

Before the Hearings Commissioners

Under the Resource Management Act 1991 (the **RMA**)

In the matter of a submission by Waka Kotahi NZ Transport Agency
(Submitter S129 and Further Submission FS3) on Plan
Change 1

and in the matter of Wellington Regional Policy Statement

**Primary statement of evidence of Catherine Lynda Heppelthwaite for
Waka Kotahi regarding Plan Change 1 on the Wellington Regional
Policy Statement**

Dated 14 August 2023

1 INTRODUCTION, QUALIFICATIONS AND EXPERIENCE

- 1.0 My full name is Catherine Lynda Heppelthwaite. I am a principal planner for Eclipse Group Limited. I am presenting this planning evidence on behalf of Waka Kotahi New Zealand Transport Agency (**Waka Kotahi**).
- 1.1 I hold a Bachelor Degree in Resource Studies obtained from Lincoln University in 1993. I am a full member of the New Zealand Planning Institute, a member of the Resource Management Law Association and the Acoustical Society of New Zealand. I have more than 25 years' experience within the planning and resource management field which has included work for local authorities, central government agencies, private companies and private individuals. Currently, I am practicing as an independent consultant planner and have done so for the past 18 years.
- 1.2 I have extensive experience with preparing submissions and assessing district and regional plan and policy statements in relation to infrastructure. I am currently assisting Waka Kotahi and KiwiRail in relation to planning processes for the NPSUD and MDRS and other plan changes including Whangarei District Plan Change 1, Natural Hazards.

2 CODE OF CONDUCT

- 2.0 I have read the Environment Court's Code of Conduct for Expert Witnesses (2023) and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my areas of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

3 SCOPE OF EVIDENCE

- 3.0 My evidence will address the following:
- a. The statutory and higher order planning framework;
 - b. Waka Kotahi submissions and further submissions;
 - c. Council's s42A recommendations and evidence; and
 - d. Further amendments required.

- 3.1 In preparing my evidence, I have considered the RMA Hearings Panel Reports for Hearing Stream 3 on:
- a. Climate change – General prepared by Mr Wyeth;
 - b. Climate Change – Climate-Resilience and Nature-Based Solutions prepared by Ms Guest;
 - c. Climate Change – Energy, Waste and Industry prepared by Mr Wyeth;
 - d. Climate Change – Natural Hazards prepared by Mr Dawe and Mr Beban;
 - e. Climate Change – Transport prepared by Ms Allwood; and all dated 31 July 2023.

4 THE STATUTORY AND HIGHER ORDER PLANNING FRAMEWORK

- 4.0 In preparing this evidence I have specifically considered the following:
- a. The purpose and principles of the RMA (sections 5-8);
 - b. Provisions of the RMA relevant to plan-making and consenting;
 - c. National Policy Statement on Urban Development 2020; and
 - d. New Zealand Coastal Policy Statement 2010;
- 4.1 In addition, Council's 42A Reports contains a clear description of the relevant statutory provisions (for example, section 2 of Ms Guest's report¹) with which I generally agree or accept and will not repeat here.
- 4.2 The Emissions Reduction Plan² (**ERP**) is a matter to be had regard to by Council; of particular relevance within the ERP is *Action 10.1.2: Support people to walk, cycle and use public transport* with Key Initiatives (for Waka Kotahi) being:

A. Planning – design programmes to reduce total light fleet VKT in our largest cities.

Revise Waka Kotahi NZ Transport Agency's national mode shift plan (Keeping Cities Moving) to ensure nationally led activities align with the

¹ <https://www.gw.govt.nz/assets/Documents/2023/07/S42A-Report-HS3-Climate-Change-Climate-Resilience-and-Nature-Based-Solutions.pdf>

² Section 3.2.3

pace and scale of VKT reduction and mode shift required in urban areas³.

D. Reshaping streets – accelerate widespread street changes to support public transport, active travel and placemaking

Scale up Waka Kotahi NZ Transport Agency's Innovating Streets for People programme to rapidly trial street changes⁴.

