
INTEGRATING LAND USE AND TRANSPORT: PLANNING ALIGNMENT PROJECT REPORT



May 2007

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1. EXECUTIVE SUMMARY

The release of the New Zealand Transport Strategy 2002 (NZTS 2002) and the enactment of the Land Transport Management Act 2003 (LTMA 2003) heralded a fundamental change to the management and funding of land transport in New Zealand (NZ). The new regime has “sustainability” and “integration” at its heart. As a result national land transport authorities and local authorities (regional and city/district councils)¹ have had to revise their roles, responsibilities, and approaches to land use and transport issues.

Transit NZ (Transit) has sought to play a more strategic role in processes that relate to land use which affect the national land transport network. This has necessitated early engagement and collaborative work with local authorities and stakeholders to ensure a sustainable and integrated approach to land use and transport issues.

Reflecting on these developments, Local Government NZ (LGNZ) and Transit agreed that there was merit in developing guidance to support a consistent approach to land use and transport issues by Transit and local authorities. As a first step, the “Integrating Land Use and Transport: Planning Alignment Project” was established. The project selected five case study sites around NZ where problems had arisen as a result of local land use development and national transport objectives coming into conflict.

The recommendations of the project are summarised as follows:²

1. OVERALL RECOMMENDATION FOR ACHIEVING LAND USE AND TRANSPORT INTEGRATION

Action 1	That LGNZ present this project report to the Local Government-Central Government Forum
Priority	Short Term

2. RECOMMENDATIONS ON BALANCING NATIONAL AND LOCAL INTERESTS

Action 2	That LGNZ and Transit develop a protocol for early warning by local authorities and early engagement by Transit: a) Pre policy statement/plan notification b) Pre major consent application lodgement c) Plan changes
Priority	Short Term.

¹ The term “local authorities” as defined in section 5 of the Local Government Act 2002. The terms “city/district councils” fall under the definition of the term “territorial authorities” in the same section of that act. This report purposely utilises the term “local authorities” to encompass both regional councils and city/district councils.

² More detail on the recommendations is contained in section 5 of this report.

Action 3	That LGNZ, Land Transport NZ and Transit develop a template for memorandums of understanding / agreements between Transit, local authorities, and developers on land use, infrastructure (including transport), and funding integration for: <ul style="list-style-type: none"> a) Terms of engagement between local authorities and Transit on land use and transport integration matters. b) Transit-developer agreements on state highway network funding for developments which have an effect on the state highway network. c) City/district council-developer agreements on land use, local infrastructure, and funding. d) City/district council-Transit agreements on city/district council backed “state highway” projects seeking regional or national funding.
Priority	Short Term

Action 4	That Transit amend its “Planning Policy Manual” to categorise state highways by function (national, regional, sub-regional) and the environment through which they pass through (urban, peri-urban, rural) for land use, infrastructure (including transport), and funding integration purposes
Priority	Short Term

Action 5	That LGNZ and Transit request Central Government to develop amendments to the RMA 1991 and LTMA 2003 to incorporate provisions on land use, infrastructure (including transport), and funding integration memorandums of understanding / agreements ³
Priority	Medium to Long Term

3. RECOMMENDATION FOR IMPROVING LOCAL AUTHORITY UNDERSTANDING OF THE NATIONAL LAND TRANSPORT POLICY AND FUNDING REGIME

Action 6	That Transit and Land Transport NZ, in conjunction with one another, systematically engage local authorities in identified “hot spot” areas, particularly outside metropolitan areas, on the Transit “Planning Policy Manual” Supplement and Land Transport NZ “Participating in Land Use and Transport Planning Processes” and follow up with site visits
Priority	Short Term

³ Section 106 of the Town and Country Planning Act 1990 (UK) and section 278 of the Highways Act 1980 (UK) are good examples. See Appendix 4.

4. RECOMMENDATION FOR IMPROVING UTILISATION OF REGIONAL COUNCIL INTEGRATION FUNCTIONS

Action 7	That LGNZ and Transit request the Ministry of Transport to conduct an audit of regional policy statements to assess the performance of regional councils in the exercise and discharge of their new section 30(1)(gb) RMA 1991 functions, and make recommendations for improvement as may be necessary
Priority	Medium Term

4. RECOMMENDATION FOR IMPROVING LOCAL AUTHORITY INTEGRATED PLANNING

Action 8	<p>That LGNZ engage:</p> <ul style="list-style-type: none"> a) Transit NZ, Land Transport NZ, and the Ministry of Transport; b) Resource Management Law Association of New Zealand and New Zealand Planning Institute; and c) Ministry of Economic Development and Ministry for the Environment <p>to consolidate/produce a best practice guidance notes on land use, infrastructure (including transport), and funding integration, covering the following matters:</p> <ul style="list-style-type: none"> i) Growth management / urban development strategies. ii) Structure planning. iii) The integration of infrastructure (including transport) and funding outputs under the LGA 2002 (LTCCP) and LTMA 2003 (RLTS) into growth management / urban development strategies and structure plans. iv) The migration of growth management / urban development strategies and structure plans under the RMA 1991 through policy statement/plan making processes. <p>In terms of engaging the Ministry for the Environment, improve existing guidance, particularly the draft land transport guidance note.</p> <p>Workshop the said best practice guidance notes with the sector by way of travelling roadshows and a call for submissions</p>
Priority	Medium Term

5. RECOMMENDATION FOR OVERCOMING THE RMA 1991 LAND USE AND TRANSPORT “SILO EFFECT”

Action 9	<p>Until a more comprehensive legislative change is possible, LGNZ and Transit request Central Government to develop a RMA 1991 National Policy Statement⁴ on land use, infrastructure (including transport), and funding integration utilising the outputs of the best practice guidance notes on land use, infrastructure (including transport), and funding (Action 8 of this report). This would require RMA 1991 policy statement/plan making and consent processes to take account, and give strong weight to:</p> <ul style="list-style-type: none"> a) Infrastructure (including transport) and funding outputs under the LGA 2002 (LTCCP) and LTMA 2003 (RLTS). b) Combined land use, infrastructure (including transport), and funding outputs of structure plans / growth strategies under the LGA 2002 and LTMA 2003 that have been adopted following a LGA 2002 special consultative procedure.
Priority	Medium to Long Term

⁴ Section 45 RMA. 1991.

2. INTRODUCTION

2.1 PROJECT DESCRIPTION AND PURPOSE

The Planning Alignment Project was initiated by LGNZ and Transit in late 2006.

The purpose of the project was to develop guidance to support a consistent approach to land use and transport issues by Transit and local authorities.

The project focused on five case study sites where problems had arisen as a result of local land use development and national transport objectives coming into conflict.

2.2 OUTCOMES SOUGHT

The outcomes sought from the project were as follows:

1. Enhance local authority and Transit understanding of the roles, responsibilities, and objectives each has in relation to land use and transport.
2. Identify challenges to achieving land use and transport integration.
3. Make recommendations on achieving land use and transport integration.

2.3 METHODOLOGY

A seven-step methodology was followed:

1. A LGNZ-Transit project team was formed and the project scoped.
2. A consultant was selected to support the project team, design and independently facilitate workshops in each case study area, and analyse outputs by report.
3. Five case study sites were selected.
4. Half-day workshop programmes were formulated (workshop programmes are attached as Appendix 3 to this report)
5. Workshops were held with representatives of local authorities and stakeholders in each case study area.
6. The outputs of each workshop were recorded.
7. A report was produced by the consultant, documenting the project and putting forward recommendations to LGNZ and Transit.

2.4 CASE STUDY SITES

An overview of the five case study sites that were selected follows below. The sites are reported in detail in section 2 of this report.

KAIKOURA

- Kaikoura District.

- District-wide growth pressures on SH1.
- Joint local authority-Transit transport plan (non-statutory) being developed.

