

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

IN THE MATTER OF Proposed Change 1 to the Regional Policy
Statement for the Wellington Region

JOINT WITNESS STATEMENT OF PLANNING EXPERTS

CLIMATE CHANGE - TRANSPORT

27 SEPTEMBER 2023

INTRODUCTION

- 1 This joint witness statement relates to expert conferencing of planning experts on the topic of Climate Change – Transport for Proposed Change 1 (**PC1**) to the Regional Policy Statement for the Wellington Region (**RPS**).
- 2 The expert conferencing was held on 21 September 2023 via Microsoft Teams. This joint witness statement was finalised via email exchange following the completion of the session.
- 3 Attendees at the conference were:
 - a) Louise Allwood, s42A reporting officer for Greater Wellington Regional Council (**LA**)
 - b) Philip Heffernan, for Winstone Aggregates (**PH**)
 - c) Catherine Heppelthwaite, for Waka Kotahi NZ Transport Agency (**CH**)
 - d) Christine Foster, for Meridian Energy Limited (**CF**)
 - e) Maciej (Mitch) Wiktor Lewandowski, for Peka Peka Farm Limited (**ML**)
 - f) Suzanne Rushmere, for Te Kaunihera o Te Awa Kairangi Upper Hutt City Council (**SR**)
 - g) Rory Smeaton, for Porirua City Council (**RS**)
 - h) Victoria Woodbridge, for Kāinga Ora – Homes and Communities (**VW**)
- 4 Apologies were received from Claire Hunter (for Wellington International Airport Limited), who was unavailable to attend due to prior commitments.
- 5 The session was facilitated by Jason Jones, Principal Consultant with Resource Management Group.
- 6 Notes were taken by Oliver Clausen, Environmental Planner with GHD.

CODE OF CONDUCT

- 7 Although this is a Council hearing process, this joint statement has been prepared in accordance with section 9.5 of the Environment Court Code of Conduct for Expert Witnesses 2023.

ASSUMPTIONS, PURPOSE AND SCOPE OF CONFERENCING

- 8 Discussions were limited to the scope of evidence presented at Hearing Stream 3 – Climate Change, held 28th August-31 August 2023.
- 9 As requested by the Panel, the conferencing and this Joint Witness Statement provide:
- a) drafting assistance to the Panel; and
 - b) a clear indication of – matters that are not in contention, matters that are agreed during conferencing, and matters that remain in contention.

INDEX OF TOPICS DISCUSSED

- 10 Discussions between the experts addressed the following topics:
- a) matters agreed as not in contention;
 - b) Topic 1 – Policy CC.1;
 - c) Topic 2 – The definition of *Optimise transport demand*;
 - d) Topic 3 – Policies CC.2 & CC.2A and definition of *Travel Choice Assessment*;
 - e) Topic 4 – Policy CC.3;
 - f) Topic 5 – Policy CC.9;
 - g) Topic 6 – Policy CC.11
 - h) Topic 7 – Policy CC.10; and
 - i) Topic 8 – Policy EIW.1.
- 11 All experts were present at the commencement of the conference, but some participants were only actively involved in discussions during selected intervals.
- 12 All experts discussed matter a) above.
- 13 Apart from matter a), the only other matter CF participated in was Topic 4 (Policy CC.3). PH, ML, CF and CH all left before the completion of discussions to allow the remaining experts to have more focussed discussions.
- 14 Each Topic heading records the relevant conferencing experts at the outset.

MATTERS AGREED AS NOT IN CONTENTION

Participating experts: All

15 The experts agree that the following provisions are not in contention:

- a) Method CC.10;
- b) Method CC.7;
- c) Policy 9;
- d) the deletion of Policy 10; and
- e) the deletion of Method 25.

TOPIC 1 – POLICY CC.1

Participating experts: All except CF

Agreed matters

16 The experts agree:

- a) The term 'Providing for, and concentrating' in subclauses (a) and (b) under the policy should be replaced by the term 'Supporting' as shown in Appendix B to LA's rebuttal evidence;
- b) Clause (c) under the policy should be amended to read:

(c) Where providing new infrastructure or capacity upgrades on the transport network, support the prioritisation of active modes and public transport, taking into consideration the primary function of the infrastructure.

