



# Porirua City Council

## Procurement plan

### (> \$100k)

**Project number: 101343**

**Proposed Porirua District Plan -  
Appointment of Hearing Panel and  
Chairperson**

Document development control	
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## Approvals

### Approval of the plan and authority to proceed to tender

Project sponsor		
<b>Approval to:</b>	Advertise EOI on GETS	
<b>Tender start:</b>	TBC in EOI	
<b>Contract start:</b>	TBC in EOI	
<b>Name:</b>	Andrew Dalziel	
<b>Position/title:</b>	Chair, Procurement Committee	
<b>Signature:</b>		<b>Date:</b>

### Peer review

Peer review		
<b>Approval to:</b>	Advertise EOI on GETS	
<b>Tender start:</b>	TBC in RFT	
<b>Contract start:</b>	TBC in RFT	
<b>Name:</b>	Procurement Committee	
<b>Position/title:</b>	Chairperson	
<b>Signature:</b>		<b>Date:</b>

### Budget

Budget			
<b>Total cost:</b>	\$1,000,000 – \$1,500,000 excl GST for years 1 and 2 combined		Project code: 101343 Task code: 040594
<b>Financial year:</b>	<b>Financial year</b>	<b>Approximate amount GST Exclusive</b>	<b>Funding type &amp; Budget Source</b>
	2020/21	\$200,000 - \$300,000	2020/21 LTP Opex
	2021/22	\$600,000 - \$1,200,000	2021/24 LTP Opex

## Background

### Strategic alignment

- This procurement plan builds upon the Environment & City Planning (E&CP) budget estimate for 2020/21 and the draft LTP for 2021 - 51 to fund the District Plan review process.
- The District Plan review will lead to the replacement of the Operative District Plan with the Proposed District Plan (PDP), which is key to achieving Council's strategic objectives.
- The PDP was publicly notified on 20 August 2020, and submissions closed on 20 November 2020. This will be followed by the notification of a summary of submissions and the receipt of further submissions, anticipated to occur in February 2021.
- It is anticipated that hearings will commence in approximately August 2021.

### What we are buying and why

- This plan relates to the procurement of a Hearings Panel (HP) including a chairperson to hear submissions on the PDP and recommend changes to Council.
- The need to establish an HP to consider submissions on the PDP is a statutory requirement under Part 4 and Schedule 1 of the Resource Management Act 1991.
- A chairperson for the HP will be appointed at the same time as the rest of the HP is appointed and will be part of this procurement process.
- The overall objective is to appoint an HP that has the necessary range and depth of skills and knowledge to consider and make decisions on submissions on the PDP, and which provides good value for money.
- Although there are two appropriately qualified and experienced Councillors who could sit on the HP, Councillors indicated at a recent Council workshop that they did not feel that this was appropriate given the scale of the commitment.

### Importance to the Council

- Based on the importance of the PDP to enable the sustainable future growth of the City, and to protect the values that are important to the community, the procurement of a fit-for-purpose HP is of critical strategic importance.

## Market analysis

### The supply market

- There are numerous qualified RMA commissioners potentially available to sit on the HP, although the scope and complexity of a full District Plan review requires highly experienced and qualified practitioners. This will likely rule out many RMA commissioners.
- There are also a range of RMA knowledge sub-sets that may be required based on the themes evident from submissions.
- RMA commissioners typically charge a range of hourly or daily rates for hearings work based on the length and complexity of the particular process, whether it's a consent or a plan change process, and on account of location and other hearing-specific variables.
- Increasingly councils are setting flat hourly rates for RMA commissioners, especially for lengthy hearing processes such as plan reviews and plan change processes. Most major urban Councils have fixed RMA commissioner rates.



- Highly experienced and qualified RMA commissioners are in high demand however, so we will need to be mindful of how PCC's fixed rates compare relative to rates set by other councils.

The hourly rates practitioners can earn for other RMA related work will also require consideration (RMA commissioners are typically also general RMA practitioners who work for a range of public and private sector clients).

### The Council's value as a customer

- The value of the Council as a client shouldn't be underestimated, especially given the long term nature of the contract period (an 18-month contract period is envisaged).
- The Council is seen as a core client for RMA commissioners, with the potential for follow up engagements.

### Desired supplier relationship

- Given the proposed length of the contract period, the level of desired trust and communication with the supplier is a key factor. A positive reputation in this respect is crucial.

## Requirements and costs

### Our requirements

- We need to appoint an HP comprising four hearing commissioners and a chairperson for a period of up to 18-months.
- The commissioners will need to have a broad range of RMA related skills and knowledge, tailored towards the specific needs of the PDP and issues identified through submissions.
- One of the commissioners will also need to be an Iwi Commissioner to meet our obligations under the Treaty and to our partners Te Rūnanga O Toa Rangitira Inc
- A detailed statement of our requirements for the HP is included as *Appendix 1*.

### Key dates

- We require commissioners to be in place ideally by the time further submissions close, and no later than March 2021.
- We estimate that the EOI, shortlisting, selection and contracting process will take 6-8 weeks allowing for the Christmas/new-year holiday period.
- This means that the EOI process must be initiated by mid-December 2020.

### Estimated costs

- An estimate of the total cost over the whole-of-life of the contract, exclusive of GST is \$1M – \$1,500,000K (excluding GST).

# Conflict of Interest and Confidentiality Agreement

Anyone involved in a procurement activity must complete this agreement before developing tender documents, joining an evaluation panel or making a decision.

Document # 1057265

## Key procurement stakeholders

Internal

### Internal stakeholders' roles and level of engagement

Role	Characteristics	Stakeholders
<b>Responsible</b>	The person or people responsible for undertaking the procurement.	Stewart McKenzie
<b>Accountable</b>	The person or people that have authority to make decisions and are accountable for the outcomes.	CEO, procurement committee, Nicola Etheridge, Stewart McKenzie
<b>Supportive</b>	The person or people that do the real work.	Stewart McKenzie, Louise White
<b>Consulted</b>	The person or people who need(s) to be consulted to add value or get 'buy-in'.	Procurement committee, ELT, Council, Nicola Etheridge, Environment & City Planning
<b>Informed</b>	The person, people or group, groups that need to be kept informed of key actions and results, but are not involved in decision-making or delivery.	Council, ELT, PPRS Managers

### External stakeholders

#### External stakeholders' roles and level of engagement

Role	Characteristics	Stakeholders
Responsible	The person or people responsible for undertaking the procurement.	N/A
Accountable	The person or people that have authority to make decisions and are accountable for the outcomes.	N/A
Supportive	The person or people that do the real work.	N/A
Consulted	The person or people who needs to be consulted to add value or get 'buy-in'.	Te Rūnanga o Toa Rangitira Inc
Informed	The person, people or group, groups that need to be kept informed of key actions and results, but are not involved in decision-making or delivery.	N/A

# Tendering process

## Type of tender

- There is currently no All-of-Government or collaborative contract which can meet this requirement.
- The recommended approach is to place an Expression of Interest (EOI) on GETS calling for commissioners and a chairperson to form the HP.
- Applicants will be shortlisted based on non-price attributes, with all shortlisted commissioners and chairs notified in writing.
- Interviews will be held with shortlisted candidates. The interview panel will comprise the Manager E&CP and Principal Planners. The General Manager PPRS will be involved if and when required.
- The HP will be selected based on attributes and the relevance of their specific skills, knowledge and other attributes relevant for the PDP hearings process. One back up commissioner will also be identified.
- The reason for the EOI approach is to give equal opportunity to the market and to encourage participation.
- Hourly rates will be fixed for both the commissioners and chairperson. Based on a benchmarking exercise of other Council rates, it is recommended that:
  - the commissioner rate be set at \$170 p/h, capped at 35 hours per week; and
  - the chairperson rate be set at \$210 p/h, capped at 35 hours per week

## Market engagement

- The EOI will be advertised on GETS.

## Evaluation team

- The Manager and Principal Planners within E&CP will be involved in the evaluation of bids and will recommend the appointment of the preferred chairperson and commissioners.
- Nicola Etheridge, General Manager PPRS, will also be consulted and her approval will be sought for the appointment of the commissioners and chairperson, along with the Procurement Committee. ELT and Council will also be advised.

## Non-voting members

Role	Name	Organisation
<b>Chair of evaluation panel:</b>	Lynne Fuller	PCC
<b>Administrative support:</b>	Narjis Alwash	
<b>Financial analyst:</b>		
<b>Legal advisor:</b>	James Winchester	Simpson Grierson
<b>Probity auditor:</b>		

## Voting members

Representative/s	Name	Organisation
<b>General Manager PPRS:</b>	Nicola Etheridge	PCC
<b>Manager E&amp;CP:</b>	Stewart McKenzie	PCC
<b>Principal Planner:</b>	Torrey McDonnel	PCC
<b>Principal Planner:</b>	Michael Rachlin	PCC

## Proposed timeline

The proposed timeline for the procurement is as follows. Please note that this example is based on an EOI process:

### Indicative timeline

Action	Indicative date
<b>Pre-procurement</b>	
Procurement plan approved	16/12/20
EOI documents developed by	16/12/20
Pre-procurement market engagement	Complete
Advance notice published on GETS	N/A
<b>Tender</b>	
Tender advertised on GETS	19/01/21
Supplier briefing	N/A
Last date for supplier questions	11/02/21
EOI closing date	19/02/21
<b>Evaluation</b>	
Panel confidentiality and conflict of interest declarations signed	19/01/21
Evaluation panel meets	26/02/21
Interview shortlisted applicants	24/02/21 – 05/03/21
Panel minutes and recommendation	08/03/21
Recommendation accepted/denied	08/03/21 (TBC)
<b>Post-evaluation</b>	
Advise applicants of outcome	09/03/21
Debrief unsuccessful applicants	TBA
Prepare short-form contracts	10/03/21
Contract start date	15/03/21
<b>Post Contract Review</b>	
N/A	N/A

# Evaluation methodology

## Evaluation method

- The evaluation model that will be used is non-price attributes

## Evaluation criteria and weightings

- Each supplier must meet all of the following pre-conditions before its bid will be considered for evaluation on its merits.

## Preconditions

- Appointees must meet the accreditation requirements outlined in section 39B of the Resource Management Act 1991 and accreditation under the Making Good Decisions Programme must be current at the time services are exercised.
- The chair must have Chairs Certification under the Making Good Decisions Programme.
- Appointees must accept the charge out rates specified in the EOI

**Evaluation criteria**

Criterion	Weighting
<b>Plan Hearing experience:</b> <ul style="list-style-type: none"> <li>• Previous experience as a commissioner or chair on a HP for a full district plan hearing and/or plan change</li> </ul>	<b>20%</b>
<b>Track record:</b> <ul style="list-style-type: none"> <li>• Ability to deliver quality RMA decisions in a timely manner</li> <li>• Reputation for well researched, articulate decision report writing that stand up to legal tests</li> <li>• Known for providing good value for money</li> </ul>	<b>30%</b>
<b>Specialist RMA knowledge:</b> <ul style="list-style-type: none"> <li>• Specific skills and knowledge matched to the key PDP topics and matters subject to submissions</li> <li>• Detailed knowledge of higher order RMA policy and plans</li> </ul>	<b>20%</b>
<b>Collaboration skills:</b> <ul style="list-style-type: none"> <li>• The ability to work collaboratively on a HP, along with Council staff and technical specialists.</li> <li>• Relates well to Iwi, stakeholders and members of the community.</li> <li>• Reputation for empathy, teamwork, fairness and honesty.</li> </ul>	<b>30%</b>
Total weightings	<b>100%</b>

The panel will use the following rating scale to evaluate suppliers' bids against the above criteria.

**Rating scale**

Description	Definition	Rating
<b>Excellent</b>	Exceeds the requirement. Exceptional demonstration by the supplier of the relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services. Response identifies factors that will offer potential added value, with supporting evidence.	<b>9-10</b>
<b>Good</b>	Satisfies the requirement with minor additional benefits. Above average demonstration by the supplier of the relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services. Response identifies factors that will offer potential added value, with supporting evidence.	<b>7-8</b>
<b>Acceptable</b>	Satisfies the requirement. Demonstration by the supplier of the relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services, with supporting evidence.	<b>5-6</b>
<b>Minor reservations</b>	Satisfies the requirement with minor reservations. Some minor reservations of the supplier's relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services, with little or no supporting evidence.	<b>3-4</b>

<b>Serious reservations</b>	Satisfies the requirement with major reservations. Considerable reservations of the supplier’s relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services, with little or no supporting evidence.	<b>1-2</b>
<b>Unacceptable</b>	Does not meet the requirement. Does not comply and/or insufficient information provided to demonstrate that the supplier has the ability, understanding, experience, skills, resource and quality measures required to provide the goods / services, with little or no supporting evidence.	<b>0</b>

### Additional process

- Following the outcome of the evaluation process, each short listed applicant will be invited to attend an interview with the procurement panel.

## Contract type

- The invited suppliers will be offered a contract for services based on PCC standard professional services contract with tailored terms and conditions.
- The proposed contract term is 18-months.
- The key performance indicators for measuring the supplier’s performance will be included as part of the draft contract.
- Specific reporting requirements are part of the draft contract.
- Variations to contract will be in writing and signed by both parties. Variations involving an extension in scope including delegated decision report writing must only be made within the limit of the financial authority.

## Transitioning to new supplier

- N/A

## Managing implementation

- The responsibility for managing delivery under the contracts and supplier relationship management will sit with Stewart McKenzie, Manager E&CP.

## Risk management

- There are numerous competent suppliers in the market that could successfully deliver the required commissioner and panel chair service.
- Overall this procurement is deemed to be low value with High delivery value.
- Key risks have been assessed against the risk framework detailed at *Appendix 4*. They have been assessed on the basis of likelihood (L) and consequence (C).
- The key for the following risk tables is:
  - likelihood (L): R = rare U = unlikely P = possible L = likely A = almost certain
  - consequence (C): N = negligible L = low M = moderate H = high E = extreme.

### Key risks in the procurement process

Risk	L	C	Rating	Mitigation action	Responsible
• Engage competent commissioners	U	L	Low	Open EOI process, evaluation criteria, interview process	Stewart McKenzie, PDP oversight team
• Lack of interest from the industry	U	L	Low	Advertise on GETS and through Industry channels	Stewart McKenzie, Louise White
• GETS process puts off potential commissioners	U	M	Medium	Ensure EOI messaging is suitably encouraging, promote procurement through industry channels	Stewart McKenzie
• Fixed hourly rates put off potential commissioners	U	M	Medium	Ensure rates are competitive, balanced against long term contract	Stewart McKenzie, Procurement panel

### Key risks in delivering the contract

Risk	L	C	Rating	Mitigation action	Responsible
• Unclear HP brief and hearing staging	U	L	Medium	Clearly structured programme and hearing streams	PDP Oversight team
• Many unresolved issues making for a difficult hearing process	U	M	Medium	pre-hearing conferencing	PDP Oversight team, HP
• Quality of Officer 42A Report writing and recommendations	U	M	Medium	Training and guidance for Council officers, quality control measures	Stewart McKenzie, PDP Oversight team



## Probity management

It is essential that PCC demonstrates ethics and integrity in its procurements. This means:

- acting fairly, impartially, and with integrity
- being accountable and transparent
- being trustworthy and acting lawfully
- managing conflicts of interest
- protecting the supplier's commercially sensitive and confidential information.

Probity in this procurement will be managed by:

- ensuring compliance with the Environment Court's code of conduct
- ensuring that financial authority for the procurement is approved before proceeding to tender
- ensuring everyone involved in the process signs a confidentiality agreement and declares any actual, potential or perceived conflict of interest
- identifying and effectively managing all conflicts of interest
- ensuring that all EOI responses are comprehensively and fairly assessed
- treating all suppliers equally and fairly
- providing feedback to unsuccessful applicants at their request

## Contract completion

### End of term

- The contract will be for 18-months

## Appendix 1: Expression of Interest

### To be posted on GETS:

Expression of Interest: Porirua Proposed District Plan - Appointment of Hearings Panel and Panel Chairperson.

The Porirua City Council has prepared the Proposed Porirua District Plan (the Plan). The Plan was prepared in accordance with the Resource Management Act 1991 and was notified on 20 August 2020. Submissions closed on 20 November 2020.

Council seeks to appoint a Hearings Panel (HP) comprising four commissioners and one panel chair to hear, consider and make decisions on submissions on the Proposed District Plan. The HP is intended to comprise independent RMA commissioners with both general and specific skills and knowledge relevant to the Proposed Porirua District Plan and the submission points raised.

Once all submissions and further submissions have been received, and after any matters have been resolved in pre-hearing meetings, the HP will be required to convene to consider the submissions received, hear those submitters who wish to be heard, and make decisions on the matters raised in the submissions.

The Council requires the successful appointees to be able to provide hearing commissioner services in accordance with the matters set out in Attachments 1 and 2. Independent hearing commissioners shall be appointed having regard to the following:

<b>Plan Hearing experience:</b> <ul style="list-style-type: none"><li>• Previous experience as a commissioner or chairperson for a full district plan review and/or plan change</li></ul>
<b>Track record:</b> <ul style="list-style-type: none"><li>• Ability to deliver quality RMA decisions in a timely manner</li><li>• Reputation for well researched, articulate and timely decision report writing that stands up to legal tests</li><li>• Known for providing good value for money</li></ul>
<b>Specialist RMA knowledge:</b> <ul style="list-style-type: none"><li>• Specific skills and knowledge matched to key PDP topics and matters subject to submissions</li><li>• Detailed knowledge of higher order RMA policy and plans and how they apply to district plans</li></ul>
<b>Collaboration skills:</b> <ul style="list-style-type: none"><li>• The ability to work collaboratively as a hearing panel member, along with Council staff and technical specialists</li><li>• Relates well to Iwi, stakeholders and members of the community</li><li>• Reputation for empathy, teamwork, fairness and honesty</li></ul>

Appointees must meet the accreditation requirements outlined in the Resource Management Act 1991 and accreditation must be current at the time services are exercised. Successful completion of the Making Good Decisions programme is an acceptable qualification for accreditation.

Commercial in confidence

Members of the HP will be responsible for writing hearing decision reports either jointly or co-jointly, with Council providing administrative and logistical support.

Applicants are requested to provide a copy of their Curriculum Vitae detailing:

- Qualifications
- Relevant experience, skills and knowledge
- Proof of accreditation
- Real or perceived conflicts of interest

Applicants are also requested to confirm their interest or otherwise in a chairperson role for the panel. A shortlist of applicants will be drawn up and will be invited to an interview with the procurement panel.

The successful applicants will be contracted to the Porirua City Council at a fixed hourly rate of:

- \$170 p/h for a commissioner role
- \$200 p/h for chair of the hearings panel

Thank you for your consideration of this request. If you wish to submit an expression of interest please email [stewart.mckenzie@porirua.govt.nz](mailto:stewart.mckenzie@porirua.govt.nz) with your proposal by 5.00pm Friday 19 February 2021. The expression of interest response should not exceed 8 pages in total.

Yours sincerely,

Stewart McKenzie

## Appendix 2: Terms of Reference

### Terms of reference for the Proposed Porirua District Plan Hearing Panel

1. **Hearing Panel pool membership** - The membership of the Proposed Porirua District Plan HP shall comprise at least five persons, including an Iwi commissioner. Each member shall hold a current certification under the RMA Making Good Decisions Programme. There shall be a designated Chair and Deputy Chair of the HP who shall both hold a current chair certification under the RMA Making Good Decisions Programme.
2. **Hearing Panel composition** - The quorum is three members for any hearing stream (topic). HPs for individual topics shall have an odd number of commissioners. Each HP for an individual topic shall be chaired by either the Chair or Deputy Chair unless a conflict requires a substitute.
3. **Hearing Procedures** - All members of the HP for a hearing stream have equal speaking rights. The HPs shall endeavor to reach decisions by consensus. In the event that a consensus is unable to be reached then decisions shall be made via majority by those commissioners who heard the topic. The Chair of the topic panel does not have a casting vote.
4. **Powers** - The Proposed District Plan HP is delegated all powers, duties and functions under the Resource Management Act 1991 to consider, hear and decide on submissions on the Proposed District Plan.
5. **Composition** - The Chair of the HP, in conjunction with the Manager Environment and City Planning, will determine the composition of the HP for specific hearing streams.
6. **Responsibilities** - The Proposed District Plan HP shall ensure that the Key Accountabilities and Responsibilities (Appendix 3) are observed. Conflicts of interest will be managed and recorded through a risk register. Conflicts of interest can be managed, in part, through the composition of the HP for any one hearing topic. The appointment of a Deputy Chair will allow the Chair to stand aside for a particular hearing topic if a real or perceived conflict exists that cannot be managed or where a practical need requires.
7. **Duration** - The Proposed District Plan HP is deemed to be dissolved at the end of the decision making process on the submissions received on the Proposed District Plan.

## Appendix 3: Key Accountabilities and Responsibilities

Preparation and Decision	
Key responsibilities - chairperson	Key outcomes
<ul style="list-style-type: none"> <li>• Prepare directions and minutes on procedural matters in consultation with E&amp;CP.</li> <li>• Contribute to and approve planning of hearing arrangements and logistics in collaboration with E&amp;CP.</li> <li>• Allocate tasks among panel members, including drafting parts of the decision.</li> <li>• Engage with panel members to arrange and attend site visits.</li> </ul>	<ul style="list-style-type: none"> <li>• Issue minutes and directions.</li> <li>• Confirmation of hearing planning and logistics.</li> <li>• Allocation of tasks amongst panel members.</li> </ul>
Key Responsibilities - chairperson and commissioners	Key outcomes
<ul style="list-style-type: none"> <li>• Review material including s42A reports thoroughly before hearing and prepare questions for parties, as required.</li> <li>• Take notes throughout the hearing to refer back to when writing the decision.</li> <li>• Attend site visits as required.</li> <li>• Contribute to decision writing and review as instructed by the chairperson.</li> </ul>	<ul style="list-style-type: none"> <li>• Hearings proceed smoothly and in a timely manner.</li> <li>• Decisions are completed within the statutory timeframes.</li> <li>• Decisions are well reasoned and legally and technically correct.</li> </ul>

Hearings	
Key responsibilities - chairperson and commissioners	Key outcomes
<ul style="list-style-type: none"> <li>• Exercise the Councils powers and functions in accordance with relevant legislation and within the terms of the delegated authority and the contract of service.</li> <li>• Adhere to hearings best practice as set out in both MfE guidance and the relevant parts of the Environment Court practice Note 2014.</li> <li>• Correctly identify the nature of issues arising during a hearing in terms of the Resource Management Act 1991, relevant planning documents and other legislation.</li> <li>• Recognise common decision-making biases, including the unconscious bias, and apply strategies to minimise their impact.</li> <li>• Demonstrate impartiality and integrity as well as an awareness and understanding of the principles of natural justice.</li> </ul>	<ul style="list-style-type: none"> <li>• Reach a clear, impartial, logical decision in written form. Provide a degree of neutrality as well as competency and experience in relevant planning aspects.</li> <li>• Apply skills and experience as well as an objective view.</li> <li>• Demonstrate knowledge of the issues by being familiar with all the material provided prior to the hearing and make a site visit, where appropriate.</li> <li>• Write or formulate decisions within statutory timeframes or as requested.</li> <li>• Maintain confidentiality on all deliberations and decisions subsequent to the completion of work.</li> <li>• Disclose any potential conflict of interest, either actual or perceived.</li> </ul>

Commercial in confidence

<ul style="list-style-type: none"> <li>• Listen effectively, identify key arguments and facts from the information presented and apply appropriate weight to evidence.</li> <li>• Consider and apply tikanga Maori to hearings where relevant and appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide all parties with the assurance that they have a fair hearing.</li> </ul>
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Legislative requirements	
Key responsibilities - chairperson and commissioners	Key outcomes
<ul style="list-style-type: none"> <li>• Maintain a comprehensive understanding of all relevant legislation and plans necessary to provide a comprehensive and fair decision for Council and the community.</li> <li>• Keep up to date with relevant legislation and case law and decisions made by other council hearing panels.</li> <li>• Ensure that Making Good Decisions accreditation remains current.</li> <li>• Demonstrate an understanding of the principles of the Treaty of Waitangi, their relevance and their application to decisions (or recommendations) in question</li> </ul>	<ul style="list-style-type: none"> <li>• Apply new or updated legislation and case law to decisions, where appropriate.</li> <li>• Commissioners remain eligible to sit on the panel throughout the duration of their contract/decision making.</li> <li>• Decisions stand up to appeal and judicial review.</li> </ul>

## Appendix 4: Risk register

Key risks have been assessed using this risk analysis framework.

LIKELIHOOD of risk happening	Almost certain	amber	amber	red	red	red
	Likely	yellow	amber	amber	red	red
	Possible	yellow	yellow	amber	amber	red
	Unlikely	green	yellow	yellow	amber	amber
	Rare	green	green	yellow	yellow	amber
		Negligible	Low	Moderate	High	Extreme
		CONSEQUENCE if the risk happens				

Diagram: Risk analysis framework

# Request for Proposal

## Proposed Porirua District Plan Appointment of Hearing Panel and Chairperson

RFP released: 29 01 2021

Deadline for Questions: 2pm 15 02 2021

Deadline for Proposals: 2pm 26 02 2021



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# SECTION 1: Key information

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## 1.1 Context

- a. This Request for Proposal (RFP) is an invitation to suitably qualified suppliers to submit a Proposal for the Hearing Panel (HP) and Chairperson contract opportunity.
  - b. This RFP is a multi-step procurement process.
  - c. Words and phrases that have a special meaning are shown by the use of capitals. Definitions are at the end of [Section 6](#).
- 



## 1.2 Our timeline

- a. Here is our timeline for this RFP.

### Steps in RFP process:

### Date:

Deadline for Questions from suppliers: [15 09 2021]

Deadline for the Buyer to answer suppliers' questions: [19 02 2021]

**Deadline for Proposals:** [2pm][26 02 2021]

Shortlisted Respondents' interviews: week starting [01 03 2021]

Unsuccessful Respondents notified: [22 03 2021]

Anticipated Contract start date: [02 04 2021]

- b. All dates and times are dates and times in New Zealand.
- 



## 1.3 How to contact us

- a. All enquiries must be directed to our Point of Contact. We will manage all external communications through this Point of Contact.

### b. Our Point of Contact

**Name:** Stewart McKenzie, Manager Environment & City Planning

**Email address:** [stewart.mckenzie@porirua.govt.nz](mailto:stewart.mckenzie@porirua.govt.nz)

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## 1.4 Developing and submitting your Proposal

- a. This is an open process. The RFP sets out the step-by-step process and conditions that apply.
  - b. Take time to read and understand the RFP. In particular:
    - i. Develop a strong understanding of our Requirements detailed in [Section 2](#).
    - ii. In structuring your Proposal consider how it will be evaluated. [Section 3](#) describes our Evaluation Approach.
  - c. For helpful hints to assist with preparing your proposal go to: [www.procurement.govt.nz / for suppliers](http://www.procurement.govt.nz/for-suppliers).
  - d. If anything is unclear or you have a question, ask us to explain. Please do so before the Deadline for Questions. Email our [Point of Contact](#).
  - e. Check you have provided all information requested, and in the format and order asked for.
  - f. Please ensure you get your Proposal to us before the deadline.
- 



## 1.5 Submitting your Proposal

- a. Proposals must be submitted electronically to the following address:  
Via the GETS system.
-

- 
- b. Proposals sent by post or fax, or hard copy delivered to our office, will not be accepted.
- 



## 1.6 Our RFP Process, Terms and Conditions

- a. **Offer Validity Period:** In submitting a Proposal the Respondent agrees that their offer will remain open for acceptance by the Buyer for 90 calendar days from the Deadline for Proposals.
- b. The RFP is subject to the RFP Process, Terms and Conditions (shortened to RFP-Terms) described in [Section 6](#). We have made the following variation/s to the RFP-Terms

### **6.17 c ) Is replaced by:**

Suppliers acknowledge that the Buyer's obligations under clause 6.17 a) are subject to the requirements imposed by the Local Government Official Information and Meetings Act 1987, the Privacy Act 1993, and any other obligations imposed by the law or any Court. The Buyer's obligation to keep the Supplier's information confidential will not be breached if the information is disclosed by the Buyer to the appropriate authority because of suspected collusive or anti-competitive behaviour.



## 1.7 Later changes to the RFP

- a. If, after publishing the RFP, we need to change anything about the RFP, or RFP process, or want to provide suppliers with additional information we will let all suppliers know by placing a notice on the Government Electronic Proposals Service (GETS) at [www.gets.govt.nz](http://www.gets.govt.nz)
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# SECTION 2: Our Requirements

## 2.1 Context

The Porirua City Council (PCC) has prepared the Proposed Porirua District Plan (PDP). The PDP was prepared in accordance with the Resource Management Act 1991 and was notified on 20 August 2020. Submissions closed on 20 November 2020 and a total of 268 submissions were received.

PCC seeks to appoint a Hearings Panel (HP) comprising four commissioners and one panel chair to hear, consider and make decisions on submissions on the PDP. The HP is intended to comprise independent RMA commissioners with both general and specific skills and knowledge relevant to the PDP and the submission points raised.

Once all submissions and further submissions have been received, and after any matters have been resolved in pre-hearing meetings, the HP will be required to convene to consider the submissions received, hear those submitters who wish to be heard, and make decisions on the matters raised in the submissions.

## 2.2 Hearing Panel Terms of Reference

1. Hearing Panel membership	The membership of the PDP HP shall comprise at least five persons, including an Iwi commissioner. Each member shall hold a current certification under the RMA Making Good Decisions Programme. There shall be a designated Chair and Deputy Chair of the HP who shall both hold a current chair certification under the RMA Making Good Decisions Programme.
2. Hearing Panel composition	The quorum is three members for any hearing stream (topic). HPs for individual topics shall have an odd number of commissioners. Each HP for an individual topic shall be chaired by either the Chair or Deputy Chair unless a conflict requires a substitute.
3. Hearing Procedures	All members of the HP for a hearing stream have equal speaking rights. The HP shall endeavour to reach decisions by consensus. In the event that a consensus is unable to be reached then decisions shall be made via majority by those commissioners who heard the topic. The Chair of the topic panel does not have a casting vote.
4. Powers	The HP is delegated all powers, duties and functions under the Resource Management Act 1991 to consider, hear and decide on submissions on the PDP.
5. Composition	The Chair of the HP, in conjunction with the Manager Environment and City Planning, will determine the composition of the HP for specific hearing streams.
6. Responsibilities	The HP shall ensure that the Key Accountabilities and Responsibilities (section 2.4 of this RFP) are observed. Conflicts of interest will be managed and recorded through a risk register. Conflicts of interest can be managed, in part, through the composition of the HP for any specific hearing stream. The appointment of a Deputy Chair will allow the Chair to stand aside for a particular hearing topic if a real or perceived conflict exists that cannot be managed or where a practical need requires this.
7. Duration	The HP is deemed to be dissolved at the end of the decision making process on the submissions received on the PDP.

## 2.3 What we require

The Council requires the successful appointees to meet the requirements set out in sections 2.3 and 2.4 of this RFP, and applications will be assessed against the weighted evaluation criteria set out in section 3. Specific skill, knowledge and experience requirements are identified as follows:

<p>Plan Hearing experience:</p> <ul style="list-style-type: none"> <li>• Previous experience as a commissioner or chairperson for a full district plan review and/or plan change</li> </ul>
<p>Track record:</p> <ul style="list-style-type: none"> <li>• Proven ability to deliver quality RMA decisions in a timely manner</li> <li>• Reputation for well researched, articulate and timely decision report writing that stands up to legal tests</li> <li>• Known for providing good value for money</li> </ul>
<p>Specialist RMA knowledge:</p> <ul style="list-style-type: none"> <li>• Specific skills and knowledge matched to key PDP topics and matters subject to submissions</li> <li>• Detailed knowledge of higher order RMA policy and plans and how they apply to district plans</li> </ul>
<p>Collaboration skills:</p> <ul style="list-style-type: none"> <li>• The ability to work collaboratively as a hearing panel member, along with Council staff and technical specialists</li> <li>• Relates well to Iwi, stakeholders and members of the community</li> <li>• Reputation for empathy, teamwork, fairness and honesty</li> </ul>

## 2.4 Key accountabilities and responsibilities

The key responsibilities and outcomes sought for both the chair and commissioner roles are set out below. This is not an exhaustive list but is intended to provide scope for what the roles will likely involve.

