

THORNDON QUAY COLLECTIVE

— SUBMISSION —

RE: LGWM'S PROPOSED CHANGES TO THORNDON
QUAY AND HUTT ROAD

17 JUNE 2020
(as per agreed extension)



OUR SUBMISSION

Overview

4	Part I: Our Neighbourhood
5	Part II: Legal Framework
7	Part III: Procedural Impropriety
9	Part IV: Factual errors
12	Part V: Relevant Considerations
14	Part VI: Key Design Flaws
16	Part VII: Concluding Remarks

ABOUT THORNDON QUAY COLLECTIVE

Thorndon Quay Collective (TQC) was recently established by group of Thorndon Quay community members in response to Lets Get Wellington Moving (“LGWM”) and the Wellington City Council (WCC’s) abject failure to account for the significant adverse impacts that two major roading infrastructure changes will have on our community.

The second of these two changes is LGWM’s proposed plan to change TQ as described in LGWM’s May 2021 consultation document.

Like the WCC change, this proposal includes converting all car parking along Thorndon Quay to parallel parking, thereby reducing total parking capacity along Thorndon Quay by up to 78 per cent once LGWM’s proposal to impose a 4-6pm clear way (northbound along the western side of Thorndon Quay). Amongst other things, it also includes installing a two way cycle lane on the western side of TQ as well as north and southbound bus priority lanes that will operate at respective peak times.

As a group we represent a broad plurality of community interests as expressed by a diverse array of business owners, day care and dance school operators, customers, building owners and others (see page 4 summary of members). Collectively we represent a significant amount of Thorndon Quay community stakeholders. We expect that over the coming weeks this number will also grow to include the majority of the community.

The purpose of this document is to put forward a single group submission that represents the shared interests of our members and more importantly the wider Thorndon Quay community (based on the broad engagement we have carried out over the last four weeks).

PART I: OUR NEIGHBOURHOOD

Like many urban communities within Central Wellington, Thorndon Quay ("TQ") has organically evolved into a distinct neighbourhood and economic precinct, which makes a valuable contribution to the social, cultural, and economic fabric of Wellington.

Composition and character of the Thorndon Quay community

TQ is more than an arterial road/thoroughfare that connects Wellington City to its northern suburbs and beyond, it is home to a well established urban community that made up of:

Businesses and retailers: in particular, it has become the city's primary and most proximate precinct of architectural, interior design, textile, furniture, specialist appliance, engineering and like *"design/home trade businesses"*.*

Daycare, dance, yoga, churches and fitness centers: the area is also home to these larger format social and cultural institutions, which make a significant contribution to immediate and surrounding community *"large format community organisations"*;

Customers (trade and retail) and families: most of whom unavoidably rely on private vehicles to access the various businesses and community organisations.

Offices: occupied by businesses that would otherwise not be able to afford office space within the central city area.

Cafes: including iconic cafes like Bordeaux Bakery and Le Marché Français.



Urban residents: who occupy various multi-story apartment buildings along TQ.

Building owners: who have invested significant amounts of capital strengthening and upgrading their buildings in order to retain (as tenants) the various businesses and organisations noted above, which TQ community is comprised of.

*While other large format retail precincts exist (e.g. Lyall Bay and Tory Street) TQ is the only area that hosts a concentration of such home, architecture, interior design, appliance and like outlets (subject to parts of Hutt Road/Hutt Road adjacent locations which are essentially an extension of the TQ precinct). As such, it performs a unique function for Wellington City.

REASON FOR THORNDON QUAY'S SUCCESS

Two variables are responsible for TQ becoming the central city's primary precinct/district for such "design/home trade businesses" and home to numerous important community organisations:

-  Availability of affordable large floor-plate leasehold space, which is proximate to the central city and nearby suburbs where most customers/members are based.
-  Ease of vehicle access and reliable availability of affordable parking proximate to the above businesses and community organisations.



UNAVOIDABLE RELIANCE ON VEHICLES

In the immediate to medium term, the commercial viability of most TQ businesses hinges on retaining readily available vehicle access and parking, because the:

- Size or volume of goods sold** require a vehicle to transport them away (e.g. beds, furniture and home ware, hifi, lighting, carpet, paint, plumbing, kitchen and like trade supplies, and sports equipment).
- Type of services provided** (e.g. mechanics, electricians, engineers, wood and steel fabricators and like services) rely on vehicle access and parking for customers, as well as incoming and outgoing trade and supply vehicles (inc a significant number of tenants who rely on fleet vehicles to operate).

Most parents can not avoid having to rely on vehicles to get their children to daycare or dance school safely (e.g. as e-bike, walking and public transport are typically not viable options). Similarly many families and older visitors rely on vehicles to visit the two churches, cafes and other eateries located on TQ.

PART II: LEGAL FRAMEWORK

Given the extent of the procedural failings that the proposed TQ and Hutt Road decision making process is now subject to, we have set out a summary of the legal framework that LGWM is obligated to follow:

LOCAL GOVERNMENT ACT 2002 (LGA) RELEVANT PROVISIONS

LGWM's proposed changes entail removing 47% of the total car parks on TQ. During the hours of LGWM's proposed 4-6pm clearway this increases to a 78% total reduction. This clearly constitutes a significant decision that engages sections 77, 78, 80, 81, and 82 of the LGA. Given their relevance, this submission sets out a summary of the most relevant provisions from these sections before addressing the procedural impropriety issues in full:

76 Decision making

- (1) Every local authority decision must be made in accordance with sections 77, 78, 80, 81, and 82.
- ...
- (3) A local authority—
- (a) must ensure that its decision-making processes promote compliance with subsection (1) above; and
 - (b) in the case of a **significant decision**, must ensure, before the decision is made, that subsection (1) has been appropriately observed.

