

## **The integration of land use planning and transport – a case study of the Local Government (Auckland) Amendment Act 2004**

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### **ABSTRACT**

Fixing, or at least trying to fix, Auckland's transport needs was high on the agenda for the Labour Government late into its second term. The product of that haste was quickly passed, the Local Government (Auckland) Amendment Act 2004 (or LGAAA as it is now known). The LGAAA specifically requires that the Auckland territorial authorities (TAs) & ARC promptly notify amendments within a nine month timeframe to their district plans and regional policy statement not only to give effect to the Growth Concept in the Regional Growth Strategy, but also to specifically provide for the integration of land use and transportation. Daring and ambitious aims, but have they delivered?

A number of plan changes and variations were duly notified as required in early 2005 with varying degrees of quality reflecting differing levels of not only resources, but also commitment. Central government direction was often previously cited as being required to create the mind shift towards transport and land use integration in Auckland. However, on the ground the TAs were not enjoying being told what to do yet again, and within a short time frame without additional resources or funding. Some TAs, for example, Waitakere City Council, seized on the impetus and notified a raft of plan changes and sought to amend above and beyond the requirements of the legislation. Other TAs notified minimal amendments to their policy sections and refused to consider simultaneous amendments to their transport, commercial and residential zone chapters. Consistency and commitment, the key components necessary to properly integrate land use and transport planning, were rarely seen.

Bell Gully is actively involved on behalf of a number of clients (particularly the Auckland Regional Transport Authority, ARTA) in the hearings on the plan changes initiated by the LGAAA. The hearings panel consists of nine commissioners. The hearings that were originally scheduled to be complete by the end of 2006 are now clearly going to extend well into 2007 – and that is before deliberations are likely to begin.

So what does the process hold and how do we keep the aims of the original legislation on track to integrate land use planning and transport? The key is to ensure that all TAs are aware of the scope and burden of their obligations, ensure sufficient resources are committed to the process which, coupled with effective and proactive case management, could at the very least create a manageable process. It would also allow the decision-makers the opportunity to keep control of the proceedings. Integrating transport with land use planning in Auckland is key to

the region's future but without focusing on the primary purpose of the legislation and keeping an eye on future targets, it may just get a little too hard.

What lessons need to be learnt? Clearly there needs to be more effective and comprehensive enabling legislation, a commitment from TAs to provide for the integration of transport planning, and greater focus on the benefits of the relationship with land use planning.

## 1. Introduction

The Local Government (Auckland) Amendment Act 2004 (the LGAAA) was enacted with the specific purpose of addressing the difficulties faced by Auckland and its specific transportation concerns. The LGAAA is unique in that it is a rare New Zealand example of central government intervention to address the infrastructure issues of a major city.

This paper is split into two parts. The first examines the purpose and principles of the LGAAA, as well as the establishment of the Auckland Regional Transport Authority (ARTA), and a review of progress under the legislation to date. It considers not only the merits of employing such legislation with such broad ambitions across an entire region, but also the reactions to such direction by local authorities. The second part provides a case study of ARTA's experiences in dealing with the purposes of the LGAAA, the potential implications of the process on the results and a review of lessons learnt for the future.

## 2. Setting the scene – LGAAA and ARTA<sup>1</sup>

### 2.1 LGAAA purpose and process

The LGAAA was enacted in 2004 with the sole purpose of addressing the transportation issues in the Auckland region. It offered the Auckland region a unique opportunity to both accommodate future growth in a sustainable manner and to support the development of a world class transport system for the region. A key part to the LGAAA process is ensuring that the momentum and opportunity offered by the legislation is not lost, as it is unlikely that the region will be given such a chance again.

The purpose of the LGAAA is stated at section 3:

- “3. The purpose of this Act is:
- (a) to improve the integration of –
    - (i) the Auckland regional land transport system; and
    - (ii) the management of land transport funding and assets for the Auckland Region; and
    - (iii) decisions on stormwater funding for the Auckland Region; and
  - (b) to require Auckland local authorities to change the policy statement and plans prepared under the Resource Management Act 1991 to integrate the land transport and land use provisions and make those provisions consistent with the Auckland Regional Growth Strategy.”

