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Committee Regional Transport Committee  
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## Implications of the draft decision on the Basin Bridge Proposal

### 1. Purpose

To consider the potential regional implications of the draft decision by the Board of Inquiry for the Basin Bridge Proposal.

### 2. Background

#### 2.1 Proposal and decision

The Basin Bridge Proposal comprises a notice of requirement and resource consents applied for under the Resource Management Act 1991 (RMA) to develop a two lane one-way bridge on the north side of the Basin Reserve, part of State Highway 1. The application was lodged in June 2013 by the NZ Transport Agency (NZTA). It is a key element of the Ngauranga to Airport Plan (N2A) approved in 2008 and forms part of the Wellington Roads of National Significance (RoNS) programme that commenced in 2009.

The draft decision of the Board of Inquiry (the Board) was released on 22 July 2014. It cancelled the notice of requirement and declined the resource consent applications. The draft decision was not unanimous and includes a minority view (David McMahon) that the proposal should be approved.

Some of the key reasons indicated by the majority of the Board for its draft decision relate to:

- inadequate consideration of alternatives, with particular reference to the robustness of the option evaluation process and the failure to assess non-hypothetical options
- adverse effects on historic heritage caused by the bulk and scale of the proposed structure and also their impact on historically significant views

- urban design and landscape impacts caused by the bulk and scale of the bridge in a sensitive and important urban landscape; and
- the overall transport benefits from the project (being limited to those directly attributable to the proposal and therefore excluding flow-on benefits to the wider transport network) not outweighing the identified adverse effects and therefore failing the test of sustainable management under the RMA.

The minority view determined that the transport benefits of the Basin Bridge Proposal outweighed the identified negative impacts. It also found that not progressing the Proposal could frustrate a number of other linked transport projects.

## **2.2 Context of the proposal**

The Proposal was developed by NZTA from a collaborative process over many years, involving Wellington City Council (WCC), Greater Wellington Regional Council (GWRC) and other key stakeholders.

It responds directly to the N2A Plan which forms part of the region's Regional Land Transport Strategy. The N2A Plan was adopted by this Committee in 2008, following a comprehensive strategic study over several years, undertaken by WCC, GWRC and NZTA.

The strategic study considered future land use growth and intensification aspirations for the city as described in WCC's Urban Development Strategy and growth spine. It looked at the multi-modal solutions required to support this future growth and provide efficient access to key regional destinations such as the international airport and the regional hospital.

The resultant N2A Plan aims to strengthen four key elements in the city:

1. A high quality and frequency passenger transport 'spine'
2. Highly accessible and attractive 'activity' or shopping streets
3. A reliable and accessible 'ring' or bypass route for vehicles
4. Inter-connected and convenient local street, walking, cycling and public transport networks.

This approach seeks to optimise the transport network by strengthening the different role of each part and mode. Under the N2A Plan, a reliable and attractive ring route will draw traffic off other parts of the transport network where priority can be given to walking, cycling, and local access. A high quality passenger transport spine will improve journey time reliability through the Golden Mile and ensure that public transport provides an attractive and competitive option to the private car for trips to/from the southern and eastern suburbs. Enhanced access would be provided to key regional destinations including the Wellington International Airport, the Wellington CBD and the regional hospital.

The N2A Plan has formed the basis for an agreed long-term package of investment in Wellington. NZTA has been progressing the Wellington City RoNS package, including the Basin Bridge Proposal, Mt. Victoria Tunnel duplication, Terrace Tunnel duplication, inner city bypass improvements (i.e. Vivian Street), and Ngauranga to Aotea southbound widening. Many of these projects are well advanced in the planning and design process and form a key part of the adopted Regional Land Transport Programme. Construction funding had been secured for construction of the Basin Bridge Proposal and inner city bypass improvements (subject to consenting).

