

**BEFORE THE INDEPENDENT COMMISSIONER
APPOINTED BY GREATER WELLINGTON REGIONAL COUNCIL
AND HUTT CITY COUNCIL**

**Reference Number RM190124
Eastern Bays Shared Path**

IN THE MATTER OF: **Resource Consent Application** for a shared path along Marine Drive, Eastern Bays.

APPLICANT: **Hutt City Council (Transport Division)**

Brief of Evidence of David Keith Wanty

Presented for filing by:

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INTRODUCTION

Qualifications and experience

1. My name is David Keith Wanty. I am a self-employed transport engineer and Director / Principal of Wanty Transportation Consultancy Limited based in Wellington.
2. I have a Bachelor of Engineering (Civil) and a post graduate Master of Engineering (Civil) from the University of Canterbury and a Master of Science (Transport Planning and Engineering) from the University of Leeds. I am a member of Transportation Group NZ which is a Technical Group of Engineering New Zealand, and I am a member of the Institute of Transport Engineers (International Division). I am registered in New Zealand as a Chartered Professional Engineer and as an International Professional Engineer.
3. I have more than 35 years' experience as a transport engineer including the areas of traffic engineering, transport planning, road safety and road asset management analysis.
4. I have been the Vice-Chair, Chair and immediate Past Chair of the national committee of Transportation Group NZ (formerly the IPENZ Transportation Group), the largest Technical Group of Engineering NZ.
5. Much of my experience has been in the area of traffic engineering. I have undertaken independent reviews of proposed development projects for local authority and private clients at the resource consent / council hearing and Environment Court stages. I have prepared assessment reports and presented evidence at a number of Council and Environment Court hearings and as a traffic expert have been involved in caucusing.
6. While based in Wellington I have undertaken a number of projects in Hutt City Council, and in other parts of New Zealand have considered traffic and safety pertaining to private developments, and conducted road safety audits at various stages of Council projects (including walking and cycling projects).

I last visited the route on Saturday afternoon, 15 February 2020.

Involvement in project

7. My current involvement has involved reviewing the Application documents as provided by Council for the proposal, as evident in my report(s) made available on the GWRC website; this evidence also includes reviewing the submissions received. I have not had any meeting as such with Council, their consultant or other consultants with respect to this project, all matters being by phone or email.
8. In the past year I have also reviewed for Council in May 2019 the Eastern Hutt proposed Beltway cycleway.

Expert Witness Code of Conduct

9. I have been provided with a copy of the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note dated 1 December 2014. I have read and agree to comply with that Code. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

PURPOSE AND SCOPE OF EVIDENCE

10. The purpose of this evidence is to assess the transport effects of the proposal.
11. The proposal involves the creation of an approximate 4.6 km shared path along the harbour edge; the southern shorter nominal 0.5 km portion being between Eastbourne and Days Bay, the middle 2.1 km central portion between Days Bay and Marina Bay, and the nominal 2.0 km northern portion between York Bay and Point Howard.

SUMMARY OF CONCLUSIONS

12. I conclude that the proposal provides for adequate capacity and safety for the anticipated demand of non-motor vehicle users and that it is reasonable that certain design aspects will be clarified/confirmed at the detailed design stage following planning and funding approval.
13. A key aspect of my conclusion is the provision of a safety barrier as deemed necessary following expert interpretation and confirmation of the Building Code requirements.

14. In some sections it is proposed to provide a low edge barrier on the coastal side, which I consider a practical approach particularly with respect to anticipated users of mobility scooters. Where the shared path is sufficiently clear of hazards there need be no low/high barriers although in one location (at Point Howard near the boat trailer parking) I had suggested that a short fence might be considered.
15. With respect to beach access I accept that the provision of railings and extra width at the top of the steps can be left to the detailed design stage. I accept the assurance that the mini-steps are primarily designed to assist the penguins' access and safety, rather than for use by the public (who I have assumed will be suitably notified to take care in usage).