5 WAKA KOTAHI SUBMISSIONS AND FURTHER SUBMISSIONS

5.0 In summary, the Waka Kotahi primary submission seeks:

Climate Change

- a. to be involved in the drafting of the Introduction chapter⁵;
- b. support for Objective CC.1(b) and the provision of well-functioning urban areas⁶;
- c. Support for Objective CC.1(c) and well-planned infrastructure⁷;
- d. Support for the costs and benefits of transitioning to low carbon being shared fairly in Objective CC.2⁸;
- e. Supports in part Objective CC.3 and the intention of reducing greenhouse gas emissions; sought alignment with the direction from Central Government⁹; and
- f. Support in part Method CC.2 and sought alignment with the direction from Central Government¹⁰.

5.1 Waka Kotahi also made the following further submissions:

- a. support Meridian Energy Limited¹¹ seeking further clarification of "well-planned infrastructure" and recognition of regionally significant infrastructure;

³ Page 178, <https://environment.govt.nz/assets/publications/Aotearoa-New-Zealands-first-emissions-reduction-plan.pdf>

⁴ Page 179, <https://environment.govt.nz/assets/publications/Aotearoa-New-Zealands-first-emissions-reduction-plan.pdf>

⁵ Submission S129.001.

⁶ Submission S129.002.

⁷ Submission S129.003.

⁸ Submission S129.004.

⁹ Submission S129.006.

¹⁰ Submission S129.033.

¹¹ FS3.0010.

- b. support for Porirua City Council¹² for clarification on the intent and implementation of the *carbon emissions assessment* definition and the *climate change mitigation*; and
- c. support for Winstone Aggregates who sought the inclusion of a definition for quarrying activities¹³. This is consequential to the Winstone submission on Policy 39 proposing to recognise significant mineral resources and quarrying activities..

Climate Resilience and Nature Based Solutions

- d. Support in part Policy CC.7; consider that 'protecting' is too strong of a directive¹⁴; that nature-based solutions are not always viable and need to be considered where practicable¹⁵. The policy should be amended to be in keeping with the National Policy Statement for Indigenous Biodiversity drafting¹⁶.

5.2 Waka Kotahi also made the following further submission:

- e. supported¹⁷ Kainga Ora who notes that the policies are worded as assessment criteria for resource consents, and notes that the RPS is meant to contain methods but not rules; and
- f. supported¹⁸ PCC's view that Objective CC.4 requires further clarification on outcome sought.

Energy, Waste and Industry:

- g. Policy 7¹⁹ Retain as notified to enable adequate consideration of regionally significant infrastructure in a District context.

5.3 Waka Kotahi also made the following further submission:

- a. Policy 39 supported²⁰ Chorus New Zealand Limited et al who request clarification as to what the proposed wording '*in particular where it contributes to reducing greenhouse gas emissions*' is intended to mean

¹² FS3.058 and FS.059.

¹³ FS3.005 on Winstone Aggregates S162.019 to support its submission on Policy 39.

¹⁴ Submission S129.016.

¹⁵ FS3.017

¹⁶ Submission S129.016.

¹⁷ FS3.032.

¹⁸ FS3.011.

¹⁹ Submission S129.017.

²⁰ FS3.036.

and whether this elevate regionally significant infrastructure that reduces GHG emissions over other types of regionally significant infrastructure.

- b. Supports²¹ Kainga Ora²² general comments that provisions read as assessment criteria and rules.

Natural Hazards

- c. Policy 7²³ Retain as notified to enable adequate consideration of regionally significant infrastructure in a District context;

5.4 Waka Kotahi also made the following further submission:

- a. Objective CC.6²⁴ support recognition of regionally significant infrastructure
- b. supports²⁵ Policy 29 and recognition that regionally significant infrastructure cannot always avoid high risk areas, and often have a functional need to locate in such areas.
- c. supports²⁶ recognition that regionally significant infrastructure cannot always avoid high risk areas and often have a functional need to locate in such areas. For example, the transport network often provides a lifeline function to communities that cannot be relocated.
- d. support²⁷ Policy 52 and seek that it be retained as notified, this submission point, as the policy recognises that in some instances, hard engineering methods are necessary to protect regionally significant infrastructure.

Transport

- e. Retain as notified; Policy CC.2²⁸, Policy CC.3²⁹ and Method CC.10³⁰.

²¹ FS3.032

²² Submission S158.001.

²³ Submission S129.017.

²⁴ FS3.012.

