

Before the Hearings Commissioners at Queenstown

Under: the Resource Management Act 1991

In the matter of: Queenstown Lakes Proposed District Plan
Hearing Stream – 05
Chapter 30 (Energy & Utilities),
Chapter 35 (Temporary Activities) and
Chapter 36 (Noise)

By: **Queenstown Lakes District Council**

STATEMENT OF EVIDENCE OF ANTHONY STUART MacCOLL

S0719–NZ Transport Agency–T05–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 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 Energy & Utilities, Temporary Activities, and Noise sections of the

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

proposed District Plan (PDP). I have read the relevant Section 42A Reports and comment on these through my evidence.

Energy & Utilities (Chapter 30)

- (14) The Transport Agency submitted in support of the description of Utilities (30.1.2). In particular, the recognition of the importance of Utilities in providing essential services to the community, the high capital cost involved in establishing and maintaining utilities, the recognition that some utilities have specific locational needs and requirements, and the recognition that essential utilities should be protected from incompatible activities which may be subject to reverse sensitivity effects. The Section 42A Report recommends retaining 30.1.2. I suggest the descriptor for 30.1.2 supports the sustainable management and growth of infrastructure and energy development and therefore agree with the Section 42A Report recommendation.
- (15) Policy 30.2.4.5 directs transport networks to be designed to ensure the need and length of vehicle trips is reduced, for the purposes of reducing energy consumption. I suggest the design of transport networks should not be looked at in isolation and that integrating land use developments and transport networks can greatly reduce the need for vehicles and thus provide for greater energy efficiency. Consequently, I suggest the Transport Agency's requested amendment to Policy 30.2.4.5 encaptures more than the proposed singularly focussed transport planning without resiling from the policy's original intent. I therefore suggest Policy 30.2.4.5 should be amended to read:
Land use developments and transport planning should be integrated ~~Transport networks should be designed so that the number, length and need for vehicle trips is minimised, and reliance on private motor vehicles is reduced, to assist in reducing energy consumption.~~
- (16) To ensure alignment between Policy 30.2.4.5 and the over-arching objective the Transport Agency suggested a similar amendment to 30.2.4 Objective to read as follows:
The location of land use developments, site layout and building design takes into consideration energy efficiency and conservation.
 In my opinion this amendment provides similar relief and consequence as the proposed amendment to Policy 30.2.4.5.
- (17) As outlined in Paragraphs (15) and (16) above, the Transport Agency submitted on Objective 30.2.4 and Policy 30.2.4.5 requesting they be amended so that they are broadened to capture

the location of land use developments. The Transport Agency suggests the location of land use developments and transport networks can also influence vehicle use and therefore energy efficiency. The Section 32 Report suggests that proposed Objective 30.2.4 encourages energy efficiency measures in subdivision, development and use and thereby achieves the purpose of the Act. However, the Council Officer suggests that matters of accessibility, connectivity and reduced reliance on vehicles are adequately addressed in the Subdivision Chapter (Chapter 27) and are better managed in other parts of the PDP.

- (18) In my opinion, the Transport Agency's suggested amendments are appropriate because they promote energy efficiency and are consistent with the goals of the Strategic Directions Chapter (Council's Right of Reply version) of the PDP which sets out the strategic direction for the management of growth, land use and development in the District. In particular, Goal 3.2.2 – The strategic and integrated management of urban growth (Objectives 3.2.2.1 and 3.2.4.8), and Goal 3.2.8 – Provide for the ongoing operation and provision of infrastructure (Objectives 3.2.8.1 and 3.2.8.1.1). They are also consistent with objectives and policies of Urban Development (Chapter 4) of the PDP which aims to manage the spatial location and layout of urban development within the District (Objective 4.2.1, Objective 4.2.4, and Policy 4.2.4.2). It is important to note, that the Transport Agency is not suggesting additional policies which would make the PDP more cumbersome. Rather, that the proposed Objective and Policy be broadened to encompass the over-arching strategic matters. In my opinion it is appropriate to ensure strategic issues are embedded in more than one subsequent chapter.
- (19) The Transport Agency submitted in support of Policy 30.2.6.5 which recognises the locational and operational requirements of utilities. The Council Officer recommends retaining Policy 30.2.6.5 as proposed. I suggest this policy supports the sustainable management of the transport network and support the recommendation of the Council Officer.
- (20) The Transport Agency submitted on 30.2.7 Objective which as notified fails to recognise that it is not always possible to locate infrastructure outside of special character areas or areas of high landscape values. I suggest this is inconsistent with the section 30.1.2 Utilities which highlights that “some utilities have specific locational needs that need to be accommodated for their operation”. The Transport Agency submitted that the qualifier *'where practicable'* should be added to this objective to recognise

