lend to the organisations along with some direction on what constraints would be applied to the borrowing so as to guide treasury / financing functions once they are stood up. It is critical that when assets are transferred off our balance sheet, our Council is left "no worse off" as contemplated when the reform process started – without any detail about how this will occur in this Bill, Council is exposed to significant risk.

The Water Services Economic Efficiency and Consumer Protection Bill

The Water Services Economic Efficiency and Consumer Protection Bill will provide the economic regulation and consumer protection framework for water services. We support the information disclosure elements towards the regulatory policy outcomes targeted for improvement.

Council supports the need for economic regulation and consumer protection as part of the Government's wider three waters reforms.

The economic regulator has an important role to help reassure consumers that there has been proper scrutiny of costs for water services through the range of controls set out in this submission. We are supportive of a range of economic regulation for water, including information disclosure, price-quality, pricing, consumer protection and dispute resolution.

Economic regulation and consumer protection as a part of the future legislative framework and in relation to the operating requirements of the proposed Water Services Entities (WSE) are important to ensure:

- fair and transparent pricing
- incentivisation and transparency of performance
- increased efficiencies, over time
- an investment pathway for addressing long-term issues (rather than ad-hoc and reactive decision making)
- consumers have clear channels for raising issues and can have confidence in fairness of pricing

- effective resolution of disputes.

Integrated and bespoke approach:

Economic regulation for water must be carefully designed as part of the wider three waters reforms and ensure a bespoke approach that balances economic efficiency with broader outcomes.

This includes how economic regulation for three waters relates to:

- the wider design of legislation and system stewardship arrangements
- representation and governance
- planning integration processes
- how economic regulation works with the other water regulators to give economic effect to their requirements; and
- transition processes and timing.

Economic regulation for water will require a different approach to that seen in other regulated sectors. The three waters are inherently more complex than those utilities currently regulated by the Commerce Commission. Reasons for this include:

- The WSEs differ from the other regulated monopolies in their degree of vertical integration and complexity – spanning from bulk water supply, to reticulation, servicing households and businesses across three waters, and the billing and customer relationship with end users. They must also grapple with security and scarcity constraints.
- The WSE will offer a fully integrated service – collection, treatment and distribution of three waters. There's no separate retail layer (as in electricity, gas and telecommunications), so the firms will have to manage billing, revenue assurance, infrastructure planning and investment.
- The WSE will be subject to Government stewardship arrangements, including a Government Policy Statement.
- The WSEs will be bigger (by value) than any network the Commerce Commission currently regulates, and this will only grow based on the renewal, growth, service improvement and climate change adaptation investment anticipated. Investment will include significant CAPEX programmes across multiple projects in each WSE.
- Economic regulation for water will be closely interlinked with wider regulation and governance / representation. Roles, responsibilities and decision-making accountabilities need to be clear.
- In addition to economic regulation, the WSEs will be regulated by Taumata Arowai and by environmental planning controls (primarily through regional councils). These will directly drive investment requirements. Economic regulation needs to accommodate other regulatory requirements and how these will impact on costs, quality and management practices.
- Water is essential for the well-being of people. Water services cannot simply be disconnected if there are issues of non-payment or debt. This includes statutory requirements under the Health Act.

Support for policy direction

We are supportive of the following key policy settings of the Bill in that:

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- economic regulation focuses on the four proposed WSE, rather than other smaller rural and community-based providers and schemes. This is to ensure that the regulation model focuses on where it can have the greatest benefit, is cost effective and can be effectively resourced. We are also supportive that economic regulation will apply to all three waters
- the Bill allows for flexibility and different approaches to regulating entities, such as Entity A, and services, such as stormwater
- information disclosure regulation and quality-only regulation should apply in the first regulatory period and subject to flexibility on implication dates that information disclosure regulation and price-quality regulation will apply in the second regulatory period. A flexible approach is critical to enable development of the information and capability requirements
- The Commerce Commission be required to set and enforce minimum service level codes
- A consumer dispute resolution scheme be established for the three waters sector, as well as other measures to strengthen the consumer voice
- A position of a Water Commissioner, or similar, be established on the Commerce Commission board

Amendments required to the Water Services Economic Efficiency and Consumer Protection Bill
We are concerned that the legislation, as drafted, does not sufficiently deal with the following matters and submit the following points.

Outcomes:

- Economic regulation needs to be fully integrated and aligned with the design and policy decisions of the water reforms. Particular attention needs to be given to the wider community benefits and environmental outcomes expected.
- In addition to efficiency, investment by the WSE must also balance meeting regulatory requirements and delivery of broader social, cultural and environmental outcomes. There needs to be more recognition of climate change, resilience and the costs and service levels that this will require. There are also cost and service level implications for meeting specific environmental and social expectations. e.g., how wastewater is treated and how drinking water is disinfected. The new freshwater regulations will also require significant investment into wastewater treatment and retention ponds.
- Such considerations are outside of a focus on efficiency and need to include thinking around resilience, (increased stormwater capacity, redundancy of pipe networks e.g., duplicated mains, wastewater sumps for overflows, and bigger water storage). Such matters will need to be factored into any price / quality regulations.
- As drafted, the Bill does not sufficiently recognise the wider range of outcomes that are enabled by investment in three waters and there is a risk that a focus on cost and price will override the ability of the WSE to also invest to enable community outcomes or growth.
- These broader outcomes need to be better reflected in the Bill, including in Part 1 clauses 3-6

Objective:

- Clause 12 appears too narrow to cover all the relevant characteristics and outcomes enabled by WSE services. These include a range of environmental, economic and social outcomes.

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- We submit that a modified version of the objective statement should be developed, which balances a workably competitive market (and understood outcomes of innovation, investment, efficiency, quality, prices, and profit), with community and environmental outcomes, and the principles of Te Mana o te Wai.
- We suggest three complementary objective statements. These would need to be aligned with the statutory objectives of WSE (this may require amendments to the Water Services Entities Bill). The three objectives would be:
 - Outcomes for consumers consistent with competitive markets and relevant to services provided to connected parties.
 - Outcomes for communities and the environment consistent with a well performing local authority. This part of the objective statement could borrow from [s14 of the Local Government Act 2002](#), and most of the matters there are relevant to the provision of public or quasi-public services.
 - Outcomes consistent with Te Mana o te Wai. The part of the objective statement could borrow from [section 3.2 of the National Policy Statement for Freshwater Management 2020](#).

Te Tiriti and Te Mana o te Wai:

- Economic regulation will also need to consider how to give effect to the principles of Te Tiriti o Waitangi. This includes recognition of co-governance of the WSE and how economic regulation reflects and recognises the principles and outcomes sought through Te Mana o te Wai which puts the health of a waterbody first, human health needs second, followed by recreational, economic and other needs.
- We recommend that further consideration is given as to whether the Bill sufficiently considers how economic regulation can give effect to Te Tiriti o Waitangi and the principles and outcomes sought through Te Mana o te Wai. This may require a specific statutory objective or changes to clauses 6 and 12.

Consumers:

- The Bill does not adequately identify the range of consumers, services provided to each consumer group, and whether these services are supplied by a WSE or another body. This may require amendments to clause 7 or a new section.
- Consumers will include a range of types of users:
 - o households
 - o schools, hospitals and other social / community institutions
 - o Iwi / Māori
 - o local and regional councils
 - o land and property developers
 - o a range of corporate and commercial users, including very large industrial consumers
 - o rural consumers
 - o vulnerable consumers
 - o private and community water schemes and self-suppliers

- Defining what is meant by a consumer and understanding the range and variability of water consumers will be critical to successfully developing a regulatory framework that advances the long-term interests of consumers. We recommend that further consideration and focus is given to defining consumer groups, services, and the role and statutory powers of WSE and economic regulation in relation to each group.

Capability and timing:

- Timing and enabling flexibility in the implementation approach are critical to support the development of the required capacity and capability of WSEs to meet economic regulation requirements.
- Water reforms will take time to embed and mature. In this environment, it will be vital that economic regulation plays a constructive and proactive role to support and work with WSE and Taumata Arowai to meet bottom lines and regulatory requirements.
- Economic regulation also places a lot of demands on an organisation in terms of reporting and long-range planning. We therefore consider that it will be important to take a transitional approach to economic regulation while also ensuring that the pathway is clear and achievable so that this can be planned for and resourced.
- Establishment and transition will require a learning culture and an approach based on sharing of lessons and raising sector capability.
- We suggest the Bill includes a stronger focus on the capability, culture and behaviours to ensure economic regulation plays a constructive and proactive role to support and work with WSE and Taumata Arowai to meet bottom lines and regulatory requirements.
- Setting the optimal planning horizon and cycles are critical to ensure longer term innovation and investment planning to address complex issues. Regulatory periods ideally need to align with broader spatial and investment planning by local government. The timing and alignment of these cycles will require further consideration through the Resource Management Act reforms and review local government processes. This is currently unclear.

Thank you for the opportunity to submit on these bills. As the Capital City, we are well placed to work with the Government in the interests of Wellington and New Zealand and so would welcome the opportunity to make an oral submission to the Committee.

Tory Whanau
MAYOR

Barbara McKerrow
CHIEF EXECUTIVE

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SUBMISSION ON BILLS RELATING TO RESOURCE MANAGEMENT REFORM

Kōrero taunaki | Summary of considerations

Purpose

1. This report to the Kōrau Tūāpapa | Environment and Infrastructure Committee seeks approval for submissions to the Environment Select Committee on the Spatial Planning and Natural and Built Environment Bills.

Strategic alignment with community wellbeing outcomes and priority areas

Aligns with the following strategies and priority areas:

Strategic alignment with priority objective areas from Long-term Plan 2021–2031

- Sustainable, natural eco city
- People friendly, compact, safe and accessible capital city
- Innovative, inclusive and creative city
- Dynamic and sustainable economy
- Functioning, resilient and reliable three waters infrastructure
- Affordable, resilient and safe place to live
- Safe, resilient and reliable core transport infrastructure network
- Fit-for-purpose community, creative and cultural spaces
- Accelerating zero-carbon and waste-free transition
- Strong partnerships with mana whenua

Relevant Previous decisions

Outline relevant previous decisions that pertain to the decision being considered in this paper.

Significance

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

Financial considerations

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

1. There are no direct financial considerations until such time as the proposed Bills become law. These considerations are dependent on decisions made in the legislative process.

Risk

- Low Medium High Extreme

Author	Sean Audain, Manager Strategic Planning
Authoriser	Liam Hodgetts, Chief Planning Officer Moana Mackey, Chief Advisor to Chief Planning Officer, Partner Lead Let's Get Wellington Moving

Taunakitanga | Officers' Recommendations

Officers recommend the following motion

That the Kōrau Tūāpapa | Environment and Infrastructure Committee:

1. Receive the information
2. Agree to approve the Wellington City Council's submissions to the Environment Select Committee on the Spatial Planning Bill.
3. Agree to approve the Wellington City Council's submission to the Environment Select Committee on the Natural and Built Environment Bill.
4. Note that the closing date for receiving submissions on the Spatial Planning Bill and the Natural and Built Environment Bill is Sunday 5 February 2023.

Whakarāpopoto | Executive Summary

5. The Environment Select Committee have called for submissions on the Spatial Planning Bill (SP Bill) – Attachment 1 and the Natural and Built Environment Bill (N&BE Bill) – Attachment 2. These Bills will progress together through the legislative process this year and together with the Climate Adaptation Bill will form the National Planning Framework (NPF), replacing the existing Resource Management Act based system.
6. The attached submissions provide a broad overview of issues and suggestions for improvements to the Bills.

National Planning Framework

7. The proposal to develop national direction, targets, and environmental limits through a new National Planning Framework (NPF) is supported. The intention is that the NPF will direct the development and implementation of new Regional Spatial Strategies (RSSs), and Natural and Built Environment Plans (N&BE Plans) - which will be like a 'unitary plan' (a combined regional and district plan), to help improve the present alignment of functions and responsibilities between these planning instruments. While we support the intent of this initiative and a more integrated NPF, officers believe we do not have enough clarity over key aspects of the proposed reforms. In its current state the plan making process appears to be adding an additional layer of bureaucracy (a central point of criticism of the current Resource Management framework) with less democracy. See below for further clarification of this point.

Local Democracy and Community Participation in the Planning Process

8. The National Planning Framework is reliant on the creation of Regional Planning Committees (RPC). These RPCs consist of representatives from Regional Council, Territorial Local Authorities (TLAs) and Iwi Representatives. These committees receive important statutory powers and mandates for Regional Spatial Strategies and Natural & Built Environment plans.
9. These regional committees are proposed to exist outside the present local government structure and without clear relationships to the democratic mandates of elected representatives, no clear funding mechanisms or acknowledgement or allowances for factors such as population size. This may imply that local government and perhaps iwi partners, will need to resource the operations of these committees. It may also mean

that key implementation mechanisms such as consenting, placemaking, and urban development agencies will now be one-step removed from the policy setting process. Being outside the structure of Local Government entities means that it is unclear how these bodies will function as organisations and fulfill their needs to retain and support the professional staff, resources, community participation and democratic representation that are necessary to discharge these statutory duties and indeed ensure that good plan making occurs. Further explanations and clarifications are required that properly addresses all the ingredients that contribute to good plan making, and at the very least, that these ingredients be considered during the proposed 'road-testing' of the new framework.

10. Finally, officers would note that supporting the RPC could result in local authorities potentially having insufficient residual resource to fulfil their own plan-making roles including through the transition period and in the development of statements of community/regional environmental outcomes. The submission seeks Government funding support for this new function.

Regional Spatial Strategies (RSSs) and Natural and Built Environment Plans(N&BE)

11. The submissions acknowledge the current limitations of the Resource Management Act 1991 and supports proposals in the SP Bill for a more strategic, long term, and integrated approach to managing the environment and our urban areas. This will be achieved through a collaborative arrangement with iwi, central government, and local government agencies.
12. Local authorities can prepare 'statements of community outcomes' and 'regional environmental outcomes' when RSSs and N&BE plans are being developed. These processes offer limited formal opportunities for elected representatives and communities to inform RSSs and N&BE plans. The submissions provide several suggestions for more meaningful opportunities to ensure community involvement and informed decision making.
13. The Councils submission on the Our Future Resource Management System Discussion Document in February 2022 requested provision for sub-regional N&BE plans to be prepared, where this has been agreed by constituent local authorities. This request has not been supported by Government. However, the N&BE submission again requests that sub-regional plans be enabled in the Act as this would offer a more efficient and effective means to manage distinct urban and natural receiving environments than a single, generic N&BE plan covering the whole Wellington region irrespective of local government arrangements. This sub-regional planning would give the opportunity for greater emphasis on the urban area of the Wellington region. It would also focus on centre based urban design and density driven regenerative place outcomes (consistent with the NPS-UD), more responsive to community interests, and as a result more successful in their implementation. At present the bills do not sufficiently outline what the city councils urban design and placemaking roles are in the new NPF. Based on the draft report from the independent panel's review of local government and in LGNZ's own submission to this committee, Councils need to play a key role in placemaking. This will need to be more deeply understood and articulated by the new NPF to ensure confidence in the plan making role of the Regional Planning Committees.
14. For the 'greater' Wellington urban area, a sub-regional plan for Wellington City, Upper and Lower Hutt Cities, and Porirua City. Officers have socialised this approach with these Councils and the Wellington Regional Leadership Committee secretariat.

-
15. Alternatively, the NPF could take a centres and transit orientated growth and development approach to the N&BE plan, that facilitates local government to conduct collaborative community-based local area plan-making processes. This would also be consistent with the NPS-UD and the desire to increase housing density along transport corridors and centres.

Consenting and designations

16. The submissions support changing the focus of plan making and resource consent decision making away from the current narrow focus on adverse effects to consideration of broader positive outcomes. The N&BE submission raises concerns about the lack of priority given to the built environment and requests changes to the Purpose of the Act.
17. Several changes to consenting, notification, and designation provisions are proposed that will also help avoid some of the more contested, time consuming, and unnecessarily expensive aspects of current RMA processes. An increased focus on compliance, monitoring and enforcement will also better address activities resulting in significant harm to local environments.

Takenga mai | Background

18. Submissions on the Natural and Built Environment Bill (N&BE Bill) and the Spatial Planning Bill (SP Bill) opened on 23 November 2022. The Environment Select Committee extended the closing date for lodgement of submissions from 30 January 2023 to close Sunday 5 February 2023. This followed a formal request from the Council to extend the submission period by a week to enable consideration by the Kōrau Tūāpapa | Environment and Infrastructure Committee.

Issues with our current resource management system

19. There is a widely held view that the current resource management system has not adequately protected the natural environment, enabled long term urban planning or enabled housing or development where needed.
20. Since the introduction of the Resource Management Act (RMA) in 1991 there have been numerous amendments to respond to political, environmental, and development pressures. These challenges include:
- The need to urgently reduce carbon emissions and adapt to climate change,
 - Urban areas not keeping pace with population growth and demographic changes, with increasing demands for community and public infrastructure
 - Increased demand on limited local authority finances and resources
 - Insufficient recognition of Te Tiriti o Waitangi and a lack of support for Māori participation in the system
 - Lack of integration across the RM system, resulting in inefficiencies and delays
 - Cumulative environmental effects not being well managed

21. The Government's reform goals for the new resource management system are based on:
 - An efficient, simple and cost-effective system
 - Giving effect to the principles of Te Tiriti o Waitangi
 - Protecting the natural environment and enabling development (including housing and infrastructure) that contributes to the well-being of our communities
 - Providing strong opportunities for meaningful local participation and decision making, thereby enabling local authorities and communities to continue to have a major say in shaping their unique places
 - Supporting communities to adapt to climate change, manage hazard risks and mitigate carbon emission.
22. The proposed changes concentrate on the structures and outcomes of New Zealand's Planning System. The reform Bills do not address how these changes interface with proposed Local Government Reform or the funding and incentives that have led to New Zealand's infrastructure deficit.
23. Diagrammed, these changes would look like the following figure:

Comparison between current and future systems

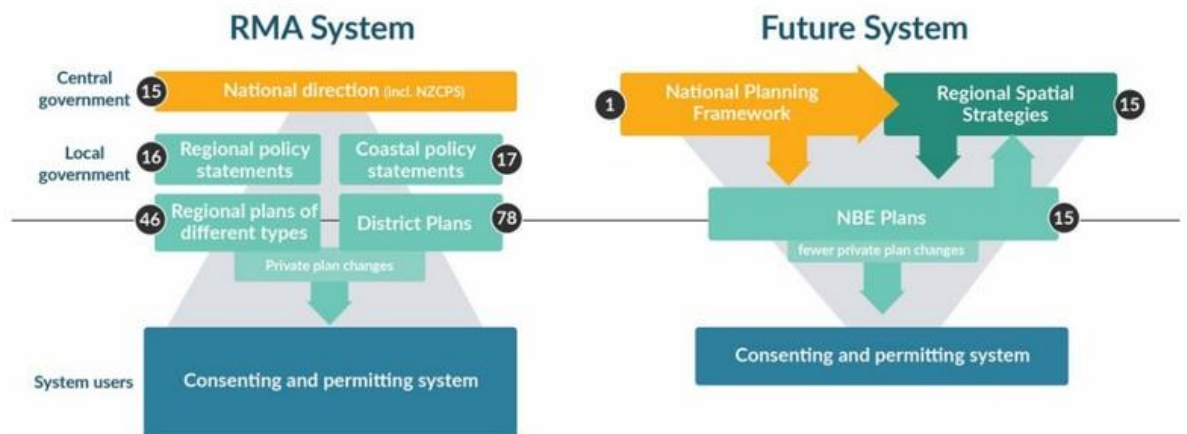


Fig 1 - An explainer of the new system, source: Ministry for the Environment

24. The two Bills would shift the focus of the RMA from minimising the adverse effects of resource use and development to achieving positive outcomes for the natural and built environments.

Kōrerorero | Discussion

25. Previous submissions made by the Council on RM Reform have acknowledged the need for change, with broad support for the intent of the reforms signalled in previous RM public consultation processes. The direction of these previously indicated reforms have been reflected in the both the SP Bill and N&BE Bill.

Giving effect to Te Tiriti o Waitangi

26. All decision makers will be required to give effect to the principles of Te Tiriti. This will translate through into the development of the National Planning Framework (NPF), and with an enhanced role for iwi/hapu in regional and local decision making.

National Planning Framework

27. The Ministry for the Environment will be responsible for developing a National Planning Framework (NPF). This will comprise existing national policy statements (eg the National Policy Statement on Urban Development) and standards (eg the national planning standards for writing District/Regional Plans, water and air quality standards etc) by 2024, as well as new policy and standards on matters of national importance in later years. This national direction is intended to bring about a more consistent approach to managing the environment and enabling sustainable development.

Regional Planning Committees

28. A significant change for all Councils will be the creation of Regional Planning Committees. These committees sit outside the present structure of Local Government and would need to be resourced by regional and territorial authorities as well as iwi/hapu. They will be required to give effect to the NPF through developing and implementing Regional Spatial Strategies (RSSs) and Natural and Built Environment Plans (combined district and regional plans) (N&BE plans). These matters are outlined in more detail below.

Spatial Planning Bill (SPB) – see Attachment 1 for the submission

29. The Spatial Planning Bill (SP Bill) signals a more strategic, long-term, and adaptive approach to environmental management at a regional scale. This is to be achieved through requiring integrated planning, environmental management, infrastructure provision, and funding and investment across different legislative frameworks associated with managing the natural and built environment.

Regional Spatial Strategies and Regional Planning Committees

30. New RSSs and associated Implementation Plans will be required to be developed. They would be similar to the Wellington Regional Growth Framework (minus the Horowhenua District) in form, but would now have the necessary statutory authority to guide and direct growth, development, investment, and environmental protection across regions for the next 30 years. They will be developed by every region with their spatial extent based on current regional council boundaries.
31. RSSs will be developed by regional planning committees (RPC) comprising at least one representative from local authorities in the region, one government representative, and at least two iwi/hapū representatives. The RPC must have at least six members. The RSS must be reviewed at least every nine years.
32. The RPCs will lead development of the RSSs with secretariat support made up of personnel from the local authorities in the region and people with technical and mātauranga Māori expertise. As mentioned, it is not clear how these activities would be funded or how they relate to the democratic mandates of elected representatives. The emphasis will be on early collaboration and decision-making with no rights of appeal to the Environment Court.

33. Independent hearing panels will be appointed to consider submissions against the draft plan. If the regional planning committee accepts the recommendation, appeals will be limited to points of law.

