

Entered by Board Secretary

## Update on Auckland Transport input into Council Submissions to Government

For decision:  For noting:

### Te tūtohunga / Recommendation

That the Auckland Transport Board (board):

- a) Notes this update on Auckland Transport's (AT's) input into Council submissions to Government.

### Te whakarāpopototanga matua / Executive summary

1. There have been two large Government consultation processes underway recently which AT has contributed to. The Environment Select Committee consulted on new legislation to replace the Resource Management Act 1991 – the Natural and Built Environment Bill (NBE Bill) and the Spatial Planning Bill (SP Bill). In addition, the panel leading the Review into the Future for Local Government has released its draft report and took submissions.
2. Auckland Council led group submissions on both processes, with AT support. Management provided initial comments through to council officials on the NBE Bill and the SP Bill, focusing on funding and process issues raised at the December 2022 board meeting. Further comment was made on the draft submission in January 2023. An extended submission deadline was granted to 19 February 2023.
3. Council progress on the local government review was initially challenged by proximity of the submission period to local body elections. The review asks fundamental questions of the role and functions of local government which are not simple to manage at any time, and were especially challenging for a new council. The draft report is heavily oriented to democratic, governance, community wellbeing and other issues which do not require AT technical expertise. Feedback drafted by council officials has therefore focused on those areas. Management have supported council workstreams and have reviewed the submission. Consultation closed on 28 February 2023.
4. Noting that these submission processes remain underway at the time of writing this report, Megan Tyler, Chief Planning Officer and Denise O'Shaughnessy, Manager Strategic Advice at Auckland Council presented to the Design and Delivery Committee at its 14 March 2023 meeting.

### Ngā tuhinga ō mua / Previous deliberations

Date	Report Title	Key Outcomes
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December 2022 Board	Resource Management Reforms	The board discussed the new Bills, noting issues around resourcing of plans and questions of how new arrangements will work in practice.
March 2022 Board	Future for Local Government Review	The board noted that the review was underway and that Management would support a council group submission.
March 2022 Design and Delivery Committee (Committee)	Update on Auckland Transport input into Council Submissions to Government	The committee noted the update on submissions and thanked council officials for presenting. The committee asked Ms Tyler whether there was anything further it could do to support council. Ms Tyler highlighted close working relationships with the Governing Board, particularly through the Long Term Plan process.

## Te horopaki me te tīaroaro rautaki / Context and strategic alignment

5. The Government has for a number of years progressed a significant reform programme, generally designed to promote outcomes and well-being and better engage Māori in decision making.
6. In 2019, it initiated an independent review of the resource management system and in 2021 it commissioned a separate review of local government.
7. The 2019 Randerson review of the resource management system has since evolved into two new Bills to replace the Resource Management Act 1991. A third piece of legislation, the Climate Adaptation Act, is expected to be introduced soon and will address issues associated with managed retreat.
8. Local government reform is still in the review phase, with the review panel now taking submissions on its draft report ahead of submitting its final report in mid-2023.
9. Details of both reform processes are set out in the attachments to this report.

## Ngā matapakinga me ngā tātaritanga / Discussion and analysis

### AT input into the NBE and SP Bills

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10. The Government introduced the NBE and SP Bills to Parliament on 15 November 2022 after a sustained period of signalling and pre-release public briefings. Despite the introduction occurring very early on in the new council's tenure, council officials have been able to establish a compressed but adequate process for obtaining, collating, and agreeing group feedback within the required timeframe.
11. Council asked for, and received, initial AT feedback on the two Bills by 12 December 2022. Initial AT feedback was predominantly technical and focused on the NBE Bill, which will become the primary replacement of the Resource Management Act (RMA). Key components of AT feedback were:
  - a. The need to address transport resourcing. The reforms do not resolve the fundamental barriers to funding and financing the infrastructure and critical services which enable good urban and natural environment outcomes. It is difficult to see how central and local government will agree on, and implement, priority investments to achieve spatial strategies and land use plans with existing tools. AT emphasised the importance of developing new funding and financing options to support the new planning framework. This feedback has also informed the Future for Local Government submission.
  - b. Stronger alignment across plans via an AT representative on the regional planning committee. AT supported the proposal to require the Regional Land Transport Plan (RLTP) to "be consistent with" spatial strategies. The spatial strategy could become a strong statutory lever to ensure that current and future infrastructure is given appropriate weight in the new Unitary Plan. However, the SPA Bill is currently very light on detail, including not only the funding and financing of services noted above but the content of a spatial strategy and the role that an organisation like AT would play. With a position reserved for AT on the new committee charged with developing the spatial strategy, the Regional Planning Committee (RPC), the RLTP, regional spatial strategy and revised Unitary Plan will be able to be aligned.
  - c. Appropriate recognition of transport infrastructure and operations. A recurring tension in the new statute arises from provisions designed to facilitate infrastructure and development, protect the environment, and provide greater clarity. A risk exists that, under new settings, AT cannot operate services as expected, or cannot deliver new services to meet demand, and has more limited ability to appeal or restrict activities which impact transport operations. Proposals for a National Planning Framework (NPF) are expected to include new direction on infrastructure. AT supported clearer national direction, but emphasised the importance of leveraging local authority expertise through the development of the NPF to ensure clarity does not impede the operation of critical services.
12. The volume of feedback from across the group caused some challenges to council officials, however, an initial draft was produced in mid-January, which received further technical comment from AT staff consistent with earlier messaging. The Governing Body discussed the submission at its 9 February 2023 meeting ahead of final approval by the Chair and Deputy Chair and a member of the Independent Māori Statutory Board. The submission will be lodged before the extended 19 February 2023 consultation deadline.
13. A council official will provide a summary of the key points included in the council submission after the Select Committee reports back.

