



Report **05.552**
Date 29 September 2005
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Committee **Regional Land Transport**
Author **Wayne Hastie Council Secretary**

Western Corridor Plan Hearing Subcommittee

1. Purpose

To finalise the membership and terms of reference for the Western Corridor Plan Hearing Subcommittee.

2. Significance of the decision

The matters for decision in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

3. Background

Report 05.436 “Western Corridor Plan Formal Consultation” presented to the Committee on 29 August 2005 contained a recommendation that the Committee appoint a Western Corridor Plan Hearing Subcommittee. Draft Terms of Reference for the Subcommittee were attached to the report.

There was insufficient time at the meeting to fully consider the membership and role of the Subcommittee. However, the Committee did resolve to:

“Change the Draft Terms of Reference for the Western Corridor Plan Hearing Subcommittee to include in the powers the approval of the documents and communications strategy for public consultation.

Appoint Cr McDavitt, Messrs Finny and Taylor (or a Transit New Zealand representative) as the initial members of the Subcommittee, on the understanding that:

- 1. They will approve the documentation and communications strategy for public consultation*

2. *The remainder of the Subcommittee membership and the quorum will be considered at the October meeting of the RLTC.”*

4. Comment

4.1 Scope of the Subcommittee’s role

When proposed to the last meeting of the Committee, the role of the Subcommittee was to focus on the consultation process, hearing oral submissions and considering written submissions. The Committee expanded the role to include the approval of the documentation and communications strategy for public consultation.

However, there are sound reasons to expand the role of the Subcommittee further to consider all relevant matters and to report back to the Committee with their conclusions regarding a Western Corridor Plan for inclusion in the Regional Land Transport Strategy. In effect, this would give the Subcommittee the role of giving effect to resolution 8 adopted by the Committee:

“Notes that the final decision on the content of the Western Corridor Plan will be made following the public consultation process, and taking into account all cultural, economic, environmental, social, costing and technical information, as well as the availability of a robust consenting strategy for the coastal route.”

In effect, the current “Western Corridor Plan Hearing Subcommittee” would become the “Western Corridor Plan Subcommittee”. It would provide an efficient and effective process for consideration of all relevant matters before reporting back to the Committee. The alternative option of limiting the Subcommittee’s role to the consultation process would require a further process at the Committee to consider all of the relevant matters as set out in the above resolution, and required by the Land Transport Act 1998 and the Land Transport Management Act 2003.

The proposal to expand the role of the Subcommittee has two additional elements – the appointment of two additional independent members of standing and the appointment of an independent technical advisor to assist the Subcommittee with its deliberations.

The expanded roles are reflected in the draft Terms of Reference included as **Attachment 1** to this report.

4.2 Quorum

There was some discussion at the last meeting of the Committee about the quorum of the Subcommittee. The draft Terms of Reference recommend a quorum of three. The reason for proposing this quorum is to enable the Subcommittee to continue to function even if at one point up to two members are unavailable. For example, if a hearing day is scheduled with thirty

submitters to be heard and a member of the Subcommittee is unwell, the hearing could still proceed.

However, the draft Terms of Reference also recognise the general legal principle of procedural fairness by requiring that members must be present for the substantial part of the hearings and deliberations in order to participate in the decision-making of the Subcommittee.

4.3 The consenting strategy

It is the role of Transit New Zealand to prepare a consenting strategy for the coastal route for their Board and Minister. The consenting strategy would become available to the Subcommittee once it has met all of Transit's own reporting and approval requirements.

4.4 Relationship with Transit New Zealand's 10 year State Highway Forecast

Transit New Zealand's statutory responsibility is "to operate the state highway system in a way that contributes to an integrated, safe, responsive and sustainable land transport system" and to take into account the objectives of the New Zealand Transport Strategy. Those responsibilities and objectives align very closely with the objectives of the Wellington Regional Land Transport Strategy.

Transit New Zealand is required to consult on its Land Transport Programme and has taken the opportunity to consult jointly with the Regional Land Transport Committee on developing the western corridor plan. The Transit New Zealand Board will amongst other things, take into consideration the issues raised during the submissions and hearing process, and the findings of the Western Corridor Subcommittee in reaching its decision on the State Highway component of Corridor Plan as suitable for adoption into Transit's Land Transport Programme. This process will be carried out in parallel with the Regional Land Transport Committee recommendation on the Western Corridor Plan for adoption by the Greater Wellington Regional Council, and in close liaison between Greater Wellington Regional Council and Transit as has been occurring throughout the process.

5. Next steps

If the Committee adopts the draft Terms of Reference, steps will be undertaken to identify and appoint the additional members and the independent advisor. It is recommended that the appointment of the members be delegated to the Chairperson of Greater Wellington acting in consultation with the Mayors of the region and the Chief Executive of Transit New Zealand.

6. Communications

The resolutions of the Committee and the adopted Terms of Reference for the Subcommittee will be made available on Greater Wellington's website with the other material on the Proposed Western Corridor Plan.

7. Recommendations

That the Committee:

1. **renames** the “Western Corridor Plan Hearing Subcommittee” the “Western Corridor Plan Subcommittee”
2. **confirms** the membership of the Western Corridor Plan Subcommittee as Cr McDavitt, Messrs Bickers and Finny and two independent persons
3. **appoints** Cr McDavitt as the Chairperson of the Western Corridor Plan Subcommittee
4. **delegates** the power to appoint two independent persons to the Western Corridor Plan Subcommittee to the Chairperson, Greater Wellington Regional Council acting in consultation with the Mayors of the region and the Chief Executive of Transit New Zealand
5. **adopts** the Terms of Reference for the Western Corridor Plan Subcommittee included as Attachment 1 to this report.

Report prepared by:

Report approved by:



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Attachment 1: Terms of reference for the Western Corridor Plan Committee