

I, **Jenny Elizabeth Anne Chetwynd**, manager of Auckland, solemnly and sincerely affirm:

QUALIFICATIONS AND EXPERIENCE

- 1.** I am the Executive General Manager Planning & Investment at Auckland Transport (**AT**). I have been in this position since October 2019.
- 2.** In this role I am responsible for supporting the Chief Executive in setting the strategic direction and priorities for planning and investment in the Auckland transport system to reflect system and community needs and objectives, in order to deliver a responsive customer-centric transport system that enables Tamaki Makaurau to be a liveable, climate friendly and productive city.
- 3.** I have over 30 years' experience in land use and infrastructure planning integration strategy, policy development, leadership and decision-making in New Zealand. The last 15 of those years I have focussed specifically on the transport sector, holding executive roles in Waka Kotahi-New Zealand Transport Agency (**NZTA**) (Regional Director Central Region, and Group Manager Strategy and Planning), and **AT**.
- 4.** I have extensive experience in transport planning and investment programmes, including the incorporation of government and regional policy direction into such programmes. I have participated in the preparation of 24 Regional Land Transport Programmes (**RLTPs**) throughout New Zealand - for the Wellington, Manawatu-Whanganui, Taranaki, Hawkes Bay, Gisborne, Nelson, Marlborough and Tasman regions; and 3 National Land Transport Programmes (**NLTps**) over a 9-year period. During this period, I represented Waka Kotahi-NZTA on 8 Regional Transport Committees (**RTCs**); worked with the Ministry of Transport (**MoT**) in its development of Government Policy on transport investment; and was accountable to the Chief Executive of Waka Kotahi-NZTA for the translation of the 2018/21 Government Policy Statement on Land Transport into the development of the 2018/21 National Land Transport Programme.

5. I hold a Masters of Business Administration (MBA) from Victoria University, Wellington; a Bachelor of Regional Planning (with Honours) from Massey University, Palmerston North; and a Certificate in Advanced Management from INSEAD, France.
6. I am authorised to make this affidavit on behalf of the first and second respondents.
7. In this affidavit I refer to a paginated bundle of exhibits marked "JC1". I refer to exhibits below by reference to the page number in that volume, for example JC1-0015 is page 15 of the volume.

SCOPE OF EVIDENCE

8. In this evidence I will:
- (a) Explain AT's statutory role and functions, and its relationship with Auckland Council;
 - (b) Summarise the current land transport planning system, including AT's role and the role of the RLTP within that system;
 - (c) Summarise the purpose, function and content of an RLTP, including the practical effect of a project's inclusion in the RLTP;
 - (d) At a high level, explain the process for the development and adoption of the Auckland RLTP 2021-2031 (the detail of this process is covered in Mr Bunn's evidence); and
 - (e) Briefly summarise AT's initiatives and policies in relation to climate change.

AT's purposes and functions

9. AT is a statutory body established in 2010 as part of the reorganisation of local government in Auckland.¹ In broad terms, AT has responsibility for the "Auckland transport system", which is defined as the roads in

¹ Section 38 of the Local Government (Auckland Council) Act 2009 (LGACA).



Auckland (excluding State highways), Auckland public transport services, and certain public transport infrastructure.² AT also has a land transport planning function, as discussed in more detail below.

10. AT's statutory purpose is to contribute to an effective, efficient, and safe Auckland land transport system in the public interest.³ Its functions, set out in section 45 of the LGACA, include:
- (a) managing and controlling the Auckland transport system, including by performing the statutory functions and exercising the statutory powers set out in section 46 of the LGACA; and
 - (b) preparing the RLTP for Auckland in accordance with the Land Transport Management Act 2003 (LTMA).

11. AT's governing body is its board of directors (**AT Board**). The AT Board's composition is fixed by the LGACA and must comprise at least six but no more than eight voting directors, of whom two may be members of the governing body of Auckland Council; and one non-voting director nominated by Waka Kotahi-NZTA.

12. Decisions relating to the operation of AT must be made by, or under the authority of, the AT Board. These decisions must be in accordance with AT's Statement of Intent (**SOI**), discussed further below, any rules made by Auckland Council under section 49 of the LGACA, and the provisions of Part 4 of the LGACA, which include AT's purpose in section 39.

AT's relationship with Auckland Council

13. AT is a council-controlled organisation (**CCO**) of the Auckland Council.⁴ It is the only CCO of Auckland Council established by legislation.

² There is some land transport infrastructure in a broad sense that sits outside the definition of the Auckland transport system: for example, footpaths and cycle ways within Auckland Council parks or Kainga Ora developments. Auckland Council is also responsible for park upgrade planning, Reserve Management Plans, community needs assessments for parks and recreation facilities, community facilities, etc. Through these processes/projects the Council determines relevant transport connections and accessibility.

