

## Using the land-use planning system to achieve transport-planning outcomes: Comparing experiences between NSW and the UK

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**Abstract:** Growing interest in the integration of land-use and transport planning has led to the inclusion of transport planning mechanisms within land-use planning policies by local governments in Australia. Travel planning is a transport planning methodology that seeks to reduce the number of single-occupancy vehicle trips generated by a site or precinct. Many local governments are beginning to incorporate a travel planning mechanism as a condition of development consent, requires developers to prepare and implement travel plans. Previous research has found that the implementation of travel plans in land-use planning processes is poorly managed, with no provisions for monitoring, evaluation, compliance or enforcement put in place. This research involved a comparative policy analysis between the UK – where the policy has reportedly been implemented successfully – and in NSW, where implementation of the policy has proved problematic. Drawing on interviews and key policy documents, the review compared key policy mechanisms relating to the development, implementation, monitoring and enforcement of travel plans, identifying factors in the UK system that were lacking in NSW. This research identified key shortcomings in the NSW system that prevent effective travel planning processes from being undertaken, and explores how the land-use planning system in Australia could be adapted to improve implementation.

### Introduction

As our country has become increasingly urbanised, interest has grown in optimising the systems that determine how people use space and move between spaces. The integration of transport and land-use planning is key within this trend, and many strategies, both in the literature and practice, have emerged in an attempt to integrate planning for these two crucial determinants of city structure.

Such strategies have included strategic- or spatial-planning processes that attempt to ensure that transport planning keeps pace with land-use change and development, such as reserving land for transport infrastructure as sub-divisions are planned, and reviewing transport provision for planned greenfield and brownfield redevelopments. Further, site-level strategies aim to minimise the impacts of traffic generated by each new development upon the surrounding networks and ensure that transport provisions are adequate across a range of modes. Travel plans have been one such site-level strategy, and have been increasingly adopted within the land-use planning system in order to ease the pressure of new developments upon surrounding transport networks.

Travel plans are strategies developed by companies to reduce reliance on private-vehicle commuting by staff or residents of a particular site or precinct. Travel plans have their origins in the US, and arose in response to the 1970s oil crisis, when the need to reduce frequency of single-occupant vehicle commutes was recognised (Enoch & Ison, 2008).

Travel plans involve the collection data on travel patterns, the setting of targets to reduce reliance on private vehicles, and the development and implementation of actions to achieve these targets (UK Department for Transport, 2002). Traditionally, travel plans were instigated by companies wishing to alter the commuting patterns of their staff. More recently, travel plans have come to be included within land-use planning regulation as a means of limiting the impact of new developments upon the transport system (Rye, Green, Young, & Ison, 2011). In the UK, support for travel planning within the land-use planning system emerged throughout the 2000s and has been further cemented with additional guidance in subsequent years, as discussed further throughout this paper.

Travel planning in New South Wales (NSW) has emerged within the planning system more recently, and has occurred at a local government level, rather than through state government legislation or policy. Local

governments have added travel planning requirements to Development Control Plans (DCPs), the non-statutory documents which are designed to provide urban design and development guidance in each local government area.

Anecdotal evidence in the first years of the mechanism being included in some local government DCPs suggested weaknesses in the mechanism's ability to secure, monitor and enforce the implementation of travel plans within the NSW land-use planning system.

Unfortunately, the lack of monitoring and reporting that occurs relating to travel plans in NSW has resulted in a dire lack of data relating to the success of travel planning initiatives as required by land-use planning mechanisms, with a single site, the Optus Campus at Macquarie Park, providing the only example of travel planning which has been thoroughly documented and monitored. This lack of data prevented a quantitative examination of the outcomes of travel planning mechanisms, which was the original intention of this research.

Instead of a quantitative approach, this research involved:

1. A series of interviews with local government stakeholders in New South Wales to identify whether the NSW system achieves any of these components for success; and
2. A comparative review of legislation, regulation and guidance relating to travel planning from the UK and NSW systems, in order to identify differences and gaps that may account for challenges that are experienced in NSW that have been resolved in the UK delivery of the mechanism.

