

OC250192

20 May 2025

Tēnā koe

I refer to your email dated 22 February 2025, requesting the following under the Official Information Act 1982 (the Act):

*"I would like to request copies of information concerning the Council Controlled Organisations (CCO) review in general and in regard to Auckland Transport (AT) in particular. The information would be contained in memos, email, report and letters between Auckland Council staff members, consultants, elected members (Mayor, Councillors and Local boards) and with central government (ministry staff from DIA and MoT/NZTA as well as Ministers and consultants).*

*It would be appreciated if the information provided could be sorted or organised so as to help answer the following matters covered by the request:*

- 1. The information should show who initiated the review and what questions or issues the review was intended to answer. This should include any information used to justify why those questions or issues needed to be asked. What were the identified problems that needed to be fixed? What evidence has been brought to bear to support initiating and progressing this review? i.e. What is it that AT has allegedly failed to achieve, or done poorly, both in general and with regards to the Road Control Authority powers in particular?*
- 2. The information should include the evidence used to justify or explain how it was concluded that the outcomes of the CCO review of AT and in particular the move to transfer the Road Controlling Authority powers would be expected to benefit Aucklanders? The information included should show how it was explained to councillors and Ministers that the resulting new structure(s) and committee(s) would be able to do what Auckland Transport does now better, e.g. more time-efficiently, more cost-effectively, more in line with expert advice and with less administrative overhead.*
- 3. The information should include the business case, or cost-benefit analysis in terms of staff administrative time that will be spent on, e.g. redeveloping organisational structure, changing the law, internal communications and meetings, etc. this should include information that demonstrates that councillors and Ministers understood the nature and volume of work involved in exercising the road controlling authority powers for the Auckland transport system.*
- 4. Also included should be any other discussions, between staff elected council members and elected central government members, suggesting changes to the nature of AT and removing its status as the road controlling authority for Auckland's roads, unrelated to costed benefits for Aucklanders or clearly identifiable problems. In other words, what subjective opinions, desires, or reasons otherwise not immediately related to AT's objective performance, have been suggested as justification for proposing the changes?*

*It is believed that all of this information must exist in some form given that the Cabinet and council have made formal decisions in favour of the proposal to reform the status of Auckland Transport and to transfer its road controlling authority powers to the council. Such inherently significant decisions could not have been made without complying with section 76, 77, and 78 of the Local Government Act 2002."*

On 20 March 2025, you agreed to rescope the information request to be as follows:

*“In relation to the Transport Governance Reform in Auckland can I receive the following:*

- a) cabinet material,*
- b) official advice/briefings*
- c) external correspondence”.*

On 14 April 2025, we advised you that the Ministry was extending the 20 working days available to it to respond to your Official Information Act request pursuant to sections 15A(1)(a) and 15A(1)(b) of the Act, with a response now due by 20 May 2025.

109 documents fall within the scope of your request. The documents are listed in the document schedule attached as Annex 1, with the exception of those subject to legal privilege which are not listed in the schedule. Some emails have also been removed as they are administrative in nature, such as meeting invites or calendar events, and have been considered out-of-scope.

The schedule outlines how the documents you requested have been treated under the Act. Given the volume of material being released, we are unable to present the information into the categories that you had suggested in your initial request.

Certain information is withheld or refused under the following sections of the Act:

9(2)(a)	to protect the privacy of natural persons
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 interest that such information should continue to be supplied
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
18(d)	the information requested is or will soon be publicly available

With regard to the information that has been withheld under section 9 of the Act, I am satisfied that the reasons for withholding the information at this time are not outweighed by public interest considerations that would make it desirable to make the information available.

You have the right to seek an investigation and review of this response by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found on the Ombudsman's website [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

The Ministry publishes our departmental Official Information Act responses. Before publishing we will remove any personal or identifiable information.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'K Lyons', is centered on the page.

Karen Lyons  
**Director Auckland**

## Annex 1: Document Schedule

Doc #	Date	Title of Document	Proposed decision on request
1	24/09/2024	OC241060 Transport Governance Reform in Auckland	Refused in full under section 18(d) of the Act
2	24/09/2024	ECO-24-MIN-0217	Refused in full under section 18(d) of the Act
3	30/09/2024	CAB-24-MIN-0379	Refused in full under section 18(d) of the Act
4	25/11/2024	OC241274 Transport Governance Reform in Auckland	Refused in full under section 18(d) of the Act
5	25/11/2024	CBC-24-MIN-0110	Refused in full under section 18(d) of the Act
6	02/12/2024	CAB-24-MIN-0471.02	Refused in full under section 18(d) of the Act
7	19/11/2024	Regulatory Impact Statement – Transport Governance Reform in Auckland	Refused in full under section 18(d) of the Act
8	24/04/2024	OC240251 Auckland Council and the RLTP	Some information is withheld under sections 9(2)(a) and 9(2)(h) of the Act
9	20/05/2024	OC240683 Responsibilities for Transport Planning in Auckland and accountability of Auckland Transport	Some information is withheld under sections 9(2)(a), 9(2)(ba)(i) and 9(2)(g)(i) of the Act
10	16/07/2024	OC240798 Meeting with Mayor Brown 19 July 2024 (excerpt)	Some information is withheld under sections 9(2)(ba)(i) and 9(2)(g)(i) of the Act
11	17/07/2024	OC240780 Transport Planning in Auckland and accountability of Auckland Transport	Some information is withheld under sections 9(2)(a), 9(2)(f)(iv), 9(2)(ba)(i) and 9(2)(g)(i) of the Act
12	28/08/2024	OC240928 Transport Governance Reform in Auckland	Some information is withheld under sections 9(2)(a), 9(2)(f)(iv), 9(2)(ba)(i) and 9(2)(g)(i) of the Act
13	02/09/2024	OC241003 Meeting with Dean Kimpton, Auckland Transport Chief Executive, 4 September 2024 (excerpt)	Some information is withheld under section 9(2)(ba)(i) and 9(2)(g)(i) of the Act
14	11/09/2024	OC241072 Transport Governance Reform in Auckland – Cabinet Paper	Some information is withheld under sections 9(2)(a) and 9(2)(f)(iv) of the Act
15	18/09/2024	OC241092 Transport Governance Reform in Auckland – Summary of Departmental Consultation	Some information is withheld under sections 9(2)(a), 9(2)(ba)(i) and 9(2)(g)(i) of the Act
16	07/10/2024	OC241176 Meeting with Mayor Brown on Transport Governance Reform in Auckland	Some information is withheld under sections 9(2)(a), 9(2)(f)(iv) and 9(2)(g)(i) of the Act



Doc #	Date	Title of Document	Proposed decision on request
17	24/10/2024	OC241226 Transport Governance Reform in Auckland – Joint Briefing	Some information is withheld under sections 9(2)(a), 9(2)(f)(iv), 9(2)(ba)(i) and 9(2)(g)(i) of the Act
18	06/11/2024	OC241274 Transport Governance Reform in Auckland – Cabinet Paper	Some information is withheld under sections 9(2)(a) and 9(2)(f)(iv) of the Act
19	18/11/2024	OC241338 Transport Governance Reform in Auckland – Summary of Departmental Consultation	Some information is withheld under sections 9(2)(a), 9(2)(ba)(i) and 9(2)(g)(i) of the Act
20	25/11/2024	OC241317 Event with WSP clients on Portfolio updates and priorities (excerpt)	Withheld in full under section 9(2)(g)(i) of the Act
21	11/12/2024	OC241394 Proposed Transport Decisions for Local Boards	Some information is withheld under sections 9(2)(a), 9(2)(f)(iv), 9(2)(ba)(i) and 9(2)(g)(i) of the Act
22	12/02/2025	OC250023 Transport Governance Reform in Auckland – Additional Decisions to Inform Drafting	Some information is withheld under sections 9(2)(a), 9(2)(f)(iv), 9(2)(ba)(i) and 9(2)(g)(i) of the Act
23	29/04/2024	Mayor/Minister meeting - points of agreement	Some information is withheld under sections 9(2)(a) and 9(2)(ba)(i) of the Act Some information is also out of scope
24	30/04/2024	Direction following recent reports	Some information is withheld under sections 9(2)(a) and 9(2)(ba)(i) of the Act Some information is also out of scope
25	02/05/2024	OC240251 - sharing with DIA	Some information is withheld under sections 9(2)(a) of the Act Duplicate copy of cover briefing removed – refer to Item 8
26	10/05/2024	Updates requested by COP today - Auckland/Transport/LG Cabinet Paper - Auckland Work programme	Some information is withheld under sections 9(2)(a) and 9(2)(g)(i) of the Act Some information is also out of scope
27	16/05/2024	Rec	Some information is withheld under sections 9(2)(a) and 9(2)(g)(i) of the Act
28	16/05/2024	Direction on the RLTP/transport planning and governance work	Some information is withheld under sections 9(2)(a) and 9(2)(ba)(i) of the Act
29	02/07/2024	Action from officials yesterday	Some information is withheld under sections 9(2)(a) and 9(2)(g)(i) of the Act
30	22/07/2024	Letter from Mayor Brown – commissioning a response letter	Some information is withheld under sections 9(2)(a) of the Act



