

Wellington Regional Land Transport Strategy
Independent Audit Report

Prepared for
Greater Wellington Regional Council (GWRC)

Mein Consulting Ltd
15 June 2007

Introduction

The purpose of this report is to comment on the statutory compliance of the Wellington Regional Land Transport Strategy (RLTS) prepared by the Greater Wellington Regional Council (GWRC). It forms part of an independent audit of the Wellington RLTS, as required under section 175 (2) p of Land Transport Act 1998 (LTA).

This report specifically addresses the extent to which the process and content of the RLTS meet the statutory requirements for RLTS preparation, as contained in the LTA and the Land Transport Management Act 2003 (LTMA). It is based on documents reviewed and discussions held throughout the period of RLTS preparation, and builds on earlier comments provided to GWRC, including a memo dated 16 October 2006 which commented on the content of the Draft RLTS.

The comments in this report are based on the revised RLTS document contained in Attachment 1 to report 07.324 to the Hearings Subcommittee dated 24 May 2007. The report also takes into account a review of subsequent amendments to the text in Chapters 4, 10 and 11 of the RLTS that have been included to address issues that I raised in a memo dated 12 June 2007.

Detailed comments on the actions that have been taken to fulfill each of the statutory requirements are set out in **Attachment A**. These follow the same sequence as the RLTS checklist that was prepared in January 2005, and reported on in my 16 October 2006 memo, but the comments have been updated where relevant to reflect more recent information, and the changes that have occurred since the Draft RLTS was notified.

Overall Compliance

The RLTS processes and supporting material have been generally thorough and well documented, and the resulting RLTS meets almost all of its key statutory requirements. The exception to this, as has been previously noted, is the timing of the review, which did not meet 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.

As noted below, the redrafting of the final RLTS has resulted in the removal of much of the detail that was previously included in the Draft RLTS, into separate stand alone documents. In some cases, this has reduced the clarity of the RLTS, and it is necessary to refer to those separate documents to fully understand some of the matters that the RLTS is required to address. I have made some suggestions for improvements to the clarity of the RLTS in this regard, some of which have been incorporated into the amendments to Chapters 4, 10 and 11 identified above.

Taking these matters into account, I believe that the amended RLTS now complies with all of its statutory requirements, with the exception of the obligation under section 108 (2) (a) of the LTMA to renew the RLTS within 2 years of the passage of the LTMA.

Consultation

Since my review of the Draft RLTS in October 2006, GWRC has undertaken a formal consultation process as required by section 179 of the LTA. From my review of the material provided, I have concluded that the consultation process followed for the preparation of the RLTS has been extremely thorough, and has met or exceeded all of the statutory requirements.

The process identified a wide range of interested parties (including all of the persons and organisations specified in section 179 (1)), who were involved in both the strategic options stage and in the formal consultation on the Draft RLTS.

The formal consultation process following the release of the Draft RLTS provided ample opportunity for interested parties and the public generally to become aware of the process, and to engage in it. Copies of the draft RLTS were sent to a large number of interested parties, and made available at libraries and council offices, as well as on the GWRC website. A summary document inviting comment was delivered to all households in the region, and the formal submission period was extended to 3 months to take account of the Christmas break. All submitters were made aware of their opportunity to speak to the hearings subcommittee.

The issues raised during the formal consultation phase were reported to the hearings subcommittee, and the resulting reports have shown how these issues have been taken into account in the preparation of the final RLTS.

Specific comments on the consultation process are set out in section 7 of Attachment A.

Content of the Final RLTS

In my 16 October 2006 memo, I concluded that with the exception of the timing issue, the Draft RLTS complied with its statutory requirements, and on that basis I would support it being released for formal public comment. The memo included some suggestions for minor improvements to the Draft, but noted that these were primarily aimed at assisting the reader in interpreting the RLTS, rather than a shortcoming in compliance with your statutory obligations. I note that most of these issues were addressed in the final Draft that was released for public consultation.

As noted above, I have reviewed the content of the revised RLTS as reported back to the Hearings Subcommittee (Attachment 1 to report 07.324 dated 24 May 2007) and subsequent amendments to Chapters 4, 10 and 11.

The revised RLTS includes a number of changes from the Draft. The most significant is the redrafting of the RLTS to remove the Implementation Plans, Corridor Plans and Regional Transport Programme into separate, stand alone documents. It is intended that these documents will contain detailed material on actions and expenditure allocations which will be subject to more regular updates than the RLTS itself.

I understand that it is intended to produce the RLTS and the supporting plans in a single ring-binder, but by treating the supporting documents as stand alone it needs to be recognised that they will not have the status of the RLTS, and are therefore likely to

receive less attention from a reader who wishes to understand the transport strategy for the region.

In this regard, it can be difficult to determine, from the RLTS alone, what the strategic direction for transport in the region actually incorporates. The removal of the implementation plan, corridor plan and regional transport programme has left the RLTS with only a rudimentary explanation of what the preferred strategic option includes, and there is no detail on the relative emphasis between proposed investment in roading, public transport and demand management. The resulting strategy is heavily dominated by vision, objectives, outcomes and targets, but contains only limited information on what is actually proposed to move the region in the required direction.