The decision in question meets this threshold

See pages 12 to 13 where the scope and consequences of the proposed TQ changes are summarised.

Gross failure to consult

See page 7 to 8 which outlines how LGWM failed to seek out and account for the views of the TQ community who are most affected.

Affect on the TQ community

See page 12 to 13 which outlines how WCC and LGWM failed to seek out and account for the significant social, economic, environmental and safety adverse effects the proposed change would bring about

77 Requirements in relation to decisions

- (1) A local authority must, in the course of the decision-making process,—
- (a) seek to identify **all reasonably practicable options for achieving the objective of a decision**; and
 - (b) assess the options in terms of their **advantages and disadvantages**; and
 - (c) ...
- (2) This section is subject to section 79.

78 Community views in relation to decisions

- (1) A local authority must, in the course of its decision-making process in relation to a matter, give consideration to the views and preferences **of persons likely to be affected by, or to have an interest in, the matter.**

79 Compliance with procedures in relation to decisions

- (1) It is the responsibility of a local authority to make, in its discretion, judgments—
- (a) about how to achieve compliance with sections 77 and 78 that is largely **in proportion to the significance of the matters affected by the decision as determined in accordance with the policy under section 76AA**; and

See page 7 to 8 which summarises how this requirement was breached, and how the extent of the breach was largely due to LGWM's complete failure to seek out the social, cultural and economic impact it would have on the local TQ community.

See page 7 to 8 which summarises WCC and LGWM's abject failure to consider alternative options. This failure in part stems from Waka Kotahi's fundamentally flawed safety review.

In breach of section 82A(2)(b) of the LGA, LGWM fails to properly identify and assess all reasonably practicable options to those TQ changes that have been put forward for consultation.

79 Compliance with procedures in relation to decisions (cont'd)

....

(b) about, in particular,—

- (i) the extent to which different options are to be identified and assessed; and
- (ii) the degree to which benefits and costs are to be quantified; and
- (iii) the extent and detail of the information to be considered; and
- (iv) ...

(2) In making judgments under subsection (1), a local authority must have regard to the significance of all relevant matters and, in addition, to—

- (a) the principles set out in section 14; and
- (b) the extent of the local authority's resources; and
- (c) the extent to which the nature of a decision, or the circumstances in which a decision is taken, allow the local authority scope and opportunity to consider a range of options or the views and preferences of other persons.

...

Data pertinent to veracity of safety claims withheld by WCC and LGWM

Validity of the decision to convert parking hinges on the accuracy of this data. As such, it should have been disclosed promptly. Some data is still being withheld.

This included relevant explanatory material underpinning WCC's pre-existing decision that TQ was unsafe for cyclists and why (relevant to section 82(1)(f)).

Note also section 82A (2)(b) requirement also breached. See page 7 and 8.

Claimed "prior engagement" failed to adequately disclose its purpose

See page 7 and 8 which sets out how a full and clear description of the scale and extent of the proposed parking change was never provided at or prior to the time when WCC and LGWM claims to have sought the views of the TQ community.

Pre-determination

The proposed parking changes have been presented as a fait accompli. This is also corroborated by refusal to acknowledge that the Waka Kotahi safety report data may be inaccurate, incorrect and unreliable.

Gross failure to provide a reasonable opportunity to comment

See pages 12 to 13 which outline the significance and complexity of the proposed change, and why the current opportunity to consult is woefully inadequate (i.e. not commensurate with the scale of the impact and complexity of the issues to be consulted on).

Summary of relevant section 14 LGA decision making principles: a local authority should—

Conduct its business in an open, transparent, and democratically accountable manner;

Make itself aware of, and should have regard to, the views of all of its communities;

When making a decision, take account of: (i) the diversity of the community, and community's interests; and (ii) interests of future and current communities; and the likely impact of any decision on each aspect of well-being referred to in section 10 (i.e. social, economic, environmental, and cultural well-being of communities)

In taking a sustainable development approach, a local authority should take into account: (i) the social, economic, and cultural well-being of people and communities; and (ii) the need to maintain and enhance the quality of the environment; and (iii) the reasonably foreseeable needs of future generations

82 Principles of consultation

(1) Consultation that a local authority undertakes in relation to any decision or other matter must be undertaken, subject to subsections (3) to (5), in accordance with the following principles:

- (a) persons who will or may be affected by, or have an interest in, the decision should be provided with reasonable access to relevant information ...
- (b) ...
- (c) persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented:
- (d) persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate...
- (e) the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration:
- (f) persons who present views ... should have access to a clear record or description of relevant decisions made by the local authority and explanatory material relating to the decisions, which may include, for example, reports relating to the matter that were considered before the decisions were made.

(3) The principles set out in subsection (1) are, subject to subsections (4) and (5), to be observed by a local authority in such manner as the local authority considers, in its discretion, to be appropriate in any particular instance.

(4) A local authority must, in exercising its discretion under subsection (3), have regard to—

- (a) the requirements of section 78; and
- (b) the extent to which the current views and preferences of persons who will or may be affected by, or have an interest in, the decision or matter are known to the local authority; and
- (c) the nature and significance of the decision or matter, including its likely impact from the perspective of the persons who will or may be affected by, or have an interest in, the decision or matter; and
- (d) ...; and
- (e) the costs and benefits of any consultation process or procedure.

