

## Before the Hearing Panel

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*under:* the Resource Management Act 1991

*and:* submissions and further submissions in relation to the  
Queenstown Lakes Proposed District Plan

Hearing Stream 13  
Queenstown mapping

*and:* **NZ Transport Agency**  
*Submitter*

## Rebuttal Evidence of Anthony Stuart MacColl

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Dated: 7 July 2017

S0719-NZ Transport Agency-T13-MacColl A-Rebuttal Evidence

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## **REBUTTAL EVIDENCE OF ANTHONY STUART MACCOLL**

### **INTRODUCTION**

- 1 My full name is Anthony Stuart MacColl (Tony). I am a Principal Planning Advisor with the Dunedin Regional Office of the NZ Transport Agency (*Transport Agency*).
- 2 My qualifications and experience are set out in my statement of evidence for Hearing Stream 13 dated 9 June 2017.
- 3 Whilst I accept that this is not an Environment Court hearing, I have read the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it. My qualifications as an expert are set out in my evidence in chief dated 9 July 2017. I confirm that the issues addressed in this brief of evidence are 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.
- 4 I am authorised to make the following comments on behalf of the Transport Agency.

### **SCOPE OF EVIDENCE**

- 5 I have now had the opportunity to review the evidence presented by the following submitters (whose submissions the Transport Agency was a further submitter on):
  - (a) W & M Grant (455);
  - (b) Otago Foundation Trust Board (408); and
  - (c) Jardine Family Trust and Remarkables Station Limited (715).
- 6 My evidence responds to specific points raised in the above statements of evidence that are relevant to the Transport Agency's operations in Queenstown.
- 7 I indicated in my evidence in chief that the Transport Agency would provide individual site-specific rebuttals if necessary, as requested by the Panel. However, because the Transport Agency has only limited rebuttal points to make in regard to the above submissions, it would be inefficient to generate separate rebuttal briefs. I will therefore respond to each of the above-mentioned statements of evidence in this one brief, but will split them out clearly below.

**W & M GRANT - SUBMITTER 455**

- 8 I have reviewed the statements of evidence provided by Jason Bartlett (transport) and Lucy Milton (planning) and I acknowledge that both of these statements have recorded the submitters' willingness to work with the Transport Agency in relation to the upgrade of the Hansen Road/State Highway 6 intersection. Notwithstanding this, the Transport Agency maintains its position that commercial zoning in the Hansens Road area is not appropriate, as explained in **Tony Sizemore's** rebuttal evidence.
- 9 It makes sense from an integrated planning perspective to have residential development concentrated on the Frankton Flats area. If it is not concentrated here, then it will lead to urban sprawl which increases the demand to travel.
- 10 Ms Milton's evidence supports the creation of a new road linking Hansen Road to the Hawthorne Drive roundabout, which the Transport Agency also supports.
- 11 The Transport Agency maintains the position as set out in my evidence in chief whereby it opposes any rezoning along Hansen Road to an industrial or commercial zone, but would support a higher density residential zone, provided that access is obtained from Hansen Road and development is preceded by the reconfiguration/upgrade of the intersection of Hansen Road and State Highway 6.

**OTAGO FOUNDATION TRUST BOARD – SUBMITTER 408**

- 12 I have reviewed the planning evidence of Ms Alyson Hutton prepared on behalf of Otago Foundation Trust Board. At paragraph 7.4, Ms Hutton records that Medium Density zoning is more appropriate than Rural General Zoning as it enables reasonable development opportunities within the framework of constraints on the land.
- 13 The Transport Agency supports this position, and maintains that Medium Density residential zoning is appropriate for this site.

**JARDINE FAMILY TRUST AND REMARKABLES STATION LIMITED - SUBMITTER 715**

- 14 I have reviewed the traffic evidence provided by Mr Jason Bartlett and the planning evidence provided by Mr Nicholas Geddes on behalf of Jardine Family Trust and Remarkables Station Limited, and wish to record the Transport Agency's concerns with a number of aspects of this evidence.

