

**Before Independent Hearing Commissioners
In Queenstown**

Under section 37 of the Resource Management Act 1991 (the Act)

In the matter of the Proposed Queenstown Lakes District Plan

and The New Zealand Transport Agency
Submitter 719

Application for a waiver of time under section 37 of the Resource Management Act 1991 on behalf of the New Zealand Transport Agency (719)

Dated 18 October 2016

KENSINGTON SWAN

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May it please the Commissioners:

1. The NZ Transport Agency (“**Transport Agency**”) hereby seeks a waiver of time under section 37 of the Resource Management Act 1991 (“**RMA**”), in order to make a late submission on the proposed Queenstown Lakes District Plan (“**Proposed Plan**”).

Background

2. The Proposed Plan was notified on 25 August 2015. After the Proposed Plan was notified, it came to the attention of the Transport Agency that the State highway purposes designations in the Proposed Plan did not accurately reflect alterations that had been made to those designations over time, and which had been subsequently reflected in the operative Queenstown Lakes District Plan (“**Operative Plan**”). The Transport Agency understands that:
 - a some or all of these alterations may not have been incorporated into the Operative Plan until after the Proposed Plan was notified; and
 - b the Council does not oppose the Proposed Plan also being updated to reflect these alterations (but reserves its position in terms of how this is to occur).
3. Upon identifying these issues, the Transport Agency wrote to the Council seeking that they be addressed in a letter dated 8 October 2015. The Transport Agency subsequently made a submission on the Proposed Plan on 23 October 2015. However, that submission did not address the issues identified in the Transport Agency’s letter, because at that time the Transport Agency considered the necessary corrections should be made by the Council rather than being a matter for submission.
4. The Transport Agency lodged legal submissions and evidence in relation to the Chapter 37 Designations topic on 7 October 2016, in relation to the matters contained in its 23 October 2015 submission and 8 October 2015 letter.
5. The Commissioners issued a minute in relation to the Transport Agency’s submission on 11 October 2016, inviting the parties to consider whether an extension to allow a late submission under section 37 RMA might be available.

6. Counsel for the Transport Agency and Queenstown Lakes District Council (“**Council**”) have discussed this matter and consider that lodgement of a late submission would represent a pragmatic way forward.

Section 37A considerations

7. While the extension sought would be more than twice the maximum time period for making submissions on a proposed plan specified in the RMA, the Transport Agency is the requiring authority that will be responsible for making the ultimate decision in respect of the State highway purposes designations, and clearly agrees to the delay.
8. Further, in terms of the section 37A(1) RMA considerations:
 - a the extension or waiver is unlikely to adversely affect the interest of any other parties, given there were no substantive submissions made on the State highway purposes designations as included in the Proposed Plan;¹
 - b no private property would be affected by the corrected designations. In any event, the Transport Agency anticipates that its late submission would be summarised and notified so that any person who wishes to do so can make a further submission in respect of it;
 - c the interests of the community in achieving adequate assessment of the Proposed Plan will not be prejudiced, given:
 - i the waiver will provide clear scope for the Commissioners to assess the corrections to the designations;
 - ii the corrections should be uncontroversial (and the Council agrees that they should be made), given:
 - A they were recently the subject of substantive determinations under the RMA;

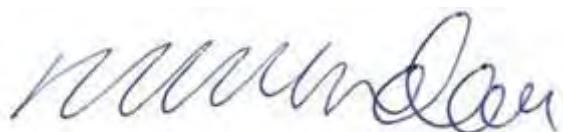
¹ The Council's submissions (383) sought correction of: references to “Transit NZ”, references to Limited Access Roads at A.3, and a minor correction at A.5. The only other submission that was partially related to the relevant alterations of designations 84 and 370, were submissions made by Kerry Dunlop, David Hay, Adam Childs, Sir Eion Edgar, Dr Ralph Hanan, Hudson Turnbull, Kevin Conaghan, Simon Hayes, Alan Millar, and Bill and Kirsty Sharpe (553). Their submissions were in relation to a second bridge over the Kawarau River, and not the misrepresentations of the relevant designations in the Proposed Plan.

- B in most instances reflect work which is ongoing or already established; and
 - C in most instances reflect the provisions of the Operative Plan; and
- iii in any event provision would be made for any interested party to make a submission; and
- d in terms of the Council's section 21 duty to avoid unreasonable delay, the alternative to the grant of a waiver (to allow the late submission to be considered by the Commissioners) would be for the corrections to be notified as part of Stage 2 of the District Plan review, and for the State highway purposes designations to be 'put on hold' such that no decision is made in respect of them (in order to avoid the incorrect State highway purposes designations becoming operative and superseding the correct designations in the Operative Plan). The Transport Agency does not consider this alternative to be appropriate, as it would result in further delay in the corrections being made and may be confusing for plan users (who would have to refer back to the Operative Plan until such time as decisions on the corrected designations could be made as part of Stage 2). As such, granting the waiver sought would actually result in less delay and be more consistent with the section 21 duty than refusing it.

Waiver sought

9. In summary, the Transport Agency seeks a waiver of time to lodge a late submission. The waiver would provide the Commissioners with clear scope to consider the designation corrections sought by the Transport Agency. It represents a pragmatic and legitimate way forward.

Dated 18 October 2016



Nicky McIndoe / Ezekiel Hudspith
Counsel for the New Zealand Transport Agency



FORM 5: SUBMISSION

ON A PUBLICLY NOTIFIED PLAN CHANGE



Clause 6 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010



TO // Queenstown Lakes District Council



YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

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PLAN CHANGE // To which this submission relates to:

Please see below submission

I could not gain an advantage in trade competition through this submission.

* I ** directly affected by an effect of the subject matter of the submission:
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition.

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

** Select one.



SPECIFIC PROVISIONS // Of the proposal that my submission relates to are:

Please see below submission



MY SUBMISSION IS //

Include whether you support or oppose the specific provisions or wish to have them amended; and the reasons for your views.

Please see below submission



I SEEK THE FOLLOWING FROM THE LOCAL AUTHORITY // Give precise details:

Please see below submission

- | do wish to be heard in support of my submission.
- | would consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

Date

*** If this form is being completed on-line you may not be able, or required, to sign this form.*



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NZ TRANSPORT AGENCY
WAKA KOTAHİ

RESOURCE MANAGEMENT ACT 1991

Submission on Queenstown Lakes District Council Proposed District Plan

To: Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

Submitter: NZ Transport Agency
PO Box 5245
Moray Place
DUNEDIN 9058

This is a submission on the following:

Proposed Queenstown Lakes District Plan (“**Proposed Plan**”) – Chapter 37 Designations and associated planning maps.

The NZ Transport Agency could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that this submission relates to are:

State highway purposes designations 84 and 307 as shown in Schedule 37.2, and Part A - Roads in Chapter 37, and associated planning maps.

The reasons for this submission are:

The NZ Transport Agency's statutory objective is to carry out its functions in a way that contributes to an affordable, integrated, safe, responsive and sustainable land transport system. Some of these functions relevant in this case are:

- to promote an affordable, integrated, safe, responsive, and sustainable land transport system;
- to manage the State highway system in accordance with the relevant legislation; and
- to assist, advise, and co-operate with approved organisations (such as regional councils and territorial authorities).

In submitting on this Proposed Plan, the NZ Transport Agency (Transport Agency) is pursuing these objectives and functions in relation to the land transport system, including the State highway system, and contributing to the objectives of the New Zealand Transport Strategy.

The Transport Agency is the requiring authority responsible for the “State Highway Purposes” designations in the operative Queenstown Lakes District Plan (“**Operative Plan**”) and the Proposed Plan.

After the Proposed Plan was notified, it came to the attention of the Transport Agency that the State highway purposes designations in the Proposed Plan did not accurately reflect alterations that had been made to those designations over time, and which had been subsequently reflected in the Operative Plan. The Transport Agency understands that some or all of these alterations may not have been incorporated into the Operative Plan until after the Proposed Plan was notified.

Upon identifying these issues, the Transport Agency wrote to the Council seeking that its concerns be addressed, in a letter dated 8 October 2015. The Transport Agency subsequently made a submission on the Proposed Plan on 23 October 2015. However, that submission did not address the issues identified in the Transport Agency’s letter, because at that time the Transport Agency considered the necessary corrections should be made by the Council rather than being a matter for submission.

The Commissioners issued a minute in relation to the Transport Agency’s submission on 11 October 2016, inviting the Transport Agency to consider whether an extension to allow a late submission under section 37 of the Resource Management Act 1991 might be available.

Following discussions with Queenstown Lakes District Council, the Transport Agency has sought a waiver to file this late submission, in order to ensure that the matters raised in its 8 October 2015 letter are able to be considered by the Hearings Commissioners.

The Transport Agency:

- understands that the Council does not oppose the Proposed Plan also being updated to reflect these alterations (subject to an appropriate process being followed); and
- does not consider the corrections sought in this submission would adversely affect the interests of any party, given that the purpose of the changes is to include in the Proposed Plan alterations which have already been confirmed (and in most instances are already included in the Operative Plan).

Relief sought:

In addition to the relief sought in its original submission dated 23 October 2016 and further submissions dated 16 December 2015, the Transport Agency seeks that the relevant Proposed Plan provisions and associated planning maps be amended to reflect:

- Alteration RM120413 to designation 84, which was confirmed in November 2013 and authorised the construction of a new two lane bridge on State highway 6 over the Kawarau River at Frankton;
- Alteration RM110290 to designation 84, which was confirmed on 18 August 2011 and authorised the creation of a roundabout at the intersection of Grant Road and State highway 6;
- Alteration RM140857 to designations 84 and 370, which was confirmed on 11 December 2014 and authorised the extension of the designated area at the Grant Road and Eastern Access Road roundabouts in Frankton to provide for four lanes between them;

- Alteration RM150169 to designation 84, which authorised the installation of a new variable message sign on State highway 6 in Makarora;
- Alteration RM090645 to designation 84, which was confirmed on 22 February 2010 and authorised improvements to the alignment of State highway 6 near Boyd Road;
- Alteration RM081075 to designation 84, which was confirmed on 8 February 2010 and authorised improvements to the intersection between State highway 6 and Peninsula Road (including alignment);
- Alteration RM040909 to designation 84, which was confirmed on 4 November 2004 and extended the designated area at Nevis Bluff in order to incorporate land required for stabilisation work ensuring the safe and efficient operation of the State highway;
- Alteration RM090555 to designation 84, which was confirmed on 9 September 2009, and altered the designated area in order to provide access to the Nevis Bluff site and as a deposition area for clean fill associated with site works; and
- The State highways that currently have the status of Limited Access Roads (LARs).

Copies of the alteration documents referred to above (including conditions and changes to designation footprints), and a list of the State highways that currently have the Status of LARs, are contained in the Schedules to this submission.

The Transport Agency does wish to be heard in support of this submission.

Dated at Dunedin this 14th day of October 2016



Tony MacColl
Principal Planning Advisor
Pursuant to a delegation from
the Chairman and the Board
of the NZ Transport Agency

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Schedule 1- Council Recommendation, Decision and Plans for RM120413- New Kawarau Falls Bridge



QUEENSTOWN
LAKES DISTRICT
COUNCIL

**REPORT AND RECOMMENDATION OF THE
QUEENSTOWN-LAKES DISTRICT COUNCIL**

RESOURCE MANAGEMENT ACT 1991

Requiring Authority:	New Zealand Transport Agency
RM reference:	RM120413
Location:	State Highway 6, Wakatipu Basin
Proposal:	Notice of Requirement to alter Designation 84 to authorise the construction, operation and maintenance of a new bridge across the Kawarau River at Kawarau Falls.
Legal Description:	Sec 29 Blk XVIII, Sec 6 Blk XVIII Sec 7 Blk XVIII, Pt Sec 5 Blk XVIII, Sec 4 Blk XVIII, Sec 3 Blk XVIII, QLDC Road Parcel 3181405 QLDC Road Parcel 3194932 QLDC Road Parcel 3181396 QLDC Road Parcel 3181413 Land Information New Zealand (LINZ) Crown Land
Valuation Number:	2910121800
Zoning:	Rural General in part, unzoned in part
Notification:	Notified
Commissioner:	Commissioners Nugent (chair) and Taylor
Date Issued:	7 March 2013
Recommendation:	That the requirement be modified and otherwise confirmed with conditions imposed.

REPORT AND RECOMMENDATION
OF INDEPENDENT COMMISSIONERS DENIS NUGENT AND JANE TAYLOR

Hearing Dates and Location

11, 12 and 13 February 2013 at Queenstown

Appearances

For the New Zealand Transport Agency (Requiring Authority)

Ms N McIndoe and Ms J Meech, Counsel
Mr P Dowsett, Senior Project Manager, NZTA Dunedin
Mr D Turner, Traffic Engineer
Mr D Coutts, Project Engineer
Ms J Gillies, Heritage Consultant (by telephone)
Mr B Espie, Landscape Architect
Mr M Hall, Planner

For Remarkable Park Limited (submitter)

Mr G Todd, Counsel
Mr A Porter, Director
Mr J Brown, Planner
Mr C Rossiter, Traffic Engineer

For Otago Regional Council (submitter)

Dr J Turnbull, Transport Manager Policy

For Frankton Community Association (submitter)

Mr W Falcone
Ms R Groves

For Queenstown Lakes District Council (submitter)

Mr D Mander, Transport Manager

For Peninsula Road Limited (in Receivership) (submitter)

Mr W Goldsmith, Counsel

In Attendance

Ms J Carter, Planning Manager
Ms A Giborees, Reporting Planner
Mr R Denney, Landscape Architect
Mr A Hopkins, Engineer
Mr I Munro, Urban Design Consultant
Ms R Beer, Committee Secretary

Background

1. State Highway 6 (SH6) provides the only direct link between Queenstown and Southland District, and between Queenstown and those parts of the Queenstown Lakes District located south of the Kawarau River. This section of SH6 crosses the Kawarau River just downstream of the outlet from Lake Wakatipu in the location known as Kawarau Falls, on a single-lane bridge constructed in 1926.
2. SH6 also runs east from Queenstown to Cromwell. That section of SH6 contains two crossings of the Kawarau River. To avoid confusion we clarify at this point that when we refer in this report to crossing the Kawarau River and SH6 we are, unless otherwise stated, referring to the crossing at Kawarau Falls and the section of SH6 from Frankton south to Kingston and Southland District.
3. The New Zealand Transport Agency (NZTA) proposes, in time, to realign SH6 to cross the Kawarau River on a new two-lane bridge east of the existing bridge. In order to facilitate that, it served a Notice of Requirement (NOR) on the Queenstown Lakes District Council (QLDC) to alter the designation for SH6 in the District Plan by including within it land required for the new bridge and associated works, including construction areas, and authorising the construction, operation and maintenance of the new bridge.

Description of Proposal

4. The NOR provides for a bridge approximately 252m long and some 13.8m wide curving from the existing SH6 south of the Kawarau River some 150m east of the existing bridge, to join the northern bank immediately to the east of the existing bridge. Although NZTA proposed that design details be left to the Outline Plan of Works (OPW) stage of the process, there were a number of design details that were necessarily fixed.
5. The bridge would carry two traffic lanes, each of 4m with 1.5m shoulders, and a 1.8m pedestrian footpath on the eastern side. The nature of bridge construction would determine the number of piers in the river, but we understood they would range in number from 2 to 5. The proposal was presented to us as a steel beam with concrete deck construction, which would entail six spans with five piers in the river.
6. NZTA also propose, as part of the works, to construct cycle/pedestrian tracks within the area of the designation to provide links to existing tracks and a grade-separated crossing for cyclists and pedestrians at each end of the bridge. At the north end the cycle/pedestrian track would need to cross under both the existing bridge as well as the proposed bridge above the normal flow of the river. On the south bank it appears the underpass would be located on land, but immediately adjacent to the southern abutment. The intention of NZTA is that the existing bridge will remain *in situ* and continue to be used as the main pedestrian and cycle route over the Kawarau River. Paving areas are proposed at each end of the existing bridge.
7. Construction laydown areas would be created on each bank by removing existing vegetation and creating level platforms. In addition, a temporary steel bridge would be constructed downstream (east) of the proposed bridge to facilitate the construction of the piers and enable the transport of the bridge components into place.
8. Landscaping is proposed at either end of the proposed bridge with the intention of providing areas of dense kowhai-dominated native planting on each bank. All of the areas cleared to create the lay-down areas described above would be completely replanted. In other areas, the removal of exotic vegetation would leave thinned areas of native vegetation that would be under-planted. Limited supplementary planting

was also proposed on three small islands within the Kawarau River, two upstream of the existing bridge, and one downstream of the proposed bridge.

9. We were told that the residual portion of road pavement on the south bank remaining after bridge completion would be retained to enable emergency access to the existing bridge, although a locked gate would stop other vehicle access.
10. The alteration to the designation will require the taking of 10,317.504m² of land as set out in the table below and shown in detail on the maps included as Appendix 1 to this Report.

Legal Description	Owner	Purpose	Area Required (m ²)
Sec 6 Blk XVIII, Town of Frankton	QLDC	Reserve – Frankton Mill Site	422.3
Sec 7 Blk XVIII, Town of Frankton	QLDC	Reserve – Frankton Mill Site	445.9
Pt Sec 5 Blk XVIII, Town of Frankton	QLDC	Reserve – Frankton Mill Site	469.3
Sec 4 Blk XVIII, Town of Frankton	QLDC	Reserve – Frankton Mill Site	8.1
Sec 3 Blk XVIII, Town of Frankton	QLDC	Reserve – Frankton Mill Site	572.7
Crown Land Block 1 Coneburn Survey District	Administered by LINZ		5,876.904
Sec 29 Blk XVIII, Town of Frankton	QLDC	Recreation Reserve – Kawarau Falls Scenic Reserve	252.2
Road Parcel 3181405	QLDC	Unformed Road	195.4
Road Parcel 3194932	QLDC	Unformed Road	339.4
Road Parcel 3181413	QLDC	Unformed Road	336.6
Road Parcel 3181396	QLDC	Unformed Road	1,398.7

11. Any exchange of reserve land, revocation of reserve status, or disposal of park land required for the project in accordance with the Reserves Act 1977 and the Local Government Act 2002 requires a separate statutory process from that necessary to alter the designation and is not something we comment on.
12. The project required consents from the Otago Regional Council for various aspects of the proposal. On 25 January 2013 the following consents were granted by the Regional Council:
 - (a) Land Use Permit – RM11.233.01 – To disturb the bed of the Kawarau River for the purposes of constructing the new Kawarau Falls Bridge;
 - (b) Discharge Permit – Water RM11.233.02 – To discharge sediment into or onto land in circumstances where it may enter water for the purpose of constructing a new two lane bridge;
 - (c) Water Permit – Divert RM11.233.03 – To divert water around the temporary bridge and during the erection of the permanent bridge and to permanently divert water around the permanent bridge piers for the purpose of constructing the Kawarau Falls Bridge.
13. Each of these permits will lapse on 22 January 2023 if not given effect to.

Project Objectives

14. NZTA developed the following objectives for the project:
 - *To manage traffic flows across the Kawarau River to gain the greatest efficiency and effectiveness in terms of journey times and reliability over the long term;*
 - *To improve route security of the State highway network where it provides the southern access to the Wakatipu Basin;*
 - *To improve route safety, and the experience for walking and cycling as part of an integrated transport network along the State highway network between Frankton and south of the Kawarau River; and*
 - *To promote better connection between the developed Wakatipu Basin and the areas south of the Kawarau River that are zoned to promote growth; and*

- *To promote an affordable, integrated, safe, responsive and sustainable land transport system, in particular, through providing safer systems, improved freight efficiency and public transport effectiveness whilst balancing any competing objectives.*

Description of Surrounding Environment

15. The existing bridge crosses the Kawarau River very close to where the river leaves the Frankton Arm of Lake Wakatipu. On the terrace on the north side of the river is the suburb of Frankton which, as well as its residential function, contains the major airport of the District, the local hospital, the Frankton commercial area on the corner of SH6 and SH6A, the Remarkables Park Town Centre, a primary school, the Queenstown Events Centre and an industrial area in Glenda Drive at the eastern edge of the terrace. Substantial further growth in residential and business activities is anticipated in this area in the near to medium future.¹ We were told that the Ministry of Education have purchased a site in the area to which the existing Wakatipu High School is to be relocated.²
16. SH6A runs along the north side of Frankton Arm to Queenstown. Either side of SH6A is a mixture of residential development and travellers' accommodation. On the south side of Frankton Arm is the suburb of Kelvin Heights. This is accessed from Peninsula Road which joins SH6 approximately 800m southeast of the existing bridge. Further residential growth is expected in this suburb.³
17. Immediately adjacent to the south end of the existing bridge is land partially developed for a complex of hotels and apartments known as Kawarau Falls Station. Two hotels and several apartment blocks are present on the site.
18. Further south on SH6 is the access to the Remarkables Ski Area and south again the Jacks Point [Resort] Zone, which is being developed primarily for residential and visitor accommodation. This area has also been identified to accommodate future growth in the Queenstown/Wakatipu Basin area.⁴

¹ J A Brown, Statement of Evidence, Section 2, p4ff.

² ibid, para 2.9, p.5.

³ D J Turner, Statement of Evidence, paras 79-80, p.18.

⁴ ibid.

19. Within the wider roading context, the Kawarau Falls Bridge is the sole practical road access between the Wakatipu Basin, Cromwell and Wanaka on the one hand, and northern Southland and Invercargill on the other. It is also on the only land route between Queenstown and Milford Sound.
20. The Kawarau River is approximately 130m wide at the location of the existing bridge. It then widens into a deeper pool area immediately downstream of the bridge and narrows to approximately 70m wide at a distance of approximately 300m downstream. A number of rocky outcrops are located across the river in the project area.⁵ The banks of the Kawarau River in this vicinity are clad in exotic trees, mainly willows.
21. The Kawarau River cuts around the south and eastern edge of the large Frankton Terrace. Immediately to the south of the river is Peninsula Hill and further east the river runs along the toe of the Remarkables Range. Between Peninsula Hill and the Remarkables is the relatively flat Coneburn Valley which drains gently north to the Kawarau River. The eastern edge of the Frankton Terrace is demarcated by the Shotover River.
22. This section of the Kawarau River is used for commercial jet boating. Over 70,000 persons per year in jet boats use this part of the river.⁶ The existing bridge also connects cycle/pedestrian trails across the river. On the south side the cycle/pedestrian trail drops to a low shelf above the river and lake and runs along Frankton Arm. At the north end, the trail runs up along the western side of the road to link to Bridge Street, from where trails running west toward Queenstown and east along the north bank of the Kawarau River can be accessed. These trails are all part of a broader Queenstown Trail network that runs throughout the Wakatipu Basin.

Statutory Basis for Our Report

23. Section 171 of the Resource Management Act 1991 states as follows:

171 Recommendation by territorial authority

(1A) *When considering a requirement and any submissions received, a territorial authority must not have regard to trade competition or the effects of trade competition.*

⁵ Notice of Requirement, p14
⁶ Notice of Requirement, p.16

- (1) When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—
- (a) any relevant provisions of—
 - (i) a national policy statement;
 - (ii) a New Zealand coastal policy statement;
 - (iii) a regional policy statement or proposed regional policy statement;
 - (iv) a plan or proposed plan; and
 - (b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—
 - (i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or
 - (ii) it is likely that the work will have a significant adverse effect on the environment; and
 - (c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and
 - (d) any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.
- (2) The territorial authority may recommend to the requiring authority that it—
- (a) confirm the requirement;
 - (b) modify the requirement;
 - (c) impose conditions;
 - (d) withdraw the requirement.
- (3) The territorial authority must give reasons for its recommendation under subsection (2).
24. There was no issue of trade competition and therefore subsection (1A) is not relevant. It was not suggested that any national policy statement was relevant and the New Zealand coastal policy statement does not apply.
25. As NZTA does not own an interest in the subject land s.171(1)(b) is relevant.

26. The provisions of s.176A requiring an outline plan of work (OPW) to be submitted by the requiring authority to the territorial authority before construction commences are also relevant. NZTA has not finalised the detailed design of the proposed bridge. It was NZTA's position that matters of detail could be left until the OPW. However, much of the basic design of the proposal was fixed in that the proposed alteration to the designation followed the curve of the proposed bridge and fixed its two end points. The elevation and gradient of the bridge were effectively fixed by conditions proposed by NZTA.
27. The relevant regional policy statement is the Otago Regional Policy Statement which became operative in 1998. The relevant plan is the Queenstown Lakes District Plan. Although not directly impinging on this proposal, we noted the rezoning for urban development proposed by Plan Change 19.
28. We note that while we are to have particular regard to the relevant policy statement and plan, the NOR is not required to give effect to either document or to be in conformity with them. We are required to turn our mind to those documents along with the other matters listed under s.171(1). The matters listed in s.171(1) are to be given greater weight than other matters that may arise, such as the submissions.⁷

Submissions Received

29. Submissions were received from:
- (a) Queenstown Trails Trust (QTT);
 - (b) Frankton Community Association (FCA);
 - (c) Institution of Professional Engineers New Zealand (IPENZ);
 - (d) Queenstown Airport Corporation;
 - (e) New Zealand Historic Places Trust (NZHPT);
 - (f) Queenstown Lakes District Council (QLDC);
 - (g) Peninsula Road Limited (in receivership) (PRL);

⁷

Quay Property Management v Transit New Zealand W28/2000 at paragraph [112]

- (h) Otago Regional Council (ORC); and
 - (i) Remarkables Park Limited (RPL).
30. All submitters other than the QTT supported the NOR. The Trails Trust neither supported nor opposed the NOR. Only the Queenstown Airport Corporation supported the NOR unconditionally. The remaining seven submitters gave conditional support.
31. At the hearing we heard from the FCA, QLDC, PRL, ORC and RPL. The QTT filed a submission which was tabled at the hearing.
32. Prior to the hearing NZTA provided copies of correspondence between it and NZHPT and IPENZ respectively. These documents confirmed those submitters chose not to attend the hearing based on NZTA's assurances contained within the communications.
33. We have read all the submissions lodged and take the contents into account in the following discussions and our conclusions.

Major Issues

34. The major issues raised by the NOR and submissions are as follows:
- (a) The need for a replacement bridge;
 - (b) The potential to provide for a connection at the northern end of the bridge to Robertson Street;
 - (c) The provision of a connection from SH6 direct to Kawarau Falls Station near the southern end of the bridge;
 - (d) The protection and retention of the existing bridge and its future uses, including the need for better provision for future transport requirements, including different modes; and
 - (e) Design details appropriate for the location and the nature of the users.
35. In some cases these issues overlapped and were inter-related. However, we consider we can report on the NOR more efficiently by considering these issue by issue, before turning to consider the NOR in terms of the more detailed requirements of s.171(1).

36. In dealing with the major issues in this way we do not overlook the matters of detail raised by the submitters. We take those into account in either dealing with the major issues or in undertaking our overall assessment of the proposal.
37. We have also had regard to the Water Conservation (Kawarau) Order 1997 to the extent that it assists us in considering the proposal in relation to s.6 of the Act.

Need for the Replacement Bridge

38. Mr Turner presented evidence on the existing and projected traffic flows on the existing bridge. Traffic counts in 2010 showed a marked seasonal variation.
- Flows are greatest in the summer months reaching an average of just over 7,000 vehicles per day (veh/d) during midweek days and just under 7,000veh/d during weekend days in January. They are lower in autumn and spring, dropping down to around 5,000veh/d during the week and 4,000veh/d at the weekend. There is a slight peak during July and August (related to the ski season), although flows at this time are considerably lower than those in the summer months.⁸*
39. During the day, vehicle flows across the bridge are around 450 vehicles per hour (veh/h), reaching around 580veh/h in the evening peak (5pm to 6pm).⁹ However, in the Christmas-New Year period these flows can be exceeded by almost 100veh/h¹⁰ with a maximum recorded flow of around 750veh/h.¹¹ Messrs Turner, Dowsett and Todd each told us about exceptionally long queues over the 2012-13 Christmas-New Year periods by.
40. Mr Turner also modelled the traffic survey information to establish the capacity of the existing bridge with the current signal settings. This shows that a demand flow of 840veh/h would equate to 89% of the available capacity leading to an average delay of 69 seconds with queues of some 33 vehicles and a Level of Service of LOS(E). An LOS(E) represents flow conditions when a road or highway is at capacity.¹²

⁸ D J Turner, Statement of Evidence, para 41, p.8

⁹ D J Turner, Statement of Evidence, para 36, p.7

¹⁰ D J Turner, Statement of Evidence, para 43, p.8

¹¹ D J Turner, Statement of Evidence, para 45, p.9

¹² D J Turner, Statement of Evidence, Table 3 and para 73, p.17

41. As we noted above, the Kawarau Falls Bridge is the only road connection to Kelvin Heights and Jacks Point. Each of those areas is zoned in the district plan to allow urban growth. Mr Turner referred to estimates that suggest that up to a further 3,400 dwellings would be constructed south of the bridge by 2026.¹³ Mr Goldsmith's submissions were that the ultimate development of the Kawarau Falls Station would create potential for a daily population of that complex by some 1500 visitors plus an unknown number of staff.
42. Mr Brown's evidence described the range of development provided for and contemplated on the Frankton Flats, north of the bridge. We conclude that area will be a destination for those residing south of the river for work, shopping, recreation and travel purposes.
43. Based on the expected population and consequent traffic growth, and the likelihood of increasing frequency of delays at the existing bridge, we are satisfied there is a need for a replacement bridge. The NOR also identified the following reasons:
- Poor horizontal approach geometry;
 - High on-going maintenance and repair costs of the wooden bridge deck;
 - Noise problems associated with the wooden deck planking for nearby residents; and
 - On-going problems associated with the road slumping in the area close to the southern bridge abutment.¹⁴
44. We note also the IPENZ and NZHPT submissions concerning the positive benefits on the existing bridge by removing vehicle loads and wear and tear.
45. Taking the need to replace the existing bridge in isolation, we conclude that the NOR is reasonably necessary to achieve the project objectives.

¹³ D J Turner, Statement of Evidence, para 80, p.18
¹⁴ NOR, Section 2, p.11

Robertson Street Connection

46. RPL and FCA submitted that the bridge should be designed so that an intersection with Robertson Street could be provided either at the time of construction or subsequently.
47. Robertson Street runs roughly east-west on Frankton Flats east of SH6 and meets SH6 some 50m north of the bridge. However, while the road reserve intersects SH6, the roughly 6m difference in elevation means that the formed portion of Robertson Street is a cul-de-sac above and east of the State highway. At its eastern end Robertson Street connects with Lucas Place, Hawthorne Drive and Riverside Road. Lucas Place connects to the Queenstown Airport terminal and back to SH6. Hawthorne Drive connects to Remarkables Park Town Centre (RPTC) and will form the southern end of the Eastern Arterial Road (EAR) running from the RPTC north and around the end of the runway at Queenstown Airport to meet SH6 just south of the present SH6-Glenda Drive intersection.
48. The present options for accessing the airport terminal, RPTC and proposed EAR when approaching from the south are either via Humphrey Street, some 170m north of Robertson Street, thence Douglas Street to Robertson Street, or via the Lucas Place-SH6 roundabout some 470m north of the Humphrey Street intersection.
49. It was the submitters' position that the more direct connection via Robertson Road would be more efficient and attractive with increased traffic to and from the south along SH6. Each contended that it would be sensible to design the bridge so that in the future the link could be made. As we understood it, RPL and FCA each supported a bridge 3m higher than proposed at the northern end so that with a moderate amount of earthworks, Robertson Street could be re-aligned to connect with SH6.
50. RPL and FCA each contended that NZTA had not given adequate consideration to alternative alignments or designs that would enable this connection.
51. We are not required by the Act to compare the two options. Rather, s.171(1)(b) requires us to consider whether NZTA has given adequate consideration to the alternatives. In this instance, one of those alternatives is whether to make provision for a connection to Robertson Street or not.

52. Mr Todd referred us to the findings of the Board of Inquiry for the Upper North Island Grid Upgrade Project in respect of the principles derived from case law interpreting s.171(1)(b) quoted and adopted by the Environment Court in *Re Queenstown Airport Corporation Ltd* [2012] NZEnvC 206 at paragraph 49.¹⁵ The principles listed are as follows:

- a) *the focus is on the process, not the outcome: whether the requiring authority has made sufficient investigations of alternatives to satisfy itself of the alternatives proposed, rather than acting arbitrarily, or giving only cursory consideration to alternatives. Adequate consideration does not mean exhaustive or meticulous consideration.*
- b) *the question is not whether the best route, site or method has been chosen, nor whether there are more appropriate routes, sites or methods.*
- c) *that there may be routes, sites or methods which may be considered by some (including submitters) to be more suitable is irrelevant.*
- d) *the Act does not entrust to the decision-maker [meaning the Environment Court] the policy function of deciding the most suitable site; the executive responsibility for selecting the site remains with the requiring authority.*
- e) *the Act does not require every alternative, however speculative, to have been fully considered; the requiring authority is not required to eliminate speculative alternatives or suppositious options.*

53. Mr Todd's submission, in summary, was that:

- (a) Details in the NOR do not show more than a cursory consideration with a focus on price and no consideration of efficiencies;
- (b) RPL was not saying that the Robertson Street link would be the most suitable, but that it deserves adequate consideration;
- (c) What might constitute adequate consideration of alternatives has to be considered in the context of what is proposed.

54. In support of these submissions Mr Todd tabled a copy of a Memo from Mr Coutts to Mr Dowsett dated 27 February 2012. The Memo "summarises the

¹⁵ We were advised that this decision has been appealed to the High Court but that this particular section and that following in respect of s.171(1)(c) are not subject to appeal.

analysis undertaken to investigate the options to connect Robertson Street to SH6 on the northern side of the proposed new bridge over the Kawarau river [sic].¹⁶ The Memo describes the consideration given to linking Robertson Street to SH6 at a high level and a low level and the expected effects from each option.

- 55. Mr Todd submitted that there were a number of deficiencies in NZTA's consideration identified in this Memo. FCA submitted that the consideration was inadequate because it did not specifically address a mid-level option whereby SH6 was raised some 3m and Robertson Street lowered 3m at the junction of the two.
- 56. We have carefully reviewed the Memo and the evidence given on behalf of NZTA and the submitters. Mr Coutts provided us with copies of the drawings attached to the original Memo that had not been provided to Mr Todd. NZTA's advisers found that the route via Robertson Street would be attractive and we are satisfied that the benefits of the connection were understood. However, without going into "meticulous consideration" (to use the words adopted in the *Queenstown Airport* case), the analysis set out in the Memo showed that each of the upper and lower options would have a number of adverse effects beyond cost. Some of those effects, particularly those on the existing landowners and residents in the western portion of Robertson Street, were potentially significant. It is also possible to appreciate from the Memo the type and intensity of effects that would result from a mid-level intersection.
- 57. We note that at the hearing Mr Coutts advised that a future connection to Robertson Street was not precluded by NZTA's preferred bridge alignment. He considered that although such a connection would be challenging for a number of reasons, including cost, it would be technically feasible should NZTA subsequently be convinced that it was warranted.
- 58. We are not required to evaluate whether a connection to Robertson Street would provide a better traffic network than the connection at Humphrey Street, nor are we required to evaluate the relative merits of different ways of connecting SH6 to Robertson Street in terms of the environmental effects. Rather, s.171(1)(b) requires us to focus on whether NZTA has given adequate consideration to such alternatives.

¹⁶ Memo Coutts to Dowsett, 27 February 2012, first sentence.

59. We are satisfied that NZTA has given adequate consideration to alternative options for connecting SH6 to Robertson Street. That it has chosen to discard those options at this time is its statutory prerogative.

Connection to Kawarau Falls Station

60. PRL sought a condition imposed on the designation requiring NZTA to construct an intersection on the southern side of the bridge to provide permanent access from SH6 to Kawarau Falls Station along the section of existing road that will cease to be part of SH6. Mr Goldsmith presented submissions in support of this proposition. His submission was that the only evidence on this issue opposed the access solely on road safety grounds, but that other relevant matters, such as an alternative route to Kelvin Heights via Kawarau Falls Station were not considered.

61. The safety issue was raised in the evidence of Mr Turner. He considered that an intersection at the south end of the bridge onto the existing roadway would have insufficient sight distance for vehicles turning right out of the existing road and heading south.¹⁷ Mr Turner did not suggest that any other movement would raise safety concerns. Mr Goldsmith noted that the bulk of the traffic movements would be to and from Queenstown/Frankton therefore the right-out movement would not be essential. He suggested the public would have access through Kawarau Falls Station enabling those heading south to depart via the Station grounds and Peninsula Road.

62. We understand SH6 south of the river to be a limited access road. It is our understanding that under the Government Roading Powers Act 1989 access to limited access roads from private property, where access is available from another road, is wholly within the discretion of NZTA. In addition, our powers in respect of this NOR are to recommend various matters to the requiring authority, NZTA, within the terms of the Resource Management Act. We doubt whether conditions on this designation would bind NZTA in exercising its powers under the Government Roading Powers Act.

63. Thus, while we consider the provision of an alternative route to Peninsula Road via Kawarau Falls Station to be attractive, we do not recommend a condition requiring the provision of such access. However, we do

¹⁷ D J Turner, Statement of Evidence, para 170, p.36.

consider there are opportunities for the remnant piece of road south of the bridge to be used for car parking which we will refer to later. That could create opportunities for some access to Kawarau Falls Station which NZTA should investigate.

