

**Before Independent Hearing Commissioners
In Ngāruawāhia**

Under the Resource Management Act 1991 (the Act)

In the matter of of a submission by Ambury Properties Limited in respect of the proposed Waikato District Plan pursuant to Clause 6 of Schedule 1 of the Act seeking the rezoning of land at Ohinewai

and Ambury Properties Limited (Ambury)
(Submitter)

and Waikato Regional Council
(Further Submitter)

**Statement of evidence of Vincent Yu-Wen Kuo for the Waikato Regional
Council – Public Transport**

13 August 2020

1 Qualifications and experience

- 1.1 My full name is Vincent Yu-Wen Kuo. I am employed by the Waikato Regional Council (**WRC**) as a Senior Policy Advisor in the Transport and Infrastructure team.
- 1.2 I hold a Bachelor of Planning degree from the University of Auckland (2007) and have been employed by WRC since 2008.
- 1.3 I have 12 years' experience in transport planning, transport investment (infrastructure and services) and public transport planning and service delivery.
- 1.4 I have worked on a variety of transport projects throughout my career, including the development of regional land transport plans, regional public transport plans, and public transport network reviews and procurement.
- 1.5 My evidence is given in relation to public transport planning and operations in respect to Ambury Properties Ltd's (**APL** or the **Applicant**) proposal to seek rezoning of land (**the Proposal**) at Ohinewai.

2 Involvement with the proposal

- 2.1 I have submitted a summary statement on public transport planning and was party to the expert conference held in relation to the Proposal. I visited the site in July 2020 prior to the preparation of my evidence.

3 Code of conduct

- 3.1 While I acknowledge that I am an employee of Waikato Regional Council, I have read and am familiar with the Code of Conduct for Expert Witnesses in the current Environment Court Practice Note (2014). I have complied with it in the preparation of my evidence. I also confirm that the matters addressed in this statement are within my area of expertise, except where I rely on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

4 Scope of evidence

- 4.1 My evidence addresses the following:
 - a) The statutory and policy framework for public transport, comprising of the:
 - i Land Transport Management Act 2003 (**LTMA**);

- ii Waikato Regional Policy Statement (**RPS**);
 - iii Waikato Regional Land Transport Plan (**RLTP**);
 - iv Waikato Regional Public Transport Plan (**RPTP**);
- b) Viability of public transport provision to the proposed development area:
- i Alignment with statutory documents;
 - ii Efficient and effective provision of public transport;
 - iii Availability of funding;
- c) Connections of existing services; and
- d) Alternative public transport and funding solutions.

4.2 I have read the evidence prepared by the other witnesses presenting evidence on behalf of Waka Kotahi NZ Transport Agency (**Waka Kotahi**), WRC and APL.

5 Summary of evidence

5.1 In my view, there are strategic and operational reasons as to why WRC is unable to provide a public transport service to the proposed development area at this time. These reasons include:

- a) The site is not located within the existing growth areas identified under the Future Proof Strategy, and accordingly WRC has not undertaken any forward planning or detailed assessment to ensure the strategic integration of land use, infrastructure, and service provision.
- b) The Proposal does not align with WRC's strategic priorities and objectives set out in the RPS, RLTP and RPTP, particularly with respect to promoting multimodal transport connections and reducing reliance on private vehicles.
- c) It is not cost-efficient for WRC to provide a new public transport service due to likely low demand, and higher operating costs which will lead to higher opportunity cost (i.e. resources could be utilised more efficiently elsewhere).

5.2 Whilst the existing bus services could be connected to the development site (subject to a safe and viable pedestrian link to the bus stop), these services are very limited in their utility due to very low service frequency and will provide

limited benefits in terms of providing transport choices and reducing reliance on private vehicles.

- 5.3 In my opinion, any additional or enhanced public transport service to the development site would be contingent on a new and sustainable funding source being found (outside of existing WRC and Waka Kotahi funding streams). This would require a new funding framework/mechanism to be developed and agreed by Waikato District Council (**WDC**), WRC and the Applicant.
- 5.4 It is my view that even if a more frequent public transport service could be provided to enable people to access employment, education and essential services, the critical issue is that the Proposal, due to its location and layout, would incentivise car-based journeys over other transport modes.

