

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Hearing Stream 18 –
Stage 3b Proposed
District Plan

**REPLY OF ANDREW WILLIAM EDGAR
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

Transport (Skippers Road): Rural Visitor Zone - Chapter 46

4 September 2020

 **Simpson Grierson**
Barristers & Solicitors

S J Scott / R Mortiaux
Telephone: +64-3-968 4018
Facsimile: +64-3-379 5023
Email: sarah.scott@simpsongrierson.com
PO Box 874
SOLICITORS
CHRISTCHURCH 8140

CONTENTS

	PAGE
1. INTRODUCTION.....	1
2. RESPONSE TO THE BARTLETT CONSULTING LETTER.....	2
3. CURRENT SAFETY AND MANAGEMENT ISSUES WITH SKIPPERS ROAD .	3
4. TRAFFIC SAFETY IMPACTS OF ALLOWING THE RE-ZONING.....	5
5. CONCLUSION	7

1. INTRODUCTION

- 1.1 My name is Andrew William Edgar. In response to questions raised by the Panel at the hearing, I have been asked by Ms Grace to provide transport reply evidence on Queenstown Lakes District Council's (**QLDC** or **Council**) management of Skippers Road and the traffic impacts of a re-zoning request.
- 1.2 I hold a Bachelor of Engineering (Civil) degree (specialising in transport), and a Master of Traffic degree, both from Monash University.
- 1.3 I held the role of Road Safety Engineer at ARRB Transport Research from 1998 to 2002. Following which I was the Road Safety Engineer/Senior Engineer at the Land Transport Safety Authority/Land Transport NZ from 2006-2006. From 2006-2008 I held the position of Senior Travel Demand Management Engineer at Transit New Zealand and from 2008-2010 I was the Senior Advisor, Integrated Planning at the New Zealand Transport Authority. My current role, which I have been in since 2010, is the Asset Engineer for the Council.
- 1.4 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise except where I state that I am relying on the evidence of another person. The Council, as my employer, has authorised that I give this evidence on its behalf.
- 1.5 I did not attend the Hearing but have been briefed by Ms Grace on the Panel's interest in Skippers Road and the re-zoning request by Malaghans Investments Limited (**31022**) (**Malaghans**). I have been provided with and reviewed, the relevant Council evidence, the Malaghans submission documents and a copy of the related Malaghans legal submissions, which include a letter from Bartlett Consulting dated 23 July 2020 (**Bartlett Consulting Letter** or **Letter**).

1.6 This reply evidence covers the following issues:

- (a) Response to the Bartlett Consulting letter;
- (b) Current safety and management issues with Skippers Road;
- (c) Traffic safety impacts of allowing the re-zoning, including on traffic safety for tourists using Skippers Road and on Council's obligations as the road controlling authority.

2. RESPONSE TO THE BARTLETT CONSULTING LETTER

2.1 The key parts of the Bartlett Consulting Letter relevant to this evidence, state:

- (a) "the requested zone provisions (Chapter 46) ... effectively limit the traffic generation and vehicle types likely to access the site."
- (b) "the traffic generation is unlikely to create a noticeable increase in traffic on Skippers Road";
- (c) "Alternative transport options are available for the site"; and
- (d) "Overall, I consider that the proposed rezone of the site to Rural Visitor Zone will not have a noticeable effect on the operation or safety of Skippers Road or the surrounding transport network".

2.2 My response to the Bartlett Consulting Letter, and in particular, the matters outlined directly above, is as follows:

- (a) As outlined in Appendix C of Ms Grace's Reply, the requested Rural Visitor Zone (**RVZ**) will enable the construction of a facility that allows a lot more visitors to stay than indicated in the Bartlett Consulting Letter (Ms Grace advises 10 rooms, Mr Bartlett assumed a 4 room cabin). As a result, the visitor traffic will likely be more than estimated by the submitter, and the traffic risks greater than implied in the Letter.
- (b) The author of the Letter fails to take into account the change in the type of drivers that would be accessing the site, should it be rezoned to RVZ, and the time of day that these users will be using Skippers Road. The letter implies that tourist drivers, who have never driven the road before, are the same as

resident drivers who drive the road every day. These issues are addressed further below.

- (c) The author also fails to consider that other transport modes, accessing the site, such as jet boats and helicopters, may not be able to operate in certain weather conditions, making motor vehicle transport via Skippers Road the only option to access the site. This is likely to be in stormy conditions when Skippers Road may also be impassable. This issue is discussed further below.

3. CURRENT SAFETY AND MANAGEMENT ISSUES WITH SKIPPERS ROAD

3.1 Skippers Road has numerous safety issues associated with it, and so although a public road, it is considered to be a back country road. Maintenance is commonly reactive with a once yearly spot remetalling programme after the winter thaw, and grading as needed. Maintenance is often hampered by the width of the road with machinery needing to be “walked” in and out.

3.2 This approach to road maintenance and management may change in the future. Officers within Council are currently proposing a project to review the management and operations of Skippers Road. The current intention is for this to be included in the list of projects for Councillors to consider as part of the Long Term Plan deliberations this financial year. The project is proposed to start in the 2022/23 financial year.

3.3 There are signs located at the start of Skippers Road (between the intersection with Coronet Peak Road and the saddle) which warn of:

- (a) Narrow road;
- (b) No turn around for 6 km;
- (c) No exit;
- (d) Not suitable for towing vehicles;
- (e) Winter snow can close the road;
- (f) Some vehicles are not insured;
- (g) Steep drop offs and no barriers;
- (h) Winding;
- (i) Advisory speed of 15 km/h for 20 km;

- (j) Gravel road;
- (k) Rock falls.

