

**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

**STATEMENT OF REBUTTAL EVIDENCE OF DUNCAN BARRY
TINDALL**

ON BEHALF OF WELLINGTON REGIONAL COUNCIL

HEARING STREAM THREE – CLIMATE CHANGE- TRANSPORT

22 August 2023

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INTRODUCTION

- 1 My full name is Duncan Barry Tindall. I am a Technical Director – Traffic Engineering and Transport Planning at GHD New Zealand, based in Tauranga.
- 2 I have read the respective evidence of:
 - 2.1 Kainga Ora- Homes and Communities (Kainga Ora), Victoria Woodbridge (#158)
 - 2.2 Peka Peka Farms, Maciej (Mitch) Wiktor Lewandowski (#118)
 - 2.3 Porirua City Council (PCC), Rory Smeaton (#30)
 - 2.4 Te Kaunihera o Te Awa Kairangi ki Uta, Upper Hutt City Council (UHCC), Suzanne Rushmere (#34)
 - 2.5 Wairarapa Federated Farmers, Elizabeth McGruddy (#163)
 - 2.6 Waka Kotahi New Zealand Transport Agency (Waka Kotahi), Catherine Heppelthwaite (#129)
 - 2.7 Wellington International Airport Limited (WIAL), Claire Hunter (#148)
 - 2.8 Winstone Aggregates, Phillip Wayne Heffernan (#162)

QUALIFICATIONS AND EXPERIENCE

- 3 My qualifications and experience are set out in paragraphs 6-10 of my Technical Transport Planning Evidence (Evidence in Chief), published on Greater Wellington’s website 31 July 2023. I repeat the confirmation given in that report that I have read and agree to comply with the Code of Conduct for Expert Witnesses.

RESPONSES TO EXPERT EVIDENCE

Policy CC.1

Porirua City Council (Submitter 30)

- 4 Mr Smeaton proposes Policy CC.1 is deleted¹, or substantially amended as a result of his concerns in relation to scope and to improve clarity. I have considered that his points overlap with those of other submitters as discussed below, notably Ms Rushmere² and Ms Woodbridge³, and I provide a combined response below.
- 5 Both Mr Smeaton and Ms Rushmere question the scope of this policy extending to spatial planning. I note that the drafting of CC.1 in the Section 42A report includes the term '*optimise transport demand*' which is further defined to include '(a) influencing demand spatially...'. It was my understanding that the intent of the policy was explicitly to include spatial planning, as I covered in para 59- 61 of my Evidence in Chief.
- 6 I consider effective spatial planning to be critical in order to support the reduction in transport related greenhouse gases emissions. Whether that is achieved through policy CC.1, Policy CC.9 or elsewhere is not a matter that is within my scope, but I am of the opinion that it needs to be covered within RPS policy in a manner that is effective.
- 7 I am aware that there is the potential for subsequent Hearing Streams with topics that may also relate to spatial planning and be complementary to Policies CC.1 and CC.9. However, I have not seen a Policy that provides the spatial planning outcome which I considered was intended by CC.1. I understand from Ms Allwood that there is the ability for review and rationalisation of Policy and Rules across the hearing streams and so should it be established that there is duplication of a policy that delivers the spatial planning elsewhere, that can be resolved in that process.
- 8 However, I do note the submissions and believe that clarification can be made, and in that respect, I understand from Ms Allwood that she is proposing amendments to both CC.1 and CC.9 to clarify the intent, and that CC.9 provides the spatial planning policy. I have considered her recommended wording for CC.9, and I support her amendment.

¹ HS3 S30, PCC, Smeaton, paragraph 33

² HS3 S34, UHCC, Rushmere, paragraph 168

³ HS3 S158, Kainga Ora, Woodbridge, paragraph 6.8-6.11

9 Further to this she has recommended changes to Policy CC.1 which respond to Mr Smeaton, Ms Heppelthwaite and Ms Rushmere in relation to making Policy CC.1 relate to transport infrastructure. I support Ms Allwood's recommended form of CC.1.

