

CONFIDENTIAL MEMORANDUM

TO: Council

MEETING DATE: 23 September 2020

TITLE: Appointment of Commissioners - Kiwirail Regional Freight Hub

PRESENTED BY: Desiree Harvey - Legal Counsel

APPROVED BY: Sheryl Bryant, General Manager - Strategy & Planning

It is recommended that this report be considered with the public excluded, as permitted by the Local Government Official Information and Meetings Act 1987 under clause:

s7(2)(a) Privacy - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person

RECOMMENDATION FOR PUBLIC RELEASE

That the decision be released to the public following notification to the Commissioners.

RECOMMENDATIONS TO COUNCIL

- 1. To receive the memorandum titled Appointment of Commissioners – Kiwirail Regional Freight Hub, presented to Council on 23 September 2020.**
 - 2. To appoint a panel of four independent commissioners to hear the Kiwirail Regional Freight Hub Notice of Requirement.**
 - 3. To appoint three independent Commissioners not currently on the Palmerston North City Council approved commissioners list to hear the Notice of Requirement for Kiwirail Regional Freight Hub.**
 - 4. To appoint and assign Miria Pomare and Judith Makinson to the Kiwirail Regional Freight Hub Notice of Requirement hearing panel, with John Maassen to be appointed and assigned as the Chair of the Panel.**
 - 5. To release the decision on appointment of commissioners to the Kiwirail Regional Freight Hub Notice of Requirement hearing panel to the public following notification to the Commissioners.**
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1. ISSUE

- 1.1 KiwiRail is progressing plans for a high-tech, intermodal freight hub which will help grow Palmerston North's role as a critical freight distribution centre. It will support rail and road transport working together to meet the freight demand in the lower North Island, while boosting the regional economy.
- 1.2 The hub project supports Council growth plans and it will tie in with other freight transport projects in the region.
- 1.3 Over the last year KiwiRail has been working with stakeholders, iwi and a team of independent specialists to identify potential sites. It has now identified its preferred site and is looking to apply for a Notice of Requirement to designate the land in September.
- 1.4 The matter is highly complex and technical and requires specific expertise. A hearing for the designation is expected to take three weeks and is scheduled to take place in the first quarter of 2021.
- 1.5 KiwiRail have requested independent commissioners are appointed to hear the Notice of Requirement under s100A Resource Management Act 1991, triggering clause 197.4 of the Delegations Manual, requiring assignment.

2. BACKGROUND

- 2.1 Background information for each of the Independent Commissioners are included as attachments.
- 2.2 John Maassen has the knowledge and technical experience required to chair and prepare the decision for this complex matter. John has local knowledge having practiced law in Palmerston North for a number of years, before re-locating to Wellington more recently.
- 2.3 Judith Makinson is a transportation engineering manager and was recently involved with Te Ahu a Tūranga as the transport expert on that panel.
- 2.4 Miria Pomare has been involved in a number of high-profile hearings around the country and has expertise in Māori resource management and cultural issues, providing a tikanga Māori perspective. Miria was also a panel member involved with Te Ahu a Tūranga.
- 2.5 Gina Sweetman will be appointed as a panel member with planning experience. Gina is currently on Council's list of approved Independent Commissioners.
- 2.6 All of the above are accredited with the Ministry for Environment and have indicated they are willing and able to be involved in the Hearing.

2.7 Officers are confident that the above combination will provide a balanced Panel with the knowledge and experience to effectively manage and decide on the matter. Officers have consulted and received support for the appointments from the Chairperson of the Hearings Committee.

3. NEXT STEPS

3.1 The Commissioners will be advised of their appointment and assignment to the Panel.

4. COMPLIANCE AND ADMINISTRATION

Does the Council have delegated authority to decide? If Yes quote relevant clause(s) from Delegations Manual - Clause 200		Yes
Are the decisions significant?		No
If they are significant do they affect land or a body of water?		No
Can this decision only be made through a 10 Year Plan?		No
Does this decision require consultation through the Special Consultative procedure?		No
Is there funding in the current Annual Plan for these actions?		No
Are the recommendations inconsistent with any of Council's policies or plans?		No
The recommendations contribute to Goal 5: A Driven and Enabling Council		
The recommendations contribute to the outcomes of the Driven and Enabling Council Strategy		
Contribution to strategic direction and to social, economic, environmental and cultural well-being	Appointment of subject matter experts will facilitate sound decision making.	

ATTACHMENTS

Withheld s7(2)(a) Privacy