The Regional Transport Committee has also this year considered the options to deliver the public transport spine, following a joint study by WCC, GWRC and NZTA. The Regional Transport Committee agreed to develop a Bus Rapid Transit system through Wellington City, connecting core routes north to south and east to west through the central city and through the Basin Reserve. This utilises the Basin Bridge Proposal to enable enhanced priority to be given to public transport along core corridors between Kent/Cambridge Terraces and Adelaide Road and onto the southern suburbs, and between Kent/Cambridge Terraces through the duplicated Mt. Victoria Tunnel to Kilbirnie and the eastern suburbs. The Programme Business Case for this project is being finalised and the next steps include a corridor design exercise to inform future planning processes and linked projects.

WCC is also actively working towards improving the network of local streets, in line with the N2A Plan. This includes significant proposals to develop cycling infrastructure along key routes to and from the central city, as well as ongoing improvements to walking facilities.

### **3. Next steps in the RMA process**

Under the RMA, the next steps in the process are for specified parties to be able to make comments on the draft decision on minor or technical matters only. The due date for these was 19 August 2014. The final decision is due to be issued on 6 September 2014.

An appeal can be lodged in the High Court on any points of law by specified parties within 15 working days of the notification of the final decision. Any appeal, if urgency is granted, could be heard by the Wellington High Court within the next 3-6 months and a decision issued within 6-9 months (i.e. mid 2015). It is not known if any party will lodge an appeal at this point in time.

If an appeal to the High Court was successful then, subject to any further appeal to the Supreme Court, the decision is likely to be sent back to the same Board of Inquiry to re-consider. At this stage the Board would hear further legal submissions but not new evidence. This process could take another 3-6 months.

Therefore if there is any appeal, certainty about the final outcome could not be expected by the end of 2015 (assuming no further appeal to the Supreme Court).

## **4. Potential impacts of the draft decision**

### **4.1 Impacts of the proposal**

A solution to the congestion at the Basin Reserve that avoids or reduces conflict between state highway and local traffic and provides greater priority for public transport is a critical regional priority to unlock the linked package of transport projects under the N2A Plan, including Bus Rapid Transit and a number of new walking and cycling facilities.

There is a real risk that without fixing this critical part of the Wellington transport network, the other interlinked transport projects will not be able to proceed as planned. This could, at best, result in several years delay in the construction of these projects and achieving the desired integrated network.

The longer the period of delay to the implementation of these key regional projects the greater the likely impact on the regional economy from increased congestion and reduced access to key employment areas.

Wellington City is a major employment centre for the region, and is the location for key regional infrastructure such as CentrePort, Wellington International Airport and the regional hospital. The ability of the region to attract people, businesses and investment, and support regional economic growth, relies on an effective transport network through central Wellington.

There are also potential significant impacts on other important national and regional policies. WCC's growth spine concept, imbedded into their Urban Development Strategy and the District Plan, is predicated on facilitating growth along this spine, to be serviced by a high quality public transport system. The recently agreed Housing Accord, signed by WCC and the Government, is also predicated on intensification along this same growth spine. If Bus Rapid Transport and linked improvements are delayed or have to be re-routed then it is reasonable to assume that intensification along this corridor will become less attractive to developers and will slow or will have to rely on car-based transport options.

Given the uncertainty that the draft decision on the Basin Bridge Proposal has generated about the package of linked projects, there could also be implications for this Committee in finalising the Regional Land Transport Plan in April 2015. The Regional Land Transport Plan must include a 6 year programme to enable all regional transport activities to be funded from the National Land Transport Fund. Establishing the timing and priority of these projects could be challenging given the uncertainty generated by the draft decision. This may require the programme to be developed using a set of assumptions, with any future changes managed through subsequent variations. The same challenges will be relevant for both WCC and GWRC in finalising their Long Term Plans for the next 10 years to 2025.

