

IN THE ENVIRONMENT COURT OF NEW ZEALAND

WELLINGTON REGISTRY

I MUA I TE KOTI TAIAO O AOTERAROA

TE WHANGANUI-A-TARA ROHE

ENV-2023-WLG-000005

Under the **RESOURCE MANAGEMENT ACT 1991**

In the matter of the direct referral of applications for resource consents
And notices of requirements under sections 87G and
198E of the Act for the Otaki to North of Levin Project

By **Kapiti Equestrian Advocacy Group**
Horowhenua Equestrian Advocacy Group
NZ Equestrian Advocacy Network

**Statement of evidence of Shelly Warwick on Behalf of Kapiti Equestrian Advocacy group (KEAG)
And the New Zealand Equestrian Advocacy network (NZEAN)**

Date: 20 September 2023

INTRODUCTION

1. My full name is Michele (Shelly) Warwick, and I am Chair of KEAG, Co-chair of NZEAN, Otaki Ward councillor for Kapiti Coast District council (KCDC), and a Registered Nurse. I am also a member of the Cycleway, Walkway, Bridleway Advisory group for KCDC and have been for 7 years.
2. I have prepared this statement of evidence on behalf of Kapiti Equestrian Advocacy group and the New Zealand Equestrian Advocacy network in support of the Groups' submissions to on the Otaki to North Levin (O2NL).
3. I am authorised to provide this evidence on behalf of the Groups.

QUALIFICATIONS AND EXPERIENCE

4. I hold the qualifications of a Registered Comprehensive nurse and a Degree in Nursing
5. I am currently the Otaki Ward councillor on the Kapiti Coast District council

CODE OF CONDUCT

6. I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving oral evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

SCOPE OF EVIDENCE

7. My statement of evidence considers the following matters in relation to the Groups submissions on the O2NL
 - The journey we have been on since 2019 campaigning for and requesting inclusion on the O2NL and Waka Kotahi's neglect of their Duty of care towards, and discrimination of, horse riders as a user group.
 - Health benefits of a Multiuse path which caters for and increases the safety of all active modes.
 - Providing safety to vulnerable road users
 - Equality of access
 - Waka Kotahi's own targets of Emissions reductions, community connection, increasing active modes for community health and wellbeing and Health and Safety for communities.
 - Lack of clarity about why horse riders can not be catered for on this off-road pathwaySuccess and benefits of the Multiuse path In Kapiti – councillor perspective.
 - Economic benefits
8. In preparing my evidence I have relied on the following:

- The O2NL application from Waka Kotahi
 - The submissions made by the Groups
 - The Resource Management Act (RMA)
 - Government Policy statement on Land Transport Plan
9. The scope of this statement of evidence does not extend to identifying consequential amendments needed in response to the concerns raised.
10. For ease of administration, this statement of evidence focusses only on areas of remaining concerns. Where I do not specifically address issues raised in the Groups submissions I either agree with or have a neutral stance on the recommendations made by Waka Kotahi.
11. My statement of evidence addresses the following matters arising from the Groups submission on O2NL:
- Multi Use path design and ability for equestrians to legally use the path.

GENERAL COMMENTS

12. The Groups submission points are: that we believe the full benefits of the Shared use path infrastructure on the O2NL will not be realized unless it is maximized to be a full Multiuse pathway which will include a Cycleway Walkway and Bridleway (CWB) and that NZTA will not achieve intended targets for the community being aggrieved by this infrastructure of safer connections for vulnerable road users, increased connectivity across the district, increased ability for active modes and health benefits of these, health and safety, emissions reduction, equality and economic benefits.

