

**BEFORE THE INDEPENDENT HEARINGS PANELS APPOINTED TO HEAR AND MAKE
RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS ON PROPOSED CHANGE 1
TO THE REGIONAL POLICY STATEMENT FOR THE WELLINGTON REGION**

UNDER Schedule 1 of the Resource Management
Act 1991 (the Act)

IN THE MATTER OF Hearing Submissions and Further
Submissions on Proposed Change 1 to the
Regional Policy Statement for the
Wellington Region

**REPORTING OFFICER RIGHT OF REPLY OF LOUISE RUTH
ALLWOOD**

ON BEHALF OF WELLINGTON REGIONAL COUNCIL

HEARING STREAM 3 – CLIMATE CHANGE – TRANSPORT

19/10/2023

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INTRODUCTION

- 1 My full name is Louise Ruth Allwood. I am a Technical Lead in Planning at GHD Limited and the reporting officer for the Climate Change Transport topic in Hearing Stream 3.
- 2 I have prepared this Reply in respect of the matters raised during the hearing for Hearing Stream 3: Climate Change – Transport. The Climate Change – Transport topic is following the Schedule 1, Part 1 Process of the Resource Management Act 1991 (RMA).
- 3 I have listened to submitters in Hearing Stream 3, read their evidence and tabled statements, and referenced the written submissions and further submissions to the relevant Hearing Stream 3: Climate Change - Transport topic.
- 4 My Section 42A Report, at paragraphs 18 and 19, sets out my qualifications and experience as an expert.
- 5 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court’s Practice Note 2023, as applicable to this Independent Panel hearing.

SCOPE OF REPLY

- 6 This Reply follows Hearing Stream 3 held on 28th August 2023 to 31st August 2023.
- 7 On 8th September 2023, the Hearing Panels (the Panel) issued Minute 12 and requested my Reply addresses a range of matters that were raised during Hearing Stream 3. Minute 12 also directed expert caucusing to assist the Hearing Panels in their deliberations. These matters, and my responses, are set out below.
- 8 On 20th September 2023, the Hearing Panel issued Minute 13. Paragraph 12(h) states:

"For the transport caucusing session, we direct the Council either in its reply or in the JWS to explain how, and the extent to which, the provisions coded to this topic will achieve mode shift and whether they appropriately recognise the health benefits of doing so."
- 9 The response to this specific matter is also set out below as it was not an issue addressed in the JWS of 27 September 2023.
- 10 This Reply covers:
 - a) Responses to questions of officers from the Panel members that were unable to be answered during the hearing;

- b) Matters raised by the Panel during the hearing;
- c) Matters raised by submitters during the hearing;
- d) Response to the Panels' request to explain the extent that the provisions will achieve mode shift and if they recognise the associated health benefits; and
- e) Response to Drs for Active Safe Transport's (DAST) comments on the Joint Witness Statement of 27 September 2023 (JWS).

RESPONSES TO QUESTIONS FROM PANEL MEMBERS

11 Following my s42A Officer presentation and summary of my report, the Panel asked a number of questions seeking clarification on various points in my report and within submissions. Some of these questions required further information which I did not have to hand at the time. I have now had the opportunity to consider these questions and seek out the relevant information. The questions that I cover in this Reply are:

- a) Please explain how the Regional Land Transport Plan interacts with the Regional Policy Statement? Please explain the regulation and funding process for the Regional Land Transport Plan and how often is it updated?
- b) Is there any representation of mana whenua on the Regional Transport Committee? Is there focused mana whenua engagement through the current Regional Land Transport Plan mid term review?
- c) How does the regional mode shift plan fit in to the Resource Management Act 1991 (RMA) framework and Land Transport Management Act 2003 (LTMA)?
- d) Are the principles of Waka Kotahi's Māori Partnership included in Policy EIW.1 in relation to the Regional Land Transport Plan?
- e) Is the reference to transport infrastructure too narrow in relation to Policy CC.11?
- f) Is there a freight strategy underway as per the Aotearoa New Zealand's First Emissions Reduction Plan and is there scope under the RMA/opportunity to support the move to low emissions freight infrastructure?
- g) Is there an Anticipated Environmental Result missing in relation to Climate Change Transport?
- h) How much involvement is there from mana whenua in the plan making process?