- 15 Mr Bartlett's evidence concludes that the proposed Homestead Bay Access has good visibility sight distances in both directions, and an access intersection at this location can be designed to meet current traffic guidelines.<sup>1</sup>
- 16 The Transport Agency has not seen any sight distance visibility measurements for the proposed Homestead Bay Access or Airport Access, nor has it seen any information regarding likely vehicle generation from the development, or the numbers of vehicles likely to use the accesses, or the standard of access that is required. The assessment also fails to recognise that this section of State Highway 6 is a limited access road. The Transport Agency does not have to allow for a direct State Highway access if there is a reasonable practicable alternative legal access. The submitter has not provided evidence that such an alternative access is not available. On this basis the Transport Agency takes the view that these factors have not been appropriately assessed, and the Transport Agency is therefore not in a position to approve any additional accesses.
- 17 The Transport Agency supports the approach suggested at paragraph 19 of Mr Bartlett's evidence, whereby he suggests that the development of Homestead Bay is not to increase beyond the current provisions of the Operative District Plan without the prior agreement of the Transport Agency to form an additional access(es) from State Highway 6.<sup>2</sup>
- 18 However, the Transport Agency suggests that the approval requirement should include an exception to allow for development without Transport Agency approval if access to the State Highway is not required.
- 19 Mr Bartlett also suggests that the proposed zone change is dependent on attaining approval from the Transport Agency for the new access from State Highway 6.<sup>3</sup> As noted above, the Transport Agency has not been provided with sufficient information to give its approval to any new accesses onto the State Highway.
- 20 Requiring Transport Agency approval to additional accesses as a prerequisite for the *zone change* is not workable in these circumstances, as it may hold-up the Plan process (given that the required information has not been provided). The Transport Agency prefers the approach noted at paragraph 18 above, whereby development would not increase without prior agreement from

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<sup>1</sup> Statement of evidence of Jason Bartlett on behalf of Jardine Family Trust and Remarkables Station Limited dated 9 June 2017 at paragraph 18 and paragraphs 22-23

<sup>2</sup> Bartlett, at paragraph 19(b)

<sup>3</sup> Bartlett, at paragraph 23.

Transport Agency to any additional access ways that are shown to be required.

- 21 The Transport Agency wishes to emphasise that the assessment of additional accesses to the State Highway must be determined through the Government Roding Powers Act 1989 (*GRPA*). The provisions of the District Plan cannot override the GRPA in such a way as to oblige the Transport Agency to provide access to the submitters' land either now or in the future.
- 22 As noted in **Mr Sizemore's** evidence, the Transport Agency's preference is that the submitters use the existing State Highway accesses, rather than creating additional accesses directly onto the State Highway. No evidence has been presented to indicate that the proposed development could not accommodate the additional vehicle movements through the existing State Highway accesses. If the submitters can establish in the future that additional State Highway access is required, the Transport Agency can assess this request using the GRPA process, outside of the District Plan.
- 23 Mr Geddes' planning evidence suggests including a new policy 41.5.7.4 to limit the existing access used by NZOne to its current level of use, by reference to New Zealand Transport Agency Diagram D – Special Use Access.<sup>4</sup> The Transport Agency takes the view that it is not appropriate to have an access design specified as a policy in the District Plan. The Transport Agency seldom uses Diagram D, so its reference in the Plan is not appropriate. As noted above, this access location has not been adequately assessed. This crossing will be managed through the GRPA.

### **CONCLUSIONS**

- 24 As noted in my evidence in chief, the Transport Agency is generally supportive of the evidence produced on behalf of the Council in relation to transport and assessment of the rezoning submissions mentioned above.
- 25 The Transport Agency maintains its position as set out in my evidence in chief regarding the rezoning requests made by the submitters mentioned above, and in particular opposes any rezoning to business, industrial or commercial zones along the northern side of the State Highway between Hansen Road and Ferry Hill Drive.
- 26 The Transport Agency also strongly opposes any District Plan provisions that attempt to override or confuse the process for creating new accesses from a State Highway under the GRPA.

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<sup>4</sup> Statement of evidence of Nicholas Karl Geddes on behalf of Jardine Family Trust, Remarkables Station Ltd, Homestead Bay Trustees Ltd, dated 5 June 2017, at paragraph 4.30.

Tony MacColl  
NZ Transport Agency  
7 July 2017