This revised clause removes redundant language (i.e. 'above the car'), and provides for a more appropriate balance and direct association with the intended function of the relevant infrastructure.

- c) The explanation to the policy should be amended to read:

This policy requires transport infrastructure planning (including design, construction and operation) to consider and choose solutions that will contribute to reducing greenhouse gas emissions. New or altered transport infrastructure should support an efficient transport network and influence 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 supports behaviour change through mode shift from private vehicles to public transport or active modes. This policy does not apply to aircraft, or activities undertaken at Wellington Airport which support aircraft activities e.g. aircraft parking stands at the Airport.

The above retains the first sentence of the explanation as notified, and the final sentence of the explanation as per Appendix B to LA's rebuttal evidence. The second and third sentences adapt the content previously proposed by LA in her s42A Report.

Matters remaining in contention

17 The following matters remain in contention.

Whether or not a hierarchy should be expressed under the policy

18 CH, PH, ML, RS, SR and VW all agree that the policy should not stipulate a hierarchy, and that matters (a)-(c) under the policy should be considered as complementary to each other. This could be implemented by deleting the words "giving effect to a hierarchical approach (in order of priority), by:" at the end of the policy chapeau¹ and replacing the word 'then' with the word 'and' at the end of clauses (a) and (b) if any linkage is required at all.

19 LA prefers to retain the hierarchical approach as proposed in her S42A Report.

Whether the policy should apply to all alterations to transport infrastructure

20 RS and SR consider that the word 'altered' should be amended to 'upgraded' in the policy chapeau. They consider the policy would have too broad an application if it is to be implemented by *any* alteration to transport infrastructure – including maintenance activities and other minor works, for example. This is compounded in their view by the directive nature of the policy, being that District Plans must include relevant provisions for the purposes of implementing this direction. Their preference is that the policy only apply to new infrastructure and upgrades to existing infrastructure.

21 LA prefers that the term 'altered' is retained as per the notified policy. She noted that the policy is applicable to both Regional and District Plans, and that respective Councils will

¹ Red text is as used in LA's s42A report.

have the ability to apply preferred interpretation to the policy at future implementation stages.

22 CH, PH, ML and VW did not comment on the matter.

TOPIC 2 – DEFINITION OF ‘OPTIMISE TRANSPORT DEMAND’

Participating experts: All except CF

Agreed matters

23 The experts did not reach consensus on the proposed definition.

Matters remaining in contention

24 The following two matters remain in contention as relates to the definition.

Duplication between the definition and clauses (a)-(c) of Policy CC.1

25 CH, PH, ML, RS, SR and VW all consider that the definition duplicates clauses (a) – (c) in Policy CC.1.

26 CH prefers the definition to be deleted. Alternatively, the definition should be amended as set out in CH’s evidence in chief.

27 If a definition is to be retained, PH, ML, RS, SR and VW agree that it should not duplicate clauses (a) – (c) and should rather provide more high-level clarification as to its focus. No specific wording as to an alternative definition was agreed.

28 Alternatively, the above experts noted that duplication could be avoided if the definition’s structure is retained and clauses (a) – (c) of Policy CC.1 are deleted. Under that scenario, the policy drafting would end with the words ‘*greenhouse gas emissions*’.

29 LA prefers to retain the definition and inclusion of clauses (a) – (c), noting that she relies upon the technical transportation evidence provided by the Council in that regard.

Duplication between the definition and clauses (a)-(c) of Policy CC.1

30 As with Policy CC.1 itself, CH, PH, ML, RS, SR and VW all agree that the definition should not stipulate a hierarchy. If the definition is to be retained as proposed by LA, they agree that the word ‘then’ at the end of clauses (a) and (b) should be replaced by ‘and’.

31 LA prefers that the hierarchy is maintained as proposed, again based on the technical transportation evidence she has relied upon.

TOPIC 3 – Policies CC.2 & CC.2A

Participating experts: All except CF

Agreed matters

32 The experts agreed:

a) Policy CC.2 should be amended to read:

[By 30 June 2025], district plans shall include objectives, policies and rules that require subdivision, use and development to support the reduction of greenhouse gas emissions by requiring consent applications for all new subdivision, use and development over a specified development threshold to provide a travel choice assessment.*

*NB – the timeframe element of this redrafted provision remains in contention as discussed further below.

