

Proactive Release

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Listed below are the most commonly used grounds from the OIA.

<u>Section</u>	<u>Description of ground</u>
6(a)	as release would be likely to prejudice the security or defence of New Zealand or the international relations of the New Zealand Government
6(b)	as release would be likely to prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by <ul style="list-style-type: none"> (i) the Government of any other country or any agency of such a Government; or (ii) any international organisation
6(c)	prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial
9(2)(a)	to protect the privacy of natural persons
9(2)(b)(ii)	to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information
9(2)(ba)(i)	to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public
9(2)(ba)(ii)	to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest
9(2)(f)(ii)	to maintain the constitutional conventions for the time being which protect collective and individual ministerial responsibility
9(2)(f)(iv)	to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials
9(2)(g)(i)	to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty
9(2)(h)	to maintain legal professional privilege
9(2)(i)	to enable a Minister of the Crown or any public service agency or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities
9(2)(j)	to enable a Minister of the Crown or any public service agency or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

In Confidence

Office of the Minister of Transport

Cabinet Economic Committee

Transport Governance Reform in Auckland

Proposal

1. This paper seeks Cabinet agreement to a proposal for my forthcoming engagements with the Mayor of Auckland on changes to transport governance in Auckland.

Relation to government priorities

2. The proposals outlined in this paper will support the government to achieve its priorities for transport investment. These are to support New Zealand's economic growth and productivity as set out in the Government Policy Statement on Land Transport (GPS 2024).
3. The governance reforms will support democratic accountability for transport, increased responsiveness to Aucklanders needs, better value for money, and improved transport outcomes for Auckland.

Executive Summary

4. Efficient and effective transport in Auckland is essential to support New Zealand's economic growth and productivity. Currently transport in Auckland is not meeting the performance expectations of Government, Auckland Council or Auckland's public.
5. While a range of measures are required to address Auckland's transport challenges, good governance, strong democratic accountability and alignment between Government and Auckland Council are essential foundations for Auckland's transport system.
6. Fourteen years on from the establishment of Auckland Council and Auckland Transport, as part of the Supercity reforms, it is appropriate to review current governance arrangements.
7. Auckland Transport, a statutory Council-Controlled Organisation (CCO) plays a significant role in the transport system. It has the powers of a road controlling authority (RCA), and the transport powers usually exercised by regional councils. This means that, as well as operational functions, the Auckland Transport Board sets strategy and policy across wide-ranging areas that impact on Aucklanders. Auckland Transport also prepares and approves the Regional Land Transport Plan (RLTP), a role undertaken by elected members in the rest of the country.
8. Over recent months I have been discussing with the Mayor of Auckland the need to restore democratic accountability for, and public trust and confidence in, transport decision making in Auckland. We also recognise the need for more integrated long term transport planning between Auckland Council and Government. There is a need for greater participation by the Crown as the primary funder of transport in Auckland, and Auckland Council in transport governance.

9. I have developed the following package of change and seek your approval to consult the Mayor on this proposal.
- 9.3 A reconstituted Auckland Regional Transport Committee (ARTC) with an equal share of Mayoral and Ministerial appointees.
- 9.4 The ARTC would be responsible for:
- 9.4.1 preparing the RLTP, which would be approved by Auckland Council;
 - 9.4.2 preparing a 30-year integrated transport plan for Auckland;
 - 9.4.3 undertaking any other functions delegated to it by Auckland Council or the Crown.
- 9.5 A repurposing of Auckland Transport s 9(2)(f)(iv)
- 9.6 The Mayor of Auckland – rather than Auckland Council's Governing Body – exercising the power to appoint and remove Auckland Transport Board directors.
10. I intend to discuss with the Mayor my proposal that the Chair of ARTC is a ministerial appointee, on the basis of the Crown's interest and scale of funding in Auckland, and that the Chair should exercise a casting vote.
11. The governance reforms will be refined following Cabinet's direction and my engagement with the Mayor on 11 October 2024. I will return to Cabinet with a final proposal and will look to introduce legislation next year.

Background

Auckland's transport system needs to improve to support national economic goals

12. Government is investing significant resources into Auckland's transport system, alongside Auckland Council. Over the three-year period ending June 2024, Government's capital expenditure in transport in Auckland totalled \$4.7 billion and Auckland Council's totalled \$2.4 billion; with transport representing 34 per cent of Auckland Council's total budget.
13. Despite this, the transport network in Auckland is struggling to efficiently and effectively move people and goods across the city. Congestion is costing the city up to \$1.4 billion annually¹ and Auckland is slipping in international rankings for connectivity. In a context where Auckland is a significant contributor to New Zealand's GDP, the performance of the city's transport system has national implications for economic growth and productivity.
14. While a range of measures are required to address the performance of Auckland's transport network, a strengthening of governance arrangements will support greater accountability for transport, better responsiveness to the needs of Aucklanders, and better outcomes.

¹ *Cost of congestion reappraised*, Wallis and Lupton, 2013 and *Benefits from Auckland Road Decongestion*, NZIER, 2017

The role of Auckland Transport needs to be re-considered as democratic accountability for transport is absent

15. Over the last ten months I have been discussing with the Mayor of Auckland institutional arrangements for transport in Auckland. The Mayor and Government are typically held accountable for transport outcomes and issues by the Auckland public. Yet, in practice, it is Auckland Transport, governed by a Board, comprising primarily non-elected directors, that is making most of the decisions about transport in Auckland.
16. Auckland Council has found it challenging to hold Auckland Transport to account through their existing statutory levers. The Ministry of Transport has analysed the existing levers. There are a range of these including: statements of intent; letters of expectation; and the need for Auckland Transport to give effect to Auckland Council's Long Term Plan and act consistently with other plans. This work identified that while most of the levers are being used, they are not as effective as Auckland Council would like and can prove difficult to enforce.
17. Legislative change to the Land Transport Management Act 2003 (LTMA) in 2013 further diminished Auckland Council's democratic role in transport planning, as responsibility for the RLTP was conferred to the Auckland Transport Board. Auckland Council is the only council in the country not to have approval rights over the RLTP.
18. The Government, despite being the primary funder, has no direct role over transport decisions in Auckland. We have seen, on a number of occasions, a slow response by Auckland Transport to new directions set by both Auckland Council and Government.
19. Public dissatisfaction with Auckland Transport has also increased. A 2024 survey conducted by Auckland Transport showed just 29 per cent of those surveyed believe Auckland Transport listens and responds to Aucklanders' needs².
20. There is a need to reconsider the role of Auckland Transport and restore democratic accountability for transport decision-making in Auckland.

Arrangements to facilitate Government and Auckland Council jointly working on transport in Auckland need to be strengthened

21. There is a need to consider the arrangements that facilitate Auckland Council and Government working together on transport. An aligned strategic approach to transport in Auckland between the Government and Auckland Council is critical to establish clear direction, optimise joint resources and achieve both regional and national transport outcomes.
22. Set up under the previous National Government in 2015, the Auckland Transport Alignment Project (ATAP) has worked well to bring officials and political sponsors together and bring alignment on a number of transport priorities. The focus has been on ten-year planning. Auckland does not have an integrated longer term transport plan that aligns Government and Auckland Council direction.
23. There is scope to consider more formal arrangements for Government and Auckland Council to work together on transport, including on a longer-term transport plan as well as monitoring of the transport system's performance.

² Annual Report 2024, Auckland Transport, 2024

Auckland's Current transport governance system

Auckland Transport has wide-ranging strategic, policy and operational functions

24. Auckland has a unique set of transport governance arrangements, that were established in the 2010 Auckland Council amalgamation reforms. Auckland Transport is a statutory CCO with the Local Government Auckland Council Act 2009 (LGACA) setting out its powers and functions.
25. The Auckland Transport Board comprises between six and eight voting directors appointed by Auckland Council. Two of these may be members of Auckland Council. In addition, there is one non-voting New Zealand Transport Agency (NZTA) representative. Auckland Transport currently has nine Board members, two of whom are Auckland Council elected members.
26. Auckland Transport is funded by Auckland Council and Government through NZTA, as well as by third party revenue generated through fares on public transport services, advertising, parking revenue and enforcement.
27. Auckland Council's Auckland Plan and ten-year Long Term Plan, along with the Government Policy Statement on Land Transport sets the direction for Auckland transport system. Nonetheless, the Auckland Transport Board has considerable control over the region's transport system, including exercising the transport powers and roles of a regional council and an RCA. Elsewhere in New Zealand the territorial authorities are RCAs.
28. In addition to managing and controlling local roads and public transport, Auckland Transport develops and approves policies over a wide range of matters that impact on Aucklanders. This includes policies on parking, speed limits, public transport, rapid transit, freight and the roading hierarchy.

The Auckland Regional Land Transport Plan is approved by the Auckland Transport Board rather than by elected members, as happens in the rest of the country

29. The Auckland Transport Board approves the RLTP. The RLTP plays an important role in the transport system as it helps set regional strategic direction and bids for funding from the National Land Transport Fund, based on the region's priorities. Elsewhere in New Zealand the regional or unitary council approves the RLTP.
30. Auckland is also different to the rest of the country in that its Regional Transport Committee (RTC) comprises the Auckland Transport Board, including a NZTA voting representative and a non-voting KiwiRail representative. The NZTA member has voting rights on the RTC. Outside of Auckland, RTCs are made up of elected members plus a voting NZTA representative, and in the case of Wellington, a non-voting KiwiRail representative.
31. The primary purpose of a RTC (under the amendments to the LTMA in 2013) is to develop the RLTP. RTCs can also carry out other functions delegated to them by the relevant regional or unitary council, or through regulations (Orders in Council) made on the recommendation of the Minister of Transport.
32. Overall, there is a limited role for Auckland Council's elected members in the development of the RLTP and no role in approval.

Mayor's proposal

33. Soon after the 2023 election, the Mayor of Auckland raised concerns with me about Auckland Council's lack of say over transport decision making in Auckland and the need for more integrated long term transport planning between Auckland Council and Government.
34. The Mayor proposed we addressed this through:

s 9(2)(ba)(i)



Crown proposal

35. I share the Mayor's concerns about the lack of democratic accountability and the need for Government and Auckland Council to work in an aligned way. However, while drawing on some of the Mayor's ideas my proposal differs from aspects of the Mayor's original plan.

36. s 9(2)(g)(i)



37. s 9(2)(g)(i)



38. I am seeking your agreement to put the following proposal to the Mayor of Auckland:

38.1 a reconstituted Auckland Regional Transport Committee (ARTC), with a broadened mandate;

38.2 a repurposing of Auckland Transport to s 9(2)(f)(iv)



38.3 the Mayor of Auckland exercising the powers to appoint and remove Auckland Transport Board directors.

The Auckland Regional Transport Committee

39. There are choices over the functions of a reconstituted ARTC. I considered a number of options, including maintaining a narrow statutory role to develop the RLTP, an expanded statutory role to include developing an integrated 30-year transport plan, and a further expanded statutory role to include other strategic and policy functions.

40. I propose an ARTC that:
- 40.1 develops the RLTP, with approval by Auckland Council (consistent with other regional councils);
 - 40.2 develops the 30-year transport plan, with approval by Auckland Council and Cabinet;
 - 40.3 monitors and ensures accountability for the delivery of the agreed outcomes set out in the 30-year transport plan;
 - 40.4 undertakes other strategic and policy functions as delegated by Auckland Council, or through secondary legislation made by an Order in Council.
41. The 30-year transport plan s 9(2)(f)(iv) would demonstrate Government and Auckland Council alignment over direction and priorities. The work would need to be aligned with other statutory processes and national initiatives, such as the 30-year infrastructure prioritisation work led by the New Zealand Infrastructure Commission.
42. Recognising that transport supports and enables urban growth, there would need to be an agreed approach to land-use and a shared view of Auckland's growth to underpin the 30-year transport plan.
43. Given the interest in the 30-year transport plan, I would expect Auckland Council and Cabinet would formally approve it, following its development by the ARTC.
44. On membership of the ARTC, I support appointing ministerial appointees on the basis that the Government is the main funder of transport in Auckland, and the performance of Auckland's transport system has national implications. I would like to propose equal representation of Auckland Council and Government representatives with the following membership:
- 44.1 Chair - Ministerial Appointee – voting member (including casting vote);
 - 44.2 Ministerial Appointees – one to two additional voting members;
 - 44.3 Auckland Council elected members nominated by the Mayor– two to three voting members;
 - 44.4 NZTA, KiwiRail and Auckland Transport to participate as non-voting members at the request of the ARTC.
45. The ARTC would be a joint statutory committee, hosted by Auckland Council but with joint analytical support by Government and Auckland Council officers.
46. I have considered the fact that the NZTA representative have voting rights on RTCs, as set out in the LTMA 2013. The ARTC however, will have ministerial appointees that can ensure Government priorities, including State Highways investments, are prioritised in the RLTP. The ARTC will also has a broader strategic function compared to RTCs elsewhere in New Zealand. I therefore propose that NZTA does not have voting rights.

47. I expect the Mayor will be comfortable with the proposed functions of the ARTC as the RLTP is developed by a committee that includes Mayoral appointees and is approved by Auckland Council. In addition, the ARTC provides a formal mechanism for Government and Auckland Council to work together as requested by the Mayor.