Doc #	Date	Title of Document	Proposed decision on request
31	26/07/2024	Correspondence from Minister of Transport	Some information is also out of scope
32	20/08/2024	Checking on Auckland work	Some information is withheld under sections 9(2)(a) of the Act Some information is also out of scope
33	11/09/2024	Transport Governance in Auckland - Question and Update	Some information is withheld under sections 9(2)(a) of the Act
34	11/09/2024	OC241060: Cabinet Paper - Transport Governance Reform in Auckland	Some information is withheld under sections 9(2)(a) and 9(2)(g)(i) of the Act
35	12/09/2024	Transport Governance in Auckland - departmental consultation	Some information is withheld under sections 9(2)(a) of the Act
36	13/09/2024	Auckland transport governance - Cabinet paper for departmental consultation	Some information is withheld under sections 9(2)(a) and 9(2)(g)(i) of the Act
37	16/09/2024	Transport Governance Reform in Auckland	Some information is withheld under sections 9(2)(a) of the Act
38	19/09/2024	OC241060 - Transport Governance Reform in Auckland & OC241092 - Briefing Paper - Departmental Consultation	Some information is withheld under sections 9(2)(a), 9(2)(f)(iv) and 9(2)(g)(i) of the Act Duplicate copy of cabinet paper removed – refer to Item 1
39	20/09/2024	Speaking points	Some information is withheld under sections 9(2)(a), 9(2)(g)(i) and 9(2)(f)(iv) of the Act
40	09/10/2024	Papers received from Mayor Brown's office – commissioning a response letter	Some information is withheld under sections 9(2)(a), 9(2)(g)(i) and 9(2)(f)(iv) of the Act Duplicate copy of Mayor's letter removed – refer to Item 80
41	10/10/2024	Support Material Minister-Mayor meeting on Auckland Transport Governance Reform	Some information is withheld under sections 9(2)(a), 9(2)(f)(iv), 9(2)(ba)(i) and 9(2)(g)(i) of the Act
42	04/11/2024	Auckland Transport Governance – Check wording for CCO options 1.30pm	Some information is withheld under sections 9(2)(a) and 9(2)(f)(iv) of the Act
43	06/11/2024	OC241258 – Draft Cabinet Paper Transport Governance Reform in Auckland & OC241274 – Cover Briefing	Some information is withheld under sections 9(2)(a) and 9(2)(g)(i) of the Act Duplicate copy of cover briefing removed – refer to Item 10



Doc #	Date	Title of Document	Proposed decision on request
44	07/11/2024	Transport Governance Reform in Auckland – Cover email for Ministerial consultation	Some information is withheld under sections 9(2)(a) and 9(2)(f)(iv) of the Act
45	15/11/2024	Transport Governance Reform in Auckland Regulatory Impact Statement	Some information is withheld under sections 9(2)(a) and 9(2)(g)(i) of the Act
46	19/11/2024	Transport Governance Reform in Auckland Regulatory Impact Statement	Some information is withheld under sections 9(2)(a) of the Act Duplicate copy of Regulatory Impact Statement removed – refer to Item 7
47	19/11/2024	OC241338 Transport Governance Reform in Auckland Revised Cabinet Paper; Mirriam Dean CCO report summary	Some information is withheld under sections 9(2)(a) and 9(2)(g)(i) Some information is out of scope Duplicate copy of cabinet paper removed – refer to Item 4 Duplicate copy of briefing removed – refer to Item 11
48	21/11/2024	Transport Governance Reform in Auckland – Cabinet speaking points	Some information is withheld under sections 9(2)(a) and 9(2)(g)(i) of the Act
49	22/11/2024	Transport Governance Reform in Auckland – CBC speaking points and table with numbers	Some information is withheld under sections 9(2)(a), 9(2)(ba)(i) and 9(2)(g)(i) of the Act
50	26/11/2024	Transport Governance Reform in Auckland Cabinet Paper	Some information is withheld under sections 9(2)(a) of the Act
51	27/11/2024	Guidance required	Some information is withheld under sections 9(2)(a) and 9(2)(f)(iv) of the Act
52	03/12/2024	QA for Press Conference	Withheld in full under section 9(2)(g)(i) of the Act
53	03/12/2024	PR to fact check please – Transport Governance Reform in Auckland	Withheld in full under section 9(2)(g)(i) of the Act
54	10/12/2024	OPQ on Auckland Transport Governance Reform – supps required by 11.45am	Withheld in full under section 9(2)(g)(i) of the Act
55	11/12/2024	Draft letter for Mayor Brown	Withheld in full under section 9(2)(g)(i) of the Act
56	12/12/2024	OC241394 – Proposed Transport Decisions for Local Boards	Some information is withheld under sections 9(2)(a) and 9(2)(f)(iv) of the Act Duplicate copy of briefing removed – refer to Item 21
57	17/12/2024	Maps for Minister – Local Board Powers – Roading Classification	Some information is withheld under sections 9(2)(a) of the Act



Doc #	Date	Title of Document	Proposed decision on request
58	31/03/2025	Action requested by 1-30pm ThreeNews request re Auckland Transport Governance	Some information is withheld under sections 9(2)(a) and 9(2)(g)(i) of the Act
59	09/12/2024	Traffic calming on local roads	Some information is withheld under sections 9(2)(a) of the Act
60	09/12/2024	Maps	Some information is withheld under sections 9(2)(a) of the Act
61	11/12/2024	Info	Some information is withheld under sections 9(2)(a), 9(2)(f)(iv), 9(2)(ba)(i) and 9(2)(g)(i) of the Act
62	13/12/2024	More maps	Some information is withheld under sections 9(2)(a) and 9(2)(f)(iv) of the Act
63	17/12/2024	Howick A3	Some information is withheld under sections 9(2)(a) of the Act
64	31/01/2025	Freight corridors	Some information is withheld under sections 9(2)(a) of the Act
65	20/02/2025	Bylaw questions	Some information is withheld under sections 9(2)(a) of the Act
66	01/03/2024	Legislation change - RLTP	Some information is withheld under sections 9(2)(a) of the Act
67	14/05/2024	Transport local bill	Some information is withheld under sections 9(2)(a) and 9(2)(ba)(i) of the Act
68	20/05/2024	Meeting agenda options for transport planning and decision-making	Some information is withheld under sections 9(2)(a) and 9(2)(ba)(i) of the Act
69	21/05/2024	Options work	Some information is withheld under sections 9(2)(a) and 9(2)(ba)(i) of the Act
70	31/05/2024	Transport planning accountability work	Some information is withheld under sections 9(2)(a), 9(2)(ba)(i) and 9(2)(g)(i) of the Act
71	10/07/2024	Follow up	Some information is withheld under sections 9(2)(a) of the Act
72	23/07/2024	Materials tabled at Friday's meeting	Some information is withheld under sections 9(2)(a) and 9(2)(ba)(i) of the Act
73	29/07/2024	AT	Some information is withheld under sections 9(2)(a) and 9(2)(f)(iv) of the Act
74	13/08/2024	Transport	Some information is withheld under sections 9(2)(a), 9(2)(f)(iv), 9(2)(ba)(i) and 9(2)(g)(i) of the Act
75	16/08/2024	Auckland Transport Governance Reforms (in confidence)	Some information is withheld under sections 9(2)(a) and 9(2)(g)(i) of the Act



