

**Before the Hearings Commissioners at Queenstown**

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*Under:* the Resource Management Act 1991

*In the matter of:* Queenstown Lakes Proposed District Plan

Hearing Stream – 06

Chapter 7 (Low Density Residential),

Chapter 8 (Medium Density Residential),

Chapter 9 (High Density Residential) and

Chapter 11 (Large Lot Residential)

*By:* **Queenstown Lakes District Council**

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**STATEMENT OF EVIDENCE OF ANTHONY STUART MacCOLL**

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**S0719–NZ Transport Agency–T06–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](http://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 Roading 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.<sup>1</sup>

#### **NZ Transport Agency Submission**

- (13) The Transport Agency made submissions on the Low Density Residential, Medium Density Residential, High

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

Density Residential and Large Lot Residential sections of the proposed District Plan (PDP). I have read the relevant Section 42A Reports and comment on these through my evidence.

***Low Density Residential Zone (Chapter 7)***

- (14) Policy 7.2.1.1 encourages development to locate in areas serviced by infrastructure and designed to reflect the capacity of infrastructure networks. The Transport Agency submitted in support of Policy 7.2.1.1 as it promotes the sustainable use of infrastructure. I also consider that this policy aligns with the Goal and related objective of Chapter 3: Strategic Direction of the PDP (Mr Paetz's right of reply version), in particular 3.2.2.1 Objective which aims to provide urban development in a compact and integrated way whilst managing the cost of infrastructure. The Council Officer recommends retaining this Policy and I support this recommendation.
- (15) Objective 7.2.7 (redrafted 7.2.5) encourages development to efficiently utilise existing infrastructure and to minimise impacts on infrastructure and roading networks. The Transport Agency supported this objective as it will assist in reducing the need for infrastructure upgrades and the installation of new infrastructure. The Council Officer recommends retaining this Policy and I support this recommendation.
- (16) The Transport Agency submitted on Policy 7.2.7.3 (redrafted Policy 7.2.5.3) suggesting it be amended to require developments to integrate with all transport networks, not just public transport and active transport networks. The Council Officer recommends adopting the Transport Agency's proposed amendment. I support this recommendation.

***Reverse Sensitivity***

- (17) As set out in my evidence relating to Hearing Stream 02, Rural – Chapter 21, Gibbston Character Zone – Chapter 23, I consider that the PDP needs to recognise potential reverse sensitivity effects and include appropriate land use controls that ensure landowners/developers of new and altered noise sensitive activities near State highways will implement them. The Transport Agency submitted on numerous Low Density Residential Zone provisions relating to reverse sensitivity effects. I confirm that the

Transport Agency's published guidance<sup>2</sup> referred to in the evidence of Dr Chiles is the Transport Agency's current guide on how it manages reverse sensitivity effects from noise and vibration sensitive activities. This guide was only published at or about the time the Transport Agency was preparing its submission. Consequently, an older guidance document was used for the purposes of the Transport Agency's submission.

- (18) The Transport Agency submitted on Objective 7.2.10 (redrafted 7.2.7) requesting a new policy be added to recognise the potential reverse sensitivity effects from State highway traffic noise. The Council Officer concurs with the Transport Agency's intent to ensure new residential units are designed and constructed to minimise the effects of noise associated with the State highway but suggests some changes to the wording of the Transport Agency's proposed Policy 7.2.10.3 (redrafted 7.2.7.3). I support the proposed changes and suggest the proposed Policy will assist in addressing potential reverse sensitivity effects from State highway traffic noise.
- (19) The Transport Agency also submitted that an additional sub-rule be added to Rule 7.5.9 to require a minimum setback for new residential units to also address reverse sensitivity effects from State highway traffic noise. The Council Officer agrees a rule should be added but suggests it should be a standalone separate rule (redrafted Rule 7.5.15). I suggest this redrafted rule will assist in the mitigation of potential reverse sensitivity effects from State highway traffic noise and support the sustainable management of the transport network. Accordingly, I support the recommendation of the Council Officer.
- (20) The Transport Agency's submission regarding the above-mentioned Policy 7.2.10.3 (redrafted 7.2.7.3) and proposed Rule 7.5.9 referred to '*road noise sensitive activities*'. The Council Officer correctly notes that there is no corresponding definition in the PDP. As a consequential amendment to the Transport Agency's submission the Council Officer recommends an amendment to the definition of "Activity Sensitive to Aircraft Noise (ASAN)" to also include activities sensitive to road noise. I note that this is also recommended by Dr Chiles. I am of the opinion that this proposed amendment will provide clarity and assist users with plan interpretation. I therefore support the recommendation of the Council Officer.

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<sup>2</sup> NZ Transport Agency, 2015, Guide to the management of effects on noise sensitive land use near to the state highway network, <http://nzta.govt.nz/resources/effects-on-noise-sensitive-land/>.

