

TRAVEL DEMAND MANAGEMENT IN CONSENT CONDITIONS

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ABSTRACT

There is little direction in current Auckland District Plans regarding how or why travel demand management should be included in the resource consent process. Guidelines on integrated transport assessments include some information on the benefits of travel demand management, however, there is no direct information to developers, resource consent applicants, consent specialists, planners, architects, designers and others that describes what travel demand management is and how and why it should be included in the planning process. While Travel Demand Management (TDM) is expected to be included within the Unitary Plan, this work is in progress and in the case of the Unitary Plan may not be effective for some while.

Flow Transportation Specialists Ltd, together with Hill Young Cooper were engaged to research how travel demand management can be addressed in the resource consent process. The outcome of this work is improved information available to all parties (applicants, developers, planners, consent specialists etc.) and a series of consent conditions that are acceptable and can be incorporated into standard practice to ensure a consistent approach is adopted.

1 INTRODUCTION

There is little direction in current Auckland District Plans regarding how or why travel demand management should be included in the resource consent process. Guidelines on integrated transport assessments include some information on the benefits of travel demand management, however, there is no direct information to developers, resource consent applicants, consent specialists, planners, architects, designers and others that describes what travel demand management is and how and why it should be included in the planning process. While Travel Demand Management (TDM) is expected to be included within the Unitary Plan, this work is in progress and in the case of the Unitary Plan may not be effective for some while.

It is noted that there is limited ability to seek the application of TDM conditions in relation to applications made under the current regime as in most of the District Plans there is no regulatory limit to the number of car parking spaces able to be provided on a site. Where TDM measures have been used in the region to date they have been in specific locations and in response to specific location or land use issues. There are also 'existing use' rights that are provided under the RMA where there are legally established activities and development on sites and these can complicate the ability to seek TDM conditions. There is also a relatively low level of awareness of what TDM is and how it can apply.

Flow Transportation Specialists Ltd, together with Hill Young Cooper were engaged by Auckland Transport to assist Auckland Transport Community Transport in determining when it would be appropriate to consider consent conditions related to TDM and what the conditions might be, relating only to applications made under current District Plans¹.

In addition a number of scenarios have been developed focusing on the type of development, based on provisions in operative District Plans in the region (North Shore and Auckland) that may justify action by Auckland Transport and trigger the consideration of TDM as an appropriate mitigation for a proposal's non compliance with District Plan provisions. The scenarios have been used to develop the generic consent conditions that could be applied by Council or offered by an applicant. In most instances the conditions will need to be tailored to suit the specific circumstances of the application.

This paper is limited to providing the recommendations from the research and does not provide details of the research undertaken, technical assessment, outline of a TDM Plan, case studies or examples of any applied TDM consent conditions.

2 BECOMING INVOLVED IN THE RESOURCE CONSENT PROCESS

Auckland Transport can become involved in resource consent applications either through pre lodgement discussions, where TDM measures can be suggested to be included in the development, or once an application for resource consent has been received by Auckland Council, either as a result of the reporting planner identifying that TDM may be appropriate, or if there is public or limited notification.

To assist the Council planner, a screening process is detailed in Section 3 of this paper, which Council's planner could use to identify when consideration of TDM might be

¹ The Auckland Council has adopted the District Plans from the former councils prior to the new Unitary Plan becoming operative

appropriate. With public or limited notification, the same screening process is recommended for Auckland Transport to use to determine if TDM might be appropriate. The screening process can be updated in future to be more or less inclusive, depending on the outcome of the process in practise.

3 SCREENING PROCESS

Consent conditions can only be imposed where an application has been made for resource consent and the application either does not comply with rules that are in the District Plan or the assessment criteria in the Plan require provision of TDM (or similar) to mitigate an effect of an activity or development.

The resource consent application and the RMA process it is going through needs to be assessed to see if it enables effective and enforceable TDM to be introduced through conditions of consent. In the case of Auckland Transport staff seeking to introduce TDM measures in relation to an application, Auckland Transport will need to be advised of the application by Auckland Council's consent planners, where the applicant has not already liaised with Auckland Transport directly prior to submitting the application.