10 Finally, whilst I do agree with Mr Smeaton that there is a degree of repetition between the Policy and the proposed definition of *Optimise Transport Demand*, I do not agree that this contributes to confusion or complexity and note that the definition is now key to achieving the spatial planning outcome through Policy CC.9 I discuss the suggested amendments to the definition later in this rebuttal.

Upper Hutt City Council (Submitter 34)

11 In her evidence Ms Rushmere proposes a significant change to the form of CC.1 which I have interpreted to be predicated on the basis the policy is focussed on transport infrastructure. Ms Rushmore suggests numerous changes to CC.1 which follow a strong logical progression from that transport infrastructure starting point.

12 I have provided my thoughts on this in the response to the same point from Mr Smeaton from paragraph 5 and 6 above. As such, I reach the same conclusion in relation to the suggested changes, which is that I believe the clarification is to include the spatial planning in the scope, as opposed to re-writing to exclude the spatial planning element.

13 In relation to the greenhouse gas emissions of walking and cycling, I consider that for the vast majority of people, it is unlikely to be the case that they will use a single mode for all journeys or at all times. And in my experience, there is a greater appetite for people to walk and cycle when the journey distance is shorter.

14 Where I do agree with Ms Rushmere is that the measures are complementary, but again, I differ in her interpretation of the intent of the hierarchy approach. I see that the starting point would be to achieve the significant impact through the spatial planning, and then complement that with measures to support mode choice towards less impactful modes, and finally to make those modes operate as efficiently as possible. And that is the interpretation I had of the hierarchy, the order of application, not a suggestion that only one level is applied.

15 As such, I do not support the changes to CC.1 proposed by Ms Rushmere.

Kainga Ora (Submitter 158)

16 As I discussed above Ms Woodbridge has recommended changes to Policy CC.1 with similar discussion to others and I consider my response from paragraph 4-21 also respond to her points.

Waka Kotahi (Submitter 129)

17 I note that in her evidence Ms Heppelthwaite states that she supports the overall intention of Policy CC.1.⁴ Notwithstanding this, she has provided suggested amendments to the Policy.

18 In relation to the rewording of the chapeau clause I do not have any specific or technical objections to her proposed changes, noting my comments above related to Policy CC.9. However, I would note that the drafting of the policy as it stands is self-contained in relation to the inclusion of mode shift, efficiency and reduction in greenhouse gasses, which provides clarity in the focus within this section of the policy that some practitioners may find helpful.

19 In 7.1.ii she suggests that transport infrastructure is an influencer of development, but does not provide for or concentrate development. Whilst I partially agree, I believe that the same argument could extend to the notion of land use zones providing development. That being said, I do not oppose to the change noting that I would interpret the transport planning requirement of both the Section 42A version and her amended version in the same way.

20 Where I do disagree with Ms Heppelthwaite's proposed changes is in the interpretation and suggested changes to the hierarchy structure of the policy. I consider that the hierarchy is key to the effectiveness of the Policy, with the spatial planning being the most effective way to achieve the outcomes by removing the distances needed to travel, but with the mode shift and infrastructure improvement both contributing to reductions, albeit to a lesser degree. I discussed this in my Evidence in Chief.⁵

21 The hierarchy proposed in CC.1 uses the same Avoid-Shift-Improve (ASI) model that the Waka Kotahi Toitū te Taiao - Sustainability Action Plan. I do not consider that the nesting of the 'Avoid and Shift' separate to the 'Improve' will support the understanding and

⁴ HS3 S129, Waka Kotahi, Heppelthwaite, paragraph 7.0.

⁵ EIC, Tindall, paragraph 22-24

application of the policy in all three layers. As such, I consider the structure as contained in the Section 42A report to be preferable.