### Pre-hearing preparations and decision writing

Chairperson Responsibilities	Key outcomes
<ul style="list-style-type: none"> <li>• Prepare directions and minutes on procedural matters in consultation with the Manager E&amp;CP.</li> <li>• Contribute to and approve planning of hearing arrangements and logistics in collaboration with E&amp;CP.</li> <li>• Allocate tasks among panel members, including drafting parts of the decision.</li> <li>• Engage with panel members to arrange and attend site visits.</li> </ul>	<ul style="list-style-type: none"> <li>• Issue minutes and directions.</li> <li>• Confirmation of hearing planning and logistics.</li> <li>• Allocation of tasks amongst HP members.</li> </ul>
Chairperson and Hearing Panel responsibilities	Key outcomes
<ul style="list-style-type: none"> <li>• Review material including s42A reports thoroughly before hearing and prepare questions for parties, as required.</li> </ul>	<ul style="list-style-type: none"> <li>• Hearings proceed smoothly and in a timely manner.</li> </ul>

<ul style="list-style-type: none"> <li>• Take notes throughout the hearing to refer back to when writing the decision.</li> <li>• Attend site visits as required.</li> <li>• Contribute to decision writing and review as instructed by the chairperson.</li> </ul>	<ul style="list-style-type: none"> <li>• Decisions are completed within the statutory timeframes.</li> <li>• Decisions are well reasoned and legally and technically correct.</li> </ul>
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### Hearings Process

Chairperson and Hearing Panel Responsibilities	Key outcomes
<ul style="list-style-type: none"> <li>• Exercise the Councils powers and functions in accordance with relevant legislation and within the terms of the delegated authority and the contract of service.</li> <li>• Adhere to hearings best practice as set out in both MfE guidance and the relevant parts of the Environment Court practice Note 2014.</li> <li>• Correctly identify the nature of issues arising during a hearing in terms of the Resource Management Act 1991, relevant planning documents and other legislation.</li> <li>• Recognise common decision-making biases, including the unconscious bias, and apply strategies to minimise their impact.</li> <li>• Demonstrate impartiality and integrity as well as an awareness and understanding of the principles of natural justice.</li> <li>• Listen effectively, identify key arguments and facts from the information presented and apply appropriate weight to evidence.</li> <li>• Consider and apply tikanga Maori to hearings where relevant and appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>• Reach a clear, impartial, logical decision in written form. Provide a degree of neutrality as well as competency and experience in relevant planning aspects.</li> <li>• Apply skills and experience as well as an objective view.</li> <li>• Demonstrate knowledge of the issues by being familiar with all the material provided prior to the hearing and make a site visit, where appropriate.</li> <li>• Write or formulate decisions within statutory timeframes or as requested.</li> <li>• Maintain confidentiality on all deliberations and decisions subsequent to the completion of work.</li> <li>• Disclose any potential conflict of interest, either actual or perceived.</li> <li>• Provide all parties with the assurance that they have a fair hearing.</li> </ul>

## 2.5 Contract term

We anticipate that the Contract will commence in April 2021. The anticipated Contract term and options to extend are:

Description	Years
Initial term of the Contract	18-months (Starting April 2021)
Options to extend the Contract/Max term	A further 12-months following the expiration of the initial term

## 2.6 Proposal Documents

- All applicants are required to complete the RFP Response Form.
- Applicants are also requested to provide a copy of their Curriculum Vitae and supporting information that includes:
  - A cover letter confirming general suitability for the role of chairperson and/or hearing commissioner
  - Qualifications
  - Relevant experience, skills and knowledge in line with the above requirements
  - Confirmation of whether you are applying for the role of chairperson, hearing commissioner or both
  - Proof of accreditation<sup>1</sup>
  - Any real or perceived conflicts of interest
  - The names and contact details of at least two referees
  - Any other relevant information

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<sup>1</sup> Appointees must meet the accreditation requirements outlined in the Resource Management Act 1991 and accreditation must be current at the time services are exercised. Successful completion of the Making Good Decisions programme is an acceptable qualification for accreditation. Chair certification is required for applicants seeking the chairperson role.

# SECTION 3: Our Evaluation Approach

## 3.1 Evaluation model

the evaluation model that will be used is weighted criteria. This means that Proposals will be shortlisted by scoring against set criteria.

## 3.2 Pre-conditions

Each Proposal must meet all of the following pre-conditions. **Proposals which fail to meet one or more will be eliminated from further consideration.**

Respondents who are unable to meet all pre-conditions should conclude that they will not benefit from submitting a Proposal.

	Pre-condition
1.	Appointees must meet the accreditation requirements outlined in section 39B of the Resource Management Act 1991 and accreditation under the Making Good Decisions Programme must be current at the time services are exercised.
2	The chair must have Chairs Certification under the Making Good Decisions Programme.

## 3.3 Evaluation criteria

Proposals will be evaluated on their merits according to the following evaluation criteria and weightings:

Criterion	Weighting
RMA Plan Hearing experience: <ul style="list-style-type: none"> <li>• Previous experience as a commissioner or chair on a HP for a full district plan hearing and/or plan change</li> </ul>	<b>20%</b>
Track record: <ul style="list-style-type: none"> <li>• Ability to deliver quality RMA decisions in a timely manner</li> <li>• Reputation for well researched, articulate decision report writing that stand up to legal tests</li> <li>• Known for providing good value for money</li> </ul>	<b>30%</b>
Specialist RMA knowledge: <ul style="list-style-type: none"> <li>• Specific skills and knowledge matched to the key PDP topics and matters subject to submissions</li> <li>• Detailed knowledge of higher order RMA policy and plans</li> </ul>	<b>20%</b>
Collaboration skills: <ul style="list-style-type: none"> <li>• The ability to work collaboratively on a HP, along with Council staff and technical specialists.</li> <li>• Relates well to Iwi, stakeholders and members of the community.</li> <li>• Reputation for empathy, teamwork, fairness and honesty.</li> </ul>	<b>30%</b>
Total weightings	<b>100%</b>



### **3.4 Evaluation process and due diligence**

In addition to the above, we will undertake the following processes and due diligence in relation to shortlisted Respondents. The findings will be taken into account in the evaluation process.

- a. reference check
- b. interview Respondents

# SECTION 4: Pricing information

## 4.1 Fixed hourly rates

Hourly rates will be fixed for both the chairperson and commissioner roles. These have been set as follows:

- \$170 p/h for the commissioner roles
- \$210 p/h for the chairperson role

# SECTION 5: Our Proposed Contract

## 5.1 Proposed Contract

The Proposed Contract that we intend to use is the [Government Model Contract for Services](#).

# SECTION 6: RFP Process, Terms and Conditions

## Note to suppliers and Respondents

- In managing this procurement the Buyer will endeavour to act fairly and reasonably in all of its dealings with interested suppliers and Respondents, and to follow due process which is open and transparent.
- This section contains the government's standard RFP Process, Terms and Conditions (shortened to RFP-Terms) which apply to this procurement. Any variation to the RFP-Terms will be recorded in Section 1, [paragraph 1.6](#). Check to see if any changes have been made for this RFP.
- Words and phrases that have a special meaning are shown by the use of capitals. [Definitions](#) are at the end of this section.
- If you have any questions about the RFP-Terms please email our [Point of Contact](#).

## Standard RFP process



### Preparing and submitting a proposal

#### 6.1 Preparing a Proposal

- a. Respondents are to provide a curriculum vitae and supporting information (a Proposal) that includes all information requested by the Buyer in relation to the RFP.
- b. By submitting a Proposal the Respondent accepts that it is bound by the RFP Process, Terms and Conditions (RFP-Terms) contained in Section 6 (as varied by Section 1, paragraph 1.6, if applicable).
- c. Each Respondent will:
  - i. examine the RFP and any documents referenced in the RFP and any other information provided by the Buyer
  - ii. consider all risks, contingencies and other circumstances relating to the delivery of the Requirements and include adequate provision in its Proposal to manage such risks and contingencies
  - iii. document in its Proposal all assumptions and qualifications made about the delivery of the Requirements, including any assumption that the Buyer or a third party will deliver any aspect of the Requirements or incur any cost related to the delivery of the Requirements
  - iv. if appropriate, obtain independent advice before submitting a Proposal
  - v. satisfy itself as to the correctness and sufficiency of its Proposal
- d. There is no expectation or obligation for Respondents to submit Proposals in response to the RFP solely to remain on any prequalified or registered supplier list. Any Respondent on such a list will not be penalised for failure to submit a Proposal.

#### 6.2 Offer Validity Period

- a. Proposals are to remain valid and open for acceptance by the Buyer for the Offer Validity Period.



### 6.3 Respondents' Deadline for Questions

- a. Each Respondent should satisfy itself as to the interpretation of the RFP. If there is any perceived ambiguity or uncertainty in the RFP document/s Respondents should seek clarification before the Deadline for Questions.
- b. All requests for clarification must be made by email to the Buyer's Point of Contact. The Buyer will endeavour to respond to requests in a timely manner, but not later than the deadline for the Buyer to answer Respondents' questions in Section 1, paragraph 1.2.a, if applicable.
- c. If the Buyer considers a request to be of sufficient importance to all Respondents it may provide details of the question and answer to other Respondents. In doing so the Buyer may summarise the Respondent's question and will not disclose the Respondent's identity. The question and answer may be posted on GETS and/or emailed to participating Respondents. A Respondent may withdraw a request at any time.
- d. In submitting a request for clarification a Respondent is to indicate, in its request, any information that is commercially sensitive. The Buyer will not publish such commercially sensitive information. However, the Buyer may modify a request to eliminate such commercially sensitive information, and publish this and the answer where the Buyer considers it of general significance to all Respondents. In this case, however, the Respondent will be given an opportunity to withdraw the request or remove the commercially sensitive information.



### 6.4 Submitting a Proposal

- a. Each Respondent is responsible for ensuring that its Proposal is received by the Buyer at the correct address on or before the Deadline for Proposals. The Buyer will acknowledge receipt of each Proposal.
- b. The Buyer intends to rely on the Respondent's Proposal and all information provided by the Respondent (e.g. correspondence and negotiations). In submitting a Proposal and communicating with the Buyer each Respondent should check that all information it provides to the Buyer is:
  - i. true, accurate and complete, and not misleading in any material respect
  - ii. does not contain Intellectual Property that will breach a third party's rights.
- c. Where the Buyer requires the Proposal to be delivered in hard and soft copies, the Respondent is responsible for ensuring that both the hard and soft copies are identical.

## Assessing Proposals

### 6.5 Evaluation panel

- a. The Buyer will convene an evaluation panel comprising members chosen for their relevant expertise and experience. In addition, the Buyer may invite independent advisors to evaluate any Proposal, or any aspect of any Proposal.

### 6.6 Third party information

- a. Each Respondent authorises the Buyer to collect additional information, except commercially sensitive pricing information, from any relevant third party (such as a referee or a previous or existing client) and to use that information as part of its evaluation of the Respondent's Proposal.
- b. Each Respondent is to ensure that all referees listed in support of its Proposal agree to provide a reference.
- c. To facilitate discussions between the Buyer and third parties each Respondent waives any confidentiality obligations that would otherwise apply to information held by a third party, with the exception of commercially sensitive pricing information.



## 6.7 Buyer's clarification

- a. The Buyer may, at any time, request from any Respondent clarification of its Proposal as well as additional information about any aspect of its Proposal. The Buyer is not required to request the same clarification or information from each Respondent.
- b. The Respondent must provide the clarification or additional information in the format requested. Respondents will endeavour to respond to requests in a timely manner. The Buyer may take such clarification or additional information into account in evaluating the Proposal.
- c. Where a Respondent fails to respond adequately or within a reasonable time to a request for clarification or additional information, the Buyer may cease evaluating the Respondent's Proposal and may eliminate the Proposal from the RFP process.



## 6.8 Evaluation and shortlisting

- a. The Buyer will base its initial evaluation on the Proposals submitted in response to the RFP. The Buyer may adjust its evaluation of a Proposal following consideration of any clarification or additional information as described in paragraphs 6.6 and 6.7.
- b. In deciding which Respondent/s to shortlist the Buyer will take into account the results of the evaluations of each Proposal and the following additional information:
  - i. each Respondent's understanding of the Requirements, capability to fully deliver the Requirements and willingness to meet the terms and conditions of the Proposed Contract
  - ii. except where the price is the only criterion, the best value-for-money over the whole-of-life of the goods or services.
- c. In deciding which Respondent/s, to shortlist the Buyer may take into account any of the following additional information:
  - i. the results from reference checks, site visits, product testing and any other due diligence
  - ii. the ease of contracting with a Respondent based on that Respondent's feedback on the Proposed Contract (where these do not form part of the weighted criteria)
  - iii. any matter that materially impacts on the Buyer's trust and confidence in the Respondent
  - iv. any other relevant information that the Buyer may have in its possession.
- d. The Buyer will advise Respondents if they have been shortlisted or not. Being shortlisted does not constitute acceptance by the Buyer of the Respondent's Proposal, or imply or create any obligation on the Buyer to enter into negotiations with, or award a Contract for delivery of the Requirements to any shortlisted Respondent/s. At this stage in the RFP process the Buyer will not make public the names of the shortlisted Respondents.



## 6.9 Negotiations

- a. The Buyer may invite a Respondent to enter into negotiations with a view to contract. Where the outcome is unsatisfactory the Buyer may discontinue negotiations with a Respondent and may then initiate negotiations with another Respondent.
- b. The Buyer may initiate concurrent negotiations with more than one Respondent. In concurrent negotiations the Buyer will treat each Respondent fairly, and:
  - i. prepare a negotiation plan for each negotiation
  - ii. advise each Respondent, that it wishes to negotiate with, that concurrent negotiations will be carried out
  - iii. hold separate negotiation meetings with each Respondent.



- c. Each Respondent agrees that any legally binding contract entered into between the Successful Respondent and the Buyer will be essentially in the form set out in Section 5, the Proposed Contract.

## 6.10 Respondent's debrief

- a. At any time after shortlisting Respondents the Buyer will offer all Respondents who have not been shortlisted a debrief. Each Respondent will have 30 Business Days, from the date of offer, to request a debrief. When a Respondent requests a debrief, the Buyer will provide the debrief within 30 Business Days of the date of the request, or of the date the Contract is signed, whichever is later.
- b. The debrief may be provided by letter, email, phone or at a meeting. The debrief will:
  - i. provide the reasons why the Proposal was or was not successful
  - ii. explain how the Proposal performed against the pre-conditions (if applicable) and the evaluation criteria
  - iii. indicate the Proposal's relative strengths and weaknesses
  - iv. explain, in general terms, the relative advantage/s of the successful Proposal
  - v. seek to address any concerns or questions from the Respondent
  - vi. seek feedback from the Respondent on the RFP and the RFP process.



## 6.11 Notification of outcome

- a. At any point after conclusion of negotiations, but no later than 30 Business Days after the date the Contract is signed, the Buyer will inform all unsuccessful Respondents of the name of the Successful Respondent, if any. The Buyer may make public the name of the Successful Respondent and any unsuccessful Respondent. Where applicable, the Buyer will publish a Contract Award Notice on GETS.

## 6.12 Issues and complaints

- a. A Respondent may, in good faith, raise with the Buyer any issue or complaint about the RFP, or the RFP process at any time.
- b. The Buyer will consider and respond promptly and impartially to the Respondent's issue or complaint.
- c. Both the Buyer and Respondent agree to act in good faith and use their best endeavours to resolve any issue or complaint that may arise in relation to the RFP.
- d. The fact that a Respondent has raised an issue or complaint is not to be used by the Buyer to unfairly prejudice the Respondent's ongoing participation in the RFP process or future contract opportunities.



# Standard RFP conditions

## 6.13 Buyer's Point of Contact

- a. All enquiries regarding the RFP must be directed by email to the Buyer's Point of Contact. Respondents must not directly or indirectly approach any representative of the Buyer, or any other person, to solicit information concerning any aspect of the RFP.
- b. Only the Point of Contact, and any authorised person of the Buyer, are authorised to communicate with Respondents regarding any aspect of the RFP. The Buyer will not be bound by any statement made by any other person.
- c. The Buyer may change the Point of Contact at any time. The Buyer will notify Respondents of any such change. This notification may be posted on GETS or sent by email.
- d. Where a Respondent has an existing contract with the Buyer then business as usual communications, for the purpose of managing delivery of that contract, will continue using the usual contacts. Respondents must not use business as usual contacts to lobby the Buyer, solicit information or discuss aspects of the RFP.





## 6.14 Conflict of Interest

- a. Each Respondent must complete the Conflict of Interest declaration in the **Response Form** and must immediately inform the Buyer should a Conflict of Interest arise during the RFP process. A material Conflict of Interest may result in the Respondent being disqualified from participating further in the RFP.

## 6.15 Ethics

- a. Respondents must not attempt to influence or provide any form of personal inducement, reward or benefit to any representative of the Buyer in relation to the RFP.
- b. A Respondent who attempts to do anything prohibited by paragraphs 6.13.a. and d. and 6.15.a. may be disqualified from participating further in the RFP process.
- c. The Buyer reserves the right to require additional declarations, or other evidence from a Respondent, or any other person, throughout the RFP process to ensure probity of the RFP process.

## 6.16 Anti-collusion and bid rigging

- a. Respondents must not engage in collusive, deceptive or improper conduct in the preparation of their Proposals or other submissions or in any discussions or negotiations with the Buyer. Such behaviour will result in the Respondent being disqualified from participating further in the RFP process. In submitting a Proposal the Respondent warrants that its Proposal has not been prepared in collusion with a Competitor.
- b. The Buyer reserves the right, at its discretion, to report suspected collusive or anti-competitive conduct by Respondents to the appropriate authority and to give that authority all relevant information including a Respondent's Proposal.

## 6.17 Confidential Information

- a. The Buyer and Respondent will each take reasonable steps to protect Confidential Information and, subject to paragraph 6.17.c. and without limiting any confidentiality undertaking agreed between them, will not disclose Confidential Information to a third party without the other's prior written consent.
- b. The Buyer and Respondent may each disclose Confidential Information to any person who is directly involved in the RFP process on its behalf, such as officers, employees, consultants, contractors, professional advisors, evaluation panel members, partners, principals or directors, but only for the purpose of participating in the RFP.
- c. Respondents acknowledge that the Buyer's obligations under paragraph 6.17.a. are subject to requirements imposed by the Official Information Act 1982 (OIA), the Privacy Act 1993, parliamentary and constitutional convention and any other obligations imposed by law. The Buyer will not be in breach of its obligations if Confidential Information is disclosed by the Buyer to the appropriate authority because of suspected collusive or anti-competitive behaviour. Where the Buyer receives an OIA request that relates to a Respondent's Confidential Information the Buyer will consult with the Respondent and may ask the Respondent to explain why the information is considered by the Respondent to be confidential or commercially sensitive.

## 6.18 Confidentiality of RFP information

- a. For the duration of the RFP, to the date of the announcement of the Successful Respondent, or the end of the RFP process, the Respondent agrees to keep the RFP strictly confidential and not make any public statement to any third party in relation to any aspect of the RFP, the RFP process or the award of any Contract without the Buyer's prior written consent.
- b. A Respondent may disclose RFP information to any person described in paragraph 6.17.b. but only for the purpose of participating in the RFP. The Respondent must take reasonable





steps to ensure that such recipients do not disclose Confidential Information to any other person or use Confidential Information for any purpose other than responding to the RFP.

### **6.19 Costs of participating in the RFP process**

- a. Each Respondent will meet its own costs associated with the preparation and presentation of its Proposal and any negotiations.

### **6.20 Ownership of documents**

- a. The RFP and its contents remain the property of the Buyer. All Intellectual Property rights in the RFP remain the property of the Buyer or its licensors. The Buyer may request the immediate return or destruction of any or all RFP documents and any copies. Respondents must comply with any such request in a timely manner.
- b. All documents forming the Proposal will, when delivered to the Buyer, become the property of the Buyer. Proposals will not be returned to Respondents at the end of the RFP process.
- c. Ownership of Intellectual Property rights in the Proposal remain the property of the Respondent or its licensors. However, the Respondent grants to the Buyer a non-exclusive, non-transferable, perpetual licence to retain, use, copy and disclose information contained in the Proposal for any purpose related to the RFP process.

### **6.21 No binding legal relations**

- a. Neither the RFP, nor the RFP process, creates a process contract or any legal relationship between the Buyer and any Respondent, except in respect of:
  - i. the Respondent's declaration in its Proposal
  - ii. the Offer Validity Period
  - iii. the Respondent's statements, representations and/or warranties in its Proposal and in its correspondence and negotiations with the Buyer
  - iv. the Evaluation Approach to be used by the Buyer to assess Proposals as set out in Section 3 and in the RFP-Terms (as varied by Section 1, paragraph 1.6, if applicable)
  - v. the standard RFP conditions set out in paragraphs 6.13 to 6.26
  - vi. any other matters expressly described as binding obligations in Section 1, paragraph 1.6.
- b. Each exception in paragraph 6.21.a. is subject only to the Buyer's reserved rights in paragraph 6.23.
- c. Except for the legal obligations set out in paragraph 6.21.a. no legal relationship is formed between the Buyer and any Respondent unless and until a Contract is entered into between those parties.

### **6.22 Elimination**

- a. The Buyer may exclude a Respondent from participating in the RFP if the Buyer has evidence of any of the following, and is considered by the Buyer to be material to the RFP:
  - i. the Respondent has failed to provide all information requested, or in the correct format, or materially breached a term or condition of the RFP
  - ii. the Proposal contains a material error, omission or inaccuracy
  - iii. the Respondent is in bankruptcy, receivership or liquidation
  - iv. the Respondent has made a false declaration
  - v. there is a serious performance issue in a historic or current contract delivered by the Respondent
  - vi. the Respondent has been convicted of a serious crime or offence



- vii. there is professional misconduct or an act or omission on the part of the Respondent which adversely reflects on the integrity of the Respondent
- viii. the Respondent has failed to pay taxes, duties or other levies
- ix. the Respondent represents a threat to national security or the confidentiality of sensitive government information
- x. the Respondent is a person or organisation designated as a terrorist by New Zealand Police.

### 6.23 Buyer's additional rights

- a. Despite any other provision in the RFP the Buyer may, on giving due notice to Respondents:
  - i. amend, suspend, cancel and/or re-issue the RFP, or any part of the RFP
  - ii. make any material change to the RFP (including any change to the timeline, Requirements or Evaluation Approach) on the condition that Respondents are given a reasonable time within which to respond to the change.
- b. Despite any other provision in the RFP the Buyer may:
  - i. accept a late Proposal if it is the Buyer's fault that it is received late
  - ii. in exceptional circumstances, accept a late Proposal where it considers that there is no material prejudice to other Respondents. The Buyer will not accept a late Proposal if it considers that there is risk of collusion on the part of a Respondent, or the Respondent may have knowledge of the content of any other Proposal
  - iii. in exceptional circumstances, answer a question submitted after the Deadline for Questions, if applicable
  - iv. accept or reject any Proposal, or part of a Proposal
  - v. accept or reject any non-compliant, non-conforming or alternative Proposal
  - vi. decide not to accept the lowest priced conforming Proposal unless this is stated as the Evaluation Approach
  - vii. decide not to enter into a Contract with any Respondent
  - viii. liaise or negotiate with any Respondent without disclosing this to, or doing the same with, any other Respondent
  - ix. provide or withhold from any Respondent information in relation to any question arising in relation to the RFP. Information will usually only be withheld if it is deemed unnecessary, is commercially sensitive to a Respondent, is inappropriate to supply at the time of the request or cannot be released for legal reasons
  - x. amend the Proposed Contract at any time, including during negotiations with a shortlisted Respondent
  - xi. waive irregularities or requirements in or during the RFP process where it considers it appropriate and reasonable to do so.
- c. The Buyer may request that a Respondent/s agrees to the Buyer:
  - i. selecting any individual element/s of the Requirements that is offered in a Proposal and capable of being delivered separately, unless the Proposal specifically states that the Proposal, or elements of the Proposal, are to be taken collectively
  - ii. selecting two or more Respondents to deliver the Requirements as a joint venture or consortium.

### 6.24 New Zealand law

- a. The laws of New Zealand shall govern the RFP and each Respondent agrees to submit to the exclusive jurisdiction of the New Zealand courts in respect of any dispute concerning the RFP or the RFP process.



## 6.25 Disclaimer

- a. The Buyer will not be liable in contract, tort, equity, or in any other way whatsoever for any direct or indirect damage, loss or cost incurred by any Respondent or any other person in respect of the RFP process.
- b. Nothing contained or implied in the RFP, or RFP process, or any other communication by the Buyer to any Respondent shall be construed as legal, financial or other advice. The Buyer has endeavoured to ensure the integrity of such information. However, it has not been independently verified and may not be updated.
- c. To the extent that liability cannot be excluded, the maximum aggregate liability of the Buyer, its agents and advisors is \$1.

## 6.26 Precedence

- a. Any conflict or inconsistency in the RFP shall be resolved by giving precedence in the following descending order:
  - i. Section 1, paragraph 1.6
  - ii. Section 6 (RFP-Terms)
  - iii. all other Sections of this RFP document
  - iv. any additional information or document provided by the Buyer to Respondents through the Buyer's Point of Contact or GETS.
- b. If there is any conflict or inconsistency between information or documents having the same level of precedence the later information or document will prevail.

# Definitions

In relation to the RFP the following words and expressions have the meanings described below.

<b>Advance Notice</b>	A notice published by the buyer on GETS in advance of publishing the RFP. An Advance Notice alerts the market to a contract opportunity. Where used, an Advance Notice forms part of the RFP.
<b>Business Day</b>	Any week day in New Zealand, excluding Saturdays, Sundays, New Zealand (national) public holidays and all days from Boxing Day up to and including the day after New Year's Day.
<b>Buyer</b>	The Buyer is the government agency that has issued the RFP with the intent of purchasing the goods or services described in the Requirements. The term Buyer includes its officers, employees, contractors, consultants, agents and representatives.
<b>Competitors</b>	Any other business that is in competition with a Respondent either in relation to the goods or services sought under the RFP or in general.
<b>Confidential Information</b>	Information that: <ol style="list-style-type: none"><li>a. is by its nature confidential</li><li>b. is marked by either the Buyer or a Respondent as 'confidential', 'commercially sensitive', 'sensitive', 'in confidence', 'top secret', 'secret', 'classified' and/or 'restricted'</li><li>c. is provided by the Buyer, a Respondent, or a third party in confidence</li><li>d. the Buyer or a Respondent knows, or ought to know, is confidential.</li></ol> Confidential information does not cover information that is in the public domain through no fault of either the Buyer or a Respondent.

<b>Conflict of Interest</b>	A Conflict of Interest arises if a Respondent's personal or business interests or obligations do, could, or be perceived to, conflict with its obligations to the Buyer under the RFP or in the provision of the goods or services. It means that the Respondent's independence, objectivity or impartiality can be called into question. A Conflict of Interest may be: <ul style="list-style-type: none"> <li>a. actual: where the conflict currently exists</li> <li>b. potential: where the conflict is about to happen or could happen, or</li> <li>c. perceived: where other people may reasonably think that a person is compromised.</li> </ul>
<b>Contract</b>	The written Contract/s entered into by the Buyer and Successful Respondent/s for the delivery of the Requirements.
<b>Contract Award Notice</b>	Government Rules of Sourcing, Rule 45 requires a Buyer to publish a Contract Award Notice on GETS when it has awarded a contract that is subject to the Rules.
<b>Deadline for Proposals</b>	The deadline that Proposals are to be delivered or submitted to the Buyer as stated in Section 1, paragraph 1.2.
<b>Deadline for Questions</b>	The deadline for suppliers to submit questions to the Buyer as stated in Section 1, paragraph 1.2, if applicable.
<b>Evaluation Approach</b>	The approach used by the Buyer to evaluate Proposals as described in Section 3 and in Section 6 (as varied by Section 1, paragraph 1.6, if applicable).
<b>GETS</b>	Government Electronic Proposals Service available at <a href="http://www.gets.govt.nz">www.gets.govt.nz</a>
<b>GST</b>	The goods and services tax payable in accordance with the New Zealand Goods and Services Tax Act 1985.
<b>Intellectual Property</b>	All intellectual property rights and interests, including copyright, trademarks, designs, patents and other proprietary rights, recognised or protected by law.
<b>Offer Validity Period</b>	The period of time when a Proposal (offer) is held open by the Respondent for acceptance by the Buyer as stated in Section 1, paragraph 1.6.
<b>Point of Contact</b>	The Buyer and each Respondent are required to appoint a Point of Contact. This is the channel to be used for all communications during the RFP process. The Buyer's Point of Contact is identified in Section 1, paragraph 1.3. The Respondent's Point of Contact is identified in its Proposal.
<b>Price</b>	The total amount, including all costs, fees, expenses and charges, to be charged by the Successful Respondent for the full delivery of the Requirements. Each Respondent's Proposal must include its Price.
<b>Proposal</b>	The response a Respondent submits in reply to the RFP. It comprises the Response Form, the Respondent's bid, financial and pricing information and all other information submitted by a Respondent.
<b>Proposed Contract</b>	The Contract terms and conditions proposed by the Buyer for the delivery of the Requirements as described in Section 5.
<b>RFP</b>	Means the Request for Proposal.
<b>Registration of Interest</b>	A formal request by a Buyer asking potential suppliers to register their interest in a procurement. It is the first step in a multi-step proposal process.
<b>Request for Proposal (RFP)</b>	The RFP comprises the Advance Notice (where used), the Registration of Interest (where used), this RFP document (including the RFP-Terms) and any other schedule,

	appendix or document attached to this RFP, and any subsequent information provided by the Buyer to Respondents through the Buyer's Point of Contact or GETS.
<b>RFP-Terms</b>	Means the Request for Proposal - Process, Terms and Conditions as described in Section 6.
<b>RFP Process, Terms and Conditions (shortened to RFP-Terms)</b>	The government's standard process, terms and conditions that apply to RFPs as described in Section 6. These may be varied at the time of the release of the RFP by the Buyer in Section 1, paragraph 1.6. These may be varied subsequent to the release of the RFP by the Buyer on giving notice to Respondents.
<b>Requirements</b>	The goods and/or services described in Section 2 which the Buyer intends to purchase.
<b>Respondent</b>	A person, organisation, business or other entity that submits a Proposal in response to the RFP. The term Respondent includes its officers, employees, contractors, consultants, agents and representatives. The term Respondent differs from a supplier, which is any other business in the market place that does not submit a Proposal.
<b>Response Form</b>	The form and declaration prescribed by the Buyer and used by a Respondent to respond to the RFP, duly completed and submitted by a Respondent as part of the Proposal.
<b>Successful Respondent</b>	Following the evaluation of Proposals and successful negotiations, the Respondent/s who is awarded a Contract/s to deliver all or part of the Requirements.

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# TREVOR ROBINSON

— Barrister —

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23 February 2021

Porirua City Council  
**Porirua**

**Attention: Stewart McKenzie**  
Manager & City Planning  
Via GETS website

Dear Sir

## **Porirua City Proposed District Plan**

1. I am writing in response to Council's request for proposals in relation to its convening of an Independent Hearing Panel for its Proposed District Plan.
2. I seek appointment for the role of Chair. I would be happy to serve as Commissioner, but my readiness to do so would depend on Council being open to negotiating an increase to the specified hourly rate.
3. I have **attached** the RFP Response Form, including detailed comments under the heading of each of the four evaluation criteria, my Curriculum Vitae, a copy of my Certificate of the Making Good Decisions Programme as Chair, an unsolicited email from one of the participants in a Queenstown Lakes PDP hearing I chaired in 2017, and a copy Procedural Minute I issued in a later stage of the Queenstown Lakes PDP process.
4. While I have lived and worked in Wellington for a little over 30 years and know the Porirua area well, I cannot recall ever having worked on an RMA issue that was situated within Porirua City. I also have no personal conflicts that I am aware of, actual or potential, that would be relevant to my potential

6. If I can supply any further information, please advise.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'T. Robinson', with a large, stylized flourish extending upwards and to the left.

**Trevor Robinson**

Barrister

Encs.



# Response Form

## In response to Request for Proposals

by: Porirua City Council

for: Appointment of Hearing Panel and Chairperson

ref:

Date of this Proposal: 23 FEBRUARY 2021



**Supplier  
tips**

Words and phrases that have a special meaning are shown by the use of capitals e.g. Respondent, which means 'a person, organisation, business or other entity that submits a Proposal in response to the RFP. The term Respondent includes its officers, employees, contractors, consultants, agents and representatives. The term Respondent differs from a supplier, which is any other business in the market place that does not submit a Proposal'. Definitions are at the end RFP Section 6.



# 1. About the Respondent



## Supplier tips

- The section gives the Buyer basic information about you organisation and identifies your Point of Contact for the duration of the RFP process.
- If an item is not applicable e.g. you do not have a registered office complete the box by stating 'not applicable'.
- If you are submitting a joint or consortium Proposal complete an 'Our profile' table for each Respondent. Cut and paste the table as appropriate. Provide only one Point of Contact for your joint/consortium Proposal.

## Our profile

This is a Proposal by:

(the Respondent) alone to supply the Requirements.

