



COUNCIL

AGENDA

Extraordinary Meeting to be held

THURSDAY 6 DECEMBER 2018

10.00AM

In the Manawatū District Council Chambers,
135 Manchester Street, Feilding

A handwritten signature in black ink that reads "R.G. Templer".

Dr Richard Templer
Chief Executive

MEMBERSHIP

Chairperson

Her Worship the Mayor, Helen Worboys

Deputy Chairperson

Deputy Mayor, Michael Ford

Members

Councillor Steve Bielski
Councillor Stuart Campbell
Councillor Barbara Cameron
Councillor Shane Casey
Councillor Hilary Humphrey
Councillor Phil Marsh
Councillor Andrew Quarrie
Councillor Alison Short
Councillor Howard Voss

ORDER OF BUSINESS

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1. MEETING OPENING	
2. APOLOGIES	
3. DECLARATIONS OF INTEREST	
Notification from elected members of:	
3.1 Any interests that may create a conflict with their role as an elected member relating to the items of business for this meeting; and	
3.2 Any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968	
4. OFFICER REPORTS	
4.1 HEARING PANELS FOR NZTA NOTICE OF REQUIREMENT FOR TE AHU A TURANGA – MANAWATU TARARUA HIGHWAY	4
Report of the General Manager – Corporate and Regulatory dated 28 November 2018.	
5. MEETING CLOSURE	

Council

Meeting of 06 December 2018

Business Unit: Corporate and Regulatory
Date Created: 28 November 2018

Hearing Panels for the NZTA Notice of Requirement for Te Ahu a Tūranga – Manawatū Tararua Highway.

Purpose

To approve the membership and processes for operation of the Hearing Panels for the NZTA Notice of Requirement for Te Ahu a Tūranga – Manawatū Tararua Highway.

Significance of Decision

The Council's Significance and Engagement policy is not triggered by matters discussed in this report.

Recommendations

1. That the Notice of Requirement and any related applications made by the New Zealand Transport Agency (NZTA) to the Palmerston North City Council, the Manawatū District Council and the Tararua District Council, with regard to Te Ahu a Tūranga – Manawatū Tararua Highway connecting the Manawatū-Whanganui and Wairarapa/Hawkes's Bay areas, be processed jointly by those councils, with any hearings and any decisions or recommendations to be held or made jointly by a panel of commissioners appointed and assigned for this purpose.
2. That the responsibilities given and powers delegated to the commissioners appointed and assigned pursuant to these resolutions include (i) the consideration, hearing and making recommendations to the NZTA on the Notice of Requirement, (ii) the consideration of any outline plan(s) lodged by NZTA under section 176A of the Resource Management Act 1991 and requesting changes to those plan(s), and (iii) the consideration, hearing and determination of any applications made by NZTA for resource consent. These powers also include, in each case, the power to require further information to be provided.
3. That the commissioners appointed include lawyers Chris Mitchell and Paul Rogers, planners David McMahon, Gina Sweetman and Rob van Voorthuysen, engineers Judith Makinson and David Mitchell, and tikanga Māori experts Liz Burge and Reg Proffit.
4. That the panel of commissioners to consider the Notice of Requirement and any related application be assigned from the persons named in resolution 3 above, so that each panel comprises at least one lawyer or planner, one engineer and one tikanga Māori expert, noting that the panel need not comprise the same persons for the Notice of Requirement and any separate application.
5. That the assignment of commissioners be made by the unanimous agreement of the General Manager Strategy and Planning for Palmerston North City Council, the General Manager

Community and Strategy for Manawatū District Council and the Manager Regulatory Services for Tararua District Council, the powers of assignment to include specifying the commissioner to be chair and to make any replacements or alterations to the commissioners assigned should that be necessary.

6. That decisions of each panel be supported by a majority of members, with the chair having both a deliberative and casting vote if the panel is otherwise unable to reach a decision.

Report prepared by:
Allie Dunn
Governance Team Leader

Approved for submission by:
Shayne Harris
General Manager - Corporate and Regulatory

1 Contribution to the Council Vision and Council Outcomes

- 1.1 Relationship to the Council Outcomes that underpin the Council’s Vision:

Connected, vibrant and thriving Manawatū District – the best lifestyle in New Zealand

Manawatū District protects the natural environment through stewardship of the District’s natural and physical resources.	Manawatū District attracts and retains residents and businesses.	Manawatū District develops a broad economic base from its solid foundation in the primary sector.	Manawatū District is connected via quality infrastructure, services and technology.	Manawatū District’s built environment is safe, resilient and attractive.	Manawatū District Council is a customer-focussed and efficient organisation.
✓	✓	✓	✓	✓	✓

2 Background

- 2.1 The New Zealand Transport agency seeks to designate land to accommodate a new state highway connection to replace the closed SH3 Manawatū route.
- 2.2 This corridor crosses the Ruahine Ranges immediately north of the Manawatū Gorge and south of the Saddle Road.
- 2.3 The new 11.5km long road will include roundabout connections with State Highway 57 south of Ashhurst and with State Highway 3 west of Woodville. The road will have two lanes in each direction over the majority of the route, separated by a median strip. There will be a new bridge crossing the Manawatū River, a number of structures crossing unnamed streams, and property access underpasses.
- 2.4 Palmerston North City Council, Manawatū District Council and Tararua District Council are publicly notifying the Notice of Requirement and inviting submissions under Section 169(1) of the Resource Management Act 1991.