12 My responses to these questions are set out in the following sections.

Question a) Please explain how the Regional Land Transport Plan interacts with the Regional Policy Statement? Please explain the regulation and funding process for the Regional Land Transport Plan and how often is it updated?

13 As this question is relatively complicated to answer, with input from Mr Duncan Tindall, a figure has been prepared to assist in answering this question (refer Figure 1 within Attachment 1). Figure 1 demonstrates how the Regional Land Transport Plan (RLTP) interacts with the Regional Policy Statement (RPS). It also demonstrates where the regulation framework and funding comes from for the RLTP.

RLTP interaction with the RPS

14 Prior to August 2023, before submitting an RLTP to the regional council, section 14 of the LTMA required a Regional Transport Committee (RTC) to take into account relevant national policy statements and any relevant regional policy statements or plans that are in effect under the RMA. As of 24 August 2023, section 14 of the LTMA requires a regional transport committee to:¹

14.1 Be satisfied that the RLTP is consistent with the region’s regional spatial strategy; and

14.2 Have taken into account the relevant national planning framework or plans in force under the Natural and Built Environment Act 2023.

15 The interaction, therefore, between the RLTP and RPS is that the RPS can provide direction to an RLTP, which must be taken into account in its preparation.

Regulation and funding process of the RLTP

16 The LTMA provides the legal framework to establish the Government Policy Statement Land Transport (GPS - LT), National Land Transport Fund (NLTF), National Land Transport Programme (NLTP) and RLTPs. The GPS – LT guides the activities in the NLTP and how the NLTF is invested. RLTPs inform the NLTP and gains funding from the NLTF by inclusion in the three-year programme.

¹ Noting that the transitional provisions in clause 85 of Schedule 1 to the Natural and Built Environment Act 2023 currently apply, meaning that these changes are not in effect until the documents referred to are in place.

- 17 The NLTF as defined in paragraph 16 is one funding source for projects within the RLTP. Other sources from the Crown, are through programmes such as New Zealand Upgrade and Climate Emergency Response Fund. Funding for local shares is derived through sources under the Local Government Act 2002 such as rates.
- 18 The NLTF is the fund which Waka Kotahi NZ Transport Agency has available to fund the NLTP at the time but must be used to invest in land transport.
- 19 The activities in the NLTP should reflect the priorities in the most recent GPS -LT. The NLTP includes regional and national activities, for example: public transport, road maintenance and improvements (including for state highways), walking and cycling, road policing and promoting road safety.
- 20 The RLTP sets out the regional transport priorities and lists the activities and projects councils have submitted as bids for NLTP funding.
- 21 The regulation and funding processes of the LTMA primarily intersects with the RPS within the RLTP. Funding from the crown, Waka Kotahi NZ Transport Agency and rates via the Local Government Act 2002 also fund projects prioritised within the RLTP. Any changes to the Regional Policy Statement will have a flow on effect to how programmes and projects are prioritised within the RLTP.

How often is the RLTP updated?

- 22 The LTMA² requires RLTPs to be developed every six years and reviewed every three years (mid-term). The LTMA provides little direction for the requirements for this review but section 18CA requires that the Regional Transport Committee must have regard to the views of representative groups of land transport users and providers. The Wellington Regional Land Transport Plan 2021 is scheduled for a midterm review in 2023³.

Question b) Is there any representation of mana whenua on the Regional Transport Committee? Is there focused mana whenua engagement through the current Regional Land Transport Plan midterm review?

- 23 Greater Wellington Regional Council (GWRC) officers confirmed there is no mana whenua representation on the Regional Transport Committee (RTC). The RTC is appointed under section 105(2) of the LTMA and 105A, which restricts membership. Section 4 of the LTMA

² Section 13 of the LTMA

³ [Greater Wellington — Wellington Regional Land Transport Plan Mid Term Review 2023 \(gw.govt.nz\)](https://www.gw.govt.nz/transport/land-transport-plan/mid-term-review-2023/)

sets out the opportunities for Māori to contribute to land transport decision making processes. Sections 18, 18A, 18G, 18H and 100(1)(f) of the LTMA provide, as set out in section 4, the principles and requirements that are intended to facilitate participation by Māori in land transport decision-making processes. Engagement with Māori is set out more specifically within sections 18G and 18H of the LTMA.

