

**Before Independent Hearing Commissioners
In Queenstown**

Under the Resource Management Act 1991 (the Act)

In the matter of the Proposed Queenstown Lakes District Plan ('Proposed Plan')

and Hearing Stream 14: Chapter 24: Wakatipu Basin and transferred Stage 1 submissions related to Arrowtown and Lake Hayes

and The New Zealand Transport Agency
Submitter 2538

Statement of Evidence of Anthony (Tony) Stuart MacColl for the New Zealand Transport Agency

Dated 13 June 2018

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1 Qualifications and Experience

- 1.1 My full name is Anthony Stuart MacColl. I am a Principal Planning Advisor with the Dunedin Regional Office of the New Zealand Transport Agency ('**Transport Agency**'). I have been employed by the Transport Agency, and its predecessor Transit New Zealand, since 2007.
- 1.2 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.
- 1.3 I am authorised to give the following evidence on behalf of the Transport Agency.

2 Scope of Evidence

- 2.1 My statement will address the following matters:
- a The Transport Agency's involvement in these proceedings and the hearings for the Proposed Plan.
 - b The Transport Agency's submissions that relate to Hearing Stream 14 in particular, and its position on relevant submissions made by others.
 - c The potential adverse impacts of proposed planning provisions and re-zonings sought by other submitters, and the effect they could have on the safety, effectiveness and efficiency of the transport network.
- 2.2 I provide this evidence in my capacity as a planner with particular expertise and experience in matters relating to transport, but also in my capacity as an employee of the Transport Agency, and from my involvement in the drafting of submissions and further submissions for the Transport Agency on the proposed plan change to the Proposed Plan. I confirm that, where I give evidence on behalf of the Transport Agency, I have authority to do so.
- 2.3 While this plan change is not before the Environment Court, I have read and am familiar with the Code of Conduct for Expert Witnesses in the current Environment Court Practice Note (2014). For those aspects of my evidence where I offer my expert planning opinion, I have complied with the Code in the preparation of this evidence, and will follow it when presenting evidence at the hearing.

2.4 Unless I state otherwise, my evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

3 Executive Summary

3.1 The Transport Agency's submission seeks to ensure that the Proposed Plan does not compromise the functionality, efficiency and safety of the transport network. A number of submissions seek re-zoning of land within the Wakatipu Basin, which the Transport Agency is concerned could exceed the capacity of the transport infrastructure.

3.2 In relation to the provisions of Chapters 24 and 27, the Transport Agency's submission:

- a supported provisions which recognise that residential and non-residential activities have the potential to compromise the safety and efficiency of the transport network and efficient provision of infrastructure;
- b sought amendments to ensure that all aspects of the transport network (pedestrians, cyclists, public transport, active networks, private vehicles and freight) are recognised in the Plan provisions;
- c supported provisions which require the consideration of parking, access, safety and transportation at the time of consenting;
- d supported the listing of glare as an assessment matter;
- e sought that cumulative traffic generation be considered at the time of subdivision; and
- f sought to improve clarity of expression.

3.3 There is only one provision where I have a different view to that of the Queenstown Lakes District Council ('**QLDC**') planning officer. I consider that potential cumulative traffic generation effects should be considered at the time of subdivision, including where that subdivision is a restricted discretionary activity.

3.4 The Transport Agency's further submissions focussed on the potential effects of re-zoning changes sought by submitters on the transport network and in particular the Lower Shotover Bridge. The Transport Agency opposes these submissions because of the potentially adverse effects that re-zoning these properties may have on the safety, efficiency and functionality of the adjacent

State Highway and the surrounding transport network. More intensive development of these properties could mean that the infrastructure available is insufficient to meet the needs of the new population for this area. This is expanded on further in **Mr Matthew Gatenby's** evidence for the Transport Agency. The Council planning officers agree that the relief sought in the submissions opposed by the Transport Agency should not be granted.

- 3.5 The Transport Agency's position is consistent with key planning documents, including the Regional Land Transport Plan, QLDC Growth Management Strategy (2007), and the Panel's findings in Hearing Streams 12 and 13, that there is no pressing need to extend the area of residential zoned land in Queenstown.