ADVOCACY JOURNEY

13. In 2017 the McKays to Peka Peka (M2PP) expressway opened with a Shared Use Path (SUP) that was for Cycling, Walking and Horse riding access. It provided an amazing connection north to south, off road and safe for all active modes on the Kapiti Coast. At this time I was a member of the Kapiti Coast District Council's Cycleway Walkway Bridleway Advisory group and in the following years there was a program of work called "stride and ride" to look at how the wider network of Cycleway Walkway Bridleway (CWB) pathways in Kapiti could be connected by the Expressway (EWY) path.
14. The success of the EWY CWB path was something no one had expected, and to this day it has been an incredible success all across the district and has increased active modes of transport for all users. The EWY CWB has been the spine that has been used to plan a wider network, and now economic opportunities fall out of this multiuse pathway, including equestrian tourism.
15. In 2019 the O2NL was announced, without any shared path. I gathered together peers from the KCDC CWB and cycling groups to start a campaign to both Horowhenua District Council and Waka Kotahi, with multiple letters to advocate for a full Muti-use path on the O2NL. There were letters of support from Cycling groups, KCDC council staff, Energy awareness groups such as Energize Otaki and Low Carbon Kapiti (see Appendix S2 for copies of these letters of support) for a full multi-use path. We had by this stage been using a multi-use path in Kapiti for 2 years with no safety issues between horses and other users.

16. In 2020 we discovered that the O2NL would have a shared use path (SUP) but it would not include access for horse riders. So as equestrian advocates we set about to campaign to Waka Kotahi for the inclusion of horse riders on the SUP for the reasons of Safety, inclusion, connection, lowering emissions and all of the benefits enjoyed in Kapiti to be continued in Horowhenua.
17. I have not been able to include all of the correspondence but there was a lot, I have put some examples in Appendix S2. Around May of 2020 we started engagement with Barbara Becker, the Senior advisor for Waka Kotahi on the O2NL. We had equestrians engage in the consultation process to ensure the SUP would be designed and provided for all active modes. Unfortunately, the response from Waka Kotahi to including horse riding on the path was negative.
18. In November 2020 I wrote to Nicole Rosie, Chief Executive of Waka Kotahi enquiring if she knew there was no bridleway on the O2NL and asking why there was no bridleway on the O2NL, to this day I have not had a response. The Equine Advocacy Groups then put in an information request to see how many of the submitters where pro-horse access to Barbara Becker, the answer was 55 responses. An Official Information request(OIA) was made in Jan 2021 to see what portion that was of total submitters has to this date been unanswered.)
19. We also applied to the ombudsman to ask Waka Kotahi to release the costings of a "Bridleway" but this request was denied and it was stated it was based on the cost of the M2PP and PP2O, but the cost breakdown of the "bridleway" for these EWY paths has never been disclosed. In Aug 2022, following a meeting with Waka Kotahi project manager Lonnie Delzell and senior managers including Emma Speight, we were told the final design was not yet done and believed were had time to get Waka Kotahi to make a sensible decision.
20. We were promised follow-up meetings but we have never had another one with this group despite enquiries about when this will be. An OIA following this meeting revealed there was in fact no costing or safety information held by Waka Kotahi about a bridleway. This will be because a Bridleway does not actually exist, it is just a SUP that is for all users and no specific design for horses.
21. The Groups have provided ample opportunity for Waka Kotahi to decide to include all active more users from the very beginning. The reasons given, for not including horse riders as path users were additional costs and safety of other users.
22. The Groups made an information request for the safety analysis upon which Waka Kotahi had based their reasons for not including equestrians. By this time the M2PP had been open for several years with all users co-existing and no incidents that included horses. The incidences of user conflict was typically with cyclists, this data was easily accessible to Waka Kotahi through the Kapiti Coast District Council (KCDC), and I note (in Appendix S2) there is a current letter of support from our KCDC staff that states this fact.
23. To date, despite OIA's on the cost and safety data we have had no information provided to us demonstrating either additional costs or actual safety analysis.
24. However, the success of the M2PP and PP2O in Kapiti, the lack of incidents, the support from other user groups such as Steve who has provided evidence from a cyclists perspective and the letters of support (Appendix S2) are an indication to Waka Kotahi it is safe. In the media surrounding the opening of the PP2O shared path, and NZTA media also, it states there were

5,000 users in the first month, May 2023 in winter. We know from the horse riders we represent that a lot of these were horse riders, a lot of horse riding groups of 5-10 at a time, and a lot from out of town who came to enjoy the path. In none of the media, including that from NZTA did it mention conflict or accidents.