RECOMMENDATIONS

16. I recommend that a clear shared path width of nominally 2.4 metres be provided for most of the route along the harbour edge (excluding local pinch points), and a clear width of 3.5 metre where practical well away from the coastal edge.
17. I recommend that railings for the steps and increased area at the top of the steps be investigated and confirmed at the detailed design stage, with warning signs for people as appropriate re use of the mini-steps that I accept as having been designed primarily for penguin access.
18. I recommend further road safety audits (contingent on approval) be conducted at the detailed design and pre-construction/post-construction stages.

EXISTING ENVIRONMENT:

19. This proposal is in effect part of a larger cycle strategy to connect Eastbourne with Seaview and connections from there along Eastern Hutt (Beltway) and along Petone (to join with the planned shared path to Wellington).
20. Between Eastbourne and Seaview the existing road environment is that of a relatively narrow winding two-way two lane road, for which there is no travel alternative other than the Days Bay ferry.
21. Currently there is an approximate 2.1 km long 70 km/h zone along most of the route between the start of the right turn bay for the Lowry Bay boat ramp and carpark at approximate chainage CH 1910 (approximately 130 m south of Gill Road), and just south of the #517 Marine Drive Sunshine Bay service

station (at approximate chainage CH 4030 by the end of the main portion of the proposed share path).

22. Within Days Bay (currently 50 km/h) from south of the service station (CH 4040) to approximately 15 metres north of Waerenga Road (CH 4990 – my review stated 4980) no changes to the existing footpath and road shoulder are proposed in order to create a shared path along an area with much parking along the coastal side.
23. Between Days Bay and Eastbourne at Marine Parade (CH 5495 – my review stated 5500) the southern relatively short section of 515 metres of shared path is proposed. This did not include any change to the Marine Parade median throat island which I had earlier recommended, but which depend on the detailed design of the southern end which as inferred on the Revision J plans might change slightly for local landscaping reasons.
24. I note that this section would assist patrons of the summer concerts at Days Bay who reside or elect to park in Eastbourne and walk to the concert.
25. North of Point Howard at the northern end of the proposed shared path (at approximate chainage CH 530), there is an existing shared path behind the guardrail on the coastal side. This crosses over the oil pipelines along Marine Dr into the marina carpark and then exiting onto Port Road near its Tee intersection with Marine Dr/Seaview Rd.
26. By the sharp 25 km/h bend between Mahina Bay and York Bay is the southern end of the existing approximately 292 m long coastal shared path in York Bay which consists of low narrow concrete strips along the traffic lane edge line and without any safety barrier or low edge along its coastal edge. I locate its southern end at approximate chainage CH 2860 and its northern end at approximate chainage CH 2565/2570, along which no changes to the existing seawall are proposed.
27. With respect to a safety risk assessment of the eastern bays, various maps from the Safer Journeys Risk Assessment Tool, commonly known as MegaMaps, are provided in Annex 1. These are provided to show the likelihood in due course of changes to the local posted speed limits, with a likely reduction in speed (although a section of former 70 km/h north of Point Howard currently posted as 50 km/h is shown as a suggested 60 km/h posted speed limit).

BACKGROUND INFORMATION: APPLICATION AND RESPONSES

28. I had been requested by Council to provide comment on the various further information responses and how my understanding of the proposal and original concerns may or may not have been addressed.
29. Regarding the information responses the key matters were the review of interpretation of the Building Code barrier requirement irrespective of community view and Lowry Bay shared path, and any need for handrailing and additional width at the top of the beach access steps. As I have concluded above, these aspects have largely been addressed or are intended to be at the detailed design stage following approval (I accept as reasonable to do so then).
30. In my reviews, my interpretation of the Building Code was that in my view (I am not an expert on this matter) a safety barrier seemed to be required when the fall height was greater than 1 metre (which I equated to double and triple curve seawall). Subsequently Stantec accepted that a barrier was required in places and identified the sections required subject to confirmation at the detailed design stage. From my tabulation of the design sections I concluded that a substantially greater length of barrier would be required than noted, and suggested the Council check my table of different sections of the route disaggregated by type of coastal protection and shared path with.
31. As part of this hearing I understand that Hutt City Council has sought further clarification regarding the need for a barrier meeting the Building Code require, and of the associated length of such barrier if confirmed as deemed necessary.

