

## 2.41 – Strategic Transport Corridor zone – section 32 evaluation for the Proposed Auckland Unitary Plan

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## **1 Overview and Purpose**

### **1.1 Subject Matter of this Section**

The subject matter of this report is the Strategic Transport Corridor zone. The zone is described in 7-Strategic Transport Corridor of the Proposed Auckland Unitary Plan (the Unitary Plan) as follows:

“This zone provides the flexibility needed for the development of the state highway and railway corridors and for a wide range of activities for transporting people and goods...By applying a Strategic Transport Corridor zone to these corridors, provisions can be put in place to facilitate the integrated use of the corridors as a single transport network and provide more certainty around services and activities.”

### **1.2 Resource Management Issue to be Addressed**

The subject matter of this report assists in addressing the following issues of regional significance identified in the Unitary Plan:

- Issue 1- Enabling quality urban growth
- Issue 2- Enabling economic well-being.

More specifically, there is a need to adopt an approach to manage the strategic transport corridor so that it can be:

- developed and used for wide range of activities associated with the transportation of people and goods
- used as a single, integrated transport system operated by more than one agency
- used for interim non-transport related activities that does not undermine the future use of the corridor for transport purposes.

It is noted that designations will remain the primary means of managing and operating Auckland’s state highway and railway corridors. Activities carried out under these designations are restricted to the core activities associated with the individual authorities.

### **1.3 Significance of this Subject**

Applying a Strategic Transport corridor zone to the state highway and railway corridors enables provisions to be put in place to facilitate the integrated use of the corridors as a single transport network and provide more certainty around services and activities. This will enable better co-ordination between individual agencies responsible for transport infrastructure.

In some circumstances, such as staged land acquisition for long-term projects, it will be appropriate to zone land for non-transport related activities until the land is required. The zone provisions will provide for these activities while ensuring the corridor’s primary transport function is not undermined.’

### **1.4 Auckland Plan**

The objective is consistent with the following directives from the Auckland Plan: Directive 13.1-manage Auckland’s Transport system in accordance with eth principles in Box 13.1 of the Auckland Plan and review existing policies to reflect Auckland’s single system transport approach and principles

Paragraph 747 also states that Auckland Transport and NZTA must forge strong working relationships to implement the single transport approach.

Directive 13.2- Manage Auckland’s Transport system according to the following transport functions...

- National-inter-regional connections by road, rail, sea and air
- Auckland-wide-those parts of the transport system that provide safe and efficient movement of people and goods through all or parts of Auckland.

Paragraph 753 states that to plan for Auckland's future transport, the role and function of each mode in the system should be determined, in order to manage and develop transport effectively as a single system. This helps determine the balance between movement and place.

Directive 13.8-Support and advocate for effective inter-regional connections that support future growth and demand, and increased freight efficiencies.

Box 13.5 outlines key inter-regional connections.

### **1.5 Current Objectives, Policies, Rules and Methods**

In general, the legacy provisions have a range of provisions varying between specific transport type zone/provisions for the corridors to zoning according to the adjacent zone adjoining the motorway or rail corridor. The provisions of the adjacent zone would also apply. For example the Isthmus and Central area sections were similar to the proposed provisions in having an underlying zone that enabled transport uses similar to a single integrated system. Other infrastructure such as utilities were also provided for.

Other legacy provisions relied on the designation as the prime means of developing the motorway or railway corridor, with the underlying zone being that of the adjacent zone adjoining the motorway, with the adjacent zone provisions applying accordingly.

### **1.6 Information and Analysis**

The range of provisions in the legacy plans varied, so consultation was undertaken with NZTA, Kiwirail and Auckland Transport to determine the appropriate provisions. In the discussions, it was considered that a dedicated transport corridor was appropriate. Provisions were drafted and reviewed by parties concerned and Council's legal team.

Designation remains the primary means of developing the corridor, but the zone is complementary to the designation in that it does not duplicate the core functions enabled by the designations. Numerous meetings and discussion were held with the above named parties to refine the provisions so that the zone also enabled non-transport related uses without undermining the future use of the corridor for transport purposes.

Furthermore, adverse effects and reverse sensitivity issues were also addressed in the provisions.

The documents of most relevance to this report in developing the Strategic Transport Corridor are listed in 5.1.

Internal and external feedback received throughout the development of the zone also provided information and analysis.

### **1.7 Consultation Undertaken**

This zone was requested by NZTA and KiwiRail to reflect the regional and national importance of the State highway and rail network and has been developed in conjunction with Auckland Council. Auckland Transport has also been consulted though, in general, the zoning does not apply to transport infrastructure for which Auckland Transport is road

controlling authority or requiring authority<sup>1</sup>. AT did not wish to apply this zone to the roads for which it is requiring authority, preferring instead to rely on the network utility and transport provisions of the Unitary Plan.

It should be noted the agencies involved have different responsibilities and economic imperatives, and have cooperated to develop a zone which will enable the development of parts of Auckland's transport corridor land as a single, integrated transport system. The zone reflects the planning opportunities provided by linear physical corridors, but also it incorporates the reasonable alternate use of corridor land; which may have a commercial component.