Future Use of Existing Bridge and Provision for Future Transport Requirements

64. Under this heading are a number of issues that are all inter-related. In the NOR NZTA has stated that once the new bridge is operational NZTA will apply to revoke the State highway status on the existing bridge and the remnant section of road on the south bank of the river. Once that occurred it would give notice under s.182 of the Act for the removal of the designation over the existing bridge and remnant road section. Mr Dowsett advised us that NZTA leases the existing bridge from the Ministry of Building Innovation and Employment (MBIE) and upon revocation of the State highway status of the existing bridge NZTA would terminate the lease. MBIE has indicated it wishes to relinquish ownership.¹⁸
65. Mr Dowsett also advised that he had been in discussion with a number of parties to explore options for the future of the structure including NZHPT, Department of Conservation and QLDC. He stated that only QLDC was receptive to considering long-term future ownership.¹⁹
66. Mr Mander, for the QLDC, confirmed that the council was aware of the suggestion that it take over the existing bridge and noted that it was in some ways logical. However, he stated, QLDC would be wary of taking over a piece of infrastructure that could be a significant financial burden to the ratepayer.²⁰
67. The existing bridge has status as a heritage item. It is included in the NZHPT Register of Historic Places as a Category 1 Historic Place, and has been included in the Register since 1999. It is also listed in Appendix 3 of the Queenstown Lakes District Plan as a Category 2 Protected Item.²¹
68. The NOR proposes a number of tracks and paths for cyclists and pedestrians, particularly on the north side of the river, in addition to the

¹⁸ Mr P R Dowsett Statement of Evidence, paras 90-91, p.15

¹⁹ Mr P R Dowsett, Statement of Evidence, para 92, p.15

²⁰ Mr D R Mander, Statement of Evidence, paras 50-51, p.9ff

²¹ NOR Appendix 7 Heritage Impact Assessment, section 4, p.2

footpath on the eastern side of the new bridge. As we understood it, those portions of the tracks and paths shown in blue on the Conceptual Landscape Design sheets²² which were within the land designated by NZTA would be constructed as part of the project. This includes: steps on the north bank west of the existing alignment; a structure or catwalk under both the existing and proposed bridges adjacent to the north bank (we will refer to this as the northern underpass); and paving or designed areas at each end of the existing bridge. The tracks would allow the existing bridge to continue to function as a river crossing for pedestrians and cyclists. Notably, the tracks on the north bank east of the bridge that provide a connection between the northern underpass and the path alongside SH6 are outside of the designated area. It appeared NZTA did not intend to form that link, but rather leave it to the QTT to form.

69. The NOR stated the following in respect of the existing bridge:

The existing bridge will be retained but closed to vehicular traffic. Once closed, the existing bridge could be used by pedestrians and cyclists. It is intended that the State highway status will be transferred to the new alignment and the redundant section of State highway, including the existing bridge, would revert to local road status and be managed by the QLDC.²³

70. Dr Turnbull considered NZTA was focussing the cycle and pedestrian traffic onto the existing bridge and, therefore, the existing bridge should remain within the designation as it would continue to have a State highway purpose, albeit not for motorised vehicles.²⁴ She considered the new bridge not only inadequate to accommodate the future cycling and pedestrian demand, which she considered would substantially increase as the present bridge suppresses demand, but potentially unsafe for cyclists and pedestrians.
71. It was Dr Turnbull's view that the proposed bridge on its own could not meet the Project objectives of an integrated transport network and improving the experience for walking and cycling.

²² Drawing Numbers ZB01194-ECC-DG-0015 & ZB01194-ECC-DG-016 dated 14/2/13

²³ NOR, Section 4.1.2, p.27

²⁴ Dr I J Turnbull, Statement of Evidence, paras 14-16, p.4ff

72. The response from NZTA on this matter was that the future use of the existing bridge for cyclists and pedestrians was a local use rather than part of the State highway function of the proposed bridge.²⁵
73. Commissioner Nugent is satisfied that the existing bridge is not required to meet the Project objectives. He accepts that the design of the proposed bridge, by incorporating 1.5m shoulders on each side plus the footpath on the eastern side, will improve the walking and cycling experience for those persons travelling further than just locally. This notwithstanding that the footpath on the proposed bridge is primarily there for road safety purposes rather than pedestrian purposes.
74. Commissioner Nugent also accepts that when the existing bridge is no longer required for State highway purposes it is NZTA's right to serve notice for that portion of the designation to be uplifted. However, he notes the QLDC's powers under s.182(5) to decline to remove that part of the designation if it considers the effect of the removal on the remaining designation to be more than minor. He notes that the designation, including the alterations proposed by this NOR, does not authorise the demolition of the existing bridge. Thus the protection afforded by the bridge being scheduled in the District Plan remains intact.
75. Commissioner Taylor does not agree with Commissioner Nugent's analysis in paragraphs 73 to 75 above for the reasons set out in her Addendum to this Report. She concludes, on the contrary, that the retention of the existing bridge is an integral component of the NOR, as confirmed by Mr Dowsett at the hearing, and is required to meet the Project objectives. She would recommend an additional condition that NZTA shall not apply to have the designation over the existing bridge removed, or its State highway status revoked, until such time as suitable arrangements have been entered into with an appropriate body or bodies to ensure the bridge remains available as the primary pedestrian and cycling route in the long term.
76. Commissioner Nugent considers that as the bridge is not owned by NZTA, it is not possible to impose a condition on the designation that places an obligation on the owner, who is not a party to these proceedings, in respect of use of the bridge once NZTA relinquishes its lease. However, he does consider NZTA has an obligation to leave the existing bridge fit for

²⁵

Mr P R Dowsett, Additional Notes, paras 8-9, Closing Submissions paras 17-18

the purpose it proposes – a pedestrian and cycling link across the river. Thus, while he would not go as far as Commissioner Taylor suggests, he does consider an additional condition should require appropriate surfacing of the bridge and appropriate handrails for the future purpose prior to uplifting of the designation.

- 77. It is also relevant to consider the effects of the NOR on the existing bridge under this heading, and the relationship of the existing bridge to use of the new bridge.
- 78. At the northern abutment the proposed bridge passes over the northern abutment of the existing bridge with a clearance of some 50mm.²⁶ The Conceptual Landscape Design drawings show a horizontal gap between the paved area at the northern end of the existing bridge and the new bridge of some 3-4m.²⁷
- 79. In her Heritage Impact Assessment²⁸ Ms Gillies classified the impact on heritage values of this nearness at the northern end as "moderate". We questioned Ms Gillies by telephone to understand how she considered this close juxtaposition of structures could be handled, and to determine her views on the northern underpass structure, which she had not dealt with in her Heritage Impact Assessment.
- 80. We are satisfied, having heard Ms Gillies' opinion, that, as required by the condition proposed by NZTA²⁹, the treatment of the northern abutment area in consultation with an approved heritage consultant would lead to a satisfactory outcome for the heritage values of the existing bridge.
- 81. With respect to the northern underpass structure, Ms Gillies was of the view that such a structure would only have an effect on heritage values of the existing bridge if it cut into the fabric of the existing bridge. If it was separate she considered it would be good conservation practice as it would enable access for people to view the underside of the bridge and the associated dam structures, which are not readily viewable from the bridge deck. We agree that such a structure would have such positive

²⁶ NOR Appendix 7 Heritage Impact Assessment, Section 5, p.3.

²⁷ Drawing Number ZB01194-ECC-DG-016 dated 14/2/13.

²⁸ NOR Appendix 7.

²⁹ Condition 20(j) in the set attached to the Closing Submissions.

effects over and above the connection function of the structure intended by NZTA.³⁰

82. We consider an additional condition should be added to ensure that design of this structure is undertaken with consultation of an approved heritage consultant to ensure that the heritage values of the bridge are not adversely affected and that any alteration to the fabric required for attachments be undertaken in accordance with recognised heritage principles such as the ICOMOS New Zealand Charter.
83. We note that in relation to the northern underpass structure, we questioned Mr Coutts concerning flood effects on this structure. He was satisfied that the scale of the structure and its location close to the bank meant it would have an imperceptible effect on downstream floodwaters. He considered the structure could be adequately designed to withstand floods. Mr Dowsett commented that if the structure was closed to pedestrians and cyclists because of flooding, temporary measures would be taken to enable an at-grade crossing of SH6.
84. We consider that the failure of NZTA to link the northern underpass with the track alongside SH6 east of the highway and bridge is inconsistent with the Project objectives of improving the experience for walkers and cyclists and of promoting an integrated land transport system. In our view, if the northern underpass is to have the function of providing a grade-separated crossing of the State highway, then connections to the cycle/pedestrian network needs to be provided at each end of the underpass. We therefore recommend that the NOR be modified by extending the designation to include the track shown on Sheet 2 of the Conceptual Landscape Design³¹ as "new track following low stable ground" to the point it intersects with the track shown on the same plan as running south and east from alongside SH6. We attach in Appendix 3 Sheet 2 with the approximate area we consider needs to be included within the designation shown as a solid red line.
85. In his evidence³² and his Urban Design Assessment³³, Mr Espie identifies the value of views of the existing bridge to the users of the proposed bridge.

³⁰ NZTA proposed this structure to provide a grade separated crossing of SH6 by pedestrians and cyclists on the northern bank.

³¹ Drawing Number ZB01194-ECC-DG-0016 dated 14/2/13.

³² At para 23

³³ Under the Heading "*Aesthetics, views and historical associations*" p.8

This raises two issues: the visual permeability of the barriers; and the propensity of tourists to want to stop and visit heritage items such as the existing bridge, remembering that Queenstown is primarily a tourist destination.

86. The barrier issue arose as the NOR described the barrier as a 1.5m high concrete barrier, and Mr Turner based his assessment of the shortened sight distance for drivers turning right from the remnant road on the south bank on solid concrete barriers. We raised this issue with Mr Coutts, noting that other bridges on State highways in the district did not have solid concrete barriers with no obvious safety concerns. Mr Coutts advised that although a specification of a TL5 barrier may be appropriate for the bridge following a risk assessment, there were a wide range of barriers that met that standard, including those which could be seen through.
87. We are satisfied that Condition 20(o) proposed by NZTA in the Closing Submissions (Condition 23(p) in Appendix 2) is appropriate to enable views of the existing bridge by users of the new bridge.
88. We raised with Mr Dowsett the issue of where visitors arriving by car (or bus) could park so as to visit and view the existing bridge, given its heritage status. On our site visit we had seen travellers parking immediately to the south of the bridge so as to take photographs of it and from it. We noted that the remnant roadway on the south bank would provide an obvious location for an off-road parking area. Mr Dowsett advised that NZTA were aware of the parking issues but considered there was a safety issue with vehicles entering and exiting SH6 where the remnant road intersected with it. In his view, the appropriate place for visitors to park was in Bridge Street on the north side of the river. Notwithstanding these safety concerns, access for emergency vehicles would be available over the remnant road.
89. We consider expecting visitors from the south to park in Bridge Street to be impracticable. To get to Bridge Street a motorist from the south would need to cross the new bridge, proceed some 500m north to McBride Street, turn left into Boyes Crescent then travel almost 500m back along Boyes Crescent and Bridge Street to park.

90. We also note the possibility that without adequate provision for car parking, travellers are more than likely to stop on the side of SH6, including on the new bridge, creating other safety concerns.
91. We are of the view that providing a minimum left-in left-out access to the remnant road would enable travellers from the south to park near the existing bridge and depart without the safety issue raised by Mr Turner. It may also be possible for NZTA to work with the owners of Kawarau Falls Station to achieve a mutually beneficial entry-egress arrangement that provided for parking on the south bank for visitors to the existing bridge and alternative access to and through Kawarau Falls Station as sought by PRL.
92. In her Closing Submissions, Ms McIndoe proposed a new Condition 20(m) to include in the Urban and Landscape Design Master Plan "Carparking for visitors to the existing bridge, where possible". We are not satisfied that is adequate. We consider at a minimum carparking on the south bank with a left-in left-out configuration should be provided, and that NZTA should investigate alternative intersection arrangements that may involve access to and through Kawarau Falls Station.
93. Subject to the modification and conditions we are recommending, we are satisfied that the NOR meets the objectives of improving the experience for walkers and cyclists and providing an integrated transport network.

Design Details

94. This issue arises due to the location of the proposed bridge and the District Plan provisions applying in the general vicinity. As noted above, a Water Conservation Order applies to the Kawarau River. The river and the north bank, excluding the private land on top of the terrace, is zoned Rural General. On the north bank the existing SH6 and portion of Bridge Street (unformed) east of SH6 are unzoned. All the land on the south bank that the NOR relates to is unzoned.
95. Uphill from Peninsula Road, the land is zoned Rural General and is identified as an Outstanding Natural Landscape (ONL). Further away to the east, the Remarkables Range is classified as an ONL, as are the upper

slopes of Queenstown Hill to the north. Mr Espie considered the river itself should be classified as an Outstanding Natural Feature (ONF).³⁴

96. Thus, we have a proposed bridge crossing an ONF within a wider landscape dominated by areas of ONL. In addition, while the District Plan zones areas south of the river for urban development, each of the growth areas (Kelvin Heights and Jacks Point) are set back from SH6. This means that crossing the Kawarau River and entering the urban area of Frankton will provide a 'sense of arrival' in Queenstown for those travelling from the south.
97. Mr Espie recognised these matters and recommended that 'sense of arrival' be heightened by the creation of a gateway effect derived from native planting either side of the proposed bridge. NZTA accepted that recommendation and lodged the NOR on that basis.
98. Mr Espie was also satisfied that the design of the proposed bridge, being low profile and constituting a relatively unremarkable element in the landscape setting, was a valid design approach to the crossing. He noted that while it would be visually prominent in the immediate vicinity, the proposed pedestrian and cycle links along with the restorative planting would provide positive effects.
99. At the conclusion of his Landscape Assessment, Mr Espie listed a series of requirements for the design of the new bridge, which were summarised by Mr Denney as follows:
- *The design of the new bridge and associated works should not degrade the aesthetic quality of this setting which should be maintained or enhanced.*
 - *The bridge design should recognise the importance of the entrance/transition role of the bridge.*
 - *Ensure that the experience of being on the bridge captures the exposure to views and broad scale landscape awareness that the existing bridge allows.*

³⁴

NOR Appendix 5 Landscape Assessment, Section 4.7

- Opportunity to improve the ecological and biodiversity values while enhancing [the] aesthetic sense of wildness that views to the vegetated river corridor provides.
- Potential to improve the connectivity between existing and future trails at the northern end of the bridge, and to generally improve the amenity and legibility of trail connections in the area.
- New bridge design should seek that the qualities (heritage, aesthetics) of the old bridge are not detracted from, and are maintained or enhanced.³⁵

100. Mr Denney concurred with these requirements, but differed in how they could be met. He considered the juxtaposition of the two bridges at the northern end would clutter the ONF; that the bridge design was relatively generic; and that a higher level of design consideration for landscape and community values is warranted.
101. Mr Munro, in reviewing the NOR from an urban design perspective, considered that a more forthright bridge design should have been used to create a 'sense of arrival'. He was concerned that the bridge design may have been captured by a pro-natural landscape dogma when a well-designed structure that exhibits a legible, high quality urban identity and character could also be successful. Mr Munro questioned whether the design speed limit of 70kph was appropriate as that largely determined the form of the bridge and questioned what effect lighting would have on the bridge's form in the landscape.
102. While we respect the views of each of these experts, this is another issue where our role is not to choose the best alternative design option, but rather to consider whether NZTA has given adequate consideration to the alternatives. This is particularly the case given that there was little if any difference in effects on the environment of the solutions each expert suggested.
103. On the issue of lighting NZTA maintained that as it was not intended to place lighting on the bridge it need not be dealt with at this stage. Ms McIndoe advised that if lighting were required on the bridge post-construction an OPW would need to be lodged with the QLDC before it

³⁵

Mr R Denney, Landscape Assessment Report, Appendix D to the s.42A Report, para 17, p.4

could be installed. Mr Coutts was of the view that NZTA would know prior to lodging the OPW for the bridge construction whether lighting would be required. We note also Mr Turner's evidence that the safety audit of the design suggested street lighting was required on the bridge.³⁶

- 104. We accept that NZTA has considered alternate alignments for the bridge. It has also considered two forms of structure – steel I-beams versus concrete box. Due to the required curve radius to accommodate the 70kph design speed NZTA has not considered bridge designs such as cable-stay and suspension as those designs are only appropriate on straight bridges. We also understand from Mr Coutts that while the alignment and elevation of the bridge is largely fixed, the method of construction and final design form (whether steel beam or concrete box) will be determined at the time the design and build contract is awarded.
- 105. To the extent that NZTA has considered alternative alignments and designs, we accept that this process has been adequate.
- 106. We agree with Mr Munro that the design of lighting, if required, could have negative effects on the environment, or enhance the design qualities of the bridge. While we accept this is a matter that can be dealt with at the OPW stage, we consider the condition proposed by NZTA inadequate to deal with these design issues. We have reformulated this condition. In addition, given the prospect that lighting may be added post-construction, we consider this particular condition should attach to the designation of the bridge for its life, not just until construction as proposed by NZTA.

Effects on the Environment

- 107. The construction effects are proposed to be dealt with by a Construction Environmental Management Plan, a Construction Noise and Vibration Plan and a Temporary Traffic Management Plan. Drafts of these were included with the NOR. Mr Hopkins was satisfied with the general form of these and with the proposed conditions that they be finalised and certified by the QLDC prior to construction commencing.

³⁶ D J Turner, Statement of Evidence, para 151, p.33.

108. The material lodged with the NOR included a number of assessments which we have had regard to but do not discuss in detail as the contents of them were uncontested. These assessments were
- (a) Archaeological Assessment;
 - (b) Ecological Assessment;
 - (c) Acoustic Assessment;
 - (d) Flood Assessment; and
 - (e) Geotechnical Assessment.

109. We accept the conclusions in each with respect to effects on the environment and are satisfied that the relevant conditions proposed, subject to the minor adjustments made during the course of the hearing, are appropriate to deal with those effects.

110. In our discussion above concerning the major issues we have covered the other potential effects on the environment of the proposal and how they are satisfactorily dealt with.

Regional Policy Statement

111. Ms Giborees referred us to Objectives 9.4.1 and 9.4.3 along with Policies 9.5.4 and 9.5.5. Mr Hall additionally referred us to Objective 9.4.2, Policies 9.5.2 and 9.5.3, Objectives 5.4.3 and 5.4.1 and Policies 5.5.1 and 5.5.5.

112. Appendix 14 of the NOR sets out an extensive list of objectives and policies from the Regional Policy Statement with comments as to how the NOR relates to each. We agree that the NOR is consistent with the policy direction established by these objectives and policies.

District Plan

113. Appendix 14 of the NOR also sets out an extensive list of objectives and policies from the District Plan and similarly analyses consistency. Ms Giborees traversed some of the same objectives and policies in her report.

114. In both instances we consider several objectives and policies were included that were not particularly relevant. We have considered the full

range of relevant objectives and policies in the Plan. The NOR, through the location and design of the bridge and the application of conditions controlling effects on the environment, including those conditions we have added, is not discordant with the policy direction of the District Plan. While the Plan has an emphasis on avoiding built structures on ONFs, the NOR genuinely attempts to minimise disruption to landscape values. The District Plan also seeks to improve the quality of the transport infrastructure, including that for pedestrians and cyclists, in the district. The NOR assists in that respect.

115. We note that the effect of the Plan not zoning roads is that there are no rules applying to the land on the south bank affected by the NOR. Thus, under s.9 of the Act any activity can occur as of right. We note that NZTA is not proposing to rely on that lack of rules but instead, through the NOR, is proposing a set of conditions which will minimise the effects on the environment. We see that as an improvement on the Plan provisions.

Adequate Consideration of Alternative Sites, Routes or Other Methods of Undertaking the Work

116. We have covered this in part above. For completeness we add that we have considered the earlier assessment by NZTA of locations to cross the Kawarau River and alternative alignments from essentially the same point on the north bank to the south bank.
117. We are satisfied that NZTA has given adequate consideration to alternatives as required by s.171(1)(b).

Reasonably Necessary to Achieve Project Objectives

118. We have set out NZTA's objectives at the outset of this report. There is no doubt that the replacement bridge would improve route security, improve the efficiency and effectiveness of traffic flows across the river, and better connect the areas south of the river with those to the north.
119. The only real issues raised in respect of the objectives were those related to the improvement of the walking and cycling experience and the level of integration of the State highway with local roads. We have dealt with those matters above in detail and concluded the work and the

designation are reasonably necessary to meet those objectives, subject to the modification to the NOR we are recommending.

120. Ms McIndoe submitted that the fact that other projects could meet the objectives, such as the additional development of the existing bridge for walking and cycling, does not mean that the project fails to meet the objectives. She referred us to the Environment Court's Queenstown Airport decision where the Court accepted that the requiring authority is not required to absolutely fulfil its objectives.³⁷
121. We have also considered the method of amending the existing designation and consider that to be preferable to the alternative of a resource consent. It allows the future works to be identified in the District Plan and allows the seamless transfer of the State highway function from the existing bridge to its replacement post construction. This promotes an integrated land transport system.
122. Overall, we accept that the works and designation are reasonably necessary to meet the project objectives and that the designation does not go beyond that function.

Other Matters

123. We were referred to a number of documents created outside of the Resource Management Act regime by various parties. These included:
- Wakatipu Transportation Study 2007;
 - Urban Design Strategy, QLDC, 2009
 - A Growth Management Strategy for the Queenstown Lakes District, 2007;
 - Otago Regional Land Transport Strategy 2011;
 - NZTA's Urban Design Policy 2007;
 - NZTA's Urban Design Professional Service Guide, 2010; and
 - NZTA's Urban Design Principles: Road Bridges, 2009.

³⁷ *Re Queenstown Airport Corporation Ltd* [2012] NZEnvC 206, para [51] (Adopting the Board of Inquiry's findings in the North Island Grid Upgrade Project).

124. These provided useful context and we consider it would be valuable for several of these to provide guidance to NZTA in formulating the Urban and Landscape Design Master Plan required by the conditions.

Part 2 of the Act

125. The matters we must have particular regard to in s.171(1) are subject to Part 2. In coming to a conclusion about the extent to which a proposal achieves the purpose of the Act in s.5, we are to be informed and assisted by the relevant matters in sections 6, 7 and 8.

126. The following matters of national importance need to be recognised and provided for in respect of this project:

(a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*

(b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*

...

(d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*

...

(f) *The protection of historic heritage from inappropriate subdivision, use, and development.*

...

127. The location of the bridge immediately downstream of the existing bridge with up to five piers in the water will only have a minor effect on the natural character of the river at this point. That character is largely derived from the clarity of the water, the strength of the current and the unimpeded flows. Those elements will not be affected except in the most minimal way. While the present "wild" vegetation on the river margins will be cleared, the regeneration of native species will enhance the natural character of the river in time.

128. The river is accepted as being an outstanding natural feature. The elements that make it outstanding are essentially the same as those we have listed in respect of its natural character, and the effects will similarly be minor. While evidence suggested that the bridge will have adverse effects on views of the landscape from various locations, no one contended that the location of the bridge fell within an outstanding natural landscape. ONL landscapes are present nearby and perhaps seen in the same view, but we are satisfied that the bridge will not impinge on these in a manner that is unacceptable.
129. The existing bridge is an important part of the District's heritage. The replacement bridge will remove vehicular traffic from it and reduce the potential damage that traffic is causing as recognised in the IPENZ submission. While the new bridge will impinge on the curtilage of the existing bridge at the northern end, we are satisfied that with appropriate treatment an harmonious relationship can be achieved.
130. Each of these three paragraphs in s.6 seeks to protect the respective matters from inappropriate subdivision, use and development. Given that a bridge is necessary across the river, the extent to which it may be inappropriate can only, in our view, derive from the design details. We are not in a position to say whether this is the best design option for this location but we are satisfied that, in combination with the conditions we are recommending, the proposal is not inappropriate use or development.
131. Section 6(d) seeks to improve public access to and along rivers. This project, by including trail links and the footpath across the bridge will enhance public access to and along the river in this vicinity and enable wider access. The river is already used by jetboats for public access. The proposed bridge has been designed to maintain that access.
132. We consider the relevant parts of s.7 that we are to have particular regard to are:
- ...
- (b) *The efficient use and development of natural and physical resources:*
- ...
- (c) *The maintenance and enhancement of amenity values:*

...

- (f) *Maintenance and enhancement of the quality of the environment:*

...

- (h) *The protection of the habitat of trout and salmon:*

...

133. Maximising the use of the existing SH6 while improving its functionality by replacing the existing bridge is an efficient use of natural and physical resources.
134. Amenity values include qualities and characteristics that contribute, among other things, to people's appreciation of an area's pleasantness, aesthetic coherence and recreational attributes. The removal of the vehicular traffic from the existing bridge will improve the pleasantness of that bridge for pedestrians and cyclists, as well as improving the recreational attributes of it and the trails on the north bank. The improved driving experience across the new bridge will also improve the pleasantness of the journey for many. Subject to the conditions we are recommending be applied, we consider the new bridge will add to the amenity values of the area.
135. The quality of the traffic environment will be enhanced without detracting from the overall quality of the remainder of the environment. The river is habitat for rainbow and brown trout³⁸. There is no expectation that the quality of this habitat will be reduced by the proposal provided sediment discharges are managed in accordance with the proposed conditions.
136. The principles of the Treaty of Waitangi have been taken into account through NZTA's consultation with Tangata Whenua and accommodation of the concerns they raised via agreed conditions.
137. In our view the NOR and the works proposed represent sustainable management of natural and physical resources. The proposal will provide improved roading that will assist the community in providing for its social, economic and cultural wellbeing, and health and safety. It will cater for the needs of future generations by improving transport linkages, including grade separated trail crossings of SH6. The effects of the proposal on the

³⁸

NOR Appendix 8 Ecological Assessment, p.10

environment are such that, after mitigation, the life-supporting capacity of air, water, soil and ecosystems will be safeguarded.

Conditions

138. NZTA lodged a set of proposed conditions with the NOR. This was modified by Mr Hall in his evidence, and further modified in a set presented by Ms McIndoe with her closing submissions. In addition, additional or modified conditions were proposed by Messrs Denney, Munro and Hopkins, ORC, QLDC and RPL.
139. Following comments from Mr Denney regarding his understanding of how urban design matters were incorporated in conditions applied to NORs for the Victoria Park Tunnel and the Waterview Motorway Connection in Auckland, we were provided with copies of the relevant conditions for each of those by Ms McIndoe after the hearing. Those have proved helpful in our determination of the appropriate wording of conditions.
140. Our recommended conditions are attached in Appendix 2. These are based on the final set provided by Ms McIndoe. We are recommending a number of changes to these and detail these below. References to condition numbers are to those in Appendix 2. When we refer to the conditions in the final set provided by Ms McIndoe we call them NZTA's proposed conditions to distinguish them.

Certification by QLDC

141. Several of NZTA's proposed conditions referred to plans being certified by QLDC, using a variety of different wording. We have changed those conditions to use the standard phrase regarding the submission of a plan
"to QLDC for certification by the Chief Executive Officer or their delegate."
142. We have also changed references to "Council" to QLDC for consistency throughout the conditions.

Condition 19

143. We have moved this condition from NZTA's proposed condition 20(n) in Ms McIndoe's version and reworded it to accord more with the intent of Mr Espie in his Landscape Assessment.³⁹ He stated there:

I consider that useful mitigation would be achieved by ensuring that:

...

Utilities on the bridge (cables, ducts, etc) are hidden from view.

...

144. We agree with Mr Espie's view that such mitigation is necessary but are not satisfied that the NZTA's proposed condition 20(n) achieves that. In addition, the wording in condition 20(n) was confusing so we have redrafted it to make quite clear what is required.

Condition 21

145. We are recommending the inclusion of this condition to cover the eventuality that lighting is not installed on the bridge at the time of construction, but is deemed to be required at a later date. The conditions proposed by NZTA suffered from a lacuna in that erecting lighting at the time of construction would be subject to a condition (NZTA condition 20(r)), but if they were not installed at the time of construction, any subsequent installation would not be subject to any condition.

146. We also were not satisfied that NZTA's condition 20(r) was adequate to deal with the issues of design and light-spill effects on the landscape that were raised by Messrs Munro and Denney. Thus we have inserted additional requirements to cover those matters.

Condition 22

147. We have rephrased the commencement of NZTA's proposed condition 20 to include design principles to be used, similar to condition 12.1 applying to the Victoria Park Tunnel project. We have included the two NZTA documents on urban design principles and the QLDC urban design strategy as being relevant to this project.

³⁹

NOR Appendix 5 Landscape Assessment, Section 7, p.29.

Condition 23

148. This is NZTA's proposed condition 20 confined to the contents to be included in the ULDMP. We have updated the reference to the Landscape Concept Plan to refer to that provided immediately after the hearing.
149. In paragraph c we have inserted "poisoned" prior to willow roots just to make it explicit that any willow roots and stumps to be retained should be poisoned.
150. In paragraph h we have deleted the word "possible" in relation to the link via steps to be consistent with the updated plans.
151. Paragraph k is a new condition requiring consultation with an approved heritage consultant when designing the northern underpass structure and including principles in relation to impacts on the existing bridge.
152. Paragraph m is a new condition requiring that the existing bridge be made suitable for pedestrians and cyclists and that any alterations to the fabric of the bridge be undertaken in accordance with recognised conservation principles.
153. Paragraph o relates to car parking for visitors to the existing bridge. As we discussed above, this has been reworded to give stronger preference to a car park on the southern bank.
154. Paragraph s in relation to lighting has been reworded as discussed above to deal with design and light spill consistent with Condition 21.

Condition 25

155. We have added an Advice Note clarifying that an authority under the Historic Places Act may be required if an archaeological site was discovered.

Conclusion and Recommendation

156. Although we have disagreed over the detail of how the future of the existing bridge is handled, we are in agreement that the Notice of

Requirement, subject to the modification we recommend shown on Appendix 3 and the conditions we recommend in Appendix 2, represents sustainable management of natural and physical resources and should be confirmed.

157. We recommend to New Zealand Transport Agency, for the reasons set out above, that:

- the Notice of Requirement be modified to include the additional land as marked on the drawing in Appendix 3; and
- the conditions set out in Appendix 2 be attached to the designation; and
- the Notice of Requirement be otherwise confirmed.

For the Commission

A handwritten signature in blue ink that reads "Nugent". The signature is fluid and cursive, with the "N" and "G" being particularly prominent.

Denis Nugent

7 March 2013

Addendum: Commissioner Taylor's additional comments and recommendation in relation to NZTA's intention to remove the existing bridge from the designation and to revoke its status as a State highway.

1. As set out in paragraph 75 in the body of the report, it is my alternative conclusion that NZTA's intention to revoke the State Highway status of the existing bridge and to remove it from the designation without necessarily ensuring that adequate provision is made for its long term future availability as the principal pedestrian and cycling route, is inconsistent with the NOR and the Project objectives when read as a whole. Although NZTA is in preliminary discussions with QLDC and other parties to transfer responsibility for the historic bridge, there is currently no satisfactory resolution to hand, or, more importantly, any guarantee that a long-term solution will be found before revocation is sought.⁴⁰
2. The preferred alignment option proposed in the NOR is plainly premised on the retention of the existing bridge to provide a safe and accessible primary route for pedestrians and cyclists. The provision of an alternative route via the new bridge was acknowledged by NZTA to be merely an ancillary outcome of sight distance requirements and does not purport to meet the identified needs of pedestrians and cyclists in this location. At the hearing Mr Dowsett confirmed that the existing bridge is an integral component of the solution designed to meet the Project's objectives. Accordingly I do not accept his evidence that "NZTA will have no use for the existing bridge/dam structure or the road approaches, as part of the State highway network"⁴¹ once the new bridge is operational. In terms of this particular proposal, Mr Dowsett's statement seems fundamentally inconsistent with NZTA's primary objective, which is "to undertake its functions in such a way that contributes to an affordable, integrated, safe, responsive and sustainable land transport system".⁴² The intended revocation of the core provisions of the proposal in relation to the primary pedestrian and cycling route in this particular environment is, in my conclusion, neither safe, responsive nor sustainable, and will fall short of the requirement to provide an integrated land transport system.
3. Although the new bridge will provide rudimentary access for cyclists and pedestrians, I am not satisfied that the proposal will continue to meet the Project objectives of "*improving route safety, and the experience for*

⁴⁰ Refer to paras 64 to 66 of the report above.

⁴¹ Mr P R Dowsett Statement of Evidence, para 88, p.14.

