

Canterbury Regional Transport Committee

Decision Item

Agenda item number	10	Date	26 May 2017
Portfolio	Transport	Regional Land Transport Plan Issue?	Yes
Author	Lorraine Johns, Principal Advisor, Environment Canterbury	Endorsed by	Samantha Elder, Programme Manager, Environment Canterbury

Variations to Canterbury Regional Land Transport Plan

- State Highway 1 Clarence to Oaro Improvements
- Waimakariri Bridge Improvement

Purpose

1. To amend the Regional Land Transport Plan (RLTP) pursuant to section 18D of the Land Transport Management Act 2003 (LTMA), and to agree to consultation on a proposed variation in accordance with the significance policy in the RLTP.

Overview

2. The Regional Transport Committee (RTC) may prepare a variation to its RLTP during the 6 years to which it applies if the variation addresses an issue raised by a review or good reason exists for making the variation.
3. A variation may be prepared by the RTC at the request of an approved organisation, the New Zealand Transport Agency or on the RTC's own motion.
4. The RTC must consider any variation request promptly.
5. The provisions of LTMA that apply to the preparation of a full RLTP apply with the necessary modifications to a variation of an RLTP. Consultation is not required for any variation that is not deemed significant in the criteria set out in the RLTP or arises from the declaration or revocation of a State Highway.
6. The RTC may recommend that Environment Canterbury vary the RLTP. Final approval of the variation rests with Environment Canterbury.

Recommendations

That the RTC:

1. **Resolves** that good reason exists for making the variation (Clarence to Oaro) as set out in this paper and the attachment from the New Zealand Transport Agency;
2. **Concludes** that the requested variation (Clarence to Oaro Improvements) is non-significant, in terms of the significance policy set out in the Regional Land Transport Plan;
3. **Agrees** to vary the Regional Land Transport Plan adding the proposed activity to Appendix A 'Activities included in the Canterbury Land Transport Programme';
4. **Recommends** this variation be lodged with Environment Canterbury, pursuant to section 18B of the Land Transport Management Act 2003.
5. **Resolves** that good reason exists for making the variation (Waimakariri Bridge Improvement) as set out below in the New Zealand Transport Agency's paper;
6. **Concludes** that the requested variation (Waimakariri Bridge Improvement) is significant, in terms of the significance policy set out in the Regional Land Transport Plan;
7. **Establishes** a sub-panel of the Regional Transport Committee to prepare and to oversee public consultation on the variation;
8. **Confirms** that the necessary public consultation will include oral hearings;
9. **Notes** that the sub-panel will report back to the Regional Transport Committee with recommendations on 25 August 2017.

Key points

7. The variations have been requested by the New Zealand Transport Agency, which is an approved organisation.
8. The first proposed variation is for an amount greater than the \$5 million threshold in the significance policy in the RLTP.
9. The New Zealand Transport Agency has advised that good reason exists for this variation as the improvements proposed between Clarence and Oaro are for transport outcomes deemed necessary to enhance safety, resilience, reliability, access and amenity to support tourism and economic recovery following the earthquakes. These enhancements for safety and access have been identified through the SH1 Picton to Christchurch Programme Business Case and there is an urgent opportunity to deliver these while the road is closed and gain cost savings by implementation in conjunction with the North Canterbury Transport Infrastructure Recovery Alliance work.
10. As noted in NZTA's paper, below, there has been stakeholder consultation in relation to this proposed change in accordance with the Hurunui/Kaikōura Earthquakes Recovery (Coastal Route and Other Matters) Order 2016.