(5) ...

PART III: PROCEDURAL IMPROPRIETY

The consultation process associated with the proposed TQ and Hutt Road changes (set out below) is fatally compromised by failure to observe basic principles of natural justice and the LGA process:

- 2015 and 2017 several instances of consultation re: how TQ may be improved generally is undertaken in a sporadic/non-systematic manner.

The proposed changes that this submission relates to and supporting information critical to our ability to provide an informed response, were not put to us for comment. Any views expressed at this time would now also be unsafe to rely on given the passage of time, changes in the composition of businesses and TQ community members.

In 2018 TQ community members advised WCC that angled parking from Davis Street to the railway station **only** could be converted parallel parks without causing adverse economic and social impacts, as no businesses are located along this section of TQ. Justin Lester then confirmed that no other angled parking would be interfered with.

No consultation is undertaken in respect of assessing the various long and short list options for improving TQ and Hutt Road

Refer page 12 of the Thorndon Quay Hutt Road: Long List to Short List Options Report, which goes on to note that in place of consultation:

*It was however possible to examine the previous consultation for the corridor recently undertaken **for other studies and projects**, predominantly undertaken by Wellington City Council.*

This report went on to summarise **transport** considerations only (i.e. absent any consideration of economic and social impacts), which were derived from previous consultation events that were entirely unrelated to the current proposal.

- Single “virtual workshop” held on May 28 2020 during Alert Level 2

Various stakeholders attended, however most TQ community members were not made aware of this workshop and thus were unable to participate. Again, all of the views noted in the consultation summary exclusively relate to transport considerations.

- Late May 2020 public engagement via “social pinpoint” digital platform:

Public could tag a map of the area with their views. Parking changes in question still not put forward with underlying information needed to allow for informed consultation.

No opportunity to provide informed feedback on the current proposal:

Engagement was not for the purpose of assessing the effects and merits of the current LGWM proposal (see LGA 82(1)(c)). Rather, it was more in the nature of a “blue sky thinking” exercise in respect of the future of TQ. LGWM also did not provide access to information relevant to the proposed parking, cycleway and bus lane changes (see LGA 82(1)(a) and Section 78 of LGA). Therefore no informed feedback could be provided at this time as we did not know what interests would be affected and to what extent.

Justin Lester’s comments created a legitimate expectation that all other TQ angled parks would remain in place. As the current proposal to remove all angled parking along TQ was not put to TQ community members again until 21 May 2021 (despite some TQ members expressly asking to be kept in the loop), all subsequent consultation conducted prior to May 21 could not amount to valid consultation, as the TQ community members were laboring under the belief that all other angled parking would remain in place.

No opportunity to comment on advantages/disadvantages of each option

TQ community has not had an opportunity to express their views re: potential design options available and the advantage/disadvantage trade offs associated with each. Only cyclist, bus and other transport stakeholder views have been taken into account (e.g. as a result of the cyclist petition which initiated this change). These failures fatally compromise LGWM’s ability to comply with LGA s 77(1)(a) and (b), s 78, the s 14 decision making principles summarised on page 6 of this submission and various s 82 principles of consultation.

Given the significance and gravity of the likely social, cultural and economic impacts that the proposed changes will have on TQ community members, this failure is especially fatal to the viability of the current concept design to which this submission relates.

No reasonable opportunity to provide informed comment

Given the significance and complexity of the various economic and social impacts that the proposed changes will have on TQ community members (see pages 14-15 below), and the number of stakeholders in attendance, this format of consultation was by no means able to extract the views of TQ residents in a reliable and fulsome manner.

Furthermore, the meeting was not about the current proposed LGWM changes. The safety data information required to provide informed feedback was also not available, nor was there any meaningful opportunity to prepare and provide informed feedback as to the economic and social impacts that the current proposed LGWM changes would cause.

PART III: PROCEDURAL IMPROPRIETY CONT'D

- **21 May 2021 3.5 week consultation period for TQ proposed changes**

WCC and LGWM provide 3.5 weeks to comment on the proposed TQ changes that the angled to parallel park changes form a part of. This is the first time this parking change is put to the TQ community for consultation.

- **No reasonable opportunity to provide informed feedback**

This is the first time that the proposed LGWM changes have been put to us for comment. Importantly, this very first instance of informed consultation is occurring AFTER all of the preferred design options have been unilaterally selected by LGWM. As a result, we have been robbed of any meaningful ability to co-design and ensure that all social and economic impacts are properly taken into account when identifying and assessing all reasonably practicable options (e.g. in terms of their ability to achieve LGWM's objectives, and the advantages/disadvantages of each, including from an economic perspective).

The time frame for providing feedback is woefully insufficient given: the scale and complexity of the proposed changes and the adverse social, cultural and economic adverse they will give rise to; the complete absence of an prior informed consultation which in turn requires us to start from scratch during this consultation round; the late release safety data critical to our ability to provide informed feedback (provided on 3 June 2021), and the number of community members that we have had to consult with when preparing our submission.