4 The Transport Agency's role in the Plan Change process

- 4.1 The Transport Agency is a Crown entity established under section 93 of the Land Transport Management Act 2003. The Transport Agency's statutory objective is 'to undertake its functions in a way that contributes to an effective, efficient, and safe land transport system in the public interest.'¹

- 4.2 I prepared the submission on behalf the Transport Agency for Stage 2 of the hearings for the Proposed Plan, dated 23 February 2018 (Submission number 2538), and a further submission, dated 27 April 2018 (Further Submission number 2727). Also, in relation to those submissions that have been carried over from Stage 1 to be heard in Stage 2, I completed the Transport Agency's further submissions dated 16 December 2015 (Further Submission number 1092).

- 4.3 The overall objective of the Transport Agency in these proceedings is to ensure that the Proposed Plan provisions do not enable development with the potential to impose significant adverse effects on the transport network in the Wakatipu Basin area. The Transport Agency recognises the importance of urban development in the Queenstown Lakes District, but considers this should occur in a manner which does not compromise the effectiveness, efficiency and safety of the transport network.

5 Transport Agency submission points relating to Hearing Stream 14

- 5.1 The Transport Agency's submission raised a number of points that relate to these proceedings. In summary, the Transport Agency's submission:

¹ Section 94 of the LTMA.

- a supported provisions which recognise that residential and non-residential activities have the potential to compromise the safety and efficiency of the transport network and efficient provision of infrastructure;
- b sought amendments to ensure that all aspects of the transport network (pedestrians, cyclists, public transport, active networks, private vehicles and freight) are recognised in the Plan provisions;
- c supported provisions which require the consideration of parking, access, safety and transportation at the time of consenting;
- d supported the listing of glare as an assessment matter;
- e sought that cumulative traffic generation be considered at the time of subdivision; and
- f sought to improve clarity of expression.

Chapter 24: Wakatipu Basin

- 5.2 In relation to Chapter 24: Wakatipu Basin, the Transport Agency supports the following provisions for the reasons set out in its submission:
- a Objectives 24.2.2 and 24.2.4; and
 - b Rules 24.4.7, 24.4.14, 24.5.9, 24.7.2, 24.7.4 b., 24.7.10 d., 24.7.11 d. and 24.7.12 a.
- 5.3 I note Mr Barr for QLDC either supports these provisions as notified or proposes some minor and consequential amendments. I support these recommendations of the Officer's Report.
- 5.4 The Transport Agency seeks amendments to the following provisions for the reasons set out in its submission:
- a Policy 24.2.2.4.
 - b Policy 24.2.4.4.
 - c Rule 24.7.5 d.
- 5.5 Mr Barr supports these amendments. I note, however, that there appears to be a transcription error for Policy 24.2.2.4 in both the Officer's Report (paragraph 22.24) and in Appendix 3 (Section 42A Recommended Provisions). The

Transport Agency requested this policy be amended to encompass the whole transport network rather than just roads. Mr Barr supported this amendment, however the recommended wording does not reflect this and incorrectly reads:

Ensure traffic generated by non-residential development does not individually or cumulatively compromise ~~road safety or efficiency~~ the safety and efficiency of the road network.

5.6 The Transport Agency suggests Policy 24.2.2.4 should be amended to read:

Ensure traffic generated by non-residential development does not individually or cumulatively compromise ~~road safety or efficiency~~ the safety and efficiency of the ~~road~~ transport network.

5.7 The Transport Agency opposed the description of the Ladies Mile – Landscape Character Unit in Schedule 24.8 for the reasons set out in its submission. There is a transportation infrastructure capacity issue at the SH6 Shotover River Bridge, which is explained in more detail in section 6 of **Mr Gatenby's** evidence. The Transport Agency suggested that Schedule 24.8 should be amended to recognise this constraint.

5.8 Mr Barr does not support the Transport Agency's requested amendments.² In his view infrastructure is described in the context of the extent to which infrastructure influences the landscape character and visual amenity within the respective landscape unit. That was not my initial interpretation of the landscape character units. However, with the additional description of the landscape character units within 24.1 Purpose, this has now been clarified and the Transport Agency no longer seeks the requested amendment to Schedule 24.8 10: Ladies Mile – Landscape Character Unit.