### **1.8 Decision-Making**

As noted in 1.7 above, various iterations of the draft provisions were discussed and amended between Auckland Council, NZTA, Kiwirail and Auckland Transport. The provisions were also internally circulated within Council to departments such as Transport Strategy Unit, BEU for comment and suggested changes.

Amendments were made accordingly and circulated to Senior Management for comment prior to endorsement by the Council firstly for the August 2012 Unitary Plan draft and the March 2013 Unitary Plan draft.

### **1.9 Proposed Provisions**

The subject matter of this report is the Strategic Transport Corridor zone (**STCZ**). The zone is described in 7-Strategic Transport Corridor of the Unitary Plan as follows:

“This zone provides the flexibility needed for the development of the state highway and railway corridors and for a wide range of activities for transporting people and goods...By applying a Strategic Transport Corridor zone to these corridors, provisions can be put in place to facilitate the integrated use of the corridors as a single transport network and provide more certainty around services and activities. In some circumstances, such as staged land acquisition for long-term projects or, where space allows, using land for non-transport activities is equally as appropriate. The zone provisions will provide for these activities while ensuring the corridors primary transport function is enabled.”

The purpose of the zone is to provide for state highway and railway corridors to be:

- developed and used for a wide range of activities associated with the transportation of people and goods
- used as a single, integrated transport system operated by more than one agency.
- used for interim non-transport related activities that do not undermine the future use of the corridor for transport purposes

The zone provides certainty as to the activities that can be undertaken and assists in planning and investment across transport modes.’

The relationship of the zone to the transport designations which also apply is outlined in 7-Strategic Transport Corridor as follows:

‘Most of the zone is subject to designations by KiwiRail and the New Zealand Transport Agency. Designations will remain the primary means of managing and

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<sup>1</sup> The STCZ is applied to the Northern Busway for which Auckland Transport is requiring authority. It has been applied here given the proximity of the busway to the motorway and interconnectivity of the activities.

operating Auckland's state highway and railway corridors<sup>2</sup>. In general terms, the activities carried out under these designations are restricted to the core activities associated with the individual activities.

The activity table for the Strategic Transport Corridor zone is found at Chapter I-Strategic Transport Corridor. It includes the following permitted activities:

- construction, maintenance, upgrade and use of cycleways and walkways
- landscaping and artworks
- operation, maintenance, and use of roads, railways and transport equipment
- buildings associated with transport activities and buildings associated with transport storage yards - with activity status further varying between permitted, restricted discretionary and discretionary depending on height and distance from a residential zone
- noise attenuation walls or fences
- temporary activities associated with transport activities including temporary materials and machinery storage, temporary ablution facilities and temporary buildings
- Any other activity not otherwise listed above and provided for within an adjoining zone as a permitted, controlled or restricted discretionary activity.

The activity table does not provide for the construction and or significant upgrade of roads and railways as this is expected to be addressed by the existing designations, a new Notice of Requirement, Alteration to an Existing Notice of Requirement or an Outline Plan of Works.

Construction and upgrade of cycleways and walkways is provided for as a permitted activity within the STCZ as these activities are often not accommodated by existing designations and are considered to be complimentary to supporting multi-modal transport opportunities. Other permitted activities (e.g. noise attenuation walls or fences and temporary activities) are provided for to facilitate both the operation of the transport corridor and to manage potential effects on adjacent sites without unnecessary regulatory burden.

The following definitions of transport equipment and transport storage yards in the definitions section of the Unitary Plan are of particular relevance as these uses are provided for in the activity table:

#### **“Transport equipment**

Equipment located within state highways and rail corridors to facilitate the movement of vehicles, goods, and, pedestrians.

Includes:

- parking control devices
- passenger shelters
- quantity and conveyance infrastructure related to the transport network
- real time passenger information displays
- road signage
- artworks
- street and rail furniture
- street lights
- tidal flow mechanisms and stormwater treatment
- toll and ticketing infrastructure

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<sup>2</sup> Suggest reword as follows: 'Most of the zone is subject to designations by KiwiRail and the New Zealand Transport Agency. These designations will remain the primary means of managing and operating Auckland's state highway and railway corridors'

- traffic and pedestrian monitoring cameras
- traffic and rail lights and associated control structures
- underpasses and overpasses
- ventilation structures.’

#### **“Transport storage yards**

Areas for storage of materials related to transport activities or transport equipment, including but not limited to equipment, raw products and machinery.’

The provisions also provide for *“other activity not otherwise listed in the activity table and provided for within an adjoining zone as permitted, controlled or restricted discretionary activity”* being classified as a Restricted discretionary activity.

This is to ensure consistency with objective 4 and policy 3 for the Zone. In order to give better effect to the objectives and policies it is preferable that any activity from an adjoining zone is a Restricted discretionary activity and managed through appropriate assessment criteria to deal with any conflict with the future use of the corridor. This ensures the Council retains sufficient discretion to protect the corridor from inappropriate or conflicting uses (ie by declining consent).

#### **1.10 Reference to other Evaluations**

The list below identifies the s32 evaluations of most relevance to this report.

