

TRANSPORT GOVERNANCE REFORM IN AUCKLAND

Introduction

1. To further develop a package of changes to reform transport governance in Auckland this paper considers the potential role of a reconstituted Auckland Regional Transport Committee (ARTC) and the functions and powers of Auckland Transport.
2. Through the work to date (OC240683 and OC240780) you have indicated support for the following changes:
 - Moving responsibility for developing the Regional Land Transport Plan (RLTP) from Auckland Transport to a reconstituted ARTC
 - Making Auckland Transport s 9(2)(f)(iv) [REDACTED]
 - Introducing Ministerial appointments to the ARTC. This gives the Government, as a key funder, more direct oversight over Auckland's investment planning through the ARTC and potentially over other policy and strategic functions assigned to the Committee.
3. We have also explored increasing Mayoral powers to improve the accountability of Auckland Transport to the Mayor. You showed interest in enabling the Mayor to appoint and remove directors from the Auckland Transport Board.

Implications on national transport planning and funding system

4. The changes considered to date and those in this paper do not materially alter the existing national level transport planning and funding system. The New Zealand Transport Agency (NZTA) Board would continue to make national level transport funding allocations, giving effect to the Government Policy Statement on Transport (GPS), and requiring Auckland's RLTP to be consistent with the GPS.
5. Auckland already has unique arrangements for transport and the changes proposed continue this, based on the scale of the transport system and Crown's interest.

s 9(2)(g)(ii) [REDACTED]

Functions of the Auckland Regional Transport Committee

6. There are choices over the functions that could be performed by a reconstituted ARTC which will, in turn, be an important determinant of its membership. It should be noted that options 2 and 3 below are not mutually exclusive.

Option 1: Retain a narrow statutory role for the ARTC

7. The primary responsibility of Regional Transport Committee (RTC)s, as set out in the Land Transport Management Act 2003 (LTMA), is to prepare a RLTP, which helps set

regional strategic direction and bids for funding from the National Land Transport Fund (NLTF). RLTPs are approved by the regional/unitary council.

8. Under the LTMA, RTCs can also carry out other functions delegated to them by the relevant regional council, or through regulations (Orders in Council) made on the recommendation of the Minister of Transport.

Option 2: Expand the role of the ARTC to include 30 year planning

9. In addition to preparing the RLTP, the ARTC could also be assigned responsibility for leading work on long-term 30 year integrated transport planning for Auckland. This would include responsibility for monitoring and reporting on progress on key transport priorities in the region, as currently occurs under the Auckland Transport Alignment Project (ATAP).
10. Extending the ARTC's role to include 30 year planning would be a natural complement to the ten year planning horizon the Committee would be using when preparing the RLTP. Expanding the Committee's brief would effectively see it superseding the current ATAP governance group by providing a formal structure to promote joined up decision-making between the Crown and Auckland Council. In reshaping an existing statutory institution, it declutters transport governance in the region.
11. It isn't imperative that legislation is used to assign a 30 year planning integrated transport function to the ARTC. If legislation is used, it could define some parameters around a 30 Year Plan such as form, content and consultation requirements, including a requirement to engage with Infrastructure New Zealand on its 30 year infrastructure prioritisation work.¹ It would be important that the ARTC's Plan ^{s 9(2)(f)} ^(iv) approval rights being exercised by the Cabinet and Auckland Governing Body.

Option 3: Expand the role of the ARTC to include specific strategy and policy functions

12. In addition to preparing the RLTP, the ARTC could also be given statutory powers through legislation to exercise specific strategy and policy functions currently exercised by Auckland Transport and that would otherwise be exercised by Auckland Council's Governing Body.
13. This could include development of strategies and policy on safety, parking, accessibility, freight, rapid transit and development of the Regional Public Transport Plan.
14. A role in preparing, but not approving, some strategies and policies seems appropriate.

¹ Under section 13 of the New Zealand Infrastructure Commission/Te Waihanga Act 2019 the Commission is required to prepare a strategy report that identifies the priorities for infrastructure for the next 30 years.

Decision Rights of the ARTC

15. The decisions rights given to the ARTC are a key consideration. It is likely that different decisions rights will be needed to reflect the different roles assigned to the ARTC.

Decisions on the RLTP

16. Outside of Auckland the LTMA stipulates that each RTC prepares the RLTP on behalf of its regional council, and the regional council approves it. Giving the ARTC decision rights over the RLTP would be interpreted as weakening democratic accountability in Auckland, especially if the Council does not have a clear majority of voting members on the ARTC.
17. We think there is a case for retaining RLTP approval rights with Auckland Council as this will facilitate the balanced membership needed between the Crown and Council on the ARTC in the event the Committee is assigned responsibility for long term planning for the region.

Decisions on long term transport plan

18. If responsibility for leading the 30 year integrated transport planning for Auckland is assigned to the ARTC, decision rights could be designed to mirror those under ATAP. This would see you and the Mayor of Auckland serving as Political Sponsors, with the ARTC preparing the 30 year Plan on Sponsors' behalf, and the Plan subsequently being submitted to Cabinet and Auckland Council Governing Body for approval. This process would need to be managed so that there are no final changes by either Cabinet or the Governing Body that undermine the agreed Plan.

Membership of the ARTC

19. The membership of the ARTC is heavily dependent on the functions and decision rights it's assigned.
20. Under the LTMA, RTCs for unitary councils have four council representatives and one voting representative of NZTA. KiwiRail also participates as a non-voting representative on the Wellington and Auckland RTCs.
21. An appropriate balance of membership will be needed between the Crown and Council on the ARTC. s 9(2)(g)(i)

We therefore suggest that you test with the Mayor of Auckland the following membership:

Auckland Council	Three voting members
Ministerial appointees	Two voting members
NZTA	s 9(2)(g)(i)
KiwiRail	One non-voting member (as per s.105A of the LTMA)

22.

s 9(2)(g)(i)

s 9(2)(g)(i)

24. There are specific provisions in the LTMA relating to the leadership of an RTC of relevance to the ATRC:

24.1 The Chair of an RTC has a deliberative vote, but not a casting vote. We recommend retaining this formulation as it encourages consensus decision making.

