

## OTAGO REGIONAL COUNCIL

**Agenda for an Extraordinary meeting of Council to be held  
in the Council Chamber, 70 Stafford Street, Dunedin on  
Wednesday 23 November 2016 commencing at 9:00 am**

**Membership:**

- Cr Stephen Woodhead (Chairperson)
- Cr Gretchen Robertson (Deputy Chairperson)
- Cr Graeme Bell
- Cr Doug Brown
- Cr Michael Deaker
- Cr Carmen Hope
- Cr Trevor Kempton
- Cr Michael Laws
- Cr Maggie Lawton
- Cr Sam Neill
- Cr Andrew Noone
- Cr Bryan Scott

**Apologies:**

**In attendance:**

**Leave of Absence:** Request for Leave of Absence - Cr Kempton

**Please note that there is an embargo on agenda items until 8.30 am on Monday 21 November 2016.**

**CONFIRMATION OF AGENDA**

**CONFLICT OF INTEREST**

**PUBLIC FORUM**

**PART A - RECOMMENDATIONS**

**2016/1129 Otago Regional Transport Committee Terms of Reference and Membership, DPPRM8/11/16**

Presenting for approval by Council, the adoption of the Terms of Reference and membership of the Otago Regional Transport Committee for the 2016-2019 triennium.

## REPORT

Document Id: A952503

Report Number: 2016/1129

Prepared For: Council

Prepared By: Manager, Strategic and Transport Planning, Jane Turnbull

Date: 8 November 2016

Subject: **Otago Regional Transport Committee Terms of Reference and Membership**

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### 1. Précis

The Otago Regional Transport Committee is a committee of Council, re-established each triennium. This report recommends the terms of reference for this committee along with identifying its membership.

Attachment 1 sets out Regional Transport Committees' composition, functions and procedures, as prescribed in the Land Transport Management Act 2003.

### 2. Terms of Reference

Attachment 2 contains the terms of reference proposed for this Committee.

The previous Otago and Southland Regional Transport Committees (RTCs) wished to further enhance cooperation between them; to this end, the two committees formulated common terms of reference that they recommended be adopted by this Council and Environment Southland in this triennium.

The terms of reference in Attachment 2 are those proposed by the two previous RTCs. These terms of reference provide for Otago RTC's continued collaboration with the Southland RTC. They also include details of the pan-regional technical group that advises the committee: the Otago Southland [Regional] Technical Advisory Group.

The section of the RTC terms of reference concerning a quorum and voting rights has been amended to reflect legal advice received recently on the subject of alternate members (discussed below).

#### *Alternate members of the Regional Transport Committee*

The previous Otago and Southland RTCs wished to have alternates appointed, to be a fill in for a person appointed to the RTC when that appointed representative is unavailable to attend a RTC meeting or workshop. This would allow each of the organisations involved in the RTC - the territorial local authorities, NZ Transport Agency and the regional council - to participate fully in all RTC meetings and workshops, by bringing their organisation's view to the table, participating in discussions at the table, and then reporting back the outcome to their organisation.

Legal advice is that there is no clear statutory mandate for the appointment of alternate representatives. Councils are created by statute and only have the powers expressly conferred by statute or necessarily implied. Therefore, there is no explicit power to appoint an alternate representative for a regional land transport committee member. Such a power cannot be implied.

A practical way forward is needed, to ensure participation in each RTC meeting of all the organisations represented on the Otago and Southland RTCs. We therefore encouraged NZ Transport Agency and each territorial local authority to identify an alternate(s) representative; we also recommended these alternates participate in the induction to be held on December 1. As set out in the proposed RTC terms of reference, the chairman of each RTC will have discretion to decide whether an alternate may participate in a RTC meeting or workshop when the appointed representative cannot attend. Alternates will not count towards a quorum and they will not have voting rights.

### **3. Regional Transport Committee Membership**

The Council invited territorial authorities and NZ Transport Agency to nominate who should represent their organisation on the Regional Transport Committee, and encouraged them to identify an alternate representative.

