

Before the Hearings Commissioners

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

In the matter of a submission by Waka Kotahi NZ Transport Agency
(Submitter S129 and Further Submission FS3) on Plan
Change 1, Hearing Stream 4.

and in the matter of Wellington Regional Policy Statement

**Supplementary statement of evidence of Catherine Lynda
Heppelthwaite for Waka Kotahi regarding Plan Change 1, Hearing
Stream 4 on the Wellington Regional Policy Statement**

Dated 20 October 2023

1 INTRODUCTION

- 1.0 My Primary Statement sets out my qualifications, commitment to comply with the Environment Court's Code of Conduct for Expert Witnesses (2023).
- 1.1 My Primary Statement also describes the Waka Kotahi NZ Transport Agency (**Waka Kotahi**) relief which includes a submission on Policy 33¹.
- 1.2 The Panel have requested further consideration of Policy 33, in particular whether the Councils proposed amendment would result in duplication relative to defined terms.

2 POLICY 33

- 2.0 The Rebuttal Statement of Combined Provisions for Hearing Stream 4 Urban Development² includes the following version of Policy 33.

Policy 33: Supporting a compact, well-designed, climate-resilient, accessible and environmentally responsive regional form and well-functioning urban environments and a reduction in transport related greenhouse gas emissions ~~a compact, well designed and sustainable regional form~~ – Regional Land Transport Plan Strategy

The Wellington Regional Land Transport Plan Strategy shall contain objectives and policies that support well-functioning urban environments and contribute to a reduction in transport related greenhouse gas emissions and vehicle kilometres travelled of the light vehicle fleet, to contribute to a compact, well-designed, climate-resilient, accessible and environmentally responsive regional form. ~~maintenance and enhancement of a compact, well designed and sustainable regional form.~~

[...]

Explanation

Policy 33 provides direction to the Wellington Regional Land Transport Plan, acknowledging the role of the objectives and policies in that plan in achieving well- functioning urban environments, and a reduction in transport related greenhouse gas emissions and Objective 22.

¹ Summarised in my primary evidence (paragraph 5(f)) as *to ensure the policy appropriately aligns with direction from Central Government*, Submission number S129.01.5

² <https://www.gw.govt.nz/assets/Documents/2023/09/HS4-GWRC-Combined-Provisions-Urban-Development-260923.pdf>

2.1 The policy contains the term *well-functioning urban environments* (**WFUE**) which is defined in Policy 1 of the NPS-UD. Of particular relevance for this assessment are NPS-UD Policy 1 subclauses (c), (e) and (f).

*(c) have good **accessibility** for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*

*(e) support **reductions in greenhouse gas emissions**; and*

*(f) are resilient to the likely current and future **effects of climate change**.*

(bold added)

2.2 The WFUE definition captures accessibility, reductions in greenhouse gas emissions and effects of climate changes so it is not necessary to repeat these further within Policy 33 (as proposed by Councils red text amendment).

2.3 I have suggested changes (blue text) below which remove duplication using the Councils Rebuttal version (with changes accepted) as base text. This includes changes to the policy title within which I prefer retention of (notified) WFUE ahead of listing a specific range of matters.

2.4 In addition, during my review of Policy 33, I have also considered the use of “shall” in terms of directing what the Regional Land Transport Plan (**RLTP**) should contain.

2.5 Section 14 of the Land Transport Management Act 2003 requires that before the RLTP is submitted to the Regional Council for approval, the Regional Transport Committee (who prepare the RLTP) must be, among other things, satisfied that the RLTP is consistent with³ the regional spatial strategy that is in force. There is no reference to an RPS (although this may be addressed in Natural Built Environment Act / Spatial Planning Act transitional provisions).

2.6 By comparison, the (superseded) LTMA Section 14(a)(iii) (as at February 2022) requires that before the RLTP is submitted to the Regional Council for approval, the Regional Transport Committee (who prepare the RLTP) must, among other things, have taken into account⁴ any relevant national policy

³ LTMA, Section 14(a)(iii) as at August 2023.

⁴ LTMA, Section 14(a)(iii) February 2022 version.

statements and any relevant regional policy statements or plans. I include the February 2022 LTMA for reference as it was in effect at time of RPS drafting.

- 2.7 Amendments to the LTMA (created pursuant to s805 and Schedule 16 of the Natural and Built Environment Act 2023 (**NBEA**)) came into force on 24 August 2023⁵. However, Schedule 1 of the NBEA provides that, where an amended provision in an Act does not yet apply in relation to a region (for example, if there is no Regional Spatial Strategy in a region), then the relevant provisions must be read as if the amendment had not been made⁶.
- 2.8 Accordingly, even though district/regional plans and the RMA are no longer referenced in the LTMA, until a Regional Spatial Strategy takes effect in a region, the relevant LTMA provisions must be read as if those amendments had never been made (ie the RMA continues to apply).
- 2.9 In summary, the LTMA sets the content of the RLTP and it may not be appropriate for the RPS (by the use of “shall”) to direct RLTP content. If Policy 33 is to be retained (and given the LTMA directs RLTP content, it may be redundant), I recommend amendments (green text) to reflect legislative requirements.

Policy 33: Supporting a well-functioning urban environments with a compact, well-designed, ~~climate-resilient, accessible~~ and environmentally responsive regional form ~~a reduction in transport related greenhouse gas emissions~~ – Regional Land Transport Plan

Encourage the inclusion within tThe Wellington Regional Land Transport Plan ~~of shall contain~~ objectives and policies that support well-functioning urban environments and contribute to ~~a reduction in transport related greenhouse gas emissions and vehicle kilometres travelled of the light vehicle fleet, to contribute to~~ a compact, well-designed, ~~climate-resilient, accessible~~ and environmentally responsive regional form.

Explanation

Policy 33 acknowledges the role of ~~provides direction to~~ the Wellington Regional Land Transport Plan, ~~acknowledging the role of the objectives and policies in that plan~~ in achieving well- functioning urban environments, and a reduction in transport related greenhouse gas emissions and Objective 22.

Cath Heppelthwaite

20 October 2023

⁵ NBEA, s2

⁶ NBEA, Sch 1 cl85.