ITA Guideline work currently being undertaken by Auckland Transport will also capture TDM and may result in a single process but this work is still to be completed. TDM is also expected to be included within the Unitary Plan. This work is in progress and in the case of the Unitary Plan may not be effective for some while. In assessing the potentially large number of applications Auckland Transport could utilise the following 'sieving method' for determining when TDM measures can be sought. The following screening questions show how the sieve can operate. Where the answer is yes to test 1 or test 2 in conjunction with test 3, Auckland Transport could proceed to seek TDM introduced as a condition of consent:

Test 1

- 1 Is the application for a non complying activity? (Under the RMA the applicant must establish that the adverse effects of the activity on the environment will be minor or that the activity will not be contrary to the objectives of the relevant plan), and
- 2 Does the application involve transport related effects that could be mitigated by TDM, eg is the proposal for a high car based development/activity?

Test 2

- 1 Is the application for a controlled activity or a restricted discretionary activity or a discretionary activity, and
- 2 Does one of the matters of assessment listed in the District Plan relate to consideration of transport effects such as traffic generation or impact on roads

Test 3

- 1 Is the proposed land use one where TDM measures would result in improved transport outcomes eg is the proposal for a high car based development/activity?

3.1 Tests 1 and 2

With regards to Test 1 it should be noted that an application may be deemed to be a non complying activity and while the non compliance may not relate to transport (eg all required parking is provided) there may still be a transport effect as a result of the high number of car

trips generated. This enables a discussion about the use of TDM, but Auckland Transport needs to assess the level of effect to decide if the effort is warranted ie is there a high volume of single occupant car trips associated with the proposal.

In the case of Test 1 and Test 2, where there is a non compliance with transport rules relating to parking minimums, parking maximums or vehicle trip generation, there may be discretion for Council's planners to allow a small non compliance without the need to seek technical or Auckland Transport input. In the case where there is a high level of motor vehicle activity TDM conditions should be considered.

3.2 Test 3

The third test is to determine if the activity is suitable for TDM. From a practical perspective this should include developments that are likely to have successful results in implementing TDM, thereby creating positive results for the developer as well as positive results for Auckland Transport and potentially providing "showcases" that can be considered as examples where TDM consent conditions have worked well.

Three location scenarios have been considered, to assist Auckland Transport in applying Test 3. These are:

1. high trip generators not on the Quality Transit Network (QTN) or Rapid Transit Network (RTN) or in the Central Business District (CBD) or in a Town Centre node identified in the Auckland Plan
2. high trip generators located within 400 m of a QTN or a RTN stop (but not located in the CBD)
3. proposals located within the CBD

Within each scenario, different types of development/activity have been considered. It is thought that identifying potential development/activity types will also assist Auckland Transport to support businesses/applicants and developers with improved information about TDM at the initial stages of preparing applications. It will also enable Auckland Transport to guide Auckland Council in delivering a consistent approach to the delivery of TDM initiatives. Further details about what resource consent applications should be considered are provided in Sections 3.3, 3.4 and 3.5.

As a general guide it is considered that TDM will be beneficial where:

- ◆ there is a high concentration of people travelling to or from the same origin or destination (eg offices, office parks, mixed use retail/town centres, large scale leisure and recreation facilities, hospitals, schools, universities, event centres and large sporting facilities)
- ◆ where there are viable alternatives to single occupant private car travel, eg mixed use locations that facilitate walking and cycling, activities close to public transport, areas that are within a Transport Management Association

The development of a set of generic conditions will provide Auckland Transport with a tool that can be used in responding to development/activity proposals lodged under the RMA in the identified scenarios until provisions are provided in the Unitary Plan. These generic consent conditions can be tailored to respond to the specific requirements of the development and location and to meet the outcome of enhanced TDM through the application process. While the generic conditions have been reviewed by a senior hearing

commissioner they will need to be reviewed and amended as part of the statutory processing of any appropriate application by Auckland Council's consents team.