The intention of this research is not to suggest that the UK example necessarily exhibits a perfected model for travel planning in land-use planning regulation. However, a longer history of implementation and a reportedly-moderate level of success mean that the jurisdiction's experiences provide lessons and insight for NSW which may prove valuable in determining how to improve the NSW legislation and regulation.

The focus for this research was restricted to travel planning's applications within the NSW planning system. Although travel planning has been adopted within planning systems in other states of Australia, differences in planning systems and legislations make comparative analysis a difficult project – and one that was broader than the scope of this review. A comparative review of various jurisdictions within Australia will be the subject of future work.

### ***A note on terminology***

In NSW, planning policies that include a travel planning requirement use a variety of different terms to describe travel plans including 'green travel plans', 'workplace travel plans' and 'sustainable travel plans'. Overseas, the terms 'travel demand management plans' and 'mobility plans' are also applied to this same methodology. For the purposes of consistency throughout this paper, the term 'travel plans' is used. The term 'travel planning' is used throughout this paper to refer to the process of developing a travel plan.

## **Background**

### ***Travel planning***

Travel plans have been used in Europe – and, in particular, in the UK – and the US to facilitate the uptake of transport options which provide alternatives to private-vehicle ownership and use (Roby, 2009). Typically, travel planning actions include a mix of incentives for the use of sustainable transport modes, and disincentives for the use of single-occupant private-vehicle commuting, in addition to a mix of both 'soft' (policy and behaviour change) and 'hard' (infrastructure and facilities) measures (Enoch & Ison, 2008).

Enoch and Ison (2008: p5) refer to several site-level studies in the UK which have shown that the implementation of travel plans has resulted in a reduction in single-occupant vehicle commutes of 15% to 30%, with other studies finding reductions as high as 66% (UK Department for Transport, 2002: p4). Other studies, which also cover European and US examples (Roby, 2009; Rye, Green, et al., 2011), have

shown a similar variability in impacts. It was not clear from the literature whether the above figures relate to travel plans which were prepared voluntarily or were required by regulation.

Despite these reported successes, the uptake of travel plans has been shown to be relatively low where travel planning is a voluntary requirement and, as Roby (2009) reports, an organisation's motivation for instigating a travel planning process will rarely be due to a commitment to corporate social responsibility or to reduce congestion. Instead, the impetus to develop a travel plan is more often due to a compulsion or requirement by another authority.

The transport and planning literature within Australia contains a distinct lack of research on the subject of travel plans. Rye, Green, et al. (2011) note that both the international land-use planning and transport planning literature are relatively silent on the use of the land-use planning system to secure the implementation of travel plans – suggesting that this lack of research is not a problem unique to Australia. This research intends to respond to this identified gap, providing a starting point for considering the effectiveness of travel plans in the Australian land-use planning context.

### ***Travel planning as a land-use planning mechanism: The UK***

Local authorities, perhaps in response to the low uptake of voluntary travel planning in the UK, have begun to require that developers prepare and implement travel plans as part of the development application and approval process (Rye, Green, et al., 2011). This was accelerated after the 2004 release of the 'Smarter Choices' agenda by the Department of Transport, which argued for 'soft' measures as a complement to 'hard' infrastructure solutions to congestion problems (Rye, Green, et al., 2011). This requirement has been further strengthened by travel planning's inclusion in the National Planning Policy Framework, and national-level guidelines which are provided on the Planning Policy and Guidance website, which detail how local authorities should implement the policy. These statutory requirements are the impetus behind the majority of travel plans, with 75% of all travel plans in the UK secured through the planning system rather than through voluntary uptake (Rye, Green, Young, & Ison, 2011).

### ***Travel planning as a land-use planning mechanism: The NSW system***

Sydney, home to 4.6 million people, suffers from a high level of dependence on private-vehicle transport – only 24% of journey-to-work trips are taken by public transport, resulting in congestion which costs Sydney of an estimated \$5.2 billion per year (NSW Planning and Infrastructure, 2013: p16). Authorities are faced with an urgent need to alter transport patterns and shift mode-share away from single-occupant private-vehicle trips to public and active transport modes. This is resulting in an increased interest in the integration of transport and land-use planning systems – particularly at the local government level.