24 During preparation of the RLTP 2021 mana whenua/tangata whenua were engaged through a combined Long Term Plan, Regional Public Transport Plan and RLTP process.

25 GWRC is currently working through Te Hunga Whiriwhiri (the function within Council which is responsible for Māori and mana whenua/tangata whenua relationships) with mana whenua/tangata whenua to determine how they would like to partner in the development of the RLTP 2027. Te Hunga Whiriwhiri provides advice and manages resources supporting the relationship between mana whenua/tangata whenua and the Council. Te Pou Whakarae (the Group Manager of Te Hunga Whiriwhiri) sits on Council's Executive Leadership Team and oversees two Pouhono ā Iwi who work between the Council staff and tangata whenua of the region. To date mana whenua that GWRC have engaged with have all indicated an interest in partnering in the development of the next RLTP.

Question c) How does the regional mode shift plan fit in to the Resource Management Act framework and Land Transport Management Act?

26 The regional mode shift plan is a non-statutory document that informs the RLTP and Wellington Regional Growth Framework. It is not mandatory for the RPS to consider the regional mode shift plan, although mode shift is one of the outcomes sought through the National Emissions Reduction Plan (NERP) and the RPS must have regard to this management plan/strategy⁴. Figure 2 (refer to Attachment 1) demonstrates how the regional mode shift plan fits into the RMA framework and the LTMA and is explained further below.

27 The regional mode shift plan is a non-statutory document that is prepared via the LTMA. The national strategic direction for the regional mode shift plan comes from the Ministry

⁴ s61(2)(a)(i) of the Resource Management Act 1991

of Transport Outcomes Framework⁵, the GPS - LT⁶, Arataki⁷, Toitū Te Taiao⁸ and Keeping Cities Moving (the national mode shift plan)⁹. The national and regional mode shift plans will eventually be replaced by Vehicle Kilometre Reduction (VKT) Plans under the direction of the NERP.

The regional mode shift plan supports the Wellington Regional Growth Framework (WRGF) which was developed as part of the Urban Growth Agenda¹⁰. The WRGF will be replaced by the Wairarapa-Wellington-Horowhenua Future Development Strategy (FDS) which is required by the National Policy Statement Urban Development 2020.¹¹

Question d) Are the principles of Waka Kotahi’s Māori Partnership included in Policy EIW.1 in relation to the Regional Land Transport Plan?

28 These principles are not included in Policy EIW.1. In my view it is not appropriate for the principles of Waka Kotahi’s Maori Partnership to be included in Policy EIW.1. As mana whenua opportunities to contribute to land transport decision making processes are addressed via the LTMA as set out in paragraph 23 above.

Question e) Is the reference to transport infrastructure too narrow in relation to Policy CC.11?

29 The Panel asked if Policy CC.11 should be expanded to refer to all ‘infrastructure’ rather than restricting it to ‘land transport infrastructure’. Changing the reference from 'land transport infrastructure' to 'infrastructure' in the policy would capture all infrastructure listed within the definition of infrastructure in the RPS. In my view, this would be problematic for the following reasons:

⁵ <https://www.transport.govt.nz/assets/Uploads/Paper/Transport-outcomes-framework.pdf>

⁶ <https://www.transport.govt.nz/area-of-interest/strategy-and-direction/government-policy-statement-on-land-transport/>

⁷ <https://www.nzta.govt.nz/planning-and-investment/planning/arataki/>

⁸ <https://www.nzta.govt.nz/about-us/about-waka-kotahi-nz-transport-agency/environmental-and-social-responsibility/toitu-te-taiao-our-sustainability-action-plan/>

⁹ <https://www.nzta.govt.nz/walking-cycling-and-public-transport/keeping-cities-moving/>

¹⁰ <https://www.hud.govt.nz/our-work/urban-growth-agenda/>

¹¹ The draft FDS is currently out for consultation.

- a) Some infrastructure has been excluded from the NERP as Central Government direction is forthcoming e.g. facilities associated with a port or cargo carried by sea and the freight industry in general on land and sea;
- b) It may have unintended consequences in relation to infrastructure that generates electricity. One of the NERP's focuses is to make it more affordable and to reduce energy costs and this may be a cost passed onto customers; and
- c) There isn't scope in the submissions to expand its application to all infrastructure.