Chapter 27: Subdivision and Development

5.9 The Transport Agency also lodged submissions on consequential amendments to Stage 1 Chapter 27: Subdivision and Development, which have been carried over to be heard in these Stage 2 proceedings. This includes submissions on the following two points.

5.10 The Transport Agency supports the following provisions for the reasons set out in its submission:

² Statement of Evidence of Craig Barr on behalf of the Queenstown Lakes District Council, dated 30 May 2018, paragraphs 32.5 – 32.11.

- a Rules 27.4.2 g. and h., 27.5.1, 27.7.6.1 d. and q., 27.7.6.2 a., 27.7.7.6.2a, c. VIII. and 27.7.6.2 k., m. and o.

- 5.11 The Council Officer recommends these be retained as proposed or with only minor amendments. The Transport Agency supports the Council Officer's recommendations.
- 5.12 The Transport Agency also seeks the addition of a new rule to Rule 27.7.6.2 as drafted in its submission. This is ensure that the potential for cumulative traffic effects are considered at the time of subdivision. Particularly as the transport network is already currently nearing its capacity in places. This is not supported by the Council Officer who considers that the assessment matters for restricted discretionary activities are those contemplated by the plan and do not constitute cumulative adverse effects which he considers would arise from non-complying activities (paragraph 34.13).
- 5.13 I am of a different view. I consider cumulative traffic generation effects can occur from restricted discretionary activities, not just non-complying subdivisions. The Transport Agency's requested rule may not be appropriate for controlled activities but this is for a restricted discretionary activity where a consent authority may grant or refuse consent (s104C of the Act). However, a consent authority can only consider those matters over which its discretion is restricted to. I note that Mr Smith (paragraph 10.3) and **Mr Gatenby** (paragraph 8.4) also consider there is a risk of cumulative effects on the performance of the transport network if a number of rezoning requests were approved together.

6 Other submissions relating to Hearing Stream 14

- 6.1 The Transport Agency has also lodged further submissions which are to be considered as part of Hearing Stream 14. These submissions were identified in the further submissions that I prepared for the Transport Agency and can be separated into two different categories:
 - a submissions originally made on Stage 1, which have been carried over to be heard as part of Hearing Stream 14; and
 - b submissions originally made on Stage 2, which relate to Hearing Stream 14.

Submissions originally made on Stage 1

- 6.2 Submitters 229, 404, 351, 532 and 535 all lodged submissions seeking to rezone certain land within Map 30- Lake Hayes from Rural to a more intensive zoning

(Rural Residential, Rural Lifestyle or an Urban Zoning). There are slightly varying reasons given in each of the submissions as to why this should be done.

- 6.3 Submitter 351 submits that their land has been used for residential purposes for a number of years and that this use of the land warranted further investigation of whether it ought to be zoned rural residential. Submitters 532 and 535 assert that the re-zoning is to ensure that the Plan is consistent with relevant provisions of the Act, and allows for relevant use and development of their land where necessary.³
- 6.4 Similar to the above, submitter 838 has asserted that certain sites located on Map 31 ought to be rezoned from Rural to Large Lot Residential, as there is potential to develop these sites, and the provisions of the Large Lot Residential zone would make it easier to do this.
- 6.5 The Transport Agency opposes all of these submissions because of the potentially adverse effects that re-zoning these properties may have on the safety, efficiency and functionality of the adjacent State Highway and the surrounding transport network. More intensive development of these properties could mean that the infrastructure available is insufficient to meet the needs of the new population for this area. This is expanded on further in section 8 of **Mr Gatenby's** evidence.

Submissions from Stage 2 that relate to Hearing Stream 14

- 6.6 The Transport Agency supports the submission made by submitter 2095 that development of Wakatipu Basin should not occur until a full assessment of the impacts on the transport network and the relevant infrastructure has been undertaken. A full traffic impact assessment is necessary to ensure that the rezonings proposed by a number of submitters do not adversely affect the safety, efficiency and functionality of the transport system.
- 6.7 Submitter 2489 has sought to amend submissions made as part of Stage 1 (Submissions 532 and 535 above). This submitter asserts that land adjacent to Ladies Mile should be re-zoned from Rural to Wakatipu Basin Lifestyle Precinct, and is also seeking to add further rules specific to the area adjacent to Ladies Mile that are outlined in its submission.
- 6.8 The Transport Agency opposes this submission as it understands that the Council is in the process of undertaking a detailed assessment of a range of