²⁵ FS3.029 on Submission S113.027.

²⁶ FS3.041.

²⁷ FS3.042.

²⁸ Submission S129.007.

²⁹ Submission S129.008..

³⁰ Submission S129.013, S129.013, S129.045 and FS3.049.

- f. Generally supported Policy 9³¹ and the promotion of a shift to low emission fuels. The current wording can be interpreted to suggest that the onus falls on transport infrastructure providers to provide the incentives to achieve the outcomes of this method. Seeks further clarification with regard to how the RPS will direct the shift to greenhouse gas reduction and low emission fuels.
- g. Supports Policy CC.9³² and the reduction of greenhouse gases which align with direction from Central Government as it becomes available. Also seeks clarity on implement and intent of policy³³
- h. Support in part Policy CC.10³⁴ which seeks efficiency of freight movements and recognises the contribution this has in the minimisation of greenhouse gas emissions.
- i. Supports Method CC.3³⁵ and a coordinated approach to travel demand management and Vehicle Kilometres Travelled (VKT) reduction but notes that there is a lack of clarity about how this will be implemented
- j. Agrees in principle with Method CC.7³⁶ and the behaviour change being sought and seeks alignment with the direction from Central Government.

5.5 Waka Kotahi also made the following further submissions:

- a. Supports KiwiRail³⁷ with Policy CC.1 retain as notified
- b. Supports WCC on Policy CC.11³⁸ Waka Kotahi seeks to understand how this policy will align with Central Government direction. Waka Kotahi requests further clarity on the intent and implementation of this policy.
- c. Supports The Fuel Companies³⁹ inclusion of a definition for transport infrastructure that is also aligned with regional and national roles and responsibilities.

³¹ Submission S129.018.

³² Submission S129.010.

³³ FS3.034.

³⁴ Submission S129.014.

³⁵ Submission S129.012.

³⁶ Submission S129.043.

³⁷ FS3.016.

³⁸ FS3.035.

³⁹ FS3.053.

- d. Supports HCC⁴⁰ definitions, Waka Kotahi supports further clarity of what high carbon transport modes are with the introduction of a definition. (HCC: to implement their relief sought for Policy CC.1)
- e. Supports HCC⁴¹ definitions, Waka Kotahi supports further clarity with the inclusion of a definition for low and zero carbon modes to assist in the application of Policy CC.1

6 SECTION 42A ASSESSMENT

Climate Change

6.0 Mr Wyeth addresses the Waka Kotahi submissions with the following recommendations:

- a. The following provisions are recommended to be retained as notified, have no material change or address the submission of Waka Kotahi: **Introduction, CC.2, Objective CC.3** and **Method CC.2, definitions of carbon emissions assessment and climate change mitigation.**
- b. I support the amendments to **Objective CC.1(b)** and (c), in particular the amendment to include reference to *planning and delivery of infrastructure* and the removal of “well-planned” which is relatively subjective.
- c. I agree with Mr Wyeth⁴² that, as no change to Policy 39 is proposed to reflect aggregates, a definition is not required.

Climate Resilience and Nature Based Solutions

6.1 Ms Guest addresses the Waka Kotahi submissions with the following recommendations:

- a. Ms Guest has provided a thorough analysis of **Objective CC.4** and I agree with her proposed changes.
- b. **Policy CC.7** is recommended to be substantially re-drafted to be non-regulatory and to focus on working collaboratively with others. I support the proposed change as it provides flexibility in approach to nature based solutions and the planning and development of infrastructure. I prefer the

⁴⁰ FS3.056.

⁴¹ FS3.057.

⁴² S42A Report Climate Change, paragraph 337.

inclusion of *prioritising the use of nature-based solutions, including by, as appropriate to the activity [...]* reflected in Ms Guest's proposed Policy CC.4 (and similarly in CC.4A) to address this issue.

- d. Supported in part⁴³ Kainga Ora who notes that the policies are worded as assessment criteria for resource consents, and notes that the RPS is meant to contain methods but not rules. I agree in principle with Kainga Ora and note Ms Guest has made some minor adjustments in order to reflect this.

Energy, Waste and Industry

6.2 Mr Wyeth addresses the Waka Kotahi submissions with the following recommendations:

- a. **Policy 7 and Policy 39** are proposed to be modified but both retain their key functions which recognises benefits of regionally significant infrastructure. I support this approach for infrastructure.