30 I therefore do not recommend amendments are made to Policy CC.11 to refer to 'infrastructure' rather than restricting it to 'land transport infrastructure'.

Question f) Is there a freight strategy underway as per the National Emissions Reduction Plan and is there scope under the RMA/opportunity to support the move to low emissions freight infrastructure?

31 To my knowledge there currently no freight strategy prepared as part of the NERP. However, The Ministry of Transport has developed a freight and supply chain strategy¹² which was published on 18th of August 2023. In May 2020 the Ministry of Transport also released 'Green Freight: 2020', a strategic working paper which incorporated stakeholder feedback from the 'Green Freight Background Paper' and outlined options that the Government could implement over the next 15 years.

32 Section 61(2)(a)(i) of the Resource Management Act 1991 (RMA) requires the Regional Policy Statement and changes to it to have regard to management plans and strategies prepared under other Acts. As the NERP is a plan prepared under the Climate Change Response Act 2002 it is a relevant management plan prepared under another Act. In my view there is scope within the RMA and there is opportunity to support the move to low emissions freight infrastructure, noting it will take some time for this industry to transition. However, in the context of Change 1 any amendments to objectives and policies supporting the move to low emission freight in accordance with the freight and supply chain strategy would need to be within the scope of Change 1 and the scope of the submissions for the Climate Change Transport topic. In my view there isn't scope to do this.

¹² [New Zealand freight and supply chain strategy | Ministry of Transport](#)

Question g) Is there an Anticipated Environmental Result missing in relation to Climate Change Transport?

33 In my opinion, Table 14 (which sets out objectives and anticipated environmental results) identifies climate change as a topic within the table (third row) and states the anticipated environmental result as 'Carbon emissions are reduced by 50 percent from 2019 levels by 2030 across the Wellington Region'. This is the anticipated environmental result for the transport-related objectives CC.1, CC.2 and CC.3.

Question i) How much involvement is there from mana whenua in the plan making process?

34 At page 26 and paragraphs 112 to 119 of the section 32 evaluation report it summarises mana whenua / tangata whenua engagement during the development of Change 1. It notes GWRC invited mana whenua / tangata whenua involvement in all aspects of Change 1, however the priority for mana whenua was on the Te Mana o te Wai / Freshwater mahi for the RPS as well as regional plans implementing the NPS-FM.

MATTERS RAISED BY THE PANEL DURING THE HEARING

35 Figure 3 within Attachment 1 has been prepared in conjunction with Mr Duncan Tindall to assist the Panel in understanding the following:

- a) The funding process for a project under the LTMA/RMA; and
- b) The consenting process for Territorial Authorities/Waka Kotahi and developers as a result of the Change 1 provisions.

36 Figure 3 demonstrates how two project examples (developer and Territorial Authority/Waka Kotahi) track through the RMA and Land Transport Management Act (LTMA) processes as a result of the Change 1 provisions and then into a resource consent decision.

RESPONSES TO POINTS RAISED DURING HEARING STREAM 3 – Doctors for Active Safe Transport (DAST)

37 In response to the presentation made by DAST during the hearing and the points made with regards to including a specific reference to the negative impacts that a car centric transport system has on health, the specific reference to 'health' in the RMA and that 'improved health outcomes' should be specifically referenced within Policy CC.1.

38 I do not disagree that a car centric transport system has negative impacts on health. I also do not disagree that ‘health and safety’ is referenced within section 5 (the purpose) of the RMA and that it is one of the outcomes sought in the sustainable management of natural and physical resources. Planning contributes to the health and well-being of individuals and communities in several ways. There are many policy levers and external influences which impact how people choose to travel and for that reason in my view it is not necessary to specifically include a reference to ‘health outcomes’ within Policy CC.1. With the amendments I have recommended Policy CC.1 seeks the reduction in transport-related greenhouse gas emissions including by maximising mode shift; if people choose to walk or cycle as part of mode shift this is an improved health outcome.