6 Statutory and policy framework for public transport

- 6.1 Public transport is a key component of the regional land transport system and WRC has a statutory responsibility for the planning and management of the public transport network in the region. This responsibility is governed through the following legislation and statutory documents:

Land Transport Management Act 2003

- 6.2 The LTMA is the primary statute that governs the planning and provision of public transport in New Zealand. Its purpose is to “contribute to an effective, efficient and safe land transport system in the public interest”¹.
- 6.3 The LTMA requires all public transport services deemed integral to a region’s public transport network to be contracted with the regional council². The LTMA includes a statutory framework to ensure “*the provision of public transport services should be coordinated with the aim of achieving the levels of integration, reliability, frequency, and coverage necessary to encourage passenger growth*”³.
- 6.4 In my opinion, as discussed below, the provision of public transport at the proposed development site does not fully align with the intent of the LTMA for public transport, which is to promote the efficient and effective provision of public transport in order to grow public transport patronage and reduce reliance on public subsidies.

¹ Section 3 of the LTMA.

² Section 116(1) of the LTMA.

³ Section 115(1)(b) of the LTMA.

- 6.5 The LTMA also requires the Regional Council and Regional Transport Committee⁴ to prepare a RLTP and RPTP. The preparation of these plans requires public consultation. In terms of their relationship with the RMA:
- a) When preparing these plans, account must be taken of any “relevant national policy statements and any relevant regional policy statements or plans that are for the time being in force under the [RMA]” (section 14(c)(ii) LTMA – this applies to RLTPs) or any “relevant regional policy statement, regional plan, district plan, or proposed regional plan or district plan under the [RMA]” (section 124(c)(ii) LTMA – this applies to RPTPs); and
 - b) Section 74(2) of the RMA requires territorial authorities to have regard to plans such as the RLTP and RPTP when preparing or changing district plans.
- 6.6 I have summarised relevant components of the RLTP and RPTP in so far as they relate to public transport and this proposed rezoning in the subsequent sections of this statement of evidence.

Waikato Regional Policy Statement

- 6.7 The RPS defines ways in which integrated management of the region’s natural and physical resources will be achieved.
- 6.8 District plans in the Waikato region must give effect to the RPS.
- 6.9 The RPS includes provisions relevant to public transport, and in particular:
- a) Policy 6.1 seeks that new development should occur in a planned and co-ordinated manner and has regard to the development principles in section 6A. Method 6.14.3, which I understand is relevant to the APL proposal, requires the effects of changes promoted as alternative land release (to Future Proof⁵) to be consistent with section 6A development principles.
- These principles include promoting compact urban form, design and location to:
- i minimise energy and carbon use;
 - ii minimise the need for private vehicles use;

⁴ Established in accordance with sections 105 and 119 of the LTMA.

⁵ Future Proof Strategy – Planning for Growth 2017.

- iii maximise opportunities to support and take advantage of public transport by encouraging employment activities in locations that are or can in the future be served efficiently by public transport;
 - iv encourage walking, cycling and multi-modal transport connections; and
 - v maximise opportunities for people to live, work and play within their local area.
- b) Policy 6.15 establishes density targets for Future Proof area to help ensure that urban development becomes more compact overtime. This is in part to improve the viability of multi-modal transport options - public transport, walking and cycling. The explanation to this policy indicates that the benefits of this approach are to reduce:
- i energy demand;
 - ii the need for future transport infrastructure development;
 - iii impacts on air quality; and
 - iv carbon emissions.
- 6.10 The RPS recognises the importance of integrated planning, and the Future Proof settlement pattern and growth management are vital to enable the efficient and effective provisioning of public transport.
- 6.11 The Future Proof settlement pattern is also anchored in the RLTP to ensure transport planning and funding decisions are integrated with future land use development.