Natural Hazards

6.3 Mr Beban addresses the Waka Kotahi submissions with the following recommendations:

- a. It is proposed to include infrastructure within **Objective CC.6**. I generally support this change.
- b. **Policy 29(d)** the seeks to *avoid* development (which would include infrastructure) in high risk areas; in response to submissions, Mr Beban recommends an amendment to (d) which retains "avoid" unless there is a functional or operational need.

d) include hazard overlays, objectives, polices and rules to avoid subdivision, use or and development and hazard sensitive activities where the hazards and risks are assessed as high to extreme, unless there is a functional or operational need to be located in these areas.

- c. Provisions relate to *development, use* which can be broadly interpreted to include *infrastructure*. In relation to Policy 29(d), for non-coastal hazard areas the, need to provide functional and operational need for all infrastructure is an overly restrictive approach which does not reflect the

⁴³ FS3.032.

purpose of infrastructure and the broader approach infrastructure providers generally take for asset design. For coastal hazard areas, the use of a 'functional and operational need' test within this policy is considered not to reflect more specific NZCPS Policy 25 *Subdivision, use, and development in areas of coastal hazard risk*. NZCPS Policy 25(d) encourages the location of infrastructure away from areas of hazard risk where practicable; it does not institute an 'avoid' framework for infrastructure. In this regard, I prefer an alternative approach

d) include hazard overlays, objectives, polices and rules to avoid subdivision, use or and development and hazard sensitive activities where the hazards and risks are assessed as high to extreme, unless there is a functional or operational need to be located in these areas providing for infrastructure, and hazard risks are appropriately managed or responded to.

- d. Mr Beban proposes some changes to **Policy 52** with which I generally agree as they retain the ability to protect regionally significant infrastructure which is consistent with NZCPS Policy 25(e).

Transport

6.4 Ms Allwood addresses the Waka Kotahi submissions with the following recommendations:

- a. The following provisions are recommended to be retained as notified, have no material change or address the submission of Waka Kotahi: , **Policy CC.3, Policy CC.10, Policy CC.11, Method CC.7, Method CC.10.**
- b. Substantial changes to Policy CC.2 are proposed to provide more certainty regarding thresholds for travel choice assessments. I generally support this approach as it provides clear direction to district and city councils; however I recommend some minor refinements in Section 7.
- c. The amendment to **Policy 9** (removal of (b) the emission of carbon dioxide from transportation) and alterations to the policy Explanation improves the focus on the policy and I support this change.
- d. I support the changes to **Policy CC.9** which strengthen focus on land use and subdivision as a method to reduce in greenhouse gas emissions.

- e. Method **CC.3** has been amended and now provides for GWRC to assist city and district Councils in setting thresholds where a Travel Choice assessment (formerly travel demand management plan) is required. I support this as it will better implement the Method.

6.5 Waka Kotahi also made the following further submission:

- a. **Policy CC.1** is proposed to be amended and I address this in Section 7.
- b. The Fuel Companies requested inclusion of a **definition** for transport infrastructure to clarify that policies CC.1, CC.9 and CC.11 do not apply to service stations, truck stops or bulk supply infrastructure; I agree with the S42A assessment⁴⁴ and conclusion that this is not required.
- c. Hutt City Council requested a **definitions** of high and low carbon transport modes; I agree with the S42A assessment and conclusion⁴⁵ that this is not required and may preclude future changes in greenhouse gas emissions adjustments.

7 FURTHER CHANGES REQUESTED – TRANSPORT

Policy CC.1

7.0 Waka Kotahi further submitted in support of KiwiRail⁴⁶ who sought Policy CC.1 be retained as notified. Ms Allwood has recommended a range of changes which substantially expand the policy and include two new definitions.

7.1 While I support the overall intention of the changes to Policy CC.1, I consider some amendments should be made to Ms Allwood's proposal. In particular:

- i. Modify the chapeau clause by removal of *contributes to an efficient transport network, maximises mode shift, and reducing greenhouse gas emissions*. These items are captured within either the body of the policy (*mode shift*), are an intrinsic outcome of the policy (*reducing greenhouse gas emissions*) or are a legislative requirement⁴⁷ (*efficiency*).