The Council has already appointed Cr Kempton as Chair and Cr Bell as Deputy Chair of this committee. The Otago territorial local authorities and the NZ Transport Agency have each nominated their representative for the Committee:

Clutha District Council	Cr Bruce Graham
Central Otago District Council	Cr Barrie Wills
Dunedin City Council	Cr Kate Wilson
Queenstown Lakes District Council	Cr Alexa Forbes
Waitaki District Council	Cr Guy Percival
New Zealand Transport Agency	Mr Jim Harland

### **4. Recommendation**

*That Council:*

- 1. adopts the Terms of Reference in Attachment 1 for the Otago Regional Transport Committee, including the Terms of Reference for an Otago Southland [Regional] Technical Advisory Group; and*
- 2. appoints the following members to this Otago Regional Transport Committee:*

<i>to represent Clutha District Council</i>	<i>Cr Bruce Graham</i>
<i>to represent Central Otago District Council</i>	<i>Cr Barrie Wills</i>
<i>to represent Dunedin City Council</i>	<i>Cr Kate Wilson</i>
<i>to represent Queenstown Lakes District Council</i>	<i>Cr Alexa Forbes</i>
<i>to represent Waitaki District Council</i>	<i>Cr Guy Percival</i>
<i>to represent New Zealand Transport Agency</i>	<i>Mr Jim Harland</i>
- 3. Note that the Council has already appointed Cr Kempton as Chair of the Otago Regional Transport Committee and Cr Bell as Deputy Chair.*

## ATTACHMENTS

1. Requirements of the Land Transport Management Act 2003 relating to Regional Transport Committees
2. Terms of reference for Otago Regional Transport Committee including terms of reference for an Otago Southland [Regional] Technical Advisory Group.

## ATTACHMENT ONE

### Requirements of the Land Transport Management Act 2003 relating to Regional Transport Committees

#### 105 Regional transport committees

- (1) As soon as practicable after each triennial election, every regional council must establish a regional transport committee under this section for its region.
- (2) Each regional council must appoint to its regional transport committee:
  - (a) 2 persons to represent the regional council; and
  - (b) 1 person from each territorial authority in the region to represent that territorial authority; and
  - (c) 1 person to represent the Agency.
- (3) *...(relates to unitary authorities)*
- (4) A person specified in subsection (2) (a) to (c) and (3) (a) and (b) may only be appointed on the nomination of the relevant entity.
- (5) *Repealed*
- (6) Each regional council must appoint from its representatives the chair and deputy chair of the committee.
- (7) At any meeting of a regional transport committee, the chair, or any other person presiding at the meeting, -
  - (a) has a deliberative vote; and
  - (b) in the case of an equality of votes, does not have a casting vote (and therefore the act or question is defeated and that status quo is preserved).
- (8) *Repealed*
- (9) Despite subsection (1) to (3), 2 or more adjoining regional councils or Auckland Transport and 1 or more adjoining regional councils may agree in writing to establish a joint regional transport committee and prepare a regional transport plan, in which case subsections (4), (6), and (7) apply with all necessary modifications.
  - (a) *...(relates to joint regional transport committees)*
  - (b) *...(relates to joint regional transport committees)*
  - (c) *...(relates to joint regional transport committees)*
- (10) If a regional transport committee is established under subsection (9), any reference in Part 2 of this Act to a regional council is to be read as a reference to each of the regional councils that have established the committee.
  - (a) *...(relates to joint regional transport committees)*
  - (b) *...(relates to joint regional transport committees)*
- (11) If the area of a territorial authority falls into the regions of more than 1 regional council, the territorial authority must decide (after consulting the relevant regional councils) which regional transport committee to join.
- (12) If subsection (11) applies, and a territorial authority fails to decide to join a regional transport committee, the Minister must direct the territorial authority to be represented by a particular regional transport committee.
- (13) *Repealed*
- (14) For the purposes of subsection (11), region has the same meaning as in section 5(1) of the Local Government Act 2002.
- (15) Nothing in this section applies to the Auckland Council or Auckland.

**106 Functions of regional transport committee**

- (1) The functions of each regional transport committee (other than the regional transport committee for Auckland) are:
  - (a) to prepare a regional land transport plan, or any variation to the plan, for the approval of the relevant regional council; and
  - (b) to provide the regional council with any advice and assistance the regional council may request in relation to its transport responsibilities.
- (2) Each regional transport committee, including the regional transport committee for Auckland, must adopt a policy that determines significance in respect of:
  - (a) variations made to regional land transport plans under section 18D; and
  - (b) The activities that are included in the regional transport plan under section 16.
- (3) ...*(relates to joint regional transport committees)*

**107 Procedure of committee**

- (1) *Repealed*
- (2) The provisions of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 concerning the meetings of committee of regional councils, so far as they are applicable and with the necessary modifications, apply in respect of meetings of the regional transport committees.
- (3) The Agency is not, as a result of being represented on a regional transport committee, bound to:
  - (a) include any matter in a national land transport programme under section 19C; or
  - (b) approve an activity or a combination of activities under section 20.
- (4) ...*relates to the Auckland Regional Transport Committee*).