**AT input into the local government review draft report**

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14. Implementing a process to prepare a group submission on the review of local government has been much more challenging in light of complex and wide-ranging subject matter and a new Governing Body still working to develop consensus.
15. As set out in Attachment 2, the draft report focuses primarily on what change is needed to the system of local government to ensure it is fit for the future, including citizen-led democratic processes and priority setting that address declining trust and confidence and a greater focus for local government in working with others including central government, hapū/iwi and communities themselves to improve community wellbeing. The focus is on the system shift needed rather than on how to improve current local government functions.
16. AT skills and expertise are less applicable in this context. Transport as an activity is not substantively discussed in the draft report and the level of discussion is more closely aligned with council expertise.
17. It is also notable that the review is at an early stage and actual proposals for legislative and other change are many months away, and will need to proceed through subsequent consultative processes. Any response to the review's recommendations will be for the next government.
18. Consequently, management have participated in, and monitored, development of the submission, but have not played a proactive or leading role. Issues of significance in the draft report, including in relation to local government funding, have received input from AT, and council position is to date well aligned.
19. Management received a draft of the group submission for review and feedback. However, time lost due to the flooding restricted AT (and other council) feedback on the draft. Management will focus on identification of any significant issues before it is presented to the Governing Body for transport implications.
20. Megan Tyler, Chief Planning Officer and Denise O'Shaughnessy, Manager Strategic Advice at Auckland Council provided an overview of the key points agreed by council at the 14 March 2023 Design and Delivery Committee meeting.

## Ngā tūraru matua / Key risks and mitigations

Key risk	Mitigation
There are numerous and significant risks to AT operations and assets from poorly designed resource management statute.	Continued staff participation in the Auckland Council submission, including the review of the draft, and support of the NPF.
New spatial planning and other requirements under new resource management statute undermine, or conflict with, AT statutory functions.	Management continue to monitor resource management reforms and feed into council processes.
Recommendations through the local government review impact the role and function of AT.	Management continue to engage with council officials on a submission which emphasises the strengths of regional decision making.

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## Ngā ritenga-ā-pūtea me ngā rauemi / Financial and resource impacts

21. There are no significant financial resource impacts at this stage.

## Ngā whaiwhakaaro ō te taiao me te panonitanga o te āhuarangi / Environment and climate change considerations

22. There are no significant climate change impacts at this stage.

## Ngā whakaaweawe me ngā whakaaro / Impacts and perspectives

### Mana whenua

23. Mana whenua perspectives are being considered as part of the group and wider government consultative processes.

### Ngā mema pōti / Elected members

24. Council officials are engaging elected members in the development of submissions.

### Ngā rōpū kei raro i te Kaunihera / Council Controlled Organisations

25. Management have discussed submission approaches and content with Watercare.

### Ngā kiritaki / Customers

26. There are no impacts on customer experience at this stage.

## Ngā whaiwhakaaro haumaruru me ngā whaiwhakaaro hauora / Health, safety and wellbeing considerations

27. There are no health, safety or wellbeing considerations at this stage.

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## Ā muri ake nei / Next steps

28. Management will monitor subsequent decisions by the Government on the reform process.
29. Management will monitor Governing Body decisions on the NBE and SP Bills and provide support to council as required. Management will work with government agencies to implement the two Acts when they become law, later in 2023.

## Ngā whakapiringa / Attachments

Attachment number	Description
1	Overview of the resource management reforms
2	Overview of the Review into the Future for Local Government

## Te pou whenua tuhinga / Document ownership

Submitted by	Hamish Glenn <b>Head of Transport Policy</b>	
Recommended by	Jenny Chetwynd <b>Executive General Manager, Planning and Investment</b>	
Approved for submission	Mark Lambert <b>Interim Chief Executive</b>	