Doc #	Date	Title of Document	Proposed decision on request
76	23/08/2024	Transport Governance Reform in Auckland	Some information is withheld under section 9(2)(ba)(i) and 9(2)(f)(iv) of the Act
77	27/08/2024	Transport Governance Briefing	Some information is withheld under sections 9(2)(a) and 9(2)(ba)(i) of the Act
78	03/09/2024	Quick Question	Some information is withheld under section 9(2)(a) of the Act
79	03/09/2024	AT functions	Withheld in full under 9(2)(f)(iv) of the Act
80	08/10/2024	Letter from Mayor Brown – Transport Governance options	Some information is withheld under sections 9(2)(a) and 9(2)(ba)(i) of the Act
81	15/10/2024	Practical step forward on the local board issue	Some information is withheld under sections 9(2)(a) and 9(2)(g)(i) of the Act
82	21/10/2024	Local Boards Table for Briefing	Some information is withheld under sections 9(2)(a) and 9(2)(g)(i) of the Act
83	22/10/2024	Auckland Council review of briefing note	Some information is withheld under sections 9(2)(a), 9(2)(f)(iv), 9(2)(ba)(i) and 9(2)(g)(i) of the Act
84	23/10/2024	Preparation of the RLTP	Some information is withheld under sections 9(2)(a) and 9(2)(g)(i) of the Act
85	23/10/2024	In confidence – Joint Briefing Transport Governance Reform	Some information is withheld under sections 9(2)(a), 9(2)(f)(iv), and 9(2)(g)(i) of the Act
86	24/10/2024	Transport Governance in Auckland	Some information is withheld under sections 9(2)(a), 9(2)(f)(iv) and 9(2)(g)(i) of the Act
87	24/10/2024	AC review of briefing	Some information is withheld under sections 9(2)(a), and 9(2)(g)(i) of the Act
88	25/10/2024	Road Hierarchies	Some information is withheld under section 9(2)(a) of the Act
89	25/10/2024	AT AC new joint bylaw	Some information is withheld under section 9(2)(a) of the Act
90	05/11/2024	AT Mapping tool	Some information is withheld under section 9(2)(a) of the Act
91	07/11/2024	Maps	Some information is withheld under section 9(2)(a) of the Act
92	14/11/2024	Latest local board maps	Some information is withheld under sections 9(2)(a) and 9(2)(g)(i) of the Act
93	19/11/2024	Roading hierarchy Maps	Some information is withheld under section 9(2)(a) of the Act
94	25/11/2024	Tables for MOT	Some information is withheld under sections 9(2)(a), 9(2)(f)(iv) and 9(2)(ba)(i) of the Act

Doc #	Date	Title of Document	Proposed decision on request
95	29/11/2024	Transport Governance Reforms in Auckland – Local Board powers	Some information is withheld under section 9(2)(a) of the Act
96	04/12/2025	Transport Governance Reform	Some information is withheld under section 9(2)(a) of the Act
97	20/01/2025	Transport Governance Reform – Advice on talking to a few Council staff	Some information is withheld under sections 9(2)(a) and 9(2)(f)(iv) of the Act
98	24/01/2025	Delegation document	Some information is withheld under section 9(2)(a) of the Act
99	12/02/2025	Transport reform	Some information is withheld under section 9(2)(a) of the Act
100	12/02/2025	Bylaws meeting tomorrow	Some information is withheld under sections 9(2)(a), 9(2)(f)(iv) and 9(2)(ba)(i) of the Act



24 April 2024

OC240451

Hon Simeon Brown

**Action required by:**

Minister of Transport

Friday, 26 April 2024

## REGIONAL LAND TRANSPORT PLAN REFORM

### Purpose

To update you on work on making Auckland Council responsible for the Auckland Regional Land Transport Plan and seeking your approval to make this change. This could be raised at your meeting with Mayor Brown on 26 April 2024.

### Key points

- You have indicated support for changing legislation so that Auckland Council is made responsible for the Regional Land Transport Plan (RLTP). This change would amend the 2013 change to the Land Transport Management Act 2003 (LTMA) and the Local Government (Auckland Council) Act 2009 (LGACA) that gave Auckland Transport the responsibility to prepare and approve the RLTP for Auckland.
- Our background work points to valid reasons for making this change:
  - the legislative change in 2013 seems to have been an on-balance call rather than being based on a strong case
  - since then, levers available to Auckland Council have not given elected members the level of oversight and decision-making they aspire to
  - the amendment would align Auckland Council's responsibilities with other regional/unitary councils.
- The fundamental amendment is to the LGACA, as this confers responsibility of the RLTP to Auckland Transport. However, significant consequential amendments are also required to the LTMA, including ensuring that Auckland Council can form a regional land transport committee to undertake the RLTP responsibilities.
- Should you agree to progress the change in responsibility, the next steps are to develop a cabinet policy paper that we could aim to target for the end of June 2024. At the same time, we will further investigate options for a legislative vehicle to progress these amendments in an efficient and timely manner.

s 9(2)(h)



**Recommendations**

We recommend you:

- |   |                                                                                                                                                                                                                                                  |          |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 1 | <b>note</b> the contents of this briefing to assist in your meeting with Mayor Brown on 26 April.                                                                                                                                                | Yes / No |
| 2 | <b>agree</b> , subject to Cabinet endorsement, to change responsibility of the developing, approving and amending the Regional Land Transport Plan from Auckland Transport to Auckland Council.                                                  | Yes / No |
| 3 | <b>agree</b> to the Ministry developing a Cabinet Committee paper with a target date for submission of end June 2024                                                                                                                             | Yes / No |
| 4 | <b>note</b> that the Cabinet Committee paper will canvass legislative options to make the amendment and will require engagement with the Department of Internal Affairs given the changes needed to the Local Government (Auckland Council) Act. |          |



David Wood  
Deputy Chief Executive, Investment  
and Monitoring

Hon Simeon Brown  
Minister of Transport

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Minister's office to complete:

☒ Approved

☐ Declined

☐ Seen by Minister

☐ Not seen by Minister

☐ Overtaken by events
**Comments****Contacts**

Name	Telephone	First contact
Emily Frew, Adviser Auckland	s 9(2)(a)	
Karen Lyons, Director Auckland		✓
David Wood, Deputy Chief Executive, Investment and Monitoring		



## REGIONAL LAND TRANSPORT PLAN GOVERNMENT REFORM

### Background

- 1 Prior to 2013 the Land Transport Management Act 2003 (LTMA) required Auckland Council, as with all other regional/unitary councils, to prepare a regional transport strategy, while Auckland Transport (AT) was required to prepare the investment programme.
- 2 When the LTMA was amended in 2013, regional councils across New Zealand were required to develop a RLTP which combined transport strategy and the transport investment programme into a single document.
- 3 The Local Government (Auckland Council) Act 2009 (LGACA) gives Auckland Transport the responsibility to prepare the RLTP for Auckland, in accordance with the LTMA.
- 4 To undertake this responsibility, Auckland Transport set up a regional transport committee (RTC). In Auckland's case, the RTC comprises the directors of the Auckland Transport Board, including the Chief Executive of the New Zealand Transport Agency (NZTA), and a representative from KiwiRail. Elsewhere in NZ, the RTC comprises elected members and a representative from NZTA, and for Wellington and Auckland a representative from KiwiRail.

### Reason for change

- 5 Our understanding is that the decision to assign development and approval of the RLTP to Auckland Transport was an on-balance call that saw benefits of integrating strategic planning and delivery under one agency. There are, equally, arguments for Auckland Council to exercise the strategic planning function such as integrating transport with urban planning.
- 6 Auckland Council was seen as having several levers under the LGACA that meant it could continue to have influence transport strategy and investment. These include the Mayor's letter of expectation to Auckland Transport, and Auckland Council appointing the Auckland Transport Board that can include two elected members.
- 7 In 2020, Miriam Dean KC conducted an independent review of Auckland's CCOs. The review noted that parts of the 2013 amendments to the LTMA were *"wrong in principle and at odds with the intent of Auckland's local government reforms"*. However, it also noted that Auckland Council has the legislative tools it requires to influence decisions but is not making full use of these.
- 8 Auckland Council has used levers to enable it to have a greater influence over the transport programme and there is now more engagement with elected members on the RLTP.
- 9 However, this falls short of the Council's Governing Body having the level of oversight or decision-making that it believes aligns with democratic accountability and the responsibilities of elected members.

- 10 Transferring RLTP functions back to Auckland Council would make their responsibilities consistent with all other regional and unitary councils in New Zealand.

### Legislative amendments

- 11 The core legislative change is to the LGACA that provides for Auckland Transport to prepare the RLTP. In addition, there are a significant number of consequential amendments required to the LTMA. Initial analysis has identified at least thirty changes. This includes changes to enable Auckland Council to set up a RTC.
- 12 The key functions of a RTC are to prepare a RLTP, or any variation of the plan, for regional council approval and to provide the regional council with any advice or assistance that the council may request.
- 13 Proposed amendments to the LTMA and the LGACA will need to be progressed through an Amendment Bill. If you agree to progress these proposals, we will determine the exact legislative vehicle to progress these amendments. We will identify an appropriate vehicle that is ideally already on the Government's legislative programme for 2024.

14 s 9(2)(h)

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### Next Steps

- 18 Should you agree to progress the proposed change in responsibility of the RLTP to Auckland Council, we will develop a cabinet committee policy paper. We need to consider resourcing, but ideally targeting the Cabinet Economic Policy Committee at the end of June 2024 would enable us to align with the Amendment Bill.
- 19 In parallel, we will start engagement with DIA and continue to work on legislative vehicle to progress the proposed amendments.



