Summary of Underpinning Analysis: Resource Management (Wellington District Plan Modification) Regulations 2026

Agency responsible	Ministry for Cities, Environment, Regions and Transport
Portfolio	RMA Reform
Date finalised	13 October 2026
Identification number	RIA Online ID-2379

Note: This Summary of Underpinning Analysis is accompanied by an exemption for a Regulatory Impact Statement (RIS) that was finalised in August 2026. The RIS exemption includes a more detailed assessment of the expected regulatory impacts.

Good law-making: 9(i)

The importance of consulting, to the extent that is reasonably practicable, the persons or representatives of the persons that the responsible agency considers will be directly and materially affected by the legislation	
Inconsistency identified?	NO

Summary of agency analysis

An investigation into specified provisions in the Wellington City District Plan was initiated under section 360I of the Resource Management Act 1991 (RMA) following a request from the Mayor and Deputy Mayor of Wellington. The investigation report concluded that several heritage-related provisions were negatively impacting economic growth or employment and recommended amendments to those provisions.

As required by s360L of the RMA, consultation on the investigation report was undertaken on parties that are likely to be affected by the changes. This consultation included emails directly from MCERT that were sent to specified parties in Wellington who were identified as potentially being affected by the changes; directing these parties to provide feedback through Citizen Space, where public consultation was also being undertaken over a period of 10 working days. This was undertaken in July 2026, and a total of 162 submissions were received, expressing a range of views with submitters commenting on heritage values, development outcomes, and opportunities for adaptive reuse.

As required under s360K of the RMA the investigation report was provided to Wellington City Council who were given 20 working days to provide a written response. A response was provided which supported the proposed changes.

Consultation was undertaken with affected parties and the relevant local authority before final decisions were made. The number and diversity of submissions received indicate that affected persons were given an opportunity to provide feedback. Accordingly, we consider that consultation was more than sufficient to meet the standards of the Regulatory Standards Act 2025.

Good law-making: 9(j)

The importance of carefully evaluating—

- **the issue concerned; and**
- **the effectiveness of any relevant existing legislation and common law; and**
- **whether the public interest requires that the issue be addressed; and**
- **any options (including non-legislative options) that are reasonably available for addressing the issue; and**
- **who is likely to benefit, and who is likely to suffer a detriment, from the legislation**

Inconsistency identified?	NO

Summary of agency analysis

The Wellington investigation was initiated following a request from the Mayor and Deputy Mayor of Wellington. The investigation identified specific heritage provisions that were considered to be negatively affecting economic growth, development capacity, and employment, supported by economic analysis quantifying impacts on housing capacity, employment opportunities, and infrastructure costs.

The investigation considered the effects of the existing provisions on a site-by-site basis and recommended different outcomes for different locations, including a decision not to proceed with removing the heritage listing from the General Headquarters Building. Public consultation received 162 submissions from individuals, organisations, and a Māori interest group, and the Wellington City Council (WCC) supported the recommendations.

Given the targeted nature of the amendments, the economic analysis undertaken, consideration of alternative outcomes for individual sites, and assessment of impacts through consultation, the process demonstrates careful evaluation of the problem, the available options, and the impacts of the proposed changes. Accordingly, the process is considered consistent with this principle.

Good law-making: 9(k)

The importance of the responsible agency identifying and developing effective arrangements for implementing the legislation	
Inconsistency identified?	NOT APPLICABLE
Summary of agency analysis	

Good law-making: 9(l)

Legislation should be expected to produce benefits that exceed the costs of the legislation to the public or persons	
Inconsistency identified?	NO
Summary of agency analysis	

The investigation report identified significant potential economic benefits from removing the specified heritage provisions, including up to 550 additional dwellings, more than $200 million in construction activity, approximately $120 million in GDP, and support for around 1,100 jobs. The report also identified further employment and economic activity benefits from redevelopment opportunities at other sites

While some heritage and amenity values could not be quantified, the investigation concluded that the existing provisions were constraining economic growth, development capacity, and employment. Given the scale of the anticipated economic benefits and the relatively minor costs associated with implementing the amendments, the expected benefits are likely to exceed the expected costs. Accordingly, the investigation is considered consistent with this principle.