The experts considered the shift in active language from ‘contribute’ to ‘support’ is more appropriate and better reflects the NPS-UD. It was also agreed that clauses (a) – (c) under the policy could be deleted as their substance is inherent in the proposed definition of the term ‘*travel choice assessment.*’ It is accordingly sufficient (and avoids duplication) to conclude the policy with reference to that defined term.

b) In the event the Panel prefers to retain clauses (a) – (c) under the policy, the words “will be” in clauses (a) and (b) of the policy should be amended to “can be”;

c) The explanation to Policy CC.2 should be amended to clarify that travel choice assessments do not need to be standalone, and can be incorporated into other transportation assessments that typically accompany new proposals – with the following addition proposed to the explanation:

A travel choice assessment can form part of a wider traffic assessment for development that exceeds the threshold

d) Policy CC.2A should be amended to read:

[By 30 June 2025], district plans shall include local thresholds for travel choice assessments as required by Policy CC.2. City and district councils should use the regional thresholds set out in Table 1 as the basis for developing their own thresholds that are locally specific.*

*NB – the timeframe element of this redrafted provision remains in contention as discussed further below.

The experts consider the above amendment provides greater clarity as to how the proposed thresholds in Table 1 of the policy can be addressed by District Councils whilst enabling appropriate consideration of local context. It is appropriate in this sense that the policy is more guiding, and less directive. The proposed edit also overcomes issues raised by RS and SR regarding the policy becoming redundant once implemented by District Councils, and the regional thresholds having effect *prior to* locally specific thresholds being incorporated into the district plans.

- e) In conjunction with the amendments above, the definition of travel choice assessment should be amended to read²:

Definition - Travel Choice Assessment demand management plan

~~A travel choice assessment demand management plan demonstrates how the subdivision, use and development has considered, and incorporated and maximised accessibility and connectivity to public and active transport, sustainable transport modes and supports redistribution of demand from private car use to active and sustainable transport modes. sets out interventions and actions to influence travel behaviour, with the aim of minimising travel demand or redistributing demand from traditional car usage to more sustainable transport modes for new subdivision, use and development. A travel demand management plan should include mitigation measures that so that planned subdivision, use and development is designed and implemented to maximise quality of life for people without access to a private vehicle, reducing the demand for vehicle trips and associated externalities like greenhouse gas emissions. For example, a travel demand management plan for a new retail development~~

Matters remaining in contention

- 33 The following two matters remain in contention as relates to Policies CC.2 and CC.2A.

Thresholds in Table 1

- 34 Notwithstanding the agreements reached on the drafting of the two policies as summarised above, there remained some disagreement about the thresholds stated in Table 1.

- 35 LA remains of the view that the thresholds are appropriate, based on the expert transportation evidence she relies on. She added that the revised policy wording should

² Red text is as used in LA's s42A report, blue text is proposed additions.

give sufficient leeway for District Councils to take account of relevant local factors and nuance.

- 36 CH, RS and SR raised concerns at both the numerical thresholds expressed and the respective locational factors. For example, CH queried whether the 100 unit threshold where within a walkable catchment would increase the regulatory burden on residential activities that are otherwise desirable in such areas. SR noted that the thresholds won't be suitable in all contexts for all jurisdictions. VW was neutral as to whether thresholds remained or were deleted, but agreed with CH that they may not be appropriate within a walkable catchment and that there appeared to be a gap in Table 1 to require the assessment for developments not within a walkable catchment or on greenfield land.

Timeframe for implementation

- 37 SR and RS noted the concerns raised by their respective District Councils that the June 2025 implementation timeframe for this and other policies in Proposed Change 1 are likely to be unachievable. Their preference is that the timeframes are removed, or failing that, extended to provide adequate time for Councils to complete normal pre-notification processes as part of their wider work programmes.
- 38 CH and LA prefer that a timeframe is stipulated, though they are not opposed to that timeframe allowing a more generous implementation period for District Councils.
- 39 ML, PH, and VW did not express a view on the matter.