The Local Government Amendment Act 1998 inserted clause 37SF into the Local Government Act 1974 (LGA), which provides for the formulation of a regional growth strategy. The purpose of the growth strategy will be covered in the next section, however the LGAAA further amended that clause to ensure that ARTA was provided with a copy of that strategy.

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<sup>1</sup> This section prepared by David McGregor, Senior Partner, and Marija Batistich, Senior Associate, Bell Gully.

Section 37SE of the LGA specifically provided for the adoption of a growth strategy by the ARC. Auckland's Regional Growth Strategy (RGS) was produced in November 1999 by the Regional Growth Forum, convened by the Auckland Regional Council (ARC), and following technical work, political workshops and public consultation. The LGA requires that any subsequent land transport and land use changes must relate to the RGS.

Chapter 3 of the RGS contains "A growth concept for a sustainable and dynamic region". It applies the principles of a growth concept, explains the key features and visually demonstrates the concept on a map entitled "Growth Concept 2050". The growth concept and the RGS were produced prior to the implementation of the LGAAA, and are specifically referred to in that legislation in providing the impetus for land transport and land use changes:

"40. Extent of land transport and land use changes:

(1.) A land transport and land use change is a change or variation to an Auckland planning document by including issues, objectives, policies, and descriptions of the method for the purpose of;

(a) giving effect, in an integrated manner, to the growth concept in the Auckland Regional Growth Strategy prepared under Section 37SE of the Local Government Act 1974; and

(b) contributing, in an integrated manner, to the matters specified in schedule 5 ..."

One of the main purposes of the LGAAA is to require the ARC and the Auckland territorial authorities (TAs) to amend their regional policy statement and district plans, respectively, under the Resource Management Act 1991 (RMA) in order to integrate land transport and land use provisions consistent with the RGS.<sup>2</sup> This is directly provided for in the LGAAA.

The plan changes that are the subject matter of this hearing process were notified under the RMA in response to the statutory direction of the LGAAA. ARTA has made submissions on each of the plan changes in view of its policies and objectives, it has appeared before the Hearing Panel on several occasions and now awaits the Panel's recommendations.

The LGAAA provides a unique opportunity to co-ordinate and integrate the land use and transport use strategies across the entire Auckland Region. The importance of the process and the enormity of this task must be acknowledged, particularly given that the future of both road and passenger transport for the region rests upon it.

## 2.2 Who is ARTA?

ARTA is the statutory transport authority in the Auckland region. ARTA's primary objective is to plan, fund, and develop the Auckland regional land transport system in a way that contributes to a safe, responsive, and sustainable land transport system for the Auckland region.

ARTA is the product of legislation specifically passed through Parliament with the primary purpose of addressing transport issues in Auckland. Where previously this

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<sup>2</sup> section 39 LGAAA.

responsibility rested with a number of central and local government agencies, ARTA was established by the LGAAA to assist the ARC to discharge its responsibility for:

- “(i) setting the strategy for the Auckland regional land transport system; and
- (ii) integrating the planning, funding, and development of the Auckland regional land transport system;...”<sup>3</sup>

As noted above, the formulation of the growth strategy is essential to the work that ARTA has carried out to date, the current plans and its future objectives. The strategy provides the basis upon which ARTA continues to plan and develop Auckland’s regional land transport system, as well as integrating the planning, funding and development of the same.

ARTA is neither a territorial authority nor a local authority. ARTA is a statutory transport authority. This is intrinsic to its structure, objectives and its involvement in the LGAAA process.

### 2.3 What does ARTA do?

ARTA was established on 1 July 2004 under the LGAAA, and began operating on 1 December 2004. Its formation signalled a seminal shift in how Auckland’s regional transport is governed. ARTA is partly funded by the ARC, Land Transport New Zealand and by its own internal revenues, which largely come from Auckland’s passenger rail operations.

ARTA is a subsidiary organisation of the ARC. However, for legal purposes it is a separate legal entity, governed by its own Board of Directors. It has submitted on all of the plan changes notified under the LGAAA as a separate entity, and on subsequent resource consent applications and other plan changes as its concerns are triggered.