20 June 2024

OC240683

**Hon Simeon Brown****Minister of Transport**

## **RESPONSIBILITIES FOR TRANSPORT PLANNING IN AUCKLAND AND ACCOUNTABILITY OF AUCKLAND TRANSPORT**

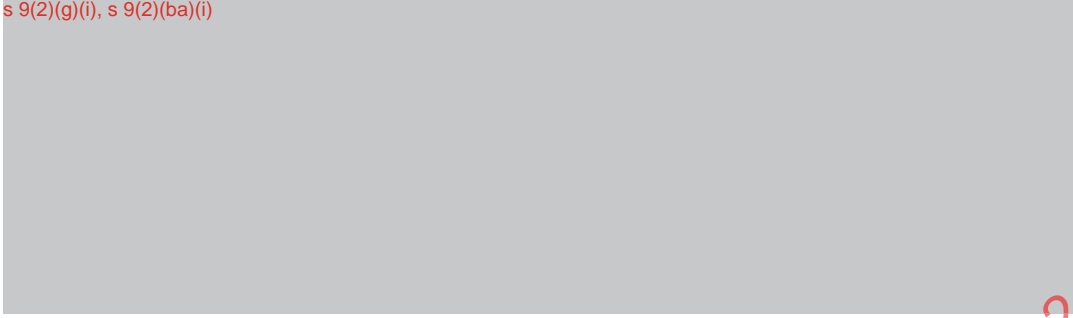
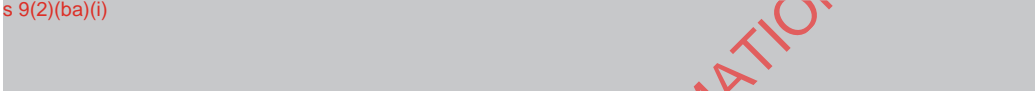
### **Purpose**

To outline advantages and disadvantages of four options aimed at improving transport planning in Auckland and enabling Auckland Council to better hold Auckland Transport to account.

### **Key points**

- We have looked at four options that could increase Auckland Council's influence over transport planning and its ability to hold Auckland Transport to account. The advantages and disadvantages of these options are set out in Appendices 4 and 5.
- Under the status quo, Auckland Council has a number of legislative powers aimed at enabling them to direct Auckland Transport and hold the organisation to account. They are not always effective in practice and do not directly address the underlying issue of the lack of democratic accountability for transport planning.
- Moving the development and approval of the Regional Land Transport Plan (RLTP) from Auckland Transport to Auckland Council enables Auckland Council to have more say over regional transport planning. It reinforces that Auckland Transport is the delivery agency in the Auckland transport system. This option does not address the issue of longer-term and more aligned transport planning between Government and the Council.

s 9(2)(ba)(i), s 9(2)(g)(i)

- s 9(2)(g)(i), s 9(2)(ba)(i)  

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- There are some opportunities to enhance Mayoral powers in terms of the ability of the Mayor to hold Auckland Transport to account.
- We are seeking your direction on what options or elements of options you would like further work on, noting that:  
s 9(2)(ba)(i)  

  - The option on enhanced mayoral powers requires us to engage with the Department of Internal Affairs.
  - The option of moving the RLTP could progress now to identifying the legislative mechanism and changes required.

## Recommendations

We recommend you:

- 1 **Indicate** which of the options set out in Appendices 4 and 5 you would like to commission further work on
- 2 **Note** that during consultations Auckland Council tabled the following options for consideration, which we have not assessed:

s 9(2)(ba)(i)  




David Wood,  
Deputy Chief Executive, Investment  
and Monitoring

Hon Simeon Brown  
Minister of Transport

..... / ..... / .....



**Minister's office to complete:**☐ Approved☐ Declined☐ Seen by Minister☐ Not seen by Minister☐ Overtaken by events**Comments****Contacts**

Name	Telephone	First contact
David Wood, Deputy Chief Executive, Investment and Monitoring	s 9(2)(a)	
Karen Lyons, Director Auckland		✓
Logan Rainey, Senior Advisor Auckland		
Emily Frew, Advisor Auckland		

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## RESPONSIBILITIES FOR TRANSPORT PLANNING IN AUCKLAND AND ACCOUNTABILITY OF AUCKLAND TRANSPORT

### Context

- 1 Auckland Council have raised concerns with you regarding the current governance and decision-making framework for transport in Auckland and Auckland Transport's accountability to Auckland Council and the public.
- 2 The Mayor, in his Manifesto for Auckland, sought a new type of relationship with Government based on partnership. s 9(2)(ba)(i)  
[REDACTED]
- 3 Following your meeting with the Mayor of Auckland at the end of April 2024 you directed us to look at the advantages and disadvantages of four options for transport planning and decision-making in Auckland.
- 4 These options are:
  - Maintaining the status quo;
  - Moving responsibility for the RLTP to Auckland Council;
  - s 9(2)(ba)(i)  
[REDACTED]
  - Enhanced powers for the Mayor of Auckland.
- 5 As part of this work, we have talked with Auckland Council officers, to take soundings on their perspective regarding the four options.
- 6 s 9(2)(ba)(i)  
[REDACTED]
- 7 We will await your direction on whether you wish to expand the scope of work to consider these.

## Issues to address

- 8 Auckland Council elected members maintain that they do not have sufficient influence over transport planning and funding decisions. They see several factors as contributing to this:
- Changes to the Land Transport Management Act (LTMA) in 2013, diminished Auckland Council's strategic role;
  - Levers available to enable Auckland Council to hold Auckland Transport to account have not, in Auckland Council's view, been effective; and
  - Increasing Crown funding for transport projects in Auckland has highlighted the lack of a consistent approach for the Government to engage with Auckland Council on larger projects.
- 9 Auckland Council also emphasises the need for more aligned and long-term planning between Government and Auckland Council and the need for more certainty around funding.
- 10 The need for long term planning and more funding certainty is as much a national issue as an Auckland issue. The Government Policy statement on Land Transport 2024 (GPS 2024) signals that future Government Policy Statements on Land Transport (GPS) will adopt a 10-year investment plan, bringing these into alignment with local government Long Term Plans, and providing the NZTA Board with greater certainty to deliver on a long-term transport infrastructure pipeline.
- 11 s 9(2)(g)(i)
- 12 In general, Auckland Council believe that they lack the level of decision-making that aligns with their democratic accountability. They view Auckland Transport as being unaccountable to Auckland Council and to the Auckland public.

## Assessing the options

- 13 Our work on the options has focussed on advantages and disadvantages of each option. This analysis is set out in Appendices 4 (mayoral powers) and 5 (other options).
- 14 The following questions are useful to bear in mind as you read the options:
- Does the proposed change lead to better outcomes for Aucklanders?
  - Does the proposed change improve Auckland Transport's accountability to elected Auckland Council members?
  - What are the implications for the relationship between Auckland Council and the Government?

- Does the proposed change lead to longer-term and more aligned transport decision-making across Government and Auckland Council?
- What implications would these options have for other Councils nationally? (i.e. would they create a precedent risk, which other Councils would seek to replicate?)

## Background and summary comments on the options

### *Option one: Maintaining the status quo*

- 15 When Auckland Transport was made a Council Controlled Organisation (CCO) in 2010, legislative levers were established aimed at enabling Auckland Council to provide strategic direction and hold Auckland Transport to account. A summary of these levers is provided in Appendix 1: Auckland Council's existing levers over Auckland Transport.
- 16 In 2020, an independent review of Auckland Council's CCO's, led by Miriam Dean, reported that Auckland Council had the necessary levers to hold the CCOs to account, but these were not being used effectively.

s 9(2)(ba)(i)

### *Option two: Moving responsibility for the RLTP to Auckland Council*

- 20 This option would make Auckland Council responsible for the RLTP.
- 21 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. When the LTMA was amended in 2013, the strategic and investment programme components of transport planning were brought together in the RLTP to improve alignment between planning and funding.



- 22 Auckland Transport was given responsibility for the RLTP. We understand the Government's decision was an on-balance call with greater weight being given to the technical expertise of the Auckland Transport Board, relative to elected members. This decision removed Auckland Council's role in the strategic planning component.
- 23 This option makes Auckland Council's responsibilities consistent with other regional and unitary councils and increases democratic accountability for transport decision-making. While it is a shift in governance over transport strategy and investment prioritisation in Auckland, it does not change the national transport planning system. The option does not address the issues of longer-term planning and more alignment between Auckland Council and Government.

s 9(2)(ba)(i)

s 9(2)(ba)(i), s 9(2)(g)(i)

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s 9(2)(ba)(i), s 9(2)(g)(i)



*Option four: Enhanced powers for the Mayor of Auckland*

- 32 To develop the list of potential Mayor powers, we reviewed the respective powers of the Minister of Transport, as well as in some cases the Minister of Local Government. These are set out in Appendix 4.
- 33 Mayoral powers also need to be considered in the context of the statutory powers that already sit with Auckland Council. Choices would need to be made as to where the powers sit or else an unworkable dual structure would emerge. Shifting these powers from the Council to the Mayor may be contentious.
- 34 We have identified a limited number of additional mayoral powers that could potentially improve the responsiveness of Auckland Transport to the Mayor. These include enabling the Mayor to require Auckland Transport to provide information, appoint and remove Auckland Transport Board members (to expedite the current process) and to appoint a statutory manager in place of the Board.
- 35 We also note that a current power that sits with Auckland Council requires Auckland Transport to be 'consistent' with Council plans and strategies. This could be changed to 'give effect to' and either remain with the Governing body or be conferred to the Mayor.
- 36 Further consideration would need to be given as to how providing enhanced Mayoral powers would align with the current statutory role of the Mayor, and we would like to engage with the Department of Internal Affairs to discuss.