³ Section 39 of the LGACA.

⁴ Section 38 of the LGACA.

14. AT has exclusive authority to carry out the statutory functions and powers conferred on it under section 46 of the LGACA: Auckland Council is expressly prohibited by law from performing these.⁵ However, these functions are undertaken within the context of various Auckland Council policy 'levers' and accountability obligations, provided for in the LGACA, with which AT must comply.
15. First, AT is required to produce and deliver an SOI to Auckland Council every year. The SOI set out AT's objectives, and the nature and scope of its activities, both commercial and non-commercial. Auckland Council has input into the annual SOI before it is finalised by AT and delivered to Auckland Council before the start of each financial year. As mentioned above, AT's decision-making must be in accordance with its SOI.
16. Second, as a substantive CCO,⁶ AT must also give effect to any relevant aspects of the Council's Long-term Plan (LTP).⁷ The LTP sets out the 10-year budget for the Auckland region. The LTP includes key decisions regarding the level of investment in transport infrastructure, and the funding mechanisms to be engaged. Funding allocated in the LTP is directly relevant to the RLTP.
17. Third, the Council can set expectations of its substantive CCOs through the Substantive CCO Accountability Policy, which is also a statutory document under the LGACA.⁸ Auckland Council's specific expectations of AT in relation to the RLTP are set out in the Governance Manual for Substantive CCOs, October 2019.
18. Fourth, Auckland Council has over several years adopted the practice of setting out its expectations of CCOs in a "letter of expectations" to the relevant board chair. This practice has recently been more formally recognised in the Local Government Act 2002, which now provides for the shareholder of a CCO to prepare a "statement of expectations".⁹ The Mayor's Letter of Expectation (19 December 2019), a copy of which is

⁵ Section 50(1) LGACA prohibits Auckland Council performing any function or exercising any power that is conferred upon AT under section 46 of that Act.

⁶ These are Auckland Council CCOs which deliver significant services or activities, defined as including AT: see section 4 of the LGACA.

⁷ Section 92 of the LGACA.

⁸ Section 90 of the LGACA.

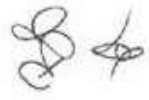
⁹ Local Government Act 2002, section 64B.

attached as JC1-0001, states that AT must "enable the outcomes of the Auckland Plan, with a greater focus on climate action, in the development of the Regional Land Transport Plan".

19. The Substantive CCO Accountability Policy also says that AT must give effect to the objectives and priorities of the Council in the Auckland Plan. The Auckland Plan 2050 highlights the RLTP as a mechanism to help carry this out, by converting the transport policy "into action." The RLTP should give effect to the Auckland Plan's outcomes, which include: Belonging and Participation; Māori Identity and Wellbeing; Homes and Places; Transport and Access; Environment and Cultural Heritage; and Opportunity and Prosperity.

20. The Auckland Unitary Plan (**AUP**) must be taken into account by AT when preparing the RLTP, in accordance with s 14(c)(ii) of the LTMA. The AUP contains the Regional Policy Statement, Regional Coastal Plan, Regional Plan and District Plan for Auckland. The Regional Policy Statement on Infrastructure, Transport and Energy (B3) is particularly relevant - B3.3.1 for transport objectives and B3.3.2 for policies on managing transport infrastructure, integration of subdivision use and development with transport, and managing effects related to transport infrastructure.

21. Finally, in response to a recommendation made in an independent review of Auckland Council's CCOs completed in July 2020, Auckland Council now endorses the RLTP for submission to the AT Board for approval. Ms Tyler's evidence for the Council explains the underlying reasons why this approach was considered appropriate, stemming from the allocation of statutory functions between AT and Auckland Council, and in particular AT exercising transport functions that elsewhere in New Zealand are undertaken by local authorities. The additional step of Auckland Council endorsing the RLTP is not required by the LTMA.



LAND TRANSPORT PLANNING

National land transport planning and investment prioritisation

22. National land transport planning and investment prioritisation in Aotearoa is a cyclical process, central to which is the Government Policy Statement on Land Transport (GPS) issued by the Minister of Transport every 3 years.

The GPS

23. The GPS sets out the Government's strategic direction for the land transport system over the following 10 years and is updated every 3 years. The GPS sets out:

- (a) the results that the Government wishes to achieve from the allocation of funding from the National Land Transport Fund (NLTF) over a 10-year period;
- (b) the Government's land transport investment strategy; and
- (c) its policy on borrowing for the purpose of managing the NLTP.

24. The GPS provides guidance to decision-makers about where and under what conditions the Government will focus its resources. It influences decisions on how money from the NLTF will be invested across "activity classes" (which I explain below), and guides local government and Waka Kotahi-NZTA on the types of activities that should be included in RLTPs and how to prioritise activities in RLTPs and the NLTP.