³ In their submission on Stage 2, these submitters have sought to amend the precise relief sought, to allow more intensive development. This is discussed in relation to submitter 2489 in paragraph 6.8.

factors for this area, including transport infrastructure capacity. As mentioned above, urban growth needs to be appropriately managed to avoid adverse effects on the transport network and the upgrading and development of infrastructure where required. The Transport Agency supports the careful consideration of urban development in this area and in the Wakatipu Basin generally. It does not support the imposition of zoning and rules that will enable intensive urban development without first carrying out a comprehensive assessment of development capacity and an understanding of the effects on transport infrastructure of the development potential.

- 6.9 Submitter 2553 has sought that a range of densities be applied to areas in the Wakatipu Basin Lifestyle Precinct, and that there are separate areas within the precinct with varying standards for each rule to accommodate the different densities of different areas.
- 6.10 The Transport Agency opposes this submission because of the implications that it has for its planning in response to urban development. The Transport Agency operates under a large planning window (up to 30 years) as a result of the overall capital investment involved in the maintenance and upgrade of the transport system. As expressed above, due to the potential adverse effects on the safety, efficiency and functionality of the transport network, it is essential that any re-zoning in the Wakatipu Basin does not occur without first conducting a comprehensive assessment of what those impacts might be on transport infrastructure. This is supported by **Mr Gatenby** in his evidence at paragraphs 8.9 and 8.10.
- 6.11 For completeness, I note that the Transport Agency lodged submissions opposing the relief sought by Submitter 2541 (Graham Burdis) and Submitter 2548 (Glenpanel Development Limited). This evidence does not address those submission points because they have been determined by the Commissioners to be not 'on' the Proposed Plan.⁴

7 The Officers' Reports

- 7.1 I agree with Mr Smith's statement (paragraph 3.10) that additional residential development along Ladies Mile will create significant traffic effects along SH6, including the SH6 Shotover River Bridge. The Regional Land Transport Plan ('RLTP') does not have funding set aside to plan for an additional crossing of the

⁴ Decision relating to submissions not "on" Stage 2, Dennis Nugent, Hearings Panel Chair, 17 May 2018.

Shotover River and projects that have not been identified in the RLTP cannot be constructed.

- 7.2 By way of background, RLTPs are statutory documents that set out the Region's lead transport objectives, policies and measures for at least 10 years. RLTPs are prepared by Regional Transport Committees ('**RTCs**') every 6 years and reviewed every 3 years. Activities within RLTPs are considered for the National Land Transport Programme ('**NLTP**'). An activity can be included through a variation of the RLTP at any time. However, these need to be approved by the RTC. If a new Shotover Bridge or similar infrastructure were to be included in the RLTP it would be many years before it could be built. The project would need to go through a business case approach to ensure investment proposals are supported by a concise investment story.
- 7.3 The Transport Agency has not planned for additional growth along the Ladies Mile as it has been outside the urban growth boundaries identified in the QLDC Growth Management Strategy (2007) and the notified Proposed District Plan (2015).
- 7.4 In view of the above, I agree with Mr Smith's statement (paragraph 3.10) that *"any significant addition of capacity at this location will be expensive and require several years to plan, design and construct a solution"*.
- 7.5 Ms Vanstone highlights⁵ that the recent Housing Development Capacity Assessment undertaken as a requirement of the National Policy Statement on Urban Development Capacity ('**NPS-UDC**') is consistent with the earlier Proposed District Plan Development Capacity Model. Both of these confirm that there is sufficient feasible development housing capacity enabled by the Proposed District Plan in the short, medium and long terms. This confirms the Panel's findings in Hearing Stream 12 and 13 that there is no pressing need to extend the area of residential zoned land in Queenstown.
- 7.6 I have read the Panel's Stage 1 approach to the analysis of rezoning submissions from Report 17.1 which are repeated in Ms Anita Vanstone's Report (paragraph 7.1). I agree that these considerations are appropriate. Item (g) reads *'zone changes are not inconsistent with the long term planning for provision of infrastructure and its capacity'*. In view of my earlier statements, I suggest the

⁵ Section 42A report of Anita Mary Vanstone on behalf of Queenstown Lakes District Council, dated 30 May 2018, paragraph 5.11.

proposed re-zonings are inconsistent with the long term planning for the provision of infrastructure and its capacity.