ARTA is responsible for implementing the goals set out in the Regional Land Transport Strategy (RLTS). The RLTS outlines the requirements for an effective and efficient land transport system that is able to cope with the demands of many more people living and working in the region. It maps the way forward for Auckland’s transport system for the next 20 years.

On a day to day basis, ARTA carries out the planning and funding of public transport, promotes alternative ways to get around Auckland, and coordinates and integrates transport across the region.

### 2.4 Integration of land use and transport planning

The integration of land use and transport planning is intended to be achieved utilising the RMA’s hierarchy of resource management planning instruments, which stipulate that district plans in the Auckland Region must:

- give effect to the Auckland Regional Policy Statement (RPS); and

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<sup>3</sup> section 6 LGAAA.

- not be inconsistent with a regional plan dealing with any ARC function under the RMA, which can include a regional plan implementing the ARC's function in section 30(1)(ga) relating to the strategic integration of infrastructure with land use.

TAs in the Auckland Region are therefore generally subject to a mandatory statutory direction to align their respective district plans with proposed Plan Changes 6 and 7 to the RPS in order to provide for the integration of land use and transport planning, consistent with the RGS. However, some TAs have chosen to delay this process of alignment and instead pursue changes outside of the LGAAA forum. As Maree Faid, Strategic Transport Planning Manager at ARTA, will explain in her portion of this paper, this illustrates a lack of understanding of the clear statutory direction given by Parliament to all local authorities in Auckland to integrate land use and transport planning within a defined timeframe.

The Minister of Local Government, The Honourable Chris Carter, emphasised the Government's assessment of the urgency of Auckland's transportation issues when he introduced the Bill, which would subsequently be enacted as the LGAAA, for its First Reading in April 2004:

"As anyone who lives in Auckland will tell us, the rapid growth in the region in recent years has led to escalating problems with transport. Auckland is beset by severe congestion, resulting in rising travel times, excessive pollution, and additional costs to business, individuals, and communities. Because of Auckland's size and its importance to the economy, these problems are having an impact on the whole country. It is an impact that is only likely to worsen unless action is taken. This bill takes action. The roots of Auckland's transport woes lies in two key issues: firstly, a history of underinvestment in transport, which has lagged well behind the growing demand for it; and, secondly, confused decision making, which has resulted from an inefficient and cumbersome governance structure with too many bodies involved in it.

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It is desirable that the bill be enacted in time for the establishment of the new entities on 1 July this year. I acknowledge that that is a tight timetable. It is a result of the time required to address the complex issues that have had to be addressed in developing the bill, and of the urgent need to implement the changes."<sup>4</sup>

Any and all plan changes to district plans required to give effect to Plan Changes 6 and 7 of the RPS must be made in the context of this LGAAA process. This provides a jurisdictional opportunity within a dynamic process for TAs to reconsider and promote changes to their district plans to give effect to the RPS. It also provides an opportunity for the ARC to consider changes to all provisions of the RPS encapsulated in Plan Changes 6 and 7, to achieve a better location and sequencing of urban growth to support Auckland's passenger transport system. This is notwithstanding the 10 year review of the RPS which is already underway pursuant to the First Schedule of the RMA.

## 2.5 The LGAAA hearing process

On 31 March 2005 the Auckland local authorities notified 15 plan changes to meet the requirements of the LGAAA. Hearings commenced in April 2006 and were scheduled to

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<sup>4</sup> Hansard, 7 April 2004, pages 12459 & 12461.

end later that year. However, due to the sheer numbers of submitters seeking to be heard, and the continued demands on commissioners' time, the last hearings took place in April 2007. The commissioners are due to issue their recommendations in July 2007. This is no small task given the number of plan changes, submissions and evidence to be considered. While there is no date for when the respective local authorities will issue their decisions, we consider that this is likely to be by July or August 2007, just prior to the local authority election period.

Although a number of issues are raised by submitters across the 15 plan changes, the purpose of the changes is set out in the LGAAA, namely to promote transport and land use integration. For many local authorities and submitters, this is a new concept and it has taken some time and much consideration by all parties to properly understand the purpose, principles and implications.