Item	Detail
TRADING NAME:	TREVOR ROBINSON BARRISTER
FULL LEGAL NAME (IF DIFFERENT):	NOT APPLICABLE
PHYSICAL ADDRESS:	LEVEL 4, 111 CUSTOMHOUSE QUAY, WELLINGTON
POSTAL ADDRESS:	PO BOX 8018, THE TERRACE, WELLINGTON
REGISTERED OFFICE:	NOT APPLICABLE
BUSINESS WEBSITE:	NOT APPLICABLE
TYPE OF ENTITY (LEGAL STATUS):	SOLE TRADER
REGISTRATION NUMBER:	NOT APPLICABLE
COUNTRY OF RESIDENCE:	NEW ZEALAND
GST REGISTRATION NUMBER:	11834973

## Our Point of Contact

Item	Detail
Contact person:	Trevor Robinson
Position:	Barrister
Phone number:	04-472 1755
Mobile number:	0274 468 644
Email address:	Trob@trobinson.co.nz

## 2. Response to the Requirements



### Supplier tips

- In this section you are asked to provide your response to our Requirements (RFP Section 2) by demonstrating your organisation’s ability to meet our criteria (RFP Section 3: Our Evaluation Approach). Carefully read RFP Sections 2 and 3 before completing this part.
- If there is anything that you do not understand ask our Point of Contact to clarify.
- If any information you provide is commercially sensitive to your business you must let the Buyer know. Please mark the information ‘commercially sensitive’ or ‘Confidential Information’. It is not acceptable to render this whole document confidential unless this is truly the case. The Buyer has a duty to protect Confidential Information, subject to the exceptions in the RFP-Terms (Section 6).
- If some of an answer is in another document e.g. a marketing brochure, copy and paste the relevant extract into this Proposal. Do not submit the whole brochure. Please do not include any advertising brochures or similar material in your Proposal.
- You may include information not specifically requested by us in your Proposal. But only if it adds value and is relevant to the Requirements.

### Pre-conditions **AGENCY TO DELETE IF NOT APPLICABLE**



### Supplier tips

- You must be able to answer ‘yes’ to each of these pre-conditions. Make sure you are able to verify that this is the case, if asked.
- ‘Yes’ means that **you can currently** meet the pre-condition. It does not mean that you are planning to, or intend to at some time in the future.
- If you cannot answer ‘yes’ to all, your Proposal will not meet the basic Requirements and will be declined.

#	Pre-condition	Meets
1.	Appointees must meet the accreditation requirements outlined in section 39B of the Resource Management Act 1991 and accreditation under the Making Good Decisions Programme must be current at the time services are exercised.	YES
2.	The chair must have Chairs Certification under the Making Good Decisions Programme.	YES



## Questions relating to the evaluation criteria



### Supplier tips

- Here you are asked to answer questions relating to the evaluation criteria. Your Proposal will be scored against your answers to these criteria. Aim to give answers that are relevant, concise and comprehensive.
- Consider the % weighting for each criterion. The higher the weighting the more important it is. Take the weightings into account in deciding how much detail to include.
- There may be several questions that relate to one criterion. If these questions are not individually weighted assume that they are of equal importance.

1. RMA Plan Hearing experience:	Weighting 20%
Describe your previous experience as a commissioner or chair on a HP for a full district plan hearing and/or plan change	
Please attach information separately in accordance with the RFP	

As per CV attached, over the last 4 years I have sat on multiple sections of Queenstown Lakes District Council Proposed District Plan which is proceeding in stages. Initially as Commissioner and latterly as Chair. Queenstown Lakes District Council has a number of distinctive features including:

- Extreme pressure on the supply and cost of residential housing;
- Constraints on areas suitable for development, including hazard risks and landscape values (97% of the District is classified as either Outstanding Natural Landscape or Outstanding Natural Feature);
- High property values combined with familiarity with RMA processes that mean the PDP Review attracts a level of community input that is disproportionate to the population of the District, many submitters are legally represented, and virtually every decision of any significance is likely to be appealed.

The Council's decision to proceed with its District Plan review in stages means that, if anything, the process has been more complex than a full plan review would have been due to the interaction between matters that either have already been heard (and are the subject of multiple appeals) or are yet to be the subject of review.

In the most recent Stage of QLDC PDP hearings, where I acted as Chair, I issued 43 procedural minutes, including in relation to late submissions, late further submissions, strike out applications, hearing procedures and variations to previously directed hearing procedures. I attach one of those minutes, setting the hearing procedure for the hearing (before they were

disrupted by Covid). It illustrates both my writing style, and the kind of process I would seek to follow in this case also.

2. Track Record	Weighting 30%
Provide evidence of your; <ul style="list-style-type: none"> <li>• ability to deliver quality RMA decisions in a timely manner</li> <li>• reputation for well researched, articulate decision report writing that stand up to legal tests</li> <li>• reputation for providing good value for money</li> </ul>	
Please attach information separately in accordance with the RFP	

Timeliness is relative to the size and complexity of the task, and the number of submissions. In my CV, I have provided detail of the timing of some of the First Schedule processes in which I have been involved in. So for instance, Waikato Regional Plan Change 1 attracted over 1000 submissions, heard over 59 days, and the Hearing Panel reported less than four months after completion of hearings. Compare the Matata (Awatarariki Fanhead) plan changes where after relatively short (3 day) hearing, the Hearing Panel delivered its report 22 days after completion of the hearing. The QLDC hearing processes have taken longer to complete, reflecting the complexity of the issues the need to coordinate reports addressing a wide variety of hearing topics and the degree of scrutiny the Hearing Panel's recommendations will receive – Stage 3 taking a little under 5 months (including the Christmas break) from completion of hearings to delivery of reports making recommendations on 451 primary submissions.

As to reputation in relation to decision-writing, my referees can comment on that. Ian Bayliss can comment specifically on value for money.

For robustness of reports I have contributed to, see the interim decisions of the Environment Court on appeals in relation to the strategic chapters of the QLDC PDP, the report on which I was the principal author – *Darby Planning Ltd Partnership v QLDC* [2019] NZEnvC 133; *Upper Clutha Environmental Society Inc v QLDC* [2019] NZEnvC 205.

3. Specialist RMA Knowledge	Weighting 20%
Provide evidence of your; <ul style="list-style-type: none"> <li>• specific skills and knowledge matched to the key PDP topics and matters subject to submissions</li> <li>• detailed knowledge of higher order RMA policy and plans</li> </ul>	

Please attach information separately in accordance with the RFP

Recent work on the QLDC PDP and the Matata Plan Changes has given me an understanding of the issues around urban development, including alignment of the infrastructure with such development, natural hazard management and cultural landscapes (i.e. wāhi tūpuna) in particular, all of which I anticipate would be of particular relevance to Porirua City.

The timing of the most recent QLDC hearings meant that I had to gain a detailed understanding of the NPSUD 2020, albeit in the context of a Tier 2 urban area, as that was directly relevant to a number of submissions seeking a reduction in industrial zoned areas, greater density in existing residential zones, and an expansion of greenfields residential areas.

My work on Waikato PC1 and (as an advocate) on Hawke's Bay Regional Plan Changes 6 and 9 have given me a detailed understanding of the successive iterations of the NPSFM.

Previous work (as an advocate) has also required an understanding of the NZCPS.

I have previously considered aspects of the Wellington Regional Policy Statement relevant to work I was undertaking at the time. If appointed I would undertake a complete review of that document (at my cost) before commencing work..

<b>4. Collaboration Skills</b>	<b>Weighting 30%</b>
Provide evidence of your; <ul style="list-style-type: none"><li>• ability to work collaboratively on a HP, along with Council staff and technical specialists</li><li>• Successful collaboration with Iwi, stakeholders and members of the community</li><li>• Reputation for empathy, teamwork, fairness and honesty</li></ul>	
Please attach information separately in accordance with the RFP	

Over the last 20+ years I have led inter-disciplinary teams on large consent projects, mostly in the electricity sphere. This has necessarily required close coordination with and management of large teams of technical specialists across a wide range of disciplines.

In a commissioner role, I have worked closely with experts on Hearings Panels in a range of disciplines – generally planners, but also engineers, scientists and experts in mātauranga Māori. Greg Hill is one of NZ's most experienced commissioners (member of the Auckland Unitary Plan Independent Hearing Panel, among others). He has sat with me on a number of those processes and can comment on how well that collaboration has worked. As Chair of the QLDC Stage 3 Hearing Panel, I have had a constant and productive working relationship with Council Admin Staff. My ability to work collaboratively with Council staff appearing and providing



evidence is necessarily limited by the need to preserve my independence, and to treat all witnesses appearing before me impartially. Ian Bayliss can comment further.

As to collaboration with iwi, stakeholders, and members of the community, for the same reasons as above, true “*collaboration*” is inappropriate as that would imply a degree of partiality that is inconsistent with the role of the Hearing Panel member. I consider however that I have no difficulty making lay submitters (including iwi) comfortable in the hearing environment and correctly conveying my interest in their perspectives. I attach an unsolicited email I received from an interested spectator at the QLDC Stage 1 hearing (on Upper Clutha Mapping) that I chaired discussing that.

Beyond that, best my referees provide comment on those issues, and the reputational issues queried under this hearing.

## Assumptions

Please state any assumptions you have made in relation to the Requirements. Where you have made assumptions in relation to the costs and pricing information please state these in the next section.

# 3. Price

## Contracting Price

Porirua City Council will contract successful applicants at a fixed hourly rate of;

- \$170 p/h for a commissioner role
- \$210 p/h for chair of the hearings panel

NOTE: There will be no disbursements made for travel or overnight accommodation unless agreed to by the Buyer on an occasional and exceptional basis.

# 4. Proposed Contract



### Supplier tips

- In the RFP Section 5 we have detailed the terms and conditions of our Proposed Contract. We need to know whether or not you are prepared to do business based on the Proposed Contract.
- If you have any points that you wish to make about the Proposed Contract this is where you tell us. Note below any suggestions or changes you wish to propose.
- It is important that, if asked, you are able to explain why your changes are important to you.
- In deciding which Respondent/s to shortlist the Buyer will take into account each Respondent’s willingness to meet the Proposed Contract terms and conditions.

Having read and understood the Proposed Contract, in the RFP Section 5, I confirm that these terms and conditions are acceptable, **subject to the resolution of the points raised below**. If successful, I

agree to sign a Contract based on the Proposed Contract, or such amended terms and conditions of Contract as are agreed with the Buyer following negotiations.

The proposed contract has a number of surplus standard provisions that need to be deleted related to:

- Maximum fees payable
- Insurance (Statutory Liability, Professional Indemnity, Motor Vehicle liability)

In addition:

- In terms of Clause 7.1, I employ a Personal Assistant, Ms NA Chiappini who has worked for me for 16 years and who supplies secretarial and administrative services at my direction;
- The definition of 'Business Days' should be Wellington-Region specific (eg it should be clear for instance that Wellington Anniversary Day is not a Business Day, and Auckland Anniversary Day is a Business Day for the purposes of this contract)
- Given the experience of the last year, Council could consider providing for lockdowns directed by Central Government in the situation of a pandemic. Presumably it would constitute an Extraordinary Event if it continued, but how long would a lockdown that precluded face-to-face gatherings need to last before that would be the case. Alternatively, would Council wish to proceed with 'virtual' hearings? I would be open to that, but my experience of virtual appearances is that it is preferable that the number of parties 'zooming in' is minimised eg by having the Panel in a hearing room and only counsel/ witnesses appearing by zoom etc.

## 5. Referees



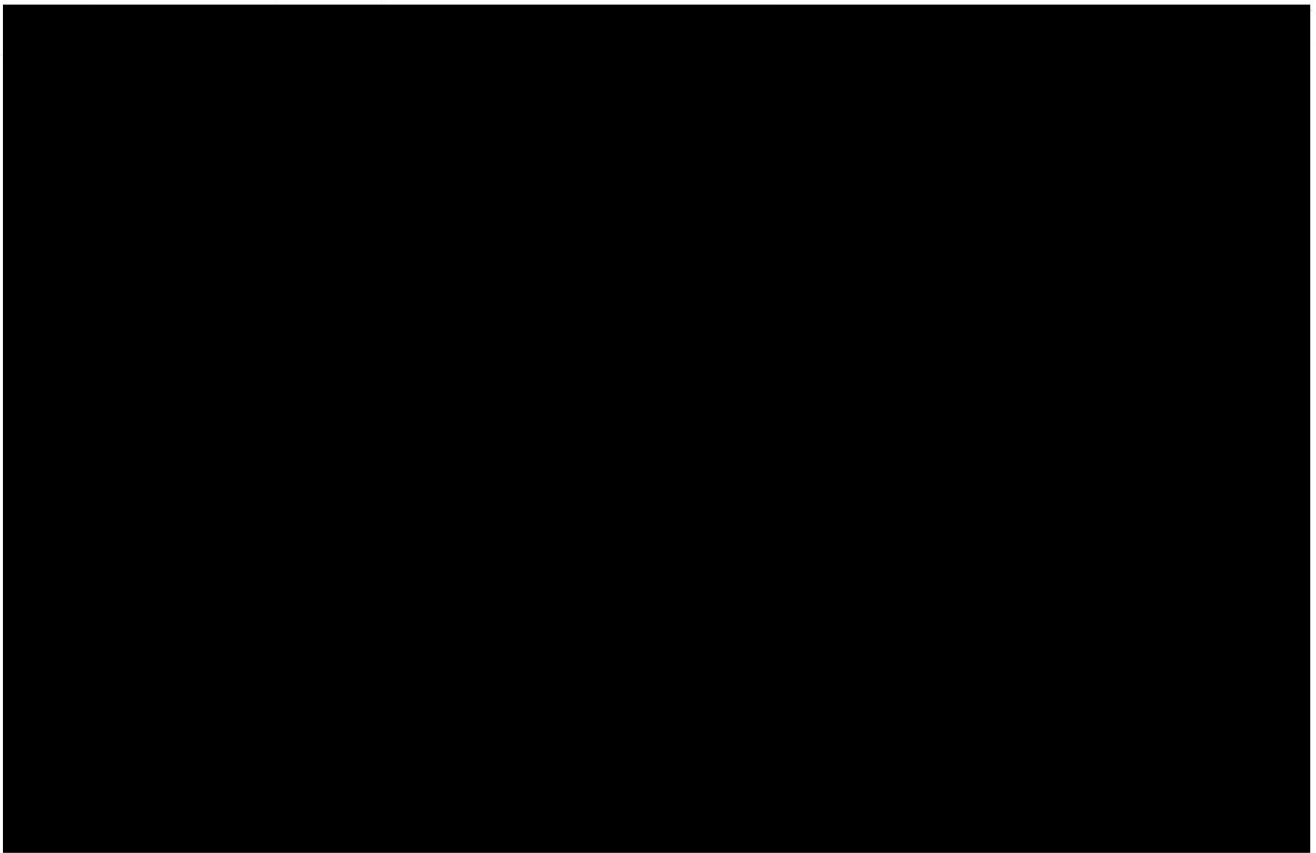
### Supplier tips

- Here you are asked to provide the names and contact details of your referees. These must be work related referees i.e. not a friend or family member.
- The best referees are those for whom you have recently delivered similar goods or services.
- Before including their details check with them to make sure that they consent to acting as referee on behalf of your organisation.

Please supply the details of two referees and include a brief description of the goods or services that you provided and when.

Please note: in providing these referees you authorise us to collect any information about you, except commercially sensitive pricing information, from the referees, and use such information in the evaluation of your Proposal. You also agree that all information provided by the referee to us will be confidential to us.

First referee





Respondent's declaration		
Topic	Declaration	Respondent's declaration
<b>RFP Process, Terms and Conditions:</b>	I/we have read and fully understand this RFP, including the RFP Process, Terms and Conditions (shortened to RFP-Terms detailed in Section 6, as amended by Section 1, paragraph 1.6. if applicable). I/we confirm that the Respondent/s agree to be bound by them.	<b>agree</b>
<b>Collection of further information:</b>	The Respondent/s authorises the Buyer to: <ul style="list-style-type: none"> <li>a. collect any information about the Respondent, except commercially sensitive pricing information, from any relevant third party, including a referee, or previous or existing client</li> <li>b. use such information in the evaluation of this Proposal.</li> </ul> The Respondent/s agrees that all such information will be confidential to the Buyer.	<b>agree</b>
<b>Requirements:</b>	I/we have read and fully understand the nature and extent of the Buyer's Requirements as described in Section 2. I/we confirm that the Respondent/s has the necessary capacity and capability to fully meet or exceed the Requirements and will be available to deliver throughout the relevant Contract period.	<b>agree</b>
<b>Ethics:</b>	In submitting this Proposal the Respondent/s warrants that it: <ul style="list-style-type: none"> <li>a. has not entered into any improper, illegal, collusive or anti-competitive arrangements with any Competitor</li> <li>b. has not directly or indirectly approached any representative of the Buyer (other than the Point of Contact) to lobby or solicit information in relation to the RFP</li> <li>c. has not attempted to influence, or provide any form of personal inducement, reward or benefit to any representative of the Buyer.</li> </ul>	<b>agree</b>
<b>Offer Validity Period:</b>	I/we confirm that this Proposal, including the price, remains open for acceptance for the Offer Validity Period stated in Section 1, paragraph 1.6.	<b>agree</b>
<b>Conflict of Interest declaration:</b>	The Respondent warrants that it has no actual, potential or perceived Conflict of Interest in submitting this Proposal, or entering into a Contract to deliver the Requirements. Where a Conflict of Interest arises during the RFP process the	<b>agree</b>

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Respondent/s will report it immediately to the Buyer's Point of Contact.

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**Details of conflict of interest:** [if you think you may have a conflict of interest briefly describe the conflict and how you propose to manage it or write 'not applicable'].

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**DECLARATION**

**I/we declare that in submitting the Proposal and this declaration:**

- a. the information provided is true, accurate and complete and not misleading in any material respect
- b. the Proposal does not contain intellectual property that will breach a third party's rights
- c. I/we have secured all appropriate authorisations to submit this Proposal, to make the statements and to provide the information in the Proposal and I/we am/are not aware of any impediments to enter into a Contract to deliver the Requirements.

I/we understand that the falsification of information, supplying misleading information or the suppression of material information in this declaration and the Proposal may result in the Proposal being eliminated from further participation in the RFP process and may be grounds for termination of any Contract awarded as a result of the RFP.

By signing this declaration the signatory below represents, warrants and agrees that he/she has been authorised by the Respondent/s to make this declaration on its/their behalf.

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Signature:



Full name: TREVOR PHILIP ROBINSON

Title / position: BARRISTER

Name of organisation: TREVOR ROBINSON BARRISTER

Date: 23 February 2021

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## **Trevor Robinson**

**BA/LLB (First Class Honours) (Otago)**

**Barrister and Accredited Hearings Commissioner (with Chair's endorsement expiring 30 June 2024)**

**Aged 61**

**Wellington Based**

Practiced as a barrister for 17 years. Previously (for 14 years) a litigation partner in Buddle Findlay's Wellington office, and still earlier (for 3 years post admission) worked as a barrister employed by RJ Somerville QC in Dunedin.

Having practised extensively in commercial litigation and superannuation trust law while at Buddle Findlay, increasingly specialised in environmental/RMA work from the early 1990s. Barrister's practice now almost solely RMA focussed.

Acted for a number of years as lead environmental counsel for Contact Energy Ltd, including:

- Reconsenting Ohaaki Power Station (1998-1999 and 2013);
- Reconsenting Clutha Hydro Stations (2001-2007);
- Reconsenting Wairakei Power Station (2001-2007);
- Consenting greenfield geothermal power stations (1997-1998, 1997-2001, 2007-2008 (Board of Inquiry), 2010 (Board of Inquiry))
- Waikato RPS Change and Regional Plan Variation (Geothermal) (2003-2006)
- Waikato Regional Plan Variation (Water Allocation) (2006-2011).

Currently acting on reconsenting of Contact Energy's operations on the Wairakei Geothermal Field, including consenting of 2 new power station developments.

Acted as lead counsel for Hawke's Bay RC and its CCO in relation to the Tukituki Plan Change (PC6) and Ruataniwha Water Storage Scheme heard by a Board of Inquiry (2012-2015).

Appointed Commissioner by QLDC on Stage 1 and 2 of its Proposed District Plan. Between March 2016 and October 2018, sat on:

- Stream 1 (Strategic Chapters);
- Stream 4 (Subdivision);
- Stream 10 (Whole of Plan, Natural Hazards, Definitions)
- Stream 12 (Upper Clutha Mapping- as Chair)
- Stream 14 (Wakatipu Basin)

Appointed Chair of Commissioners by QLDC on Stage 3 of its Proposed District Plan. Topics heard between 29 June and 13 August 2020 included:

- Wāhi Tūpuna (text and mapping)
- Industrial Zones
- Design Guidelines for Residential and Business Mixed Use zones
- Rural Visitor Zone
- Settlement Zone
- Arthurs Point North zoning.

Hearing Panel reported 12 January 2021. One residual issue to be heard mid April 2021.

Appointed Commissioner on Waikato Regional Plan Change 1 (Healthy Rivers)-sitting for 59 days between March and September 2019, reporting mid January 2020.

Appointed Commissioner on BOPRC and Whakatane DC Plan Changes related to management of debris flow hazard risk at Matata (hearing 2-4 March 2020, reported 26 March 2020).



# making good decisions

**A Training, Assessment and Certification Programme  
for Resource Management Act Decision-makers**

This certificate recognises that

*Trevor Philip Robinson*

has successfully demonstrated the competencies required  
by the Making Good Decisions Programme.



Vicky Robertson  
Secretary for the Environment



Dave Cull  
President  
Local Government New Zealand

Awarded on:

19/06/2019

This certificate is valid until:

30/06/2024



## Trevor Robinson

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**From:** Stephanie Prendergast [REDACTED]  
**Sent:** Thursday, 8 June 2017 9:52 AM  
**To:** Trevor Robinson  
**Subject:** FW: Dennis Hughes - your assistance please  
**Attachments:** HCA District Plan Review Report.pdf; ATT00001.htm

Morning,

Please see below and attached.

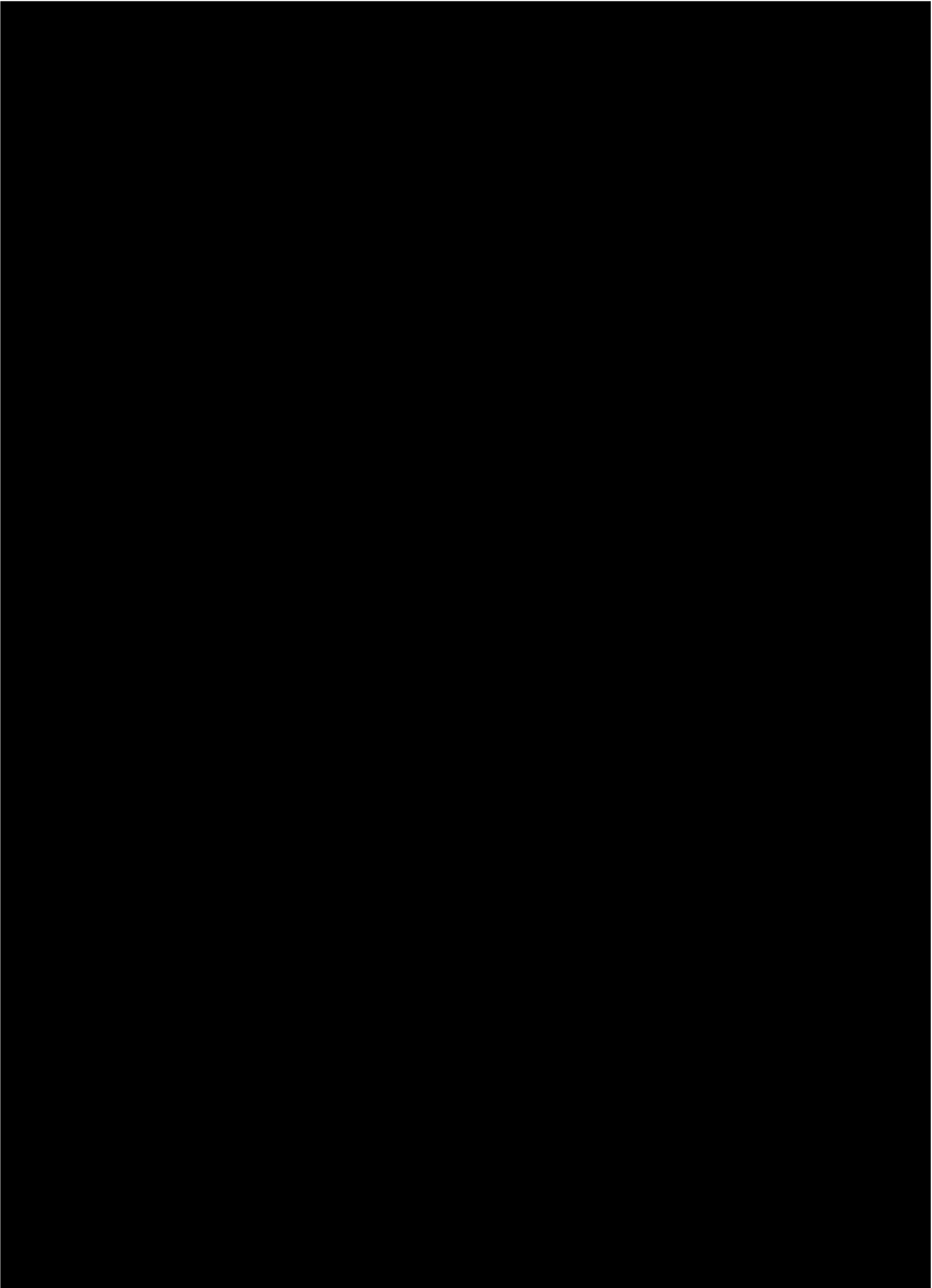
Steph

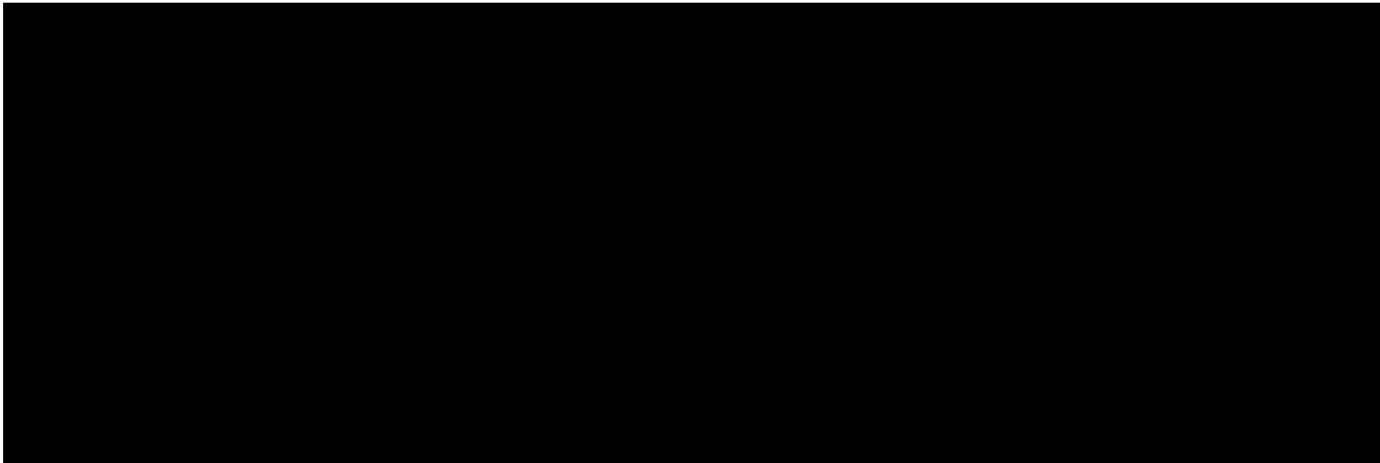
---

**From:** Ros Hughes [REDACTED]  
**Sent:** Thursday, 8 June 2017 9:50 AM  
**To:** Stephanie Prendergast  
**Subject:** Dennis Hughes - your assistance please

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**NOTES for Chairman TREVOR ROBINSON:**







**IN THE MATTER** of the Resource  
Management Act 1991

AND

**IN THE MATTER** of Stage 3 of the  
Queenstown Lakes  
Proposed District Plan

## **MINUTE 6 – HEARING DIRECTIONS**

### **Introduction**

1. At its meeting on 27 June 2019, Queenstown Lakes District Council (*“Council”*) appointed a Panel of Hearing Commissioners under Section 34A of the Act to hear submissions and further submissions on Stage 3 of the review of the Operative District Plan and make recommendations. On 30 January 2020, Council appointed a further Commissioner to the Panel.
2. The Hearing Panel comprises:
  - (a) Trevor Robinson (Chair) - Barrister based in Wellington;
  - (b) Sarah Dawson – Planner based in Christchurch;
  - (c) Greg Hill – Planner based in Auckland;
  - (d) Ian Munro – Planner and Urban Designer based in Auckland;
  - (e) Juliane Chetham – Scientist and expert in mātauranga Māori based in Northland;
  - (f) Councillor Quentin Smith;
  - (g) Councillor Calum MacLeod
3. The terms of my appointment as Chair included the delegated power to make procedural directions about the conduct of the hearing process. I have issued this Minute pursuant to that delegation.
4. The purpose of this Minute is to outline a process that will be followed in hearing the submissions on Stage 3 of the Proposed District Plan (including Stage 3B). It includes specific directions as to when and how evidence and legal submissions will need to be lodged and seeks to provide guidance on what submitters can expect when they appear at the hearing.

## **Principles of Hearing Process**

5. The Hearings Panel will establish and conduct a hearings process that:
  - (a) Is appropriate and fair: the Hearings Panel will at all times act in a fair and transparent manner;
  - (b) Avoids unnecessary formality: the Hearings Panel will be inclusive and acknowledge the broad range of interests of submitters and facilitate a process that provides all parties, whether presenting oral or written submissions and evidence, the opportunity to be heard;
  - (c) Is efficient: the Hearings Panel will conduct an efficient process which minimises time and costs to all parties participating in the hearings. The Hearings Panel will provide all submitters with an adequate opportunity to be heard, while, at the same time, avoiding unnecessary repetition and presentation of irrelevant material; and
  - (d) Recognises tikanga Maori: the Hearings Panel will receive evidence written or spoken in Maori when requested to do so by the submitter with sufficient notice.

## **Register of Interests**

6. A fundamental pre-requisite to a fair and transparent hearings process is an obligation on all Panel members to bring an independent view and open mind to the role of hearings commissioner, free of any 'conflicts of interest' that could result in bias and/or predetermination.
7. Following appointment of the full Hearings Panel, I wrote to each of the Panel Members asking that they advise of any potential conflicts of interest in relation to any PDP matter.
8. In addition, the Hearings Panel have agreed that where a Panel member has previously advocated a particular position, or appeared in the past as a witness for a former client who may hold a property interest and/or lodged a submission on a PDP provision, or holds a property interest which may result in a potential conflict of interest and/or a perceived bias, he or she will disclose such positions or potential conflicts to the Chair prior to the commencement of the hearings.
9. The vehicle for recording the above interests will be a "Register of Interests" which records the ongoing involvements and/or interests held by Panel Members and I have prepared. I will decide on a course of action, which may result in the Panel Member being requested to stand aside from the relevant hearing session/s, and

from the deliberations and recommendation-making arising from the hearing session/s if appropriate. If any issue arises in respect of my own involvements and interests, I will ask the other Panel members to determine the appropriate course of action.