Spatial Planning Bill (SPB) – issues/concerns raised in Councils submission

National level spatial planning

34. There is currently no complementary spatial direction at a national level to help inform the development of RSSs (e.g. national spatial strategy, GPS on spatial planning). This is particularly relevant where central government agencies such as Waka Kotahi and KiwiRail etc propose significant investment in network infrastructure that span regions which in turn will drive public transport, roading, growth and climate change/low carbon outcomes.

Diminished role of local authorities in RM policy

Plan Development

35. The lodgement of 'statements of community outcomes' and 'regional environmental outcomes' are the Councils only opportunity to formally input into the development phase of RSSs and N&BE plans. They are expected to be brief 10-15 page documents. Greater weight needs to be accorded to these statements in the RSS development process as these maybe the only opportunity for Councils to introduce matters of local placemaking and urban design or indeed signal expectations for central government infrastructure investment.
36. The incorporation of relevant information in existing RMA documents into RSSs needs to be mandatory rather than discretionary, particularly as it is one of the few avenues available for local content to be included in these strategies. In particular, this should include transitioning existing spatial plans/strategies or equivalent documents prepared by local authorities into RSSs, particularly given the time, expense and level of engagement invested in their preparation. This would also prevent expensive reworking of planning information or long term strategies dependent on existing partnerships such as "Its our Fault" incorporating geohazard information to raise the resilience of Wellington to earthquakes.

Hearings processes

37. It is also important that hearings on draft RSSs be mandatory given the significant implementation and funding implications for local authorities and other delivery agents once they have been adopted.

Decision making

38. The decision making process lacks adequate 'checks and balances', particularly in circumstances where RPC decisions run counter to the advice/comments received from constituent local authorities on a draft RSS.

Regional Spatial Strategy Implementation Plans

39. Implementation plans are required to set out the key steps to deliver the priority actions contained in the RSS. This plan must be adopted within 6 months of adopting a RSS. There is an absence of adequate measures to 'lock in' delivery of priority actions through implementation plans and associated agreements given their legally 'non-binding' nature. These reforms are likely to create significant co-ordination challenges between various Territorial Authorities, utilities and government agencies for planning and funding of the priorities identified in the Implementation Plans.

Governance and Funding

40. There is an absence of any clear direction/position regarding local authority composition on the RPC, particularly with respect to proportional membership based on the size of the population represented. Potential membership of the RPC is also unclear, as it could include elected members (who have a democratic mandate on behalf of their communities), council officers, iwi, independent experts, or other parties. It is also unclear how the RPC would function as an organisation to discharge its mandates, employ or care for staff or maintain communications.
41. The 'unfunded mandate' to implement strategies and plans over which local authorities have had limited involvement in developing (e.g. regional spatial strategies, N&BE plans) is likely to impose an additional burden on Councils and their communities in the absence of Central government funding support. How this spending relates to democratic mandates is tenuous in the proposed Bill.
42. There is need for further provision to be included that enables local authorities to have greater involvement in the RPC budget setting process, particularly given the direct relationship that exists between the level of funding sought to service the committees and supporting secretariats relative to local authorities' overall balance sheets.

Administration

43. Officers believe there is a strong likelihood that many current local authority planning staff will either be transferred or seconded to RPC secretariats to ensure they have the necessary capacity and capability to undertake their functions. This could result in local authorities having insufficient residual resource to fulfil their own plan-making roles including the development of statements of community/regional environmental outcomes.
44. Whilst these are detailed questions about plan development, without this additional context and clarity, it is difficult for officers to advise Council in a comprehensive way, on the future impact of the reforms on the services Council provides and its future investment in local area and city planning outcomes.

Natural and Built Environment Bill (N&BE Bill) – see Attachment 2 for the submission

45. More than 100 regional policy statements and regional and district plans will be consolidated into around 14 NBE plans. Together with the development of the NPF and the RSSs, this will be a lengthy, expensive, and complex process. The Government has indicated a 10+ year transition phase. The Proposed District Plan will likely remain in place for some time and should be a key statutory document informing the RSS and the N&BE Plans. In time, these reforms are expected to simplify and improve the integration of the RM system at a national and regional level.
46. N&BE plans will be developed by regional planning committees (RPC) in the same manner as described above for RSSs (see paragraphs 18-22 above), except that there is no requirement for a central government representative.

Natural and Built Environment Bill – issues/concerns raised in Council’s submission

Limited support for the Built Environment

47. There is no expressed mention of the ‘built environment’ in the Purpose section of the Bill and insufficient emphasis on the importance of good design in the creation of well functioning urban places. This is surprising given the title of the Bill, a specific recommendation from the Select Committee on the earlier released ‘exposure draft’, and direct connections to the built environment in Section 5 ‘System outcomes’ (eg. climate change, housing, infrastructure, cultural heritage). Explicit reference to the built environment and the quality of this environment is also absent in the list of system outcomes proposed.
48. The draft submission proposes new wording in clause 3 of the Bill to address these concerns by placing increased importance on ensuring “well designed, high quality built environments”. This direction will need to be given effect to in the NPF, RSSs, N&BE plans, and decisions on resource consents.

National Planning Framework

49. There is a lack of direction on how the system outcomes in section 5 of the Bill, and in current and future national policy priorities are to be managed.
50. This lack of national direction is particularly problematic at the moment. For example, territorial authorities are required to implement the National Policy Statement for Urban Development and promote more and better housing and development. Regional Councils are largely responsible for implementing the National Policy Statement for Freshwater Management and the protection and enhancement of freshwater. These priorities can sometimes be in conflict, which is not helped by a lack of guidance/direction on how to resolve different priorities.
51. The Councils submission requests that ‘direction or criteria’ be included in the Bill setting out how competing priorities and conflicts between and among outcomes are to be managed, and that ‘national level conflicts’ between and among outcomes be resolved exclusively through the NPF.
52. The ultimate decision making responsibility for a NPF proposal rests with the Minister. If the Minister deems a matter to be of national importance they may refer a matter to a Board of Inquiry (BOI), with no further recourse on the merits of the proposal in the event that recommendations of the BOI are rejected. This contrasts with the decision making framework around NBE plans, where any Independent Hearing Panel (IHP) recommendations rejected by a Regional Planning Committee (RPC) are able to be appealed to the Environment Court.
53. The submission therefore proposes a right of appeal to the Environment Court if the Minister rejects the BOI recommendation and makes an alternative decision.

Plan making

54. Council’s submission on the Our Future Resource Management System Discussion Document in February 2022 requested provision for sub-regional NBE plans to be prepared where this has been agreed by constituent local authorities. This request has not been supported. This submission again requests that sub-regional plans be enabled as this would offer a more efficient and effective means to discretely cater for and manage distinct urban and natural receiving environments than a single, generic NBE plan. This would also give a greater opportunity for Council’s to engage in

placemaking, urban design and the improvement of universal design to make cities more liveable, accessible and enjoyable places for more people.

55. For the 'greater' Wellington urban area this could include Wellington City, Upper and Lower Hutt Cities, and Porirua City.
56. As outlined above, 'statements of community outcomes' and 'regional environmental outcomes' provide limited opportunities to enable matters of local importance to inform the content of NBE plans and plan changes, and greater weight needs to be accorded them in the plan making process.

Consenting, Compliance and Enforcement

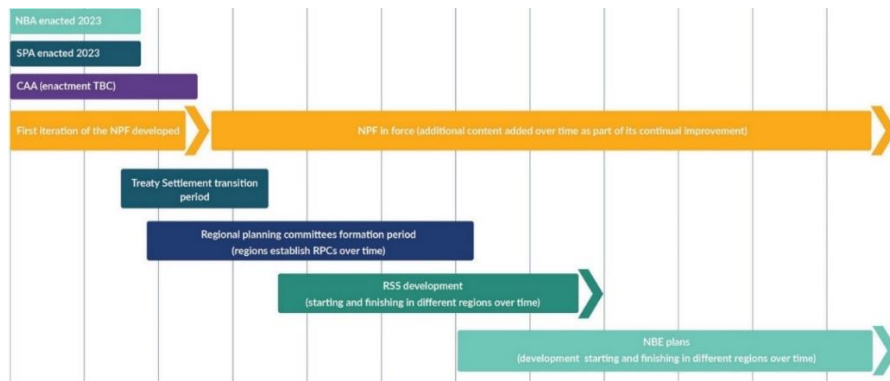
57. A number of changes have been made to improve the Bills which will help reduce plan making and consenting complexity for Councils, Iwi, organisations and members of the public. They include, among other things:
 - Removing the restricted discretionary and non-complying consenting activities which will reduce the number of consenting categories from 6 to 4.
 - Public notification decisions will be based on obtaining further information about the application from individuals or members of the public, rather than a consideration of the effects of a proposed development. Provision is also made for the notification status of an activity to be identified in the National Planning Framework (NPF) or a N&BE plan.
 - New criteria has been included to assist Council officers in determining whether to 'limited notify' applications. These include a public interest consideration, identification of affected persons, and scale and significance tests.
 - Increased financial penalties are proposed for contraventions and a prohibition on the use of insurance to cover the cost of fines, infringement fees, and pecuniary penalties. This is strongly supported as this should assist in deterring non-compliance. However, the submission considers that the use of punitive measures should be informed and directed by a targeted enforcement policy.

Designations

58. A two-stage process is now required for new designations. It allows identification and protection of a spatial footprint, and a subsequent, more detailed primary and secondary stages involving lodgement and approval of Construction and Implementation Plans (CIPs).
59. The inclusion of enhanced provisions relating to designations is strongly supported, as it protects important sites/routes from development without a full and detailed design and assessment process for the initial designation. The submission also supports expanding access to designation powers for providers of 'public good' infrastructure such as public housing.

RM Reform Timeframes

2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033



60. Once the Bills are enacted (sometime later this year, but before the elections), each region has a maximum of seven years to notify a draft RSS. A N&BE Plan must then be notified within two years of decisions on the RSS by a Regional Planning Committee (RPC). The RPC then has two years to issue decisions on the N&BE Plan. There would be no rights of appeal to the Environment Court.
61. The four year timeframe for NBE plan making could be overambitious, particularly as successful delivery will be highly dependent on the:
 - Nature, extent and quality of direction provided in the NFP and relevant RSSs
 - Extent to which RPCs and supporting secretariats are appropriately funded and resourced
 - How deep 'front-end' engagement can go while adhering to the prescriptive engagement requirements proposed.

Other matters

Climate Adaptation

62. The Climate Adaptation Bill (CAB) has not been introduced simultaneously with the N&BE and SP Bills. Climate change adaptation is a Council priority, as evidenced by our declaration of a climate change and biodiversity emergency in 2019. The integration of these three highly inter-related statutes would have significantly benefited from being developed and introduced together, particularly given the consequential impact the CAB is likely to have on the development of N&BE plans and regional spatial strategies prepared under the SPB.

Waste and resource recovery

63. There is a clear waste and circular economy focus in the NZ Infrastructure Strategy, the draft Waste Strategy, and the National Emissions Reduction Plan. However, there is an absence of waste and resource recovery provisions throughout the proposed bills.
64. The submission on the Spatial Planning Bill requests that this be a requirement for all Regional Spatial Plans to enable waste and resource recovery infrastructure, and in turn support circular economy activity. This should include consideration of how environmental targets will affect waste infrastructure, i.e. landfills, and discharges from waste and resource recovery infrastructure

Kōwhiringa | Options

Option 1 - Lodge submissions on the Draft Bills

65. Lodgement of these submissions provides the Council with an opportunity to influence the final outcomes of these two Bills. A range of changes have been recommended which, if accepted, will help the implementation of the Acts and environmental decision making in the region.

Option 2 – do not lodge submissions on the Draft Bills

66. The Council could decide not to make submissions on these two Bills. This is not considered a reasonable option as it limits the Council's opportunities to constructively influence the final outcomes of these two Bills.

Whai whakaaro ki ngā whakataunga | Considerations for decision-making

Alignment with Council's strategies and policies

67. The submission has been developed in alignment with Councils adopted:
- Wellington City Proposed District Plan (notified July 2022)
 - Te Atakura – First to zero
 - 'Our City Tomorrow: A Spatial Plan for Wellington City – An Integrated Land Use and Transport Strategy'

Engagement and Consultation

68. No specific engagement and consultation have been undertaken in the preparation of these submissions other than internal consultation with business units.

Implications for Māori

69. The submissions support reform changes which require giving effect to Te Tiriti o Waitangi and ensuring this is incorporated into relevant resource management documents and decision making. The submission will be shared with our Iwi partners.

Financial implications

70. There are no financial implications relating to approving these submissions. In time there are likely to be financial and resourcing obligations in setting up and implementing the Secretariat that will support the Regional Planning Committee.

Legal considerations

71. There are no legal implications resulting from approval of these submissions.

Risks and mitigations

72. There are no reputational or other risks resulting from approval of these submissions.

Disability and accessibility impact

73. The need to consider accessibility in the planning system has been included in the submission on the bills.

Climate Change impact and considerations

74. The need to address the climate emergency has been addressed in these submissions.

Communications Plan

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



Health and Safety Impact considered

76. There are no health and safety impacts arising from these submissions.

Ngā mahinga e whai ake nei | Next actions

77. Any suggested amendments by Councillors will be incorporated into the submissions, and the submissions will then be formally lodged with the Environment Select Committee no later than Sunday 5 February 2023. At a later stage, there is likely to be an opportunity to appear in front of the Environment Select Committee and speak to these submissions.

Attachments

Attachment 1.	Draft Submission on Proposed Natural and Built Environment Bill ↓ 	Page 85
Attachment 2.	Draft Submission on Proposed Spatial Planning Bill ↓ 	Page 103

Submission to the Environment Committee

Natural and Built Environment Bill

Introduction

Wellington City Council (the Council) welcomes the opportunity to submit on the Natural and Built Environment Bill (N&BEB). Like many other of our local authority partners we recognise that the resource management system introduced 31 years ago has not adequately protected the natural environment, supported the long term urban planning needed for New Zealand cities, nor enabled housing or development where needed. We also recognise that the system is operating in a context where it is exposed to a wide range of challenges, including:

- Increasing and substantial new environmental pressures, including the need to urgently reduce carbon emissions and adapt to climate change and biodiversity loss.
- Urban areas struggling to keep pace with population changes and increasing demands for infrastructure
- Many local authorities being financially stretched
- Insufficient recognition of Te Tiriti o Waitangi and a lack of support for Māori agency within the Planning system
- Lack of integration across the system, resulting in inefficiencies and delays
- Cumulative environmental effects not being well managed
- An unclear relationship between the structures and mandates of local democracy and planning decisions.
- A need to provide for more accessible cities through higher quality urban design and sustained investment.

Against this backdrop the Council acknowledges the need for change and broadly supports the intent of the reforms proposed in both the N&BEB and companion Spatial Planning Bill (SPB). Like the Government, we too aspire to have a resource management system that:

- Is efficient, simple and cost-effective
- Gives effect to the principles of Te Tiriti o Waitangi
- Protects the natural environment and enables development (including housing and infrastructure) that contributes to the well-being of our communities
- Provides strong opportunities for meaningful local participation and decision making, thereby enabling local authorities and communities to continue to have a major say in shaping their unique places
- Supports communities to adapt to climate change, manage hazard risks and mitigate carbon emission

The intention is that the NPF will direct the development and implementation of new Regional Spatial Strategies (RSSs), and Natural and Built Environment Plans (N&BE Plans) - which will be like a 'unitary plan' (a combined regional and district plan), to help improve the present alignment of functions and responsibilities between these planning instruments. While the Council supports the intent of this initiative and a more integrated NPF, the Council believes there is not enough clarity over key aspects of the proposed reforms. In its current state the plan making process appears to be adding an additional layer of bureaucracy (a central point of criticism of the current Resource Management framework) with less democracy.

In particular, the Council requests that legislative provision be made for the development of sub-regional Natural and Built Environment Plans (N&BE Plans). This sub-regional planning would give the opportunity for greater emphasis on the urban area of the Wellington region. It would also focus on centre based urban design and density driven regenerative place outcomes (consistent with the NPS-UD), more responsive to community interests, and as a result more successful in their implementation.

At present the bills do not sufficiently outline what the city councils urban design and placemaking roles will be. Based on the draft report from the independent panel's review of local government and in LGNZ's own submission to this committee, Councils need to play a key role in placemaking. This will need to be more deeply understood and articulated in the legislation to ensure confidence in the plan making role of the Regional Planning Committees.

For the 'greater' Wellington urban area, it is proposed that there is a sub-regional N&BE Plan for Wellington City, Upper and Lower Hutt Cities, and Porirua City. Officers have socialised this approach with these Councils and the Wellington Regional Leadership Committee secretariat.

Alternatively, the NPF could take a centres and transit orientated growth and development approach to the N&BE plan, that facilitates local government to conduct collaborative community-based local area plan-making processes. This would also be consistent with the NPS-UD and the desire to increase housing density along transport corridors and centres.

The Council questions whether, in their current form, the proposed provisions in the N&BEB will be able to effectively deliver on these aspirations without the introduction of further substantive change, notably in such areas as the national planning framework, plan making and system governance, decision making and funding.

Given the significant size, scale and transformative nature of the combined N&BE and SP Bills we would urge the Committee to devote the time and level of inquiry necessary to ensure they adequately satisfy the objectives sought by these reforms and are appropriately 'equipped' to deliver the system outcomes identified.

Focus of Submission

Given the combined length and complexity of the N&BE and SP Bills, coupled with the tight time constraints to meaningfully consider their content and prepare a thorough response, this submission is centred around the following 'headline' N&BEB topic areas identified as being of particular relevance to the Council:

- The Purpose and preliminary matters such as the proposed system outcomes
- The National Planning Framework (NPF)
- Natural and Built Environment plan making
- Consenting and designations
- Compliance, monitoring and enforcement
- System governance, decision making and funding
- Māori agency within the Planning System.

Key Observations/Concerns

Having examined the proposed provisions relating to the headline topic areas identified above, below is an overview of our key observations and concerns regarding the N&BEB. This is further supplemented by a more detailed analysis in **Appendix 1**.

- The Purpose and preliminary matters
 - Given the intended 'outcomes focussed' emphasis within the Bill the use of stronger language in the Purpose to reinforce this would have been anticipated, particularly a more directive requirement to 'achieve' outcomes that benefit the environment instead of the weaker imperative to 'promote'.
 - There continues to be no express mention of the built environment in the Purpose regardless of this being a specific recommendation of the inquiry by the select committee on the earlier released 'exposure draft' and direct connections to the built environment in the proposed system outcomes (eg. climate change, housing, infrastructure, cultural heritage). Explicit reference to the built environment or the quality of this environment is also absent in the list of system outcomes proposed. This undervalues the Urban Design and Placemaking activities of Local Authorities in New Zealand in making more liveable cities.
- The NPF
 - The overall effectiveness of delivering the intended system outcomes is likely to be compromised given the absence of adequate qualifying information regarding the nature and extent of the 'direction' intended to be included in the NPF, particularly in relation to how they are to be interpreted and implemented. This, in turn, will inevitably lead to the outcomes being highly contested during subsequent plan making processes – something that would be both unintended and contrary to the efficiency and objectives of the system review.
 - Given the fundamental role that the NPF is intended to play in the new resource management system there is inadequate provision directing Central government to partner with its key delivery agents, local authorities, in developing associated content and detail of the NPF, with this currently restricted to pre-notification 'engagement'. There is also a lack of the recognition of local democratic mandates within the proposed bills.
 - There is a lack of direction/guidance as to how competing priorities (and conflicts between and among outcomes) are intended to be managed, with this being a fundamental element to ensuring the NPF is effectively implemented and that a crucial balance between good environmental outcomes and the growth and development of communities is achieved.
 - Although the appointment of a Board of Inquiry to hear and consider the NPF proposal and make recommendations to the Minister is a welcome inclusion, there are inadequate 'checks and balances' in the event that its recommendations are rejected.
- Plan making
 - The RSS (and Natural and Built Environment Plans) processes are adding an additional layer of bureaucracy (a central point of criticism of the current Resource Management framework) with less democracy.
 - If there is to be system change, there should be provision made for sub-regional N&BE plans to be prepared where this has been agreed by constituent local authorities. This would offer a more efficient and effective means to discretely cater for and manage distinct urban and natural receiving environments than a single, generic NBE plan.
 - Alternatively, legislative provision could be made for a centres and transit orientated growth and development approach to the N&BE Plan. This would enable local government to conduct collaborative community-based local area plan-making. This would also be consistent with the NPS-UD and the desire to increase housing density along transport corridors and centres.
 - The Bill provides for statements of community outcomes and regional environmental outcomes are one of the few avenues available to enable matters of local importance to inform the content of NBE plans and plan changes and greater weight needs to be accorded them in the plan making process.
 - The 4 year timeframe for NBE plan making could be overambitious, particularly as successful delivery will be highly dependent on the:
 - Nature, extent and quality of direction provided in the NFP and relevant RSSs
 - Extent to which RPCs and supporting secretariats are appropriately funded and resourced
 - Breadth of meaningful 'front end' engagement that is able to be realistically undertaken while also satisfying the prescriptive engagement requirements proposed.