## ATTACHMENT TWO

### **Terms of Reference for the Otago Regional Transport Committee, including Terms of Reference for an Otago Southland [Regional] Technical Advisory Group**

#### **OTAGO REGIONAL TRANSPORT COMMITTEE**

##### **Membership**

The Regional Transport Committee for Otago (RTC) comprises:

- Two Regional Council representatives (Chair and Deputy Chair)
- One representative from the New Zealand Transport Agency
- One District Council representative from each of the:
  - Clutha District Council
  - Central Otago District Council
  - Dunedin City Council
  - Queenstown Lakes District Council
  - Waitaki District Council.

Total membership of the Otago committee equals eight.

This is dictated by Section 105 of the *Land Transport Management Act 2003* (LTMA). Representatives are appointed by the regional council on the nomination of NZ Transport Agency and each of the territorial local authorities.

##### **Objective**

To undertake the functions as prescribed by the *Land Transport Management Act 2003*.

##### **Meeting Schedule**

The RTC normally meets at least three times a year but may meet more regularly depending on the work to be undertaken or the issues to be addressed. Where possible, members will be advised, in advance, of the meeting schedule for the year.

##### **Role and Functions**

The role and functions of the Regional Transport Committee are as follows:

1. To undertake the statutory requirements of the *Land Transport Management Act 2003* (Appendix One).
2. To prepare the Regional Land Transport Plan (RLTP) in cooperation with the Southland Regional Transport Committee, to prepare any applications to vary the RLTP and to process any applications to vary the RLTP (*LTMA section 106(1)(a)*).
3. To prepare and adopt a policy that determines significance in respect of:
  - a) any variations made to the RLTP.
  - b) activities included in the RLTP (*LTMA section 106(2)*).
4. To provide any advice and assistance the regional council may request on its transport responsibilities generally (*LTMA section 106(1)(b)*).

5. To undertake monitoring to assess implementation of the Regional Land Transport Plan including monitoring of the performance of activities (*LTMA section 16(3)(f) and 16(6)(e)*), in cooperation with the Southland Regional Transport Committee.
6. To consult on a draft Regional Land Transport Plan for the Region in accordance with the consultation principles specified in sections 18 and 18A of the *Land Transport Management Act 2003*, in cooperation with the Southland Regional Transport Committee.
7. To complete a review of the Regional Land Transport Plan during the six-month period immediately before the expiry of the third year of the Plan (*LTMA section 18CA*) in cooperation with the Southland Regional Transport Committee.
8. To advise the Council on any significant legislative changes, programmes, plans or reports relating to the region's transport system.
9. To prepare and implement regional transportation planning studies, or pan-regional studies with the Southland Regional Transport Committee, when necessary.
10. To represent and advocate for transport interests of regional and/or pan-regional Otago Southland concern.
11. To consider and submit on transport-related policies, plans and consultation documents issued by the Ministry of Transport, New Zealand Transport Agency, regional/district councils, and other relevant organisations as considered appropriate, including submitting jointly with the Southland Regional Transport Committee when appropriate.
12. To liaise with the Ministry of Transport, New Zealand Transport Agency, Commissioner of Police, regional/district councils, and other interested parties on transport matters, and advise the Council on any appropriate new initiatives as considered appropriate.
13. To cooperate with the Southland Regional Transport Committee and to engage with other regional transport committees and working parties, which from time to time may be established.
14. To consider advice and recommendations from the Otago Southland Regional Technical Advisory Group.

#### **Members' responsibilities for reporting back to the organisation they represent**

Each member of the RTC is expected to report back regularly to their organisation on matters discussed at Committee meetings, on the RLTP transport priorities for the region, its objectives and policies, and other content.

#### **Terms of Membership**

Should a vacancy occur in the membership of the RTC, the Committee Secretary shall report this to the next meeting of the Council, which shall invite the nominating organisation to nominate a replacement.



### **Quorum and Voting Rights**

A RTC meeting cannot proceed unless five committee members are present, at least one of whom shall be a representative of the regional council.

No voting will occur unless there is a quorum of committee members from those organisations allowed to vote on these matters.

The Chairperson has a deliberative vote and in the case of an equality of votes does not have a casting vote. Clause 24 of the 7<sup>th</sup> schedule of the Local Government Act otherwise applies to voting.