10. The Register will be maintained for the full term of the hearings process and be available for public inspection.

### **Hearing Schedule**

11. This is not a notice of hearing. That will be formally issued by the Council in accordance with the requirements of the First Schedule of the Act not less than 10 working days prior to the hearing commencing on 5 May 2019.
12. As previously advised, the Hearing Panel plans to sit 9am until 5pm three days a week, generally Tuesday through Thursday, but with some exceptions.
13. Arrangements for the hearing need to accommodate the wide range of matters notified. Commissioners Munro and Chetham have been appointed because of their particular expertise in urban design and mātauranga Māori respectively. To optimise their involvement, it is intended that the hearing will be compartmentalised as follows:
  - (a) A core group of Commissioners Robinson, Dawson and Hill will sit on all matters;
  - (b) The first week (5-7 May, with Friday 8 May as a reserve day) will be occupied by the Council's representatives opening the case in support of the Plan changes and variations notified. All Commissioners will hear the Council's opening;
  - (c) Submissions and further submissions on the Wāhi Tūpuna provisions (Chapter 39) and the associated maps and variations to other chapters including Chapter 25 (earthworks) will be heard in the period 12-14 May (in Wanaka) and 19-21 May (in Queenstown), with Commissioners Chetham and Smith joining the core group. 25-27 May (in Queenstown) will be reserve days for completion of hearing of submissions on these matters;
  - (d) Submissions and further submissions relating to Chapter 18A (General Industrial Zone) and the associated maps and variations to other chapters, 100 Ballantyne Road mapping variation, Chapter 19A (Three Parks Commercial Zone) the associated maps and variations to other chapters, and the Residential Design Guide, Residential Design Guidelines Variations

to Chapters 7-9, Business Mixed Use Design Guide and Business Mixed Use Design Guidelines Variations to Chapters 16 and 17, will be heard in the week 3 June to 5 June in Wanaka, with Commissioners Munro, Smith and MacLeod joining the core group;

- (e) To the extent not heard in the week 3 June to 5 June, the submissions on the balance of matters the subject of notification (variously Chapter 20 (Settlement Zone) and associated variations; variations to Chapter 30(Energy and Utilities) and related variation to Chapter 2 definitions; variations to Chapters 21-24 and 38 (Firefighting standards); variation to Chapter 26 and associated mapping variation (Chalmers Cottage); variations to Chapters 7-9, 12-16 (Glare); variations to Maps 31a, 32, and 37 (Frankton Road); variation to Chapter 2 (residential flat definition); variations to Chapters 7-9 (Waste and Recycling); variation to Chapter 38 (Open Space and Recreation Zone) and associated variations to maps and other chapters; Chapter 46 (Rural Visitor Zone) and the associated maps and variations to other chapters; variation to Chapter 20 (Cardrona Settlement Zone) and associated variations to maps and other chapters; variations to Chapter 27 (Peninsula Bay and Wyuna Station provisions); Attley Road and Brownston Road mapping variations; variation to Chapter 43 (Millbrook Rule 43.5.2)) will be heard by the core group of Commissioners, joined by Commissioner MacLeod in the weeks 9 June to 11 June (in Queenstown) and 16 June to 18 June (in Queenstown).
14. The fact that Commissioners Chetham and Munro will be joining the Panel for specific weeks of hearing means that it will not be possible to accommodate submitters who seek to be heard on the matters allocated to those weeks at other times. I also note that the two weeks allocated to Wāhi Tūpuna provisions (and the reserve week of 25-27 May) will be solely dedicated to those matters and the associated variations notified with Chapter 39, because Commissioner MacLeod will not be present and will need to hear evidence and submissions on any other matters. It follows that submitters with an interest in multiple issues may have to appear more than once. If any submitter is unclear as what is intended to be heard when, they should discuss their position with the Hearing Administrator.
15. I should record though that the allocation of time for the hearing is tentative until each submitter wishing to be heard is allocated a hearing slot. If necessary, additional hearing days will be scheduled.

16. To ensure that all submitters have a fair opportunity to be heard, however, the default allocation of time will be ten minutes per submitter. Submitters who consider that this will be insufficient will need to make a request for additional time to be allocated, with reasons. If those reasons include the fact that the submitter will be calling expert evidence, the number of expert witnesses, their names and expertise will need to be advised to the Hearing Administrator. For those submitters seeking extra time on the basis that they will be represented by counsel presenting legal submissions, that too will need to be advised to the Hearing Administrator.
17. As per my first minute, where submitters are presenting a similar position on a particular issue, I would encourage at least coordination as between submitters, and ideally their nominating a representative to present representations that are common to the group. I emphasise that the hearing is not a number game. The Hearing Panel will be much more interested in the cogency of the reasons for a particular amendment to the Proposed Plan provisions than the number of people who appear to make the same point.

#### **Pre-circulation of Expert Evidence and Legal Submissions**

18. As foreshadowed in my first Minute, all expert evidence will need to be pre-circulated in order that the Hearing Panel can pre-read it and hearing time be devoted principally to questions the Commissioners may have of the expert witnesses.
19. Expert evidence briefs shall have a succinct executive summary at the front wherever practicable (it is accepted that some expert briefs of evidence do not lend themselves to succinct summary).
20. The hearing timetable provides the opportunity also for rebuttal evidence to be filed, to further promote an efficient hearing process.
21. The following deadlines are fixed for pre-circulation of material, as follows:
  - (a) Council is directed to lodge the Section 42A Report and any accompanying Council evidence in chief on or before 18 March 2020;
  - (b) Submitters and Further Submitters are directed to lodge any expert evidence in chief they are calling in support of their submissions/further submissions on or before 6 April 2020;
  - (c) All parties are directed to lodge any expert rebuttal evidence they are intending to call on or before 22 April 2020.

22. For non-expert submitters who wish to provide more extensive representations/evidence than is provided for below (2 A4 pages or equivalent), their written material should be lodged with the Hearing Administrator at the same time as expert evidence.
23. For those parties (including Council) represented by counsel, counsel is requested to lodge their written submissions not later than 1pm of the Friday prior to the week during which they will appear in order that the Commissioners can pre-read those submissions and hearing time be devoted to any questions the Commissioners may have arising from such pre-reading. Oral submissions by counsel should reflect the fact that the Panel has read counsel's written submissions. In particular, counsel will not be permitted to read large sections of their written submissions aloud. Counsel are requested to lodge electronic copies of any cases on which they will rely at the same time as they lodge their legal submissions.
24. The Council is directed to file a written reply within ten working days of the conclusion of the hearing.
25. In each case, the deadline expires at 1pm on the appointed day. Evidence needs to be emailed to the Hearing Administrator Katherine Robertson c/o [dphearings@qldc.govt.nz](mailto:dphearings@qldc.govt.nz) before that time. Late evidence will require leave from the Chair before it will be accepted.
26. For the avoidance of doubt, the purpose of rebuttal evidence is to explain why the witness disagrees with the evidence of another witness. It is not an opportunity to agree with another witness's evidence, or to provide additional reasons why the evidence of another witness may be well founded. I also note for the purposes of clarification that further submitters are under the same obligations as regards evidence pre-circulation as primary submitters. Accordingly, if a further submitter opposes a position recommended in the Section 42A Report and/or Council evidence, they should provide any evidential material they wish to rely on within the deadline for evidence in chief (i.e. 6 April). Similarly, if a further submitter can reasonably anticipate what the submitter whom they support or opposed is going to advance by way of evidence in chief (e.g. if the primary submission that has been filed is reasonably detailed), they should provide any evidential comment on the submission by way of evidence in chief, rather than waiting and filing detailed rebuttal. Rebuttal evidence should typically be succinct and only be addressing the matters that could not reasonably have been anticipated prior to reading other submitter's evidence in chief. I do not, however, intend to undertake a forensic

analysis on a point by point basis as to what a submitter might or might not have been able to reasonably foresee the primary submitter would say. I expect the parties to take a reasonable common sense view in this regard.

### **Site Visits**

27. The Hearing Panel intends to undertake site visits prior to the hearing in order to better understand the site-specific context for the submissions that have been lodged. While the primary focus of site visits will be on locations where submitters have sought to be heard, site visits may include visits to land the subject of other submissions. In either case, where it is necessary for the Hearing Panel to access private land, a Council Officer assisting the Panel (not one of the authors of the Section 42A Report or a Council witness) will contact the relevant submitter/land owner to arrange access.
28. For most submissions, the locations for site visits will be reasonably obvious. That is not the case for the Design Guideline chapters and I will circulate a separate Minute on that issue, inviting submitters' input on possible locations of relevance.
29. The Hearing Panel will determine after having heard submitters whether further site visits are necessary. If so, the same arrangements, as above, would apply.
30. It is noted that site visits are not an opportunity for an informal discussion of issues on site. The Hearing Panel will not enter into discussions on site about the merits of submissions, but they may ask the submitter/landowner to point out particular features on the site that are the subject of submission.

### **Presenting at the Hearing**

31. The Hearing Administrator will be in touch by email with all submitters who have requested to be heard before 6 April, seeking confirmation of their hearing time requirements. If submitters have particular preferences as to the date and/or time when they are heard, the Hearing Administrator will endeavour to accommodate those preferences on a 'first come, first served' basis.
32. As above, the default is that each submitter will be allocated ten minutes hearing time in the absence of a request, with reasons, for additional time. Requests for additional time will not be unreasonably refused, but will require justification. The ultimate decision as to how much time is allotted to each submitter will be mine, as chair.

33. The Hearing Administrator will compile and upload on the Council website the hearing schedule with indicative times for each party's appearance.
34. Material presented at the hearing by any party should be limited to two A4 sheets (1.5 spacing and 11 point minimum) of paper. As above, if a lay submitter wishes to present more material than can be contained on two A4 pages, they must lodge it with the Hearing Administrator in accordance with the directions for pre-circulation of evidence above, in order that the Panel can pre-read it.
35. The purpose of having a page limit is to focus the presentations the Hearing Panel hears on key issues which each party wishes to draw to the Panel's attention, and to maximise the amount of time the Panel has to discuss the issues with the submitter. Accordingly, the same limitation will be placed on counsel and any expert witnesses who appear at the hearing: i.e. any oral presentation shall be limited to the equivalent of two A4 sheets of paper. Any graphics accompanying expert evidence should be an annexure to that evidence and be pre-lodged in accordance with my directions as above.
36. For expert witnesses who have included an executive summary in their pre-circulated evidence, it is not expected that those witnesses will read their executive summary. The Hearing Panel will already have read it.

### **Document Naming Conventions**

37. All documents lodged by submitters are to be named in accordance with the following standard file naming convention:

Snnnn-aaaaaaaaa-Too-bbbbbbbbbbb-cccccccc.pdf

- i) Capital letters and dashes to be included where shown;
- ii) nnnn = submitter number i.e either 3xxx or 31yyy;
- iii) aaaaaaaaa = submitter name to a maximum of 10 letters and spaces;
- iv) Too – Hearing Stream number:
  - Stream 16 – Wāhi Tūpuna;
  - Stream 17 – Industrial Zone, 100 Ballantyne Road mapping, Residential and Business Mixed Use Design Guides and associated variations;
  - Stream 18 – Other matters;
- v) bbbbbbbbb = author's name in format surname initial;



vi) cccccccccc = document type – i.e. evidence, rebuttal, legal submissions, application, memorandum, appendix

38. Where the document is lodged on behalf of more than one submitter (or further submitter) the following rules apply:
- (a) The submitter number shown is to be the lowest number and submitter name is to match that number;
  - (b) All full list of relevant submission numbers and submitter names is to be provided on the document cover sheet, in numerical order;
  - (c) A copy of the document is to be provided for each additional submission number with the only change to the document name to be the add “Cnnnn-“ to the beginning of the original document file name, where nnnn is the relevant submission number.
39. Where the document is lodged by a party who is both a submitter and a submitter
40. Where the document is relevant to more than one hearing stream (i.e. Streams 16 and 18 or Streams 17 and 18) insert 16 or 17, as relevant.
41. Two examples may help understanding of this (the submitter numbers, names etc are purely for illustrative purposes):
- (i) S3128-Tussock Cr-T16-ToddG-Legal Submissions.pdf
  - (ii) C3129-S3128-Tussock Cr-T16-ToddG-Legal Submissions.pdf

### **Hearing Records**

42. Full recordings will be made of each hearing. These will be available as audio files on the Council website within two working days of being recorded.
43. All submissions and evidence lodged in advance of the hearings will be available on the Council website within two working days of receipt.
44. Other submissions and evidence presented, and material tabled, will also be available on the Council website within two working days of the hearing at which they are received (and more quickly if possible).
45. The page on the Council's website where all this information will be available is:
- [www.qldc.govt.nz/your-council/district-plan/proposed-district-plan/hearings](http://www.qldc.govt.nz/your-council/district-plan/proposed-district-plan/hearings)

## **On the Day**

46. You will be allocated a time to appear in front of the Hearing Panel. It is recommended you arrive at least 30 minutes before you are due to speak. On the day the following will happen:

- I will invite you to come forward to the table set aside for submitters and ask you to present your case;
- Prior to presenting your case, you should provide at least 6 copies of any written summaries and other material, including those of any witnesses, to the Hearings Administrator who will hand them to the Panel members and retain a copy for Council records;
- The Hearing Panel may ask questions of you and/or your witnesses either during or after presentation of your case. If you would prefer not to be interrupted, then tell me that before you start.

47. There is no cross-examination at Council hearings. Therefore, you must not interrupt other submitters presenting their cases, or the staff members reporting on their reports. If you feel that any aspect of a submitter or staff member presentation requires clarification, you may ask me whether that point might be clarified. Such requests should be made following the conclusion of the Hearing Panel's questions of the submitter/staff member. I will decide whether clarification should be provided, and if so, what process should then be followed.

## **What You Should Do**

48. If you are unsure of how the hearing process works, you should consult the guide prepared by the Ministry for the Environment, available at this address:

<http://www.mfe.govt.nz/publications/rma/everyday-guide-rma-appearing-council-plan-or-plan-change-hearing>

49. Alternatively, you could talk to the Council staff prior to the hearing. You will need to consider whether you bring along expert witnesses (for example landscape architects or planners), a lawyer or other support people to help you present your point of view. If you do so, however you will need to ensure that any written material they have is pre-circulated in accordance with my directions above.

50. It is usually best to put your thoughts in the form of a written statement, both to help you focus on the key issues and to help the Panel who will otherwise have to take

notes of what you say rather than being able to concentrate on listening to you. If you don't have the capability to produce a typed version, a readable handwritten statement is fine. Any written statement you prepare that explains your submission to the Hearing Panel, however, cannot go outside of the scope of your original submission. In other words, you cannot ask for changes to the Proposed District Plan that were not sought either generally or specifically in your submission (or are not somewhere between what you sought in your submission and the Proposed Plan as notified). If you have lodged a further submission, you cannot go outside the scope of the primary submission you supported or opposed (i.e. the relief you seek must be somewhere between the relief sought by the primary submission and the Proposed Plan as notified).

51. Keep what you say to the Panel simple and focus on the key point(s) you want to make. Tell the Hearing Panel exactly what changes you want made to the Proposed District Plan, and why those changes are appropriate. Your submission and evidence must relate solely to the topic being heard at the hearing. It should not address matters to be heard at a later hearing, or seek to relitigate matters previously considered in Stage 1 or 2 of the Proposed District Plan process. Note that where your written statement exceeds two A4 pages, it will need to be pre-lodged in accordance with the timetable set out above.

### **Presenting in Te Reo or New Zealand Sign Language**

52. You, your experts or support people may speak in te reo Maori or New Zealand sign language at the hearing. You must inform the Council of the intention to use te reo Maori or New Zealand sign language at least five working days prior to the hearing so that an interpreter can be arranged.

### **What happens after the Hearings Conclude**

53. Following conclusion of the hearing of submitters, Council staff have the opportunity to lodge a written reply. The Council's reply will be available to submitters on the Council website, but except in extraordinary circumstances, that will mark the end of the Council hearing process from the submitters' perspective.
54. The Hearing Panel will enter into deliberations following receipt of the Council reply. That will be done in private. The Hearing Panel will then formulate its recommendations to the Council on any amendments to the Proposed District Plan provisions to respond to submissions and further submissions.

55. The Council will make final decisions on the recommended amendments and publicly notify those decisions to all parties. At that point, submitters and further submitters have the ability to appeal the Council's decisions on their submissions/further submissions to the Environment Court. The Council's public notification of its decision will include details as to the appeal process.

### **Key Contacts**

56. The primary point of contact for all matters relating to the hearings is Katherine Robertson email [dphearings@qldc.govt.nz](mailto:dphearings@qldc.govt.nz).

If any aspect of this Minute is unclear, email Katherine at that address]. If she cannot answer your query, she will pass it on to me to address.

57. If you are providing expert evidence in advance of the hearing, you can send it in pdf (Acrobat) or doc (Word) format to [dphearings@qldc.govt.nz](mailto:dphearings@qldc.govt.nz).

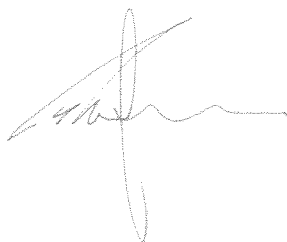
58. The key location for up-to-date information on the hearings is the District Plan Hearings page on the Council website:

[www.qldc.govt.nz/your-council/district-plan/proposed-district-plan/hearings](http://www.qldc.govt.nz/your-council/district-plan/proposed-district-plan/hearings)

59. More general information about the Proposed District Plan process is available at:

[www.qldc.govt.nz/your-council/district-plan/proposed-district-plan](http://www.qldc.govt.nz/your-council/district-plan/proposed-district-plan)

**Dated 2 March 2020**



**Trevor Robinson**

**Chair**

**Stage 3 Hearing Panel**

# Response Form

## In response to Request for Proposals

by: Porirua City Council

for: Appointment of Hearing Panel and Chairperson

ref:

Date of this Proposal:



**Supplier  
tips**

Words and phrases that have a special meaning are shown by the use of capitals e.g. Respondent, which means '*a person, organisation, business or other entity that submits a Proposal in response to the RFP. The term Respondent includes its officers, employees, contractors, consultants, agents and representatives. The term Respondent differs from a supplier, which is any other business in the market place that does not submit a Proposal*'. Definitions are at the end RFP Section 6.

# 1. About the Respondent



## Supplier tips

- The section gives the Buyer basic information about your organisation and identifies your Point of Contact for the duration of the RFP process.
- If an item is not applicable e.g. you do not have a registered office complete the box by stating 'not applicable'.
- If you are submitting a joint or consortium Proposal complete an 'Our profile' table for each Respondent. Cut and paste the table as appropriate. Provide only one Point of Contact for your joint/consortium Proposal.

## Our profile

This is a Proposal by:

(the Respondent) alone to supply the Requirements.

| Item                            | Detail         |
|---------------------------------|----------------|
| Trading name:                   | Not Applicable |
| Full legal name (if different): |                |
| Physical address:               |                |
| Postal address:                 |                |
| Registered office:              |                |
| Business website:               |                |
| Type of entity (legal status):  |                |
| Registration number:            |                |
| Country of residence:           |                |
| GST registration number:        |                |

## Our Point of Contact

| Item            | Detail                 |
|-----------------|------------------------|
| Contact person: | Miria Pomare           |
| Position:       | Consultant             |
| Phone number:   | (04) 2338953           |
| Mobile number:  | 0274315832             |
| Email address:  | miria@ngatittoa.iwi.nz |

## 2. Response to the Requirements



### Supplier tips

- In this section you are asked to provide your response to our Requirements (RFP Section 2) by demonstrating your organisation's ability to meet our criteria (RFP Section 3: Our Evaluation Approach). Carefully read RFP Sections 2 and 3 before completing this part.
- If there is anything that you do not understand ask our Point of Contact to clarify.
- If any information you provide is commercially sensitive to your business you must let the Buyer know. Please mark the information 'commercially sensitive' or 'Confidential Information'. It is not acceptable to render this whole document confidential unless this is truly the case. The Buyer has a duty to protect Confidential Information, subject to the exceptions in the RFP-Terms (Section 6).
- If some of an answer is in another document e.g. a marketing brochure, copy and paste the relevant extract into this Proposal. Do not submit the whole brochure. Please do not include any advertising brochures or similar material in your Proposal.
- You may include information not specifically requested by us in your Proposal. But only if it adds value and is relevant to the Requirements.

### Pre-conditions **AGENCY TO DELETE IF NOT APPLICABLE**



### Supplier tips

- You must be able to answer 'yes' to each of these pre-conditions. Make sure you are able to verify that this is the case, if asked.
- 'Yes' means that **you can currently** meet the pre-condition. It does not mean that you are planning to, or intend to at some time in the future.
- If you cannot answer 'yes' to all, your Proposal will not meet the basic Requirements and will be declined.

| #  | Pre-condition                                                                                                                                                                                                                   | Meets |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 1. | Appointees must meet the accreditation requirements outlined in section 39B of the Resource Management Act 1991 and accreditation under the Making Good Decisions Programme must be current at the time services are exercised. | Yes   |
| 2. | The chair must have Chairs Certification under the Making Good Decisions Programme.                                                                                                                                             | Yes   |

## Questions relating to the evaluation criteria



### Supplier tips

- Here you are asked to answer questions relating to the evaluation criteria. Your Proposal will be scored against your answers to these criteria. Aim to give answers that are relevant, concise and comprehensive.
- Consider the % weighting for each criterion. The higher the weighting the more important it is. Take the weightings into account in deciding how much detail to include.
- There may be several questions that relate to one criterion. If these questions are not individually weighted assume that they are of equal importance.

| 1. 0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Weighting 20% |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <p>Describe your previous experience as a commissioner or chair on a HP for a full district plan hearing and/or plan change</p> <p>I do have considerable experience as a commissioner on both district plan and plan change hearings. I do hold a Chair's endorsement but have never been appointed as Chair to a hearings panel, so my previous involvement and experience has been in my capacity as a commissioner.</p> <p>In 2015 I was appointed by the Kapiti Coast District Council (KCDC ) to a five person panel to hear submissions and make recommendations on the Proposed Kapiti Coast District Plan. This was an extremely complex and at times fraught process that extended over an 18 month period, from the start of the hearings through to the deliberations and drafting of the decision. This role highlighted the need for a balance of skills and attributes in order make robust decisions for the benefit of the environment and the health and wellbeing of people and communities.</p> <p>In 2018 I was approached by the Northland Regional Council to apply for a commissioner role in relation to the Proposed Northland Regional Plan Review process. As a result of my application, I was appointed to a hearings panel to consider submissions and make recommendations to the council. This process was completed within 8-10 months.</p> <p>I have also been involved in a number of plan change hearings over the years, including the Plimmerton Farm Hearing (PC 18) which took place recently towards the end of 2020. In this role, I was appointed by the Porirua City Council to a panel of commissioners to hear submissions on the proposed re-zoning of rural land to allow for urban development to meet the growing demand for housing.</p> <p>In late 2019, I was also appointed to a two person panel by Whanganui District Council to hear submissions on the Springvale Structure Plan (PC 53) designed to facilitate residential development in the Springvale area to meet anticipated demand out to 2065.</p> <p>I have also been involved with a number of other smaller plan change hearings over the last few years including, the Kapiti Coast District Council's Variation 2 hearing regarding the rezoning of part of Waikanae Beach from Residential Zone to Beach residential zone; and amendments to the Beach Character Setback Margin provisions (the front yard setback for buildings within the Beach Residential</p> |               |



Zone). Prior to that, I was involved in various other plan change hearings, including amendments to the renewable energy provisions of the Far North District Plan and the introduction of sustainable water management provisions to the Kapiti Coast District Plan.

Please attach information separately in accordance with the RFP

## 2. Track Record

**Weighting 30%**

Provide evidence of your;

- ability to deliver quality RMA decisions in a timely manner
- reputation for well researched, articulate decision report writing that stand up to legal tests
- reputation for providing good value for money

I believe I have established a positive track record over the many years I have been involved in the RMA hearings process in contributing to the timely delivery of quality RMA decisions. This is borne out by the high number of quality decisions I have directly participated in, and my genuinely open and collaborative style of engagement with submitters and experts alike at the hearings, as well as with my fellow panelists during the course of the deliberations.

I have excellent writing and analytical skills and an ability to understand and work through complex (and often competing) issues in a way that adds clarity and strength to the process. To this end, I have been called upon to contribute to the drafting of all of the decisions I have been involved with and I believe this has helped to enhance my reputation for producing quality decisions in the RMA field. The decisions I have been involved with have also stood up well to the rigour of legal tests, for example, there were fewer than expected appeals to the KCDC Proposed District Plan decision and similarly this was also the case for the NRC Proposed Northland Regional Plan. Perhaps a good barometer of my reputation for contributing to quality decisions in a timely way is that in most cases I am approached directly to sit on hearings panels without having to take the initiative myself to seek out such opportunities.

I also have a sound reputation for having good judgement and the ability to contribute constructively during deliberations in order to make well-reasoned and robust decisions. In this sense, I believe I do have a reputation for providing good value for money especially as my hourly rate is considerably lower than that charged by other commissioners, as well as the rate proposed for this process.

Please attach information separately in accordance with the RFP

## 3. Specialist RMA Knowledge

**Weighting 20%**

Provide evidence of your;

- specific skills and knowledge matched to the key PDP topics and matters subject to submissions
- detailed knowledge of higher order RMA policy and plans

My specialist area of expertise relates to Māori resource management and cultural values. However, I have also developed a sound working knowledge of other areas relevant to RMA considerations such as heritage protection, freshwater and marine ecology, and terrestrial ecology and indigenous biodiversity. In addition to my commissioner role, I am an experienced resource management practitioner with a working knowledge of the legislation and policies that guide this sector. I was involved with the original drafting of first generation district and regional plans in the Wellington region, including the Tangata whenua section of the Porirua District Plan and have written numerous cultural impact reports and appeared at many hearings over the years advocating for recognition of Maori values in environmental management. Over the many years of my involvement in this field, I have established excellent working relationships across local and central government, as well as with community and stakeholder organisations.

Through my work as a commissioner over the years, I have developed an in depth understanding of the RMA and statutory framework, including a detailed knowledge of higher order RMA policy and plans. I am familiar with, and have a working understanding of, the role of national policy statements and regional/district plans in terms of their place in the statutory hierarchy and the importance of the local context in determining plan provisions. I am also familiar with the key differences in hearing procedures for district and regional plan review/plan change hearings as opposed to those involving resource consent applications.

Please attach information separately in accordance with the RFP

#### 4. Collaboration Skills

**Weighting 30%**

Provide evidence of your;

- ability to work collaboratively on a HP, along with Council staff and technical specialists
- Successful collaboration with Iwi, stakeholders and members of the community
- Reputation for empathy, teamwork, fairness and honesty

Through my extensive experience as a commissioner over a number of decades, I have established a proven track record of working collaboratively on hearings panels, both with council staff and technical specialists, and with other panel members. I am known for my inclusive and engaging communication style with the public, stakeholders and Councillors. I have also shown an ability to work closely with council staff while maintaining independence as decision-makers. I have also demonstrated an ability to contribute effectively as a team player, while also leading issues in areas of personal expertise.

I have always operated upon the basis of maintaining a respectful and genuine relationship with the Tangata whenua. This is fundamental to who I am, as a person who identifies as being Tangata whenua myself. I believe my māori whakapapa and understanding of tikanga māori has enabled me to connect and interact with iwi/māori submitters at hearings in a culturally appropriate way that has put them at ease and enabled them to participate more effectively in the hearings process. Quite apart from my role as commissioner, I am closely involved with my various iwi in a variety of roles to promote iwi development for the benefit of my respective iwi and the wider community. Therefore, I have an intimate knowledge and understanding of cultural issues and te reo me ona tikanga which has been the cornerstone of my success in collaborating with iwi, and indeed, with other stakeholders and members of the community. I have a natural ability to operate impartially, while at the same time ensuring an open, fair and inclusive hearings process. Furthermore, I have a proven ability to participate effectively and appropriately at hearings to uphold the integrity of the process and ensure that evidence and submissions are accorded appropriate consideration and weight.

Based on the track record I have established over the years from my work as a commissioner, I think it would be true to say that I have developed a reputation for empathy, teamwork, fairness and honesty. This is also borne out through the various governance and leadership roles I have held in other arenas including on the Te Papa Board, the Te Wai Māori Trust and the Ngati Toa Runanga where my integrity and collaborative style was readily acknowledged.

Please attach information separately in accordance with the RFP

## Assumptions

Please state any assumptions you have made in relation to the Requirements. Where you have made assumptions in relation to the costs and pricing information please state these in the next section.

## 3. Price

### Contracting Price

Porirua City Council will contract successful applicants at a fixed hourly rate of;

- \$170 p/h for a commissioner role
- \$210 p/h for chair of the hearings panel

NOTE: There will be no disbursements made for travel or overnight accommodation unless agreed to by the Buyer on an occasional and exceptional basis.

## 4. Proposed Contract



### Supplier tips

- In the RFP Section 5 we have detailed the terms and conditions of our Proposed Contract. We need to know whether or not you are prepared to do business based on the Proposed Contract.
- If you have any points that you wish to make about the Proposed Contract this is where you tell us. Note below any suggestions or changes you wish to propose.

- It is important that, if asked, you are able to explain why your changes are important to you.
- In deciding which Respondent/s to shortlist the Buyer will take into account each Respondent's willingness to meet the Proposed Contract terms and conditions.

Having read and understood the Proposed Contract, in the RFP Section 5, I confirm that these terms and conditions are acceptable. If successful, I agree to sign a Contract based on the Proposed Contract, or such amended terms and conditions of Contract as are agreed with the Buyer following negotiations.

I confirm that the terms and conditions of the contract are acceptable.

## 5. Referees



### Supplier tips

- Here you are asked to provide the names and contact details of your referees. These must be work related referees i.e. not a friend or family member.
- The best referees are those for whom you have recently delivered similar goods or services.
- Before including their details check with them to make sure that they consent to acting as referee on behalf of your organisation.

Please supply the details of two referees and include a brief description of the goods or services that you provided and when.

Please note: in providing these referees you authorise us to collect any information about you, except commercially sensitive pricing information, from the referees, and use such information in the evaluation of your Proposal. You also agree that all information provided by the referee to us will be confidential to us.

### First referee

### Second referee



| Respondent's declaration                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                          |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| Topic                                     | Declaration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Respondent's declaration |
| <b>RFP Process, Terms and Conditions:</b> | I/we have read and fully understand this RFP, including the RFP Process, Terms and Conditions (shortened to RFP-Terms detailed in Section 6, as amended by Section 1, paragraph 1.6. if applicable). I/we confirm that the Respondent/s agree to be bound by them.                                                                                                                                                                                                                                                                                          | [agree / ]               |
| <b>Collection of further information:</b> | The Respondent/s authorises the Buyer to: <ul style="list-style-type: none"> <li>a. collect any information about the Respondent, except commercially sensitive pricing information, from any relevant third party, including a referee, or previous or existing client</li> <li>b. use such information in the evaluation of this Proposal.</li> </ul> The Respondent/s agrees that all such information will be confidential to the Buyer.                                                                                                                | [agree / ]               |
| <b>Requirements:</b>                      | I/we have read and fully understand the nature and extent of the Buyer's Requirements as described in Section 2. I/we confirm that the Respondent/s has the necessary capacity and capability to fully meet or exceed the Requirements and will be available to deliver throughout the relevant Contract period.                                                                                                                                                                                                                                            | [agree / ]               |
| <b>Ethics:</b>                            | In submitting this Proposal the Respondent/s warrants that it: <ul style="list-style-type: none"> <li>a. has not entered into any improper, illegal, collusive or anti-competitive arrangements with any Competitor</li> <li>b. has not directly or indirectly approached any representative of the Buyer (other than the Point of Contact) to lobby or solicit information in relation to the RFP</li> <li>c. has not attempted to influence, or provide any form of personal inducement, reward or benefit to any representative of the Buyer.</li> </ul> | [agree / ]               |
| <b>Offer Validity Period:</b>             | I/we confirm that this Proposal, including the price, remains open for acceptance for the Offer Validity Period stated in Section 1, paragraph 1.6.                                                                                                                                                                                                                                                                                                                                                                                                         | [agree / ]               |
| <b>Conflict of Interest declaration:</b>  | The Respondent warrants that it has no actual, potential or perceived Conflict of Interest in submitting this Proposal, or entering into a Contract to deliver the Requirements. Where a Conflict of Interest arises during the RFP process the                                                                                                                                                                                                                                                                                                             | [agree / ]               |

---

Respondent/s will report it immediately to the Buyer's Point of Contact.

---

**Details of conflict of interest:** [if you think you may have a conflict of interest briefly describe the conflict and how you propose to manage it or write 'not applicable'].

---

**DECLARATION**

**I/we declare that in submitting the Proposal and this declaration:**

- a. the information provided is true, accurate and complete and not misleading in any material respect
- b. the Proposal does not contain intellectual property that will breach a third party's rights
- c. I/we have secured all appropriate authorisations to submit this Proposal, to make the statements and to provide the information in the Proposal and I/we am/are not aware of any impediments to enter into a Contract to deliver the Requirements.

I/we understand that the falsification of information, supplying misleading information or the suppression of material information in this declaration and the Proposal may result in the Proposal being eliminated from further participation in the RFP process and may be grounds for termination of any Contract awarded as a result of the RFP.

By signing this declaration the signatory below represents, warrants and agrees that he/she has been authorised by the Respondent/s to make this declaration on its/their behalf.