MILTON

- Clutha District.
- Major proposed staged industrial development (800 ha: 4km x 2km) straddling SH1 supported by the local authority with limited structure planning.
- Transit indicated opposition due to impacts on SH1.
- The local authority, Transit, and developer developing a comprehensive structure plan.

KATIKATI

- Western Bay of Plenty District.
- Project planning for completing the long designated Katikati by-pass (SH2) now underway.

WARKWORTH – PERRINDALE

- Rodney District.
- Warkworth structure plan identifies large format retail land. Developer lodges private plan change to that purpose – adopted by Rodney District Council – but without transport modelling
- Transit submits in opposition to private plan change due to impacts on the state highway.
- Commissioners decline the private plan change. Developer appeals. Transit a s274 party.
- The local authority, Transit, and stakeholders working collaboratively to resolve issues.

TE HAPE

- Whangarei District.
- Environment Court decision on grant of consent for residential subdivision fronting SH14 rules traffic effects no more than minor but nonetheless contrary to District Plan – plan change more appropriate.
- The local authority, Transit, and stakeholders working on structure plan to resolve issues.

2.5 TIMEFRAME

The workshops were held on consecutive days in the week beginning Monday 12 February 2007.

2.6 PROJECT TEAM AND CONSULTANT

TRANSIT

Wayne McDonald: General Manager Transport Planning
 Nick Brown: Macro Policy Manager
 Lisa Rossiter: National Standards Manager

LGNZ

Geoff Swainson: Manager Development & Infrastructure

CONSULTANT

Ken Tremaine: Director, Ken Tremaine Consulting Ltd

3. FRAMEWORK FOR ANALYSIS OF THE WORKSHOPS

The outcomes sought from the project were as follows:

1. Enhance local authority and Transit understanding of the roles, responsibilities, and objectives each has in relation to land use and transport.
2. Identify challenges to achieving land use and transport integration.
3. Make recommendations on achieving land use and transport integration.

The analysis of the workshops primarily involves identifying challenges to achieving land use and transport integration (outcome 2 above).⁵

However, in order to understand the challenges to land use and transport integration it is first necessary to:

1. Examine the roles, responsibilities, and objectives of Transit and local authorities (outcome 1 above).
2. Understand what land use and transport integration means.

This provides a framework for analysis of the workshops and is the purpose of this section of the report.

3.1 TRANSIT'S ROLE, RESPONSIBILITIES, AND OBJECTIVES

ROLE AND RESPONSIBILITIES

Transit is the Crown Entity that was created by the Transit New Zealand Act 1989 (TNZA 1989). It is responsible for state highways – the strategic roads and motorways that constitute about 12% (10,894km) of New Zealand's roads but which account for half of the 36 billion vehicle kilometres travelled in the country each year. Transit operates on an annual budget of over \$1 billion and reports to an independent statutory board appointed by the Government, which directs both overall policy and funding allocation.

Transit's role as manager of the state highways can be summarised as follows:⁶

- Planning the state highway network in collaboration with other transport sector participants, local and regional authorities and communities.
- Securing funding to enable state highway planning and construction to take place.
- Designing new works and amendments to existing infrastructure in order to meet the changing transport needs of communities.
- Building the network.
- Maintaining the network to an acceptable standard.
- Operating the network to provide safe, accessible transport corridors for people and freight.

⁵ Analysis of the workshops is covered in section 5 of this report. Recommendations on achieving land use and transport integration are put forward in section 6 of this report.

⁶ Transit, Statement of Intent 2007/08-2008/09, p. 7. See also Section 78 LTMA 2003.

- Educating stakeholders, road users and other interested parties in how best to access the network and use it effectively and efficiently. This includes updates, in conjunction with sector partners, on the serviceability of the network and access status.
- Influencing adjoining land use to minimise effect on the state highway network.

Transit produces an annual State Highway Forecast,⁷ a 10-year financial forecast which includes Transit's land transport programme for the coming year.

However, it is important to note the role played by Land Transport NZ which is responsible for allocating Central Government funding for Transit's State Highway Forecasts.⁸

OBJECTIVES

Transit's vision is:⁹

A transport system that builds a better New Zealand.

Its objective under the LTMA 2003 is:¹⁰

To operate the state highway system in a way that contributes to an integrated, safe, responsive, and sustainable land transport system.

It is significant that this objective has "integration" and "sustainability" at its heart, as that gives Transit a wider legislative mandate than it has had in the past.

In meeting its objective, Transit must exhibit a sense of social and environmental responsibility, which includes:¹¹

- (a) *avoiding, to the extent reasonable in the circumstances, adverse effects on the environment; and*
- (b) *taking into account the views of affected communities; and*
- (c) *giving early and full consideration to land transport options and alternatives in a manner that contributes to paragraphs (a) and (b); and*
- (d) *providing early and full opportunities for the persons and organisations listed in section 15(1) to contribute to the development of its land transport programmes.*

In relation to its objective Transit has developed five strategic outcomes:¹²

⁷ Pursuant to Clause 8 of Schedule 1 of the LTMA 2003.

⁸ A detailed examination of the role, responsibilities, and objectives of Land Transport NZ is beyond the scope of this report.

⁹ Transit, Statement of Intent 2007/08-2008/09, p. 6.

¹⁰ Section 77(1) LTMA 2003.

¹¹ Section 77(2) LTMA 2003.

¹² Transit New Zealand, Statement of Intent 2007/08-2008/09, p. 9. The strategic outcomes are closely aligned to the principles and objectives of the New Zealand Transport Strategy (2002).

- Outcome 1 Ensure state highway corridors make the optimum contribution to an integrated multi-modal land transport system.*
- Outcome 2 Provide safe state highway corridors for all users and affected communities.*
- Outcome 3 State highways will enable improved and more reliable access and mobility for people and freight*
- Outcome 4 Improve the contribution of state highways to economic development.*
- Outcome 5 Improve the contribution of state highways to the environmental and social well-being of New Zealand, including energy efficiency and public health.*

Finally, in achieving the strategic outcomes in the land use and transport context, Transit seeks to integrate transport planning with wider planning for land use and economic growth.¹³

- *integrating growth, development and land use planning with multi-modal transport planning*
- *smart management of state highways, and the road network overall, to ensure state highways and local roads function as complementary components of the transport system and both play their part in the road hierarchy*
- *recognising that all state highways do not perform the same functions, and that they should not all be subject to the same management regime*
- *considering all transport and funding options including developer contributions*
- *measures to manage travel demand both actively (eg. via tolling and road pricing) and passively (eg by applying urban design principles).*

3.2 LOCAL AUTHORITY ROLE, RESPONSIBILITIES, AND OBJECTIVES

ROLE, RESPONSIBILITIES, AND OBJECTIVES: GENERAL

The enactment of the Local Government Act 2002 (LGA 2002) heralded a fundamental change to the role, responsibilities, and powers of local authorities. The LGA 2002 conferred a generalised power on local authorities to have full capacity to do anything for the purpose of performing their role. That role is generalised as

¹³ Transit New Zealand, Statement of Intent 2007/08-2008/09, p. 19.

performing statutory responsibilities and giving effect, in their locality, to the purpose of local government:¹⁴

- (a) *to enable democratic local decision-making and action by, and on behalf of, communities; and*
- (b) *to promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future.*

Local authorities are to make democratic decisions by and on behalf of those communities, and to make those decisions in a sustainable way. These values are reiterated throughout the provisions of the LGA 2002. The emphasis in everything that local authorities do is on sustainable outcomes.

Local authorities are tasked with identifying in their Long-Term Council Community Plans (LTCCP)¹⁵ the outcomes that their communities' value:¹⁶

- identifying through consultation which outcomes the local authority will assist in promoting and delivering;
- how;
- at what cost; and
- how the cost will be funded.

The emphasis has shifted away from local authorities as autonomous and discrete deliverers of services, towards responsive, collaborative facilitators of community outcomes. In essence, a LTCCP determines the objectives of a local authority.