3.4 Although winter snow can close the road, rock falls and drop outs – collectively known as slips - are the principal reasons for the Skippers Road to be closed. The road can be closed for: hours if a rock fall needs to be removed by hand; up to a week if machinery is needed; and for months if a new section of the road needs to be cut. These slips can be caused by heavy rain, the freezing and thawing of the soil and rock, water courses undercutting the slope, and earthquakes, including some earthquakes with epicentres close to the road.

3.5 In September 2012, a five metre section of the road at a location known as the Devil's Elbow, dropped out. Softer rock than expected, and favourable weather conditions meant that a new route for the road could be dug and the road was able to be reopened to four-wheel drive vehicles one month later. During the construction of the new route, a bypass road was constructed for high clearance four wheel drives to use at three specific times of the day. This drop out occurred approximately 1.5km south of the submitter's site.

3.6 Other significant closures on Skippers Road between the start of the road and the submitter's land includes:

- (a) 5 - 7 February 2020 at Long Gully (slip);
- (b) 31 May – 5 July 2019 at Long Gully (slip);
- (c) 21 – 23 November 2018 at Bell Hill (slip);
- (d) 19 – 23 August 2013 (general maintenance).

3.7 The current Health and Safety at Work Act 2015 is also putting more pressure on Council's contractors to close Skippers Road when there are slips, even for small rock falls, to ensure there is no further movement of slope before works can begin. With the relatively remote nature of Skippers Road this increased focus on safety can create longer delays due to: the time to get experts in to check the stability; applying more sophisticated equipment and techniques to remove any remaining instability; and returning the slope to a more stable form.

- 3.8** Additionally, Council contractors have identified that working on the edge of some parts of Skippers Road constitutes “working at height” which requires more temporary closures of the road for even minor maintenance of the road edge to ensure the workers are safe. This will likely result in more short term notification of closures to Skippers Road leading to increased disruption of tourist’s travel plans.

4. TRAFFIC SAFETY IMPACTS OF ALLOWING THE RE-ZONING

- 4.1** With tourist operators not operating overnight, or generally during bad weather, the road can be proactively closed with notice given to affected residents, or residents excluded from the closure¹. Rezoning the Malaghans site to RVZ will result in a tourist accommodation business on Skippers Road, which will likely increase pressure on Council to allow the road to stay open to the public generally, even where there may be a safety risk, to allow tourists to have free movement to the accommodation.

- 4.2** Kinloch Road is an example of a road that is regularly closed due to flooding, but also services tourist accommodation business.² The owner of some of these businesses has raised the following various issues with Council, in the past due to the closure of Kinloch Road:

- (a) Tourists potentially missing flights due to delays getting out;
- (b) Tourists having to find and pay for alternative accommodation on arrival after finding the road to their accommodation has been closed;
- (c) Tourists making dangerous decisions to drive in unsafe conditions (in this case flood waters).

- 4.3** These issues put pressure on Council to keep Kinloch Road open, and apply a higher level of maintenance than that typically undertaken for rural roads in the District to ensure the road can remain open.

- 4.4** In the Kinloch Road case, although there is the possibility of tourist vehicles being submerged, generally tourist drivers trying to make

1 That is, at times the road has been closed to all road users except residents, as residents are familiar with the road and often know what to expect.
2 For example, Kinloch Lodge and YHA, camping and Airbnb.

desperate attempts to reach or leave their accommodation can result in a partially submerged vehicle that needs to be pulled out by another vehicle. Tourist drivers trying to use Skippers Road when it is closed, whether for snow, or for a major slip, is likely to result in a much more severe outcome if the driver makes a mistake.

- 4.5** Daily tourist ventures that use Skippers Road typically use their own vehicles to transport tourists in and out, and have contingency plans if the road is closed. If conditions are deteriorating they will usually take a conservative approach and halt their operations. A tourist accommodation service cannot however, halt their service, as arriving tourists, especially in the evening and during peak seasons, have little choice than to try and get to their booked accommodation. As with Kinloch Road, this increases the pressure on Council to keep the road open, and increases the risk to tourists, and indeed transport and tourism operators who may be transporting those tourists (noting of course some tourists will drive independently).
- 4.6** Tourist ventures that currently use Skippers Road generally operate during daylight hours. There is no lighting on Skippers Road or the sealed Coronet Peak Road that leads to Skippers Road. It is important for drivers to be able to see the road itself, especially with the possibility of slip activity at any time. Granting the requested RVZ rezoning at the Malaghans site would allow visitor accommodation, and this type of activity is very likely to increase the night time vehicle movements on Skippers Road, creating traffic safety issues that, to date, Council has not had to deal with.
- 4.7** It is worth noting that a number of car rental companies do not allow their customers to use their vehicles on Skippers Road. In most cases, this restriction also means that any insurance taken out on the vehicle by the renter does not apply if the vehicle is used on Skippers Road. Rental companies can also cancel contracts if their rules have not been followed which can leave tourists stranded. Therefore, a tourist driving to any visitor accommodation on Skippers Road can be left in a dilemma when accessing Skippers Road – either they continue on to the accommodation and risk paying for any damage or having the rental contract rescinded. Their other option is to cancel their

accommodation on Skippers Road, potentially incurring a cancellation cost, and finding other accommodation at short notice.

5. CONCLUSION

5.1 Overall, it is my position that the requested RVZ re-zoning of the Malaghans site cannot be supported from a traffic safety perspective. The presence of overnight visitors, unfamiliar with an already hazardous (see paragraph 3.3 above) road, creates an unacceptable level of risk to those visitors, and places an undue burden on Council in terms of road maintenance and management.

A handwritten signature in black ink, appearing to read 'Andrew Edgar', with a long horizontal flourish extending to the right.

Andrew William Edgar

4 September 2020