

MEMORANDUM

To: Natasha Hayes & Joe Hewitt
Greater Wellington Regional Council

From: Barry Mein
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Date: 16 October 2006

Subject: Wellington Regional Land Transport Strategy:
Audit Comments on Draft Strategy

Introduction

The purpose of this memo is to comment on the statutory compliance of the Wellington Regional Land Transport Strategy (RLTS) to date. In particular, the memo reviews the content of the "Final Draft" of the RLTS dated 9 October 2006, and updates comments made in an earlier memo prepared on 25 September 2006 following the receipt of that later Draft and additional background information. This memo also summarises my comments on the process undertaken to date, based on material previously supplied by the Greater Wellington Regional Council (GWRC).

The review is a key input into the independent audit of the Wellington RLTS, as required under section 175 (2) p of Land Transport Act 1998 (LTA). As the RLTS has not yet been finalised, this review does not constitute a formal audit, as some of the process requirements (especially relating to the special consultative procedure) have not yet been completed. The purpose of reporting at this stage is to identify the extent to which the Draft RLTS complies with its statutory obligations, and to highlight any areas where further actions may be required as the RLTS review progresses.

The attachment to this memo sets out my comments on the actions that have been taken to date, and the contents of the Final Draft RLTS. It follows the same sequence as the RLTS checklist that was prepared in January 2005. It incorporates material from the interim process review dated 13 September 2005 and draft audit report dated 25 September 2006, updated where relevant with more recent information.

General comments

The RLTS processes and supporting material have been generally thorough and well documented, and the Draft RLTS appears to have met almost all of its key statutory requirements. The obvious exception to this is the timing of the review, which has not met the statutory deadline of November 2005. However, it is apparent that the longer timeframe for preparation of the RLTS has enabled a thorough process of stakeholder involvement. This has provided a good opportunity to meet the statutory obligations for early and full consideration of the views of communities and stakeholders in the development of strategic options.

In my 25 September 2006 memo I raised a number of issues in relation to the Draft RLTS, and made some suggestions on material to be included that would clarify how the statutory obligations had been met. From my review of the Final Draft it appears that most of these suggestions have been acted upon, and I believe the Draft has attained a high level of statutory compliance as a result.

Having said that, there are some parts of the document that have possibly been written with too much of an eye on statutory compliance, rather than in a manner that assists the reader to understand the issues that have led to the decisions on strategic options and policies in the RLTS. I refer particularly to the new section 6.3 which seems to be focused on the *process* of consultation rather than what the feedback on key issues actually was, and how this was taken into account. While the text in this section of the Draft satisfies my audit queries in relation to understanding the views of affected communities, it does not provide much value to the reader who wants to understand why the Committee reached the conclusions that it did.

Specific comments and recommendations

In the table below, I have identified a few other areas where I believe some minor improvements would assist the clarity of the draft, or areas which will need to be addressed before the RLTS is finally adopted. The recommendations include the following:

- Clarify the status of additional funding sources, and note the implications for the strategy if they are not forthcoming (step 4.5)
- Certify that there is no inconsistency between the RLTS and any regional plans prepared under the RMA (step 4.7)
- Provide a summary description of the three strategic options in Chapter 6 (step 5.1)
- Ensure the RPTP is identified as part of the final RLTS, and highlight strategic linkages between the two documents (step 6.3)
- Incorporate demand management actions and outcomes into Appendix as proposed (step 6.4)

I should stress that these suggestions are primarily aimed at assisting the reader in interpreting the RLTS, rather than a shortcoming in compliance with your statutory obligations. With the exception of the timing issue discussed above, I believe the Draft complies with its statutory requirements, and on that basis I would support it being released for formal public comment.