that infrastructure sometimes has locational requirements. I suggest the Transport Agency's suggested amendment reflects the management of adverse effects whilst managing utilities operational requirements.

- (21) The Transport Agency submitted on the definition of 'Utility' requesting an amendment to the definition to include an additional bullet point as follows: "*structures for transport on land by cycleways, rails, roads, walkways, or any other means.*" The notified definition includes 12 bullet points identifying utilities. The Transport Agency submitted that structures associated with land transport should be included to assist plan users.
- (22) The Section 42A Report recommends that this submission be rejected as cycleways, rails, and walkways are not utilities and not likely to be installed and maintained by utility operators. I am of a different view. In terms of Section 166 of the RMA the Transport Agency is a network utility operator. The Transport Agency's proposed definition is the same as that used to define 'Infrastructure' in the Resource Management Act. In a broad sense the Transport Agency's proposed amendment is already captured within the definition of Utility in the PDP as the last bullet point includes '*Anything described as a network utility operation in s166 of the Resource Management Act 1991*'. In my opinion the Transport Agency's suggested amendment should be adopted to assist plan users given many other utilities are already singularly identified within the proposed definition.

Temporary Activities & Relocated Buildings (Chapter 35)

- (23) Policy 35.2.1.8 enables the operation of informal airports in association with temporary events subject to minimising adverse effects on adjacent properties. The Transport Agency submitted in support of this policy but suggested a rule should be added to give effect to this policy. The effects of informal airports are addressed in Rule (notified 35.4.9; redrafted 35.4.7) but the effects are limited to hours and duration of operation only. The Transport Agency's concerns with the operation of informal airports are related to driver distraction from aircraft, particularly the take-off and landing of helicopters.
- (24) The Transport Agency suggests to minimise the potential for driver distraction these should be located at least 100m from the road reserve boundary. I suggest this should be included as a rule to give effect to Policy 35.2.1.8. I also note this is consistent with the notified informal airports located on Rural Zoned Land Rule (Rule 21.5.26.3) which proposed a minimum setback distance from

formed legal roads. The Council Officer correctly notes that the Transport Agency did not submit on the informal airport provisions of Chapter 21. To clarify, this omission was an oversight by the Transport Agency. The non-submission on informal airport provisions of Chapter 21 does not infer a Transport Agency position on those provisions.

Noise (Chapter 36)

- (25) The Noise Chapter recognises that mitigation may be appropriate and necessary to achieve acceptable noise limits and that in some situations mitigation may not necessarily fall on the noise generating activity. That is, there are some situations where there are new or altered receivers who undertake noise sensitive activities in relation to infrastructure such as roads and airports. In these situations it is appropriate for the noise receiver to mitigate the reverse sensitivity effects from noise. For this reason the Transport Agency submitted in support of Policy 36.2.1.2 which aims to manage noise reverse sensitivity effects. I suggest the proposed policy supports the sustainable management of the transport network and support the recommendation of the Section 42A Report to retain Policy 36.2.1.2 as proposed.
- (26) The Transport Agency submitted in support of Rule 36.4.1 which provides noise from vehicles on public roads as a permitted activity. I suggest this rule supports the overarching Policy 36.2.1.1 and agree with the Section 42A Report that Rule 36.4.1 should be retained as notified.

Conclusion

- (24) 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.
- (25) 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
02 September 2016