Waikato Regional Land Transport Plan

- 6.12 As noted above, the RLTP is a strategic transport planning document prepared under the LTMA. It identifies regional priorities for land transport along with a suite of objectives, policies and implementation measures to address stated priorities and direct investment in the transport system.
- 6.13 Stated priorities relevant to public transport and the Proposal include:

- a) Grow public transport and active mode share in urban centres and new growth areas⁶.
- b) Collaboratively plan and provide transport infrastructure and service improvements to encourage modal shift to public transport and active transport modes⁷.
- c) Develop customised approaches and coordinated funding and transport service models to enhance access and mobility for our communities⁸.

6.14 Relevant policies in the RLTP include:

- a) P15 – Provide an effective, efficient and affordable public transport system in urban centres and emerging growth areas.
- b) P21 – Encourage the use of travel modes other than single occupancy vehicles and private vehicle use in Hamilton and surrounding towns.
- c) P22 – Promote travel demand initiatives that support travel behaviour change, modal shift and compact urban form.
- d) P23 – Provide safe, connected, coherent and accessible walking and cycling networks and facilities supported by activities aimed at reducing barriers to participation in active transport modes.
- e) P27 – The transport system is managed and developed in a way that is consistent with and supports the region’s strategic transport and land use pattern.

6.15 In my opinion, the Proposal will not assist in delivering the RLTP’s outcomes due to the inability to service the site cost efficiently and effectively with public transport.

6.16 Cost effective provision of public transport for the development area is a material issue as discussed in paragraph 7.10 of this statement of evidence.

⁶ Priority 1 for Access and Mobility objective, RLTP.

⁷ Priority 2 for Access and Mobility objective, RLTP.

⁸ Priority 3 for Access and Mobility objective, RLTP.

Waikato Regional Public Transport Plan

- 6.17 The RPTP is a statutory document that sets out the priorities for public transport within the Waikato region over the next 10 years. The current RPTP 2018-2028 was adopted by WRC in 2018 following public consultation.
- 6.18 The current RPTP includes seven key objectives along with a policy framework for each objective. The objectives that are relevant to the Proposal include:
- a) Objective 1: Deliver a layered network of public transport services that meets a diverse range of travel needs.
 - b) Objective 2: Transition to a mass transit oriented network over time.
 - c) Objective 3: Provide the infrastructure necessary for an accessible, effective and efficient public transport network.
 - d) Objective 6: Provide public transport services that are affordable for passengers and funders.
 - e) Objective 7: Develop and maintain partnerships that obtain best value for money in the delivery of transport solutions.
- 6.19 A key function of the RPTP is to identify the current and proposed public transport services that are integral to the regional public transport network⁹. Only services that are included in the RPTP will be provided under contract by WRC and receive financial support from councils and Waka Kotahi.
- 6.20 Consistent with the RPS, Ohinewai is not identified in the RPTP as a potential or emerging growth node for future public transport servicing, and WRC has no current plans or funding to provide a new service in the proposed development area.
- 6.21 Any new public transport activity for inclusion in the RPTP is subject to the Waka Kotahi Business Case process, as well as WRC's internal prioritisation process as discussed in paragraphs 7.14–7.17.

7 Viability of Public Transport in the proposed development area

- 7.1 In my opinion, the provision of a new or enhanced public transport service to and from the proposed development area is not viable for the following reasons:

⁹ Section 120(1)(a)(i) of the LTMA.