A further significant feature of local authorities is that they are divided into two broad types, regional councils and city/district councils (territorial authorities), each having distinctly statutory functions.

The statutory functions of regional councils include:

- Management of regional land, coastal marine area, water, biodiversity, and strategic integration of infrastructure with land use.¹⁷
- Regional land transport.¹⁸
- Regional forests, reserves, recreation grounds, flood protection and control, water supply.¹⁹
- Regional navigational safety and marine pollution.²⁰
- Regional civil defence.²¹

The statutory functions of city/district councils include:

- Management of district/city land use, noise, and surface waters of rivers and lakes.²²
- District/city Building regulation.²³

¹⁴ Section 10 LGA 2002.

¹⁵ Section 93 LGA 2002.

¹⁶ Sections 5 and 91.

¹⁷ Section 30 RMA 1991.

¹⁸ Section 175 Land Transport Act 1998.

¹⁹ Section 149 LGA 2002.

²⁰ Section 200A and Parts 18-19 Maritime Transport Act 1994; sections LGA 2002 1974.

²¹ Section 12 Civil Defence Emergency Management Act 2002.

²² Section 31 RMA. 1991.

- Funding, provision, and maintenance of district/city infrastructure (network infrastructure, community infrastructure, and open space).²⁴
- District/city nuisances, and public health and safety.²⁵
- District/city recreation and culture.²⁶
- District/city civil defence.²⁷

ROLE, RESPONSIBILITY, AND OBJECTIVES: TRANSPORT AND LAND USE

Local authorities roles in relation to transport and land use fall according to the functions of regional council and city/district council.

- REGIONAL COUNCILS
 - > Regional land transport policy maker through preparation of Regional Land Transport Strategy, including a demand management strategy (Land Transport Act 1998 [LTA 1998] and LTMA 2003 functions).
 - > Regional Land Transport Programme coordinator, including the establishment of priorities and recommendation of projects for Central Government funding (LTA 1998 and LTMA 2003 functions).
 - > Passenger transport policy maker and service provider through the preparation of the Regional Passenger Transport Plan (Transport Services Licensing Act 1989 and LGA functions).
 - > Planner, consultant, programmer, and implementor of regional land transport activities (LTMA 2003 and LGA 2002 functions).
 - > Regional policy statement maker for:
 - Integrated management of natural and physical resources (which includes land and transport infrastructure).
 - Strategic integration of infrastructure with land use (RMA 1991 functions)
- CITY/DISTRICT COUNCIL
 - > Funder, builder, provider, and maintainer of local transport infrastructure (LGA 2002 functions).
 - > Planner, consultant, programmer, and implementor of district/city land transport activities (LTMA 2003 and LGA 2002 functions).
 - > Funding partner with Land Transport NZ for land transport activities in their areas (LTMA 2003 functions).
 - > District/city plan maker for, and regulator of, land use activities to manage adverse effects on local transport infrastructure (RMA 1991 functions).

²³ Section 12 Building Act 2004.

²⁴ Multiple LGA 2002 provisions, e.g. Clauses 2-3 Schedule 10.

²⁵ Sections 145-147 LGA. 2002.

²⁶ Multiple LGA 2002 provisions, e.g. Clause 2 Schedule 10.

²⁷ Section 12 Civil Defence Emergency Management Act 2002.

3.3 WHAT IS LAND USE AND TRANSPORT INTEGRATION?

For the purposes of this report land use and transport integration is viewed as a subset of “integrated planning”.

Integrated planning can be defined as:

a state of affairs in a defined geographic area where:

- *land/building development (land use);*
- *infrastructure (including transport); and*
- *funding*

harmonise over time.

The harmonisation of these factors over time requires the authorities which have jurisdiction and power over the factors working in a systematic, and ideally, collaborative manner. This is shown in following table.

<i>Factor</i>	<i>Authority</i>
Land/building development (land use)	City/district councils (regional councils with regional strategic overview role)
Transport infrastructure (state highways)	Transit
Transport infrastructure (local roading)	City/district councils
Funding	Land Transport NZ (state highways and a contribution to local roading) City/district councils (local roading)

To achieve land use and transport integration therefore requires city/district councils, regional councils, Transit, and Land Transport NZ working in a systematic, and ideally, collaborative manner.

3.4 EXISTING STATUTORY AND NON-STATUTORY TOOLS AND TECHNIQUES

Existing tools and techniques for mediating local authority-Transit interactions on land use and transport integration issues follow below.

LOCAL AUTHORITY CENTRED

Statutory

- Multi-Statute (LGA 2002, RMA 1991, LTMA 2003)
 - Regional/Sub-Regional Growth Management or Urban Development Strategies (Macro Spatial Planning)
 - > Settlement patterns
 - Activity nodes
 - Intensification nodes
 - Urban limits
 - > Land use and transport “growth” corridors (non-designation)

- > Urban development sequencing – land use, infrastructure (including transport), and funding integration

Structure Plans (Spatial Planning)

- > Settlement patterns
 - Activity nodes
 - Intensification nodes
 - Urban limits
- > Land use and transport interconnections
- > Urban development sequencing – land use, infrastructure (network, community, and open space), and funding integration

- LGA 2002

Long-Term Council Community Plans (land use and transport related aspects)

- > Growth projections
- > Community Outcomes
- > Funding and Financial Policy (including Development Contributions Policy)
- > Activity and asset management
 - Demand/consumption of services
 - Levels of service
 - Additional capacity
 - Maintenance, renewal, and replacement
 - Costs and funding

- LTMA 2003 and LTA 1998

Regional Land Transport Strategies

- > Contribute / take into account the aim and outcomes of the New Zealand Transport Strategy / LTMA 2003
- > Establishing roles for each transport mode
- > Regional land transport outcomes and strategic options
- > Avoid adverse environmental effects
- > Co-operation with other regions
- > Demand Management Strategy
- > Regional Passenger Transport Plan
- > Funding

Land Transport Programmes²⁸

- > Transport projects and activities for which funding is sought from Land Transport NZ and any activities recommended for inclusion in the National Land Transport Programme
- > Costs for transport projects
- > Consider demand management
- > Take account of Regional Land Transport Strategy

- RMA 1991

Regional Policy Statements

Objectives, policies, and implementation methods

²⁸ Note that land transport programmes are usually incorporated and completed as part of an LTCCP.

- > Regional/sub-regional settlement patterns
 - Activity nodes
 - Intensification nodes
 - Urban limits
- > Urban development sequencing – land use and infrastructure integration

District Plans

Objectives, policies, and implementation methods (including rules)

- > Zoning
 - Activity nodes
 - Intensification nodes
 - Urban limits
 - Deferred zoning
- > Designations
- > Urban development sequencing – land use and infrastructure integration
- > Financial contributions

TRANSIT CENTRED

Statutory

- LTMA 2003
10-Year State Highway Forecast
 - > Planned state highway maintenance and capital improvements. The Forecast sets out in detail Transit's programme of work for the current year and indicative for the following nine years.
- TNZA 1989
 - > Powers and functions in relation to State Highways and motorways
 - > Power to make any State Highway or part of a State Highway a Limited Access Road
 - > Full control over State Highway policy (s66)

Non-Statutory

- Planning Policy Manual
Indicates Transit's approach to integrating land use and transport planning.
 - > Development and amendment of the document
 - > Systematic application of the document
- Travel Demand Management Policy
 - > Transit's policy on managing travel demand through integrating land use and transport; contributing to local, regional and national policy development and implementation, influencing regional and district planning and development processes.