⁴⁴ S42A Report, Transport, paragraphs 76 to 83.

⁴⁵ S42A Report, Transport, paragraphs 72 to 75.

⁴⁶ Submission 124.003.

⁴⁷ LTMA, section 3, *The purpose of this Act is to contribute to an effective, efficient, and safe land transport system in the public interest.*

- ii. I support the s42A intention of CC.1 (a) and (b) (as set out in the Explanation); however transport infrastructure is an *influencer* of development, in itself, it does not *provide for* or *concentrate* development; *development* itself is provided for by land use zones and consents. I proposed amendments to refer to transport infrastructure supporting development (not delivering development).
- iii. The current wording of (c) suggests that provision of infrastructure will be a requirement where (a) and (b) are not met (due to the proposed “hierarchy” structure). To provide for the wide range of infrastructure likely to fall within this policy and nature of development (eg. rural / urban), I propose a more flexible approach ahead of the ‘hierarchy’ structure.

7.2 In this regard, I prefer a revised version of Policy CC.1 with consequential amendments to the Explanation.

Policy CC.1

Policy CC.1: Reducing greenhouse gas emissions associated with transport demand and infrastructure – district and regional plans

District and regional plans shall include objectives, policies, rules and/or methods that optimise transport demand by requiring all new and altered transport infrastructure to be designed, constructed, and operated in a way that:

(a) Supports development:

(i) in locations to minimise travel distances between residential, employment and the location of other essential services and

(ii) within walkable catchments of public transport routes where practicable, and utilising existing space to remove barriers for access to walking, cycling and public transport; and

(b) Where providing new infrastructure or capacity upgrades on the transport network, prioritise walking, cycling and public transport where this is consistent with the primary function of the infrastructure.

Explanation This policy requires transport infrastructure planning (including design, construction and operation) to consider and choose solutions that will contribute to reducing greenhouse gas emissions. ~~by applying a hierarchy to all~~ New or altered transport infrastructure ~~should that~~ supports an efficient transport network ~~and~~ influences travel demand through ensuring development occurs in locations that can be best served by public transport and other low and zero-carbon transport modes. ~~This The hierarchy~~ supports behaviour change through mode shift from private vehicles to public transport or active modes. This policy does not apply to aircraft.

7.3 I do not consider a definition of *Optimise transport demand* is necessary as its key concepts are encapsulated within my revised Policy CC.1. If it is however

retained, I consider it requires some minor amendments (to focus on transport infrastructure rather than development.

Insert New Definition – Optimise transport demand

Optimise transport demand means:

- (a) Influencing demand spatially and ~~enabling~~ reduced trip length; ~~then~~*
- (b) Creating choices to travel via sustainable modes and reduce emissions; ~~then~~*
- (c) Design and deliver ~~transport infrastructure development~~ in a way that supports sustainable modes and an efficient transport network.*

Policy CC.2 Thresholds

7.4 Substantial changes to Policy CC.2 are proposed to provide more certainty regarding thresholds for travel choice assessments. I generally support this approach as it provides clear direction to district and city councils. I do however recommend some minor adjustments and further consideration in relation to threshold levels and where they apply.

7.5 I particular I support (within Table 1), having the 100 residential units threshold apply to all developments, not just those located within a walkable catchment. Demonstrating travel choice for large developments outside walkable catchments is important as it provides opportunities to consider broader linkages (eg. connections to existing shared paths, cycle networks or public transport). For the same reasons, I consider *greenfield* should be removed from control of subdivision.

Table 1: Regional Thresholds

<i>Activity and Threshold per application</i>
<i>100 residential units located within a walkable catchment</i>
<i>Commercial development of 2,500m² gross floor area</i>
<i>Greenfield subdivision over 100 residential units</i>

7.6 I would also encourage GWRC to consider setting lower thresholds to provide a more direction and support city and district councils. For example, Plan Change 79 to the Auckland Unitary Plan proposes⁴⁸ lowering new development thresholds⁴⁹ (which have been operative since 2016) for residential activities from:

⁴⁸Plan Change 79, Auckland Unitary Plan <https://www.aucklandcouncil.govt.nz/UnitaryPlanDocuments/pc-79-attachment-1-transport-plan-change.pdf> Currently in progress, no decision available.