Mayoral powers to appoint and remove directors of Auckland Transport

48. One specific role I would like to offer to the Mayor is the power to appoint and remove Auckland Transport Board directors. This power currently sits with Auckland Council's Governing Body.
49. Appointment and removal of Auckland Transport Board directors is Auckland Council's ultimate tool for ensuring accountability and compliance. s 9(2)(g)(i)
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED] The role of Auckland Transport in this proposal would need to be negotiated.
50. Should this proceed, it would be appropriate for the Mayor to consult with the Governing Body before taking decisions on appointing and removing directors.

Changing the functions of Auckland Transport

51. Auckland Transport was established in 2010, through the LGACA, as a CCO to provide a dedicated focus on transport.
52. The core question at the time, and still relevant now, was whether transport decisions are best made by elected representatives within a multi-purpose entity (Auckland Council), or whether transport decisions are best made by a single-purpose entity with an appointed Board. At the time of the Auckland amalgamation, the focus, continuity and expertise offered by an appointed Board was seen to outweigh the comparative simplicity, integration and direct accountability offered by putting the transport function with the elected Auckland Council.
53. Fourteen years after the Supercity reforms we can see that Auckland Transport undertakes strategic, policy and operational functions with the non-elected Board, making decisions that have significant impact on Aucklanders. Auckland Council has been challenged to hold Auckland Transport to account and there is a lack of public accountability for transport decision-making.
54. Public accountability is a key element in the transport decision making system. Accountability ensures decision makers have strong incentives to undertake functions and projects in a way that does not waste public funds and responds to public sentiment.
55. I believe it is time to change the Auckland Transport model to restore democratic accountability and public trust, and confidence in, transport decision making in Auckland.

56. I have considered different options for changing the functions of Auckland Transport. These are:

s 9(2)(f)(iv)



57. s 9(2)(g)(i)
- 

s 9(2)(f)(iv)



59. Under this model Auckland Council will be responsible for strategic and policy functions and will also be the RCA. Auckland Council would delegate operational responsibilities of an RCA.

s 9(2)(f)(iv)



61. s 9(2)(ba)(i)
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- s 9(2)(f)(iv)
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62. s 9(2)(f)(iv)
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s 9(2)(f)(iv)



Cost-of-living Implications

64. This proposal does not have cost-of-living implications.

Financial Implications

65. This paper is seeking approval of a proposal to put to the Mayor and does not, in the first instance, have financial implications.

Legislative Implications

66. This paper is seeking approval of a proposal to put to the Mayor and is not, in the first instance, proposing legislative change. The next Cabinet paper will seek policy decisions that will require legislation.
67. Proposed changes will require legislative amendment to the LGACA and the LTMA, along with consequential amendments to a range of other transport and local government acts.

Impact Analysis

Regulatory Impact Statement

68. A regulatory impact statement will be included with the next Cabinet paper that seeks policy decisions.

Climate Implications of Policy Assessment

69. A Climate Implications of Policy Assessment is not required.


Population Implications

70. This paper does not have particular impacts on different population groups.

Consultation

71. The Ministry for the Environment, Department of Internal Affairs, Ministry of Housing and Urban Development, Treasury, Ministry of Business, Innovation and Employment, Land Information New Zealand and Te Puni Kōkiri were consulted on this paper. As this paper is seeking agreement to discuss proposed changes with the Mayor, the views of these departments will be further considered prior to Cabinet making final policy decisions.

s 9(2)(ba)(i)



Recommendations

75. I recommend that the Committee:

1. **note** that there is a lack of democratic accountability and a loss of public trust and confidence in decision-making on transport in Auckland;
2. **note** that alignment between Government and Auckland Council on transport is important to optimise resources and ensure national and regional economic outcomes are achieved;
3. **agree** for the Minister of Transport to consult with the Mayor of Auckland on the following:
 - 3.1 Establishment of a reconstituted Auckland Regional Transport Committee with the following functions:
 - 3.1.1 development of the Regional Land Transport Plan, with approval assigned to Auckland Council;
 - 3.1.2 development of a 30-year integrated transport plan, with joint approval by Auckland Council and Cabinet;
 - 3.1.3 monitoring the delivery of the agreed outcomes of the 30-year integrated transport plan;
 - 3.1.4 undertake other functions as delegated by Auckland Council or by Government (through Order in Council).
 - 3.2 Membership of the Auckland Regional Transport Committee to comprise the following:
 - 3.2.1 Ministerial Appointees – two to three voting members;
 - 3.2.2 Auckland Council elected members appointed by the Mayor – two to three voting members;
 - 3.2.3 the Chair to be one of the ministerial appointees, with a casting vote;
 - 3.2.4 NZTA, KiwiRail and Auckland Transport to participate as non-voting members.

3.3 The status and functions of Auckland Transport to be amended by:

s 9(2)(f)(iv)



3.4 Provide the Mayor of Auckland with the power to appoint and remove Auckland Transport Board members.

Authorised for lodgement.

Hon Simeon Brown

Minister of Transport



Cabinet Economic Policy Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Transport Governance Reform in Auckland

Portfolio Transport

On 24 September 2024, the Cabinet Economic Policy Committee (ECO):

- 1 **noted** that there is a lack of democratic accountability and a loss of public trust and confidence in decision-making on transport in Auckland;
- 2 **noted** that alignment between the Government and Auckland Council on transport is important to optimise resources and ensure national and regional economic outcomes are achieved;
- 3 **agreed** that the Minister of Transport (the Minister) consult with the Mayor of Auckland on the following:
 - 3.1 establishment of a reconstituted Auckland Regional Transport Committee with the following functions:
 - 3.1.1 development of the Regional Land Transport Plan, with approval assigned to Auckland Council;
 - 3.1.2 development of a 30-year integrated transport plan, with joint approval by Auckland Council and Cabinet;
 - 3.1.3 monitoring the delivery of the agreed outcomes of the 30-year integrated transport plan;
 - 3.1.4 undertaking other functions as delegated by Auckland Council or by the Government (through Order in Council);
 - 3.2 membership of the Auckland Regional Transport Committee to comprise the following:
 - 3.2.1 Ministerial appointees – two to three voting members;
 - 3.2.2 Auckland Council elected members appointed by the Mayor – two to three voting members;
 - 3.2.3 the Chair to be one of the Ministerial appointees, with a casting vote;
 - 3.2.4 NZTA, KiwiRail and Auckland Transport to participate as non-voting members;

3.3 the status and functions of Auckland Transport to be amended by:

s 9(2)(f)(iv)



3.4 provide the Mayor of Auckland with the power to appoint and remove Auckland Transport Board members;

4 **invited** the Minister to report back to ECO with final proposals following his discussions with the Mayor.

Rachel Clarke
Committee Secretary

Present:

Hon David Seymour
Hon Nicola Willis (Chair)
Hon Chris Bishop
Hon Shane Jones
Hon Brooke van Velden
Hon Simeon Brown
Hon Paul Goldsmith
Hon Louise Upston
Hon Mark Mitchell
Hon Tama Potaka
Hon Matt Doocey
Hon Melissa Lee
Hon Penny Simmonds
Hon Mark Patterson
Simon Court MP

Officials present from:

Office of the Prime Minister
Office of Hon Chris Bishop
Officials Committee for ECO



Cabinet

Minute of Decision

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Report of the Cabinet Economic Policy Committee: Meeting of 24 September 2024

On 30 September 2024, Cabinet made the following decisions on the work of the Cabinet Economic Policy Committee for the period ended 27 September 2024:

Out of Scope

ECO-25-MIN-0217

Transport Governance Reform in Auckland
Portfolio: Transport

CONFIRMED

Out of Scope

Rachel Hayward
Secretary of the Cabinet

In Confidence

Office of the Minister of Transport and Office of the Minister for Auckland

Cabinet Business Committee

Transport Governance Reform in Auckland

Proposal

- 1 This paper seeks Cabinet agreement to transport governance reform in Auckland.

Relation to government priorities

- 2 The proposals outlined in this paper will support the government to achieve New Zealand's economic growth and productivity goals, and the priorities for transport investment as set out in the Government Policy Statement on Land Transport (GPS).
- 3 Strengthening transport governance in Auckland will improve transport outcomes for Auckland and New Zealand.

Executive Summary

- 4 Ensuring that the transport system in Auckland is appropriately governed is an essential foundation to improve transport outcomes for Auckland and New Zealand.
- 5 Particular issues to address are the lack of democratic accountability for transport decision-making, given the primary role exercised by Auckland Transport, and the absence of longer-term transport planning that aligns Government and Auckland Council priorities.
- 6 In September 2024, Cabinet agreed that I consult with the Mayor of Auckland on a proposal for transport governance reform. I have concluded discussions with the Mayor and worked on further detail of the proposal. s 9(2)(ba)(i)

s 9(2)(f)(iv)

- 8 My final proposal to reform transport governance in Auckland is summarised as follows:
 - 8.1 a reconstituted Auckland Regional Transport Committee (ARTC) to hold the strategic transport planning function, with membership comprising Ministerial appointees and Auckland Council elected members;
 - 8.2 transferring approval of the Regional Land Transport Plan (RLTP) and policy functions (including Road Controlling Authority (RCA) powers) to Auckland Council;

- 8.3 providing for specific local transport functions to be allocated to local boards;
- 8.4 reform Auckland Transport by either: s 9(2)(f)(iv)

Background

- 9 Transport in Auckland is not meeting the performance expectations of Government, Auckland Council or Auckland's public. While a range of measures are required to address the performance of Auckland's transport network, a strengthening of governance arrangements will support greater accountability for transport, better responsiveness to the needs of Aucklanders, and better transport outcomes.
- 10 There are two key areas of weakness in current governance arrangements for transport:
 - 10.1 a lack of democratic accountability for transport decision-making with a non-elected Auckland Transport Board making most transport decisions across strategy, policy and delivery;
 - 10.2 a lack of joint Government and Auckland Council governance over long-term, integrated planning.
- 11 Auckland Transport is a statutory CCO with the Local Government (Auckland Council) Act 2009 (LGACA) setting out its powers and functions. It has the policy and operational powers of an RCA and the transport powers usually exercised by regional councils. Auckland Transport also prepares and approves the RLTP, a statutory planning document that sets out a region's investment priorities. This is a role undertaken by elected members in the rest of the country.
- 12 While Auckland Council and Government are typically held accountable for the performance of transport in Auckland, the elected members of Auckland Council have little say over transport decisions. This is despite rates-funded transport expenditure being the largest component of the Auckland Council budget.
- 13 Government has a strong interest in the performance of Auckland's transport system, given its impact on national economic growth and productivity goals. We are the primary funder of transport in Auckland through the National Land Transport Fund (NLTF) and direct Crown investments and have a role to play in ensuring value for money of our investments. We also need to ensure that transport planning in Auckland effectively integrates local projects with State Highways and rail.
- 14 Auckland Council have been challenged to hold Auckland Transport to account. The statutory accountability levers available to Auckland Council have not proved as effective as intended and can prove difficult to enforce. In addition, the statutory nature of Auckland Transport has contributed to a culture of independence.
- 15 An aligned strategic approach to transport in Auckland between Government and Auckland Council is critical to establish clear direction and optimise investments.

- 16 The Auckland Transport Alignment Project (ATAP), set up in 2015, has been a step forward in more aligned planning and marks a successful partnership between Government and Auckland Council. However, it is non-statutory and in more recent years the focus has been on short-term funding challenges and a ten-year horizon.

Consultation with the Mayor of Auckland

- 17 In September 2024, Cabinet agreed for me to consult with the Mayor of Auckland on a proposal for transport governance reform in Auckland (ECO-24-MIN-0217). I have concluded discussions with the Mayor and worked on further detail of the proposed changes. s 9(2)(ba)(i)

Reform Proposal

Establish an Auckland Regional Transport Committee with a strategic focus

- 18 I propose to reconstitute an ARTC to hold the transport strategic planning function, with a focus on a 30-year integrated transport plan and preparing the RLTP. The ARTC will be quite different to other regional transport committees (RTCs) in New Zealand, being a statutory Government and Auckland Council committee.
- 19 The membership of the ARTC will comprise the following:
- 19.1 an independent Chair jointly appointed by the Mayor of Auckland, following consultation with the Auckland Council Governing Body, and the Minister of Transport. The Chair will exercise a casting vote;
 - 19.2 Ministerial appointees – three voting members;
 - 19.3 Auckland Council elected members appointed by the Mayor, following consultation with the Auckland Council Governing Body – three voting members;
 - 19.4 one non-voting representative from each of the New Zealand Transport Agency, KiwiRail and Auckland Transport (if Auckland Transport is retained), appointed by the respective Boards of these organisations.
- 20 A Joint Officers Group, co-chaired by the Chief Executives of Auckland Council and Ministry of Transport, will be established to support the work of the ARTC.
- 21 Prepared by the ARTC, the 30-year integrated transport plan will include a strategic direction for the transport system in Auckland and indicative 10-year and 30-year transport investment priorities. Aucklanders will be consulted on the plan and it will be jointly agreed by Cabinet and Auckland Council.
- 22 The 30-year integrated transport plan provides direction to, s 9(2)(f)(iv), other statutory transport plans, such as the National Land Transport Programme which is approved by the New Zealand Transport Agency Board.
- 23 The 30-year integrated transport plan should inform and align with other Government work programmes, including the 30-year National Infrastructure Plan led by the Infrastructure Commission, spatial planning work that might arise from the Resource Management Act Reforms and any Regional Deal for Auckland.