- 2.11 Biodiversity
- 2.15 Mana whenua cultural heritage
- 2.19 Landscapes
- 2.24 Urban stormwater
- 2.31 Earthworks
- 2.40 Cycle parking
- 2.43 Land transport noise
- 2.44 Air quality buffers-major roads

## **2 Objectives, Policies and Rules**

### **2.1 Objective-Appropriateness**

#### **RPS level objectives-Chapter B**

#### **3.2 Significant infrastructure and energy O2, O3**

#### **3.3 Transport O1, O2, O3**

#### **District level objectives-Chapter D**

#### **7. Strategic Transport Corridor O1, O2, O3, O4**

The following objectives under 3.2 Significant infrastructure and energy (RPS level) are relevant to the topic:

- '2. The benefits of significant infrastructure which service the wider community, Auckland or New Zealand are recognised, including:
  - a. the essential services provided by infrastructure networks, which provide for the functioning of communities, businesses and industry
  - b. enabling economic growth
  - c. providing for public health, safety and the well-being of people and communities
  - d. contributing to a well functioning and liveable Auckland
  - e. protecting the quality of the natural environment
  - f. enabling interaction and communication.
3. Development, operation, maintenance, and upgrading of significant infrastructure is provided for and enabled, while managing any adverse effects it may have on:
  - a. areas with significant landscape, cultural and historic heritage, and natural ecological and biodiversity values
  - b. the health, safety and amenity of communities.'

The definition of infrastructure in the definitions section refers to 'the basic facilities, services and installations that enable a community to function' and includes 'motorways and roads' 'public transport' and 'railways'. Auckland's state highways and rail clearly fit within the Unitary Plan definition of significant infrastructure which is as follows:

- Existing or proposed infrastructure, or a component of infrastructure, which:
- due to its location, function, development or operation, is of strategic (critical) importance to the form, function and/or growth of Auckland, or otherwise has national significance; or
  - if unavailable, would have a serious adverse effect on the social or economic wellbeing of Auckland or a community within Auckland; or
  - it is a lifeline utility as defined in Section 4 of the Civil Defence Emergency Management Act 2002.

The following objectives under 3.3 Transport are relevant to the topic:

- '2. *An effective, efficient and safe integrated transport system that is integrated with, and supports, a quality, compact form of urban growth and associated land use.*
3. *A well developed, operated and maintained transport system that manages potential adverse effects on the natural environment and the health, safety and amenity of people and communities.*

4. *A transport system that facilitates transport choices and enables accessibility and mobility for all sections of the community.'*

Auckland's transport system, is described in the introduction to 3.3 as follows:

'Auckland's transport system comprises

- State highways, all other roads, rail, ports, airports and airfields, public transport (land and sea), parking spaces and structures, accessways, cycle and pedestrian routes, and all of their related facilities.
- broader elements including transport users and their behaviours, and the interaction between land use activities and transport networks.

The following district level objectives at 7 Strategic Transport Corridor, are relevant

- '1 *Railway and state highway corridors are used safely, effectively and efficiently for the transportation of people and goods in an integrated manner.*
- 2 *Land identified for railway and state highway corridors can be developed and used for non-transport related activities without undermining the future use of the corridor for transport purposes.*
- 3 *Potential effects of noise mitigation measures on adjacent development are managed.'*
- 4 *Any non-transport related activities do not generate adverse reverse sensitivity effects on the operation of the corridor.*

### **Appropriateness**

#### **Relevance**

#### **Relevance-Addressing the key Unitary Plan issues**

The objectives address the following issues identified in Chapter B of the Unitary Plan which contains the Regional Policy Statement:

Issue 1- Enabling quality urban growth

Issue 2- Enabling economic well-being

#### **Relevance-Achieving the purpose of the Act**

Section 5 – s.5(1) states that the purpose of the Act is 'to promote the sustainable management of natural and physical resources'. The objectives are in accordance with this purpose. The highway and rail corridor are physical resources which need to be sustainably managed.

In accordance with section 5(2), the objectives seek to manage 'the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety'.

The RPS level objectives 2 and 3 at 3.2 and objective 1 at 3.3 are consistent with s5(2). They recognise that infrastructure provides essential services for the functioning of communities, businesses and industry. At the district level, objective 1 at 7-Strategic Transport Corridor recognises the importance of using railway and state highway corridors efficiently for the transport of people and goods.

The list below identifies which of the objectives being considered are most closely related to providing for the three well-beings (social, economic and cultural) and for their health and safety.

- social - 3.2 O2a, O2d, O2f, O3b; 3.3 O1, O2, O3; 7-Strategic Transport Corridor O1
- economic - 3.2 O2a, O2b, O2d; 3.3 O1, O3; 7-Strategic Transport Corridor O1, O2, O4
- cultural - 3.2 O3a
- health and safety 3.2 O2c, O3b; 3.3 O2; 7-Strategic Transport Corridor O3

Objective 1 at 2.3.3 refers to a transport system 'necessary to support Auckland's population and economic growth'. This is consistent with sustaining the potential of the transport system (which includes state highways and the rail corridor) 'to meet the reasonably foreseeable needs of future generations' (s5(2)(a)). Similarly, objective 2 and 4 in 7-Strategic Transport Corridor recognises the need to ensure that use of railway and state highway corridor for non-transport uses does not undermine future transport purposes and avoid reverse sensitivity effects.