25. The next reason given for not allowing horses on the O2NL was the corridor size, however the corridor for the O2NL is the same as the M2PP and PP2O. We are not asking for an extra path, just access to the path that is planned. Along the M2PP and PP2O there are pinch points where the path is right up beside the expressway (Appendix S1 - photos showing this pinch point) this is not a concern to us, If a horse is on the shared path it is socialized to traffic.
26. In Appendix S1, There are multiple photos of the M2PP and PP2O where horses and other users are happily sharing the path. In animal welfare terms this is good for a horse, it is stimulating and allows them different experiences that are good for their health.
27. In the Kapiti Coast District the direction for off road paths is that all pathways are considered and designed to be multi-use pathways, allowing connectivity and recreation for all. Also in Horowhenua there are Multi-use trails such as the Trig walkway which allows all 3 modes. Why then would you put in a connecting path that is not a full CWB, if it is safe on the Trig, why would it not be safe on other pathways.
28. In 2023 in response to our submissions, April 23, Waka Kotahi has now stated that access will not be given to horse riders “as the project does not have an impact on horse riding facilities” (but despite OIA’s on the information and engagement that has led to this statement, we have not yet received this information. In this same letter they state “we acknowledge that providing for equestrian users on the SUP would have benefits including economic, health and safety benefits now and into the future”. It is therefore difficult to comprehend why would they not provide horse riders with access to the path.
29. The alternative to using the path on the O2NL is for horse riders to use the road carriageway. We are actually legal road users and so this is an option. Expecting vulnerable road users to use a 100km road when the alternative is safer seems to sit outside Waka Kotahi’s own road safety strategies.
30. Once it is constructed horse riders will use the SUP, especially children, as it will be an amazing connector for them, children do not have drivers licences and so have to ride from A to B on their horse. By not including horse riders in the “official user group” Waka Kotahi is just setting the community up for conflict if there are other users who are not so willing to share and will be abusive to horse riders. There is high likelihood those receiving abuse will be children. Why set up this conflict within a community. This is an issue of public safety. A horse on a 100km road is not in the interests of public safety. As was seen in the last few weeks when a vehicle hit a horse in an 80km zone in Foxton, a horse and vehicle accident can result in death, in this instance death of the driver and injury to passengers. Luckily the horse was not in this case being ridden.
31. I have attached some comparisons to overseas in my Appendix 3, we in New Zealand are very much behind in consideration of horse riders and road safety.
32. From as far back as 2019 we have tried to get an understanding of Waka kotahi’s issues around horses being included as a user group on the O2NL SUP, however the issue seems to be

continually changing and never actually proven despite numerous meetings and OIA's in the past 4 years.

ECONOMICS

33. As a former community board member, member of KCDC CWB advisory group (7 years) and current Otaki Ward councillor, I have been in many discussions where the economic impact of the Multi-use CWB in Kapiti has been discussed. The positive economic impact, tourism for all 3 modes and the potential is enormous. Already we have visitors coming from far and wide to stay and use our network, the spine of which is the EWY CWB. This includes horse riders. It offers opportunity for new operations to establish. It also makes the district attractive for people to move to with their horse as they can get around off road and safely. By not providing a full CWB on the O2NL Waka Kotahi is stifling this growth and economic benefit for the Horowhenua district.
34. Equally sport/recreational horses, that is any horse outside of the racing industry, are a huge economic contributor to the local economy. The "Economic impact report 2012" in Appendix S4 states that nationally the sport horse contributes 0.5 % to the GDP, over a billion dollars, supporting many other businesses. If there are good facilities sport horse numbers will grow in the district and therefore increase the local economy.
35. There are already examples of business catering for horse riders such as the Bus stop Café in Te Horo which has a paddock to hitch your horse after a beach ride (photo in appendix S1) so you can go and enjoy a coffee or lunch. Talking to the owner of this café she has said that a lot of her patrons, especially the children, love going there because part of the experience is seeing the horses.