IN CONFIDENCE

The ARTC will prepare the RLTP and Auckland Council will approve

- 24 The ARTC will prepare the RLTP with approval rights sitting with Auckland Council.
- 25 The RLTP will, in effect, become the 10-year implementation plan of the 30-year integrated transport plan, and so it makes sense that the ARTC develops it. In addition, the RLTP brings together investment in State Highways and rail, as well as local transport projects, and so it is appropriate that it is prepared by the joint committee.
- 26 Assigning RLTP approval rights to Auckland Council provides for local democratic accountability. To ensure Auckland Council has appropriate influence over the preparation of the RLTP, I propose that Auckland Council is consulted on the draft RLTP prior to public consultation and that the RLTP has regard to the Auckland Council's Long-term Plan and any separate Auckland Council transport policy statement.

Auckland Council will have responsibility for regional policies and plans

- 27 Under the reforms it is proposed that Auckland Council will prepare and approve regional policies and plans, except for those that the ARTC is responsible for. This role currently sits with Auckland Transport. The transfer of this role will restore democratic accountability for key decisions that directly impact on Aucklanders.

Auckland Council will be the Auckland Road Controlling Authority

- 28 RCA functions are wide-ranging covering policy, regulatory and operational matters, and include the power to make by-laws. Elsewhere in New Zealand, territorial authorities are the RCA. In Auckland the role sits with Auckland Transport.
- 29 In the proposed new model for transport governance in Auckland, it is appropriate for Auckland Council to be the RCA, given its policy function, with the ability to delegate responsibilities to other parties s 9(2)(f)(iv). The governance model for Auckland Council provides for decision making to be shared between the Governing Body (the Mayor and 20 Councillors) and local boards (21 local boards with 149 elected local board members), meaning that RCA powers will be split between the two arms of governance as appropriate.

Local boards will have decision-making powers for specific transport functions

- 30 Local boards were established to make decisions on local matters, but to date all local decision-making on transport has been undertaken by Auckland Transport. Decision-making by local boards will support the intention of these transport governance reforms to strengthen local democratic accountability.
- 31 I propose that some functions are directly conferred on local boards through legislation to establish clarity on their decision-making role and that, in addition, the Governing Body can allocate further functions to local boards.
- 32 In allocating functions to local boards, the LGACA contains a useful overarching principle that states that decision-making should sit with local boards unless the nature of the activity is such that decision-making on an Auckland-wide basis will better promote the well-being of communities across Auckland.

- 33 An allocation of transport functions to local boards needs to weigh up factors such as efficient traffic movement across the network, regional consistency for users, operational efficiency and safety. The types of roads that the local boards have decision-making over also needs to be determined. It is expected that decision-making over many, if not all, of the regional arterial roads should be made on a regional basis given that through-movement is of primary importance.
- 34 I have identified an indicative set of functions (see Appendix 1) that could be allocated to local boards. s 9(2)(f)(iv)
- More work is required on identifying the final functions and determining the road classifications that local boards will have decision-making over. I am requesting delegated authority to finalise drafting decisions on these matters. These decisions will be subject to final Cabinet approval by the Legislative Committee.

Reforming Auckland Transport

- 35 To restore democratic accountability and public trust, and confidence in transport decision-making in Auckland I believe that Auckland Transport has to change. There are two options to reform Auckland Transport for Cabinet's consideration.
- 36 In finalising these options, I have been mindful of the need to minimise disruption to delivery of the transport programme and services to Aucklanders as we transition to new arrangements.
- 37 The options are:

s 9(2)(f)(iv)

s 9(2)(f)(iv)

s 9(2)(f)(iv)



s 9(2)(ba)(i)

s 9(2)(f)(iv)

Implementation

- 48 Alongside legislation, there will be a need to reorganise functions, budgets and staff across Auckland Council and establish the ARTC and its support.

Cost-of-living Implications

- 49 This proposal does not have cost-of-living implications.

Financial Implications

- 50 Financial implications for the Crown are limited. A direct cost is the remuneration of the Ministerial appointees on the ARTC.

Legislative Implications

- 51 The proposals in this paper will require changes to the Local Government (Auckland Council) Act 2009, administered by the Department of Internal Affairs, with consequential amendments to legislation administered by the Ministry of Transport.
- 52 I propose to add a Land Transport (Auckland Transport Governance) Amendment Bill to the 2024 Legislation Programme with a category of priority 6: drafting instructions to be issued to Parliamentary Counsel Office by the end of 2024.

Impact Analysis

Regulatory Impact Statement

- 53 A Regulatory Impact Statement (RIS) is attached to the Cabinet paper. It has been reviewed by a panel of representatives from the Ministry of Transport. It received a 'partially meets' rating against the quality assurance criteria. The panel considers that the RIS provides a sufficient basis for informed decisions on the current proposal. However, limited consultation has been undertaken which has limited the evidence available to assess the impacts of the proposed changes.

Climate Implications of Policy Assessment

- 54 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this policy proposal.

Population Implications

- 55 This paper does not have particular impacts on different population groups.

Human Rights

- 56 There are no direct implications for the New Zealand Bill of Rights Act or the Human Rights Act from the decisions in this paper.

Use of external Resources

- 57 No external resources were used to prepare this paper.

Consultation

- 58 The Department of Internal Affairs, Ministry of Business, Innovation and Employment, Ministry of Housing and Urban Development (MHUD), Land Information New Zealand, Te Puni Kōkiri, Treasury and Ministry for the Environment (MfE) were consulted on my proposal. The Department of Prime Minister and Cabinet has been informed.

Communications

- 59 I intend to announce the decisions Cabinet has made in due course, in consultation with the Mayor's Office.

Proactive Release

- 60 As soon as practicable, after decisions being confirmed by Cabinet and public announcements made, I intend to proactively release this paper, subject to redactions as appropriate under the Official Information Act 1982.

Recommendations

- 61 The Minister of Transport recommends that the Committee:
1. **agree** to establish a reconstituted Auckland Regional Transport Committee with the following functions:
 - 1.1. preparing the 30-year integrated transport plan;
 - 1.2. preparing the Regional Land Transport Plan, with approval of the Regional Land Transport Plan assigned to Auckland Council;
 - 1.3. monitoring the delivery of the agreed outcomes of the 30-year integrated transport plan;
 - 1.4. undertaking other functions as delegated by Auckland Council;
 - 1.5. undertaking other functions, as set out in regulations made by the Governor-General by Order in Council, on the recommendation of the Minister of Transport after consultation with the Mayor of Auckland.
 2. **agree** that membership of the Auckland Regional Transport Committee will comprise the following:
 - 2.1. an independent Chair, jointly appointed by the Mayor of Auckland, following consultation with the Auckland Council Governing Body, and the Minister of Transport. The Chair will exercise a casting vote;
 - 2.2. Ministerial appointees – three voting members;
 - 2.3. Auckland Council elected members appointed by the Mayor, following consultation with the Auckland Council Governing Body – three voting members;

I N C O N F I D E N C E

- 2.4. one non-voting representative from each of the New Zealand Transport Agency, KiwiRail and Auckland Transport § 9(2)(f)(iv)
), appointed by each organisation's respective Boards.
3. **agree** that a Joint Officers Group, co-chaired by the Chief Executives of Auckland Council and Ministry of Transport, will be established to support the work of the Auckland Regional Transport Committee.
4. **agree** that the 30-year integrated transport plan must include:
 - 4.1. strategic direction for the transport system in Auckland;
 - 4.2. indicative 10-year and 30-year transport investment priorities to guide development of the National Land Transport Programme, the Regional Land Transport Plan for Auckland, Auckland Council's Long-term Plan and other national and regional plans and strategies;
 - 4.3. transport outcomes for Auckland and the measures to be used for monitoring the progress towards the achievement of those outcomes;
 - 4.4. indicative policy and initiatives, in addition to investment, that are required to achieve transport outcomes.
5. **agree** that the 30-year integrated transport plan provides direction to, § 9(2)(f)(iv)
 on statutory transport plans including the Government Policy Statement on Land Transport, National Land Transport Programme and the Auckland Regional Land Transport Plan.
6. **agree** that the Auckland Regional Transport Committee must undertake public consultation on a draft of the 30-year integrated transport plan in accordance with the principles specified in Section 82 of Part 6 of the Local Government Act 2002.
7. **agree** that the 30-year integrated transport plan must be sponsored by the Minister of Transport and the Mayor of Auckland, for approval by Cabinet and Auckland Council.
8. **agree** that the Auckland Regional Transport Committee must consult with Auckland Council (the Governing Body of Auckland Council and local boards) on the draft Regional Land Transport Plan prior to public consultation.
9. **agree** that the Regional Land Transport Plan prepared by the Auckland Regional Transport Committee must:
 - 9.1. have regard to the Auckland Council Long-term Plan, the most recent draft or final;
 - 9.2. have regard to any separate Auckland Council transport policy statement agreed by the Auckland Council Governing Body;
 - 9.3. be consistent with the 30-year integrated transport plan agreed between Cabinet and Auckland Council.

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10. **note** that the Land Transport Management Act 2003 already requires that Regional Land Transport Plans are consistent with the Government Policy Statement on Land Transport.
11. **agree** that Auckland Council is responsible for regional transport policies and plans except for those undertaken by the Auckland Regional Transport Committee
12. **agree** that Auckland Council is the Auckland Road Controlling Authority.
13. **note** that Auckland Council is made up of both the Governing Body (Mayor and 20 councillors) and 21 local boards, and both will perform Road Controlling Authority functions as appropriate.
14. **agree** to enable Auckland Council's Governing Body and local boards to delegate Road Controlling Authority functions to other parties as appropriate.
15. **agree** that local boards are allocated specific transport decision-making functions in legislation that will apply to specific classifications of roads.
16. **agree** that the functions described in Appendix 1 are an indicative set of functions that could be allocated to local boards subject to final amendments prior to drafting decisions.
17. **agree** to delegate authority to the Minister of Transport to make drafting decisions on the final allocation of functions to local boards and on which roads local boards will have decision-making rights over.
18. **note** that the delegated drafting decisions of the Minister of Transport will be subject to final Cabinet approval by the Legislative Committee
19. **agree** that Auckland Council's Governing Body can also allocate or delegate transport decision-making to local boards
20. **s 9(2)(f)(iv)**

s 9(2)(f)(iv)



21. **agree** to add a Land Transport (Auckland Governance) Amendment Bill to the 2024 Legislation Programme with a category of priority 6: drafting instructions to be issued to the Parliamentary Counsel Office by the end of 2024.
22. **invite** the Minister of Transport to issue drafting instructions to the Parliamentary Counsel Office to give effect to the decisions set out above for primary and any associated secondary legislation, including any necessary consequential amendments, savings and transitional provisions.
23. **authorise** the Minister of Transport to make decisions that are consistent with the overall policy, including to make any minor or technical changes that arise during the drafting of legislative amendments to reflect the proposals in this paper.

Appendix One

Potential powers for local boards

The table below sets out indicative decision-making powers for local boards that will be allocated through legislation and that will apply to particular classifications of roads. Further work will be undertaken to confirm the allocation of functions to local boards.

s 9(2)(f)(iv)





Cabinet Business Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Transport Governance Reform in Auckland

Portfolios **Transport / Auckland**

On 25 November 2024, the Cabinet Business Committee:

- 1 **noted** that in September 2024, the Cabinet Economic Policy Committee agreed that the Minister of Transport (the Minister) would consult with the Mayor of Auckland on a proposal for transport governance reform in Auckland [ECO-24-MIN-0217];
- 2 **agreed** to establish a reconstituted Auckland Regional Transport Committee with the following functions:
 - 2.1 preparing the 30-year integrated transport plan;
 - 2.2 preparing the Regional Land Transport Plan, with approval of the Regional Land Transport Plan assigned to Auckland Council;
 - 2.3 monitoring the delivery of the agreed outcomes of the 30-year integrated transport plan;
 - 2.4 undertaking other functions as delegated by Auckland Council;
 - 2.5 undertaking other functions, as set out in regulations made by the Governor-General by Order in Council on the recommendation of the Minister of Transport, after consultation with the Mayor of Auckland;
- 3 **agreed** that membership of the Auckland Regional Transport Committee will comprise the following:
 - 3.1 an independent Chair, jointly appointed by the Mayor of Auckland, following consultation with the Auckland Council Governing Body, and the Minister of Transport (the Chair will exercise a casting vote);
 - 3.2 Ministerial appointees – three voting members;
 - 3.3 Auckland Council-elected members appointed by the Mayor, following consultation with the Auckland Council Governing Body – three voting members;
 - 3.4 one non-voting representative from each of the New Zealand Transport Agency, KiwiRail, and Auckland Transport, appointed by each organisation's respective Boards;