Notification

- (21) The Transport Agency submitted on Rule 7.6.2 which proposed to not require the written approval of potentially affected parties for some activities. The Transport Agency submitted that, as the road controlling authority for State highways, it should be deemed an affected party for those residential developments requiring access to the State highway. The Council Officer supports this recommendation but suggests alternative wording which reads as follows:

*7.6.2.1 Residential units pursuant to 7.4.10, except where direct access on to or off a State highway is sought where New Zealand Transport Agency will be notified.*

- (22) I suggest minor amendments to this proposed rule. The Transport Agency originally suggested that this rule capture those activities 'adjacent' to the State highway. The Council Officer suggests the Transport Agency would not necessarily be affected by development adjacent to the State highway, only those which have direct access. I mostly agree with this comment, but suggest the word '*direct*' should not be used. There could be occasions where infill development or redevelopment seeks Right of Way access on to a State highway and it could be argued that this is not direct access, yet the effects on the State highway will be the same as those created by a '*direct*' access.

- (23) I also suggest the proposed words NZ Transport Agency '*will be notified*' should be amended. I am of the opinion the requirement associated with the words '*will be notified*' could be satisfied by the Transport Agency being advised of an application. I also suggest that '*will be notified*' is ambiguous given that Rules 7.6, 7.6.1 and 7.6.2 all refer to the public notification and limited notification of applications. I suggest it is important to clarify that in these instances, where the activity seeks access onto a State highway, the applicant is required to obtain the Transport Agency's written approval as an affected party. In view of this I suggest the Council Officer's proposed amended Rule 7.6.2.1 should read as follows:

*7.6.2.1 Residential units pursuant to 7.4.10, except where ~~direct~~ access on to or off a State highway is sought where the written approval of the New Zealand Transport Agency will be notified required.*

***Medium Density Residential (Chapter 8)***

- (24) Objective 8.2.7 (redrafted 8.2.6) provides for the efficient use of existing infrastructure. The Transport Agency supported this

objective as this promotes the sustainable management of infrastructure (physical) resources.

- (25) The Transport Agency submitted in support of Policy 8.2.7.2 (redraft 8.2.6.1) but requested it be amended to specifically identify the matters of concern when considering the capacity of infrastructure networks. The Transport Agency also submitted in support of Policy 8.2.7.3 (redraft 8.2.6.2) but requested it too be amended to clarify what outcome is required. The Council Officer has recommended changes to both these policies including the Transport Agency's suggested changes. I am of the view that the amended policies will assist in maintaining the safety, efficiency and functionality of infrastructure networks. I therefore support the recommendations of the Council Officer regarding these two policies.

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- (26) The Transport Agency generally supports higher density residential development locating around transport nodes as this encourages the use of public and alternative modes of transport. However, the Transport Agency has some concerns about the proposed intensification of residential activity of the land fronting State Highway 6 between Hansen Road and Ferry Hill Drive due to the potential adverse traffic effects in what is an already complex environment. The proposed planning framework for this area requires this land to be carefully planned before development. Consequently, the Transport Agency hesitantly supported the proposed objective, associated policies and rules for this particular area.
- (27) In view of the above, the Transport Agency supports Objective 8.2.11 (redraft 8.2.9) which recognises that traffic impacts will need to be minimised in this location. The Transport Agency submitted in support of the subsequent underlying policies relating to the development of land fronting State Highway 6 between Hansen Road and Ferry Hill Drive. Policy 8.2.11.4 (redraft 8.2.9.4) aims to avoid new State highway accesses and requires the integration with the transportation network including public transport. This policy highlights the need for developers to consult with the Transport Agency regarding the network design, given the restriction on new State highway accesses. It also highlights the requirement to obtain Section 93 notices under the Government Roding Powers Act 1989. I suggest that this is appropriate and will increase plan users awareness of the obligations and requirements of developing this land. The Council Officer

recommends retaining this policy and I therefore support this recommendation.

- (28) Policy 8.2.11.5 (redraft 8.2.9.5) requires the internal road with these properties to be able to accommodate the long term traffic demands for the area. This is important as the potential road between Ferry Hill Drive and the Eastern Access Road Roundabout could serve as an important arterial route and it makes sense to plan for this accordingly. The Council Officer recommends retaining this policy and I therefore support this recommendation.
- (29) Policy 8.2.11.6 (redraft 8.2.9.6) requires pedestrian and cycling networks and linkages. The Transport Agency supported this policy as it is likely that many future residents of this land will want to walk/cycle to the commercial and other activities located on the southern side of State Highway 6. This is a concern for the Transport Agency as there has been little consideration of how pedestrians and cyclists will safely cross State Highway 6 which comprises four lanes of busy traffic. This policy highlights the importance of this. The Council Officer recommends some wording amendments to this policy. I suggest that the proposed amended policy clarifies the intent and I therefore support this recommendation. Regarding the need to consult 'Note' following this policy, I agree with the Council Officer that it appeared to require some form of approval from the Transport Agency. However, I do not agree with the recommendation of the Council Officer that this note should be deleted. I am of the opinion that the Transport Agency still needs to be consulted given its requirements as the road controlling authority for State Highway 6. I therefore suggest that the notified 'Note' should be retained but amended to read as follows:  
***Note:** Attention is drawn to the need to consult with the NZ Transport Agency regarding ~~to determine compliance with this policy.~~*
- (30) The Transport Agency submitted in support of Rules 8.5.3 which give effect to the intent of the above-mentioned objective and policies. In particular the requirement to ensure connections to the State highway is only via Hansen Road, the Eastern Access Road Roundabout, and/or Ferry Hill Drive. Any proposed development that does not meet this standard will be a Non-Complying Activity. I suggest this is appropriate and will assist in maintaining the safety and efficiency of the State highway network.
- (31) The Council Officer recommends consequential amendments to Rule 8.5.3.2 whereby these will be changed and inserted into Rule