24.2 The Chair and Deputy Chair of a RTC are currently appointed from the regional or unitary council representatives only, and we would welcome any guidance on whether you want this to be reconsidered for the new ARTC.

25. There is also a consideration whether you, as Minister of Transport, are comfortable with Ministerial appointees representing you on the ARTC alongside Auckland elected representatives that could conceivably include the Mayor. We have noted earlier that if 30 year transport planning is assigned to the ARTC, governance can be designed so that both you and the Mayor of Auckland engage regularly as Political Sponsors.

26. We recommend that KiwiRail and Auckland Transport participate as non-voting representatives. It isn't imperative that Auckland Transport's participation is incorporated into legislation.

Hosting and Status of the ATRC

27.

s 9(2)(f)(iv)

28.

s 9(2)(g)(i)

Reshaping Auckland Transport's powers and functions

29. A reshaping of Auckland Transport's powers and function to bring a primary focus on delivery can be achieved by either:

s 9(2)(f)(iv)

s 9(2)(f)(iv)

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s 9(2)(f)(iv)

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s 9(2)(f)(iv)

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s 9(2)(f)(iv)



Stakeholder engagement

39. We have engaged with the Department of Internal Affairs (DIA), senior Auckland Council officers and the Chair of Auckland Transport on this work. Their views are summarised below.

s 9(2)(ba)(i)



s 9(2)(ba)(i)



Next steps

46. We understand you are meeting with the Mayor of Auckland on Thursday 5 September 2024 to discuss a number of topics, including transport governance reform in Auckland.
47. Once you have provided feedback on this briefing we will quickly turnaround talking points to aid the 5 September discussion with the Mayor. After that meeting, we will require your direction on the specific changes you would like progressed as a package.
48. We will be providing your office with a draft Cabinet Committee paper on 23 September 2024.

Excerpt from OC241003 MEETING WITH DEAN KIMPTON, CHIEF EXECUTIVE,
AUCKLAND TRANSPORT - 4 SEPTEMBER 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.

Snapshot

You are meeting with Dean Kimpton, Chief Executive of Auckland Transport. There is no specific agenda, but he is likely to be interested in time of use charging, rail and transport governance.

Auckland Context

Auckland Transport Governance

- 1 You will be meeting with Dean Kimpton before you have met with Mayor Brown on 5 September 2024 where you expect to canvass options to improve transport governance in Auckland.
- 2 We understand that Phil Wilson, Chief Executive of Auckland Council is keeping Dean Kimpton and Richard Legget (Chair of the Auckland Transport Board) informed of the work but we are not clear at what level of detail. Audrey Sonerson and David Wood met with Richard Legget to hear his views. These are reported in our latest briefing on this topic (OC240928 refers). s 9(2)(ba)(i)

- 3 The transport governance work is focused on increasing democratic accountability for, and public trust and confidence in, transport decision making in Auckland. It also looks to achieve more integrated long term transport planning between Auckland Council and Government.

Auckland Integrated Transport Plan (AITP)

- 4 Auckland Transport are likely to raise the development of an Integrated Transport Plan for Auckland. Auckland Transport have been working with Auckland Council (at the request of the Mayor) on pre-work to form an agreed view between Auckland Transport and Auckland Council on transport priority projects for Auckland and preferred phasing of these from their perspective from 2025-2055. This will be presented to Councillors in September.
- 5 Progress on joint work between Government and Auckland Council on an AITP has been paused at your request while work on the transport governance arrangements takes priority. We have not communicated with Auckland Transport on this pause or timing for beginning the work.



11 September 2024

OC241072

Hon Simeon Brown**Action required by:****Minister of Transport**

Friday, 13 September 2019

TRANSPORT GOVERNANCE REFORM IN AUCKLAND – CABINET PAPER

PURPOSE

To outline the key points in the accompanying draft Cabinet paper that seeks a negotiating mandate for future engagement with the Mayor of Auckland on transport governance in Auckland.

Key points

- The draft Cabinet Committee paper sets out the rationale for change to the current transport governance arrangements in Auckland. The case for change is based on restoring democratic accountability for, and public trust and confidence in, transport decision making in Auckland as well as facilitating more integrated long term transport planning between Auckland Council and Government.
- The proposal follows earlier advice on options and your direction. It contains the following proposed changes:
 - A reconstituted Auckland Regional Transport Committee (ARTC) with responsibilities for developing the Regional Land Transport Plan, developing a 30-year transport plan, monitoring of the transport system and undertaking other functions, as delegated by Auckland Council or Government;
 - s 9(2)(f)(iv)
 - The Mayor of Auckland gaining powers to appoint and remove Auckland Transport Board directors.
- The paper outlines options that you considered for the ARTC, and the options you weighed up in changing the statutory powers and functions of Auckland Transport. The paper seeks Cabinet's views on the preferred options for reshaping Auckland Transport's functions.

Recommendation

We recommend you:

- 1 **Provide feedback** on the draft Cabinet Paper – Transport Governance Reform in Auckland



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



18 September 2024

OC241092

Hon Simeon Brown**Action required by:****Minister of Transport**

Thursday, 19 September 2024

TRANSPORT GOVERNANCE REFORM IN AUCKLAND: SUMMARY OF DEPARTMENTAL CONSULTATION

Purpose

This briefing summarises feedback from departmental consultation on the draft Transport Governance Reform in Auckland Cabinet Paper and seeks your approval for a small number of changes made as a result of this feedback.

