



10 February 2025

Committee Secretariat  
Environmental Committee  
Parliament Buildings  
Wellington

Tēnā koutou

**Submission by Hutt City Council on the Resource Management (Consenting and Other System Changes) Amendment Bill**

Hutt City Council (HCC) welcomes the opportunity to provide feedback on the Resource Management (Consenting and Other System Changes) Amendment Bill.

Attached is a table of HCCs submission points on the Bill. HCCs key submission points are summarised as follows:

1. The proposed changes to streamline consent processing are supported.
2. The proposed changes to strengthen compliance and enforcement powers and penalties are supported.
3. In relation to the change to make natural hazards rules have immediate legal effect when a proposed plan is notified: it is essential that there is clear direction that plans that have been notified prior to commencement of the legislation are not subject to this clause i.e. If a proposed plan is notified prior to commencement then the natural hazard rules do not have legal effect upon commencement. This is an important clarification that is required to maintain the integrity of plan change processes that are underway, and to avoid significant issues of uncertainty, confusion, delay and additional cost for landowners, developers and local authorities.
4. HCC supports the changes that enable councils to opt out of the Medium Density Residential Standards (MDRS) if they can demonstrate 30 years of housing growth capacity. However, in supporting these changes HCC also

makes the following compelling points, and requests that these be acknowledged and considered in future decisions that have an impact on Lower Hutt:

- In 2021 the government made the implementation of the MDRS a mandatory requirement for all for tier one councils such as HCC (this was a jointly endorsed directive by both the national and labour parties).
- HCC was one of the first councils in New Zealand to implement this requirement through Plan Change 56. Plan Change 56 came into effect in 2023. The costs of implementing the MRDS through Plan Change 56 were around \$800,000.
- In order to implement the MDRS, HCC had to pause the full review of its District Plan which it had commenced in 2019. A key focus of this review was to ensure that HCC was taking a well-planned approach to enabling housing intensification in Lower Hutt.
- The changes by central government from 2021 to 2025 on the application of the MDRS has only served to slow housing delivery in Lower Hutt, at significant additional public cost for the city's ratepayers, as well as causing significant additional concerns and uncertainty for all residents, landowners and business in Lower Hutt.

In addition to the above key submission points there are also some minor technical points intended to improve the clarity and implementation of the new legislation.

HCC would not like to be heard in support of its submission.

Ngā mihi



**Andrea Blackshaw**

Tumu Whakarae

Acting Chief Executive

## Table of Submission Points

Provision	Feedback and changes sought
Renewable energy and infrastructure Clause 42 / s123B & Clause 43 / s125	<b>Support</b> amendments extending duration and lapse date of consents – no changes sought.
Information requirements for notices of requirement Clauses 49-53 / ss168, 168A, 171, 184, 184A	<b>Support</b> amendments which clarify the information requirements for NoRs, and which emphasise proportionality, but recommend further guidance be provided on proportionality.
New defined terms “long-lived infrastructure” and “specified energy activity” Clause 4 of bill / section 2 of RMA	<p><b>Neutral</b> but recommend definitions are tightened up.</p> <p>“Long-lived infrastructure definition” as currently defined is not limited to “infrastructure” but could potentially encompass private facilities such as internal driveways or private water or gas connections.</p> <p>“Renewable energy” as defined currently in the RMA would encompass small-scale roof-top solar panels. It may not be necessary or desirable to define a duration for consents for these smaller, domestic scale activities.</p>
Streamline consent processing Clause 28 / s88 Clause 30 / s92 Clause 32 / s92AA Clause 34 / s100 Clause 38 / s107G	<b>Overall support</b> for these changes with additional comment relating to the new process for reviewing draft consent conditions prior to deciding applications (s107G (4)). This clause limits the consent authority to only be able to have regard to comments which cover technical or minor matters. This is considered unnecessary and could negate many of the benefits of

	introducing this new process. Recommend this clause be deleted.
<p>MDRS  Clause 17 / s77FA and s77FB</p> <p>Streamlined Planning Process  Clauses 83 to 86 in Schedule 1</p>	<p><b>Support</b> with additional technical comment relating to clauses 83 to 86 in Schedule 1 set out the SPP processes. These sit under a heading “Process for approval of proposed planning instrument”, which is not subject to amendment. Unless this heading is amended, or suitable wording is added, then clauses 83 to 86 could be read as applying to any proposed planning instrument (i.e. any plan change).</p>
<p>Monitoring and enforcement  Clause 10 / s36  Clause 36 / s104  Clause 39 / s108  Clause 45 / s128  Clause 39 / s314A  Clause 60 / s322  Clause 61 / s 327  Clause 65 / s339  Clause 66 / s342A</p>	<p><b>Overall support</b> for these changes with additional comment that the legislation needs to ensure that compliance history follows company directors and owners (to address potential issue where the new compliance provisions can be circumvented by changing company names).</p>
<p>Immediate legal effect for natural hazards rules in proposed plans  Clause 25 / s86B  Clause 81 / s59 of schedule 12</p>	<p><b>Neutral</b> but important that the following matters are clarified in the legislation:</p> <p>Clause 25 states that, “...rules relating to natural hazards to have immediate legal effect...”. The term “relating to” is too broad and there needs to be a clear definition of which rules this clause should apply to.</p> <p>Clause 81 does not specify how it relates to plans that have been notified prior to commencement of the bill. This must be clarified to explicitly state that plans that have been notified prior to commencement <u>are not subject to this clause</u> i.e. If a proposed plan is notified prior to commencement then the <u>natural hazard rules do not have legal effect upon</u></p>

	<p><u>commencement</u>. This is an important clarification that is required to maintain the integrity of plan change processes that are underway, and to avoid significant issues of uncertainty, confusion, delay and additional cost for landowners, developers and local authorities.</p>
<p>Ability to refuse land use consents based on risk from natural hazards Clause 37 / s106A</p>	<p><b>Support</b> – no changes sought.</p>