The purpose of encouraging each organisation to have alternates to ensure that each of the organisations involved in the RTC - the TLAs, NZTA and the regional council - is able to bring their organisation's view to the table and to report back the outcome to their organisation.

Each organisation (i.e. the regional council, NZTA and each district/city council) is therefore encouraged to have alternative representatives to act as a replacement should the appointed representative be absent from a meeting. The participation of an alternate in an RTC meeting or workshop will be at the discretion of the RTC Chairperson.

Alternates do not count towards a quorum and do not have voting rights.

### **Delegated Authority – Power to Act**

The Regional Transport Committee:

1. Does have the ability to appoint a sub-committee to hear RLTP, submissions, working parties, advisory groups and, where there is urgency or special circumstances, a subcommittee to deal with any matters of responsibility within the Committee's Terms of Reference and areas of responsibility, and to make recommendations to the Committee on such matters, provided that a subcommittee does not have power to act other than by a resolution of the committee with specific limitations.
2. Does have the ability to make decisions in accordance with its Terms of Reference and the Land Transport Management Act 2003.

### **Power to Act (for the information of Council)**

The Regional Transport Committee has the power to:

1. Monitor any transport activities of the Regional Council, Territorial Authorities and New Zealand Transport Agency in order to report on progress on the Regional Land Transport Plan.
2. Prepare and recommend variations to the Regional Land Transport Plan that trigger the RTC's significance policy.
3. Consider and recommend transportation planning studies and associated outcomes.

4. Provide recommendations to relevant Government agencies on transport priorities for the region and the allocation of national or regional transport funds.

### **Otago Southland [Regional] Technical Advisory Group**

A pan-regional Otago Southland Technical Advisory Group (TAG) is a working group of technical transport officers from various organisations in the Otago and Southland Regions, which advises the Otago and Southland Regional Transport Committees on matters relating to:

- development of Regional Land Transport Plans for the two regions.
- regional prioritisation of transport projects
- any other transport matters requested by the Regional Transport Committee(s) or regional councils.

The Otago Southland Technical Advisory Group will be administered jointly by the Otago Regional Council and Environment Southland and is made up of representatives of the following organisations:

- Otago Regional Council
- Clutha District Council
- Central Otago District Council
- Dunedin City Council
- Queenstown Lakes District Council
- Waitaki District Council
- Environment Southland
- Southland District Council
- Invercargill City Council
- Gore District Council
- New Zealand Transport Agency
- any other organisations/individuals invited to participate and advise the RTC on technical matters relating to the Committee's Terms of Reference.

Appendix 2 sets out the terms of reference for the Otago Southland Technical Advisory Group.

## **OTAGO SOUTHLAND [REGIONAL] TECHNICAL ADVISORY GROUP**

### **Background**

The Otago Southland Technical Advisory Group (TAG) is a working group of technical transport officers from various organisations in the Otago and Southland Regions which advises the Otago and Southland Regional Transport Committees on matters relating to:

- development of Regional Land Transport Plans (RLTPs) for the two regions.
- development of a significance policy in respect of any variations made to the RLTPs and activities to be included in the RLTPs.
- technical advice and assistance that the Committees may request in relation to its transport responsibilities.

The Otago Southland Technical Advisory Group is administered jointly by the Otago Regional Council and Environment Southland.

### **Objectives**

The objectives of the TAG are to:

1. Provide professional support, technical expertise and advice to the Otago and Southland Regional Transport Committees, Otago Regional Council, Environment Southland, central government and other public-sector organisations concerned with transport and travel, as and when necessary.
2. Facilitate opportunities for the integration, collaboration and co-ordination of transport planning and implementation in Otago and Southland.
3. Enable strategic discussions amongst officers of key organisations in Otago and Southland on matters relating to the planning and delivery of transport projects in the region, employing an integrated, multi-modal approach.
4. Provide a forum for staff of the Otago Regional Council and Environment Southland, eight district councils, New Zealand Transport Agency and other individuals/organisations of relevant technical expertise (such as NZ Police and ACC) to share information and ideas.
5. Provide a formalised contact point for transport matters in Otago and Southland at an officer level.

