Appendix 2
Integrated planning legislation
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App2.1 Land Transport Management Act 2003

Broad statutory purpose

The Land Transport Management Act 2003 (LTMA) introduced a new statutory regime to give effect to the NZTS. The LTMA makes it clear that the role of Transit is not simply to build roads in response to traffic pressures, but to manage the state highway network as a key component of New Zealand’s transport system. Section 77 of the LTMA sets out Transit’s statutory objective:

“(1) The objective of Transit is to operate the state highway system in a way that contributes to an integrated, safe, responsive and sustainable land transport system.

(2) In meeting its objective, Transit must exhibit a sense of social and environmental responsibility, which includes:—

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)\(^1\) to contribute to the development of its land transport programmes."

“Land transport options and alternatives” is defined, in section 5 LTMA, as including “land transport demand management options and alternatives”.

Implications for Transit

In response to this objective, Transit will focus on the following:

- integrating growth, development and land use planning with multimodal transport planning;
- seeking recognition of the importance of state highways in land use planning processes and consequent protection of the functionality and safety of state highways;
- recognising the role that many state highways provide local access, particularly those that have a regional or sub-regional function;
- recognising the role that state highways have, as part of the wider land transport system, in supporting planned growth;
- ensuring that growth pays for growth and that developers avoid, remedy or mitigate the adverse effects of their development on the transport system;
- considering all transport options;
- actively managing vehicle travel demand; and
- avoiding, to the extent reasonable in the circumstances, adverse social and environmental impacts.

\(^1\) Land Transport New Zealand, every affected local authority, every public organisation approved under section 23 LTMA for any land transport purposes that is affected, the Accident Compensation Corporation, the Commissioner of Police, the Ministry of Health, the New Zealand Historic Places Trust, land transport users and providers, affected communities, Maori and the public.
This manual contributes to the NZTS and LTMA by seeking to:

- **integrate** land use and transport and ensure that growth and development and transport infrastructure are planned and delivered together;
- **integrate** different modes of transport, to enable maximum travel choice and flexibility;
- **ensure** that the state highway network is as **safe** as practicable for all road users (in conjunction with Transit’s State Highway Safety Management System Manual);
- **respond** to planned growth, in conjunction with other transport providers, including by seeking to service regional growth strategy and regional land transport strategy aspirations through the State Highway Forecast.
- **respond** to demand for better road safety and reduced congestion by working with developers and councils to avoid, remedy and mitigate the adverse transport effects of growth and development;
- take into account and **respond** to the views of local communities affected by state highway decisions;
- contribute to more **sustainable** travel behaviour by managing traffic growth and seeking to increase the proportion of travel undertaken on foot, cycle or on public transport;
- ensure that the transport system is financially **sustainable** by getting the most out of existing assets, developing affordable and reliable solutions and funding plans with relevant parties and recognising the role that land use planning and urban design can play in reducing the need for new transport infrastructure;
- ensure that other social, cultural, environmental and economic objectives of a **sustainable** land transport system are realised (for example by seeking to reduce impacts such as noise, habitat loss and community severance).

Other ways Transit fulfils the objectives of the NZTS and LTMA are set out in the National State Highway Strategy.

### Resource Management Act 1991

The statutory framework for land use planning is largely contained in the Resource Management Act 1991 (RMA), the purpose of which is to promote the sustainable management of natural and physical resources. The development of regional policy statements and regional and district plans and assessment of development proposals under the RMA is a key part of the process for delivering integrated and sustainable transport outcomes.
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Transit involvement in RMA processes

Transit engages in land use planning processes under the RMA by:

- engaging in regional and local planning processes and responding to consultation on statutory plans and policy statements;
- responding to individual subdivision and/or land use development proposals; and
- designating land for roads and associated infrastructure (e.g. weigh stations) and where necessary obtaining resource consents for roads and road projects.