---

**Signature:**



**Full name:** Miria Louise Woodbine Pomare

---

**Title / position:** Consultant

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**Name of organisation:** N/A

---

**Date:** 26/2/2021

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# Response Form

In response to Request for Proposals

by: Porirua City Council

for: Appointment of Hearing Panel and Chairperson

ref: RFX ID 23915652

Date of this Proposal: 24 February 2021



# 1. About the Respondent

## Our profile

This is a Proposal by Resource Management Group Ltd (the Respondent) alone to supply the Requirements.

| Item                            | Detail                                                                  |
|---------------------------------|-------------------------------------------------------------------------|
| Trading name:                   | RMG Ltd                                                                 |
| Full legal name (if different): | Resource Management Group Ltd                                           |
| Physical address:               | Urban Hub, Level 2, Westpac Building, 318 Lambton Quay, Wellington 6011 |
| Postal address:                 | PO Box 25175, Wellington 6140                                           |
| Registered office:              | Young Hunter Lawyers, Level 2, 134 Victoria Street, Christchurch 8011   |
| Business website:               | <a href="http://www.rmgroup.co.nz">www.rmgroup.co.nz</a>                |
| Type of entity (legal status):  | Limited liability company                                               |
| Registration number:            | 1104832                                                                 |
| Country of residence:           | New Zealand                                                             |
| GST registration number:        | 77-879-188                                                              |

## Our Point of Contact

| Item            | Detail                                                       |
|-----------------|--------------------------------------------------------------|
| Contact person: | David McMahon                                                |
| Position:       | Director and Practice Manager                                |
| Phone number:   | 027 233 1917                                                 |
| Mobile number:  | 027 233 1917                                                 |
| Email address:  | <a href="mailto:david@rmgroup.co.nz">david@rmgroup.co.nz</a> |

## 2. Response to the Requirements

### Pre-conditions

| #  | Pre-condition                                                                                                                                                                                                                   | Meets                                                      |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| 1. | Appointees must meet the accreditation requirements outlined in section 39B of the Resource Management Act 1991 and accreditation under the Making Good Decisions Programme must be current at the time services are exercised. | Yes                                                        |
| 2. | The chair must have Chairs Certification under the Making Good Decisions Programme.                                                                                                                                             | Not applicable as not proposing to assume a chairing role. |

## Questions relating to the evaluation criteria

| 1. RMA Plan Hearing experience:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Weighting 20% |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <p>David McMahon is an accredited RMA commissioner (grade: excellent). His practising certificate has recently been renewed and is valid until 31 December 2023. He has been undertaking commissioner work since 2001.</p> <p>In recent years, David’s workload has been heavily geared towards commissioner appointments at local council and EPA boards of inquiry levels. In the former context, he has acted as a sole commissioner and otherwise been a regular panel member responsible for hearing and deciding:</p> <ul style="list-style-type: none"><li>• Hearing and making recommendations on submissions to plan changes and plan review, and, when instructed, making decisions on these matters;</li><li>• Applications for resource consent;</li><li>• Applications to change conditions of a resource consent and notices of objection;</li><li>• Notices of requirement to designate land or alter designations; and</li><li>• Notices of requirement for heritage orders or to alter heritage orders.</li></ul> <p>In terms of plan-related hearings, David has been an active commissioner in relation to a number of high-profile examples in the last five years, including hearing and deciding the following:</p> <ul style="list-style-type: none"><li>• All submissions on a significant plan change to Horizons’ One Plan, relating to intensive farming land uses (2020 – 2021).</li><li>• All submissions to the Greater Wellington Proposed Natural Resources Plan (2017 – 2019).</li><li>• All submissions to the Proposed Kapiti Coast District Plan (2016 – 2017).</li><li>• An application for a private plan change to facilitate a significant residential development at Cromwell (2019).</li><li>• Hearings on other plan changes to district plans, for Wellington, Upper Hutt, Lower Hutt and Nelson City Councils, and Tasman District Council.</li></ul> <p>Referees and contact details for each of the abovementioned projects can be provided on request.</p> <p>Additionally, and previously, David has undertaken commissioner roles in relation to a wide range of consenting proposals, including civic, education, heritage, industrial, infrastructure, utility, recreation, residential, rest home, retail / commercial, rural and rural-residential subdivision and ecological restoration projects, and plan changes relating to noise, mixed use zone, density and height, rural and subdivision provisions.</p> |               |

| 2. Track Record                                                                                                                                                                                                                                                                            | Weighting 30% |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <p>David has well-developed skills in decision-writing, and in peer reviewing draft decisions prepared by others. This goes to his wider role as practice manager within RMG Ltd. In David’s view, good decision-writing starts at the point that the panel enters into deliberations.</p> |               |

David is an active panel member during the deliberations process. Initially, he is careful to ensure that the manner in which the panel wishes to proceed with deliberations is discussed and agreed. David takes a very systematic approach to identifying key issues in contention, and dealing with each of these in turn. He always ensures that there is scope in evidence and s32AA tests are met, should a panel seek to recommend further changes to a plan or plan change to address issues raised by submitters.

David makes extensive use of electronic whiteboards to guide deliberations and provide a succinct framework for crafting decision or recommendation reports. The reports David has been involved in provide a clear pathway to the decision or recommendation, and are succinct and extensively footnoted with reference to evidence and reports presented.

David's reputation for well researched, articulate report writing that stands up to legal tests is illustrated by the following:

- Decisions on the Kapiti Coast District Plan resulted in only 16 appeals being lodged, all of which were resolved without a fixture;
- Decisions on Upper Hutt City Council's plan changes relating to the Mangaroa and Pinehaven flood overlays were upheld by the Environment Court;
- No appeals were lodged against Central Otago District Council's decision on a private plan change CODC relating to residential zoning in Cromwell;
- No appeals were lodged against Upper Hutt City Council's plan changes relating to the Southern Hills landscape overlays; and
- Appeals against Upper Hutt City Council's decision on a private plan change relating to the Wallaceville Mixed use zone were dismissed by the Environment Court.

The decision reports David has been involved in preparing have all been released in a timely manner and well within the timeframes proscribed by the RMA. Examples include the delivery of:

- recommended decisions on the Kapiti Coast District Plan on time, with the deadline being dictated by the Council as being the last council meeting prior to the local body elections;
- all decision reports on Greater Wellington Regional Council's Proposed Natural Resources Plan two months ahead of the Council's deadline; and
- various decision reports for Upper Hutt City Council, Hutt City Council and Central Otago District Council within four to six weeks of hearing closure.

Little rework is required as a result of internal Council legal reviews of draft decision reports David has been responsible for preparing.

David's reputation for providing good value for money is evidenced by the repeat engagements from all of the above councils, and the absence of any disputed feedback from the proponents of the abovementioned private plan changes.

### 3. Specialist RMA Knowledge

**Weighting 20%**

David has 35 years' experience in urban and environmental planning, representing both public and private interests. He gained a Masters in Regional and Resource Planning from the University of

Otago and has practised as a planner ever since. He is a founding director of RMG Ltd, established in 2001.

As manager of RMG's Wellington-based practice, David also oversees and acts in a peer review capacity where the team is involved in assisting councils in their development of their own second-generation plans, including (currently) Wellington and Nelson City Councils and the Wairarapa Combined Plan. This has allowed David to keep abreast of what is good practice in the formulation of district and regional plan provisions, the inter-relationship between such plans, the use of e-plans and the incorporation of national directives (inclusive of the national planning standards). The Proposed Porirua District Plan has proved to be a plan of interest in researching potential options for RMG's local government policy clients.

David has a good degree of familiarity with the Wellington Region and Porirua City given the extensive amount of work the practice has done in the region for a variety of clients.

Broadly speaking, David's continued involvement on behalf of a range of clients in broader RMA practice, including policy and plan development and resource consenting, ensures that he is able to maintain an up-to-date understanding of legislative change, plan content and consenting practice, and an acute appreciation of the perspectives of all participants in RMA processes.

#### 4. Collaboration Skills

**Weighting 30%**

In undertaking commissioner roles, David has developed a great deal of experience working effectively and collaboratively with a range of panels, including those entirely made up of independent commissioners, as well as those with a mix of elected members and independent appointees. He has worked effectively with a host of hearings administrators and council staff.

As a panel member, David has been proactive in determining how hearings can best be run to meet objectives of fairness and efficiency. He is adept at ensuring submitters and applicants feel heard and bringing a structured focus to the questioning of expert witnesses.

In the interests of efficiency, and where appropriate, David actively takes the opportunity to encourage pre-circulation of evidence, conferencing, caucusing, the use of 'hot-boxing' and joint witness statements to elicit areas of agreement (and residual contention). For the same reasons, he is also active in drafting and issuing directions on procedural matters in advance of hearings.

David has had recent direct experience with 'zoom' based presentations by witnesses following the Covid-19 related lockdowns, as a commissioner on behalf of Wellington City, Palmerston North City and Horizons. Where such an approach remains necessary, David has observed the efficiencies that it can bring to the hearing process.

David is able to recognise unconscious bias in himself and fellow commissioners and bring an objective, neutral viewpoint to bear in hearing evidence. He is able to recognise situations in which the application of tikanga Māori to hearings is relevant and appropriate.

David has considerable experience of hearings on topics that canvass Māori values. Where he is aware that Māori intend to present he will work with hearing administrator and liaison officers to determine whether they wish to deliver evidence in Te Reo and /or make joint presentations with other Māori entities, and will ensure that, if necessary, an interpreter is available and tikanga (e.g.,

appropriate karakia / waiata) is observed. At the hearing he also ensures that the arrangements for protocol and interpretation are understood by all submitters.

In terms of this Request for Proposals, David is offering his services as a **panel member** only, as opposed to a chair. Being a panel member allows David the freedom to undertake a scrutiny role effectively, whilst administrative matters are handled by the chair. Having the appropriate chair in that respect is important, and in turn the chair benefits from being able to rely on a capable 'generalist' like David who can be relied on to ask appropriate questions and perform a 'sweeper' role in terms of ensuring that all necessary matters are covered by the panel.

David also has extensive experience and can provide a useful perspective regarding the make-up of panels, including options such as 'floating' commissioners for extended plan hearings, if requested.

As a sample of the flavour David can bring to Plan hearings, please find a link to an article below that he contributed to on to topic of independent commissioners. This is the first of three such articles and you can access the other two articles from within the first article by clicking on the links.



Independent hearing  
commissioners are co

## Assumptions

No assumptions have been made in relation to the Requirements.

## 3. Price

### Contracting Price

Porirua City Council will contract successful applicants at a fixed hourly rate of;

- \$170 p/h for a commissioner role
- \$210 p/h for chair of the hearings panel

NOTE: There will be no disbursements made for travel or overnight accommodation unless agreed to by the Buyer on an occasional and exceptional basis.

In this respect, David's location in the Wellington Region means the Council would incur no additional costs as a result of his engagement.

## 4. Proposed Contract

Having read and understood the Proposed Contract, in the RFP Section 5, I confirm that these terms and conditions are acceptable. If successful, I agree to sign a Contract based on the Proposed Contract,

or such amended terms and conditions of Contract as are agreed with the Buyer following negotiations.

## 5. Referees

Please supply the details of two referees and include a brief description of the goods or services that you provided and when.

Please note: in providing these referees you authorise us to collect any information about you, except commercially sensitive pricing information, from the referees, and use such information in the evaluation of your Proposal. You also agree that all information provided by the referee to us will be confidential to us.

### First referee

|  |
|--|
|  |
|--|

### Second referee

|  |
|--|
|  |
|--|

| Respondent's declaration                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                          |
|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| Topic                                     | Declaration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Respondent's declaration |
| <b>RFP Process, Terms and Conditions:</b> | I/we have read and fully understand this RFP, including the RFP Process, Terms and Conditions (shortened to RFP-Terms detailed in Section 6, as amended by Section 1, paragraph 1.6. if applicable). I/we confirm that the Respondent/s agree to be bound by them.                                                                                                                                                                                                                                                                                        | <b>Agree</b>             |
| <b>Collection of further information:</b> | <p>The Respondent/s authorises the Buyer to:</p> <ol style="list-style-type: none"> <li>collect any information about the Respondent, except commercially sensitive pricing information, from any nominated referee <del>relevant third party, including a referee, or previous or existing client</del></li> <li>use such information in the evaluation of this Proposal.</li> </ol> <p>The Respondent/s agrees that all such information will be confidential to the Buyer.</p>                                                                         | <b>Agree</b>             |
| <b>Requirements:</b>                      | I/we have read and fully understand the nature and extent of the Buyer's Requirements as described in Section 2. I/we confirm that the Respondent/s has the necessary capacity and capability to fully meet or exceed the Requirements and will be available to deliver throughout the relevant Contract period.                                                                                                                                                                                                                                          | <b>Agree</b>             |
| <b>Ethics:</b>                            | <p>In submitting this Proposal the Respondent/s warrants that it:</p> <ol style="list-style-type: none"> <li>has not entered into any improper, illegal, collusive or anti-competitive arrangements with any Competitor</li> <li>has not directly or indirectly approached any representative of the Buyer (other than the Point of Contact) to lobby or solicit information in relation to the RFP</li> <li>has not attempted to influence, or provide any form of personal inducement, reward or benefit to any representative of the Buyer.</li> </ol> | <b>Agree</b>             |
| <b>Offer Validity Period:</b>             | I/we confirm that this Proposal, including the price, remains open for acceptance for the Offer Validity Period stated in Section 1, paragraph 1.6.                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Agree</b>             |
| <b>Conflict of Interest declaration:</b>  | The Respondent warrants that it has no actual, potential or perceived Conflict of Interest in submitting this Proposal, or entering into a Contract to deliver the Requirements. Where a Conflict of                                                                                                                                                                                                                                                                                                                                                      | <b>Agree</b>             |



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Interest arises during the RFP process the Respondent/s will report it immediately to the Buyer's Point of Contact.

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**Details of conflict of interest:** On occasion RMG Ltd, and I, as an individual professional, may act for clients in the Porirua City area, in terms of lodging resource consent applications, and performing other resource management related duties. In the event that any potential for conflict arises with respect to a proffered commissioner role, I will make the Council aware of this.

---

**DECLARATION**

**I declare that in submitting the Proposal and this declaration:**

- a. the information provided is true, accurate and complete and not misleading in any material respect
- b. the Proposal does not contain intellectual property that will breach a third party's rights
- c. I have secured all appropriate authorisations to submit this Proposal, to make the statements and to provide the information in the Proposal and I am not aware of any impediments to enter into a Contract to deliver the Requirements.

I understand that the falsification of information, supplying misleading information or the suppression of material information in this declaration and the Proposal may result in the Proposal being eliminated from further participation in the RFP process and may be grounds for termination of any Contract awarded as a result of the RFP.

By signing this declaration the signatory below represents, warrants and agrees that he has been authorised by the Respondent to make this declaration on its behalf.

---

Signature:



Full name: David John McMahon

Title / position: Director and Practice Manager

Name of organisation: Resource Management Group Ltd

Date: 24 February 2021

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# Response Form

In response to Request for Proposals

by: Porirua City Council

for: Appointment of Hearing Panel and Chairperson

ref: 23915652

Date of this Proposal: 10 February 2021

# 1. About the Respondent

## Our profile

This is a Proposal by:

(the Respondent) alone to supply the Requirements.

| Item                            | Detail                                              |
|---------------------------------|-----------------------------------------------------|
| Trading name:                   | Hill Young Cooper Ltd                               |
| Full legal name (if different): | Not applicable                                      |
| Physical address:               | Level 4, 111 Customhouse Quay, Wellington, 6011     |
| Postal address:                 | P O Box 8092, The Terrace Wellington, 6143          |
| Registered office:              | 18 Broadway, Newmarket, Auckland, 1023, New Zealand |
| Business website:               | www.hillyoungcooper.co.nz                           |
| Type of entity (legal status):  | Limited Liability Company                           |
| Registration number:            | AK669336                                            |
| Country of residence:           | New Zealand                                         |
| GST registration number:        | 64-163-507                                          |

## Our Point of Contact

| Item            | Detail              |
|-----------------|---------------------|
| Contact person: | Mark St.Clair       |
| Position:       | Director            |
| Phone number:   | 04 473 5310         |
| Mobile number:  | 021 271 0815        |
| Email address:  | m.stclair@hyc.co.nz |

## 2. Response to the Requirements

### Pre-conditions

| #  | Pre-condition                                                                                                                                                                                                                                                                                               | Meets |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 1. | Appointees must meet the accreditation requirements outlined in section 39B of the Resource Management Act 1991 and accreditation under the Making Good Decisions Programme must be current at the time services are exercised.<br><b>See my current accreditation certificate annexed as Attachment 1.</b> | Yes   |
| 2. | The chair must have Chairs Certification under the Making Good Decisions Programme.<br><b>See my current, Chairing Endorsement accreditation certificate annexed as Attachment 1.</b>                                                                                                                       | Yes   |

## Questions relating to the evaluation criteria

|                                                                                                                          |                      |
|--------------------------------------------------------------------------------------------------------------------------|----------------------|
| <b>1. RMA Plan Hearing experience:</b>                                                                                   | <b>Weighting 20%</b> |
| Describe your previous experience as a commissioner or chair on a HP for a full district plan hearing and/or plan change |                      |
| Please attach information separately in accordance with the RFP – <b>see Attachment 2.</b>                               |                      |

|                                                                                                                                                                                                                                                                                                               |                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| <b>2. Track Record</b>                                                                                                                                                                                                                                                                                        | <b>Weighting 30%</b> |
| Provide evidence of your; <ul style="list-style-type: none"> <li>• ability to deliver quality RMA decisions in a timely manner</li> <li>• reputation for well researched, articulate decision report writing that stand up to legal tests</li> <li>• reputation for providing good value for money</li> </ul> |                      |
| Please attach information separately in accordance with the RFP – <b>see Attachment 3.</b>                                                                                                                                                                                                                    |                      |

|                                                                                                                                                                                                                                                 |                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| <b>3. Specialist RMA Knowledge</b>                                                                                                                                                                                                              | <b>Weighting 20%</b> |
| Provide evidence of your; <ul style="list-style-type: none"> <li>• specific skills and knowledge matched to the key PDP topics and matters subject to submissions</li> <li>• detailed knowledge of higher order RMA policy and plans</li> </ul> |                      |
| Please attach information separately in accordance with the RFP – <b>see Attachment 4.</b>                                                                                                                                                      |                      |

|                                                                                                                                                                                                                                                                                                                                     |                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| <b>4. Collaboration Skills</b>                                                                                                                                                                                                                                                                                                      | <b>Weighting 30%</b> |
| Provide evidence of your; <ul style="list-style-type: none"> <li>• ability to work collaboratively on a HP, along with Council staff and technical specialists</li> <li>• Successful collaboration with Iwi, stakeholders and members of the community</li> <li>• Reputation for empathy, teamwork, fairness and honesty</li> </ul> |                      |
| Please attach information separately in accordance with the RFP – <b>see Attachment 5.</b>                                                                                                                                                                                                                                          |                      |

## Assumptions

Please state any assumptions you have made in relation to the Requirements. Where you have made assumptions in relation to the costs and pricing information please state these in the next section.

# 3. Price

## Contracting Price

Porirua City Council will contract successful applicants at a fixed hourly rate of;

- \$170 p/h for a commissioner role
- \$210 p/h for chair of the hearings panel

NOTE: There will be no disbursements made for travel or overnight accommodation unless agreed to by the Buyer on an occasional and exceptional basis.

### Comment

Section 4 of the RFP sets out the hourly rates. These are accepted. However, in the Contract for Services, Schedule 1, Second Page, Fees refers to ,

***“As per Section 4 of the RPF***

#### ***Hourly Fee Rate***

*For each hour worked an Hourly Fee Rate of \$[ ] excluding GST, up to total maximum of \$[ ] excluding GST.”*

However, no total maximum is specified in Section 4 of the RFP. In addition, no details are provided as to duration of work, what panels that a commissioner may or may not be appointed to, the complexity of the submissions, hearing and therefore requirements for deliberations and writing. The requirement for a total maximum is therefore, not accepted.

# 4. Proposed Contract

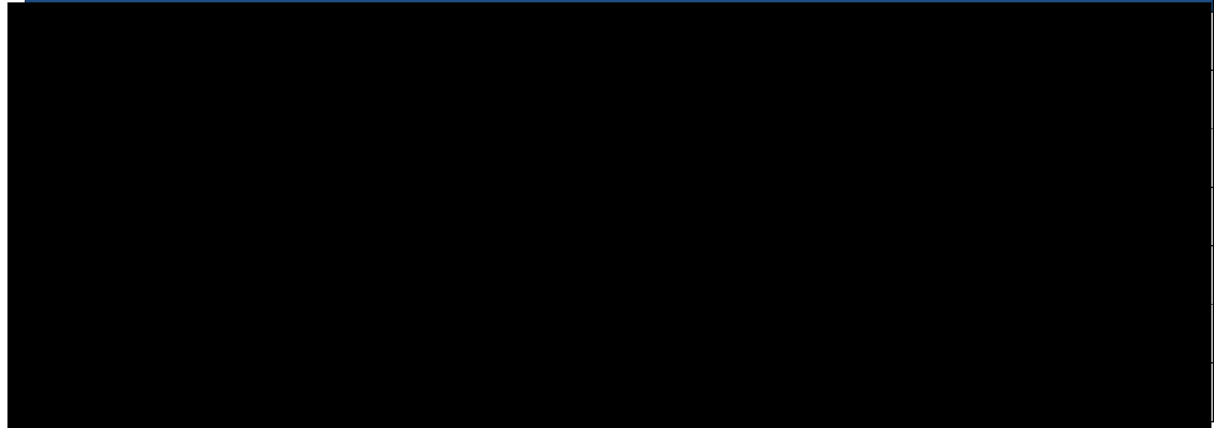
Having read and understood the Proposed Contract, in the RFP Section 5, I confirm that these terms and conditions are acceptable in part. If successful, I agree to sign a Contract based on the Proposed Contract, or such amended terms and conditions of Contract as are agreed with the Buyer following negotiations.

# 5. Referees

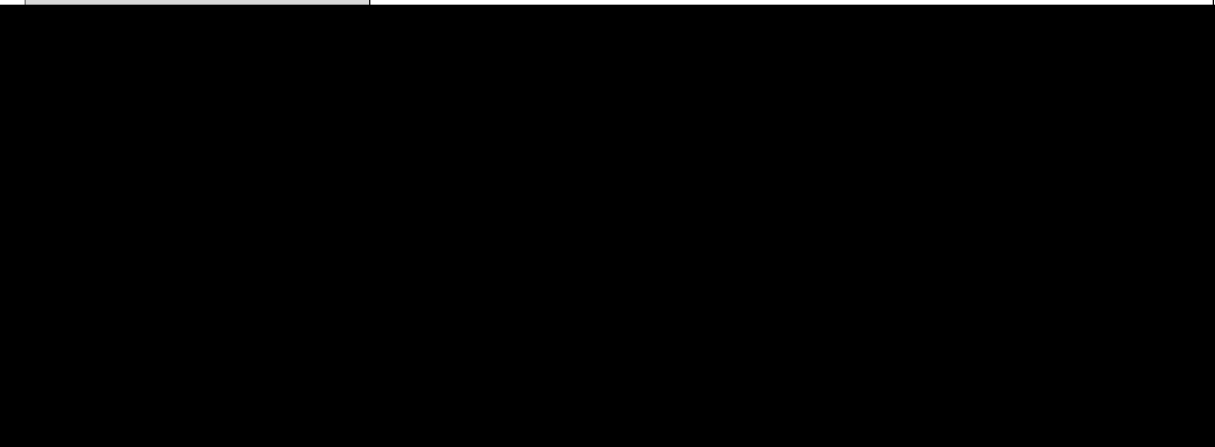
Please supply the details of two referees and include a brief description of the goods or services that you provided and when.

Please note: in providing these referees you authorise us to collect any information about you, except commercially sensitive pricing information, from the referees, and use such information in the evaluation of your Proposal. You also agree that all information provided by the referee to us will be confidential to us.

## First referee

A large black rectangular redaction box covering the entire content area for the first referee.

## Second referee

A large black rectangular redaction box covering the entire content area for the second referee.

I would be happy to provide additional referees if required.

| Respondent's declaration                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| Topic                                     | Declaration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Respondent's declaration       |
| <b>RFP Process, Terms and Conditions:</b> | I/we have read and fully understand this RFP, including the RFP Process, Terms and Conditions (shortened to RFP-Terms detailed in Section 6, as amended by Section 1, paragraph 1.6. if applicable). I/we confirm that the Respondent/s agree to be bound by them.                                                                                                                                                                                                                                                                                          | [agree / <del>disagree</del> ] |
| <b>Collection of further information:</b> | The Respondent/s authorises the Buyer to: <ul style="list-style-type: none"> <li>a. collect any information about the Respondent, except commercially sensitive pricing information, from any relevant third party, including a referee, or previous or existing client</li> <li>b. use such information in the evaluation of this Proposal.</li> </ul> The Respondent/s agrees that all such information will be confidential to the Buyer.                                                                                                                | [agree / <del>disagree</del> ] |
| <b>Requirements:</b>                      | I/we have read and fully understand the nature and extent of the Buyer's Requirements as described in Section 2. I/we confirm that the Respondent/s has the necessary capacity and capability to fully meet or exceed the Requirements and will be available to deliver throughout the relevant Contract period.                                                                                                                                                                                                                                            | [agree / <del>disagree</del> ] |
| <b>Ethics:</b>                            | In submitting this Proposal the Respondent/s warrants that it: <ul style="list-style-type: none"> <li>a. has not entered into any improper, illegal, collusive or anti-competitive arrangements with any Competitor</li> <li>b. has not directly or indirectly approached any representative of the Buyer (other than the Point of Contact) to lobby or solicit information in relation to the RFP</li> <li>c. has not attempted to influence, or provide any form of personal inducement, reward or benefit to any representative of the Buyer.</li> </ul> | [agree / <del>disagree</del> ] |
| <b>Offer Validity Period:</b>             | I/we confirm that this Proposal, including the price, remains open for acceptance for the Offer Validity Period stated in Section 1, paragraph 1.6.                                                                                                                                                                                                                                                                                                                                                                                                         | [agree / <del>disagree</del> ] |
| <b>Conflict of Interest declaration:</b>  | The Respondent warrants that it has no actual, potential or perceived Conflict of Interest in submitting this Proposal, or entering into a Contract to deliver the Requirements. Where a Conflict of                                                                                                                                                                                                                                                                                                                                                        | [agree / <del>disagree</del> ] |



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Interest arises during the RFP process the Respondent/s will report it immediately to the Buyer's Point of Contact.

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**Details of conflict of interest:**

I am currently a commissioner for Porirua City Council in relation to an application for the demolition of the former US Marines Hall at Whitehouse Road, Titahi Bay. Apart from commissioner work, my firm Hill Young Cooper have previously undertaken policy work on behalf of Porirua City Council however, the most recent of those projects was 2013, in relation to an alteration of designation for the Whitby Link Road.

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**DECLARATION**

**I/we declare that in submitting the Proposal and this declaration:**

- a. the information provided is true, accurate and complete and not misleading in any material respect
- b. the Proposal does not contain intellectual property that will breach a third party's rights
- c. I/we have secured all appropriate authorisations to submit this Proposal, to make the statements and to provide the information in the Proposal and I/we am/are not aware of any impediments to enter into a Contract to deliver the Requirements.

**I/we understand that the falsification of information, supplying misleading information or the suppression of material information in this declaration and the Proposal may result in the Proposal being eliminated from further participation in the RFP process and may be grounds for termination of any Contract awarded as a result of the RFP.**

**By signing this declaration the signatory below represents, warrants and agrees that he/she has been authorised by the Respondent/s to make this declaration on its/their behalf.**

---

**Signature:**



**Full name:** Mark St.Clair

**Title / position:** Director

**Name of organisation:** Hill Young Cooper Limited

**Date:** 10 February 2021

---

# making good decisions

A Training, Assessment and Certification Programme  
for Resource Management Act Decision-makers

This certificate recognises that

*Mark St Clair*

has successfully demonstrated the competencies required  
by the Making Good Decisions Programme.



Vicky Robertson  
Secretary for the Environment



Dave Cull  
President  
Local Government New Zealand

Awarded on:  
02/11/2018

This certificate is valid until:  
31/12/2023



## **Attachment 2 – 1. RMA Hearing Experience**

I have extensive experience in sitting as commissioner sole, panel chair and panel member on district plan reviews, plan changes and variations. I set out a range of district plan hearings I have been involved in as a commissioner below.

- Commissioner (Chair) – Kapiti Coast District Council – Variation 3 – County Road Rezoning (2019);
- Commissioner (Chair) – Napier City Council – Proposed Plan Change 12 – Mission Estate Character Zone (2018);
- Commissioner (Panel) – Hutt City Council – Plan Change 35 – Summerset Retirement Village (2016);
- Commissioner (Panel) – Queenstown Lakes District Council – Proposed District Plan Review – Stage 1 (2016/17) – sat on the following topics, Strategic Chapters (Strategic Direction, Tangata Whenua, Urban Development, Landscapes); Rural Chapters (Rural, Rural Residential and Lifestyle, Gibbston Character Zone, Wilding Trees, Indigenous Vegetation and Biodiversity); District Wide Chapters (Temporary Activities and Relocated Buildings, Noise, Energy and Utilities);
- Commissioner (Chair) – Upper Hutt and Hutt City Councils – Plan Changes 38 and 34 – Network Utilities (2015);
- Commissioner (Panel) – Porirua City Council, Plan Change 16 – Network Utilities (2014/15);
- Commissioner (Sole) – Hutt City Council, Proposed Plan Changes 26, 27 and 30 to rezone land from recreation to residential purposes (2013).

Although not a District Plan hearing, I was chair of Greater Wellington Regional Council – Proposed Natural Resources Plan (2017/19). The proposed plan attracted 435 submissions and 74 further submissions. The Panel prepared sixteen (16) Decision Reports across a range of issues.

In all of these hearings, I prepared in full or prepared in part, the written decision/recommendation of the panel.

I have also sat on number of resource consent hearings and appeared as an expert witness at both first instance hearings and at the Environment Court. I have attached a copy of my full Curriculum Vitae as **Attachment 6**.

## **Attachment 3 – 2. Track record**

As commissioner sole or as panel chair, I have been responsible of not only the manner in which the hearing is conducted, but also for deliberations and the preparation of written decisions/recommendations. As to delivery of quality decisions in a timely manner, I cannot recall an occasion in which I have had to issue a Minute under section 37 of the Resource Management Act 1991 for an extension of time for delivery of a resource consent decision. The timeframes for Plan Changes being two (2) years from notification is not in my experience an issue.

As to any reputation for well researched, articulate decision report writing that stand up to legal tests or the provision of providing good value for money, these are matters for which it would be presumptuous of me to respond to. I would suggest discussing these matters with my referees.

#### **Attachment 4 – 3. Specialist RMA Knowledge**

I have a wide range of skills and knowledge in various plan topic areas developed through my consulting practice, in plan and policy development, resource consent/designation processing and in my role as a commissioner for both plan changes and resource consents.

To illustrate my skills and knowledge to Key PDP topics and matters subject to submissions, I have listed out the relevant sections of the PDP and provided examples of relevant projects that I have been involved with.

#### **Part 2 – District Wide Matters**

##### *Strategic Direction*

- Commissioner (Panel) – Queenstown Lakes District Council – Proposed District Plan – Stage 1 (2016/17), Strategic Chapters (Strategic Direction, Tangata Whenua, Urban Development, Landscapes).

##### *Energy, Infrastructure and Transport*

- Policy Advisor – Wellington City Council – Draft District Plan – Port and Stadium, Issues and Options Papers and Plan Provisions (2020/21);
- Conditions Advisor – Nga Uranga ki Pito-One – Te Ara Tupa, Waka Kotahi for shared (walking and cycling) pathway under Clause 2(1) of the COVID-19 Recovery (Fast-Track Consenting) Act 2020 (2020/21);
- Commissioner (Panel) – Queenstown Lakes District Council – Proposed District Plan – Stage 1 (2016/17) District Wide Chapters (Temporary Activities and Relocated Buildings, Noise, Energy and Utilities);
- Commissioner (Chair) – Upper Hutt and Hutt City Councils – Plan Changes 38 and 34 – Network Utilities (2015);
- Commissioner (Panel) – Porirua City Council, Plan Change 16 – Network Utilities (2014/15);
- Section 87F officer – Manawatu Whanganui Regional Council for Horowhenua District Council Foxton Wastewater Treatment Plant applications (2017/18);
- Expert Witness – PEPANZ – South Taranaki District Council, District Plan Appeals (2018/20);
- Section 87F Reporting officer – Manawatu Whanganui Regional Council for Te Ahu A Turanga -Manawatu Gorge Project application (2019/20);
- Friend of Submitter – Environmental Protection Authority, NZTA Transmission Gully Proposal – Notice of Requirements and Resource Consent (2011);
- Project Director – Ministry of Economic Development & Ministry for the Environment, Providing national guidance on infrastructure through the RMA (2010);
- Section 42A officer – Horizons Regional Council for Genesis Energy Castle Hill Wind Farm, Mighty River Power Puketoi Wind Farm and Meridian Mt Munro Wind Farm applications (2011/12);
- Friend of Submitter – Environmental Protection Authority, NZTA Basin Bridge Proposal – Notice of Requirements and Resource Consent (2013/14).

##### *Hazards and Risks*

- Policy Advisor – Wellington City Council – Draft District Plan – Hazardous Substances and Contaminated Land Chapters, Issues and Options Papers and Plan Provisions (2020);

- Project Director and Co-author – Ministry for the Environment, Canterbury Fact Finding Report - Consideration of liquefaction and lateral spreading hazards in the zoning and development of: Part A: The eastern suburbs of Christchurch from 1977 to 22 Feb 2011 and Part B: Brooklands, Kaiapoi and Kairaki/The Pines from 1977 to 4 Sept 2010 (2011).

#### *Historical and Cultural Values*

- Commissioner (Chair) – Porirua City Council– Proposed Demolition of Former US Marines Hall, Whitehouse Road, Titahi Bay, Porirua (2020/21).

#### *Natural Environment Values*

- Project Director – Ministry for the Environment, Review of RMA plans and assessment of ability of local authorities to respond to the proposed NPS for Indigenous Biodiversity (2011);
- Commissioner (Chair) – Napier City Council – Proposed Plan Change 12 – Mission Estate Character Zone (2018).