- 4 **agreed** that a Joint Officers Group, co-chaired by the Chief Executives of Auckland Council and the Ministry of Transport, will be established to support the work of the Auckland Regional Transport Committee;
- 5 **agreed** that the 30-year integrated transport plan must include:
- 5.1 strategic direction for the transport system in Auckland;
 - 5.2 indicative 10-year and 30-year transport investment priorities to guide development of the National Land Transport Programme, the Regional Land Transport Plan for Auckland, Auckland Council's Long-term Plan, and other national and regional plans and strategies;
 - 5.3 transport outcomes for Auckland and the measures to be used for monitoring the progress towards the achievement of those outcomes;
 - 5.4 indicative policy and initiatives, in addition to investment, that are required to achieve transport outcomes;
- 6 **agreed** that the 30-year integrated transport plan provides direction to, s 9(2)(f)(iv) statutory transport plans, including the Government Policy Statement on Land Transport, National Land Transport Programme, and the Auckland Regional Land Transport Plan;
- 7 **agreed** that the Auckland Regional Transport Committee must undertake public consultation on a draft of the 30-year integrated transport plan in accordance with the principles specified in Section 82 of Part 6 of the Local Government Act 2002;
- 8 **agreed** that the 30-year integrated transport plan must be sponsored by the Minister of Transport and the Mayor of Auckland, for approval by Cabinet and Auckland Council;
- 9 **agreed** that the Auckland Regional Transport Committee must consult with Auckland Council (the Governing Body of Auckland Council and local boards) on the draft Regional Land Transport Plan prior to public consultation;
- 10 **agreed** that the Regional Land Transport Plan prepared by the Auckland Regional Transport Committee must:
- 10.1 have regard to the Auckland Council Long-term Plan, the most recent draft or final;
 - 10.2 have regard to any separate Auckland Council transport policy statement agreed by the Auckland Council Governing Body;
 - 10.3 be consistent with the 30-year integrated transport plan agreed between Cabinet and Auckland Council;
- 11 **noted** that the Land Transport Management Act 2003 already requires that Regional Land Transport Plans are consistent with the Government Policy Statement on Land Transport'
- 12 **agreed** that Auckland Council is responsible for regional transport policies and plans except for those undertaken by the Auckland Regional Transport Committee;
- 13 **agreed** that Auckland Council is the Auckland Road Controlling Authority;
- 14 **noted** that Auckland Council is made up of both the Governing Body (Mayor and 20 councillors) and 21 local boards, and both will perform Road Controlling Authority functions as appropriate;

- 15 **agreed** to enable Auckland Council's Governing Body and local boards to delegate Road Controlling Authority functions to other parties as appropriate;
- 16 **agreed** that local boards are allocated specific transport decision-making functions in legislation that will apply to specific classifications of roads;
- 17 **agreed** that the functions described in Appendix 1 to the paper under CBC-24-SUB-0110 are an indicative set of functions that could be allocated to local boards, subject to final amendments prior to drafting decisions;
- 18 **authorise** the Minister of Transport to make drafting decisions on the final allocation of functions to local boards and on which roads local boards will have decision-making rights over;
- 19 **noted** that the delegated drafting decisions of the Minister of Transport will be subject to final approval by the Cabinet Legislation Committee;
- 20 **agreed** that Auckland Council's Governing Body can also allocate or delegate transport decision-making to local boards;
- 21 s 9(2)(f)(iv)
- 22 **agreed** to add a Land Transport (Auckland Governance) Amendment Bill to the 2024 Legislation Programme with a category 6 priority (drafting instructions to be issued to the Parliamentary Counsel Office by the end of 2024);
- 23 **invited** the Minister of Transport to issue drafting instructions to the Parliamentary Counsel Office to give effect to the decisions under CBC-24-MIN-0100 for primary and any associated secondary legislation, including any necessary consequential amendments, savings and transitional provisions;
- 24 **authorised** the Minister of Transport to make decisions that are consistent with the overall policy, including to make any minor or technical changes that arise during the drafting of legislative amendments to reflect the decisions under CBC-24-MIN-0110.

Jenny Vickers
Committee Secretary

Present:

Rt Hon Christopher Luxon (Chair)
Hon David Seymour
Hon Nicola Willis
Hon Brooke van Velden
Hon Shane Jones
Hon Dr Shane Reti
Hon Simeon Brown
Hon Erica Stanford
Hon Judith Collins KC
Hon Matt Doocey

Officials present from:

Office of the Prime Minister
Department of the Prime Minister and Cabinet



Cabinet

Minute of Decision

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Transport Governance Reform in Auckland

Portfolios **Transport / Auckland**

On 2 December 2024, following reference from the Cabinet Business Committee, Cabinet:

- 1 **noted** that in September 2024, the Cabinet Economic Policy Committee agreed that the Minister of Transport (the Minister) would consult with the Mayor of Auckland on a proposal for transport governance reform in Auckland [ECO-24-MIN-0217];
- 2 **agreed** to establish a reconstituted Auckland Regional Transport Committee with the following functions:
 - 2.1 preparing the 30-year integrated transport plan;
 - 2.2 preparing the Regional Land Transport Plan, with approval of the Regional Land Transport Plan assigned to Auckland Council;
 - 2.3 monitoring the delivery of the agreed outcomes of the 30-year integrated transport plan;
 - 2.4 undertaking other functions as delegated by Auckland Council;
 - 2.5 undertaking other functions, as set out in regulations made by the Governor-General by Order in Council on the recommendation of the Minister of Transport, after consultation with the Mayor of Auckland;
- 3 **agreed** that membership of the Auckland Regional Transport Committee will comprise the following:
 - 3.1 an independent Chair, jointly appointed by the Mayor of Auckland, following consultation with the Auckland Council Governing Body, and the Minister of Transport (the Chair will exercise a casting vote);
 - 3.2 Ministerial appointees – three voting members;
 - 3.3 Auckland Council-elected members appointed by the Mayor, following consultation with the Auckland Council Governing Body – three voting members;
 - 3.4 one non-voting representative from each of the New Zealand Transport Agency, KiwiRail, and Auckland Transport, appointed by each organisation's respective Boards;

- 4 **agreed** that a Joint Officers Group, co-chaired by the Chief Executives of Auckland Council and the Ministry of Transport, will be established to support the work of the Auckland Regional Transport Committee;
- 5 **agreed** that the 30-year integrated transport plan must include:
- 5.1 strategic direction for the transport system in Auckland;
 - 5.2 indicative 10-year and 30-year transport investment priorities to guide development of the National Land Transport Programme, the Regional Land Transport Plan for Auckland, Auckland Council's Long-term Plan, and other national and regional plans and strategies;
 - 5.3 transport outcomes for Auckland and the measures to be used for monitoring the progress towards the achievement of those outcomes;
 - 5.4 indicative policy and initiatives, in addition to investment, that are required to achieve transport outcomes;
- 6 **agreed** that the 30-year integrated transport plan provides direction to, s 9(2)(f)(iv) statutory transport plans, including the Government Policy Statement on Land Transport, National Land Transport Programme, and the Auckland Regional Land Transport Plan;
- 7 **agreed** that the Auckland Regional Transport Committee must undertake public consultation on a draft of the 30-year integrated transport plan in accordance with the principles specified in Section 82 of Part 6 of the Local Government Act 2002;
- 8 **agreed** that the 30-year integrated transport plan must be sponsored by the Minister of Transport and the Mayor of Auckland, for approval by Cabinet and Auckland Council;
- 9 **agreed** that the Auckland Regional Transport Committee must consult with Auckland Council (the Governing Body of Auckland Council and local boards) on the draft Regional Land Transport Plan prior to public consultation;
- 10 **agreed** that the Regional Land Transport Plan prepared by the Auckland Regional Transport Committee must:
- 10.1 have regard to the Auckland Council Long-term Plan, the most recent draft or final;
 - 10.2 have regard to any separate Auckland Council transport policy statement agreed by the Auckland Council Governing Body;
 - 10.3 be consistent with the 30-year integrated transport plan agreed between Cabinet and Auckland Council;
- 11 **noted** that the Land Transport Management Act 2003 already requires that Regional Land Transport Plans are consistent with the Government Policy Statement on Land Transport;
- 12 **agreed** that Auckland Council is responsible for regional transport policies and plans except for those undertaken by the Auckland Regional Transport Committee;
- 13 **agreed** that Auckland Council is the Auckland Road Controlling Authority;
- 14 **noted** that Auckland Council is made up of both the Governing Body (Mayor and 20 councillors) and 21 local boards, and both will perform Road Controlling Authority functions as appropriate;

- 15 **agreed** to enable Auckland Council's Governing Body and local boards to delegate Road Controlling Authority functions to other parties as appropriate;
- 16 **agreed** that local boards are allocated specific transport decision-making functions in legislation that will apply to specific classifications of roads;
- 17 **agreed** that the functions described in Appendix 1 to the paper under CBC-24-SUB-0110 are an indicative set of functions that could be allocated to local boards, subject to final amendments prior to drafting decisions;
- 18 **authorise** the Minister of Transport to make drafting decisions on the final allocation of functions to local boards and on which roads local boards will have decision-making rights over;
- 19 **noted** that the delegated drafting decisions of the Minister of Transport will be subject to final approval by the Cabinet Legislation Committee;
- 20 **agreed** that Auckland Council's Governing Body can also allocate or delegate transport decision-making to local boards;

s 9(2)(f)(iv)

- 23 **authorise** the Minister of Transport to agree to the consequential amendments to the Act, and to report back to the Cabinet Legislation Committee on the outcome of those decisions;
- 24 **agreed** to add a Land Transport (Auckland Governance) Amendment Bill to the 2024 Legislation Programme with a category 6 priority (drafting instructions to be issued to the Parliamentary Counsel Office by the end of 2024);
- 25 **invited** the Minister of Transport to issue drafting instructions to the Parliamentary Counsel Office to give effect to the decisions under CAB-24-MIN-0471.02 for primary and any associated secondary legislation, including any necessary consequential amendments, savings and transitional provisions;
- 26 **authorised** the Minister of Transport to make decisions that are consistent with the overall policy, including to make any minor or technical changes that arise during the drafting of legislative amendments to reflect the decisions under CAB-24-MIN-0471.02.

Rachel Hayward
Secretary of the Cabinet

Secretary's Note: This minute replaces CBC-24-MIN-0110. Cabinet agreed to amend paragraph 21 and add paragraphs 22 and 23.

Regulatory Impact Statement: Transport Governance Reform in Auckland

Coversheet

Purpose of Document	
Decision sought:	Analysis produced to support Cabinet policy decisions on reforming transport governance in Auckland.
Advising agencies:	Ministry of Transport
Proposing Ministers:	Hon Simeon Brown, Minister of Transport and Minister for Auckland
Date finalised:	
Problem Definition	
<p>Transport Governance in Auckland is not contributing sufficiently to the delivery of an efficient and effective transport system. There are two key areas of weakness:</p> <ul style="list-style-type: none">• A lack of democratic accountability for transport decision-making with a non-elected Board making most transport decisions across strategy, policy and delivery;• A lack of joint Government and Auckland Council governance over long-term, integrated planning.	
Executive Summary	
<p>Auckland has a unique transport context compared to the rest of New Zealand. This is a function of the city's population size and ongoing growth, the scale and types of investment required and the dominant role that Auckland plays in the national economy.</p> <p>Current transport governance and delivery arrangements in Auckland are different to the rest of the country. Proposed changes in the preferred option continue to recognise the unique needs of New Zealand's largest city.</p> <p>Fourteen years on from the Auckland Council amalgamation, where current transport roles and responsibilities were established, it is clear that transport in Auckland is not meeting the performance expectations of Government, Auckland Council or Auckland's public.</p> <p>While a range of measures are required to address Auckland's transport challenges, good governance is an essential foundation to improve transport outcomes for Auckland and New Zealand.</p> <p>Particular issues to address are the lack of democratic accountability for transport decision-making, given the primary role exercised by the non-elected Auckland Transport Board, and the absence of joint Government and Auckland Council longer-term transport planning.</p> <p>A number of options have been considered (including non-legislative options), that range from the status quo to more systemic change, while noting that all options were developed within the parameters of the national land transport planning system. We concluded that relatively more substantive change was required as current structures and accountability</p>	

mechanisms are not fit-for-purpose and any potential change to these would be at the margin and so would not have a meaningful impact.

All options consider two elements of the transport system – the strategic planning and policy function and the transport delivery and operations function.

The preferred option consists of:

- reconstituting the Auckland Regional Transport Committee (ARTC) to hold the strategic transport planning function in Auckland, with membership comprising Ministerial appointees and Auckland Council elected members with an independent Chair, jointly appointed by the Minister of Transport and the Mayor of Auckland;
- requiring the ARTC to develop a 30-year integrated transport plan to be approved by Cabinet and Auckland Council and to develop the Regional Land Transport Plan (RLTP), the 10-year investment programme;
- transferring approval of the RLTP and policy functions (including Road Controlling Authority powers) to Auckland Council (from Auckland Transport currently);
- s 9(2)(f)(iv)

The preferred option and one other performed similarly against the criteria used to assess the options. In selecting the preferred option, we also considered the need to minimise disruption to the delivery of the transport programme and operation of transport services.

s 9(2)(f)(iv)

s 9(2)(f)(iv)

The preferred model achieves the overall policy objective of strengthening transport governance in Auckland through:

- increasing democratic accountability for transport decision-making through giving Auckland Council responsibility for transport policy, approval of the RLTP and s 9(2)(f)(iv) Auckland Council also approves the 30-year integrated transport plan along with Cabinet;
- providing for a governance structure and mandate for joint Government and Auckland Council long-term transport planning through the ARTC and the legislative requirement for the 30-year integrated transport plan.

Limitations and Constraints on Analysis

A key constraint on the analysis has been the ability to engage broadly on the options and implementation aspects of the reform. There has not been direct engagement with the Auckland public or with the transport sector, including Auckland Transport.

However, the Minister of Transport and Mayor of Auckland have been regularly engaging on the issues, supported by advice from Ministry of Transport and Auckland Council

officers. The Ministry of Transport has also engaged with senior officials at Auckland Council on the key elements of change. We also note that the issues with transport governance in Auckland have been well traversed with Auckland Council elected members and documented in Auckland Council reports.

The accelerated timeframe, in order to enable the legislation to progress in 2025, means that there has not been a sufficient time to draw on any relevant international examples to help inform our analysis. There is no other region in New Zealand, that compares to Auckland's scale and growth and requirements on the transport network.