In doing so, Transit highlights transport issues and solutions. Transit’s statutory objective is to operate the State highway system in a way that contributes to an affordable, integrated, safe, responsive and sustainable land transport system. Accordingly, when participating in RMA processes, Transit focuses on how to deliver such a system.

Transport systems are a critical component of every community and region, but they are only one component. In decision-making processes under the RMA it is the role of the territorial authority or regional council to balance the needs and interests of many different community components in a way that fulfils the purpose of the Act.

In fulfilling its role as steward of the state highway network, any action taken by Transit under the RMA must also be consistent with its statutory objective under the LTMA. This is important in shaping Transit’s policy on land use development.

Compatibility between the RMA and LTMA

The purpose and principles of the RMA are broader than Transit’s statutory objective. However, Transit’s statutory objective is consistent with and contributes to, achieving the purpose of the RMA. State highways are a physical resource under the RMA framework and accordingly need to be sustainably managed. This is also what the LTMA requires Transit to do.

In addition, a sustainable land transport system directly and indirectly contributes to a number of matters that decision-makers are required to have particular regard to under Part II of the RMA including:

- the ethic of stewardship (section 7(aa));
- the efficient use and development of natural and physical resources (section 7(b));
- the efficiency of the end use of energy (section 7(ba));
- the maintenance and enhancement of amenity values (section 7(c));
- maintenance and enhancement of the quality of the environment (section 7(f)); and
- any finite characteristics of natural and physical resources (section 7(g)).
Although the RMA pre-dated the LTMA statutory objective, the RMA, including recent amendments to that Act and decisions of Courts applying the RMA, have reinforced the importance of achieving integration between transport and land use. In particular:

- regional councils now have the function of the strategic integration of infrastructure with land use through objectives, policies and methods in planning documents (section 30(1)(gb) RMA);
- when preparing or changing regional policy statements regional councils must have regard to plans and strategies developed under other Acts, such as regional land transport strategies (section 61(2)(a)(i) RMA);
- district plans must now give effect to regional policy statements (section 75(30(c) RMA);
- when preparing or changing a district plan, territorial authorities must have regard to plans and strategies developed under other Acts, such as regional land transport strategies (section 74(2)(b)(i) RMA);
- structure plans have been endorsed by the Environment Court as an effective way to help deliver integration between transport (and other) infrastructure and growth; and
- developers have a duty under the RMA to avoid, remedy or mitigate any adverse effect on the environment arising from their activities (section 17(1) RMA). The Environment Court has confirmed that this duty applies to transport effects.

Local government has a key role in the achievement of integrated transport and land use planning, both in shaping development and growth under the RMA and in the operation, development and funding of the land transport system under the LTMA. Local government activities are also governed by the provisions of the Local Government Act 2002 (LGA).

Section 10 of the LGA sets out the purpose of local government:

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.
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Principles relating to local authorities

Section 14 LGA sets out the principles a local authority must act in accordance with in performing its role. Some of these are particularly important in relation to the integration of land use and transport:

a) ...
b) a local authority should make itself aware of and should have regard to, the views of all of its communities; and
c) when making a decision, a local authority should take account of—
   i. the diversity of the community and the community's interests, within its district or region; and
   ii. the interests of future as well as current communities; and
   iii. the likely impact of any decision on each aspect of well-being referred to in section 10 (LGA);
d) ...
e) a local authority should collaborate and co-operate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes and make efficient use of resources; and
f) ...
g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region; and
h) in taking a sustainable development approach, a local authority should take into account—
   i. the social, economic and cultural well-being of people and communities; and
   ii. the need to maintain and enhance the quality of the environment; and
   iii. the reasonably foreseeable needs of future generations.

App2.4 Local Government (Auckland) Amendment Act 2004

Purpose of the LG(A)AA

The particular characteristics and growth pressures in the Auckland region led to the need for specific legislation for the region, resulting in the Local Government (Auckland) Amendment Act 2004 (LG(A)AA).