Step	Requirement	Reference	Comments
1	Governance		
1.1	<p>Membership of the Wellington Regional Land Transport Committee (RLTC) consists of suitable persons appointed by the Council to represent:</p> <ul style="list-style-type: none"> a) the objectives of economic development, safety and personal security, public health, assess and mobility, and environmental sustainability. b) cultural interests. c) the Council d) other territorial authorities in the region. e) Land Transport New Zealand 	LTA 178 (2)	<p>Requirement met GWRC records show that the RLTC membership includes representatives of the each of the required objectives, interests and organisations.</p> <p>GWRC reports and resolutions on RLTC membership indicate that the Committee membership was finalised in late 2004. This came after the initial determination of the RLTS vision and outcomes, but was well in advance of the consideration of strategic options in mid-2005.</p>
1.2	Membership of the RLTC represents a balance of the objectives of economic development, safety and personal security, public health, assess and mobility, and environmental sustainability.	LTA 178 (2A)	<p>Requirement met Each of the objectives is represented by one member on the RLTC, following an advertised nomination process. Alternate members have also been appointed.</p> <p>Although individual members have their own affiliations, steps appear to have been taken to ensure that the interests of each of the objectives are adequately represented through the members' networks.</p>
1.3	RLTC members appointed to represent the above objectives, and cultural interests, are from the wider regional community, and are not a representative of the GWRC, any territorial authority in the region, or Land Transport NZ.	LTA 178 (2B)	<p>Requirement met Confirmation of this matter was received from Council secretary in memo dated 7 August 2005.</p>
1.4	RLTC meetings have been conducted in accordance with relevant provisions of Local Government Act 2002 (LGA) and the Local Government Official Information and Meetings Act 1987 (LGOIMA)	LTA 178 (4)	<p>Requirement met Confirmation of this matter was received from Council secretary in memo dated 7 August 2005.</p>

2	Review timing		
2.1	Steps to renew the RLTS have commenced by November 2004 (ie within 12 months of the commencement of section 90 of the LTMA)	LTMA 108 (2) a	<p>Requirement met</p> <p>The RLTC resolved to commence the RLTS review process on 21 August 2003, which pre-dated the new legislative framework for the RLTS.</p> <p>This process was not formally renewed after the passage of the new Act, but the review process has been ongoing in the intervening period, and the implications of the new legislative requirements have been reported to the RLTC.</p>
2.2	The RLTS has been renewed by November 2005 (ie within two years of commencement of section 90 of the LTMA).	LTMA 108 (2) a	<p>Requirement not met</p> <p>It is understood that the RLTS programme has been delayed to accommodate the outcomes from the Wellington Regional Strategy process, and the Western Corridor Study. Given the time required for the special consultation process, the RLTS is unlikely to be adopted until early 2007.</p> <p>A letter was sent to the Secretary for Transport dated 26 July 2006 outlining the reasons for the delay to the programme, and the expectation that the statutory deadline would not be achieved. A reply from the Secretary for Transport dated 18 August 2005 noted that there is no scope to grant an extension of time, and recommended that GWRC take legal advice on the potential consequences of delay.</p>
3	Preparatory Steps		
3.1	The Council has considered contracting out of RLTS preparation	LTA 180	<p>Requirement met</p> <p>1 August 2005 memo on RLTS Review resourcing agreed by Acting Chief Executive</p>
3.2	The Council has made arrangements for an independent process audit of the RLTS	LTA 175 (2) p	<p>Requirement met</p> <p>Mein Consulting Ltd retained as independent auditor via exchange of letters 8/12/04 and 15/12/04.</p>

4	National and Regional Policy Framework and Objectives		
4.1	The RLTS contributes to the overall aim of achieving an integrated, safe, responsive, and sustainable land transport system.	LTA 175 (2) a	<p>Requirement met</p> <p>The vision and objectives for the Draft RLTS generally reflect this overall aim. The vision specifically includes the concepts of integration and sustainability, and safety is included as one of the 6 objectives in section 5.2. Although "responsiveness" is not explicitly mentioned in the vision and objectives, it is incorporated into the policies in section 7.1 (although the policies in this section appear to be heavily focused on network improvements), and Policy 7.6 (b) refers to the need to take account of diverse transport needs and views of the region's community. Responsiveness can also be assessed through the response of the RLTS to the consultative process (see below).</p>
4.2	The RLTS has taken into account the 5 LTMA objectives (economic development, safety and personal security, access and mobility, public health and environmental sustainability).	LTA 175 (2) b	<p>Requirement met</p> <p>The 5 LTMA objectives are included as RLTS objectives in Chapter 5. Chapter 7 includes explicit policies for safety, environment and public health. It also includes policies related to economic development and access and mobility, although these are less explicit. In section 7.7, the RLTS includes a table which shows the links between RLTS policies and objectives.</p>
4.3	The RLTS has taken into account any National Land Transport Strategy (NLTS), and is not inconsistent with the NLTS.	LTA 175 (2) c LTA 175 (4)	<p>Not applicable</p> <p>There is no NLTS at present, so no action is required.</p>
4.4	The RLTS has taken into account the National Energy Efficiency and Conservation Strategy (NEECS)	LTA 175 (2) c	<p>Requirement met</p> <p>The NEECS is referenced in section 2.2.3 as part of the statutory policy framework for the RLTS. The NEECS energy efficiency targets and transport-related objectives are noted in that section, and reference is made to a more detailed background document <i>Review of RLTS Response to NEECS</i>, (September 2005), which summarises the RLTS response to the NEECS Transport Programme output activities. Energy efficiency targets are also referenced in the material on system wide performance indicators in the travel demand management strategy (section 9.5).</p>