⁴² Section 94 of the Land Transport Management Act 2003 (LTMA).

walking and cycling as part of an integrated transport network along the state highway network ..."; promoting "... better connection between the developed Wakatipu basin and the areas south of the Kawarau River that are zoned to promote growth" and promoting "... an affordable, integrated, safe, responsive and sustainable land transport system, in particular, through providing safer systems," if the historic bridge is removed from the designation (and hence is no longer the responsibility of NZTA) and subsequently becomes unavailable for its intended long term use for any reason, such as a lack of funding. [My emphasis]

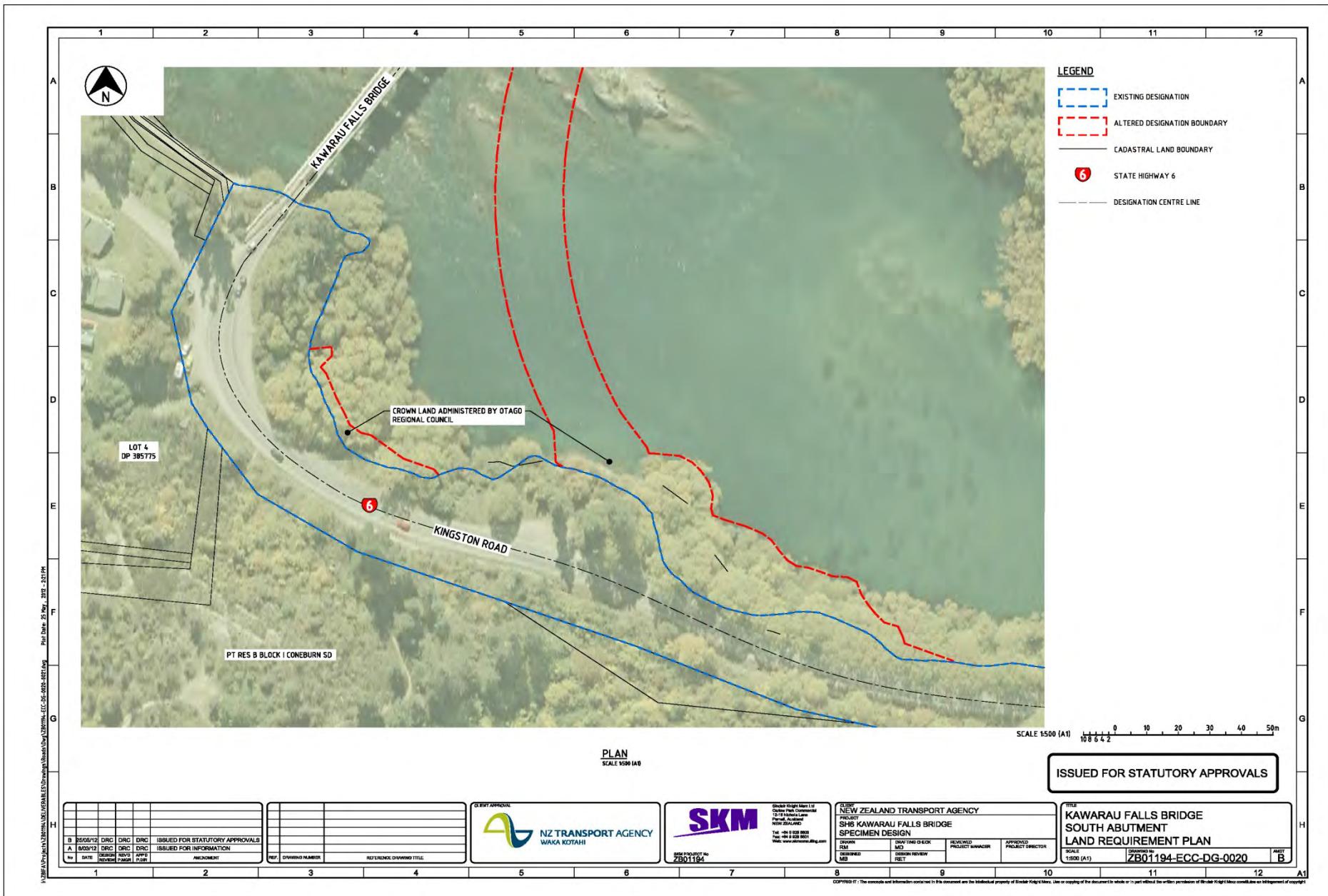
4. NZTA has relied on the existing bridge to accommodate the majority of pedestrians and cyclists given the expected growth in demand in this location. This has enabled it to reduce the effects on the environment that might arise from a bulkier new bridge structure (with associated significant cost savings), a key aspect of the design solution proposed in the NOR. If the historic bridge had not been included in the proposal as an integral component of the pedestrian and cycling network, it is my conclusion that the new bridge would need to be substantially redesigned to cater more specifically for pedestrians and cyclists to ensure that the above Project objectives, in particular that of safety given the predominance of recreational users of all ages and school children, was adequately met.
5. While I accept generally that NZTA may elect to apply for removal of part of a designation in accordance with the procedure set out in s.182 and to revoke State highway status under s.103 LTMA at any time, in this instance it has a responsibility to ensure that the existing bridge remains available as an integral component of the land transport system in accordance with the design solution advanced by this NOR. This responsibility should not be arbitrarily severed by way of an alternative process at some later date, if at all, without first ensuring that future responsibility for the historic bridge, and hence its availability to meet foreseeable pedestrian and cycling demand, has been assumed by a suitable body.
6. I am satisfied that it is both appropriate and legally permissible for the Commission to recommend a condition that "**NZTA shall not apply to have the State highway status of the existing bridge revoked, or the designation over it removed, until such time as suitable arrangements have been entered into with a responsible body or bodies to ensure the historic**

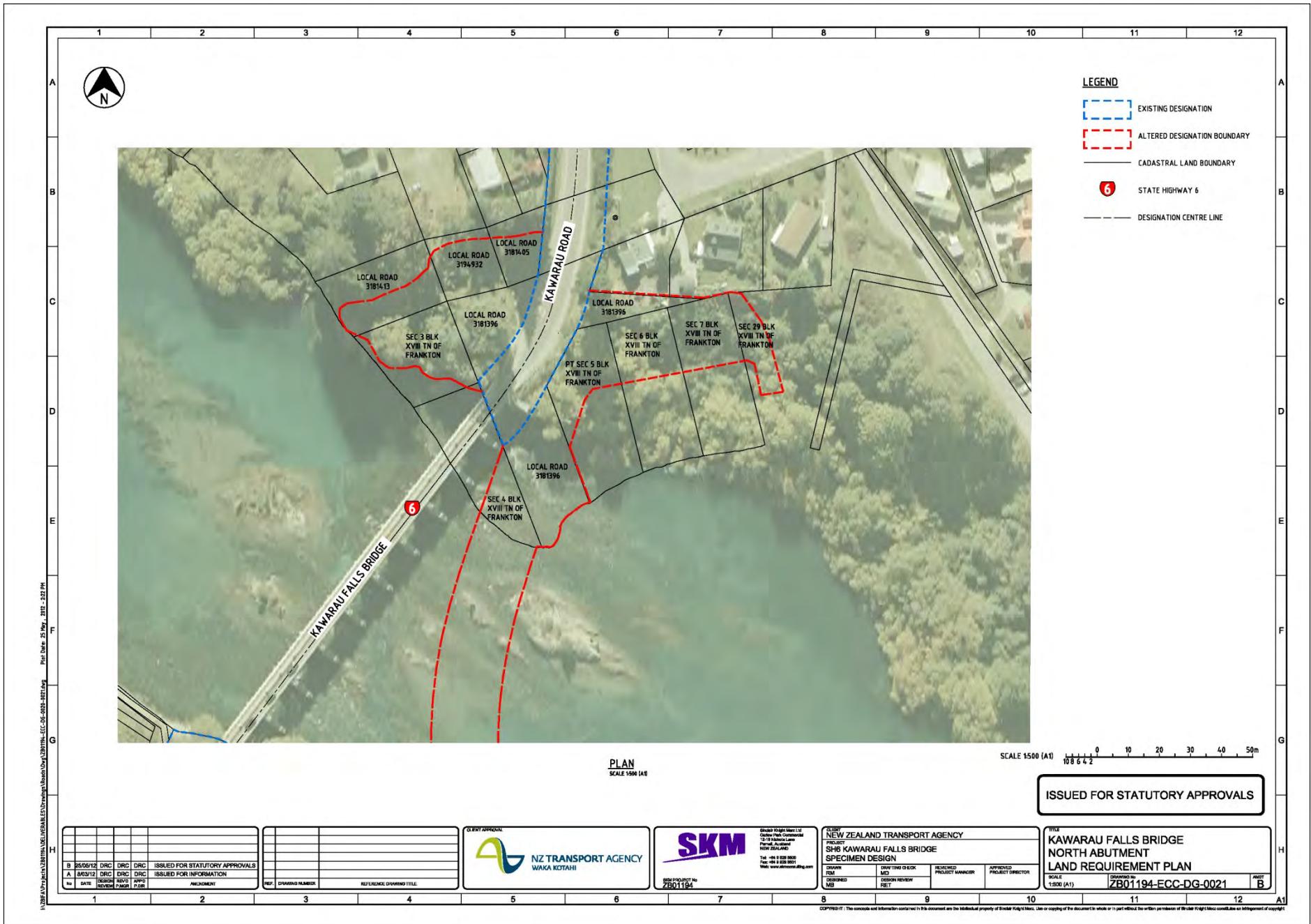
7. **bridge's long term availability for pedestrian and cycling linkages".⁴³** The intended revocation of State highway status by NZTA (as set out in Mr Dowsett's evidence) is an effect of the proposal, although it is not necessarily, in my opinion, a foreseeable effect. Unlike former SH1 in the Transmission Gully Project (in relation to which the Board of Inquiry declined to impose conditions),⁴⁴ the existing bridge is a fundamental part of the proposed solution and not merely an adjunct that would no longer be necessary to meet the requirements of an integrated and safe land transport system once the new bridge is operational.
8. I am also satisfied that the condition I would recommend (set out in paragraph 6 above) would not constitute a parallel process to those permitted under s.182 or s.103 LTMA in the circumstances; that is, where the portion of State highway that is to have its status revoked remains an integral component of the land transport system as proposed in the NOR. In my opinion it would only be appropriate to commence either of the above statutory processes, if at all, once satisfactory arrangements to transfer responsibility for the maintenance of the existing bridge have been concluded. The recommended condition as framed avoids any uncertainty associated with the provision of maintenance costs or works to be undertaken, as had been suggested by Mr Munro, but in relation to which we were not provided with any evidence that would have enabled us to make a satisfactory assessment. In effect, unless arrangements for the long term funding of the historic bridge are negotiated and assumed by a new responsible body or bodies, it is unlikely that the recommended condition would be satisfied.

⁴³ Refer EPA 0175 June 2012 Board of Inquiry Report into the Transmission Gully Project at paragraph [147], p.53. [http://www.epa.govt.nz/Publications/TGP Final Decision Vol 1 Report and Decision – 12 June 2012.pdf](http://www.epa.govt.nz/Publications/TGP%20Final%20Decision%20Vol%201%20Report%20and%20Decision%20-%2012%20June%202012.pdf)

⁴⁴ Ibid, paragraphs [136] to [157].

Appendix 1: Land Affected by Notice of Requirement





Appendix 2 – Recommended Conditions

Condition Topic	Recommended Condition
General	<p>1. Except as modified by the conditions below, and subject to final design, the Project shall be undertaken in general accordance with the information provided by the requiring authority in the notice of requirement dated 20 July 2012 and supporting documents, being:</p> <ul style="list-style-type: none"> ■ Traffic Assessment (prepared by Andrew Lawson, SKM, dated February 2012) ■ Landscape Assessment (prepared by Ben Espie, Vivian+Espie, dated February 2012) ■ Archaeological Assessment (prepared by Andrew Winter, Jackie Gillies & Associates, dated June 2012) ■ Heritage Impact Assessment (prepared by Jackie Gillies, Jackie Gillies & Associates, dated 2nd April 2012) ■ Ecological Assessment (prepared by Shelley McMurtrie and Colin Meurk, EOS Ecology, dated 01 April 2012) ■ Noise and Vibration Assessment (prepared by Steve Peakall and Siiri Wilkening, Marshall Day Acoustics, dated May 2012) ■ Consultation Report (prepared by Alice Ge and Megan Howard, SKM, dated June 2012) ■ Flood Assessment (prepared by Jesse Adams and Ben Fountain, SKM, dated 28 February 2012) ■ Draft Construction Environmental Management Plan (prepared by Tim Strange, SKM, dated June 2012) ■ Draft Erosion, Sediment and Dust Control Report (prepared by Nic Conland and Karla Beamsley, SKM, and Andrew Gough, NZTA, dated June 2012) <p>2. As soon as practicable following completion of construction of the Project, the requiring authority shall:</p> <ol style="list-style-type: none"> a. Review the width of the area designated for the Project; b. Identify any areas of designated land that are no longer necessary for the ongoing operation, or maintenance of the Project or for ongoing mitigation measures; and c. Give notice to the Council in accordance with Section 182 of the RMA for the removal of those parts of the designation identified in 2(b) above. <p>3. The requiring authority may request amendments to the management plans required by these conditions by submitting the amendments in writing to the Compliance Monitoring Officer for certification, prior to any changes taking effect.</p> <p>4. At the completion of the Project, the requiring authority shall ensure that all plant, equipment, chemicals, fencing, signage, debris, rubbish and other material brought on site is removed from the site. The site shall be tidied to a degree at least equivalent to that prior to the Project commencing.</p> <p>Advice Note: These conditions apply to construction of the Kawarau Falls Bridge, and will be satisfied once construction is complete with one exception. Other than that exception, these conditions do not apply to operation or</p>

	<p>maintenance of the Bridge or adjacent sections of State highway. The exception is Condition 21 which will remain in place in respect of the Bridge until lighting is installed.</p>
Notification	<p>5. The requiring authority shall notify the QLDC and all immediately adjoining landowners in writing at least five working days prior to the commencement of the Project, and at the completion of the Project.</p>
Communications Plan	<p>6. 25 working days prior to the commencement of the Project, the requiring authority shall submit to the QLDC a Communication Plan for certification. The Communications Plan shall be based on the draft plan submitted with the notice of requirement application.</p> <p>7. The requiring authority shall carry out the Project in accordance with the certified Communications Plan.</p>
Construction Environmental Management Plan	<p>8. Twenty-five (25) working days prior to the Project commencing, the requiring authority shall submit a Construction Environmental Management Plan (CEMP) to the QLDC for certification by the Chief Executive Officer or their delegate. The CEMP shall be based on the draft CEMP provided with the NOR, and include the following:</p> <ul style="list-style-type: none"> ■ Accidental Discovery Protocol <p>The following plans, required by conditions 6, 11, 14, and-20 shall form appendices to the CEMP and be held together with it:</p> <ul style="list-style-type: none"> ■ Construction Noise and Vibration Management Plan ■ Temporary Traffic Management Plan ■ Urban and Landscape Design Master Plan ■ Communications Plan. <p>9. The requiring authority shall carry out the Project in accordance with the certified CEMP.</p> <p>10. All significant earthworks, pile boring and retaining construction shall be supervised by a suitably qualified geotechnical engineer</p> <p>Advice Note: The NZTA shall ensure that if the CEMP is changed or updated that the most up to date version is provided to the QLDC. The Erosion Sediment and Dust Control Plan and River Users Management Plan may be held together with the CEMP, but will be certified by the Otago Regional Council.</p>
Construction Noise and Vibration Plan	<p>11. Twenty-five (25) working days prior to commencing the Project, the requiring authority shall submit a Construction Noise and Vibration Management Plan (CNVMP) to the QLDC for certification by the Chief Executive Officer or their delegate. The CNVMP shall:</p> <ol style="list-style-type: none"> a. be prepared by a suitably qualified and experienced acoustic consultant; b. contain methods to ensure that construction noise and vibration generally comply with the requirements of NZS6803:1999 and DIN 4150-3:1999; c. contain methods which represent the best practicable option; and d. include requirements for monitoring construction noise and vibration. <p>12. The requiring authority shall engage a suitably qualified engineer to</p>

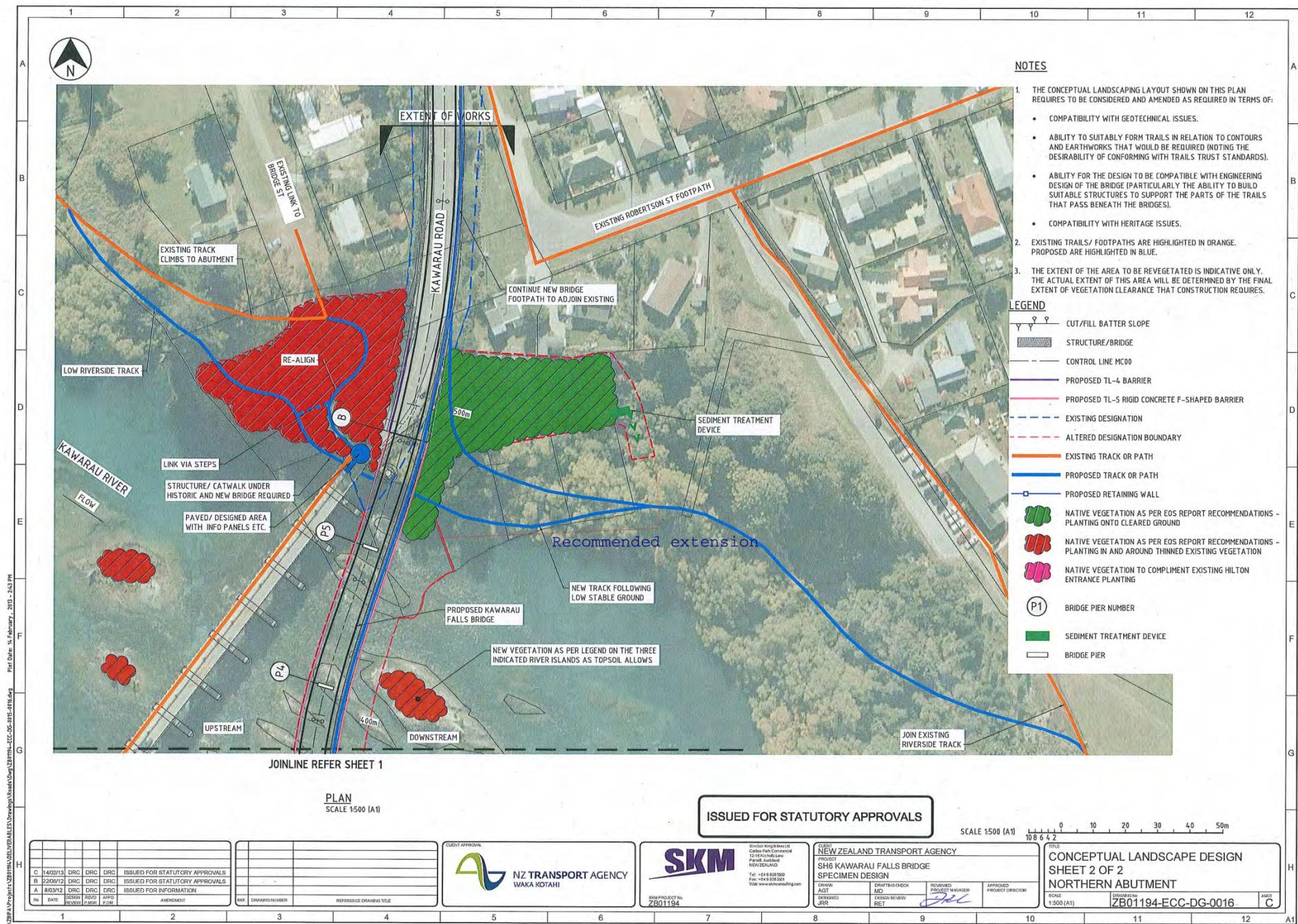
	<p>conduct a detailed pre-construction building condition survey of the existing Kawarau Falls Bridge before construction. This survey shall be repeated within 25 working days of construction being complete. The requiring authority shall provide copies of the survey reports to the QLDC within one week of receipt.</p> <p>13. The requiring authority shall carry out the Project in accordance with the certified CNVMP.</p>
Temporary Traffic Management Plan	<p>14. Twenty-five (25) working days prior to commencing the Project, the requiring authority shall submit a temporary traffic management plan (TTMP) to the QLDC for certification by the Chief Executive Officer or their delegate. The TTMP shall include:</p> <ul style="list-style-type: none"> a. Details of traffic management systems for vehicles entering and exiting the site; b. Suitable site warning signage to be in place on the road in both directions from the site entrance; c. Frequency and number of construction traffic movements estimated to and from the site; d. Truck loading/unloading areas and procedures; e. Road remediation once works are complete; f. Management of pedestrian and cycling routes during construction. <p>15. The requiring authority shall carry out the Project in accordance with the certified TTMP.</p>
Dust	<p>16. The requiring authority shall control the discharge of dust created by earthworks, transportation and construction activities in order to minimise dust hazard or nuisance.</p>
Control of hazardous substances	<p>17. The Requiring Authority shall ensure that:</p> <ul style="list-style-type: none"> a. all hazardous substance storage or re-fuelling areas are bunded or contained in such a manner so as to prevent the discharge of contaminants; b. all machinery is regularly maintained in such a manner so as to minimise the potential for leakage of contaminants; c. no machinery is cleaned, stored or refuelled within 50 metres of any ephemeral or permanent watercourse; and all contaminants (e.g. fuel, hydraulic oils, lubricants etc) are removed at the end of the construction period.
Utilities on the bridge	<p>18. The requiring authority shall ensure that the bridge design accommodates the following utilities:</p> <ul style="list-style-type: none"> • Telecommunications • Electricity • Water mains • Intelligent Transport systems utilities <p>19. The utilities listed in Condition 18 are to be incorporated into the bridge design in such a way as they are, to the greatest extent practicable, not visible, including from the river and the pedestrian/cycle structure proposed under the bridge;</p> <p>20. Where works completed in relation to or in association with this project result in changes being made to the existing Council services, or the addition of new services, the requiring authority shall submit to the</p>

	<p>QLDC GIS department new 'as-built' plans. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads, Water, Wastewater and Stormwater reticulation.</p> <p>21. This condition applies if lighting is not designed in accordance with condition 23r and installed on the bridge at the time of construction. Any proposed lighting -</p> <ul style="list-style-type: none"> a. should be an integral design component of the bridge; b. shall minimise light spill onto the river, onto adjacent land and into the night sky; and c. must comply with the Queenstown Southern Lights Strategy. <p>Prior to lodging an Outline Plan of Works under s.176A the requiring authority shall submit the proposed lighting design to the QLDC Urban Design Panel and include any comments from the Panel and a statement as to how they have been responded to with the Outline Plan of Works.</p> <ul style="list-style-type: none"> ■ Advice Note: This condition is a continuing condition on the designation in respect of the Kawarau Falls Bridge beyond the construction of the bridge until such time as any required lighting has been installed.
Urban and Landscape Design Master Plan	<p>22. The requiring authority shall submit, prior to lodgement of the Outline Plan of Works, an Urban and Landscape Design Master Plan (ULDMP) to the QLDC for certification by the Chief Executive Officer or their delegate. The ULDMP shall be prepared by a suitably qualified person or persons and shall take into account the following documents or updated versions of same:</p> <ul style="list-style-type: none"> a. NZTA's "Urban Design Policy" (2007) b. NZTA's "Urban Design Principles: Road Bridges" (2009) c. QLDC's "Urban Design Strategy" (2009) <p>23. The ULDMP shall be consistent with the Landscape Concept Plan as outlined in NOR drawings ZB01194-ECC-DG-0015 and ZB01194-ECC-DG-0016 dated 14/02/13 prepared for NZTA by Sinclair Knight Merz Ltd, and include the following:</p> <p><u>Urban Design Panel comments</u></p> <ul style="list-style-type: none"> a. Comments obtained from the QLDC Urban Design Panel on a draft ULDMP, together with a statement as to how these have been responded to in the UDLMP submitted for certification; <p><u>Revegetation and planting</u></p> <ul style="list-style-type: none"> b. Retention or propagation for replanting of existing native plants where possible; c. Retention of poisoned willow roots/stumps below the bank works where possible; d. In replanting areas outside of the earthworks areas mature willows shall be retained to provide a nursery for newly planted vegetation. These willows shall be poisoned when vegetation is established and the bank is stable, but dead stumps may remain; e. Details of maintenance of the newly planted areas, such maintenance to be for a period of 2 years after completion of planting; f. Selection of plant varieties for newly planted areas consistent with the Department of Conservation's "Wakatipu Project Gold"

	<p>objectives and specifications;</p> <p>g. A detailed planting plan identifying the location, density, grade, botanical names, and quantity of all planting.</p> <p><u>Pedestrian and cycle tracks</u></p> <p>h. The final design and location of pedestrian and cycle tracks shall include step connections indicated on the Landscape Concept Plan as “link via steps” and otherwise meet the intent of the Landscape Concept Plan, including:</p> <ul style="list-style-type: none"> • Earthworks, showing areas of cut and fill, depths of cut and fill and cut batters; • Any subsoil drainage system; • Ease and convenience of use; • Providing a complementary amenity experience to what is provided on nearby sections of track; • Adherence, to the extent that is practical, to the following design criteria: <ul style="list-style-type: none"> • The provision of pathways that meet district wide design standards of minimum width (2.5m) and maximum gradient (10%); and • Pedestrian and cycling routes that provide direct and safe routes. <p>i. The requiring authority shall make reasonable efforts to consult with Queenstown Trails Trust and the QLDC regarding conformity with the Trust's and the QLDC's pedestrian and cycle track standards, and if this offer is accepted, describe the consultation which occurred, and its outcomes in the ULDMP submitted for certification;</p> <p><u>Heritage Matters</u></p> <p>j. A detailed landscape design of the area where the new and existing bridges converge on the true left bank of the River. This design shall be prepared in consultation with a heritage consultant approved by the NZHPT, and shall ensure that the connection between the existing bridge and the north bank remains visible;</p> <p>k. A detailed design of the pedestrian and cycle structure below the existing bridge and the new bridge. The design of this structure shall be prepared in consultation with a heritage consultant approved by the NZHPT and shall ensure a minimum of impact on the fabric of the existing bridge. Any alteration to the fabric of the bridge is to be undertaken in accordance with recognised heritage principles such as the ICOMOS New Zealand Charter;</p> <p>l. Removal of modern traffic facilities from the existing bridge where possible;</p> <p>m. Prior to removal of the designation from the existing bridge, the requiring authority is to make such modifications as are necessary to enable the carriageway to be used as a pedestrian and cycle path. Where this involves modifications to the fabric of the bridge, such work is to be undertaken in accordance with recognised heritage principles such as the ICOMOS New Zealand Charter.</p>
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	<p>n. Provision of information panels on the history of the existing bridge and Kawarau Falls area;</p> <p>o. Carparking for visitors to the existing bridge provided as conveniently as practicable for travellers on the State highway, including on the true right bank of the Kawarau River;</p> <p>Bridge Design</p> <p>p. Bridge safety barriers which allow views out to the river, river margins and the existing bridge for State highway users, while balancing safety considerations;</p> <p>q. Final bridge design (including embankments and retaining walls) using external materials, finishes and colours that assist it to accord with both the natural setting and its relationship with the existing bridge, including giving effect to Condition 19;</p> <p>r. Final bridge design which, to the extent practicable, gives effect to Goals 1, 2 and 4 of the Queenstown Lakes District Council Urban Design Strategy;</p> <p>s. Details of lighting to be installed on the bridge and its approaches, if any. Any proposed lighting -</p> <ul style="list-style-type: none"> • should be an integral design component of the bridge; • shall minimise light spill onto the river, onto adjacent land and into the night sky; and • must comply with the Queenstown Southern Lights Strategy. <p>Emergency access</p> <p>t. Details of how, at the completion of construction, the requiring authority shall ensure that emergency access for vehicles onto the historic bridge is to be made possible.</p> <p>24. The requiring authority shall carry out the Project in general accordance with ULDMP. The ULDMP shall be fully implemented within 12 months of the opening of the new State highway bridge.</p>
Archaeology	<p>25. During construction, the requiring authority shall:</p> <ol style="list-style-type: none"> a. Identify the extent of the stacked stone wall to the east of the Northern abutment of the existing bridge before earthworks begin b. Clear vegetation in the location of proposed earthworks in a way that minimises damage to ground. c. Ensure earthworks areas are examined and recorded by an archaeologist prior to earthworks commencing (with recordings submitted to the NZHPT and NZAA). <p>Advice Note: If any archaeological sites are to be affected by earthworks an Authority from the NZHPT will be required.</p>
Lapse date	<p>26. The designation shall lapse if not given effect to within 10 years from the date on which it is included in the District Plan under Section 175 of the RMA.</p>

Appendix 3: Recommended Modification to Notice of Requirement





28 March 2013

Queenstown Lakes District Council
C/- Lakes Environmental Limited
Private Bag 50077
Queenstown 9348
Attention: Rachel Beer, Planning Process Manager

**DECISION OF THE NZ TRANSPORT AGENCY ON THE COMMISSIONERS'
RECOMMENDATION ON A NOTICE OF REQUIREMENT – RM 120413 - KAWARAU
FALLS BRIDGE**

Dear Rachel

Introduction

- 1 On 8 March 2013, the NZ Transport Agency (*the NZTA*) received the recommendation by Commissioners appointed by Queenstown Lakes District Council (*QLDC*) on a Notice of Requirement (*NoR*) by the NZTA to alter the existing State highway 6 designation in the Operative Queenstown Lakes District Plan. The *NoR* is for the construction, operation and maintenance of the new, two lane, Kawarau Falls Bridge.
- 2 In accordance with section 172 of the Resource Management Act 1991 (*RMA*), this letter records the NZTA's decision to accept in part the Commissioners' recommendation to modify, and otherwise confirm, the *NoR*, subject to conditions. This letter also sets out the NZTA's reasons for rejecting parts of the Commissioners' recommendation, and reasons for modifications to the *NoR*.

Summary of the NZTA's decision on the Commissioners' recommendation

- 3 The NZTA accepts the Commissioners' recommendation in relation to:¹
 - 3.1 The extent of the designation footprint, including the recommendation to extend the designation footprint to include the land on the northern Kawarau River bank identified as "Recommended Extension" in Appendix 3 to the Commissioners' recommendation;
 - 3.2 Conditions 2, 4, 5, 7, 9-16, 17(a) and (b), 18-20, 22, 23(a)-(l), (n), (p)-(t), 24-26; and
 - 3.3 The Advice Notes below conditions 10 and 25.
- 4 For the reasons given below, the NZTA accepts in part the Commissioners' recommendation in relation to the following conditions:
 - 4.1 Conditions 1, 3, 6, 8, 17(c), 23 (introductory text), 23(m) and 23(o); and
 - 4.2 The Advice Note below Condition 4.

¹ The condition references given in this decision are to those in the Commissioners' recommendation.

- 5 For the reasons given below, the NZTA rejects the Commissioners' recommendation in relation to the following conditions:
 - 5.1 Condition 21; and
 - 5.2 The Advice Note below condition 21.
- 6 Where the NZTA's decision to accept, accept in part, or reject the Commissioners' recommendation results in a modification to the notified NoR, the reasons for those modifications are given either in the Commissioners' recommendation, or explained below.
- 7 A tracked change set of conditions is attached as **Appendix A**. This shows the amendments to the Commissioners' recommended conditions made by the NZTA in this decision. A clean set of conditions is attached as **Appendix B**.

Aspects of the Commissioners' recommendation which are accepted in part
Condition 1

- 8 The NZTA accepts in part the Commissioners' recommendation to list relevant supporting documents in condition 1. However, the NZTA does not accept the Commissioners' recommendation to list each of the technical reports, which were appended to the NoR's Assessment of Environmental Effects (*AEE*), in condition 1.
- 9 The NZTA considers that it would be more appropriate to refer to the *AEE* itself (which, by definition, includes the technical reports appended to the *AEE*) and also refer to further documents which were provided by the NZTA after 20 July 2012 (i.e. the date of lodgement of the NoR).
- 10 The NZTA hereby modifies condition 1 of the NoR to refer to the *AEE* and documents which were provided after 20 July 2012 (the date of lodgement of the NoR).

Condition 3

- 11 The Commissioners have recommended that a standard phrase be used throughout the conditions, when referring to certification of management plans by QLDC. The standard phrase recommended is "*to QLDC for certification by the Chief Executive Officer or their delegate.*" The NZTA accepts the Commissioners' recommended wording and proposed changes to conditions to reflect this.
- 12 However, condition 3 still refers to submitting requested changes to management plans to the "*Compliance Monitoring Officer.*" The NZTA considers that, for consistency, the condition should also be amended to refer to the "*Chief Executive Officer or their delegate.*"
- 13 The NZTA hereby modifies condition 3 of the NoR by replacing the words "*the Compliance Monitoring Officer for certification*" with the words "*QLDC for certification by the Chief Executive Officer or their delegate.*"

Condition 6

- 14 Condition 6 has also not been amended to use the standard phrase for certification. Condition 6 of the Commissioners' recommendation still refers to submitting the Communications Plan to "QLDC" for certification. The NZTA considers that, for consistency, the condition should also be amended to refer to submitting the Communications Plan "*to QLDC for certification by the Chief Executive Officer or their delegate.*"
- 15 The NZTA hereby modifies condition 6 of the NoR by replacing the words "*to the QLDC a Communication Plan for certification*" with the words "*a Communication Plan to QLDC for certification by the Chief Executive Officer or their delegate.*"

Condition 8

- 16 The NZTA proposes that procedures associated with the refuelling of any machinery within 50 metres of a watercourse be addressed by the Construction Environmental Management Plan (CEMP). It is possible that large and immobile plant (such as cranes and drills) will be used to construct the Project, and these will need to be refuelled *in situ*. Refuelling will need to be very carefully managed to prevent spill fuel entering a waterway. However, refuelling procedures cannot be finalised until the construction equipment is chosen and their locations during construction determined. Accordingly, refuelling procedures are best contained in the CEMP to be lodged for certification prior to construction.
- 17 The NZTA hereby modifies condition 8 of the NoR by adding the words "*Procedures to ensure that any refuelling of machinery within 50 metres of any ephemeral or permanent watercourse is carried out in such a manner so as to prevent the discharge of contaminants*" in a new bullet point to be added below the words "Accidental Discovery Protocol".

Condition 17(c)

- 18 Condition 17(c) of the NoR requires the Requiring Authority to ensure that "*no machinery is cleaned, stored or refuelled within 50 metres of any ephemeral or permanent watercourse...*" The NZTA understands that it is not practical to ensure that there is no refuelling within 50 metres of the Kawarau River, given the large and immobile machinery to be employed in the Bridge's construction.
- 19 Accordingly, the NZTA hereby modifies condition 17(c) of the NoR by replacing the words ",*stored and refuelled*" with "*or stored*". Refuelling is now to be addressed by condition 8 (discussed above).

Condition 23 (introductory text)²

- 20 The NZTA accepts in part the Commissioners' recommended amendments to the introductory words in condition 23. However, the NZTA considers that the condition requires changing to refer to the amended Landscape Concept Plan (Sheet 2).
- 21 Sheet 2 of the Landscape Concept Plan (Drawing Number ZB01194-ECC-DG-0016) has been amended to incorporate the additional area on the northern River bank which the NZTA has decided to include within the designation footprint, on the basis of the Commissioners' recommendation (refer to paragraph 3.1 above). A replacement Landscape Concept Plan is attached as **Appendix C** to this decision.

² This is condition 22 in the tracked change version of the conditions (Appendix 2) and in Appendix 3.

- 22 The NZTA hereby modifies condition 23 so that the words “*ZB01194-ECC-DG-0015 and ZB01194-ECC-DG-0016 dated 14/02/13*” are replaced with the words “*ZB01194-ECC-DG-0015 (dated 14/02/13) and ZB01194-ECC-DG-0016 (dated 14/02/13, but with the ‘Recommended Extension’ added, which is shown as a solid red line in Appendix 3 to the Commissioners’ Recommendation.”*

Condition 23(m)³

- 23 The NZTA accepts in part the Commissioners’ recommended new condition 23(m), relating to the existing bridge. However, the NZTA considers that the word “path” in condition 23(m) should be replaced with the word “track.” Conditions 23(h) and (i) (and the heading above them) use the phrase “pedestrian and cycle track(s)”. The areas surrounding the existing bridge are described as, and fulfil the function of “tracks”, and thus the use of the word “track” in condition 23(m) will help to ensure that the carriageway is designed in a manner consistent with the surrounding area.
- 24 The NZTA hereby accepts the Commissioners’ recommended condition 23(m), except that the word “path” is to be replaced with the word “track”.

Condition 23(o)⁴

- 25 The NZTA accepts in part the Commissioners’ recommended condition 23(o), in relation to provision of carparking.
- 26 However, the NZTA considers that a carpark on the true right bank (or southern bank) of the Kawarau River would give rise to safety issues. Those safety issues are the same as those raised by the NZTA in response to the submission by Peninsula Road Limited who sought an intersection providing access to Kawarau Falls Station. The NZTA also considers that such a carpark could become a de facto carpark for staff employed at Kawarau Falls Station, and reduce the amount of landscaping treatment which would be possible, as more of the sealed highway surface would need to be retained for access and parking. The NZTA considers that a carpark at Bridge Street is a preferable option.
- 27 The NZTA hereby modifies its NoR so that the condition reads “*Carparking for visitors to the existing bridge, where possible*” (this was the wording proposed by the NZTA at the conclusion of the hearing, in closing legal submissions).

Advice Note below condition 4

- 28 The NZTA accepts in part the Commissioners’ recommended Advice Note.
- 29 For reasons that are explained further below, the NZTA does not consider that an enduring operational condition governing lighting is necessary, as an Outline Plan of Works (*Outline Plan*) under section 176A of the RMA would need to be submitted before any post construction lighting structures could be installed on the Bridge. Hence, the NZTA does not accept those parts of the Advice Note which cross refer to the Commissioners’ recommended lighting condition (condition 21).

³ This is condition 22(m) in the tracked change version of the conditions (Appendix 2) and in Appendix 3.

⁴ This is condition 22(o) in the tracked change version of the conditions (Appendix 2) and in Appendix 3.

- 30 The NZTA hereby rejects the Commissioners' recommended amendments to the Advice Note. The NZTA has decided to retain the notified version of the Advice Note, except that the NZTA also modifies the notified version of the Advice Note to refer to adjacent "sections" of State highway.

**Aspects of the Commissioners' Recommendation which are rejected
Condition 21 and associated Advice Note⁵**

- 31 The Commissioners have recommended a new condition 21 (and associated Advice Note), which would apply to any lighting proposed to be installed by the NZTA after construction of the Bridge.
- 32 The NZTA does not accept the Commissioners' recommended condition 21 or Advice Note, as the NZTA considers them unnecessary. If lighting is required post construction an Outline Plan will be required prior to their installation. It is clear from this decision and the Commissioners' recommendation that the installation of lighting post construction is not "*otherwise approved under this Act*" or "*incorporated into this designation*". Accordingly, section 176A would require an Outline Plan (unless a waiver was obtained). The NZTA considers this would provide sufficient opportunity for the QLDC to comment on any aspect of the lighting proposed.
- 33 The NZTA hereby rejects the Commissioners' recommended condition 21 (and the associated Advice Note below condition 21).

Notification of the NZTA's decision

- 34 Section 173 of the RMA requires the QLDC, within 15 working days of this decision, to serve notice of the decision and a statement of the time within which an appeal may be lodged on:

- 34.1 Persons who made a submission; and
34.2 Land owners and occupiers directly affected by the decision.

- 35 The NZTA would be grateful if the QLDC could advise when the QLDC has satisfied the above requirements.

Yours sincerely,



Ian Duncan

State Highway Manager, Otago/Southland

⁵ This is condition 21 (struck out) in the tracked change version of the conditions (Appendix 2).