The LG(A)AA’s purpose is set out in section 3 of the Act. The aspects of that statutory purpose which are relevant to the integration of land transport and land use are:

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....

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 these provisions consistent with the Auckland Regional Growth Strategy
### Purpose of the LG(A)AA

As the LG(A)AA requires the Auckland Regional Policy Statement and the region’s regional and district plans to be consistent with the ARGS, it gives the ARGS some statutory status and requires inclusion of provisions to integrate land use and transport to ensure consistency with the ARGS.

### 5th Schedule

Under the LG(A)AA each Auckland local authority was required prepare and publicly notify proposed “land transport and land use changes” to its planning documents (section 39(1) LG(A)AA). A “land transport and land use change” includes a change for the purpose of “contributing, in an integrated manner, to the matters specified in Schedule 5 [of the Act]” (section 40(1)(b) LG(A)AA). The matters specified in the 5th Schedule to the LG(A)AA are:

- (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; and
- (b) managing transport and transport infrastructure, facilitating a multimodal transport network and facilitating integrated transport management; and
- (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; and
- (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); and
- (e) integrating transport and land use policies to reinforce metropolitan urban and rural objectives of the Auckland Regional Policy Statement, the development of a competitive and efficient economy and a high quality of life, underpinned by a quality environment and amenity.

### Creation of ARTA

The LG(A)AA also made institutional changes, such as the creation of the Auckland Regional Transport Authority (ARTA). ARTA’s statutory objective is, to “plan, fund and develop the Auckland regional land transport system in a way that contributes to an integrated, safe, responsive and sustainable land transport system for the Auckland Region.” (section 8(1) LG(A)AA). Its functions include responsibility for both the LTMA land transport programme for the Auckland land transport system and the public transport service assets and liabilities of ARC (section 9(1) LG(A)AA). Under the LTMA, ARTA must, in preparing a land transport programme, give effect to the matters in the Auckland Regional Land Transport Strategy, (unless it is required to do otherwise by operational considerations that affect the sequencing and timing of activities, the funding available to it, or its statutory functions or powers) (section 12(6)(b) LTMA).
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App2.5 Transit New Zealand Act 1989

The Transit New Zealand Act 1989 originally established Transit New Zealand. However, many of the provisions have since been replaced by provisions of the LTMA and the Crown Entities Act 2004. The Transit New Zealand Act 1989 continues to set out a variety of provisions in relation to roads and give Transit a range of specific powers and obligations in the management of state highways and motorways. These include powers and responsibilities in respect of:

- the legal status and ownership of roads, state highways and motorways;
- protection of state highways from damage and the removal of roadside structures, trees and utilities;
- control over state highways and over works on state highways, with the ability to delegate functions to local authorities;
- the declaration of motorway status and control over motorways; and
- powers to declare and manage state highways as Limited Access Roads. Limited Access Road declaration is a means by which Transit can manage access to and from adjoining properties from and to a state highway.

App2.6 Land Transport Act 1998

Among other things the Land Transport Act 1998 (LTA) (in Part 13) authorises the preparation of the national land transport strategy and regional land transport strategies and provides for the establishment of regional land transport committees.

A national land transport strategy may include statements of the government’s goals in relation to land transport, the policy objectives to be pursued to achieve these goals and the measurable targets to be met to achieve those policy objectives (section 170(2) LTA). In exercising or performing its functions, duties and powers, Transit must ensure that it takes into account any current national land transport strategy (section 174(1) LTA).

Every regional council must prepare a regional land transport strategy for its region. Every regional land transport strategy must, among other things, contribute to the overall aim of achieving an integrated, safe, responsive and sustainable land transport system (section 175(2)(a) LTA). Every regional council must establish a land transport committee for its region. Regional land transport committees prepare, for approval by the relevant regional council, the regional land transport strategy for that region. In exercising or performing its functions, duties and powers, Transit must ensure that it takes into account any current regional land transport strategies (section 181(1) LTA).