Sustainable management includes 'avoiding, remedying, or mitigating any adverse effects of activities on the environment' (s5(2)(c)). This is recognised in objectives 2(e) and 3(a) at 3.2, objective 2 at 3.3, and objective 3 at 7-Strategic Transport Corridor.

Section 6 - of the Act identifies the matters of national importance which need to be recognised and provided for in achieving the purpose of the Act. There are objectives elsewhere in the Unitary Plan that specify address these issues. When specific proposals, such as notices of requirement, are received those objectives will need to be balanced with objectives that recognise the benefits of state highways and rail. However objective 3(a) at 3.2 does recognise the need to manage any adverse effects infrastructure on 'areas with significant landscape, cultural and historic heritage, and natural ecological and biodiversity values'. It is noted that the Strategic Transport Corridor zone is applied to land which is already designated for state highway or rail corridor and only provides for the development of supporting transport infrastructure.

Section 7 - of the Act identifies 'other matters' which need to be given particular regard to in achieving the purpose of the Act. The matters of particular relevance to the topic are:

- '(aa) The ethic of stewardship
- (b) The efficient use and development of natural and physical resources
- (c) The maintenance and enhancement of amenity values
- (f) Maintenance and enhancement of the quality of the environment'

The objectives address these matters.

Section 8 - requires the principles of the Treaty of Waitangi (Te Tiriti O Waitangi) to be taken into account in achieving the purpose of the Act. The objectives need to be considered in the context of the Unitary Plan as a whole. When viewed within that context, the objectives do not require amendment to reflect the principles of the Treaty of Waitangi (Te Tiriti O Waitangi) as they relate to the topic.

### **Usefulness**

The objectives at the regional policy statement level are useful in setting the direction which the district plan level objectives need to give effect to.

All of the objectives will be useful for assisting decision-making when assessing plan changes, notices of requirement, and resource consents involving the topic.

## **Achievability**

The RPS objectives are in accordance with the council's functions as a regional council under s30(1) of the RMA. In particular it is in accordance with the following functions:

- 'a. the establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the natural and physical resources of the region:
- b. the preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance.'

...

'gb. the strategic integration of infrastructure with land use through objectives, policies and methods.'

The use, development or protection of the state highway and rail corridor is clearly of regional significance in accordance with s30(1)(b).

The district plan level objectives are in accordance with the council's functions as territorial authority under s31(1)(a) and (b) of the Act i.e.:

- 'a. the establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
- b. the control of any actual or potential effects of the use, development, or protection of land, ...'*
- 'd. the control of the emission of noise and the mitigation of the effects of noise.'*

The objectives, when considered in the context of the topic, will be achieved by a combination of approaches, including:

Physical transport works constructed by NZTA, KiwiRail and others (e.g. AT) within the state highway and railway corridor.

Regulation - designations and other rules within the Unitary Plan.

## **Reasonableness**

The outcomes set are expected to have greater benefits than costs.

### **2.1.1 Policies**

The following policies under 3.2 Significant infrastructure and energy, are of relevance:

- '1. Provide for the efficient development, use, operation, maintenance and upgrading of secure and reliable infrastructure.'

The following policy under 3.3 Transport, is of relevance:

- '1. Enable the effective, efficient and safe development, operation and maintenance of an integrated intra-regional and inter-regional transport system including:
  - a. state highways and all other roads, including the rural road network
  - b. the rail network
  - c. Auckland Airport and Auckland and Onehunga ports, including their local, national and international trade, freight and visitor connections
  - d. smaller airports, airfields and port facilities
  - e. the public transport network, including the development and operation of bus and train stations and stops, bus way, park and rides, ferry wharves and terminals
  - f. pedestrian and cycle networks.'

These policies are of relevance to the objectives because they provide for the efficient development, operation and maintenance of the transport network, including state highways

and the rail corridor. They also promote integrated management of the infrastructure network.

The following policies at 7-Strategic Transport Corridor, are relevant to the objectives:

1. Provide for the operational requirements of transport activities and a range of appropriate transport related activities.
2. Provide for walking and cycling facilities where feasible.
3. Enable non-transport related activities where the land is not immediately required for transport purposes provided that:
  - a. buildings and other structures are of a scale and design that is compatible with surrounding land uses
  - b. the non-transport related activity will not give rise to reverse sensitivity effects which would undermine transport activities in the zone
  - c. the non-transport related activities do not prevent the land reverting to a transport use when required
4. Provide for works and measures such as noise mitigation, landscaping and artworks that enhance existing infrastructure and minimise its adverse effects on adjoining development.'

These policies are relevant to the objectives because they provide for the efficient use of the railway and state highway corridor for transporting people and goods. This includes provision of walking and cycling facilities where feasible. The objectives also enable non-transport related activities subject to criteria which ensure that the future use of the corridor for transport purposes is not undermined.