Key points

- Departmental consultation on the draft Cabinet paper took place between 13 September and 17 September 2024.
- We have considered all feedback (collated in Appendix One) and summarised this in the consultation section of the Cabinet Paper.

s 9(2)(ba)(i)

s 9(2)(ba)(i)

- We acknowledge the points that agencies have made but our assessment is that only minor changes are required to the Cabinet paper. Our recommended changes are:
 - bringing out more clearly that a joint transport plan would need to be based on a shared view about growth and urban development;
 - providing greater reference to the existing levers that Auckland Council has over Auckland Transport, and how they are not ensuring adequate outcomes;
 - clarifying that the checks and balances provided by the Governing Body appointing and removing directors to the Auckland Transport Board have been considered against the benefits of the Mayor having this power.

Recommendations

We recommend you:

- 1 **note** that the draft Cabinet paper has been updated following departmental, consultation Yes / No
- 2 **agree** to the changes proposed to the draft Cabinet paper (summarised in this briefing and highlighted in yellow in the Paper)
- 3 **indicate** whether you would like any further changes made to the draft Cabinet paper Yes / No
- 4 **approve** the updated draft Cabinet paper for lodgement with the Cabinet Office by 10.00 am on Thursday 19 September 2024.



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		

TRANSPORT GOVERNANCE REFORM: SUMMARY OF DEPARTMENTAL CONSULTATION

Consultation on the draft Cabinet paper

- 1 The draft Cabinet paper was shared for consultation with other departments between 13 September and 17 September 2024.
- 2 We engaged the following departments for consultation:
 - Department of Internal Affairs
 - Department of the Prime Minister and Cabinet
 - Ministry of Business, Innovation and Employment
 - Ministry for the Environment
 - Ministry of Housing and Urban Development
 - Land Information New Zealand
 - Te Puni Kōkiri
 - Treasury.
- 3 From those contacted, we received departmental feedback from:
 - Department of Internal Affairs
 - Ministry for the Environment
 - Ministry of Housing and Urban Development
 - Treasury.

Feedback received and suggested changes to the Cabinet Paper

- 4 Full analysis is set out in Appendix One.

s 9(2)(ba)(i)

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

Next Steps

10 Our working timeline is as follows.

Milestone	Timing
Minister of Transport considers draft Cabinet paper, provides any further feedback, or changes to officials, and provides approval to lodge with the Cabinet Office	Prior to 10.00am 19 September 2024
Submission of Cabinet paper to Cabinet Office	10.00 am 19 September 2024
Consideration by Cabinet Economic Policy Committee (ECO)	23 September 2024
Cabinet confirmation	30 September 2024
Minister of Transport meets with Mayor of Auckland	11 October 2024

APPENDIX ONE: DEPARTMENTAL FEEDBACK ON DRAFT TRANSPORT GOVERNANCE REFORM CABINET PAPER

Feedback from:	Feedback	Ministry of Transport comment	Suggested changes
Departments			
Department of Internal Affairs (DIA)	s.9(2)(ba)(i), s.9(2)(g)(i)		
Ministry of Housing and Urban Development (MHUD)			

Feedback from:	Feedback	Ministry of Transport comment	Suggested changes
<div>Ministry for the Environment (MfE)</div>	<div>s 9(2)(ba)(i), s 9(2)(d)(i)</div> <div>RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982</div>		<div>g</div> <div>rt</div> <div>se.</div>

Feedback from:	Feedback	Ministry of Transport comment	Suggested changes
	<div>s 9(2)(ba)(i), s 9(2)(d)(i)</div>		
Treasury			

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Feedback from:	Feedback	Ministry of Transport comment	Suggested changes
	<div>s 9(2)(ba)(i), s 9(2)(g)(i)</div> <div></div>		

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7 October 2024

OC241176

Hon Simeon Brown
Minister of Transport

MEETING WITH MAYOR BROWN ON TRANSPORT GOVERNANCE REFORM IN AUCKLAND

Snapshot

You are meeting with Mayor Brown to discuss the proposal for transport governance reform in Auckland. This will inform the Cabinet policy paper scheduled for November 2024.

Time and date	2:30 – 3:30 pm, 11 October 2024
Venue	Auckland Policy Office
Attendees	Mayor Brown, Auckland Council
Officials attending	Audrey Sonerson, David Wood
Agenda	To discuss the proposal for transport governance reform in Auckland.
Talking points	Separate talking points are included in Annex 1.

Contacts

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

MEETING WITH MAYOR BROWN ON TRANSPORT GOVERNANCE REFORM IN AUCKLAND

Key points

- You are presenting a proposal of transport governance reform in Auckland to the Mayor of Auckland for discussion, to inform your recommendations to Cabinet.
- The reforms incorporate:
 - an Auckland Regional Transport Committee (ATRC) to facilitate joint planning between Government and Auckland Council
 - Auckland Council becoming the Road Controlling Authority (RCA) and taking responsibility for local strategy and policy, including approval of the Regional Land Transport Plan (RLTP)
 - s 9(2)(f)(iv) [REDACTED]
 - enhanced powers for the Mayor of Auckland to appoint and remove Auckland Transport Board directors.
- s 9(2)(f)(iv), s 9(2)(g)(i) [REDACTED]

Background

- 1 Over the course of this year, you have discussed with the Mayor of Auckland various options to improve transport governance in Auckland. Based on Cabinet's endorsement of your approach, this meeting provides the opportunity to put a specific proposal forward.
- 2 Your objectives for reforming governance arrangements in Auckland are to ensure democratic accountability for transport decisions, facilitate stronger alignment between Government and Auckland Council in transport planning and ultimately ensure that good governance contributes to improved transport outcomes for Auckland and New Zealand.
- 3 Cabinet agreed that you consult with the Mayor of Auckland on the following:
 - 3.1 Establishing an ARTC to develop the RLTP, to develop a 30-year integrated transport plan, monitor outcomes and to undertake other functions as delegated;

- 3.2 Constituting the membership of the ARTC to be a mix of ministerial appointees and Auckland Council elected members, with the Chair being a ministerial appointee with a casting vote;
- 3.3 Amending the functions of Auckland Transport by transferring the role of the Auckland RCA to Auckland Council and local boards, s 9(2)(f)(iv)
- 3.4 Providing the Mayor with the power to appoint and remove Auckland Transport Board members.
- 4 The speaking points attached (Annex 1) follow the format and wording of the Cabinet Minute. It would be useful to get specific feedback from the Mayor on each element of the reform. The following section outlines particular areas that you may wish to highlight in your discussion.