HEALTH

36. There is a lot of research about the positive impact of exercise and general health and improvement of mental health with exercise. This is one of the reasons a SUP is now part of new infrastructure, to increase active mode use, health and wellbeing. But here Waka Kotahi is excluding one user group, a lot of whom are children, who need to be active to support good physical and mental health. If you are a horse rider though, you are excluded. In Appendix S3 a report done for Horowhenua District Council by a local rider, page 9, has a graph from Sport NZ showing that 82% of horse riders are female and 87% of young riders are female.
37. 71% of mountain bikers are male. The NZ government has published a strategy "Women and girls in sport and active recreation" (2018) in which it states "Our government is committed to championing equality for women and girls in Aotearoa NZ, and yet Waka Kotahi, a government organisation, is blatantly accommodating a user group that is predominantly male, and excluding a user group that is predominately female. If there are no safe connections for our female youth riders provided equally to youth male riders, it is my opinion that this goes against our government aspirations and is discriminatory.
38. As a nurse, having done a lot of reading about mental health and from personal experience, the bond between a young girl and her horse can be the one friendship she relies on when times are tough, our youth learn to be kind, considerate, learn to care for another being, and there is also a lot of research and industry around the therapeutic aspects of being engaged with horses. Better connections for horse riders, the ability to get around the district may encourage more of this Equine therapy to establish in the Horowhenua to support this type of Mental

health therapy, as well as giving more local kids the opportunity to be engaged in horses, and more young girls.

LOWERING EMISSIONS

39. In my opinion, and in most district and regional council strategies, Emissions reduction is a high priority. This is also true of government agencies and departments who are supposed to explore all ways to reduce emissions. In the case of the O2NL SUP the opportunity of reducing the need for a float to tow a horse from A to B and use off road safe pathways has been ignored. Also, in many areas in NZ, Gisborne, Northland, the horse is very much a mode of transport. We would like for that to become a possibility into the future for other regions. The saying "Build it and they will use it" is true for the M2PP and PP2O, we need to provide it in Horowhenua. Cycling 20 years ago was not the active mode it is today because there were not safe pathways, but cyclists have been provided safe alternatives to the roads and the increase in use of cycles and walking has been an environmental success. We need to be forward thinking and provide that for all.

INTER-REGIONAL FACILITIES

40. In my opinion as a person who has been around the council table it seems silly to end infrastructure at a boundary. On one side of Manakau we have a full CWB path, from south Manakau Road we don't. Our Council staff have even advocated for the extension of the SUP to be a full CWB. Kapiti and Horowhenua have close ties, Otaki and the little towns to the North even closer. Our Wellington regional Leadership committee has a growth strategy that includes the Horowhenua because it recognises the connection for growth, economic development and recreation activities. It does not make sense to stop a path at a boundary and turn it into something less. There is no reason I am aware of that we cannot be accommodated on the O2NL SUP and that would fit with the Regional recreational connections strategy.

WAKA KOTAHĪ'S TARGETS

41. I believe that by not making the O2NL SUP a full CWB Waka Kotahi are not aligning to their own documented targets of Community connection, Community health and well being, increasing active modes, vulnerable road user safety and emissions reduction targets or future proofing infrastructure.
- 42.

CONCLUSION

43. We attended Mediation with Waka Kotahi in good faith on 21st August 2023 believing that we would get resolution, however we were just held up in our process of submitting evidence or being able to source legal representation because they did not give us an answer till the last hour. If our evidence is at a standard of a layperson, that is because we are all volunteers and have spent many hours over the last 4 years trying to get Waka Kotahi to do what is, in my opinion, sensible.
44. There are many photos in appendix S1 that show horse riders co-existing on Kapiti tracks and trails. There are some on the Waikanae River track, a much more narrow track that is enjoyed by all modes. No incidences with horses and there are a lot of horses along that track so it is well travelled by horses on a very frequent basis.
45. This, and the success of the M2PP and PP2O, show that the much wider O2NL SUP, in its current design, is more than adequate for horses and multi modal use. There may be a couple of places

we need to divert such as the Ohau River, but like on the Waikanae River and the Otaki River, we will just need a track to a place that we can ford the river and some simple signage.

46. Overall, I consider that a multi-use path which provides for use by equestrians is appropriate for the entire O2NL corridor:

Shelly Warwick

Chair Kapiti Equestrian Advocacy group (KEAG)

Co-chair New Zealand Equestrian Advocacy network (NZEAN)

Otaki Ward Councillor – Kapiti Coast District council