The above summary of the consultation process followed by LGWM makes it abundantly clear that:

- No effort has been made to identify, understand and adequately take into account, the social and economic impacts that the proposed TQ changes will have on those who actually live, work, trade and own property within the affected area (i.e. on or near TQ) - i.e. "persons likely to be affected by, or to have an interest in, the matter" as defined by section 79 of the LGA.
- Cycling interests groups, Bus operators and Waka Kotahi's (incorrect) views (see page 11 below) have been considered at length, whereas TQ community members (whom are the most affected by the proposed changes) have been comparatively excluded from the consultation process. As such, the views and preferences of all persons who are affected by, or have an interest in, the matter have not been considered on equal footing.
- Light touch approach to consultation is grossly out of proportion with the nature, gravity and significance of the proposed changes, particularly when one looks at the adverse economic impact they will have on: (i) the \$324,000,000 of real estate, 164 businesses and 3000 jobs located on TQ (see page 11 to 12); and, (ii) safety and accessibility for families and children accessing community organisations like child care centers, dance studio and churches also located along TQ.

- Selection of the current proposal as the best means of addressing LGWM's various stated objectives (including enhancing safety which is the sole reason stated for the parking change aspects of the proposal) has not been scrutinised by TQ community members nor reconciled against the economic and social disadvantages it will give rise to.
- The consultation process as a whole is in breach of virtually all of the section 14 LGA decision making principles and section 82 principles of consultation set out on page 6 above.

The cumulative effect of the above failings thereby places LGWM in clear breach of its section 78 and 79 LGA obligations as well as general principles of natural justice that all administrative decision making is subject to.

PART IV: FACTUAL ERRORS

In reviewing the material provided, we have identified a number of significant factual errors associated with critical elements of LGWM's proposed TQ changes.

The attached report prepared by Tailrisk Economics addresses the cycle safety, cost/benefit errors in full. The remaining factual errors identified are based on our assessment of the various documents provided by LGWM to date.

Importance of the cycle safety assumptions

WCC and LGWM senior representatives had stated directly and in no uncertain terms that the proposal to convert all TQ angled parks parallel parks is driven by two things:

A petition signed by 300+ cyclists: which states the petition members "feel unsafe" when cycling along TQ, because they have an untested belief that the angled parking presents a safety hazard; and

Waka Kotahi's safety audit findings, which claim that the TQ angle parks represent an unacceptable risk to the health and safety of cyclists, particularly when considered in the context of expected increase in the number of cyclists using the TQ corridor over the coming years.

No other rationale is put forward to justify the changes. Furthermore both LGWM and WCC representatives have also expressed that political pressure was another primary driver behind this proposal. As Tailrisk's attached report astutely highlights at page 11:

The NZTA audit report and the Council's response puts the Council's proposals on parking changes in context. The Council officers appear anxious to comply with what is almost an edict from the NZTA to get rid of angled parking.

We also understand that the above safety considerations are the primary justification for the proposed two-way cycleway on the western side of TQ.

Enter WCC's cycle safety factual errors

Rather than restate Tailrisk's report in full, the most salient safety related factual errors that undermine LGWM's proposed car-parking changes are as follows:

1. **The cyclist accident rate associated with PARALLEL parks is significantly higher than ANGLED parks:**

See page 15 of Tailrisk's report and in particular Table 2 and the following findings on page 2, which provide:

Parallel parking more hazardous for cyclists than angled parking

A recent Council study showed only one cycling accident due to a car reversing from an angled park in ten years. Due to the increased risk to cyclists from opening car doors, the risk from a parallel park is slightly higher than an angled park.

Risk to all road users lower with angled parks.

The Council's evidence shows that the incidence of accidents for all road users was 0.039, per park, over 10 years. *The rate for parallel parks was 82 percent higher at .071.*

As Tailrisk's report also demonstrates, Waka Kotahi's and in turn LGWM's conclusion that angled parks have a higher accident rate than parallel parks is the product of a demonstrably flawed analysis of data.

2. **Most cycle accidents occur in morning commuting hours when the clearway is in operation and the vast majority of cyclists are heading southbound:**

13 of the 21 cycle accidents that NZTA's Crash Analysis System (CAS) records as occurring on TQ, took place in the morning hours when the South bound clearway was operating. As most cyclists are heading southbound at this time on the east side of TQ where fewer angled parks are located, there is no logical reason to attribute these accidents to angle parking configurations. Only 7 of the accidents took place when cyclists are most likely to be negotiating cars in angled parking.

3. **Only one accident in the last 10 years involved a car exiting an angled park**

See Table two: Accident rates by car park type on page 15 of Tailrisk's report.

4. **Waka Kotahi and WCC assume all cycle accidents involving vehicles are primarily caused by the vehicle and/or the angle parking configuration.**

As point 2 above suggests, cyclist behavior (including speed and inattention) are likely the dominant cause of most TQ accidents. Note for example that the only cycle accident that led to serious injury was caused by a cyclist failing to give way to a pedestrian (see page 4 of Tailrisk's report).

5. *Despite the increase in cyclists over the last 5 years “The injury crash rate fell from about 2.3 to 1.3 per kilometer of road per year over the five years”*

See page 3 of Tailrisk’s report. This runs counter to any argument that angle parks nonetheless must be removed to account for future anticipated cyclist numbers.

Cost/benefit factual errors

LGWM further justifies the need for cycle safety improvements by asserting that the resulting increase in safety brought about by changing all angle parks to parallel parking will save \$1.7 million over ten years. Tailrisk’s report also robustly assessed WCC’s flawed cost/benefit analysis and in doing so identified that:

There is only the slightest impact on the number of accidents, which fell from 18.5 every ten years to 18.4. That is, there would be one less accident every one hundred years. As a consequence the social savings are very small at around \$570 a year. As the social and economic costs of the conversion will inevitably be a very large order of magnitude greater than the benefits there is no justification for a rushed conversion to parallel parking at this point.

