

Before the Hearings Commissioners at Queenstown

Under: the Resource Management Act 1991

In the matter of: Queenstown Lakes Proposed District Plan
Hearing Stream – 08: Business Zones
Chapter 12 (Queenstown Town Centre) and
Chapter 15 (Local Shopping Centres)

By: **Queenstown Lakes District Council**

STATEMENT OF EVIDENCE OF ANTHONY STUART MacCOLL

S0719–NZ Transport Agency–T08–MacColl A–Evidence



NZ TRANSPORT AGENCY
WAKA KOTAHI

Level 2, AA Centre
450 Moray Place
PO Box 5245, Moray Place
Dunedin 9058
New Zealand
T 64 3 951 3009
F 64 3 951 3013
www.nzta.govt.nz

Introduction and Qualifications

- (1) My name is Tony MacColl. I am a Principal Planning Advisor with the Dunedin Regional Office of the NZ Transport Agency (Transport Agency). I have been employed by the Transport Agency, and its predecessor Transit New Zealand (*Transit*), since 2007.
- (2) I hold the qualifications of Master of Resource and Environmental Planning from Massey University, and Master of Science from the University of Otago. I am a full member of the New Zealand Planning Institute. I have also completed the Making Good Decisions programme, and am an accredited Hearings Commissioner.
- (3) Whilst I accept that this is not an Environment Court hearing, I have read and agree to comply with the Environment Court's Code of Conduct for Expert Witnesses contained in the Practice Note 2014. Unless I state otherwise, this evidence is within my scope of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express here.
- (4) I am authorised to make the following comments on behalf of the Transport Agency.

Scope of Evidence

- (5) My statement will address the following matters:
 - the NZ Transport Agency – its statutory objective and role and the reason for its involvement in this process;
 - the strategic significance of the State highway system;
 - the NZ Transport Agency's submission.

NZ Transport Agency

- (6) The Land Transport Management Act (LTMA) defines the objective of the Transport Agency as being to carry out its functions in a way that contributes to an affordable, integrated, safe, responsive, and sustainable land transport system (section 94).
- (7) The functions of the Transport Agency are defined in section 95 of the LTMA, and include among other things:
 - to promote an affordable, integrated, safe, responsive, and sustainable land transport system;

- to manage the State highway system; and,
 - to assist, advise, and co-operate with approved organisations (such as regional councils and local territorial authorities).
- (8) When carrying out its functions, the Transport Agency must exhibit a sense of social and environmental responsibility, and when managing the planning and funding of transport activities, the Transport Agency must give effect to the Government Policy Statement (GPS) on land transport funding.
- (9) The Transport Agency will also contribute to the objectives of the 'Connecting New Zealand: the government's policy direction for transport' and have regard to other policy documents and legislation such as the Government Roding Powers Act 1989, the Resource Management Act 1991, the Safer Journeys Road Safety Strategy and the Energy Efficiency and Conservation Strategy.
- (10) It is from this premise that the Transport Agency submitted on the Queenstown Lakes proposed District Plan.

Strategic Significance of the State Highway System

- (11) In a national context, State highways form an integrated national network of inter-regional and inter-district routes, and major urban arterials. While State highways form part of a wider roading network in New Zealand, the distinguishing functions of State highways among others are to:
- Connect major centres of population;
 - Provide access to ports, airports, major industrial areas, major primary production areas and major tourist areas; and
 - Service major urban corridors.
- (12) I am aware that caselaw has affirmed that the State highway network is a physical resource of national importance under the Resource Management Act 1991.¹

NZ Transport Agency Submission

- (13) The Transport Agency made submissions on the Business Zones of the proposed District Plan (PDP). I have read the

¹ *Auckland Volcanic Cones Society Inc v Transit New Zealand* [2003] NZRMA 316 (HC) 327-328.

relevant Section 42A Reports and comment on these through my evidence.