25. The current (2021/22 – 2030/31) GPS (JC1-0005) sets out four strategic priorities, which are shown in the following diagram taken from that document:

Figure 1: Strategic direction of the GPS 2021



26. It also sets out a "Transport Outcomes Framework", which specifies five outcomes: inclusive access, healthy and safe people, economic prosperity, environmental sustainability, and resilience and security. The GPS states that while it contributes to each of these outcomes, "those who are planning, assessing and making investment decisions in relation to the [NLTF] should be guided by the GPS strategic priorities".

27. The current GPS allocates funding ranges for eleven activity classes, which are as follows:

- Road to Zero
- Public Transport Services
- Public Transport Infrastructure
- Walking and Cycling Improvements
- Local Road Improvements
- State Highway Improvements
- State Highway Maintenance
- Local Road Maintenance

- Investment Management
- Coastal Shipping
- Rail Network

28. Table 3 of the GPS sets out funding ranges, set by an upper and lower figure, for each activity class in the 10 years to which the GPS relates. For example, in the 2021/22 financial year:

- (a) Public Transport Infrastructure has a funding range of \$770m (upper) to \$450m (lower);
- (b) Walking and Cycling Improvements has a funding range of \$180m to \$95m; and
- (c) Local Road Maintenance has a funding range of \$760m to \$650m.

29. These are funding allocations for the whole of New Zealand. Critically, the ranges signal to approved organisations such as AT and Waka Kotahi-NZTA (and local authorities outside Auckland who have representation on their RTCs) that the level of available NLTF funding is by activity class, enabling them to make realistic "bids" for funding in their RLTP by reference to the level of NLTF funding available. As stated in the GPS itself,¹⁰ the activity classes:

... provide signals about the balance of investment across the GPS. Funding is divided into activity classes as a means of achieving the results specified in GPS 2021. As per the strategic direction of GPS 2021 and following on from GPS 2018, the focus of the investment in the activity classes is on improving safety, better travel options, improved freight connections, and climate change.

30. The current GPS also recognises the commitments the Government has made to certain programmes such as Road to Zero (a new approach to road safety), and commitments made regionally through the Auckland Transport Alignment Project (ATAP) and Let's Get Wellington Moving (LGWM). It states:

129. To support commitments that have been made by Government towards certain programmes, the Government expects forthcoming NLTPs to meet

10. Section 3.4, para 113

investment expectations (set out in Table 4), across total investment in activities.

130. The activity classes in GPS 2021 have been set to deliver the results the Government wishes to see from ATAP, LGWM and Road to Zero. Waka Kotahi also has a role to play in implementing the New Zealand Rail Plan. The activity classes include sufficient funding to cover the central government share for each of these Government Commitments. Some investments (such as a dedicated safety improvement in Auckland) will contribute to meeting multiple Government Commitments.

- 31.** Table 4 in the GPS in turn refers to an indicative ATAP package of investment \$28 billion for the first decade being funded from the NTLF, Crown funding, rates and the Auckland Regional Fuel Tax (discussed below), and an "investment expectation" of \$16.3 billion from the NTLF to 2027/28.

The NLTP

- 32.** The NLTP is a 3-year programme of prioritised activities, with a 10-year forecast of revenue and expenditure. It is prepared by Waka Kotahi-NZTA to give effect to the GPS and must be developed and approved in accordance with the LTMA.

- 33.** The NLTP reflects a partnership between Waka Kotahi-NZTA, which invests NLTf funding on behalf of the Crown, and local government, which invests local funding on behalf of ratepayers. It includes activities in the Rail Network Investment Programme (RNIP) which is approved by the Minister of Transport and funded from the NLTf through the Rail Network and Public Transport Infrastructure activity classes.

RLTPs

- 34.** For every region across the country, an RLTP is prepared by the RTC for the region. The RLTPs set out each region's transport objectives, policies and priorities, and list the activities and projects to be submitted as bids for funding from the NLTf. I return to the specific content requirements for RLTPs later in my evidence.

- 35.** Before submitting the RLTP to the AT Board for approval, the RTC must have taken into account likely funding from any source.¹¹ Further, an organisation such as AT may only propose an activity for inclusion in the RLTP if it or another organisation accepts financial responsibility for the activity.¹² Therefore, if there is no clear realistic source of funding for a proposed activity, it cannot be included in the RLTP.
- 36.** The approved RLTPs from each region are submitted to Waka Kotahi-NZTA, which uses them to inform its development of the NLTP. This involves selection and prioritisation of transport activities and associated funding from across the entire country.
- 37.** State Highway projects and nationally delivered programmes carried out by Waka Kotahi-NZTA that require funding from the NLTF must be first included in an RLTP. State highway activities proposed in the Auckland region by Waka Kotahi-NZTA are not included in the RLTP automatically, but only where the RTC decides to include them.¹³
- 38.** Any transport activity that requires NLTF funding therefore goes through a series of gates before it is ultimately funded: inclusion in the RLTP which prioritises activities on a regional basis, inclusion in the NLTP which prioritises activities on a national basis, and then approval by Waka Kotahi-NZTA under section 20 of the LTMA through a business case process. There is no guarantee of funding at any stage.