39 In my view, by including a reference to ‘improved health outcomes’ in Policy CC.1 this will require health assessments as part of the policy application and would be costly and onerous for both resource consent applicants and processing regional and territorial authorities. The scope of a health assessment to support resource consent applications, would in my view, be somewhat ambiguous. Presumably the baseline health of the affected community or population would need to be identified before a change could be assessed. Regional and territorial authorities would be required to assess the health assessments as part of the policy implementation, and in my view this would also be problematic. In my view, the provision of a health assessment is ambiguous. I do not recommend ‘improved health outcomes’ is included in Policy CC.1, because it will require health assessments as part of policy application and by maximising mode shift people can choose to walk or cycle, and this is an improved health outcome.

RESPONSE TO MINUTE 13 AND WHETHER THE PROVISIONS IN THIS TOPIC WILL ACHIEVE MODE SHIFT AND WHETHER THEY APPROPRIATELY RECOGNISE HEALTH BENEFITS

40 The Panel requested the Council, either in its right of reply or the Joint Witness Statement (JWS), explain how and the extent to which the provisions within the Climate Change Transport Topic will achieve mode shift, and secondly, whether they appropriately recognise health benefits in doing so. As this matter is not addressed within the JWS dated 27 September 2023 I have addressed it within this right of reply.

41 The suite of provisions within the Climate Change Transport Topic direct the regional and district plans to provide for, and support, mode shift. In my opinion, the provisions will achieve mode shift where it is possible to do so, however not all situations and scenarios will allow for this. The RPS is part of a broader suite of programmes and policies, including

non-regulatory approaches, that also support mode shift, including cycling safety programmes, fuel taxes, congestion charges, public transport ticket pricing and the national and regional mode shift plans. I cannot say to what extent mode shift will be achieved via Change 1 In my view this will only be known once the provisions are implemented. In my opinion, the suite of provisions will support and enable mode shift to occur.

42 As discussed above in paragraphs 38 and 39, in my view it is not necessary to specifically reference health benefits or outcomes within the provisions of the RPS.

COMMENT ON SUBMITTER POST-CAUCUSING FEEDBACK - Doctors for Active Safe Transport (DAST)

43 The following documents were received from DAST in response to the JWS:

- a) Further Comments from Doctors for Active Safe Transport (DAST), made pursuant to Minute 12 Point 19, dated 30 September 2023;
- b) Public health interventions: the elephant in the room of the health system crisis by Caroline Shaw and Christine Cleghorn from the New Zealand Medical Journal, dated 20 Jan 2023;
- c) Statement of Evidence of Caroline Shaw, dated 11 March 2022;
- d) Health impact assessment of cycling network expansions in European cities by N. Mueller et al
- e) Environment Court decision No [2022] NZEnvC 161 for the Riverlink Project dated 25th August 2022.

44 With regards to comments relating to hierarchy within Policy CC.1, I refer back to my position recorded within the JWS at paragraph 19.

45 With regards to DAST's comments on the JWS and proposed changes shown in red to Policy CC.1, I make the following comments.

45.1 With reference to 'optimise transport demand' and seeking its deletion, I refer back to my opinion recorded within the JWS at paragraph 29.

- 45.2 As discussed in paragraphs 38 and 39 above, in my view it is not necessary to specifically reference health benefits or improved health outcomes in Policy CC.1.
- 45.3 With reference to the proposed changes to new clause (a) (previously clause (c)) proposing to replace 'support' with 'achieve'. 'Achieving' mode shift is more directive terminology. In my view this would be restrictive to infrastructure projects and possibly mean there would not be a consenting pathway for projects where it was physically impossible to achieve mode shift. Not all infrastructure projects in all instances may be able to achieve this and care needs to be taken in prioritising all other modes of transport above the car, this is particularly important for State highways where some modes of transport are prohibited.
- 45.4 With reference to DAST's proposed amendments to new clause (c) (previously clause (b)) and the explanation to Policy CC.1, the JWS records limited discussion in relation to clause (b) (refer Topic 1 paragraphs 16 to 22) and does not propose to change 'contribute to reducing greenhouse gas emissions', I therefore do not offer a comment on these changes as they are not discussed in the JWS.
- 45.5 With reference to altering the order of clause (a) to (c) in Policy CC.1, this was also not discussed within the JWS. However, I do not recommend the order of clause (a) to (c) is altered as this sets out the hierarchy of optimise transport demand.
- 46 I offer no comment in relation to Policy 57 as this is outside of the scope of this topic. Policy 57 is being considered through Hearing Stream 4 – the hearing for which ended on 4 October 2023.