An overall constraint is that the options have been developed within the national transport planning system and leave the roles of national institutions such as the New Zealand Transport Agency (NZTA) and KiwiRail, in relation to Auckland as unchanged. This is on the basis that it is not appropriate to look at the national framework and institutions through an Auckland-only lens.

Responsible Manager(s) (completed by relevant manager)

Karen Lyons
Director – Auckland
Ministry of Transport



19 November 2024

Quality Assurance (completed by QA panel)

Reviewing Agency:	Ministry of Transport
Panel Assessment & Comment:	The Regulatory Impact Statement has been reviewed by a panel of representatives from the Ministry of Transport. It received a 'partially meets' rating against the quality assurance criteria for the purpose of informing Cabinet decisions. The panel considers that the RIS provides a sufficient basis for informed decisions on the current proposal. However, limited consultation has been undertaken which has limited the evidence available to assess the impacts of the proposed changes.

Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

Auckland has a unique transport context

1. Compared to the rest of New Zealand, the transport system in Auckland operates within unique circumstances. Auckland is New Zealand's dominant population and economic centre and is experiencing significant population growth.
2. The Infrastructure Commission forecasts that 49 per cent of future national population growth will occur in Auckland, adding around 648,000 people by 2048. Under a high-growth scenario, Auckland could grow by nearly one million people, bringing the region's population to nearly 2.7 million.
3. Auckland's transport network is quite different to that of other New Zealand cities, not just in terms of scale but in the types of investments and other policy interventions that are required. For example, some of Auckland's arterial roads carry more traffic than state highways in the rest of the country, the metropolitan rail network is significantly larger than New Zealand's only other metro rail system, and increasingly rapid transit busways are required to move large volumes of passengers in less congested corridors.
4. Significant progress has been made over the past 20 years in improving transport in Auckland. The long-planned motorway network has been completed, the rail system electrified and the bus network expanded. The next few years will continue this momentum as several long planned and major projects are completed and opened, including the City Rail Link, the Eastern Busway, Penlink and a major rail upgrade.
5. Nevertheless, transport remains one of Auckland's greatest challenges, due to past under-investment, a relatively spread-out urban form, and the significant ongoing population growth. Auckland's local roads and motorways are more congested than peer cities, and Auckland ranks low in international comparisons for connectivity¹.
6. This under-performance of Auckland's transport's system undermines the economic premium that the region should be contributing to the national economy through agglomeration benefits.
7. The Government has a strong interest in how transport performs in Auckland both because of its implications for national economic goals and because it is the primary funder. Over the 2024-2027 period \$8.4 billion is planned to be spent on the transport programme in Auckland. This is made up of \$4.7 billion from the National Land Transport Fund, \$1.2 billion of Crown funding and \$2.5 billion of Auckland Council funding. Crown investment into Auckland projects includes City Rail Link (joint with Auckland Council), rail projects, and the Eastern Busway.
8. Reform to transport governance in Auckland needs to take into account Auckland's unique context and the Government's strong interest in transport in Auckland.

¹ *State of the City Report 2024*, Committee for Auckland, 2024

Transport governance and delivery in Auckland is structured differently to the rest of New Zealand

9. In 2010, the Government set up regional transport arrangements for Auckland through the amalgamation reforms, that saw seven local councils and one regional council merge into Auckland Council. Auckland Council is the largest local authority in Australasia.
10. Auckland Council and Auckland Transport were established by the Local Government (Auckland Council) Act 2009 (LGACA):
 - 10.1 Auckland Council is the unitary authority for the Auckland region;
 - 10.2 Auckland Transport is a council-controlled organisation (CCO) of Auckland Council established by statute (i.e. Auckland Council has no choice over this CCO).
11. Appendix A contains a diagram that outlines Auckland's current transport planning and governance framework. Auckland operates within the national transport planning and funding system, despite having a different regional planning and delivery model (i.e. Auckland Transport) to other regions in New Zealand.
12. Auckland Transport was set up to provide an expert singular focus on delivering Auckland's local transport. Auckland Transport plays a significant role in the transport system. It has the powers of a Road Controlling Authority (RCA), and the transport powers usually exercised by regional councils. This means that as well as operational functions, the Auckland Transport Board sets strategy and policy across wide-ranging areas that impact on Aucklanders.
13. Auckland Transport's powers were added to in 2013 when legislative change provided for Auckland Transport to be responsible for approving the Regional Land Transport Plan (RLTP), this is a role undertaken by elected members in the rest of the country.
14. The Auckland Transport Board comprises between six to eight voting directors appointed by Auckland Council. Two of these may be elected members of Auckland Council. In addition, there is one non-voting New Zealand Transport Agency (NZTA) representative.
15. When preparing the RLTP, Auckland Transport constitutes a regional transport committee (RTC). This comprises the Board, a voting NZTA representative and a non-voting KiwiRail representative.
16. Auckland Transport is funded by Auckland Council and Government, as well as third party revenue generated through public transport fares, parking revenue and enforcement.

What is the policy problem or opportunity?

A lack of local democratic accountability

17. The scale of investment into transport in Auckland is significant, representing the largest amount of rates funded expenditure in the Auckland Council budget. Auckland residents look to Auckland councillors to ensure the investment is delivering a high-quality transport system in Auckland. In practice, however, the elected members have little say over most transport decisions, given the role of the Auckland Transport Board, meaning that they are not democratically accountable for transport expenditure.

18. There are two factors contributing to the elected members having a lack of say over transport decisions. Firstly, the broad range of powers conferred on Auckland Transport through legislation, and secondly, the challenges that Auckland Council has experienced in holding Auckland Transport to account through existing accountability mechanisms.
19. Legislation provides Auckland Council with a reasonably broad set of statutory levers to hold Auckland Transport to account, including a statement of intent, letters of expectation, and a requirement for Auckland Transport to give effect to the Auckland Long-term Plan (LTP) and to act consistently with Auckland Council plans and strategies as specified. In practice these levers have proven not to be as effective as intended and can be difficult to enforce, making for an overall lack of responsiveness of Auckland Transport to Auckland Council direction. s 9(2)(ba)(i)
20. As noted above (paragraph 13) changes to the Land Transport Management Act 2003 (LTMA) in 2013 further weakened democratic accountability for transport. Prior to 2013 Auckland Council (as with other regional and unitary councils) was required to prepare a regional land transport strategy, and Auckland Transport prepared the investment programme (RLTP). When the LTMA was amended in 2013, the strategic and investment programme components of transport planning were brought together in the RLTP. Auckland Transport was given responsibility for preparing and approving the RLTP, removing any role for the elected members of Auckland Council in strategic investment planning.
21. These factors, when combined, mean there is minimal local democratic accountability for transport in Auckland.
22. Public accountability is a key element in the transport decision making system. It helps ensure that decision makers have strong incentives to undertake functions in a way that does not waste public funds and responds to public sentiment.

The Government is removed from decision making despite being the primary funder

23. The Government's key lever over the land transport system is the Government Policy Statement on land transport (GPS). This sets out the Government's priorities and funding ranges for particular transport activities to be funded through the National Land Transport Fund (NLTF). While this is a strong lever, the Government has no direct say over transport investments in Auckland funded through the NLTF. The LTMA, by design, ensures it is the independent NZTA Board that allocates funding to particular projects.
24. In addition, it is the Auckland Transport Board that makes decisions on projects that go forward in the RLTP to NZTA for assessment, for inclusion in the National Land Transport Programme (NLTP). Once the NLTP is determined, the Auckland Transport Board have discretion over some of the more detailed allocation of funding, both from Auckland Council and the NLTF.
25. The Government has a strong interest in Auckland's transport system. It is the primary funder of transport through the NLTF and direct Crown investments in the larger transport projects. Also, the performance of the city's transport system has national implications for economic growth and productivity. While the current system is designed to keep the Government at arms length from specific NLTF-funded project selection, it is appropriate for the Government to be closer to strategic transport decisions in Auckland.

No long-term integrated transport planning

26. There is currently no integrated long-term transport planning in Auckland and no legislative requirement for Government and Auckland Council to work together on transport planning.
27. The lack of longer-term planning is not unique to Auckland or to transport but Auckland's transport challenges and the scale of investments required accentuate the need for more certainty and clarity over choices and trade-offs over the longer-term. Government has recognised the need for longer-term infrastructure planning and the Infrastructure Commission is developing a 30-year National Infrastructure Plan. The changes proposed in this paper will enable work in Auckland to inform national planning going forward.
28. Over the past nine years, the Auckland Transport Alignment Project (ATAP) has provided an avenue for joint Government and Auckland Council integrated planning and has worked well in bringing officials and political sponsors together to develop agreed investment programmes.
29. However, apart from the 2015 work, the focus has been on 10-year programmes rather than a longer-term approach. In recent years cost pressures and short-term funding challenges have drawn the focus of joint work away from the longer-term strategic challenges and interventions. The ATAP arrangements and agreements are also non-statutory meaning that momentum for joint work can be variable depending on context, political direction and organisational mandates.
30. Government, Auckland Council and several entities are all involved in transport planning in Auckland with varying decision-making roles and autonomy. While there is typically good cooperation across agencies at a project level and through ATAP processes there is not a longer-term cohesive shared view. Planning for some of the major investments has occurred in isolation of other projects with individual projects setting broad ranging objectives. This has meant a lack of consideration of overall sequencing and total impact on transport system outcomes.
31. In recent times each transport delivery agency in Auckland has been developing its own 30-year strategy. In 2023, KiwiRail released a 30-year Auckland Strategic Rail Programme, NZTA has developed Arataki, a 30-year strategy, and Auckland Transport is continuing to develop Future Connect, currently a 10-year network plan that will be further developed into a 30-year plan for transport in Auckland.
32. While these plans consider direction set in the GPS, Auckland Council and Government have no formal role in considering or approving these plans. Engagement in these plans relies on invitation from the respective delivery agency and the lack of involvement of the key funders in some of this work (Government and Auckland Council) can undermine their effectiveness.
33. Development of individual projects and the strategies occurs with limited consideration to overall funding requirements or simply an expectation that funding will be provided by either the NLTF or the Crown. Funding and financing options that include Government, Auckland Council and private sector contributions, are typically not being developed alongside investment planning.
34. The opportunity is to facilitate an enduring approach for Government and Auckland Council to work together on a long-term integrated transport planning for Auckland. The intention would be to establish clear direction for transport entities, optimise joint resources including funding, reduce current inefficient and duplicative processes and provide more certainty on investment priorities and other interventions needed to achieve agreed outcomes.

How is the status quo expected to develop?

35. The status quo will see a continuation of the disconnect between the Auckland Council elected members and transport decision making. Auckland Transport will continue to approve the RLTP and decide on transport priorities for their programme (within the parameters of Government funding through the NLTF and Auckland Council funding through the LTP).
36. Auckland Transport will also continue to approve key strategies for transport (e.g. parking, speed, safety) that have significant impact on Aucklanders.
37. Tension that already exists between Auckland Transport and Auckland Council can be expected to grow. This is counter productive to effective and efficient decision-making for Auckland. The status quo already sees repeated engagements with elected members over decisions that currently sit with the Auckland Transport Board.
38. If the status quo continues, there will be no enduring, structured approach to Government and Auckland Council developing alignment over the longer-term direction for transport planning and investment priorities. The lack of a joined-up approach will mean no cohesive plan for transport in Auckland contributing to a stop/start approach to the delivery of projects, duplicative strategic planning processes, a lack of joined up funding and financing models and potentially missed opportunities.
39. A continuation of the status quo will see a continued lack of certainty for the transport sector and Aucklanders and risks a further reduction in public confidence in Auckland's transport system.

What objective/s are sought in relation to the policy problem?

40. The policy objective is to:
 - improve the performance of the transport system in Auckland by strengthening transport governance and planning arrangements.

What engagement with the public and stakeholders has been undertaken on the problems and solutions?

41. This work has been informed by engagement between the Minister of Transport and the Mayor of Auckland on transport governance in Auckland, supported by advice from officials. Ministry of Transport officials have also engaged with senior Auckland Council officials.
42. Many of the issues that these reforms seek to address have been well traversed over time with a range of stakeholders. Auckland Council has long documented problems and potential solutions through Auckland Council reports and minutes. The Mayor of Auckland also set out views in the 2023 Mayoral Manifesto on the need for change in transport governance arrangements.
43. While there has been no direct engagement with the public or stakeholders on this work, surveys of Aucklanders over time suggest there is increasing dissatisfaction with the transport system in Auckland. A 2024 survey conducted by Auckland Transport showed just 29 per cent of those surveyed believe Auckland Transport listens and responds to Aucklanders' needs.

44. Public Service Commission advice on making governance changes in Government notes the complexity of making governance reforms and advises the importance of balancing stakeholder engagement with minimising unnecessary uncertainty, concern and disengagement about a proposed change².

² *Guidance: Making structural or governance changes in government*, Public Service Commission, 2022

Section 2: Deciding upon an option to address the policy problem

What criteria will be used to compare options to the status quo?

45. The following five criteria were developed to assess each option's performance against the overall policy objective:
- 45.1 Clear democratic accountability: The option ensures clear democratic accountability for decisions and public expenditure on transport;
 - 45.2 Long-term alignment: The option supports long-term planning and alignment of planning and funding between Government and Auckland Council;
 - 45.3 Responsiveness to direction: The option ensures that Government and Auckland Council outcomes and strategic direction are realised;
 - 45.4 Consistency with national transport planning and funding: The option is consistent with the national transport planning and funding system and, in particular, with terms of the role of the GPS and the NZTA Board;
 - 45.5 Efficient governance: The option ensures decisions are timely across multiple entities and reduces relitigation of decisions made by the regional transport decision maker.