⁴⁹ Standard E27.6.1

- 100 new dwellings down to 60 new dwellings;
- 100 visitor accommodation units down to 60 units; and
- for integrated residential development, 500 units down to 100 units.

7.7 PC79 is part of a suite of plan changes released to respond to MDRS and the NPSUD. The PC79 S32A assessment⁵⁰ specifically identifies that retaining existing thresholds as:

Not the most appropriate option to address the issue as the existing threshold to assess trip generation effects (Standard E27.6.1) is set at a high level, particularly for activities that may generate high car parking demand.

7.8 The S32A assessment also provides some comparative analysis of other local authority thresholds⁵¹ which may be of assistance.

8 CONCLUSION

8.0 In conclusion, I generally accept the reasons for or support the majority of changes proposed by Council. The only matters of difference relate to:

- Natural Hazards: **Policy 29(d)** where more flexibility is required for infrastructure;
- Transport: **Policy CC.1** (including its Explanation), where I consider changes should be made to CC.1 retain the intent but provide for a broader range of pathways to achieve the outcome;
- Transport: Related to Policy CC.1, I consider that the definition of **optimise transport demand** is not necessary, if it is retained however, some amendments are necessary; and
- Transport: Policy CC.2, Table 1: Regional Thresholds could be strengthened by some minor adjustments.

Cath Heppelthwaite
14 August 2023

⁵⁰ Plan Change 79, Auckland Unitary Plan, S32 Report, page 147, Table 34 : Evaluation of Possible Options (Effects on the Transport Network – Trip Generation Standard) <https://www.aucklandcouncil.govt.nz/UnitaryPlanDocuments/pc-79-section-32-report-transport.pdf>

⁵¹ Plan Change 79, Auckland Unitary Plan, S32 Report, page 147, Table 5: ITA Thresholds for Other New Zealand TLA's, page 38.

Attachment A: Proposed Changes

Base text is taken from Appendix A – Planners recommendation with changes accepted. All changes are in red text. New text is blue underlined and proposed deletions in ~~blue strike through~~.

Natural Hazards

Policy 29(d)

[...]

(d) include hazard overlays, objectives, polices and rules to avoid subdivision, use or and development and hazard sensitive activities where the hazards and risks are assessed as high to ~~extreme~~, unless there is a functional or operational need to be located in these areas providing for infrastructure, and hazard risks are appropriately managed or responded to.

Transport

Policy CC.1

Policy CC.1: Reducing greenhouse gas emissions associated with transport demand and infrastructure – district and regional plans

District and regional plans shall include objectives, policies, rules and/or methods that optimise transport demand by requiring all new and altered transport infrastructure to be designed, constructed, and operated in a way that:

(a) Supports development:

(i) in locations to minimise travel distances between residential, employment and the location of other essential services and

(ii) within walkable catchments of public transport routes where practicable, and utilising existing space to remove barriers for access to walking, cycling and public transport; and

(b) Where providing new infrastructure or capacity upgrades on the transport network, prioritise walking, cycling and public transport where this is consistent with the primary function of the infrastructure.

Explanation This policy requires transport infrastructure planning (including design, construction and operation) to consider and choose solutions that will contribute to reducing greenhouse gas emissions. ~~by applying a hierarchy to all~~ New or altered transport infrastructure should that supports an efficient transport network and influences travel demand through ensuring development occurs in locations that can be best served by public transport and other low and zero-carbon transport modes. ~~This The hierarchy~~ supports behaviour change through mode shift from private vehicles to public transport or active modes. This policy does not apply to aircraft.

New Definition – Optimise transport demand

Optimise transport demand means:

(a) Influencing demand spatially and enabling ~~reduceding~~ trip length; ~~then~~

(b) Creating choices to travel via sustainable modes and reduce emissions; ~~then~~

(c) Design and deliver transport infrastructure development in a way that supports sustainable modes and an efficient transport network.

Policy CC.2

Table 1: Regional Thresholds

Activity and Threshold per application
100 residential units <u>located within a walkable catchment</u>
Commercial development of 2,500m ² gross floor area
<u>Greenfield</u> subdivision over 100 residential units