The above finding is also completely at odds with their claim that converting angled parking to parallel parking would save \$1.7 million over 10 years.

Even if Tailrisk’s correct assessment of Waka Kotahi’s data was wrong, we struggle to see how the average ACC recorded cost per cycling accident of \$1,800 can somehow balloon to \$1.7 million in savings over 10 years when only 21 cycle accidents have occurred on TQ between 2011 and 2021. This is especially difficult to accept when one considers the following extract from the “Thorndon Quay Crashes & Parking Analysis Wellington City Council 2021”, which states only three of the four serious accidents in the TQ area related to parking:

“Of the 25 reported crashes involving cyclists in the area, 20 were related to parking. Of the four serious injuries involving cyclists, three related to parking”

Car park utilisation errors

In its assessment WCC asserts that the loss of car parks brought about by converting all angled parks to parallel parks will not impact car park availability on TQ because in its view, the existing car park stock is no where close to being fully utilised.

This claim is factually incorrect. The data set relied on to justify the reduction of TQ car parks from 380 to 202 (or 47%), is based on data collected between 1 September 2020 and 31 October 2020. There are two major issues with this. First, sole reliance on a single sample taken at a one annual point of time is highly unreliable, as car park usage will often vary greatly throughout the year (due to weather or trade cycles amongst many other things).

What is most concerning however, is the fact that New Zealand was still at COVID alert level 2 from 30th August until 21st of September 2020 and Auckland was in and out of Alert level 1 and 2 until 7th of October. As a result trade across New Zealand as a whole and Wellington was dramatically reduced by the Alert Level 2 restrictions and the fact that New Zealand was still rebounding from Alert Levels 4 and 3. As a result, during the entire time that WCC was collecting average daily car park usage data, trade, and in turn, the use of car parks along TQ was significantly lower **compared to both now and pre-COVID usage rates**. We do not understand why this data set was relied on given its obvious inability to provide representative indication of car park usage under ordinary circumstances.

Indicative assessments over the last three weeks indicate that between 9am and 6pm weekdays the average occupancy of all angle parks on TQ is between 70% and 85% (depending on the relevant section of TQ). As LGWM and WCC’s car park usage data is so unfit for purpose, any insights derived from it are likely rendered factually incorrect. As such no legally valid decision making can be based on this data in any way.

Car park revenue loss factual errors

WCC and LGWM state that \$1,206,520 is earned per year from TQ car parks. Based on their assessment, changing all TQ angle parks to parallel parks will result in a 6% reduction in revenue. We note that this is based on a 35% reduction in car parks. Given that the reduction is actually 47% (i.e. 202/380) when you take into account the TR53-21 Thorndon Quay Pipitea the actual revenue loss is greater - i.e. a 12% drop (35%-47%) on top of the predicted 6% loss in fact gives rise to 18% or \$217,173.60 reduction in revenue. This is without the proposed 4-6pm clearway reducing parking by 70% being factored in.

Errors regarding the percentage of total car parks lost

LGWM’s calculation of the total parks lost fails to account for the fact different amounts of angled parks are located at various sections of TQ. It also does not account for the total percentage of car parks lost when LGWM’s proposed 4-6pm clearway is operating:

- North end of TQ to the motorway overpass (TQ01 to 05) loses 41% of its parks except during the 4-6 pm clearway proposed by LGWM when 78% are lost.
- Motorway overpass to Bordeaux crossing (TQ06 to 09) loses of 41% of its parks except during the 4-6 pm clearway proposed by LGWM when 71% are lost.
- Bordeaux crossing to Davis Street (TQ 10 to 16) losses of 47% of its parks except during the 4-6 pm clearway proposed by LGWM when 74% are lost
- Davis Street through to the southern end of TQ (TQ17 to 21) loses 40% of its parks except during the 4-6 pm clearway proposed by LGWM when 74% are lost.

Bus delays and irregular travel times

On page 11 of LGWM's "Thorndon Quay and Hutt Road Consultation Document" it is claimed that dedicated bus lanes during are required to alleviate delays and irregular travel times during peak hours. This presupposes that:

- the co-mingling of cars and buses on TQ during peak hours (under the current TQ configuration) is the causing or materially contributing to the claimed delays and irregular travel times, and
- these delays and irregularities are of a magnitude that is discouraging use of the existing bus services.

The notion that material delays and irregularities are being caused or contributed to by buses sharing TQ with cars (be it during peak times or otherwise) is factually incorrect. Each morning and evening TQ community members observe buses freely move up and down TQ during peak hours with little or no impediment caused by vehicles. The only apparent cause of delay along TQ is the pedestrian level crossing located south of Davis Street. See the [linked video](#) which provides a representative example peak traffic movement along TQ.

The above factual error is known to LGWM, who freely admitted the above at the 16 June 2021 public engagement meeting, thereby contradicting pivotal statements made in the TQHR Consultation Document May 21 to justify the need for dedicated bus lanes. In addition to this factual error, no data has been relied on substantiate this false claim.

An up to 3.5 meter wide two-way cycleway will not improve safety and accessibility for cyclists, particularly as the use of e-bikes increases

We agree with the Onslow Residents Community Association's position that the proposed cycleway design is so unsafe and unfit for purpose that it cannot possibly lead to the enhanced cyclist safety and accessibility outcomes that LGWM claims it will.

First, for the reasons outlined on page 13 and 15 below, the proposed cycleway will lead to a large net reduction in safety to cyclists, pedestrians and those who park vehicles next to the cycle way.