Policy CC.2

Porirua City Council (Submitter 30) and Upper Hutt City Council (Submitter 34)

- 22 I acknowledge Mr Smeaton and Ms Rushmere’s commentary and requested changes to make Policy CC.2 less prescriptive⁶ and directive⁷. In addition, I acknowledge the existing approaches, thresholds and tools highlighted in both pieces of evidence, that are available to territorial authorities through the consenting process to assess the impact of ‘high trip generating’ activities.
- 23 With regards to the changes to Policy CC.2 sought by Mr Smeaton⁸ I acknowledge the version he proposes goes some way to achieving the outcome sought by the travel choices assessment but do not consider it to deliver the step change in how transport choices are considered and incorporated as a part of subdivision and development to achieve mode shift and by virtue greenhouse gas emission reductions.
- 24 For the same reason I do not support Ms Rushmere’s proposed changes⁹. As I discuss below from paragraph 25, I consider the intent of the travel choices assessment and the thresholds proposed to be intentionally high to allow territorial authorities to develop local thresholds. I do not consider the policy as proposed to unnecessarily direct the content of travel choices assessments or precludes the use of thresholds that already apply as a part of high trip generating activities.
- 25 I refer to my Evidence in Chief¹⁰ where I interpret the intent of the Travel Choices Assessment (previously termed Travel Demand Management Plan). I highlight that the location and design of subdivision, land use and development influence types of journeys and choice of mode, and by virtue the amount of greenhouse gas emissions emitted. In paragraph 113 and 114, I refer to the use of the assessment to provide a means to demonstrate how the subdivision, use or development has considered how it would

⁶ HS3 S30, PCC, Smeaton, paragraph 43

⁷ HS3 S34, UHCC, Rushmere, paragraph 76

⁸ HS3 S30, PCC, Smeaton, paragraph 52

⁹ HS3 S34, UHCC, Rushmere, Appendix A paragraph 26

¹⁰ EIC, Tindall, paragraph 31

minimise reliance on private vehicles and maximise use of public transport and active modes.

- 26 In my view the intent and outcome sought by the Travel Choices Assessment is to embed the provision for a range of modes (including associated infrastructure), this includes consideration of connectivity and accessibility to the wider area, as a part of the feasibility stage of a subdivision or development. Where design for all modes and infrastructure are embedded as a part of feasibility this will establish travel patterns from the outset, contributing to how long and by what mode a journey is made. I provide a case study in my Evidence in Chief¹¹ that demonstrates what a Travel Choices Assessment could consider and how it could influence the outcomes sought.
- 27 Mr Smeaton¹² and Ms Rushmere¹³ highlight local knowledge and understanding of transport networks and known transport projects in the development of thresholds. Raising the point that the proposed thresholds to trigger a requirement for a Travel Choices Assessment duplicate those thresholds and regulation already developed by Territorial Authorities and used to trigger Integrated Transport Assessments (ITA)/ Transport Assessments (TA).
- 28 The Travel Choices Assessment in my opinion serves a different purpose as a part of the feasibility and planning stage and is intended to achieve a different outcome to the existing tools Territorial Authorities utilise as a part of the consenting process. The intent is not about considering the capacity of a network and the ability for the network to accommodate the growth. It's about changing the way people move from and through the subdivision, land use, development and how the design and infrastructure provision influences this movement and mode choice.
- 29 I consider there still is a need for the assessment already undertaken as a part of the ITA's/TA's in which capacity and mitigation measures to accommodate growth is determined. However, in my opinion if the Travel Choices Assessment is undertaken as a part of the feasibility stage of a subdivision or development, it will result in differences in mode share splits for example and as such this would influence the data and detail considered as a part of ITA's/TA's.

¹¹ EIC, Tindall, appendix D

¹² HS3 S30, PCC, Smeaton, paragraph 43-44

¹³ HS3 S34, UHCC, Rushmere, paragraph 178-179

- 30 I understand the thresholds proposed have been intentionally set at a sufficiently high level to provide flexibility and allow for Territorial Authorities to develop local thresholds that reflect local connectivity and accessibility, as I discussed in my Evidence in Chief¹⁴. I consider that Territorial Authorities could still apply the same thresholds developed and in use for ITA's/ TA's to trigger the Travel Choices Assessment in line with the approach suggested by Mr Smeaton¹⁵ and Ms Rushmere¹⁶.
- 31 I believe Ms Rushmere¹⁷ and Mr Smeaton¹⁸ both raise valid points on the need to build on the existing resource consent processes and district plan provisions. I consider that a Travel Choices Assessment can be incorporated alongside the established processes in place, in the consideration of the appropriateness of subdivision, use and development. As discussed in paragraph 30, I consider that thresholds that already apply can be utilised to trigger the assessment. I consider the assessment is still needed to achieve a step change in how greenhouse gas emissions are reduced through transport choices and by optimising transport demand as a part of the subdivision, use and development.