As I have noted above, these concerns do not relate to issues of statutory compliance, but rather to the clarity and usefulness of the RLTS as a public policy document. Some steps have been taken to summarise the actions from the implementation plans into the RLTS proper (especially in Chapter 10). However, I believe the document would be further improved if there was a more thorough description of the preferred option in Chapter 4, and a formal linkage between the RLTS and the associated Implementation Plans, Corridor Plans and Regional Transport Programme. This would enable the reader of the RLTS to understand the actions to be undertaken as well as the high level strategic intent.

I have also recommended some further clarification of the funding amounts included in the RLTS, to reconcile the apparent discrepancy between the total likely amount of funding identified in Chapter 11 (\$2,649 million) and the amount in Appendix 3 (\$3,432 million).

Conclusion

With the exception of the obligation under section 108 (2) (a) of the LTMA to renew the RLTS within 2 years of the passage of the LTMA, I am of the opinion that the amended Wellington RLTS complies with all of its statutory requirements under the LTA and the LTMA.

While this report includes some recommendations for further clarification relating to the content of the RLTS, these relate to its clarity as a public policy document, and do not impact on its statutory compliance.

Barry Mein
15 June 2007

Attachment A: Specific Comments on RLTS Statutory Requirements

<i>Step</i>	<i>Requirement</i>	<i>Reference</i>	<i>Comments</i>
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	<p>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.</p>	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	<p>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.</p>	LTA 178 (2B)	<p>Requirement met Confirmation of this matter was received from Council secretary in memo dated 7 August 2005.</p>
1.4	<p>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)</p>	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 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 The RLTS work programme was delayed to accommodate the outcomes from the Wellington Regional Strategy process, and the Western Corridor Study. Additional time was also allocated to the special consultation process. As a result, the RLTS will not be adopted until mid 2007.</p> <p>A letter was sent to the Secretary for Transport dated 26 July 2005 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 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 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 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 Chapter 5. Although “responsiveness” is not explicitly mentioned in the vision and objectives, it is incorporated into the policies in Chapter 8, which notes that the policies have been prepared in response to pressures and issues. Policy 8.5 (f) 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>Each of the 5 LTMA objectives are included as RLTS objectives in Chapter 5. Chapter 8 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 8.9, 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 Appendix 2 which sets out the statutory policy framework for the RLTS. The NEECS energy efficiency targets and transport-related objectives are noted, 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 included in Chapter 7 and referenced in the section on travel demand management strategy (section 10.2.1).</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 Chapter 4 of the RLTS notes that the strategic options were developed “within the available funding” and refers to Appendix 3, which outlines the strategic option development and evaluation process, and refers to a 10 year strategic funding envelope of \$3432 million.</p> <p>Chapter 11 of the RLTS deals with funding, and outlines the types of funding and amounts expected to be available over the next 10 years. This refers to a different total strategic funding estimate of \$2649 million.</p> <p>While it is apparent that the statutory obligation to “take into account” likely available funding has been met, it is recommended that the amounts be reviewed and the apparent discrepancies reconciled.</p> <p><i>Recommendation: Reconcile the apparent discrepancy between the total likely amount of funding identified in Chapter 11 (\$2,649 million) and the amount in Appendix 3 (\$3,432 million).</i></p>
4.6	The RLTS has taken account of any Ministerial guidelines that have been issued.	LTA 175 (2) q	<p>Not applicable 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 met The RLTS includes reference to the RPS in Appendix.2. It notes that the RPS is currently under review, with a proposed new RPS due in September 2007. It also includes a brief description of the transport-related contents of the operative RPS, and refers to a more comprehensive assessment contained in the background document “<i>Alignment between the RPS and the RLTS review</i>” (December 2005). It is concluded that there are no inconsistencies between the RLTS and the RPS, or any regional plans.</p>