Areas to bring out in discussion

The role of Local Boards

- 5 The Cabinet Minute introduced, explicitly, that some RCA functions could be transferred to local boards stating that: "the status and functions of Auckland Transport be amended by transferring the role of the Auckland Road Controlling Authority to Auckland Council and local boards and enabling Auckland Council and local boards to delegate Road Controlling Authority functions as appropriate."
- 6 As you are aware local boards are a key part of Auckland Council's governance structure playing a complementary decision-making role to the Governing Body.
- 7 Under the Local Government (Auckland Council) Act 2009 (LGACA), the Governing Body allocates non-regulatory functions to local boards and can delegate regulatory functions to local boards. Auckland Transport can also delegate transport functions to local boards but has not chosen to do this since Auckland Council was established.
- 8 The Cabinet Minute suggests that the RCA functions could be split between the Governing Body and local boards through legislation, and then either arm of Auckland Council's governance could delegate these functions to a CCO.
- 9 RCA functions are wide-ranging covering policy, regulatory and operational matters. s 9(2)(g)(i)
- 10

- 13 It would be useful to seek the Mayor's views on the role of local boards.

The Regional Land Transport Plan

- 14 Throughout your discussions, the Mayor has emphasised the need to return the decision-making on the RLTP to Auckland Council. It would be useful to emphasise that the proposed model has approval rights sitting with Auckland Council and development of the RLTP being a function of the ARTC.
- 15 The ARTC would publicly consult on the RLTP as part of developing it and then recommend it to the Governing Body for approval. In practice we expect that Auckland Council elected members would be kept involved in the development of the RLTP.
- 16 It might be useful to note with the Mayor that the RLTP process is envisaged to be different to the recent RLTP process he has experienced. In addition to the change in decision-making, the 30-year Transport Plan (approved by Cabinet and Auckland Council) will be providing joint Government and Auckland Council direction to the 10-year RLTP, along with the GPS. In effect the RLTP will mirror the first 10 years of the indicative programme contained in the 30-year Transport Plan, making for a more streamlined process as there should be broad agreement between agencies and with the elected members on key priorities.
- 17 The process could be further improved by developing the RLTP within an indicative funding envelope, avoiding the current situation where the RLTP is being revisited following National Land Transport Plan decisions due to the "over-bidding" for funding.

Membership of the ARTC

- 18 We expect the Mayor to be comfortable with the idea of the ARTC as he originally proposed a joint Government and Auckland Council Committee. It would be useful to draw his attention to the fact that the proposal is for the Chair to be a ministerial appointee with a casting vote, and that the proposed membership is for elected members of Auckland Council, appointed by the Mayor, and ministerial appointees.
- 19 Ministerial appointees are proposed as distinct from Ministers given the need to protect the role of Ministers in representing the national interest without any perceived bias, and for reasons of practicality.

Changing the functions of Auckland Transport

21

s 9(2)(f)(iv)



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

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24 October 2024

OC241226

Hon Simeon Brown
Minister of Transport

Mayor Wayne Brown
Mayor of Auckland

Action required by:
Monday, 28 October 2024

TRANSPORT GOVERNANCE REFORM IN AUCKLAND - JOINT BRIEFING

Purpose

This briefing outlines further considerations on the transport governance reform changes as requested at your meeting on 11 October 2024.

Key points

- Discussions over the course of this year have highlighted your agreement on areas that need to change to improve transport governance in Auckland.
- In particular, you agree that:
 - Auckland Council should have a stronger role in transport policy, planning and delivery
 - Auckland Transport's role needs to be narrowed
 - Government and Auckland Council need to work together in a more structured way through the establishment of a joint statutory committee, the Auckland Regional Transport Committee (ARTC)
 - a key function of the ARTC is to develop a 30-year integrated transport plan and membership should comprise ministerial appointees and elected members of Auckland Council with an independent Chair.
- Following your direction at the 11 October meeting Auckland Council and Ministry officials have worked on areas that needed further consideration.
- Preparation of the Regional Land Transport Plan by the ARTC (for Auckland Council's approval): Officials have agreed that preparation of the RLTP should be a function of the ARTC, but with a legislative obligation placed on the ARTC to take the following actions as it develops the Regional Land Transport Plan (RLTP):
 - to have regard to the Auckland Council Long-term Plan (draft or final)
 - to have regard to any separate Auckland Council Policy Statement(s) on land transport

- to be consistent with the approved 30-year integrated transport plan
- to consult the Auckland Council Governing Body on the draft RLTP prior to finalising the draft document for public consultation.
- Legislation already requires that RLTPs are consistent with the Government Policy Statement on Land Transport.
- Role of local boards: A number of functions have been identified where it would be appropriate for local boards to have decision-making responsibility, s 9(2)(f)(iv)

Further work is needed to determine the classification of roads that these powers should apply to. s 9(2)(f)(iv)

s 9(2)(f)(iv)

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Recommendations

We recommend you:

- 1 **note** that officers from the Ministry of Transport and Auckland Council have identified the following elements of the reform package where agreement can be reached, subject to your concurrence:
 - 1.1 Establish an ARTC to develop the 30-year integrated transport plan. Prepare the RLTP for Auckland Council's approval and undertake other functions delegated by Auckland Council or Government
 - 1.2 Membership of the ARTC to comprise three ministerial appointees and three elected members of Auckland Council with an independent Chair. KiwiRail, NZTA and Auckland Transport to participate as non-voting members
 - 1.3 The independent Chair would be jointly appointed by the Mayor of Auckland, following consultation with the Governing Body and the Minister of Transport
 - 1.4 Elected members of the ARTC to be appointed by the Mayor, with a duty for the Mayor to consult with the Governing Body of Auckland Council (Auckland Council staff are neutral on this point)
 - 1.5 A Joint Officers Group (JOG), co-chaired by the Chief Executives of Auckland Council and Ministry of Transport, should support the work of the ARTC
- s 9(2)(f)(iv)

[REDACTED]
- 1.7 Auckland Council becomes the Auckland Road Controlling Authority (RCA) with powers to delegate to other parties.

s 9(2)(f)(iv)

[REDACTED]
- 1.8 Decision-making for local boards on specified functions should be provided for in legislation with a mechanism to classify the types of roads the specific powers should apply to. This would be approved by either Auckland Council and the Minister of Transport, or by the ARTC
- 1.9 Responsibilities for regional policies and plans should be transferred from Auckland Transport to Auckland Council, except for those that the ARTC is responsible for

1.10

s 9(2)(f)(iv)

[REDACTED]

s 9(2)(f)(iv)

[REDACTED]

s 9(2)(f)(iv)

- 3 **agree** to discuss at your earliest convenience the above recommendations and whether some, or all, of the differences of view set out in recommendation 2 can be resolved prior to the submission of advice to Cabinet.



Audrey Sonerson
Secretary of Transport
Ministry of Transport

24 / 10 / 2024



Phil Wilson
Chief Executive
Auckland Council

24 / 10 / 2024

Hon Simeon Brown
Minister of Transport

..... / /

Mayor Wayne Brown
Mayor of Auckland

..... / /

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 - Ministry of Transport	s 9(2)(a)	✓
Karen Lyons, Director Auckland – Ministry of Transport		
Megan Tyler, Director: Policy, Planning and Governance – Auckland Council		✓
Max Hardy, Director: Group Strategy and Chief Executive Office – Auckland Council		✓
Claire Gomas, Principal Adviser, CCO/External Partnerships – Auckland Council		

TRANSPORT GOVERNANCE REFORM IN AUCKLAND - JOINT BRIEFING

Introduction

- 1 Over the course of this year, you have discussed the need to reform governance arrangements for transport in Auckland.
- 2 You agree that the key objectives for this work are to:
 - ensure democratic accountability for transport decisions
 - restore public trust and confidence in, transport decision-making in Auckland
 - facilitate Government and Auckland Council to work jointly on longer-term integrated transport planning for Auckland.
- 3 Ultimately, the aim of the reforms is to ensure that good governance contributes to improved transport outcomes for Auckland and New Zealand.
- 4 Your meeting on 11 October highlighted agreement over a number of specific areas for change. These are set out below. You requested Auckland Council and Ministry of Transport officials work together to outline considerations around areas where there are differences and, if possible, to come to a shared view on a recommended way forward. You also requested advice on what transport functions could be allocated to local boards, including road controlling authority functions.

Areas of agreement

Establish an Auckland Regional Transport Committee with a strategic focus

- 5 A more formal structure is required to facilitate joint work between Government and Auckland Council on long-term planning, which will be achieved by establishing a reshaped Auckland Regional Transport Committee (ARTC).
- 6 The ARTC will be quite different to other regional transport committees (RTCs) in New Zealand, being a statutory Government and Auckland Council committee.
- 7 The functions of the ARTC are:
 - preparing a 30-year integrated transport plan for Auckland, with joint approval by Cabinet and Auckland Council
 - monitoring the delivery of the agreed outcomes of the 30-year integrated transport plan
 - undertaking any other functions delegated to it by Auckland Council or the Crown.
- 8 There is a question over the role of the ARTC in preparing the Regional Land Transport Plan (RLTP) as proposed by the Minister. Earlier advice to the Mayor argued that this should be a role for Auckland Council. This is discussed below.

- 9 The membership of the ARTC will be as follows:
- an independent Chair appointed by the Minister and Mayor of Auckland, and who will exercise a casting vote
 - Ministerial appointees – two to three voting members
 - Auckland Council elected members appointed by the Mayor – two to three voting members
 - the Boards of the New Zealand Transport Agency (NZTA), KiwiRail and Auckland Transport will nominate representatives to participate as non-voting members.
- 10 The independent Chair would be jointly appointed by the Mayor of Auckland, following consultation with the Governing Body and the Minister of Transport. In exercising the appointment of the Chair and other ministerial appointees, the Minister will need to take a proposal to Cabinet.

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

Auckland Council should approve the RLTP and be responsible for transport policy functions

- 12 There is agreement that Auckland Transport's broad range of functions need to be narrowed. Currently Auckland's elected members are distant from key policy and strategic decisions that impact on the people they represent, and elected members are not accountable for a large proportion of rates-funded expenditure.
- 13 This reflects the broad range of powers conferred on Auckland Transport through legislation, and the challenges that Auckland Council has experienced in holding Auckland Transport to account through existing statutory accountability mechanisms.
- 14 The governance reforms would see strategic and policy functions move from Auckland Transport to Auckland Council (with the exception of those that would sit with the ARTC). This includes approval of the RLTP.
- 15 Auckland Council would also be the Auckland Road Controlling Authority (RCA) with the ability to delegate specific functions to Auckland Transport. The exception will be specific functions that local boards will exercise under the legislative reforms, some of which could be RCA functions.

Local boards should be allocated appropriate RCA functions

- 16 You agreed legislation should specify some appropriate RCA functions for local boards. Advice on this is outlined below.

Areas for further consideration

Preparation of the RLTP

- 17 As noted above, approval of the RLTP is proposed to sit with Auckland Council. This provides Auckland Council with ultimate decision-making on the proposed investment programme and makes for clear local democratic accountability.