What scope will options be considered within?

46. The scope of the work has focused on arrangements for transport governance in Auckland and options have been developed within the current settings of the national land transport system. While NZTA and KiwiRail will be expected to participate in new structures and the 30-year integrated transport plan work, the role of these national transport institutions, in relation to Auckland is not assumed to fundamentally change. The national funding prioritisation process for transport investments through the GPS and NZTA Board remains as is³.
47. The scope has been informed through the discussions between the Minister of Transport and the Mayor of Auckland. These highlighted that options should focus on ensuring the elected members of Auckland Council have clear accountability for transport and that joint work was required between Government and Auckland Council on longer term strategic direction. Considering the role of Auckland Council meant looking at the role of Auckland Transport, given its all encompassing role in policy, planning and delivery functions.
48. Within the parameters outlined above, a broad range of options were initially presented to the Minister of Transport (Appendix B). These included non-legislative options.
49. An analysis of the existing tools that Auckland Council can use to ensure Auckland Transport is accountable and responsive to the elected members was undertaken (Appendix C). In addition, the non-statutory partnership of ATAP (in place since 2015) was considered for its effectiveness in bringing long-term alignment between

³ Noting that Option 6 does remove the role of the NZTA Board in allocating funds to particular projects in Auckland, with the ARTC undertaking this role.

Government and Auckland Council. In the Ministry's view the non-legislative options are not sufficient to achieve the outcomes of increased democratic accountability for transport decisions or long-term alignment. Commentary on these issues is contained in paragraphs 19 and 26.

50. Replicating the transport model that exists in other regions in New Zealand was not considered appropriate. In large part, the key role of RTCs in the rest of New Zealand is to bring together the relevant local authorities that make up a region. This is not required in Auckland given that Auckland Council is a unitary authority. There is a more pressing need in Auckland, relative to elsewhere, for a RTC to consider joined up longer-term planning between Government and Auckland Council for reasons outlined above (paragraphs 25 and 27). ^{s 9(2)(f)(iv)}

What options are being considered?

Introduction to the Options

Functions and roles

51. Six options are presented, which range from the status quo (no change) to substantive change. There are two elements to consider for each option:
- 51.1 the strategic planning and policy function. This function looks at:
 - 51.1.1 the preparation and approval of the RLTP;
 - 51.1.2 the development and approval of regional transport strategies and policies (e.g. safety, rapid transit, parking, freight and transport by-laws);
 - 51.1.3 the preparation and development of a 30-year integrated transport plan.
 - 51.2 the transport delivery and operations function. This function looks at:
^{s 9(2)(f)(iv)}
52. Each option looks at:
- 52.1 the role of an Auckland Regional Transport Committee (ARTC);
 - 52.2 the role of Auckland Council;
 - 52.3 the role of Auckland Transport.
53. Appendix C maps the functions (paragraph 51) against the different entities (paragraph 52).

Strategic planning and policy functions

Preparation and Approval of the RLTP

54. Currently the preparation and approval of the RLTP sits with the Auckland Transport Board. In the options presented, the functions of preparation and approval of the RLTP vary across entities.

Regional Transport Policy and Plans

55. The preparation and approval of transport policies and plans currently sits with Auckland Transport. For the majority of options presented, Auckland Council takes on the preparation and approval of strategies and policies. One option sees this function sit with the ARTC.

Regional Strategy - the role of an ARTC

56. Options 3 to 6 include the establishment of an ARTC. The ARTC will be different to other RTCs in New Zealand, being a statutory Government and Auckland Council Committee.
57. The membership of the ARTC would comprise:
- 57.1 an independent Chair jointly appointed by the Mayor of Auckland, following consultation with the Auckland Council Governing Body, and the Minister of Transport. The Chair will exercise a casting vote;
 - 57.2 Ministerial appointees – three voting members;
 - 57.3 Auckland Council elected members appointed by the Mayor, following consultation with the Auckland Council Governing Body – three voting members;
 - 57.4 a non-voting representative from each of NZTA, KiwiRail and a transport CCO s 9(2)(f)(iv) appointed by the respective Boards of these organisations.
58. The ARTC will hold the strategic planning function for transport in Auckland. Specific functions vary across the options ranging from a role in preparing plans and policies, to a role approving plans and policies, and in Option 6, a role approving plans, policies and funding allocations (within the GPS parameters). There is also optionality around the function the ARTC plays in the preparation and approval of the RLTP. A key role for the ARTC is preparing the 30-year integrated transport plan.
59. Across options, the ARTC would be jointly accountable to Government and Auckland Council for their joint decision-making functions. The ARTC will also be publicly accountable for developing the RLTP and the 30-year integrated transport plan, and for monitoring against the outcomes of the plan. Public consultation on the RLTP and the 30-year integrated transport plan will be required in statute.

Transport Delivery models

s 9(2)(f)(iv)

Transition

61. As change is implemented there will be a need to mitigate against the risk of disruption to the transport programme and delivery of services.

s 9(2)(f)(iv)

Road Controlling Authority

64. RCA status empowers an entity with a range of powers and functions. These are both operational and strategic and include the ability to make roading bylaws. Outside of Auckland, this role is performed by territorial authorities. Currently Auckland Transport is the RCA for Auckland. In all but the minimal change option, Auckland Council becomes the RCA.

Local Boards

65. The governance model for Auckland Council provides for decision making to be shared between the Governing Body (the Mayor of Auckland and 20 Councillors) and 21 local boards.
66. This Regulatory Impact Statement focuses on the strategic planning and region-wide policy and planning functions that appropriately sit with the Governing Body of Auckland Council or the ARTC. However, a number of RCA functions, as well as other transport functions, have local impact and it will be appropriate to consider what transport decision-making could be allocated to local boards as transport governance is reformed.
67. The LGACA sets out principles for the allocation of decision-making for non-regulatory decision making of Auckland Council. Although some of the decisions will be regulatory in nature, these remain valid considerations when considering the allocation of transport functions.
68. The LGACA states that decision-making responsibility for a non-regulatory activity of Auckland Council should be exercised by its local boards, unless the nature of the activity is such that decision making on an Auckland-wide basis will better promote the wellbeing of the communities across Auckland.
69. An allocation of transport functions to local boards also needs to weigh up factors such as the need for regional consistency for users, efficient traffic movement across the network and operational efficiency and safety.
70. Determining the functions of local boards could be achieved by:
- 70.1 the Governing Body allocating functions to local boards or;
 - 70.2 legislating for certain transport functions to be allocated to local boards and enabling the governing body to allocate further functions.
71. Legislation would ensure the role of local boards is recognised and establish clarity on their decision-making, while allocation by the Governing Body provides flexibility and aligns with the role the Governing body has in allocating non-regulatory functions to local boards.

72. The types of roads that the local boards have decision-making over also needs to be determined. It is expected that decision-making over many, if not all, of the regional arterial roads should be made on a regional basis given that through-movement is of primary importance.

Options Considered

Option 1: (Status quo) Auckland Transport (CCO of Auckland Council), governed by a Board, makes transport decisions for Auckland. The role of Auckland Council's elected members is limited in scope in relation to transport.

Strategy, Policy and Planning Function

	RLTP	30-yr plan	Regional transport strategy and policies
Auckland Council	input	N/A	none
Auckland Transport	prepare and approve	N/A	prepare and approve

Delivery Function

73. Statutory CCO (Auckland Transport).

Analysis

Clear democratic accountability

74. The status quo does not ensure clear democratic accountability. Key strategic and policy transport decisions (including the development and approval of the RLTP) are made by the appointed (i.e. not elected) Auckland Transport Board.

Long-term alignment

75. The status quo does not result in long-term alignment between Government and Auckland Council as there is no statutory process to facilitate alignment and mandate a joint direction. The non-statutory partnership between Government and Auckland Council of ATAP, starting in 2015, marked a significant step forward in Government and Auckland Council working together on transport planning and funding. However, it has been subject to changes in context and the level of support for the partnership over time. Also, over recent times it has been focused on a 10-year horizon without the longer-term view.

Responsiveness to direction

76. Changes in strategic direction from Auckland Council and Government are not always reflected in the Auckland Transport programme. Responsiveness to direction can be slow and at times non-existent. Auckland Council is challenged to hold Auckland Transport to account through the existing tools available.

Consistency with national transport planning and funding

77. The status quo is consistent with the national transport planning and funding system. The NZTA Board determines funding allocations from the NLTF within the settings of the GPS.

Efficient governance

78. Responsibility for policy and strategic functions, along with operations, sits with Auckland Transport. This was intentional when set up, with a view that clustering functions would lead to efficient decision-making.
79. In practice, governance can be inefficient under this model, with relitigation between elected members and Auckland Transport. Elected members provide Auckland Transport with direction, which is not always followed, and want a say on decisions that sit with Auckland Transport. Engagement and relitigation slows the decision-making process.

**Option 2: Move approval of the RLTP from Auckland Transport to Auckland Council.
Auckland Transport retains all other existing functions**

Strategy, Policy and Planning Function

	RLTP	30-yr plan	Regional transport strategy and policies
Auckland Council	prepare and approve	N/A	none
Auckland Transport	input	N/A	prepare and approve

Delivery Function

80. Statutory CCO (Auckland Transport).

Analysis

Clear democratic accountability

81. There is an increase in democratic accountability compared to the status quo. Moving the RLTP increases the role in transport decision making for Auckland Council elected members. Auckland Council is accountable for developing, approving and funding the local share component of the RLTP. However, Auckland Transport retains approval over local transport policies and a large delivery function that works against clear democratic accountability for transport.

Long-term alignment

82. There is no increase in long-term alignment as there is no mandated process for aligning Government and Auckland Council direction.

Responsiveness to direction

83. An increase in responsiveness of Auckland Transport to Auckland Council direction, with regards to the investment programme, compared to the status quo as Auckland Council, would be setting the direction for preparing and approving the RLTP. However, there is no change from the status quo to increase broader responsiveness to Auckland Council or Government direction.

Consistency with national transport planning and funding

84. There is no change compared to the status quo and is consistent with the national transport planning and funding system. The NZTA Board determines funding allocations from the NLTF within the settings of the GPS.

Efficient governance

85. There is no increase in efficient governance. While there could be gains in efficiency in the RLTP process in terms of less re-work between Auckland Council and Auckland Transport, the separation of the RLTP (Auckland Council) from other transport strategies and policies (Auckland Transport) could reduce efficiency as decisions in the RLTP could be made independently of other policy and planning decisions. The option continues with two sets of governors over inter-connected planning and policy.

Option 3: Move approval of the RLTP and transport strategy and policy from Auckland Transport to Auckland Council, establish an ARTC s 9(2)(f)(iv)

Strategy, Policy and Planning Function

	RLTP	30-yr plan	Regional transport strategy and policies
ARTC	prepare	prepare and recommend	input
Auckland Council	approve	approve (with Cabinet)	prepare and approve

Delivery Function

86. s 9(2)(f)(iv)

Analysis

Clear democratic accountability

87. There is an increase in democratic accountability for Auckland Council elected members when compared to the status quo, as Auckland Council elected members will approve the RLTP and all transport policies and strategies. Auckland Council also has elected members represented on the ARTC which adds to local democratic accountability for long-term planning.

88. s 9(2)(f)(iv)

89. The introduction of an ARTC with Ministerial appointees, rather than Ministers, brings the Government closer to strategic decision-making, but is not increasing direct democratic accountability as ministerial appointees are not elected members. Cabinet, however, will be approving the 30-year integrated transport plan and Government's democratic accountability remains through the GPS and Crown investment decisions.

Long-term alignment

90. There is an increase in long-term alignment compared to the status quo. The ARTC, through the 30-year integrated transport plan, will provide a structured process for Government and Auckland Council to agree a long-term strategic direction and priorities for the transport system in Auckland. The preparation of the RLTP by the ARTC ensures the alignment is translated into an agreed indicative 10-year investment plan.

Responsiveness to direction

91. There is an increase in responsiveness to Auckland Council and Government direction compared to the status quo. Auckland Council will be approving the RLTP, and the ARTC will be developing a 30-year integrated transport plan. The plan will be jointly approved by Cabinet and Auckland Council thereby providing clear direction.

92.

s 9(2)(f)(iv)

Consistency with national transport planning and funding

93. There is no change compared to the status quo and is consistent with the national transport planning and funding system. The NZTA Board determines NLTF funding allocations within the settings of the GPS.

Efficient governance

94. There is an increase in efficiency as Auckland Council is approving the RLTP and other transport plans and policies streamlining policy, and planning decision making under one governance entity. The 30-year integrated transport plan further supports efficiency gains through streamlined direction for planning processes.

Option 4: Strengthened ARTC with approval rights for the RLTP and other local strategies and policies. s 9(2)(f)(iv)

Strategy, Policy and Planning Function

	RLTP	30-yr plan	Regional transport strategy and policies
ARTC	prepare and approve	prepare and recommend	prepare and approve
Auckland Council	input	approve (with Cabinet)	input

Delivery Function

95. s 9(2)(f)(iv)

Analysis

Clear democratic accountability

96. There is an increase in democratic accountability as compared to the status quo as Auckland Council representatives are involved in the ARTC decision making. However, democratic accountability is not as clear as when Auckland Council approves the RLTP and other plans and policies. The role of ministerial appointees in approving regional plans and policies somewhat undermines local democratic accountability.

