

## CONFIDENTIAL MEMORANDUM

**TO:** Council

**MEETING DATE:** 26 August 2020

**TITLE:** Appointments to the Project Team for Te Ahu a Tūranga -  
Manawatū Tararua Highway - Joint Processing and Appointment of  
Commissioners

**DATE:** 19 June 2020

**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**

### **REASON FOR CONFIDENTIALITY**

The reason for this report to be confidential is  
It discusses private and confidential matters.

### **RECOMMENDATION FOR PUBLIC RELEASE**

Upon completion of notification to affected parties.

---

### **RECOMMENDATIONS TO COUNCIL**

- 1. That the report “Appointments to the Project Team for Te Ahu a Tūranga – Manawatū Tararua Highway – Joint Processing and Appointment of Commissioners” dated 26 August 2020 be received.**
- 2. That the Council acknowledge that the hearing of notified applications (if required) could occur by a Hearing Panel, which may be separately appointed by the Territorial Authorities.**
- 3. That Christine Foster is appointed as an Independent Hearing Commissioner for the purposes of the Resource Management Act Commissioner Schedule approved by Council for the duration of the Project.**

- 4. That Gina Sweetman and Christine Foster be appointed in their capacity as Independent Hearing Commissioners as 'Te Ahu a Tūranga Decision Makers' for Palmerston North City Council and pursuant to s34A of the Resource Management Act 1991 are delegated all powers, functions and duties of the Council in relation to the Te Ahu a Tūranga Manawatū Tararua Highway Project set out in 5(a-f) below.**
  
- 5. That the responsibilities given and powers delegated to the Commissioners appointed and assigned pursuant to these resolutions include the ability to:**
  - a. hear, consider and make decisions on any application for resource consents (including notification determinations), including any preliminary or procedural matters,**
  - b. hear, consider and make recommendations on notices of requirement and designations, including on outline plans, outline plan waivers, requests for changes to outline plans, alterations to designations, removal of designations, fixing periods for the expiry of designations, and all further information requests and processing requirements,**
  - c. consider and make decisions regarding certification of management plans,**
  - d. determine any requests for certificates of compliance, including requesting further information in relation to requests for certificates of compliance;**
  - e. to otherwise exercise all the functions, powers and duties of the Council under the RMA and regulations made thereunder associated with the processing and granting of applications for resource consent or notices of requirements and designations, including any preliminary/procedural matters regarding the applications and any hearing, and**
  - f. hear and determine an objection under the RMA, such as (but not limited to) objections to fees and charges, including determination of any preliminary matters and matters necessary for the conduct of a hearing.**
  
- 6. That Phillip Percy of Perception Planning be appointed as a consultant planner in the role of TA Processing Lead, and pursuant to s34A of the RMA is delegated the following powers, functions and duties of Palmerston North City Council in relation to the Te Ahu a Tūranga Manawatū Tararua Highway Project to:**
  - a. waive compliance and to extend time limits under s 37 of the RMA;**
  - b. determine an application incomplete and return it to the Applicant under s 88 of the RMA;**
  - c. determine not to proceed with the hearing of an application for resource consent under s 91 of the RMA where it is considered that additional consents under the RMA are required in respect of any application;**

- d. request further information and commission reports, and to set related timeframes, pursuant to ss 92 and 169 of the RMA;
  - e. determine all notification matters in accordance with s 95A-95G of the RMA;
  - f. determine any requests for certificates of compliance under s 139 of the RMA, including requesting further information regarding certificates of compliance;
  - g. make decisions regarding certification of management plans;
  - h. determine requests for changes to Outline Plans;
  - i. determine outline plan waivers;
  - j. make recommendations to the Te Ahu a Tūranga Decision Makers on land use consents, outline plans and non-certification of Environmental Management Plans; and
  - k. determine whether to take enforcement action on minor non-compliances.
7. That the report be made public once the affected persons are notified of their appointments, subject to removal of personal information.
- 