- The likely benefit of introducing provision for 'enduring submissions' is questionable, particularly given the prospect that it would introduce unnecessary and unintended administrative complexity into the plan making process and run counter to the efficiency outcome sought by the proposed system reforms.
- There is currently no requirement for regional planning committees (RPCs) to seek formal advice from constituent local authorities prior to finalising and adopting plans, particularly where this involves potentially controversial decisions that could have a consequential impact on the way in which a particular local authority area is managed.
- The practical workability of the proposed reduction in the local state of the environment and plan effectiveness and efficiency monitoring and reporting timeframe from 5 years to 3 years is questionable, particularly given the prospect that the necessary capacity and capability to undertake this work is likely to be compromised by key local authority staff being seconded or transferred to secretariats established to support RPCs.
- The separation of the consenting/implementation process from the Planning Process may impede the realisation of benefits from co-ordinating between system and ability of Elected Representatives to meet the expectations of their communities.
- System governance, decision making and funding
 - There is an absence of any clear direction/position regarding:
 - Local authority composition, particularly proportional membership on RPCs based on the size of the population represented
 - Who can be appointed to RPCs, with membership potentially extending to include elected members (who have a democratic mandate on behalf of their communities), council officers, independent experts or other parties
 - The establishment of RPC sub-committees is unmandated and their role and functions unduly limited, with this likely to hamper a key means of ensuring more effective and constructive local input into NBE plan making processes.
 - There is a strong likelihood that many current local authority planning staff will either be transferred or seconded to RPC secretariats to ensure they have the necessary capacity and capability to undertake their functions, with this resulting in local authorities having insufficient residual resource to fulfil their own plan-making roles including the development of statements of community/regional environmental outcomes and providing input into NBE plans.
 - Apart from the directive that local authorities work together in 'good faith', there is an absence of adequate direction/guidance on the process and timeframes for agreeing joint funding arrangements to support the establishment and ongoing operation of RPCs and secretariats.
 - The 'unfunded mandate' to implement strategies and plans over which local authorities have had limited involvement in developing (e.g. regional spatial strategies, NBE plans) is likely to impose a material, additional burden on them and their respective communities in the absence of Central government funding support.
 - There is need for further provision to be included that enables local authorities to have greater involvement in the RPC budget setting process, particularly given the direct relationship that exists between the level of funding sought to service the committees and supporting secretariats relative to local authorities' overall balance sheets. It is important that these RPCs are able to fulfill their duties under other legislation such as the Health and Safety at Work Act to retain and support the expertise they need to function.
- Other matters
 - The Climate Adaptation Bill (CAB) has not been introduced in tandem with the N&BE and SP Bills. Climate change adaptation is a Council priority, as evidenced by our declaration of a climate change emergency in 2019. The integration of these 3 highly inter-related statutes would have significantly benefited from being developed and introduced together, particularly given the consequential impact the CAB is likely to have on the development of N&BE plans and regional spatial strategies prepared under the SPB.

The Council trusts that the matters raised in this submission will assist the Committee's inquiry into the Bill. To reinforce these we would also like an opportunity to make a further oral presentation to the Committee.

Appendix 1: Natural & Built Environment Bill – Detailed Analysis

Note: Recommended text to be included is underlined, with that to be deleted ~~struck out~~

Headline Topic	Clause	Support	Support in part	Oppose	Reason/s	Recommendation
Purpose & Preliminary Matters	cl.3				<p>The proposed Purpose clause is generally supported. We note however that the current phrasing of the introductory wording of the clause is awkward, with the imperative to 'enable' protection alongside use and development inherently contradictory (ie. how are use, development and protection able to be mutually enabled given that protection may end up being 'disabled' by use or development). Given the significance of this clause we consider this requires further examination.</p> <p>Similarly, given the intended 'outcomes focussed' emphasis within the Bill we would have anticipated the use of stronger language to reinforce this. This is particularly evident in clause 3(a)(ii) where the weaker, carry over requirement to 'promote' has been applied to outcomes that benefit the environment instead of a more directive requirement to 'achieve' such outcomes.</p> <p>Although specific reference to 'recognising and upholding' te Oranga o te Taiao is supported, in the absence of adequate guidance we have concerns as to how the concept will be interpreted and implemented in practice given the breadth of its associated definition in clause 7. Equally, lack of clarity concerning the meaning of the terms 'recognise' and 'uphold' is likely to increase the interpretive risk of them becoming highly contested, resulting in costly and unnecessary litigation.</p> <p>We also note that there continues to be no express mention of the built environment in the Purpose regardless of this being a specific recommendation of the inquiry by the select committee on the earlier released 'exposure draft' and direct connections to the built environment in the system outcomes listed in clause 5 (eg. climate change, housing, infrastructure, cultural heritage). Although the 'built environment' is referred to in the definition of 'environment' we strongly consider that more explicit recognition within this clause is required.</p>	<ol style="list-style-type: none"> Amend cl.3(a)(ii) as follows: (ii) promotes achieves outcomes that for the <u>positively benefit of</u> the environment Provide further direction or guidance to inform how the concept of te Oranga o te Taiao is to be interpreted and implemented in practice, including further clarity to assist interpretation of the terms 'recognise' and 'uphold' Amend cl.3(a) as follows: <u>'ensure the natural and built environment is protected and its use and development enabled in a way that —'</u> Include a consequential definition of 'built environment' in cl.7 - Interpretation (noting that a separate definition of natural environment is already included)
	cl.4				<p>Inclusion of a strengthened Te Tiriti o Waitangi clause is strongly supported. However, interpreting how the principles of Te Tiriti are to be given effect to, including but not limited to local government's role in the Treaty partnership, would benefit from further direction.</p>	<ol style="list-style-type: none"> Either: <ol style="list-style-type: none"> Include specific direction in the first iteration of the National Planning Framework (NPF) to clarify the practical implications of this directive and what these means in practice Develop companion guidance to assist understanding of the shift in practice required
	cl.5				<p>The system outcomes identified are broadly supported and, with the addition of necessary and sufficient supplementary direction in the NPF, could go some way to progressing the 'step change' sought through the resource management system reforms.</p> <p>However, like the Purpose clause, we note that there is an absence of any express mention in the proposed outcomes of the built environment or the quality of this environment. As over 85% of New Zealander's reside in cities and towns we consider this to be a gross omission that needs to be addressed, particularly given the clear intensification agenda advocated</p>	<ol style="list-style-type: none"> Include the following in cl.5(c): <u>(iv) a well designed, high quality built environment</u> Include a definition of 'well functioning' in cl.7 – Interpretation (noting that for consistency the definition of 'well functioning urban environment' in the National Policy Statement on Urban Development could be considered as a basis) Review and revise the definition of 'urban form' in cl.7 – Interpretation

Headline Topic	Clause	Support	Support in part	Oppose	Reason/s	Recommendation
National Planning Framework					<p>by Central government through such measures as the National Policy Statement on Urban Development and the Medium Density Residential Standards. Adequate consideration of the built environment is further compromised by the lack of definition as to what constitutes a 'well functioning urban area' and an inadequate definition of 'urban form'.</p> <p>As a further general observation we note that variable references to 'outcomes' are applied throughout the Bill, including 'system outcomes' (cl.5), 'framework outcomes' (cl.60), 'plan outcomes' (cl.105), 'environmental outcomes' (cl.102) and simply 'outcomes' (cl.128). In the absence of supporting direction/guidance to clarify the intended distinction between these outcome classes we are concerned that an elevated risk of interpretive confusion could result.</p>	4. Clarify the intended distinction between the outcome classes referred to throughout the Bill (eg. system outcomes, framework outcomes, plan outcomes)
	cls.37 - 55				<p>Specific provision for setting environmental limits and targets is supported, particularly as these are intended to act as the primary mechanisms to prevent further environmental degradation and drive environmental improvement. An initial focus on the mandatory domains of air, soil, indigenous biodiversity, freshwater, estuaries and coastal waters is also supported.</p> <p>We note however that although the Bill sets out the circumstances when interim limits may be set in the NPF it is silent as to when they should not be set. Given the core role of limits and targets in the context of the resource management system reform and reduction of further, ongoing environmental degradation, inclusion of additional provisions to cover this omission would be beneficial as it would help clarify that the concept of 'interim limits' only applies where interventions cannot be made to prevent harm from occurring.</p> <p>We also note that the current provisions relating to 'targets' could end up having unintended consequences. For example:</p> <ul style="list-style-type: none"> While consent authorities cannot grant consent contrary to a limit or target, it is unclear what compliance with a target entails since it is inherently about achieving something in the future While any activity that breaches a limit would be treated as a prohibited activity (cl.154(4)), there is no parallel in relation to targets. In practical terms this could potentially mean that where an environment is significantly degraded and is slowly improved over time to meet a minimum level target, an activity that could result in a reversal is not prohibited unless it would make it worse than at the date the Bill comes into force <p>Further, given the strong waste and circular economy focus in the New Zealand Infrastructure Strategy, the draft Waste Strategy and the National Emissions Reduction Plan we consider that careful consideration will need to be applied to how target might affect waste infrastructure such as landfills and discharges from resource recovery infrastructure.</p>	<ol style="list-style-type: none"> 1. Include further provision in cl.41 outlining the circumstances in which interim limits will not be prescribed 2. Review and revise the provisions relating to targets to increase clarity and certainty regarding compliance and associated activity settings, including waste infrastructure
	cl.57				<p>Inclusion of mandatory content in the NPF that provides clear direction for each of the system outcomes listed in clause 5 and direction to assist with resolving environmental conflicts (including those between or among the system outcomes) is strongly supported – this is in stark contrast to the current discretionary nature of national direction under the RMA.</p> <p>Regardless, in the absence of further qualifying information regarding the anticipated scope and level of detail relating to these directions in the</p>	<ol style="list-style-type: none"> 1. Provide further clarity regarding the scope and level of detail relating to the anticipated direction for each of the system outcomes listed in cl.5, noting that work on the NPF should already be well advanced given a draft is required to be released within 6 months of the Bill being enacted. 2. Amend Sched.6, cl.2(a) as follows:

Headline Topic	Clause	Support	Support in part	Oppose	Reason/s	Recommendation
					<p>Explanatory Note accompanying the Bill we have reservations as to its potential effectiveness given the rider in clause 57(2) that it 'need only be in such detail as is appropriate to the particular system outcome or outcomes'. In the absence of sufficient detail and direction to properly inform NBE plan content these matters are likely to be highly contested during subsequent plan making processes – an outcome that would be both unintended and contrary to the objectives of the system review. To address this issue we consider that a collaborative approach between Central government and local authorities regarding the content and detail of the NPF is required.</p> <p>Additionally, we are highly concerned about the lack of direction/guidance in the Bill regarding how competing priorities (and conflicts between and among outcomes) are intended to be managed. This will be fundamental to implementing the NPF and critical to achieving a balance between good environmental outcomes and the growth and development of communities including, for example, the tension between maintaining existing character/amenity values while accommodating growth.</p> <p>While it is acknowledged that reconciling conflicting interests, objectives and outcomes is complex, the downside is that inadequate or ineffective national and local level guidance/direction around resolving such conflicts is highly likely to result in:</p> <ul style="list-style-type: none"> • Failure of the proposed resource management system to achieve its underlying objectives and the anticipated outcomes listed in clause 5 • Significant costs and delays for all participants in the proposed system • A risk of significant inadequacies and inconsistencies in local level practice within and across regions if left solely to RPCs to determine (eg. quality living environments, nuisance, privacy) 	<p>'the chief executive of the Ministry for the Environment must invite the National Māori Entity <u>and representatives of local government</u> to collaborate with the Ministry on the proposal'</p> <p>3. Either:</p> <p>(a) Provide direction or criteria in the Bill setting out how competing priorities and conflicts between and among outcomes are to be managed</p> <p>(b) Require national level conflicts between and among outcomes to be resolved exclusively through the NPF</p>
	cls.61 – 67/Sched. 3 - 5				<p>Inclusion of a management framework that sets out how environmental effects on significant biodiversity areas and significant cultural heritage are to be managed, including principles to inform offsetting for adverse effects, is strongly supported. Although there is provision for exemptions we note that the circumstances applying to these are quite limited.</p> <p>Curiously, reference is made to 'significant cultural heritage' in the associated provisions, noting that this contrasts with use of the term 'specified cultural heritage' in other parts of the Bill (e.g. cls.555/556). Additionally, unlike significant biodiversity areas the term significant cultural heritage has no corresponding definition in clause 7.</p>	<p>1. Either:</p> <p>(a) Include a definition of 'significant cultural heritage' in cl.7 – Interpretation</p> <p>(b) Replace the term 'significant cultural heritage' with 'specified cultural heritage'</p>
	Sched.6, cls.9/20				<p>Inclusion of a requirement for a Board of Inquiry (BoI) to be appointed to hear and consider the NPF proposal (and any subsequent changes/additions) and make recommendations to the Minister is strongly supported, particularly as currently proposed this is the only formal opportunity in the Bill, aside from a general pre-notification engagement requirement, for local authorities to shape the direction and content of the NPF.</p>	<p>1. Retain as proposed</p>
	Sched.6, cl. 21				<p>Provision is made for ultimate decision making responsibility on a NPF proposal to rest with the Minister. Although we understand the rationale for this we are deeply concerned that there is no further recourse on the merits of the proposal in the event that recommendations of the BoI are rejected. We note that this stands in sharp contrast with the decision making framework around NBE plans, where any Independent Hearing</p>	<p>1. Include a new clause after Sched.6, cl.22 as follows: Right of appeal to Environment Court if the Minister rejects BoI recommendation and makes alternative decision 1) This clause applies if—</p>

Headline Topic	Clause	Support	Support in part	Oppose	Reason/s	Recommendation
Plan Making					Panel (IHP) recommendations rejected by a Regional Planning Committee (RPC) are able to be appealed to the Environment Court, and strongly consider that similar provision to that in clause 132 should be included in relation to the NPF.	<p>(a) <u>the Minister rejects a BoI recommendation on the NPF proposal; and</u></p> <p>(b) <u>the Minister makes an alternative decision to that recommended by the BoI; and</u></p> <p>(c) <u>any person made a submission in respect of the provision or matter recommended by the BoI.</u></p> <p>2) <u>Once the Minister notifies their decisions on the NPF proposal proposed plan, the person may appeal to the Environment Court in respect of the differences between the alternative decision and the recommendation.</u></p> <p>3) <u>The appeal is limited to the effect of the differences between the alternative decision and the recommendation.</u></p>
	Sched.6, cls.27/28				Inclusion of a regular 9 year review cycle with the ability for the Minister to review all or part of the NPF at more frequent intervals is supported. We note that this timeframe aligns with reviews of RSSs, which in turn affect local authorities' long term plans, and consider that it balances stability with the need to address emergent urban and environmental changes.	1. Retain as proposed
	cl.95				<p>Reduction in the number of NBE plans is broadly supported (i.e. 1 per region). However, the Natural and Built Environment Plans (and the RSSs) processes are adding an additional layer of bureaucracy, which is a central point of criticism of the current Resource Management framework) with less democracy. We note that no concession has been made to enable the creation of sub-regional plans in larger metropolitan regions focussed around common communities of interest, growth approaches and receiving environments.</p> <p>We strongly consider that the option of preparing sub-regional plans where this has been agreed by constituent local authorities in a region should be provided for in the Bill, particularly as this would offer a more efficient and effective means to discretely cater for and manage distinct urban and natural receiving environments. Current examples include the catchment based model applied in the National Policy Statement on Freshwater Management and the tiered approach to urban environments applied in the National Policy Statement on Urban Development</p> <p>Alternatively, legislative provision could be made for a centres and transit orientated growth and development approach to the N&BE Plan. This would enable local government to conduct collaborative community-based local area plan-making. This would also be consistent with the NPS-UD and the desire to increase housing density along transport corridors and centres.</p>	1. Amend cl.95 to include further provision for sub-regional NBE plans to be prepared where this is agreed to by constituent local authorities in the region
	cls.97/104/109				<p>Recognition and incorporation of spatial planning into this Bill and the companion SPB is strongly supported, as is the requirement that NBE plans are 'consistent with' RSSs. We consider that this will help to 'legitimise' the adoption and implementation of a spatial approach to land use planning at a regional scale, provide strategic direction to help inform the development and content of NBE plans and reduce the likelihood of key matters of strategic importance being relitigated at a plan level.</p> <p>We note however that the obligation for plans to 'be consistent' with RSSs is currently referenced in 3 clauses of the Bill, with two of these, clauses</p>	2. Delete either cl.104 or cl.109 to avoid unnecessary duplication in the Bill

Headline Topic	Clause	Support	Support in part	Oppose	Reason/s	Recommendation
					104 and 109, being an exact facsimilie and creating unnecessary duplication.	
	cl.102				<p>Identification of the matters to be included in NBE plans is supported as it sets out the scope of parameters to be addressed in the plan making process. Although we are generally comfortable with the list of matters proposed we have particular concerns regarding 2 of those listed: provide for system outcomes and resolve regional conflicts relating to any aspect of the natural and built environment.</p> <p>We note that the intent under clause 57 is that the NPF will provide direction relating to each of the system outcomes set out in clause 5 along with direction on resolving environmental conflicts, including those between or among the system outcomes. Although the inclusion of these mandatory directives is strongly supported we are highly uncertain as to what form they will take and the corresponding level of detail that is to be provided (noting that this only needs to be as much as appropriate). In the absence of sufficient detail and direction to properly inform plan content these matters are likely to be highly contested during the plan making process – an outcome that would be both unintended and contrary to the objectives of the system review. To address this issue we consider that a collaborative approach between Central government and local authorities is required regarding the content and detail of the NPF.</p>	<p>1. Amend Sched.6, cl.2(a) as follows: (a) the chief executive of the Ministry for the Environment must invite the National Māori Entity and representatives of local government to collaborate with the Ministry on the proposal</p>
	cl.107				<p>Inclusion of a requirement for RPCs to have 'particular regard' to statements of community outcomes and regional environmental outcomes is supported. However, as this is one of the few avenues available in the Bill to enable matters of local importance to inform the content of NBE plans and plan changes we strongly consider that they need to be accorded greater weight where they have been prepared and adopted. This, in turn, could also act to incentivise their development, noting that these instruments are not mandatorily required by either this Bill or the companion SPB.</p>	<p>1. Include new cl.107(1) as follows: (1) <u>In preparing or changing a plan a regional planning committee must ensure, to the extent relevant, that the plan or change is consistent with</u> - (a) <u>a statement of community outcomes prepared by a territorial authority or unitary authority; and</u> (b) <u>a statement of regional environmental outcomes prepared by a regional council</u></p>
	cl.108/ Sched.7, cl.126				<p>Expansion of the list of matters to be disregarded when preparing, changing and making 'standard process' recommendations on NBE plans is supported. We note however that similar requirements are currently absent in relation to recommendations applying to proportionate and urgent plan change processes and consider that this would benefit from being addressed. Further, given the interpretive ambiguity associated with the terms 'scenic views' and 'people on low incomes' additional definitional clarity would also be helpful.</p>	<p>1. Include a comparable list of matters to be disregarded in Sched.7, cl.60 2. Provide a definition or further clarity to assist interpretation of the terms 'scenic views' and 'people on low incomes'</p>
	cls.110/ 233				<p>Inclusion of provision to direct the use of an adaptive management approach in NBE plans and as a condition of consent is supported as it aligns with the new emphasis on outcomes and environmental limits. Allowance to direct this approach in plan making and consent processes will usefully help to address uncertainty concerning the potential effects of an activity, particularly where the timing and magnitude of any major change to the environment is unclear. However, given the brevity of the provisions we consider that development of supporting guidance to assist with applying this approach in practice would be beneficial.</p>	<p>1. Develop supporting guidance to inform the development of criteria and a methodology for applying an adaptive management approach in plan making and consenting processes</p>
	cls.555 - 563				<p>Inclusion of provisions to identify and protect places of national importance is strongly supported, particularly the firm directive that any activities likely to have 'a more than trivial adverse effect on the attributes of a place of national importance identified in the NPF, a plan/proposed plan or heritage place on a closed register' are to be disallowed by a rule, resource consent or designation (subject to some minor exceptions). This,</p>	<p>1. Include a definition of 'trivial adverse effect' in cl.7 – Interpretation 2. Extend the definition of 'specified cultural heritage' in cl.7 – Interpretation to include Category 1 or equivalent places scheduled in NBE plans</p>

Headline Topic	Clause	Support	Support in part	Oppose	Reason/s	Recommendation
					<p>in turn, should help to facilitate more certain and effective protection of areas of outstanding natural character or significant/highly vulnerable biodiversity, outstanding natural feature or landscapes and specified cultural heritage as it would reduce the extent to which relevant rules can be contested in plan making and consenting processes.</p> <p>Regardless, the absence of a definition or parameters around what constitutes a 'trivial adverse effect' is of concern as it is likely to give rise to unintended and costly interpretive debates and associated litigation. Additionally, we query the 'ring fencing' of cultural heritage solely to those places that are 'specified' (i.e. New Zealand Heritage List Category 1; National Historic Landmarks), particularly as the current breadth of places covered is somewhat limited and unrepresentative of places of valued local/regional significance currently scheduled in plans.</p>	
	Sched.7, cl.2				<p>The proposed 4 year NBE plan preparation timeframe is supported in principle, noting that successful delivery will be highly dependent on the:</p> <ul style="list-style-type: none"> Nature, extent and quality of direction provided in the NFP and relevant RSSs Extent to which RPCs and supporting secretariats are appropriately funded and resourced Breadth of meaningful 'front end' engagement that is able to be realistically undertaken while also satisfying the prescriptive engagement requirements proposed. <p>Given that responsibility for preparing and consulting on NBE plans rests with RPCs and supporting secretariats over the initial 2 years of the proposed 4 year timeframe we have concerns that expectations regarding plan delivery could be overly ambitious. This is highlighted by the fact that, in addition to developing a proposed plan, respective RPCs and secretariats will also be required to:</p> <ul style="list-style-type: none"> Initiate engagement agreements with Māori groups with interests in the region Identify and publicly notify prior to a proposed plan the major regional policy issues in the region and, where practicable, the plan outcomes sought to be achieved through its approach to these issues - this effectively introduces an additional formal notification step into the plan making process Establish and maintain an engagement register for the purpose of identifying any person interested in being consulted in the plan development process Prepare an engagement policy Prepare an evaluation report proportionate to the scale and significance of the proposal 	<p>1. Review whether the initial 2 year NBE plan preparation timeframe is realistically achievable in light of the enhanced engagement and notification requirements proposed in the Bill</p>
	Sched.7, cl.20				<p>Provision is included for anyone to make an 'enduring submission' during the period between notification of the major regional policy issues and the proposed NBE plan. Although the concept and intent is understood and broadly supported in principle we are uncertain of the likely benefit it offers to submitters, particularly given that supporting evidence needs to be supplied either with the initial submission or during the course of the primary submission period. We also have concerns that this could introduce unnecessary and unintended administrative complexity into the plan making process and run counter to the efficiency outcome sought by the proposed system reforms.</p>	<p>1. Review the practicality of introducing provisions that enable 'enduring submissions' to be made, particularly their likely uptake and the associated administrative costs/benefits relative to this</p>