3.3 Scenario 1 - high trip generators not on the QTN or RTN or in the CBD or in a town centre node identified in the Auckland Plan

3.3.1 Identification of proposals that could be considered

The following triggers have been developed in relation to high trip generators not located on the QTN or RTN or in the CBD or in a town centre node. The triggers are based on activities and scales (volume of floor area or number of people/beds/units/bedrooms) which have been identified as being potentially suitable for consideration for TDM consent conditions (provided they have met tests 1 and 2 identified previously). The scale/nature of the trigger has been based on the authors' experience in assessing the transport related effects of these types of activity.

The key activities expected to provide TDM opportunities are offices, manufacturing industry and multi-unit residential. Education and health facilities have also been included to capture those facilities that may not already have travel plans. Comprehensively designed shopping/town/ metropolitan centres may have opportunities for linked trips, shared parking and other TDM opportunities and have therefore been included. Event and conference facilities and sport and recreation facilities may offer TDM opportunities due to the nature of these activities commencing at a standard time, thus creating opportunities for mass transport.

In many cases these activities at the specified scale will need to obtain resource consent (at least in the former North Shore and Auckland Isthmus Areas) and therefore they will trigger the opportunity to ask for TDM conditions². The activities are listed below and while derived from the North Shore City Council (NSCC) District Plan, our assessment of the other District Plans in the region indicates that parking standards are generally similar for these activities and similar sized activities would also benefit from TDM conditions in those locations.

3.3.2 Elements to look for in the proposal

It is therefore recommended that if the floor area or numbers proposed in the application are the same or more than the number set out in Table 1, requesting TDM measures through conditions is reasonable.

Table 1: Size and Type of Development Proposals to Consider for TDM Conditions for High Trip Generators not on the QTN or RTN or in the CBD or in a town centre node identified in the Auckland Plan

Activity	If the floor area or numbers proposed in consent applications are equal to or more than the following a TDM condition could be sought	Comment
Offices	2,000 m ² gfa	At a typical density of 1 person per 20 m ² , some 100 staff could be expected with 2,000 m ² GFA. TDM will be able to assist identify and facilitate viable alternatives.

² There are additional rules and standards in specific areas that apply instead of these but these apply to a small extent of these former districts

Table 1: Size and Type of Development Proposals to Consider for TDM Conditions for High Trip Generators not on the QTN or RTN or in the CBD or in a town centre node identified in the Auckland Plan

Activity	If the floor area or numbers proposed in consent applications are equal to or more than the following a TDM condition could be sought	Comment
Manufacturing Industries	4,000 m ² gfa	More useful for more employee-intense types of manufacturing where possibilities for ride sharing increase.
Residential units/apartments	100 dwellings	Body corporates or residents associations could provide a platform for TDM. Would need to be considered based on the proposal's location.
Comprehensively designed shopping/town/metropolitan centres	1,600 m ² gross leasable floor area	This size would require 100 parking spaces based on the NSCC requirement. TDM will be able to assist identify and facilitate viable alternatives to driving alone.
Conference and event centres	Capacity for 400 people	Will require 100 parking spaces based on 1 per 4 NSCC requirement for conference centres, meaning that alternatives to driving alone will be used. TDM will be able to assist identify and facilitate viable alternatives.
Primary education	2 classrooms or an extra 50 students	If the school is not part of the School TravelWise Programme then TDM will be able to assist identify and facilitate viable alternatives to single occupant car trips.
Secondary education	2 classrooms or an extra 60 students	If the school is not part of the School TravelWise Programme then TDM will be able to assist identify and facilitate viable alternatives to single occupant car trips.
Tertiary education	100 students	TDM will be able to assist identify and facilitate viable alternatives to single occupant car trips.
Hospital	300 bed spaces and/or 200 staff	TDM will be able to assist identify and facilitate viable alternatives, mainly applicable for staff but also for patients and visitors.
Sports and recreation facilities	400 people	Will require 100 parking spaces based on 1 per 4 NSCC requirement, meaning that alternatives to driving alone will be used. TDM will be able to assist identify and facilitate viable alternatives.