NSW local governments undertake strategic planning and regulate development through two key mechanisms – Local Environmental Plans (LEPs) and Development Control Plans (DCPs). LEPs are legal instruments prepared by each local government to impose standards to control development, such as zoning maps, floor-space ratios, height restrictions and heritage conservation areas (NSW Department of Planning, 2009). DCPs are non-legal documents that support a local government's LEP with more detailed planning and urban design guidelines to guide development design and the development assessment process.

Many local governments have recently included a requirement in their DCPs that developers submitting applications for developments that exceed a set threshold must prepare a travel plan. Of 25 Sydney local government DCPs reviewed as part of this research, eight DCPs included a travel planning requirement, with an additional precinct-specific DCP requiring travel plans and one DCP suggesting travel planning as a possible voluntary mechanism for addressing shortfalls in parking requirements.

Travel planning remains a relatively novel concept in NSW planning policy, and anecdotal evidence throughout the early years of its use in the planning system suggested that the requirement was not so robust as to be enforceable by local governments. This research reviewed policy and regulation in the NSW system to understand whether there was truth to the anecdotal evidence. It sought to identify the weaknesses that may be preventing effective implementation of the mechanism, and compared it with the (reportedly) more successful policies and guidelines that apply in the UK system, in order to understand

how the mechanisms used in NSW could be improved to secure better implementation, monitoring and enforcement of travel plans.

### **Methodology**

This research used several methods to determine current best practice with regards to travel planning policies, to understand how NSW mechanisms measured against best practice benchmarks, and then to understand how the NSW mechanism could be improved.

This research involved a literature review of the Australian and international experience to identify key challenges that have been experienced in the implementation of travel planning requirements. However, as mentioned above, only a small number of papers have been published describing the use of travel plans within the land-use planning systems of various jurisdictions. Thus, this paper draws on a relatively small number of published works that have documented challenges and successes for travel planning regulation. These papers did, despite their small number, provide useful context for this comparative review, pointing to key differences in the UK and Australian planning system.

This research draws upon the experiences of those involved within implementing the travel planning mechanism at a local government level. Interviews were conducted with seven key stakeholders who are involved in the development and implementation of transport planning policies within the land-use planning system. Interviewees included six strategic, transport and assessments planners from local governments within Sydney, all of whom were experienced in the preparation or implementation of transport planning policies and regulations. Additionally, one interview was also conducted with a representative of a development company who had been involved in the implementation of a travel plan that was compelled as a condition of planning consent. The interviews focused on challenges and opportunities for travel planning mechanisms within the land-use planning system, and on interviewees' experiences of implementing the mechanisms.

The literature review and these interviews allowed for the identification of key strengths and weaknesses of both systems. These strengths and weaknesses were found to relate to three broad themes: requirements (the ability to require developers to implement travel plans effectively), monitoring and evaluation (the ability to track implementation and understand the effectiveness of actions implemented) and enforcement (the ability to require compliance with the regulation).

Following these interviews, a comparative review of UK and NSW legislation, regulation and guidelines was undertaken. Documents reviewed were: the UK Government's *National Planning Policy Framework*, the UK Department of Communities and Local Government's *Planning Policy Guidance Note 13: Transport*, and their *Good Practice Guidelines: Delivering Travel Plans through the Planning Process* advice. NSW lacks such state- or national-level overarching guidance documents on travel planning, so instead, local government DCPs for 26 Sydney local governments were reviewed to understand the key features of travel plan regulation in NSW.

Using the list of strengths and weaknesses across the three themes of requirements, monitoring and evaluation, and enforcement, this review sought to understand the differences that exist between the UK and NSW systems, in particular looking to understand factors that might be responsible for shortcomings in the NSW system. The results of this review are discussed below.

## **Results**

### ***Challenges within the NSW system***

#### **Inability to engage occupants at development stage**

Unlike other transport planning mechanisms, travel plans are primarily about people and their travel behaviour – often referred to as 'soft measures' – rather than about the 'hard measures' such as facilities and infrastructure, which we instinctively associate with transport. Thus, as described by an interviewee

for this project, travel plans should be considered as *'human resources plans that are primarily concerned with people's transport'*.