LOCAL AUTHORITY AND TRANSIT CENTRED

Non-Statutory

- Protocols for early warning by local authorities and early engagement by Transit:

- > Pre plan notification
- > Pre major consent application lodgement
- Memorandums of Understanding / Agreements
 - > Terms of engagement between local authorities and Transit on land use and transport integration matters.
 - > Transit-Developer agreements on state highway network funding for developments sited proximate to the state highway network.
 - > City/district council-Developer agreements on land use, local infrastructure, and funding.
 - > City/district council-Transit agreements on city/district council backed “state highway” projects seeking regional or national funding.

4. WORKSHOP OUTPUTS

4.1 KAIKOURA

SUMMARY

- Kaikoura District.
- District-wide growth pressures on SH1.
- Joint local authority-Transit transport strategy (non-statutory) being developed. Hopefully for completion by end of June 2007.

RELEVANT ISSUES

Topography

- Kaikoura ranges bound coastal plains.

Transport

- SH1 main local and through road.
- Through traffic consists of freight and tourists.

Growth

- Significant growth in tourism: visitors and tourism-related business. For example, 100, 000 visitors annually to Whale Watch.
- Sound growth projections in LTCCP and sound staged local infrastructure investment programme.
- Major scale (350 lots, with more anticipated) urban subdivision on southern edges of town – the “Ocean Heights” development.
- Potential business park at southern end of town.
- Large footprint retailing migrating out of existing town centre up the state highway towards Picton.
- Significant rural-residential development to north of town towards Picton.

Development

- Coastal and highway ribbon development. Lack of depth so lack of an alternative local roading network. Strong reliance on SH1 as local road.
- Land use regulated through a fairly standard (Proposed) District Plan zoning.
- No growth management / urban development strategy or structure planning to anticipate future development.
- One-off major consent applications and the cumulative effect of rural/coastal residential applications, lodged based on land holdings, without context to SH1 and local infrastructure (network and community infrastructure).

Observations

- Understanding the local context is key.
- Possible need for a by-pass. However, making alternations to the existing roading network may obviate the need for a by-pass.

- Is it possible for Transit to recognise the function of the SH1 as the main local road? This is the big challenge for Transit.
- Kaikoura District Council interested in developing ways to reduce pressure on SH1.
- The LTCCP, staged local infrastructure investment programme, and joint local authority-Transit transport strategy being developed, should integrate with the District Plan in order to enable to active sequencing of long-term land use with infrastructure (including transport) and funding. This is the big challenge for Kaikoura District Council.
- If this does not work, growth management strategy / urban development strategy / structure planning as a means of tying these matters together and acting as a section 32 to (Proposed) District Plan variation may be necessary.
- Also, given the enabling nature of the RMA 1991, without growth management strategy / urban development strategy / structure planning the perennial problem of one-off major consent applications and the cumulative effect of rural/coastal residential applications, lodged based on land holdings, without context to SH1, and local infrastructure will continue to occur without an overarching spatial planning framework.

4.2 MILTON

SUMMARY

- Clutha District.
- Major proposed staged industrial development (800 ha: 4km x 2km) straddling SH1 supported by the local authority with limited structure planning.
- Transit indicated opposition due to impacts on SH1.
- The local authority, Transit, and developer developing a comprehensive structure plan.

RELEVANT ISSUES

Development

- Land use regulated through a fairly standard District Plan zoning.
- No growth management / urban development strategy and limited structure planning to anticipate future development.
- Problem of one-off major consent applications lodged based on land holdings, without context to SH1 and local infrastructure (network and community infrastructure).
- Need for depth of major proposed staged industrial development off SH1 and parallel local roads.
- Integrating land use with infrastructure and funding necessary, hence the structure plan.

Funding

- Staging and cost sharing critical factors.

Observations

- Need for Clutha District Council to assist with the development of an integrated land use / transport plan including future funding apportionment.

4.3 KATIKATI

SUMMARY

- Western Bay of Plenty District.
- Project planning for completing the long designated Katikati by-pass (SH2) now underway.

RELEVANT ISSUES

Growth

- Slippage of the by-pass project in the face of sustained strong growth “holding back” development of the town.

By-Pass Effects

- Significant effects of the by-pass project on town amenity.

Development

- New industrial development area identified in 2002 being taken forward through a structure plan has caused a need to review the original route of the by-pass. The issue remains unresolved but structure plan notified. Hearings at end of April 2006.

Funding

- The by-pass is not recognised as a priority project at either the national (N-Fund) or regional (R-Fund) levels.
- Transit’s decision for SH29/1 to be the preferred regional route over SH2 has further relegated the project.
- Transit’s sub-regional Northern Corridor study (MWH 2006) may assist in lifting the project up. SmartGrowth Bay of Plenty has indicated an interest in the land use aspects of the study (similar to its involvement in the sub-regional Eastern Corridor study).

Observations

- The big challenge is to understand the workings of the land transport funding (N and R Funds), look beyond the local context to the sub-regional context (i.e. engage Transit and SmartGrowth Bay of Plenty in the sub-regional Northern Corridor study), and self-plan and self-fund groundwork to broker agreement with Transit and lift up project priority.

4.4 WARKWORTH – PERRINDALE

SUMMARY

- Rodney District.
- Warkworth structure plan identifies large format retail land. Developer lodges private plan change to that purpose – adopted by Rodney District Council – but devoid of transport modelling

- Transit submits in opposition to private plan change due to impacts on the state highway.
- Commissioners decline the private plan change. Developer appeals. Transit a s274 party.
- The local authority, Transit, and stakeholders working collaboratively to resolve issues.

RELEVANT ISSUES

Development Memorandum of Understanding / Agreement

- Rodney District Council has engaged specialists to do the necessary transport modelling.
- Memorandum of understanding between Rodney District Council and Transit on scope and staging of works and funding. Separate agreement also between the local authority and developer.
- Environment court appeals thus settled.

Transport Network Integration and Cost Sharing

- Cost sharing associated with the integration of the development to the transport network is proving difficult to apportion.
- Staging of land/building development, transport works, and funding proving difficult.
- Compounded by perennial problem of one-off major consent applications and the cumulative effect of rural/coastal residential applications, lodged based on land holdings, without context to SH1, local infrastructure and will continue to occur without an overarching spatial planning framework.
- How can the plan change / structure plan be utilised to assist with this? If the plan change / structure plan is too RMA 1991 focussed then it will be un-integrated with infrastructure (including transport) and funding outputs of the LGA 2002 (LTCCP) and LTMA 2003 (RLTS).
- However, RLTS and Auckland Regional Transport Authority very metropolitan and public transport focussed – out of touch with state highways in non-metropolitan areas of Auckland.

SH1 Effects

- Concern over community severance effect of existing SH1 route. Possible need for a by-pass.

Observations

- RMA 1991 has a silo effect which blocks land use and transport integration. This is because RMA 1991 policy statement/plan making and consent processes give little or no weight to:
 - > Infrastructure (including transport) and funding outputs under the LGA 2002 (LTCCP) and LTMA 2003 (RLTS).
 - > Combined land use, infrastructure (including transport), and funding outputs of structure plans / growth strategies under the LGA 2002 and LTMA 2003, until brought under the RMA 1991 through policy statement/plan making processes (section 32 RMA 1991).
- Also the problem of RMA 1991 process time delay. The length of time between when a structure plan is complete and formal statutory

implementation through the RMA 1991. In the meantime, where a market is active for example, developers anticipating the completion of the Northern Motorway to Puhoi – a number of large footprint retail developments emerge which have a potential to undermine the fundamental fabric of the structure plan and compromise the through traffic capacity of the state highway.

- Given the open nature of RMA 1991 processes, the lack of ability to anchor forward land use plans with any certainty. This is a significant challenge for both infrastructure certainty and funding equity.

4.5 TE HAPE

SUMMARY

- Whangarei District.
- Environment Court decision on grant of consent for residential subdivision fronting SH14 rules traffic effects no more than minor but nonetheless contrary to District Plan – plan change more appropriate.
- The local authority, Transit, and stakeholders working on structure plan to resolve issues.