Crown funding outside the NLTF

- 39.** In addition to activities that are funded through the NLTF, the RLTP also identifies activities that are funded through other direct Crown funding sources, such as the City Rail Link and the New Zealand Upgrade Programme. These activities are included in the RLTP for completeness. However, the RTC has no discretion to remove or alter these programmes.
- 40.** KiwiRail's Capital Programme where there are urban passenger networks in the 10-year period is also included in the RLTP for

¹¹ LTMA, section 14(c)(iii)

¹² LTMA, section 16(4).

¹³ LTMA, section 16(3)(c).

completeness. The RTC does not have any discretion to remove or alter these programmes through the RLTP development process.

AT's role in preparing the RLTP

- 41.** As stated above, AT's statutory functions include preparing the RLTP for Auckland in accordance with the LTMA.¹⁴
- 42.** Outside of Auckland, each regional council is responsible for establishing its RTC, which is comprised of representatives of the regional council and the constituent district/city councils, together with one representative of Waka Kotahi-NZTA. Reflecting the unique position of AT in Auckland, the LTMA provides for the AT Board to perform both the RTC role and the regional council role with respect to the preparation and approval of the RLTP for Auckland. The Auckland RTC comprises the AT Board (which includes a non-voting Waka Kotahi-NZTA representative) and a non-voting KiwiRail member.¹⁵
- 43.** In other regions of New Zealand, the RTC is the forum through which the constituent district and city councils (who are responsible for transport delivery) and the regional council moderate and determine, as amongst themselves, what projects the region will put forward for funding. In effect, each council makes a bid for projects to be included, and the job of the RTC is to co-ordinate these bids to produce an integrated investment programme across local authority boundaries.
- 44.** It is important to appreciate that in preparing the RLTP, the RTC does not have any operational or delivery role. It has a power of prioritisation or final veto, but it cannot compel councils to put projects forward or to spend money; all it can do is say which proposals from those submitted should be included in the RLTP. Likewise, the RLTP itself does not 'do' anything on the ground and nor is it a decision to do anything. It is simply a plan, for the purposes of applying for funding.
- 45.** This statement applies equally in Auckland, even though in Auckland there is only one local authority (Auckland Council) and one local

¹⁴ Section 45(a) of the LGACA.

¹⁵ See definition of regional transport committee in section 5 of the LTMA and section 105A of the LTMA.

transport delivery agency (AT). This situation has facilitated the success of the ATAP process (which I discuss below), under which all of the relevant central and local government transport participants can reach agreement on an indicative transport programme for Auckland which is acceptable to the Government and the Council, and which does not then need to be "negotiated" before the RTC.

46. The primary function of Auckland's RTC is to prepare the RLTP for submission to the AT Board for approval.¹⁶ A new RLTP must be prepared every six years, and reviewed during the six months prior to the end of the third year of its currency, in accordance with the LTMA.
47. The Auckland RTC prepares the draft RLTP and AT publicly consults on it. The RTC considers and incorporates any consultation feedback as it considers appropriate before submitting the final proposed RLTP to the AT Board for approval. The AT Board must approve the Auckland RLTP by a date appointed by Waka Kotahi-NZTA.
48. The Auckland RTC is therefore responsible for assessing which activities should be included in the RLTP, and making recommendations to the AT Board accordingly. However, it is the AT Board which is ultimately responsible for deciding what projects to include in the RLTP.
49. The RTC's role is confined to the regional planning level and deciding which activities should be put forward (as part of the RLTP) for investment through the NLTF as a prioritised programme of activities. The RTC's role does not extend to involvement in the details of the activities themselves, but the RTC may make recommendations to the organisation responsible for the activity concerned about how the activity could or should be changed in a way that it considers necessary for it to be acceptable for inclusion in the RLTP.
50. The RTC's role is also confined to the assessment and prioritisation of those activities that will be funded by the NLTF, Auckland Council rates and the Regional Fuel Tax. As mentioned, it has no authority to alter or amend transport activities that receive direct Crown funding from other

¹⁶ It must also adopt a policy that determines significance in respect of the activities that are included in the RLTP and variations made to the Auckland RLTP: section 106(2) of the LTMA.



sources (such as the New Zealand Upgrade Programme), or KiwiRail's capital programme, but these are included in the RLTP for completeness.