When approached with this lens, it becomes clear that travel planning is focused less on the building fabric, and more upon the policies and initiatives that operate within a building. Given this, it becomes apparent that a travel plan written at the stage of development application – long before the future tenants or owners are identified – is unlikely to be particularly useful in compelling a change in mode share as it will not draw upon accurate baseline data, will not address the particular travel patterns and needs of the occupants, will not identify opportunities for the improvement of policies and initiatives encouraging sustainable mode use and will not have the cooperation of senior management within the tenant organisation.

*'Travel plans need to be about the occupant.'*

-Transport Manager at a development company

*As a theoretical construct, there is nothing wrong with travel plans, however as a practical measure they are problematic. They have to be done at the right time by the right people – it really has to be done by the occupant of the building.*

-Transport planner, City of Sydney

A developer who was interviewed noted that the use of DCPs to 'force' developers to implement travel plans would only be effective in cases where the tenant was identified at the development stage and was willing to prepare and implement the travel plan, as most of the strategies key to the success of travel planning relate to the tenant, not the developer.

The system's inability to require the amendment and review of travel plans upon occupation of a site and for a review period thereafter is likely hindering the development and implementation of effective travel plans for new developments in NSW.

### **Monitoring, reporting and evaluation**

Monitoring, reporting and evaluation of travel plans was identified as a recurrent concern throughout the interviews. Monitoring and evaluation are generally identified throughout the literature as crucial components of the travel planning process (UK Department for Transport, 2002; Enoch & Ison, 2008; Roby, 2009; Rye, Green, et al., 2011), however interviewees noted that they experience ongoing difficulties in securing any kind of meaningful monitoring, reporting or review processes as part of travel plans delivered through the land-use planning process.

*The biggest question in travel planning is the whole question of monitoring – and this has been the experience overseas as well. However, without monitoring, you have got no real understanding of what is happening and no control over it.*

- Transport Planner, Leichhardt council

Firstly, a lack of monitoring provisions within the regulation – and an inability to incorporate any such provisions – was identified. The interviewees could not identify a meaningful and effective way to incorporate monitoring requirements into the obligations of the DCP – and indeed, there were no effective or rigorous monitoring or reporting requirements included in the DCPs that currently have a travel planning control. Prescribing targets for mode share was identified as a possible means of providing a benchmark against which achievements could be monitored, however selecting a target was noted to be a difficult (and inevitably, arbitrary) process.

Secondly, resources for pursuing any kind of adequate assessment or monitoring are significantly limited. Generally, councils are pressured to keep their development application processing times as short as possible, and staff are already overwhelmed with work. Adding the handling of travel plans to an extensive list of requirements would not likely be well received. Compounding this is the fact that few

development assessment staff are adequately informed about travel planning, and thus are not in a position to assess and monitor travel plans. Assessment planners have requested quantitative targets or checklists for assessing the plans, as without these they are finding themselves unable to evaluate the quality of the travel plans they receive.

Further, the travel planning process does not fit within the normal time frame of development assessment processes. Generally, the development approval process concludes with the issuing of the occupation certificate. Any further matters are dealt with as compliance issues. As noted by several of the interviewees, travel planning should, however, be an ongoing and continual process of review and implementation, meaning that it does not sit well with the usual duties of council assessment planners.

Thirdly, the monitoring and evaluation process is entirely unclear in almost all cases where travel planning has been incorporated into DCPs. Interviewees noted that, generally, no responsibility is assigned within councils for assessing whether the plan has been implemented, and no ongoing monitoring strategies or reports are requested by councils. Even one council, which had requested that a developer provide an annual report detailing progress in implementation, has apparently never formally requested that the organisation submit data or reporting to them.

The implementation of a compliance regimen for travel planning, similar to that applied to food outlets, for example, including regular site visits and compliance assessments, would require significant resourcing, and would be beyond the reach of most councils. To provide and train compliance officers to monitor and evaluate the implementation of travel plans would be a relatively expensive exercise, and not one which any of the councils interviewed expressed interest in funding. The cost and resources required for auditing when weighed against the potential benefits was identified as a major barrier by several councils interviewed.