- 7.7 With regards to Housing Infrastructure Funding ('HIF') and Special Housing Areas ('SHAs'), the Transport Agency was part of an all of government response to HIF applications. For the Ladies Mile, approval for approximately 1000 residential dwellings was signalled subject to a detailed business case. The detailed business case is currently being prepared. The Transport Agency also provided feedback on Council's consideration of incorporating the Ladies Mile within its SHA Lead Policy. Initially the Transport Agency requested Council not adopt the amendment to its lead policy but amended its submission to be consistent with potential development that could be provided by the HIF. The Transport Agency opposed the full extent of development proposed (approximately 2-3000 residential units) due to concerns with the effects of the development on the Shotover River Bridge. I agree with Ms Vanstone's statement (paragraph 10.17) that since the release of the Lead Policy the Transport Agency has raised concerns with the remaining capacity of the Shotover Bridge.
- 7.8 If any development were to occur on the Ladies Mile, the Transport Agency's preference would be for an integrated development. This is preferable to ad hoc development occurring via a series resource consents where it is more difficult to provide integrated planning outcomes. At this time the Transport Agency's preference is to not have intensive residential development on the Ladies Mile given the infrastructure constraints, and in light of the Hearing Panel's finding that there is sufficient feasible development housing capacity.
- 7.9 I do not entirely agree with Ms Vanstone's view (paragraph 15.13) that the Transport Agency is trying to protect the capacity of the bridge and that preventing additional urban growth north of the bridge is untenable. The Transport Agency is trying to manage the transport system as required by the Land Transport Management Act. The purpose and principles of the Act are broader than the Transport Agency's statutory objective, however the Transport Agency's statutory objective is consistent with and contributes to achieving the purpose of the Act. State highways are a physical resource under the Act's framework and accordingly need to be sustainably managed.
- 7.10 I also do not agree with the statement (paragraph 15.13) that "*the pressure of a growing Queenstown economy and growth from already consented developments in this area will necessitate investment in this critical route that resolves these capacity constraints within a reasonable time horizon*". There is no 'silver bullet' on the immediate horizon that will fix these issues. As stated earlier,

there are currently no projects within the RLTP or NLTP to increase the capacity of the Shotover River Bridge. Large infrastructure projects take a long time to plan and construct. Any capital investment needs to be assessed via a business case and ultimately, the large investment required to provide additional capacity at the Shotover Bridge may or may not be feasible.

- 7.11 I agree with Ms Vanstone's view that when considering zoning requests on the northern side of Ladies Mile there should be a review of the entire Ladies Mile Landscape Unit. This review should consider the efficient future development of the whole area and which allows all environmental effects (including transportation) to be carefully considered (paragraph 13.19). I also support Ms Vanstone's recommendation that Submitter 535's zoning requests be rejected.
- 7.12 With regards to the zoning requests on the southern side of the Ladies Mile – submitter 838 and submitter 532, the Transport Agency views are the same as those for the land on the northern side of Ladies Mile. I support Ms Vanstone's recommendation that submitters 838 and 532 zoning requests be rejected.
- 7.13 The Transport Agency made a further submission in response to submissions by submitter 404. However, I note that the Transport Agency is not listed on page 51 of Ms Vanstone's s42A Report as a further submitter. The Transport Agency is opposed to the proposed rezoning which will likely result in ad hoc development occurring via resource consents. The Transport Agency would prefer to retain the rural zoning, and if any development is to occur then this should be via a comprehensive review of the larger site for reasons stated above. I support Ms Vanstone's recommendation that submitter 404 zoning requests be rejected.

8 Conclusions

- 8.1 The Transport Agency generally supports the Proposed Plan, and its management of effects on the functionality, efficiency and safety of the transport network. The Transport Agency's primary concern for this hearing is in relation to those submissions seeking more intensive development of land near Ladies Mile. The Transport Agency supports the recommendations of the Council planning officers that the relief sought in the submissions opposed by the Transport Agency should not be granted.

Anthony Stuart MacColl

13 June 2018