51. Although the RTC's role in preparing the RLTP is different in Auckland, the fundamental purpose of an RLTP is the same everywhere in New Zealand: to set out a prioritised set of investments for the particular region within the context of that region. The RLTP and NLTP processes are a mechanism to reconcile what the region wants and will fund every three years, what central government is willing and wanting to fund and how to bring those two together.

Land transport funding and decision making

52. Transport activities in the RLTP are funded through a variety of different sources, driven by the fact that the NLTF and Council funding are no longer sufficient to meet the needs of Auckland's transport system.
53. Transport investment required for Auckland to meet its strategic transport objectives has had to move beyond these traditional funding arrangements. This brings complexity, competing priorities and a variety of decision makers and decision-making timelines and horizons into the mix. Trade-offs need to be made, and prioritisation where possible, becomes essential.
54. The NLTF is the primary funding source. As noted above, its allocation is guided by the GPS, which sets out 4 objectives of safety; improving freight connections; addressing climate change; and providing better travel options. Activities are prioritised for this fund at a regional and national level. Allocation decisions are ultimately made by the Board of Waka Kotahi-NZTA.
55. Auckland Council rates, development contributions and debt are also a significant source of funding. Allocation decisions on the level of funding received by AT are made by Auckland Council through its annual and long term plan processes and are guided by the Council's Strategic Plan.
56. The Auckland Regional Fuel Tax scheme, which began on July 2018, pays for new transport capital projects in Auckland that would otherwise

be delayed or not funded. This money cannot be used for renewals of transport services. Following public consultation, a decision is made by Auckland Council on the specific projects to receive this funding, and these projects are confirmed and included in an Order in Council. These projects are then prioritised within the RLTP.

57. The New Zealand Upgrade Programme, announced in January 2020 originally included \$3.4 billion package of investments for Auckland and is therefore another significant funding source. This is direct Crown funding and as such the decision maker on the allocation of these funds is the government. Neither the Council, the RTC, nor the AT Board has any discretion in the allocation of these funds. Other sources of direct Crown funding are also allocated directly by the Government

58. KiwiRail's capital programme is directly funded by the Government. Government is the decision maker on the content of the plan, and neither the Council, RTC or AT Board have any discretion in this decision making.

Content of the Auckland RLTP

59. The Auckland RLTP includes the land transport activities of AT, Auckland Council, Waka Kotahi-NZTA, KiwiRail, City Rail Link Ltd (**CRLL**) and other approved public organisations.

60. Like any RLTP, the Auckland RLTP must include:

- (a) the region's land transport objectives, policies, and measures for at least the 10 financial years from the start of the RLTP;
- (b) a statement of the region's transport priorities for the 10 financial years from the start of the RLTP;
- (c) a financial forecast of anticipated revenue and expenditure on activities for the 10 financial years from the start of the RLTP;

- (d) all regionally significant expenditure on land transport activities to be funded from sources other than the NLTf during the 6 financial years from the start of the RLTP; and
- (e) identification of any activities that have inter-regional significance.

61. Further matters that the Auckland RLTP must include, for the first 6 financial years (in order to seek payment from the NLTf), include:

- (a) the land transport activities proposed by AT;
- (b) the land transport activities that the RTC decides to include, and which are proposed by Auckland Council (other than those proposed by AT) or by Waka Kotahi-NZTA.

62. For each of these activities, the RLTP should contain certain information prepared by the organisation proposing the activity, including:

- (a) the objective or policy to which the activity will contribute;
- (b) an estimate of the total cost and the cost for each year;
- (c) the expected duration of the activity; and
- (d) any proposed sources of funding other than the NTLF.

63. The RLTP must also set out the order of priority of those activities which are significant. Significance is determined by reference to the significance policy adopted by the RTC, separately from the RLTP.

64. An organisation may only propose an activity for inclusion in the RLTP if it or another organisation has accepted financial responsibility for the activity.¹⁷

¹⁷ Section 16(4) of the LTMA.

65. The RLTP must also include the following.¹⁸

- (a) an assessment of how the plan complies with section 14 of the LTMA;
- (b) an assessment of the relationship of Police activities to the RLTP;
- (c) a list of activities that have been approved as qualifying for NLTF funding, but are not yet completed;
- (d) an explanation of any variation, suspension or abandonment of a proposed activity;
- (e) a description of how monitoring will be undertaken to assess implementation of the RLTP;
- (f) a summary of the consultation carried out in the preparation of the RLTP;
- (g) a summary of the policy relating to significance adopted by the RTC; and
- (h) a list of any significant rail activities or combinations of rail activities proposed by KiwiRail for the region; and
- (i) any other relevant matters.