RELEVANT ISSUES

Growth

- Whangarei District Urban Growth Strategy (2003) in place, along with a growth model, and structure plans underway for 12 identified growth areas (lwi consultation on 5 growth areas currently in train).
- A need to update the growth strategy in a comprehensive manner following the impact on the town of the rate of coastal development in recent years.

Development

- However, the perennial problem of one-off major consent applications (e.g. Te Hape case) and the cumulative effect of rural/coastal residential applications, lodged based on land holdings in ‘non-growth’ areas, without context to SH1, local infrastructure, continue to occur.

Region vs. District

- Tensions over responsiveness of regional council to district needs. Perception that the regional council is being left behind in transport funding/action in comparison to other areas of the country. How well is the Regional Land Transport Committee advocating for the region?

Transit

- Transit’s approach to state highway issues in the district needs to be sensitive to the local context (e.g. Te Hape case) – the district needs assistance with implementing its urban growth strategy structure plans to integrate land use and transport.

Observations

- Need for regular liaison meetings between Transit, Whangarei District Council, Northland Regional Council, and Land Transport NZ to occur.

4.6 SUMMARY OF OBSERVATIONS

LOCAL AUTHORITIES

- Need to understand:
 - > How the land transport policy and funding regime works.
 - > How to engage with it more effectively.
 - > How putting in self-plan and self-fund groundwork (e.g. growth management strategy / urban development strategy / structure planning) can enable:
 - The brokering of agreements with developers.
 - The brokering of agreements Transit.
 - Lift up the priority of needful transport projects.
- Need to look beyond local (site) context, to the district/city, subregional/regional, and national context from a spatial and funding perspective. The absence of regional councils in providing subregional/regional spatial and funding contexts is a problem.
- Need to find a way to transmute LTCCP community and infrastructure/funding outcomes into land use controls in district/city plans. Structure planning / growth strategies currently seem the best means of doing this. However, the fundamental problem of the RMA 1991 silo effect blocks land use and transport integration. The RMA 1991 does not give weight to non-RMA 1991 processes or documents unless brought within RMA 1991 the process / document umbrella.

TRANSIT

- Needs to balance its national land transport focus with a sensitivity to the local land use, infrastructure (including transport), and funding context.
- Needs to assist local authorities to understand:
 - > How the land transport policy and funding regime works.
 - > How to engage with it more effectively.
 - > How putting in self-plan and self-fund groundwork (e.g. growth management strategy / urban development strategy / structure planning) can enable:
 - The brokering of agreements with developers.
 - The brokering of agreements Transit.
 - Lift up the priority of needful transport projects.

5. CHALLENGES TO, AND RECOMMENDATIONS FOR, ACHIEVING LAND USE AND TRANSPORT INTEGRATION

This section of the report identifies challenges to, and recommendations for, achieving land use and transport integration.

The recommendations are set out as actions and accorded a priority as follows:

- **Short Term:** 1 year
Commenced and completed in the 2007/2008 year.
- **Medium Term:** 2 years
Commenced no later than the end of the 2007/2008 year and completed no later than the end of the 2008-2009 year.
- **Long Term:** 3-5 years
Commenced no later than the end of the 2007/2008 year and completed between the 2009/2010 and 2011/2012 years.

5.1 OVERALL RECOMMENDATION FOR ACHIEVING LAND USE AND TRANSPORT INTEGRATION

The overall recommendation is that this report be presented by LGNZ to the Local Government-Central Government Forum.

This will produce a number of benefits, including:

- Providing an opportunity for dialogue between central and local government on the fundamental relationships between land use, infrastructure (including transport), and funding to achieve national sustainable (and economic) development goals.
- Giving local government a better understanding of central government processes, policy, and funding of land transport.
- It also offers a chance for local and central government to discuss and agree a framework for implementing many of this report's recommendations/actions. These require an agreed position and outcome so that implementation is carried out in an efficient and timely manner, and is not compromised by uninformed and unnecessary debate.

Action 1	That LGNZ present this project report to the Local Government-Central Government Forum
Priority	Short Term.

5.2 BALANCING NATIONAL, REGIONAL AND LOCAL INTERESTS

Transit has a national transport focus. Local authorities have a local community focus. The national and local interests of come into conflict in three ways:

- Local authority policy statement/plan making that has the potential to affect the state highway network (RMA 1991).
- The lodgement of major consent applications by developers based on land holdings without context to the state highway network (RMA 1991).
- City/district council backed “state highway” projects seeking regional or national funding (LGA 2002 and LTMA 2003).

It would seem sensible to avoid or mediate these issues before such conflicts emerge. There are a number of existing non-statutory tools, ranging from engagement protocols through to development agreements, that can be utilised in the short term.

In the medium to long term, the recognition of development agreements under the RMA 1991 and LTMA 2003, as is commonplace in the planning statutes of other Commonwealth jurisdictions, would seem sensible.

5.2.1 RECOMMENDATIONS ON BALANCING NATIONAL AND LOCAL INTERESTS

Action 2	That LGNZ and Transit develop a protocol for early warning by local authorities and early engagement by Transit: <ul style="list-style-type: none"> a) Pre policy statement/plan notification b) Pre major consent application lodgement c) Plan changes
Priority	Short Term.

Action 3	That LGNZ, Land Transport NZ and Transit develop a template for memorandums of understanding / agreements between Transit, local authorities, and developers on land use, infrastructure (including transport), and funding integration for: <ul style="list-style-type: none"> a) Terms of engagement between local authorities (city/district councils and regional councils) and Transit on land use and transport integration matters. b) Transit-developer agreements on state highway network funding for developments which have an effect on the state highway network. c) City/district council-developer agreements on land use, local infrastructure, and funding. d) City/district council-Transit agreements on city/district council backed “state highway” projects seeking regional or national funding.
Priority	Short Term

Action 4	That Transit amend its “Planning Policy Manual” to categorise state highways by function (national, regional, sub-regional) and the environment through which they pass through (urban, peri-urban, rural) for land use, infrastructure (including transport), and funding integration purposes
Priority	Short Term

Action 5	That LGNZ and Transit request Central Government to develop amendments to the RMA 1991 and LTMA 2003 to incorporate provisions on land use, infrastructure (including transport), and funding integration memorandums of understanding / agreements ²⁹
Priority	Medium to Long Term

5.3 IMPROVING LOCAL AUTHORITY UNDERSTANDING OF THE NATIONAL LAND TRANSPORT POLICY AND FUNDING REGIME

Many local authorities, particularly outside metropolitan centres, appear to have limited understanding of the national land transport policy and funding regime. There is merit in Transit and Land Transport NZ, in conjunction with one another, systematically engage district councils in identified “hot spot” areas, particularly outside metropolitan areas, on the Transit “Planning Policy Manual” Supplement and Land Transport NZ “Participating in Land Use and Transport Planning Processes” and follow up with site visits.

5.3.1 RECOMMENDATION ON IMPROVING LOCAL AUTHORITY UNDERSTANDING OF THE NATIONAL LAND TRANSPORT POLICY AND FUNDING REGIME

Action 6	That Transit and Land Transport NZ, in conjunction with one another, systematically engage district councils in identified “hot spot” areas, particularly outside metropolitan areas, on the Transit “Planning Policy Manual” Supplement and Land Transport NZ “Participating in Land Use and Transport Planning Processes” and follow up with site visits
Priority	Short Term

5.4 IMPROVING UTILISATION OF REGIONAL COUNCIL INTEGRATION FUNCTIONS

City/district councils have a predominant district/city focus.

The regional land transport functions (LTMA 2003) and strategic integration of infrastructure with land use function (RMA 1991) of regional councils are under-utilised.

²⁹ Section 106 of the Town and Country Planning Act 1990 (UK) and section 278 of the Highways Act 1980 (UK) are good examples. See Appendix 2.