**Next steps**

- 37 We would welcome a discussion on the options and seek your guidance on which options or elements of options that you would like further work progressed on.
- 38 We suggest that you consider, a discussion with the Mayor of Auckland regarding the options and your preferences.

## APPENDIX 1: AUCKLAND COUNCIL'S EXISTING LEVERS OVER AUCKLAND TRANSPORT

Auckland Council's existing levers over Auckland Transport	Comments
<p><b>Give effect to LTP</b></p> <p>S92 LGACA 2009</p> <p>(1) Each substantive CCO must give effect to the relevant aspects of the LTP.</p>	<p>s 9(2)(ba)(i)</p>
<p><b>Act consistently with other plans</b></p> <p>S92 LGACA 2009</p> <p>(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.</p>	<p>s 9(2)(ba)(i)</p>
<p><b>Council may impose additional accountability requirements on substantive CCO's</b></p> <p>S91 LGACA 2009</p> <p>The Council may require a substantive CCO to -</p> <p>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;</p> <p>b) deliver reports on Auckland Transport's operations, and</p> <p>c) to prepare and adopt a plan covering a period of at least 10 years that describes how Auckland Transport will give effect to Auckland Council's strategy, plans and priorities.</p> <p>(2) The Council may not require Auckland Transport to prepare and adopt a plan under subsection 1 (c)</p>	<ul style="list-style-type: none"> <li>Auckland Transport 's SOI states how they contribute to Council and Government objectives and report quarterly on their operations to the Transport Infrastructure Committee.</li> </ul> <p>s 9(2)(ba)(i)</p> <ul style="list-style-type: none"> <li>Auckland Transport does not provide quarterly reporting in Auckland Council's preferred format, despite Auckland Council prescribing this in their Accountability Policy.</li> <li>Enforcing Auckland Transport's compliance with Auckland Council plans, strategies and reporting is an inefficient, time-consuming and costly effort.</li> </ul>



Auckland Council's existing levers over Auckland Transport	Comments
<p><b>Council must have accountability policy for substantive CCO's</b></p> <p>S90 LGACA 2009</p> <p>(1) The Council must adopt a policy on the accountability of its substantive CCOs.</p> <p>(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; and,</p> <p>(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.</p>	<ul style="list-style-type: none"> <li>Auckland Council's Accountability Policy is in the LTP.</li> <li>The policy includes common expectations relating to improving Māori outcomes, health and safety, group policies, significance and engagement, and climate change.</li> </ul> <p>s 9(2)(ba)(i)</p> <ul style="list-style-type: none"> <li>Like the s92 measure, Auckland Council are challenged to enforce compliance.</li> </ul>
<p><b>Statement of Intent (SOI)</b></p> <p>S64 LGA 2002</p> <p>Every CCO must prepare and adopt a statement of intent in accordance with Part 1 of Schedule 8.</p> <p>(2) (b) the purpose of a SOI is to provide an opportunity for shareholders to influence the direction of the organisation.</p> <p>Auckland Transport must prepare and adopt a statement of intent each year, outlining how they will contribute to council's objectives and priorities.</p> <p>Council approves the SOI and can require them to be modified.</p> <p>Auckland Transport must hold a public meeting to consider performance under their SOI.</p>	<ul style="list-style-type: none"> <li>Auckland Transport's SOI is a key accountability document that makes Auckland Transport answerable to Auckland Council and other stakeholders.</li> </ul> <p>s 9(2)(ba)(i)</p> <ul style="list-style-type: none"> <li>Auckland Council is challenged to specify detailed transport direction in the SOI, such as specific projects. This leads to issues, as it is difficult to align statutory timeframes for the SOI, Annual Plan, LTP budgeting process and the Crown NLTF budgeting process.</li> </ul>
<p><b>Statement of expectations</b></p> <p>S64B LGA 2002</p> <p>The shareholders in a CCO may prepare a statement of expectations that 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.</p>	<p>s 9(2)(ba)(i)</p>
<p><b>Letters of expectation</b></p> <p><u>Not legislated,</u></p> <p>Outlines Council's priorities to inform Auckland Transport's statement of intent, that it expects Auckland Transport to act consistently with.</p>	<ul style="list-style-type: none"> <li>This lever is one of the strongest, as it comes from the Mayor, and conveys Mayoral expectations on behalf of the Governing Body.</li> </ul>

Auckland Council's existing levers over Auckland Transport	Comments
<p><b>Board appointments. (Auckland Specific)</b></p> <p>S43 LGACA 2009</p> <p>The Auckland Transport Board of Directors can include up to 2 members of Auckland Council, who are voting directors.</p> <p>S95 LGACA 2009</p> <p>Council may appoint chairperson and deputy chairperson of substantive CCO.</p>	<ul style="list-style-type: none"> <li>• s 9(2)(g)(i) [REDACTED]</li> <li>• The elected directors' primary responsibility and fiduciary duty is to Auckland Transport rather than to Auckland Council.</li> </ul>
<p><b>Council may make operating rules for Auckland Transport (Auckland Specific)</b></p> <p>S49 LGACA 2009</p> <p>(1) Auckland Council may make rules by which Auckland Transport must operate, including rules in relation to -</p> <p>(a) how the governing body of Auckland Transport must operate;</p> <p>(b) how Auckland Transport must appoint and employ staff (including its CE).</p>	<ul style="list-style-type: none"> <li>• These are currently not in play, but Auckland Council is considering these.</li> </ul>
<p><b>Half-yearly or quarterly reports / Annual report</b></p> <p>S66 LGA 2002</p> <p>(1)(a) During each FY, the board of a CCO must report on the organisation's operations to its shareholders</p> <p>S67 LGA 2002</p> <p>(1)(a) at the end of FY the board of a CCO must complete a report on the organisation's operations during that year.</p>	<p>s 9(2)(ba)(i) [REDACTED]</p> <ul style="list-style-type: none"> <li>• Auckland Transport monitor and hold most of the information on the performance of transport investment. This information asymmetry can make it challenging for Auckland Council staff to effectively monitor performance.</li> </ul>



**APPENDIX 2:** s 9(2)(ba)(i)

s 9(2)(ba)(i)

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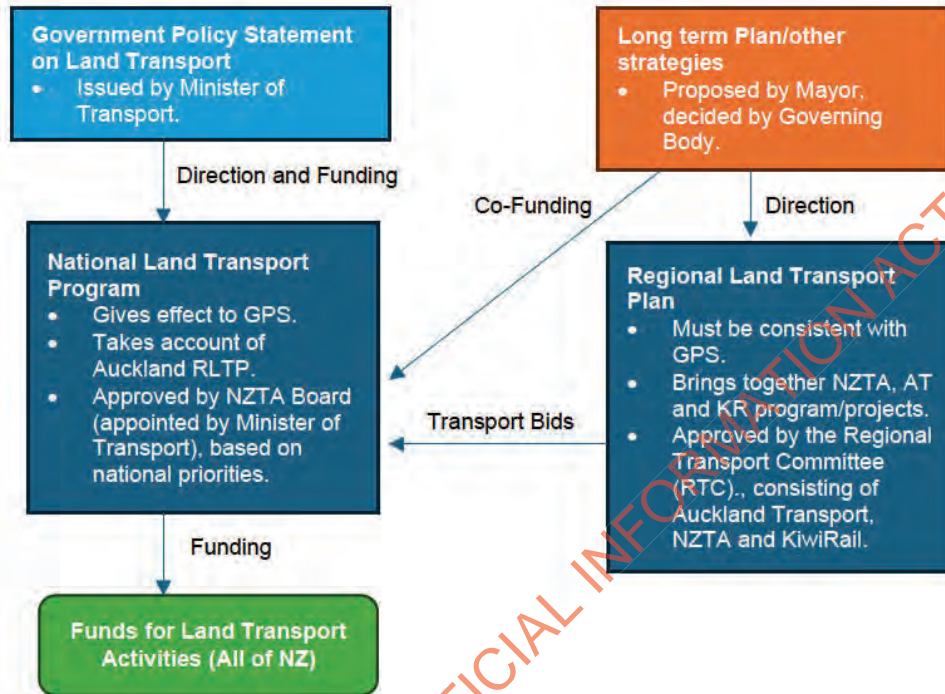
s 9(2)(ba)(i)