Second, the narrow width of the proposed cycle way (i.e. up to 3.5 meters in total and 1.75 meters per direction of travel, will result in less accessibility compared to the status quo, as it does not provide sufficient space for cyclists traveling at different speeds to pass. This is especially problematic now with the advent of electric bikes which tend to travel at much higher speeds compared to non-electric assisted bikes.

The resulting bunching of cyclists and the fact that faster cyclists will inevitably use the oncoming cycle lane to overtake slower moving cyclists, will almost certainly result in a significantly higher crash rate (be it with oncoming cyclists or passengers who will also be using this confined space to get from parked cars to the footpath).

Bunching of cyclists and difficulty overtaking will likely also result in many cyclists opting to ride in the dedicated bus lanes during peak times and the general vehicle lane during non-peak times. Under the proposed street-scape configuration co-mingling of vehicles and cyclists will carry a much higher risk compared to the status quo, as the latter provides a much wider space for vehicles and cyclists to share.

Overall, we cannot see how this proposed cycleway configuration is capable of providing more accessibility than the status quo, particularly when the morning clearway is operating at the busiest time for cyclists (see [linked video](#) which demonstrates how much unimpeded space cyclists have during this peak travel time).

PART V: RELEVANT CONSIDERATIONS

WCC and LGWM's decision making to date has failed to take into account several significant categories of adverse effects, which the proposed TQ changes will cause. As noted above, this failure is such that it fatally compromises the legitimacy of WCC and LGWM's assessment of alternative design options.

As we have only been provided with three and a half weeks to prepare this submission we are only in a position to comment on the following at a high level. We do however intend to furnish the WCC with more information and evidence regarding the following in due course.

Car park short falls

As noted on page 10 above, observations over the last few weeks indicate that the average rate of angle car-park usage between 8 am and 6pm weekdays is approximately 70% and 85% depending on the relevant section of TQ (e.g. south end of TQ to Davis Street the percentage is lower compared to all other sections). It goes without saying that the time period during which our observations were made is far more representative of normal use than the time period selected by WCC.

When the more representative car usage rates is taken together with the minimum 47% total reduction in car parks that the proposed angle to parallel change will result in (i.e. outside of LGWM's proposed 4-6pm clearway period) it shows that a significant car park shortfall will be created by the proposed change, especially during the proposed clearway time period where the total short-fall will more than double.

For the Woolstore Design Centre alone, total car parks lost will reach over 80 car parks when the 50 business car parks that it leased (from NZTA) but subsequently annexed by Greater Wellington Council for bus layover are also taken into account.

Resulting social and economic impacts

As previously noted TQ is home to over 164 businesses and other organisations, which collectively employ approximately 3000 people. In addition the real estate located along TQ is collectively worth circa \$324,000,000.

On page 3 of this submission we outline and explain why the commercial viability of most businesses and other organisations located along TQ is unavoidably contingent on

retaining adequate parking capacity (i.e. capacity that can support car park demand that prevails on average across each section of TQ), for example:

- Many of the businesses that we have spoken to (including our many members) have indicated that the proposed loss of parking will have a significant adverse financial impact on their business over the immediate to medium term.
- Those businesses who are almost entirely reliant on car-bound customers are affected the most.
- TQ Businesses that rely on the existing parking capacity for fleet vehicles also indicate that the loss of parking will likely make operating from TQ unviable in at least the medium term.
- Those businesses that rely on ease of vehicle access and parking for families and children (e.g. our daycare center and dance studio members) also indicated that the change would create drop off and pick up impediments that ultimately make remaining on TQ unviable also.

The above views have been expressed by the vast majority of business owners on TQ. Many of these owners state that the proposed parking change would likely lead to them exiting TQ and either re-locating to areas like the Hutt Valley, Porirua and Petone where similar space is available at an affordable rate. Others indicate that they may exit the Wellington market completely. Overall, these outcomes would lead to many of the existing 3000 jobs either moving out of the city or ending altogether.

Over the last 10 plus years, owners of the various buildings along TQ that the above businesses occupy have invested significant amounts of capital earthquake strengthening and upgrading the TQ building stock so as to retain the 164 businesses as tenants. Their decision to invest accordingly was predicated on the value of their building not being eviscerated by blind car-parking decision making. While we are yet to procure expert evidence, it can be reliably taken as read that:

- The total revenue that a commercial building earns per year in lease payments is contingent on occupancy by tenants;
- If WCC car parking changes render a significant proportion of TQ businesses unviable, the resulting tenant exodus will cause an abnormal loss of rental income.
- The above almost certainly cause a dramatic reduction in the per sqm lease market rate for TQ commercial property and in turn the total capital value of TQ buildings;
- A significant loss of car parking proximate to a commercial building will also have a very appreciable and empirically measurable negative impact on both lease and total capital market value.

It is difficult to see how TQ building owners can be expected to shoulder such a major financial loss when at the same time WCC's long term plan is currently calling for an upcoming 13% rate rise with significant rate rises in out years. This increase is simply not sustainable if owners have no ability to increase income because of the absence of car parks is causing them to hemorrhage leasing income.

Given that the vast majority of cyclists moving through TQ are doing so for commuting purposes (i.e. over a total of 10 hours per week), WCC's proposed parking change is in essence entail asking members of the TQ community to give up the following in exchange for a non-existent or nominal safety improvements (given the factual errors above):

- hundreds if not over 1000 jobs (particularity in the medium term as leases come up for renewal);
- many of the businesses that operate as draw-cards and key anchor points along TQ
- tens of millions of dollars in building asset value and lease income;
- critical community assets that are already in short supply in the central city (e.g. day care centers, dance school, churches);
- much of the social and cultural fabric that defines the TQ area is the reason for it becoming a community.