11. These works are of national significance and a request for a similar variation was approved by the Regional Transport Committee on 24 February 2017. Staff consider that this proposed variation is a 'funding requirement for preventative maintenance and emergency reinstatement' (as set out in the Significance Policy), and therefore that it can be considered as not significant. The works will ensure the state highway network will function safely and effectively once it is re-opened, and that it will meet the social and economic needs of the community. As a result, the necessary changes to the RLTP can be made without further consultation.
12. The RLTP significance policy was discussed at length on 24 February 2017 and it was agreed that this policy needed review as part of the statutory review of the Regional Land Transport Plan.
13. The second proposed variation is for an amount greater than the \$5 million threshold in the significance policy and is therefore significant. As such, public consultation will be required. NZTA has advised that good reason exists for this proposed variation. NZTA is currently constructing the Northern Arterial, and there is a window of opportunity to include the southbound lane as part of that construction for less cost. The estimated cost is \$20 million, but if the southbound lane is constructed later (it is estimated it is needed in the next 3-5 years), the cost is estimated to be \$34 million. This is because plant and machinery would need to be brought back for a second time. The improvement to the Waimakariri Bridge will help to address travel time reliability generally and public transport travel time reliability specifically, as set out in the Picton to Christchurch Programme Business Case. The proposal has been well canvassed with stakeholders as part of developing that business case.
14. It is proposed that the Committee establish a sub-panel of three to four members to consider submissions and report back to the Committee with recommendations on 25 August 2017.
15. The Committee needs to decide whether public consultation will include oral hearings or will be limited to written submissions. There is no legal requirement under the Land Transport Management Act 2003 for the Committee to hold oral hearings while consulting on this proposed variation.
16. Rather, the Committee must consult in accordance with the consultation principles specified in section 82 of the Local Government Act 2002 (attached).
17. One of those principles is that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons
18. In deciding whether oral hearings should be held, the Committee can take the following factors into account (amongst other factors):

- the significance of the change proposed
- whether there are a wide range of likely views (including the strength of opposing views) and
- whether it is sufficient for those who may have a view, to put those views in writing.

19. Staff's view is that, given the likely public interest and divergence in views arising from the proposed variation, it would be appropriate for the consultation on this matter to include a hearing, if sought by submitters.

Attachments:

1. Section 82 Local Government Act 2002
2. Report from NZTA on variations
3. Copy of Regional Land Transport Plan Appendix 2 Significance Policy

Attachment 1: Section 82 Local Government Act 2002

Principles of consultation

(1)

Consultation that a local authority undertakes in relation to any decision or other matter must be undertaken, subject to subsections (3) to (5), in accordance with the following principles:

(a)

that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons:

(b)

that persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority:

(c)

that persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented:

(d)

that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons:

(e)

that the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration:

(f)

that persons who present views to the local authority should have access to a clear record or description of relevant decisions made by the local authority and explanatory material relating to the decisions, which may include, for example, reports relating to the matter that were considered before the decisions were made.

(2)

A local authority must ensure that it has in place processes for consulting with Māori in accordance with subsection (1).

(3)

The principles set out in subsection (1) are, subject to subsections (4) and (5), to be observed by a local authority in such manner as the local authority considers, in its discretion, to be appropriate in any particular instance.

(4)

A local authority must, in exercising its discretion under subsection (3), have regard to—

(a)

the requirements of [section 78](#); and

(b)

the extent to which the current views and preferences of persons who will or may be affected by, or have an interest in, the decision or matter are known to the local authority; and

(c)

the nature and significance of the decision or matter, including its likely impact from the perspective of the persons who will or may be affected by, or have an interest in, the decision or matter; and

(d)

the provisions of [Part 1](#) of the Local Government Official Information and Meetings Act 1987 (which Part, among other things, sets out the circumstances in which there is good reason for withholding local authority information); and

(e)

the costs and benefits of any consultation process or procedure.

(5)

Where a local authority is authorised or required by this Act or any other enactment to undertake consultation in relation to any decision or matter and the procedure in respect of that consultation is prescribed by this Act or any other enactment, such of the provisions of the principles set out in subsection (1) as are inconsistent with specific requirements of the procedure so prescribed are not to be observed by the local authority in respect of that consultation.

Attachment 2

AGENDA ITEM NO: 10	SUBJECT MATTER: <i>REQUEST TO VARY THE REGIONAL LAND TRANSPORT PLAN 2015</i>
	RLTP MATTER: Yes
REPORT BY:	Michael Blyleven , Transport Planning Manager, NZ Transport Agency
ENDORSED BY:	Lorraine Johns , Principal Advisor, Environment Canterbury

Purpose

This paper:

1. requests a variation to the State Highway Improvement Programme in the RLTP and
2. advises of another proposed variation for inclusion of improvements to the Waimakariri River Bridge, which is of significance.