Some TAs, such as Waitakere City Council, took the plan change impetus and integration purposes on board WCC notified a suite of plan changes, seeking to thereby effectively review the relevant provisions of their entire district plan in accordance with the purposes of the LGAAA. Other local authorities appeared to take a less proactive view and the lack of detail in their plan changes indicated their reluctance to implement central government's direction and timeframe. It will be a matter for the commissioners to determine as to whether they can issue further directions and seek that further or more detailed plan changes be notified.

This confusion will only add to the workload of the nine commissioners appointed to hear the submissions and issue recommendations on the plan changes. While no recommendations have yet been issued, the size of the task is readily evident by the sheer volume of submissions and evidence that the commissioners must wade through and consider in making their recommendations. The process has not only attracted submitters involved in transport, such as Land Transport New Zealand, Transit NZ, ARTA and other infrastructure providers, but also has been used as a forum for further discussion of other planning matters. For example, in the retail sector the centres-based strategy is once again being hotly disputed by those who consider retail is better located within transport corridors. Taking a strict legalistic interpretation of the LGAAA, the focus is not which strategy provides the better business or pure planning outcome, but which outcome best meets the land use and transport integration purposes of the legislation.

The future of Auckland's transport system in many ways, or at the very least for the short to medium term, rests on the Hearing Panel's recommendations and the subsequent decisions of Auckland's local authorities. While the LGAAA effectively "sped up" the process under the RMA by requiring notification of the plan changes, the subsequent hearing and decision making process, as well as the almost inevitable appeal process, will be in accordance with usual RMA procedures and timeframes.

Maree Faid, representing ARTA, will comment on the effectiveness and efficiencies (or lack thereof) of the process to date, the varying approaches taking by different TAs and the approach taken by ARTA, as well as identifying lessons for future players in such a process.

### 3. **ARTA's perspective on the LGAAA<sup>5</sup>**

As has been canvassed in the first section of this paper, the LGAAA was enacted in 2004 with the sole purpose of addressing the transportation issues in the Auckland region.

The LGAAA established ARTA and Auckland Regional Holdings (ARH). It also made it mandatory for changes to the RPS and district plans to integrate land transport and land use provisions and make these provisions consistent with the RGS.

Personally, I saw this as a great opportunity to not only recognise in the RPS and district plans the importance of providing for transport infrastructure, but also to ensure that land use decisions considered, and provided for, all of the transport consequences of proposed developments.

I will declare my hand. At the time that the LGAAA was enacted, I was working at Transit and was working on getting a number of Transit projects through the RMA processes, council and Environment Court hearings. One of the biggest challenges faced at that time were the lack of recognition in policy statements and district plans of the importance of national infrastructure projects, and the inconsistent policies and objectives across the region in the different planning documents e.g. noise standards for the use of roads.

Here was a piece of legislation that was set up specifically to ensure that transport and land use provisions could be consistent across the region and that such provisions would also be consistent with the growth strategy.

But has the LGAAA (specifically s3(b), 40 and Schedule 5) achieved what it set out to do?

The first section of this paper outlines the background to and legal issues surrounding the LGAAA and the subsequent hearing process. At this stage, I would like to acknowledge the commissioners on the Hearing Panel – they have sat through months of submitter presentations, had to consider everything put in front of them, both written and verbal, and in my experience they have been incredibly patient and professional. However we are still not in a position to know if we are collectively achieving what was intended by Parliament when it passed the legislation.

#### 3.1 **How does ARTA fit into the LGAAA process?**

The LGAAA established ARTA on 1 July 2004 and ARTA began operating on 1 December 2004. Just three months later, 15 plan changes were notified across the Auckland region to give effect, in an integrated manner, to the growth concept in the RGS.

While ARTA was being established, a working group consisting of ARC, TAs and the Ministry for the Environment were working through the implications of the legislation with respect to the plan changes required to be notified on 31 March 2005. Initially everyone was concentrating on the RPS changes in order to ensure that each district plan was

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<sup>5</sup> This section prepared by Maree Faid, Strategic Transport Planning Manager, ARTA.

consistent with the changes proposed for the RPS. In my view, however, the final result (for whatever the reason) did not achieve that across the region.