APPENDIX A'

Condition Topic	Recommended Condition
General	<p>1. Except as modified by the conditions below, and subject to final design, the Project shall be undertaken in general accordance with the information provided by the requiring authority in the notice of requirement dated 20 July 2012 and supporting documents, being:</p> <ul style="list-style-type: none"> i) <u>Assessment of Environmental Effects report, dated 3 April 2012 (and re-submitted on 20 September 2012);</u> ii) <u>Geotechnical Assessment SH6 Kawarau Falls Bridge Specimen Design (prepared by Ross Roberts-, SKM, dated August 2012); and</u> iii) <u>SH6 Kawarau Falls Bridge – Design Statement in relation to Road Bridges Urban Design Principles (prepared by Vivian + Espie, dated 27 August 2012).</u> <ul style="list-style-type: none"> ■ Traffic Assessment (prepared by Andrew Lawson, SKM, dated February 2012) ■ Landscape Assessment (prepared by Ben Espie, Vivian+Espie, dated February 2012) ■ Archaeological Assessment (prepared by Andrew Winter, Jackie Gillies & Associates, dated June 2012) ■ Heritage Impact Assessment (prepared by Jackie Gillies, Jackie Gillies & Associates, dated 2nd April 2012) ■ Ecological Assessment (prepared by Shelley McMurtrie and Colin Meurk, EOS Ecology, dated 01 April 2012) ■ Noise and Vibration Assessment (prepared by Steve Peakall and Siiri Wilkening, Marshall Day Acoustics, dated May 2012) ■ Consultation Report (prepared by Alice Ge and Megan Howard, SKM, dated June 2012) ■ Flood Assessment (prepared by Jesse Adams and Ben Fountain, SKM, dated 28 February 2012) ■ Draft Construction Environmental Management Plan (prepared by Tim Strange, SKM, dated June 2012) ■ Draft Erosion, Sediment and Dust Control Report (prepared by Nic Conland and Karla Beamsley, SKM, and Andrew Gough, NZTA, dated June 2012) <p>2. As soon as practicable following completion of construction of the Project, the requiring authority shall:</p> <ol style="list-style-type: none"> a. Review the width of the area designated for the Project; b. Identify any areas of designated land that are no longer necessary for the ongoing operation, or maintenance of the Project or for ongoing mitigation measures; and c. Give notice to the Council in accordance with Section 182 of the RMA for the removal of those parts of the designation identified in 2(b) above. <p>3. The requiring authority may request amendments to the management plans required by these conditions by submitting the amendments in writing to <u>the Compliance Monitoring Officer for certification QLDC for</u></p>

	<p><u>certification by the Chief Executive Officer or their delegate</u>, prior to any changes taking effect.</p> <p>4. At the completion of the Project, the requiring authority shall ensure that all plant, equipment, chemicals, fencing, signage, debris, rubbish and other material brought on site is removed from the site. The site shall be tidied to a degree at least equivalent to that prior to the Project commencing.</p> <p>Advice Note: These conditions apply to construction of the Kawarau Falls Bridge, and will be satisfied once construction is complete with one exception. Other than that exception, these conditions do not apply to operation or maintenance of the Bridge or adjacent sections of State highway. The exception is Condition 21 which will remain in place in respect of the Bridge until lighting is installed.</p>
Notification	<p>5. The requiring authority shall notify the QLDC and all immediately adjoining landowners in writing at least five working days prior to the commencement of the Project, and at the completion of the Project.</p>
Communications Plan	<p>6. 25 working days prior to the commencement of the Project, the requiring authority shall submit to the QLDC a Communication Plan for certification a Communication Plan to QLDC for <u>certification by the Chief Executive Officer or their delegate</u>. The Communications Plan shall be based on the draft plan submitted with the notice of requirement application.</p> <p>7. The requiring authority shall carry out the Project in accordance with the certified Communications Plan.</p>
Construction Environmental Management Plan	<p>8. Twenty-five (25) working days prior to the Project commencing, the requiring authority shall submit a Construction Environmental Management Plan (CEMP) to the QLDC for certification by the Chief Executive Officer or their delegate. The CEMP shall be based on the draft CEMP provided with the NOR, and include the following:</p> <ul style="list-style-type: none"> ■ Accidental Discovery Protocol ■ <u>Procedures to ensure that any refuelling of machinery within 50 metres of any ephemeral or permanent watercourse is carried out in such a manner so as to prevent the discharge of contaminants</u> <p>The following plans, required by conditions 6, 11, 14, and 2021 shall form appendices to the CEMP and be held together with it:</p> <ul style="list-style-type: none"> ■ Construction Noise and Vibration Management Plan ■ Temporary Traffic Management Plan ■ Urban and Landscape Design Master Plan ■ Communications Plan. <p>9. The requiring authority shall carry out the Project in accordance with the certified CEMP.</p> <p>10. All significant earthworks, pile boring and retaining construction shall be supervised by a suitably qualified geotechnical engineer</p>

	Advice Note: The NZTA shall ensure that if the CEMP is changed or updated that the most up to date version is provided to the QLDC. The Erosion Sediment and Dust Control Plan and River Users Management Plan may be held together with the CEMP, but will be certified by the Otago Regional Council.
Construction Noise and Vibration Plan	<p>11. Twenty-five (25) working days prior to commencing the Project, the requiring authority shall submit a Construction Noise and Vibration Management Plan (CNVMP) to the QLDC for certification by the Chief Executive Officer or their delegate. The CNVMP shall:</p> <ul style="list-style-type: none"> a. be prepared by a suitably qualified and experienced acoustic consultant; b. contain methods to ensure that construction noise and vibration generally comply with the requirements of NZS6803:1999 and DIN 4150-3:1999; c. contain methods which represent the best practicable option; and d. include requirements for monitoring construction noise and vibration. <p>12. The requiring authority shall engage a suitably qualified engineer to conduct a detailed pre-construction building condition survey of the existing Kawarau Falls Bridge before construction. This survey shall be repeated within 25 working days of construction being complete. The requiring authority shall provide copies of the survey reports to the QLDC within one week of receipt.</p> <p>13. The requiring authority shall carry out the Project in accordance with the certified CNVMP.</p>
Temporary Traffic Management Plan	<p>14. Twenty-five (25) working days prior to commencing the Project, the requiring authority shall submit a temporary traffic management plan (TTMP) to the QLDC for certification by the Chief Executive Officer or their delegate. The TTMP shall include:</p> <ul style="list-style-type: none"> a. Details of traffic management systems for vehicles entering and exiting the site; b. Suitable site warning signage to be in place on the road in both directions from the site entrance; c. Frequency and number of construction traffic movements estimated to and from the site; d. Truck loading/unloading areas and procedures; e. Road remediation once works are complete; f. Management of pedestrian and cycling routes during construction. <p>15. The requiring authority shall carry out the Project in accordance with the certified TTMP.</p>
Dust	16. The requiring authority shall control the discharge of dust created by earthworks, transportation and construction activities in order to minimise dust hazard or nuisance.
Control of hazardous substances	<p>17. The Requiring Authority shall ensure that:</p> <ul style="list-style-type: none"> a. all hazardous substance storage or re-fuelling areas are

	<p>bunded or contained in such a manner so as to prevent the discharge of contaminants;</p> <ul style="list-style-type: none"> b. all machinery is regularly maintained in such a manner so as to minimise the potential for leakage of contaminants; c. no machinery is cleaned, or stored or refuelled within 50 metres of any ephemeral or permanent watercourse; and all contaminants (e.g. fuel, hydraulic oils, lubricants etc) are removed at the end of the construction period.
Utilities on the bridge	<p>18. The requiring authority shall ensure that the bridge design accommodates the following utilities:</p> <ul style="list-style-type: none"> • Telecommunications • Electricity • Water mains • Intelligent Transport systems utilities <p>19. The utilities listed in Condition 18 are to be incorporated into the bridge design in such a way as they are, to the greatest extent practicable, not visible, including from the river and the pedestrian/cycle structure proposed under the bridge;</p> <p>20. Where works completed in relation to or in association with this project result in changes being made to the existing Council services, or the addition of new services, the requiring authority shall submit to the QLDC GIS department new 'as-built' plans. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads, Water, Wastewater and Stormwater reticulation.</p> <p>21. This condition applies if lighting is not designed in accordance with condition 23r and installed on the bridge at the time of construction. Any proposed lighting –</p> <p class="list-item-l1">a. should be an integral design component of the bridge;</p> <p class="list-item-l1">b. shall minimise light spill onto the river, onto adjacent land and into the night sky; and</p> <p class="list-item-l1">c. must comply with the Queenstown Southern Lights Strategy.</p> <p>Prior to lodging an Outline Plan of Works under s.176A the requiring authority shall submit the proposed lighting design to the QLDC Urban Design Panel and include any comments from the Panel and a statement as to how they have been responded to with the Outline Plan of Works.</p> <p>Advice Note: This condition is a continuing condition on the designation in respect of the Kawarau Falls Bridge beyond the construction of the bridge until such time as any required lighting has been installed.</p>
Urban and Landscape Design Master Plan	<p>22.21. The requiring authority shall submit, prior to lodgement of the Outline Plan of Works, an Urban and Landscape Design Master Plan (ULDMP) to the QLDC for certification by the Chief Executive Officer or their delegate. The ULDMP shall be prepared by a suitably qualified person or persons and shall take into account the following documents or updated versions of same:</p> <p class="list-item-l1">a. NZTA's "Urban Design Policy" (2007)</p>

- b. NZTA's "Urban Design Principles: Road Bridges" (2009)
c. QLDC's "Urban Design Strategy" (2009)

23.22. The ULDMP shall be consistent with the Landscape Concept Plan as outlined in NOR drawings ZB01194-ECC-DG-0015 (dated 14/02/13) and ZB01194-ECC-DG-0016 (dated 14/02/13, but with the "Recommended Extension" added, which is shown as a solid red line in Appendix 3 to the Commissioners' Recommendation) prepared for NZTA by Sinclair Knight Merz Ltd, and include the following:

Urban Design Panel comments

- a. Comments obtained from the QLDC Urban Design Panel on a draft ULDMP, together with a statement as to how these have been responded to in the UDLMP submitted for certification;

Revegetation and planting

- b. Retention or propagation for replanting of existing native plants where possible;
c. Retention of poisoned willow roots/stumps below the bank works where possible;
d. In replanting areas outside of the earthworks areas mature willows shall be retained to provide a nursery for newly planted vegetation. These willows shall be poisoned when vegetation is established and the bank is stable, but dead stumps may remain;
e. Details of maintenance of the newly planted areas, such maintenance to be for a period of 2 years after completion of planting;
f. Selection of plant varieties for newly planted areas consistent with the Department of Conservation's "Wakatipu Project Gold" objectives and specifications;
g. A detailed planting plan identifying the location, density, grade, botanical names, and quantity of all planting.

Pedestrian and cycle tracks

- h. The final design and location of pedestrian and cycle tracks shall include step connections indicated on the Landscape Concept Plan as "link via steps" and otherwise meet the intent of the Landscape Concept Plan, including:

- Earthworks, showing areas of cut and fill, depths of cut and fill and cut batters;
- Any subsoil drainage system;
- Ease and convenience of use;
- Providing a complementary amenity experience to what is provided on nearby sections of track;
- Adherence, to the extent that is practical, to the following design criteria:
 - The provision of pathways that meet district wide design standards of minimum width (2.5m) and maximum gradient (10%); and

	<ul style="list-style-type: none"> • Pedestrian and cycling routes that provide direct and safe routes. <p>i. The requiring authority shall make reasonable efforts to consult with Queenstown Trails Trust and the QLDC regarding conformity with the Trust's and the QLDC's pedestrian and cycle track standards, and if this offer is accepted, describe the consultation which occurred, and its outcomes in the ULDMP submitted for certification;</p>
	<p><u>Heritage Matters</u></p> <p>j. A detailed landscape design of the area where the new and existing bridges converge on the true left bank of the River. This design shall be prepared in consultation with a heritage consultant approved by the NZHPT, and shall ensure that the connection between the existing bridge and the north bank remains visible;</p> <p>k. A detailed design of the pedestrian and cycle structure below the existing bridge and the new bridge. The design of this structure shall be prepared in consultation with a heritage consultant approved by the NZHPT and shall ensure a minimum of impact on the fabric of the existing bridge. Any alteration to the fabric of the bridge is to be undertaken in accordance with recognised heritage principles such as the ICOMOS New Zealand Charter;</p> <p>l. Removal of modern traffic facilities from the existing bridge where possible;</p> <p>m. Prior to removal of the designation from the existing bridge, the requiring authority is to make such modifications as are necessary to enable the carriageway to be used as a pedestrian and cycle path<ins>track</ins>. Where this involves modifications to the fabric of the bridge, such work is to be undertaken in accordance with recognised heritage principles such as the ICOMOS New Zealand Charter.</p> <p>n. Provision of information panels on the history of the existing bridge and Kawarau Falls area;</p> <p>o. Carparking for visitors to the existing bridge, <ins>where possible provided as conveniently as practicable for travellers on the State highway, including on the true right bank of the Kawarau River;</ins></p> <p><u>Bridge Design</u></p> <p>p. Bridge safety barriers which allow views out to the river, river margins and the existing bridge for State highway users, while balancing safety considerations;</p> <p>q. Final bridge design (including embankments and retaining walls) using external materials, finishes and colours that assist it to accord with both the natural setting and its relationship with the existing bridge, including giving effect to Condition 19;</p> <p>r. Final bridge design which, to the extent practicable, gives effect to Goals 1, 2 and 4 of the Queenstown Lakes District Council Urban Design Strategy;</p>

	<p>s. Details of lighting to be installed on the bridge and its approaches, if any. Any proposed lighting –</p> <ul style="list-style-type: none"> • should be an integral design component of the bridge; • shall minimise light spill onto the river, onto adjacent land and into the night sky; and • must comply with the Queenstown Southern Lights Strategy. <p>Emergency access</p> <p>t. Details of how, at the completion of construction, the requiring authority shall ensure that emergency access for vehicles onto the historic bridge is to be made possible.</p> <p><u>24.23.</u> The requiring authority shall carry out the Project in general accordance with ULDMP. The ULDMP shall be fully implemented within 12 months of the opening of the new State highway bridge.</p>
Archaeology	<p><u>24.24.</u> During construction, the requiring authority shall:</p> <ol style="list-style-type: none"> a. Identify the extent of the stacked stone wall to the east of the Northern abutment of the existing bridge before earthworks begin b. Clear vegetation in the location of proposed earthworks in a way that minimises damage to ground. c. Ensure earthworks areas are examined and recorded by an archaeologist prior to earthworks commencing (with recordings submitted to the NZHPT and NZAA). <p>Advice Note: If any archaeological sites are to be affected by earthworks an Authority from the NZHPT will be required.</p>
Lapse date	<p><u>26.25.</u> The designation shall lapse if not given effect to within 10 years from the date on which it is included in the District Plan under Section 175 of the RMA.</p>

APPENDIX 'B'

Condition Topic	Condition
General	<p>1. Except as modified by the conditions below, and subject to final design, the Project shall be undertaken in general accordance with the information provided by the requiring authority in the notice of requirement dated 20 July 2012 and supporting documents, being:</p> <ul style="list-style-type: none"> i) Assessment of Environmental Effects report, dated 3 April 2012 (and re-submitted on 20 September 2012); ii) Geotechnical Assessment SH6 Kawarau Falls Bridge Specimen Design (prepared by Ross Roberts-, SKM, dated August 2012); and iii) SH6 Kawarau Falls Bridge – Design Statement in relation to Road Bridges Urban Design Principles (prepared by Vivian + Espie, dated 27 August 2012). <p>2. As soon as practicable following completion of construction of the Project, the requiring authority shall:</p> <ul style="list-style-type: none"> a. Review the width of the area designated for the Project; b. Identify any areas of designated land that are no longer necessary for the ongoing operation, or maintenance of the Project or for ongoing mitigation measures; and c. Give notice to the Council in accordance with Section 182 of the RMA for the removal of those parts of the designation identified in 2(b) above. <p>3. The requiring authority may request amendments to the management plans required by these conditions by submitting the amendments in writing to QLDC for certification by the Chief Executive Officer or their delegate, prior to any changes taking effect.</p> <p>4. At the completion of the Project, the requiring authority shall ensure that all plant, equipment, chemicals, fencing, signage, debris, rubbish and other material brought on site is removed from the site. The site shall be tidied to a degree at least equivalent to that prior to the Project commencing.</p> <p>Advice Note: These conditions apply to construction of the Kawarau Falls Bridge, and will be satisfied once construction is complete. These conditions do not apply to operation or maintenance of the Bridge or adjacent sections of State highway.</p>
Notification	<p>5. The requiring authority shall notify the QLDC and all immediately adjoining landowners in writing at least five working days prior to the commencement of the Project, and at the completion of the Project.</p>
Communications Plan	<p>6. 25 working days prior to the commencement of the Project, the requiring authority shall submit a Communication Plan to QLDC for certification by the Chief Executive Officer or their delegate. The Communications Plan shall be based on the draft plan submitted with the notice of requirement application.</p>

	<p>7. The requiring authority shall carry out the Project in accordance with the certified Communications Plan.</p>
Construction Environmental Management Plan	<p>8. Twenty-five (25) working days prior to the Project commencing, the requiring authority shall submit a Construction Environmental Management Plan (CEMP) to the QLDC for certification by the Chief Executive Officer or their delegate. The CEMP shall be based on the draft CEMP provided with the NOR, and include the following:</p> <ul style="list-style-type: none"> ▪ Accidental Discovery Protocol ▪ Procedures to ensure that any refuelling of machinery within 50 metres of any ephemeral or permanent watercourse is carried out in such a manner so as to prevent the discharge of contaminants <p>The following plans, required by conditions 6, 11, 14, and 21 shall form appendices to the CEMP and be held together with it:</p> <ul style="list-style-type: none"> ▪ Construction Noise and Vibration Management Plan ▪ Temporary Traffic Management Plan ▪ Urban and Landscape Design Master Plan ▪ Communications Plan. <p>9. The requiring authority shall carry out the Project in accordance with the certified CEMP.</p> <p>10. All significant earthworks, pile boring and retaining construction shall be supervised by a suitably qualified geotechnical engineer</p> <p>Advice Note: The NZTA shall ensure that if the CEMP is changed or updated that the most up to date version is provided to the QLDC. The Erosion Sediment and Dust Control Plan and River Users Management Plan may be held together with the CEMP, but will be certified by the Otago Regional Council.</p>
Construction Noise and Vibration Plan	<p>11. Twenty-five (25) working days prior to commencing the Project, the requiring authority shall submit a Construction Noise and Vibration Management Plan (CNVMP) to the QLDC for certification by the Chief Executive Officer or their delegate. The CNVMP shall:</p> <ol style="list-style-type: none"> a. be prepared by a suitably qualified and experienced acoustic consultant; b. contain methods to ensure that construction noise and vibration generally comply with the requirements of NZS6803:1999 and DIN 4150-3:1999; c. contain methods which represent the best practicable option; and d. include requirements for monitoring construction noise and vibration. <p>12. The requiring authority shall engage a suitably qualified engineer to conduct a detailed pre-construction building condition survey of the existing Kawarau Falls Bridge before construction. This survey shall be repeated within 25 working days of construction being complete. The</p>

	<p>requiring authority shall provide copies of the survey reports to the QLDC within one week of receipt.</p> <p>13. The requiring authority shall carry out the Project in accordance with the certified CNVMP.</p>
Temporary Traffic Management Plan	<p>14. Twenty-five (25) working days prior to commencing the Project, the requiring authority shall submit a temporary traffic management plan (TTMP) to the QLDC for certification by the Chief Executive Officer or their delegate. The TTMP shall include:</p> <ul style="list-style-type: none"> a. Details of traffic management systems for vehicles entering and exiting the site; b. Suitable site warning signage to be in place on the road in both directions from the site entrance; c. Frequency and number of construction traffic movements estimated to and from the site; d. Truck loading/unloading areas and procedures; e. Road remediation once works are complete; f. Management of pedestrian and cycling routes during construction. <p>15. The requiring authority shall carry out the Project in accordance with the certified TTMP.</p>
Dust	<p>16. The requiring authority shall control the discharge of dust created by earthworks, transportation and construction activities in order to minimise dust hazard or nuisance.</p>
Control of hazardous substances	<p>17. The Requiring Authority shall ensure that:</p> <ul style="list-style-type: none"> a. all hazardous substance storage or re-fuelling areas are bunded or contained in such a manner so as to prevent the discharge of contaminants; b. all machinery is regularly maintained in such a manner so as to minimise the potential for leakage of contaminants; c. no machinery is cleaned or stored within 50 metres of any ephemeral or permanent watercourse; and all contaminants (e.g. fuel, hydraulic oils, lubricants etc) are removed at the end of the construction period.
Utilities on the bridge	<p>18. The requiring authority shall ensure that the bridge design accommodates the following utilities:</p> <ul style="list-style-type: none"> • Telecommunications • Electricity • Water mains • Intelligent Transport systems utilities <p>19. The utilities listed in Condition 18 are to be incorporated into the bridge design in such a way as they are, to the greatest extent practicable, not visible, including from the river and the pedestrian/cycle structure proposed under the bridge;</p>

	<p>20. Where works completed in relation to or in association with this project result in changes being made to the existing Council services, or the addition of new services, the requiring authority shall submit to the QLDC GIS department new 'as-built' plans. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads, Water, Wastewater and Stormwater reticulation.</p>
Urban and Landscape Design Master Plan	<p>21. The requiring authority shall submit, prior to lodgement of the Outline Plan of Works, an Urban and Landscape Design Master Plan (ULDMP) to the QLDC for certification by the Chief Executive Officer or their delegate. The ULDMP shall be prepared by a suitably qualified person or persons and shall take into account the following documents or updated versions of same:</p> <ul style="list-style-type: none"> a. NZTA's "Urban Design Policy" (2007) b. NZTA's "Urban Design Principles: Road Bridges" (2009) c. QLDC's "Urban Design Strategy" (2009) <p>22. The ULDMP shall be consistent with the Landscape Concept Plan as outlined in NOR drawings ZB01194-ECC-DG-0015 (dated 14/02/13) and ZB01194-ECC-DG-0016 (dated 14/02/13, but with the "Recommended Extension" added, which is shown as a solid red line in Appendix 3 to the Commissioners' Recommendation) prepared for NZTA by Sinclair Knight Merz Ltd, and include the following:</p> <p><u>Urban Design Panel comments</u></p> <ul style="list-style-type: none"> a. Comments obtained from the QLDC Urban Design Panel on a draft ULDMP, together with a statement as to how these have been responded to in the UDLMP submitted for certification; <p><u>Revegetation and planting</u></p> <ul style="list-style-type: none"> b. Retention or propagation for replanting of existing native plants where possible; c. Retention of poisoned willow roots/stumps below the bank works where possible; d. In replanting areas outside of the earthworks areas mature willows shall be retained to provide a nursery for newly planted vegetation. These willows shall be poisoned when vegetation is established and the bank is stable, but dead stumps may remain; e. Details of maintenance of the newly planted areas, such maintenance to be for a period of 2 years after completion of planting; f. Selection of plant varieties for newly planted areas consistent with the Department of Conservation's "Wakatipu Project Gold" objectives and specifications; g. A detailed planting plan identifying the location, density, grade, botanical names, and quantity of all planting.

	<p>Pedestrian and cycle tracks</p> <p>h. The final design and location of pedestrian and cycle tracks shall include step connections indicated on the Landscape Concept Plan as "link via steps" and otherwise meet the intent of the Landscape Concept Plan, including:</p> <ul style="list-style-type: none"> • Earthworks, showing areas of cut and fill, depths of cut and fill and cut batters; • Any subsoil drainage system; • Ease and convenience of use; • Providing a complementary amenity experience to what is provided on nearby sections of track; • Adherence, to the extent that is practical, to the following design criteria: <ul style="list-style-type: none"> • The provision of pathways that meet district wide design standards of minimum width (2.5m) and maximum gradient (10%); and • Pedestrian and cycling routes that provide direct and safe routes. <p>i. The requiring authority shall make reasonable efforts to consult with Queenstown Trails Trust and the QLDC regarding conformity with the Trust's and the QLDC's pedestrian and cycle track standards, and if this offer is accepted, describe the consultation which occurred, and its outcomes in the ULDMP submitted for certification;</p> <p>Heritage Matters</p> <p>j. A detailed landscape design of the area where the new and existing bridges converge on the true left bank of the River. This design shall be prepared in consultation with a heritage consultant approved by the NZHPT, and shall ensure that the connection between the existing bridge and the north bank remains visible;</p> <p>k. A detailed design of the pedestrian and cycle structure below the existing bridge and the new bridge. The design of this structure shall be prepared in consultation with a heritage consultant approved by the NZHPT and shall ensure a minimum of impact on the fabric of the existing bridge. Any alteration to the fabric of the bridge is to be undertaken in accordance with recognised heritage principles such as the ICOMOS New Zealand Charter;</p> <p>l. Removal of modern traffic facilities from the existing bridge where possible;</p> <p>m. Prior to removal of the designation from the existing bridge, the requiring authority is to make such modifications as are necessary to enable the carriageway to be used as a pedestrian and cycle track. Where this involves modifications to the fabric of the bridge, such work is to be undertaken in accordance with recognised heritage principles such as the ICOMOS New Zealand Charter.</p>
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	<p>n. Provision of information panels on the history of the existing bridge and Kawarau Falls area;</p> <p>o. Carparking for visitors to the existing bridge, where possible;</p> <p>Bridge Design</p> <p>p. Bridge safety barriers which allow views out to the river, river margins and the existing bridge for State highway users, while balancing safety considerations;</p> <p>q. Final bridge design (including embankments and retaining walls) using external materials, finishes and colours that assist it to accord with both the natural setting and its relationship with the existing bridge, including giving effect to Condition 19;</p> <p>r. Final bridge design which, to the extent practicable, gives effect to Goals 1, 2 and 4 of the Queenstown Lakes District Council Urban Design Strategy;</p> <p>s. Details of lighting to be installed on the bridge and its approaches, if any. Any proposed lighting –</p> <ul style="list-style-type: none"> • should be an integral design component of the bridge; • shall minimise light spill onto the river, onto adjacent land and into the night sky; and • must comply with the Queenstown Southern Lights Strategy. <p>Emergency access</p> <p>t. Details of how, at the completion of construction, the requiring authority shall ensure that emergency access for vehicles onto the historic bridge is to be made possible.</p> <p>23. The requiring authority shall carry out the Project in general accordance with ULDMP. The ULDMP shall be fully implemented within 12 months of the opening of the new State highway bridge.</p>
Archaeology	<p>24. During construction, the requiring authority shall:</p> <p>a. Identify the extent of the stacked stone wall to the east of the Northern abutment of the existing bridge before earthworks begin</p> <p>b. Clear vegetation in the location of proposed earthworks in a way that minimises damage to ground.</p> <p>c. Ensure earthworks areas are examined and recorded by an archaeologist prior to earthworks commencing (with recordings submitted to the NZHPT and NZAA).</p> <p>Advice Note: If any archaeological sites are to be affected by earthworks an Authority from the NZHPT will be required.</p>
Lapse date	<p>25. The designation shall lapse if not given effect to within 10 years from the date on which it is included in the District Plan under Section 175 of the RMA.</p>

Appendix

NOTES

- THE ON-DECK LANDSCAPING LAYOUT SHOWN ON THIS PLAN REQUIRES TO BE CONSIDERED AND AMENDED AS REQUIRED IN TERMS OF:
- COMPATIBILITY WITH GEOTECHNICAL ISSUES.
- ABILITY TO SUITABLY FORTH TRAILS IN RELATION TO CONTOURS AND EARTHWORKS THAT WOULD BE REQUIRED (NOTING THE DESIRABILITY OF CONFORMING WITH TRANS TROTS STANDARDS).
- ABILITY FOR THE DESIGN TO BE COMPATIBLE WITH ENGINEERING DESIGN OF THE BRIDGE (PARTICULARLY THE ABILITY TO BUILD SURFACE STRUCTURES TO SUPPORT THE PARTS OF THE TRAILS THAT PASS BENEATH THE BRIDGES).
- COMPATIBILITY WITH HERITAGE ISSUES.

**EXISTING TRAILS / FOOTPATHS ARE HIGHLIGHTED IN ORANGE.
PROPOSED ARE HIGHLIGHTED IN BLUE.**

**THE EXTENT OF THE AREA TO BE REVEGETATED IS INDICATIVE ONLY,
THE ACTUAL EXTENT OF THIS AREA WILL BE DETERMINED BY THE FINAL
REPORT OF THE ENVIRONMENTAL CLEARANCE COMMITTEE CONDUCTED ON [REDACTED]**

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ONLINE REFER SHEET 1

ISSUED FOR STATUTORY APPROVALS

4-2	CONCEPTUAL LANDSCAPE DESIGN SHEET 2 OF 2		12
	NORTHERN ABUTMENT	DRAWING NO. Z701194-ECC-DG-0016	A4
	TITLE NORTHERN ABUTMENT	SCALE 1:500 (A1)	C

6
NZ TRANSPORT AGENCY
WAKA ROTORI

5

BEFORE THE ENVIRONMENT COURT

Decision No. [2013] NZEnvC 279

IN THE MATTER of the Resource Management Act 1991
AND of an appeal under section 174 of the
BETWEEN REMARKABLES PARK LIMITED
(ENV-2013-CHC-31)
Appellant
AND NEW ZEALAND TRANSPORT
AGENCY
Respondent

Hearing: In Chambers at Christchurch

Court: Environment Judge J R Jackson

Date of Decision: 26 November 2013

QLDC
29 NOV 2013

QUEENSTOWN

Date of Issue: 26 November 2013

DECISION

- [A] Subject to Order [D], under section 279(1)(a) of the Resource Management Act 1991, the Environment Court orders that the Otago Regional Council be substituted for Remarkables Park Limited as appellant.
- [B] Subject to Order [D], under section 279(1)(b) of the Act, the Environment Court, by consent of the New Zealand Transport Agency and the Otago Regional Council, orders that:

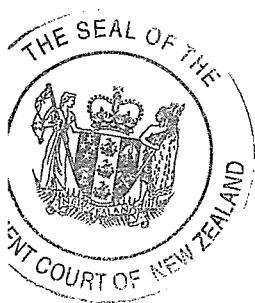
- (1) condition 2 of the designation is amended to read as follows (additions underlined):

"As soon as practicable following completion of construction of the Project, the requiring authority shall:



- a. *Review the width of the area designated for the Project;*
 - b. *Identify any areas of designated land that are no longer necessary for the ongoing operation, or maintenance of the Project or for ongoing mitigation measures (provided that the final designation width is no less than 16 metres); and*
 - c. *Give notice to the Council in accordance with Section 182 of the RMA for the removal of those parts of the designation identified in 2(b) above.”*
- (2) condition 22(i) of the designation is amended to read as follows (additions underlined):
- The requiring authority shall make reasonable efforts to consult with Queenstown Trails Trust and the QLDC regarding conformity with the Trust's and the QLDC's pedestrian and cycle track standards, and consult with the Otago Regional Council on provision for pedestrians and cyclists both on and in the vicinity of the new bridge, and if this offer is accepted, describe the consultation which occurred, and its outcomes in the ULDMP submitted for certification*
- (3) condition 22(m) of the designation is amended to read as follows (additions underlined):
- Prior to removal of the designation from the existing bridge, the requiring authority is to make such modifications as are necessary to enable the carriageway to be used as a pedestrian and cycle track (suitable for use by both recreational and commuting cyclists). Where this involves modifications to the fabric of the bridge, such work is to be undertaken in accordance with recognised heritage principles such as the ICOMOS New Zealand Charter.*
- (4) for subsequent ease of understanding the designation, the respondent reprints the designation with all the changes directed under (1)-(3) included, so that any reader not familiar with the proceeding can read the designation and understand it as a whole, without having to read, interpolate and consider separately changes made by this consent order;

[C] Subject to [B] the appeal is otherwise refused.



- [D] The Orders above are provisional for ten (10) working days in case I have misunderstood the position of other parties, for example the Queenstown Lakes District Council. Leave is reserved for any party to amend or set aside the order within that time – if no application is made the orders are final

- [E] Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] On 23 April 2013 Remarkables Park Limited (“RPL”) lodged an appeal against the decision of the New Zealand Transport Agency (“the NZTA”) on a notice of requirement to alter an existing designation to enable the construction, operation and maintenance of a new two lane bridge on State highway 6 across the Kawarau River at Frankton, near Queenstown.

[2] The Queenstown Lakes District Council (“the QLDC”), Otago Regional Council (“the ORC”) and Queenstown Trails Trust had given notice of their intentions to become parties to the appeal, under section 274 of the Resource Management Act 1991 (“the RMA” or “the Act”).

[3] The court set the matter down for hearing which was to commence Monday 25 November 2013.

[4] Subsequently, a representative for the Queenstown Trails Trust advised the Registrar (via telephone on 22 November 2013) that it wishes to withdraw from the appeal with no issues as to costs.

[5] On the Friday before the hearing the Registrar received two memoranda from counsel. The first seeks orders from the court to make amendments to the designation as agreed between the NZTA and ORC; the second seeks leave to withdraw the appeal on behalf of RPL. In effect both memoranda propose to resolve the proceeding without a hearing but in rather contradictory ways.

[6] The position of the QLDC is that it does not oppose the withdrawal by RPL, but it is silent on the changes proposed by the ORC.

[7] On 22 November 2013 directions were issued (via email) confirming the hearing was vacated and that a consent order will be issued in due course. However, I subsequently realised that the position is slightly more complex than that. I will issue a decision to resolve the procedural difficulties.



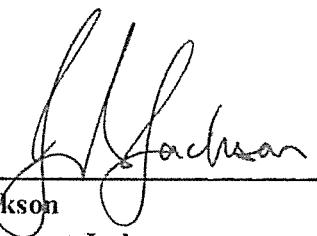
Consideration

[8] To obtain the changes the ORC seeks, it cannot allow RPL simply to withdraw its appeal but must step into RPL's shoes (pro-forma) so that the requirement can be altered as agreed. This issue is not raised in the memorandum of counsel for the ORC and NZTA, but it is simply resolved.

[9] I will make an order substituting the ORC for RPL as appellant but reserving leave for the parties to apply if I have misunderstood the QLDC's position or, indeed, that of the ORC.

[10] The court is making the substantive orders under section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) The NZTA and ORC have executed the memorandum requesting order [B];
- (b) The NZTA and ORC are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.



J R Jackson
Environment Judge
JacksoJJud_Ruled 2013-CHC-41 RPL v NZTA

THE SEAL OF THE
ENVIRONMENT COURT OF NEW ZEALAND

Schedule 2- Council Recommendation, Decision and Plans for RM110290- Grant Road Roundabout

RESOURCE CONSENT CHECKLIST

IDENTIFIERS	
RM Number: (1.01) <u>110290</u>	Is this a variation? (40.01) <input type="checkbox"/> Y If yes, previous RM# _____
Applicant Name: (4.10) _____	

DESCRIPTION OF ACTIVITY	
IS NCS DESCRIPTION CORRECT? (6.01-6.06) <input checked="" type="checkbox"/> Y / <input type="checkbox"/> N	If no, what is the new proposal description? _____

LEGALS	
CT or Computer Freehold Register (40.10) _____	Legal Description (2.05-2.09) _____
Valuation Number(s) Involved (2.01) _____	Is Legal Description likely to change? <input type="checkbox"/> Y / <input type="checkbox"/> N (see checklist guide for explanation)

Consent type (1.02 & 1.32)	Activity Status (6.32)		
Land use			
Land Use Consent	<input type="checkbox"/>	Controlled	<input type="checkbox"/>
Notice of Requirement	<input checked="" type="checkbox"/>	Restricted discretionary	<input type="checkbox"/>
Certificate of compliance	<input type="checkbox"/>	Discretionary	<input type="checkbox"/>
Extension of time	<input type="checkbox"/>	Non-complying	<input type="checkbox"/>
Existing use rights certificate	<input type="checkbox"/>	n/a	<input type="checkbox"/>
Outline Plan	<input type="checkbox"/>		
Retrospective Consent?	<input type="checkbox"/>		

Subdivision			
Fee Simple	<input type="checkbox"/>	Controlled	<input type="checkbox"/>
Boundary Adjustment	<input type="checkbox"/>	Restricted discretionary	<input type="checkbox"/>
Unit Title	<input type="checkbox"/>	Discretionary	<input type="checkbox"/>
Amalgamation/Cancellation of Amalgamation	<input type="checkbox"/>	Non-complying	<input type="checkbox"/>
Extension of time	<input type="checkbox"/>	n/a	<input type="checkbox"/>
# Lots pre-Existing (40.33)			
# Lots / Unit Titles Applied For (40.30)			
# Lots / Unit Titles Approved (40.32)			
Existing amalgamations need to be carried over?	<input type="checkbox"/>	Explain:	
Staged (40.07)	<input type="checkbox"/>		

ZONING

DISTRICT PLAN ZONE (6.00)		OTHER Zones/Sub Zones/Precincts (6.05)	
Clearly identify if Secondary Main Zone (40.06)			
Airport Mixed Use	<input type="checkbox"/>		
Arrowtown Town Centre	<input type="checkbox"/>		
Ballantyne Road Mixed Use	<input type="checkbox"/>		
Bendemeer	<input type="checkbox"/>		
Business	<input type="checkbox"/>		
Corner Shopping Centre	<input type="checkbox"/>		
Frankton Flats	<input checked="" type="checkbox"/>		
Gibbstion Character	<input type="checkbox"/>		
High density residential	<input type="checkbox"/>	Subzone A	<input type="checkbox"/>
		Subzone B	<input type="checkbox"/>
		Subzone C	<input type="checkbox"/>
Hydro Generation	<input type="checkbox"/>		
Industrial	<input type="checkbox"/>		
Kingston Village Special Zone	<input type="checkbox"/>		
Low density residential	<input type="checkbox"/>	Arthurs Point	<input type="checkbox"/>
		Arrowtown Scenic Protection Area	<input type="checkbox"/>
		Queenstown Heights	<input type="checkbox"/>
		Wanaka	<input type="checkbox"/>
		Community Facility Subzone	<input type="checkbox"/>
		Medium Density Residential Sub Zone	<input type="checkbox"/>
		Visitor Accommodation Sub Zone	<input type="checkbox"/>
		Elsewhere	<input type="checkbox"/>
Meadow Park	<input type="checkbox"/>		
Open Space	<input type="checkbox"/>		
Penrith Park	<input type="checkbox"/>		
Quail Rise	<input type="checkbox"/>		
Queenstown Town Centre	<input type="checkbox"/>	Special Character Area Precinct 1	<input type="checkbox"/>
		Special Character Area Precinct 2	<input type="checkbox"/>
		Special Character Area Precinct 3	<input type="checkbox"/>
		Town Centre Transition Sub Zone	<input type="checkbox"/>
Remarkables Park	<input type="checkbox"/>		
Residential Arrowtown Historic Management	<input type="checkbox"/>		
Resort Zone			
-Jacks Point			
-----Jacks Point	<input type="checkbox"/>		
-----Henley Downs	<input type="checkbox"/>		
-----Homestead Bay	<input type="checkbox"/>		
-Millbrook	<input type="checkbox"/>		
-Waterfall Park	<input type="checkbox"/>		
Rural General	<input type="checkbox"/>	Ski Area Sub Zone	<input type="checkbox"/>
Rural Lifestyle	<input type="checkbox"/>	Makarora	<input type="checkbox"/>
		Other	<input type="checkbox"/>
Rural Residential	<input type="checkbox"/>	Bob's Cove	<input type="checkbox"/>
		Forest Hill	<input type="checkbox"/>
		Lake Hayes North	<input type="checkbox"/>
		Ferry Hill	<input type="checkbox"/>

Rural Visitor	<input type="checkbox"/>	Arcadia Station	<input type="checkbox"/>
	<input type="checkbox"/>	Arthurs Point	<input type="checkbox"/>
	<input type="checkbox"/>	Blanket Bay	<input type="checkbox"/>
	<input type="checkbox"/>	Cardrona	<input type="checkbox"/>
	<input type="checkbox"/>	Cecil Peak	<input type="checkbox"/>
	<input type="checkbox"/>	Walter Peak	<input type="checkbox"/>
	<input type="checkbox"/>	Windermere	<input type="checkbox"/>
Township	<input type="checkbox"/>	Albert Town	<input type="checkbox"/>
	<input type="checkbox"/>	Glenorchy	<input type="checkbox"/>
	<input type="checkbox"/>	Kingston	<input type="checkbox"/>
	<input type="checkbox"/>	Kinloch	<input type="checkbox"/>
	<input type="checkbox"/>	Lake Hawea	<input type="checkbox"/>
	<input type="checkbox"/>	Luggate	<input type="checkbox"/>
	<input type="checkbox"/>	Makarora	<input type="checkbox"/>
	<input type="checkbox"/>	Riverside	<input type="checkbox"/>
	<input type="checkbox"/>	Commercial precinct	<input type="checkbox"/>
	<input type="checkbox"/>	Visitor Accommodation Sub Zone	<input type="checkbox"/>
Wanaka Town Centre	<input type="checkbox"/>		
Proposed Zones	<input type="checkbox"/>	Mt. Cardrona Station	<input type="checkbox"/>
	<input type="checkbox"/>	Frankton Flats B	<input type="checkbox"/>
	<input type="checkbox"/>	Kingston Village	<input type="checkbox"/>
	<input type="checkbox"/>	Three Parks	<input type="checkbox"/>

ZONING CHANGES (n/a)

Is this zone the subject of a proposed plan change? Y N

If YES, what is the name of the proposed new zone?