Waka Kotahi (Submitter 129)

- 32 I acknowledge Ms Heppelthwaite's¹⁹ commentary regarding the thresholds and approach proposed. I agree with Ms Heppelthwaite that it is important to provide travel choices across the region and not just within walkable catchments, noting that broader linkages to walking and cycling infrastructure should be provided outside of areas considered as 'walkable catchments' or 'greenfield'.
- 33 I consider that the changes proposed²⁰ would further contribute to extending the intended outcomes of Policy CC.2 and note that the thresholds adopted within any District Plan could follow these amendments. However, I am also mindful that these assessments are new and as noted by other submitters there needs to be recognition of the resources needed to comply with the Policy.

¹⁴ EIC, Tindall, paragraphs 105-107

¹⁵ HS3 S30, PCC, Smeaton, paragraph 48

¹⁶ HS3 S34, UHCC, Rushmere, paragraphs 178-181

¹⁷ HS3 S34, UHCC, Rushmere, paragraphs 177 and 181

¹⁸ HS3 S30, PCC, Smeaton, paragraph 43

¹⁹ HS3 S129, Waka Kotahi, Heppelthwaite, paragraphs 7.4-7.6

²⁰ HS3 S129, Waka Kotahi, Heppelthwaite, paragraph 7.5

34 As such I consider that initially commencing with lower thresholds than drafted in the Section 42A report would not be appropriate at this time, and as such I do not support her proposed change.

Kainga Ora (Submitter 158)

35 I acknowledge Ms Woodbridge²¹, commentary on the redrafting of Policy CC.2 to provide greater clarity as to what outcomes are sought and aid interpretation. I am neutral on this point from a transport perspective given I do not consider it to change the intent and outcome sought whether it is drafted as one or two policies.

Winstone Aggregates (Submitter 162)

36 I acknowledge Mr Phillip Heffernan's²² commentary and refer to paragraphs 25 and 26 of this evidence to clarify what I consider the intent of Policy CC.2 Travel Choices Assessment to be. I do not consider the policy is explicitly trying to control the location of land use but rather link the consideration of transport as a part of these land uses to facilitate modal choice. I note that in relation to Policy CC.1 I have described the hierarchy of Avoid-Shift-Improve, and that applies to all land uses and activities, including quarrying. It recognises that in some cases the 'Avoid' level isn't an appropriate lever, but there are still further considerations.

37 I actively support the point raised by Mr Heffernan in relation to the positive contribution to reducing greenhouse gas emissions that are offered by having a quarry located in close proximity to the demand, significantly reducing the haul distances. And in this case, that may also lead to an increase in travel mode options for those employed on the site. I consider that the policies discussed in my evidence in chief and this rebuttal accommodate uses such as quarrying and can be applied in a manner that recognises the nature of the activity.

38 However, I also note that it is not the intent to restrict access or movement of private vehicles but to facilitate options for other modes, and this can apply to sites in both rural and urban areas.

²¹ HS3 S158, Kainga Ora, Woodbridge, paragraph 6.14

²² HS3 S162 Winstone Aggregates, Heffernan, paragraphs 6.2-6.5

Peka Peka Farm Limited (Submitter 118)

39 I acknowledge Mr Lewandowski's concern²³, related to the uptake of options or measures that are included as a part of the design of the subdivision, use and development. As I discuss in my Evidence in Chief²⁴, travel demand management ultimately seeks to change behaviours in the way people choose to travel. I agree with Mr Lewandowski that the uptake as a part of developments is a choice. The intent of the policy is to ensure that as a part of the design and infrastructure of a subdivision or development travel choices are enabled.