4.5	The RLTS has taken account of the land transport funding likely to be available within the region during the period covered by the RLTS.	LTA 175 (2) d	<p>Requirement met but clarification recommended</p> <p>Chapter 6 of the Draft RLTS identifies a "10 year strategic funding envelope" of \$3,432 million, which was used in the development and evaluation of strategic options. Chapter 12 of the Draft RLTS contains a funding plan, in which estimates of the likely land transport funding available to the region over the next 10 years are identified in more detail. The table in section 12.4 shows a total investment envelope of \$4,120 million, and notes that the difference between the two figures is largely driven by completion of the Transmission Gully Motorway within the 10 year Strategic Roding Programme. The additional funding identified for this project is from a combination of toll-funded loans and Crown loans.</p> <p>Although the Draft RLTS appears to include sufficient information on likely future funding, the funding implications of the strategy could be made more explicit. For example, Section 12.4 gives the impression that the additional funds noted above are likely to be available, when in fact their status is much less certain.</p> <p>Recommendation: Clarify the status of additional funding sources, and note the implications for the strategy if they are not forthcoming</p>
4.6	The RLTS has taken account of any Ministerial guidelines that have been issued.	LTA 175 (2) q	<p>Not applicable</p> <p>No Ministerial guidelines have been issued, so this requirement does not apply</p>
4.7	The RLTS is not inconsistent with the Wellington Regional Policy Statement (RPS) and any relevant regional plans prepared under the Resource Management Act	LTA 175 (3)	<p>Requirement substantially met</p> <p>The Draft RLTS includes reference to the RPS in section 2.2.2. It notes that the RPS is currently under review, with a proposed new RPS due in September 2007. Section 2.2.2 includes a brief description of the transport-related contents of the operative PRS, and refers to a more comprehensive assessment contained in the background document "Alignment between the RPS and the RLTS review" (December 2005). This concludes that there are no inconsistencies between the two documents.</p> <p>There is no information in relation to the consistency of the RLTS with any regional plans prepared under the RMA.</p> <p>Recommendation: Certify that there is no inconsistency between the RLTS and any regional plans prepared under the RMA.</p>

5	Development and Evaluation of Strategic Options		
5.1	The RLTS identifies outcomes and strategic options	LTA 175 (2) i	<p>Requirement met The Draft RLTS includes a number of land transport outcomes in section 5.3, although there is limited discussion of these. The table in section 5.4 demonstrates the linkages between the RLTS objectives and outcomes. It is noted that there are no outcomes that relate to the objective to "ensure that the RTP is affordable to the regional community".</p> <p>Chapter 6 of the Draft RLTS outlines the process followed to develop and analyse strategic options. This makes reference to the process that was undertaken in 2005, which involved the identification of outcomes and three strategic options, agreement by the RLTC, and a public consultation process.</p> <p>This process appears to have been comprehensive. The Draft RLTS summarises the process followed to determine the preferred strategic option and includes a summary description of that option. There is very limited detail on other options, although the previous process was well documented at the time. Nevertheless, a brief table highlighting the key elements of each of the options would benefit readers of the Draft RLTS who new to the process, and who may want to understand the content behind the options rather than the process by which they were evaluated. This could possibly be included as an Appendix.</p> <p><i>Recommendation: Provide a summary description of the three strategic options in Chapter 6.</i></p>
5.2	The RLTS avoids, to the extent reasonable in the circumstances, adverse effects on the environment.	LTA 175 (2) e	<p>Requirement met The strategic options process included environmental effects criteria, and this is outlined in section 6.6, although the process does not appear to have included an explicit consideration of steps to <i>avoid</i> adverse environmental effects. A file note prepared in September 2005 outlines the current understanding of environmental impacts and indicators, and their role in the development of the RLTS.</p> <p>The environment and public health policies in section 7.5 "seek to avoid, to the extent reasonable in the circumstances, the adverse effects of transport on the environment and public health", which reflects the wording of this section of the Act, as does Objective 5 section 5.2) and the more specific policy 7.5 (a) which relates to best practice in design, construction and maintenance.</p>