#### *Subdivision*

- Commissioner (Sole) – New Plymouth District Council – Two (2) Lot subdivision, Ackworth Road, Lepperton, New Plymouth (2020);
- Commissioner (Sole) – Palmerston North City Council – Two (2) Lot subdivision, 111 Polson Hill Drive, Aokautere, Palmerston North.

#### *General District-Wide Matters*

- Commissioner (Panel) – Queenstown Lakes District Council – Proposed District Plan Review – Stage 1 (2016/17) – District Wide Chapters (Temporary Activities and Relocated Buildings, Noise, Energy and Utilities).

### **Part 3 Area Specific Matters**

#### *Residential Zones*

- Commissioner (Sole) – Carterton District Council – Motorcycle Sales and Servicing in Residential Zone, 388 Main South Road, Carterton (2019);
- Commissioner (Sole) – Wellington City Council – Multi-unit Development, 251 The Terrace, Wellington (2019);
- Commissioner (Sole) – Kapiti Coast District Council – Land use consent to establish and operate a medical centre and associated dispensary in Residential Zone (2015).

#### *Rural Zones*

- Commissioner (Panel) – Queenstown Lakes District Council – Proposed District Plan – Stage 1 (2016/17) Rural Chapters (Rural, Rural Residential and Lifestyle, Gibbston Character Zone, Wilding Trees, Indigenous Vegetation and Biodiversity);
- Commissioner (Sole) – Porirua City Council, Café in Rural Zone, Pauatahanui (2014);
- Commissioner (Panel) – Kapiti Coast District Council, Industrial Activity in Rural Zone, Paraparaumu (2014).

### *Commercial and Mixed Use Zones*

- Commissioner (Sole) – New Plymouth District Council – Commercial and Retail Complex Development and Reformation of Parapara-iti Pā development at the corners of Devon (SH3), Smart and Katere Roads, New Plymouth (2019/20).

### *Industrial Zones*

- Advisor – Winstone Wallboards Ltd – land use consent for new build Wallboard Plant (67,740m<sup>2</sup>), air discharge permit for 27MW output, groundwater take permit for 912 m<sup>3</sup> per day (total annual volume of 284,544 m<sup>3</sup>/year), Kaweroa Drive, Tauriko, Tauranga (2018/20).

### *Open Space and Recreation Zones*

- Commissioner (Sole) – Palmerston North City Council – s95 and s104 Decision Colquhoun Park softball facilities upgrade project and conduct international and national softball events, Palmerston North (2019);
- Section 42A officer – Palmerston North City Council for He Ara Kotahi Bridge Project application (2016/17);
- Commissioner (Panel) - Nelson City Council for the construction and operation of the Stoke Community Centre (2016).

### *Designations*

- Conditions Advisor – Nga Uranga ki Pito-One – Te Ara Tupa, Waka Kotahi for shared (walking and cycling) pathway under Clause 2(1) of the COVID-19 Recovery (Fast-Track Consenting) Act 2020 (2020/21);
- Commissioner (Chair) – Kapiti Coast District Council – Alteration of Designation – KiwiRail, Paekakariki (2018);
- Advisor, Porirua City Council (as the Applicant), Whitby Link Road, Notice of Requirement to alter Designation (2013).

To provide evidence of my detailed knowledge of higher order RMA policy and plans, I would first reference the Greater Wellington Regional Council's Operative Regional Policy Statement (24 April 2013). My detailed knowledge of this document comes through the Proposed Natural Resources Plan hearings, as well as other Wellington region-based plan change and resource consent hearings.

I consider that though my planning practice and commissioner work that I have a good knowledge of the National Policy Statements and National Environmental Standards, such as New Zealand Coastal Policy Statement 2010, National Policy Statement on Urban Development 2020, National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011. Of course, the relevance of any particular higher order instrument to the proposed District Plan will be the subject of evidence. My work on the Wellington City Draft District Plan has given me a good understanding of the National Planning Standards and the required formatting and referencing for District Plans.

**Attachment 5 – 4. Collaboration Skills**

Evidence of my ability to work collaboratively on a hearing panel with other commissioners is best answered by my commissioner referee. I can provide additional commissioner referees if required. As to working collaboratively with Council staff and technical specialists, I would make the separation between Council staff operating in an administrative role to assist the Panel and Council staff that are providing evidence by way of Section 42A reports. As chair, working closely with administration staff in the setup of the hearing process and communicating with the parties is critical. The staff preparing Section 42A Reports and the technical specialists I view as expert witnesses and therefore an appropriate degree of separation needs to be maintained, in order to be fair to all parties and to demonstrate due process.

In relation to collaboration with Iwi, stakeholders and members of the community, again there is a need to maintain equal treatment for all parties. Rather than collaboration, I think the term 'fair and equal treatment for all' is a better description of the role of an individual commissioner and the hearing panel.

As I noted in my response to "2. Track Record" above, it would be presumptuous of me to respond to any reputation as to empathy, teamwork, fairness and honesty. Again, this may be something that is better addressed to my referees.

## Attachment 6

### **CURRICULUM VITAE—MARK ST.CLAIR**

#### **Mark St.Clair: NZCD, BREP (Hons), MNZPI**

Mark is a Principal and Co-Director of Hill Young Cooper Ltd, a strategic resource management and environmental policy and planning consultancy formed in New Zealand in 1995. He joined the company in 2000, becoming a director in 2001. The company specialises in environmental and resource management assessment and policy advice, for both the public and private sector.

Prior to this Mark was a Senior Planning Consultant at GHD (formerly Manukau Consultants Ltd), a planning and engineering consultancy operating throughout New Zealand, Australia, and numerous other countries (1997–2000). Before joining Manukau Consultants Ltd, Mark was in the Environmental Policy team at Manukau City Council in both policy development and monitoring roles. Mark was also an assistant policy analyst at the Ministry for the Environment (1992–1993) working in the Resource Management Act area. From 1980–1985 he held the position of Planning Assistant at the then Lower Hutt City Council.

Mark has more than 30 years' experience in public policy development, environmental and resource management assessment, environmental management systems, monitoring and auditing, and project management in New Zealand.

Mark is a Member of the New Zealand Planning Institute and the Resource Management Law Association of New Zealand. In addition, Mark is a certified hearing commissioner with chair endorsement and a development contributions commissioner. These roles have included sitting as chair, as well as a panel member. In 2020, Mark was appointed as a Freshwater Commissioner.

Mark is the recipient of the New Zealand Planning Institute's Distinguished Service Award for contribution to the field of planning and to the affairs of the Institute.

#### **Experience**

Mark's experience / appointments include(s):

- Conditions Advisor – Nga Uranga ki Pito-One – Te Ara Tupa, Waka Kotahi for shared (walking and cycling) pathway under Clause 2(1) of the COVID-19 Recovery (Fast-Track Consenting) Act 2020 (2020/21);
- Commissioner (Chair) – Porirua City Council– Proposed Demolition of Former US Marines Hall, Whitehouse Road, Titahi Bay, Porirua (2020/21);
- Commissioner (Sole) – Palmerston North City Council/Manawatu Whanganui Regional Council – Proposed Quarry – 971 Fitzherbert East Road, Palmerston North (2020/21);
- Commissioner (Sole) – Kapiti Coast District Council – Section 357A Contributions Objection, Unit Title Subdivision Application – 112 Parata Street, Waikanae (2020/21);
- Special Advisor – Environment Court of New Zealand – “Called In” Otago Regional Council Plan Changes 7, 8 and 1 (2020/21);
- Advisor – Manawatu Whanganui Regional Council – Work programme for implementation of the National Policy Statement – Freshwater Management 2020 (2020);



- Policy Advisor – Wellington City Council – Draft District Plan – Pipitea Precinct, Stadium Precinct and Port Redevelopment Precinct (2020/21);
- Commissioner (Sole) – Nelson City Council – Section 357A Fees Objection, Land use and Coastal Permit Application – 1 Boulderbank Drive, Nelson (2020);
- Commissioner (Sole) – New Plymouth District Council – Two (2) Lot subdivision, Ackworth Road, Lepperton, New Plymouth (2020);
- Section 87F Reporting officer – Manawatu Whanganui Regional Council for Te Ahu A Turanga -Manawatu Gorge Project application (2019/20);
- Commissioner (Sole) – Wellington City Council – land use consent new multi-storey build for Archives NZ, 2 -12 Aitken Street, Thorndon, Wellington (2020);
- Commissioner (Sole) – Nelson City Council - Subdivision of Land and Discharge Permit – 205 Lud Valley Road, Hira, Nelson (2020);
- Policy Advisor – Wellington City Council – Draft District Plan – Hazardous Substances and Contaminated Land (2020);
- Commissioner (Sole) – Palmerston North City Council – s95 and s104 Decision Mercury NZ Limited for the erection of six (6) wind monitoring masts within the Turitea Wind Farm, Turitea Reserve (159 Waterworks Road), Palmerston North (2020);
- Expert Witness – Hawkes Bay Winegrowers and Pernod Ricard Winemakers – Draft Ngaruroro Water Conservation Order (2018/20);
- Expert Witness – PEPANZ – South Taranaki District Plan Appeals – Petroleum Exploration and Production (2018/20);
- Commissioner (Sole) – New Plymouth District Council – Commercial and Retail Complex Development and Reformation of Parapara-iti Pā development at the corners of Devon (SH3), Smart and Katere Roads, New Plymouth (2019/20);
- Advisor – Winstone Wallboards Ltd – land use consent for new build Wallboard Plant (67,740m<sup>2</sup>), air discharge permit for 27MW output, groundwater take permit for 912 m<sup>3</sup> per day (total annual volume of 284,544 m<sup>3</sup>/year), Kaweroa Drive, Tauriko, Tauranga (2018/20);
- Commissioner (Sole) – Palmerston North City Council – s95 and s104 Decision Colquhoun Park softball facilities upgrade project and conduct international and national softball events, Palmerston North (2019);
- Advisor – Pernod Ricard Winemakers for Hawkes Bay Regional Council Proposed Plan Change 7 – Significant Water Bodies and Proposed Plan Change 9 –Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments (2019/20);
- Presenter/Facilitator – Ministry for the Environment, Good Decision Making Programme, Panel and Chair Recertification (2013 - 2020);
- Advisor – Pernod Ricard Winemakers for Redstone Water Permit, Redstone Wastewater Discharge Permit and Matapiro Water Permit in Hawkes Bay Regional Council (2018/2020);
- Advisor - Hawkes Bay Winegrowers – Proposed Plan Change 7 – Significant Water Bodies and Proposed Plan Change 9 –Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments (2019/20);
- Commissioner (Chair) – Kapiti Coast District Council – Variation 3 – County Road Rezoning (2019);
- Commissioner (Sole) – Carterton District Council – Motorcycle Sales and Servicing in Residential Zone, 388 Main South Road, Carterton (2019);
- Commissioner (Sole) – Wellington City Council – Multi-unit Development, 251 The Terrace, Wellington (2019);

- Expert Witness – Golden Bay Cement – Submissions on Marlborough Environmental Management Plan (2018);
- Commissioner (Chair) – Greater Wellington Regional Council – Proposed Natural Resources Plan (2017/19);
- Commissioner (Chair) – Napier City Council – Proposed Plan Change 12 – Mission Estate Character Zone (2018);
- Policy Advisor – Manawatu Wanganui Regional Council - Section 35: Intensive Farming (2018);
- Expert Witness – Hawkes Bay Winegrowers - Ngaruroro and Clive Rivers Water Conservation Order (2017/18);
- Advisor - Schubert Wines, East Taratahi – Groundwater take application (2018);
- Section 87F officer – Manawatu Wanganui Regional Council for Horowhenua District Council Foxton Wastewater Treatment Plant applications (2017/18);
- Commissioner (Chair) – Kapiti Coast District Council – Alteration of Designation – KiwiRail, Paekakariki (2018);
- Section 42A officer – Palmerston North City Council for He Ara Kotahi Bridge Project application (2016/17);
- Commissioner (Chair) – Nelson City Council – Calwell Slipway Remediation Project (2016);
- Advisor – Dry River Wines – winery wastewater discharge application to Wellington Regional Council (2016);
- Commissioner (Chair) – Gisborne District Council – Makauri Aquifer Recharge Project (2016);
- Section 42A officer – Horizons Regional Council for Department of Conservation Whakapapa Wastewater Treatment Plant applications (2016);
- Commissioner (Panel) – Hutt City Council – Plan Change 35 – Summerset Retirement Village (2016);
- Commissioner (Panel) – Queenstown Lakes District Council – Proposed District Plan – Stage 1 (2016/17);
- Commissioner (Panel) - Nelson City Council for the construction and operation of the Stoke Community Centre (2016);
- Development Contribution Commissioner – Tasman District Council, Mapua Joint Venture, 80 lot residential subdivision (2015);
- Section 42A officer – Horizons Regional Council for Manawatu-Wanganui Regional Council Lake Horowhenua Weed Harvesting, Fish Pass and Sediment Trap applications (2015);
- Commissioner (Sole) – Kapiti Coast District Council – Land use consent to establish and operate a medical centre and associated dispensary in Residential Zone (2015);
- Commissioner (Chair) – Upper Hutt and Hutt City Councils – Plan Changes 38 and 34 – Network Utilities (2015);
- Section 42A officer – Horizons Regional Council for Midwest Disposals Ltd Bonny Glen Landfill Extension applications (2014/15);
- Commissioner (Panel) – Porirua City Council, Plan Change 16 – Network Utilities (2014/15);
- Commissioner (Sole) – Porirua City Council, Café in Rural Zone, Pauatahanui (2014);
- Commissioner (Panel) – Kapiti Coast District Council, Industrial Activity in Rural Zone, Paraparaumu (2014);

- Facilitator Pre-hearing meeting – Horizons Regional Council, s128 review of Palmerston North City Council, Wastewater Treatment Plant (2014);
- Advisor/Expert Witness – Planner to Board of Inquiry for Tukituki Catchment Proposal (HBRC Plan Change 6 and the Ruataniwha Water Storage Project) (2013/14);
- Friend of Submitter – Environmental Protection Authority, NZTA Basin Bridge Proposal – Notice of Requirements and Resource Consent (2013/14);
- Project Director/Auditor– Ministry for the Environment, Audit of Responses to RMA Biennial Survey (2013);
- Reviewer – Appointed by the Ministry for the Environment to review Christchurch City Council's RMA consenting and planning functions (2013);
- Commissioner (Sole) – Hutt City Council, Proposed Plan Change 26 to rezone land from recreation to residential purposes (2013);
- Commissioner (Chair) – Horizons Regional Council, Hunterville Wastewater Treatment Plant discharge permit application(2013);
- Advisor – Environmental Protection Authority, completeness check for RMA applications for Ruataniwha Water Storage Scheme (2012/13);
- Commissioner (Panel) - Hutt City Council, Proposed Plan Changes 27 and 30 to rezone land from recreation to residential purposes (2013);
- Commissioner (Panel)– Hutt City Council, Boulcott Farm Heritage Golf Club Maintenance Building and Carpark (2013);
- Commissioner – Environment Canterbury, Canterbury Regional River Gravel Management Strategy under the LGA (2012).
- Commissioner – Horizons Regional Council and Palmerston North City Council, ANZAC Cliffs river works, earthworks and 36 lot subdivision development (2012);
- Member - Appointed by the Minister for the Environment to the RMA Principles Technical Advisory Group (TAG) to provide advice on sections 6 and 7 of the Act (2011/12);
- Section 42A officer – Horizons Regional Council for Genesis Energy Castle Hill Wind Farm, Mighty River Power Puketoi Wind Farm and Meridian Mt Munro Wind Farm applications (2011/12)
- Friend of Submitter – Environmental Protection Authority, NZTA Transmission Gully Proposal – Notice of Requirements and Resource Consent (2011);
- Project Director and Co-author – Ministry for the Environment, Canterbury Fact Finding Report - Consideration of liquefaction and lateral spreading hazards in the zoning and development of: Part A: The eastern suburbs of Christchurch from 1977 to 22 Feb 2011 and Part B: Brooklands, Kaiapoi and Kairaki/The Pines from 1977 to 4 Sept 2010 (2011);
- Friend of Submitter – Environmental Protection Authority, NZTA Transmission Gully Plan Change to Greater Wellington Regional Council's Freshwater Regional Plan (2011);
- Project Director – Ministry for the Environment, Review of RMA plans and assessment of ability of local authorities to respond to the proposed NPS for Indigenous Biodiversity (2011);
- Commissioner (Panel)– Hutt City Council, Kohanga Reo, extension of hours and number of children and staff (2011);
- Commissioner (Panel) – Rugby World Cup Authority, the body charged with making approvals or declarations, normally made under the RMA (2010/11);
- Project Director – Ministry of Economic Development & Ministry for the Environment, Providing national guidance on infrastructure through the RMA (2010).

### **SHORT CURRICULUM VITAE**

1. NAME : **ST.CLAIR** Mark Leslie
2. DATE OF BIRTH : 14 April 1962
3. NATIONALITY : NZ
4. EDUCATION : Bachelor of Resource and Environmental Planning  
(Hons—1<sup>st</sup> Class)  
(Massey University 1994)  
New Zealand Certificate in Town and Country  
Planning Draughting  
(Wellington Polytechnic 1984)  
Member NZ Planning Institute (1995)  
Certified Hearing Commissioner (2006, recertified  
2009, recertified with Chair endorsement 2013,  
recertified with Chair endorsement 2018)
5. OTHER TRAINING : Environmental Management Systems
6. LANGUAGES : English
7. AREAS OF SPECIALIST EXPERTISE : Environmental Policy and Planning  
Hearings Commissioner  
Regulatory Best Practice
8. MEMBERSHIP OF PROFESSIONAL SOCIETIES : Member, New Zealand Planning Institute  
Member (1995), Distinguished Service Award for  
contribution to the field of planning and to the affairs  
of the Institute (2018).  
Resource Management Law  
Association of NZ

# Response Form

## In response to Request for Proposals

by: Porirua City Council

for: Appointment of Hearing Panel and Chairperson

ref:

Date of this Proposal:



**Supplier  
tips**

Words and phrases that have a special meaning are shown by the use of capitals e.g. Respondent, which means *'a person, organisation, business or other entity that submits a Proposal in response to the RFP. The term Respondent includes its officers, employees, contractors, consultants, agents and representatives. The term Respondent differs from a supplier, which is any other business in the market place that does not submit a Proposal'*. Definitions are at the end RFP Section 6.

# 1. About the Respondent



## Supplier tips

- The section gives the Buyer basic information about your organisation and identifies your Point of Contact for the duration of the RFP process.
- If an item is not applicable e.g. you do not have a registered office complete the box by stating 'not applicable'.
- If you are submitting a joint or consortium Proposal complete an 'Our profile' table for each Respondent. Cut and paste the table as appropriate. Provide only one Point of Contact for your joint/consortium Proposal.

## Our profile

This is a Proposal by:

(the Respondent) alone to supply the Requirements.

| Item                            | Detail                              |
|---------------------------------|-------------------------------------|
| Trading name:                   | Drakeford Williams Limited          |
| Full legal name (if different): |                                     |
| Physical address:               | 134 Huia Street, RD1, Waikanae 5391 |
| Postal address:                 | 134 Huia Street, RD1, Waikanae 5391 |
| Registered office:              | Not applicable                      |
| Business website:               | No website                          |
| Type of entity (legal status):  | Limited Liability Company           |
| Registration number:            | 1331064                             |
| Country of residence:           | New Zealand                         |
| GST registration number:        | 085-773-232                         |

## Our Point of Contact

| Item            | Detail                        |
|-----------------|-------------------------------|
| Contact person: | Julia Williams                |
| Position:       | Director                      |
| Phone number:   | 04 2931447                    |
| Mobile number:  | 027 4792292                   |
| Email address:  | julia@drakefordwilliams.co.nz |

## 2. Response to the Requirements



### Supplier tips

- In this section you are asked to provide your response to our Requirements (RFP Section 2) by demonstrating your organisation's ability to meet our criteria (RFP Section 3: Our Evaluation Approach). Carefully read RFP Sections 2 and 3 before completing this part.
- If there is anything that you do not understand ask our Point of Contact to clarify.
- If any information you provide is commercially sensitive to your business you must let the Buyer know. Please mark the information 'commercially sensitive' or 'Confidential Information'. It is not acceptable to render this whole document confidential unless this is truly the case. The Buyer has a duty to protect Confidential Information, subject to the exceptions in the RFP-Terms (Section 6).
- If some of an answer is in another document e.g. a marketing brochure, copy and paste the relevant extract into this Proposal. Do not submit the whole brochure. Please do not include any advertising brochures or similar material in your Proposal.
- You may include information not specifically requested by us in your Proposal. But only if it adds value and is relevant to the Requirements.

### Pre-conditions **AGENCY TO DELETE IF NOT APPLICABLE**



### Supplier tips

- You must be able to answer 'yes' to each of these pre-conditions. Make sure you are able to verify that this is the case, if asked.
- 'Yes' means that **you can currently** meet the pre-condition. It does not mean that you are planning to, or intend to at some time in the future.
- If you cannot answer 'yes' to all, your Proposal will not meet the basic Requirements and will be declined.

| #  | Pre-condition                                                                                                                                                                                                                   | Meets |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 1. | Appointees must meet the accreditation requirements outlined in section 39B of the Resource Management Act 1991 and accreditation under the Making Good Decisions Programme must be current at the time services are exercised. | Yes   |
| 2. | The chair must have Chairs Certification under the Making Good Decisions Programme.                                                                                                                                             | NA    |

## Questions relating to the evaluation criteria



### Supplier tips

- Here you are asked to answer questions relating to the evaluation criteria. Your Proposal will be scored against your answers to these criteria. Aim to give answers that are relevant, concise and comprehensive.
- Consider the % weighting for each criterion. The higher the weighting the more important it is. Take the weightings into account in deciding how much detail to include.
- There may be several questions that relate to one criterion. If these questions are not individually weighted assume that they are of equal importance.

|                                                                                                                          |                      |
|--------------------------------------------------------------------------------------------------------------------------|----------------------|
| <b>1. RMA Plan Hearing experience:</b>                                                                                   | <b>Weighting 20%</b> |
| Describe your previous experience as a commissioner or chair on a HP for a full district plan hearing and/or plan change |                      |
| Please attach information separately in accordance with the RFP                                                          |                      |

|                                                                                                                                                                                                                                                                                                               |                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| <b>2. Track Record</b>                                                                                                                                                                                                                                                                                        | <b>Weighting 30%</b> |
| Provide evidence of your; <ul style="list-style-type: none"> <li>• ability to deliver quality RMA decisions in a timely manner</li> <li>• reputation for well researched, articulate decision report writing that stand up to legal tests</li> <li>• reputation for providing good value for money</li> </ul> |                      |
| Please attach information separately in accordance with the RFP                                                                                                                                                                                                                                               |                      |

|                                                                                                                                                                                                                                                 |                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| <b>3. Specialist RMA Knowledge</b>                                                                                                                                                                                                              | <b>Weighting 20%</b> |
| Provide evidence of your; <ul style="list-style-type: none"> <li>• specific skills and knowledge matched to the key PDP topics and matters subject to submissions</li> <li>• detailed knowledge of higher order RMA policy and plans</li> </ul> |                      |
| Please attach information separately in accordance with the RFP                                                                                                                                                                                 |                      |

|                                                                                                                                                                                                                                                                                                                                     |                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| <b>4. Collaboration Skills</b>                                                                                                                                                                                                                                                                                                      | <b>Weighting 30%</b> |
| Provide evidence of your; <ul style="list-style-type: none"> <li>• ability to work collaboratively on a HP, along with Council staff and technical specialists</li> <li>• Successful collaboration with Iwi, stakeholders and members of the community</li> <li>• Reputation for empathy, teamwork, fairness and honesty</li> </ul> |                      |
| Please attach information separately in accordance with the RFP                                                                                                                                                                                                                                                                     |                      |



## Assumptions

Please state any assumptions you have made in relation to the Requirements. Where you have made assumptions in relation to the costs and pricing information please state these in the next section.

# 3. Price

## Contracting Price

Porirua City Council will contract successful applicants at a fixed hourly rate of;

- \$170 p/h for a commissioner role
- \$210 p/h for chair of the hearings panel

NOTE: There will be no disbursements made for travel or overnight accommodation unless agreed to by the Buyer on an occasional and exceptional basis.

# 4. Proposed Contract



### Supplier tips

- In the RFP Section 5 we have detailed the terms and conditions of our Proposed Contract. We need to know whether or not you are prepared to do business based on the Proposed Contract.
- If you have any points that you wish to make about the Proposed Contract this is where you tell us. Note below any suggestions or changes you wish to propose.
- It is important that, if asked, you are able to explain why your changes are important to you.
- In deciding which Respondent/s to shortlist the Buyer will take into account each Respondent's willingness to meet the Proposed Contract terms and conditions.

Having read and understood the Proposed Contract, in the RFP Section 5, I confirm that these terms and conditions are acceptable. If successful, I agree to sign a Contract based on the Proposed Contract, or such amended terms and conditions of Contract as are agreed with the Buyer following negotiations.

### Insurance: Reference Schedule 2, Clause 8.8.

DWL hold PI insurance for \$250,000 and will increasing this to \$250,000 in April 2021 when our insurance renews.

DWL does not currently hold PL insurance but will take out a policy of \$1,000,000 as per Clause 8.8b if Julia Williams is successful in being awarded this contract.

# 5. Referees



### Supplier tips

- Here you are asked to provide the names and contact details of your referees. These must be work related referees i.e. not a friend or family member.
- The best referees are those for whom you have recently delivered similar goods or services.

- Before including their details check with them to make sure that they consent to acting as referee on behalf of your organisation.

Please supply the details of two referees and include a brief description of the goods or services that you provided and when.

Please note: in providing these referees you authorise us to collect any information about you, except commercially sensitive pricing information, from the referees, and use such information in the evaluation of your Proposal. You also agree that all information provided by the referee to us will be confidential to us.

**First referee**

|                    |  |  |
|--------------------|--|--|
| [Redacted content] |  |  |
|                    |  |  |
|                    |  |  |
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|                    |  |  |
|                    |  |  |

**Second referee**

|                    |  |
|--------------------|--|
| [Redacted content] |  |
|                    |  |

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## Respondent's declaration

| Topic                                     | Declaration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Respondent's declaration |
|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| <b>RFP Process, Terms and Conditions:</b> | I/we have read and fully understand this RFP, including the RFP Process, Terms and Conditions (shortened to RFP-Terms detailed in Section 6, as amended by Section 1, paragraph 1.6. if applicable). I/we confirm that the Respondent/s agree to be bound by them.                                                                                                                                                                                                                                                                                             | <b>Agree</b>             |
| <b>Collection of further information:</b> | <p>The Respondent/s authorises the Buyer to:</p> <ul style="list-style-type: none"><li>a. collect any information about the Respondent, except commercially sensitive pricing information, from any relevant third party, including a referee, or previous or existing client</li><li>b. use such information in the evaluation of this Proposal.</li></ul> <p>The Respondent/s agrees that all such information will be confidential to the Buyer.</p>                                                                                                        | <b>Agree</b>             |
| <b>Requirements:</b>                      | I/we have read and fully understand the nature and extent of the Buyer's Requirements as described in Section 2. I/we confirm that the Respondent/s has the necessary capacity and capability to fully meet or exceed the Requirements and will be available to deliver throughout the relevant Contract period.                                                                                                                                                                                                                                               | <b>Agree</b>             |
| <b>Ethics:</b>                            | <p>In submitting this Proposal the Respondent/s warrants that it:</p> <ul style="list-style-type: none"><li>a. has not entered into any improper, illegal, collusive or anti-competitive arrangements with any Competitor</li><li>b. has not directly or indirectly approached any representative of the Buyer (other than the Point of Contact) to lobby or solicit information in relation to the RFP</li><li>c. has not attempted to influence, or provide any form of personal inducement, reward or benefit to any representative of the Buyer.</li></ul> | <b>Agree</b>             |
| <b>Offer Validity Period:</b>             | I/we confirm that this Proposal, including the price, remains open for acceptance for the Offer Validity Period stated in Section 1, paragraph 1.6.                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Agree</b>             |
| <b>Conflict of Interest declaration:</b>  | The Respondent warrants that it has no actual, potential or perceived Conflict of Interest in submitting this Proposal, or entering into a Contract to deliver the Requirements. Where a Conflict of Interest arises during the RFP process the                                                                                                                                                                                                                                                                                                                | <b>Agree</b>             |

---

Respondent/s will report it immediately to the Buyer's Point of Contact.

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**Details of conflict of interest:**

I have undertaken work for PCC over a number of years and have provided input in the Technical Review for the Rural Landscape that underpinned the later Landscape Management Strategy and Natural Coastal Character Assessment.

I provided the LVA and the later s42A report for PC 18 Plimmerton Farm.

In my opinion neither of these projects, nor the wider body of work I have undertaken for PCC and in Porirua of the last twenty years result in a conflict of interest.

---

**DECLARATION**


**I/we declare that in submitting the Proposal and this declaration:**

- a. the information provided is true, accurate and complete and not misleading in any material respect
- b. the Proposal does not contain intellectual property that will breach a third party's rights
- c. I/we have secured all appropriate authorisations to submit this Proposal, to make the statements and to provide the information in the Proposal and I/we am/are not aware of any impediments to enter into a Contract to deliver the Requirements.

**I/we understand that the falsification of information, supplying misleading information or the suppression of material information in this declaration and the Proposal may result in the Proposal being eliminated from further participation in the RFP process and may be grounds for termination of any Contract awarded as a result of the RFP.**

**By signing this declaration the signatory below represents, warrants and agrees that he/she has been authorised by the Respondent/s to make this declaration on its/their behalf.**

---



**Signature:**

**Full name:** Julia Anne Williams

**Title / position:** Director

**Name of organisation:** Drakeford Williams Ltd

**Date:** 25 February 2021

---

## SECTION 2: RESPONSE TO THE REQUIREMENTS FURTHER INFORMATION

### 1 RMA Plan Hearing Experience

**a) Wellington City Council Plan Change 32/33: Ridgelines & Hilltops, Windfarms. 2005**

The two hearings were run simultaneously as they covered the *Ridgelines & Hilltops* overlay, a Rural Design Guide, changes to the Rural Zone objectives, policies and rules as well as windfarms. The windfarm plan change preceded the *Westwind* windfarm hearing but set the scene for the hearing in the eyes of Makara residents and others with strong views on windfarms. The panel sat for 10 full days and two part days, for a total of some 92 hours and deliberations involved some 400 people hours.

There were 4 commissioners on the Panel including two councillors. Because the councillors had limited time once the hearing had closed, the Chair (Euan McQueen) and I wrote the decision with input and advice from a WCC planner. Looking back, I note this was a complex plan change with a range of overlapping issues, involving urban and rural landscapes and with a large cast of participants including impassioned submitters. While it was a steep learning curve, it stood me in good stead for subsequent hearings as an independent commissioner. The decision was delivered within required time frames.

**b) Wellington City Council Plan Change 30: Ohiro Road. 2005**

This plan change concerned a private plan change to rezone land in the rural zone to residential. It followed on the heels of the larger plan change described above. The Applicant had been a submitter to Plan Change 33 as had been a number of other submitters, many of who were developers or owners of blocks of rural land. Euan McQueen was Chair and I was the other commissioner. The potential issues raised in the hearing were relatively clear. If this had been a consent hearing, a decision would have been straightforward but as a plan change the implications were more complex, involving the issue of a rural zoned site with no active rural use or income and located adjacent to existing residential development. The decision was delivered within required time frames and was not appealed.

**c) Horowhenua District Council PC 22: Outstanding Natural Features & Landscapes. 2011/2012**

The Horowhenua district has Class 1 soils and is a nationally important horticultural and agricultural producer. The district also has a unique dune and wetland landscape that lies largely in the rural zone. The original PC was based on a landscape report that classified over 50% of the rural zone as an Outstanding Natural Feature/Landscape. Council had ordered a peer review.

The Hearing had 2 commissioners with planner Dean Chrystal as Chair. The issues were clear but the hearing process complex, dealing with aggrieved landowners, the rural economy, mapping detail and the complexities of the plan change text. The decision was delivered within required time frames.

**d) Hastings District Council Proposed District Plan Variation 4 (Iona Variation). 2018**

The Iona Variation was heard as part of the Streamlined Planning Process and was the first case for the Minister to consider. Lawyer Paul Cooney was Chair, and planner Ian Mayhew and I were the other 2 members of the Hearing Panel. This was a complex plan change. Once the main issues had been resolved, there was much detailed planning and analysis required to ensure the final plan change meet the promised housing yield. It was a challenge for the Panel, the Planning team and the reporting officer to meet the tight timeframes for decision making and compilation of the report for the Minister.