TOPIC 4 – Policy CC.3

Participating Experts: CF, LA, RS, SR

Agreed matters

- 40 The experts agreed that the policy should finish at the word 'emissions' per the notified drafting.

Matters remaining in contention

- 41 The following matters remain in contention.

Timeframe for implementation

42 As with Policy CC.2, SR and RS expressed the preference that the timeframe is removed, or failing that, extended to provide adequate time for Councils to complete normal pre-notification processes as part of their wider work programmes.

43 LA prefers that a timeframe is stipulated, though she is not opposed to that timeframe allowing a more generous implementation period for District Councils.

44 CF did not address the matter of timing in her evidence and has no view on the matter.

Qualified direction and reference to multi-modal networks

45 RS remains of the view that the edits proposed in his evidence in chief are appropriate, including:

- a) qualifying the enabling direction of the policy ‘where appropriate’ and to otherwise ‘provide for’ the relevant infrastructure addressed by the policy; and
- b) add reference to multi-modal transport networks at the end of the policy.

46 LA prefers the drafting of the policy as notified in both respects.

47 CF expressed no view on the matter.

TOPIC 5 – Policy CC.9

Participating experts: All except CF & PH

Agreed matters

48 The experts agreed:

- a) the term ‘contributes to reducing’ used in Policy CC.9 should be replaced with the term ‘supports reductions in’, noting this achieves consistency with the agreed amendments to Policy CC.1;
- b) the term ‘from transport’ should be added after the words ‘greenhouse gas emissions’ in the policy; and
- c) comparable amendments should be made to the Policy explanation such that it reads:

This policy requires... options to ~~reduce~~ support reductions in greenhouse gas emissions from transport ...

Matters remaining in contention

49 The following matters remain in contention:

Relationship with Policy CC.1 and definition of 'optimise transport demand'

50 LA noted that the term 'optimising overall transport demand' should be amended to the defined term 'optimise transport demand'. Other than that change and the agreed amendments summarised above, LA preferred the drafting of the policy to remain as per her rebuttal evidence.

51 ML, RS, SR & VW expressed a preference that the Policy CC.1 / 'optimise transport demand' definition hierarchy reference under Policy CC.9 be removed. They proposed two drafting solutions to achieve this, contingent upon whether or not the hierarchy is removed from the definition of 'optimise transport demand' as discussed under Topic 2 above.

Option A – contingent on the 'hierarchy' being removed from the definition of optimising transport demand

Policy CC.9: Reducing greenhouse gas emissions associated with subdivision, use or development – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to whether the subdivision, use or development has been planned in a way that ~~contributes to reducing~~ supports reductions in greenhouse gas emissions from transport by ~~to optimising overall transport demand, by giving effect to its the hierarchical approach in order of priority~~ within Policy CC.1 (a) (c), maximising mode shift from private vehicles to public transport or active modes, and supporting the move towards low and zero carbon modes in a way that contributes to reducing greenhouse gas emissions.

Option B – should hierarchy in optimising transport demand not be removed

Policy CC.9: Reducing greenhouse gas emissions associated with subdivision, use or development – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to whether the subdivision, use or development has been planned in a way that ~~contributes to reducing~~ supports reductions in greenhouse gas emissions from transport, by ~~to optimising overall transport demand, by giving effect to its the hierarchical approach in order of priority~~ within Policy CC.1 (a) (c), maximising mode shift from private vehicles to public transport or active modes, and supporting the move towards low and zero carbon modes in a way that contributes to reducing greenhouse gas emissions.

Applicability of policy to various planning processes

52 The experts did not reach consensus on the scope of planning processes that the policy should apply to:

- a) CH expressed the preference that the policy is not applicable to notices of requirement;
- b) LA prefers that all planning processes referred to in the notified policy are retained;
- c) SR expressed the view that the policy should not apply to notices of requirement or resource consents, and prefers that it is a plan-making direction only;
- d) RS prefers that the policy only applies to resource consents and notices of requirement so as to avoid duplication with regulatory policies; and
- e) ML & VW expressed no view on the matter.