40 It is my opinion that where these are appropriately accommodated as a part of the feasibility and design of developments (demonstrated through the travel choices assessment), this will influence and provide options for people in the way they travel, without these options people will utilise the primary mode for which that subdivision or development have been designed for.

Wellington International Airport Limited (Submitter 148)

41 Ms Hunter proposes an addition to the explanatory text to exclude activities associated passenger or freight movement or logistics (e.g., car rental facilities)²⁵. I note the same exclusion is proposed for Policy CC.9 which I address in paragraph 49 below. I agree with Ms Hunter that it would not be appropriate to apply this policy to aircraft operations or activities and note that these are already proposed to be excluded. However, I do not agree with the exclusion of activities that exclude the movement of passengers and freight.

42 Given the strategic importance of the airport it is a key attractor and generator of trips, these trips are made up of passengers and staff, their travel patterns of which it is possible to influence through design and associated infrastructure of developments. It would not be appropriate to have a blanket exclusion of the airport activities given the significant contribution it makes to the movement of people and freight and the opportunities which exists to influence these travel patterns.

²³ HS3 S118, Peka Peka Farm Limited, Lewandowski, paragraph 5.30

²⁴ EIC, Tindall, paragraph 19

²⁵ HS3 S148, WIAL, Hunter, paragraph 71

43 As I discuss in paragraph 26, the Travel Choice Assessment is an opportunity to influence and assess development at the feasibility stage, noting that the assessment would impact on detail as a part of any subsequent ITA/TA where required. The assessment will scale what is included or excluded, tailoring it to the land use. As such I do not consider it appropriate to specifically exclude any activity undertaken at Wellington Airport.

44 Ms Hunter provides an example to support the exclusion of activities at Wellington Airport, whereby it would be inappropriate for a Travel Choices Assessment to be prepared for a rental car facility. As I note in paragraph 43, in tailoring the assessment a Travel Choices Assessment could consider aspects of the operation of the facility, travel movements of staff and associated infrastructure ensuring provision on site to avoid unnecessary trips elsewhere to recharge vehicles for example. As such I consider it would be appropriate for a Travel Choices Assessment to be prepared for such an activity.

Policy CC.9

45 I have discussed the application of Policies CC.1 and CC.9 to spatial planning above in paragraph 4-21. I support the changes proposed by Ms Allwood to both CC.1 and CC.9 which I consider to clarify the intent and respond in large to the issues raised by several submitters.

Peka Peka Farm Limited (Submitter 118) and Upper Hutt City Council (Submitter 34)

46 I acknowledge Mr Lewandowski's²⁶ and Ms Rushmere's²⁷ commentary on the link between Policy CC.9 and the hierarchy proposed in Policy CC.1. As I discuss in paragraph 20 and 21, the inclusion of the hierarchy in Policy CC.1 I interpret as intending to embed the ASI model, and by virtue of application would achieve the optimisation of transport demand.

47 Policy CC.9 Change 1 version included the directive that applications for subdivision, use and development were to consider how they had been planned to optimise transport demand to maximise mode shift from private vehicles to public transport or active modes. I therefore considered that to optimise transport demand an applicant would need to make use of the hierarchy included as a part of CC.1, to ensure a development has been planned in such a way that it optimises transport demand. A definition for 'optimise transport demand' has been included and changes to the policy proposed by Ms Allwood

²⁶ HS3 S118, Peka Peka Farm Limited, Lewandowski, paragraph 5.50

²⁷ HS3 S34, UHCC, Rushmere, paragraph 188

which provides clarity as to how this would be achieved as a part of the policy (CC.9). Therefore, the explicit reference to Policy CC.1 which contains the hierarchy and by virtue of application, 'optimises transport demand', not to be needed.

Wairarapa Federated Farmers (Submitter 163)

48 I acknowledge Ms McGruddy's commentary on the desire to restrict Policy CC.9 application to urban areas²⁸. I do not agree with this approach as consider in achieving the outcome sought that the policy should be applied on regional basis. In my opinion demand should be managed on a regional basis as discussed in my Evidence in Chief²⁹, restricting only to urban areas would not account for journeys that are made between rural and urban and within rural environments. I include in my Evidence in Chief, a snapshot of mode share for travel to work and education³⁰ and highlight the differences between and opportunities in travel within the Wellington region, noting that these are not isolated to urban areas³¹.