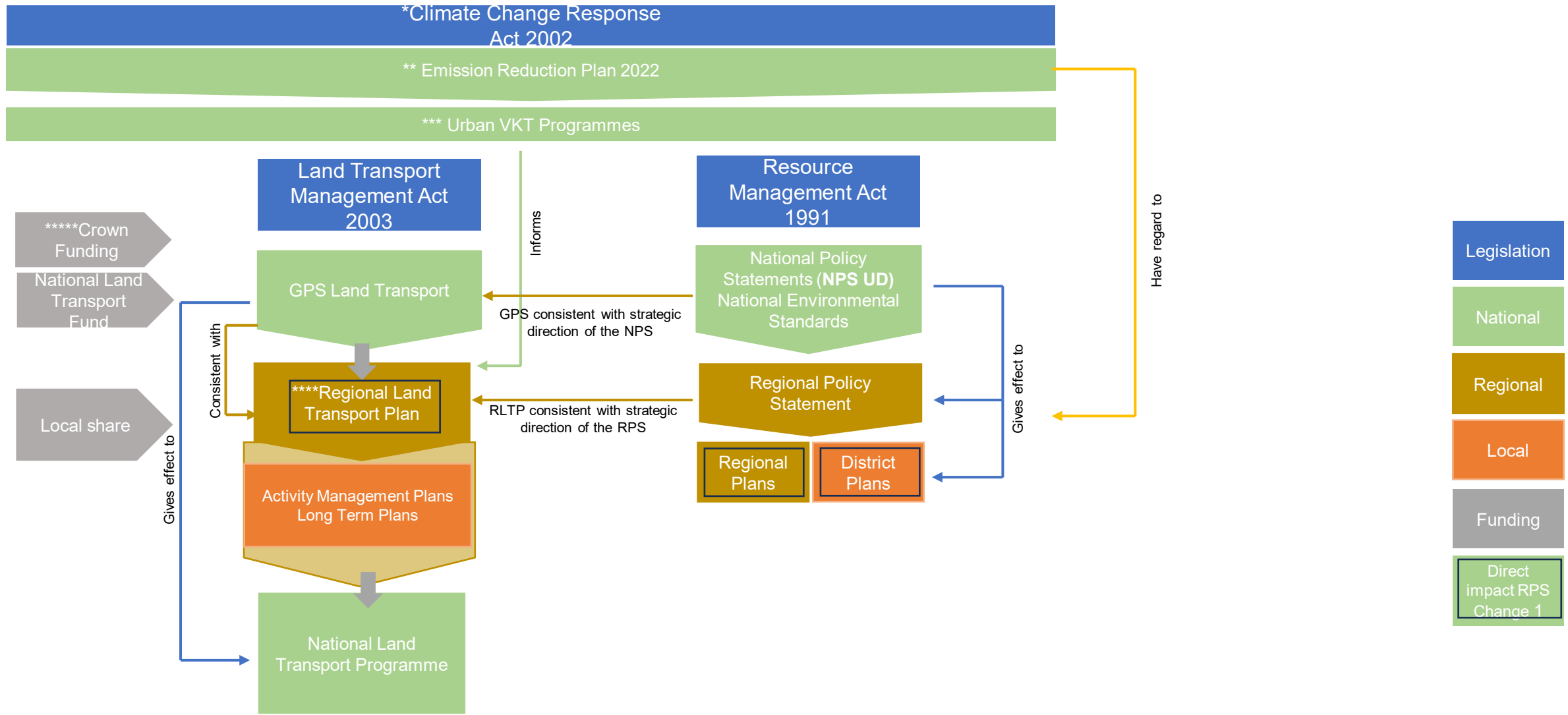
DATE:

19 October 2023

Louise Allwood

Technical Lead – Planning, GHD LIMITED

ATTACHMENT 1



*Councils have an overarching duty to consider climate change where relevant. Climate change is one of four strategic priorities as a part of the GPS Transport