3 Discussion and Options considered

- 3.1 As part of the designation process, there will be the need to hold hearings.
- 3.2 A number of commissioners are being appointed from which the panel of commissioners NZTA Notice of Requirement Hearing Panels for Te Ahu a Turanga: Manawatū Tararua Highway project will be assigned. Each panel assigned would comprise at least one lawyer or planner, one engineer and one tikanga Māori expert.
- 3.3 Palmerston North City Council, Manawatū District Council and Tararua District Council are all asked to approve the recommendations that will address the scope of powers for the Hearing Panel and their appointment.
- 3.4 These powers include delegating authority for the Notice of Requirement and any related applications made by the New Zealand Transport Agency to the Palmerston North City Council, the Manawatū District Council and the Tararua District Council, with regard to Te Ahu a Tūranga, to be processed jointly and for any hearings and any decisions or recommendations to be held or made jointly by the appointed panel of commissioners.
- 3.5 The recommendations set out the responsibilities to be given and the powers to be delegated to the commissioners under section 176A of the Resource Management Act 1991.
- 3.6 Appended to this report are profiles of each of the Commissioners that have been appointed for the Hearing Panels for the NZTA Notice of Requirement for Te Ahu a Tūranga – Manawatū Tararua Highway.

4 Operational Implications

- 4.1 There are no capital / operating expenditure implications or maintenance costs associated with this paper.

5 Financial implications

- 5.1 There are no financial implications associated with this paper.

6 Statutory Requirements

- 6.1 Clause 32 of Schedule 7 of the Local Government Act 2002 sets out the power for Council to delegate to a committee or other subordinate decision making body, member or officer of the Council. These delegation powers are in addition to any power of delegation a Council has under any other enactment.
- 6.2 Section 34 of the Resource Management Act 1991 sets out the power for Council to delegate any of its functions, powers or duties under that Act to a committee of the Council.
- 6.3 Section 34A of the Resource Management Act 1991 sets out the power for Council to delegate to an employee or a hearings commissioner any functions, powers or duties under that Act except for:
- The approval of a proposed policy statement or plan under clause 17 of Schedule 1; and
 - The power of delegation.

7 Delegations

7.1 The Council has the authority to delegate any of its responsibilities, duties or powers, except:

- The power to make a rate; or
- the power to make a bylaw; or
- the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or
- the power to adopt a long-term plan, annual plan, or annual report; or
- the power to appoint a chief executive; or
- the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement; or
- the power to adopt a remuneration and employment policy.

8 Consultation

8.1 There are no community consultation requirements associated with this paper.

9 Cultural Considerations

9.1 There are no cultural considerations associated with this paper.

10 Conclusion

10.1 To effectively operate, the appointed Hearing Panel for the NZTA Notice of Requirement for Te Ahu a Turanga: Manawatū Tararua Highway project require authority to be delegated to allow joint processing of the Notice of Requirement and any related applications, along with any hearings and any decisions or recommendations to be held or made jointly by the appointed panel of commissioners.

11 Attachments

- NZTA Notice of Requirement Hearing Panel for Te Ahu a Turanga: Manawatū Tararua Highway project – Commissioner Profiles

COMMISSIONER PROFILES

PAUL ROGERS

Paul is a specialist resource management lawyer and senior partner in the specialist environmental law practice, Adderley Head, based in Christchurch. He is a certified Independent Hearings Commissioner with Chair's endorsement accreditation to 30 June 2023. He is frequently appointed as the chair of independent commissioner panels and councillor panels to hear and determine complex and challenging resource consent applications and plan changes, including a number in the lower North Island. Paul is an excellent communicator and is adept at ensuring those who are unfamiliar with RMA processes, and hearings in particular, have a fair opportunity to have their say. His skill sets also enable him to be recognised by the participants within the hearing process as being independent and fair to all. He also has the skills to identify the critical issues in contention and deliver, in a timely manner, a reasoned, robust and defensible decision.

CHRIS MITCHELL

Chris is a resource management lawyer and the principal of Mitchell Law, a public and resource management law firm specialist based in Waikanae. He is a certified Independent Hearings Commissioner with a Chair's endorsement accreditation which he has held since 2009. He has undertaken around 50 hearings, most of which he has undertaken as the chair. Most of these have been in the lower North Island. Chris has chaired the hearing of submissions to a major plan change to the Tararua District Plan and has also recently finished chairing the hearing of submissions on the full review of the Palmerston North District Plan, which began in 2011.