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

- 19 The Ministry believe that the ARTC is the most appropriate entity to develop the RLTP. This is based on:
- the RLTP will be strongly directed by the 30-year integrated transport plan developed by the ARTC, in effect it will represent the 10-year implementation plan of the 30-year integrated transport plan
 - it is appropriate for Ministerial appointees, through the ARTC, to have a say in developing the RLTP, given the programme brings together investment in state highways, rail, as well as local transport projects
 - the ARTC is being established to hold the strategic planning function for transport in Auckland.
- 20 The Ministry and Auckland Council officials also recommend that a Joint Officers Group (JOG), co-chaired by the Chief Executives of Auckland Council and Ministry of Transport, should support the work of the ARTC.

s 9(2)(f)(iv)

- 23 Overall, the RLTP is expected to be a more streamlined process than currently, as there should already be agreement between agencies and with the elected members on key priorities and approaches to funding through the 30-year integrated transport plan work.
- 24 Through the work for this briefing Ministry and Auckland Council officials have agreed that the RLTP preparation should sit with the ARTC alongside some additional requirements for the RLTP process.

- 25 We jointly propose that legislation requires that the RLTP must have regard to:
- the Auckland Council Long-term Plan (LTP), draft or final
 - any separate Auckland Council Transport Policy Statement(s) agreed by the Governing Body
 - the 30-year integrated transport plan agreed between Cabinet and Auckland Council.
- 26 The current legislative requirement that the RLTP must be consistent with the GPS remains.
- 27 We also propose that the legislation requires that:
- the ARTC must consult with Auckland Council on the draft RLTP prior to public consultation
- In practice we expect that there would be various points of engagement between the ARTC and Auckland Council as the RLTP is developed, but this type of clause creates a clear expectation on such engagement.
- 28 These requirements, in addition to the fact that Auckland Council has the final approval rights over the RLTP, should provide the Council with certainty that its views will be taken into account through the development of the RLTP.
- 29 If a situation emerged where Auckland Council disagreed with the RLTP developed by the ARTC, Auckland Council can request the ARTC to reconsider the RLTP. If there remains disagreement, Auckland Council would forward the RLTP to NZTA with its reasons for not approving (this is in accordance with current provisions in the Land Transport Management Act 2003).

Allocation of RCA functions to Local Boards

- 30 Recognising that local boards are part of Auckland Council's governance structure and that a wide range of transport decisions impact on local boards' roles, it is appropriate to consider what transport decision-making could be allocated to local boards.
- 31 Building some functions into legislation establishes clarity between the decision-making role of the Governing Body and local boards, while still enabling the Governing Body to allocate or delegate further decision-making over time.
- 32 The Local Government (Auckland Council) Act 2009 (LGACA) sets out principles for the allocation of decision-making for non-regulatory decision-making of Auckland Council. Although some of the transport functions will be regulatory in nature, these remain valid considerations considering the allocation of transport functions.
- 33 The LGACA states that decision-making responsibility for a non-regulatory activity of the 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 because:

- the impact of the decision will extend beyond a single local board area; or
- effective decision-making will require alignment or integration with other decisions that are the responsibility of the Governing Body; or
- the benefits of a consistent or co-ordinated approach across Auckland will outweigh the benefits of reflecting the diverse needs and preferences of the communities within each local board area.

34 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, operational efficiency and impacts on other utilities. Auckland Council will also need to work through allocating budgets to local boards that currently sit with Auckland Transport.

s 9(2)(f)(iv)



36 Decisions need to be made about what types of roads local boards should have decision-making over. NZTA and Auckland Transport both have frameworks for classifying roads that can be used to inform these decisions.

s 9(2)(f)(iv)



s 9(2)(f)(iv)

38 Table 1, Appendix 1 explains these functions in more detail.

s 9(2)(f)(iv)

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s 9(2)(f)(iv)

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Options for transition

s 9(2)(f)(iv)

- 49 Ministry and Auckland Council officials have considered the following options for transition:

s 9(2)(f)(iv)

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Appendix One: Potential Powers for Local Boards

The table below sets out potential powers for local boards that could be allocated through legislation. The local boards would have decision-making rights over these functions. These powers will not necessarily apply to all roads. A clear and flexible mechanism will be needed to determine the road classifications that local boards will have decision-making over.

Potential power to be allocated	Commentary
s 9(2)(f)(iv)	

Potential power to be allocated	Commentary
s 9(2)(f)(iv)	

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6 November 2024

OC241274

Hon Simeon Brown

Action required by:

Minister of Transport

Friday, 8 November 2024

TRANSPORT GOVERNANCE REFORM IN AUCKLAND – CABINET PAPER

Purpose

To highlight considerations related to the accompanying draft Cabinet paper that seeks Cabinet agreement on your proposal for transport governance reform in Auckland.

Key points

- The attached draft Cabinet paper seeks agreement to a package of changes to reform transport governance in Auckland. The paper follows your direction provided to date, including recent feedback on the joint briefing to yourself and Mayor Brown (OC241226 refers).
- The recommendations cover detailed aspects of the proposal, including the role and membership of the Auckland Regional Transport Committee (ARTC), the content of the 30-year integrated transport plan, additional steps on the preparation of the Regional Land Transport Plan to ensure Auckland Council's views are taken into account, functions for local boards, the transfer of policy and Road Controlling Authority functions to Auckland Council and s 9(2)(f)(iv).

s 9(2)(f)(iv)

- The Regulatory Impact Statement on transport governance reform in Auckland that will accompany the Cabinet Paper has been drafted. It is currently being assessed by an internal Ministry of Transport review panel. We will provide a copy to your Office once finalised.
- The Cabinet paper includes an Appendix canvassing proposed local board powers that takes it over the ten page limit set for Cabinet papers. You may want to include the Appendix for the purposes of coalition partner and Ministerial consultation and retain it if there is broad based support for the proposed local board powers.