### **2.1.2 Rules and other methods**

The proposed provisions are summarised in 1.9 above.

Applying a dedicated “transport zone” to motorways, state highways and railways, enables rules to allow complementary infrastructure to be constructed within the transport corridor where it is not provided for within the corridor designations. Of all the alternatives considered in 3, this is the most effective in achieving the objectives. This alternative manages the corridor efficiently of the transportation of people and goods in an integrated manner by providing for a wide range of activities transporting people and goods, certainty that these can be undertaken and assists in planning and investment across transport modes.

In particular, infrastructure such as walkways and cycleways are provided for and where either NZTA or Kiwirail do not have financial responsibility for these assets, the provisions allow for the construction by other authorities without the need for consent. Infrastructure such as Park and ride require restricted discretionary activity consent as it is considered that there are matters that the council will restrict its discretion. It should also be noted that this is also consistent with park and ride facilities provided for in other zones throughout the region. This approach in managing the transport corridor will contribute to achieving objective 1 at 7-Strategic Transport Corridor In terms of efficiency, the cost of this approach are outweighed by the benefits.

Non-transport activities are provided for within the corridor with respect to buildings, walls and fences, temporary activities and transport storage yards. It is considered that most assets constructed within the corridor are linear in nature and do not require many development controls that manage effects on adjoining properties. However, buildings have the potential to adversely affect adjoining properties with respect to building dominance and

shadowing. Therefore, controls such as maximum height, yards, height in relation to boundary, screening and maximum height and length for walls and fences have been included to ensure that amenity is not adversely affected with respect to adjoining zones and in particular residential zones.

The rules contribute to achieving objectives 2, 3 and 4 of 7-Strategic Transport Corridor in that they provide for both transport and non-transport related activities. In addition, there are controls over amenity, so that activities and development do not adversely affect adjoining residential properties. Where activities have the potential to undermine the future use of the corridor for transport purposes, then restricted discretionary activity consent is required to manage reverse sensitivity effects. Overall, it is considered that the cost of this approach for non-transport related activities are outweighed by the benefits.

NZTA and Kiwirail are the owners of their respective transport corridors. As such, legislation and use of designations are other methods that enable the authorities to achieve the objectives. Both are effective and efficient in construction of transport infrastructure assets for which NZTA and Kiwirail have financial responsibility. However, in achieving the objectives these other methods generally do not allow for other complementary transport infrastructure that both NZTA and Kiwirail are not financially responsible.

Furthermore, complementary infrastructure outside of the 'core' designations (i.e landscaping and artworks, operation and maintenance and use roads, railways and transport equipment) may require consent or an outline plan of works, which is not considered effective or efficient due to further administration costs and delays. Therefore, it is considered that the use of legislation and designations are not effective or efficient in achieving the objective 1 of 7-Strategic Transport Corridor (i.e an integrated multi-modal transport system).

### **2.1.3 Costs and Benefits of Proposed Policies and Rules**

The costs and benefits of the alternatives considered, including the proposed policies and rules, are outlined in 3.

The description of the costs and benefits is provided in a qualitative rather than a quantitative manner. The corridor is generally linear due to the type of infrastructure involved in rail and roads. In terms of cost, it is considered that transport infrastructure will be constructed predominantly by NZTA and Kiwirail and the cost of providing the infrastructure (roads, lines, electrification) which is predominately undertaken under designation is significant. However, the operation and maintenance costs of the networks are also significant and added consent costs to enable this is not desirable from an economic perspective. Therefore it is considered

The enabling of the transport corridor for transport related infrastructure provides positive economic, environmental, social and cultural benefits in that it enables greater accessibility and connectivity for people goods and services, thereby providing for the needs of the community. It enables more efficient use of resources by enabling various authorities to co-ordinate their resources without added significant consenting and administration costs and thereby providing positive economic benefits.

The provisions of transport infrastructure will also allow greater environmental benefits by enabling the faster construction of cycleway networks and walkways, thereby encouraging greater use of this transport mode, which is good for health (social benefit) and increased benefit on the environment (less pollution).

It is also considered that the policies and rules will encourage greater use of underutilised transport corridor land for non-transport related activities by encouraging greater economic

benefits and providing employment and growth through construction of facilities and long term employment. This is qualified by the land use being interim with the land reverting back to road or rail infrastructure.

No monetary economic analysis of the costs and benefits associated with the Strategic Transport Corridor zone has been undertaken.

#### **2.1.4 Adequacy of Information and Risk of Not Acting**

It is considered that there is sufficient information on which to support the proposed policies and methods. The current provisions (i.e. legacy provisions) range from a dedicated transport corridor to applying a zoning to state highways and the rail corridor which matches zoning of the surrounding land.

The risk of not acting makes for cumbersome administration of existing provisions and possible incompatible adjacent land uses (where the zoning is applied to the corridor which matches the zoning of the surrounding land). In addition, the risk of not acting on implementing the STCZ could lead to a transport system that is not integrated with added administration costs for providing infrastructure. Implementation of the transport corridor will provide greater land use efficiencies as it can be used as an integrated transport system operated by more than one agency.