### **Enforcement**

The inability of councils to enforce compliance with the DCP travel planning requirement was also raised as a problematic component of the mechanism throughout several interviews. Doubts were raised by interviewees regarding whether the travel planning requirement could be upheld in court – no cases have currently been brought to court relating to this mechanism, and several interviewees expressed concern about the ability to uphold it in court.

Two of the council staff who were interviewed noted that they were unwilling, and most likely also unable, to force developers to implement the actions and strategies of their travel plan. Indeed, one interviewee noted that his team of assessment officers were 'not going to stop a development happening because they've got a s\*\*t travel plan', due to the enforceability of the mechanism being so weak as to render it useless as a development assessment tool.

This weakness of enforceability of this mechanism was reported to stem from the fact that travel planning as a condition of consent is an obligation placed on the developer, however many of the actions which should usually be included in a travel plan – the 'soft' measures – relate to the occupants of the building. Councils cannot place a condition of development consent upon the tenants of a building, and therefore are unable to enforce the implementation of travel planning beyond anything that is installed at the initial construction stage.

### ***A comparative review: UK and NSW legislation and regulation***

This section of the paper draws upon a comparative review of UK and NSW legislation, regulation and guidance, which sought to identify key differences in the way travel planning requirements are legislated, supported and implemented.

### **National-level guidance for travel planning**

Travel planning is given significantly more weight in the planning process in the UK than in NSW due, in large part, to support for travel planning at the national level. In 2002, national-level guidance was issued on using the land-use planning system to secure travel plans, providing guidelines for local authorities to

support their implementation of travel planning through the land-use planning system. Since then, national support has been strengthened through updated guidelines and the inclusion of travel planning in the Planning Practice Guidance website. Travel planning is also identified within the National Planning Policy Framework that stipulates that all developments with the potential to generate significant amounts of transport movement should be required to develop and implement a travel plan.

These national-level documents provide backing for travel planning at a legislative level, ensuring that local authorities are supported in requiring developers to prepare travel plans. This gives local authorities greater confidence that their travel planning requirements will be supported in the instance of a court challenge, enabling them to implement actions to require compliance.

The Planning Practice Guidance website contains recommendations and guidance for how local authorities should implement travel planning, outlining best practice for various stages of travel plan development and implementation. These documents establish standard practices for local authorities implementing travel planning requirements, reducing the level of regional variation and ensuring that developers are aware of the need to comply with travel planning requirements regardless of which local area they are applying to develop within.

The Planning Practice Guidance website encourages the use of planning conditions (controls) and obligations (payments) to require travel planning as part of the development process. It specifies that local authorities should develop travel plan policies that explicitly detail the requirements. This is demonstrative of national-level support for planning instruments to be used to encourage travel planning.

The national-level guidance encourages the use of both financial and non-financial measures to require compliance with travel planning controls. It also provides support for long-term monitoring of outcomes relating to travel planning, including the review and update of travel plans and the review of reporting submitted by developers and other organisations.

NSW lacks state-level legislative backing for travel planning requirements. Such legislative backing would help ensure that councils could be certain that their requirements would be upheld in court. Currently, the somewhat-uncertain legal status of DCPs, which are not legal documents but rather guidelines for development, means that councils are unsure of whether they will be supported in requiring developers to comply with the travel planning control.

### **Detailed travel planning policies**

In the UK, local authorities establish travel planning policies within their Local Development Frameworks (LDFs) (similar to DCPs in NSW) which clearly outline the requirements relating to travel planning. These policies generally include:

- A description of the types of developments to which travel planning requirements apply. This will include an overview of the different types of travel plans that are required – for example, some developments may only be required to develop a single travel plan, while others might need to develop an ‘interim’ travel plan, which is superseded by a full travel plan once the building has been occupied and a full travel survey can be undertaken.
- A description of the requirements of the travel plan, including objectives, targets, actions, review processes, monitoring and evaluation processes and responsibilities.
- Example actions, and lists of the modes that must be considered in all targets, objectives and action lists.
- Long-term monitoring measures, including the requirements that are placed on the developer or occupant to conduct travel surveys, program evaluations and other data collection.
- Reporting requirements, such as the type of information that must be reported to the local authority, and the required frequency of reporting.
- Responsibilities of individuals and organisations for particular actions.
- Enforcement and compliance processes, such as the means by which penalties will be delivered.