- We request guidance from your Office on the Communications section of the Cabinet Paper.

Recommendations

We recommend you:

- 1 **provide** feedback on the draft Cabinet Paper – Transport Governance Reform in Auckland



David Wood
Deputy Chief Executive, Investment
and Monitoring

6/11/2024.

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

TRANSPORT GOVERNANCE REFORM IN AUCKLAND – CABINET PAPER

Particular areas of the Cabinet Paper for consideration

Reform of Auckland Transport

s 9(2)(f)(iv)

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Local Boards

- 6 The section on local boards highlights why it is appropriate to allocate functions to local boards and summarises the functions identified to date. It outlines that more work is required on identification of functions and determining the types of roads that local board decision-making will apply to. It requests that you are delegated decision-making to finalise decisions for drafting instructions.
- 7 We have included an Appendix that sets out proposed local board powers, but this takes the paper over the ten page limit set for Cabinet papers. The paper is drafted so that the Economic Policy Committee takes an active decision to approve the powers proposed in the Appendix. Accordingly, the Appendix is an essential element of the paper unless you prefer that all decisions on the powers to be assigned to local boards should be considered as a whole by the Legislation Committee.
- 8 In addition to local board functions being conferred through legislation, there is a recommendation that Auckland Council's Governing Body will have the powers to allocate further functions as appropriate.

Regulatory impact statement

- 9 The Regulatory Impact Statement (RIS) section has not been completed. The assessment by the internal Ministry of Transport review panel is scheduled to be completed this week. The RIS considers six options, ranging from the status quo (no change) to more substantive change.

s 9(2)(f)(iv)



18 November 2024

OC241338

Hon Simeon Brown**Minister of Transport**

TRANSPORT GOVERNANCE REFORM IN AUCKLAND: SUMMARY OF DEPARTMENTAL CONSULTATION

Purpose

This briefing summarises feedback from departmental consultation on the draft Transport Governance Reform in Auckland Cabinet paper and seeks your approval for a small number of changes to be made to the Cabinet paper.

Key points

- Departmental consultation on the draft Cabinet paper took place between 8 November and 14 November 2024.
- We have considered all feedback (collated in Appendix One) and summarised the key elements in the consultation section of the Cabinet paper.
- Our assessment is that only minor changes are required to the Cabinet paper in light of feedback. Our recommended changes are:
 - bringing out more clearly that consideration has been given to how the transport governance changes will need to integrate with other government work programmes such as Regional Deals and Resource Management Act 1991 Reform;
 - strengthening the narrative in support of greater government involvement in transport planning in Auckland;
 - four technical wording amendments based on feedback from the Department of Internal Affairs, Treasury and Parliamentary Counsel Office.
- As you are aware, we are preparing further advice related to the allocation of functions to local boards and the roading classifications that local boards should have decision-making over. We recommend amending references to the powers in Appendix One, so that it is clear that these are indicative.

Recommendations

We recommend you:

- 1 **note** that the draft Cabinet paper has been updated following departmental consultation
- 2 **agree** to the changes proposed to the draft Cabinet paper (summarised in this briefing and highlighted in yellow in the Cabinet paper) Yes / No
- 3 **approve** the updated draft Cabinet paper for lodgement with the Cabinet Office by 10.00 am on Thursday 21 November 2024. 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		✓
Logan Rainey, Senior Advisor Auckland		

TRANSPORT GOVERNANCE REFORM IN AUCKLAND: SUMMARY OF DEPARTMENTAL CONSULTATION

Consultation on the draft Cabinet paper

- 1 The draft Cabinet paper was shared for consultation with other departments between 8 November and 14 November 2024.
- 2 We engaged the following departments for consultation:
 - Department of Internal Affairs;
 - Ministry of Business, Innovation and Employment (officers that support the Minister for Auckland);
 - Ministry for the Environment;
 - Ministry of Housing and Urban Development;
 - Land Information New Zealand;
 - Te Puni Kōkiri;
 - Treasury.
- 3 From those contacted, we received departmental feedback from: Department of Internal Affairs (DIA); Ministry of Housing and Urban Development (MHUD); Ministry for the Environment (MfE) and Treasury.
- 4 The Department of the Prime Minister and Cabinet was informed and our legal team have engaged with the Parliamentary Counsel Office.

Feedback received and suggested changes to the Cabinet Paper

- 5 Full analysis is set out in Appendix One of this paper.

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

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

Other suggested changes to the Cabinet Paper

Local Boards

- 12 As you are aware, we are preparing further advice for you on allocating decision-making for specific transport functions to local boards. This will include proposed functions and rationale for local board allocation as well as the roading classifications that the functions apply to.
- 13 Given that further work is required on local board decision making, and to avoid any risk that the functions identified in Appendix One are read as a definitive list, we recommend small wording changes to paragraph 34, Recommendation 16 and Appendix One that would highlight that these powers are intended to be read as an indicative set of powers.

Next steps

- 14 Our working timeframe leading up to Cabinet confirmation is as follows:

Milestone	Timing
Minister of Transport considers draft Cabinet paper, provides any further feedback or changes to officials, and provides approval to lodge with the Cabinet Office	19 and 20 November 2024
Submission of Cabinet paper to Cabinet Office	10.00 am 21 November 2024
Consideration by Cabinet Business Committee (CBC)	25 November 2024
Cabinet confirmation	02 December 2024

APPENNDIX 1: DEPARTMENTAL FEEDBACK ON DRAFT CABINET PAPER

Feedback from:	Feedback	Ministry of Transport comment	Suggested changes
<div>Departments</div> <div>Department of Internal Affairs (DIA)</div>	<div>s 9(2)(ba)(i), s 9(2)(g)(i)</div> <div></div>		