Effect of including a project in the RLTP

66. The RLTP must include any activities for which funding is sought from the NLTF. The RLTP also includes activities that are funded through Auckland Council rates, the Regional Fuel Tax, user pays charges (parking fees and public transport fees), and other direct Crown funding sources in addition to the NLTF, for projects such as the City Rail Link and the New Zealand Upgrade Programme.

¹⁸ Section 16(6) LTMA.



67. Activities funded with direct Crown funding outside the NLTF are not subject to prioritisation or assessment against the GPS by the RTC, and the RTC has no authority to alter this Crown spend.

68. The approved RLTP submitted to Waka Kotahi-NZTA effectively presents a 'bid' for investment from the NLTF at the amount specified in the RLTP for each such activity. Waka Kotahi-NZTA receives these 'bids' from across New Zealand (in the form of each region's RLTP) and makes a national level decision as to which investments to support.

69. Any investment from the NLTF that Waka Kotahi-NZTA decides to approve with respect to any activity identified in an RLTP is then included in the NLTP. The practical effect of inclusion in the RLTP is therefore simply as an "offer" to Waka Kotahi-NZTA, which can be either accepted or refused when Waka Kotahi-NZTA comes to adopt the NLTP. If a project is accepted, its status in terms of potential NLTF funding arises out of its inclusion in the NLTP (not the RLTP). If it is not included in the NLTP, then it will not qualify for consideration for NLTF funding (subject to limited exceptions such as urgent safety or emergency works).¹⁹

70. Even if a project is included in the NLTP, this is only a prerequisite to funding from the NLTF, and not a guarantee, as Waka Kotahi-NZTA must also satisfy itself of other criteria set out in section 20 of the LTMA.

71. ATAP, which I go on to discuss below, complements this statutory process because it involves all of the relevant central and local government stakeholders (including Waka Kotahi-NZTA) coming together to reach a consensus as to an indicative land transport investment programme in Auckland, determined against an agreed set of objectives which reflect the GPS. As a result, there is a high level of confidence that activities in Auckland put forward in the RLTP and which derive from ATAP will be accepted for inclusion in the NLTP.

¹⁹ LTMA sections 20(2)(a) and 20(4).

Auckland Transport Alignment Project (ATAP)

72. Before discussing the preparation of the 2021 RLTP, I will briefly explain the ATAP, which was a significant part of the context to that RLTP.
73. In 2015, Auckland Council and central government developed a strategic partnership approach to address Auckland's transport challenges with a view to ensuring that the opportunities of the growing and diverse Auckland region were maximised. This strategic approach was named the Auckland Transport Alignment Project or ATAP.
74. ATAP is a non-statutory agreement between Government (Minister of Finance and the Minister of Transport) and Auckland Council on transport priorities for Auckland over a 10-year period. It is intended to align the transport priorities of Auckland Council and central government, to provide certainty for both parties in what each is willing to invest in, and to provide momentum for delivery. It reflects agreement at a political level on what projects and activities should be funded and delivered over a 10-year period. It includes an agreed a cross-agency partnership including the Ministry of Transport, Waka Kotahi-NZTA, KiwiRail, the Treasury, Auckland Council, AT and the State Services Commission.
75. Since 2015, ATAP has delivered a series of strategic reports and developed an indicative ten-year package of transport investments for Auckland (the **ATAP package**) on a regular basis. The ATAP Package informs statutory processes including preparation of the RLTP for Auckland and the NLTP. As such, the process of developing and agreeing the ATAP package is carried out with an awareness of the need to satisfy the legal requirements of those statutory documents, in particular consistency with the GPS. The involvement of central government ministries and Waka Kotahi-NZTA, and the need for Cabinet sign-off, also helps ensure that ATAP aligns with Government policy.
76. In 2020, central government and Auckland Council decided that the ATAP package for 2018 should be updated to reflect:
- (a) the impacts of COVID-19, including the impacts on Auckland Council and Government revenue;



- (b) the New Zealand Upgrade Programme²⁰ of transport investment in Auckland;
- (c) climate change and mode shift as increasingly significant policy considerations;
- (d) the need to provide direction to the upcoming round of statutory planning processes including the RLTP, the Auckland LTP, the GPS and the NLTP;
- (e) emerging priorities for urban development (such as housing) in Auckland.