DAVID McMAHON

David is the Practice Manager/Director of the ResourceManagementGroup(RMG) based in Wellington. He is a planner with over 30 years' experience in Urban and Environmental Planning. David has been appointed to four EPA Boards of Inquiry, racking up nearly 2-years' worth of project time on those proposals since 2011 – more than any other Board Member appointed since the inception of the EPA in 2009. He has sat as an Independent Commissioner on dozens of Local and Regional Council Hearings, ranging from site-specific resource consent applications, to major infrastructure (including arterial roading) projects and full Regional and District Plan reviews. David has a reputation as being a valuable member of any hearing panel dealing with complex consenting matters associated with large roading projects. His expertise and knowledge in matters such as designations, planning/statutory process, condition formulation and effects assessment are essential in such hearing situations, panel deliberations and decision writing. As a generalist, David's skill sets invariably complement other panel members.

GINA SWEETMAN

Gina is the principal planner of Sweetman Planning Services based in Wellington. She has had a wide range of management, planning and policy experience, having worked for over twenty-five years in local government, central government and private practice. She has a strong knowledge of all aspects of Resource Management Act (RMA), and wider natural resources planning in New Zealand, with particular strengths in policy analysis and advice, statutory planning and Māori planning issues. She is

an accredited and experienced RMA Hearings Commissioner (Chair endorsed) and has sat on numerous hearings as both the chair and as a panel member. The breadth of hearings range from the Environment Canterbury Regional Policy Statement to more simple resource consents, for both regional councils and territorial authorities. For the last five years Gina has been facilitator for the five councils implementing the Transmission Gully notice of requirement, which has provided her with a very good insight into relevant matters that need to be addressed through a notice of requirement process and recommendations in respect of a major roading project. She also has particular expertise and experience in Te Ao Māori.

ROB VAN VOORTHUYSEN

Rob is an environmental planner with qualifications in agricultural engineering and public policy. He has been the Director of van Voorthuysen Environmental Limited since July 2008, a company based in Napier. Rob has acted as an Independent Commissioner in over 265 hearings and has served as Chairperson for over 180 of them. He has acted for more than twenty regional and territorial authorities throughout NZ. Rob specialises in regional council policy analysis and planning matters and has acted (or is currently acting) as a commissioner on hearings for regional policy statements and regional plans, including Horizons Regional Council's One Plan.

REG PROFFIT

Reg is a resource and environmental planner with a particular expertise and background in Te Ao Māori. He is the Chair of Papa Pounamu, the New Zealand Planning Institute's Special Interest Group focused on facilitating greater involvement of Maori in planning and creating greater awareness and recognition of Maori cultural values in planning. He is the Gisborne District Council's Consents Manager and a Certified RMA Commissioner. He has exercised this commissioner role on a number of occasions for both the Horizons Regional Council and the Palmerston North City Council.

LIZ BURGE

Liz is a resource management planner and independent commissioner based in Carterton. She has a background and particular expertise in Te Ao Māori, having provided information, advice and assistance to marae, whanau, hapu and Māori land trusts on resource management issues for more than two decades. She has also made appearances before the Waitangi Tribunal and the Environment Court. Most recently Liz has been sitting as one of three commissioners on a panel hearing and determining submissions to the Wellington Regional Council's Proposed Natural Resources Plan.

JUDITH MAKINSON

Judith is the Transportation Engineering Manager for CKL based in Hamilton. She has a Bachelor of Engineering (Hons) Civil Engineering, and a Master of Science Transport Engineering and Planning from the University of Salford (UK). She is a Certified RMA Commissioner and a Chartered Member (CMEngNZ) of Engineering New Zealand. She has over 20 years of experience in preparing Integrated Transportation Assessments, Travel Plans and feasibility studies for developments as well as developing transport masterplans for both the public and private sector. Judith is also an experienced project manager, having led a range of projects with multidisciplinary engineering inputs. Most recently, Judith was involved in the Southern Links Notice of Requirement Hearings and as part of the Reporting Team assessing the completeness of information provided by NZTA in relation to the proposed Southern Links roading network and assessing submissions received through the consultation process. The role also included liaising with other Transportation experts to consider suitable conditions for the NOR.

DAVID MITCHELL

David is the Technical Director and Principal Transportation Consultant with Harrison Grierson based in Auckland. His background is in civil engineering and transportation, with 27 years of nationwide experience in these fields. David has been a member of two Boards of Enquiry that determined a plan change and a suite of RMA consents for the Transmission Gully project north of Wellington, as well as being part of the panel for the Christchurch Northern Arterial project. He has also been involved in the design and analysis of many traffic, pedestrian and cycle projects throughout NZ. David also has an excellent knowledge of the issues and limitations of transport network models and has reviewed and commented on a number of wider road network projects throughout NZ. He has also had considerable experience in road safety auditing and safety issues.