



13 September 2011

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## **Canterbury Earthquake (Transport Legislation— Canterbury Regional Transport Planning) Order 2011**

### **Proposal**

1. The draft Order will extend the deadlines for the Canterbury Regional Council (ECan) to adopt a new regional public transport plan and a new Regional Land Transport Strategy. It will also make some changes to Canterbury's existing regional passenger transport plan to accommodate the changed circumstances for bus services as a result of the earthquakes.

### **Background and Policy Objective**

2. The Canterbury earthquakes caused severe disruption to transport planning and public transport services. It would now be very difficult for ECan to meet some of its statutory planning obligations. It is therefore proposed that:
  - a. the requirement for ECan to have a new regional public transport plan in place by 1 January 2012 should be deferred to 1 January 2013 and that ECan should be permitted to continue operating in accordance with its existing regional passenger transport plan in the meantime
  - b. the Canterbury Regional Land Transport Strategy, which expired on 26 June 2011, should be reinstated and apply until a new strategy can be adopted and in any case not later than 1 January 2013
3. The draft order would also modify the existing regional passenger transport plan as it is not possible for current or proposed bus services to comply with all its specifications. Specifically, the draft order would remove policies under which 90 percent of Christchurch residents must be no more than 500m from

a bus route and under which services are required to run to and from the Christchurch CBD.

4. In addition, the draft order would:
  - a. remove references to the expectation that little-used weekend and evening services in Christchurch will be promoted and that no more than one transfer should be necessary between any two destinations within the city
  - b. modify requirements for services to follow simple, direct routes that, allow an average speed of no less than 26 km/h and to operate with extensive hours and high frequencies, so that they apply to the extent reasonably practicable
5. Without the draft order, ECan will continue to have no regional land transport strategy to guide transport funding decisions and, from 1 January 2012, no regional passenger transport plan setting out the parameters within which its public transport services are expected to operate. It is not feasible in the short term for ECan to devote resources to developing and adopting an entirely new strategy and plan, and it may not be sensible to do so until the Recovery Strategy is approved. In addition, without the variations made to the regional passenger transport plan by the draft order, it will be difficult for ECan to make the bus service changes that are needed now to reflect the new travel needs of people in Christchurch.
6. The draft order will assist ECan to plan and rebuild the public transport infrastructure of Christchurch in a timely manner and achieve the land transport outcomes sought by the region. Accordingly, the draft order is necessary to achieve the following purposes:
  - a. to provide appropriate measures to ensure that greater Christchurch and the councils and their communities respond to, and recover from, the impacts of the Canterbury earthquakes
  - b. to enable a focused, timely, and expedited recovery
  - c. to facilitate, coordinate, and direct the planning, rebuilding, and recovery of affected communities, including the repair and rebuilding of land, infrastructure, and other property
  - d. to restore the social, economic, cultural, and environmental well-being of greater Christchurch communities

## Timing

7. Changes were made to bus services shortly after the earthquakes and ECan intends making further changes. The current and proposed services are inconsistent with the existing regional passenger transport plan, so ECan has asked for the Order to be made as soon as possible, preferably in September 2011.
8. The draft Order has a deemed commencement date of 25 June 2011. This will enable the Canterbury Regional Land Transport Strategy to be renewed as if it had not expired on 26 June 2011.
9. A waiver of the 28-day rule is sought on the grounds that the draft Order:
  - a. will confer only benefits on the public by facilitating changes to bus services that reflect the new travel needs of people in Christchurch
  - b. will validate irregularities.

## Preferred Option

10. The only real alternative to extending the existing Canterbury regional passenger transport plan and reinstating the expired Canterbury Regional Land Transport Strategy would be to require that current obligations to adopt new plans were met. ECan has begun development of new plans; however, it would be difficult for the Council to meet its current obligations and, given the demands of a still developing situation, this would be an unreasonable use of the Council's time and resources and unlikely to give the best result.
11. The changes that the draft Order makes to the content of the Canterbury regional passenger transport plan could, alternatively, be made by ECan through its own processes in accordance with the decision-making and consultation provisions of the Local Government Act 2002. However, ECan is concerned that following its usual processes would be somewhat artificial (because its bus services are already operating within parameters that have been changed by the earthquakes) and would unduly delay further service changes now needed to reflect the new travel needs of people in Christchurch. The changes proposed by the Order are intended to merely reflect the changed circumstances and are most efficiently achieved through the Order. ECan will apply its usual processes to any further changes to the plan that, because of their nature, need to take account of community interests.

## **Costs and Benefits**

12. The direct impact of the draft Order on businesses and individuals is minor. The draft Order merely accommodates circumstances that have changed due to the earthquakes.
13. Deferring the required adoption of a new regional public transport plan and a new Regional Land Transport Strategy will make it possible for the new plans to take account of the changing demographic and physical environment of Christchurch. In the meantime it will also enable ECan to focus on providing appropriate bus services for the recovering city.
14. The proposed changes to the existing regional passenger transport plan will legitimise parameters within which current and proposed bus services are able to be provided.

## **Risks**

15. There are no risks associated with the draft Order. The extension of the regional transport plan and strategy effectively maintain the status quo. The changes to the existing plan are unavoidable in the circumstances.

## **Consultation**

16. ECan, the Canterbury Earthquake Recovery Authority, the Ministry of Justice, the Treasury, the Department of Internal Affairs, the NZ Transport Agency and the cross-party parliamentary forum have been consulted on the policy and the content of the draft Order.
17. ECan has advised that bus operators are aware of and understand the situation with respect to the proposed changes to service specifications in the regional passenger transport plan.
18. The Department of Prime Minister and Cabinet has been informed.

## **Profile of draft OIC & proposed publicity**

19. The draft Order is not expected to be controversial.
20. No specific publicity is proposed. ECan will provide material for its customer service agents clarifying that the reinstatement of the existing Canterbury

Regional Land Transport Strategy is separate to its development of a new strategy under the Land Transport Management Act 2003.

## **Conclusion**

21. We look forward to receiving your recommendations so that regard can be had to them before the Minister makes a recommendation on the draft Order. The key contact for this item of work is Lisa Nickson, Principal Solicitor, Ministry of Transport: 04 439 9366 or [l.nickson@transport.govt.nz](mailto:l.nickson@transport.govt.nz).

Yours sincerely



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