In NSW, DCPs are used by local governments to establish a travel planning requirement as part of the development approval process. NSW local governments lack a separate travel planning policy, which

provides UK local authorities with an opportunity to outline the specific details of the requirement outside of the control document.

Some of the NSW DCPs include similar standards and requirements, such as a description of the development size or features for which the travel planning requirement is triggered, as well as targets, possible actions, and review processes. Generally, however, NSW local government DCPs do not specify monitoring and review requirements, particularly beyond the occupation of the building. Further, many do not specify any enforcement or review mechanisms (which may be, as described further below, due to a lack of these mechanisms being available to local governments). In NSW, travel planning mechanisms in DCPs tend to lack sufficient detail to ensure that their implementation is successfully secured.

### **Use of planning conditions**

Local authorities use planning conditions to determine and specify requirements – much like conditions or controls would be used in the NSW context. These conditions appear to be more flexibly applied than do conditions in the NSW context, and can be used to specify ongoing requirements that persist beyond the issuing of permission to occupy the site.

National level planning guidelines specify that planning conditions apply to the developer, and to 'any subsequent occupiers of the site' – thus, it includes not only the person responsible for the application, approval and construction of a development, but anyone deriving title from that person. This allows local authorities in the UK to ensure that responsibilities to meet planning conditions persist beyond the issuing of an occupation certificate.

In NSW, occupation certificates – the tool used to prevent or consent occupation of a new building or changed use, is primarily focused on verifying that the building meets the standards of the Building Code of Australia. The certifying authority – whether a local government or private consultant, must confirm that the preconditions for occupation issued at development approval stage – for example, a travel planning requirement – have been met. However, given that this check occurs prior to occupation, the only requirement incumbent upon developers is to have prepared a travel plan, rather than to have taken steps to implement the travel plan. Thus, the issuing of an occupation certificate occurs prior to any implementation or monitoring occurring.

The issuing of an occupation certificate tends to be the final stage of the development process, and thus the involvement of planning authorities beyond this stage is limited. There is therefore little involvement in the development by local government planners at the point at which the implementation of the travel plan might occur.

Further, there is pressure upon consent authorities to ensure that conditions imposed do not unnecessarily delay occupation of a building. The Department of Planning has issued circulars on occupation certificates that emphasise the risks posed by delaying occupation – such as financial hardship and security issues related to unoccupied buildings.

### **Planning obligations (developer contributions)**

Local authorities use planning obligations that allow councils to secure payments for travel planning, and to specify penalties (financial and non-financial) for non-compliance. Planning obligations, commonly referred to as s106 payments or developer contributions, are more flexibly applied by local authorities than the equivalent section 94 (s94) payments in NSW. Local authorities can specify the purpose of the payment, and these requirements are valid so long as they are 'reasonably and directly related' to the development.

In the UK, travel planning has been deemed to be 'reasonably and directly' related to development applications and thus local authorities can secure s106 payments for travel plans. These obligations are used to fund the employment of officers who oversee and administer travel planning, or to pay for services and infrastructure such as shuttles or bike facilities. These payments enable greater resources to be allocated to the review, approval, monitoring and enforcement of travel planning, as they allow local



authorities to employ dedicated officers whose primary responsibility is to administer the travel planning requirement.

In NSW, s94 developer contribution payments may only be secured by local governments to pay for capital works and community infrastructure – they could not be used for travel planning-related costs. These developer contributions are not available for use by local government to fund positions to monitor elements such as travel plans. Further, local governments have commitments to provide particular infrastructure, and schedules for this provision. Forgoing some of this income to fund the monitoring and evaluation of travel plans would leave a shortfall in funding for community infrastructure.