P.C. 19

OTHER CLASSIFICATIONS

Landscape (Only if applicable: e.g. Rural General zoning) (40.38)		Designation (W/in existing designation? See Appendix A1 of DP) (40.37)	
Outstanding Natural Landscape	<input type="checkbox"/>	Affected by Designation?	<input type="checkbox"/>
Visual Amenity Landscape	<input type="checkbox"/>	# Designation _____	
Other Rural Landscape	<input type="checkbox"/>		
Outstanding Natural Feature	<input type="checkbox"/>		
Other Within one of the following (identified within DP Maps) (40.49)		Hazards (Refer to hazard layer info on GIS) (40.42)	
Airport control boundary	<input type="checkbox"/>	Is this site considered a contaminated site?	<input type="checkbox"/>
Building Restriction Area	<input type="checkbox"/>	Site Affected by Natural Hazards?	<input type="checkbox"/>
Heritage protection order	<input type="checkbox"/>	Hazard Map needing to be updated as a result of this application?	<input type="checkbox"/>
Historic precinct	<input type="checkbox"/>	Please inform GIS of any new hazards	
Maximum building height restriction	<input type="checkbox"/>		
National Park	<input type="checkbox"/>		
Within statutory acknowledgement area (takata whenua)? (see pg SA at start of DP)	<input type="checkbox"/>		
Protected Features			
Protected Feature (in Appendix 3 of the Plan) affected? (40.45)	<input type="checkbox"/>	If so, what is the protected feature number? (40.46)	
Category: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	If so, to be: demolished/removed? <input type="checkbox"/> altered? <input type="checkbox"/>		

ACTIVITY

Keywords for Proposed Activity (40.12, 40.13, 40.14)		Y
Alteration to residential dwelling		<input type="checkbox"/>
Alteration to non-residential building		<input type="checkbox"/>
Alteration to garage / accessory building		<input type="checkbox"/>
Car parking		<input type="checkbox"/>
Change of use		<input type="checkbox"/>
Childcare / Daycare		<input type="checkbox"/>
Commercial Activity		<input type="checkbox"/>
Commercial Recreational Activities		<input type="checkbox"/>
Community facility		<input type="checkbox"/>
Controlled Activity for Building		<input type="checkbox"/>
Earthworks		<input type="checkbox"/>
Earthworks Associated with New Dwelling		<input type="checkbox"/>
Easement		<input type="checkbox"/>
External Appearance of Buildings		<input type="checkbox"/>
Farm Building		<input type="checkbox"/>
Farming and horticulture activities		<input type="checkbox"/>
Fences and Walls		<input type="checkbox"/>
Forestry		<input type="checkbox"/>
Golf Course Development		<input type="checkbox"/>
Hazardous Substances		<input type="checkbox"/>
Helicopter landing pad		<input type="checkbox"/>
Industrial Activity		<input type="checkbox"/>
Jetties and Moorings		<input type="checkbox"/>
Landscaping		<input type="checkbox"/>
Mining/Quarrying/Gravel Extraction		<input type="checkbox"/>
New Residential Dwelling		<input type="checkbox"/>
New non-residential building		<input type="checkbox"/>
New garage / accessory building		<input type="checkbox"/>
Office Activity		<input type="checkbox"/>
Relocated Building		<input type="checkbox"/>
Residential Activity		<input type="checkbox"/>
Residential Flat		<input type="checkbox"/>
Retail Sales		<input type="checkbox"/>
Sale of liquor		<input type="checkbox"/>
Service Activity (transport, storage, maintenance or repair of goods)		<input type="checkbox"/>
Signage		<input type="checkbox"/>
Subdivide Existing Dwellings		<input type="checkbox"/>
Structures		<input type="checkbox"/>
Temporary Events		<input type="checkbox"/>
Use of surface of lakes and rivers		<input type="checkbox"/>
Utilities		<input type="checkbox"/>
Waste Management Facilities		<input type="checkbox"/>
Wineries		<input type="checkbox"/>
Visitor Accommodation		<input type="checkbox"/>
Other, explain:	change boundary's	<input checked="" type="checkbox"/>

REASON CONSENT REQUIRED (40.15, 40.16, 40.17)

A Breach of a Site or Zone Standard Relating to:	Consent needed to undertake one of the following:
Access / transport standard	<input type="checkbox"/> Airport / helicopter landing <input type="checkbox"/>
Building Footprint	<input type="checkbox"/> External Appearance of Buildings <input type="checkbox"/>
Building Restriction Area	<input type="checkbox"/> Building Platform Alteration <input type="checkbox"/>
Continuous Building length	<input type="checkbox"/> Building Platform Establishment <input type="checkbox"/>
Earthworks	<input type="checkbox"/> Commercial Activity <input type="checkbox"/>
Fence or Wall Height Breach	<input type="checkbox"/> Industrial Activities <input type="checkbox"/>
Hazardous Substances	<input type="checkbox"/> Commercial Recreational Activity <input type="checkbox"/>
Hours of Operation	<input type="checkbox"/> Comprehensive Residential Development <input type="checkbox"/>
Indigenous Vegetation	<input type="checkbox"/> Dams/Hydro generation Activity <input type="checkbox"/>
Internal Setback	<input type="checkbox"/> Establish Temporary Buildings <input type="checkbox"/>
Landscape Coverage	<input type="checkbox"/> Factory Farming <input type="checkbox"/>
Lighting/Glare	<input type="checkbox"/> Failure to Identify Building Platform <input type="checkbox"/>
Maximum Building Height	<input type="checkbox"/> Fencing <input type="checkbox"/>
Minimum lot size	<input type="checkbox"/> Flood Protection works <input type="checkbox"/>
Multi Unit Development	<input type="checkbox"/> Heritage Item Alteration <input type="checkbox"/>
Nature and Scale of Non Residential Activities	<input type="checkbox"/> Heritage Item Demolition <input type="checkbox"/>
Noise Breach	<input type="checkbox"/> Community Activity <input type="checkbox"/>
Notable & Amenity Trees alteration/removal-(Arrowtown)	<input type="checkbox"/> Mining and Quarrying <input type="checkbox"/>
Parking Design	<input type="checkbox"/> New farm building <input type="checkbox"/>
Parking Number	<input type="checkbox"/> New non-residential building <input type="checkbox"/>
Recession plane	<input type="checkbox"/> New residential dwelling <input type="checkbox"/>
Road Setback	<input type="checkbox"/> New residential flat <input type="checkbox"/>
Roof Colour	<input type="checkbox"/> Office Activities <input type="checkbox"/>
Signage	<input type="checkbox"/> Planting Wilding Species <input type="checkbox"/>
Site Coverage	<input type="checkbox"/> Relocatable Building <input type="checkbox"/>
	<input type="checkbox"/> Sale of Liquor <input type="checkbox"/>
	<input type="checkbox"/> Signage <input type="checkbox"/>
	<input type="checkbox"/> Service Activity <input type="checkbox"/>
	<input type="checkbox"/> Subdivision <input type="checkbox"/>
	<input type="checkbox"/> Tree Removal / Alteration <input type="checkbox"/>
	<input type="checkbox"/> Use of surface of Lakes and Rivers <input type="checkbox"/>
	<input type="checkbox"/> Utilities activities <input type="checkbox"/>
	<input type="checkbox"/> Visitor accommodation activities <input type="checkbox"/>
Other:	<input type="checkbox"/> Other: <input type="checkbox"/>

PROCESS

EXPERT ASSESSMENTS IN PROCESSING (40.45)		YES	NOTES
-Engineering		<input checked="" type="checkbox"/>	
-Landscape		<input type="checkbox"/>	
-Urban Design		<input type="checkbox"/>	
-Transportation		<input type="checkbox"/>	
-Ecological		<input type="checkbox"/>	
-Environmental Health Officer		<input type="checkbox"/>	
-QLDC Urban Design Panel		<input type="checkbox"/>	

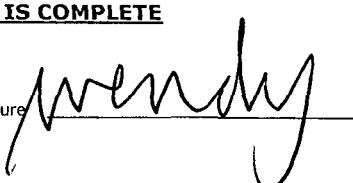
DESIGN GUIDELINES (40.46)		YES
Reference to Design Guidelines in report?	<input type="checkbox"/>	If Yes: which? _____

CONSULTATION (n/a)		YES	TAKATA WHENUA	YES
Written Approvals Obtained		<input checked="" type="checkbox"/>	Ngai Tahu/Te Ao Marama/Kai Tahu Ki Otago Consulted?	<input type="checkbox"/>

NOTICE /SERVICE (7.00)		YES	YES
Public Notification		<input type="checkbox"/>	Notification Determination Hearing held? (7.01)
Limited Notification		<input type="checkbox"/>	
Non-notified		<input checked="" type="checkbox"/>	

CONSENTING AUTHORITY		YES	DECISION (9.01)	YES
Commissioner		<input checked="" type="checkbox"/>	Granted	<input checked="" type="checkbox"/>
Hearing Commissioners		<input type="checkbox"/>	Declined	<input type="checkbox"/>
CEO / Council Committee		<input type="checkbox"/>	Granted in Part	<input type="checkbox"/>
Environment Court		<input type="checkbox"/>		

OUTCOMES

RURAL GENERAL	Y	NOTES	
Building Platforms			
RBPs Applied for	<input type="checkbox"/>	How many? # _____ (40.34)	
RBPs Approved	<input type="checkbox"/>	How many? # _____ (40.36)	
RBPs Altered	<input type="checkbox"/>	RM# altered:	
RBPs to be Mapped?	<input type="checkbox"/>		
VISITOR ACCOMODATION		NUMBER	
# Beds (40.03)			
# Rooms (40.04)			
# Units (40.05)			
Indicative Monitoring Timeframe (40.47)		Time	
No Monitoring Required		<input checked="" type="checkbox"/>	
Immediate		<input type="checkbox"/>	
1-6 Months		<input type="checkbox"/>	
6-12 Months		<input type="checkbox"/>	
12+ Months		<input type="checkbox"/>	
Notes:	Needs to be sent to Ruth Jones @ QDC.		
Covenants (40.43)		Y	NOTES
Public access created (e.g. esplanade / easement)?		<input type="checkbox"/>	
Area covenanted against further subdivision or development?		<input type="checkbox"/>	(40.44) No. ha? _____
Ecological restoration covenant /consent notice?		<input type="checkbox"/>	
DEVELOPMENT CONTRIBUTIONS		Y	N
DCN Required? (40.28)		<input type="checkbox"/>	<input type="checkbox"/>
Reason DCN not required:			
ASSETS (40.49)		Y	N
Are there any assets to be vested in Council?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
CONSENT IS COMPLETE			
Planner Signature:  Dated: _____			

Ruth.Jones@QDC.



QUEENSTOWN
LAKES DISTRICT
COUNCIL
QUEENSTOWN LAKES

DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	New Zealand Transport Agency (NZTA)
RM reference:	RM110290
Location:	Grant Road, Wakatipu Basin
Proposal:	Notice of Requirement to alter Designation 84 in the District Plan to alter the boundaries of State Highway 6 (SH6) (Ladies Mile) to enable the future construction of a roundabout.
Type of Consent:	N/A Notice of Requirement
Legal Description:	Lot 3 Deposited Plan 374540 and Lot 2 Deposited Plan 385058 held within Computer Freehold Register 461289 and Lot 4-5 Deposited Plan 374540 held within Computer Freehold Register 461290
Valuation Number:	2910211007
Zoning:	Frankton Flats and Rural General (District Plan)
Activity Status:	N/A
Notification:	Non Notified
Commissioner:	Commissioner Sinclair
Date Issued:	18 August 2011
Decision:	Granted with recommended conditions

We refer to your requirement under Section 181 of the Resource Management Act 1991 to alter the boundaries of Designation #84 at the intersection of State Highway 6 and Grant Road, Queenstown. The application was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 17 July 2011. This decision was made and its issue authorised by Jane Sinclair, Independent Commissioner, as delegate for the Council.

The subject sites are located at the intersection of State Highway 6 and Grant Road, Queenstown and are legally described as Lot 3 Deposited Plan 374540 and Lot 2 Deposited Plan 385058 held on Computer Freehold Register 461289 and Lot 4-5 Deposited Plan 374540 held on Computer Freehold Register 461290.

Under the District Plan Designation #84 is designated 'State Highway Purposes' which is administered by Transit New Zealand (or New Zealand Transit Authority)..

Section 181 of the Resource Management Act 1991 establishes the procedure for altering a designation.

Section 181(3) of the Act states:

181 Alteration of designation

(3) A territorial authority may at any time alter a designation in its district plan or a requirement in its proposed district plan if—

(a) the alteration—

- (i) involves no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned; or
- (ii) involves only minor changes or adjustments to the boundaries of the designation or requirement; and

(b) written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and

(c) both the territorial authority and the requiring authority agree with the alteration—

and sections 168 to 179 shall not apply to any such alteration.

Proposal and Site History

It is proposed to alter designation 84 at the intersection of Grant Road and Ladies Mile (SH6). Designation 84 was created under a previous resource consent (RM080046) to create space to enable a roundabout to be constructed to serve the development on adjacent land to the south of the Highway. Originally it was proposed to realign Grant Road and the original designation was proposed with that realignment in mind. It is no longer proposed to realign Grant Road and as such the designation is to be altered to ensure the future roundabout can be constructed at the junction of Grant and Ladies Mile (SH6) Roads.

The existing designation is significantly larger than that currently proposed. Previously, 2,375m² of land to the east of Grant Road and 5,323m² to the west of Grant Road was designated, being a total of 7,698m² of land (excluding the small portion of Grant Road also to be included).

The current proposal seeks to designate a total of 3,471m² of land excluding Grant Road comprising 1,585m² of land to the east of Grant Road and 1,886m² to the west of Grant Road.

The designation if granted consent would result in a designation 4,227m² smaller than what is currently in place. The designation alterations proposed are shown in figure 1 below.

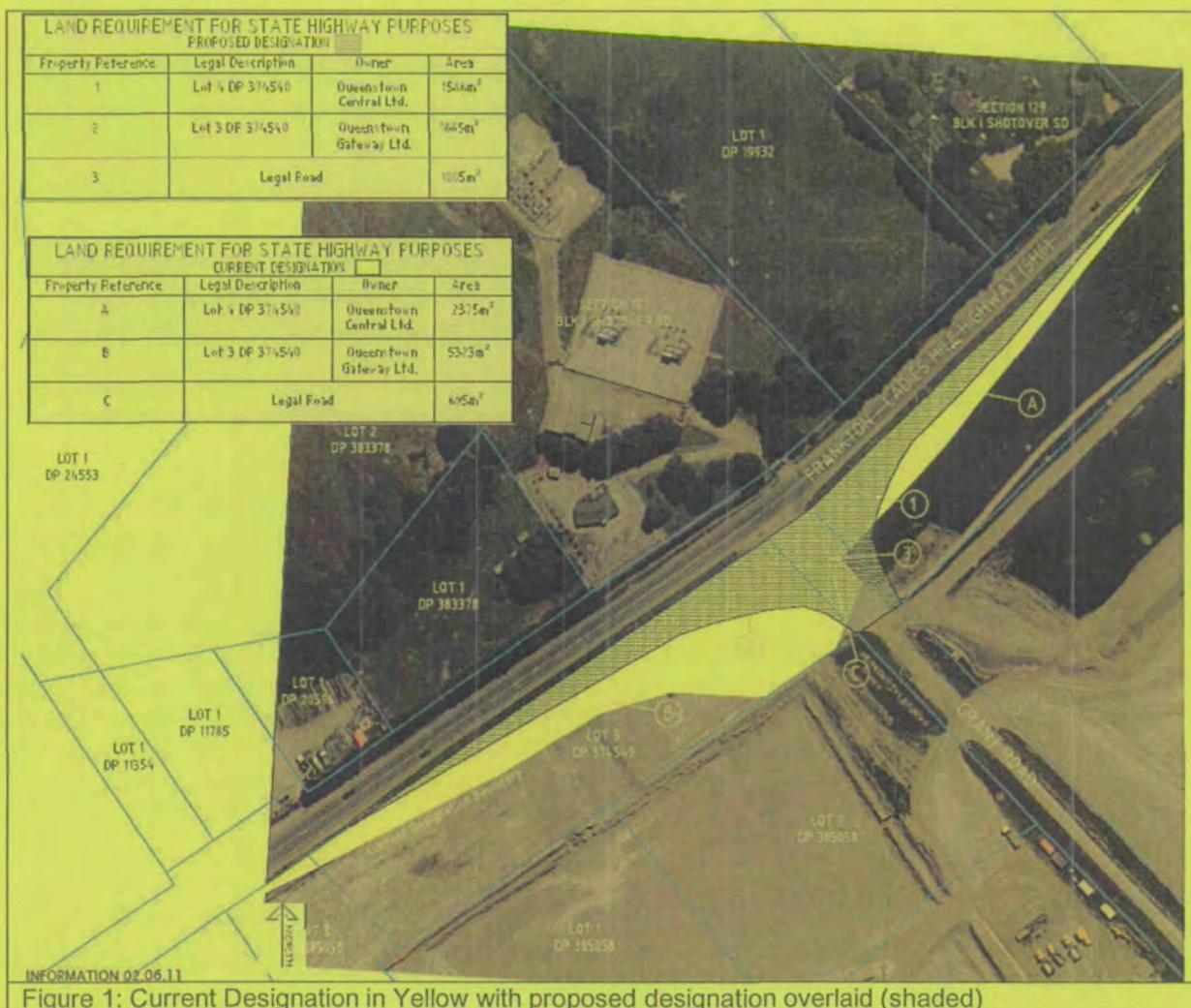


Figure 1: Current Designation in Yellow with proposed designation overlaid (shaded)

In association with the proposal the applicant proposes the following restrictions / conditions on the proposed work:

- Prior to any works being undertaken, a construction management plan will be submitted by the contractor to the Queenstown Lakes District Council that addresses the management of the noise, dust, erosion and sediment generated from the earthworks, in keeping with the landscaping requirements for a 50 metre landscape strip as per Frankton Flats Special zone requirements;
- The land to be designated shall be shown in the District Plan as 'Designated for State Highway purpose';
- Landscape and visual effects are to be managed and mitigated in accordance with a Landscape and Amenity Plan incorporating Transit New Zealand Guidelines for Highway Landscaping (2002);
- In the event that any archaeological sites or remains are discovered during the earthworks, then works at that place of discovery will cease immediately. The New Zealand Historic Places Trust, kaumātua representing the local Tangata Whenua, the Queenstown Lakes District Council, and the New Zealand Police as appropriate, shall be contacted. Work shall only recommence in the affected area when any necessary statutory authorisations or consents have been obtained.

Although the proposed designation includes portions of the previously approved designation it also includes new areas, This notice of requirement is proposed to be treated as a new notice of requirement ensuring a lapse date of 5 years from when the NZTA make their decision in respect of the designation recommendation.

Recommendation

Pursuant to Section 181(3) of the Resource Management Act 1991 the alterations to Designation #84 ('State Highway Purposes') is confirmed as illustrated in the plan prepared by Clarke Fortune McDonald (titled *Grant Road Intersection Land Designation Plan*) stamped as approved on 27 May 2011 with the following conditions recommended:

1. Prior to any works being undertaken, a construction management plan will be submitted by the contractor to the Queenstown Lakes District Council that addresses the management of the noise, dust, erosion and sediment generated from the earthworks, in keeping with the landscaping requirements for a 50 metre landscape strip as per Frankton Flats Special zone requirements;
2. The land to be designated shall be shown in the District Plan as 'Designated for State Highway purpose';
3. Landscape and visual effects are to be managed and mitigated in accordance with a Landscape and Amenity Plan incorporating Transit New Zealand Guidelines for Highway Landscaping (2002);
4. In the event that any archaeological sites or remains are discovered during the earthworks, then works at that place of discovery will cease immediately. The New Zealand Historic Places Trust, kaumatua representing the local Tangata Whenua, the Queenstown Lakes District Council, and the New Zealand Police as appropriate, shall be contacted. Work shall only recommence in the affected area when any necessary statutory authorisations or consents have been obtained.
5. A safe pedestrian crossing through the designation shall be provided at outline plan approval.

Reasons for Recommendation

The application is for an alteration to a designation and no physical works are proposed. The application includes a drawing of a roundabout within the designation however an Outline Plan Approval under S. 176A of the RMA is not applied for at this time. The drawing is simply to illustrate the reasoning behind the location and size proposed for the designation alteration. The proposed designation is significantly smaller than that already approved.

A portion of the proposed designation (Grant Road) is designated Legal Road under the District Plan and accordingly, under s.177 of the RMA any proposed alteration of that designation requires approval from the requiring authority which in this case is Queenstown Lakes District Council. Mr Denis Mander (Roads Manager) of Queenstown Lakes District Council has provided approval for the proposed alteration to the designation.

With regard to s181(3) of the RMA it is considered the proposed alteration will result in effects on the environment that are no more than minor. Affected party approvals have been obtained from all surrounding landowners and the designation is smaller than that previously approved. The slightly different location of the designation reflects the change in the proposal to realign Grant Road and does not give rise to any additional adverse effects.

An assessment provided with the previous designation alteration application concluded the alteration proposed has the ability to provide for a future roundabout that will have sufficient capacity to accommodate future traffic demands as identified in the applicants traffic modelling. The proposed change to the designation moves the roundabout location to the east however this will not change the assessment that the roundabout can cater for anticipated traffic demands.

The applicant has provided a number of conditions / restrictions relating to the designation which can be included in the recommendation. Another condition to the recommendation can be proposed to ensure the provision of a safe pedestrian crossing area within the designation. The application describes a potential raised pedestrian refuge within the designation to allow for safe pedestrian crossing. The application goes on to note that the crossing point will not be marked on the ground and

that drop down curbs may or may not be formed at either side of the road. It is considered important given existing pedestrian/cycle routes established which cross this area, to ensure pedestrians can cross safely and that a safe pedestrian crossing area be appropriately designed and provided at outline plan approval stage. This condition mitigates any adverse effects on the public using the pedestrian links in the area.

Overall the proposed activity is not likely to have adverse effects on the environment that are more than minor.

WRITTEN APPROVALS – section 181(3)(b)

The following persons have provided their written approval.

Person (owner/occupier)	Address (location in respect of subject site)
Queenstown Gateway Limited	Lot 3 Deposited Plan 374540 (Land adjoining and to the west of the proposed Designation)
Queenstown Central Limited	Lot 4-5 Deposited Plan 374540 (Land adjoining and to the east of the proposed Designation)
Transpower New Zealand Limited	Section 127 Block 1 Shotover SD (Land adjoining and to the noth of the proposed Designation)
Queenstown Lakes District Council	Authority responsible for Grant Road designation

Summary

In terms of section 181(3)(a) the alteration involves no more than minor changes to the effects on the environment and involves only minor changes to the boundaries of the designation.

Written notice has been given and affected party approval obtained from every landowner or occupier of the land directly affects by the proposed alteration.

Approval has been provided from the territorial authority and the requiring authority is the applicant.

Given the above it is considered that the proposal to alter designation 84 is appropriate.

Advice Note

As part of the outline plan approval for the detail design of the Grants Road roundabout details of proposed landscaping, pedestrian movement and lighting (all lighting shall be developed in accordance with QLDC night lighting strategy) shall be developed in consultation with the Queenstown Lakes District Council.

Other Matters

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

If you have any enquiries please contact Wendy Baker at wendy.baker@lakesenv.co.nz.

Prepared by
LAKES ENVIRONMENTAL LTD

David Wallace
PLANNER

Reviewed by
LAKES ENVIRONMENTAL LTD

Wendy Baker
PLANNING TEAM LEADER



3 October 2011

Wendy Baker
Lakes Environmental
Private Bag 50077
QUEENSTOWN 9348



Dear Wendy

Notice of Requirement to Alter State Highway Designation (RM110290) - Grant Road - SH 6 - Queenstown

Thank you for your letter to our consultant dated 18 August 2011 advising of the Queenstown Lakes District Council's recommendations on the above-mentioned notice of requirement to alter the designation for State Highway 6 (SH6) at the intersection of SH6 and Grant Road, Queenstown.

The NZ Transport Agency (NZTA) received the Queenstown Lakes District Council's recommendation through its consultants on 23 August 2011.

Introduction

- 1) The NZTA gave notice to the Queenstown Lakes District Council (QLDC) pursuant to section 181 of the Resource Management Act 1991 (RMA) of its requirement to alter the designation for SH6 (#84) for 'State Highway Purposes' at the intersection of SH6 and Grant Road, Queenstown.
- 2) QLDC appointed a Commissioner to consider the requirement and to make recommendations as to whether or not the requirement should be withdrawn, confirmed with or without modification, or confirmed subject to conditions.
- 3) The Commissioner's recommendation (as reported in the attachment to your letter) was that the requirement be **confirmed** subject to conditions.

NZTA's decision in relation to recommendation

- 4) The NZTA is the requiring authority for all improvement and operations activities carried out on the State highway, including any works associated with the land subject to this requirement.
- 5) In accordance with section 172 of the RMA, the NZTA is pleased to **accept in part** the Commissioner's recommended conditions in relation to this requirement as follows.
- 6) The NZTA **accepts in whole** all of conditions 1, 3, and 4 inclusive.

- 7) The parts of the Commissioner's recommendation that are rejected either in part or in full relate to the following:
 - a) Condition 2;
 - b) Condition 5; and,
 - c) the Advice Note.
- 8) The manner of rejection of each of these conditions and the reasons for the NZTA's decision in respect of these conditions is set out below.

Condition 2

- 9) Condition 2 stipulates that the land to be designated shall be shown in the District Plan as 'Designated for State Highway purposes'.
- 10) The NZTA's decision is to reject the inclusion of this condition. Despite the condition being promoted in the original requirement, it has become apparent that the NZTA cannot give effect to it, nor influence exactly how it is eventually given effect to. QLDC is ultimately responsible for including the altered designation in the District Plan. The NZTA anticipates that once the process for altering the designation is completed, QLDC will take appropriate steps to include the amended designation in the District Plan as soon as practicable.
- 11) The NZTA also anticipates that as part of this process the designation over the land that is no longer required for State Highway purposes (coloured yellow on Figure 1 of RM110290) will be removed from the District Plan.

Condition 5

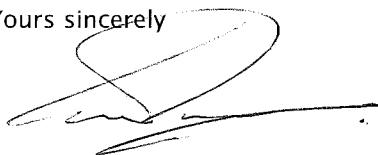
- 12) Condition 5 requires a safe pedestrian crossing through the designation be provided at outline plan approval.
- 13) The NZTA's decision is to reject the inclusion of this condition. Despite some clarification under the heading 'Reasons for Recommendation', the condition is not specific or certain enough as to QLDC's expectations in terms of where a safe pedestrian crossing is to be provided to give the NZTA enough certainty about how pedestrian facilities might be delivered.
- 14) The NZTA anticipates providing for pedestrian access and linkages for existing pedestrian/cycle routes, particularly the pedestrian/cycle route that already exists in the 'Five Mile' landscape buffer adjacent to the south side of the State highway. Whether or not that linkage is provided within the area designated for State highway purposes (and more specifically, the land associated with this requirement) has yet to be determined, and no doubt will be determined after further consultation with QLDC.
- 15) The NZTA is further committed to seeking solutions for addressing pedestrian/cycle access along the State highway west of Grant Road between Grant Road and the 'Frankton Roundabout'. This work could conceivably fall within the auspices of the condition as recommended. However, the NZTA anticipates that this work will likely be subject to separate outline plans of works not associated with the likely potential improvements to the SH6/Grant Road intersection in the short to medium term.

Advice Note

- 16) The NZTA decision on this advice note included in the recommendation is more by way of comment than a straight out acceptance or rejection.
- 17) The NZTA notes that the advice note appears to have been crafted as though it were a condition. It appears to stipulate that an outline plan 'shall be developed' in consultation with QLDC.
- 18) In spite of the way the advice note is crafted, the NZTA cannot be bound by it. However, the NZTA remains committed to continuing its long history of working collaboratively with QLDC in developing any outline plan of works for improvements to the State highway, including for works in the vicinity of Grant Road.

The NZTA has not provided a full set of conditions with the modifications listed above, but will do so if requested.

Yours sincerely



Ian Duncan

Acting State Highway Manager – Dunedin

cc John Edmonds and Associates, PO Box 95, Queenstown 9348
AMCE
TPM

Wendy Baker

From: Denis Mander
Sent: Wednesday, 12 October 2011 8:33 a.m.
To: Wendy Baker
Subject: RE: Message from "PQLEL026"

Thanks Wendy. I am happy with accepting their response to the pedestrian crossing issue. It would be worthwhile to acknowledge somewhere (advice note?) of the strong desire for a pedestrian cycle crossing in this vicinity to ensure continuity of the pedestrian /cycle routes within the precinct.

Wendy - call me on mobile if you need clarification (I will have it turned on!!)

Denis Mander | Transport Manager | Infrastructure Services
Queenstown Lakes District Council ... Making Life Better
Private Bag 50072, 10 Gorge Road, Queenstown, New Zealand | www qldc govt nz
P: +64 3 4500 530 | M: +64 274 912 143 | F: +64 3 450 2223

Follow the Council

-----Original Message-----

From: Wendy Baker
Sent: Tuesday, 4 October 2011 12:54 p.m.
To: Denis Mander
Subject: FW: Message from "PQLEL026"

Hi Denis,

NZTA is not accepting certain conditions - can you have a wee squiz and give me some feedback- are you uncomfortable with this . The only one or real relevance Is the ped x-ing issue.

Cheers Wendy

-----Original Message-----

From: pqlel026@lakesenv.co.nz [mailto:pqlel026@lakesenv.co.nz]
Sent: Tuesday, 4 October 2011 10:29 a.m.
To: Wendy Baker
Subject: Message from "PQLEL026"

This E-mail was sent from "PQLEL026" (Aficio MP C7501).

Scan Date: 04.10.2011 10:28:56 (+1300)
Queries to: pqlel026@lakesenv.co.nz

Schedule 3- Council Recommendation, Decision and Plans for RM140857- Eastern Access Road Roundabout and Four Laning



RECOMMENDATION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

RECOMMENDATION UNDER s181

ALTERATION TO A DESIGNATION

RESOURCE MANAGEMENT ACT 1991

Applicant/Requiring Authority:	New Zealand Transport Agency (NZTA)
RM reference:	RM140857
Application:	Notice of Requirement (NoR) under Section 181(3) of the Resource Management Act 1991 (RMA) for the alteration of designations to provide for enlarged SH6/EAR and SH6/Grant Road roundabouts and the four laning of SH6 between the two roundabouts.
Location:	State Highway 6 between Glenda Drive and Grant Road Queenstown
Legal Description:	N/A
Zoning:	Rural General and Frankton Flats Special Zone A & B
Designation:	Ref. Nos. 84 & 370
Recommendation Date	26 November 2014

SUMMARY OF RECOMMENDATIONS

1. Pursuant to Section 181(3) of the RMA, the NoR for an alteration of Designation Ref. No. 84 and 370 is ACCEPTED. To reach the recommendation the application was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Jane Sinclair, Independent Commissioner, as delegate for the Council.

1. PROPOSAL AND SITE DESCRIPTION

A NoR has been received to alter Designations Ref. No. 84 and 370

The applicant has provided a detailed description of the proposal, the site and locality and the relevant site history in Section(s) 1-5 of the report entitled State Highway 6 four laning and Eastern Access Road and Grant Road roundabouts, prepared by Kimberley Rolton of GHD, and submitted as part of the application (hereon referred to as the applicant's AEE and attached as Appendix 1). This description is considered accurate and is adopted for the purpose of this report.

It is noted the application also details the extent of the proposed works to occur within the altered designation in relation to the EAR/SH6 roundabout and four laning. Therefore in accordance with s176A(2) the requiring authority does not subsequently require an outline plan approval for these works.

Details relating to the SH6/Grant Road roundabout have not been submitted with this application and therefore the provisions of s176A would still apply in respect to these works.

The NoR confirms the existing designation conditions will apply to the altered designations.

2. NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH (NES)

A separate application is considering matters relating to the NES.

3. SECTION 181 OF THE RMA

A territorial authority may at any time alter a designation in its district plan if the alteration;

- involves no more than a minor change to the effects on the environment associated with the use of land or any water concerned (s181(3)(a)(i));
- or the alteration involves only minor changes or adjustments to the boundary of the designation or requirement (s181(3)(a)(ii)); and
- written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration (s181(3)(b)); and
- both the territorial authority and the requiring authority agree with the alteration (s181(3)(c)) - and sections 168 to 179 shall not apply to any such change.

An assessment in this respect follows.

4. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s181(3)(a)(i))

4.1 ASSESSMENT: EFFECTS ON THE ENVIRONMENT

The following assessment determines whether the alteration to the designation involves no more than a minor change to the effects on the environment associated with the use or proposed use of the land.

The Assessment of Effects provided at section 6 of the applicant's AEE is comprehensive and is considered accurate. It is therefore adopted for the purposes of this report.

In addition a peer review of the landscape assessment provided with the NoR has been undertaken by Michelle Snodgrass Landscape Architecture. This confirms any potential adverse effects (particularly relating to the reduced landscape buffer within the Frankton Flats Special Zones A & B) will be minor. The landscape review also confirms the proposed landscaping within the SH6/EAR roundabout will positively contribute to the gateway function this roundabout will play in the entry experience to Queenstown. In particular the landscape review notes the form of the proposed planting will ensure the distant views of the mountains from the State Highway will be maintained.

The landscape review recommends the following conditions are added to the existing designation conditions:

1. *The proposed landscaping shall be maintained and irrigated for a period of 12 months (the Maintenance of Defects period) after the completion of the landscape works. Any plant material that dies during that time shall be required to be replaced within the same or next planting season, whichever is the sooner.*

Given the important role the roundabouts will play in the gateway/entry experience to Queenstown it is considered appropriate to ensure all landscaping is successfully established.

A review of engineering matters has been undertaken by Council consultant engineer Allan Hopkins this review confirms that provided the existing conditions of the designation are complied with any adverse effects can be mitigated.

4.2 DECISION: EFFECTS ON THE ENVIRONMENT

Overall the proposed alteration of Designations Ref. No. 84 and 370 will involve no more than a minor change to the effects on the environment associated with the use or proposed use of land.

5. WRITTEN NOTICE (s181(3)(b))

Written notice of the proposed alteration of Designations Ref. No 84 and 370 has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration. These persons are outlined below:

Landowner	Land Required (m ²)	Approval Provided
Queenstown Central Limited	7435	Yes
Queenstown Central Limited/ Crown	477	Yes
Queenstown Gateway (5M) Ltd	3899	Yes
Queenstown Lakes District Council	216	Yes
LG Hansen, WJ Rutherford, WT Cooney	1247	Yes

The proposal will result in only minor changes to the boundaries of the existing designation.

No other persons are directly affected by the alteration because no other land is required to accommodate the alteration. Furthermore, aside from the proposed alteration to accommodate the four laning of the highway the alterations facilitate activity (roundabouts) that have previously been provided for through alterations to the State Highway designation. The increased size of the roundabouts provided for through the alteration will not affect any vehicle access arrangements to properties that have not provided their approval. The previous designation process RM090808 considered the effects of the changes required to vehicle accesses along the State Highway corridor to accommodate the SH6/EAR roundabout and the details provided in the NoR confirm this will not change as a result of the alterations proposed.