## **4.2 Wider impacts of the decision**

The form of the draft decision may also potentially create some precedents around how transport projects should be packaged in the future, to ensure they can be consented under the RMA framework. One of the considerations outlined in the draft Board decision was that they were unable to consider the benefits accruing from clearly linked projects planned to be constructed in the wider transport network (i.e. Mt. Victoria Tunnel Duplication), and had insufficient information on which to consider any benefits from Bus Rapid Transit. They also found that they could not take into account the fact that this project 'enabled' those projects to occur.

This could mean a future expectation that significant transport projects should be packaged up into integrated multi-agency proposals for any one area of a city or region, in order for the benefits of these to the wider network to be adequately considered. This could have implications for how the programme elements of the Regional Land Transport Plan are framed and how projects are packaged and promoted.

## **5. Ngauranga to Airport Corridor Plan**

A key element of the N2A Plan is a solution that provides separation of competing and conflicting traffic streams at the Basin Reserve, linked to a series of other integrated projects (including the implementation of Bus Rapid Transit as well as the safe provision for active modes).

Given the draft decision, this Committee needs to consider whether the N2A Plan remains 'fit for purpose' and whether it should be incorporated as it stands into the Regional Land Transport Plan to be adopted in April next year.

The majority draft decision found that the Basin Bridge Proposal was consistent with the Regional Land Transport Strategy and the non-statutory documents that implement this, including the N2A Plan. It also found that these plans are consistent and integrated with the relevant statutory planning document, including the Regional Policy Statement and District Plan. However little weight was given to the non-RMA plans in the draft decision. The minority view referred to these same plans, and also found significant consistency between the Proposal and the N2A Plan. Significant weight was placed on this collective strategic framework, including the non-statutory documents such as the N2A Plan, in considering the effects of the Proposal.

The draft decision therefore does not question the integrity of the N2A Plan itself, although it does raise questions about how it can be implemented.

As part of the development of the N2A Plan an extensive range of scenarios were developed and evaluated. This included extensive transport modelling using the regional Wellington Transport Strategic Model (WTSM) model and city Simulation and Assignment of Traffic to Urban Road Networks (SATURN) models. The issues considered at that time remain relevant and given the significantly constrained geography of central Wellington, the overall strategic approach signalled in the N2A Plan is still considered the best

approach to meet the objectives and outcomes of the Regional Land Transport Strategy.

The Basin Reserve has been rightly identified as the lynchpin to unlocking significant transport benefits for all modes, particularly public transport. It forms a critical intersection along the core routes traversing north-south and west-east through the city. It facilitates multiple, often conflicting, traffic movements, core bus routes, and significant walking and cycling movements. It is also a pinch-point in the transport network, with congested conditions causing delays and unreliable travel times for general traffic and public transport users.

Finding an effective and enduring solution to the transport issues at the Basin Reserve should therefore remain a key component of the corridor strategy and is critical to unlocking the benefits of a range of other transport projects outlined in the N2A Plan, including Bus Rapid Transit and enhanced walking and cycling options. Some form of grade separation is still likely to be the most effective solution.

It is therefore recommended that the strategic approach in the N2A Plan should be confirmed by this Committee and that the focus should be on continuing to find a solution for the Basin Reserve.

## **6. Finding a solution for the Basin Reserve**

There are a number of ways a solution for the Basin Reserve could be found. If an appeal is lodged and is successful, reconsideration by the Board could potentially result in the current Basin Bridge Proposal being confirmed.

If there are no appeals or an appeal is unsuccessful, options for the Basin Reserve will need to be re-visited. This might include consideration of the options previously explored in the many design workshops over the last few years. The N2A Plan recommended improving passenger transport, walking and cycling by separating north-south flows from east-west traffic combined with complementary bus priority on Kent/Cambridge Terraces and Adelaide Road, and the options considered included both tunnel and bridge options. A number of at-grade solutions were also assessed. It could also consider the variations on these options that emerged before and during the Board process and other variants that may be identified during the process.

Any process established to re-consider options should be undertaken on a collaborative basis between NZTA, GWRC and WCC. It would also have to carefully consider the desired objectives for the transport network in the light of the final Board decision.