Failure to consider the risks parallel parks pose to cyclists

While WCC and LGWM have expended an abundance of energy and time examining the heuristically inferred/perceived cycle safety considerations, no consideration has been given to safety issues generated by converting all angled parking to parallel parking.

As Tailrisk has reliably derived from the empirical data that WCC and LGWM's proposed change is apparently based on, crash statistics show that parallel parks are 83% more likely to cause accidents. In the absence on any further data we can only infer that this is attributable to one or more (if not all) of the following:

- the risk to cyclist safety generated by passengers in parallel parked cars when they opening road side doors;
- the additional time it takes for a car to clear the area that cyclists pass through when executing a parallel park;
- The additional time that car passengers from parallel parked cars spend in space that cyclists pass through when entering and exiting the vehicle roadside.

Failure to consider significant risks associated with the proposed cycleway design

As Tailrisk also correctly points out, no consideration is given to the role that cyclist behavior and error plays in the crash incidents along TQ. This consideration is especially pertinent to the assessment of alternatives to changing angled parks to parallel and the trade off between the safety benefits derived from doing so vis-a-vis the economic and social benefits this will give rise to.

Failure to consider the role of cyclist behaviour

As Tailrisk also correctly points out, no consideration is given to the role that cyclist behavior and error plays in the crash incidents along TQ. This consideration is especially pertinent to the assessment of alternatives to changing angled parks to parallel and the trade off between the safety benefits derived from doing so vis-a-vis the economic and social benefits this will give rise to.

Climate change impacts

The release of the Climate Change Commissions first final report this week (Re: policy adjustments New Zealand must make over the next five years to meet its Paris Agreement commitments) is timely. In the report the Commission emphasises the significant role that vehicles play contributing to green house gas emissions.

As noted on page 4, for a variety of reasons vehicles are unavoidably relied on by both the customers of most TQ businesses as well as many of the businesses themselves (owing to the nature and size of the goods and services predominantly traded by TQ businesses). As is also noted on page 4, TQ is the primary district for such "design/home trade businesses" and is the only one located close to central Wellington.

In the event that the proposed parking change takes place, most of these "design/home trade businesses" will relocate to areas like Hutt Valley and Porirua as predicted. This will not result in their existing customers ceasing to rely on vehicles to access their goods and services. Instead, it will cause these customers to simply drive to the Hutt Valley and Porirua thereby displacing and increasing vehicle reliance. As Porirua, Petone etc are all located much further away TQ the total additional kms that their customers traveled by car as a result (i.e. of the proposed angle to parallel parking change) would be in the tens if not hundreds of thousands. This outcome goes against LGWM's objective of reducing greenhouse gas emissions.

Impact on future growth

Finally, we cannot see any consideration of the limiting effect that reducing car parking capacity will have on growth. As noted above, the survival of most businesses located on TQ is contingent on reliable car park availability. Therefore, loss of vital car-parking infrastructure will almost certainly knee-cap future economic growth potential along TQ.

PART VI: KEY DESIGN FLAWS

The TQC will support a proposed change if: (i) there is a compelling justification supported by reliable evidence; (ii) all reasonably practicable options have been identified; (iii) the advantages and disadvantages of each option comprehensively and robustly assessed; and, (v) the option selected objectively represents the optimal solution.



We do not support changing all angled parking on TQ to parallel parking:

- As we have demonstrated on pages 9 to 11, the safety rationale put forward to justify this change is not corroborated by the evidence relied on by WCC and LGWM. In fact, the Waka Kotahi and other data relied on to validate LGWM's safety rationale clearly indicates that angled parking is in fact much safer than parallel parking (see below and our discussion at page 9 and 11).
- As identified on page 9, the root cause of the 21 cyclist related accidents that have occurred on TQ over the last 10 years have not been identified. Spending vast amounts of rate payer money to address a non-existent problem is nonsensical.
- Data relied on by WCC and LGWM proves that: angled parks are less hazardous to cyclists than parallel parks; and, that the parallel park accident rate (for all road users) is 82% higher than angled parks.
- TQ car park utilisation under ordinary circumstances is approximately 30% higher than the utilisation rates that WCC observed during COVID Alert Level 2 (in the immediate aftermath of Alert Levels 4 and 3).
- All reasonably practicable design options have not been identified and the advantages and disadvantages of each have not been assessed. For example, increasing the angle of angled parking will make it easier for exiting vehicles to see approaching cyclists. Reducing the speed limit to 30km (in line with speed reductions in most of central Wellington) will ensure cycles are moving with the pace of vehicles and also reduce the chance of a collision between a car exiting an angled park and a cyclist.

- WCC and LGWM's cost/benefit and revenue loss analysis are both so replete with errors that each is factually incorrect and cannot be relied on to corroborate the merit of this proposed change. The car park utilisation data is also highly unreliable for the reasons provided and in no way representative of prevailing car park use rates, which are much higher.
- Total number of car parks lost during peak hours is almost double the number of parks that LGWM claim will be lost.
- Removing the proposed number of car parks will have significant social and economic adverse effects that have not been accounted for when assessing the merits of this proposed change. The loss or relocation of hundreds if not thousands of jobs, millions in lost annual revenue and building value, and fragmentation of the TQ community cannot be justified by nominal safety gains, which are better achieved by alternative design options (like those noted above).
- Removing the proposed car parks will also result in adverse safety and environmental outcomes that WCC and LGWM have not taken into account. As pages 14 and 15 explain, the loss of car parks will lead to a significant increase in car reliance and in turn annual car-related emissions. This outcome goes against LGWM's revised objective of reducing green house gas emissions.