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	Sched.7, cls.20/34/36				<p>The requirement to include all the relevant evidence supporting an enduring, primary or secondary submission is supported, particularly as it could help to increase process transparency, efficiency and fairness. Although it may act to deter lay submitters from participating in the plan making process due to the additional cost and effort involved (e.g. preparation of expert evidence), it is also likely to reduce the incidence of vexatious or unsubstantiated submissions being made.</p> <p>We note however that there is currently a lack of clarity within these clauses as to the quality, nature and scope of 'evidence' to be supplied in support of a submission and consider that expectations concerning the standard of evidence submitted should be clearly articulated in the Bill, including any variance based on the type of submission being made (eg. primary vs enduring).</p>	1. Include in Sched.7, cls.20, 34 and 36 further content that clarifies the quality, nature and scope of evidence to be supplied in support of enduring, primary and secondary submissions
	Sched.7, cl.25				<p>This clause replaces section 32 RMA and represents a notable simplification of the current 2 tier requirement to evaluate the appropriateness of proposed objectives to achieve the purpose of the Act, followed by an assessment of the efficiency and effectiveness of associated policies and methods to achieve these objectives. The simplified nature of the evaluation reporting requirements is strongly supported as they would enable greater flexibility to be applied to the choice of evaluation method and process - a welcome relief from the overly onerous, time consuming and costly requirements currently in place. However, to ensure consistency in the form and general content of evaluation reports further consideration should be given to the introduction of supporting regulation anticipated and enabled under schedule.7, clause 41.</p>	1. Introduce supporting regulation that sets out the form in which evaluation reports need to be prepared and published along with the preparation of supporting guidance
	Sched.7, cl.30				<p>Inclusion of a requirement for RPCs to refer draft NBE plans back to local authorities for consideration and feedback prior to notification to IHPs is supported. However, the expansive decision making powers of RPCs, including the power to finalise plans without seeking formal advice from constituent local authorities, is a matter of concern. This is particularly the case where RPCs release controversial decisions that have a consequential impact on the way in which a particular local authority area is managed with no further recourse to the Environment Court (ie. where the recommendation of an IHP has been accepted).</p>	1. Amend Shed.7, cl.30(2) as follows: 'Before the regional planning committee decides to proceed with a proposed plan, it <u>must provide</u> an appointing body for the region with may request an opportunity to review the proposed plan for the purpose of— (a) familiarising themselves with the content of the proposed plan; and (b) identifying any errors; and (c) identifying any risks in the implementation or operation of the plan'.
	Sched.7, cls.44 - 66				<p>Inclusion of 'proportionate' and 'urgent' plan change process options in addition to the 'standard' process is supported as it will enable Council's to be more agile and responsive to plan change requests received.</p> <p>Retention of rights of appeal to the Environment Court under these options is also supported given the 'streamlined' nature of these processes relative to the standard process (i.e. no requirement to notify major regional policy issues or to invite and accept enduring and secondary submissions; discretion to hold a hearing under the urgent process).</p> <p>Although we note that schedule 7, clause 47 outlines matters to be taken into account by RPCs in considering requests for urgent plan changes a similar set of relevant matters to inform whether a proportionate process is appropriate are currently absent. To avoid unnecessary and unintended debates arising over determination of when and in what circumstances a proportionate process might be appropriate the inclusion of further criteria to provide greater clarity should be considered.</p>	1. Include additional criteria/reasons in Sched.7, cl.44 to inform consideration of proportionate plan change requests

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	Sched.7, cls.51 - 53				<p>These clauses generally replace section 35 RMA and require local authorities to monitor and report to relevant RPCs on the state of the environment and plan effectiveness and efficiency as it relates to their local areas. Although the requirement to monitor and report is supported, we have concerns regarding the proposed delivery cycle. Currently the timeframe for undertaking monitoring and reporting is 5 years, with this proposed to be reduced to 3 years in the Bill. With the prospect that secretariats established to support RPCs will be serviced by key local authority staff on secondment or transfer there is a strong likelihood that the necessary capacity and capability to undertake required monitoring and reporting within this timeframe will be seriously compromised.</p> <p>We also have additional concerns regarding how recommendations relating to plan changes or matters to be included in relevant NBE plans are to be considered and prioritised by RPCs. Although clause 52 attempts to qualify how the 3-yearly reports are to be used it is silent on how such recommendations are to be weighed up and prioritised by RPCs in the face of overwhelming or competing requests by constituent local authorities in the region.</p>	<ol style="list-style-type: none"> Review whether the proposed 3 year period for local authorities to monitor and report to relevant RPCs on the state of the environment and plan effectiveness and efficiency is realistically achievable in light of likely capacity and capability issues Either include further provision in cl.52 or add a further clause setting out how recommendations and plan change requests are to be considered and prioritised by RPCs
	Sched.7, cls.69 - 78				<p>Ongoing opportunity to request and consider private (now independent) plan changes is supported, particularly with the enhanced requirements to detail how they would contribute to relevant outcomes, limits, targets, and policies in the associated operative/proposed NBE plan and RSS and the NPF.</p> <p>We also strongly support the expanded grounds available to reject a request but consider that these could benefit from further expansion. In particular schedule 7, clause 73 includes as a grounds for rejection inconsistency with the NPF or RSS but is silent regarding inconsistency with the strategic direction outlined within a NBE plan. Although a further grounds for rejection is where the request relates to the 'strategic content' of a plan, this term is ambiguous and requires further clarity to ensure it is effectively interpreted.</p>	<ol style="list-style-type: none"> Either: <ol style="list-style-type: none"> Amend Sched.7, cl.73(1)(c) by including the following: <ul style="list-style-type: none"> <u>(iv) be inconsistent with the strategic direction of the plan</u> Provide a definition or further clarity to assist interpretation of the term 'strategic content'
	Sched.7 cls.93 - 103				<p>Oversight of the establishment of Independent Hearing Panels (IHPs) and appointment of members by the Chief Environment Court Judge is supported and should ensure an appropriate level of specialist knowledge and rigour is applied to this process. We consider that this is particularly important given proposed limitations on the scope of matters eligible to be further appealed to the Environment Court (i.e. RPC rejection of an IHP recommendation and making an alternative determination; RPC acceptance of an IHP recommendation that extends beyond the scope of submissions).</p> <p>The requirement that all panel members need to be accredited is also supported, noting that approval of relevant qualifications rests with the Minister. However, given the open ended nature of this remit we consider it would be advisable for further clarity to be provided to illustrate how this discretion is intended to be exercised.</p> <p>An additional matter of note relates to the IHP functions and term outlined in schedule 7, clauses 102 and 103. Although the term of the panel extends to include any related appeals filed in any court, the current listed functions of the panel are silent as to its role in the event of an appeal arising. Further clarity to confirm the role of the panel in such circumstances would be advisable.</p>	<ol style="list-style-type: none"> Either: <ol style="list-style-type: none"> List the range of matters in Sched.7, cl.97 that the Minister needs to consider in approving the qualifications establishing a panel members accreditation Introduce supporting regulation that sets out the matters for consideration Include further provision in Sched.7, cl.102 clarifying the anticipated functions and powers of an IHP in relation to any relevant appeal proceedings brought before the court

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Consenting	Sched.1, cl.2				Inclusion of provisions confirming the status of existing RMA planning documents and the point at which the initial NBE plans apply is strongly welcomed. In particular, the direction that NBE plans will not take effect until RPCs notify their decisions on IHP recommendations is supported as it should help to reduce interpretive confusion in the interim and enable efforts and resources to be focussed on the preparation of RSSs and plans.	1. Retain as proposed
	cls.153/154				Reduction in the number of consenting categories from 6 to 4 is supported, with simplification of the categories by removing restricted discretionary and non-complying activities considered a positive change. Inclusion of clear descriptions of each consent category in a tabulated format is a welcome addition, as is specific reference that controlled activities can be declined in certain circumstances (noting that this category is essentially a conflation of the current controlled and restricted discretionary categories). The matters listed in clause 154 to inform the application of appropriate categories to activity type is also supported as they should assist in reducing the arbitrariness of decisions concerning categorisation. Although reference to outcomes and positive effects is welcome, we consider that this clause could benefit from clearer specificity regarding the relevant outcomes that need to be assessed (i.e. any outcomes or outcomes in the NPF or NBE plans).	1. Amend references to 'relevant outcomes' in cls.154(2) and (4) – (6) as follows: <u>'relevant outcomes specified in the NPF, a NBE plan or a statement of community/regional environmental outcomes'</u> 2. Make consequential amendments to references to 'relevant outcomes' throughout the Bill (e.g. Sched.10)
	cl.164				Provision to recover costs incurred for consent related consultation and engagement is strongly supported. We note however that the clause is silent as to whether there is a right of objection to any reasonable costs incurred and consider that this should be clarified to provide greater certainty and transparency.	1. Clarify whether a right of objection is/should be available to an applicant concerning payment of any reasonable consultation/engagement costs incurred
	cl.173				This clause sets out the requirements for a resource consent application that is required under Schedule 10 or prescribed by regulations (cl.173(b)). This includes that it must be made in the prescribed form and manner and contain information relating to the activity, including an assessment of the activity's effects on the environment. While specific reference to inclusion of an assessment of environmental effects is made in this sub-clause it is currently silent concerning an assessment against relevant NPF and NBE plan outcomes – something that we would have anticipated being included given the Bill's intended 'outcomes focussed' emphasis. Regardless, we note that as specific reference to assessing outcomes and environmental effects is already incorporated in Schedule 10 (Information required in an application for resource consent) the necessity to also specifically refer to them in this sub-clause is redundant.	1. Amend cl.173(4)(b) as follows: <u>'include the information relating to the activity, including an assessment of the activity's effects on the environment, that is required under Schedule 10 or prescribed by regulations.'</u>
	cl.189				Provision to exclude time periods relating to requests for further information is supported but we note there are likely to be practical difficulties in implementing clause 189(1) as currently framed. The primary difficulty is that requests for further information are typically made once all advice relating to an application has been received and considered. Further, given the tight processing timeframes we note that if a request gives rise to any further questions there is limited time available for these to be clarified. This, in turn, leaves consent authorities in the precarious position of either imposing onerous conditions/declining an application on the basis of inadequate information (both of which may	1. Amend cl.189(1) as follows: (1) Subsection (2) applies when— (a) an authority has requested an applicant, under section 183(1), to provide further information on the applicant's application; and (b) the request is: i. the first request made by the authority to the applicant under that provision; or and ii. <u>relates to matters raised in the information provided in response to</u>

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					<p>affect the certainty of the proposal) or requesting additional information at the expense of timeframes.</p> <p>Similarly, we note that limited options are available where:</p> <ul style="list-style-type: none"> Changes, minor or otherwise, are made to an application and the information is incomplete Submissions identify issues that require further detail to be sought from an applicant 	<p><u>the first request by the applicant and the request is made within 10 days of receiving that information;</u> or iii. <u>relating to changes to a proposal after initial submission; or</u> iv. <u>relates to matters raised in submissions and the request is made within 10 days of closing of submissions</u> (c) the request is made before the authority decides whether to notify the application</p>
	cl.198				Inclusion of a specific stated purpose of notification is supported, particularly as it helps to clarify the aim of notification and what is sought to be achieved by the process.	1. Retain as proposed
	cl.200				Inclusion of the ability for the notification status of an activity to be identified in the NPF or a NBE plan is strongly supported. However, we note that the ability to alternatively default to consent authorities exercising discretion regarding notification could unintentionally result in a higher proportion of consent applications being notified than anticipated.	1. Retain as proposed
	cls.203/204				Inclusion of provisions confirming the notification status of controlled and discretionary activities is supported, particularly as they shift the emphasis from individual resource consent applications to NBE plans or the NPF. We consider that this has the potential to create a more certain and efficient process provided the approach to notification adopted during the plan making process is not overly cautious (e.g. limited/public notification of controlled activities).	1. Retain as proposed
	cl.206				Inclusion of criteria to assist decision makers determine when limited notification is required is supported and should assist in reducing the incidence of notification decisions being contested. Regardless, we have concerns that the proposed reference to 'any person who may represent public interest' is too ambiguous and could unintentionally lead to a higher proportion of consent applications being treated as limited notified than anticipated in the absence of further clarity.	2. Either: (a) Include additional eligibility criteria in cl.206 to clarify the scope of parties considered to represent the public interest (b) Include a definition of 'public interest' in cl.7 - Interpretation
	cl.223				<p>This clause replaces current section 104 RMA and requires consent authorities to 'have regard to' any actual and potential effects on the environment of allowing an activity, and to 'have regard to' whether, and the extent to which, it contributes to any relevant outcomes, limits, targets, and policies. We note however that given the intent to elevate the significance of outcomes in the new system the direction to consider these relative to effects needs to be strengthened.</p> <p>Inclusion of the requirement to 'have regard' to prior non-compliance resulting in enforcement action being taken is strongly supported as it could usefully act to incentivise compliance with consent conditions, thereby reducing reliance on enforcement. Consideration of positive effects and contributions to outcomes is also supported. The extended list of matters to be disregarded is considered useful although we query the exclusion of commercial signage or advertising as this can have a distractional effect.</p>	1. Include new cl.223(2) as follows: (2) <u>The consent authority must have particular regard to -</u> (a) <u>whether, and the extent to which, the activity gives effect to any relevant outcomes, limits, targets, and policies in:</u> (i) <u>a plan</u> (ii) <u>a regional spatial strategy</u> (iii) <u>the national planning framework</u> 2. Delete cls.223(2)(c) and 223(8)(d)
	cl.258				Inclusion of provisions clarifying when a resource consent commences is welcome and supported. However, given the strengthened monitoring emphasis in the Bill we consider there could be benefit in including in this or another appropriate clause a requirement that parties notify the relevant local authority when either giving effect to a consent received or	1. Include new cl.258(3) as follows: (3) <u>Prior to commencement of the resource consent or any associated site works the applicant must notify the relevant local authority.</u>

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Designations					commencing associated works. This, in turn, would serve as a proactive means of initiating early monitoring and reduce reliance on retrospective enforcement action to address any non-compliance.	
	cl.821				Ongoing provision that enables recovery by local authorities of the reasonable costs incurred by such activities as resource consent processing is strongly supported. However, to incentivise prompt payment of costs incurred and reduce unnecessary and inefficient follow up action by local authorities on unpaid fees we consider that further provision should be included in this clause requiring full payment of fees prior to receiving any certificate, authority, approval, permit, or consent.	1. Amend cl.821(a) as follows: 'a person applying for the certificate, authority, approval, permit, or consent <u>prior to receipt</u> '
	cls.499 - 540				Inclusion of enhanced provisions relating to designations is strongly supported, particularly: <ul style="list-style-type: none"> Expanded access to designation powers, including providers of 'public good' infrastructure such as public housing A 2-stage process for new designations consisting of: <ul style="list-style-type: none"> an initial notice of requirement to identify and protect a spatial footprint subsequent, more detailed primary and secondary Construction and Implementation Plans as required, with these outlining the measures to manage the impacts of construction and operation of the infrastructure in its physical surroundings along with details of the proposed public work, project, or work (eg, height, bulk, landscaping, traffic movement) Availability of a streamlined decision-making process, with notices of requirement/alterations to designations that have been notified referred to the Environment Court for decision vs a recommendation by the relevant RPC and decision by the requiring authority <p>Collectively, we consider that these proposed provisions will act to enable better strategic planning of infrastructure and more cost-effective delivery.</p>	1. Retain as proposed
Compliance, Monitoring & Enforcement	cls.302/303				Provision for consent authorities to issue permitted activity notices (PANs) if required for the purposes of compliance, monitoring and enforcement or to ensure third party approval/certification is obtained is supported in principle. However, we are uncertain as to the benefits of PANs and the rationale for their inclusion. We note, for example, that there is currently no similar requirement relating to certificates of compliance and are concerned about the likelihood that PANs could end up incurring unintended administrative and compliance costs and delays in the system.	1. Either: (a) Clarify the rationale underpinning the introduction of PANs and develop supporting companion guidance to inform their practical application (b) Delete cls.302 and 303
	cls.718/719/723 – 730/732 - 750/776				Inclusion of additional compliance options such as monetary benefit orders, consent revocation/suspension and enforceable undertakings is strongly supported and should act to usefully supplement the current range of compliance actions on offer (e.g. enforcement orders, abatement notices, infringement notices). The ability to apply to the Environment Court to: <ul style="list-style-type: none"> Revoke or suspend a resource consent where it is satisfied that ongoing and severe non-compliance has occurred Order a person to pay an amount not exceeding the amount that it is satisfied, on the 'balance of probabilities', represents the amount of any monetary benefits acquired by the person, or accrued or accruing to the person, because of an offence or contravention 	1. Include a new clause after cl.787 as follows: Local authority enforcement policy A local authority must prepare an enforcement policy that sets out how it intends to exercise its enforcement functions, duties, and powers under this Act.

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					<ul style="list-style-type: none"> Pay a pecuniary penalty to the Crown or any other person it specifies if it is satisfied that a party has failed to comply with a statutory requirement <p>are also particularly welcome additions.</p> <p>We note however that option selection and delivery is best informed by a targeted enforcement policy and consider that mandatory provision for this in the Bill would ensure an appropriate level of direction and consistency around the discharge of local authority enforcement functions.</p>	
	cls.765 - 766				Inclusion of enhanced financial penalties associated with contraventions and a prohibition on the use of insurance to cover the cost of fines, infringement fees and pecuniary penalties is strongly supported as this should assist in deterring non-compliance. However, we consider that use of punitive measures should be informed and directed by a targeted enforcement policy as noted above.	1. Retain as proposed
	cl.781				Provision to recover costs incurred in taking any action in connection with monitoring or enforcing compliance is strongly supported. We note however that the clause is silent as to whether there is a right of objection to any reasonable costs incurred and consider that this should be clarified to provide greater certainty.	1. Clarify whether a right of objection is/should be available to an applicant concerning payment of any reasonable costs incurred in taking any action in connection with monitoring or enforcing compliance
	cl.783				<p>This clause extends the current section 35 RMA monitoring requirements relating to the efficiency and effectiveness of policies, rules or other methods in local authority plans by requiring:</p> <ul style="list-style-type: none"> A specific focus on any natural environmental limits that apply in the region, system outcomes and other matters of regional or local significance identified in the plan Priority to be given to natural environmental limits and targets, other matters identified in the NPF and regionally significant matters identified in the plan Monitoring to be conducted in a way that complies with any requirements of mātauranga Māori and tikanga Māori methods that are included in the regional monitoring and reporting strategy <p>While we are supportive of the enhanced requirements given the essential role that monitoring plays in policy and plan making processes we are concerned that these are likely to give rise to resourcing issues due to the:</p> <ul style="list-style-type: none"> Prospect that many local authority planning staff will either be transferred or seconded to the proposed secretariats set up to service RPCs Reduced timeframe within which these requirements are intended to be implemented (i.e. from 5 years to 3 years). 	1. Consider the adoption of a risk based approach to prioritising monitoring, with an initial emphasis on key elements identified as critical in a region (e.g. biodiversity loss, water quality)
	cl.785				Inclusion of a provision requiring the preparation of regional monitoring and reporting strategies by RPCs is broadly supported as it will help to ensure greater consistency in the way in which these functions are undertaken within regions. However, we note that although RPCs are required to invite local authorities to provide input into preparing these strategies there is no further obligation to adopt this input or provide associated reasoning in the event that it is not adopted. Given that responsibility for funding and implementing these strategies rests with local authorities we strongly consider there is a need for this gap to be addressed.	1. Amend cl.785(3) as follows: (d) <u>have particular regard to the input provided by local authorities and supply reasons in the event that this input is not adopted</u>
Governance, Decision Making & Funding	Sched.8, cls.2/3/18				Broad provision is made for membership of RPCs, with appointments guided by composition arrangements agreed to by the local authorities	1. Require local authority membership on RPCs to be proportionate to, and based on, the size of the

Headline Topic	Clause	Support	Support in part	Oppose	Reason/s	Recommendation
					<p>and iwi and hapū committee in the relevant region. Of concern however is the absence of any clear direction/position regarding:</p> <ul style="list-style-type: none"> Local authority composition, particularly proportional membership on RPCs based on the size of the population represented Who can be appointed, with RPC membership potentially extending to include elected members (who have a democratic mandate on behalf of their communities), council officers, independent experts or other parties <p>Given the variability in size and diversity of the populations within a region we strongly consider that membership of RPCs should be proportionate to the population size of each constituent local authority area represented. To do otherwise could potentially lead to inequitable representation around the RPC decision making table resulting in misrepresentation of the issues/concerns affecting larger constituent areas. This is further reinforced by the Bill establishing RPCs as autonomous decision makers, with no additional ratification required by their respective local authorities.</p> <p>Equally, in terms of the intended transfer of the NBE plan making function to RPCs we consider that the democratic mandate and corresponding community accountability of elected councillors would be seriously undermined if either a lack or inadequate representation of elected local authority members on RPCs eventuated. Ensuring there is effective elected member representation on RPCs is also important given the proposed 'arms length' relationship between the committees and local communities, with this potentially resulting in a planning response that inadequately addresses the competing and conflicting needs, wants and aspirations of distinct communities within a region.</p>	<p>population in each of the constituent local authority areas within the region</p> <ol style="list-style-type: none"> Review and consider mandating elected members to assume the role of local authority representatives on RPCs
	Sched.8, cl.32				<p>Inclusion of the ability for sub-committees to be established to provide advice to RPCs is supported, particularly as it has the potential to act as a practical and meaningful mechanism to enhance local input into the plan making process. However, we have reservations concerning the effectiveness of this clause as establishment of sub-committees is at the discretion of RPCs rather than mandatory and their intended role and functions is unduly restricted.</p>	<ol style="list-style-type: none"> Consider the mandatory establishment of RPC sub-committees Broaden the role and functions of sub-committees to enable more effective and constructive input into NBE plan making (eg. preparation of sub-regional chapters)
	Sched.8, cls.33/34				<p>Provision for the establishment of a secretariat to support the role and functions of RPCs is broadly supported, noting that the proposed working arrangements appear to have sufficient flexibility to enable regions to determine their own working arrangements within the secretariat and between the RPC, host council and secretariat.</p> <p>However, we have concerns that what is likely to occur in practice is that a number of current local authority planning staff will either be transferred or seconded to secretariats to ensure they have the necessary capacity and capability to undertake their functions. This could, in turn, result in local authorities having insufficient residual resource to fulfil their own plan-making roles, including the development of statements of community/regional environmental outcomes and providing input into NBE plans. It could also mean they struggle to carry out statutory functions like consenting and compliance, monitoring and enforcement.</p>	<ol style="list-style-type: none"> Obtain a commitment from Central government to either fully fund or cost share funding of local authorities to ensure they have sufficient capacity and capability to continue administering the current RMA system while participating in NBE plan-making processes
	Sched.8, cls.36/38				<p>Provision is included requiring each local authority in a region to jointly fund and provide resources sufficient to enable the RPC and supporting secretariat to perform or exercise its functions, duties, and powers. However, we are seriously concerned that it is silent on how respective contributions are to be determined, apart from the relevant local</p>	<ol style="list-style-type: none"> Provide statutory guidance on the process and timeframes for agreeing funding arrangements, including that each local authority's respective contribution should be agreed at the time of composition of RPCs, with this able to be amended