Alignment with RPS, RLTP and RPTP

- 7.2 As noted above, the planning and funding of public transport must be undertaken in accordance with the LTMA and WRC's strategic planning documents – the RPS, RLTP and RPTP.
- 7.3 In my opinion, these documents are unanimous in their intent to:
- a) promote a compact urban form that reduces the need to travel by cars;
 - b) transition away from a transport system dominated by low occupancy motor vehicles;
 - c) promote multi-modal transport connections to encourage mode shift; and
 - d) enable cost efficient and effective public transport services.
- 7.4 More specifically, all of the statutory documents outlined above set objectives and policies that go beyond merely accommodating public transport. These documents clearly seek to enable a supportive land use pattern or urban form that can maximise the usage and uptake of public transport to encourage modal shift. In my opinion this is an important factor relevant to consideration of this Proposal.
- 7.5 The Proposal is not located within the existing or planned growth nodes identified under the RPS and Future Proof Growth Strategy, and accordingly WRC has not undertaken any forward planning or detailed assessment to ensure the strategic integration of land use, infrastructure and service provision.
- 7.6 The site is not located conveniently to existing essential services (education, healthcare, supermarkets etc.), and the lack of alternative transport options is likely to result in a high proportion of travel by private vehicle.
- 7.7 I understand that APL's intention is that a proportion of people who will be employed at the proposed Ohinewai development will also reside in the proposed housing. However, even if that occurs, there will be a relatively large number of people within the proposed households who would require transport options to access employment elsewhere, and other essential services that do not currently exist in Ohinewai.
- 7.8 In my view, this Proposal does not support the concept of compact urban form where a range of community facilities and services can be easily accessed (or

efficiently provided for) by public transport, walking and cycling to create a liveable community.

- 7.9 In my opinion, a large-scale development in a relatively isolated location with easy access to the State Highway network is likely to result in a high dependency of private vehicle use, and increase the cost of providing transport infrastructure and services where existing resources cannot be best utilised/optimised. This is in contrary to the provisions outlined in the RPS, RLTP and RPTP.

Effective and efficient provision of public transport

- 7.10 Operationally, it is not cost-efficient to provide a public transport service to the development area at this time due to:
- a) limited demand from the proposed development and lack of certainty around future growth/demand in Ohinewai (noting the area is not identified in the RPS and Future Proof strategy as a future growth node);
 - b) the distances between the site and likely destinations (i.e. Huntly, Hamilton, and Auckland) would mean longer journey times and higher operating costs;
 - c) limited opportunity to utilise the existing bus fleet;
 - d) lack of incentives for people to switch to public transport due to the site characteristics (i.e. no congestion and easy access to SH1), resulting in less service utilisation; and
 - e) opportunity cost – public transport resources deployed can be utilised more efficiently elsewhere.
- 7.11 Due to the above reasons, it is my view that the Proposal is unlikely to support the efficient and effective provision of public transport, and would not represent an effective and efficient use of WRC resources and public funding, which is a core requirement under the LTMA when advancing transport outcomes.

Funding availability

- 7.12 Public transport services from the Waikato district into Hamilton are funded from a combination of fares, local share funding (rates from WRC and WDC) and Waka Kotahi financial assistance (national subsidies).
- 7.13 Currently, WRC and WDC have not budgeted to extend a new service into the development area.

- 7.14 WRC has limited funding available for public transport that must be allocated in accordance with legislative requirements and its own corporate planning process (i.e. Long Term Plan/Annual Plan), and any new public transport activity will need to be assessed against its:
- a) alignment to WRC's strategic direction and national and regional priorities;
 - b) expected outcomes and benefits to the local and wider community; and
 - c) cost-effectiveness - wider network benefits, patronage and operating costs.
- 7.15 In my view, the Proposal would not score highly against these criteria to warrant a new service.
- 7.16 Even if a source of local share funding was to be found, the service would not be viable without national funding subsidies from Waka Kotahi.
- 7.17 Advice from Waka Kotahi is that it is unlikely to support a new public transport service into the development area due to it not meeting the national funding requirements as well as the Waka Kotahi business case process.
- 7.18 Therefore, under present circumstances it is unlikely that public funding of significant enhancements to public transport services to the proposed development area would be possible within either local or Waka Kotahi funding framework.

8 Connections to existing public transport services

- 8.1 Currently, WRC operates two bus services per day in each direction along State Highway 1 (the Expressway) adjacent to the proposed development site. A morning and evening peak service from Te Kauwhata to Hamilton, and a once a day off-peak service between Hamilton and Pukekohe via Huntly and towns along the Expressway.
- 8.2 Presently, only the morning and evening services between Te Kauwhata and Hamilton stop at Ohinewai. The existing bus stop is located at Ohinewai Hall, on the western side of the Expressway.
- 8.3 Operationally, it is possible that WRC could divert the existing Te Kauwhata and Hamilton (2 trips per day) or Hamilton and Pukekohe services to connect with the development site via the interim bus stop (as shown in the Business Area Structure Plan near the Tahuna Road/Lumsden Road roundabout).