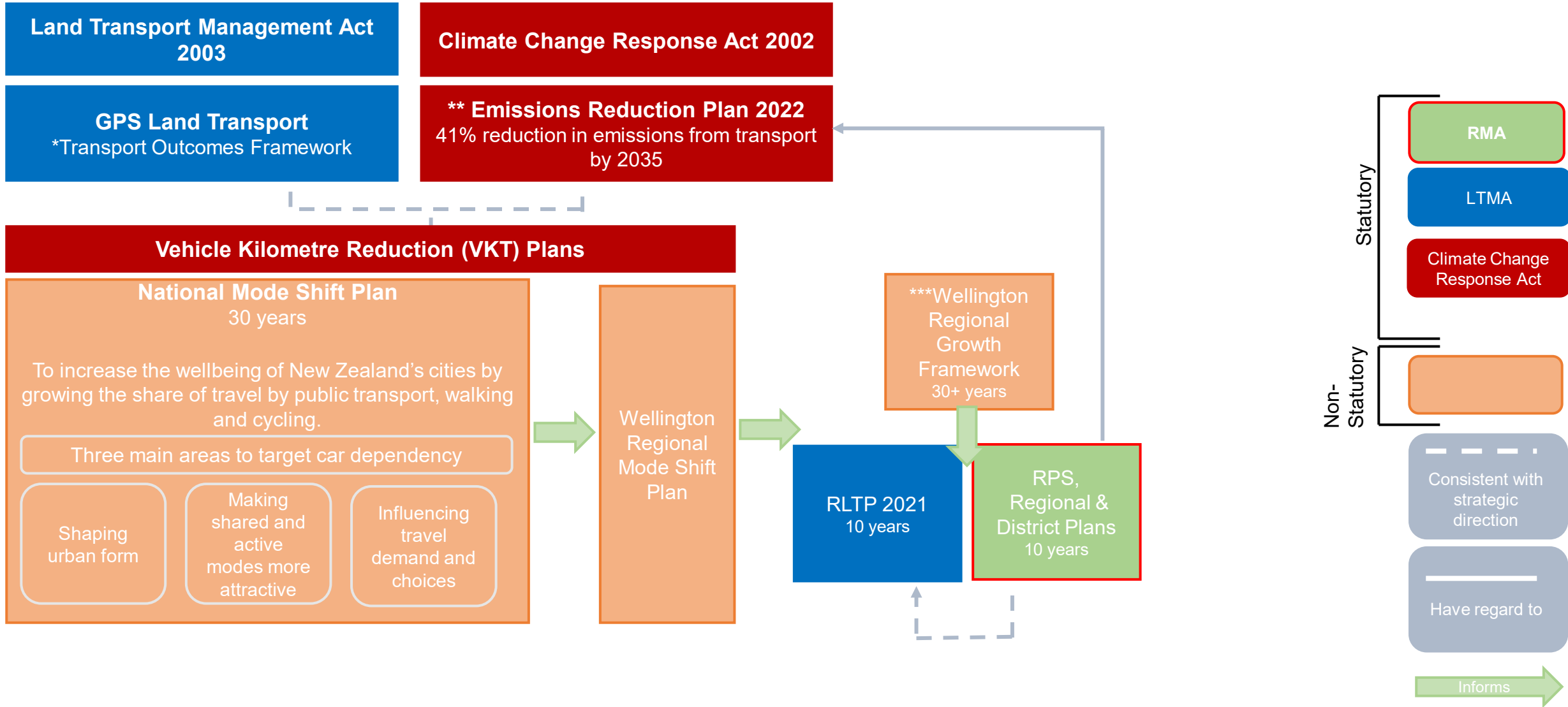
** Sets national Vehicle Kilometre Reduction Target (VKT) reflecting the level of mode shift to be achieved nationally by 2035, specifically targeting: Reduce reliance on cars and support people to walk, cycle and use public transport

*** Urban VKT reduction programmes are in development for New Zealand's largest urban centres and replace national and regional mode shift plans

****RLTP sets the strategic focus for at least 10 financial years, prepared every six years and reviewed every three years. Wellington RLTP 2021, reviewed first half 2023

*****Crown Funding includes but not limited to New Zealand Upgrade Programme, Climate Emergency Response Fund (CERF)

Figure 1: Regional Land Transport Plan and Regional Policy Statement: Regulation and Funding



*GPS Transport Outcomes Framework: Inclusive Access, Healthy and Safe People, Economic Prosperity, Resilience and Security, Environmental Sustainability

** Sets vehicle kilometre reduction target (VKT) reflecting the level of mode shift to be achieved nationally by 2035

*** Developed as a part of the Urban Growth Agenda, a Future Development Strategy is required by NPS-UD and takes account of this broader Framework

