

Before the Hearings Commissioners at Queenstown

Under: the Resource Management Act 1991

In the matter of: Queenstown Lakes Proposed District Plan
Hearing Stream - 04
Chapter 27 (Subdivision & Development)

By: **Queenstown Lakes District Council**

STATEMENT OF EVIDENCE OF ANTHONY STUART MacCOLL

S0719-NZ Transport Agency-T04-MacColl A-Evidence



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Introduction and Qualifications

- (1) My name is Tony MacColl. I am a Senior 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 Subdivision & Development section of the proposed District

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

Plan. I have read the Section 42A report prepared by Nigel Bryce. I comment on the report through my evidence.

Policies 27.2.1.5 to 27.2.2.6

- (14) The Transport Agency submitted in support of Policy 27.2.1.5 which anticipates that the effects of anticipated land uses will be resolved at the time of subdivision. The Section 42A Report recommends retaining this policy with a minor amendment. I agree with the Section 42A recommendation and suggest the proposed amendment provides clarity to this policy.
- (15) Policy 27.2.1.6 highlights the requirement to involve other relevant agencies at the time of subdivision. I agree with the Section 42A Report that this policy may be helpful to plan users in that it alerts them to consider the requirements of other agencies (e.g. s93 Government Roading Powers Act (1989)). Accordingly, I support the recommendation of the Section 42A Report to retain this policy as notified.
- (16) The Transport Agency submitted in support of Policy 27.2.2.4 as this policy supports integrated planning. Decisions about transport systems, the form of urban development and how land is used, all impact each other. Integrated planning is a planning approach that seeks to pull together all the contributing elements to increase the effectiveness of delivered solutions. It ensures the most efficient use of public funds and avoids creating unintended impacts. This is important because transport is a significant contributor to economic growth and productivity, and a determinant of how well urban and rural areas function and the quality of life offered. The Section 42A Report recommends retaining this policy with a minor amendment. I agree with the Section 42A recommendation and suggest the proposed amendment improves this policy.
- (17) The Transport Agency submitted in support of Policies 27.2.2.5 and 27.2.2.6 as they require consideration of alternative modes of transport which will contribute to the sustainable management of the transport network. For this reason the Transport Agency supports the recommendation of the Section 42A Report to retain these policies as notified.

Objective 27.2.5 and Policies 27.2.5.1 to 27.2.5.5

- (18) The Transport Agency submitted in support of Objective 27.2.5 which aims to ensure infrastructure and services are provided and

can accommodate the anticipated land use activities. The Planner's Report suggests amendments to simplify the objective. I agree with some of the proposed wording amendments but suggest it would also be useful for the Objective to qualify, by way of indication, what level of infrastructure is required. I suggest it would be useful to plan users if the Objective indicated that the infrastructure that they provide should be able to accommodate the likely effects of anticipated land uses. I therefore suggest the words "*in anticipation of the likely effects of land use activities*" should be retained and the amended Objective 27.2.5 should read: "*Infrastructure and services are provided to new subdivisions and developments in anticipation of the likely effects of land use activities*".

- (19) Proposed Policy 27.2.5.1 aims to integrate subdivision roading with existing roading networks. Whilst integration of roading networks is important, it is also important that these connections are safe. The Transport Agency submitted in support of this policy but suggested a minor amendment to emphasise how it should be integrated. I agree with the Section 42A Report which suggests this provides clarity to the policy's intent and I agree with the recommendation to adopt this amendment.
- (20) The Transport Agency supported Policy 27.2.5.2 as it promotes consideration of safe and efficient multi modes of transport. The Section 42A Report recommends retaining this policy as notified. I agree with the recommendation of the Section 42A Report as this policy will assist in the sustainable management of the transport network.
- (21) The Transport Agency supported Policies 27.2.5.3 and 27.2.5.5 as they promote public and active modes of transport which will contribute to the sustainable management of the transport network. The Section 42A Report recommends minor amendments to these two policies. I suggest the intent of these policies remains the same and therefore support the recommendation of the Section 42A Report.

Objective 27.2.6 and Policy 27.2.6.1

- (22) The Transport Agency suggests it is fair and reasonable to expect subdividers and developers to provide financial contributions for infrastructure extensions or upgrades that are required to mitigate the effects of their activities and to achieve the sustainable management purpose of the RMA. For this reason the Transport

Agency submitted in support of Objective 27.2.6 and Policy 27.2.6.1. I agree with the Section 42A Report that this objective and policy are important in that they will assist in making Plan users aware of the need for financial contributions for infrastructure necessitated by their subdivision and development activities.

Policy 27.2.8.2

- (23) The Transport Agency requested an amendment to the 4th bullet point of Policy 27.2.8.2 to include the consideration of existing and proposed accesses and to read as follows:

(1) *The location of existing or proposed accesses and easements for access and services*

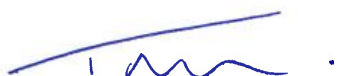
The Planner's Report supports this relief suggesting it will provide consistency with bullet point two. I agree with the Planner's Report and suggest this will contribute to the sustainable management of the transport network.

Rules

- (24) The Transport Agency submitted in support of Rule 27.9.2 which requires the written approval of the Transport Agency for those applications for sites adjacent to State highways. I suggest this rule will assist in the sustainable management of the State highway network.
- (25) For those subdivisions that require access to a Limited Access Road, a Section 93 notice under the Government Rounding Powers Act (1989) is required. In these circumstances properties do not have road frontage and/or access for the purposes of subdivision unless the Transport Agency certifies that they do (i.e. there is no automatic legal right of access). Furthermore, without the section 93 certificate, the Council is unable to assure itself under section 106 of the Resource Management Act that there has been sufficient provision made for legal and physical access to each allotment created by the subdivision. I support proposed Rule 27.10.1.1 as it will assist plan users awareness of the Section 93 requirement. I also support the Section 42A Report's proposed amendment to this rule which corrects a minor error.

Conclusion

- (26) 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.
- (27) 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
12 July 2016