5.3	The RLTS has taken into account the views of affected communities.	LTA 175 (2) f	<p>Requirement met Public and stakeholder input was sought on the development of the strategic options through a public consultation process and direct contact with stakeholders. This process is discussed in section 6.3 of the Draft RLTS, which notes that no specific affected communities were identified because of the high level description of strategic options. However, the process involved direct engagement with a range of stakeholders and interest groups, and responses were also sought from the public.</p> <p>The Draft RLTS notes that feedback from this process identified a number of key issues to be addressed, but these are not detailed in the Draft itself (although they were reported to the RLTC as part of its consideration of the strategic options consultation process).</p> <p>The publication of the Draft RLTS will provide a further opportunity to identify communities that may be affected, and to specifically target these communities during the formal consultative phase.</p>
5.4	The RLTS has given early and full consideration to land transport options and alternatives in a way that contributes to avoiding adverse effects, and taking account of the views of affected communities	LTA 175 (2) h	<p>Requirement met As noted in steps 5.2 and 5.3 above, public and stakeholder input was sought on the strategic options, which included consideration of adverse environmental effects in the option assessment phase. These processes are documented in sections 6.3 and 6.6 of the Draft RLTS.</p>
5.5	The views of network providers (including Transit, territorial authorities, the NZ Railways Corporation, and Toll Rail) have been taken into account	LTA 175 (2) g	<p>Requirement met Network providers were included in initial stakeholder consultation process in the development of strategic options via letter dated 15 August 2005. Subsequent reports to the RLTC summarised their views, and were taken into account in the selection of the preferred strategic option.</p> <p>The publication of the Draft RLTS will provide a further opportunity to consider the views of network providers.</p>
5.6	Each of the people and organisations listed in section 179 (1) of the LTA have been given early and full opportunities to contribute to the development of the RLTS	LTA 175 (2) i	<p>Requirement met The people and organisations listed in section 179 (1) were included in formal stakeholder consultation on the development of strategic options, via letters dated 15 August 2005, and in public notices on 20 August 2005.</p>

6	Specific content requirements		
6.1	The RLTS is current for at least three years in advance but not more than ten years.	LTA 176 (1) a	<p>Requirement met</p> <p>The Draft RLTS includes policies and actions for the next 10 years, and the strategic options were also developed with a 10 year horizon.</p>
6.2	The RLTS includes a statement about the roles of each mode, including freight traffic, passenger transport, cycling, and pedestrian traffic.	LTA 175 (2) j	<p>Requirement met</p> <p>Chapter 8 of the Draft RLTS includes a discussion on the role of each of the land transport modes, including freight traffic, passenger transport, cycling, and pedestrian traffic. The expected share of trips by each mode in 2016 is identified (presumably as a result of the implementation of the RLTS policies).</p>
6.3	The RLTS specifically includes the Wellington Regional Passenger Transport Plan (RPTP)	LTA 175 (2) k	<p>Requirement partially met</p> <p>The Draft RLTS makes reference to the RPTP in section 2.1.2 and as one of the implementation plans in Chapter 9. There is also reference to the RPTP under buses in the passenger transport section of the role of the modes chapter (section 8.3). It is apparent from these references that a new RPTP is being prepared in parallel with the Draft RLTS, and will be released for public consultation in conjunction with the Draft RLTS.</p> <p>It would be of value for the RLTS to highlight the strategic directions that the RPTP is seeking to achieve, to allow the public to better understand the linkages between the two documents. Given the timing of release of the drafts, this may be more easily achieved in the final RLTS.</p> <p><i>Recommendation: Ensure the RPTP is identified as part of the final RLTS, and highlight strategic linkages between the two documents.</i></p>
6.4	The RLTS includes a demand management strategy, with targets and timetables appropriate to the region.	LTA 175 (2) o	<p>Requirement met but clarification recommended</p> <p>Section 9.5 of the Draft RLTS includes a travel demand management strategy, which summarises the content of a strategy that was prepared separately and adopted by the RLTC in December 2005.</p> <p>The demand management strategy includes a set of system performance indicators in section 9.5.5, which include strategy targets for key indicators to 2016. Section 9.5.7 includes a travel demand management action programme, which identifies detailed actions and includes information on timing and targets. In some cases, this material lacks specificity, as timetable information is vague (eg "ongoing" or "as soon as possible" and many of the "targets" are aimed at intermediate process outcomes, rather than the end</p>