Queenstown Town Centre (Chapter 12)

- (14) Policy 12.2.4.1 encourages a reduction in the dominance of vehicles within the Town Centre by prioritising public transport and safe pedestrian and cycle accesses to and through the Town Centre. The Transport Agency submitted in support of Policy 12.2.4.1 as it promotes multi modal forms of transport which will support the sustainable management of infrastructure. The Council Officer recommends retaining this Policy and I support this recommendation.
- (15) The Transport Agency submitted in support of Policy 12.2.4.2 which comprises a suite of actions to improve the quality of the pedestrian experience. In particular, limiting the outward expansion of the Town Centre Zone to provide a compact, accessible and walkable Town Centre, and maintaining and enhancing the network of pedestrian linkages. The Transport Agency submitted in support of Policy 12.2.4.2 as this will contribute to the sustainable management of the transport network. I also consider that this policy is aligned to Objectives 4.2.3 and 4.2.4 of Chapter 4: Urban Development of the PDP. These seek to: provide compact and integrated urban form and maximise the efficiency of infrastructure; and manage the scale and location of urban growth. The Council Officer recommends retaining Policy 12.2.4.2 with some amendments and I support this recommendation.
- (16) Policy 12.2.4.6 encourages visitor accommodation to be located and designed to ensure the safety and amenity of pedestrians and cyclists. The Transport Agency submitted on Policy 12.2.4.6 suggesting it be amended to ensure the potential adverse effects on the whole transport network are considered and not just the effects on pedestrians and cyclists. The Council Officer recommends adopting the Transport Agency's suggested amendment. I suggest this amended policy will contribute to the sustainable management of the transport system and support the recommendation of the Council Officer.
- (17) Rule 12.4.2 provides Visitor Accommodation as a Controlled Activity. The Council Officer recommends amending Rule 12.4.2 to include control over the safety and efficiency of the roading network as requested by the Transport Agency and to provide alignment with Policy 12.2.4.6 (Paragraph (16)) above. I support

this amendment and suggest it will contribute to minimising the adverse effects on the transport network.

Notification

- (18) The Transport Agency submitted on Rule 12.6.1 which proposed to not require the written approval of persons for Controlled Activities. Visitor Accommodation has a Controlled Activity status in the PDP with control reserved to include parking and access. The Transport Agency submitted that, as the road controlling authority for State highways, it should be deemed an affected party for Visitor Accommodation requiring access to the State highway. The Council officer suggests it is inappropriate to deem the Transport Agency as an affected party in all these instances. The Council Officer also states “the matters of control in relation to visitor accommodation include traffic generation, travel demand management, and the safe and efficient loading of buses, and as such, the Council is able to consider matters that are likely to be of interest to NZTA” (Page 96 of the Section 42A Report).
- (19) I disagree with this view. I suggest, for proposed visitor accommodation that requires access to a State highway, it is the Transport Agency and only the Transport Agency, that can assess the safety and efficiency of the proposed development on the State highway. For example, the Transport Agency may require an access to be upgraded or relocated to safely accommodate increased traffic generation associated with a proposed visitor accommodation development. Council is not the road controlling authority for the State highway and therefore cannot make this determination. Furthermore, when determining whether a person ‘may be adversely affected’, I suggest, the Transport Agency as a Requiring Authority, has to be considered an affected person because it has an interest greater than a member of the public.
- (20) The Council Officer proposes an addition to Rule 12.6.1 which stipulates that the road controlling authority may be an affected party. In view of the comments outlined in Paragraphs (18 & 19) above, I suggest this should be amended to read as follows:
- 12.6.1.1 Where visitor accommodation proposes vehicle to access onto the State highway, the road controlling authority may shall be deemed an affected party.*

Local Shopping Centres (Chapter 15)