The transport corridor enables non-transport related activities with the council ensuring that activities do not undermine the future use of the corridor for transport purposes. Furthermore, the Council retains discretion over adverse and reverse sensitivity effects.

There has been a lack of information on how the Strategic Transport corridor has been applied throughout the Auckland region due to accuracy issues of designation mapping, as the STCZ is generally applied in conjunction with the designation for state highways and railway lines.

### **3 Alternatives**

The following is an evaluation of the potential responses to the issue through the proposed provisions.

The alternatives considered are:

1. Status quo alternative
2. Alternative One - Apply a zoning to state highways and the rail corridor which matches the zoning of the surrounding land
3. Alternative Two - Apply no zoning to the state highways and rail corridor
4. Alternative Three - Preferred option: apply a zoning to state highways and rail which supports the designation by providing for interim uses and complementary transport infrastructure.

	<p><b>Status Quo Alternative</b> Legacy provisions: Apply dedicated “transport zones”; No underlying zone for rail corridor; Apply a zoning to state highways and the rail corridor which matches zoning of the surrounding land</p>	<p><b>Alternative One – Apply a zoning to state highways and the rail corridor which matches zoning of the surrounding land</b> Apply a zoning to state highways and the rail corridor which matches the zoning of surrounding land.</p>	<p><b>Alternative Two – Apply no zoning to state highways and the rail corridor</b> Apply no zoning to state highways and the rail corridor. This creates uncertainty. Use and development not provided for by existing designations will require consideration under the general provisions of the Unitary Plan, except as provided for by the Auckland-wide rules in the Network Utilities and energy section of the plan. No provisions are drafted within the Network Utilities section that enables transport infrastructure in the state highway or rail corridors.</p>	<p><b>Alternative Three – Preferred option: apply a zoning to state highways and rail which supports the designation by providing for interim uses and complementary transport infrastructure</b> Apply the Strategic Transport Corridor zone to state highways and the rail corridor as per the proposed Unitary Plan.</p>
Appropriateness	The alternative does not support the objectives	The alternative does not support the objectives.	The alternative only moderately supports the objectives.	The alternative does support the objectives.
Effectiveness	This alternative will not be successful in achieving the objectives because of the inequitable spatial distribution of provisions throughout the region. Some areas of the transport corridor network are enabled to support elements of an integrated transport system which also provides for complementary transport uses. Other areas of the region do not have adequate zoning and/or provisions to enable the use of the transport system in an integrated manner. In this instance, elements of alternative one applied.	This alternative will not be as successful in achieving the objectives because the zoning will not be consistent with the use of the land for strategic transport infrastructure and will not facilitate the provision of complementary transport infrastructure as part of a single system.	This alternative will be only moderately successful in achieving the objectives because it does not easily support the use of the transport system in an integrated manner, will likely increase regulatory burden and does not provide for uses complementary to the designated purpose.	This alternative will be successful in contributing to achieving the objectives. In particular it provides for land identified for railway and state highway purposes to used for complementary transport uses and for appropriate non-transport related activities.
Efficiency	The costs of this alternative outweigh the benefits	The costs of this alternative outweigh the benefits	The costs of this alternative outweigh the benefits	The costs of this alternative are outweighed by the benefits
Costs	<p>Due to various approaches in the legacy provisions to manage the state highway and rail corridors, the costs as outlined and described in Alternative one, two and three apply to the status quo alternative. These include:</p> <ul style="list-style-type: none"> <li>Increases planning consent costs/risks</li> <li>Create ‘Underlying zonings’ not consistent with transport use</li> <li>Does not support integrated multi-modal transport system</li> <li>Does not provide for interim uses</li> <li>Does not facilitate land disposal</li> <li>Surplus land will need to be rezoned</li> </ul> <p>In addition, there are additional costs and difficulties in administering the legacy provisions due to the inconsistency between the provisions particularly within the dedicated “transport zones”. e.g Street trading is a permitted activity (primary road zone) in the legacy Manukau City District Plan, whereas the Isthmus Plan (Special purpose 3 zone) does not provide for this activity and was administered by bylaws.</p> <p>The lack of consistency across the region could</p>	<p><b>Increases consent costs/risks</b> Designations provide the primary planning mechanism for the construction and operation of the state highways and rail corridor. However there may be complementary transport infrastructure such as walkways or cycleways which are not provided for in the designation and therefore require assessment against the underlying zoning. Such works may not be provided for by the designation as they were not envisaged at the time the designation was confirmed or because the requiring authority does not have direct financial responsibility for the works. Undertaking activities which are outside of the existing designation may require a resource consent or alteration to the designation</p> <p>Where the underlying zone does not provide for transport related activities, there are costs and uncertainty associated with obtaining a resource consent or an alteration to a designation. This can be a disincentive for appropriate transport related to establish.</p> <p><b>Create ‘Underlying zonings’ not consistent with transport use</b></p>	<p><b>Increases consent costs/risk</b> Designations provide the primary planning mechanism for the construction and operation of the state highways and the rail corridor.</p> <p>However there may be complementary transport infrastructure such as walkways or cycleways which are not provided for in the designation and therefore, under this alternative, would require assessment against the Network Utilities and Energy Rules (4.2.1.1) (<b>Network Utility Rules</b>)</p> <p>The Network Utilities Rules have been structured to provide for a wide range of utility activities and whilst they do provide for some ‘roading’ activities, the provisions are limited and do not provide the flexibility of Alternative 3 (the preferred alternative).</p> <p>Utilisation of this alternative (if these provisions were applied to NZTA &amp; KiwiRail’s corridors) is likely to result in transport related works requiring a resource consent or alteration to designations. The Network Utility Rules are not a comfortable ‘fit’ for NZTA and</p>	<p><b>Surplus land will need to be rezoned</b> Where land is surplus to state highway or rail requirements and disposed of (including designation removal) it would be desirable to rezone the land from Strategic Transport Corridor zone to a more appropriate zone.</p> <p>Rezoning is a cost, however, this is a lesser cost than under Alternative Two, because the STCZ provides for the land to be used for the activities provided for in adjoining zones as a restricted discretionary activity. This could be undertaken in the interim and ‘rezoning’ completed at the time of Unitary Plan review or in conjunction with other Plan Changes thus providing a more cost effective mechanism.</p>