3.4 Scenario 2 – High Trip generators located within 400 m of a QTN route or a RTN stop but not located in CBD

3.4.1 Identification of proposals that could be considered

Based on the approaches and information included in the Auckland Passenger Transport Network Plan and the Auckland Regional Public Transport Plan, it is considered that for Auckland Transport's purpose if an urban centre or corridor is located on the RTN or QTN (or is planned to be in the next ten years) then it can be assumed that it has sufficient access

to public transport to offer an alternative transport choice to driving. As a result a smaller on site parking requirement is needed and TDM measures as provided for in the suggested TDM conditions could be appropriate. However, where the RTN is not currently in place and is unlikely to be implemented within the next ten years, then TDM conditions may need to be tempered accordingly.

For the purposes of determining a trigger that defines when TDM conditions might be appropriate (assuming that the proposal has passed tests 1 and 2), it has been assumed that the QTN trigger should be 90% of the Scenario 1 trigger and the RTN trigger should be 80% of the Scenario 1 trigger.

3.4.2 Elements to look for in the proposal

If the answer in tests 1 and 2 is yes and if the floor area or numbers proposed in consents are more than the following threshold figures, then TDM consent conditions should be considered.

Table 2: Size and Type of Development Proposals to Consider for TDM Conditions for High Trip generators located within 400 m of a QTN route or a RTN stop but not located in CBD

Activity	Within 400 m of a QTN route	Within 400 m of a RTN stop
Offices	with 3,150 m ² gfa	with 2,800 m ² gfa
Manufacturing Industries	with 3,600 m ² gfa	with 3,200 m ² gfa
Residential units/apartments, etc	14 dwellings with 1 or 2 bedrooms 9 dwellings with 3 or more bedrooms	12 dwellings with 1 or 2 bedrooms 8 dwellings with 3 or more bedrooms
Comprehensively designed shopping/town/metropolitan centres	with 1,440 m ² Gross leasable floor area	with 1,280 m ² Gross leasable floor area
Conference/Events Centres	with capacity for 360 people	with capacity for 320 people
Primary Education Facility	2 classrooms or an extra 45 students	2 classrooms or an extra 40 students
Secondary Education Facility	2 classrooms or an extra 54 students	2 classrooms or an extra 48 students
Tertiary Education Facility	270 students	240 students
Hospital	with 50 bed spaces	with 44 bed spaces
Sports and recreation facilities	with capacity for 360 people	with capacity for 320 people

In the case of proposals where there is a mix of activities contained within the application and a traffic assessment has been provided that shows the proposal will generate 50 or more people trips per peak commute hour or 100 or more people trips per non peak hour, TDM measures could be sought as part of a consent condition.

3.5 Scenario 3: the CBD

3.5.1 Identification of proposals that could be considered

In the Auckland CBD the operative Central Area section of the District Plan applies maximum parking standards, with these varying based on road classification. Unless there is a specific area rule or exception, any activity located on the roads shown in Figure 9.1 from the Central Area Plan has the maximum parking levels set out in Table 3.