### **Functions**

The functions of the TAG are to:

1. To provide advice and support to the Regional Transport Committees on the following matters:
  - a) preparation and development of the RLTPs for the Otago and Southland regions or any variations.
  - b) development of a significant policy in respect of any variations made to the RLTPs and activities to be included in the RLTPs.
  - c) monitoring and reviewing progress towards the adoption and implementation of the Regional Land Transport Plans.
  - d) any strategic or technical matters concerning transport that the Regional Transport Committees may request.
2. To advise the Regional Transport Committees on any significant legislative changes, programmes, plans or reports relating to the regions' transport system.

3. To liaise with Ministry of Transport, the New Zealand Transport Agency, KiwiRail, Nga Haerenga NZ Cycle Trail Inc., the NZ Police, Department of Conservation, District Councils, and other interested parties on land transport matters, and advise the Regional Transport Committees appropriately on any new initiatives being undertaken by these organisations.
4. To liaise with neighbouring regions and districts on cross-regional transportation matters, and advise the Regional Transport Committees on any appropriate initiatives relating to these issues.

### **Membership**

The membership of the TAG comprises one nominated representative (and an alternate) from the following organisations:

- Otago Regional Council
- Environment Southland
- Clutha District Council
- Central Otago District Council
- Dunedin City Council
- Gore District Council
- Invercargill City Council
- Queenstown Lakes District Council
- Waitaki District Council
- Southland District Council

Plus membership from:

- any further representation from any of the above organisations, required to cover their functions concerning public transport, cycle trails or alternative modes of transport;
- New Zealand Transport Agency: one person from Highway and Network Operations and one person from Planning and Investment;
- any other organisations/individuals invited to participate and advise the RTC on technical matters relating to the Committee's Terms of Reference.

It may also be necessary for reference groups to be established which involve support people from the organisations listed above (as deemed appropriate) and which provide specific advice to the TAG on certain matters – for example maintenance, freight, road safety, passenger transport, rail, environmental, walking and/or cycling, and any other relevant interest groups, as appropriate.

### **Organisation and procedures**

- **Meetings**

Meetings are to take place not less than once every six months and more frequently if required.

It is anticipated that the TAG will meet approximately once every 4 to 6 weeks during the development of the Regional Land Transport Plan for the region. Once this Plan is established the TAG will meet less frequently. TAG will meet approximately 4 to 6 weeks before each RTC meeting.

Meetings will be arranged jointly by Otago Regional Council and Environment Southland and the chairmanship of meetings, and taking of minutes will alternate between the two regional councils.

- **Convenors**

The convenors of the TAG will be a staff member from each of the Otago Regional Council and Environment Southland. Should another member of the TAG wish to require a meeting to be held, this request can be made to the Convenor(s) and a meeting then be established.

- **Attendance**

If nominated members are unable to attend a TAG meeting, each member should nominate an alternative representative of their organisation who has the member's proxy to attend in their absence.

Each member (or member's alternative representative) may also invite support or technical advisor/s to attend a TAG meeting with them. The role of that person/s is to provide advice to the respective member.

- **Servicing**

Notice of meetings, agenda preparation and meeting notes will be the responsibility of the convenors, with assistance from member organisation support staff. An agenda for the TAG meeting is to be circulated to members prior to the meeting and, where possible, agenda item contributions from members circulated in good time beforehand.

- **Minutes**

Minutes of each meeting are to be taken. The meeting notes may include a list of actions agreed to by participants.

Draft minutes and any action list are to be circulated to meeting attendees as soon as possible after each TAG meeting, to facilitate reporting back of TAG members to their parent organisations. Draft minutes are to be confirmed as accurate at a following meeting.

Minutes will be used to help prepare the agenda and reports for the following Regional Transport Committees' meeting(s). TAG minutes do not, therefore, need to be included on the RTC agenda.

- **Member responsibility including reporting**

The TAG acts on behalf of the Regional Transport Committees for Otago and Southland. As such, communication and feedback to the Committee is critical. TAG meetings are scheduled approximately one month before each RTC meeting, to allow feedback and recommendations from TAG to be included in the RTCs' meeting agenda.

When RTC seeks advice or work from the TAG, members of the TAG are expected to inform the TAG meeting about any relevant policies their organisations have, and to participate in discussion to see if a consensus can be reached on the advice or recommendation to be given to the RTCs.

TAG members should participate actively in the group and recognise that its success depends on a group effort. Members should recognise that the nature and scope of their roles, responsibilities and experience varies, and that each member has a valid contribution to make.

Members of the TAG are expected to report back to their respective organisations on matters discussed at TAG meetings. To facilitate this, drafts of TAG and RTC minutes are provided to TAG members as soon as possible after each TAG and RTC meeting.