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### APPENDIX 3: s 9(2)(ba)(i)

#### Status quo



s 9(2)(ba)(i)

## APPENDIX 4: ENHANCED MAYORAL POWERS

Existing powers of Minister	Existing powers of Auckland Council	Potential Mayoral power	Commentary
<b>Policy Statements</b>			
<p>Minister of Transport must issue the GPS to set national direction and priorities for the transport system.</p> <ul style="list-style-type: none"> <li>The Minister of Transport must include a statement of the Minister's expectations on how NZTA gives effect to GPS.</li> </ul> <p><i>Section 66 - 68 Land Transport Management Act 2003 ('LTMA').</i></p>	<p>Auckland Council adopts a long-term plan, that Auckland Transport must give effect to.</p> <p><i>Section 93 Local Government Act 2002 ('LGA').</i></p> <p><i>Section 92(1) Local Government (Auckland Council) Act 2009 ('LGACA').</i></p> <p>Mayor has the statutory role of leading development of Council plans (including the LTP and the Annual Plan), policies, and budgets for consideration by the governing body</p> <p><i>Section 9 LGACA</i></p> <p>Auckland Council can prepare a statement of expectations that specifies how Auckland Transport is to conduct its relationships with AC and with communities and specified stakeholders</p> <p><i>Section 64B LGA</i></p>	<p>Issue a Mayoral Policy Statement on Transport, similar to a GPS.</p> <p>This would provide further specificity to Auckland Transport, at a level of detail greater than the LTP, but less than the RLTP.</p>	<p>This would be a new power.</p> <p><u>Advantages:</u></p> <ul style="list-style-type: none"> <li>Clear Mayoral direction on behalf of the Council, at a more detailed level than LTP.</li> </ul> <p><u>Disadvantages:</u></p> <ul style="list-style-type: none"> <li>Implications for the role/responsibilities of Governing Body.</li> <li>Sets a precedent that other Councils may seek to replicate.</li> </ul> <p>Shifting responsibility for approving the RLTP to Auckland Council would achieve a similar outcome.</p>
<b>Powers of Direction</b>			
<p>Minister of Transport may direct NZTA to give effect to a government policy. However, this is limited as:</p> <ul style="list-style-type: none"> <li>The Minister of Transport is not authorised to direct NZTA in relation to a statutorily independent function; and</li> <li>Cannot require the performance/non-performance of a particular act or particular result; and</li> <li>NZTA must act independently when performing a statutorily independent function.</li> </ul>	<p>Auckland Transport must act consistently with any relevant other Auckland Council plans and strategies specified in writing by the governing body of Auckland Council.</p> <p><i>Section 92(2) LGACA.</i></p> <p>Auckland Council can direct Auckland Transport to undertake other lawful transport functions.</p> <p><i>Section 45(e) LGACA.</i></p>	<p>Enable Mayor to direct Auckland Transport to give effect to Auckland Council plans and strategies.</p> <p>Enable the Mayor to direct Auckland Transport to carry out any other lawful function related to land transport.</p>	<p>These powers currently sit with Auckland Council, although we have suggested a 'give effect' provision for the mayoral power. there do not appear many advantages of providing them to the Mayor.</p> <p><u>Advantages:</u></p> <ul style="list-style-type: none"> <li>Auckland Transport Board becoming more responsive to the Mayor.</li> </ul> <p><u>Disadvantages:</u></p> <ul style="list-style-type: none"> <li>Implications for the role/responsibilities of Governing Body (the powers would be removed from the Governing Body and given to the Mayor).</li> </ul>



Existing powers of Minister	Existing powers of Auckland Council	Potential Mayoral power	Commentary
<p><i>Section 103 Crown Entities Act 2004 ('CEA').</i></p> <p><i>Limitations:</i></p> <p><i>s113(1)(a) CEA.</i>  <i>s95(3)(b) LTMA.</i>  <i>s113(1)(b) CEA.</i>  <i>s95(3)(a) LTMA.</i></p> <p>Minister of Transport can direct NZTA to carry out any other functions relating to land transport.</p> <p><i>Section 95(1)(f) LTMA.</i>  <i>Section 112 CEA.</i></p> <p>NZTA must comply with any direction given to it under a power of direction in this Act or another Act.</p> <p><i>Section 114 CEA.</i></p>			
Reporting and accountability requirements			
<p>Minister of Transport can request information from NZTA for review or otherwise relating to operations and performance.</p> <p><i>Sections 27(1)(e) CEA.</i>  <i>Section 133 CEA.</i></p> <p>Minister of Local Government may require information from a local authority on the nature and extent of a problem and how the local authority is addressing or planning to address the problem.</p> <p><i>Section 257 LGA.</i></p>	<p>Auckland Council has the ability to request official information from Auckland Transport under the Local Government Official Information and Meetings Act 1957 (LGOIMA).</p>	<p>Enable 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.</p>	<p>This would be a new power. Currently Auckland Council's, and the Mayor's existing powers are the same as any other person, corporation, or body of persons under LGOIMA. Note this power could be vested with the Governing Body rather than the Mayor.</p> <p><u>Advantages:</u></p> <ul style="list-style-type: none"> <li>• Auckland Transport becoming more responsive to the Mayor.</li> <li>• Would support the Mayor's role in leading plans, policies and budgets.</li> </ul> <p><u>Disadvantages:</u></p> <ul style="list-style-type: none"> <li>• Implications for the role/responsibilities of Governing Body.</li> </ul>

Existing powers of Minister	Existing powers of Auckland Council	Potential Mayoral power	Commentary
<b>Appointment/Removal of Board Directors</b>			
<p>Minister of Transport can appoint and remove members from NZTA's Board.</p> <p><i>Section 28 CEA.</i> <i>Section 36 CEA.</i></p>	<p>Auckland Council must appoint the directors of Auckland Transport.</p> <p><u>Additional information:</u></p> <p>Up to two members of the Auckland Transport Board can be councillors (cannot be chairperson/deputy chairperson).</p> <p><u>Adjacent abilities:</u></p> <p>Auckland Council may make rules by which Auckland Transport must operate, including:</p> <ul style="list-style-type: none"> <li>How the governing body of Auckland Transport must operate;</li> <li>How Auckland Transport must appoint/employ staff (including its CE);</li> <li>How Auckland Transport must acquire and dispose of significant assets.</li> </ul> <p><i>Section 57 LGA.</i> <i>Section 43(2)(b) and (3) LGACA.</i> <i>Section 49 LGACA.</i></p>	<p>Enable Mayor to appoint or remove the directors of Auckland Transport.</p> <p>Enable mayor to set rules by which Auckland Transport must operate (within proscribed limits).</p> <p><u>Note:</u></p> <p>Not sufficient time to explore interpretation of how rule setting power could operate. It could be worth further exploring.</p>	<p>These powers currently sit with Auckland Council.</p> <p><u>Advantages:</u></p> <ul style="list-style-type: none"> <li>Could expedite the process to appoint or remove directors.</li> <li>Aligns with the Mayor's ability to appoint Deputy Mayor/ Council Committee chairs.</li> </ul> <p><u>Disadvantages:</u></p> <ul style="list-style-type: none"> <li>Implications for the role/responsibilities of Governing Body.</li> </ul>
<b>Appoint Commission/Statutory Manager</b>			
<p>Minister of Local Government has powers of assistance and intervention in relation to local authorities in circumstances where the Minister believes on reasonable grounds that a significant problem may exist. The powers of intervention include the appointment of a Crown Review Team, Crown Observer, Crown Manager or a Commission.</p> <p><i>Section 258 LGA.</i> <i>Section 258B LGA.</i> <i>Section 258D LGA.</i> <i>Section 258F LGA.</i></p>	<p>No equivalent power.</p>	<p>Mayor could be empowered to remove the Auckland Transport Board and appoint a commissioner to exercise the Board's functions, similar to that of a commissioner of a local authority.</p>	<p>This would be a new power and does not currently apply to CCOs.</p> <p>The current threshold for the Minister of Local Government appointing Commissioners is high, and only exercised in limited circumstances.</p> <p><u>Advantages:</u></p> <ul style="list-style-type: none"> <li>A stronger sanction that should improve Auckland Transport's responsiveness.</li> </ul> <p><u>Disadvantages:</u></p> <ul style="list-style-type: none"> <li>Implications for the role/responsibilities of Governing Body.</li> </ul>



Excerpt from OC240798 Meeting with Mayor Brown 19 July 2024

Note: the majority of this briefing is out of scope of your request. Excerpts from the relevant parts of your request are provided below.

**Key points**

- This meeting is part of your ongoing engagement with Mayor Brown. It provides an opportunity for you to update the Mayor on developments across your Transport, Local Government and Auckland portfolios.
- You may wish to update the Mayor on your thinking on transport planning and the accountability of Auckland Transport, commence discussion on a Terms of Reference for the joint work with Auckland Council on the 30-year transport plan, and update the Mayor on your work on parking fines.