The exercise of these functions assist in engaging city/district councils and providing subregional/regional land use, infrastructure (including transport), and funding contexts for district/city planning.

There is merit in an audit of regional policy statements being conducted to assess the performance of regional councils in the exercise and discharge of their new section 30(1)(gb) RMA 1991 functions

5.4.1 RECOMMENDATION ON IMPROVING UTILISATION OF REGIONAL COUNCIL INTEGRATION FUNCTIONS

Action 7	That LGNZ and Transit request the Ministry of Transport to conduct an audit of regional policy statements to assess the performance of regional councils in the exercise and discharge of their new section 30(1)(gb) RMA 1991 functions, and make recommendations for improvement as may be necessary
Priority	Medium Term

5.5 IMPROVING LOCAL AUTHORITY INTEGRATED PLANNING

For the purposes of this report “integrated planning” is defined as:³⁰

a state of affairs in a defined geographic area where:

- *land/building development (land use);*
- *infrastructure (including transport); and*
- *funding*

harmonise over time.

Many local authorities, both city/district councils and regional councils, exhibit a current lack of integrated planning. This seen as partly as a result of:

- The un-coordination of the various divisions/arms of local authorities.
- The RMA 1991 land use and transport “silo effect” (see section 5.6 below).
- The un-integration of the various authorities with power/jurisdiction over land use, infrastructure (including transport), and funding.

Integrated planning therefore requires:

- The coordination of the various divisions/arms of local authorities.
- Overcoming the RMA 1991 land use and transport “silo effect”.³¹
- The integration/collaboration of the various authorities with power/jurisdiction over land use, infrastructure (including transport), and funding.

³⁰ For further discussion of “integrated planning” see section 3.3 above.

³¹ As far is practicable without a land use, infrastructure (including transport), and funding integration National Policy Statement or amendments to the RMA. 1991.

The coordination /collaboration of the transport authorities is sought through the recommendations put forward in sections 5.1-2 above. This section therefore focuses on local authorities.

It seems prudent for local authorities to work on improving integrated planning performance in the following areas:

- Growth management / urban development strategies (macro spatial planning)
- Structure planning (meso spatial planning)
- The integration of transport and funding outputs under the LGA 2002 (LTCCP) and LTMA 2003 (RLTS) into growth management / urban development strategies and structure plans.
- The migration of growth management / urban development strategies and structure plans into policy statement/plan making processes under the RMA 1991.

The last two bullet points in particular deserve special attention.

There is the residual problem of local authorities, particularly those outside of metropolitan centres, experiencing significant growth getting started on growth management / urban development strategies and structure planning:

- in geographic areas where there is limited growth / urban development data available; or
- where the local authorities have limited skill / resources.

Much of this problem should be addressed through the measures described above and recommended below in this section, particularly the integration of transport and funding outputs under the LGA 2002 (LTCCP) and LTMA 2003 (RLTS) into growth management / urban development strategies and structure plans.

A starting point is making use of any growth allocate on models already contained in LTCCPs which underpin development contribution policies. There is benefit in transforming the financial data assumptions into structure planning. This approach has the advantage of using common sets of data.

5.5.1 RECOMMENDATION IMPROVING LOCAL AUTHORITY INTEGRATED PLANNING

Action 8	<p>That LGNZ engage:</p> <ul style="list-style-type: none"> a) Transit NZ and Land Transport NZ; b) Resource Management Law Association of New Zealand and New Zealand Planning Institute; and c) Ministry of Economic Development and Ministry for the Environment <p>to consolidate/produce a best practice guidance notes on land use, infrastructure (including transport), and funding integration, covering the following matters:</p> <ul style="list-style-type: none"> i) Growth management / urban development strategies.
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	ii) Structure planning. iii) The integration of infrastructure (including transport) and funding outputs under the LGA 2002 (LTCCP) and LTMA 2003 (RLTS) into growth management / urban development strategies and structure plans. iv) The migration of growth management / urban development strategies and structure plans under the RMA 1991 through policy statement/plan making processes. In terms of engaging the Ministry for the Environment, improve existing guidance, particularly the draft land transport guidance note. Workshop the said best practice guidance notes with the sector by way of travelling roadshows and a call for submissions
Priority	Medium Term

5.6 OVERCOMING THE RMA 1991 LAND USE AND TRANSPORT “SILO EFFECT”

The LGA 2002,³² LTMA 2003,³³ and RMA 1991³⁴ share an underlying statutory purpose of sustainability.

However, the RMA 1991 has a silo effect which blocks land use and transport integration. This is because RMA 1991 policy statement/plan making and consent processes give little or no weight to:

- Transport and funding outputs under the LGA 2002 (LTCCP) and LTMA 2003 (RLTS).
- Combined land use, infrastructure (including transport), and funding outputs of structure plans / growth strategies under the LGA 2002 and LTMA 2003, until brought under the RMA 1991 through policy statement/plan making processes (section 32 RMA 1991).

Policy statement/plan making and consent processes for land use are therefore typically un-integrated with transport and funding.

Cabinet Policy Committee identified this as an issue in its Minute prior to the passing of the Resource Management Amendment Act 2005, the most fundamental reform to the RMA 1991 since its enactment.³⁵

Part D – Improving local policy and plan making

[...]

135. *In the longer term it will be desirable to undertake further work on improving the operation of local policy and plan*

³² Section 3(d) LGA 2002, “sustainable development”.

³³ Section 3, LTMA 2003, “sustainable land transport system”.

³⁴ Section 5(1) RMA 1991, “sustainable management”.

³⁵ CAB Min (04) 30/10, pages 26-27 and 47.

formulation. It is appropriate to signal government's intention to work on the following areas following the completion of this review of the Act:

- how explicit recognition of other government statements and strategies can be better undertaken
- improved linkages to long term council community plans under the Local Government Act 2002, and to regional land transport strategies under the Land Transport Act 1998.

[...]

Part H – Other matters and recommendations

[...]

Improve local policy and plan making

[...]

54. **Direct** the Ministry for the Environment, in consultation with other agencies as appropriate, to report back to POL by early December 2005 on how the RMA 1991 could be improved to provide:

- 54.1. Greater recognition of other government statements and strategies in resource management decision making; and
- 54.2. Linkages to long term council community plans under the Local Government Act 2002 and regional land transport strategies under the Land Transport Act 1998;

Aside from perhaps the enactment of the Local Government (Auckland) Amendment Act 2004, there has been no action on the issue since the Cabinet Minute.

Legislative change in the area is unlikely to bear results in the short to medium term. Utilisation of existing RMA 1991 tools is more pragmatic. Of the available RMA 1991 tools, a National Policy Statement on land use, infrastructure (including transport), and funding integration is most appropriate and seems most achievable in the short to medium term.

Under a National Policy Statement local authorities would have to make policy statement/plan changes for alignment,³⁶ and take the document into account, and give it strong weight, in the consent process.³⁷ The Environment Court would likewise have to take the National Policy Statement into account, and give it strong weight, in decisions on policy statement/plan and consent appeals.

This would build upon the groundwork undertaken pursuant to the best practice guidance notes on land use, infrastructure (including transport), and funding (Action 7 of section 5.5 above).

³⁶ Section 55(2) RMA. 1991.

³⁷ Section 104(1)(b) RMA. 1991.

5.6.1 RECOMMENDATION FOR OVERCOMING THE RMA 1991 LAND USE AND TRANSPORT “SILO EFFECT”

Action 9	<p>Until a more comprehensive legislative change is possible, LGNZ and Transit request Central Government to develop a RMA 1991 National Policy Statement³⁸ on land use, infrastructure (including transport), and funding integration utilising the outputs of the best practice guidance notes on land use, infrastructure (including transport), and funding (Action 8 of section 5.5 above). This would require RMA 1991 policy statement/plan making and consent processes to take account, and give strong weight to:</p> <ul style="list-style-type: none"> a) Infrastructure (including transport) and funding outputs under the LGA 2002 (LTCCP) and LTMA 2003 (RLTS). b) Combined land use, infrastructure (including transport), and funding outputs of structure plans / growth strategies under the LGA 2002 and LTMA 2003 that have been adopted following a LGA 2002 special consultative procedure.
Priority	Medium to Long Term

³⁸ Section 45 RMA. 1991.