			<p>result. It is understood that an analysis of all RLTS actions against objectives and outcomes is being prepared as an Appendix to the RLTS, which should allow for a clearer connection between the demand management actions strategy targets.</p> <p>Recommendation: <i>Incorporate demand management actions and outcomes into Appendix as proposed.</i></p>
6.5	Strategic options requiring cooperation with other regions have been identified in the RLTS	LTA 175 (2) m	<p>Requirement met</p> <p>Section 6.7 of the Draft RLTS notes that as part of the consultation on strategic options, adjoining regional and territorial authorities were asked to identify any inter-regional transport issues or opportunities for policy cooperation. Issues in relation to the Western Corridor (primarily SH1 and the NIMT) were identified. Policy 7.6 (e) is to "ensure investment in arterial transport routes is coordinated with other adjoining regions".</p> <p>Section 6.7 also refers to policy cooperation between regions on wider transport issues such as pricing legislation, vehicle efficiency alternative fuels and passenger transport funding. Although not essential, this statement would be strengthened if it was accompanied by corresponding policy references to regional cooperation in Chapter 7.</p>
6.6	Persons or organisations responsible for further development of RLTS options and actions have been identified in the RLTS	LTA 175 (2) n	<p>Requirement met</p> <p>The Implementation Plans (Chapter 9) and Corridor Plans (Chapter 10) clearly identify the parties responsible for the taking actions, and where more than one party is involved a lead agency is generally identified.</p>

7	Consultation		
7.1	The Council has identified any issues that do not require consultation as part of the RLTS, by virtue of the consultation that has already been done as part of the GW Long Term Council Community Plan	LTA 179 (4)	To be completed
7.2	Each of the people and organisations listed in Attachment 1 have been consulted.	LTA 179 (1)	To be completed Initial consultation on strategic options involved these people and organisations
7.3	<p>The Council has followed the special consultative procedure under the LGA, including the following steps:</p> <ul style="list-style-type: none"> ➤ Preparation of a statement of the proposal (the draft RLTS) and a summary of the information contained in the statement of proposal. ➤ Inclusion of the statement of proposal (the draft RLTS) on a meeting agenda. ➤ Making the statement of proposal (the draft RLTS) available for public inspection. ➤ Distribution of the summary of information as widely as reasonably practicable. ➤ Public notice of the proposal and the consultation being undertaken, and how interested persons can obtain more information. ➤ Allowing time for submissions (at least one month from the first public notice). ➤ Acknowledgment of submissions and the provision of reasonable opportunities for submitters to be heard. ➤ Advising submitters of their opportunity to be heard, and explaining how they may exercise this opportunity. ➤ Conducting the process in public, except as otherwise provided for under the LGOIMA. ➤ Making written submissions available to the public (subject to the LGOIMA). 	LTA 179 (2) LTA 179 (3)	To be completed

8	Adoption		
8.1	A formal recommendation on adoption of the RLTS has been made at a meeting of the RLTC.	LTA 178 (3) LTA 178 (4)	To be completed
8.2	The RLTS has been formally adopted at a meeting of the Council.	LTA 178 (3)	To be completed
8.3	Copies of the final RLTS have been forwarded to Land Transport New Zealand, Transit, the Commissioner of Police, and the Secretary for Transport.	LTA 177 (1)	To be completed
8.4	Copies of the RLTS have been made available to the public.	LTA 177 (2)	To be completed