POSTED SPEED LIMIT

32. I consider it convenient at this point to raise the matter of the posted speed limit along the route, which has been raised by some of the submitters (I deal with key traffic points raised in the submissions later).
33. There is a section of 70 km/h posted speed limit alongside some of the proposed shared path. Whether the speed limit is 50 or 70 km/h has no direct impact on the application except that slower speeds, influenced by the speed limit (and enforcement), help reduce the severity of a crash of an errant user roads ("less speed, less harm") and possibly reduce the chance of a crash occurring. The latter is influenced by the

road width that might be reduced for motor vehicle traffic with a reduction of speed so there is an interaction effect between speed, roadway width and safety.

34. I fully expect that Council will investigate the existing 70 km/h speed limit in the near future, noting that the NZTA has directed Councils to do as such, with aim/hope to eliminate 70 km/h speed zones except in special circumstances. Some Councils are separating their reviews of urban and rural speed limits with 70 km/h being included in urban reviews, which generally look at lowering the usual 50 km/h speed limit to typically 40 km/h in accordance with the NZTA Safer Journeys toolkit (commonly referred to as Mega Maps) and the NZTA Infrastructure Risk Rating (IRR) approach.
35. Accordingly I consider that consideration of changes to the posted speed limit along Marine is dealt with at the time of the likely impending Council review of speed limits, noting also that I consider it generally outside the scope of this hearing.

RESPONSE TO TRANSPORT MATTERS RAISED IN SUBMISSIONS

Submissions of non-supporters relating to safety

36. In my consideration of the submission response, I drew heavily on the summaries provided by Council. I filtered the submission spreadsheet provided in late 2019 by selected categories, and also filtered out all those not in support (includes conditional support, neutral and those opposed).
37. Of the 190 submissions 20 met the latter criteria, of which 13 were opposed, 4 were neutral and 3 gave conditional support. For 8 of the 20 "safety" was a theme which I shall now address.
38. Submission #30 (by the oil companies) raised concern over the conflict between motor vehicles and cyclists at Point Howard. I can confirm that a safety audit has been conducted of the proposal and another would be expected following detailed design. I concur with the concerns raised and expect that the detailed design will address any such matters not already identified and accepted. I do not consider that a formal condition is necessary to enact the concerns raised.
39. Submission #60 raised warning to motorists for sharp bends and presence of pedestrians and motorists. I opine that this is

an existing requirement independent of this application and that Hutt City Council already has warning signs along the route and monitors road user safety within the community.

40. Submission #84 raised separation of pedestrians and cyclists and issue for experienced cyclists. The application expects that the latter will generally continue to use the road and not the shared path. Shared paths can have a painted line separating pedestrians from cyclists and all include signs warning cyclists to give way to pedestrians. Where the effective path width is less than 2.5 metres I expect that it will definitely be shared; it is possible that at the detailed design stage 3.5 metre wide sections might have a separating white line but I would not recommend making this a condition at this stage. Other matters raised can also be dealt with at the detailed design stage; the suggestion of extending the shared path through the entirety of Days Bay is good from a connectivity view point but a matter outside this application.
41. Submission #85 raised inclusion of two other sections, which is outside the scope of this application. A constant width (excluding pinch points) of 2.5 metres was suggested although 3.5 m was considered not wholly sufficient. Commented that minor improvements to the road could be made to make it safer for cyclists, which I consider to be generally outside the scope of this application.
42. Submission #87 raised preference to an earlier version of the shared path proposal whereby the road was further away from eastern properties, including that of the submitters who was safety concerns over the proximity of the road to their driveway (within the 70 km/h zone). I note that the cross-sections did not show the roadway and it is difficult to detect changes in the roadway and changes to the traffic lanes from the plans provided. However I expect that the detailed design will make this more evident (I am unsure as to the extent of topographical surveys conducted).
43. Submission #117 considered that the shared path was too close to the roadway. Naturally a wider separation would be desirable but I accept that this is not realistically viable and that the separation provided is not unreasonable (especially if speeds reduce in due course from a reduction in the posted speed limit which I consider likely for the existing 70 km/h zone).