	<p>lead to further administration errors and costs.</p>	<p>State highway and rail infrastructure construction requires significant capital outlay and generally has a long design life (planned for 100 year + design life).</p> <p>Applying a zoning consistent with surrounding land uses can be anomalous and unhelpful once the land is developed for a state highway or railway. The surrounding land zoning may be residential, rural or open space, but such a zoning lacks relevance (particularly given the long design life) for developed motorway or rail corridors.</p> <p><b>Does not support integrated multi-modal transport system</b></p> <p>This alternative does not support the efficient use of the transport system in an integrated manner because it increases regulatory burden when providing for complementary transport activities.</p>	<p>KiwiRail's activities; particularly as 'motorways' are excluded from the provisions and rail is not provided for.</p> <p>Where the Network Utility Rules do not provide for a proposed activity, there are costs and uncertainty associated with obtaining (potentially non-complying) resource consent or an alteration to a designation. This can be a disincentive for appropriate activities to establish.</p> <p><b>Does not support integrated multi-modal and single transport system</b></p> <p>This alternative may not support the efficient use of the transport system in an integrated manner because it does not provide for complementary transport activities with the need for a resource consent or alteration to designations.</p> <p><b>Does not provide for interim uses</b></p> <p>In cases where the land is awaiting development for state highway or rail, this alternative does not provides for the land to be used for an interim use in accordance with a zoning.</p> <p><b>Does not facilitate land disposal</b></p> <p>Where land is surplus to state highway or rail requirements, once the designation is removed, a resource consent or plan change would be required to allow for the land to be used and developed for a non-transport/utility activity.</p> <p><b>Encourages anomalous 'zonings'</b></p> <p>State highway and rail infrastructure construction requires significant capital outlay and generally has a long design life (planned for 100 year + design life).</p> <p>Applying no zoning is not reflective of what will generally be a very long term land use activity.</p> <p><b>Does not recognise different requirements for types of road/rail infrastructure</b></p> <p>The use of 'unzoned' land for state highway, rail and the local roading network does not adequately recognise the different requirements associated with these components of the transport system. Further, it does not necessarily reflect the roles that NZTA and KiwiRail's transport corridors play as part of providing inter-regional connections.</p>	
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Benefits	<p>Due to various approaches in the legacy provisions, the benefits as outlined and described in Alternative one, two and three apply to the status quo alternative. These include:</p> <ul style="list-style-type: none"> <li>• Provides for interim uses</li> <li>• Facilitates land disposal</li> <li>• Avoids anomalous 'underlying zonings'</li> <li>• Supports an integrated multi-modal transport system</li> <li>• Avoids consent costs</li> <li>• Provides for interim uses</li> </ul>	<p><b>Provides for interim uses</b></p> <p>In cases where the land is awaiting development for state highway or rail, this alternative provides for the land to be developed for an interim use in accordance with the adjoining zoning. That zoning will be consistent with surrounding land uses.</p> <p><b>Facilitates land disposal</b></p> <p>Where land is surplus to state highway or rail requirements, once the designation is removed, it can be disposed of and developed in accordance with the existing zoning. This removes the requirement for a re-zoning process and ensures the zoning will be consistent with surrounding land uses.</p>	<p><b>Avoids anomalous 'underlying zonings'</b></p> <p><b>Provides Consistency in treatment of all road/rail infrastructure</b></p> <p>The use of 'unzoned' land for state highway, rail and the local roading network provides for a consistent application of rules for all three types of transport infrastructure (ie. Network Utility Rules-provided that the network utility provisions enable state highway and rail infrastructure).</p>	<p><b>Supports an integrated multi-modal transport system</b></p> <p>This alternative supports the efficient use of the transport system by providing for complementary transport activities.</p> <p><b>Improves certainty</b></p> <p>Use of the STCZ will accurately reflect the long term nature of the transport corridor when compared with Alternatives One and Two and provide a clear expectation as to the types of activities which can be undertaken.</p> <p><b>Reduces consent costs</b></p> <p>Designations provide the planning mechanism for the construction and operation of the state highways and rail corridor. However there may be complementary transport infrastructure such as walkways or cycleways which are not provided for in the designation. Under this alternative the zoning will provide for those complementary activities and a resource consent or alteration to the designation will generally not be required.</p> <p><b>Provides for interim uses</b></p> <p>In cases where the land is awaiting development for a state highway or rail, this alternative provides for the land to be used for an interim use in accordance with the adjoining zoning as a restricted discretionary activity.</p> <p>In some cases parts of a network may be suitable for longer term development; for example where land is held for a considerable time prior to being developed or, in coordination with operational activities where space permits.</p> <p>Providing for activities at a similar scale to the adjacent zone will ensure there are no significant adverse effects on sites adjoining the STCZ</p>
Risks	<p>As discussed above, there are risks associated with the alternative. These include:</p> <ul style="list-style-type: none"> <li>• Added administration costs of the legacy provisions</li> <li>• Transport system is not integrated</li> <li>• Incompatible land uses</li> <li>• Mapping anomalies due to designation inconsistencies</li> </ul>	<p>This approach was common in district schemes developed under the Town and Country Planning Act 1977, and has persisted in some legacy plans. The costs and benefits are well known.</p> <p>The risk of acting in accordance with this alternative is that it may hinder the development of some important supporting transport infrastructure within the state highway and rail corridor.</p>	<p>There is sufficient information about the subject matter of the provisions.</p>	<p>There are no significant risks associated with Alternative three.</p> <p>The definition of 'transport storage yards' may have unintended consequences. It could allow a wide range of activities including trucking depots. This is of particular concern where land zoned Strategic Transport Corridor zone not owned by NZTA or KiwiRail. This can occur where the land is no longer required for state highway or railway purposes and has been sold to others without any rezoning occurring.</p>