- (21) Objective 15.2.3 outlines one of the desired outcomes for this zone which is to ensure adverse effects received both within and beyond the zone are minimised. The Transport Agency supported this objective as it acknowledges appropriate limits must be placed on the environmental effects generated by activities occurring within the zone. For the Transport Agency this means activities within the zone need to minimise the adverse traffic effects on the wider transport network. The Council Officer recommends retaining this objective with some minor wording amendments and the Transport Agency supports this recommendation.
- (22) Glare from lighting on properties adjacent to roads can distract motorists and affect the safety of road users. The Transport Agency submitted in support of Policy 15.2.3.3 as it requires lights to be located and directed so as to not cause glare on roads. The Council Officer's recommended revised Chapter proposes to retain this policy as notified and I support this recommendation.
- (23) Policy 15.2.3.4 seeks to limit the effects of the activities establishing in this zone to those that could be reasonably anticipated. Those activities that are anticipated in other zones and/or cause inappropriate adverse effects are to be avoided. The Transport Agency submitted in support of Policy 15.2.3.4 as the Local Shopping Centre Zone in Frankton is situated in a complex transport environment and the effects of some high traffic generating activities would be inappropriate in this area at this time. I am of the view that the environmental outcomes this policy is seeking to achieve are appropriate for this zone.
- (24) Rule 15.4.4 provides Restricted Discretionary Activity status for Visitor Accommodation with discretion restricted to include the location and provision of access and parking, traffic generation and Travel Demand Management. The Transport Agency submitted in support of this rule as these are all environmental effects that need to be assessed with any visitor accommodation proposal. I suggest this rule will contribute to the sustainable management of the transport network. The Council Officer recommends retaining this rule as proposed and I support this recommendation.

1 Hansen Road, Frankton

- (25) Policy 15.2.3.5 provides site specific considerations for the Local Shopping Centre Zone in Frankton. Policy 15.2.3.5 requires development to occur in an integrated manner and the consideration of the safe and efficient operation of the transport network. The Council Officer suggests that the development of the

1 Hansen Road site should be limited to minimise the adverse impacts on the roading network. I agree with the Council Officer and support their recommendation regarding this policy.

- (26) The Transport Agency supported Rule 15.5.1 which applies restrictions to the building coverage but requested it be amended to consider the traffic effects on other parts of the State highway and not just the Hansen Road/State Highway 6 intersection. This was proposed to ensure consideration was given to the potential adverse traffic effects on what is an already complex environment. The Council Officer has proposed an additional amendment to this rule to provide scope for consideration of the effects on local roads also. I agree with this wider consideration given that the all the roads function as a network and that the effects are not necessarily confined to individual parts of that network. I therefore support the Council Officer's recommendation with regards to Rule 15.5.1.
- (27) The Transport Agency submitted in support of Rule 15.4.3.2 which applies additional requirements to the Local Shopping Centre Zone located between Hansen Road and Frankton Cemetery. These requirements include the safe and efficient operation of the transport network and pedestrian/cycling connectivity and safety. I consider these to be important considerations for a complicated transport environment and support the recommendation of the Council Officer to retain these requirements.
- (28) The Transport Agency supported Rule 15.5.4 which applies further additional development and access restrictions on 1 Hansen Road due to the traffic constraints affecting the site. The Council Officer recommends retaining Rule 15.5.4 mostly as proposed. I support the recommendation of the Council Officer.

Notification

- (29) The Transport Agency submitted in opposition to notified Rule 15.6.2 which did not require the written approval from other persons for Restricted Discretionary Activities. The Council Officer has proposed amendments to this rule which require the input from the Transport Agency for breaches of site coverage between Hansen Road and Frankton Cemetery. I agree with the Council Officer that these effects need to be assessed by the road controlling authority given an increase in site coverage may generate adverse traffic effects. Accordingly, I support the recommendation of the Council Officer.

Conclusion

- (30) The objective of the Transport Agency is to operate the State highway system in a way that contributes to an integrated, safe and sustainable land transport system.
- (31) For the reasons that I have stated, I consider that the Committee should have appropriate regard to the matters raised in the Transport Agency's submission and in this Brief of Evidence.



Tony MacColl
18 November 2016