Figure 2: Regional Mode Shift Plan, Resource Management Act and Land Transport Management Act

RPS Change 1: Impact for Territorial Authorities and Applicants

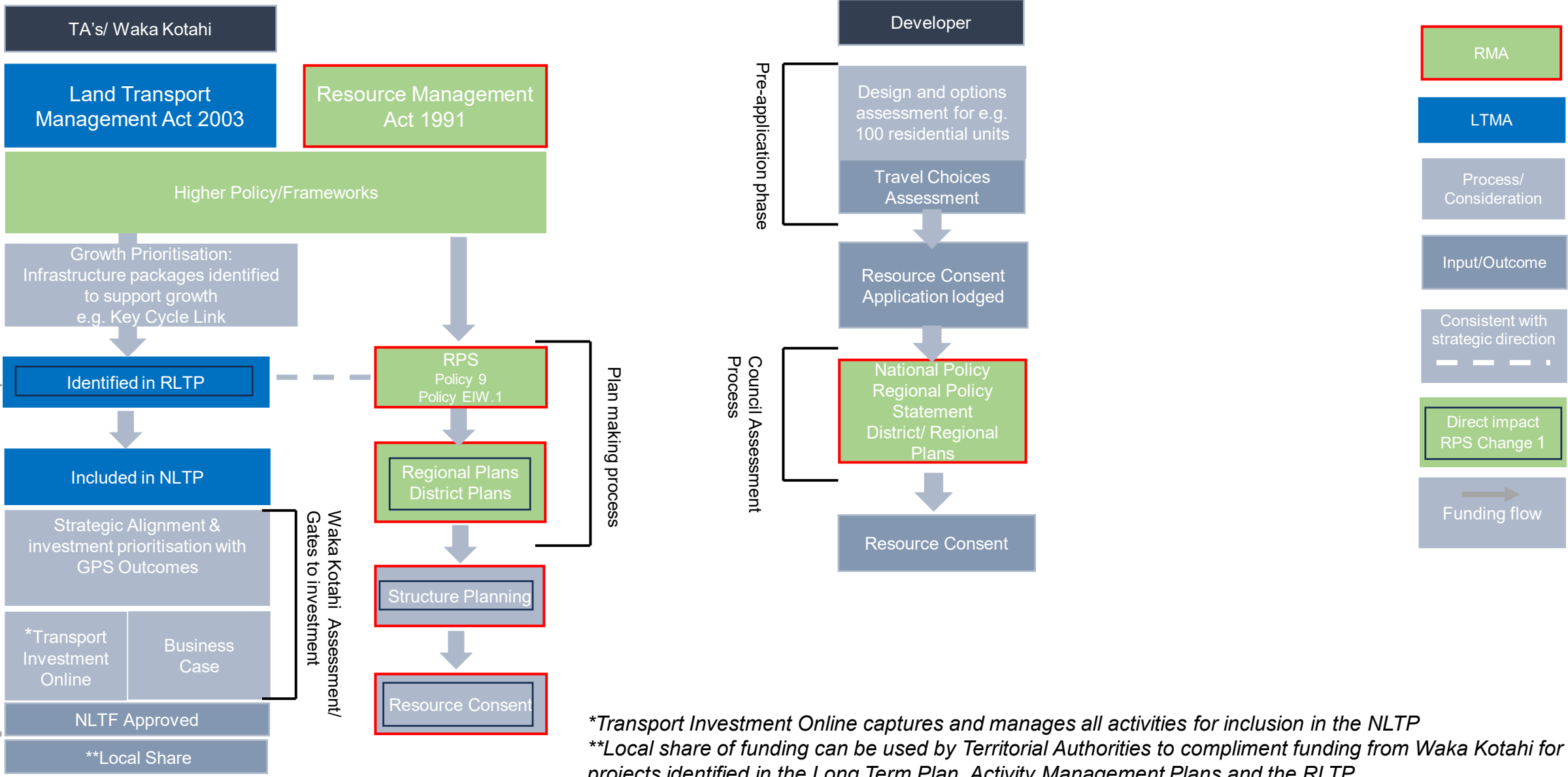


Figure 3: RPS Change 1: Impact for Territorial Authorities and Applicants