5	Development and Evaluation of Strategic Options		
5.1	The RLTS identifies outcomes and strategic options	LTA 175 (2) i	<p>Requirement met but clarification recommended Chapter 6 of the RLTS identifies the outcomes sought for the region's land transport network, although there is limited discussion of these. The table in section 6.1 demonstrates the linkages between the RLTS objectives and outcomes.</p> <p>Chapter 4 of the RLTS briefly summarises the process followed to develop and analyse strategic options. This is discussed in more detail in Appendix 3, and 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>From a review of the background documentation it is clear that this process was comprehensive, but the final RLTS contains only a limited description of the preferred strategic option that has emerged. In part, this is because the detailed implementation material has been removed into stand alone Implementation and Corridor Plans, which are only summarised at a very high level in Chapter 10. Without recourse to those supporting plans, it is difficult for the RLTS reader to gain a clear picture of what the strategy is actually proposing "on the ground", and how future investment is likely to be allocated between roads, passenger transport and other activities.</p> <p><i>Recommendation: Provide a more thorough description of the preferred strategic option in Chapter 4, and consider a more formal linkage between the RLTS and the associated Implementation Plans, Corridor Plans and Regional Transport Programme.</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 Appendix 3, 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 8.4 "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 in Chapter 5, and policy 8.4 (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 Appendix 3 of the 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>Appendix 3 notes that feedback from this process identified a number of key issues to be addressed, but these are not detailed in the RLTS 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 provided a further opportunity to engage with affected communities. A copy of the Draft was sent to approximately 300 interested parties with an invitation to respond, and amendments to the final document have in part reflected the views expressed during that process.</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 Appendix 3 of the 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. Network providers were also specifically consulted on the Draft RLTS.</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. They were also sent copies of the Draft RLTS with an invitation to comment, and offered the opportunity to meet with GWRC officers to discuss the Draft RLTS.</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 The RLTS includes policies and targets 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 Chapter 9 of the RLTS includes a discussion on the role of each of the land transport modes, including freight traffic, passenger transport, cycling, and pedestrian traffic. Mode share targets are included in Chapter 7.</p>
6.3	The RLTS specifically includes the Wellington Regional Passenger Transport Plan (RPTP)	LTA 175 (2) k	<p>Requirement met A review of the RPTP has been prepared in parallel with the RLTS, and the two documents were released together for the purposes of public consultation.</p> <p>The RLTS includes reference to the RPTP in Chapter 10. There is also reference to the RPTP under buses in the passenger transport section of the role of the modes chapter (section 9.3.2).</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 Section 10.2.1 of the RLTS (Travel Demand Management) refers to the Travel Demand Management Plan that was prepared separately and adopted by the RLTC in December 2005. This section of the RLTS sets out the outcomes and targets that are relevant to TDM, and a summary of the key action areas, project targets and associated timetables.</p> <p>This material complies with the statutory requirements, but the reader must refer to the separate TDM Plan for full details of the TDM actions and timetables proposed. As noted in Step 5.1 above, a more formal linkage between the RLTS and the TDM Plan would provide a clearer picture of what is intended in this area.</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>Appendix 3 of the 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 8.5 (h) is to “ensure investment in national transport routes is coordinated with other regions”.</p> <p>Appendix 3 also refers to policy cooperation between regions on wider transport issues such as pricing legislation, vehicle efficiency alternative fuels and passenger transport funding, although this is not accompanied by corresponding policy references in Chapter 8.</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>Chapter 10 of the RLTS refers to separate stand alone Implementation Plans and Corridor Plans, and notes that those Plans identify the agency responsible for each activity in the action programmes.</p> <p>A review of these Plans confirms that they clearly identify the parties responsible for 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)	<p>Not applicable No issues were identified as being exempt from the consultation process.</p>
7.2	Each of the people and organisations listed in section 179 (1) have been consulted.	LTA 179 (1)	<p>Requirement met As noted in step 5.6, initial consultation on strategic options involved the people and organisations listed in section 179 (1). All of the people and organisations listed were sent copies of the Draft RLTS with an invitation to comment, and offered the opportunity to meet with GWRC officers to discuss the Draft RLTS.</p>
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"> a) Preparation of a statement of the proposal (the draft RLTS) and a summary of the information contained in the statement of proposal. b) Inclusion of the statement of proposal (the draft RLTS) on a meeting agenda. c) Making the statement of proposal (the draft RLTS) available for public inspection. d) Distribution of the summary of information as widely as reasonably practicable. e) Public notice of the proposal and the consultation being undertaken, and how interested persons can obtain more information. 	LTA 179 (2) LTA 179 (3)	<p>Requirement met The consultation process for the RLTS met all of the requirements of the special consultative procedure.</p> <ul style="list-style-type: none"> a) The Draft RLTS acted a a statement of the proposal, and a summary document was prepared and widely distributed. b) The draft RLTS was reported to the 31 October 2006 meeting of the RLTC, which approved it for public consultation. c) The Draft RLTS was available for inspection at GWRC and TA offices and public libraries throughout the region, and on the GWRC website. d) The summary document was distributed to all households in the region on 14-15 November 2006 e) Public notice of the Draft RLTS and the consultation process was given in the Dominion Post and Wairarapa Times Age on 11 November 2006, and local community newspapers over the following week.

	<p>f) Allowing time for submissions (at least one month from the first public notice).</p> <p>g) Acknowledgment of submissions and the provision of reasonable opportunities for submitters to be heard.</p> <p>h) Advising submitters of their opportunity to be heard, and explaining how they may exercise this opportunity.</p> <p>i) Conducting the process in public, except as otherwise provided for under the LGOIMA.</p> <p>j) Making written submissions available to the public (subject to the LGOIMA).</p>		<p>f) Over three months was available between the first public notice (11 November 2006) and the closing date for submissions (16 February 2007)</p> <p>g) Submission notices all noted the ability for submitters to be heard. Upon receipt of written submissions, a letter was sent acknowledging the submission and advising of the opportunity to be heard and the arrangements for this.</p> <p>h) All submitters other than those who indicated that they did not wish to be heard were written to with an explanation of how they could exercise their right to be heard.</p> <p>i) The hearing of submissions was conducted by the Hearings Subcommittee in open session.</p> <p>j) Written submissions were made available to the public for inspection at GWRC offices, on the GW website, and on request.</p>
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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