Good law-making: 9(m)

Legislation should be the most effective, efficient, and proportionate response to the issue concerned that is available	
Inconsistency identified?	NO
Summary of agency analysis	

Due to the addition of s80P ‘plan stop’ to the RMA, as well as government direction to councils to stop undertaking plan changes during the transition period, there is currently no clear path to modifying district plan provisions. The proposed amendments meet the s360I criteria for regulation making. They are also targeted enough that all consultation and investigation undertaken by MCERT officials is considered proportionate to the scale of the amendments.

Rule of Law: 9(a)(i)

The law should be clear and accessible	
Inconsistency identified?	NO
Summary of agency analysis	

The amendments will be notified in the Gazette. The provisions will also be shared with WCC prior to implementation to ensure that the provisions are clear and consistent with the remainder of the existing District Plan.

Rule of Law: 9(a)(ii)

The law should not adversely affect rights and liberties, or impose obligations, retrospectively	
Inconsistency identified?	NO
Summary of agency analysis	

The amended provisions do not impose any retrospective obligations on landowners, as they are being implemented to reduce consenting constraints, enable additional development opportunities, and improve infrastructure flexibility. Accordingly, the amendments do not impact the rights or liberties of any landowner or resident.

Rule of Law: 9(a)(iii)

Every person is equal before the law	
Inconsistency identified?	NOT APPLICABLE
Summary of agency analysis	

Rule of Law: 9(a)(iv)

There should be an independent impartial judiciary	
Inconsistency identified?	NOT APPLICABLE
Summary of agency analysis	

Rule of Law: 9(a)(v)

Issues of legal right and liability should be resolved by the application of law, rather than the exercise of administrative discretion	
Inconsistency identified?	NOT APPLICABLE

Summary of agency analysis

Liberties: 9(b)

Legislation should not unduly diminish a person's liberty, personal security, freedom of choice or action, or rights to own, use, and dispose of property, except as is necessary to provide for, or protect, any such liberty, freedom, or right of another person	
Inconsistency identified?	NOT APPLICABLE
Summary of agency analysis	

Taking of property: 9(c)

Legislation should not take or severely impair, or authorise the taking or severe impairment of, property without the consent of the owner unless- • there is a good justification for the taking or severe impairment; and • fair compensation for the taking or severe impairment is provided to the owner; and • the compensation is provided, to the extent practicable, by or on behalf of the persons who obtain the benefit of the taking or severe impairment	
Inconsistency identified?	NOT APPLICABLE
Summary of agency analysis	

Taxes, fees and levies: 9(d)

The importance of maintaining consistency with section 22(a) of the Constitution Act 1996 (Parliamentary control of taxation)	
Inconsistency identified?	NOT APPLICABLE
Summary of agency analysis	

Taxes, fees and levies: 9(e)

Legislation should impose, or authorise the imposition of, a fee for goods or services only if the amount of the fee bears a proper relation to the cost of providing the good or service to which it relates	
Inconsistency identified?	NOT APPLICABLE
Summary of agency analysis	

Taxes, fees and levies: 9(f)

Legislation should impose, or authorise the imposition of, a levy to fund an objective or a function only if the amount of the levy is reasonable in relation to both— • **the benefits that the class of payers is likely to derive, or the risks attributable to the class, in connection with the objective or function; and** • **the costs of efficiently achieving the objective or providing the function**	
Inconsistency identified?	NOT APPLICABLE
Summary of agency analysis	

Role of courts: 9(g)

Legislation should preserve the courts' constitutional role of ascertaining the meaning of legislation	
Inconsistency identified?	NOT APPLICABLE
Summary of agency analysis	

Role of courts: 9(h)

Legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review	
Inconsistency identified?	NOT APPLICABLE
Summary of agency analysis	

Additional information

Relevant publicly available inquiry, review, or evaluation reports

Investigation Report - Report of investigation of Wellington City District Plan heritage provisions - RMA Sections 360I–360L | Ministry for the Environment

Relevant international treaties, standards and obligations

N/A

Departures from the Legislation Guidelines

N/A

Other unusual provisions or features

N/A