

14 October 2022

Greater Wellington Regional Council  
Planning Team  
[regionalplan@gw.govt.nz](mailto:regionalplan@gw.govt.nz)

Combined Cycle Submitters  
mattyjyoung@gmail.com

## **Combined Cycle Submitters Submission on Proposed Change 1 to the Wellington Regional Policy Statement**

1. This submission is made on behalf of Combined Cycle Submitters (CCS). We wish to be heard in support of our submission.

### **Combined Cycle Submitters**

2. The Combined Cycle Submitters are a group comprising 11 s274 submitters (or interested parties) on the RiverLink Environment Court (the Court) consent process- ENV-2021-WLG-000039.
3. CCS involves both individuals and organisations, the latter being the Hutt Cycle Network, Cycle Wellington, Doctors for Active Safe Transport (DAST) and the Port Nicholson Poneke Cycle Club. We also worked closely in developing a case with the Cycle Action Network (CAN) who were separately represented.
4. The case presented by CCS concerned the appropriateness and safety of cycle infrastructure within the RiverLink project. Members of CCS are and have been driven by personal experience as well as concerns for climate and public health.
5. In particular, the issue of how mode shift is addressed within the RiverLink project formed a key piece of our case, including expert witness evidence. As this submission will detail, this has become a key driver for our submission to the RPS Change 1 process.

### **The RiverLink Project**

6. RiverLink is a partnership project between three funding agencies- Hutt City Council (HCC), Greater Wellington Regional Council (GW) and the NZ Transport Agency (Waka Kotahi)- and two Mana Whenua partners- Taranaki Whānui ki Te Upoko o Te Ika and Ngāti Toa Rangatira.

7. The scope of the RiverLink project involves flood protection, transport upgrades and urban revitalisation within Hutt City between the Kennedy Good and Ewen Bridges. In total about \$700M is budgeted to deliver the project.
8. The RiverLink project opted to pursue a direct referral consenting pathway. This decision prompted (what was to become) CCS to organise in order to be heard at first instance in the Environment Court.
9. At present the Court has issued an interim decision. This submission will make reference to statements of the Court in its interim decision. Significant matters are still at play however reference will not be made to these here. We expect to have a final decision before the end of the 2022 calendar year.

## **Regional Policy Statement Proposed Change 1 General Comments**

10. CCS is in general highly supportive of efforts to align provisions in the Regional Policy Statement with climate and mode shift commitments made by national, regional and local authorities, often in non-statutory documents.
11. In our view it is appropriate that such commitments would be placed within the Regional Policy Statement, such as at Objective CC.3, in order to give them statutory weight. We agree with the analysis at page 71 of the s32 report that less well defined objectives create 'risk of continued inaction and/or ineffective policy responses'.
12. We request that these provisions are retained through the RPS Change 1 process.
13. Further, CCS is generally supportive of the integrated management approach of the proposed change and we request that effort is taken to maintain the integrity of this approach throughout the Change 1 process.
14. We turn now to matters which relate directly to our experience of the operative RPS in practice. These matters are narrow in scope.

## **Mode Shift**

15. We note that the Court deals with the issue of mode shift on pages 54-58 of their interim RiverLink decision<sup>1</sup> and we consider it particularly instructive to read this passage in full.

---

<sup>1</sup> [Decision No \[2022\] NZEnvC 161](#)

16. Mode shift is a key issue of contention within the RiverLink process. RiverLink's planner has stated that "Mode shift is not a stated project objective for RiverLink in terms of the project objectives set out in the RMA applications"<sup>2</sup> and that;

*"Turning to the statutory planning documents under the RMA, in my view, there is also no statutory requirement to achieve mode shift when considering land use development or an RMA application for transport infrastructure. Such policy direction would need to exist in either RMA national policy statements, the RPS, or district and regional plans. No such policies exist."*<sup>3</sup>

17. In its interim decision the Court disagrees with this position. At para 236 of the decision the Court says that;

*"The applicants.. consider that the Project's objectives and planning framework do not support conditions aimed at mode shift. We cannot agree with that view."*<sup>4</sup>

18. The court supports this view with reference to Policy 57 of the operative Regional Policy Statement which directs that land use and development proposals shall have particular regard to, among other things, 'provision of safe and attractive environments for walking and cycling' in making progress towards achieving the key outcomes of the Wellington Regional Land Transport Strategy.

19. These key outcomes are listed in the explanation as including;

- Increased peak period passenger transport mode share and;
- Increased mode share for pedestrians and cyclists

20. The court then moves on to discuss provisions in the *Government Policy Statement on Land Transport 2021*, the *Wellington Regional Land Transport Plan 2021* and the *Regional Mode Shift Plan Wellington 2020* before concluding that:

*"In our view, there simply can be no doubt that those outcomes, described in the Policy statement as requiring particular regard, are very significant, and taking all reasonable steps to increase mode share is an important factor."*<sup>5</sup>

21. RiverLink is a high profile, high value public works project overseen by agencies which have made strong climate commitments. In the view of CCS it is of great concern that the planner for such a project could have so significantly misread their obligations towards mode shift.