**e) Wellington City Council Plan Change 83: Kiwi Point Quarry. 2019**

Plan Change 83 proposed to rezone land at Kiwi Point Quarry in Ngauranga Gorge and to amend the District Plan objectives, policies, rules and other methods that applied to the use and development of the quarry. Following the notification, a number of issues and omissions were identified through submissions and further amendments were made to the plan change. These focussed on further noise assessment and management measures, assessment of the landscape and visual amenity effects, ecological effects, management of traffic and other activities within the quarry site, detailed assessment of rock material should be undertaken at resource consent stage and through application of the quarry management plan and mitigation and rehabilitation measures to be applied in the close, medium and long term. In short, a large number of issues required further in depth assessment.

Alick Shaw was Chair, and planner Ian Leary and I were the other 2 members of the Hearing Panel. The above requirements for further assessment and reporting delayed the original hearing. Subsequently the hearing was held in the week prior to Christmas, and the timetable for decision making and report writing was affected by commissioner and council unavailability over the January /early February period.

Post hearing, it was clear to the Panel what the issues raised in the plan change entailed and what matters were in dispute. What proved more difficult was the requirements for specific information to be submitted with any future application for a resource consent for a very complex, high profile site.

## 2 Track Record

### Ability to deliver quality RMA decisions in a timely manner

I have been certified as an independent commissioner for 16 years. Because my field of expertise is landscape architecture, it is usual for me to be approached to be a commissioner only when there are perceived adverse landscape and visual effects arising from a plan change or a resource consent/NOR proposal.

This is demonstrated below in list of Hearings where I have acted at a Commissioner.

#### Independent Commissioner history

- PC 32/33 Ridgelines & Hilltops, Windfarms Wellington City Council 2005
- PC 30 Ohiro Road. Wellington City Council 2005
- Evans Bay Yacht Club Wellington City Council 2005
- Long Gully Windfarm. Wellington City Council 2009.
- PC 22 Outstanding Natural Features & Landscapes Horowhenua District Council 2012
- Transpower WRK-WKM C Transmission Line. Taupo District Council 2011
- Frank Kitts Park Redevelopment. Wellington City Council 2017.
- Proposed District Plan Variation 4 (Iona Variation) Hastings District Council 2018.
- Plan Change 83: Kiwi Point Quarry. Wellington City Council 2019

In most of these hearings I have written the landscape related sections of the decision. The exceptions would be:

- PC 32/33 Ridgelines & Hilltops, Windfarms where the Councillor commissioners were too committed timewise to participate in decision writing; and
- PC 22 Outstanding Natural Features & Landscapes that was focussed on landscapes and where the Chair and I shared the decision writing.

All of the above decisions were completed within statutory time frames, although the Kiwi Point Quarry decision was delayed until the last minute due to requirements for further assessment and reporting that delayed the original hearing. Subsequently the hearing was held in the week prior to Christmas, and the timetable for decision making and report writing was affected by commissioner and council unavailability over the January /early February period.



## Reputation for well researched, articulate decision report writing that stand up to legal tests

I note that decisions were appealed on the following hearings:

- |                                                     |                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PC 32/33 Ridgelines & Hilltops, Windfarms           | <ul style="list-style-type: none"><li>• Appealed by individual landowners and interest groups but did not proceed to the Environment Court.</li></ul>                                                                                                           |
| Long Gully Windfarm                                 | <ul style="list-style-type: none"><li>• Decision not appealed by applicant but plans were put on ice in 2010 when Mighty River Power withdrew \$30m of funding from the Windflow Technology project, possibly due to the resource consent lapse date.</li></ul> |
| PC 22 Outstanding Natural Features & Landscapes     | <ul style="list-style-type: none"><li>• Appealed by individual landowners and interest groups</li></ul>                                                                                                                                                         |
| Frank Kitts Park Redevelopment.                     | <ul style="list-style-type: none"><li>• Appealed by Wellington Waterfront Watch who lost their case at the Environment Court.</li></ul>                                                                                                                         |
| Proposed District Plan Variation 4 (Iona Variation) | <ul style="list-style-type: none"><li>• Appealed by largest landowner/developer but settled before it reached the Environment Court.</li></ul>                                                                                                                  |

Apart from the Frank Kitts park hearing, appealed by Waterfront Watch who have appealed every decision for development on the waterfront, the decision writing I have undertaken has not been an area of dispute.

Outside of decision reports, I have a long track record for well researched and crafted landscape report writing for s42A reports and evidence writing for RC hearings and the Environment Court.

## Reputation for providing good value for money

I have a history of long term relationships with a number of territorial authorities and government departments for providing assessment, peer review and evidence, and a reputation for providing good value review and reporting.

Kapiti Coast District Council: I provided expert advice to Kapiti Coast District Council during the appeals stage of the Proposed Plan Change and provided expert evidence in the matter of:

- Federated Farmers appeal on the mapping and Objectives, Policies and Rules relating to ONFL identified on rural zoned land (2018);
- Kapiti Amateur Radio Society's appeal on the Objectives, Policies and Rules relating to radio masts (2019); and
- St Heliers appeal on the Objectives, Policies and Rules pertaining to their site in the Town Centre (2020).

I provided expert evidence at the BOI hearing for the MacKays to PekaPeka and Peka Peka to Otaki Expressway and continue to review landscape and urban design plans, as well as landscape and planting maintenance documentation on both projects.

Porirua City Council: I provided s42A reports to Porirua City Council on a number of projects including Porirua Adventure Park, Aotea Reservoir as well as review for the Transmission Gully Motorway landscape and urban design from 2013 (post hearing) through to on-going review of earthworks and planting plans.

Ministry for the Environment: I provided a review in 2016 for Best Management Practice Guidelines for Salmon Farms in the Marlborough Sounds. This includes the potential relocation of some farms to more suitable locations to ensure the guidelines could be met. I also prepared evidence in 2017 to assist an independent Advisory Panel decide on the future location of six salmon farms in the Marlborough Sounds, and undertook a further review in 2019 for MfE on two landscape and natural character assessment reports for Mid-Channel Salmon Farm proposals in the Marlborough Sounds.

### **3 Specialist RMA knowledge**

#### **Key PDP topics**

As I understand it, the PDP introduces a number of new zones including: a General and a Medium Density Residential Zone; five Commercial and Mixed Use Zones; three different density Rural Zones; and four new Special Purpose Zones to cater for BRANZ, wider Hospital uses, Hongoeka and future urban development including the Northern Growth Area and Judgeford Hills for housing, and Judgeford flats for business land.

#### **Rural Lifestyle Zone**

I have worked with rural landscapes and rural residential/lifestyle landscapes in a various capacities including:

- Input into technical studies to inform the district plan with regard to areas suitable for rural lifestyle living and associated issues/limitations: PCC Rural Zone Review – Landscapes (2008) and the draft PCC Landscape Strategy (2010) in conjunction with landscape architects Clive Anstey and Linda Kerkmeester.
- Landscape and visual assessment undertaken for developer for rural subdivision in areas around Palmerston North such as Valley Views, Pohangina, Aokautere and Ashhurst. Work required assessment against objectives, policies and rules in the DP Rural Zone.
- Landscape and visual assessment undertaken for KCDC for rural subdivision in Kapiti. Work required assessment against objectives, policies and rules in the Rural Zones and the KCDC Rural Subdivision Design Guide.
- Input into PCC PC 18 Plimmerton Farm (2020) including design and assessment of potential effects arising from rural lifestyle development on the steeper hill slopes and land identified as a special amenity landscape.

- Production of Palmerston North Landscape Inventory (2013) in conjunction with Clive Anstey and Opus. Landscape Inventory included a land use study for Rural Residential Development.

### **Historic and cultural sites and buildings**

The focus of this topic is outside my area of expertise although I have an architectural degree and an appreciation of the history and management of historic and cultural landscapes

### **Significant Natural Areas**

I have general background knowledge in the area of native species and biodiversity. I have worked on a number of projects with high biodiversity values, where high biodiversity values informed landscape values or where biodiversity issues influenced the design process including:

- Pekapeka to Otaki Expressway. I reviewed plans for KCDC including amenity and ecological planting within and outside the Expressway designation, and continue to review vegetation removal plans and planting plans as the works progress.
- PCC -PC 18 Plimmerston Farm where I provided input into the design and the proposed plan framework for areas identified as SNAs

### **Valued landscapes**

In one capacity or another I have worked with ONFL landscapes and Coastal landscapes in a number of different capacities including:

- Input into technical studies to inform the district plan: PCC Rural Zone Review – Landscapes (2008) and the draft PCC Landscape Strategy (2010) in conjunction with landscape architects Clive Anstey and Linda Kerkmeester.
- Review of applications with potential effects on identified valued landscapes: s42a report for for Manawatū District Council and Rangitikei District Council involving an NOR for the Managaweka Viaduct. The site had very high natural character and ONF values.
- Plan Change for Horowhenua District Council Outstanding Natural Features & Landscapes: Independent commissioner on plan change hearing.
- Input into RC application for the proposed Eastern Bays Shared Path for Hutt City Council: part of a team of specialists and provided landscape design advice and landscape and visual assessment for a shared path and seawall proposal that lies in the CMA.
- Review of New Plymouth District Plan changes undertaken for Port Taranaki: reviewed the proposed changes to rules for development in the port, on a site that included or was in proximity to the landscape with high natural values and with outstanding natural features.
- Review of proposed Salmon Farm Guidelines: in 2016 undertook a review for MfE of Guidelines prepared to determine what might be required to implement the Best Management Practice Guidelines for Salmon Farms in the Marlborough Sounds. This includes the potential relocation of some farms to more suitable locations to ensure the guidelines could be met.

I also prepared evidence in 2017 to assist an independent Advisory Panel decide on the future location of six salmon farms in the Marlborough Sounds, and undertook a further review in 2019 for MfE on two landscape and natural character assessment reports for Mid-Channel Salmon Farm proposals in the Marlborough Sounds. The work was undertaken post the NZ King Salmon Decision and before the MDC and the Marlborough Regional Policy Statement and Coastal Plan had been approved, so I was aware of the implications (at the time) the draft Marlborough Landscape and Natural Character reports and their influence on any marine farm decisions made in the Sounds.

### **Future housing, industry and business growth**

I worked with the design teams identifying land for future housing, industry and business on Plimmerston Farm and later for PCC on PC18 in 2019 and 2020. I also was a member of the team landscape architects, including Clive Anstey and Linda Kerkmeester, who prepared the technical report for the PCC Rural Zone Review –Landscapes (2008) and the draft PCC Landscape Strategy (2010). This study assessed the issues/limitations of development in the rural landscape and underpinned the later landscape management strategy reports that informed the PDP.

### **Objectives, policies and rules enabling housing in existing residential areas**

While I have no specialised knowledge in the preparation of objectives, policies and rules to enable housing, I have experience in the assessment of effects of development on existing and future residential amenity values, through s42A reports. Examples include Summerset Boulcott for HCC (2018); Summerset Kenepuru for PCC (2017); and Karepa Street Subdivision for WCC (2017) as well as PC 18 Plimmerton Farm for PCC (2020).

In addition I have reviewed numerous applications for residential subdivision on greenfield sites in Whitby and Aotea for PCC, Mt Marua for UHCC and Crofton Downs for WCC, as well as residential infill in Raumati and Waikanae for KDC. All landscape and visual reports required assessment against the existing regulatory framework.

### **Infrastructure, three waters infrastructure, subdivision, earthworks, transport, renewable electricity generation, noise, light and signs.**

Beyond general knowledge in landscape design, assessment and management, I have specific experience with assessment and consenting:

Windfarms including:

- Preparation of expert evidence for PCC Plan Change 7: Windfarms;
- Preparation of s42A report for BOI and expert evidence at Board of Inquiry for Turitea Wind Farm, Palmerston North;
- Preparation of s42A report for STDC for Waverley Wind Farm
- Independent Commissioner for WCC for Long Gully Wind Farm

Reservoirs including:

- s42A report for WCC for NOR for reservoir in Prince of Wales park, Wellington Town Belt
- s42A report for PCC for Aotea Reservoir

Signs including

- S42A for KCDC for RC for electronic billboard in Otaki
- S42A for KCDC for billboard in Waikanae

Subdivision and Earthworks

- S42A for WCC for application for subdivision in Silverstream Road, Crofton Downs
- Landscape and Visual Assessment for Carrus. Aotea Subdivision Stages 11-14.
- Landscape and Visual Assessment for applicant. Proposed Plan Change for 64 Waipounamu Drive, Lower Hutt (2017).
- S42A for PC18 Plimmerton Farm

### **Natural hazards**

The focus of this topic is outside my area of expertise however as a landscape architect I am well versed in the study and analysis of maps and mapping systems, and the application of DP rules to restrict or manage development on specific sites.

### **Tangata Whenua values**

All land in Aotearoa is whenua, therefore all landscapes fall within whenua. Tāngata whenua landscape approaches and frameworks are a rapidly developing area of landscape architecture. Although it currently lies beyond my knowledge base and experience, I acknowledge that tāngata whenua are the definitive holders of mātauranga, tikanga, kawa, and kōrero relating to their rohe. However the establishment of a new Māori Purpose Zone at Hongoeka and enabling papakaingā housing across the City also will require expertise in landscape management and assessment, which does fall within my area of expertise.

## Knowledge of higher order RMA policy and plans

Considering the hierarchy of RMA policy and planning instruments, I have undertaken work or have detailed knowledge of the following:

### **New Zealand Coastal Policy Statement**

I have worked with the NZCPS and Policies 7, 8, 13, 14 and 15 in particular in work that lies within the coastal environment including:

- S42A report for HCC for the Eastern Bays Shared Path (2016 – 2020 an don-going) that lies almost entirely within CMA;
- Review of proposed Salmon Farm Guidelines: undertook in 2016 review for MfE of Guidelines prepared to determine what might be required to implement the Best Management Practice Guidelines for Salmon Farms in the Marlborough Sounds;
- Landscape and Visual Assessment for WCC for Breaker Bay Revetment, which lay within the CMA; and
- Review for Port Taranaki of New Plymouth District Plan changes. The Port Taranaki site is located in the coastal environment in proximity to areas with identified high natural values.

### **Other National policy statements.**

I participated in the MfE webinar that introduced and explained the NPS for Freshwater Management 2020, although in all honesty I would not describe myself as having 'detailed knowledge' of this NPS.

### **Regional Policy Statements**

The second generation Regional Policy Statement for the Wellington region (RPS) was made operative on 24 April 2013. At various times I was part of a review team for Chapter 3.7 Landscapes and had input into Objectives 17, and 18, as well as Policies 25-28 on ONFL and Amenity Landscapes, working with John Holmes, Scott Ihaka and Rachel Pawson. I also reviewed the GW Regional Atlas for Scott Ihaka.

### **Regional plans (regional council) and district plans at the territorial authority level.**

While I do not have a detailed knowledge of the GW Regional Plans I am aware of their functions and have assessed proposals against the Regional Coastal Plan and Regional Freshwater Plan.

### **District Plans**

My knowledge of district plans is directly related to a review of proposals and their alignment to the Objectives, Policies and Rules in the relevant District Plan. In other words, my area of expertise is in applied rather than theoretical knowledge of District Plans.

I provided expert advice to Kapiti Coast District Council in the appeals stage of the Proposed Plan Change and provided expert evidence in the matter of:

- Federated Farmers appeal on the mapping and Objectives, Policies and Rules relating to ONFL identified on rural zoned land. (2018)
- Kapiti Amateur Radio Society's appeal on the Objectives, Policies and Rules relating to radio masts (2019)
- St Heliers appeal on the Objectives, Policies and Rules pertaining to their site in the Town Centre (2020)

|          |                             |
|----------|-----------------------------|
| <b>4</b> | <b>Collaboration Skills</b> |
|----------|-----------------------------|

|                                                                                             |
|---------------------------------------------------------------------------------------------|
| Ability to work collaboratively on a HP, along with Council staff and technical specialists |
|---------------------------------------------------------------------------------------------|

### **Wellington City Council Plan Change 32 Windfarms /33 Ridgelines & Hilltops. 2005**

The two hearings were run simultaneously as they covered the *Ridgelines & Hilltops* overlay, a Rural Design Guide, changes to the Rural Zone objectives, policies and rules as well as windfarms. The windfarm plan change preceded the *Westwind* windfarm hearing but set the scene for the hearing in the eyes of Makara residents and individuals, associations and groups with strong views on windfarms. There were a total of 675 submissions and 117 further submissions received for Plan Change 33, and slightly a fewer number of submissions for the Windfarm Plan Change.

This was a large complex plan change with a range of overlapping issues, involving urban and rural landscapes. It had implications/made changes to a number of chapters in the operative District Plan, the planning maps and included a new design guide contained in an appendix to the District Plan.

The complexities of the plan changes and the consequent cascade of effects on the planning process required co-operation with Council planners and open space staff, and collaboration with landscape, mapping, noise and technical specialists within the scope of the hearing process. It also needed consultation and collaboration with the other commissioners who had largely dropped from view after the initial deliberations and who needed to be kept informed until the decision was finalised.

As a landscape architect with a new 'Making Good Decisions' certificate I embarked on a steep learning curve with regard to District Plans, the requirements for precise terminology and word craft and a deeper respect for those who write territorial and regional plans.

#### **Hastings District Council Proposed District Plan Variation 4 (Iona Variation). 2018**

The Iona Variation was heard as part of the Streamlined Planning Process and was the first case for the Minister to consider. This was a complicated plan change that affected a number of chapters in the operative DP. Because Council had committed to a specific minimum housing yield, Council's officers were required to undertake detailed analysis of site planning and theoretical subdivision layouts in order to create rules that generated sufficient lots.

This required on-going teamwork with GIS technicians, landscape consultants, surveyors and planners. It was a challenge for the Panel, the Planning team and the reporting officer to meet the tight timeframes for decision making and compilation of the report for the Minister. The Hearing Panel was required to consult and work together remotely right up to the day the report was sent to the Minister, collaborating on content and the mechanisms of formatting and compiling the report. We worked successfully as a team despite the range of technical limitations and impediments put before us in the rush for finalising the report for the Minister.

#### **Horowhenua District Council PC 22: Outstanding Natural Features & Landscapes. 2011/2012**

The Horowhenua district has Class 1 soils and is a nationally important horticultural and agricultural producer. The district also has a unique dune and wetland landscape that lies largely in the rural zone. The original Plan Change was based on a landscape assessment that classified over 50% of the rural zone as an Outstanding Natural Feature/Landscape. 118 submissions were received. Based on these submissions, Council organised for the landscape assessment to be peer reviewed. The revised assessment was notified and further submissions received.

A number of site visits were undertaken by the Panel throughout the course of the hearing as landowners processed the landscape mapping and sought to define the exact location of the map 'line' on their property.

At the same time, interest groups such as Federated Farmer and Horticulture New Zealand debated the implications of changes to the objectives, policies and rules in the Plan Change. The process required collaboration with Council planning officers, the GIS technician and the landscape architect reviewer, who was present throughout the hearing in order to fine-tune the planning maps to property boundaries rather than to landscape features.

### **Successful collaboration with iwi, stakeholders and members of the community**

#### **NZILA Registration Review**

In 2008 I was commissioned by New Zealand Institute of Landscape Architects (NZILA) to undertake a review of the Associateship Application process, Membership categories, and Registration process to ensure that the Institute was able to service its membership at an appropriate professional level, and to have certainty that the status conferred by membership levels was appropriate. The review included a programme of canvassing members for opinions and feedback through email questionnaires, branch workshops and discussions with stakeholder groups. A number of allied professional bodies and overseas Landscape Architecture Institutes were contacted to provide guidance as to how their membership processes are managed. Once the review was completed, I created a new Registration process and handbook, including guidance on how to 'drive' the process.

Collaboration with the stakeholders, who were my peers and colleagues, was extensive and difficult at times. I spoke to every local branch, to established members of the profession and young graduates. It was difficult at times to overcome the resentment of older members who were resistant to change and to the concept of professional development. However the new Registration process was established and was almost universally accepted by existing members. The process has been reviewed in the subsequent 12 years and has been refined but continues to benefit members.

#### **PCC Rural Review and PCC PC 7 Windfarms**

The Technical Review was part of the Landscape Analysis of the 'Landscape' component of the Council's District Plan Rolling Review programme on the Rural area. The study was commissioned by Porirua City Council Strategic Policy Group and undertaken by myself, Clive Anstey and Linda Kerkmeester. In specifying this work, the Council was interested in finding out whether a previous landscape analysis could be expanded on, or whether it should begin with a fresh perspective to develop an updated management regime for its rural landscapes, on which to base the subsequent District Plan Review. The Council was also interested to appropriately address 'macro-landscape risks' (such as wind farming and new urban growth).

A key component of this project was community engagement and support. Consultation was undertaken with the Rural Reference group, ten individual landowners, two resident associations and the Hongoeka community. Further consultation was undertaken for the Windfarm plan changes, as the Rural Reference group, landowners and resident associations were also interested/potentially affected parties. Collaboration and consultation with these parties was successful in that they were informed, were included in the review process and supported the windfarm plan change.



However the final success of the collaboration (after 13 years) will be determined by submissions to the plan change on the objectives, policies and rules that will apply to specific sites.

### **Reputation for empathy, teamwork, fairness and honesty**

I have enjoyed teamwork and practiced collaboration in both my professional and personal life.

Independently as Julia Williams Landscape Architect and then as a Director of Drakeford Williams Ltd I have worked in a collegial manner with other landscape architects and well as allied professionals including work with:

- Linda Kerkmeester preparing landscape concept, working drawings and contract documentation for Wellington Inner City Bypass ;
- Linda Kerkmeester and Clive Anstey on the PCC *Porirua Rural Review*;
- Cheryl Robilliard and Robyn Simpson on the proposed NZTA Mt Victoria second tunnel, Wellington;
- Clive Anstey on the PNCC *Palmerston North Landscape Inventory* ;
- Urban designer Deyana Popova as landscape and urban design reviewers for KCDC for the *MacKays to PekaPeka Expressway* and then later for the collective councils (WCC, PCC, KNDC, and UHCC for *Transmission Gully*; and
- Plan Change 18 Plimmerton Farm, working with Local Landscape Architects

In my practice I have worked on a number of projects where I was one of a team of experts with input into the proposal and its assessment. Projects include:

- Eastern Bays Shared Path for Hutt City Council, working with planners, structural engineers, an ecologist, an intertidal ecologist, a coastal engineer and a recreational expert, as well as representatives of resident groups to design a shared path and seawall around the Eastern Bays in Lower Hutt.
- PC 18: Plimmerton Farm where I worked in a team that included planners, geotechnical engineers, ecologists and an urban designer to prepare a structure plan for the Plimmerton Farm site.

I have been a member of the NZILA Accreditation Panel since 2011 and in that time have undertaken numerous visits to the three landscape architecture programmes that run in New Zealand. The panel has 3 members and we work together closely during each accreditation visit to review the programme, interview staff and students and review the body of student work. I have also been a member of the team to review and update NZILA Education and Accreditation Policies

Finally, I was a member of the Ngaio and Crofton Downs Residents Association for over ten years including three years as president. I can think of no other capacity that would require so much in the way of fairness and honesty, teamwork and empathy.

## Evaluation Panel Recommendation

### Proposed District Plan - Appointment of Hearing Panel and Chairperson

Project No: 101343

#### 1. Recommendation and approvals

|                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                           |
|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| Recommendation                     | <p>The evaluation panel recommends:</p> <ul style="list-style-type: none"> <li>• That a contract is awarded to the following candidate for the role of chairperson of the Proposed District Plan (PDP) Hearing Panel (HP):             <ul style="list-style-type: none"> <li>○ Trevor Robinson</li> </ul> </li> <li>• That contracts are awarded to the following candidates for the role of HP commissioners:             <ul style="list-style-type: none"> <li>○ David McMahon</li> <li>○ Miria Pomare</li> <li>○ Mark St Clair</li> <li>○ Julia Williams</li> </ul> </li> <li>• details of the preferred candidates remains confidential until the contract is confirmed.</li> </ul> |                                                                                           |
| Approvals and Conflict of Interest | <p>In signing this supplier recommendation, I confirm I have no conflict of interest in relation to this procurement decision and have complied with the Council's Code of Conduct and Procurement Policy.</p> <p>All evaluation panel members signed conflict of interest and confidentiality forms and no conflicts of interest were noted (or identified conflicts of interest were managed).</p>                                                                                                                                                                                                                                                                                      |                                                                                           |
|                                    | Prepared by                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Stewart McKenzie<br/>Procurement Lead, Manager Environment &amp; City<br/>19/04/21</p> |
|                                    | Approve recommendation and authority to negotiate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Andrew Dalziel<br/>Chair, Procurement Committee<br/>21/04/21</p>                       |

#### 2. Background

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Purpose                         | <p>The purpose of this template is to document the evaluation process followed to determine the preferred suppliers, and to obtain approval to enter negotiations to finalise the contract for signing under financial delegation.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Project/Procurement Description | <p>Council seeks to appoint an HP comprising four commissioners and one panel chair to hear, consider and make decisions on submissions on the PDP. The HP is intended to comprise independent RMA commissioners with both general and specific skills and knowledge relevant to the PDP and the submission points raised.</p> <p>Once all submissions and further submissions have been received on the PDP, and after any matters have been resolved in pre-hearing meetings, the HP will be required to convene to consider the submissions received, hear those submitters who wish to be heard, and make decisions on the matters raised in the submissions.</p> |

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## RFP Process

The RFP and evaluation process were consistent with the Procurement Plan, link below:

<http://daisy.pcc.local/otcs/llisapi.dll?func=ll&objaction=overview&objid=8262133>

This was approved by the Procurement Committee on 16 December 2020 with no deviations.

The RFP process and documents were based on All of Government standard templates adopted by Council. Link to the RFP as issued:

<http://daisy.pcc.local/otcs/llisapi.dll?func=ll&objaction=overview&objid=8257930>

The tender was run via GETS and all suppliers had access to the same information. The RFP closed on 26 February 2021.

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## 3. Evaluation Process and Results

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### Responses Received

12 Responses to the RFP were received by 26 February 2021. One response was received after the 5PM deadline although on the same day, and one was non-conforming. Responses were received from the following parties:

- Miria Pomare
- David McMahon - RMG Ltd
- Mark St Clair - Hill Young Cooper
- Lindsay Daysh - Incite Wellington
- Julia Williams - Drakeford Williams Ltd
- Trevor Robinson – Barrister
- Alan Withy - Alandale Associates
- Mark Ashby - 4 Sight Consulting
- Loretta Lovell - Lovell & Associates
- Ken Fletcher
- Ngaire Phillips - Streamlined Environmental
- Seterah Stienstra - Barrister

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### Evaluation Meeting

The evaluation criteria, weightings, rating scale and process were consistent with the RFP document.

Narjis Alwash from the PPMO was convenor of the evaluation panel and has overseen the procurement and evaluation process. In addition to Narjis, the following Council staff were on the evaluation panel:

- Stewart McKenzie (Manager Environment & City Planning)
- Torrey McDonnell (Principal Planner)
- Michael Rachlin (Principal Planner)
- Nic Etheridge (Manager PPRS) (Moderator only)

Advice on candidates was also received from James Winchester, Partner at Simpson Grierson, and listed as an advisor to the evaluation panel in the Procurement Plan.

Council's weighted evaluation spreadsheet was used for the evaluation process:

<http://daisy.pcc.local/otcs/llisapi.dll?func=ll&objaction=overview&objid=8357721>

The evaluation team had their first meeting on Tuesday 16 March, where the combined individual scores were discussed and moderated. Based on the outcome of this meeting a shortlist of six candidates were identified for interviews.

Interviews were carried out between 30 March and 13 April, with individual scoring updated following interviews. The combined scoring was discussed and moderated at a further evaluation team meeting on 16 April, where the preferred chair and four commissioners making up the HP were identified.

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### Pre-conditions

All preferred candidates meet the required pre-conditions as specified in the RFP.

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Non-price evaluation

Individual team members scored each candidate on a scale of 1 to 10 against the four criteria set out below, which were then weighted as indicated:

- RMA Plan Hearing experience (20%)
- Track record (30%)
- Specialist RMA knowledge (20%)
- Collaboration skills (30%)

The evaluation team met twice to discuss and moderate the outcome of scoring (as discussed above).

Refer to Appendix 1 for the non-price criteria, weightings and the non-price weighted score for each respondent. The scoring clearly identifies the preferred candidates.

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Price evaluation

Hourly rates were fixed at the following rates for the respective roles as set out in section 4.1 of the RFP:

- \$210 per hour for the role of HP chairperson
  - \$170 per hour for each of the four commissioner roles
- 

Price vs budget

N/A

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Assumptions and tags

There are no assumptions or tags in any of the evaluation responses. One of the preferred candidates requested clarification on whether total fees would be capped. The evaluation panel confirmed that they wouldn't be (in keeping with the participatory and potentially open ended nature of the RMA decision making process).

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Due Diligence

Two reference checks have been carried out for the preferred chairperson. Feedback from Council's legal counsel, James Winchester, has also been received on the preferred chair and other candidates.

Three of the remaining four preferred candidates have recently worked for PCC in RMA commissioner roles with no issues with conduct, performance or fees.

Reference checks for the four commissioners will be concluded prior to contracts being drawn up. Any potential issues will be raised and discussed prior to contracts being awarded.

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Evaluation summary

Refer Appendix 1 for the breakdown of scoring of each candidate against each of the evaluation criteria. Comments from each evaluation team member involved in individual scoring are included in the evaluation spreadsheet, and detailed comments from the interview process are also on file.

<http://daisy.pcc.local/otcs/lisapi.dll?func=ll&objaction=overview&objid=8357721>

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Objectives & Broader outcomes

The objectives of the procurement have been met. The robust, transparent process followed has resulted in identification of a highly competent, fit-for-purpose HP.

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## 4. Next steps

### Contract negotiations

In accordance with the delegations manual, before contracts can be awarded delegated approval for the appointments needs to be received from the CEO and Chair of Te Puna Korero (Cllr Ross Leggett). These delegated approvals will be sought once approval is given by the Procurement Committee at the meeting of 21 April.

There are no outstanding contractual matters to be negotiated. The RFP and terms of reference are clear and unambiguous regarding the roles and responsibilities of the Chair and HP members, and all preferred candidates have indicated their acceptance of these at interviews.

Price is based on fixed hourly rates as set out above. No expenses are to be paid unless there are exceptional circumstances, and these will need to be approved as and when they arise. This was specified in the RFP response form.

### Timeline

Successful applicants will be advised the week commencing 26 April, subject to delegated approvals being received. Unsuccessful applicants will be advised the week commencing 3 May.

## 5. Appendices

### Appendix 1 – Copy of final evaluation sheet results

| Tenderer                                    | Commissioner | Chairperson | RMA Plan Hearing experience | Track Record | Specialist RMA Knowledge | Collaboration Skills | Total Score (from 100%) |
|---------------------------------------------|--------------|-------------|-----------------------------|--------------|--------------------------|----------------------|-------------------------|
|                                             |              |             | 20%<br>Score                | 30%<br>Score | 20%<br>Score             | 30%<br>Score         |                         |
| Alan Withy - Alandale Associates            | YES          | YES         | 8.00                        | 8.00         | 7.67                     | 6.67                 | 75%                     |
| David McMahon - RMG Ltd                     | YES          | NO          | 9.67                        | 9.00         | 9.33                     | 9.00                 | 92%                     |
| Julia Williams - Drakeford Williams Ltd     | YES          | NO          | 7.33                        | 8.67         | 9.33                     | 8.67                 | 85%                     |
| Ken Fletcher                                | YES          | NO          | 7.00                        | 6.67         | 6.33                     | 7.67                 | 70%                     |
| Lindsay Daysh - Incite Wellington           | YES          | YES         | 6.67                        | 8.33         | 8.67                     | 6.33                 | 75%                     |
| Loretta Lovell - Lovell & Associates        | YES          | NO          | 5.00                        | 7.33         | 7.00                     | 8.33                 | 71%                     |
| Mark Ashby - 4 Sight Consulting             | YES          | NO          | 6.33                        | 7.67         | 8.00                     | 8.00                 | 76%                     |
| Mark St Clair - Hill Young Cooper           | YES          | YES         | 9.67                        | 8.67         | 8.67                     | 8.33                 | 88%                     |
| Miria Pomare                                | YES          | NO          | 9.33                        | 9.00         | 9.00                     | 9.00                 | 91%                     |
| Ngaire Phillips - Streamlined Environmental | YES          | NO          | 5.00                        | 6.67         | 6.00                     | 7.33                 | 64%                     |
| Seterah Stienstra - Barrister               | YES          | TBC         | 2.00                        | 2.00         | 2.00                     | 2.00                 | 20%                     |
| Trevor Robinson - Barrister                 | YES          | YES         | 9.00                        | 8.67         | 9.00                     | 8.67                 | 88%                     |

**6.1 PROPOSED DISTRICT PLAN - URBAN INTENSIFICATION VARIATION AND UPDATE**

**Author:** Stewart McKenzie, Manager Environment & City Planning  
Kaiwhakahaere Taiao me te Whakamahere Tāone

**Authoriser:** Nicola Etheridge, General Manager Policy Planning and Regulatory Services  
Pouwhakahaere

**PURPOSE**

To seek approval to prepare a variation to the Proposed District Plan (PDP) to address urban intensification required by the National Policy Statement – Urban Development and provide an update on next steps for the PDP.