44. Submission #132 raised concerns over the exposed nature of the shared path to waves washing over it (and onto the road). I consider this matter outside my expertise but would expect little usage of the shared path in clearly adverse situations.
45. Submission #168 raised safety concerns when transitioning between the path and the road and that the shared path might be inadequate/unsuitable for electric bicycles and e-scooters. The latter is a nationwide issue of concern and the former part of further safety auditing of the detailed design.

Submissions related to beach access

46. For 16 of the 190 submissions "beach access" was an identified theme. Of these submission #80 opposed for a variety of reasons and considered that access to the beach would be restricted by the proposal. Submission #163 was noted as "neutral" (opposed if certain conditions not imposed, was against the use of railings and advocated for a constant 2-2.5 metre shared path to minimise impact on the beach.

Submissions related to the seawall

47. All 7 of the 190 submissions where "seawall" was an identified theme supported the proposal, with many of these also noting that the shared pathway will improve the safety for existing pedestrians and cyclists.

Submissions related to the shared path width and other matters

48. Many of the submissions included some comment on the pathway width, including those noted above. My impression is that on balance the widths as proposed are reasonable (some prefer narrower, some wider). My recommendation was to recognise the 'effective' width, which would be less alongside the safety barrier, and marginally less along the sections where a low barrier was advocated.
49. It is important to note that the effective or clear width with and without any barrier might be the same due to the "shy factor" effect of users generally keeping a perceived safe distance from the edge. However the Safe Systems approach is to accept that humans make mistakes and errors of judgment, and the Vision Zero approach is to mitigate against such errors that lead to an unacceptable chance of death or serious injury (taking into account probability of occurrence).

50. Central and local government policies favour more travel by modes other than private motor vehicles in particular, but non-motorised road users are more vulnerable in road crashes. A shared pathway is a common approach to encourage more (non-commuter) and safer cycling and the desirable width is a function of the anticipated number of pedestrians and cyclists along with other influencing factors. Attention to detail ("the devil is in the detail") is critical with respect to the potential for pedals or handlebars clipping objects, and avoidance of perceived hindrances in the path. Accordingly as aforementioned I opine that many matters of detail re transport aspects are best left to resolve at the detailed design stage, subject to being consistent with the general design principles applied to the concept design as proposed.

Submissions summary

51. The submissions have been many and varied with the vast majority in support and those opposing mainly on grounds other than transport related.
52. As aforementioned many advocated for a reduction in the 70 km/h posted speed limit, a matter which I consider is outside the scope of the application but will undoubtedly be considered by Council (I expect within the near future).
53. Some submitters favoured a wider shared path and some a narrower shared path, and some questioned its provision. I consider that the proposed widths are reasonable at this stage although I advocate that they should relate to the effective or clear width, that is take cognisance of any barrier or low railing along the coastal edge. As aforementioned I recommend that a clear shared path width of nominally 2.4 metres be provided for most of the route along the harbour edge (excluding local pinch points), and a clear width of 3.5 metre where practical well away from the coastal edge.

PROPOSED TRANSPORT-RELATED CONDITIONS

Proffered transport conditions

54. As advised by Dan Kellow, Council planner the only transport related condition offered by the Applicant relates to the preparation of a Traffic Management Plan (TMP) to append to the CEMP. This relates just to the construction period and not to any design issues.

55. I am however aware of a recommendation that condition regarding preparing a Bay Specific Urban Design Plans (BSUDP) to include the barrier and railing design, which I opine as aforementioned is appropriate to consider further at the detailed design stage (presuming approval is gained). I concur with the barrier and railing design being included in the BSUDP condition.

Potential additional transport conditions

56. I recommend adding a condition requiring the undertaking of an independent road safety audit at the detailed design stage and at the pre-opening/post-construction stage. This is the understood intention and hence I opine should be readily accepted by the Applicant.
57. I recommend adding a condition requiring that the Hutt City Council as Applicant review the posted speed limit along the project route within x years of a convenient start point, and I suggest that Council propose what the start point might be and associated 'x'.
58. I recommend adding a condition requiring that the Council would regularly monitor and report usage of and safety/incidences along the shared path within the first y years of operation. I would suggest that 'y' might be 1 to 3.

David Keith Wanty

5 March 2020

ANNEX 1: NZTA MEGAMAPS

ANNEX 1: Safer Journeys Risk Assessment Tool (MegaMaps)