6. OVERALL RECOMMENDATION

Given the decisions made above in sections 4 and 5, the Queenstown Lakes District Council agrees with the alteration. In addition, the Requiring Authority as applicant agrees with the alteration.

6.1 RECOMMENDATION ON NOR PURSUANT TO SECTION 181 (3) OF THE RMA

Pursuant to section 181(3) of the RMA the alteration to Designations Ref. No. 84 & 370 is ACCEPTED.

The conditions proposed/amended by the requiring authority that form part of the NoR are outlined in Appendix 2.

7. ADMINISTRATIVE MATTERS

The costs of processing the NoR are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

This NoR is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

If you have any enquiries please contact the Duty Planner on phone (03) 441 0499.

Report prepared by



Tim Williams
CONSULTANT PLANNER

Decision made by



Jane Sinclair
INDEPENDENT COMMISSIONER

APPENDIX 1 Applicant's AEE (State Highway 6 four laning and Eastern Access Road and Grant Road roundabouts, prepared by Kimberley Rolton of GHD)

APPENDIX 2 Conditions of Alteration of Designation

APPENDIX 1
Applicant's AEE

**(State Highway 6 four laning and Eastern Access Road & Grant Road roundabouts, prepared by
Kimberley Rolton of GHD)**



**Notices of Requirement for Designation
Alterations and Assessment of Environmental
Effects**

**State Highway 6 Four Laning and Eastern
Access Road and Grants Road roundabouts**

October 2014

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Appendices

- Appendix A – Designation Plans and Land Requirement Plans
- Appendix B - Written approvals from directly affected parties
- Appendix C – Plan Change 19 – Frankton Flats B Zone Structure Plan (as approved by the Environment Court)
- Appendix D – Design plans (including Landscape Plans)
- Appendix E – Landscape Assessment (Blakely Wallace Associates)

1. Form 18

NOTICE OF REQUIREMENT BY MINISTER, LOCAL AUTHORITY, OR REQUIRING AUTHORITY FOR DESIGNATION OR ALTERATION OF DESIGNATION

*Sections 145, 168(1), (2), 168A, and 181, and clause 4 of Schedule 1, Resource Management Act
1991*

To Queenstown Lakes District Council

THE NZ TRANSPORT AGENCY (Transport Agency) gives notice of a requirement for alterations to designations for a public work.

THE SITES to which the requirements apply are as follows:

1. Notice of a requirement to alter the Transport Agency State highway designation (designation #370) in the Queenstown Lakes District Plan. The site is located in the Frankton Flats area to the east of Queenstown at the proposed roundabout centred on State highway 6 (SH6) at the proposed Eastern Access Road (EAR). The existing SH6 road corridor is owned by the Crown and administered by the Transport Agency. Land parcels from which land is required for this proposed alteration to the designation are legally described as:

- Sections 132 and 133 Blk I Shotover SD
- Sections 1, 4, 5 and 6 SO 461463

A total land area of 3,188 m² is required for the alteration of the designation. The site is described within this report and is shown on the attached land requirement and designation plans.

2. Notice of a requirement to alter the Transport Agency State highway designation (designation #84) in the Queenstown Lakes District Plan. The site is located in the Frankton Flats area to the east of Queenstown along the State highway between the EAR/ SH6 roundabout to the Grants Road/ SH6 roundabout. The existing SH6 road corridor is owned by the Crown and administered by the Transport Agency. The land parcel from which land is required for the proposed alteration to the designation is legally described as Section 6 SO 461463.

A total land area of 3,704 m² is required for the alteration of the designation. The site is described within this report and is shown on the attached land requirement and designation plans.

3. Notice of requirement to alter the Transport Agency State highway designation (designation #84) (subject to a previous designation alteration – RM110920) in the Queenstown Lakes District Plan. The site is located in the Frankton Flats area to the east of Queenstown at the proposed Grants Road roundabout. The existing SH6 road corridor is owned by the Crown and administered by the Transport Agency. Land parcels from which land is required for the proposed alteration to the designation are legally described as:

- Section 6 SO 461463
- Lot 3 DP 374540
- Lot 3 DP 386068

A total land area of 3,076 m² is required for the alteration of the designation. The site is described within this report and is shown on the attached land requirement and designation plans.

THE NATURE of the proposed project is:

- The alteration of an existing designation to provide for a larger roundabout at the EAR/SH6 intersection in accordance with the new design requirements of the Austroads Guide to Road Design, 2010.
- The alteration of an existing designation to widen the existing SH6 to accommodate four lanes between the proposed EAR roundabout and the Grants Road intersection (proposed roundabout).
- The alteration of an existing designation to provide for a larger roundabout at the Grant Road/ SH6 intersection in accordance with the new design requirements of the Austroads Guide to Road Design, 2010.

The nature of the proposed works is described in further detail within section 5 of this report.

THE NATURE OF THE PROPOSED CONDITIONS that would apply are:

There are no conditions that relate to designation 84 in the Queenstown Lakes District Plan.

The existing designation #370 conditions are as follows (RM090808):

1. *The proposed works will be constructed generally in accordance with Plans 1009-1264-5a dated March 2011 (Sheets 1 to 4)*
2. *Prior to commencement of works that NZTA shall submit to the Queenstown Lakes District Council for review and approval a Construction Management Plan addressing the following matters*

Control of dust;

Silt and sediment control;

Construction Noise;

Traffic management;

Hours of Operation;

Protection of the Arrow Irrigation Scheme.

As part of this plan details shall be provided to:

Demonstrate how access will be retained to adjoining properties throughout the construction process, in particular the ability for customers and delivery trucks to access the Manapouri Beech investments site (Lot 2 DP23542) unobstructed during the peak hours and months of operation, being 8am-1pm and during the months of September-March;

Establish processes to mitigate and address potential adverse effects from dust, noise and other construction activity occurring as a result of the construction process on the existing operations of the Shotover Garden Centre.

Once approved the Construction Management Plan must be complied with throughout the duration of the works.

3. *Prior to the movement of any letter boxes the NZTA shall liaise with the relevant landowner and ensure any new proposed locations are identified in consultation with the landowner and provides compliance with any New Zealand Post requirements.*
4. *If koiwi (human skeletal remains), waahi taoka (resource of importance), waahi tapu (place or feature of special significance) or artefact material are discovered, then work shall stop to allow a site inspection by the appropriate runanga and their advisors, who would determine whether the discovery is likely to be extensive and whether a thorough site*

investigation is required. Materials discovered should be handled and removed by tribal elders responsible for tikanga (custom) appropriate to their removal or preservation. Historic Places Trust and NZ Police should be contacted so that appropriate arrangements can be made.

5. *NZTA shall meet the reasonable costs associated with amending the Manapouri Beech Investments/ FM Custodians Ltd easement instrument (including survey, legal (including Manapouri Beech Investments and FM Custodians reasonable legal costs) and registration costs) and the construction of the access from SH6 to the Manapouri Beech Investments and FM Custodians Ltd sites (Lots 1 and 2 DP 23542).*
6. *NZTA shall construct the SH6 roundabout to the standard required to ensure that there will not be any re-work required (other than removal of kerbing) on the roundabout when it comes to build the additional road expected to connect to this roundabout at some future date (shown on Plans 1009-1264-5a dated March 2011 (Sheets 1 to 4). Subject to compliance with all of NZTA's statutory and other legal obligations in relation to permitting connection to the State highway, private landowners north of SH6 have the right to connect a fourth leg to the roundabout (subject to NZTA approval of connection design and standard of construction).*

The following conditions were placed on the Grants Road roundabout designation (RM110290):

1. *Prior to any works being undertaken, a construction management plan will be submitted by the contractor to the Queenstown Lakes District Council that addresses the management of the noise, dust, erosion and sediment generated from the earthworks, in keeping with the landscaping requirements for a 50 metre landscape strip as per Frankton Flats Special zone requirements*
2. *Landscape and visual effects are to be managed and mitigated in accordance with a Landscape and Amenity Plan incorporating Transit New Zealand Guidelines for Highway Landscaping (2002);*
3. *In the event that any archaeological sites or remains are discovered during the earthworks, then works at that place of discovery will cease immediately. The New Zealand Historic Places Trust, kaumātua representing the local Tangata Whenua, the Queenstown Lakes District Council, and the New Zealand Police as appropriate, shall be contacted. Work shall only recommence in the affected area when any necessary statutory authorisations or consents have been obtained.*

The alterations of the designations do not propose any changes to the existing conditions set out above.

THE EFFECTS THAT THE PUBLIC WORK will have on the environment, and the ways in which any adverse effects will be mitigated, are:

An assessment of the effects that the proposed work will have on the environment and the mitigation measures allowed for in the project design, is outlined in section 7 of this report.

The effects of the work have been assessed as no more than minor.

ALTERNATIVE SITES, ROUTES, AND METHODS have been considered to the following extent:

The alterations to the existing designations involve no more than a minor change to the effects on the environment and involve only minor changes to the boundaries of the existing designations. In addition, written approvals of all directly affected parties have been obtained. No alternatives have been considered.

THE PUBLIC WORK AND ALTERATION OF THE DESIGNATION ARE REASONABLY NECESSARY for achieving the objectives of the requiring authority because:

The Transport Agency's statutory objective established under section 94 of the Land Transport Management Act 2003 is to undertake its functions in a way that contributes to an effective, efficient, and safe land transport system in the public interest.

The works are necessary to improve the safety and efficiency of the State highway and to address capacity issues. Enlarged SH6/ EAR and Grants Road roundabouts are required to meet the requirements of the latest Austroads standards. Amending the design of the current roundabouts to these new standards will maintain the safe and efficient movement of vehicles along the State highway corridor and will ensure that traffic flows are not compromised. Traffic forecasts predict significant traffic flows along the new EAR, due to planned intensive development of available land within the Frankton Flats area. This will add additional pressure on the State highway to Grant Road. Four-laning of SH6 between the new EAR and Grant Road is proposed to address this capacity issue.

THE FOLLOWING RESOURCE CONSENTS are needed for the proposed activity and have (or have not) been applied for:

- Resource consent is required for the disturbance of potentially contaminated soil and is being sought from the Queenstown Lakes District Council (QLDC) concurrently with this requirement.

THE FOLLOWING CONSULTATION has been undertaken with parties that are likely to be affected:

Consultation has been undertaken by the Transport Agency during various stages of the project. Initially this consultation was undertaken throughout the preparation and development of the Wakatipu Transportation Strategy, and further consultation was undertaken throughout the statutory planning process associated with Plan Change 19 to the Queenstown Lakes District Plan. In addition, consultation took place through the previous designation processes.

More recently, consultation has been undertaken with key stakeholders and directly affected parties including one-on-one meetings with the directly affected landowners, surrounding land developers (Shotover Park Limited, Queenstown Central Limited and Queenstown Gateway (5M) Limited), Queenstown Lakes District Council (in relation to their statutory function associated with planning, transportation and stakeholder management); adjacent landowners, LINZ, network utility providers (Delta, Arrow Irrigation, Chorus, Contact (gas), Vodafone and Transpower) and iwi (Kāi Tahu ki Otago (KTKO) and Te Ao Marama).

The consultation undertaken as part of this project is outlined in further detail in section 9.

THE TRANSPORT AGENCY ATTACHES the following information required to be included in this notice by the district plan, regional plan, or any regulations made under the Resource Management Act 1991:

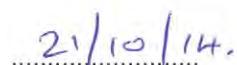
The accompanying report addresses the matters listed above and those requirements set out in section 181 of the Resource Management Act 1991.



Bruce Richards

Regional Manager, Planning and Investment

Southern NZ Transport Agency



Date

2. Introduction

2.1 Introduction

The Transport Agency seeks alterations to designations to construct, operate and maintain improvements to State highway 6 (SH6) between Grants Road and the Eastern Access Road (EAR), in the Frankton Flats area located east of Queenstown.

The Transport Agency is lodging Notices of Requirement (NoRs) to alter three existing State highway designations:

1. to enable the four-laning of the existing SH6 between the proposed EAR roundabout and the roundabout to be constructed at Grant Road;
2. to provide for an enlarged EAR/ SH6 roundabout; and
3. to provide for an enlarged Grants Road/ SH6 roundabout.

The proposed improvements form part of the Wakatipu Transportation Strategy (adopted by the Transport Agency and QLDC) and the project will provide additional roading capacity to support development of the Frankton Flats area. A full description of the project is provided in Section 5 of this report.

These NoRs have been prepared in accordance with sections 168(2) and 181 of the RMA. The specific Notices of Requirement for the project are discussed in detail in Section 6.

The Transport Agency has considered the actual and potential effects on the environment of the project. The assessment of environmental effects of the project is outlined in Section 7 of this report. The project will deliver significant transport benefits. The designation and land requirement plans are provided in **Appendix A**.

2.2 Requiring Authority

The Transport Agency is a requiring authority under section 166 of the Resource Management Act 1991 (RMA) and a road controlling authority under section 5 of the Land Transport Management Act 2003 (LTMA).

The Transport Agency was approved as a requiring authority by the Resource Management (Approval of Transit New Zealand as Requiring Authority) Notice 1994, which was notified in the Gazette on 3 March 1994¹.

The Gazette Notice details the Transport Agency's "*particular network utility operation being the construction and operation (including the maintenance, improvement, enhancement, expansion, realignment and alteration) of any State highway or motorway...*"

The Transport Agency is also a Crown entity established under the LTMA². The Transport Agency's objective, as set out in the LTMA, is to "*undertake its functions in a way that contributes to an affordable, integrated, safe, responsible and sustainable land transport system*".

The applications being lodged are for proposed public works that are in accordance with the Transport Agency's statutory functions as both a requiring authority and a road controlling authority.

¹ Under clause 29 of Schedule 2 of the Land Transport Management Act 2008, the NZTA replace Transport New Zealand as the requiring authority approved under this Gazette Notice.

² Section 93 of the LTMA; Establishment of the New Zealand Transport Agency.

2.3 Project Objectives

The Project Objectives set out the requiring authority's purpose for carrying out the work and designation. The Transport Agency's Project Objectives are to:

- provide a suitable level of safety and capacity to permit the linkage of the wider Frankton Flats arterial road network to SH6 (including the EAR around the end of the Airport runway);
- improve safety standards and reduce exposure at existing points of potential conflict by addressing the current safety situation and mitigation of potential safety issues at the Glenda Drive / SH6 intersection;
- reduce congestion through the provision of extra capacity at the access point to the proposed development in the Frankton Flats area (including Queenstown Central, Queenstown Gateway and Shotover Park);
- improve mobility choices by creating opportunities that support improved public transport, cycling and walking initiatives;
- reduce environmental effects through improved treatment with new design standards;
- deliver a design that contributes to the entry experience to Queenstown for visitors and road users designed in a way that there is a positive contribution to the entry role of this section of SH6; and
- protect the long-term function of the State Highway, the EAR and the other local roads.

Under the Land Transport Management Act 2003 (LTMA), the Transport Agency is required to operate the state highway system in a way that contributes to an integrated, safe, responsive, and sustainable land transport system.

To this end, the Transport Agency has a policy of designating the highway network to ensure that state highways are specifically recognised in district plans. In this case, alterations to the designations are required to allow sufficient width to accommodate the roading improvements.

2.4 Approvals sought

In accordance with section 181(3) of the RMA, the Transport Agency is seeking alterations to three designations in the QLDC plan:

- Designation #84 is to be altered to enable the four laning of the existing State highway 6;
- Designation #370 is to be altered to incorporate an enlarged SH6/ EAR roundabout; and
- Designation #84 is to be altered to incorporate an enlarged Grants Road/ SH6 roundabout.

The following report will outline that the proposals can be considered as a non-notified alteration to the designations, as the following 'tests' are satisfied:

1. The proposal involves no more than minor changes to the boundaries of the state highway designations and only minor changes to the effects associated with the highway at this location; and

2. The written approval has been obtained from the directly affected parties – i.e. those owners or occupiers whose land is proposed to be included in the designations (see **Appendix B**).

Therefore, with the territorial authority's agreement, it is expected that these alterations can be dealt with on a non-notified basis pursuant to section 181 of the RMA.

This NoR provides details of the proposed works relevant to two of these designations, including:

- The height, shape, and bulk of the work;
- The location of the site of the work;
- The likely finished contour of the site;
- The vehicular access, circulation, and the provision for parking;
- The landscaping proposed; and
- Any other matters to avoid, remedy, or mitigate any adverse effects on the environment.

Therefore an Outline Plan is not required to be submitted in respect of the proposed work as per section 176A(2) of the RMA.

This NoR does not include detail of the proposed Grants Road/ SH6 roundabout. The design work for this roundabout is being undertaken as part of a separate project. The detail in relation to this project will be provided through a later Outline Plan process.

2.5 Structure of this report

This report addresses the relevant statutory requirements set out in section 181 of the RMA and is structured as follows:

Section 3	Background
Section 4	Existing environment
Section 5	Nature of the proposed work
Section 6	Assessment of effects
Section 7	Statutory considerations
Section 8	Consultation
Section 9	Conclusion

3. Background

3.1 Strategic Context

Strategic decisions on the design and upgrades to the State highway have been closely considered with transport planning and land use planning for the Wakatipu Basin. This in turn has been influenced by private sector planning for development of the Frankton Flats. Decision making has involved key landowners who will be contributing to the cost of the improvements. Road improvements have been identified in the Wakatipu Transportation Strategy and have been refined by Plan Change 19 as discussed below.

3.1.1 Wakatipu Transportation Strategy

The Wakatipu Transportation Strategy (WTS) was adopted by the Transport Agency and QLDC in 2007. The WTS recognises the significant growth predicted for the Wakatipu area and the effects this could have on accessibility, mobility and general movement throughout the area if steps are not taken to upgrade the transport system. The purpose of the WTS is to deliver a fully integrated transport system that will cater for the growth in travel demand experienced in the Wakatipu Region.

The WTS includes upgrading the SH6 and Glenda Drive intersection to address safety concerns and provide additional capacity to support future development of the Frankton Flats area. The Transport Agency wants to limit access along SH6 to a few key intersections.

3.1.2 Plan Change 19 – Frankton Flats Special Zone (B)

Plan Change 19 proposes the rezoning of the Frankton Flats area to the south of SH6 and Glenda Drive and provides for a range of residential, business, industrial and retail activities. A structure plan has been developed that shows the indicative roading layout of the Frankton Flats area roads (see **Appendix C**).

The Commissioners recommendation on Plan Change 19 was adopted by Council at its meeting on 29 September 2009 and the decision was publically notified on 7 October 2009. Appeals were received and the Environment Court has released three interim decisions. The decisions of the Environment Court have confirmed the objectives and policies, except those relating to Outline Development Plans, and the Structure Plan. Decisions on the rules are yet to be released.

During consideration of Plan Change 19, the position of the EAR/ SH6 roundabout and internal roads changed several times. However, these are now finalised and the locations are consistent with the current design.

As a result of this change in land use zoning there will be significant growth in this area. It will be important to ensure that the transport network will be able to safely, efficiently and effectively address this growth. It is recognised that an integrated transportation network that provides for pedestrians, cyclists, vehicles and public transport is provided and that connections from the State highway only occur at agreed locations (being namely full access at Grant Road and the EAR, and limited access at Glenda Drive).

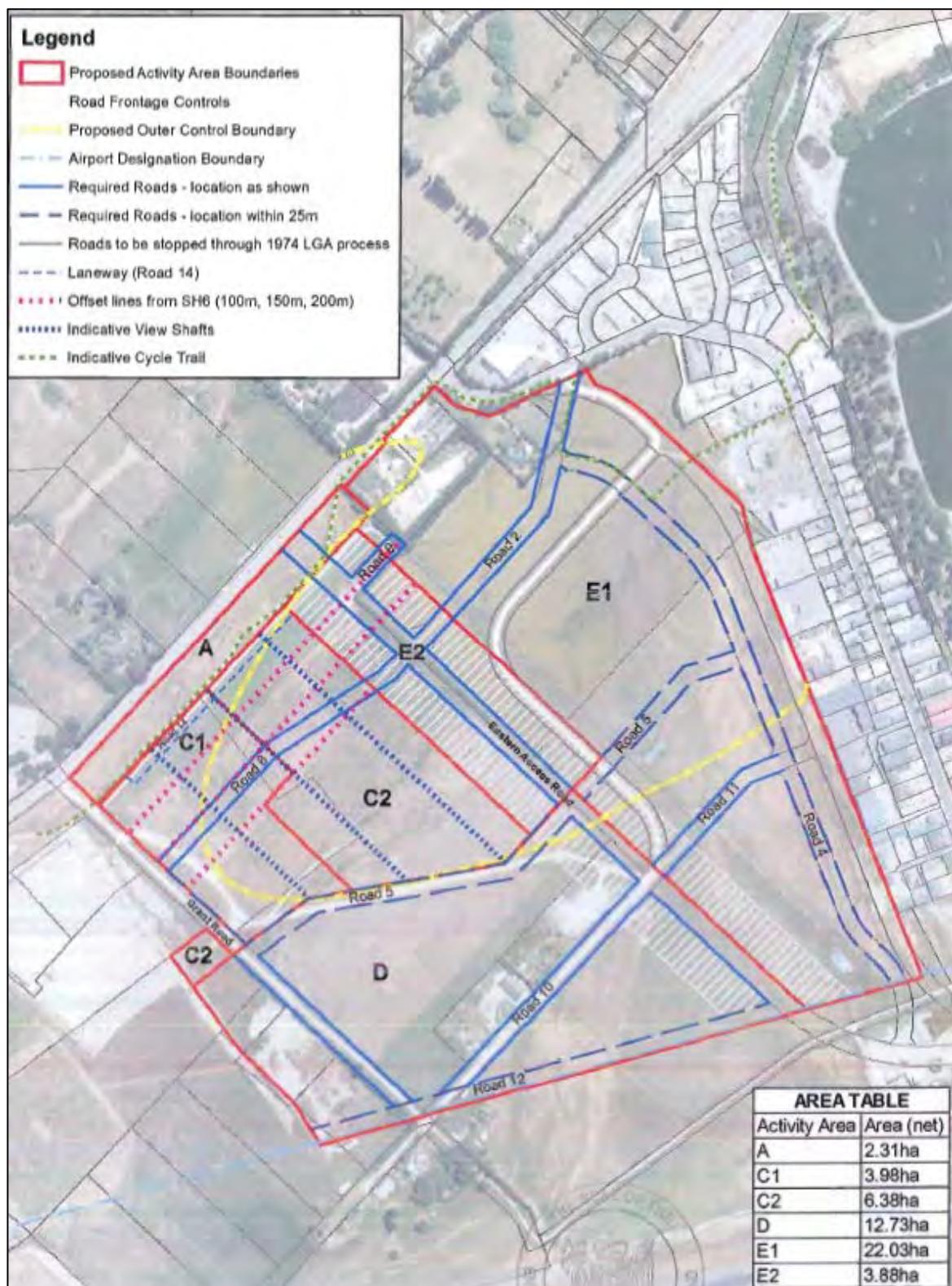


Figure 1 – Frankton Flats B Zone Structure Plan (as determined by Environment Court interim decision)

3.2 Existing designations

SH6 has been designated in the Queenstown Lakes District Plan and allocated designation number 84. This NoR proposes to alter designation #84 as it applies to the area of SH6 east of the intersection with Grant Road to the new EAR/S6 roundabout in Frankton, Queenstown. Planning Map 31a in the Queenstown Lakes District Plan illustrates the location of SH6 (shown as "Frankton - Ladies Mile Highway"),

but it does not contain any notation or reference numbers. SH6 is designated #84 within Appendix 1 of the Plan. The Plan states at page A1-15:

"The designation provides for Transit New Zealand, either itself or through its agents, to control manage and improve the state highway network, State Highways No 6, 6A, 84 and 89 including planning, design, research, construction and maintenance relating to all land within the designation. Such activities may also involve, but not necessarily be limited to, realigning the road, altering its physical configuration, culverts, bridges and associated protection works."

There are no conditions attached to this designation.

Designation #84, as it applies to this area of the State highway, has been previously amended via Notice of Requirement RM090808. This Notice altered the boundaries of the State highway designation to increase the area of land designated, to enable the construction and operation of a proposed new roundabout on SH6 approximately 270 m southwest of the existing Glenda Drive intersection at the intersection with the proposed new Eastern Access Road. This designation #370 was confirmed in August 2012 and there are six conditions attached to the designation which is shown on Planning Map 31a. This Notice of Requirement proposes to alter designation #370 to provide additional land for an enlarged roundabout.

Designation #84 as it applies to Grants Road, has been previously amended via Notice of Requirement RM110290. This Notice altered the boundaries of the State highway designation to enable the construction and operation of a proposed new roundabout on SH6 at Grants Road. This designation does not have a reference number and is not shown on the QLDC planning maps. The Transport Agency made its decision on QLDC's recommendation in October 2011. This designation has five conditions attached.

3.3 Changes to the previous design

Noting the proposed indications of growth and in response to safety issues, the design of the improvements has evolved since the decision was released on the earlier designations.

Enlarged SH6/ EAR and Grants Road roundabouts are required to meet the requirements of the latest Austroads standards. Amending the design of the current roundabouts to these new standards will maintain the safe and efficient movement of vehicles along the State highway corridor and will ensure that traffic flows are not compromised.

Traffic forecasts prepared for the Wakatipu Transportation Strategy predict that traffic growth is likely to continue during the medium term (next 20 years), to approximately 25,000 vpd on SH6 (even with Travel Demand Management and improved Passenger Transport). This is due to intensive development within the Wakatipu Basin, particularly Frankton Flats. The forecasted traffic flows along the new EAR, due to planned intensive development of available land within the Frankton Flats area, will add additional pressure on the State highway to Grant Road. Four-laning of SH6 between the new EAR and Grant Road is proposed to address this capacity issue.

4. Existing environment

4.1 Location

The project is located on SH6 (Frankton Ladies Mile) in the Frankton Flats area, to the east of Queenstown. The project area is located between the Grants Road intersection and the proposed Eastern Access Road intersection, and includes the EAR/SH6 roundabout.



Figure 2 – Location of Project Area

4.2 The natural environment

4.2.1 Topography and landscape

The main feature of the project area is the Frankton Flats which are located at the foot of Ferry Hill. The area also offers views of the Remarkables, Peninsula Hill, K Number 2, Walter and Cecil Peaks and the Crown Range. These land features are all regarded as having outstanding natural qualities. The project area is located at the north end of the flats and has a mainly flat topography. The Project is located within an Other Rural Landscape classification³.

³ This was concluded during the PC19 process, and in particular is referenced in the Kidson Landscape Consulting Report included within the appendices of the s.32 report.



Figure 3 - Topography and landscape elements

4.2.2 Geology

The site is situated on 'Quaternary gravel and sand in alluvial fans, grading into scree and valley alluvium' (Q1a). On site ground investigations identified a soil profile comprising silty organic topsoil material underlain by a layer of sandy silt. This is further underlain by intermittent sand and gravel layers. The investigations encountered relatively consistent ground conditions across the site, with minor variations in layers thicknesses. No groundwater was encountered.

4.2.3 Soil quality

The site is located in the vicinity of two sites where historic and existing land use activities could lend to soil contamination. The project is adjacent to 148 and 150 Frankton-Ladies Mile Highway which are former orchard and greenhouse sites. This use is an activity specified in the Hazardous Activities and Industries List (HAIL). A detailed site investigation has been undertaken where contaminant concentrations in soil samples from these sites were analysed and found not to exceed the Soil NES Recreational guideline values. Regardless, consent is required in accordance with Regulation 9 of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ('NES') and will be sought concurrently with this NoR.

4.2.4 Hydrology

The Frankton Flats are located between the Frankton Arm (a large inlet in the northeastern shore of Lake Wakatipu) and the Shotover River. The Shotover River converges with the Kawarau River, which runs to the south of the Frankton Flats from the Frankton Arm, at the Shotover Delta.

Lake Johnson is located to the north east of the project area. No natural waterways are located within the project area. There is a water race in the nearby vicinity which flows under the State highway to the east of the EAR/SH6 roundabout.

4.2.5 Air quality

The project area is located within Air Zone 2 in the Otago Regional Air Plan. Ambient air quality monitoring has outlined that although the Queenstown area experiences some short-term degraded air quality in various locations during the evenings, overall it is most likely that the area meets the standards set in the National Environmental Standards for Air Quality (NESAQ).

4.2.6 Ecology

There are no known ecological areas of significance or ecological values in the project area. The Kawarau River is identified in the Regional Water Plan as a significant habitat for koaro.

4.3 The physical environment

4.3.1 Land use and zoning

The surrounding land use is a mixture of rural on the northern and southern side of SH6, with garden centres to the east of the proposed SH6/ EAR roundabout. There is an electricity substation at SH6/ Grants Road intersection. There are a few rural-residential dwellings located to the north of SH6. These land uses are shown in the figure below. The designated Eastern Access Road will go through the area to the south of the highway to link with Glenda Drive. The Eastern Access Road and associated local roads which are part of the Wider Project are shown in Figure 5 below).



Figure 4 – Land uses within the immediate vicinity of the Project

The land within the project area is zoned Rural General, however Plan Change 19 rezones the Rural General land on the Frankton Flats to Frankton Flats Special Zone (B). Under this special zoning the land alongside the state highway has been zoned Activity Area A – Open Space and Activity Area E1 – Industrial. PC19 is located south of the State highway and between the Events Centre to the west, the Industrial Zone to the east and the airport runway to the south. It is a large greenfields development site consisting of approximately 69 hectares. The zone will provide for mixed use development including a range of residential, business, industrial and retail activities.

Further to the southwest at Grants Road is the Frankton Flats A Special Zone (within the project area) which has been established to enable development of a new shopping

centre incorporating opportunities for retailing, office, educational, visitor and residential accommodation and leisure activities.

The Quail Rise Special Zone covers the Quail Rise residential subdivision which is located to the north of the project area.

There are several designations located within the wider area as outlined in the table below:

Designation reference	Requiring Authority	Purpose	Location/ legal description
1	Transpower NZ Limited	Electricity Substation	SH6 (Kawarau Gorge Road) Frankton. Section 127, Block I, Shotover SD. (2.4559ha)
2	Queenstown Airport Corporation Limited	Aerodrome	Queenstown Airport
29	Queenstown Lakes District Council	Multi Purpose indoor and outdoor recreation, cultural and conference complex	SH No 6 Frankton. Lot 1 DP 25073, Lot 11 DP 22121, Sections 49, 50, 58, 61, 62 and 149 Part Sections 59, 60 and 63
46	Queenstown Lakes District Council	Sewage Treatment Works	Lower Shotover River. Lot 1 DP 15636.
290	Queenstown Lakes District Council	Recreation Reserve	McTaggart Park, Glenda Drive, Wakatipu LOTS 606-608 DP 27577 LOTS 609-612 DP 27 773 LOT 613 DP 301681 LOT 13 DP 322851 LOT 614 DP 328960
338	Aurora Energy Limited	Electricity Substation	39 Ballantyne Road, Wanaka, Lot 1 DP 12295
371	Queenstown Lakes District Council	Roading	Eastern Access Road and Road 2, Frankton Flats

4.3.2 Consented activities

Consent has been granted to establish a Mitre 10 Mega and Pak n Save within the Shotover Park development area. In addition, Shotover Park Limited has lodged subdivision plans for the development area.

Consent has been granted for the development of a new centre complex incorporating retail, food and beverage, visitor accommodation, childcare and commercial activities within the Frankton Flats A area including ancillary activities and landscaping along SH6.

4.3.3 Transport network

SH6 is a regional strategic road, under the Transport Agency's State highway classifications and is designated in the QLDC plan for state highway purposes. The speed limit on this section of State highway is 80 km/hr. The State highway intersects with Glenda Drive to the north east of the project area and Grants Road to the south west. The State highway is one lane in each direction along this stretch. SH6 has a chip seal pavement with a sealed shoulder changing to a gravel shoulder on both sides of the carriageway.

Between Glenda Drive and Grants Road intersections a designation has been confirmed for a new Eastern Access Road which will involve a roundabout and other local roading linkages to Glenda Drive. Proposed new local roading and improvements to the network are shown below, and include improvements to SH6/ Glenda Drive intersection. This new roading and improvements are part of the "Wider Project" which is being designed alongside this notice of requirement process. An Outline Plan has been lodged for the EAR and associated local roading and that part of SH6 that lies to the east of the EAR roundabout.

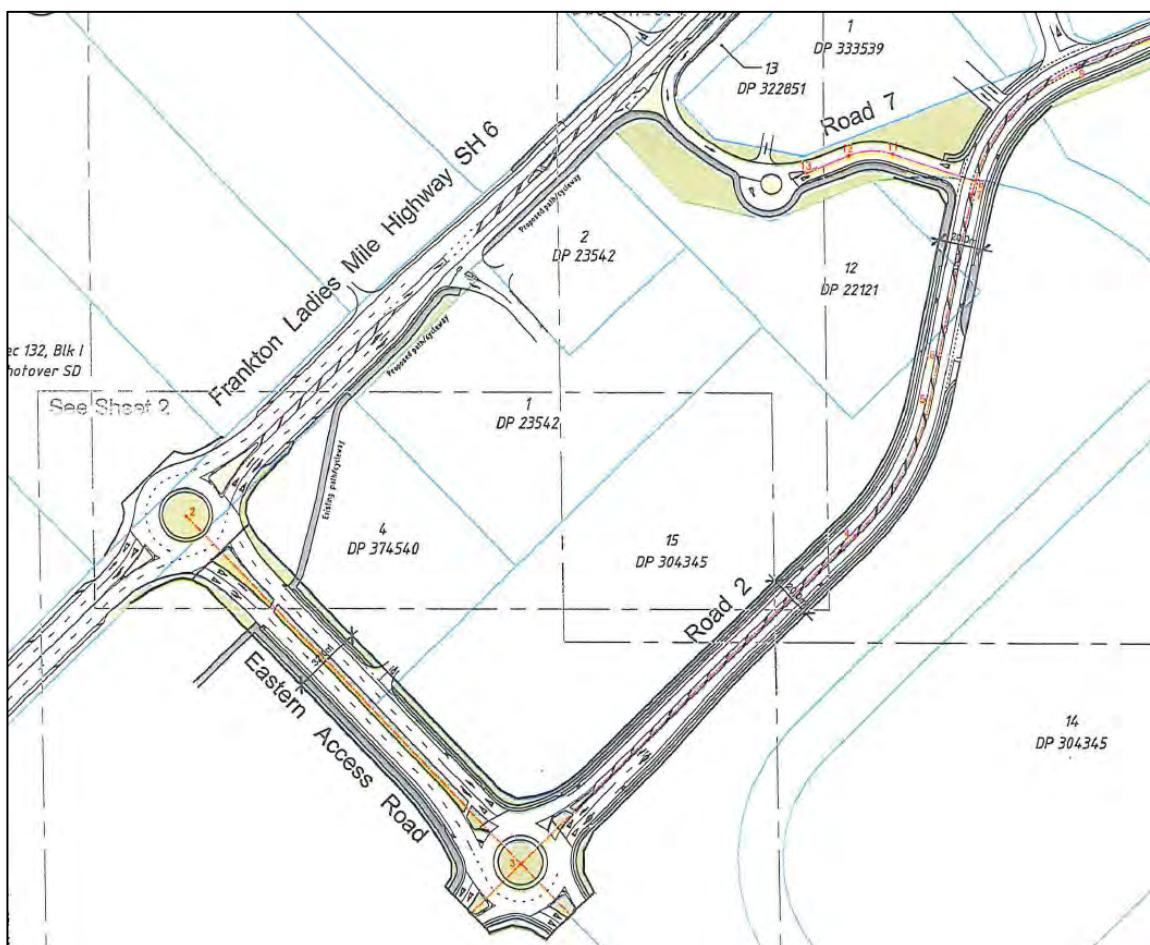


Figure 5 – Local transport networks

4.3.4 Public transport routes

Public transport services in the area are currently provided via the Connectabus bus service. This service runs two routes through the project area as follows:

- Route 10 – between Frankton Hub and Arrowtown; and
- Route 12 – between Frankton Hub and Lake Hayes Estate/ Quail Rise Estate.

There are no bus stops located along the State highway in the project area.

4.3.5 Pedestrian/ cycle routes

There is an existing pedestrian/ cycle trail located alongside the State highway within an open space area. This is located outside the project footprint. Cyclists can also use the State highway, however there are no existing marked cycle lanes.

4.3.6 Network utilities

There is a Transpower substation located to the south of the project area. Beside this (to the west) is an Aurora distribution substation. High voltage transmission lines traverse the bottom of the hillslopes to the north of the project Area from the Transpower substation towards the SH6 bridge over the Shotover River. The distribution lines are located alongside, to the south of the highway within road reserve.

There are various network utilities located within the road reserve including telecommunications, water supply and waste water services.

There is a water race located to the north of the proposed site which is piped beneath the State highway and converts back to an open channel to the south of the project area. This water race is owned by Arrow Irrigation Limited.

4.3.7 Suburbs/ communities/ services

The project area is located to the west of Frankton, a suburb of Queenstown which is located at the end of Frankton Arm. Frankton is located at the junction of SH6 and SH6A. Frankton has educational facilities (Frankton Kindergarten, Remarkables Primary School) as well as a medical centre. The Remarkables Park shopping centre is located to the south east of Frankton and there is a small commercial shopping area at the intersection of SH6 and SH6A.