6. APPENDICES

6.1 APPENDIX 1: PROJECT BRIEF

PLANNING ALIGNMENT PROJECT PROJECT BRIEF

<p>Background</p>	<p>The Planning Alignment Project has been initiated by Local Government New Zealand (LGNZ) and Transit New Zealand (Transit) to identify and address land use planning and development issues that may cause a lack of alignment between national state highway and local development objectives, and their integration in terms of the requirements of the Land Transport Management Act.</p> <p>A project team has been established with the primary purpose of reviewing issues that have arisen when local and/or regional land use planning has highlighted differences between local authorities and Transit. Having identified issues, based upon case studies, the project team will develop and recommend options to mitigate those issues that are systemic, and develop processes to address others.</p> <p>The aim is to reduce the potential for future conflict between the planning objectives of local and regional authorities, and those of Transit.</p>
<p>Terms of reference</p>	<p>The terms of reference for the project are attached as Appendix 2 to this brief.</p>
<p>Methodology</p>	<p>The project will draw its conclusions based on five case studies. Each case study will be analysed through a half-day, independently facilitated workshop involving representatives from the key agencies, and held at a location near to the case study.</p> <p>The learning from the workshops will enable delivery of the project outcomes set out in the terms of reference, including:</p> <ol style="list-style-type: none"> 1. Enhancing the understanding of local authorities and Transit New Zealand of the roles, responsibilities and objectives that each has in relation to land use, land use planning and the provision of road and transport services. 2. Identifying issues of systemic nature and recommend options to mitigate potential adverse effects for future cases. 3. Identifying issues of a non-systemic nature and recommend processes to mitigate potential escalation into statutory process and/or litigation. <p>These outcomes and accompanying recommendations will be presented in a final report to the Transit New Zealand and Local Government New Zealand's respective boards.</p>
<p>Workshop</p>	<p>Details of the proposed workshops and locations are included in</p>

<p>details</p>	<p>Appendix 3. A fifth workshop may be held if a suitable case study is identified by LGNZ.</p> <p>Each workshop should not exceed half a day (approximately 4.5 hours) in duration.</p> <p>It is anticipated that attendance will be by invitation and will include relevant:</p> <ul style="list-style-type: none"> - elected members and staff from city/district councils - elected members and staff from regional councils (where appropriate) - Transit staff from national and regional offices - representatives from LGNZ <p>The number of attendees shall not exceed 20 people at each workshop in order to ensure high levels of dialogue and discussion between all parties. The workshops will not be open to the public or media.</p> <p>Workshop dates, venues and attendees will be confirmed by LGNZ and Transit by 24 November 2006. Booking of venues and all associated arrangements, including catering, will be made by LGNZ/Transit.</p>
<p>Role of the consultant</p>	<p>The role of the consultant will be to undertake the following:</p> <ol style="list-style-type: none"> 1. Design and impartially facilitate the workshops, and in particular to identify: <ul style="list-style-type: none"> - common and different perspectives and/or objectives held by Transit and the local authority in relation to the case study. - positive and negative outcomes of the case study to date. - strategies and measures that could be applied to address the issues that have led to Transit and the local authority taking different positions. 2. Analyse the combined outcomes from all workshops and identify, in a report: <ul style="list-style-type: none"> - land use and transport planning issues of a systemic, general nature where Transit and local government may not be aligned - procedural, policy or practical changes that Transit and local government might adopt to avoid or manage conflict and promote greater alignment in the future. - any specific unresolved issues associated with each case study, and recommendations to mitigate potential escalation into statutory process and/or litigation.
<p>Key Deliverables</p>	<ol style="list-style-type: none"> 1. Full details of workshop design to be provided by Friday 24 November 2006. 2. All five workshops to be completed by Friday 16 February 2007. 3. Initial draft report containing analysis of workshop outcomes to be submitted to Transit and LGNZ in electronic format by Wednesday 2 March 2006. 4. Draft report to be discussed with LGNZ and Transit at an agreed time prior to finalisation of the report.

	5. Final report to be completed and submitted to LGNZ and Transit in electronic and hard copy format by Friday 16 March 2007.
Confidentiality	All matters and materials relating to the commission, the workshops and their outcomes are to remain confidential until Transit and LGNZ advise otherwise.
Background documentation	All necessary background documentation, reports and information will be provided to the consultant by Transit, LGNZ, or the local authorities involved in each case study in a timely fashion, upon request from the consultant.
Terms and rates	<p>The consultant is asked to provide a written quotation containing details of:</p> <ul style="list-style-type: none"> • the number of days required to undertake the commission • the persons involved, including relevant experience • the hourly or daily rate charged • total sum for the commission (excl. GST) • an estimate of any ancillary expenses likely to be incurred (travel, accommodation, materials etc)

6.2 APPENDIX 2: TERMS OF REFERENCE

PLANNING ALIGNMENT PROJECT TERMS OF REFERENCE

Purpose:

The purpose of the project is to identify and address land development consent and planning issues which bring into conflict national state highway and local development objectives.

The Planning Alignment Project Team will have the primary purpose of advising *Local Government New Zealand* and Transit New Zealand on the issues which have arisen when land development consents and land use planning have brought Transit New Zealand and local authorities into conflict. Having identified issues, based upon case studies, the Project Team will develop and recommend options to mitigate those which are systemic and develop processes to address others.

The specific outcomes of the project will be:

1. Enhance the understanding of local authorities and Transit New Zealand of the roles, responsibilities and objectives that each has in relation to land use, land use planning and the provision of road and transport services.
2. Identify issues of systemic nature and recommend options to mitigate potential adverse effects.
3. Identify issues of a non systemic nature and recommend processes to mitigate potential escalation into statutory process and/or litigation.

Project Description:

The project is to be based upon a minimum of five case studies (yet to be identified) where problems have arisen as the result of conflicting objectives between Transit New Zealand and local authorities.

The initial draft report shall be completed and made available to *Local Government New Zealand* and Transit New Zealand before 22 December 2006.

Project Team:

Sponsors

The project sponsors will be Eugene Bowen (*Local Government New Zealand*) and Rick van Barneveld (Transit New Zealand).

Team

The project team will consist of:

- Wayne McDonald – General Manager Transport Planning Transit New Zealand
- Geoff Swainson – Manager Development & Infrastructure LGNZ

They will call upon such others from within Transit new Zealand, *Local Government New Zealand*, and local authorities as needed from time to time in order to expedite the project.

Guiding Principles for the Project Team

The Planning Alignment Project Team has been set up jointly by *Local Government New Zealand* and Transit New Zealand as a means of providing leadership and developing consensus on solutions to issues of concern which arise when land development consents and land use planning conflicts with core business objectives.

The Planning Alignment Project Team derives its mandate and reports through its sponsors to each agency.

Resourcing will be provided through each party with internal costs lying where they fall. The sharing of costs for the engagement of any external advice or support will be agreed between the parties prior to expenditure being incurred.

Meetings

The Project Team shall initially meet to scope out the project and then as required thereafter.