Figure 1: Figure 9.1 from the Central Area Auckland District Plan

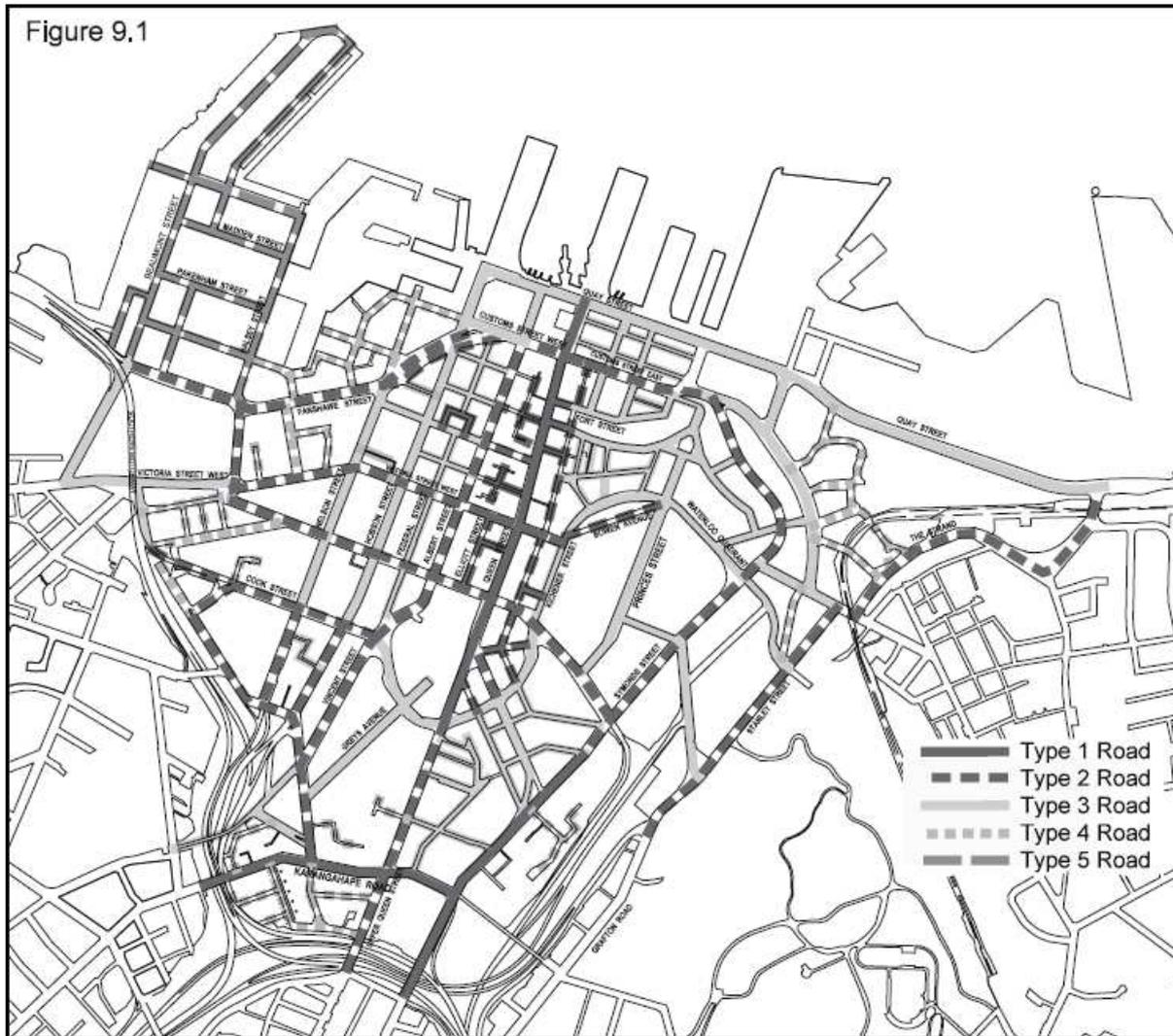


Table 3: Rule 9.7.1 of the Central Area Plan – maximum on site parking

Road Type	Maximum Parking Standard
Type 1 roads	No parking permitted
Type 2 roads	1 space per 200 m ² gfa
Type 3 roads	1 space per 150 m ² gfa
Type 4 roads	1 space per 105 m ² gfa
Type 5 roads (except in the Western Viaduct)	1 space per 50 m ² gfa

Table 3: Rule 9.7.1 of the Central Area Plan – maximum on site parking

Road Type	Maximum Parking Standard
Exceptions	parking for accommodation is allowed at: <ul style="list-style-type: none"> • 1 space per self contained unit up to 79 m² gfa • 2 spaces per self contained unit of 80 m² or more gfa
	parking for tertiary education precinct There is provision for a total of 2,000 parking spaces in Areas A- F by allowing transfer of parking between donors and recipients

3.5.2 Elements to look for in the application

When reviewing applications in the Central Area the critical matter to consider is the number of people-trips generated by the activities and the amount of floor area provided on the site. Any resource consent application that seeks to provide parking that is in excess of the number of spaces specified in the maximums listed in Rule 9.7.1 of the Central Area Plan can be considered in relation to the use of TDM conditions and it is expected that the action of Auckland Transport in seeking to use TDM conditions would be defensible. In addition, TDM consent conditions are expected to also be suitable to be used where the proposal is expected to generate/attract 100 people trips per day or more.