Wellington International Airport Limited (Submitter 148)

49 Ms Hunter seeks the same exclusions from Policy CC.9 as proposed and discussed in paragraphs 41-44 above. For the same reasons I provide above, I do not consider it appropriate to exclude development at the Airport. I consider that the airport has the potential to be a significant positive, or negative influence on the regional land transport based greenhouse gas emissions due to its scale as a hub of employment and commercial activities and resultant land-based transport movements.

²⁸ HS3 S163, Wairarapa Federated Farmers, McGruddy, paragraph 140

²⁹ EIC, Tindall, paragraph 105

³⁰ EIC, Tindall, appendix C

³¹ EIC, Tindall, paragraphs 54-58

Definitions

Delete/ Retain Definition: Optimising Transport Demand

50 Mr Smeaton has stated that whilst he generally agrees with the suggested amendments to the definition of travel demand³², he offers some minor amendments that he views as improvements. I am generally in agreement with the proposals, but note that the addition of the term 'sub-division' doesn't include the overall zoning which I consider should be considered under Policy CC.1 that uses this definition. As such I would prefer a form that avoided any ambiguity.

51 I acknowledge Ms Heppelthwaite's commentary in paragraphs 7.1-7.3 where she suggested changes to the drafting of Policy CC.1 which in turn in her opinion make the definition for optimising transport demand redundant. As a part of my original evidence I discuss the pros and cons for the inclusion of a definition, concluding that a definition would be useful to guide the application of Policy CC.1 and provide consistency in the use of the term. I retain this view at this point and so do not support her recommendation.

52 Ms Heppelthwaite also suggests that the definition for 'Optimise transport demand' is not necessary, but I consider it at least helpful, and note other submitters have a contrary view to herself on this point. She does however provide a suggested alternate form of the definition:

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 ~~development~~ in a way that supports sustainable modes and an efficient transport network.

53 I am neutral on the changes to (a) and (b) but the specific rationale for the term 'development' in the s42A form of the definition was to reflect the opportunities that come from providing support in development, not specifically transport infrastructure. A specific example is the provision of facilities for storing and charging e-bikes and micro-mobility, or the inclusion of car-share schemes within commercial or residential developments. As such I am of the opinion that the definition should refer to either

³² HS3 S30, PCC, Smeaton, paragraph 97

'transport infrastructure and development', or development (including transport infrastructure).

54 I do consider that there may be some that would view that these overlap with the creation of mode choices however as an explanatory note I feel it is more helpful to frame the full breadth of opportunities to support a reduction in greenhouse gas emissions than to constrain the thinking to specific transport infrastructure interventions.

Delete definition: Travel Demand Management Plan (Travel Choices Assessment)

55 I acknowledge Mr Smeaton's proposal paragraph 92 to delete the definition for travel demand management plan on the basis that this will no longer be required with his amendments to policy CC.2.

56 I am neutral on the need for this definition as part of the policy. I consider the intent of a travel demand management plan (travel choices assessment) is appropriately articulated within the policy and corresponding explanation from a transport perspective, although I also am of the general view to providing as much opportunity and support to aid understanding users of policy as is possible supports consistent understanding.

New Definition: 'High Trip Generating Activity'

57 I acknowledge Mr Smeaton's proposal to include a new definition associated with his proposed changes to Policy CC.2. As I indicated in paragraph 23 above 23I do not consider the changes to go far enough and as such do not consider it necessary to include reference to 'high trip generating activity' as a part of the wording. In this respect I do not consider there is a need for the inclusion of this definition.

58 As I discuss in paragraphs 30 and 31 as the thresholds proposed are high level this provides opportunity for territorial authorities to develop or incorporate local thresholds, this does not preclude territorial authorities from making use of established thresholds such as those used for high trip generating activities.

DATE:

22/08/ 2023

DUNCAN BARRY TINDALL

TECHNCIAL DIRCETOR, GHD