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					<p>authorities' working together in 'good faith' to reach agreement on the overall amount of funding for RPCs along with their individual contributions. This, in turn, could result in some local authorities being unable to afford their funding contribution without a corresponding rates increase.</p> <p>We also have grave concerns that the series of resource management system reforms proposed are accompanied by an 'unfunded mandate' requiring local authorities to implement strategies and plans (eg. regional spatial strategies, NBE plans) over which they have had limited involvement in developing. This is likely to impose a material, additional burden on local authorities and the communities they represent in the absence of Central government funding support.</p> <p>Similarly, we note provisions are also included that restrict local authorities from directing the use/altering the amount of funding as a potential means of controlling RPC decisions. While the ability to direct the use of RPC funding could be considered to run counter to their independence, due to the direct relationship between the level of funding and a local authority's overall balance sheet we strongly consider it imperative that an increased level of involvement by local authorities in the RPC budget setting process is enabled in the Bill. This could include, for example, the ability to comment on draft budgets and statements of intent.</p>	<p>from time to time by agreement, or otherwise referred to the Local Government Commission</p> <ol style="list-style-type: none"> Obtain a commitment from Central government to either fully fund or cost share the funding of RPCs and supporting secretariats and implementation of the proposed system reforms Amend Sched.8, cl.38 as follows: <ol style="list-style-type: none"> A regional planning committee must prepare and make publicly available an annual draft statement of intent, <u>including a draft budget, for the next financial year and submit it to the appointing bodies for comment</u> within a time frame agreed by the local authorities The committee must prepare and make publicly available a final statement of intent for that financial year that reflects the budget agreed for the committee <u>and its response to any comments recieved from appointing bodies</u>
	Sched.8, cl.37				<p>Inclusion of a provision to address any disputes concerning RPC funding contributions is supported, noting that these are to be determined by an independent decision-maker appointed by the Minister. However, as provision is made for the Local Government Commission to play a role in the resolution of RPC composition arrangements (Sched.8, cl.8) we query the need for an alternative 'independent decision-maker' to be appointed in the event of a funding contribution related dispute given the Commission's familiarity and experience in dealing with local government matters.</p> <p>Further, in terms of such disputes we note that it is unclear what process the decision-maker would follow to reach a determination, including whether the relevant local authorities would be provided the opportunity to make submissions in this process.</p>	<ol style="list-style-type: none"> Amend Sched.8, cl.37(1) as follows: 'If any dispute exists regarding the amount of funding to be provided to a planning committee, or the share of funding to be provided by each local authority in the region, the committee or any of the local authorities may apply to the Minister for the Environment to appoint a suitably qualified, independent person <u>the Local Government Commission</u> to investigate and resolve the dispute'
Māori Participation	cls.106/ 111/137/ 138/650/ 656/659/ 662/663/ 675 – 688 Sched.6, cl.9 Sched.7, cls.10/11/ 30/93 Sched.8, cl.2				<p>Improvements to the ways in which te ao Māori and Māori participation are integrated into the resource management system, including NPF and NBE plan development, is strongly welcomed and supported. Although not exhaustive, these include:</p> <ul style="list-style-type: none"> Establishment of an independent statutory national Māori entity (cl.659), the primary function of which is to monitor, assess and report on the cumulative effect of the exercise of functions, powers, and duties under N&BE and SP legislation in giving effect to the principles of te Tiriti o Waitangi (cls.662/663) Input from the proposed national Māori entity into NPF policy development and associated NPF Board of Inquiry process (Sched.6, cl.9) and mātauranga Māori experts in setting national scale limits and targets A minimum of 2 Māori representatives appointed onto RPCs (Sched.8, cl.2), with supporting secretariats also requiring expertise in mātauranga, te ao Māori and Māori engagement to carry out their functions and duties 	<ol style="list-style-type: none"> Retain as proposed

Headline Topic	Clause	Support	Support in part	Oppose	Reason/s	Recommendation
					<ul style="list-style-type: none"> • Provision for the appointing body involved in selecting Māori representatives onto RPCs to review draft NBE Plan prior to notification (Sched.7, cl.30) • Provision for an iwi or hapū to provide RPCs with a statement on te Oranga o te Taiao (cl.106) • A requirement that statutory acknowledgements are attached and treated as part of NBE plans (cl.111) • Provisions to safeguard to the exercise of protected customary rights (cl.137) and wāhi tapu conditions in a customary marine title order or agreement (cl.138) • A requirement that IHPs have skills, knowledge and experience of te Tiriti o Waitangi and its principles; local kawa, tikanga and mātauranga Māori (Sched.7, cl.93) • Provision for consent authorities to recover costs on behalf of iwi (cl.164) • Provision of new and existing avenues to enable increased Māori participation at regional/local levels, including: <ul style="list-style-type: none"> ○ transfers of power (cl.650) ○ joint management agreements (cl.656) ○ Mana Whakahono ā Rohe arrangements (cls.675-688) ○ engagement agreements (Sched.7, cls.10/11) 	

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Submission to the Environment Committee

Spatial Planning Bill

Introduction

Wellington City Council (the Council) welcomes the opportunity to submit on the Spatial Planning Bill (SPB). Like many of our local authority partners we recognise that the resource management system introduced 31 years ago has not adequately protected the natural environment, supported long term urban Planning, or enabled housing and urban development where needed. We also recognise that the system is operating in a context where it is exposed to a wide range of challenges, including:

- (a) Increasing and substantial new environmental pressures, including the need to urgently reduce carbon emissions and adapt to climate change and biodiversity loss.
- (b) Urban areas struggling to keep pace with population changes and increasing demands for infrastructure
- (c) Many local authorities being financially stretched
- (d) Insufficient recognition of Te Tiriti o Waitangi and a lack of support for Māori agency within the Planning system
- (e) Lack of integration across the system, resulting in inefficiencies and delays
- (f) Cumulative environmental effects not being well managed
- (g) An unclear relationship between the structures and mandates of local democracy and planning decisions.
- (h) A need to provide for more accessible cities through higher quality urban design and sustained investment.

Against this backdrop the Council acknowledges the need for change and broadly supports the intent of the reforms proposed in both the SPB and companion Natural and Built Environment Bill (N&BEB). Like the Government, we too aspire to have a resource management system that:

- 1) Is efficient, simple and cost-effective
- 2) Gives effect to the principles of Te Tiriti o Waitangi
- 3) Protects the natural environment and enables development (including housing and infrastructure) that contributes to the well-being of our communities
- 4) Provides strong opportunities for meaningful local participation and decision making, thereby enabling local authorities and communities to continue to have a major say in shaping their unique places
- 5) Supports communities to adapt to climate change, manage hazard risks and mitigate carbon emission

The intended shift to a more strategic, long-term, proactive and adaptive approach to environmental management at a regional scale to progress these aspirations is welcomed, particularly as it would provide a mandated basis to integrate planning, environmental management, infrastructure provision, and funding and investment across different legislative frameworks associated with managing the natural and built environment.

The intention of the NPF is to direct the development and implementation of new Regional Spatial Strategies (RSSs), and Natural and Built Environment Plans (N&BE Plans) - which will be like a 'unitary plan' (a combined regional and district plan), to help improve the present alignment of functions and responsibilities between these planning instruments. While the Council supports the intent of this initiative and a more integrated NPF, there is not enough clarity over key aspects of the proposed reforms. In its current state the plan making process appears to be adding an additional layer of bureaucracy (a central point of criticism of the current Resource Management framework) with less democracy.

The Council questions whether, in their current form, the proposed provisions in the SPB will be able to effectively deliver the reform objectives without further amendment, notably in the areas of regional spatial strategies and system governance, decision making and funding.

Given the significant size, scale and transformative nature of the combined SP and N&BE Bills we would urge the Committee to devote the time and level of inquiry necessary to ensure they adequately satisfy the objectives sought by these reforms and are appropriately 'equipped' to deliver the overall system outcomes identified.

Focus of Submission

Given the combined length and complexity of the SP and N&BE Bills, coupled with the tight time constraints to meaningfully consider their content and prepare a thorough response, this submission is centred around the following 'headline' SPB topic areas identified as being of particular relevance to the Council:

- (a) The Purpose and preliminary matters
- (b) Regional Spatial Strategies (RSSs)
- (c) Implementation Plans
- (d) System governance, decision making and funding
- (e) Māori agency within the Planning System.

Key Observations/Concerns

Having examined the proposed provisions relating to the headline topic areas identified above, below is an overview of our key observations and concerns regarding the SPB. This is further supplemented by a more detailed analysis in **Appendix 1**.

(2) The Purpose and preliminary matters

- The Purpose is centred around providing for a particular output – regional spatial strategies – that is a means to an end, instead of the objective of providing strategic direction that assists in:
 - i. Achieving the purpose and system outcomes set out in the N&BEB
 - ii. Promoting greater integration of relevant inter-related statutory functions

(3) National Planning Framework

- The intention is that the NPF will direct the development and implementation of new Regional Spatial Strategies (RSSs), and Natural and Built Environment Plans (N&BE Plans) - which will be like a 'unitary plan' (a combined regional and district plan), to help improve the present alignment of functions and responsibilities between these planning instruments.
- While the intent of this initiative for a more integrated NPF is supported, the Council does not believe we have enough clarity over key aspects of the proposed reforms. These matters are further outlined below.

(4) Regional Spatial Strategies (RSSs)

- There is currently a lack of complementary spatial direction at a national level to help inform the development of RSSs (e.g. national spatial strategy, GPS on spatial planning).
- There appears to be an overlap between the role of RSSs and NBE plans in relation to addressing matters of strategic importance within a region. Note, the Council's submission on the N&BE Bill seeks the legislative ability to create sub-regional N&BE Plans.
- As statements of community outcomes and regional environmental outcomes are one of the few avenues available to enable matters of local importance inform RSS content greater weight needs to be accorded them in the development process.
- The incorporation of relevant information in existing RMA documents into RSSs needs to be mandatory rather than discretionary, particularly as it is one of the few avenues available for local content to be included in these strategies.
- There is a need for further provision to be included that mandates:
 - i. Transitioning existing spatial plans/strategies or equivalent documents prepared by local authorities into RSSs, particularly given the time, expense and level of engagement invested in their preparation
 - ii. Hearings on draft RSSs given the significant associated implementation and funding implications for local authorities and other delivery agents once they have been adopted
- The decision making process lacks adequate 'checks and balances', particularly in circumstances where RPC decisions run counter to the advice/comments received from constituent local authorities on a draft RSS.

(5) Implementation Plans

- The absence of adequate measures to 'lock in' delivery of priority actions through implementation plans and associated agreements given their legally 'non-binding' nature.

(6) System governance, decision making and funding

- There is a notable absence of any clear direction/position regarding:
 - i. Local authority composition, particularly proportional membership on regional planning committees (RPCs) based on the size of the population represented
 - ii. Who can be appointed to RPCs, with membership potentially extending to include elected members (who have a democratic mandate on behalf of their communities), council officers, independent experts or other parties
- The establishment of RPC sub-committees is unmandated and their role and functions unduly limited, with this likely to hamper a key means of ensuring more effective and constructive local input into NBE plan making processes.
- There is a strong likelihood that many current local authority planning staff will either be transferred or seconded to RPC secretariats to ensure they have the necessary capacity and capability to undertake their functions, with this resulting in local authorities having insufficient residual resource to fulfil their own plan-making roles including the development of statements of community/regional environmental outcomes.
- Apart from the directive that local authorities work together in 'good faith', there is an absence of adequate direction/guidance on the process and timeframes for agreeing joint funding arrangements to support the establishment and ongoing operation of RPCs and secretariats.
- The 'unfunded mandate' to implement strategies and plans over which local authorities have had limited involvement in developing (e.g. regional spatial strategies, NBE plans) is likely to impose a material, additional burden on them and their respective communities in the absence of Central government funding support.
- There is need for further provision to be included that enables local authorities to have greater involvement in the RPC budget setting process, particularly given the direct relationship that exists between the level of funding sought to service the committees and supporting secretariats relative to local authorities' overall balance sheets.
- The lack of alignment between the NPF and Local Government structures and democratic mandates creates a number of questions as to how the RPCs will function in practice and discharge their statutory duties without the support functions usually found in an organisation.

The Council trusts that the matters raised in this submission will assist the Committee's inquiry into the Bill. To reinforce these we would also like an opportunity to make a further oral presentation to the Committee.

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Appendix 1: Spatial Planning Bill – Detailed Analysis

Note: Recommended text to be included is underlined, with that to be deleted ~~struck out~~

Headline Topic	Clause	Support	Support in part	Oppose	Reason/s	Recommendation
Purpose & Preliminary Matters	cls.3/4/ Sched.5				<p>The intent of the Purpose clause is generally supported but we consider that the introductory wording of the clause is awkwardly phrased. In particular we note that the primary aim is centred around providing for a particular output – regional spatial strategies – that is a means to an end instead of the objective of providing strategic direction that assists in:</p> <ol style="list-style-type: none"> Achieving the purpose and system outcomes set out in the N&BEB Promoting greater integration of relevant inter-related statutory functions <p>Given the significance of this clause we strongly consider that it would benefit from further amendment to more precisely clarify its strategic intent.</p> <p>Inclusion of provisions in clause 4 and schedule 5 that direct integration of relevant inter-related statutory functions is welcome and strongly supported.</p> <p>Curiously however we note the absence of provision for integration with the Climate Change Response Act 2002 in both the purpose and clause 4. Given that a key objective of the resource management system reforms is to 'better prepare for adapting to climate change and risks from natural hazards, and better mitigate emissions contributing to climate change' we consider that this is a lost opportunity that needs to be addressed.</p>	<ol style="list-style-type: none"> Amend cl.3 as follows: 'The purpose of this Act is to provide for regional spatial strategies strategic direction that— 1. assists in achieving— <ol style="list-style-type: none"> the purpose of the Natural and Built Environment Act 2022, including by recognising and upholding te Oranga o te Taiao; and the system outcomes set out in that Act; and promotes integration in the performance of functions under the Natural and Built Environment Act 2022, the Land Transport Management Act 2003, and the Local Government Act 2002 <u>and the Climate Change Response Act 2002</u>.' Include consequential amendments to cl.4 and Sched.5 – Amendments to other Acts
	cl.5				<p>Inclusion of a Te Tiriti o Waitangi clause is strongly supported. However, interpreting how the principles of Te Tiriti are to be given effect to, including but not limited to, local government's role in the Treaty partnership, would benefit from further direction.</p>	<ol style="list-style-type: none"> Either: <ol style="list-style-type: none"> Include specific direction in the first iteration of the National Planning Framework (NPF) proposed under the N&BEB to clarify the practical implications of this directive and what these means in practice Develop companion guidance to assist understanding of the shift in practice required
Regional Spatial Strategies (RSSs)	cl.12				<p>This is a large and expensive system change, therefore it will be important the secretariat and its governance sets the scene for the new system of environmental management and underpins the intended shift to a more strategic, long-term integrated and coordinated approach to this at a regional scale. We also support the intent to transition RSS development in advance of NBE plan making as this will help to ensure that land use controls and infrastructure spend across regions are developed and delivered in a coordinated, consistent and sequenced manner.</p>	<ul style="list-style-type: none"> Retain as proposed
	cls.15 - 19				<p>Inclusion of provisions that identify the scope of RSSs and outline their general form and content is strongly supported, particularly given the key role these strategies are intended to play in informing the direction of NBE plans prepared under the N&BEB. Of importance in this regard are the key matters set out in clause 17, supplemented by the ability for RPCs to</p>	<ol style="list-style-type: none"> Prepare either a national spatial strategy, GPS on spatial planning or regional statements outlining central government priorities Clarify the relative roles of of RSSs and NBE plans in relation to addressing matters of strategic importance within a region

Headline Topic	Clause	Support	Support in part	Oppose	Reason/s	Recommendation
					<p>to identify and consider additional matters of 'sufficient significance' in the region, subject to satisfying specified criteria.</p> <p>Regardless, we are strongly concerned about the current lack of spatial direction at a national level to inform the development of RSSs. For example, neither the NPF content proposed under the N&BEB nor content in relevant Government policy statements (e.g. GPS on housing and urban development) appear to include a strategic spatial element. In the absence of such direction, it is unlikely that Central government will be able to meaningfully participate in RSS development and usefully provide coherent and co-ordinated input concerning its anticipated focus and investment priorities within each region. It also raises the risk that this void will inevitably be subject to 'political whims' that undermine or compromise the intended long-term strategic direction setting role of RSSs.</p> <p>We also note that there appears to be an overlap between the role of RSSs and NBE plans in relation to addressing matters of strategic importance within a region, with RPCs required to:</p> <ul style="list-style-type: none"> (a) Provide 'strategic direction' in RSSs on relevant matters listed in clause 17 and any additional matters of 'sufficient significance' identified (b) Ensure that NBE plans contain 'strategic content' that reflects the major policy issues in a region (cl.102 N&BEB) <p>To avoid confusion over the relative roles of these instruments and the risk of unnecessary litigation arising we consider that this relationship would benefit from further clarification.</p> <p>Further, we note the absence of any reference to waste and resource recovery in the Bill. Given the strong waste and circular economy focus in the New Zealand Infrastructure Strategy, the draft Waste Strategy and the National Emissions Reduction Plan we consider that it would be advantageous for this to be clearly reflected in the legislation to ensure that this is adequately accommodated in RSSs.</p>	(k) Consider the inclusion of further provisions to enable consideration of waste and resource recovery infrastructure and circular economy activity in the development of RSSs
	cls.24/25				<p>Inclusion of a requirement for RPCs to have 'particular regard' to statements of community outcomes and regional environmental outcomes is supported. However, as this is one of the few avenues available in the Bill to enable matters of local importance to inform the content of RSSs we strongly consider that greater weight needs to be accorded these statements where they have been prepared. This, in turn, could also act to incentivise their development noting that these instruments are not mandatorily required by either this Bill or the companion N&BEB.</p>	<ol style="list-style-type: none"> 1. Include new cl.24(1) as follows: <u>(1) The regional planning committee must ensure, to the extent relevant, that the regional spatial strategy is consistent with -</u> 1. <u>a statement of community outcomes prepared by a territorial authority or unitary authority; and</u> 2. <u>a statement of regional environmental outcomes prepared by a regional council</u>
	cl.29				<p>Provision to include information in existing RMA documents such as classification of particular features of the environment into RSSs is supported, particularly as it offers an opportunity for local content to be incorporated into these strategies. However, as this is at the discretion of RPCs and offers one of the few opportunities in the Bill for local authorities to inform RSS content we strongly consider that this should be a mandatory requirement.</p> <p>Further, we note that reference in subclause (1)(b) to 'decisions on whether areas or features of the environment have particular characteristics, should be classified in a particular way, or meet related</p>	<ol style="list-style-type: none"> i. Amend cl.29(1) as follows: 'A regional spatial strategy may <u>must</u> incorporate the following from the region's operative natural and built environment plans: <ol style="list-style-type: none"> I. information on the state and characteristics of the <u>regional</u> environment: II. decisions on whether <u>features of the regional environment have identified as having particular distinct</u>

Headline Topic	Clause	Support	Support in part	Oppose	Reason/s	Recommendation
					<p>criteria that are set out in legislation' is ambiguous and consider that it needs to be reframed to avoid interpretive confusion.</p> <p>We were also surprised to note the absence of a parallel requirement to transition existing spatial plans/strategies or equivalent documents into RSSs (e.g. Our City Tomorrow – A Spatial Plan for Wellington, Wellington Regional Growth Framework). Given the time, expense and level of engagement invested in the preparation of these plans/strategies we consider it imperative that they are also recognised in this clause.</p>	<p>characteristics <u>that</u> should be classified in a particular way, or meet related criteria that are set out in legislation'.</p> <p>ii. Either:</p> <p>i. Include a new clause requiring relevant content from existing adopted spatial plans/strategies to be incorporated into RSSs</p> <p>ii. Amend and expand cl.29 to also make provision for relevant content from existing adopted spatial plans/strategies</p>
	cls.22/30 – 35/ Sched.4, cl.2 - 6				<p>Provisions enabling RPCs to exercise flexibility in determining an appropriate process to develop RSSs are broadly supported, particularly the inclusion of key process steps that committees need to satisfy given the wide latitude available to them. We note that the process steps outline the general expectations relating to RSS development and incorporate certain safeguards regarding the level of external input into the process. However, we are concerned that these do not go far enough, particularly given the limited avenues available for local authorities to provide input and the consequential implementation and funding impacts the strategy will have on them and the communities they represent.</p> <p>Specific areas of concern include:</p> <ol style="list-style-type: none"> No formal requirement that RPCs ensure there clear opportunities for local authorities to participate/collaborate in determining the process and developing the content of RSSs – as proposed, the emphasis is only on 'encouraging participation by the public and all interested parties, particularly those who may be involved in implementing the RSS' (cl.32) Discretion as to whether a hearing is held, noting the significant implementation and funding implications of RSSs once they have been adopted (cl.35) Ability to review a draft RSS is only available where a copy has been requested by a local authority at least 3 months prior to its notification (Sched.4, cl.3) Interested parties and the public are only required to be given a 'reasonable opportunity' to provide written submissions on the draft strategy (Sched.4, cl.4) Opportunities for further comment on a draft RSS are only available where a RPC proposes to adopt a RSS that is 'materially different' from that notified, with the extent of this 'proportionate to the significance of the difference' (Sched.4, cl.5) Lack of adequate 'checks and balances' concerning the decision making process, particularly where RPC decisions run counter to the advice/comments received from constituent local authorities on a draft RSS – as proposed, there is limited opportunity for local authorities to provide further comment prior to a 	<ol style="list-style-type: none"> Amend cl.32 as follows: 'The process required by section 30 must be designed to: <u>enable local authorities to collaborate on determining the process to develop a regional spatial strategy and the content of the draft strategy; and</u> encourage participation by the public and all interested parties, particularly those who may be involved in implementing the regional spatial strategy'. Amend cl.35(1) as follows: 'The process required by section 30 may <u>must</u> include hearings'. Amend Sched.4, cl.3(1) as follows: 'A regional planning committee must, at the request of an appointing body, <u>provide the appointing bodies</u> with an opportunity to review a draft regional spatial strategy'. Amend Sched.4, cl.4 as follows: 'A regional planning committee must— make the following documents publicly available: (e) the draft regional spatial strategy; and (f) the associated scenarios and draft evaluation report; and give public notice of where the documents are available; and give <u>local authorities</u>, interested parties and the public a reasonable opportunity to provide written submissions on the draft strategy; <u>and</u> give <u>local authorities, interested parties and the public an opportunity for their submissions on the draft strategy to be heard</u>'. Amend Sched.4, cl.5 as follows: (a) 'This clause applies if— 1. a regional planning committee proposes to adopt a regional spatial strategy that is