As already noted, Parliament recognised the urgency of the issues to be addressed and acknowledged the tight time-frame. However, the LGAAA legislation itself is a result of the tight timeframe provided to address the complex issues that had to be considered, and the urgent need to implement the necessary changes.

Unfortunately, while Parliament passed the legislation in time to set up ARTA and ARH and to set the timetable for the plan changes, effectively that was all it did. Once the Bill was passed, it was up to the respective councils to put the LGAAA into effect. Not all TAs necessarily shared Parliament's sense of urgency or the necessity to change the plans to give effect, in an integrated manner, to the growth concept from the RGS, and to integrate land use and transport decisions.

Central government officers from the Ministry for the Environment worked closely with the TAs as they were going through the process of developing the plan changes. However, they offered no formal direction. As a result, there are a range of plan changes from the absolute bare minimum, to quite comprehensive changes, such as those undertaken by Waitakere City.

ARTA is of the view that just changing a few policies and objectives is not consistent with Parliament's objective, and nor will it fully integrate the transport planning and land use in the region's district plans.

Without addressing, at a bare minimum, the transport chapters of the district plans, how can anyone expect to integrate transport and land use planning? This situation means that the front end policies talk the talk. However, by way of example, the transport chapters of all the affected district plans still require car parking over and above what could be required if other methods are employed to minimise the volume of private vehicles. There is a perverse situation where developers are trying to meet the intent of the LGAAA and integrate transport and land use, minimize the use of private vehicles, maximise the opportunity for increased passenger transport usage, and integrate their developments with the transport system, while still supplying a minimum numbers of car parks to meet the district plan requirements (or go through the timely and costly process of notified resource consents).

### **3.2 What is ARTA's purpose?**

Along with giving effect to the growth concept, the LGAAA was very specific in its requirement that a land transport and land use change is a change or variation to an Auckland planning document to include issues, objectives, policies, and description of methods for the purpose of contributing, in an integrated manner, to the matters specified in Schedule 5. Those Schedule 5 matters include:

- a) Providing increased certainty in the assessment of resource consents, designations, and plan changes related to transport and urban form, and ensuring that transport and land use patterns are aligned to achieve sustainability, efficiency, and liveability in the Auckland Region.
- b) Managing transport and transport infrastructure, facilitating a multimodal transport network, and facilitating integrated transport management.
- c) Reducing adverse effects of transport on the environment (including improving air and water quality, reducing noise and stormwater, improving heritage protection and reducing community disruption and transport land use), and reducing the adverse effects and increasing the positive interactions of transport and land use.

- d) Supporting compact sustainable urban form and sustainable urban land use intensification (including location, timing and sequencing issues, and associated quality, character, and values of urban form and design).
- e) Integrating transport and land use policies to reinforce metropolitan urban and rural objectives of the RPS, the development of a competitive and efficient economy and a high quality of life, underpinned by a quality environment and amenity.

As already pointed out, ARTA is responsible for integrating the planning, funding and development of the Auckland regional transport system. While not derogating from the TAs' responsibilities under the RMA, and their obligations with respect to land use control and management, nor to individual land owners, it is not unreasonable to state that ARTA has a significant interest in the outcomes of these plan changes. This interest may possibly be even greater than that of the public at large.

If ARTA is to invest public money with confidence it must be confident that future land use planning across the Auckland region will be co-ordinated with the requisite passenger transport investment and service improvements. Future land use planning must also be:

- sufficient to support the planned passenger transport services;
- appropriately located in areas that can be served efficiently by passenger transport;
- designed to ensure good access by, and to, passenger transport; and
- encourage use of passenger transport by providing high density multi-purpose (mixed use) development close to transport interchanges and stops, as well as by integrating development with passenger transport infrastructure.

### 3.3 ARTA's LAND USE and TRANSPORT PRINCIPLES

ARTA developed three key land use and transport planning principles that have influenced its submissions on the plan changes. These principles are:

- facilitate the development and implementation of appropriate transport infrastructure;
- ensure that transport considerations have a detrimental effect on urban form; and
- promote and encourage the development of a land use form that supports passenger transport and travel demand management.