53 The experts note their reasons for the above preferences are explained in their respective briefs of evidence to the extent relevant.

Additional modifications to the explanation

54 In addition to the agreed amendments to the explanation summarised above, further amendments were discussed but not fully agreed to. In summary:

- a) all experts apart from LA prefer that the words ‘fully’ and ‘all’ in the first sentence of the explanation are deleted;
- b) RS, SR and ML prefer that the words ‘as far as practicable’ are deleted, while LA and CH prefer the words are retained, and VW expressed no view; and
- c) while RS and SR prefer the second sentence of the explanation is extraneous and should be deleted, LA and ML consider it is useful context and should be retained.

TOPIC 6 – Policy CC.11

Participating experts: All except CF & PH

Agreed matters

55 The experts did not reach consensus on the drafting of the Policy.

Matters remaining in contention

56 The respective views of the experts on Policy CC.11 can be summarised as follows:

- a) LA prefers the drafting of the policy as reflected in Appendix B to her rebuttal evidence, though she noted that the deletion of ‘notices of requirement’ in that version of the policy was an inadvertent error – this will be addressed in the Council reply;
- b) ML expressed the view that the policy is ambiguous and difficult for RPS users to interpret how the policy is to be implemented – he prefers that the policy is deleted;
- c) SR expressed similar concerns to ML regarding the ambiguity of the policy, and added that the drafting of the policy suggests that carbon emission assessments may be required for *any* activity requiring resource consent, no matter the scale or relevance the proposal has to the topic at hand;
- d) RS shared similar concerns to ML and SR and recorded that his view remains as set out in his evidence in chief – in his view, major redrafting of the policy is required; it should be limited to Regional Council applications; and it should be made a non-regulatory policy (agreed by SR); or it should be deleted;
- e) VW expressed general alignment with RS and SR; and
- f) CH is relatively supportive of the drafting proposed in LA’s rebuttal evidence on the basis that the overall direction in the policy is to ‘encourage’ the assessments to be provided, rather than require the assessments in all cases;

TOPIC 7 – Policy CC.10

Participating experts: CH, LA, RS, SR

Agreed matters

57 The experts agreed the policy would benefit from additional text such that it also addresses the availability of appropriate connections to existing or planned networks. No specific wording was agreed in this respect, but it was noted that RS addressed this in his evidence in chief, including a drafting change.

Matters remaining in contention

58 No other amendments were agreed between the experts, and their respective views can be summarised as follows regarding Policy CC.10:

- a) RS noted the amendments proposed in his evidence in chief and his view that those changes remain appropriate;
- b) Like Policy CC.11, SR is concerned about the application of the policy being overly broad based on plain reading, owing to a lack of any appropriate thresholds being stated – she signalled general agreement with RS’ proposed amendments apart from the reference to new industrial areas as a relevant consideration for this policy;
- c) LA and CH share the view that the policy is appropriate as per LA’s rebuttal evidence.

TOPIC 8 – Policy EIW.1

Participating experts: LA, RS, SR

Agreed matters

59 The experts agreed that the policy should be amended as proposed by LA in her rebuttal evidence.

Matters remaining in contention

60 Nil

PARTIES TO JOINT WITNESS STATEMENT

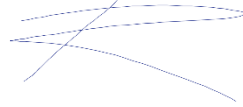
61 The signatories to this joint witness statement confirm that:

- a) They agree with the outcome of the expert conference as recorded in this statement;
- b) They have read section 9 – Code of Conduct for Expert witnesses – of the Environment Court’s Practice Note 2023 and agree to comply with it;
- c) The matters addressed in this statement are within their area of expertise; and
- d) They have not omitted material facts known to them that might alter or detract from their opinions.

SIGNED:

| Name | Signature |
|-----------------------------------|--|
| Louise Allwood |  |
| Catherine Heppelthwaite |  |
| Maciej (Mitch) Wiktor Lewandowski |  |
| Victoria Woodbridge |  |
| Christine Foster |  |
| Rory Smeaton |  |
| Suzanne Rushmere |  |

Philip Heffernan

A handwritten signature in blue ink, consisting of several overlapping, fluid strokes that form a stylized representation of the name.

DATE: 27 September 2023