- 8.4 However, it is important to note that these existing services are very limited in their utility (due to very low service frequency) and were not designed to cater for the proposed community. In my opinion, it will only provide limited values in terms of providing attractive transport choices and reducing car dependency.
- 8.5 It should also be stressed that any diversion to Ohinewai will be kept to a minimum to ensure travel time efficiency and reliability. Therefore, it would be WRC's desire to service one location at Ohinewai to minimise any travel delays. If the existing bus stop is to be relocated to the eastern side of the Expressway (near the development site), WRC would need to be satisfied that there is a safe and viable link for existing users to access the bus stop.
- 8.6 In addition, the distance between the centroid of the proposed residential area and the interim bus stop (approximately 1.5 km) is also likely to be a significant barrier for public transport users, particularly for those with disability or reduced mobility (e.g. children and elderly), and especially during inclement weather.
- 8.7 It is my view that the Applicant would need to consider appropriate first/last mile solutions (e.g. shuttle/on-demand services, E-scooters or cycling) as part of their Proposal to provide improved public transport accessibility. This point was accepted by Mr Inder as recorded in the Joint Witness Statement (**JWS**) in relation to transportation effects¹⁰.
- 8.8 In my opinion it is reasonable to assume that existing services could provide some basic service levels during early stages of development should the Proposal proceed, but it should not be regarded as an effective public transport solution that could enable mode shift or reduce car dependency in the long term, particularly for the residential stages of the development.

9 Alternative public transport and funding solution

- 9.1 As noted above, WRC is unable to provide a new or enhanced public transport service in the proposed development area at this time.
- 9.2 Notwithstanding this, Issue 11 of the JWS records the intent of WRC and the Applicant to jointly explore alternative solution(s) that could enable the efficient and effective servicing of public transport.
- 9.3 A meeting was held on 30 June 2020 between Mr Inder (representing the Applicant) and WRC staff (Andrew Wilson, Andrew Carnell and myself).

¹⁰ Paragraph 12.2 of the Joint Witness Statement in relation to Transportation Effects, 22 June 2020.

- 9.4 At the meeting, a number of public transport options were explored which could potentially provide enhanced public transport connectivity to the site. However, it was apparent that any public transport solution would be contingent on a viable and sustainable funding source to be found, outside of existing WRC and Waka Kotahi funding streams.
- 9.5 The expectation from WRC is that the cost of additional public transport service would be fully borne by the development, given it is not cost-efficient to provide a service to and from the site and the opportunity cost associated with servicing the area (in terms of re-allocating resources from existing and other planned growth areas).
- 9.6 Ensuring that adequate public transport service levels could be provided to the proposed development area from day one, would require a new funding framework/mechanism to be developed and agreed by the WDC and WRC, and the applicant. This would need to be locked into relevant plan provisions (or some other mechanism) so that there is surety of sufficient funding on an ongoing basis to support public transport provision.
- 9.7 In my view even if a more comprehensive public transport service could be provided to and from the proposed development area (facilitated by an agreed funding mechanism), the effectiveness of such a service would need to be considered in the context and nature of this development and its location.
- 9.8 In my opinion, while a more comprehensive public transport service would provide a genuine (and much needed) transport option for people to access employment, education and essential services, the critical issue is that this development, by its location and layout would incentivise car-based journeys over other transport modes.
- 9.9 It should be noted that the site's primary access is via the State Highway and there are no practicable and convenient walking or cycling connections to the site. In this context, even if a relatively frequent public transport service was operating, a car-based journey would offer superior travel time advantage and flexibility over public transport, and there are no other incentives or disincentives (e.g. congestion, parking restriction/charges) that would encourage people to use public transport.

Vincent Kuo

13 August 2020