It is noted that there are specific provisions in the Central Area Plan where TDM measures are required, for example Part 14.9 Wynyard Quarter.

4 TDM CONSENT CONDITIONS

Conditions can be specifically tailored for each of the three scenarios and may be offered by the applicant as a result of pre application discussions with Auckland Transport or as a result of input from the applicants' technical advisors. In the case where no conditions are offered or as an alternative to those offered, the following provides a generic set of conditions that ensure that a Travel Demand Management Plan (a TDM Plan) is developed, implemented and monitored.

These conditions have been prepared initially to check that:

- ◆ the wording/approach of each condition is within the law;
- ◆ that compliance with the conditions will result in any adverse effects being limited to the extent anticipated by the decision-maker;
- ◆ the consent holder and other parties understand exactly what the requirements are; and
- ◆ if necessary, enforcement can be undertaken.

Generally, resource consent conditions must comply with the "Newbury test". A condition will be unreasonable if it:

- ◆ Steps outside the consent authority's powers;
- ◆ Involves a delegation of powers;
- ◆ Lacks finality;
- ◆ Is unenforceable; or

- ◆ Requires compliance by a third party, outside the control of the consent holder.

Conditions requiring a financial contribution (in money or land) are subject to an additional control. The contribution must be imposed in accordance with, and determined in the manner described in, the plan or proposed plan.

4.1 Draft Generic Conditions

As generic conditions, it is expected that these will be tailored to the specifics of an application, for example, with regard to location, size, proximity to different modes of transport and land uses, timing of monitoring, etc.

Conditions: TDM Plan Development

- 1a At least one month prior to the first occupation of the development pursuant to this consent, the consent holder shall submit to Council for approval, a revised Travel Demand Management Plan (a TDM Plan) prepared by a suitably qualified and experienced traffic/transportation engineer.

Explanation: *In cases where a TDM plan is required by the District Plan to be lodged with the application the TDM plan may need to be revised due to changes that occur in the course of processing of the application.*

Or

- 1b At least one month prior to the first occupation of the development pursuant to this consent, the consent holder shall submit to Council for approval, a Travel Demand Management Plan (a TDM Plan) prepared by a suitably qualified and experienced traffic/transportation engineer.

Explanation: *If a TDM plan is not required to be lodged by the District Plan it may be possible to condition a requirement for a TDM Plan to mitigate the transport effects associated with the activity/use of the site.*

- 2 The TDM Plan shall show how the traffic generation (use of single occupant private vehicles) resulting from activities located on the site can be minimised.

- 3 The consent holder shall submit as part of the TDM Plan, the results of an audit of future employee and visitor accessibility to and from the site and the alternative non single occupant car travel options available within the vicinity of the site. This shall include as applicable, but is not limited to:

- i) Assessment of public transport services (routes and frequencies) including an assessment of the location of bus stops, stations, wharves in the area, as well as the presence of real time information, seating, shelter, lighting, and walking networks to/from public transport stops/stations/wharves in terms of their proximity, quality and connection
- ii) Assessment of cycle and walking networks in the area in terms of their proximity, quality and connection

Explanation: *In those instances where the District Plan provisions require an Integrated Transport Assessment as part of the preparation of an application, the assessment may have already been undertaken. Where these matters have not already been assessed there may be a need to specify what alternative options may*

be realistic in relation to the site and its location, for instance it may be all four are appropriate in the case of a site near an RTN.