**RECOMMENDATIONS**

That Te Puna Kōrero:

1. Receive the report.
2. Approve the preparation of a variation to the PDP to meet the NPS UD requirements on urban intensification.
3. Approve the ability of the PDP Hearing Panel to make decisions on submissions on the variation.
4. Note the removal of minimum parking requirements from the Operative District Plan.
5. Note the PDP budget for current and future financial years.
6. Note the PDP programme for the next 16-months.

Reports contain recommendations only. Refer to the meeting minutes for the final decision.

**OVERVIEW**

1. The PDP was notified on 28 August 2020 and submissions closed on 20 November. 274 submissions were received from a broad cross-section of the community and stakeholders. The summary of submissions was notified on Tuesday the 13<sup>th</sup> of April and contained over 4,500 individual submission points.
2. The 20-working day period for further submissions closed on Tuesday the 11<sup>th</sup> of May. 66 further submissions were received. Both original and further submissions will now be analysed, and topic-based officers reports will be prepared recommending amendments to the PDP where considered justified.
3. An Independent Hearings Panel (IHP) to hear submissions has been appointed, and Hearings are planned to commence in October. It is recommended that the IHP be given powers to make decisions as opposed to recommendations.
4. The National Policy Statement on Urban Development (NPS UD) requires a variation to the PDP to further enable urban intensification, and in particular, to provide for increased housing density within walking distance of train stations. This will involve a notified process, and submissions are proposed to be heard as part of the PDP hearing process.
5. The NPS UD also requires the removal of minimum carparking requirements from district plans. These will be removed from the Operative District Plan (ODP) with immediate effect.
6. With the PDP entering the hearings phase, the timing and direction will now largely be determined by the IHP. The ability for Council to control scope and budget is therefore reduced.

7. An increase in the PDP budget has been identified to cover the estimated hearing costs using current experience of those costs from PC 18 and a more detailed understanding of topics of concern to submitters.

#### **URBAN INTENSIFICATION VARIATION TO THE PDP**

8. The NPS UD came into effect on 20 August 2020 and is a key pillar of the Government's Urban Growth Agenda. It aims to better enable urban growth; help alleviate the housing crisis and improve social and economic outcomes. As a National Policy Statement, Council must give effect to it in accordance with s55 of the RMA.
9. The NPS UD contains objectives and policies that councils must give effect to. The PDP largely anticipated the NPS UD and is broadly aligned in terms of enabling urban growth through increasing housing density and variety. However, there are specific policies in the NPS UD that require a variation to the PDP<sup>1</sup>.
10. The variation will involve the following tasks:
  - a. The drafting of provisions including objectives, policies, rules, and standards that enable urban intensification that apply to commercial and residential zones, particularly within walking distance of train stations.
  - b. The preparation of spatial planning maps down to property level showing new and/or amended zones and precincts that further enable urban intensification.
  - c. The preparation of an evaluation report to assess and evaluate alternatives.
  - d. An evidence base comprising technical reports, documents and maps assessing a range of relevant matters, with recommendations that support the proposed provisions and planning maps.
  - e. Engagement with the community, stakeholders and Ngāti Toa.
11. A project plan has been prepared setting out the methodology, required resources and programme. It is expected that the variation will be notified by Mid-October and will be drafted primarily using internal resources. Some specialist external resources will be required to support development including urban design, economic assessment, and 3D spatial modelling inputs.
12. For efficiency, it is proposed to join the variation up with the PDP hearing process, with submissions on the variation to be heard at the same time as submissions on the PDP. Clause 16B of Schedule 1 of the RMA specifically provides for this. The variation will primarily affect the General Residential and Medium Density Residential Zones, although it will also have implications for the Commercial Zones. Submissions on these zones are therefore proposed to be heard last, allowing time for the submission process on the variation to be completed.
13. Environment and City Planning (E&CP) will workshop the variation with Council in August. Following that officers will request approval to notify in September. Feedback from Council will also be sought on the engagement approach including key messaging.

#### **APPOINTMENT AND DECISION-MAKING POWERS OF THE INDEPENDENT HEARING PANEL**

14. Following a rigorous procurement process an IHP comprising a chairperson and four independent commissioners has been appointed. Approval for the appointments was gained from the Procurement Committee, the CE and Chair of Te Puna Kōrero.
15. The IHP will consider submissions and evidence alongside officer reports in their deliberations. The IHP has extensive powers conferred through the RMA, and can issue

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<sup>1</sup> note: a variation is made to a proposed plan, and a plan change is made to an operative plan. They are essentially the same thing.



directions and minutes, set the hearing schedule, and call for additional evidence and information. The IHP comprises the following members:

- Trevor Robinson (Barrister) (Chairperson)
- David McMahon (Commissioner)
- Mark St Clair (Commissioner)
- Miria Pomare (Commissioner)
- Julia Williams (Commissioner)

16. It is recommended that the IHP be given the powers to make decisions on the PDP as opposed to making recommendations to Council to subsequently make decisions. As the IHP will have the benefit of considering submissions and evidence in detail, they will be fully informed and in a strong position to justify decisions. If the IHP were only to make recommendations, and Council chose to go against these recommendations, decisions would potentially be indefensible having not been based on submissions and evidence. It would also be an additional step that would add delay and potentially add complexity to the PDP decision making process.
17. Instead, it is recommended that EC&P undertake a technical review of draft decisions and provide feedback to the IHP where necessary. The outcome of this review process can be reported to Council so there are no surprises when decisions are released.
18. Once decisions are released, submitters have the ability to appeal decisions to the Environment Court on matters within the scope of submissions. Council is then required to defend the decisions.

#### **REMOVAL OF MINIMUM PARKING STANDARDS FROM THE OPERATIVE DISTRICT PLAN**

19. The NPS UD requires councils to remove provisions requiring a minimum number of on-site car parks from district plans. This must happen through a non-notified process within 18 months of the NPS UD coming into effect (by February 2022). The intent is to allow more intensive urban development with less space taken up by car parks, leading to better utilisation of urban land.
20. The PDP gives effect to this policy with no on-site minimum parking requirements specified, however the Operative District Plan (ODP) still sets out minimum parking requirements.
21. In anticipation of the removal of minimum parking requirements, some developers have stated in pre-application discussions that they are holding off progressing housing developments in the City. This is a perverse outcome that works against Council's goal of increasing housing supply and helping to alleviate the housing crisis.
22. Minimum parking requirements will therefore be removed from the ODP with immediate effect. This is a straight-forward exercise involving deletion of the relevant rules from the ODP, and a public notice advising of the change.
23. It is noted that both Wellington City Council and Hutt City Council have already removed minimum parking requirements from their District Plans. There is also considered to be weak legal justification for keeping minimum requirements in the ODP until February 2022, and they are likely to be subject to legal challenge through resource consent processes.
24. To note, rules requiring minimum on-site parking requirements are in some cases the only trigger for inappropriate 'out-of-zone' activities requiring a resource consent under the ODP, specifically residential activities in the Industrial Zone. However, as the Industrial Zone chapter in the PDP received very few submissions in opposition, the objectives and policies can be afforded a high degree of weight when considering resource consent applications. This provides a degree of safety in terms of preventing the ability of such out-of-zone and incompatible activities being established.



25. In terms of the potential effects of removing minimum parking requirements, an ELT paper in November 2020 set out a number of recommendations including the development of a comprehensive City-wide parking strategy. The first steps towards this have been taken with a review of Central City parking arrangements and fees now underway through the LTP review.

#### **PDP BUDGET CONSIDERATIONS**

26. E&CP has substantially improved the team's capability and productivity resulting in a decrease in the use of consultants. This has resulted in an overall saving to the PDP budget of approximately \$200,000 in the financial year to date and is reflected in the positive budget forecast for the end of the financial year (a total saving of approximately \$250,000).
27. As the PDP process enters the hearings stage, the ability for Council to control costs becomes more limited. This is because the IHP is largely in control of the process and must respond to the evidence and verbal submissions brought by submitters. There is also limited ability to control the volume of evidence brought by submitters, and the potential response required from Council through expert evidence and legal submissions.
28. It is important to note that given the uncertainty around costs associated with the hearings stage and the limited influence we have during it, there is a chance the budget will not be consistent with the forecasted amount. We will monitor closely, do our best to stay within the budget envelope and keep Council well informed.

#### **PDP PROGRAMME**

29. Key dates and milestones for the PDP programme are as follows:
- a. May 2021 - detailed analysis of submissions and further submissions
  - b. May 2021 - work commences on the urban intensification variation
  - c. August 2021 - topic-based officers reports drafted
  - d. August 2021 - pre-hearing meetings with submitters
  - e. September 2021- engagement on the urban intensification variation subject to approval
  - f. October 2021 - urban intensification variation notified
  - g. October 2021 - PDP hearings commence, starting with overarching matters, followed by district wide matters and then area specific matters (zones)
  - h. May/June 2022 - PDP hearings completed
  - i. August 2022 - Decisions released

#### **ATTACHMENTS**

Nil

### 6.3 PROPOSED DISTRICT PLAN - DECISION MAKING POWERS

**Author:** Stewart McKenzie, Manager Environment & City Planning  
Kaiwhakahaere Taiao me te Whakamahere Tāone

**Authoriser:** Nicola Etheridge, General Manager Policy Planning and Regulatory Services  
Pouwhakahaere

#### PURPOSE

To correct an error in a recommendation of the 10 June Proposed District Plan (PDP) Te Puna Kōrero Report relating to the ability of the Hearing Panel to make decisions on submissions on the PDP.

#### RECOMMENDATIONS

That Te Puna Kōrero:

1. Receive the report.
2. Approve the ability of the PDP Hearing Panel to make decisions on submissions on the PDP.

Reports contain recommendations only. Refer to the meeting minutes for the final decision.

#### SUMMARY

1. Recommendation (3) of the 10 June PDP Te Puna Kōrero report stated '*approve the ability of the PDP Hearing Panel to make decisions on submissions on the variation*'. It should have read '*approve the ability of the PDP Hearing Panel to make decisions on submissions on the PDP*'.
2. The relevant commentary from Paragraph 16 in the 10 June report is included below for reference:
  - a. *It is recommended that the IHP be given the powers to make decisions on the PDP as opposed to making recommendations to Council to subsequently make decisions. As the IHP will have the benefit of considering submissions and evidence in detail, they will be fully informed and in a strong position to justify decisions. If the IHP were only to make recommendations, and Council chose to go against these recommendations, decisions would potentially be indefensible having not been based on submissions and evidence. It would also be an additional step that would add delay and potentially add complexity to the PDP decision making process.*
3. We apologise for the error.

#### ATTACHMENTS

Nil

# ORDINARY MEETING

of

## Te Puna Kōrero

### MINUTES

**Time:** 8:30 am  
**Date:** Thursday, 1 July 2021  
**Venue:** Council Chamber  
Level 2  
16 Cobham Court  
Porirua City

---

## Present

Councillor Ross Leggett (Chairperson)

Mayor Anita Baker

Councillor Mike Duncan

Councillor Izzy Ford

Councillor Geoff Hayward

Councillor Faafoi Seiuli

Councillor Josh Trlin

Councillor Kylie Wihapi

Council's Kaumātua Taku Parai

## In Attendance

Wendy Walker

Andrew Dalziel

Nic Etheridge

Steven Perdia

Jerry Wrenn

Jo Devine

David Downs

Lyndie MacMillan

Stewart McKenzie

Helen Brookes

Caroline Fotualii

Chief Executive

Chief Operating Officer / Deputy Chief Executive

General Manager Policy Planning and Regulatory Services

General Manager City Growth and Partnerships

General Manager People and Capability

General Manager Corporate Services / CFO

Manager, Water and Waste

Project Lead, Wellington Water

Manager, Environment and City Planning

Manager Events

Committee Advisor

**1 APOLOGIES**

Moved: Councillor Ross Leggett  
Seconded: Councillor Mike Duncan

**RESOLVED 2021/51**

That the apologies received from Councillor Moze Galo, Councillor Euon Murrell and Councillor Nathan Waddle for the meeting and Taku Parai, Councillor Ford for lateness be accepted.

**CARRIED**

**2 PUBLIC FORUM**

No members of the public attended the public forum.

**3 CONFLICT OF INTEREST DECLARATIONS**

No conflict of interest declarations were received.

**4 NOTIFICATION OF EXTRAORDINARY BUSINESS**

No items not on the agenda were received.

**5 CONFIRMATION OF MINUTES**

Moved: Councillor Ross Leggett  
Seconded: Councillor Geoff Hayward

**RESOLVED 2021/52**

That the minutes of the Ordinary Te Puna Kōrero held on 24 June 2021 be confirmed as a true and complete record.

**CARRIED**

Councillor Izzy Ford entered the meeting at 8.35am  
Taku Parai entered the meeting at 8.37am

**6 REPORTS**

**6.1 HEARING, DELIBERATIONS, AND DECISION FOR AN EASEMENT OVER ELSDON PARK**

Te Puna Kōrero was provided with an overview of submissions to support the hearing. Approval was sought to grant an easement over Elsdon Park to Wellington Water for the purposes of constructing a Stormwater Attenuation and Treatment Wetland and Flood Protection Bund.

Christine Jacobsen was in attendance and spoke to her submission.

- Supports the creation of the wetland on part of Elsdon Park
- Seeks reassurance that the integrity of the adjacent hockey turf will be protected
- Wellington Water to show how their design for the wetland will not damage the hockey turf in the long term.

Moved: Councillor Ross Leggett  
Seconded: Mayor Anita Baker

**RESOLVED 2021/53**

That Te Puna Kōrero:

1. Receives the report.
2. Receives the oral submission.
3. Agrees to approve, as the administering body of Elsdon Park, the grant of an easement pursuant to section 48(1) of the Reserves Act 1977, across part of Section 99 BLK I Belmont SD, to enable the construction of a Stormwater Attenuation and Treatment Wetland and Flood Protection Bund.
4. Agrees to approve, under delegated authority from the Minister of Conservation, to consent to the grant of the easement referred to in Recommendation 3, pursuant to section 48(1) of the Reserves Act 1977, with the easement to be granted on terms and conditions acceptable to the Chief Executive.
5. Delegates to the Chief Executive power to negotiate, finalise, and sign the easement agreement and the easement instrument.

**CARRIED**

**6.2 LOCAL GOVERNMENT NEW ZEALAND REMITS**

Te Puna Kōrero was asked to support/not support the seven proposed remits which will be voted on at the 17 July 2021 Local Government New Zealand AGM.

Moved: Councillor Ross Leggett  
Seconded: Councillor Izzy Ford

**RESOLVED 2021/54**

That Te Puna Kōrero:

1. Receive the report.
2. Support the proposed remits:

| No. | Remit title                                               | Recommendation |
|-----|-----------------------------------------------------------|----------------|
| 2   | Rating value of forestry land                             | Support        |
| 3   | Funding of civics education                               | Support        |
| 5   | Carbon emission inventory standards and reduction targets | Support        |
| 6   | WINZ accommodation supplement                             | Support        |
| 7   | Liability – Building consent functions                    | Support        |

Do not support:

|   |                                                    |                |
|---|----------------------------------------------------|----------------|
| 1 | Tree protection                                    | Do not Support |
| 4 | Promoting local government electoral participation | Do not support |

**CARRIED**

**6.3 PROPOSED DISTRICT PLAN - DECISION MAKING POWERS**

Te Puna Kōrero was asked to correct an error in a recommendation of the 10 June Proposed District Plan (PDP) Report relating to the ability of the Hearing Panel to make decisions on submissions on the PDP.

Moved: Councillor Ross Leggett  
Seconded: Councillor Josh Trlin

**RESOLVED 2021/55**

That Te Puna Kōrero:

1. Receive the report.
2. Approve the ability of the PDP Hearing Panel to make decisions on submissions on the PDP.

**CARRIED**

**7 PUBLIC EXCLUDED**

**RESOLUTION TO EXCLUDE THE PUBLIC**

Moved: Councillor Ross Leggett  
Seconded: Councillor Mike Duncan

**RESOLVED 2021/56**

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

| General subject of each matter to be considered | Reason for passing this resolution in relation to each matter                                                                                    | Ground(s) under section 48 for the passing of this resolution                                                                                                                                                                      |
|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7.1 - Major Events Fund                         | s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons | s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7 |

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interests protected by Section 6 or Section 7 of the Act, which would be prejudiced by the holding of the whole, or the relevant part of the proceedings of the meeting in public as specified above.

**CARRIED**

The meeting closed at 9.00am.

.....  
CHAIRPERSON

.....  
DATE

# ORDINARY MEETING

of

## Te Puna Kōrero

### MINUTES

**Time:** 8:30 am  
**Date:** Thursday, 10 June 2021  
**Venue:** Council Chamber  
Level 2  
16 Cobham Court  
Porirua City

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## Present

Councillor Ross Leggett (Chairperson)

Mayor Anita Baker

Councillor Mike Duncan

Councillor Izzy Ford

Councillor Geoff Hayward

Councillor Faafoi Seiuli

Councillor Josh Trlin

Councillor Nathan Waddle

Councillor Kylie Wihapi

Council's Kaumātua Taku Parai

## In Attendance

Wendy Walker

Andrew Dalziel

Nic Etheridge

Steven Perdia

Jerry Wrenn

Jo Devine

Stewart McKenzie

Ron Minnema

Glenn Quintal

Caroline Fotualii

Chief Executive

Chief Operating Officer / Deputy Chief Executive

General Manager Policy Planning and Regulatory Services

General Manager City Growth and Partnerships

General Manager People and Capability

General Manager Corporate Services / CFO

Manager Environment and City Planning

Manager Planning and Programme - Transport

Manager Recreation Porirua

Committee Advisor



**1 APOLOGIES**

Moved: Councillor Ross Leggett  
Seconded: Councillor Faafoi Seiuli

**RESOLVED 2021/45**

That the apologies received from Cr Moze Galo and Cr Euon Murrell be accepted.

**CARRIED**

**2 PUBLIC FORUM**

No members of the public attended the public forum.

**3 CONFLICT OF INTEREST DECLARATIONS**

No conflict of interest declarations were received.

**4 NOTIFICATION OF EXTRAORDINARY BUSINESS**

No items not on the agenda were received.

**5 CONFIRMATION OF MINUTES**

Moved: Councillor Ross Leggett  
Seconded: Councillor Josh Trlin

**RESOLVED 2021/46**

That the minutes of the Ordinary Te Puna Kōrero held on 3 June 2021 be confirmed as a true and complete record.

**CARRIED**

**6 REPORTS**

**6.1 PROPOSED DISTRICT PLAN - URBAN INTENSIFICATION VARIATION AND UPDATE**

Approval was sought from Te Puna Kōrero to prepare a variation to the Proposed District Plan (PDP) to address urban intensification required by the National Policy Statement – Urban Development.

Moved: Councillor Ross Leggett  
Seconded: Mayor Anita Baker

**RESOLVED 2021/47**

That Te Puna Kōrero:

1. Receive the report.
2. Approve the preparation of a variation to the PDP to meet the NPS UD requirements on urban intensification.

3. Approve the ability of the PDP Hearing Panel to make decisions on submissions on the variation.
4. Note the removal of minimum parking requirements from the Operative District Plan.
5. Note the PDP budget for current and future financial years.
6. Note the PDP programme for the next 16-months.

**CARRIED**

**6.2 LAND TRANSPORT RULE: SETTING OF SPEED LIMITS 2021 - PCC SUBMISSION**

Approval was sought from Te Puna Kōrero to make a submission on the proposed Land Transport Rule: Setting of Speed Limits 2021 (the Rule).

Moved: Councillor Ross Leggett  
Seconded: Councillor Mike Duncan

**RESOLVED 2021/48**

That Te Puna Kōrero:

1. Receive the report.
2. Agree that the submission be lodged with Waka Kotahi NZ Transport Agency on behalf of the Porirua City Council.

**CARRIED**

**7 PUBLIC EXCLUDED**

**RESOLUTION TO EXCLUDE THE PUBLIC**

Moved: Councillor Ross Leggett  
Seconded: Councillor Nathan Waddle

**RESOLVED 2021/49**

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

| General subject of each matter to be considered            | Reason for passing this resolution in relation to each matter                                                        | Ground(s) under section 48 for the passing of this resolution                                                                           |
|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| 7.1 - Public Excluded Te Puna Kōrero Meeting - 3 June 2021 |                                                                                                                      |                                                                                                                                         |
| 7.2 - Porirua Hall of Fame nominations                     | s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that | s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of |

|  |                             |                                                                                            |
|--|-----------------------------|--------------------------------------------------------------------------------------------|
|  | of deceased natural persons | information for which good reason for withholding would exist under section 6 or section 7 |
|--|-----------------------------|--------------------------------------------------------------------------------------------|

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interests protected by Section 6 or Section 7 of the Act, which would be prejudiced by the holding of the whole, or the relevant part of the proceedings of the meeting in public as specified above.

**CARRIED**

Resolutions transferred from the public excluded session into the public minute book are as follows:

| Item | Report Name | Resolution |
|------|-------------|------------|
|      |             | Nil        |

Resolutions made in the public excluded session that are not transferred into the public minute book are as follows, alongside a date of expected release:

| Item | Report Name                      | Date of expected release                       |
|------|----------------------------------|------------------------------------------------|
| 7.1  | Porirua Hall of Fame Nominations | When successful nominations have been notified |

The meeting closed at 8.50 am

.....  
**CHAIRPERSON**

.....  
**DATE**

|                               |                              |
|-------------------------------|------------------------------|
| In reply please quote:        | Wendy Walker                 |
| For enquiries please contact: | Stewart McKenzie             |
| Email:                        | Wendy.walker@porirua.govt.nz |
| Direct Dial:                  | 04 237 1401                  |

06 May 2021

**TO:** Cllr Ross Leggett, Chair, Te Puna Kōrero  
**FROM:** Wendy Walker, Chief Executive  
**SUBJECT:** Recommendation of Proposed Chairperson and Commissioners – Proposed District Plan Hearing Panel

### Procurement Process

1. A rigorous, multi-staged procurement process has been followed to identify and recommend the appointment of a chairperson and four hearing commissioners to the Proposed District Plan Hearings Panel.
2. The accompanying report provides a detailed summary of the procurement process, and includes an approved recommendation from the Chair of the Procurement Committee on 21 April 2021.

### Recommended Hearing Panel

3. The recommended chairperson and commissioners are:
  - Trevor Robinson - Barrister (Chairperson)
  - David McMahon (Commissioner)
  - Mark St Clair (Commissioner)
  - Miria Pomare (Commissioner)
  - Julia Williams (Commissioner)
4. If you agree to the above recommendation, please sign below in accordance with Council's adopted Terms of Reference and Delegations 2019 – 2022. Contracts will then be prepared confirming the appointments.

Wendy Walker  
**Chief Executive**



Date...~~20~~ 10.5.21.....

Cllr Ross Leggett  
**Chair Te Puna Korero**



Date...11/5/21.....

# Evaluation Panel Recommendation Proposed District Plan - Appointment of Hearing Panel and Chairperson

Project No: 101343

## 1. Recommendation and approvals

Recommendation

The evaluation panel recommends:

- That a contract is awarded to the following candidate for the role of chairperson of the Proposed District Plan (PDP) Hearing Panel (HP):
  - Trevor Robinson
- That contracts are awarded to the following candidates for the role of HP commissioners:
  - David McMahon
  - Miria Pomare
  - Mark St Clair
  - Julia Williams
- details of the preferred candidates remains confidential until the contract is confirmed.

Approvals and Conflict of Interest

In signing this supplier recommendation, I confirm I have no conflict of interest in relation to this procurement decision and have complied with the Council's Code of Conduct and Procurement Policy.

All evaluation panel members signed conflict of interest and confidentiality forms and no conflicts of interest were noted (or identified conflicts of interest were managed).

|             |                                              |          |
|-------------|----------------------------------------------|----------|
|             | Stewart McKenzie                             |          |
| Prepared by | Procurement Lead, Manager Environment & City | 19/04/21 |

|                                                   |                              |          |
|---------------------------------------------------|------------------------------|----------|
|                                                   | Andrew Dalziel               | 21/04/21 |
| Approve recommendation and authority to negotiate | Chair, Procurement Committee |          |

## 2. Background

Purpose

The purpose of this template is to document the evaluation process followed to determine the preferred suppliers, and to obtain approval to enter negotiations to finalise the contract for signing under financial delegation.

Project/ Procurement Description

Council seeks to appoint an HP comprising four commissioners and one panel chair to hear, consider and make decisions on submissions on the PDP. The HP is intended to comprise independent RMA commissioners with both general and specific skills and knowledge relevant to the PDP and the submission points raised.

Once all submissions and further submissions have been received on the PDP, and after any matters have been resolved in pre-hearing meetings, the HP will be required to convene to consider the submissions received, hear those submitters who wish to be heard, and make decisions on the matters raised in the submissions.



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**RFP Process** The RFP and evaluation process were consistent with the Procurement Plan, link below:  
<http://daisy.pcc.local/otcs/llisapi.dll?func=ll&objaction=overview&objid=8262133>

This was approved by the Procurement Committee on 16 December 2020 with no deviations.

The RFP process and documents were based on All of Government standard templates adopted by Council. Link to the RFP as issued:  
<http://daisy.pcc.local/otcs/llisapi.dll?func=ll&objaction=overview&objid=8257930>

The tender was run via GETS and all suppliers had access to the same information. The RFP closed on 26 February 2021.

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### 3. Evaluation Process and Results

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**Responses Received** 12 Responses to the RFP were received by 26 February 2021. One response was received after the 5PM deadline although on the same day, and one was non-conforming. Responses were received from the following parties:

- Miria Pomare
- David McMahon - RMG Ltd
- Mark St Clair - Hill Young Cooper
- [REDACTED]
- Julia Williams - Drakeford Williams Ltd
- Trevor Robinson – Barrister

[REDACTED]

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**Evaluation Meeting** The evaluation criteria, weightings, rating scale and process were consistent with the RFP document.

Narjis Alwash from the PPMO was convenor of the evaluation panel and has overseen the procurement and evaluation process. In addition to Narjis, the following Council staff were on the evaluation panel:

- Stewart McKenzie (Manager Environment & City Planning)
- Torrey McDonnell (Principal Planner)
- Michael Rachlin (Principal Planner)
- Nic Etheridge (Manager PPRS) (Moderator only)

Advice on candidates was also received from James Winchester, Partner at Simpson Grierson, and listed as an advisor to the evaluation panel in the Procurement Plan.

Council's weighted evaluation spreadsheet was used for the evaluation process:  
<http://daisy.pcc.local/otcs/llisapi.dll?func=ll&objaction=overview&objid=8357721>

The evaluation team had their first meeting on Tuesday 16 March, where the combined individual scores were discussed and moderated. Based on the outcome of this meeting a shortlist of six candidates were identified for interviews.

Interviews were carried out between 30 March and 13 April, with individual scoring updated following interviews. The combined scoring was discussed and moderated at a further evaluation team meeting on 16 April, where the preferred chair and four commissioners making up the HP were identified.

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**Pre-conditions** All preferred candidates meet the required pre-conditions as specified in the RFP.

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|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Non-price evaluation</b>              | <p>Individual team members scored each candidate on a scale of 1 to 10 against the four criteria set out below, which were then weighted as indicated:</p> <ul style="list-style-type: none"><li>• RMA Plan Hearing experience (20%)</li><li>• Track record (30%)</li><li>• Specialist RMA knowledge (20%)</li><li>• Collaboration skills (30%)</li></ul> <p>The evaluation team met twice to discuss and moderate the outcome of scoring (as discussed above).</p> <p>Refer to Appendix 1 for the non-price criteria, weightings and the non-price weighted score for each respondent. The scoring clearly identifies the preferred candidates.</p> |
| <b>Price evaluation</b>                  | <p>Hourly rates were fixed at the following rates for the respective roles as set out in section 4.1 of the RFP:</p> <ul style="list-style-type: none"><li>• \$210 per hour for the role of HP chairperson</li><li>• \$170 per hour for each of the four commissioner roles</li></ul>                                                                                                                                                                                                                                                                                                                                                                |
| <b>Price vs budget</b>                   | <p>N/A</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Assumptions and tags</b>              | <p>There are no assumptions or tags in any of the evaluation responses. One of the preferred candidates requested clarification on whether total fees would be capped. The evaluation panel confirmed that they wouldn't be (in keeping with the participatory and potentially open ended nature of the RMA decision making process).</p>                                                                                                                                                                                                                                                                                                            |
| <b>Due Diligence</b>                     | <p>Two reference checks have been carried out for the preferred chairperson. Feedback from Council's legal counsel, James Winchester, has also been received on the preferred chair and other candidates.</p> <p>Three of the remaining four preferred candidates have recently worked for PCC in RMA commissioner roles with no issues with conduct, performance or fees.</p> <p>Reference checks for the four commissioners will be concluded prior to contracts being drawn up. Any potential issues will be raised and discussed prior to contracts being awarded.</p>                                                                           |
| <b>Evaluation summary</b>                | <p>Refer Appendix 1 for the breakdown of scoring of each candidate against each of the evaluation criteria. Comments from each evaluation team member involved in individual scoring are included in the evaluation spreadsheet, and detailed comments from the interview process are also on file.</p> <p><a href="http://daisy.pcc.local/otcs/llisapi.dll?func=ll&amp;objaction=overview&amp;objid=8357721">http://daisy.pcc.local/otcs/llisapi.dll?func=ll&amp;objaction=overview&amp;objid=8357721</a></p>                                                                                                                                       |
| <b>Objectives &amp; Broader outcomes</b> | <p>The objectives of the procurement have been met. The robust, transparent process followed has resulted in identification of a highly competent, fit-for-purpose HP.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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#### 4. Next steps

##### Contract negotiations

In accordance with the delegations manual, before contracts can be awarded delegated approval for the appointments needs to be received from the CEO and Chair of Te Puna Korero (Cllr Ross Leggett). These delegated approvals will be sought once approval is given by the Procurement Committee at the meeting of 21 April.

There are no outstanding contractual matters to be negotiated. The RFP and terms of reference are clear and unambiguous regarding the roles and responsibilities of the Chair and HP members, and all preferred candidates have indicated their acceptance of these at interviews.

Price is based on fixed hourly rates as set out above. No expenses are to be paid unless there are exceptional circumstances, and these will need to be approved as and when they arise. This was specified in the RFP response form.

##### Timeline

Successful applicants will be advised the week commencing 26 April, subject to delegated approvals being received. Unsuccessful applicants will be advised the week commencing 3 May.

#### 5. Appendices

##### Appendix 1 – Copy of final evaluation sheet results

| Tenderer                                    | Commissioner | Chairperson | RMA Plan<br>Hearing<br>experience<br>: | Track<br>Record | Specialist<br>RMA<br>Knowledge | Collaborati<br>on Skills | Total Score<br>(from 100%) |
|---------------------------------------------|--------------|-------------|----------------------------------------|-----------------|--------------------------------|--------------------------|----------------------------|
|                                             |              |             | 20%                                    | 30%             | 20%                            | 30%                      |                            |
|                                             |              |             | Score                                  | Score           | Score                          | Score                    |                            |
| Alan Withy - Alandale Associates            | YES          | YES         | 8.00                                   | 8.00            | 7.67                           | 6.67                     | 75%                        |
| David McMahon - RMG Ltd                     | YES          | NO          | 9.67                                   | 9.00            | 9.33                           | 9.00                     | 92%                        |
| Julia Williams - Drakeford Williams Ltd     | YES          | NO          | 7.33                                   | 8.67            | 9.33                           | 8.67                     | 85%                        |
| Ken Fletcher                                | YES          | NO          | 7.00                                   | 6.67            | 6.33                           | 7.67                     | 70%                        |
| Lindsay Daysh - Incite Wellington           | YES          | YES         | 6.67                                   | 8.33            | 8.67                           | 6.33                     | 75%                        |
| Loretta Lovell - Lovell & Associates        | YES          | NO          | 5.00                                   | 7.33            | 7.00                           | 8.33                     | 71%                        |
| Mark Ashby - 4 Sight Consulting             | YES          | NO          | 6.33                                   | 7.67            | 8.00                           | 8.00                     | 76%                        |
| Mark St Clair - Hill Young Cooper           | YES          | YES         | 9.67                                   | 8.67            | 8.67                           | 8.33                     | 88%                        |
| Miria Pomare                                | YES          | NO          | 9.33                                   | 9.00            | 9.00                           | 9.00                     | 91%                        |
| Ngairé Phillips - Streamlined Environmental | YES          | NO          | 5.00                                   | 6.67            | 6.00                           | 7.33                     | 64%                        |
| Seterah Stienstra - Barrister               | YES          | TBC         | 2.00                                   | 2.00            | 2.00                           | 2.00                     | 20%                        |
| Trevor Robinson - Barrister                 | YES          | YES         | 9.00                                   | 8.67            | 9.00                           | 8.67                     | 88%                        |