77. A revised set of objectives for the ATAP package for 2021 was also agreed as follows:

- (a) enabling and supporting Auckland's growth, focusing on intensification in brownfield areas, and with some managed expansion into emerging greenfield areas;
- (b) providing and accelerating better travel choices for Aucklanders;
- (c) better connecting people, places, goods and services;
- (d) improving the resilience and sustainability of the transport system, significantly reducing the greenhouse gas (GHG) emissions the system generates;
- (e) making Auckland's transport system safe by eliminating harm to people;

²⁰ The New Zealand Upgrade Programme (NZUP) is a series of investments to the value of \$8.7 billion by central government in transport improvements across New Zealand's main growth areas - Auckland, Waikato, Bay of Plenty, Manawatu-Wanganui, Wellington, Canterbury and Queenstown. The objectives of the investment are to provide growing communities with better travel choices, support economic growth, respond to the impacts of travel in the environment and help enable housing. The NZUP programme is funded separately to the NLTF and its investments are not prioritised through the RLTP process.

(f) ensuring value for money across Auckland's transport system through well-targeted investment choices.

78. These objectives, while not identical to the strategic priorities set out in the GPS, are well aligned with them. There is particularly strong alignment between:

- (a) providing and accelerating better travel choices for Aucklanders (ATAP objective) and better travel options (GPS strategic priority);
- (b) improving the resilience and sustainability of the transport system, significantly reducing the GHG emissions the system generates (ATAP objective) and climate change (GPS strategic priority); and
- (c) making Auckland's transport system safe by eliminating harm to people (ATAP objective) and safety (GPS strategic priority).

79. The detailed process of preparing the ATAP package for 2021 is described in Mr Bunn's evidence. This included direct involvement by AT officials, guided by policy direction from AT's RTC and Design and Development Committee, as explained by Mr Bunn.

80. Although ATAP has no statutory status, it is extremely relevant to the RLTP. Apart from similarities at "objectives" level which I have noted earlier, ATAP contains the funding assumptions and investment programme for Auckland as agreed between central and local government, with input and advice from other stakeholders including AT and Waka Kotahi-NZTA (which prepares and adopts the NLTP). Further, ATAP was prepared in order to provide direction for the Auckland RLTP 2021-2031, alongside other relevant statutory documents.

81. From an Auckland local government perspective, ATAP is beneficial in two main ways:

(a) process-wise it represents a collaboration and an agreement with central Government, which means a high level of confidence that it will be funded and delivered;

(b) substantively, it produces funding which we might not otherwise receive, in order to achieve the agreed outcomes.

82. It was therefore envisaged by AT that the 2021 ATAP package would, once finalised, form the foundation of the programme of activities to be included in the 2021 RLTP.

83. That said, AT appreciated that the RLTP was subject to its own statutory process and constraints. Although the ATAP package was a significant input into the RLTP, preparation, finalisation and adoption of the RLTP was carried out by reference to the statutory requirements and considerations applying to regional land transport plans in the LTMA.

Development of the RLTP 2021

84. In this section, I provide a high-level overview of the process of developing and adopting the 2021 Auckland RLTP. This includes certain steps which are covered in detail in Mr Bunn's evidence, such as the identification "baseline" projects and the allocation of "discretionary" funding under the RLTP.

85. As is set out in Mr Bunn's evidence, in essence the first stage of the RLTP process was determining objectives to guide both ATAP and the RLTP. These were set out in the ATAP Terms of Reference in May 2020.

86. Once these were in place, AT began work to:

(a) identify baseline projects and programmes, being the existing matters which would be included in ATAP and the RLTP without further re-prioritisation;

- (b) seek internal proposals for new projects and programmes as well as increased funding for existing projects and programmes; and
- (c) undertake re-prioritisation of existing projects which were not part of the baseline, and prioritisation of new projects, to agree a 'shortlist' of projects to be included in ATAP (and in turn, the RLTP).

87. On 15 September 2020, the RTC was briefed on the development of the RLTP with reference to the ongoing ATAP programme (JC1-0064). The RTC was asked to decide on the strategic objectives for the RLTP on 29 October 2020 (JC1-0074).

88. Based on feedback on the ongoing ATAP programme, and informed by the process above, drafting of the RLTP began in late January 2021. As mentioned, the ATAP programme, which by that stage had been approved by the ATAP Governance Group, was used as the foundation for the programme of activities in the draft RLTP. Officers worked on preparing an RLTP which incorporated this programme, together with all of the other information required to be in an RLTP. The RTC oversaw this process, and it held RLTP meetings and workshops on 25 February 2021, 29 February 2021, 23 March 2021, 10 May 2021, 24 May 2021, 14 June 2021, 16 June 2021 and 18 June 2021.

89. The RTC received and considered the draft RLTP on 23 February 2021, and on 25 February 2021, the RTC approved the draft RLTP to go to the Auckland Council Planning Committee for its endorsement to be approved for consultation. The Planning Committee endorsed the draft RLTP for consultation on 11 March 2021.