Queenstown Airport is located to the south of the project area. The international airport is ranked as the fourth busiest of New Zealand's airports for aircraft movements. It hosted 1.2 million passengers in the 2012-2013 financial year. The airport services the surrounding region with daily domestic flights to/from the international gateways of Auckland, Christchurch and Wellington and regular trans-Tasman flights. Queenstown Airport is also New Zealand's busiest helicopter base and is heavily used for tourist 'flightseeing', especially to Milford Sound and Mount Cook, using both fixed-wing and rotary-wing aircraft.

The Queenstown Events Centre is located to the west of the project area. This centre is a multi purpose indoor and outdoor recreation, cultural and conference complex. Facilities at the Queenstown Events Centre include gym facilities, Alpine Aqualand (swimming pools and hydro slide), sports fields for football and cricket, cricket nets, indoor courts, golf and events facilities.



Figure 6 – Queenstown Events Centre

4.3.8 Noise environment

The State highway already exists within this setting and generates associated road noise.

The project site is located to the north of the Queenstown Airport which is located centrally within the Frankton Flats area. Airport Noise contours are shown on the QLDC District Plan maps, but they do not extend over the project area.

4.3.9 Built heritage, cultural and archaeological environment

The QLDC District Plan does not identify any sites of historic, cultural or archaeological significance in the vicinity of the project area.

5. Nature of the proposed works

5.1 Designation alterations

This section provides a description of the proposed work that will occur within the altered designations.

Overall, the proposed works involve improving the safety and efficiency of SH6 for vehicles, pedestrians and cyclists and increasing the capacity of the network. The works include, but are not limited to:

- Four-laning of SH6 between the SH6/ EAR roundabout and SH6/Grants Road roundabout;
- Provision of an enlarged SH6/ EAR roundabout;
- Provision of an enlarged SH6/ Grants Road roundabout;
- Installation of stormwater drainage facilities;
- Installation of pedestrian/ cycle paths and refuges;
- Relocation and installation of services (water supply, electricity and telecommunications);
- Installation of signage;
- Installation of lighting; and
- Landscaping.

Additional land is required to provide for the enlarged roundabouts and the four laning. The properties directly affected by the additional land requirements are as follows:

Table 1 – Summary of landowners affected by additional land requirements

Landowner	Legal description	Land requirement (m ²)
Queenstown Central Limited	Sec 5 SO 461463	948
	Sec 6 SO 461463	6487
Queenstown Central Limited/ Crown	Sec 1 SO 461463	279
	Sec 4 SO 461463	198
Queenstown Gateway (5M) Ltd	Lot 3 DP 374540	3899
Queenstown Lakes District Council	Lot 3 DP 385058	216
LG Hansen, WJ Rutherford, WT Cooney	Sec 133, Blk 1 Shotover Survey District SO1492	326
	Sec 132, Blk 1 Shotover Survey District SO1492	921

The proposal will result in only minor changes to the boundaries of the existing designations and amounts to an additional 9,968 m² of designation in total.

5.2 Proposed design

Full design details for the proposed road improvements (apart from Grants Road roundabout which is being designed separately) are provided on the plans included in **Appendix D**.

5.2.1 SH6/EAR roundabout

The previously approved roundabout was a two lane, four leg roundabout centered on SH6 approximately 270 m southwest of the existing Glenda Drive/ SH6 intersection. The roundabout proposed a 24 m diameter central island with 10.3 m circulatory width.

The upgraded design is for a two lane, four leg roundabout centered on the State Highway which has a 40 m diameter central island with 10.2 m circulatory width. The roundabout includes a leg to the EAR and it has been designed to incorporate an opposite leg to the Frankton Flats North area. Each approach to the roundabout will be two lanes (see layout plan 51-32544-C202).

5.2.2 SH6/ Grant Road roundabout

The upgraded design is for an enlarged roundabout with a 16m diameter central island with a circulatory width of 10m widening to 11.9m on the southern side. There are three approaches, Grant Road, westbound State highway and eastbound State highway. All three approaches have two lanes. The circulating carriageway has two lanes on the northern and southern sides to cater for State highway through traffic, there is only one lane on the east and west side of the circulating carriageway which caters for the right turns to and from Grant Road.

5.2.3 SH6 four-laning between EAR and Grants Road

The four laning is located between the SH6/ EAR roundabout and the SH6/ Grants Road roundabout. The road layout will consist of two 3.5 m wide lanes adjoining a 1.5 m shoulder (on-road cycle lanes). A 2m painted central median and verges on both sides of the highway are provided.

5.2.4 Pedestrian/ cycle routes

The design provides for on road cycle lanes along both sides of the four lane section of the State highway. At the roundabout there is provision for cyclists to leave the road and use paths and crossings to safely move around the roundabout.

No change is proposed to the shared pedestrian/ cycle path which continues alongside the State highway (within an open space area) except for modifications required at the point where it connects with the roundabout.

Crossing provisions are provided around the SH6/EAR roundabout with central median islands.

5.2.5 Stormwater drainage

The stormwater system for the State highway has been designed for a 1 in 100 year ARI flood event, incorporating an allowance for climate change of two degrees.

Stormwater runoff for the majority of the four laning section will be diverted via swales, grass filter strips and pipes beneath the highway to the existing infiltration system located in the landscape buffer on the southeast side of the highway.

Stormwater runoff from the roundabout is to be directed via a rain garden⁴ into a reticulated stormwater network to be provided as part of the Wider Project. The trunk mains in this reticulation network have been designed to retain and infiltrate water during minor rainfall events. During initial development stages the stormwater reticulation network will terminate at a temporary infiltration basin. During later stages of development this network will be extended to add to the future reticulated network.

The proposed stormwater system has been designed in accordance with the Transport Agency's Stormwater Treatment Standard which requires treatment of State highway stormwater runoff to meet the policy intent of the National Policy Statement for Freshwater. It has also been designed in conjunction with QLDC and developers.

5.2.6 Utility services

Existing services have been investigated through liaison with each service provider. Connectivity of services will be maintained through avoidance or relocation.

5.2.7 Signage

The design incorporates signage required for traffic safety purposes, throughout the alignment.

Design of all road signs and markings will be in accordance with the following standards:

- The Manual of Traffic Signs and Markings (MOTSAM); and
- Land Transport Rule: Traffic Control Devices.

5.2.8 Lighting

Lighting is proposed at the SH6/ EAR roundabout and along SH6 in accordance with the relevant New Zealand standard for road lighting, AS/NZS 1158.1.1 Lighting for roads and public spaces - Vehicular traffic (Category V) lighting - Performance and design requirements. Lighting is also proposed in accordance with the QLDC "Southern Light" Strategy. Ten metre light poles are proposed on both sides of the State highway and low emitting light fittings will be used.

5.2.9 Landscaping

The overall landscape design vision for the project is:

- to provide an appropriate entrance to Queenstown with the Shotover River now the new Urban Boundary for Queenstown;
- to highlight and reinforce the local character of the Wakatipu Basin and the Frankton Flats;
- to maximise opportunities for views to iconic landforms;
- to upgrade and improve the visual amenity of the Frankton Flats and Glenda Drive environment and establish a coordinated theme for SH6 Frankton Flats, the future eastern corridor and associated roads;

⁴ Rain gardens help remove pollutants and slow down stormwater flows. They filter stormwater through soil mix and plants. These absorb and filter contaminants before stormwater flows to surrounding ground and pipes.

- to use landscape design to assist with roading and safety objectives and to mitigate roading infrastructure;
- to use landscape design to mitigate the effect of infrastructure on adjoining land.

Landscape treatment is simple and does not compete or distract with the surrounding landforms and Outstanding Natural Features. Landscaping incorporates planting of low height amenity shrubs and grasses, rough grass meadow and small trees and shrubs.

There is an emphasis on the SH6/ EAR roundabout as the new entrance to urban Queenstown with tussock planting, shrubland and specimen tree copse.

5.3 Conditions on proposed designation

It is proposed that the existing conditions (listed on Form 18 in section 1) will also apply to the altered designations.

6. Assessment of Environmental Effects

A designation may be altered pursuant to section 181 of the RMA if the alteration involves no more than a minor change to the effects on the environment or involves only minor changes or adjustments to the boundaries of the designation. An assessment of any actual or potential effects that the alteration of the designations may have on the environment is therefore provided below, in order to demonstrate that the change in the effects of the works will be minor. In addition, this assessment provides the information that would be required for an Outline Plan.

The actual and/or potential effects on the environment resulting from the construction and operation of the proposed works have been identified as follows:

- Traffic safety
- Landscape and visual effects
- Effects on future development
- Effects on property access
- Pedestrian/ cycle and public transport effects
- Effects on water quality and quantity
- Effects on service providers
- Ecological effects
- Cultural and heritage effects
- Temporary construction effects

6.1 Traffic safety and functionality

The alterations to the boundaries of the designation will enable two roundabouts to be widened and constructed which will maintain the safe and efficient movement of vehicles along the State highway corridor and will ensure that traffic flows are not compromised. The roundabouts will be of a width that traffic can move freely about, enabling the free flow of traffic from development of land on the southern side of the State highway.

The forecasted traffic flows along the new EAR, due to planned intensive development of available land within the Frankton Flats area, will add additional pressure on the State highway. Four-laning of SH6 between the new EAR and Grant Road is proposed to address this capacity issue. The merging lanes (from four back to two) have been designed in accordance with the Austroad guidelines addressing safety requirements and lane utilisation needs.

Overall, the proposal is considered to have significant strategic transportation benefits and positive traffic effects.

6.2 Landscape and visual effects

State highway 6 forms part of a key gateway to Queenstown. The alterations to the State highway (enlarged roundabouts and four laning) will alter the entry experience into Queenstown.

A landscape and visual assessment has been provided by Blakely Wallace Associates and is attached as **Appendix E**. In addition, a landscape plan has been prepared for

the SH6/ EAR roundabout and four laning corridor (included within the design plans in **Appendix D**) as well as the Wider Project.

The project is located within an Other Rural Landscape, adjacent to outstanding natural features and landscapes that have been identified earlier in this report. During the PC19 process for this area of the Frankton Flats the preliminary landscape report⁵ found that “the characteristics of a visual amenity landscape (i.e. the pastoral scene) is no longer dominant. The project will increase the scale of the existing highway within this landscape through enlarged roundabouts and additional laning, but this is not considered to be significant. The State highway is already located within this landscape and the proposed works will be located alongside and centred on the existing State highway. The design of the project (including proposed landscaping) will not obstruct the distant views of Walter Peak and Cecil Peak.

There are positive effects associated with signalling the arrival into urban Queenstown. The assessment identifies that the proposed planting and earth shaping associated with the project will soften the hard landscape elements and will provide a visual feature that will enhance the sense of arrival and contribute positively to the amenity of the area.

The project will increase the perception of ‘urbanness’ within the area, however the urbanness of the Frankton Flats will increase as the adjoining development occurs.

In relation to effects associated with lighting at night, the use of low emitting light fittings will assist with mitigation of these effects.

Overall, the adverse landscape and visual effects are considered to be less than minor and there also will be positive outcomes.

6.3 Effects on future development

The four laning and roundabouts are located alongside the area that is included in Plan Change 19. The Structure Plan confirmed for the Frankton Flats B Zone (PC19) shows the location of the Eastern Access Road and Grants Road where the roundabout with SH6 is located. The plan also shows that the activity area bounding the State highway and roundabout is proposed Activity Area A. Activity Area A (AA-A) is proposed for Open Space, where no development is allowed.

The objective in relation to AA-A is outlined as follows:

An open landscaped area adjacent to the State highway that helps to maintain views of the surrounding Outstanding Natural Landscapes and provides for public access and physical separation of buildings from the State highway

The proposed NoR will take land within the Open Space area for state highway purposes (two roundabouts and four laning). The landscape assessment advises that the enlarged roundabouts and four laning will have a less than minor effect on the development area given that the encroachment by road widening into the Open Space area is minimal (narrow extension of seal) and the road stormwater facilities alongside will blend with this open space landscape. The assessment indicates that while the buffer area will be reduced, this will have little or no effect on the purpose of the zone and landscaping will still be able to be undertaken to mitigate effects of development of the C1 and C2 areas (which are adjacent to AA-A). The proposal will maintain visual connections of the surrounding Outstanding Natural Landscapes, as no elevated development will be taking place (except for the light poles/ signage). A separation of

⁵ Kidson Landscape Consulting

buildings from the highway will be maintained through the rules of PC19 which state that no buildings can be constructed within 65 m of the state highway. Therefore, views of the surrounding Outstanding Natural Landscape will be maintained.

The proposed footpaths will maintain pedestrian connectivity within the PC19 area, which is specifically provided for and is considered to be consistent with the underlying principles of the Frankton Flats Special Zone.

The effects of the road development within the Open Space Area (light poles, signage etc.) is considered to be minor. These structures will not obstruct the distant views of the surrounding Outstanding Natural Features and Outstanding Natural Landscapes and as outlined above a physical separation of buildings from the State highway will be maintained.

The alteration to the designations will have a positive effect in that it will provide adequate area to allow the construction of the roundabouts and four laning that will provide access to future development on the land on the airport side of the State highway. This will ensure any new development in this location is well connected into the districts transport network and will be easily accessible to community. This enhancement is considered to be a positive effect.

6.4 Effects on property access

The current access arrangements for a number of properties in the vicinity of the works will be modified as a result of the proposed improvement works. However, no access will be removed from the State highway. There will be additional lanes for landowners to navigate across when exiting or entering their property. Consultation has been undertaken with these parties during the design process. It is considered that the effects on access will be negligible.

6.5 Effects on pedestrian/ cycle and public transport

There is currently a formed pedestrian/ cycle path along the State highway within the Open Space Area. The proposal will not affect this path, with the exception of providing continuation around the EAR/SH6 roundabout. Provision is also made for cyclists on the State highway.. Therefore, it is considered that there are positive effects associated with pedestrian and cycle connectivity. There are no specific changes affecting public transport. The State highway will continue to be used for bus thoroughfare and the route will have greater predictability of travel time. In addition, the roundabouts have been designed to accommodate buses.

6.6 Effects on water quality and quantity

Stormwater runoff for the majority of the four laning section will be diverted via swales, grass filter strips and pipes beneath the highway to the existing infiltration system located in the landscape buffer on the southeast side of the highway.

Stormwater runoff from the roundabout is to be directed via a rain garden into a reticulated stormwater network. During initial development stages the stormwater reticulation network will terminate at a temporary infiltration basin. Depth to groundwater in this location is approximately 10 m. The stormwater swales, grass filter strips, rain garden and infiltration basin will provide treatment via infiltration. It is considered that effects on groundwater will be less than minor.

The stormwater system for the State highway has been designed for a 1 in 100 year ARI flood event, including allowance for climate change. Therefore, effects associated with flooding are anticipated to be less than minor.

6.7 Operational noise effects

The enlarged roundabouts and four laning of the section of highway between the roundabouts is unlikely to result in any significant increase in noise levels to what has been provided for through the designations already approved. Noise associated with acceleration and braking will occur regardless of the size of the roundabouts. The closest dwelling at 111 Frankton-Ladies Mile is approximately 140 m from the Grants Road roundabout. The State highway carriageway is not moving closer to this existing dwelling. It is considered that the noise effects from designation alterations will therefore be less than minor.

6.8 Ecological effects

The landscape consists predominantly of flat pasture with a landscape buffer on each side of SH6 consisting of shelter belts and trees. There are no watercourses within 1 km of the site. There is no evidence of significant flora or fauna on site, or in close proximity of the works. The District Planning maps do not show any areas of significant indigenous vegetation. The ecological effects of the project are considered to be less than minor.

6.9 Cultural and heritage effects

There are no recorded sites of heritage or archaeological importance in the area of works according to the Heritage NZ Register and QLDC's District Plan. In addition, there are no known sites of significance to Maori affected by the proposal and the Transport Agency has consulted with iwi (KTKO and Te Ao Marama). It is therefore considered unlikely that any artefacts of cultural and/ or heritage significance will be uncovered during the course of this work. Contractors will be required to follow all protocols specified by the Transport Agency's Accidental Discovery Procedures in the event a discovery is made. The conditions of existing designation #370 have similar requirements. Cultural and heritage effects are considered to be less than minor.

6.10 Temporary construction effects

There is the potential for temporary noise, dust and traffic delays resulting from the use of heavy plant and equipment during construction of the road improvements. Sedimentation and contaminant runoff may also occur during construction. All of these effects will be of a temporary nature, occurring only during the construction period. A Construction Management Plan will be prepared by the appointed contractors prior to the commencement of construction works which will outline practicable methods and measures to avoid and mitigate environmental effects arising from construction work. The preparation of a Construction Management Plan is an existing condition on designation #370. The temporary construction effects are discussed in more detail below.

6.10.1 Noise

The proposed road construction activities will result in the generation of noise from the site, however this will be short-term and temporary in nature. Construction noise will comply with NZS 6803:1999 Acoustics – Construction Noise.

Construction work will typically be between the hours of 7am to 6pm, Monday to Saturday. The closest dwelling is located approximately 40 m from the construction area. The Construction Management Plan will include measures to mitigate effects of construction noise, in particular to ensure compliance with the construction noise standard. The noise effects are considered to be less than minor.

6.10.2 Dust

Allowance will be made for dust control at all times during construction of the road improvements. To avoid dust nuisance beyond the site of the works, the appointed contractor will be required by the Transport Agency to mitigate and control dust by using appropriate methods such as water spraying. Dust emission will cease when construction works are completed.

The proposed improvement works are located within 40 m of residential dwellings and within 60 m of the Frankton Substation and the electricity lines travelling from this. Dust generation from construction activities can adversely affect amenity values, safety of road workers and road users, and is a potential risk to electricity transmission lines through causing faults or outages. The Construction Management Plan will include measures to mitigate the effects of dust which have been identified above. The residential dwellings and substation are surrounded by trees which act as a barrier to dust. It is anticipated that dust effects will be less than minor, given the distance to sensitive receivers and the mitigation measures proposed.

6.10.3 Traffic

There will be effects on traffic during construction. A Traffic Management Plan will be employed during construction as part of the Construction Management Plan with controls established in accordance with the Transport Agency's "Code of Practice for Temporary Traffic Management". This will ensure that any delays and construction related hazards to road users are minimised.

The conditions on the existing designation #370 require the Construction Management Plan to demonstrate how access will be retained to adjoining properties throughout construction. The traffic effects are expected to be less than minor.

6.10.4 Hazardous substances and contamination

The management of hazardous substances during construction by the contractor is important as unintentional discharges can have an adverse effect on land or potentially water resources. The Construction Management Plan will outline measures to be undertaken to avoid unintentional discharges. It will also outline a spill response plan to provide the framework to manage any incidents involving hazardous substances.

It is possible that contaminated soil may be encountered during the construction phase of the project, and if so this soil will need to be managed in an appropriate manner. Initial contamination testing has been undertaken on identified HAIL⁶ sites around the proposed roundabout which has found contamination levels to be below NES guideline levels.

Accordingly, contamination risk and effects have been assessed as being less than minor.

6.10.5 Sediment control

Sediment runoff from exposed earthworks areas may lead to effects. Given the distance to the Shotover River (approximately 1.2 km), the likelihood of sedimentation affecting the river's water quality is considered to be very low. As part of the Construction Management Plan the contractor will be required to outline and employ sediment control measures to ensure that any runoff that occurs will be contained within the site.

⁶ Hazardous Activities and Industries List

7. Statutory considerations

7.1 Resource Management Act 1991

Pursuant to section 167 of the RMA, the Transport Agency has been approved as the Requiring Authority for the State Highway network throughout New Zealand. Section 181(1) of the RMA provides that a Requiring Authority may give notice to a territorial authority of its requirement to alter a designation or a designation requirement. Furthermore, subject to Section 181(3) of the RMA, a territorial authority may at any time alter a designation in a district plan or a requirement for a designation in a proposed district plan, if certain conditions are met as follows:

"A territorial authority may at any time alter a designation in its district plan or a requirement in its proposed district plan if—

(a) The alteration—

- (i) Involves no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned; or*
- (ii) Involves only minor changes or adjustments to the boundaries of the designation or requirement; and*
- (b) Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and*
- (c) Both the territorial authority and the requiring authority agree with the alteration—and sections 168 to 179 shall not apply to any such alteration."*

If these criteria are satisfied, the alteration to designation may occur without further formality.

The “effects” criterion is one of two options available to the Requiring Authority. The other relates to a determination of the extent of change or adjustment to the “boundaries” of the designation.

It is important to note that it is not necessary to satisfy both the “effects” and the “boundaries” tests of Section 181(3)(a)(i) and (ii). In this case, it is the conclusion of this assessment that the proposal involves only minor adjustments to the boundaries of the designation and that the effects will be minor. The reasons for this are given in the assessment below.

7.1.1 Section 181(3)(a)(i) – Effects on the Environment

In order to satisfy subsection 181(3)(a)(i), it is necessary to demonstrate that the *“alteration involves no more than a minor change to the effects on the environment...”*. The assessment of actual and potential effects on the environment as a result of the proposed alteration is contained in Section 7 of this application.

It is concluded that the alterations involve no more than minor change to the effects on the environment, thereby satisfying the test of Section 181(3)(a)(i).

7.1.2 Section 181(3)(a)(ii) – Boundary Adjustment

In order to satisfy the requirements of Section 181(3)(a)(ii), it is necessary to demonstrate that the proposal involves only minor changes or adjustments to the boundaries of the designation.

The designation plan, illustrating the area and location of the proposed designation alteration, is contained in **Appendix A**. The plan shows the boundaries of the existing legal road and the proposed new boundaries.

The designation plan shows the total area of additional land required to be designated for highway purposes is 9,968 m². Seven parcels of land, owned by four separate parties are affected.

In order to satisfy the requirements of Section 181(3)(a)(ii), it is necessary to demonstrate that the proposal involves only a minor change or adjustments to the boundaries of the designation.

The proposed alterations to the SH6 designations are considered a minor change or adjustment as:

- The alterations will ultimately result in an increase to the existing state highway designation area of approximately 9,968 m² which is minor compared with the total area of the state highway designation throughout the Frankton Flats and Queenstown. The total area of State highway designation along Frankton- Ladies Mile between Ferry Hill Drive and Kawarau Road intersection is 45,386 m²;
- The project affects a total length of approximately 550 metres; and
- The alterations immediately adjoin the existing state highway boundary.

Given the above, it is considered this proposal meets the “boundaries” test of Section 181(3)(a)(ii).

7.1.3 Section 181(3)(b) – Affected Party Approvals

To satisfy Section 181(3)(b) it is necessary to obtain the written approval to the designation alteration from every owner or occupier of land directly affected by the designation alteration.

Four directly affected landowners are identified, being

- Queenstown Central Limited;
- Queenstown Gateway (5M) Limited;
- Queenstown Lakes District Council; and
- LG Hansen, WJ Rutherford, WT Cooney.

The Transport Agency has undertaken consultation with all parties to obtain their written approval to the proposal in terms of Section 181(3)(b) of the RMA and to obtain their agreement for land purchase.

Queenstown Central Limited, Queenstown Gateway (5M) Limited, Queenstown Lakes District Council and Hansen et al. have provided their written approval (see **Appendix B**).

Given this, it is considered that section 181(3)(b) will be satisfied.

7.1.4 Section 181(3)(c) – Territorial Local Authority and Requiring Authority

The Transport Agency, as the Requiring Authority, agrees to this alteration, thereby partially satisfying Section 181(3)(c) of the RMA. Given that the other tests under Section 181 as detailed above have been satisfied, the Transport Agency requests that Queenstown Lakes District Council also agrees to the alteration through the Section 181 notice process.

7.2 Part 2 of the RMA

The Council's consideration of a section 181 notice is subject to Part 2 of the RMA which includes matters of national importance, other matters, and the principles of the Treaty of Waitangi.

Section 6 of the RMA sets out "matters of national importance" that Council shall provide for in achieving the purpose of the RMA. The following section 6 provision is relevant to this proposal:

- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development*

It is considered that this proposal will not adversely affect the views of the surrounding Outstanding Natural Landscapes through the site.

Section 7 of the RMA sets out those "other matters" that Council is to have particular regard to in achieving the purpose of the RMA. The following section 7 provisions are relevant to this proposal:

- (b) the efficient use and development of natural and physical resources;*
- (c) the maintenance and enhancement of amenity values;*
- (f) the maintenance and enhancement of the quality of the environment.*

It is considered that this proposal will provide for the efficient use and development of the existing physical roading resource. Amenity values and the quality of the surrounding area will be maintained and enhanced by this roading improvement.

Consultation has been undertaken with tangata whenua and there were no matters raised with regards to the Treaty principles.

In terms of the overall purpose of the RMA, it is considered that this proposal represents sustainable management of natural and physical resources. It will provide for social and economic wellbeing and will improve safety. In addition, all environmental effects can be avoided, remedied or mitigated, as demonstrated in the assessment of environmental effects.

7.3 Policy Statements and Plans

The site falls within the jurisdiction of the Queenstown Lakes District Council and Otago Regional Council. The relevant planning documents for assessment of the proposed road improvements are as follows:

7.3.1 Otago Regional Policy Statement

The Otago Regional Policy Statement (RPS) was made operative on 1 October 1998. The RPS is a broad policy document which considers Otago's significant regional resource management issues and provides objectives, policies and methods to address those issues. The RPS is currently going through a review process.

The following objectives from Chapter 9 of the RPS (Built Environment) are considered relevant to the proposal:

9.4.1 *To promote the sustainable management of Otago's built environment in order to:*

- (a) Meet the present and reasonably foreseeable needs of Otago's people and communities; and*
- (b) Provide for amenity values; and*

- (c) Conserve and enhance environmental and landscape quality; and
 - (d) Recognise and protect heritage values.
- 9.4.2 To promote the sustainable management of Otago's infrastructure to meet the present and reasonably foreseeable needs of Otago's communities.
- 9.4.3 To avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources.

The associated policies 9.5.2 and 9.5.3 encourage development that maximises the use of existing infrastructure and promotes a safer transport system.

The proposal will enable SH6 and the adjoining arterial roading network to operate more safely and efficiently while providing for development of the Frankton Flats area..

7.3.2 Otago Regional Plans

The main issue relevant to Otago's Regional Plans is associated with the discharge of stormwater from the road. The stormwater design has taken into account the requirements of the Otago Regional Plan: Water in relation to stormwater discharges from roads and reticulated networks, and it is considered the discharges will meet the permitted activity requirements. The proposed stormwater discharges will not cause flooding and will not result in adverse effects on the quality of the receiving water. Accordingly, no regional consents are required for this project and therefore the objectives and policies in the regional plans are considered to be satisfied.

7.3.3 Queenstown Lakes District Plan

The Queenstown Lakes District Plan (QLDP) has been partially operative since 2003.

Transport

The following objectives and policies from section 14 of the QLDP (Transport) are considered relevant to the proposal:

Objective 1 Efficiency

Efficient use of the District's existing and future transportation resource and of fossil fuel usage associated with transportation

The associated policies promote efficient use of all roads and protection of the safety and efficiency of traffic on State highways by restricting opportunities for additional access points and by ensuring access to high traffic generating activities is adequately designed and located.

The safety and efficiency of traffic on SH6 will be improved as a result of the proposal. The roundabouts will provide a safe and efficient access point onto the State highway for development of the Frankton Flats. The roundabouts will also ensure multiple accesses onto the State highway do not occur from new developments in the area. The four laning will ensure the efficient movement of the anticipated traffic volumes arising from future development.

Objective 2 Safety and Accessibility

Maintenance and improvement of access, ease and safety of pedestrian and vehicle movement throughout the District.

The associated policies make provision for a long term roading network for the Frankton Flats to protect the through route function of State highways and ensure intersections and accessways are designed and located appropriately.

The proposal provides for an arterial roading network to serve development of the Frankton Flats. The roundabouts and four laning will ensure the through function of SH6 is protected while providing access to the Frankton Flats development. In addition, the proposal will enhance road safety and functionality. Pedestrian and cyclist connectivity will be enhanced through provision of on-road cycle lanes and the shared pedestrian/ cycle path.

Objective 3 Environmental Effects of Transportation

Minimal adverse effects on the surrounding environment as a result of road construction and road traffic.

The associated policies (Policies 3.1, 3.5, 3.6 & 3.7) require the protection of specified areas (particularly residential and pedestrian orientated locations) from adverse effects of transportation activities and seek to maintain and enhance the visual appearance and safety of arterial roads which are gateways to main urban centres through incorporation of vegetation, provided views are maintained. They also require the implementation of appropriate procedures should any waahi tapu or waahi taonga be unearthed during construction.

The State highway forms part of a key gateway to the greater Queenstown urban area. The proposed roundabouts and four laning have been designed to minimise visual impact on the landscape to ensure this gateway to Queenstown is maintained in terms of its visual appearance. Landscaping is proposed in various locations in a manner which will complement the view of the surrounding area. All works will be undertaken in accordance with an accidental discovery protocol.

Objective 6 Pedestrian and Cycle Transport

Recognise, encourage and provide for the safe movement of cyclists and pedestrians in a pleasant environment within the District

The associated policies (Policies 6.1 and 6.2) promote the development of pedestrian and cycling links and require the inclusion of safe pedestrian and cycle links where appropriate in new developments.

The Wider Project recognises and provides for the safe movement of cyclists and pedestrians through the inclusion of footpaths and on-road cycle lanes. The provision of pedestrian/ cycling routes through this area will form part of the Queenstown Trail (the link between Arrowtown and Queenstown) when the Project is complete. The designation alterations and the Wider Project align with the WTS which promotes walking and cycling and Plan Change 19 which identifies the location of the shared cycle/ pedestrian path through this area. There will be no effects on the existing pedestrian/ cycle path located in the Open Space area alongside SH6.

Objective 7 Public and Visitor Transport

Recognition of public transport needs of people and provision for meeting those needs

The associated policy (Policy 7.2) requires investigation of opportunities for public transport in association with changes to the major road network.

No changes are proposed in relation to public transport through this area. The project will not remove the existing bus services along the State highway in this location and the roundabouts have been designed to accommodate bus movements. The Wider Project recognises the public transport needs of people and proposes a number of bus stops to link into future bus routes servicing the Frankton Flats area. In this way the

proposal promotes an efficient public transport system, linking with future growth opportunities.

Rural General

The zoning is proposed to be changed from Rural General to Frankton Flats Special Zone south of the highway, however rural zoning is found north of the highway. The following objective and policies from section 5 of the QLDP are considered relevant:

Objective 3 - Rural Amenity

Avoiding, remedying or mitigating adverse effects of activities on rural amenity

The associated policy (Policy 3.3) recognises activities may result in the loss of rural amenity values.

The proposal has been designed to minimise effects on visual values. In addition, during construction, measures will be in place to reduce effects such as noise, dust and traffic.

Landscape and Visual Amenity

The project is located within an Other Rural Landscape area. The following objective and policies from section 4 of the QLDP are considered relevant:

Objective:

Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.

The associated policies encourage future development where there is potential to absorb change without detraction from landscape and visual amenity values. In relation to transport infrastructure and utilities. the policies require the preservation of the open nature of the rural landscape and avoiding, remedying or mitigating effects of utilities on landscapes.

It is considered that the change in scale of the State highway infrastructure can be absorbed without detraction from landscape and visual amenity values. The project will not obstruct any views of the surrounding outstanding natural landscapes.

Appropriate planting is proposed to enhance visual amenity values as the entrance to Queenstown. Grass berms are proposed along the four laning and the roundabouts will be landscaped. Existing trees will be retained where practicable. Utilities have been co-located and structures are proposed to be as unobtrusive as practicable.

Frankton Flats Special Zone (B)

The following objectives and policies from section 12 of the QLDP (Frankton Flats Special Zone (B)) are considered relevant to the proposal. The decisions of the Environment Court have confirmed these objectives and policies:

Objective 2 Visual Amenity and Connections

- a. *Visual connections to surrounding Outstanding Natural Landscapes are maintained*
- b. *All development visible from State highway 6 is of a high standard in terms of visual appearance*

The associated policies (Policies 2.1, 2.2, 2.3, 2.5, 2.7 and 2.7) require a 50 m wide landscaped open area (Activity Area A) to be established and maintained between SH6 and any built development and a building setback from SH6. They also require generous areas of landscape planting to screen built development and outdoor storage of goods, material and equipment when viewed from SH6 within that part of Activity

Area E1. Viewshafts to The Remarkables must not be adversely affected by the nature and location of proposed landscaping.

Part of the four laning and widening of the roundabouts will require land located within Area A shown on the Structure Plan. Area A is to be an open area that is free from structures so that landscaping and tree planting can soften the views of the intensive development proposed within the Frankton Flats B zone. This proposal does not plan any development (building or structures) within the open space area that would take away visual connections to the surrounding Outstanding Natural Landscapes. The proposed landscaping will enhance the sense of arrival and contribute positively to the amenity of the area.

Objective 4 Providing for and managing impacts on infrastructure

- a. ...
- b. *A safe, efficient and effective transportation network is provided and travel demands are managed to reduce reliance on the private car*
- c. *Appropriate provision is made for public and private utilities to meet future needs and to protect public health and safety*
- d. *Effective integration of land uses with stormwater management systems occurs*

The associated policies (Policies 4.3, 4.4, 4.5, 4.6, 4.15 and 4.16) set out a planning framework to ensure the ongoing operation of important infrastructure assets. They require the provision of an integrated transportation network that provides for pedestrians, cyclists vehicles and public transport and in relation to the state highway requires safe, efficient and effective connections from the State highway at agreed locations (being namely all-access roads at Grant Road and the EAR, and limited access at Glenda Drive). The policies also ensure that development provides for stormwater treatment and disposal, in accordance with the stormwater catchment management plan for the Frankton Flats.

The project as part of the wider transport improvements within this area, will provide for an integrated transportation network that incorporates pedestrian, cyclist and public transport facilities. It will also encourage safe, efficient and effective connections from the State highway at the agreed locations of the Eastern Access Road and Grants Road. No new access connections are associated with the project. Stormwater treatment and disposal has been designed taking into consideration the stormwater catchment management plan for the Frankton Flats and utilises the existing soakage pits located alongside the State highway.

Objective 2 Area A (Open Space)⁷

An open landscaped area adjacent to the State highway that helps to maintain views of the surrounding Outstanding Natural Landscapes and provides for public access and physical separation of buildings from the State highway.

The associated policies (Policies 2.1 and 2.2) require this area to mitigate adverse landscape and visual amenity effects of development in Areas C1 and C2 by providing an attractive, comprehensively designed open landscaped area between SH6 that is free of buildings. It also requires public access (walkway and cycle path) to be provided within this area.

Part of the four laning and widening of the roundabouts will require land located within Area A shown on the Structure Plan. This proposal does not plan any development

⁷ This numbering has been taken from Interim Decision 3 of the Environment Court on Plan Change 19

within the open space area that would obstruct visual connections to the surrounding Outstanding Natural Landscapes. There will still be a significant portion of land over which landscaping can be undertaken. In addition, the proposal will not preclude the provision for public access through the defined open space area. Connectivity is proposed through the continuation of the existing pedestrian/cycle path and connections around the roundabouts. The design provides for the continuation of the existing shared pedestrian/ cycle path along SH6.

7.3.4 Regional Land Transport Strategy (2011)

The Otago Regional Land Transport Strategy 2011 – 2041 sets the direction for Otago's land transport system for the next thirty years.

The goal of the Strategy is:

"A safe transport system that provides connections between communities, leading to regional prosperity, the creation of wealth and employment, social inclusion and the minimisation of adverse environmental effects"

One of the outputs of the Strategy requires making best use of existing infrastructure and networks. It is expected that this will be delivered by limiting new connections onto state highways sufficiently to ensure these highways function as arterials. Where feasible, new developments should connect to adjacent developments through local roads accommodating local traffic movements (e.g. new subdivision in the Wakatipu Basin, with connections to SH6 should also be linked by local roads to keep some of the traffic off the state highway).

Another output of the Strategy is ensuring travel safety and personal security. It is expected that this will be delivered by utilising safe systems approaches.

The strategy also seeks to ensure efficient use of infrastructure and good connections, especially for freight and the efficient flow of traffic on the entire transport network, including state highways.

The proposal is required to improve the safety and efficiency of the State highway and provide additional roading capacity to support the further development of the Frankton Flats. The nature of this work is considered to be consistent with the goal and outputs identified in the Strategy.

7.3.5 Wakatipu Transportation Strategy (2007)

The WTS recognises the significant growth predicted for the Wakatipu area and the effects this could have on accessibility, mobility and general movement throughout the area if steps are not taken to upgrade the transport system.

The Strategy states that "*Frankton Flats will grow as a key residential and commercial centre for the Wakatipu. An arterial network is needed to set the basic roading framework for the area – enabling easy movement throughout the area for all modes of travel. The network needs to take into account the growth of the area and what this means in terms of additional traffic.*"

The strategy indicates that it is desirable to separate local traffic from the longer distance traffic using the adjacent state highway. The roundabouts and four laning are improvements that will increase capacity and safety between the local roads and the state highway network.

8. Consultation

8.1 General Stakeholder Consultation

Under the Land Transport Management Act 2003 the Transport Agency has an obligation to consult all parties that have an interest in a particular activity. Consultation has been undertaken with key stakeholders and all landowners and occupiers across the project area.