Headline Topic	Clause	Support	Support in part	Oppose	Reason/s	Recommendation
Implementation Plans					RPC adopting a RSS and, once adopted, there is no further right of appeal (Sched.4, cl.6)	<p>materially different from the draft notified under clause 4; and</p> <p>2. the difference results from information that was not referred to in the draft evaluation report; <u>or</u></p> <p>3. <u>a regional planning committee proposes to adopt a regional spatial strategy that is materially different from that recommended by appointing bodies.</u></p> <p>(b) The regional planning committee must—</p> <ul style="list-style-type: none"> consider whether it is appropriate to give any persons, or the public generally, an opportunity to comment <u>be heard</u> on the difference; and if so, give those persons, or the public generally, that opportunity in a way that the committee considers is proportionate to the significance of the difference; <u>or</u> <u>give appointing bodies the opportunity to be heard on the difference</u>’.
	cls.46 - 49				Provision for RSSs to be reviewed every 9 years, with further ability for RPCs to review their strategies in the interim in the event of any significant changes in their region, is supported. We note however that determining what constitutes a ‘significant change’ is to be informed by a publicly available policy that is prepared and adopted by RPCs. Given the likelihood that the criteria adopted by committees will be relatively consistent across regions we consider that it would advantageous for these to be co-designed with RPCs and delivered either by way of future regulation or implementation guidance.	<ul style="list-style-type: none"> Collaborate with RPCs to co-design a set of criteria to be applied to determine whether ‘significant change’ has occurred in a region
	cls.52 - 57				<p>Inclusion of provisions relating to the preparation and adoption of mandatory implementation plans to deliver on the priority actions in RSSs is supported. So too are the proposed requirements relating to consultation on their development, including obtaining agreement of those responsible for delivering these actions.</p> <p>We consider that these plans have the potential to play a useful delivery role, particularly as they are required to set out for each priority action:</p> <p>(a) a summary of the key steps that will be taken to deliver the action and who will be responsible for taking them</p> <p>(b) how progress will be monitored and reported on and who will be responsible for it</p> <p>(c) any interdependencies between the action and other priority actions</p> <p>Regardless, we note that these plans and supporting implementation agreements are not legally binding, with the latter being an optional arrangement that can be exercised at the discretion of ‘two or more parties that have a role in delivering a priority action’. Given the crucial function that implementation will play in progressing the strategic direction identified in RSSs and the system outcomes set out in the N&BEB, we are concerned that the absence of adequate measures to ‘lock in’ the delivery of priority actions will seriously undermine the efficacy of these plans and agreements and the key role they are intended to perform in operationalising agreed actions.</p>	<p>1. Include new clause 53(2) as follows:</p> <p><u>‘Where responsibility under the plan to deliver all or part of a priority action involves a local authority, and assumption of responsibility has been formally ratified by elected representatives, the priority action must be given effect to in its long term plan and any other relevant plans or strategies’.</u></p>

Headline Topic	Clause	Support	Support in part	Oppose	Reason/s	Recommendation
System Governance, Decision Making & Funding	Sched.8, cls.2/3/18 N&BEB				<p>Broad provision is made for membership of RPCs, with appointments guided by composition arrangements agreed to by the local authorities and the iwi and hapū committee in the relevant region. Of concern however is the absence of any clear direction/position regarding:</p> <ol style="list-style-type: none"> 1. Local authority composition, particularly proportional membership on RPCs based on the size of the population represented 2. Who can be appointed, with RPC membership potentially extending to include elected members (who have a democratic mandate on behalf of their communities), council officers, independent experts or other parties <p>Given the variability in size and diversity of the populations within a region we strongly consider that membership of RPCs should be proportionate to the population size of each constituent local authority area represented. To do otherwise could potentially lead to inequitable representation around the RPC decision making table and result in misrepresentation of the issues/concerns affecting larger constituent areas. This is further reinforced by the Bill establishing RPCs as autonomous decision makers, with no additional ratification of decisions required by their respective local authorities.</p> <p>Equally, as responsibility for developing RSSs is intended to rest with RPCs we consider that the democratic mandate and corresponding community accountability of elected councillors would be seriously undermined if a lack or inadequate representation of elected local authority members on RPCs eventuated. Ensuring there is effective elected member representation on RPCs is also important given the proposed 'arms length' relationship between the committees and local communities, with this potentially resulting in a planning response that inadequately addresses the competing and conflicting needs, wants and aspirations of distinct communities within a region.</p>	<ol style="list-style-type: none"> (1) Require local authority membership on RPCs to be proportionate to, and based on, the size of the population in each of the constituent local authority areas within the region (2) Review and consider mandating elected members to assume the role of local authority representatives on RPCs
	Sched.8, cl.32 N&BEB				<p>Inclusion of the ability for sub-committees to be established to provide advice to RPCs is supported, particularly as it has the potential to act as a practical and meaningful mechanism to enhance local input into the plan making process. However, we have reservations concerning the effectiveness of this clause as establishment of sub-committees is at the discretion of RPCs rather than mandatory and their intended role and functions is unduly restricted.</p>	<ol style="list-style-type: none"> 1. Consider the mandatory establishment of RPC sub-committees 2. Broaden the role and functions of sub-committees to enable more effective and constructive input into RSS development (eg. draft direction on key matters such as climate change, infrastructure, natural hazards, urban development)
	Sched.8, cls.33/34 N&BEB				<p>Provision for the establishment of a secretariat to support the role and functions of RPCs is broadly supported, noting that the proposed working arrangements appear to have sufficient flexibility to enable regions to determine their own working arrangements within the secretariat and between the RPC, host council and secretariat.</p> <p>However, we have concerns that what is likely to occur in practice is that a number of current local authority planning staff will either be transferred or seconded to secretariats to ensure they have the necessary capacity and capability to undertake their functions. This could, in turn, result in local authorities having insufficient residual resource to fulfil their own plan-making roles, including the development of statements of community/regional environmental outcomes and providing input into NBE plans. It could also mean they struggle to carry out statutory functions like consenting and compliance, monitoring and enforcement.</p>	<ul style="list-style-type: none"> • Obtain a commitment from Central government to either fully fund or cost share funding of local authorities to ensure they have sufficient capacity and capability to continue administering the current RMA system while participating in the development of RSSs

Headline Topic	Clause	Support	Support in part	Oppose	Reason/s	Recommendation
Māori Participation	Sched.8, cl.36/38 N&BEB				<p>Provision is included requiring each local authority in a region to jointly fund and provide resources sufficient to enable the RPC and supporting secretariat to perform or exercise its functions, duties, and powers. However, we are seriously concerned that it is silent on how respective contributions are to be determined, apart from the relevant local authorities' working together in 'good faith' to reach agreement on the overall amount of funding for RPCs along with their individual contributions. This, in turn, could result in some local authorities being unable to afford their funding contribution without a corresponding rates increase.</p> <p>We also have grave concerns that the series of resource management system reforms proposed are accompanied by an 'unfunded mandate' requiring local authorities to implement strategies and plans (eg. regional spatial strategies, implementation plans) over which they have had limited involvement in developing or adopting. This is likely to impose a material, additional burden on local authorities and the communities they represent in the absence of Central government funding support.</p> <p>Similarly, we note provisions are also included that restrict local authorities from directing the use/altering the amount of funding as a potential means of controlling RPC decisions. While the ability to direct the use of RPC funding could be considered to run counter to their independence, due to the direct relationship between the level of funding and a local authority's overall balance sheet we strongly consider it imperative that an increased level of involvement by local authorities in the RPC budget setting process is enabled in the Bill. This could include, for example, the ability to comment on draft budgets and statements of intent.</p>	<ul style="list-style-type: none"> Provide statutory guidance on the process and timeframes for agreeing funding arrangements, including that each local authority's respective contribution should be agreed at the time of composition of RPCs, with this able to be amended from time to time by agreement, or otherwise referred to the Local Government Commission Obtain a commitment from Central government to either fully fund or cost share the funding of RPCs and supporting secretariats and implementation of the proposed system reforms Amend Shed.8, cl.38 N&BEB as follows: <ol style="list-style-type: none"> A regional planning committee must prepare and make publicly available an annual draft statement of intent, including a draft budget, for the next financial year and submit it to the appointing bodies for comment within a time frame agreed by the local authorities The committee must prepare and make publicly available a final statement of intent for that financial year that reflects the budget agreed for the committee and its response to any comments received from appointing bodies
	Sched.8, cl.37 N&BEB				<p>Inclusion of a provision to address any disputes concerning RPC funding contributions is supported, noting that these are to be determined by an independent decision-maker appointed by the Minister. However, as provision is made for the Local Government Commission to play a role in the resolution of RPC composition arrangements (Sched.8, cl.8 N&BEA) we query the need for an alternative 'independent decision-maker' to be appointed in the event of a funding contribution related dispute given the Commission's familiarity and experience in dealing with local government matters.</p> <p>Further, in terms of such disputes we note that it is unclear what process the decision-maker would follow to reach a determination, including whether the relevant local authorities would be provided the opportunity to make submissions in this process.</p>	<ol style="list-style-type: none"> Amend Sched.8, cl.37(1) N&BEB as follows: 'If any dispute exists regarding the amount of funding to be provided to a planning committee, or the share of funding to be provided by each local authority in the region, the committee or any of the local authorities may apply to the Minister for the Environment to appoint a suitably qualified, independent person the Local Government Commission to investigate and resolve the dispute'
	cls.20/25/27/33/37 – 41/54 cls.659/662/663/ N&BEB Sched.8, cl.2 N&BEB				<p>Inclusion of provisions to more effectively integrate te ao Māori and Māori participation into the resource management system, including RSS development, is strongly welcomed and supported. Although not exhaustive, these include:</p> <ol style="list-style-type: none"> Establishment of an independent statutory national Māori entity (cl.659 N&BEB), the primary function of which is to monitor, assess and report on the cumulative effect of the exercise of functions, powers, and duties under N&BE and SP legislation in giving effect to the principles of te Tiriti o Waitangi (cls.662/663 N&BEB) A minimum of 2 Māori representatives appointed onto RPCs (Sched.8, cl.2 N&BEB), with supporting secretariats also requiring 	<ol style="list-style-type: none"> Retain as proposed

Headline Topic	Clause	Support	Support in part	Oppose	Reason/s	Recommendation
					expertise in mātauranga, te ao Māori and Māori engagement to carry out their functions and duties 3. A requirement that statutory acknowledgements are attached and treated as part of RSSs (cl.20) 4. A requirement that RPCs have regard to mātauranga Māori in developing RSSs (cl.25) 5. Provision to recognise and safeguard protected Māori land, including Māori customary and freehold land (cl.27) 6. Provision of avenues to enable increased Māori participation in RSS development, including: a. recognition of Mana Whakahono ā Rohe arrangements (cl.33) b. engagement agreements (cls.37 - 41) c. consultation on implementation plans (cl.54)	

DRAFT

REVOCATION OF THE SPEED LIMITS BYLAW

Kōrero taunaki | Summary of considerations

Purpose

1. This report to Kōrau Tūāpapa | Environment and Infrastructure Committee seeks your approval to revoke Part 6: Speed Limits of the Wellington Consolidated Bylaw 2008 (Speed Limits Bylaw).

Strategic alignment with community wellbeing outcomes and priority areas

Aligns with the following strategies and priority areas:

- Sustainable, natural eco city
- People friendly, compact, safe and accessible capital city
- Innovative, inclusive and creative city
- Dynamic and sustainable economy

Strategic alignment with priority objective areas from Long-term Plan 2021–2031

- Functioning, resilient and reliable three waters infrastructure
- Affordable, resilient and safe place to live
- Safe, resilient and reliable core transport infrastructure network
- Fit-for-purpose community, creative and cultural spaces
- Accelerating zero-carbon and waste-free transition
- Strong partnerships with mana whenua

Relevant Previous decisions

Outline relevant previous decisions that pertain to the decision being considered in this paper.

Significance

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

Financial considerations

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

2. There is no financial or revenue implications from the revocation of the Speed Limits Bylaw.

Risk

- Low Medium High Extreme

3. There is no identified risk associated with the revocation of the Speed Limits Bylaw.

Authors	Shu Huang, Senior Policy Advisor Geoff Lawson, Team Lead, Policy
Authoriser	Siobhan Procter, Chief Infrastructure Officer

Taunakitanga | Officers' Recommendations

Officers recommend that the Kōrau Tūāpapa | Environment and Infrastructure Committee:

- 1) Receive the information
- 2) Agree to recommend to the Council that the Speed Limits Bylaw be revoked.

Whakarāpopoto | Executive Summary

4. The revocation of the by-law is a necessary step to adhere to the new process of setting speed limits nationwide under the new Land Transport Rule: Setting of Speed Limits 2022 (the new Rule) which came into force in May 2022.

Takenga mai | Background

5. The Council sets the speed limits through the Speed Limits Bylaw, which is currently part of the Wellington Consolidated Bylaw 2008.
6. The Speed Limits Bylaw was made pursuant to section 684(13) of the Local Government Act 1974, the Local Government Act 2002 and the Land Transport Rule: Setting of Speed Limits 2003. The Speed Limits Bylaw allows the Council to set speed limits of 10, 20, 30, 40, 50, 60, 70, 80, 90 or 100 km/h in relation to roads or areas under its control in the district.
7. The Government considered that there were substantial problems with the regulatory framework for setting speed limits. The Land Transport Legislation Amendment Act 2020 has established the Register of Land Transport Records, which is intended to be the single source of correct information for certain land transport decisions. Speed limits are the first category of decisions to be included on the register.
8. The Land Transport (Register of Land Transport Records—Speed Limits) Regulations 2022 (Regulations 2022) were made to improve the regulatory framework for speed management, as well as other matters. The new Rule was made by the Minister of Transport to support the implementation of the Regulations 2022.
9. Regulation 13 of the Regulations 2022 provides that a road controlling authority may, at the first available opportunity, revoke the bylaw setting a speed limit after the speed limit applies under a land transport record.

Kōrerorero | Discussion

10. The effect of Regulations 2022 is that the register will indicate the correct applicable speed limit for a road. The Council's speed limit data has been migrated to the National Speed Limit Register (NSLR), which is the first component in the Register of Land Transport Records. Therefore, the speed limits set by the Council has become applicable through the new legal instrument - "land transport record" in the NSLR. This means that the Council's bylaws for speed limits will need to be formally revoked as soon as practicable.
11. New Zealand Transport Agency issued a Guidance on Process to Revoke Speed Limit Bylaws on 9 May 2022. According to the Guidance, the Councils may follow the usual way of revoking the

part of the bylaw that sets speed limits in the Wellington Consolidated Bylaw 2008. That is through the Council's decision on the revocation.

12. If the sole reason for the revocation is because the speed limit has been migrated to the NSLR (that is, a "land transport record" for the speed limit has been created in the NSLR), then there is no requirement to consult under section 156 of the Local Government Act 2002 or section 22AB of the Land Transport Act 1998. This is because of section 168AAA(2) of the Land Transport Act 1998 and regulation 13 of the Regulations 2022.

Kōwhiringa | Options

13. Officers consider that there are only two options on this matter. One is to retain the status quo and one is to revoke the Speed Limits Bylaw. Retaining the status quo would duplicate the regulations, leading to confusion and potential inconsistency. The preferred option is to revoke the bylaw according to regulation 13 of the Regulations 2022, which states that a road controlling authority may, at the first available opportunity, revoke a part of a bylaw setting a speed limit after the speed limit applies under a land transport record.

Whai whakaaro ki ngā whakataunga | Considerations for decision-making

Alignment with Council's strategies and policies

14. Revocation of the Speed Limits Bylaw results from the Government's regulatory framework review to tackle unsafe speed, aiming to improve road safety to reduce the number of deaths and serious injuries on New Zealand roads. It will align with Council's strategy for a people friendly, compact, safe and accessible capital city. It will support our objective for safe, resilient and reliable core transport infrastructure network.

Engagement and Consultation

15. Not applicable as discussed above.

Implications for Māori

16. The new Rule places significant emphasis on Mana Whenua engagement and involvement in the process. The revocation of this by-law and adherence to the new rule will have positive implications for Māori engagement.

Financial implications

17. Not applicable.

Legal considerations

18. Revocation of the Speed Limits Bylaw fulfils the Council's responsibility under regulation 13 of the Regulations 2022.

Risks and mitigations

19. There is low risk as the revocation of the Speed Limits Bylaw has low impact on the Council being able to perform its role as a road control agency. Revocation is a logical step from the Government's regulatory reform.

Disability and accessibility impact

20. Not applicable.

Climate Change impact and considerations

21. The new Rule makes it easier for Road Controlling Authorities to reduce speed limits thereby positively impacting climate change by reducing emissions as well as creating a safer environment for active mode users.

Communications Plan

22. Communication with the public will be conducted through updating our published bylaws and directing readers to the NSLR to find the speed limits.

Health and Safety Impact considered

23. Revocation of the Speed Limits Bylaw results from the Government's regulatory framework review to tackle unsafe speed, aiming to improve road safety to reduce the number of deaths and serious injuries on New Zealand roads.

Ngā mahinga e whai ake nei | Next actions

24. Once the decision has been made to revoke the Speed Limits Bylaw, officers will update our published bylaws to show that Part 6 of the Wellington Consolidated Bylaw 2008 has been revoked. We will also include an explanatory note directing readers to the NSLR to find the speed limits.
25. The Council will retain copies of the bylaws according to our usual legal obligations (including the obligation in clause 2.8(7) of the Setting Speed Limits Rule 2017 to keep speed limit information for seven years)

Attachments

Nil

ACTIONS TRACKING

Kōrero taunaki | Summary of considerations

Purpose

1. This report provides an update on the past actions agreed by the Kōrau Tūāpapa | Environment and Infrastructure Committee, or its equivalent, at its previous meetings.

Strategic alignment with community wellbeing outcomes and priority areas

Aligns with the following strategies and priority areas:

- Sustainable, natural eco city
- People friendly, compact, safe and accessible capital city
- Innovative, inclusive and creative city
- Dynamic and sustainable economy

- Functioning, resilient and reliable three waters infrastructure
- Affordable, resilient and safe place to live
- Safe, resilient and reliable core transport infrastructure network
- Fit-for-purpose community, creative and cultural spaces
- Accelerating zero-carbon and waste-free transition
- Strong partnerships with mana whenua

Strategic alignment with priority objective areas from Long-term Plan 2021–2031

Relevant Previous decisions

Not applicable.

Financial considerations

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

Risk

- Low Medium High Extreme

Authors	Leteicha Lowry, Democracy Advisor Alisi Puloka, Democracy Advisor
Authoriser	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.

Whakarāpopoto | Executive Summary

2. This report lists the dates of previous committee meetings and the items discussed at those meetings.
3. Each clause within the resolution has been considered separately and the following statuses have been assigned:
 - In progress: Resolutions with this status are currently being implemented.
 - Complete: Clauses which have been completed, either by officers subsequent to the meeting, or by the meeting itself (i.e. by receiving or noting information).
4. All actions will be included in the subsequent monthly updates but completed actions will only appear once.

Takenga mai | Background

5. At the 13 May 2021 Council meeting, the recommendations of the Wellington City Council Governance Review were endorsed and agreed to be implemented.
6. On 25 October 2022 through memorandum, the 2022-2025 committee structure chosen by Mayor Tory Whanau was advised. This included establishment of the Kōrau Tūāpapa | Environment and Infrastructure Committee.
7. The Kōrau Tūāpapa | Environment and Infrastructure Committee for the 2022-2025 triennium fulfills the functions of Pūroro Āmua | Planning and Environment Committee and Pūroro Waihanga | Infrastructure Committee of the 2019-2022 triennium.
8. The last meetings of the equivalent committees in the 2019-2022 triennium were held on the following dates:
 - Pūroro Āmua | Planning and Environment Committee – 15 September 2022
 - Pūroro Waihanga | Infrastructure Committee – 24 August 2022
9. The purpose of this report is to ensure that all resolutions are being actioned over time. It does not take the place of performance monitoring or full updates. The committee could resolve to receive a full update report on an item if it wishes.

Kōrerorero | Discussion

10. Of the 23 resolutions of the Kōrau Tūāpapa | Environment and Infrastructure Committee in December 2022:
 - 2 are in progress.
 - 21 are complete.
11. 68 in progress actions have been carried forward from the previous action tracking reports.
12. Further detail is provided in Attachment One.