Regardless of which approach is taken, there would be benefits in the early completion of planning and design of the linked projects outlined in the N2A Plan, including Bus Rapid Transit and the related projects on local streets (including upgrades to Kent/Cambridge Terraces, Adelaide Road and the Island Bay to City Cycleway) and state highway projects. These projects are all interlinked to a solution at the Basin Reserve.

Early completion of the planning and design phases of these projects will be of significant assistance, whichever solution is ultimately pursued for the Basin Reserve, by providing clear plans for incorporation into a solution at the Basin Reserve and establishing and quantifying the wider benefits to support any consent application.

## **7. Communication**

A media release will be prepared to communicate the resolutions of this meeting.

A letter will be prepared by the chair of the Regional Transport Committee to the Minister of Transport and the NZTA Board, emphasising the importance of investment in the N2A corridor for the region and the need to resolve the transport issues at the Basin Reserve as a matter of urgency.

## **8. The decision-making process and significance**

Officers recognise that the matters referenced in this report may have a high degree of importance to affected or interested parties.

The matters requiring decision in this report have been considered by officers against the requirements of Part 6 of the Local Government Act 2002 (the Act). Part 6 sets out the obligations of local authorities in relation to the making of decisions.

### **8.1 Significance of the decision**

Part 6 requires GWRC to consider the significance of the decision. The term 'significance' has a statutory definition set out in the Act.

Officers have considered the significance of the matter, taking the Council's significance policy and decision-making guidelines into account. Officers recommend that the matter be considered to have low significance.

This report relates primarily to procedural matters. It involves reconfirming an existing strategy and outlining a process for considering the options going forward.

Officers do not consider that a formal record outlining consideration of the decision-making process is required in this instance.

## **9. Recommendations**

*That the Committee:*

- 1. Receives the report.*
- 2. Notes the draft findings of the Board of Inquiry in relation to the application for the Basin Bridge Proposal.*

3. *Notes the possible next steps in the RMA process, including the possibility of an appeal to the High Court, and the likely timeframe for this process.*
4. *Notes the regional significance of the Basin Reserve as a critical intersection between the state highway and local road corridors, providing access to key regional destinations, including the Wellington International Airport, the regional hospital and the Wellington CBD.*
5. *Notes the national significance of the package of planned transport improvements identified in the Ngauranga to Airport Corridor Plan.*
6. *Notes the Board decision could impact significantly on the timing of major transport projects outlined in the Ngauranga to Airport Corridor Plan and the Regional Land Transport Programme, including Mt. Victoria Tunnel duplication, Terrace Tunnel duplication and Bus Rapid Transit.*
7. **Confirms** *the Ngauranga to Airport Corridor Plan is still fit for purpose and forms an appropriate basis for developing the transport network of this key corridor.*
8. **Confirms** *that an effective and enduring solution to the identified transport issues at the Basin Reserve is necessary to unlock the wider transport network and allow a range of important transport projects to proceed as well as to support wider land use planning objectives.*
9. **Agrees** *that a joint governance group (Terms of Reference to be agreed) be established between the NZ Transport Agency, Wellington City Council and Greater Wellington Regional Council to accelerate planning and design work on the linked projects outlined in the Ngauranga to Airport Corridor Plan, including Bus Rapid Transit and the related projects on local streets (including upgrades to Kent/Cambridge Terraces, Adelaide Road and the Island Bay to City Cycleway) and state highway projects to enable them to facilitate and support a solution to the Basin Reserve.*
10. **Agrees** *that the joint governance group proposed in (9) above (in accordance with its Terms of Reference) report to the Regional Transport Committee on its progress.*
11. **Communicates** *to NZ Transport Agency and the Government that a solution to the Basin Reserve remains critical to the future economic development of the Wellington region and that the transport issues at the Basin Reserve need to be resolved as a matter of urgency.*

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