A key aspect of the development of these principles is that while instrumental in informing ARTA's response to the plan changes, and subsequent resource consent applications, future plan changes, structure plan processes and such like, they also influence ARTA's planning, programming and decision making processes with respect to transport investments.

In order for ARTA to successfully fulfil its statutory obligations, ARTA has a role in ensuring that a high degree of integration between land use and transport planning takes place.

Effective land use and transport integration require land use provisions which facilitate the development of long-term transport solutions, while also providing for land uses that support sustainable management within the Auckland region.

Appropriate land use provisions within the RPS and district plans can help deliver sustainable transport outcomes. Inappropriate land use provisions are more likely to hinder or prevent positive outcomes for both transport and land use from being realised. The relationship between land use and transport planning is fundamental to the ongoing success of the Auckland region.

### 3.4 Are we there yet?

ARTA has, for the most part, supported the changes to the RPS. Unfortunately however, the district plan changes did not go nearly far enough. I accept that the requirement to notify the RPS and district plan changes simultaneously created problems with ensuring that the district plans were consistent with, and gave effect to, the RPS (as required under the RMA).

If the RPS changes were notified first and then followed by the district plan changes, with submissions still closing at the same time and the hearings combined, this would no doubt have added additional time to the process. However, it may also have resulted in integrated district plan changes that more fully encompassed Parliament's intentions when it passed the LGAAA.

I do not believe that the district plan changes have discharged the TA's obligations under the legislation at this stage of the process (May 2007). I accept that the hearing process is still underway, recommendations from the Hearings Panel are still to be made and decisions from the TAs on the recommendations are also some time away. However, as ARTA stated in its very first tranche of evidence:

“The TAs in the Auckland Region are therefore subject to a mandatory statutory direction to align their respective district plans with proposed plan changes 6 and 7 to the RPS in order to provide for the integration of land use and transport planning, consistent with the RGS. The decision of some TAs, as recorded in officers' reports, to delay this process of alignment and instead pursue changes outside of the LGAAA forum illustrates a lack of understanding of the clear statutory direction given by Parliament to all local authorities in the Auckland Region to integrate a land use and transport planning regime within a defined timeframe.<sup>6</sup>”

ARTA's submissions on the TA plan changes sought amendments to the transport chapters of the district plans so as to include objectives, policies, strategy and rules on issues such as car parking, requirements for transport audits, consistent provision for passenger transport interchanges and stops etc. For the most part, these submissions were rejected by the reporting planners. We also requested changes to business, residential and industrial chapters along similar lines which were also, for the most part, rejected.

Reasons given for the rejections ranged from the view that transport chapters was not part of the plan changes and therefore out of the jurisdiction of the Hearing Panel, to the view that the requested amendments were not necessary as the TAs had other methods to achieve the same results. These responses failed to align with the clear statutory direction provided by Parliament to all local authorities in Auckland to integrate land use and transport planning within a defined timeframe.

When ARTA raised these issues, the Hearing Panel specifically requested ARTA's legal counsel to explain the extent to which the Panel appointed to hear the proposed plan changes notified under the LGAAA can recommend that notified plan changes be amended and further plan changes be notified.

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<sup>6</sup> Legal submissions on behalf of ARTA, General Growth Hearings 28 April 2006.

Without going into the legalese of the response, I am of the view that ARTA made submissions requesting changes to meet the intent of the legislation.

If the plan changes for those parts of the district plan not included in the original notified changes are not considered as part of the LGAAA hearing process, how can we be assured that consequential plan changes will integrate land use and transport planning in the manner intended by schedule 5 of the LGAAA?

Section 75(3) of the RMA should assist with this issue. A district plan must give effect to, inter alia, any regional policy statement. As a result, even when the LGAAA process is completed the effect that it has had on the RPS will remain. This is regardless of whether or not there is regard to the LGAAA land use and transport integration outcomes at this stage. The district plans will have to give effect to the RPS.

I accept that RMA planning documents have a number of purposes, not least of all transport. However as already noted above, Parliament was concerned enough with the lack of integration of land use and transport within the current raft of planning documents that it specifically passed legislation to ensure integration occurred.