90. On 23 March 2021, the RTC approved the draft RLTP for public consultation (JC1-0084). Public consultation on the draft RLTP (along with a proposal to vary the Regional Fuel Tax Scheme) took place between 29 March and 2 May 2021, with hearings on 29 and 30 April 2021. A total of 5,814 submissions were received, including from the applicant in these proceedings, All Aboard Aotearoa. A copy of its submission is at page 92 of exhibit NJL1 to the affidavit of Nicholas Lee

on behalf of the Applicant. AT summarised the submissions in a Condensed Public Feedback Report dated May 2021 (JC1-0101).

91. The RTC met to consider the feedback from public consultation, and whether changes should be made in response, on 10 May 2021 and 24 May 2021, and provided guidance on changes to the draft RLTP. The two presentations to the RTC are attached as exhibits JC1-0254 and JC1-0287.
92. The RTC held workshops on 14 and 16 June 2021 to discuss legal advice on the RLTP, including its consistency with section 14 of the LTMA and to discuss changes to the RLTP. An example of the feedback received from members of the RTC is attached as JC1-0363.
93. The RTC met to consider the revised draft RLTP on 18 June 2021 (the report to the RTC is exhibited as JC1-0365). At that meeting, the RTC recommended the RLTP for endorsement by the Council's Planning Committee and for approval by AT's Board. The minutes of this meeting are at JC1-1085.
94. On 24 June 2021 the Council's Planning Committee met to consider the draft RLTP. This meeting is covered in the evidence of Ms Tyler, which I have read in draft, and so I do not discuss it here or exhibit the relevant documents. The Planning Committee resolved to endorse the RLTP for submission to AT's Board.
95. The AT Board approved the final RLTP on 28 June 2021. The officer's report to the AT Board is attached at JC1-1092. The minutes of that Board meeting are attached as JC1-1230.

Steps following approval of the RLTP – Approval of NLTP

96. Following approval of the RLTP, AT sent copies to various organisations and agencies, including Waka Kotahi-NZTA, as required by the LTMA, and made the RLTP publicly available.²¹ At this time, regional councils throughout New Zealand were also approving their RLTPs and providing them to Waka Kotahi-NZTA.

²¹ Section 18F of the LTMA.

97. The focus of the process then shifted to Waka Kotahi-NZTA, and its synthesising of these regional plans into a New Zealand-wide investment programme, the NLTP. The 2021-2024 NLTP as approved by Waka Kotahi-NZTA was released on 7 September 2021. A copy is at JC1-1239.

AT's climate change initiatives and policies

98. AT takes its responsibilities to address climate change very seriously. Its commitment to environmental outcomes and its strategic priorities are set out in Hikina te Wero, the AT Environment Action Plan 2021 – 2030. Sitting alongside this are a Facilities Emissions Reduction Action Plan and a Sustainable Procurement Action Plan. Additionally, AT has identified and prioritised its climate change impacts, and will be developing adaptation plans. Outside of the RLTP context which is the central focus of this case, AT also has various environmental initiatives underway, including:

- (a) an LED conversion programme for streetlights;
- (b) reducing operational emissions (from our corporate activities (e.g. office energy) and assets (e.g. streetlights and trains)) by 50% (on 2018) by 2030;
- (c) provision of 50 free public electric vehicle charging stations;
- (d) electrification of AT's corporate vehicle fleet; and
- (e) a Low Emission Bus Roadmap, which commits to transitioning the entire public transport bus fleet from diesel to low emission by 2035. This includes a commitment to purchase no new diesel buses from January 2021.


99. In addition to the AT-specific context, there are the environmental initiatives and plans underway at a Council level, in particular Te Tāruke-ā-Tāwhiri. These are discussed in Ms Tyler's evidence.



100. Overall, there are many policy initiatives and funding streams working towards the goal of emissions reduction and environmental sustainability. These are at a local, regional and national level. At a transport planning level, these include broader initiatives such as those related to urban intensification and freight.

101. The RLTP is an important part of this context, but is only one component. It is able to contribute to both central government and Auckland Council climate change objectives. However, as Mr Bunn explains in detail, the extent of what the RLTP can achieve in terms of supporting reductions in GHG emissions from the Auckland land transport system is limited for a variety of reasons. These include the level of pre-committed projects when the RLTP was being prepared, the limits on available funding, and perhaps most significantly, that the RLTP is not a regulatory document. For that reason, it cannot require the wider interventions (such as congestion or distance-based pricing, or fleet efficiency) that will be needed to significantly reduce land transport sector emissions.

Signature of deponent:



Jenny Elizabeth Anne Chetwynd

Affirmed at Auckland on 25 February 2022

Before me:



Signature

Beth Forc
Solicitor
Auckland

Name
A Solicitor of the High Court of New Zealand