Attachments

Attachment 1. [Actions Tracking](#)  

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Date	ID	Committee	Title	Clause number	Clause	Status	Comment
Thursday, 24 June 2021	114	Environment and Infrastructure Committee	3.2: Approval of 30-year Spatial Plan	6	Agree that officers will report on the implementation of the Spatial Plan and the supporting Action Plan on an annual basis, or more regularly as required.	In progress	Progress on implementing the Spatial Plan's actions will be reported on in September. Proposed District Plan Hearings will begin February 2023
Thursday, 24 June 2021	115	Environment and Infrastructure Committee	3.2: Approval of 30-year Spatial Plan	14	Agree that Council will seek to get the agreement of Kāinga Ora to develop at least one Specified Development Project through under the Urban Development Act 2020 to facilitate more affordable and sustainable housing.	In progress	Officers are in ongoing conversations with Kāinga Ora about the potential to use the tools provided under the Urban Development Act 2020. There may be potential to use a Specified Development Project as part of the implementation of LGWM. LGWM is continuing to work with Kāinga Ora on a potential SDR. Councillors were updated on this in a LGWM workshop session on Urban Development.
Thursday, 24 June 2021	117	Environment and Infrastructure Committee	3.2: Approval of 30-year Spatial Plan	16	Propose measures to prioritise and significantly increase the rate of realisation of residential and mixed-use development capacity on underutilised sites over the next three, ten and 20 years.	In progress	Many Council workstreams already contribute to encouraging the development of underutilised sites and are focused on the short to medium term (next 3-10 years). The use of further measures has not been assessed at this point but could include targeted engagement with landowners and investigation of financial tools like targeted rates etc.
Thursday, 24 June 2021	119	Environment and Infrastructure Committee	3.2: Approval of 30-year Spatial Plan	29	Request officers report back on the capacity to implement the National Policy Statement on Indigenous Biodiversity once it is released, as well as options for incentivising maintenance of Significant Natural Areas (SNAs), such as a rates rebate on the percentage of private land designated as a Significant Natural Area.	In progress	Consider the implications and options as part of the Backyard Taonga implementation, the District Plan review, SNA incentives development, and the Annual Plan/Long Term Plan funding processes. Awaiting finalisation of the National Policy Statement on Indigenous Biodiversity (NPS-IB) by the Ministry for the Environment.
Thursday, 24 June 2021	120	Environment and Infrastructure Committee	3.2: Approval of 30-year Spatial Plan	31	Support whenua Māori (Māori Land) exemption from national SNA designation under the National Policy Statement on Indigenous Biodiversity.	In progress	Awaiting finalisation of the National Policy Statement on Indigenous Biodiversity (NPS-IB) by the Ministry for the Environment.
Thursday, 24 June 2021	122	Environment and Infrastructure Committee	3.2: Approval of 30-year Spatial Plan	43	Request officers review the provision of open and green space in Johnsonville as part of the District Plan review.	In progress	Analysis of Johnsonville's open space provision has been undertaken as part of the 'Our Capital Spaces' strategy review. A qualitative assessment has been completed and a communications/stakeholder plan is being developed.
Wednesday, 25 August 2021	124	Environment and Infrastructure Committee	3.1 Brooklyn Road Bike Lane Trial	3	Agree that upgraded pedestrian facilities will be investigated as a part of this work.	In progress	A public consultation is planned for early 2023. Change to schedule:
Thursday, 23 September 2021	125	Environment and Infrastructure Committee	2.2 Frank Kitts Car Park and Fale Malae	4	Direct officers to prepare a development plan and report back to Council by June 30 2022, recognising that there is an existing resource consent and commitment in Council's Long-term plan for the Garden of Benevolence (Chinese Garden).	In progress	1 (Purpose and Principles Workshops): May-July: COMPLETE 2 (Design) July – Jan 23: UNDERWAY 3 Public Engagement- New schedule for end of Feb 23 4 Landowner approval decision-June 23
Thursday, 23 September 2021	126	Environment and Infrastructure Committee	2.2 Frank Kitts Car Park and Fale Malae	5	If the recommendation to demolish is agreed to then direct officers to prepare a demolition plan to be reported back to council alongside the development plan by June 2022.	In progress	Draft demolition plan is complete. Demolition plan cost and schedule will not be completed until preferred development option is agreed for Frank Kitts Park in order to inform clear demolition and construction schedule.
Thursday, 23 September 2021	127	Environment and Infrastructure Committee	2.2 Frank Kitts Car Park and Fale Malae	6	Agree that if the Fale Malae project goes ahead on Frank Kitts Park that compensatory open green space will be created elsewhere in the central city which will be designed in line with Water Sensitive Urban Design principles and that the overall objective of the Council's planning work is to significantly increase the amount of green open space overall. Note that part of the Fale Malae will be open space.	In progress	Until final development plan is confirmed this work will not fully progress.
Thursday, 23 September 2021	128	Environment and Infrastructure Committee	2.2 Frank Kitts Car Park and Fale Malae	8	Direct officers to assist the eight businesses connected to the Frank Kitts car park with relocation.	In progress	Further to the meeting held with business owners 9 May 2022, business owners are included in the communications and engagement with updates on progress as required.
Wednesday, 27 October 2021	130	Environment and Infrastructure Committee	2.1 Let's Get Wellington Moving - Golden Mile Single Stage Business Case	5	Require LGWM to engage closely with the local business community on design and delivery implementation to ensure the needs of business are as best as possible met through detailed design of the project.	In progress	Golden Mile project completed six weeks engagement in August 2022. Engagement with businesses, key stakeholders and mana whenua will continue as we progress design and move into construction.
Wednesday, 27 October 2021	131	Environment and Infrastructure Committee	2.1 Let's Get Wellington Moving - Golden Mile Single Stage Business Case	7	Note the funding allocation report will need to explicitly incorporate the loss of parking revenue to Council.	In progress	Noted. This will be included with the funding application.
Wednesday, 27 October 2021	133	Environment and Infrastructure Committee	2.3 Te Whanganui-a-Tara Whaitua Implementation Programme And Te Mahere Wai O Te Kāhui Taiao	2	Note that officers will continue to work with Greater Wellington Regional Council to understand the impact of the Te Whanganui-a-Tara Whaitua Implementation Plan and will report back on implementation to the Committee.	In progress	Report back scheduled for the 2022-25 triennium

Wednesday, 10 November 2021	139	Environment and Infrastructure Committee	2.2 Fossil Fuel Free Central City	4	Agree that officers investigate options for bike libraries and e-bike schemes.	In progress	ReBicycle have received funding through the Climate and Sustainability Fund for a pilot cargo bike library and e-bike conversion scheme . The Environment and Infrastructure committee approved a share e-bike trial on December 8 2022. The trial is due to begin in the next few weeks.
Monday, 11 October 2021	140	Environment and Infrastructure Committee	2.2 Fossil Fuel Free Central City	5	Agree that officers investigate opportunities for low traffic streets in areas outside of the scope of LGWM, in line with Council's strategic vision and within current programmes of work and budgets.	In progress	There is not currently funding for additional or new projects within existing programmes. We are however looking to include low-traffic options in our in-progress projects. For example we are investigating creating public parklets on Blair and Allan St's over the summer.
Monday, 11 October 2021	141	Environment and Infrastructure Committee	2.2 Fossil Fuel Free Central City	7	Agree to open up Dixon Street (Taranaki Street - Victoria Street) as budgeted in the Pōneke Promise and agree to open up Cuba Street (Ghuznee Street - Vivian Street) to people by limiting private vehicle access, for consideration in the LTP 24-34 process.	In progress	Dixon St project is complete. Cuba St business case development is currently on hold due to resource constraints.
Wednesday, 24 November 2021	143	Environment and Infrastructure Committee	3.1 Evans Bay Parade Stage 2 - Greta Point to Cobham Drive	3	Agree to approve the traffic resolution (Attachment 1) and proceed to detailed design and construction, but request officers to do further investigation on creating additional time-limited car parking between Rata Rd and the northern end of the dog exercise area at Cog Park.	In progress	Detail Design is yet to commence and will include "further investigation on creating additional time-limited car parking between Rata Rd and the northern end of the dog exercise area at Cog Park"
Wednesday, 24 November 2021	144	Environment and Infrastructure Committee	3.1 Evans Bay Parade Stage 2 - Greta Point to Cobham Drive	5	Note that Council officers intend to bring a paper to the Pūroro Hātepe Regulatory Processes Committee outlining parking restrictions for the marina and public boat ramp areas. This expenditure is not included in the current budget.	In progress	We are currently undertaking a Parking survey of the marina precinct and environs and will bring a parking resolution back to Committee recommending parking restrictions at the marina later this year.
Thursday, 10 March 2022	145	Environment and Infrastructure Committee	2.4 TR20-22 The Parade, Island Bay - Safety Improvements	3a	Approve the following Traffic Resolution, pursuant to the provisions of the Traffic and Parking Bylaw 2021, TR20-22 The Parade, Island Bay – Safety Improvements (Option C) with traffic resolutions brought to Pūroro Āmua Planning and Environment Committee for decision.	In progress	Implementation of the approved TR is complete. Further TR's presented to Council and approved in September with the final TR scheduled to be presented to Council in December.
Thursday, 10 March 2022	146	Environment and Infrastructure Committee	2.4 TR20-22 The Parade, Island Bay - Safety Improvements	4	Agree that officers in conjunction with ward Councillors start working with the committee of the Island Bay Residents' Association to ensure that relationships are built and that local voices can be heard as any decisions are implemented.	Completed	
Thursday, 14 April 2022	147	Environment and Infrastructure Committee	2.1 Halt roadworks of Riddiford St North	7	Direct officers to require compliance with the agreement that 20 public parks are provided in the Countdown supermarket carpark.	Completed	
Thursday, 14 April 2022	148	Environment and Infrastructure Committee	3.3 Forward Programme	2	Agree to request that Officers bring a report to the Pūroro Āmua Planning and Environment Committee by the end of September 2022 to outline a process to ensure there remains an access road between Strathmore and Moa Point.	Completed	
Thursday, 12 May 2022	149	Environment and Infrastructure Committee	2.2 Let's Get Wellington Moving - City Streets Targeted Improvements Single Stage Business Case	5	Request WCC officers to investigate options to address long-standing significant safety concerns at the Chaytor-Curtis-Rarua intersection.	In progress	The team has done a number of investigations into this intersection. A paper is being prepared to bring to the September P&E to inform Councillors of work done and recommended pathways forward. A paper was presented to Councillors in September which recommended that officers work with the community to develop a business case to bring back to Council in time for an annual plan adjustment. This work is underway.
Thursday, 12 May 2022	153	Environment and Infrastructure Committee	2.4 Wellington Central City Green Network Plan Update	5	Note that officers will continue to work with mana whenua as a part of our partnership and engagements around the Open Space and Recreation Strategy and through the LGWM Iwi Partnership Working Group to ensure that their values and aspirations are incorporated into the delivery of the Green Network Plan objectives and targets	In progress	Ongoing.
Thursday, 12 May 2022	154	Environment and Infrastructure Committee	2.4 Wellington Central City Green Network Plan Update	6	Note that officers are developing a business case as input into the 2024/25-34 LTP.	In progress	Business case development underway There are two parts of this action:
Thursday, 23 June 2022	164	Environment and Infrastructure Committee	2.1 Approval of Proposed District Plan for Public Notification	8	Agree to remove the assisted (affordable) housing chapter from the notified District Plan and instead investigate the use of a targeted rate on land in identified growth areas of the city where additional height has been enabled by the PDP to fund an assisted (affordable) housing fund as part of the wider review of the Rating Policy.	In progress	Remove assisted housing chapter - complete Investigate targeted rate - in progress. This will be considered as part of the rates review that is being undertaken and implemented as part of the 2024-34 long-term plan.

Thursday, 23 June 2022	169	Environment and Infrastructure Committee	2.1 Approval of Proposed District Plan for Public Notification	12	Agree that a 'significant natural areas incentives programme' be considered as part of the 2023/24 Annual Plan, to assist affected landowners with the protection of these ecologically important areas.	In progress	A request summary for the Annual Plan has been prepared by the PSR Planning team for inclusion in the upcoming CILR workshop.
Thursday, 23 June 2022	175	Environment and Infrastructure Committee	2.1 Approval of Proposed District Plan for Public Notification	17	Agree that a 'grey water reuse incentives programme' be considered as part of the 2024-2034 Long Term Plan, to assist affected landowners with the retention and reuse of grey water. This will be done with Wellington Water and Greater Wellington Regional Council and give particular emphasis to Mana Whenua with respect to water reuse.	In progress	Note that this action will be an action for the Strategy and Policy Teams
Thursday, 23 June 2022	177	Environment and Infrastructure Committee	2.1 Approval of Proposed District Plan for Public Notification	19	Request that officers investigate options to incentivise development on underdeveloped land as part of the wider review of the Rating Policy, including land value only rating (as recommended by the Productivity Commission) and a targeted rate on underdeveloped land in the city centre, metropolitan, local and neighbourhood centres.	In progress	Note this is an action for the Strategy and Policy Team
Thursday, 23 June 2022	178	Environment and Infrastructure Committee	2.1 Approval of Proposed District Plan for Public Notification	20	Agree that officers report back early in the new triennium on the short stay accommodation market in Wellington provided by AirBnB and other providers, and the effectiveness of options used here in New Zealand and abroad to manage and/or regulate the short stay accommodation market provided by AirBnB and other providers. Direct officers to progress two parallel work streams (in order to ensure that all reasonably practicable options are available for the Council's consideration of the issue of the disposal of residual waste beyond 2026): a. Continue to investigate and analyse further minimisation and waste disposal options and consultation requirements, reporting to Infrastructure b. Undertake the work to initiate and lodge the necessary resource consent applications to extend the Southern landfill	In progress	Note this is an action for the Strategy and Policy Team
Thursday, 14 October 2021	310	Environment and Infrastructure Committee	3.2 Residual Waste Disposal Options	9	Agree to adopt in principle the draft Waste Minimisation Roadmap, and continue to build on the initiatives and how they will be delivered in co-design with the community.	In progress	One of the landfill (Stage IV) has now been discounted as it was unreasonably practical due to time frame issues. Concentrate on piggy back (smaller) landfill option. a. Completed. b. Progressing - target lodgement in early 2023
Thursday, 14 October 2021	313	Environment and Infrastructure Committee	3.3 Strategic Waste Review Update He Ara, He Para Ihi/A Pathway, Minimal Waste	7	Agree that waste minimisation initiatives will be progressed in parallel with the sludge initiative so they can be quickly implemented and scaled up once the sludge constraint is removed.	In progress	Work with the Council's two partners, and community stakeholders, to develop the actions to be included in the next WCC WMMP Action Plan is currently underway. A Councillor workshop on the outcome of the co-design propose is proposed for November 2022.
Thursday, 14 October 2021	314	Environment and Infrastructure Committee	3.3 Strategic Waste Review Update He Ara, He Para Ihi/A Pathway, Minimal Waste	9	Agree that the Council investigate the development of a proactive strategy for sale and delivery of water tanks enabling increased access at places deemed appropriate such as libraries, service centres, and weekend markets.	In progress	A range of planning related to strategic waste projects, including the development of the new WMMP and business case development to expand Wellington City Resource Recovery network. Related project outputs will be considered by the Council throughout 2022 and 2023
Thursday, 11 November 2021	316	Environment and Infrastructure Committee	2.1 Wellington Water Limited - Community Infrastructure Resilience	2	Agree that officers will progress ongoing co-design and collaboration with mana whenua, key stakeholders and the community between February and October 2022, to refine the waste minimisation initiatives contained in the draft roadmap and to develop a new (draft) WMMP Action Plan and investment plan, with a report to Committee on the progress and outcomes in October 2022	In progress	Deferred until early 2023
Thursday, 9 December 2021	321	Environment and Infrastructure Committee	2.3 Strategic Waste Planning Overview	7	Agree that the Council will work regionally to advance the development of the next Regional Waste Management and Minimisation Plan in 2022/2023, with a Regional WMMP currently scheduled for consultation in 2023.	In progress	Council was updated in August 2022 on the Zero Waste Programme Officers from WCC are working with the officers from the other Councils on a new WMMP. A consultant has been procured to assist with this process. The new WMMP will need to be consulted on in mid 2023 and adopted by October 2023.
Thursday, 9 December 2021	322	Environment and Infrastructure Committee	2.3 Strategic Waste Planning Overview	8	Officers will report back to the Pūrora Waihanga Infrastructure Committee in August 2022 and March 2023 on progress and outcomes in respect to the implementation of the review's recommendations.	In progress	First update shared with Crs through email in Aug 22.
Wednesday, 23 February 2022	324	Environment and Infrastructure Committee	2.1 Wastewater Service Update	2	Agree that ward Councillors approach the Board of Trustees to request the school take steps to help address congestion and safety issues.	Completed	
Wednesday, 27 April 2022	332	Environment and Infrastructure Committee	2.1 Install a signalised crossing system at the Raroa Park/Onslow College pedestrian crossing	2		Completed	

Wednesday, 27 April 2022	333	Environment and Infrastructure Committee	3.1 Land Disposal (Isolation Strips) - Hanson Street Service Lane, Mount Cook	2	<p>a. Declare that an approximately 7.24m² (subject to survey) part of fee simple land adjoining the Hanson Street service lane and being Lot 3 DP 67283, ROT WN36C/236 and part of Part Lot 1 DP 8308, ROT WN379/283 (the Land) is not required for a public work and is surplus to operational requirements.</p> <p>b. Agree to dispose of the Land to the adjoining owner of 25 Hanson Street (Lot 1 DP 358660, ROT 238839), for amalgamation with that property.</p> <p>c. Delegate to the Chief Executive Officer the power to conclude all matters in relation to the disposal of the Land, including all legislative matters, issuing relevant public notices, negotiating the terms of the sale or exchange, imposing any reasonable covenants, and anything else necessary.</p> <p>d. Note that the Land comprises isolation strips that are only 400 Support Officers' recommendation that it is not appropriate to lead community consultation on Three Water reform given:</p> <p>* The Three Waters reforms are being progressed in the form of mandatory national level legislation, and engagement on this reform should be led by Central Government</p> <p>* There are currently four significant issues in front of the community for consultation including Residual Waste, Sludge Minimisation Facility Levy, City Housing and the Economic Wellbeing strategy.</p>	In progress	Currently waiting for WCC Regulatory to issue s223 & 224 certification for the subdivision of one of the isolation strips.
Wednesday, 27 April 2022	334	Environment and Infrastructure Committee	3.3 Three Waters Reform Update	2	<p>Agree to provide information to the community on the Council's position on Three Waters Reform and to promote the opportunity to participate in the select committee consultation process at the appropriate times throughout the Government's programme.</p> <p>* There are currently four significant issues in front of the community for consultation including Residual Waste, Sludge Minimisation Facility Levy, City Housing and the Economic Wellbeing strategy.</p>	Completed	
Wednesday, 27 April 2022	335	Environment and Infrastructure Committee	3.3 Three Waters Reform Update	3	<p>Defer this paper to the next Pūroro Āmua Planning and Environment Committee meeting on 12 May 2022.</p>	Completed	
Wednesday, 27 April 2022	336	Environment and Infrastructure Committee	3.9 Wellington Water 2022/23 & 2023/24 Year Opex Budget Request	1	<p>Defer this paper to the next Pūroro Āmua Planning and Environment Committee meeting on 12 May 2022.</p>	Completed	
Tuesday, 2 August 2022	656	Environment and Infrastructure Committee	2.1 Botanic Garden ki Paekākā to city Hearings	2	<p>Hear the oral submitters and thank them for their submissions.</p>	Completed	
Thursday, 11 August 2022	659	Environment and Infrastructure Committee	3.1 Botanic Garden ki Paekākā to City bike and bus improvements - traffic resolution approval	1	<p>Receives the information</p>	Completed	
Thursday, 11 August 2022	660	Environment and Infrastructure Committee	3.1 Botanic Garden ki Paekākā to City bike and bus improvements - traffic resolution approval	2	<p>Notes the submissions</p> <p>Notes the summary of submissions, and responses to themes and design feedback shown in Attachments 1 and 2</p>	Completed	
Thursday, 11 August 2022	661	Environment and Infrastructure Committee	3.1 Botanic Garden ki Paekākā to City bike and bus improvements - traffic resolution approval	3	<p>Agrees to make the following changes to the traffic resolution:</p> <p>a) Extend bus stop 4313 on the north side of Glenmore Street 2 meters eastwards</p> <p>b) Relocate bus stop 5312 on the south side of Tinakori Road 5 meters westwards</p> <p>c) Agree to the proposed parking zone boundary alterations for Thorndon and Kelburn, in line with officers' recommendations.</p> <p>d) Extend the hours for the downhill shared bus and bike lane on Tinakori Road to 7am-10am Monday to Friday.</p>	In progress	
Thursday, 11 August 2022	662	Environment and Infrastructure Committee	3.1 Botanic Garden ki Paekākā to City bike and bus improvements - traffic resolution approval	4	<p>Adopt the traffic resolution set out in Attachment 3, incorporating the changes set out in recommendation 4</p>	In progress	
Thursday, 11 August 2022	663	Environment and Infrastructure Committee	3.1 Botanic Garden ki Paekākā to City bike and bus improvements - traffic resolution approval	5	<p>Adopt the traffic resolution set out in Attachment 3, incorporating the changes set out in recommendation 4</p>	In progress	

				development of a draft speed management plan using the following default guidance, where considered appropriate: a. a speed limit of 30 km/h for all non-arterial streets; b. a speed limit of 30 km/h for arterial streets within the central city and town centres, near Kohanga Reo, Kura Kaupapa, public housing, schools, suburban shops, kindergartens, playcentres, early childhood education facilities, and where cycling or pedestrian safety warrants slower speeds; c. a speed limit of 40 km/h for all other arterial streets (with exceptions for a few arterial roads, and regional, national, high-volume roads which would remain at 50 km/h); and d. lower speed limits below 30 km/h (e.g., the existing 10 km/h on Cuba Street		
Thursday, 15 September 2022	763	Environment and Infrastructure Committee	2.1 Approach to Speed Management	2	In progress	Work to develop the Draft Speed Management Plan is underway.
Thursday, 15 September 2022	764	Environment and Infrastructure Committee	2.1 Approach to Speed Management	3	Completed	Note that 2 (a-d) this does not apply to the State Highway Network, for which Waka Kotahi is the road controlling authority.
						during the regional consultation process) the Council will engage with the Greater Wellington Regional Council other Road Controlling Authorities in the region and Māori as required by the Rule as well as engage with schools and the Let's Get Wellington Moving team to adjust the approach above considering the importance of: a. a regionally consistent approach; b. the integration with public transport, to understand the likely effects of the proposed speed changes on bus travel times to ensure ongoing effectiveness and efficiency of the bus network; c. the safety of pedestrians and vulnerable road users and look at opportunities for high quality, accessible, grade separated solutions for pedestrians and cyclists especially where there are major roading changes planned. Agree that officers will report the detailed draft Speed Management Plan to Council in advance of wider public consultation as part of the regional process planned to take place in mid-2023.
Thursday, 15 September 2022	765	Environment and Infrastructure Committee	2.1 Approach to Speed Management	4	In progress	
Thursday, 15 September 2022	766	Environment and Infrastructure Committee	2.1 Approach to Speed Management	5	In progress	
						following specific work will be undertaken to come back to Council for further direction: a. Develop options to change the speed limit within the existing lower speed zone in Newtown from 40km/h to 30km/h. b. Develop options to change the speed limit within the existing lower speed zone on Happy Valley Road from 70 km/h to 50 km/h in advance of the proposed Safer Speeds process. c. Develop options for physical works to improve pedestrian safety near pedestrian crossings on Main Road Tawa between the southern end of Redwood Avenue and McLellan Street, acknowledging that the much-needed speed reductions are likely to take longer than previously indicated to the community.
Thursday, 15 September 2022	767	Environment and Infrastructure Committee	2.1 Approach to Speed Management	6	In progress	