Feedback from:	Feedback	Ministry of Transport comment	Suggested changes
<div>Departments</div> <div>Ministry of Housing and Urban Development (MHUD)</div>	<div>s 9(2)(ba)(i), s 9(2)(g)(i)</div> <div></div>	<div></div>	<div></div>

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Feedback from:	Feedback	Ministry of Transport comment	Suggested changes
<div>Departments</div> <div>Treasury</div>	<div>s 9(2)(ba)(i), s 9(2)(g)(i)</div>		

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Feedback from:	Feedback	Ministry of Transport comment	Suggested changes
Departments Ministry for the Environment (MfE)	s 9(2)(ba)(i), s 9(2)(g)(i)		

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11 December 2024

OC241394

Hon Simeon Brown**Minister of Transport**

Monday, 16 December 2024

PROPOSED TRANSPORT DECISIONS FOR LOCAL BOARDS

Purpose

Provide advice on proposed transport decisions to be assigned to Local boards as part of the Transport Governance Reforms in Auckland.

Key points

- As part of the Auckland Transport Governance Reform decisions, Cabinet agreed to allocate specific transport decision-making functions to local boards in legislation that will apply to specific classifications of roads [CAB-24-MIN-0471.02].
- All transport decisions currently included in relevant Acts and Transport Rules have been considered and assessed against criteria to determine a set of proposed functions for local board decision-making.
- The key principles that have been used for proposing decisions for local boards are:
 - creating a place of identity;
 - enabling community engagement; and
 - making decisions at a local level, informed by local knowledge.

s 9(2)(f)(iv)

- Decisions should apply to a particular classification of road. s 9(2)(f)(iv)

- It is appropriate for some decision-making to remain at a regional level, sitting with the Governing Body of Auckland Council. This is where a network approach is required to ensure connectivity and uninterrupted flow of traffic, including freight and public transport.

- There are operational issues which Auckland Council will need to consider and plan for to enable the decision-making to be effectively supported both financially and through the provision of officer technical advice.

Recommendations

We recommend you:

- 1 **note** the criteria used to assess the suitability for local board decision-making Yes / No

s 9(2)(f)(iv)

[Redacted area]

Yes/No

Yes/No

Yes/No

Yes / No

- 6 **advise** officials of any additional powers for local boards or any amendments to the list provided you would like incorporated in the Bill Yes / No



David Wood
DCE 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
Lou Lennane, Auckland Strategic Programme Lead	s 9(2)(a)	✓
Karen Lyons, Director Auckland		
David Wood, DCE Investment and Monitoring		

PROPOSED TRANSPORT DECISIONS FOR LOCAL BOARDS

Background

- 1 As part of the Auckland Transport Governance Reform decisions, Cabinet agreed to allocate specific transport decision-making functions to local boards in legislation that will apply to specific classifications of roads [CAB-24-MIN-0471.02].
- 2 Cabinet agreed to the indicative set of functions, subject to final amendments, prior to drafting decisions. [CBC-24-MIN-0110].
- 3 This paper provides advice on proposed transport decisions for local boards and advice on the roading classification that the decisions should apply to.
- 4 We have considered all powers within relevant Acts and Transport Rules where Auckland Transport is empowered by legislation to make transport decisions as a Road Controlling Authority or exercises transport functions and powers under section 46 of the Local Government (Auckland Council) Act 2009 (LGACA). Section 46 of LGACA also incorporates functions and powers in the Land Transport Act 1998 and the Local Government Act 1974.

Roading classification proposed to be applied to decisions

- 5 There is currently no statutory roading classification framework. From 2013 to 2023, the New Zealand Transport Agency (NZTA) used the One Network Road Classification (ONRC) system to classify state highways and local roads. In 2023, they introduced the One Network Framework (ONF) which takes a more descriptive approach to classification rather than using volumes of traffic as a base. Given the ONRC was a national framework, it uses materially lower traffic volumes to distinguish between local, arterial and regional roads than the Auckland Transport framework. The ONF framework, in comparison, relies on qualitative judgements about the nature of roads, and carries the risk of inconsistent judgements being exercised across Auckland's extensive roading network.

s 9(2)(f)(iv)

s 9(2)(f)(iv)

s 9(2)(f)(iv)

Principles for assessment

- 18 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.
- 19 To determine which decisions are proposed for local boards, a set of three criteria have been developed to test each decision:
 - a) Identity of place - does the decision relate to creating local board identity, relate to the local place;

- b) Enabling community engagement - does the decision enable greater community engagement;
 - c) Decisions are made closer to the affected communities - does the decision benefit from local expertise.
- 20 There are specific reasons why decisions should be kept at a regional level. These are: the decision has an impact on the flow of traffic, including public transport and/or the decision requires regional consistency of transport operations, delivery and standards (including safety).

Proposed decisions for local boards

- 21 Cabinet agreed to an indicative set of functions that could be allocated to local boards, subject to final amendments prior to drafting decisions [CBC-24-MIN-0110].
- 22 The table included with the Cabinet decision has been used as a base. Decisions have been assessed relating to current powers Auckland Transport holds as an RCA. Also included are transport powers currently held by Auckland Transport which are not RCA powers but which are provided under section 46 of LGACA.

s 9(2)(f)(iv)

- 24 The assessment has resulted in list of proposed powers for local boards. Appendix A details proposed powers, those not proposed and references the Acts and Rules the powers are included in.
- 25 As with the Governing Body, local boards will be advised by Auckland Council and Auckland Transport staff, ensuring governance decisions are well-informed. The Auckland Transport Board currently delegates decisions to officers which can be made on behalf of the board. It is envisaged that the Governing Body and the local boards would utilise similar delegations to staff either within Auckland Council or Auckland Transport. This supports the efficiency of operational decisions.
- 26 Legislation could provide for local boards to be able to delegate decisions to Auckland Transport or the Governing Body. s 9(2)(g)(i)

s 9(2)(f)(iv)

s 9(2)(f)(iv)

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