## 1. ISSUE

- 1.1 Waka Kotahi NZTA confirmed its requirement for designations in the District Plans of each of the Territorial Authorities involved in the Te Ahu a Tūranga Manawatū Tararua Highway project (Project), specifically Palmerston North City Council (PNCC), Manawatū District Council (MDC) and Tararua District Council (TDC), on 7 June 2019.
- 1.2 All appeals to the Environment Court relating to the Project have now been settled and Waka Kotahi NZTA is preparing to commence work in accordance with the designations. This will involve submitting to the Territorial Authorities management plans, outline plans, new resource consent applications and potentially applications to remove or alter the designations (the “Implementation Activities”).
- 1.3 The Territorial Authorities have agreed to work together and to appoint a processing and compliance team (TA Project Team) to deal with the Implementation Activities under the Resource Management Act 1991 on their behalf with any hearings and any decisions or recommendations to be held or made jointly by the Territorial Authorities.
- 1.4 Therefore, Council needs to (1) appoint members to effect their roles on the team and (2) provide the members of the Project Team with the appropriate relevant delegations to act on behalf of Council.

## 2. BACKGROUND

- 2.1 In 2018, PNCC, MDC and TDC agreed to work together in processing the Notices of Requirement to designate land for work associated with the Project.
- 2.2 It was agreed that PNCC, MDC and TDC would continue to work together to progress the next stage of the Project, and the attached Terms of Reference were agreed in April 2020.
- 2.3 Collaboration worked successfully in the earlier stages of this process, and the proposal going forward is similar to the way Wellington City Council, Porirua City Council and Kapiti Coast District Council worked together to facilitate the Wellington Northern Corridor to navigate the planning processes. It is the favoured approach by Waka Kotahi NZTA.
- 2.4 The Territorial Authorities have appointed a project team (“**TA Project Team**”) to carry out the regulatory functions in respect of the Implementation Activities generally and comprised of the following roles:
- a. Te Ahu a Tūranga Decision Maker(s) (Christine Foster (CV attached) and Gina Sweetman);
  - b. TA Processing and Compliance Manager (Phil Hindrup –CV attached);
  - c. TA Processing Lead (Phillip Percy – CV attached);
  - d. TA Compliance Lead (Paul Greig from MDC).
- 2.5 The TA Project Team is required to report to the following Council officers within the Territorial Authorities on a regular basis - Simon Mori, Head of Planning Services, PNCC, Rachele Johnston, Principal Planner, MDC, and John Harold Planning Officer, TDC – as to the progress of the Implementation Activities and any decisions. They in turn will report to their managers.
- 2.6 The resolutions required to create the TA Project Team and provide them with the appropriate delegations are set out above. These delegations are not intended to override or replace the existing delegations that sit with individual officers or named positions within the Territorial Authorities in any way. Any decision relating to the Project can still be made by the relevant Council Officer with the appropriate delegated powers.
- 2.7 Gina Sweetman is on the Commissioner Schedule for the current term. Christine Foster has been on the Schedule in the past, and her appointment at this time will be limited to her involvement in the Project. Christine Foster’s CV is attached.
- 2.8 CVs for Phil Hindrup and Phillip Percy are attached. Contracts for Service have been entered into between PNCC and Phil Hindrup, and Phillip Percy respectively, to perform their roles in the Project Team.

2.9 As with the arrangement in 2018, costs are to be shared equally between PNCC, MDC and TDC where they are not recoverable from Waka Kotahi NZTA.

2.10 Both MDC and TDC have resolved to accept the recommendations above for their part.

**3. NEXT STEPS**

3.1 Following the adoption of the recommendations in this memorandum, the Commissioners appointed will be notified and the TA Project Team will commence processing the Implementation Activities from Waka Kotahi NZTA.

**4. COMPLIANCE AND ADMINISTRATION**

Does the Council have delegated authority to decide?		<b>Yes</b>
Are the decisions significant?		<b>No</b>
If they are significant do they affect land or a body of water?		<b>No</b>
Can this decision only be made through a 10 Year Plan?		<b>No</b>
Does this decision require consultation through the Special Consultative procedure?		<b>No</b>
Is there funding in the current Annual Plan for these actions?		<b>Yes</b>
Are the recommendations inconsistent with any of Council’s policies or plans?  It is not standard practice to delegate decision making outside of Council. This situation is novel in the respect that the land area concerned overlaps multiple Territorial Authorities and so a new approach is needed. A joint approach has been shown to work well with other roading projects with similar qualities, and Waka Kotahi NZTA are keen to implement this model for this Project.		<b>Yes</b>
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/ wellbeings	The recommendations accepted by Council will best contribute to an efficient management of the process to continue the development of strong transport links with the rest of the country.	

Attachments withheld:  
s7(2)(a) Privacy