Thursday, 15 September 2022	768	Environment and Infrastructure Committee	2.1 Approach to Speed Management	7	Note Council Resolution 8C of 25 August 2022 "Officers to start the process to investigate a 30km/hr speed limit on Shelly Bay Rd between the Miramar cutting and the Shelly Bay development, either through the Speed Management Review process or the standard speed review process, whichever is faster."	In progress
Thursday, 15 September 2022	769	Environment and Infrastructure Committee	2.1 Approach to Speed Management	8	Note that the next Council will consider the feedback from the consultation and make decisions on safe and appropriate speed limits considering feedback from the public.	In progress
Thursday, 15 September 2022	770	Environment and Infrastructure Committee	2.1 Approach to Speed Management	9	Agree that officers will work with mana whenua and Waka Kotahi to implement bilingual Te Reo traffic signs to support this mahi where possible in accordance with the vision of Te Tauhū, Wellington City Council's Te Reo Policy.	In progress
Thursday, 15 September 2022	773	Environment and Infrastructure Committee	2.3 Traffic resolutions Island Bay	2	Approve the following amendments to the Traffic Restrictions, pursuant to the provision of the Traffic and Parking Bylaw 2021: a. TR97-22 – Humber Street, Island Bay – time-restricted parking b. TR99-22 – The Parade (south end) and Reef Street, Island Bay – mobility and time-restricted parking, no stopping lines c. TR100-22 – The Parade, Island Bay – time-restricted parking d. TR170-22 – The Parade, Island Bay – time-restricted parking	Completed
Thursday, 15 September 2022	775	Environment and Infrastructure Committee	2.6 Chaytor Street, Raroa Crescent, Curtis Street Karori - Safety Improvement Options	2	Agree for Council Officers to progress the development of a business case to determine the preferred option to take forward to the 2023 Annual Planning process.	Completed
Thursday, 15 September 2022	776	Environment and Infrastructure Committee	2.6 Chaytor Street, Raroa Crescent, Curtis Street Karori - Safety Improvement Options	3	Agree that this work be funded out of the 2022/23 minor works programme budget which will require deferral of the lowest priority projects to make available the requisite resource and funding capacity. Note officers will work to identify any further minor improvements as part of the business case process by the end of 2022 and look to install these by June 2023.	Completed
Thursday, 15 September 2022	777	Environment and Infrastructure Committee	2.6 Chaytor Street, Raroa Crescent, Curtis Street Karori - Safety Improvement Options	4	Note that through WIAL's 2040 Masterplan and letter from John Howarth, GM Infrastructure and Development at WIAL, WIAL is committed to ensuring public access through Stewart Duff Drive for the foreseeable future, unless it causes operational disruption, safety risks, or if there is a regulatory driver for change	In progress
Thursday, 15 September 2022	781	Environment and Infrastructure Committee	2.4 Future Access Road between Strathmore and Moa Point	3	Agree that Council includes the acquisition and construction of a public road in the 30 Year Infrastructure Strategy for consultation through, and consideration at, the next LTP.	In progress
Thursday, 15 September 2022	782	Environment and Infrastructure Committee	2.4 Future Access Road between Strathmore and Moa Point	4	Note that Council does not currently have available any legal means to require WIAL to provide continued public access across their land.	In progress
Thursday, 15 September 2022	783	Environment and Infrastructure Committee	2.4 Future Access Road between Strathmore and Moa Point	5	Note Officers will continue engaging with WIAL on Stewart Duff Drive, and work towards a solution if public access through this road is restricted as WIAL plan their airport terminal expansion.	In progress
Thursday, 15 September 2022	785	Environment and Infrastructure Committee	2.2 Single Stage Business Case Approval – LGWM	1	Receives the information and Approves the Let's Get Wellington Moving Travel Behaviour Change (TBCH) Single Stage Business Case.	Completed

Thursday, 15 September 2022	786	Environment and Infrastructure Committee	2.2 Single Stage Business Case Approval – LGWM	2	Notes that these initiatives will be mostly delivered through Wellington City Council and Greater Wellington Regional Council	Completed
Thursday, 15 September 2022	787	Environment and Infrastructure Committee	2.2 Single Stage Business Case Approval – LGWM	3	Agrees that work can commence on Packages A and B, excluding off-peak public transport fare subsidies	Completed
Thursday, 15 September 2022	788	Environment and Infrastructure Committee	2.2 Single Stage Business Case Approval – LGWM	4	Notes that the total costs of the recommended package of the Travel Behaviour Change Single Stage Business Case are \$7.272 million over the 2022/23 and 2023/24 financial years. These costs are shared between GWRC (the Asset owner) and Waka Kotahi. WCC's contribution is staff time from existing budgets. The central government share will be sought through Waka Kotahi's funding approval process.	Completed
Thursday, 15 September 2022	789	Environment and Infrastructure Committee	2.2 Single Stage Business Case Approval – LGWM	5	Notes that the total costs of the recommended package of the Travel Behaviour Change Single Stage Business Case are \$52.2 million over 10 years, excluding off-peak public transport fare incentives. Funding for the out years beyond 2024 will be considered as part of the RLTP/NLTP process	Completed
Thursday, 15 September 2022	790	Environment and Infrastructure Committee	2.2 Single Stage Business Case Approval – LGWM	6	Note that other programmes of work undertaken by Waka Kotahi, Wellington City Council and the Greater Wellington Regional Council in terms of mass rapid transit, walking improvements and the construction of city wide bus lanes and cycleways are designed to complement this programme of work	Completed
Thursday, 15 September 2022	791	Environment and Infrastructure Committee	2.2 Single Stage Business Case Approval – LGWM	7	Note that there will be opportunities to look at increasing efforts to scale up travel behaviour change activities as and when regional and government targets relating to emissions reductions evolves.	Completed
Thursday, 15 September 2022	792	Environment and Infrastructure Committee	2.2 Single Stage Business Case Approval – LGWM	8	Note the contribution of WCC staff time is 2.3 FTE, and all other funding will be provided by GWRC/Waka Kotahi.	Completed
Thursday, 15 September 2022	793	Environment and Infrastructure Committee	2.2 Single Stage Business Case Approval – LGWM	9	Request officers to invite GWRC staff to meet with the new Council to share information on measures undertaken to reduce cancellations and ensure the bus service is reliable, affordable and convenient.	Completed
Thursday, 15 September 2022	794	Environment and Infrastructure Committee	2.7 Newtown to City bike and bus improvements - traffic resolution approval	2	Note the submissions	Completed
Thursday, 15 September 2022	796	Environment and Infrastructure Committee	2.7 Newtown to City bike and bus improvements - traffic resolution approval	3	Note the consultation summary report, and responses to design feedback shown in Attachments 1 and 2	Completed
Thursday, 15 September 2022	797	Environment and Infrastructure Committee	2.7 Newtown to City bike and bus improvements - traffic resolution approval	2	Note the submissions	Completed

Thursday, 15 September 2022	798	Environment and Infrastructure Committee	2.7 Newtown to City bike and bus improvements - traffic resolution approval	4	<p>a) Extend the proposed loading zone from 24 metres to 30 metres on Cambridge Terrace, removing one additional metered parking space outside 73 Cambridge</p> <p>PŪRORO ĀMUA PLANNING AND ENVIRONMENT COMMITTEE 15 SEPTEMBER 2022 Minutes of the Pūroro Āmua Planning and Environment Committee 15/09/2022 Page 23 Terrace, to accommodate car transporters</p> <p>b) Relocate the start of the Bus lane on Riddiford Street 50 metres north to improve legibility</p> <p>c) Alter 3 parks on the south side of Mein Street to P10 pick up and drop off 8:30am-9am and 2:45pm-3:15pm Monday – Friday during School terms only, P120 at all other times</p> <p>d) Alter 3 parks on east side of Riddiford Street to P10 pick up and drop off 8:30am-9am</p>	In progress	
Thursday, 15 September 2022	799	Environment and Infrastructure Committee	2.7 Newtown to City bike and bus improvements - traffic resolution approval	5	Agree to proceed with a separate traffic resolution process that seeks to extend bus lane hours on Kent and Cambridge Terraces to 24/7 based on the benefits to bus users and public feedback.	In progress	Traffic resolution to come to Regulatory Processes Committee in April, 2023
Thursday, 15 September 2022	800	Environment and Infrastructure Committee	2.7 Newtown to City bike and bus improvements - traffic resolution approval	6	Adopt the traffic resolution set out in Attachment 3, incorporating the changes set out in recommendation 4.	Completed	
Thursday, 15 September 2022	801	Environment and Infrastructure Committee	2.7 Newtown to City bike and bus improvements - traffic resolution approval	7	Request officers report back to Council on the initial monitoring and evaluation of the impacts of the Newtown to City bike and bus improvements, particularly the economic impacts on businesses within 6 months of installation being complete.	In progress	To be undertaken following installation of route.
Thursday, 15 September 2022	802	Environment and Infrastructure Committee	2.7 Newtown to City bike and bus improvements - traffic resolution approval	9	Request that officers investigate improvements to the bike network that will provide alternatives to the waterfront route.	In progress	Investigations are underway
Thursday, 15 September 2022	803	Environment and Infrastructure Committee	2.7 Newtown to City bike and bus improvements - traffic resolution approval	8	Request officers update Council on the communication and engagement plans regarding how to use and behaviour of the shared bus stops as soon as possible.	Completed	Update provided via email on Sept 23
Thursday, 15 September 2022	804	Environment and Infrastructure Committee	2.7 Newtown to City bike and bus improvements - traffic resolution approval	10	Request that officers work with LGWM to deliver permanent upgrades as soon as practicable to remove the need for shared paths.	In progress	On-going
Thursday, 15 September 2022	805	Environment and Infrastructure Committee	2.7 Newtown to City bike and bus improvements - traffic resolution approval	11	Report back to council on the use of the bus platforms, particularly how they operate in Adelaide Road where they are in more constrained space.	In progress	Waka Kotahi research project underway which will provide robust monitoring and evaluation data of Adelaide Rd bus stop
Thursday, 15 September 2022	806	Environment and Infrastructure Committee	2.7 Newtown to City bike and bus improvements - traffic resolution approval	12	Request officers to continue working with walking and disability groups to refine detailed design concerns raised following installation.	In progress	Officers continuing to work with disability groups
Thursday, 15 September 2022	807	Environment and Infrastructure Committee	2.7 Newtown to City bike and bus improvements - traffic resolution approval	13	Request officers to work further with willing businesses along the route to properly understand what signage might help direct customers to off street and side street parking.	In progress	Officers to work through newly established Newtown Business Group on potential signage improvements
Wednesday, 24 August 2022	809	Environment and Infrastructure Committee	2.1 Public Places Bylaw 2022	2	Agree to the amended Public Places Bylaw 2022 as per Attachment One, with minor edits as tabled at the meeting	Completed	
Wednesday, 24 August 2022	810	Environment and Infrastructure Committee	2.1 Public Places Bylaw 2022	3	Agree to recommend that the Council adopts the new Public Places Bylaw 2022 and, in doing so, revokes Part 5 (Public Places) and Part 10 (Structures in Public Places – Verandahs) of the Wellington City Consolidated Bylaw 2008	Completed	
Wednesday, 24 August 2022	811	Environment and Infrastructure Committee	2.1 Public Places Bylaw 2022	4	Note that the new Public Places Bylaw will be removed from the Wellington City Consolidated Bylaw 2008 to become a standalone bylaw	Completed	

Wednesday, 24 August 2022	812	Environment and Infrastructure Committee	2.1 Public Places Bylaw 2022	5	Authorise the Chief Executive and the Chair or Deputy Chair of the Pūroro Waihanga Infrastructure Committee to make minor changes and edits, as required, to the amended Public Places Bylaw 2022 before its adoption.	Completed	
Wednesday, 24 August 2022	814	Environment and Infrastructure Committee	2.5 Let's Get Wellington Moving - Aotea Quay Roundabout Notification and Traffic Resolution Approva	2	Approve the Let's get Wellington Moving- Aotea Quay Roundabout and associated Traffic Resolutions	Completed	
Wednesday, 24 August 2022	815	Environment and Infrastructure Committee	2.5 Let's Get Wellington Moving - Aotea Quay Roundabout Notification and Traffic Resolution Approva	3	Note Wellington City Council's partner share of costs (49% WCC, 51% Waika Kotahi) to undertake the work in the construction phase starting September 2022	Completed	
Wednesday, 24 August 2022	816	Environment and Infrastructure Committee	2.5 Let's Get Wellington Moving - Aotea Quay Roundabout Notification and Traffic Resolution Approva	4	Request officers investigate options to improve wayfinding signage encouraging pedestrians to use Hutt Road/Thorndon Quay rather than Aotea Quay	In progress	Thorndon Quay, Walking and Cycling Wayfinding will be included close to a Proposed Bus Stop location close to Aotea Quay Overbridge to Ferry Terminal and walking connections from Bunny Street close to Railway Station to Thorndon Quay.
Wednesday, 24 August 2022	817	Environment and Infrastructure Committee	2.5 Let's Get Wellington Moving - Aotea Quay Roundabout Notification and Traffic Resolution Approva	5	Request, as a matter of high priority, officers investigate options to improve the safety of the Aotea Quay pedestrian crossing to the ferry terminal	In progress	Officers will adjust pedestrian ramps for better connection to footpath and further work proposed with National Speed Setting Rule 2022 changes.
Wednesday, 24 August 2022	818	Environment and Infrastructure Committee	2.5 Let's Get Wellington Moving - Aotea Quay Roundabout Notification and Traffic Resolution Approva	6	Note that the speed limits will be reviewed as part of the Speed Management Plan	Completed	
Wednesday, 24 August 2022	819	Environment and Infrastructure Committee	2.5 Let's Get Wellington Moving - Aotea Quay Roundabout Notification and Traffic Resolution Approva	7	Request officers to bring back a traffic circulation report which shows the traffic flow around the city early in the new triennium	In progress	Officers continue to engage with the LGWM partners around the incorporation of low traffic interventions, including a traffic circulation plan. Principles that have been adopted by LGWM.
Wednesday, 24 August 2022	821	Environment and Infrastructure Committee	2.2 Priority Investment Quarterly Report	2	Note that there are nineteen projects within the Priority Investment Report which represent key projects and initiatives that are required to meet our priority objectives from the Long-Term Plan	Completed	
Wednesday, 24 August 2022	822	Environment and Infrastructure Committee	2.2 Priority Investment Quarterly Report	3	Note three new projects were added in the period since March: • Cycleways – Evans Bay Parade Stage 2 • Cycleways - Evans Parade Stage 1 (Part 3) • Zero Waste Programme	Completed	
Wednesday, 24 August 2022	823	Environment and Infrastructure Committee	2.2 Priority Investment Quarterly Report	4	Note three projects have been closed and were removed from the register in July: • Evans Bay Parade Stage 1 (Part 4) Cycleways • Miramar Avenue Cycleway and Intersection Improvements • St James Theatre Strengthening Project	Completed	
Wednesday, 24 August 2022	824	Environment and Infrastructure Committee	2.2 Priority Investment Quarterly Report	5	Note that this report is intended to meet the requirement of the Infrastructure Committee's responsibility to monitor and provide oversight for significant projects within its area of focus.	Completed	
Thursday, 8 December 2022	948	Environment and Infrastructure Committee	2.1 Introductory Speech for Tākai Here Representative	1	Receive the information	Completed	
Thursday, 8 December 2022	949	Environment and Infrastructure Committee	2.1 Introductory Speech for Tākai Here Representative	2	Thank Holden Hohaia for their introductory speech.	Completed	
Thursday, 8 December 2022	950	Environment and Infrastructure Committee	2.2 E-Bike Share Trial Scheme	1	Receive the information	Completed	
Thursday, 8 December 2022	951	Environment and Infrastructure Committee	2.2 E-Bike Share Trial Scheme	2	Agree that the existing e-scooter licences granted to Flamingo and Beam be amended to allow up to 150 e-bikes for each operator to be phased in as demand warrants on a trial basis from 1 January 2023 until the end of the current licence 30 March 2024 or any time that Council chooses.	In progress	
Thursday, 8 December 2022	968	Environment and Infrastructure Committee	2.2 E-Bike Share Trial Scheme	3	Agree that officers will report back to committee on the outcome of the trial late in 2023 to inform any future licence beyond 30 March 2024	In progress	
Thursday, 8 December 2022	969	Environment and Infrastructure Committee	2.3 Zero Waste Strategy	1	Receive the information	Completed	
Thursday, 8 December 2022	973	Environment and Infrastructure Committee	2.3 Zero Waste Strategy	2	Agree to formally consult on the draft Zero Waste Strategy	Completed	
Thursday, 8 December 2022	975	Environment and Infrastructure Committee	2.4 Development of the new Wellington Region WMMP 2023-2029	1	Receive the information	Completed	
Thursday, 8 December 2022	977	Environment and Infrastructure Committee	2.4 Development of the new Wellington Region WMMP 2023-2029	2	Agree to formally proceed with the development of a new Wellington Region Waste Management and Minimisation Plan (2023-2029)	Completed	

Thursday, 8 December 2022	980	Environment and Infrastructure Committee	2.5 2021/22 Capital Carry-forward and Capital Programme Rescheduling	1	Receive the information	Completed	
Thursday, 8 December 2022	981	Environment and Infrastructure Committee	2.5 2021/22 Capital Carry-forward and Capital Programme Rescheduling	2	Note the capital programme underspend for 2021/22, as reported in the draft Annual Report, was \$65.1 million	Completed	
Thursday, 8 December 2022	983	Environment and Infrastructure Committee	2.5 2021/22 Capital Carry-forward and Capital Programme Rescheduling	3	Agree to carry-forward prior year underspends as detailed in the "Carry-forward" ledger of appendix 1 – "Recommended Capital Plan"	Completed	Capital Plan updated in the revised budget. This will be reported against through future Quarterly and Annual Reporting.
Thursday, 8 December 2022	984	Environment and Infrastructure Committee	2.5 2021/22 Capital Carry-forward and Capital Programme Rescheduling	4	Note that the requested carry-forward value is \$52.2 million, not all underspends are required to be carried forward	Completed	
Thursday, 8 December 2022	985	Environment and Infrastructure Committee	2.5 2021/22 Capital Carry-forward and Capital Programme Rescheduling	5	Agree to reprogramme the 2022/23 Annual Plan and future years' budgets as detailed in the "Plan Change" ledger of appendix 1 – "Recommended Capital Plan"	Completed	Capital Plan updated in the revised budget. This will be reported against through future Quarterly and Annual Reporting.
Thursday, 8 December 2022	987	Environment and Infrastructure Committee	2.5 2021/22 Capital Carry-forward and Capital Programme Rescheduling	6	Note that it is intended that 99.3% of the current budget will still be delivered within the remainder of the Long-term Plan period	Completed	
Thursday, 8 December 2022	989	Environment and Infrastructure Committee	2.5 2021/22 Capital Carry-forward and Capital Programme Rescheduling	7	Recommend to Council – Te Kaunihera o Pōneke to agree budget changes as detailed in the "Budget Changes" ledger of appendix 1 – "Recommended Capital Plan"	Completed	
Thursday, 8 December 2022	992	Environment and Infrastructure Committee	2.6 Very High Critical Assets Report	1	Receive the information	Completed	
Thursday, 8 December 2022	994	Environment and Infrastructure Committee	2.7 Forward Programme	1	Receive the information	Completed	
Thursday, 8 December 2022	996	Environment and Infrastructure Committee	2.8 Actions Tracking	1	Receive the information	Completed	
Thursday, 8 December 2022	998	Environment and Infrastructure Committee	3. Public Excluded	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: 3.1 Appointment of District Plan Hearings Commissioners 3.2 Te Kāinga programme update	Completed	
Thursday, 8 December 2022	1000	Environment and Infrastructure Committee	3. Public Excluded	2	2. Note that, following the meeting, the information that can be released pertaining to the resolutions will be made publicly available for the following items: a) 3.1 Appointment of District Plan Hearings Commissioners b) b. 3.2 Te Kāinga programme update	Completed	
Thursday, 8 December 2022	1003	Environment and Infrastructure Committee	3.1 Appointment of District Plan Hearings Commissioners		All clauses	Completed	
Thursday, 8 December 2022	1015	Environment and Infrastructure Committee	3.2 Te Kāinga programme update		All clauses	Completed	

FORWARD PROGRAMME

Kōrero taunaki | Summary of considerations

Purpose

1. This report provides the Forward Programme for the Kōrau Tūāpapa | Environment and Infrastructure Committee for the next two meetings.

Strategic alignment with community wellbeing outcomes and priority areas

Aligns with the following strategies and priority areas:

- Sustainable, natural eco city
- People friendly, compact, safe and accessible capital city
- Innovative, inclusive and creative city
- Dynamic and sustainable economy

- Functioning, resilient and reliable three waters infrastructure
- Affordable, resilient and safe place to live
- Safe, resilient and reliable core transport infrastructure network
- Fit-for-purpose community, creative and cultural spaces
- Accelerating zero-carbon and waste-free transition
- Strong partnerships with mana whenua

Strategic alignment with priority objective areas from Long-term Plan 2021–2031

Relevant Previous decisions

Not applicable.

Financial considerations

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

Risk

- Low Medium High Extreme

Authors	Leteicha Lowry, Democracy Advisor Alisi Puloka, Democracy Advisor
Authoriser	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.

Whakarāpopoto | Executive Summary

2. The Forward Programme sets out the reports planned for the Kōrau Tūāpapa | Environment and Infrastructure Committee meetings in the next two meetings that require committee consideration.
3. The Forward Programme is a working document and is subject to change on a regular basis.

Kōrerorero | Discussion

4. Thursday 16 March 2023:
 - Priority Investment Report (Chief Infrastructure Officer)
 - Update on response to slips (Chief Infrastructure Officer)
 - Zero Waste Strategy (Chief Infrastructure Officer)
5. Thursday 27 April 2023:
 - Te Kāinga programme update (Chief Planning Officer)
 - Approval for consultation on the draft Biodiversity Strategy (Chief Customer and Community Officer)
 - Housing Action Plan 2023-25 (Chief Planning Officer)
 - Tukuihotanga Cultural heritage Strategy (Chief Planning Officer)
 - Draft Community Climate Adaptation Roadmap - public consultation (Chief Infrastructure Officer)

Attachments

Nil