---

<sup>2</sup> [Statement of Rebuttal Evidence of Mary Elizabeth O'Callahan](#) (Planning) on Behalf of the Applicants, para 27.

<sup>3</sup> Ibid, para 32.

<sup>4</sup> [Decision No \[2022\] NZEnvC 161](#)

<sup>5</sup> Ibid, para 248

22. CCS therefore considers that it is *useful* and vital to include policies which explicitly state expectations to design for mode shift in new transport infrastructure projects. In this regard we are specifically supportive of the familial policies CC.1 and CC.9. The latter of these proposed policies is replicated below;

*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 and development have been planned to optimise overall transport demand, maximising mode shift from private vehicles to public transport or active modes, in a way that contributes to reducing greenhouse gas emissions*

23. In the view of CCS Policy CC.1 and Policy CC.9 will support good decision making through the clear statement of desired outcomes. We are hopeful that these policies will avoid future situations where there is confusion or perceived ambiguity on the centrality of mode shift in major transport projects.

24. Confusion about the desired outcomes, such as we have seen within the RiverLink project, is disadvantageous for two primary reasons;

1. It is inefficient and unnecessarily consumes the time of project teams, the Courts and public submitters and;
2. It results in compromised outcomes. Mode shift should be considered and designed for from first principles. In the case of RiverLink there is no reduction in vehicle use predicted due to mode shift, despite this being central to the policies of the agencies involved, and over \$400M being spent on transport components of the project.

25. Further, CCS considers that these policies will support good climate mitigation and public health outcomes more generally which are a public good and have been driving motivations for our recent work.

## **Policy 57**

26. A related but distinct issue that arose during the RiverLink hearing relates to Policy 57, part (d) of the operative RPS. Policy 57 is replicated below;

*“When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district plan, for subdivision, use or development, particular regard shall be given to the following matters, in making progress towards achieving the key outcomes of the Wellington Regional Land Transport Strategy:*

*(a) whether traffic generated by the proposed development can be accommodated within*

*the existing transport network and the impacts on the efficiency, reliability or safety of the network;*

*(b) connectivity with, or provision of access to, public services or activities, key centres of employment activity or retail activity, open spaces or recreational areas;*

*(c) whether there is good access to the strategic public transport network;*

***(d) provision of safe and attractive environments for walking and cycling; and***

*(e) whether new or upgrades to existing transport network infrastructure have been appropriately recognised and provided for.”*

27. At para 239 of their interim decision the Court describes how the planner for the RiverLink project took the term ‘safe and attractive’ to mean ‘safe and *visually appealing*’<sup>6</sup>.

28. It was and remains the view of CCS that attractive has a wider meaning in this context- that infrastructure should be designed to attract users, therefore having appropriate width, separation, connectivity, sight lines and so on.

29. In response to this the Court has usefully provided additional commentary which further defines the meaning of attractive in this context;

*“..we consider that the term, in this context, should be seen as meaning much more than just visually appealing, or "pretty". We would include attributes such as having a comfortable surface - one that, for instance, does not, at one extreme, have large and deep puddles, or soft and slippery mud; or at the other, rough and uneven cobblestones. Also, that the walking or cycling environment has attributes such as easy and convenient access points and good visibility to enable hazards or impeded access to be readily seen. Further, the attribute of safety - eg the reducing of the possibilities of collisions with other users is, in our view, very much part of being attractive.”<sup>7</sup>*

30. The redrafting of Policy 57 has resulted in the word ‘attractive’ being dropped from the proposed Policy 57 in Change 1.

31. Given the above commentary from the Environment Court CCS consider that it is preferable for ‘attractive’ to remain one of the stated attributes under Policy 57. This could be easily accommodated under, for example, part (e) of the proposed policy.

## Decisions Requested

32. The table below collates the decisions requested in this submission

---

<sup>6</sup> [Decision No \[2022\] NZEnvC 161](#)

<sup>7</sup> Ibid, para 239

Provision	Position	Reason	Suggested Amendment
Objective CC.3 and Generally	Support	CCS supports inclusion of external climate and mode shift targets within the RPS, such as Wellington RLTP 2021 targets at Objective CC.3, in order to give them statutory weight. We request that these are retained within Change 1.	
Integrated Management Approach Generally	Support	CCS supports the integrated management approach of Change 1 generally and we request that care is taken to maintain the integrity of this approach.	
Policy CC.1 and Policy CC.9	Support	CCS supports these two policies. We consider that they provide appropriately clear direction which aligns the RPS with the approach to mode shift and climate mitigation in relevant non-statutory documents and regional commitments.	
Policy 57	Support with suggested amendment	CCS supports amendments in Policy 57 which further and more explicitly embed decarbonisation and mode shift considerations; however we request retention of the term 'attractive' given further definition provided by the Environment Court.	Policy 57 “(e) provides for well-connected, safe, <b>attractive</b> and accessible multi modal transport networks....”