Further, s94 payments cannot be used to secure recurrent payments for ongoing maintenance and management of community facilities – planning agreements do not allow securing recurrent funding. Funds secured through s94 may only be used for capital works and land acquisition for community infrastructure, not for measures relating to site-based upgrade of transport facilities.

### **Ongoing administering of requirements**

Local authorities in the UK have a greater ability to administer the requirement on an ongoing basis than is the case in NSW. Local authorities specify that more than one travel plan might be required for a development – an interim plan prior to occupation, followed a reviewed version once the site is occupied. This ensures that the plan remains relevant after occupation of the site.

Authorities also specify that the obligation to implement and monitor the travel plan sits with the developer or anyone deriving title from that person – thus, the obligation to implement, monitor and review the travel plan continues beyond the development application process. The Planning Practice Guidance website states:

‘Monitoring requirements should only cease when there is sufficient evidence for all parties to be sure that the travel patterns of the development are in line with the objectives of the Travel Plan. This includes meeting the agreed targets over a consistent period of time. At this point the Travel Plan would become a voluntary initiative.’

In NSW, the involvement of local government planners tends to cease once a site is occupied. A key variation on this is where a specific use might involve particular restrictions or constraints on activity – such as hours of operation or furniture on footpaths. Generally, however, such issues are dealt with by compliance teams, rather than by land-use planners, who are unlikely to have expertise in transport planning.

Preconditions to occupation in NSW may be used to secure the drafting of a travel plan – as they commonly are by local governments. However, the monitoring and review of a travel plan needs to occur during implementation – not the drafting of the document. Thus, the preconditions are only able to specify that a travel plan be submitted – and to require this prior to occupation – but are not able to require, monitor or evaluate implementation.

### **Review and updates**

Local authorities have the ability to require that travel plans are reviewed and updated in instances where mode share improvements are not being achieved. The dedicated officers responsible for travel planning work with developers to identify means by which improvements could be made and challenges overcome, and travel plans are adjusted accordingly. Failure to address the changes requested by the local authority can be met with compliance measures.

This is not currently practiced within the NSW planning system. Due to the remit of planners in the NSW planning system generally ceasing at the occupation stage, securing ongoing monitoring and review of travel plans falls outside their stage over which they have control. Although many DCPs specify that local governments will require review reports to be submitted on an annual basis following occupation, few have the processes in place nor the means to ensure that this takes place. In previous research, no local governments in Sydney indicated that they followed up with developers to ensure that monitoring measures were carried out or that review reports were submitted (Wynne, 2013).

### **Penalties and enforcement**

Local authorities can issue financial or non-financial penalties for non-compliance and require developers to meet the actions and objectives outlined in their travel plan. Local authorities are made aware of non-compliance through monitoring and reporting measures administered by dedicated officers funded through s106 payments. Local authorities primarily issue orders to encourage developers to meet requirements prior to issuing financial penalties. Financial penalties, while they remain an option, would generally only be taken up in circumstances where compliance with initial orders does not occur.

In NSW, local governments do not currently issue penalties for non-compliance with measures such as travel planning requirements. This may be because, currently, the requirement at occupation stage is limited to the preparation of a travel plan – not its implementation – and because local government planners have little capacity or resources to ensure that monitoring and evaluation takes place. Requiring compliance would require stronger mechanisms and means by which a commitment to implementing the measures specified in the travel plan could be guaranteed.

### **Recommendations and conclusion**

At present, a number of features of the NSW planning system make it difficult to use the land-use planning process to successfully secure effective travel plans. Legislative and regulatory shortcomings and structural challenges relating to the monitoring, evaluation, enforcement and resourcing of councils to support such policies mean that it will be difficult for NSW to achieve the degree of widespread uptake that travel planning has enjoyed in the UK.

However, a number of alternative avenues could be explored by NSW local governments in order to allow them to secure travel plans. These alternatives are described below.

### ***Voluntary Planning Agreements***

In NSW, VPAs are used to secure contributions (financial or otherwise) from developers. They are negotiated between council and a developer, and are used in lieu of payments under s94. VPAs could be used to secure commitments and payments relating to travel planning more flexibly than s94 – much as planning obligations under s106 are used in the UK.