This report sets out information about these activities.

RECOMMENDATIONS

That the Canterbury Regional Transport Committee:

1. *Endorses the variation to the State highway improvement programme in the RLTP with the addition of the "Kaikoura Nov 2016 EQ SH1 between Clarence and Oaro (NLTF) improvements;*
2. *Notes that the requested variation for the Waimakariri Bridge safety and reliability improvement is of significance and advice has been provided by Environment Canterbury that consultation on this proposed variation is required before a decision is made by the Committee on the endorsement of this variation.*

Background

Clarence and Oaro improvements

The New Zealand Transport Agency has undertaken the SH1 Picton to Christchurch Programme Business Case (PBC) in collaboration with partners and stakeholders to identify problems, benefits and potential solutions to address these. The investment objectives are to improve safety, resilience, reliability, access and amenity.

Along the Kaikōura Coast between Clarence and Oaro there is major reinstatement work underway to address resilience issues. Further enhancements for safety and access have been identified through the SH1 Picton to Christchurch Programme Business Case and there is an urgent opportunity to deliver these while the road is closed and gain cost savings by implementation in conjunction with the North Canterbury Transport Infrastructure Recovery Alliance (NCTIR) work. The activities have strong community support and will significantly assist economic recovery.

Waimakariri Bridge improvement

On the northern approach to Christchurch an additional third southbound lane on the Waimakariri River Bridge has been recommended as an urgent short term response to morning peak congestion and reliability issues. There is an opportunity to deliver this with the Christchurch Northern Corridor alliance work already under design and construction of the Northern Arterial (Christchurch Motorways - Roads of National Significance). Congestion is exacerbated by a high proportion of single occupant vehicles (85%) crossing the river and such continued growth is unsustainable with downstream social impacts on the Christchurch City local network. The UDS partners have a travel demand strategy and the UDS Implementation Committee supports the third lane providing it includes high occupancy vehicle lanes and a cycle clip-on to address a major capacity issue.

To deliver these improvements the following additional activities are requested for inclusion in the RLTP.

Activity Class	Project Name	Start Year	End Year	Total Cost for all years	Action and Comment
State Highway Improvements	Kaikoura Nov 2016 EQ: SH1 between Clarence & Oaro (NLTF) improvement	16/17	19/20	\$200,000,000	Add;;
State Highway Improvements	Waimakariri Bridge safety and reliability improvement	17/18	19/20	\$20,000,000	Add;;

ASSESSMENT OF SIGNIFICANCE

Clarence to Oaro improvements

The proposed SH1 Clarence to Oaro improvements have been developed in consultation with stakeholders through the SH1 Picton to Christchurch Programme Business Case and ongoing engagement with the Kaikōura Earthquake Restoration Liaison Group (RLG). The RLG was set up under clause 4 of the Hurunui/Kaikōura Earthquakes Recovery (Coastal Route and Other Matters) Order 2016 (the OIC). All parties have indicated strong support for the improvements proposed. Further stakeholder involvement will be ongoing throughout the project development.

The urgency for these improvements is the need to undertake this work while the state highway is closed (minimises the impact on travellers) and large cost savings through delivery synergies with the major reinstatement work currently underway on SH1. In addition, the truncated Clause 11 consenting process in the OIC will be used for the proposed

improvements, allowing these works to form part of the North Canterbury Transport Infrastructure Recovery Programme (consents must be lodged by 9 June 2017).

The significance policy lists a number of variations that are not considered significant for the purposes of consultation, including: *Funding requirements for preventative maintenance and emergency reinstatement activities.*

The proposed improvements could be deemed to fall within this classification and therefore would not be considered significant.

Clause 3 of the OIC defines restoration work to mean: *any activity that, because of or in connection with the Hurunui/Kaikōura earthquakes, it is necessary or desirable to undertake to, without undue delay, restore the coastal route and enable it to be used fully, effectively, and safely; and includes any activity necessary or desirable to repair and rebuild the coastal route; and enhance the safety and improve the resilience of the coastal route.* The improvements now proposed between Clarence and Oaro are for transport outcomes deemed necessary to enhance safety, resilience, reliability, access and amenity to support tourism and economic recovery following the earthquakes. It is suggested that the significance policy could be read alongside the approach taken to defining restoration work in the OIC.