While we support building a cycleway in principle, we do not support the proposed design option (selected by LGWM without public input) because:

- The safety rationale put forward to justify this change is not corroborated by the evidence relied on by WCC and LGWM (see pages 9 to 11), and, for the reasons noted below, it will also result in a significant reduction in safety for cyclists and other users.
- The economic and social impacts, which LGWM has failed to take any steps to measure and account for in its decision-making to date, are grossly disproportionate to the nominal safety benefits (if any) achieved by removing angled parking to make way for the proposed cycleway.

- It will result in a dramatic reduction in safety for:

Cyclists: because:

- ⚠ It reduces the existing physical separation between vehicle exits (e.g. from TQ buildings and private land) and passing cyclists. The existing spatial buffer (created by car parks being situated between vehicle exits and the passing flow of cycle traffic) is critical to cyclist safety, as this small but important gap/means of physical separation, reduces the chance of an exiting car hitting or cutting off a passing cyclist;
- ⚠ It eliminates physical separation between north and southbound cyclists. In doing so it confines north and southbound cyclists to a 3.5 meter or narrower strip - i.e. up to 1.75 meter strip for cyclists heading in each direction.
- ⚠ It reduces the ability for cyclists traveling at different speeds to safely overtake and will likely lead to cyclist v cyclist head on collisions as a result.
- ⚠ Will ultimately lead to many cyclists (particularly fast moving e-bike and road cyclists) still electing to use the dedicated bus and general traffic lanes - as page 13 explains, co-mingling bikes and vehicles under the proposed TQ road configuration entails a much higher risk to cyclists (e.g. as there is less room for cars and bikes to share).

Parked vehicle users and their passengers as they will have to navigate dual hazards: (i) passing traffic on the road side of a given parked vehicle; and (ii) a cycle lane on the other, which passengers must cross to access the footpath;

Parked and moving vehicles as the new configuration entails a significant reduction in the physical separation between passing traffic and parked vehicles (i.e. as a result of the proposed road configuration pushing parked vehicles right up against the flow of passing traffic).

- If the goal is to build future proofed infrastructure, an elevated cycle platform (like Auckland's Nelson St cycleway), which runs behind the buildings on the eastern side of TQ (i.e. over land currently owned by Kiwirail), is the only viable option, because:
 - ✓ it can be built to a width that allows safe two way cycle traffic;
 - ✓ it creates full physical separation between cyclists and motor vehicles;
 - ✓ it avoids pedestrians crossing a cycleway to access parked vehicles; and
 - ✓ the circa \$20 million construction cost is significantly less than the economic and social impact cause by removing all TQ angled parking (see page 14 to 15 above).



We do not support the introduction of dedicated bus lanes as there is no legitimate justification for doing so. In particular:

- There are no delays or travel time irregularities cause by the current co-mingling of cars and buses on TQ. LGWM freely admitted this at the 16 June 2021 public engagement meeting. In addition no data has been put forward to substantiate that:
 - any delays and irregular travel times are caused or contributed to (now and in the near future) by buses having to share the TQ corridor with other vehicles; and
 - a dedicated bus lane is the optimal design solution in the event that delays and irregular travel times were being caused by the current TQ configuration.
- LGWM also freely admitted at the same meeting that their **only reason** for installing dedicated bus lanes is to create a consistent street scape between the central Wellington (i.e. Golden Mile) corridor and TQ.
- Expending millions of dollars to install surplus-to-need bus lane infrastructure (justified on the basis of aesthetic purposes only) is a highly irresponsible and irrational use of ratepayer money, particularly at present, when Wellington is plagued with failing mission critical infrastructure.
- The proposed dedicated bus lanes are only possible if all TQ angled parking is converted to parallel parking. As noted above, because most TQ businesses rely on parking to remain viable, removing all angled parks will result in significant adverse economic and social impacts. As also noted above, the cycle safety justification for converting angled parking to parallel parks is not supported by the data. As such, LGWM is proposing to eviscerate the economic and social wellbeing of the TQ area so that it can secure a "consistent street-scape" (i.e. have the bus lanes on the Golden Mile continue through to TQ for aesthetic reasons). This trade-off is highly irrational and cannot be justified under any circumstances.

PART IV: OUR RECOMMENDATIONS



We are of the collective view that the process which has given rise to the current proposal to convert all TQ angled parks to parallel parking is fatally compromised to the point that it ought to be abandoned altogether.

Alternatively, the only way in which the process can be rectified is by starting it from scratch. While we obviously oppose the proposal to convert TQ angled parking to parallel parking, if this option is chosen:

- Waka Kotahi’s safety audit must be peer reviewed;
- Car park usage must be re-assessed by an independent third party;
- An economic and social impact assessment must be commissioned;
- Once all of the above information has been obtained, all affected parties, including TQ community members, must be involved in the process of identifying, stress testing and selecting preferred means of addressing safety issues (not after fundamental decisions regarding options are selected to the exclusion of others).



SIGNED by PAUL ROBINSON:

Signature _____

Position _____

SIGNED by EMMA SUTHERLAND:

Signature _____

Position _____

WITNESSED by DALE SCOTT:

Signature _____

Position _____