#### **3.4.1 Have land use and transport been integrated?**

At this stage (May 2007), hearings are still being conducted, albeit most of the submissions have been heard. The Hearing Panel will then need to deliberate on all of the information put before them and make recommendations. Those recommendations are then passed onto the respective councils, who will then make the final decisions – prior to any potential rounds of appeals in the Environment Court.

#### **3.4.2 Changing focus**

Since ARTA's establishment, subsequent notification of the plan changes, filing of submissions, and participation in hearings, ARTA's view of the world with respect to this process has been modified and refined as we come to a greater understanding of integrating land use planning and transport planning in a way which gives effect to the growth concept in the RGS.

ARTA is trying to be more proactive, rather than reactive, to structure plans, plan changes and resource consent applications. Proposed method 2.6.12.8 in Plan Change 6 of the RPS, as notified, stated:

“TAs shall ensure that proposals for new major traffic generating activities are subject to a transport audit as a specific part of the Assessment of Environmental Effects (AEE). The audit should include an evaluation of the applicant's proposals, assumptions regarding how transportation needs will be met, tangible proposals for meeting those needs including costings and the identification of sources of funding, and the proposed parking provision.”

Following notification, both ARTA and ARC developed guidelines for undertaking such audits. During the process of developing the guidelines, ARTA consulted with a number of different parties (councils, developers, interest groups etc) and it quickly became apparent that the title “Transport Audit” gave the wrong impression. Audits are often carried out after the fact, rather than prior to anything proceeding. We therefore, determined that a more appropriate name for the guidelines would be “Integrated Transport Assessment Guidelines”.

ARTA has presented evidence to the Hearing Panel on the change of name, which it considers is still consistent with the intent of the original method and falls within what is reasonably and fairly raised by the submissions. ARTA also considers that this name change does not broaden the scope of what ARTA has sought. The new name merely further refines and develops this.

There are also some areas where ARTA is no longer pursuing the relief sought in original submissions as a result of experiences and consultation over the last few years. ARTA has found that requiring travel plans at the time of lodging a resource consent application (depending on the scope of the application) has its own set of problems which will need to be worked through. Appropriate, and linked, plan provisions are required, covering car parking and the like. Travel plans are only one of many tools that can be used to change people's travel behaviours, and will not necessarily achieve the outcomes ARTA is seeking if they are made mandatory for every resource consent application.

As with all timely processes, it is reasonable to accept that there will be modifications and amendments as ARTA gains a better understanding of the consequences of the changes being sought.

#### 4. **Conclusion**

The introduction of the LGAAA has offered the Auckland region a unique opportunity to both accommodate future growth in a sustainable manner and to support the development of a world class transport system for the region. A key part of the LGAAA process is to ensure that the momentum and opportunity offered by the legislation is not lost, as it is unlikely that the region will be given the chance again.

Accepting that there are still recommendations and decisions to come, I am not sure that the region has stepped up and taken advantage of the opportunity that the LGAAA has provided.

This is a one off piece of legislation with respect to the plan change process. It requires the plan changes to be processed through the RMA. There is no amendment to the RMA to provide for a similar process for any related future plan changes. While the LGAAA only relates to Auckland, it may be referred to in future plan changes and/or resource consent applications. ARTA is already receiving resource consent applications, as an affected party that state that the LGAAA does not apply to the applicant and therefore does not require the integration of land use and transport planning. This is despite section 75(3) of the RMA which clearly states that district plans must give effect to the RPS and as a result, ARTA needs to ensure that this integration is also applied in the consent processes.

The recommendations of the Hearings Panel and subsequent decisions may well be what ARTA is hoping for. That is, the RPS and district plans will acknowledge the importance of providing for transport infrastructure, land use decisions will consider and provide for all of the transport consequences of proposed developments, and there will be consistent decision making across the region.

There are a variety of issues which ARTA must consider if we are to invest with confidence in the transport system in the Auckland region. Let us hope that the provisions within the regional policy statement and district plans will assist ARTA in its commitment to deliver a world class transport system that makes Auckland an even better place to live, work and play.