6.3 APPENDIX 3: PROPOSED CASE STUDIES/WORKSHOPS

PLANNING ALIGNMENT PROJECT PROPOSED CASE STUDIES/WORKSHOPS

Workshop Venue *	Attendees *	Case Study - Overview
Western Bay of Plenty District Council Offices	Representatives from: <ul style="list-style-type: none"> - WBOPDC - Environment Bay of Plenty - Transit NZ - LGNZ 	<p>Katikati Bypass</p> <p>State Highway 2 currently passes through Katikati's main street. Land has been designated in the WBOP District Plan for a 2km bypass, to take the state highway west of the town centre. This designation is due to expire next year (2007).</p> <p>Key issues include:</p> <ul style="list-style-type: none"> - Extent to which bypass should integrate with local roading network and support local economic and social wellbeing. There is community perception that current designation would adversely impact economic development and social wellbeing by limited linkages to the existing town centre. A structure plan currently under development could also see a new industrial area locate at the southern end of town, near the existing designation. Queries have been raised over the extent to which the bypass should link to this new industrial area. - Extent to which growth within the township has compromised the effectiveness of the bypass, as currently designated
Kaikoura District Council offices	Representatives from: <ul style="list-style-type: none"> - Kaikoura District Council - Transit - LGNZ 	<p>Growth in Kaikoura District</p> <p>State Highway 1 provides the main arterial route through the Kaikoura district. Over recent years, substantial growth in tourism, business and housing within the District, combined with limited development of the local roading network has placed significant pressure on the state highway.</p> <p>These pressures are reflective in part of the different policy positions taken by the local authority and Transit to growth management and transport planning. Transit is moving away from the predict and provide approach to network development, and has proposed Limited Access Road status for some parts of the state highway that are under pressure. The local authority has by contrast sought to encourage growth, encouraging infrastructure providers, including Transit, to respond to market demands.</p> <p>In recognition of these issues, the two organisations have recently agreed to develop a joint non-statutory strategic transport plan for the area.</p>
Rodney District Council Offices	Representatives from: <ul style="list-style-type: none"> - Rodney District Council - Transit - LGNZ - ARTA (tbc) 	<p>Warkworth – Perrindale</p> <p>Warkworth structure plan identifies large format retail land. Developer lodges private plan change to that purpose – adopted by Rodney District Council – but devoid of transport modelling</p> <p>Transit submits in opposition to private plan change due to impacts on the state highway.</p> <p>Commissioners decline the private plan change. Developer appeals. Transit a s274 party.</p> <p>The local authority, Transit, and stakeholders working collaboratively to resolve issues.</p>

Workshop Venue *	Attendees *	Case Study - Overview
Whangarei District Council offices	Representatives from: <ul style="list-style-type: none"> - Whangarei District Council - Transit - LGNZ 	<p>R & B Mulligan Ltd v Transit New Zealand (Decision No. A096/2006)</p> <p>This Environment Court decision concerned appeals against the Whangarei District Council's decision to grant consent for the residential subdivision of land fronting State Highway 14 at Te Hape, in the Whangarei District. The land was being used for horticultural purposes and was zoned Countryside Environment. The section of state highway fronting the site is a limited access road under the Transit NZ Act 1989.</p> <p>While the Court concluded that the adverse effects on traffic safety would be no more than minor, the appeal was upheld on grounds that the proposal would be contrary to the objectives of the district plan. The court considered that a plan change being prepared by the Council to introduce a rural residential environment in the vicinity of the appeal site was a more appropriate mechanism to consider issues addressed in the appeal, rather than an ad hoc subdivision proposal.</p> <p>Since the release of the decision, limited effort has been made to progress the development of a structure plan/plan change for the area. A critical issue in the planning process will focus on how local road networks and state highway should be integrated to service the development potential in the area. Transit and Council staff are continuing to liaise on this matter.</p>
Clutha District Council Offices	Representatives from: <ul style="list-style-type: none"> - Clutha District Council - Transit - LGNZ 	<p>Proposed industrial development at Milton</p> <p>Calder Stewart proposed major industrial development at Milton, straddling SH 1. Clutha District Council were keen for the land to be developed, although no structure plan had been prepared. The Council indicated they were minded to approve individual applications, which would have required a number of separate proposed accesses onto the state highway. Transit indicated it would oppose the development because of the lack of an overall land use/transport plan. The AA also opposed the development because of the side friction that would be created by the new accesses.</p> <p>Subsequent dialogue between the developer, the District Council and Transit has led to a proposed land use/transport plan which would see new internal roads to the industrial estate and rationalisation of accesses to the state highway. This outcome has been supported by all parties, so enabling the development in principle to go ahead (subject to further detailed design).</p>

* Details of venue and attendees to be confirmed.

6.4 APPENDIX 4: UK PLANNING STATUTES

SECTION 106 TOWN AND COUNTRY PLANNING ACT 1990 (UK)

106.—(1) A local planning authority may enter into an agreement with any person interested in land in their area for the purpose of restricting or regulating the development or use of the land, either permanently or during such period as may be prescribed by the agreement.

(2) Any such agreement may contain such incidental and consequential provisions (including financial ones) as appear to the local planning authority to be necessary or expedient for the purposes of the agreement.

(3) An agreement made under this section with any person interested in land may be enforced by the local planning authority against persons deriving title under that person in respect of that land as if the local planning authority were possessed of adjacent land and as if the agreement had been expressed to be made for the benefit of such land.

(4) Nothing in this section or in any agreement made under it shall be construed—

(a) as restricting the exercise, in relation to land which is the subject of any such agreement, of any powers exercisable by any Minister or authority under this Act so long as those powers are exercised in accordance with the provisions of the development plan, or in accordance with any directions which may have been given by the Secretary of State as to the provisions to be included in such a plan; or

(b) as requiring the exercise of any such powers otherwise than as mentioned in paragraph (a).

SECTION 278 HIGHWAYS ACT 1980 (UK)

278. —Agreements as to execution of works.

— (1) A highway authority may, if they are satisfied it will be of benefit to the public, enter into an agreement with any person—

(a) for the execution by the authority of any works which the authority are or may be authorised to execute, or

(b) for the execution by the authority of such works incorporating particular modifications, additions or features, or at a particular time or in a particular manner, on terms that that person pays the whole or such part of the cost of the works as may be specified in or determined in accordance with the agreement.

(2) Without prejudice to the generality of the reference in subsection (1) to the cost of the works, that reference shall be taken to include—

(a) the whole of the costs incurred by the highway authority in or in connection with—

(i) the making of the agreement,

(ii) the making or confirmation of any scheme or order required for the purposes of the works,

(iii) the granting of any authorisation, permission or consent required for the purposes of the works, and

(iv) the acquisition by the authority of any land required for the purposes of the works; and

(b) all relevant administrative expenses of the highway authority, including an appropriate sum in respect of general staff costs and overheads.

(3) The agreement may also provide for the making to the highway authority of payments in respect of the maintenance of the works to which the agreement relates and may contain such incidental and consequential provisions as appear to the highway authority to be necessary or expedient for the purposes of the agreement.

(4) The fact that works are to be executed in pursuance of an agreement under this section does not affect the power of the authority to acquire land, by agreement or compulsorily, for the purposes of the works.

(5) If any amount due to a highway authority in pursuance of an agreement under this section is not paid in accordance with the agreement, the authority may—

(a) direct that any means of access or other facility afforded by the works to which the agreement relates shall not be used until that amount has been paid,

(b) recover that amount from any person having an estate or interest in any land for the benefit of which any such means of access or other facility is afforded, and

(c) declare that amount to be a charge on any such land (identifying it) and on all estates and interests therein.

(6) If it appears to the highway authority that a direction under subsection (5)(a) is not being complied with, the authority may execute such works as are necessary to stop up the means of access or deny the facility, as the case may be, and may for that purpose enter any land.

(7) Where a highway authority recovers an amount from a person by virtue of subsection (5)(b), he may in turn recover from any other person having an estate or interest in land for the benefit of which the means of access or other facility was afforded such contribution as may be found by the court to be just and equitable. This does not affect the right of any of those persons to recover from the person liable under the agreement the amount which they are made to pay.

(8) The Local Land Charges Act 1975 applies in relation to a charge under subsection (5)(c) in favour of the Secretary of State as in relation to a charge in favour of a local authority.