The RLTP significance policy was discussed at length on 24 February 2017 and it was agreed that this policy needed review as part of the statutory review of the Regional Land Transport Plan.

Waimakariri Bridge improvement

The Waimakariri Bridge improvement has arisen from the rapid land-use growth and resultant congestion and unreliable travel time on the northern access to Christchurch following the Christchurch earthquakes.

There is an opportunity for cost savings to deliver this with the Christchurch Northern Corridor Alliance work already underway. Ongoing traffic growth has raised concerns about the continued use of single occupant vehicles accessing the city especially the social impacts of traffic through the St Albans community. The Transport Agency and the Greater Christchurch Urban Development Strategy partners support travel demand management and behaviour change to more sustainable travel modes. This has led to the Waimakariri Bridge proposal incorporating a 3rd southbound lane, to be used as a high occupancy vehicle lane and a cycleway connection (to improve cycling safety) (Attachment 1 refers). There may be potential downstream impacts through the St Albans area in relation to which the local community has previously raised concerns.

Based on this, the significance policy applies and public consultation is required.

ATTACHMENT 1

Greater Christchurch Urban Development Strategy Implementation Committee, Meeting 7 April 2017.

Agenda papers are here:

http://christchurch.infocouncil.biz/Open/2017/04/GCUC_20170407_AGN_1409_AT.PDF
(pages 15-20)

Minutes and resolutions are here:

http://christchurch.infocouncil.biz/Open/2017/04/GCUC_20170407_MIN_1409.PDF (page 4)

Canterbury Regional Land Transport Plan 2015

Significance policy (page 50 of published document)

Each regional transport committee must, in accordance with section 106(2) of the Act, adopt a policy that determines “significance” in respect of variations it wishes to make to its RLTP as provided for by section 18D of the Act and the activities that are included in the plan under section 16.

If good reason exists to do so, a regional transport committee may prepare a variation to its RLTP during the period to which it applies. A variation may be prepared by a regional transport committee:

- i. at the request of an approved organisation or the transport agency
- ii. on the regional transport committee’s own motion.

Consultation is not required for any variation to the RLTP that is not significant in terms of this Significance Policy.

The Significance Policy is defined below.

Variations are considered significant if:

- An improvement activity is large or of strategic importance. These are activities with an estimated construction cost (including property) exceeding \$5M and/or that have significant effect on the objectives in this Plan or have significant network, economic or land use implications or impact on other regions.
- Activities relating to local road maintenance, local road renewals, local road minor capital works, and existing public transport services valued at over \$5M or 20 per cent of the total value of the activity class for the relevant authority, whichever is the larger.
- Removal of activities within the programmes identified as priority 2 or 3 which would individually or collectively reduce programme expenditure by more than 20 per cent over the six years of this Plan.
- Any other activity that the regional transport committee resolves as being regionally significant.

For the avoidance of doubt, the following variations to the RLTP are considered not significant for purposes of consultation:

- i. Addition of an activity or combination of activities that has previously been consulted on in accordance with section 18 of the Act.
- ii. A scope change to an activity that, when added to all previous scope changes for the same activity, varies by less than \$5M from its cost as shown in the current NLTP and does not materially change the objective(s) and proposed outcomes of the activity.

- iii. Replacement of activities within an approved programme or group with activities of the same type and general priority.
- iv. Funding requirements for preventative maintenance and emergency reinstatement activities.
- v. For improvement projects variations to timing, cash flow or total cost resulting from costs changes.
- vi. End-of-year carry-over of allocations.
- vii. Addition of the investigation or design phase of a new activity which has not been previously consulted upon in accordance with section 18 of the Act.
- viii. Variations to timing of activities if sufficient reasoning is provided for the variation and the variation does not substantially alter the balance.

For activities included in the Plan, section 16(3)(d) of the LTMP requires the Plan to show the order priority for all activities identified by the regional transport committee as significant. The policy for determining significance for 16(3)(d) is that projects are deemed regionally significant if they are:

- priority 1, 2 or 3 activities
- priority 4 activities and have a total cost of over \$5M
- any other activity that the regional transport committee resolves as being regionally significant.