**Transport**

*Transport Planning in Auckland and Accountability of Auckland Transport*

- 1 In your meeting with Mayor Brown on 26 April you outlined to him that you would be looking at four options to assess how elected members could have more say over transport planning and how the accountability of Auckland Transport could be improved. The options you discussed with the Mayor were: maintaining the status quo; moving responsibility for the RLTP to Auckland Council; § 9(2)(ba)(i); and enhanced powers for the Mayor of Auckland.
- 2 We expect the Mayor would like an update on your thinking. The speaking notes outline that you are interested in progressing work on moving the RLTP, moving other strategic and policy functions from Auckland Transport to Auckland Council and providing the Mayor with powers to appoint and dismiss Auckland Transport directors. A separate briefing (OC240780, forthcoming) will provide an options paper that you may wish to share with the Mayor in confidence.

Annex 1 withheld under 9(2)(g)(i)



17 July 2024

OC240780

Hon Simeon Brown

Action required by:

Minister of Transport

Wednesday, 24 July 2024

## TRANSPORT PLANNING IN AUCKLAND AND ACCOUNTABILITY OF AUCKLAND TRANSPORT

### Purpose

This briefing attaches a draft options paper canvassing four potential changes to transport planning in Auckland and the accountability of Auckland Transport that you may wish to discuss with the Mayor of Auckland (the Mayor). The options paper can be reformatted to form the foundation of a Cabinet paper recommending changes in these areas.

### Key points

- Despite recent progress, Auckland's potential to contribute to New Zealand's economic growth is held back by shortcomings with its transport system. Improving transport planning in Auckland and increasing the accountability of Auckland Transport will help support an efficient and effective transport system for Auckland.
- We have considered changes that you have indicated offer potential to improve Auckland's transport planning and accountability of Auckland Transport. These can be viewed as a package or as individual options.
- Option 1: Moving responsibility for developing and approving the Regional Land Transport Plan (RLTP) from Auckland Transport to Auckland Council strengthens the role of elected members in transport planning, contributing to greater democratic accountability. The change does not interfere with the national transport planning system and aligns Auckland Council with other unitary and regional councils.
- Option 2: In addition to moving the RLTP, other strategic and policy functions could also be moved from Auckland Transport to Auckland Council. This would further strengthen democratic accountability for key transport decisions that affect Aucklanders and ensure that Auckland Transport delivers to the strategic and policy direction set by Auckland Council. Currently responsibilities can be blurred. Narrowing Auckland Transport's role should enable its focus and expertise to be concentrated on delivery and operations.
- Option 3: Ministerial appointments to the Regional Transport Committee (RTC) and/or the Auckland Transport Board give the Government, as a key funder, more direct oversight over Auckland's investment planning through the RTC and over Auckland's local transport network, through the Auckland Transport Board. They also signal a more collaborative approach with Auckland.

s 9(2)(g)(i)

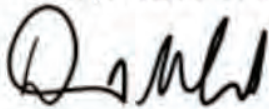
- Empowering the Mayor to appoint and dismiss directors of the Auckland Transport Board would expedite the current process and is likely to make Auckland Transport more responsive to the Mayor and broader Council. It would require transferring this responsibility from the Governing Body and could have ramifications for the Mayor's relationship with the rest of the Council, which you may want to explore in your discussions with the Mayor.

### Recommendations

We recommend you:

- 1 **Indicate** any changes you would like to make to the Options Paper attached as Annex One, in the event you want to share the paper with the Mayor at your meeting with him on Friday 19 July.
- 2 **Agree** to Ministry officials engaging with the Department of Internal Affairs on the implications for the local government portfolio and future legislative design.

Yes/No



David Wood  
Deputy Chief Executive, Investment  
and Monitoring

17 / 07 / 2024

Hon Simeon Brown  
Minister of Transport

..... / ..... / .....

Minister's office to complete:

☐ Approved

☐ Declined

☐ Seen by Minister

☐ Not seen by Minister

☐ Overtaken by events

### Contacts

Name	Telephone	First contact
David Wood, Deputy Chief Executive, Investment and Monitoring	s 9(2)(a)	
Karen Lyons, Director Auckland		✓
Logan Rainey, Senior Advisor Auckland		



# TRANSPORT PLANNING IN AUCKLAND AND ACCOUNTABILITY OF AUCKLAND TRANSPORT

## Introduction

- 1 The attached options paper (Annex One) outlines four potential changes to transport planning and accountability in Auckland:
  - Moving responsibility for the RLTP from Auckland Transport to Auckland Council;
  - Establishing ministerial appointees to either the RTC and/or the Auckland Transport Board;
  - s 9(2)(f)(iv) [REDACTED]
  - Empowering the Mayor to appoint and dismiss directors of the Auckland Transport Board.
- 2 We have written Annex One in a way that would be appropriate for you to share with the Mayor either prior to or at the meeting on Friday 19 July. The cover briefing provides you with some additional considerations.
- 3 These options work together as a package to have an impact on transport planning and the accountability of Auckland Transport but equally you could choose to progress some of the options with potentially less of an overall impact.
- 4 Proposed changes would require legislative amendment to Local Government (Auckland Council) Act 2009 (LGACA) and Land Transport Management Act (LTMA). LGACA is administered by the Department of Internal Affairs (DIA), and we would need to engage with DIA on changes.

## Context

- 5 Auckland Council and Auckland Transport were established in 2010 by LGACA, during the formation of the Auckland supercity.
- 6 A key reason for setting up Auckland Transport was to have a single agency with a clear focus on transport. It was seen that this could not be provided for by Auckland Council with its multiplicity of responsibilities.
- 7 However, it was always intended that Auckland Council would provide strategic direction to Auckland Transport, along with the Government through the Government Policy Statement on Land Transport (GPS). Auckland Council, as a key funder, would also hold Auckland Transport to account. Over time, Auckland Transport has taken on a broad range of strategic functions including the responsibility to develop and approve the RLTP.

- 8 Auckland Council elected members maintain that they do not have sufficient influence over transport planning and funding decisions. They believe changes to LTMA in 2013 diminished Auckland Council's strategic role. In addition, the statutory levers intended to enable them to hold Auckland Transport to account are not always effective.
- 9 Given Auckland Transport has been operating since 2010, it is appropriate to review the respective roles of Auckland Council and Auckland Transport in transport planning, as well as looking to improving the accountability of Auckland Transport.

### **Implications on national transport planning and funding system**

- 10 None of the four options would interfere with the existing national level transport planning and funding system. The NZTA Board would continue to make national level transport funding allocations, based on direction from the GPS.

### **Additional considerations on the options paper**

- 11 Additional factors to consider regarding the attached options paper are set out below.

#### *RTC appointments*

- 12 The ministerial appointee would help ensure that strategic direction and investment prioritisation in the Auckland RLTP reflects Government direction through the GPS and any other national directions. It also provides for a more collaborative approach with Auckland Council, and reflects that both Auckland Council and Government fund Auckland Transport.

s 9(2)(g)(i)

- 16 A ministerial appointee to the Auckland RTC is likely to prompt requests from other councils for such appointees and so Government would need to be aware of any system implications.

- 17 At the same time, the scale of Government funding in Auckland, as well as population growth pressures and the significance of the transport challenges as compared to elsewhere, could justify greater Government involvement. Furthermore, Auckland already has unique arrangements for transport and local governance and as Regional Deals get underway there could be more ministerial involvement in local activities.

*Implications of Auckland Transport Board appointments*

- 18 A ministerial appointee to the Auckland Transport Board would provide for a more direct oversight role for Government over the local roading and public transport system and the local interface with fully funded government projects. The option also helps recognise that the Auckland Transport programme is 50 per cent funded by Government.
- 19 However, the Government's influence on Auckland Transport through ministerial appointees would be limited, to the extent that, under LGACA, directors of Auckland Transport have a fiduciary responsibility to act in the best interests of Auckland Transport. There are also limitations on their ability to externally share and discuss information.

s 9(2)(g)(i)

21

s 9(2)(f)(iv)



## Annex One

# TRANSPORT PLANNING IN AUCKLAND AND ACCOUNTABILITY OF AUCKLAND TRANSPORT: OPTIONS PAPER

## Introduction

1 This paper outlines four potential changes to transport planning and accountability in Auckland.

2 s 9(2)(g)(i), s 9(2)(ba)(i)

3

4

## Option 1: Moving responsibility for developing and approving the RLTP from Auckland Transport to Auckland Council

*Moving responsibility for the RLTP could achieve:*

- Increased democratic accountability through the local elected members over transport decision-making. Public accountability ensures decision makers have strong incentives to select projects that people will use and ensure projects are undertaken in a way that does not waste public funds.
- Enhanced role clarity with Auckland Council, as the funder, setting strategic direction and investment prioritisation and Auckland Transport delivering to this.

