

Report 07.75
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Committee Regional Land Transport
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Establishment of a Hearings Subcommittee

1. Purpose

To establish a subcommittee of the Regional Land Transport Committee (RLTC) to hear and report on submissions lodged on the draft Wellington Regional Land Transport Strategy.

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

3.1 Draft Regional Land Transport Strategy Consultation

At its meeting on the 31 October 2006 the Committee approved the release of a draft Regional Land Transport Strategy (RLTS) for consultation. Consultation on the draft Regional Passenger Transport Plan (PT Plan) is being carried out alongside the RLTS. The consultation process follows the special consultative procedures of the Local Government Act. Three documents have been prepared for this consultation:

- The draft Wellington Regional Land Transport Strategy (RLTS)
- A summary of the draft Wellington RLTS
- The draft Regional Passenger Transport Plan (PT Plan).

Submissions have been invited on both the draft RLTS and draft PT Plan. Submissions close on the 16 February 2007. All people making submissions have the opportunity to be heard in support of their submissions. It is expected that hearings and deliberations will be held on the 19, 20 and 22 March 2007.

3.2 Submissions on the Regional Passenger Transport Plan

The process for hearing, considering and reporting the outcome of submissions on the PT Plan will be dealt with separately by Greater Wellington's Passenger Transport Committee (PT Committee).

The PT Plan will become part of the RLTS once the two final documents are adopted. There will, therefore, be significant benefits from having the two hearing processes integrated. The two processes can be integrated by:

- having the chair of the RLTC and chair of the PT Committee on both hearing subcommittees
- ensuring any issues raised through the RLTS submissions in relation passenger transport operational matters are referred to the PT Committee
- holding the PT Plan hearing and deliberation process **after** the RLTS hearings and deliberation process to ensure that any decisions on the RLTS which may affect the PT Plan can be incorporated into the final plan accordingly.

3.3 Regional Land Transport Committee

The statutory function of the RLTC as set out in the Land Transport Act (LTA) 1998 is limited to preparation of the RLTS for consideration and approval by Greater Wellington (Section 178 (3)).

In addition, Greater Wellington has delegated to the RLTC the following specific responsibilities through its Terms of Reference:

- Hearing any submissions on any draft RLTS and the determination of these submissions in accordance with the consultative procedures required by the Land Transport Management Act 2003
- Monitoring implementation of any RLTS
- Making recommendations to the Regional Council or other relevant organisations on any aspect of land transport of interest to the Regional Council.

Section 178(4) of the LTA 1998 states that the provisions of the Local Government Act (LGA) 2002 apply in respect of meetings of regional land transport committees.

The Committee's Terms of Reference provide for it to appoint subcommittees where it considers it appropriate.

4. Comment

4.1 Need to Establish a Hearings Subcommittee

Hearings subcommittees are an efficient option for hearing and considering submissions where there are high numbers of submitters. Submissions close on the 16 February 2007 and at the time of writing a large number of submissions (over 480) had been received.

A hearings subcommittee in this case is therefore appropriate.

4.2 Terms of Reference

The recommended Terms of Reference for the Subcommittee are in **Attachment 1**.

4.2.1 Scope of the Subcommittee's Role

Under delegations the Committee has the power to establish a subcommittee to either hear and report on submissions, or hear, evaluate and report on submissions and make recommendations to the Committee.

The submissions received on the draft strategy are complex and detailed in many cases. At the time of writing this report a high number of submissions have been received (over 480). The subcommittee will have the opportunity to ask questions of those submitters who present their submissions orally and have matters clarified where necessary. The subcommittee will also spend some time discussing the submissions and deliberating on the matters raised. This will give it the ability to consider the submissions in some depth.

To assist the Committee to fully consider the submissions and decide on the appropriate responses the subcommittee should evaluate and report on the submissions and make a recommendation to the Committee, based on its full knowledge of the matters raised. The recommendations will then be considered by the full Committee in April 2007.

4.2.2 Subcommittee Membership

All members of the RLTC are eligible for appointment to a hearings subcommittee. It is consistent with best practice and the requirements of Section 83(1) of the Local Government Act (special consultative procedures) that members hearing submissions must be present for the duration of the hearing of the oral submissions. The only constraint, therefore, is the availability to sit through the anticipated two days of hearings and be available for deliberations.

It is proposed that the Chairperson of the RLTC and the Chairperson of the Passenger Transport Committee be members of the hearing subcommittees for both the RLTS and the PT Plan processes to ensure that submissions and considerations relevant to both processes are appropriately integrated. It is recommended that an additional three committee members be appointed to the

subcommittee. Those members of the RLTC not appointed to the subcommittee are welcome to attend the hearings.

As well as subcommittee members a chair will need to be appointed.

4.2.3 Quorum and Standing Orders

The Wellington Regional Council Standing Orders will apply to the subcommittee. This is provided for in the attached Terms of Reference.

When deciding on a quorum it is important to consider the risks that illness or other unanticipated commitments may prevent a committee member from attending part of the hearings.

In this case two days are likely to be required for the hearings and possibly further time for deliberations. The timeline being followed for the RLTS review provides limited opportunity to reschedule the hearings. Therefore to manage the risks of delay a quorum of two less than the total membership is recommended. A quorum of three is therefore recommended.

5. Communication

On-going communications about the RLTS will continue, including communicating the establishment of the subcommittee.

6. Recommendations

That the Committee:

1. ***Receives the report.***
2. ***Notes the content of the report.***
3. ***Resolves to establish a subcommittee to hear, evaluate and report on the submissions to the draft Regional Land Transport Strategy and make recommendations to the Committee in accordance with the Terms of Reference in Attachment 1.***
4. ***Resolves to appoint the following five Committee members (including a chair) to the RLTS Hearing Subcommittee:***
 - *Councillor Terry McDavitt*
 - *Councillor Glen Evans*
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Attachment 1: Terms of Reference for the Draft Regional Land Transport Strategy Hearing Subcommittee