8.4.11. I agree with this recommendation and therefore support the recommendation of the Council Officer. I also agree with the Council Officer that given the restrictions around this land directly accessing State Highway 6, a structure plan would be a useful way to ensure the integrated management of the complex environmental issues. If a structure plan cannot be provided as part of this District Plan Review process, then the Transport Agency would encourage Council to initiate and prepare a structure plan as part of their planning and regulatory responsibilities.

- (32) The Transport Agency submitted in support of Policy 8.2.11.2 (redraft 8.2.9.2) which recognises that storm water associated with development should not impact on the State highway network. The Council officer has made some minor amendments to this policy. The Transport Agency is concerned that this policy has now been weakened. The notified version required a stormwater design that avoided impacts on the State highway network to be '*provided*', whereas the redrafted policy reads '*Encourage*' low impact stormwater.....In my opinion the word '*Encourage*' should be replaced with '*Provide*' to ensure stormwater associated with any development of this land fronting State Highway 6 does not adversely affect the functioning of the State highway.

*Reverse Sensitivity*

- (33) I have outlined the importance of addressing reverse sensitivity effects in earlier evidence and in Paragraphs (17–20) above. Accordingly, I confirm that the Council Officer's recommendations regarding Objective 8.2.13 (redraft 8.2.11), Policy 8.2.13.1 (redraft 8.2.11.1), Rule 8.5.2, Rule 8.5.8.1 and amended definition of "ASAN" as meeting this expectation. Consequently, I support the Council Officer's recommendations regarding the above-mentioned objective, policy, rules and definition.

***High Density Residential (Chapter 9)***

- (34) The Transport Agency submitted in support of Objective 9.2.6 as it encourages residential development to efficiently use existing infrastructure and minimise the impacts of transport networks. I suggest that more efficient use of existing infrastructure networks is likely to have environmental benefits, in terms of an overall reduction in the effects of building and maintaining additional infrastructure. The Council Officer recommends this policy be retained with some amendments. I suggest the amended objective promotes the sustainable management of infrastructure and support the recommendation of the Council Officer.

- (35) Policy 9.2.6.2 promotes the use of alternative modes of transport and for this reason the Transport Agency supported this policy. The Council Officer recommends an amendment to this policy to include public transport. I support the proposed amendment as it broadens the policy to encompass more alternative modes of transport which will contribute to the sustainable management of transport infrastructure.
- (36) The Transport Agency submitted on Policy 9.2.6.4 requesting some amendments to clarify what type of infrastructure the policy intends to optimise. The Council Officer recommends accepting this submission and I support this recommendation.

Reverse sensitivity

- (37) With regards to reverse sensitivity effects, the Transport Agency submitted requesting the addition of a new objective (Submission No. 719.67) and policy (Submission No. 719.68), that Rule 9.5.9.1 be amended and a new Rule added (Submission No. 719.74) to address reverse sensitivity effects. I can confirm that the Council Officer's recommendations regarding new Objective 9.2.7, new Policy 9.2.7.1, amended Rule 9.5.9.1 (redraft 9.5.8.1), new Rule 9.5.11, and new definition of "ASAN" as meeting this expectation.

Notification

- (38) The Transport Agency submitted in opposition to Rule 9.6.1 which did not require the written approval from other persons for Controlled Activities. The Transport Agency submitted that it is the role of the Transport Agency, as the road controlling authority for State Highways, to assess accesses and their effects on the safety and efficiency of the State highway.
- (39) Proposed Rule 9.6.2 was framed similarly as Rule 9.6.1 except that it related to Restricted Discretionary Activities. For the same reasons as outlined in Paragraph (38) of this evidence the Transport Agency submitted in opposition to this Rule requesting that it too be amended. The Council Officer has recommended both Rule 9.6.1 and Rule 9.6.2 be amended to identify the Transport Agency as an affected party where development requires resource consent associated with direct access to the State highway. I support this recognition but for the same reasons as outlined in Paragraph (23) of this evidence suggest some minor wording changes to Rule 9.6.1 and 9.6.2 which should read as follows:
- 9.6.1 Applications for Controlled activities shall not require the written consent of other persons and shall not be notified or limited notified, except where ~~direct~~ access on to or off a*

*State highway is sought where the written approval of the New Zealand Transport Agency will be notified required.*

9.6.2 *The following Restricted Discretionary activities shall not require the written consent of other persons and shall not be notified or limited-notified, except where direct access on to or off a State highway is sought where the written approval of the New Zealand Transport Agency will be notified required.*

### **Conclusion**

- (40) 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.
- (41) 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**  
30 September 2016