- 4 The consent holder shall submit as part of the TDM Plan the results of consultation undertaken with Auckland Transport and /or NZTA.

Explanation: *Need to specify who should be consulted, which will be related to the site's location relative to NZTA assets for example. It would be expected that the AT and NZTA would have already been consulted prior to lodgement of the application, but this may not have occurred.*

Conditions: TDM Plan Implementation

- 5 The implementation of the TDM Plan is required to be undertaken by the consent holder and/or successors in title at the consent holder/successors in titles cost.

Advice Note: Where implementation of the TDM Plan is dependent on the actions of Auckland Transport (eg to introduce or review parking restrictions in local roads), the consent holder shall be directly liable for Auckland Transport's costs.

Explanation: *the TDM Plan needs to be implemented by the consent holder/successor at their cost and where Auckland Transport needs to instigate action the consent holder may also be liable to those costs. In cases where the development is expected to be on-sold, it is also possible for a condition to require on-going compliance through a bond under s108/108A of the RMA.*

- 6a The consent holder or successor in title shall ensure that an explanation of the TDM Plan is included in all communications and agreements with prospective tenants and purchasers of units or offices on the site. This shall include any specific methods contained in the TDM Plan to minimise traffic generation (use of single occupant private vehicles) including provision of up to date information about public transport routes available in the vicinity of the site.

Explanation: *It would be expected that in cases where the development proposal is likely to be utilised by a range of owners and tenants, including information about the TDM Plan is essential. Evidence of how this should be provided and when should be included in the condition. There could also be consideration of whether it is necessary to include a condition of the consent that a notice be registered against the title. Depending on the wording of the notice it could simply obligate the owner to comply with the consent condition (which would make it ensure tenant(s) comply with the condition), obligate the owner to bring the matter to the attention of the tenant(s) (which would then either make the owner liable for not bringing the matter to the attention of the tenant or the tenant for having had notice and not complying with the condition) or simply as a means of bringing the consent condition to the attention of the tenant(s).*

- 6b The consent holder or successor in title shall ensure that an explanation of the TDM Plan is included in all communications (including relevant websites) and in all lease and hire agreements for use of facilities on the site.

Explanation: *It would be expected that in cases where the development proposal is likely to be utilised by a range of visitors to facilities – eg conference facilities or reception rooms, or auditoriums, providing information about the TDM Plan is essential. Evidence of how this should be provided and when should be included in the condition. There could also be consideration of whether it is necessary to include a*

condition of the consent that a notice be registered against the title. (Refer explanation from 6a above.)

Conditions: Monitoring

- 7 Either one year after construction or once the land/building is 80% occupied (whichever comes first) a Monitoring Report shall be provided by the consent holder or successor in title to the [insert title of council officer]. Further Monitoring Reports shall be provided by the consent holder or successor in title every year for the following three years. Each Monitoring Report shall be prepared by a suitably qualified and experienced traffic engineer and shall include as a minimum:
- i) details of who is responsible for implementing the TDM Plan and the organisational structure supporting this process;
 - ii) details of who is responsible for auditing the TDM Plan;
 - iii) an annual survey of staff and of visitors showing their travel methods to and from the site;
 - iv) an outline of the steps taken by the consent holder to encourage the reduction of the number of single occupant private vehicles attracted to and generated by the site on a daily basis, including but not be limited to:
 - (a) Developing material to communicate with users of the site and to educate them about the benefits of reducing the number of single occupant private cars attracted to/generated by the site
 - (b) Developing and implementing schemes to encourage walking and cycling
 - (c) Developing and implementing schemes to encourage the use of public transport
 - (d) Developing and implementing schemes to incentivise car pooling
 - v) an annual audit of the implementation measures undertaken
 - vi) details of any new measures proposed to be included to encourage reduced use of single occupant private vehicles.

Prior to submission of the Monitoring Report to Council a copy will be provided to Auckland Transport for review and the opportunity to provide comment on the measures reported on in the Monitoring Report. Note that the Council will insert specific conditions related to monitoring charges and review requirements related to these and other conditions of consent.

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