## 4 Conclusion

Based on the above discussion, the following conclusions are drawn:

The following alternatives are not recommended:

- Status quo alternative-
- Alternative One - Apply a zoning to state highways and the rail corridor which matches the zoning of the surrounding land
- Alternative Two - Apply no zoning to the state highways and rail corridor

The following alternative is recommended:

- Alternative Three - Preferred option: apply a zoning to state highways and rail which supports the designation by providing for interim uses and complementary transport infrastructure.

### Recommended objectives, policies and methods

In conclusion from the preceding discussion, the following are the recommended objectives, policies and methods.

- The objectives and policies at 3.2, 3.3 and 7-Strategic Transport Corridor as outlined in this report
- The rules at Chapter I-7-Strategic Transport Corridor which give effect to Alternative Three, and the associated application of the Strategic Transport Corridor zoning as shown on the planning maps
- The definitions of infrastructure and strategic infrastructure in the Definitions section the Unitary Plan.

## 5 Record of Development of Provisions

### 5.1 Information and Analysis

Date	Author	Title	Comments	Appendix
2012-3-27	NZTA	Suggested Unitary Plan Provisions for Infrastructure	Letter outlining STCZone proposal	3.41.1
2012-04-26	Brookfields solicitors	Proposed Transport Zone	Legal opinion on STCZ	3.41.2
2012-07-16	Definitions	Transport Equipment and Road definitions	Interim definitions	3.41.3
2012-08-08	Glenn Teal	TSU comments on draft strategic transport zone provisions	TSU comments on draft provisions	3.41.4
2012-08-08	NZTA	NZTA draft transport provisions V4	V4 provisions	3.41.5
2012-08-30	Katherine Dorofaeff and Bruce Young	Roads and Strategic Transport Corridor Activity Status Table.	First draft of the Roads and Strategic Transport Corridor Activity Status Table.	3.41.6
2012-10-01	Bruce Young	Amended draft September-October 2012	Further refined provisions	3.41.7

### 5.2 Consultation Undertaken

Date	Author	Title	Comments
2012-04-11	Katherine Dorofaeff	Feedback on suggested SCTZ provisions	Feedback on suggested STCZ
2012-04-12	Auckland	Feedback on suggested SCTZ	Feedback on

<b>Date</b>	<b>Author</b>	<b>Title</b>	<b>Comments</b>
	Transport	provisions	suggested STCZ
2012-04-12	Janine Bell	Feedback on suggested SCTZ provisions	Feedback on suggested STCZ
2012-04-13	Transport Strategy Unit	Feedback on suggested SCTZ provisions	Feedback on suggested STCZ
2012-04-13	BEU	Feedback on suggested SCTZ provisions	Feedback on suggested STCZ
2012-05-01	Adam Jellie	Suggested Unitary Plan provisions for infrastructure	Letter to NZTA on suggested amendments to the SCTZ
2012-07-09	NZTA	NZTA transport zone response	NZTA response to AC letter on suggested amendments to SCTZ
2012-10-23	TSU/Katherine Dorofaeff/Bruce young	Feedback on freight depot	Email feedback

### **5.3 Decision-Making**

Refer to the General decision-making process part of the section 32.