However, s94 income is an important source of infrastructure funding and councils rely on it to fund and maintain community infrastructure to support new developments. For this reason, VPAs are not likely to be suitable as a *primary* means of securing travel plans, as this would require councils to forgo income relating to s94. They would also require negotiation on a per-development basis – a relatively resource-intensive process.

However, VPAs could be used to secure commitments to travel planning where it is particularly suitable to do so, and where VPAs are already going to be negotiated to achieve other outcomes. Appropriate sites might include very large residential or mixed-use developments, developments that are part of large-scale renewal precincts and large commercial employment sites, and sites where the developer appears willing to cooperate and take a leadership role with regards to sustainable transport outcomes. Payments secured through VPAs for several large sites might help to pay for the employment of an officer to manage the monitoring and implementation of travel plans.

VPAs could also be used to establish Transport Management Associations (TMAs) in precincts where this would be a suitable arrangement, such as large-scale renewal precincts. VPAs could secure payments for the employment of a TMA coordinator, and be used to compel developers to contribute to the TMA.

### ***TMAs for large sites or precincts***

TMAs are membership organisations that work to improve transport outcomes for a particular precinct or site. They are generally private-public partnerships, led by private developers and property managers with the support of local or state government agencies. TMAs have been successfully used for collaborative strategies to improve transport outcomes in renewal precincts, employment lands, industrial parks and

other such sites. TMA membership is usually voluntary, however could be compelled through development conditions for particular precincts, or through use of VPAs for selected developments that require developers to contribute to their activities.

### ***Strengthen current requirements***

As identified previously, there are limited options for strengthening current travel planning requirements in NSW, given the limited ability of councils to monitor and enforce travel plans. The current shortcomings related to the requirement tend to be related to structural issues, rather than minor regulatory issues.

For example, s94 in NSW does not empower local governments to determine the purposes for which developer contributions may be sought, but specifies that they may only utilise such funds for the purpose of capital works and infrastructure maintenance. This structural inflexibility prohibits councils in NSW from using developer contributions to fund either the administration of the travel planning requirement or the implementation of travel planning actions.

However, there are a few options available to the councils that may help to bolster the effectiveness of the mechanism in DCPs. These include:

- Specify monitoring and review requirements. For example, require annual travel surveys and progress reports submitted to council for a minimum of five years, documenting progress towards the goals outlined in the plan, including a table noting progress on implementing every action listed in the plan.
- Specify that a second travel plan is to be submitted one year after occupation has commenced – this travel plan should be adjusted to reflect findings of the travel surveys, reflecting challenges and successes in implementing various actions. This travel plan should be prepared by the Travel Plan Coordinator.
- Require the appointment of a Travel Plan Coordinator within the development, and specify the responsibilities of Travel Plan Coordinator in detail. These responsibilities should include surveying, reporting requirements and other responsibilities as required.

### ***Establish a voluntary program***

Travel plans are, traditionally, voluntary processes, and tend to work best when they are undertaken with buy-in from senior management within the company or building to which the plan relates. The literature indicates that travel plans that are undertaken voluntarily tend to have higher success in achieving sustainable mode share than those required through planning regulation.

Travel planning plays an important role for existing sites, and in many ways presents a greater opportunity than new development sites to change travel behaviours. New development represents only a small proportion of the total trip generation within cities.

Establishing voluntary travel planning programs could also help to establish travel planning as a normal part of owning or occupying a commercial building within metropolitan areas. This will help set a new benchmark for property managers wishing to deliver top-end offerings to tenants, and will also bolster the travel planning requirement that will remain part of development regulation.

### ***State-level policy and legislation***

Legislative backing at the state level would add considerable weight to travel planning processes, potentially enabling councils to enforce compliance with requirements. It is national-level backing that gives support for travel planning requirements set by local authorities in the UK, and it is likely that similar provisions would strengthen the ability of local governments to administer the requirement in NSW.

State legislation and regulation should provide support for local governments in requiring travel plans to be submitted. Guidelines should also outline how travel plans should be administered by local governments, the monitoring and reporting requirements, enforcement and penalty options, and processes to be followed by developers and local governments.

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