

Report 13.1052
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Committee Council
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Appointment of commissioners to consider Transmission Gully resource consent applications

1. Purpose

For Council to approve the appointment of two independent commissioners under the Resource Management Act 1991 (RMA) to make decisions relating to the Transmission Gully state highway roading project being carried out by the New Zealand Transport Agency (NZTA).

2. Background

The Transmission Gully Motorway (TGM) project being carried out by the NZTA (the Requiring Authority) is a Road of National Significance. In addition, two link roads will be constructed by Porirua City Council (PCC). TGM will be constructed, maintained and operated under a Private Public Partnership (PPP) arrangement. Wellington Gateway Partnership (WGP) was recently announced as the preferred PPP bidder.

The designations and resource consents for the motorway and link roads have been confirmed by a Board of Inquiry in a process administered by the Environmental Protection Authority.

The confirmed designations affect PCC, Upper Hutt City Council (UHCC), Wellington City Council (WCC) and Kapiti Coast District Council (KCDC). The resource consents are for activities within the jurisdiction of GWRC.

NZTA and WGP intend to apply for alterations to the designations from the four territorial authorities and seek changes to, and new, resource consents from GWRC to authorise modifications to the consented scheme.

Where these applications are route-wide and/or span jurisdictional boundaries, consistency in decision making between the territorial authorities and GWRC is important.

3. Cross-boundary decision making – independent commissioners

To help ensure consistent decision-making and improved efficiencies across all councils where cross-jurisdictional applications are made, it is recommended that independent commissioners be appointed to make decisions on behalf of all the councils when appropriate.

Taking an integrated approach for cross-jurisdictional applications will streamline the process. All councils involved are seeking to appoint independent commissioners following the same process.

If an application is accepted by GWRC, officers will need to make the decision on whether the application is to be notified or non-notified.

Where notification is required, the commissioners will either be appointed to a panel or may be appointed as sole commissioner. The decision to proceed with a sole commissioner or a panel will be made by the resource consent hearings appointments group.

In the case of a non-notified application, it is proposed that the decision as to whether or not an independent commissioner should be appointed to decide the application will be made by the Manager, Environmental Regulation. The merits of using an independent commissioner will in each case be considered by the Manager, Environmental Regulation, taking into account the content of the applications and the process required. If a commissioner is to be appointed, officers will work in consultation with the other affected territorial authorities on the appointment decision. The commissioner appointed will have the power to make the decision as it relates to GWRC.

Where an application(s) is not a joint application and relates only to GWRC, the processing of this will be undertaken following GWRC's normal processes, including appointment of commissioners as appropriate.

3.1 Delegations to commissioners

It is proposed that the Council delegates to the appointed commissioners all the powers, functions and duties that are necessary to hear and decide on these cross-jurisdictional resource consent applications.

3.2 Independent commissioners

It is proposed that the following commissioners are appointed to make decisions where a consistent approach is required in relation to cross-jurisdictional applications lodged with GWRC, WCC, PCC, KCDC and UHCC:

- Independent Commissioner Stewart Kinnear
- Independent Commissioner David Forrest.

4. Communication

Wellington City Council, Porirua City Council, Kapiti Coast District Council and Upper Hutt City Council will be advised of Council's decision.

5. The decision-making process and significance

The matter requiring decision in this report has been considered by officers against the requirements of Part 6 of the Local Government Act 2002.

5.1 Significance of the decision

Officers have considered the significance of the matter, taking into account the Council's significance policy and decision-making guidelines. Due to the procedural nature of this decision officers recommend that the matter be considered to have low significance.

Officers do not consider that a formal record outlining consideration of the decision-making process is required in this instance.

6. Recommendations

That the Council:

1. ***Receives the report.***
2. ***Notes the content of the report.***
3. ***Delegates to the Manager, Environmental Regulation, the power to appoint commissioners to decide on non-notified cross-jurisdictional resource consent applications.***
4. ***Appoints, pursuant to section 34A of the Resource Management Act 1991, Stewart Kinnear and David Forrest as independent commissioners to make decisions, when required, on behalf of GWRC in relation to cross-jurisdictional applications lodged with GWRC, WCC, PCC, KCDC and UHCC.***
5. ***Delegates to the appointed commissioners all those powers, functions and duties that are necessary to hear and decide on cross-jurisdictional resource consent applications.***
6. ***Resolves that the proposed resolutions of recommendations 3, 4 and 5 above relate only to cross-jurisdictional resource consent applications for the Transmission Gully state highway roading project.***

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