*Considerations:*

- Auckland Transport was previously assigned full responsibility for the RLTP because of perceived benefits of integrating strategic planning and delivery under one agency. However, there are equally arguments for Auckland Council to exercise the strategic planning functions, such as integrating transport with urban planning and ensuring direct elected member accountability for prioritising transport investments at the regional level.

## Option 2: Establishing Ministerial appointees to either the RTC and/or the Auckland Transport Board

*Appointments to the RTC could achieve:*

- Establishment of a more collaborative framework for transport planning and regional investment prioritisation between Government and Auckland Council. <sup>s 9(2)(ba)(i), s 9(2)(g)(i)</sup>
- Greater recognition that both Government and Auckland Council fund transport in Auckland and investment prioritisation needs to clearly reflect the GPS.

*Appointments to the Auckland Transport Board could achieve:*

- Enhanced role for Government over the performance of Auckland Transport supporting Auckland Council to hold Auckland Transport to account.
- Recognises that Government and Auckland Council are both held to account for transport in Auckland and that the Auckland Transport programme is 50 per cent funded by Government.

*Considerations:*

- The appropriate number of ministerial appointees to the RTC and Auckland Transport Board would need to be identified, taking into account the level of Government influence, balanced with the requirements of maintaining local government structures. For example, the CCO entity structure depends on Auckland Council being able to appoint 50 per cent or more of the directors.
- Ministerial appointees to Auckland Council structures is likely to prompt other councils requesting ministerial appointees. While Auckland's scale, growth pressures and transport challenges justify special arrangements, Government will need to take into account any system implications.

## Option 3: Move Auckland Transport's strategic and policy functions

*In addition to moving responsibility of the RLTP, moving strategy and policy functions to Auckland Council could:*

- Increase democratic accountability by enabling Auckland Council's elected members to make key strategic transport decisions that have a significant impact on Aucklanders.
- Enhance role clarity between Auckland Council and Auckland Transport. Auckland Transport becomes a clear delivery agency responsible for delivering capital investment, renewals and maintenance, and operating the local roading and public transport networks.

*Considerations:*

- Risk of losing the focus gained through a single purpose entity with an appointed Board, and risks around integration between strategy/policy and delivery.

s 9(2)(f)(iv)

#### **Option 4: Empowering the Mayor to appoint and dismiss directors of the Auckland Transport Board, and to Issue a Mayoral Policy Statement**

*Empowering the Mayor to appoint and dismiss directors of the Auckland Transport Board could:*

- Expedite the current process that requires a majority decision from the Governing Body.
- Drive greater accountability from Auckland Transport to the Mayor.

#### *Mayoral Policy Statement*

- Potential for developing a new legislative power of issuing a Mayoral Policy Statement on Transport at the time of the LTP proposal This would enable the Mayor to provide more detailed direction on transport to the new RTC and Auckland Transport.

#### *Considerations:*

- The new powers could be justified on the basis that the Mayor is the only member elected at large across the region, and already has unique statutory responsibilities compared to other council's Mayors.
- Shifts powers away from the Governing Body. This could be mitigated, by requiring the Mayor to consult with council colleagues before taking decisions on board membership, and with the RTC before issuing a Mayoral Policy Statement.



28 August 2024

OC240928

**Hon Simeon Brown**  
**Minister of Transport**

**Action required by:**  
Monday, 2 September 2024

## TRANSPORT GOVERNANCE REFORM IN AUCKLAND

### Purpose

To provide further consideration of the options to change transport governance in Auckland, with a particular focus on the role of an Auckland Regional Transport Committee and changes to Auckland Transport's powers and functions.

### Key points

- Current structures for transport governance in Auckland have been in place since 2010. A review of these arrangements is therefore appropriate.
- Concerns have been raised by the Mayor of Auckland about democratic accountability for, and public trust and confidence in, transport decision making in Auckland, and the need for more integrated long term transport planning between Auckland Council and Government.
- You have indicated support for moving the responsibility for preparing the Regional Land Transport Plan (RLTP) from Auckland Transport to a reconstituted Auckland Regional Transport Committee (ARTC) that has a mix of Auckland Council and Ministerial appointees.
- You are also considering changes to the powers and functions of Auckland Transport so  
s 9(2)(f)(iv)
- There are choices about the functions performed by a reconstituted ARTC:
  - It could mirror other Regional Transport Committee (RTC)s in New Zealand, with a narrow statutory role of preparing the RLTP, along with any specific functions delegated to it by Auckland Council's Governing Body, or by Order in Council.
  - The ARTC could also be assigned responsibility to lead work on the long term, integrated transport planning between Government and Auckland Council. This would supersede the Auckland Transport Alignment Project (ATAP) s 9(2)(ba)(i)  
If this function is incorporated into legislation, the ATRC's proposed



Plan <sup>s 9(2)(f)(iv)</sup> [REDACTED] would need to align with the 30 year infrastructure prioritisation work undertaken by the Infrastructure Commission.

- The ARTC could also be given statutory powers to exercise specific strategy and policy functions that would otherwise be exercised by Auckland Council's Governing Body. <sup>s 9(2)(ba)(i)</sup> [REDACTED]
- The decision rights given to the ARTC are a key consideration. Outside of Auckland the Land Transport Management Act 2003 (LTMA) stipulates that each RTC prepares the RLTP on behalf of its regional/unitary council, and the regional/unitary council approves it. This is likely to be the appropriate model for Auckland, as assigning RLTP approval rights to the ARTC itself will be interpreted as weakening democratic accountability in Auckland, especially if the Council does not have a clear majority of voting members on the ARTC.
- If you decide to assign responsibility for leading the 30 year integrated transport planning for Auckland to the ARTC, decision rights could be designed to mirror those used under ATAP, with ultimate approval rights resting with Cabinet and the Auckland Council Governing Body.
- There are also choices to be made on the membership of the ARTC. An appropriate balance of membership will be needed between the Crown and Council in the event the ARTC is assigned responsibility for long term planning for the region.
- Reshaping Auckland Transport's powers and functions can be achieved by either:

<sup>s 9(2)(f)(iv)</sup> [REDACTED]

• <sup>s 9(2)(f)(iv)</sup> [REDACTED]

## Recommendations

We recommend that you:

1. **agree** to take soundings with the Mayor of Auckland in early September on the following key features of Auckland's transport governance reforms:
  - 1.1. Establishment of a reconstituted Auckland Regional Transport Committee (ARTC) to develop the Auckland Regional Land Transport Plan (RLTP), with a mix of Auckland Council and Ministerial appointees. Yes/No
  - 1.2. Approval of the RLTP will be assigned to the Auckland Council Governing Body Yes/No
  - 1.3. The ARTC will be assigned responsibility to lead work on the 30 year integrated transport planning between Government and Auckland Council, and, in doing so, will supersede the Auckland Transport Alignment Project (ATAP). Yes/No
  - 1.4. With respect to the 30 year integrated transport planning function:
    - 1.4.1. s 9(2)(f)(iv) with ultimate approval rights remaining with Cabinet and the Auckland Council Governing Body (as under ATAP) Yes/No
    - 1.4.2. The ARTC will have an obligation to align its work with the 30 year infrastructure planning undertaken by the New Zealand Infrastructure Commission. Yes/No
  - 1.5. The ARTC can be assigned other powers and functions, as delegated by either the Council's Governing Body, or by Order in Council. Yes/No
  - 1.6. To achieve an appropriate balance and number of voting members, the membership of the ARTC could include:
    - 1.6.1. Auckland Council appointees: Three voting members Yes/No
    - 1.6.2. Minister of Transport appointees: Two voting members Yes/No
    - 1.6.3. NZTA appointee: s 9(2)(g)(i) Yes/No
    - 1.6.4. Auckland Transport One non-voting member Yes/No
    - 1.6.5. KiiwRail One non-voting member Yes/No
  - 1.7. s 9(2)(f)(iv) Yes/No
  - 1.8. The Mayor of Auckland will have powers to appoint and remove Auckland Transport Board directors, but with a requirement to consult the Governing Body before exercising these powers. Yes/No

2. **agree** that the reshaping of Auckland Transport's purpose, powers and functions be achieved by the following legislative changes:

s 9(2)(i)(iv)



3. **agree** to provide the Mayor of Auckland with powers to appoint and remove Auckland Transport Board members. Yes/No

David Wood  
Deputy Chief Executive, Investment  
and Monitoring

Hon Simeon Brown  
**Minister of Transport**

..... / ..... / .....

**Minister's office to complete:**

☐ Approved

☐ Declined

☐ Seen by Minister

☐ Not seen by Minister

☐ Overtaken by events

**Comments**

#### Contacts

Name	Telephone	First contact
David Wood, Deputy Chief Executive, Investment and Monitoring	s 9(2)(a)	
Karen Lyons, Director Auckland		✓