97. s 9(2)(f)(iv)

Long-term alignment

98. There is an increase in long-term alignment compared to the status quo. The ARTC will prepare a joint Government and Auckland Council 30-year integrated transport plan and will be responsible for the RLTP, ensuring alignment on the longer-term and 10-year view. In addition, the ARTC's role in broader strategy and policy means that alignment across all strategy and policy functions will be achieved.

99. However, the breadth of function of the ARTC and the relatively small number of Auckland Council elected members on the ARTC could risk misalignment between the ARTC and Auckland Council.

Responsiveness to direction

100. s 9(2)(f)(iv)

101.

Consistency with national transport planning and funding

102. There is no change compared to the status quo and is consistent with the national transport planning and funding system. The NZTA Board determines NLTF funding allocations within the settings of the GPS.

Efficient governance

103. By having one entity (the ARTC) making decisions on both the RLTP and other transport strategies and policies, efficiency in decision-making would increase and the 30-year integrated transport plan further supports efficiency gains through streamlined direction for planning processes. There may be some inefficiency, however, with the reduced role of Auckland Council requiring ongoing engagement over a broad range of Auckland policy matters with the ARTC.

Option 5: Move approval of the RLTP and transport strategy and policy from Auckland Transport to Auckland Council, establish an ARTC s 9(2)(f)(iv)

104. Note this model is the same as Option 3 with regards to roles and responsibilities for the RLTP, transport strategy and policy and the 30-year integrated transport plan. It differs with regards to the model for transport delivery and services.

Strategy, Policy and Planning Function

	RLTP	30-yr plan	Regional transport strategy and policies
ARTC	prepare	prepare and recommend	input
Auckland Council	approve	approve (with Cabinet)	prepare and approve

Delivery Function

105. s 9(2)(f)(iv)

Analysis

Clear democratic accountability

106. There is an increase in democratic accountability for Auckland Council elected members when compared to the status quo. Auckland Council's elected members would be directly accountable for all aspects of transport policy, planning, s 9(2)(f)(iv)

107. s 9(2)(f)(iv)

Long-term alignment

108. There is an increase in long-term alignment compared to the status quo. The ARTC, through the 30-year integrated transport plan, will provide a structured process for Government and Auckland Council to agree a long-term strategic direction and priorities for the transport system in Auckland. The development of the RLTP by the ARTC ensures the alignment is translated into an agreed indicative ten year investment plan.


Responsiveness to direction


109. s 9(2)(f)(iv)

Consistency with national transport planning and funding

110. There is no change compared to the status quo and is consistent with the national transport planning and funding system. The NZTA Board determines funding allocations from the NLTF within the settings of the GPS.

Efficient governance

111. There is an increase in efficiency as compared to the status quo as Auckland Council is approving the RLTP and other transport strategies and policies, and the 30-year integrated transport plan further supports efficiency gains through streamlined direction for planning processes. s 9(2)(f)(iv)
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112. s 9(2)(f)(iv)
- 
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- 113.

Option 6: The ARTC approves the RLTP and make funding allocation decisions (within the parameters of the GPS). s 9(2)(f)(iv)

114. Note this option has the same model for the transport delivery function as Option 5.

Strategy, Policy and Planning Function

	RLTP	30-yr plan	Regional transport strategy and policies
ARTC	prepare and approve	prepare and recommend	input
Auckland Council	input	approve (with Cabinet)	prepare and approve

Delivery Function

115. s 9(2)(f)(iv)

Funding Function

116. This option extends the role of the ARTC to include funding allocation. The option could work by creating an Auckland activity class in the GPS. The activity class will comprise the funding ranges for Auckland from across each of the individual GPS activity classes into one place. NZTA will establish the exact funding allocations available to Auckland for each of the activity classes, based on the GPS priorities. The ARTC will be enabled to allocate funding to individual projects within the Auckland activity class limits.

Analysis

Clear democratic accountability

117. There is an increase in democratic accountability compared to the status quo. This is due to the ARTC having three Auckland Council elected members on the ARTC who are preparing and approving the RLTP and making project-level funding decisions. The funding function of the ARTC brings local democratic accountability for project selection and managing funding within an Auckland funding envelope. Currently projects contained within the RLTP are decided by the Auckland Transport Board and decisions on funding for these projects are made by the NZTA Board).

118. Democratic accountability is also increased as compared to the status quo as Auckland Council will be approving other transport policies and plans as compared to the status quo where Auckland Transport undertakes this function.

119. s 9(2)(f)(iv)

Long-term alignment

120. There is an increase in long-term alignment compared to the status quo. The ARTC, through the 30-year integrated transport plan, will provide a structured process for Government and Auckland Council to agree a long-term strategic direction and priorities for the transport system in Auckland.

121. The role of the ARTC in approving the RLTP and funding allocations to projects supports alignment between the 10-year investment plan and the 30-year direction.

Responsiveness to direction

122. s 9(2)(f)(iv)

Consistency with national transport planning and funding

123. The core elements of the national planning system are retained, in that the GPS sets direction and the NZTA Board makes funding allocation decisions within funding ranges set by the GPS. A deviation to the system occurs as the ARTC approves the allocation to individual projects (currently an NZTA role).

Efficient governance

124. There is an increase in efficiency as the ARTC is making decisions across the 30-year integrated transport plan, RLTP and the funding of projects. This results in one decision-maker for these related functions. This compares to the status quo of Auckland Transport, NZTA and Auckland Council all being involved in different ways with the RLTP and funding decisions at a project level. The 30-year integrated transport plan further supports efficiency gains through streamlined direction for planning processes.
125. Through the ARTC making funding allocations to projects, within the RLTP that they have developed and approved, there should be minimal relitigation of decision making. The role of Auckland Council in approving local transport policies and plans and s 9(2)(f)(iv) could lead to some inefficiency, given the ARTC's role in planning and investment decisions.

126. s 9(2)(f)(iv)

- 127.

Table 1: How do the options compare to the status quo/counterfactual?

(Note this is a summary with the options being assessed in paragraphs 128-151)

Key for Table 1

++	much better than doing nothing/the status quo/counterfactual
+	better than doing nothing/the status quo/counterfactual
0	about the same as doing nothing/the status quo/counterfactual
-	worse than doing nothing/the status quo/counterfactual
--	much worse than doing nothing/the status quo/counterfactual

	Option 1: Status Quo	Option 2:	Option 3:	Option 4:	Option 5:	Option 6:
Clear democratic accountability	0	+	++	+	++	++
		Auckland Council prepare and approve the RLTP but other functions of the statutory CCO remain the same as the status quo and so no increased democratic accountability for these functions.	<p>Democratic accountability for the transport function increases given:</p> <ul style="list-style-type: none"> Auckland Council prepare and approve RLTP and regional policies; Auckland Council members on ARTC; s 9(2)(f)(iv) [REDACTED] 	<p>ARTC prepares and approves the RLTP and regional policies and therefore democratic accountability is not as clear as Auckland Council approval of the RLTP and policies.</p> <p>Auckland Council members on ARTC contributes to democratic accountability.</p> <p>s 9(2)(f)(iv) [REDACTED]</p>	<p>Democratic accountability for the transport function increases given:</p> <ul style="list-style-type: none"> Auckland Council prepare and approve RLTP and regional policies; Auckland Council members on ARTC; s 9(2)(f)(iv) [REDACTED] 	<p>Democratic accountability achieved through:</p> <ul style="list-style-type: none"> Auckland Council approving regional policies and plans; Auckland Council members on ARTC; s 9(2)(f)(iv) [REDACTED] <p>ARTC approving the RLTP takes some democratic accountability away from Auckland Council.</p>
Long-term alignment	0	0	++	++	++	++
			ARTC develops 30-year integrated transport plan.	ARTC develops 30-year integrated transport plan.	ARTC develops 30-year integrated transport plan.	ARTC develops 30-year integrated transport plan.

	Option 1: Status Quo	Option 2:	Option 3:	Option 4:	Option 5:	Option 6:
Responsiveness to direction	0	+	++	+	++	++
		<p>Auckland Council prepare and approve the RLTP that will direct the CCO, but the CCO continues to set direction through regional plans and policies.</p> <p>A statutory CCO is expected to retain an independent culture undermining responsiveness to direction.</p>	<p>Auckland Council approves the RLTP and regional policies, and the ARTC develops the 30-year integrated transport plan. s 9(2)(f)(iv)</p> <p>s 9(2)(f)(iv)</p>	<p>ARTC develops the 30-year integrated transport plan, approves the RLTP and regional policies. s 9(2)(f)(iv)</p> <p>s 9(2)(f)(iv)</p>	<p>Auckland Council approves the RLTP and regional policies, and the ARTC develops the 30-year integrated transport plan. A s 9(2)(f)(iv)</p>	<p>Auckland Council approves regional policies.</p> <p>The ARTC develops the 30-year integrated transport plan, approves RLTP and funding allocations. s 9(2)(f)(iv)</p>
Consistency with national transport planning and funding	0	0	0	0	0	-
						<p>ARTC approves funding for individual projects once NLTF funding is allocated to Auckland. This is not consistent with national system, but core elements such as the role of GPS and the NZTA Board deciding on funding allocations for the Auckland activity class are retained.</p>

	Option 1: Status Quo	Option 2:	Option 3:	Option 4:	Option 5:	Option 6:
Efficient governance	0	0	+	+	+	+
		No net change in efficient governance. While there could be some efficiency gains from the RLTP shift, the separation of the RLTP from other transport strategies and policies that continue to sit with Auckland Transport could reduce efficiency.	<p>Improves efficiency with Auckland Council approving RLTP and regional policies.</p> <p>s 9(2)(f)(iv)</p> <p>30-year integrated transport plan supports efficiency.</p>	<p>Having one entity (the ARTC) making decisions on both the RLTP and other transport strategies and policies would increase efficiency.</p> <p>However, more functions with the ARTC could cause inefficient relitigation between Auckland Council and the ARTC.</p> <p>s 9(2)(f)(iv)</p> <p>30-year integrated transport plan supports efficiency.</p>	<p>Improves efficiency with Auckland Council approving RLTP and regional policies.</p> <p>s 9(2)(f)(iv)</p> <p>30-year integrated transport plan supports efficiency.</p>	<p>Improves efficiency by combining RLTP planning and funding allocations under the ARTC.</p> <p>There could be relitigation between Auckland Council and the ARTC on the RLTP.</p> <p>s 9(2)(f)(iv)</p> <p>30-year integrated transport plan supports efficiency.</p>
Overall assessment	0	+	++	+	++	+

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

128. Given each option has a number of elements and some options have the same elements, our assessment has looked at the option that provides the package of change that best achieves the policy objective when assessed against the five criteria and helps mitigate against risk.
129. The summary nature of the Options table (Table 1) masks some of differences between the options that are outlined below.
130. In the Ministry of Transport's view, Option 3 best meets the policy objective of improving the performance of the transport system by strengthening transport governance and planning arrangements.
131. In Option 3 Auckland Council has approval rights over the RLTP and other local plans and policies. Long-term integrated planning between Government and Auckland Council is facilitated through the ARTC and the ARTC prepares the RLTP.
132. It should be noted that Option 5 is the same as Option 3 in the strategy, policy, planning functions but differs on the delivery function.

133. s 9(2)(f)(iv)

134. The similarities between the two options make for a similar assessment against the criteria.

135. s 9(2)(f)(iv)

136.

137.

Increased democratic accountability

138. Option 3 provides Auckland Council elected members with more democratic accountability compared to the status quo, and to all other options considered with the exception of Option 5. s 9(2)(f)(iv)

139. Local democratic accountability is achieved because approval of the RLTP and other local transport policies and plans sits with Auckland Council. Other options (apart

from Option 5) saw a narrower function for Auckland Council undermining local democratic accountability.

140. s 9(2)(f)(iv)

141. Option 3 sees the establishment of an ARTC that includes Auckland Council elected members contributing to local democratic accountability. The 30-year integrated transport plan, prepared by the ARTC and approved by Auckland Council and Cabinet, ensures democratic accountability at a Government and Auckland Council level for long-term transport planning in Auckland. This aspect of democratic accountability is the same as in Options 3 to 6.

Stronger long-term alignment

142. The legislated ARTC and requirement for a 30-year integrated transport plan on Option 3 provides strong mandate for long-term planning and for the ARTC to bring alignment across Government and Auckland Council.

143. Option 3 brings stronger long-term alignment than the options that saw a broader strategy, planning and policy function for the ARTC (Options 4 and 6). Where the ARTC has a broader function there is a risk of misalignment emerging between the ARTC and Auckland Council.

Increased responsiveness to direction

144. s 9(2)(f)(iv)

145.

146.

147.

More efficient governance

148. Streamlined decision making is achieved in Option 3 by having one entity (Auckland Council) with a democratic mandate for approving the RLTP and other regional transport plans and policies. In the status quo, the RLTP and transport policy is also with one entity, Auckland Transport, but this conflicts with the role of elected members in setting overall direction for the region. This makes for relitigation between Auckland Council and Auckland Transport.

149. Option 4 and Option 6 see greater functions with the ARTC relative to Option 3, and this could cause inefficient relitigation between Auckland Council and the ARTC.
150. Option 3, and the other options that have a 30-year integrated transport plan and an ARTC (Options 4, 5 and 6), should all support efficient governance over time. An agreed long term plan should reduce current duplicative processes in Auckland and make for fewer project-by-project disagreements.

151. s 9(2)(f)(iv)



What are the marginal costs and benefits of the option?

152. The marginal costs and benefits of the preferred option are difficult to monetise at this stage. While costs associated with staff changes and establishing the ARTC will be calculated as part of implementation planning, they are not yet available.
153. Benefits are expected to be felt more widely across the transport system with better governance and decision-making, supporting enhanced performance of the transport system. While these broader economic and social benefits can be expected in the long term, it is challenging to quantify them given the indirect lines of causation between governance changes and performance of the transport system.

Section 3: Delivering the preferred option

How will the new arrangements be implemented?

Legislative Change

154. Legislation is needed to give effect to the preferred option. s 9(2)(f)(iv)

Leadership

155. Leadership from the Minister of Transport and the Mayor of Auckland will be required to ensure that change is established in a timely way, clearly communicated to the public and clear mandates across agencies are established.

Establishing an ARTC

156. A new ARTC committee would need to be established. The Minister of Transport would need to seek Cabinet approval for the ministerial appointees. The Mayor or Auckland Council would need to develop a process to select Auckland Council elected member representatives.
157. A Joint Officials Group, co-chaired by the Chief Executives of Auckland Council and the Ministry of Transport, will be needed to support the work of the ARTC. In addition, a secretariat function would need to be established and hosted in an organisation to support the ARTC.

Reallocation of functions and staff

158. The preferred model means change to the status quo functions of Auckland Council and Auckland Transport. Implementation will require:

s 9(2)(f)(iv)

- 158.2 transferring functions, budgets and staff support to local boards for responsibilities set out in legislation;

s 9(2)(f)(iv)

Implementation Risks

159. Key risks and mitigations are:

- 159.1 a loss of continuity in transport planning and delivery as roles and responsibilities change and the new ARTC structure is established. s 9(2)(f)(iv)

- 159.2 lack of capacity and capability to support the ARTC. Seconding officers in relevant roles across Auckland Council, the Ministry of Transport, Auckland Transport, NZTA and KiwiRail into a support unit or project team would be needed to mitigate this risk;

- 159.3 the 30-year integrated transport plan is not completed in time to inform the 2027 RLTP and NLTP processes. The 30-year integrated transport plan would need to be developed by the ARTC (and approved by Cabinet and Auckland Council) by August 2026 to inform the 2027 statutory planning processes. Ensuring early preliminary work is underway by officials in late 2025 and the ARTC work begins no later than early 2026 should help mitigate against this risk;
- 159.4 the 2025 local government elections (11 October 2025) delaying implementation if new elected members need to be brought up to speed. Ensuring the governance changes and associated implementation is a priority for the incoming council would help mitigate this risk.
160. There is a broader risk that the reforms do not improve transport outcomes and public trust and confidence in transport. The preferred option should enable better decision making, greater democratic accountability, better incentives for CCO performance and greater alignment between Government and Auckland Council. However, there are other factors at play that determine progress against transport outcomes including funding availability, regional and national policy and unexpected events.

How will the new arrangements be monitored, evaluated, and reviewed?

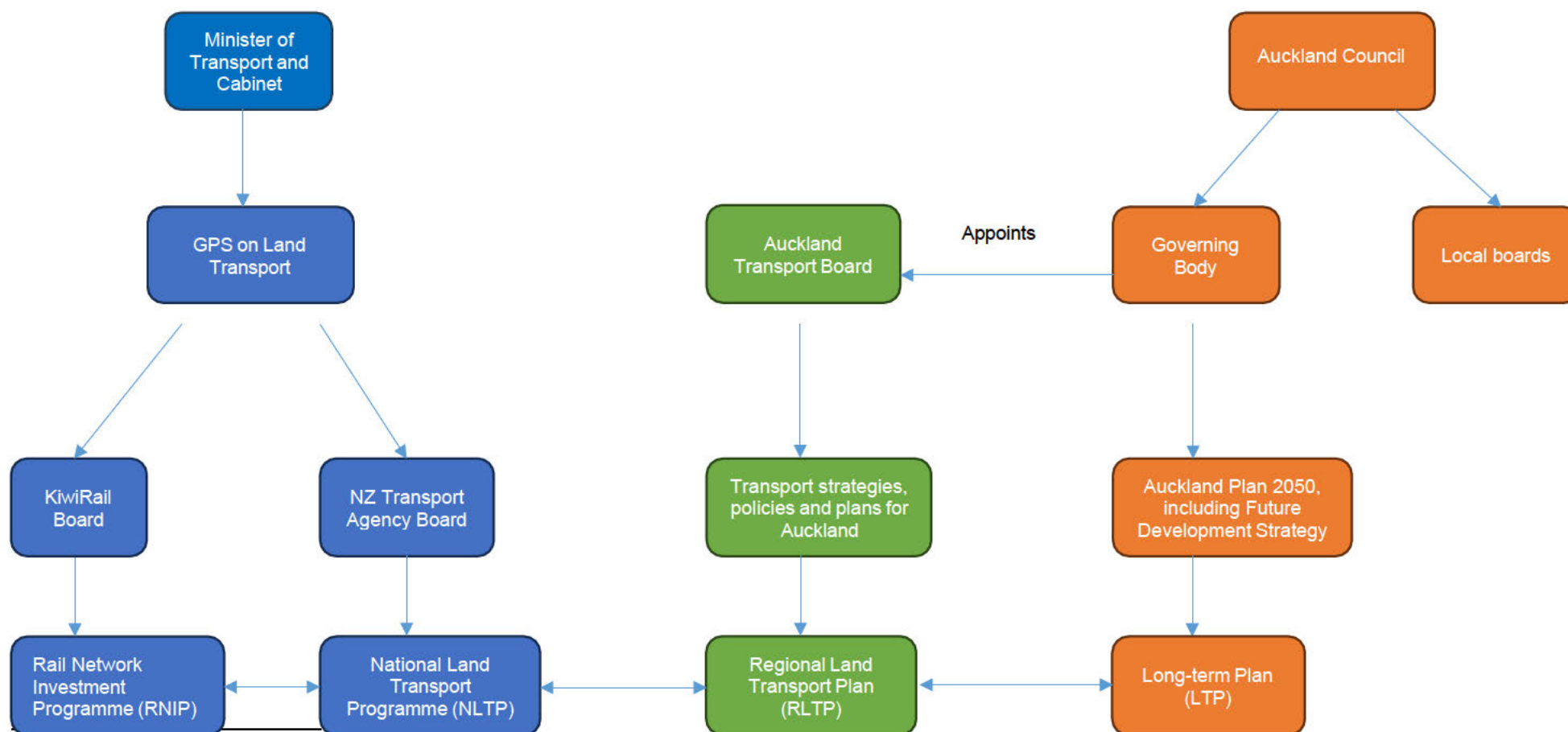
Monitoring

161. Implementation planning can establish reporting requirements for the ARTC to the Minister (and Cabinet) and Mayor (and Council) on a regular basis against the functions the ARTC holds.
162. Members of the public will have an ongoing opportunity to monitor the performance of the ARTC. It is envisaged the meeting minutes will be made public, and decisions made will be released in a transparent manner. It is also envisaged that members of the public will have opportunities to address the ARTC directly.
163. The performance of the statutory CCO will be monitored by Auckland Council and results will need to be incorporated into the overall evaluation of the reform.

Evaluation

164. An evaluation framework needs to be developed as part of implementing the option with appropriate criteria and measures of performance as well as a requirement for regular reporting to the Minister of Transport and Mayor of Auckland. This could be a function of the ARTC.

Appendix A: Auckland's current transport planning and governance framework⁴



⁴ The Auckland Transport Alignment Project (ATAP), which ran from 2015-2024, was a non-statutory element of Auckland's transport planning and governance framework. ATAP was politically sponsored by the Minister of Transport and the Mayor of Auckland and consisted of the following agencies: Ministry of Transport, Auckland Council, Auckland Transport, The New Zealand Transport Agency, KiwiRail, and The Treasury.

Appendix B: Initial options considered

Option 1: Status Quo
<ul style="list-style-type: none"> • The GPS provides Government direction to the land transport sector, RLTPs provide regional strategic direction and develop a regional investment programme, consistent with the GPS. The RLTP is a 'bid' for funding from the NLTF. • The Auckland Transport Board is responsible for developing and approving the RLTP. • Auckland Council have a number of legislative powers aimed at enabling them to provide strategic direction and make Auckland Transport accountable to the Council. This option considered how these could be more fully utilised.
Option 2: Moving responsibility of the RLTP to Auckland Council
<ul style="list-style-type: none"> • This would amend legislation so that Auckland Council is made responsible for developing and approving the RLTP, making their responsibilities consistent with all other regional and unitary councils. • s 9(2)(ba)(i)
Option 3: Mayoral Proposal
<ul style="list-style-type: none"> • The Mayor of Auckland's Auckland Manifesto (September 2023) and further work by Auckland Council proposed:
Option 4: Additional Mayoral Powers
<ul style="list-style-type: none"> • Issue a Mayoral Policy Statement on Transport, similar to a GPS. This would provide further specificity to Auckland Transport, at a level of detail greater than the LTP, but less than the RLTP. • Enable the Mayor to direct Auckland Transport to give effect to Auckland Council plans and strategies. • Enable the Mayor to direct Auckland Transport to carry out any other lawful function related to land transport. • Enable the Mayor to require provision of information from Auckland Transport at any time on matters related to the nature/extent of a problem, or otherwise relating to operations and performance. • Enable the Mayor to appoint or remove the directors of Auckland Transport. • Enable the Mayor to set rules by which Auckland Transport must operate (within prescribed limits).

Appendix C: Auckland Council levers over Auckland Transport

Give effect to LTP
S92 LGACA 2009 (1) Each substantive CCO must give effect to the relevant aspects of the LTP.
Act consistently with other plans
S92 LGACA 2009 (2) Each substantive CCO must act consistently with the relevant aspects of any other plan (including a local board plan) or strategy of the Council to the extent specified in writing by the governing body of the council.
Council may impose additional accountability requirements on substantive CCO's
S91 LGACA 2009 (1) The Council may require a substantive CCO to: <ul style="list-style-type: none"> a) include in its SOI a narrative about how the organisation will contribute to the Council's and, where appropriate, the Government's objectives and priorities for Auckland b) deliver reports on Auckland Transport's operations, and c) to prepare and adopt a plan covering a period of at least ten years that describes how Auckland Transport will give effect to Auckland Council's strategy, plans and priorities. (2) The Council may not require Auckland Transport to prepare and adopt a plan under subsection 1 (c)
Council must have accountability policy for substantive CCO's
S90 LGACA 2009 (1) The Council must adopt a policy on the accountability of its substantive CCOs. (2) The policy must state the Council's expectations of each substantive CCO's contributions to, and alignment with, the Council's and central government's objectives and priorities. (3) A policy under this section may be adopted by the Council as part of its LTP, must be included in the Council's LTP; and may be amended only as an amendment to the LTP.
Statement of Intent (SOI)
S64 LGA 2002 (1) Every CCO must prepare and adopt a statement of intent in accordance with Part 1 of Schedule 8. (2) The purpose of a SOI is to provide an opportunity for shareholders to influence the direction of the organisation. (3) Auckland Transport must prepare and adopt a statement of intent each year, outlining how they will contribute to council's objectives and priorities. (4) Auckland Council approves the SOI and can require them to be modified. (5) Auckland Transport must hold a public meeting to consider performance under their SOI.
Statement of expectations
S64B LGA 2002 (1) The shareholders in a CCO may prepare a statement of expectations that: <ul style="list-style-type: none"> a) specifies how the organisation is to conduct its relationship with shareholding local authorities, and b) requires the organisation to act consistently with the statutory obligations of the shareholding local authorities.
Letters of expectation
<u>Not legislated.</u> (1) Outlines Auckland Council's priorities to inform Auckland Transport's statement of intent, that it expects Auckland Transport to act consistently with.
Board appointments. (Auckland Specific)
S43 LGACA 2009 (1) The Auckland Transport Board of Directors can include up to two members of Auckland Council, who are voting directors.
S95 LGACA 2009 (1) Auckland Council may appoint chairperson and deputy chairperson of substantive CCO.
Council may make operating rules for Auckland Transport (Auckland Specific)
S49 LGACA 2009 (1) Auckland Council may make rules by which Auckland Transport must operate, including rules in relation to: <ul style="list-style-type: none"> a) how the governing body of Auckland Transport must operate b) how Auckland Transport must appoint and employ staff (including its CE).

Half-yearly or quarterly reports / Annual report

S66 LGA 2002

- (1) a) During each financial year, the Board of a CCO must report on the organisation's operations to its shareholders

S67 LGA 2002

- (1) (a) at the end of the financial year the Board of a CCO must complete a report on the organisation's operations during that year.

Appendix D: Options mapped against functions

Option	Entity	Prepares RLTP	Approves RLTP	Prepares transport strategies	Approves transport strategies	Prepares and monitors 30-year integrated transport plan	Acts as RCA and delegates where appropriate	Governs operations and delivery	Allocates funding from NLTF based on GPS
1	ARTC							s 9(2)(f)(iv)	
	AC								
	AT	✓	✓	✓	✓		✓		
2	ARTC								
	AC	✓	✓						
	AT			✓	✓		✓		
3	ARTC	✓				✓			
	AC		✓	✓	✓		✓		
	AT								
4	ARTC	✓	✓	✓	✓	✓			
	AC						✓		
	AT								
5	ARTC	✓				✓			
	AC		✓	✓	✓		✓		
	AT								
6	ARTC	✓	✓			✓			✓
	AC			✓	✓		✓		
	AT								

AC – Auckland Council. AT – Auckland Transport