Key stakeholders were consulted about the change in roundabout design and the four laning aspects of the project. Meetings have been held with QLDC, ORC, and land developers to provide an update on the project. Correspondence has also been undertaken with local service authorities (in relation to relocation/ placement/ protection of services including Transpower, Delta, Arrow Irrigation, Chorus, Contact (gas), and Vodafone) and local iwi (KTKO and Te Ao Marama). Feedback received has been positive and supportive of the project.

8.2 Land Designation Consultation

Following the general stakeholder consultation detailed above, meetings were held with directly affected parties to obtain their initial thoughts on the extra land requirements and provide feedback to the Transport Agency. Written approvals to the proposed alteration of the designations were then requested. This has resulted in the written approvals being secured for all affected properties. These are attached in **Appendix C**.

Further meetings will be held with the affected parties to discuss detailed plans for changes to driveways and proposals for relocating fences, gates, signage and other items affected by the road widening, as well as compensation arrangements. Ongoing consultation with these parties will occur in terms of the land acquisition and construction processes.

8.3 Other Consultation

During the detailed design phase consultation has been undertaken with adjoining landowners in relation to actual and potential effects on their property that have resulted through design. This includes discussions in relation to modification to access ways, trimming or removal of vegetation and moving letterboxes. Consultation will continue with these parties during construction.

In addition, the wider community will be kept up to date on Project progress through the Transport Agency website and via media releases in newspapers, for example there was a media release when the design contract was awarded, and there will be further media releases once design is complete, and to inform construction programme. There will also be updates in community newsletters as part of the Wider Project consultation (Scuttlebutt).

9. Conclusion

Pursuant to sections 168(2), 168A and 181(3) of the RMA, this document gives notice to alter existing “State highway” designations on behalf of the Transport Agency for enlarged roundabouts at the intersection of SH6 with the Eastern Access Road and Grants Road and for the four laning of SH6 between these roundabouts.

It is the conclusion of this assessment that:

- The proposed State highway improvements described in this report will improve the safety of SH6;
- The improvements will require additional land, therefore there will be some effects on individual properties but the written agreements of these parties have been obtained or are anticipated to be obtained;
- The change in effects on the environment of the designation alterations will be minor;
- The alterations will only involve minor changes or adjustment to designation boundaries.

It is therefore appropriate that Queenstown Lakes District Council recommend the approval of the Notice of Requirement to alter the designations for SH6 in accordance with section 181 of the RMA, subject to the conditions on the existing designations.

With regard to outline plan, it is considered that sufficient information has been provided in these notices and associated plans so that an outline plan need not be submitted at a later date in accordance with section 176A(2)(b) of the RMA (except for the detail associated with the Grants Road roundabout).

Overall, it is considered that the proposed alteration to the existing designations are necessary to provide for the roading improvements. The designations meet all the statutory requirements and will result in the improved safety and efficiency of SH6 and will provide additional roading capacity to support development of the Frankton Flats area.

APPENDIX 2
Conditions of RM140857

1. The proposed works will be constructed in accordance with Plans 1009-1264-5a dated March 2011 (Sheets 1 to 4) and stamped as approved on **24 November 2014**.
2. Prior to commencement of works that NZTA shall submit to the Queenstown Lakes District Council for review and approval a Construction Management Plan addressing the following matters:
 - Control of dust;
 - Silt and sediment control;
 - Construction Noise;
 - Traffic management;
 - Hours of Operation;
 - Protection of the Arrow Irrigation Scheme.

As part of this plan details shall be provided to:

Demonstrate how access will be retained to adjoining properties throughout the construction process, in particular the ability for customers and delivery trucks to access the Manapouri Beech investments site (Lot 2 DP23542) unobstructed during the peak hours and months of operation, being 8am-1pm and during the months of September-March;

Establish processes to mitigate and address potential adverse effects from dust, noise and other construction activity occurring as a result of the construction process on the existing operations of the Shotover Garden Centre.

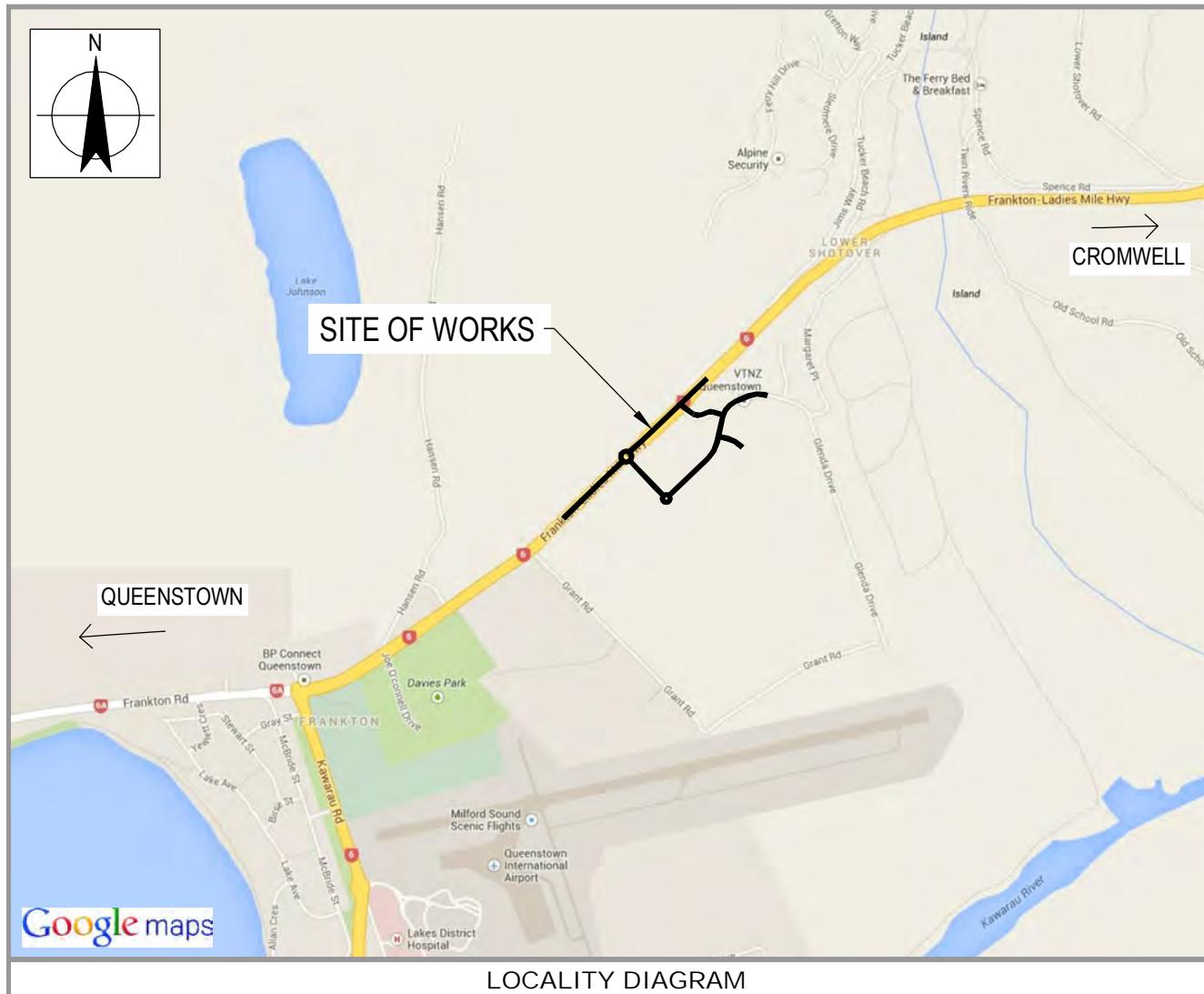
Once approved the Construction Management Plan must be complied with throughout the duration of the works.

3. Prior to the movement of any letter boxes the NZTA shall liaise with the relevant landowner and ensure any new proposed locations are identified in consultation with the landowner and provides compliance with any New Zealand Post requirements.
4. If koiwi (human skeletal remains), waahi taoka (resource of importance), waahi tapu (place or feature of special significance) or artefact material are discovered, then work shall stop to allow a site inspection by the appropriate runanga and their advisors, who would determine whether the discovery is likely to be extensive and whether a thorough site investigation is required. Materials discovered should be handled and removed by tribal elders responsible for tikanga (custom) appropriate to their removal or preservation. Historic Places Trust and NZ Police should be contacted so that appropriate arrangements can be made.
5. NZTA shall meet the reasonable costs associated with amending the Manapouri Beech Investments/ FM Custodians Ltd easement instrument (including survey, legal (including Manapouri Beech Investments and FM Custodians reasonable legal costs) and registration costs) and the construction of the access from SH6 to the Manapouri Beech Investments and FM Custodians Ltd sites (Lots 1 and 2 DP 23542).
6. NZTA shall construct the SH6 roundabout to the standard required to ensure that there will not be any re-work required (other than removal of kerbing) on the roundabout when it comes to build the additional road expected to connect to this roundabout at some future date (shown on Plans 1009-1264-5a dated March 2011 (Sheets 1 to 4). Subject to compliance with all of NZTA's statutory and other legal obligations in relation to permitting connection to the State highway, private landowners north of SH6 have the right to connect a fourth leg to the roundabout (subject to NZTA approval of connection design and standard of construction).
7. The proposed landscaping shall be maintained and irrigated for a period of 12 months (the Maintenance of Defects period) after the completion of the landscape works. Any plant material

that dies during that time shall be required to be replaced within the same or next planting season, whichever is the sooner.



CLIENTS | PEOPLE | PERFORMANCE



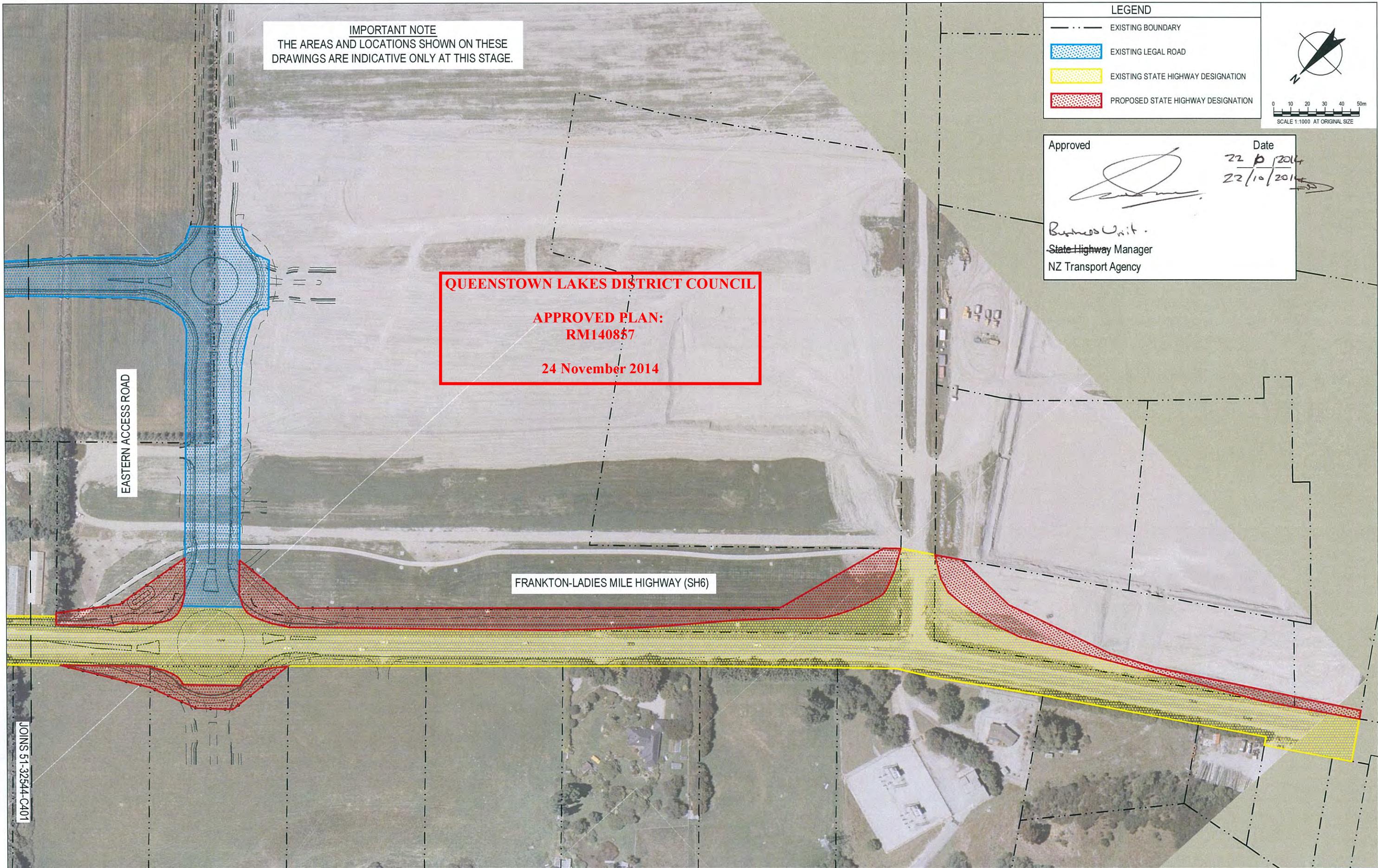
51-32544

NZ TRANSPORT AGENCY SH6 / GLENDA DRIVE AND ASSOCIATED ROADS

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM140857

24 November 2014



F	DRAFT 100% DESIGN ISSUE	NM	AW*	LM*	10/10/14
E	95% DESIGN ISSUE	NM			
D	ROAD DESIGNATIONS UPDATED	NM	AW*	LM*	18/09/14
C	FOR SAFETY AUDIT	NM	AW	LM	08/08/14
B	50% DESIGN ISSUE	NM			
No	Revision Note: * indicates signatures on original issue of drawing or last revision of drawing	Drawn	Checked	Approved	Date

NZ TRANSPORT AGENCY
WAKA KOTAHİ



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Scale 1:1000	This Drawing must not be used for Construction unless signed as Approved	Original Size	A1	Title LAND DESIGNATION PLAN SHEET 2
				Rev: F

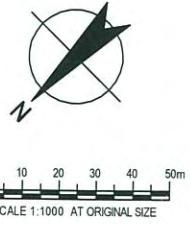
Approved

 Date 22/10/14
 Beneska Ut
 State Highway Manager
 NZ Transport Agency

IMPORTANT NOTE
 THE AREAS AND LOCATIONS SHOWN ON THESE DRAWINGS ARE INDICATIVE ONLY AT THIS STAGE.



LAND TO BE PERMANENTLY ACQUIRED FOR ROAD (STATE HIGHWAY)			
REFERENCE	OWNER	LEGAL DESCRIPTION	LAND REQUIREMENT AREA (m ²)
2	QUEENSTOWN CENTRAL LTD	SEC 5 SO 461463 CFR 648131	948
3	QUEENSTOWN CENTRAL LTD, HER MAJESTY THE QUEEN	SEC 1 SO 461463 CFR 648131	279
4	QUEENSTOWN CENTRAL LTD, HER MAJESTY THE QUEEN	SEC 4 SO 461463 CFR 648131	198
5	QUEENSTOWN CENTRAL LTD	SEC 6 SO 461463 CFR 648131	4041
7	WALTER JOHN RUTHERFORD, WILLIAM THOMAS COONEY, LYNLEY GRACE HANSEN	SEC 133, BLK 1 SHOTOVER SURVEY DISTRICT CFR OT47/188	326
8	WALTER JOHN RUTHERFORD, WILLIAM THOMAS COONEY, LYNLEY GRACE HANSEN	SEC 132, BLK 1 SHOTOVER SURVEY DISTRICT CFR OT47/188	921
A	QUEENSTOWN CENTRAL LTD	SEC 6 SO 461463 CFR 648131	2446
B	QUEENSTOWN GATEWAY (5m) LIMITED	LOT 3 DP 374540 CFR 461289	3899
C	QUEENSTOWN LAKES DISTRICT COUNCIL	LOT 3 DP 385058	216



NOTE:
 AREAS SHOWN ARE SUBJECT TO THE FINAL LEGALISATION SURVEY.

LEGEND	
EXISTING PARCEL BOUNDARY	LAND AREA REQUIRED

G AREAS A AND B UPDATED, AREA C ADDED	NM	AW*	LM*	16/09/14
F LEGAL DESCRIPTIONS UPDATED, A AND B AREAS ADDED	NM	AW*	LM*	21/08/14
E FOR SAFETY AUDIT	NM	AW*	LM*	08/08/14
D 50% DESIGN ISSUE	NM			
C PARCELS 2, 5 AND 6 INCREASED. PARCELS 9 AND 10 ADDED	NM			

No Revision Note: * indicates signatures on original issue of drawing or last revision of drawing
 Drawn Checked Approved Date
 Plot Date: 16 September 2014 - 12:57 p.m.
 Cad File No: M:\NZI\Christchurch\Projects\51\32544\CADD\Drawings\51-32544-C412.dwg

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Drawn N. MACKIE

Designed N. DEVERY

Drafting Check

Design Check

Approved

Date

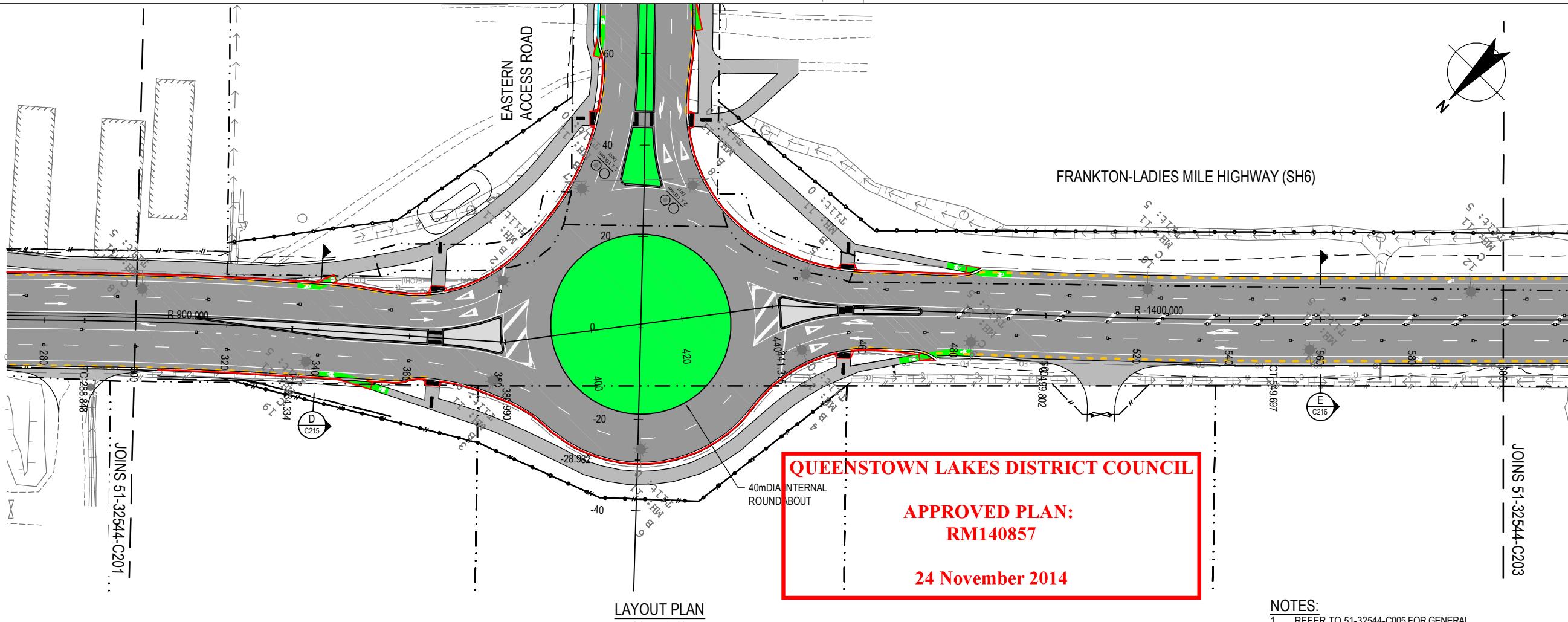
NEW ZEALAND TRANSPORT AGENCY
SH6 / GLENDA DRIVE AND ASSOCIATED ROADS
LAND REQUIREMENT PLAN
SHEET 1

Client Project Title

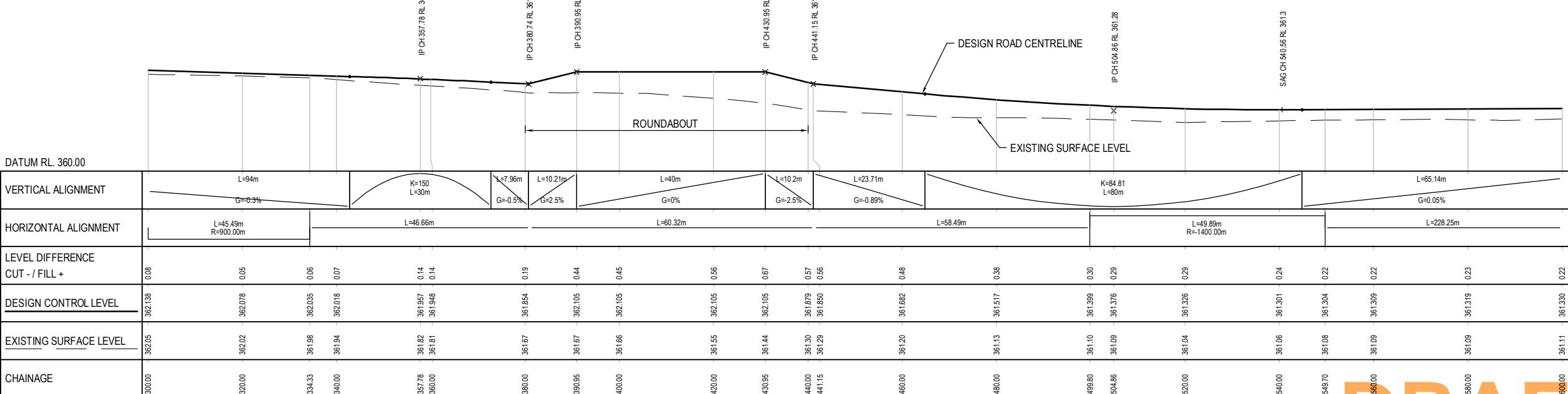
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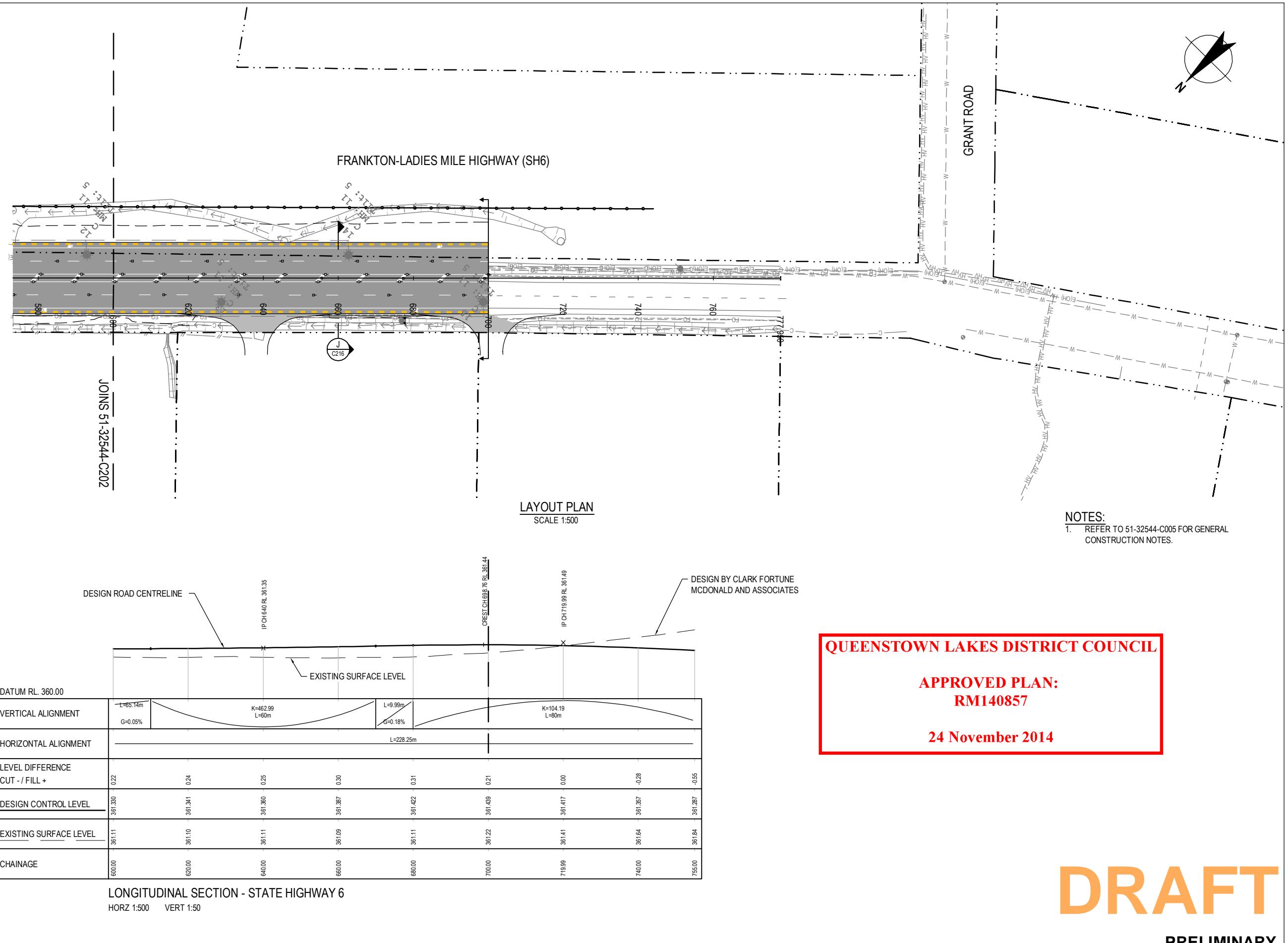
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—	TOP OF BATTER
—	BOTTOM OF BATTER
—	EARTHWORKS INTERFACE
—	RETAINING WALL
—	LANE LINE
—	EDGE LINE
—	NO STOPPING
—	GREEN PAINT
—	PATHS AND DRIVEWAYS
—	ISLAND HATCH
—	DESIGNATION BOUNDARY
—	PROPOSED FENCE
—	CYCLE MARKING
LEGEND - PROPOSED KERBS	
—	NO. 1a KERB & CHANNEL
—	NO. 5 MOUNTABLE KERB
—	NO. 8 MOUNTABLE KERB & CHANNEL
LEGEND - EXISTING FEATURES	
—	LEGAL BOUNDARY LINE
—	EXISTING LAND DESIGNATION
—	CONTOURS
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—	EDGE OF SEAL
—	FENCE
—	TOP OF BANK
—	DUCTING
—	BUILDINGS
*	STREET LIGHTING
—	SUMPS
—	SOAK PITS
—	POWER POLES
—	EXISTING TREES
—	SURVEY MARKS
LEGEND - EXISTING SERVICES	
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E —	UNDERGROUND POWER
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C	VODAFONE
FO	FIBRE OPTIC CABLE
W	WATER
S	SEWER
SW	STORMWATER
→ → → —	SWALES
→ → → —	WATER RACE
→ → → —	CULVERTS



NOTES:
1. REFER TO 51-32544-C005 FOR GENERAL CONSTRUCTION NOTES.



LEGEND - PROPOSED	
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— — —	GREEN PAINT
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□	SOAK PITS
●	POWER POLES
● ●	EXISTING TREES
○	SURVEY MARKS
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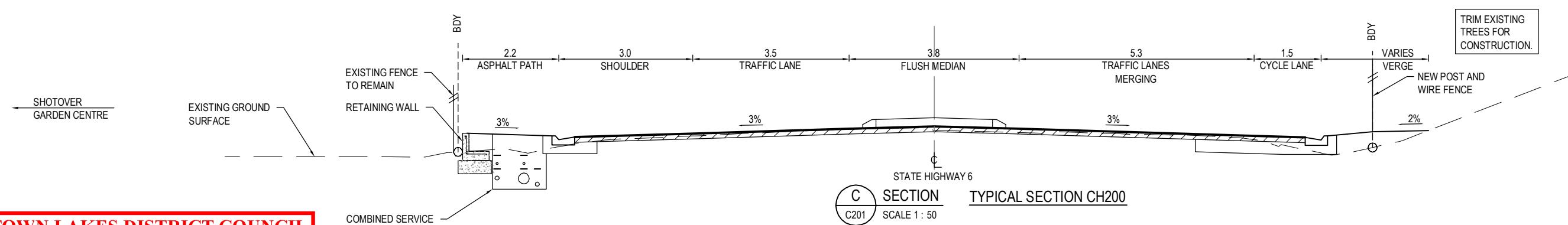
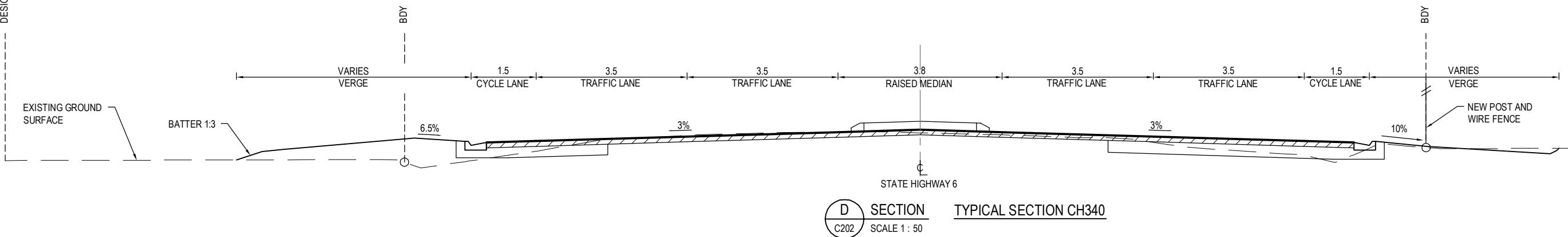
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Project SH6 / GLENDA DRIVE AND ASSOCIATED ROADS
Title LAYOUT PLAN & LONGITUDINAL SECTION
Sheet STATE HIGHWAY 6 - SHEET 3
Original Size A1 Drawing No: 51-32544-C203 Rev: F

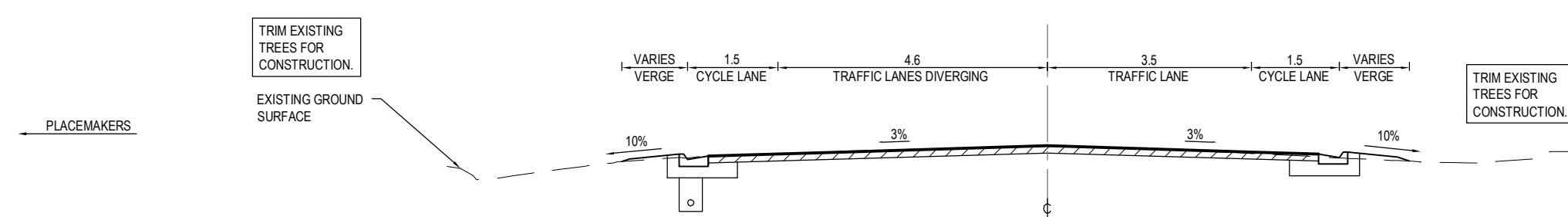
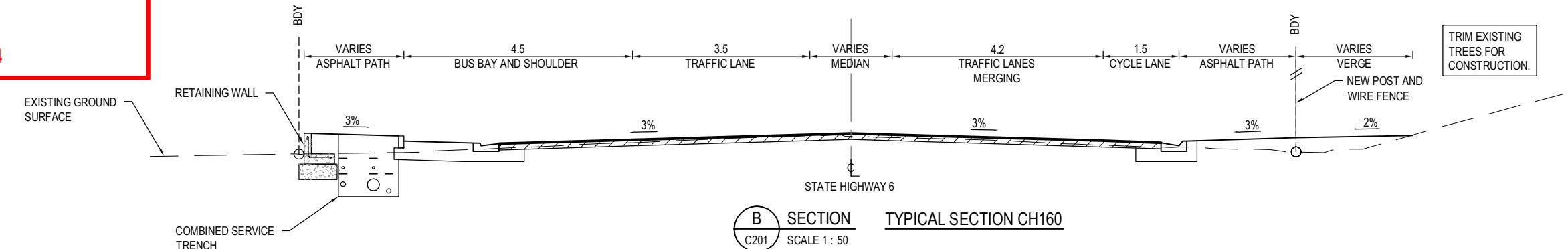
DESIGNATION



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM140857

24 November 2014



- NOTE:**
1. REFER TO DRG 51-32544-C261-C265 FOR SURFACING PLANS
 2. REFER TO DRG 51-32544-C271-C272 FOR PAVEMENT PLANS

DRAFT**PRELIMINARY**

E	DRAFT 100% DESIGN ISSUE	NM		
D	95% DESIGN ISSUE	NM		
C	FOR SAFETY AUDIT	LSW	AW*	LM* 08/08/14
B	50% DESIGN ISSUE	NM		
A	PRELIMINARY	NM		

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Drafting Check Design Check

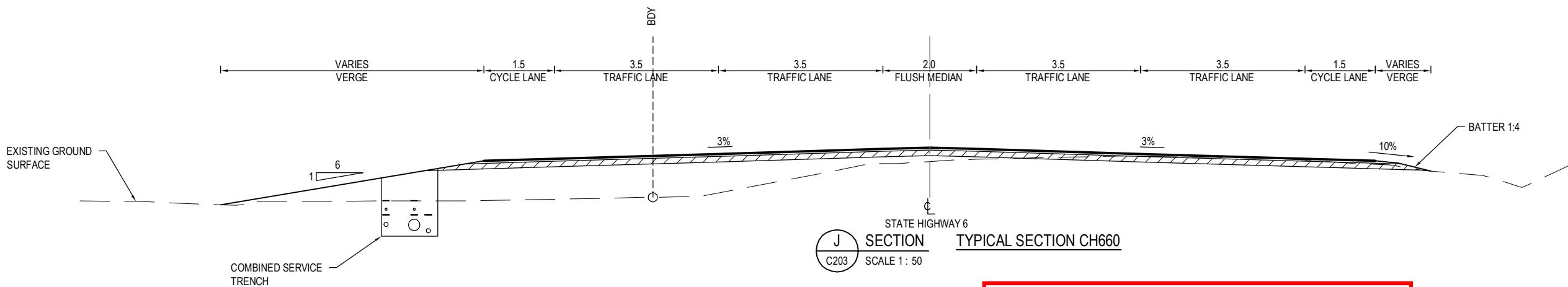
Approved Date

Scale 1:50

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**NZ TRANSPORT AGENCY
SH6 / GLENDA DRIVE AND ASSOCIATED ROADS
TYPICAL SECTIONS
STATE HIGHWAY 6**

Drawing No: 51-32544-C215**Rev: E**

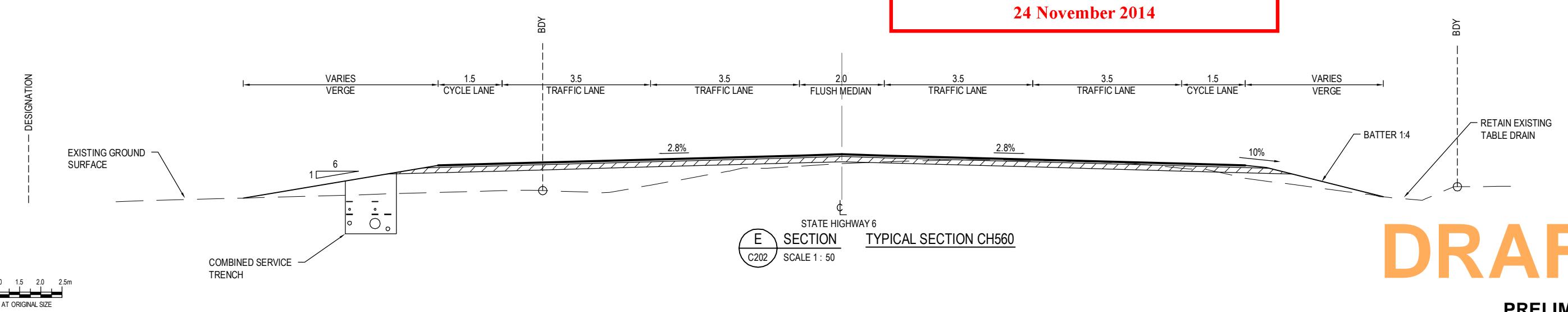


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APPROVED PLAN:
RM140857

24 November 2014

- NOTE:**
- REFER TO DRG 51-32544-C261-C265 FOR SURFACING PLANS
 - REFER TO DRG 51-32544-C271-C272 FOR PAVEMENT PLANS



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C	FOR SAFETY AUDIT	LSW	AW*	LM* 08/08/14
B	50% DESIGN ISSUE	NM		
A	PRELIMINARY	NM		

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Client

NZ TRANSPORT AGENCY

SH6 / GLENDA DRIVE AND ASSOCIATED ROADS

TYPICAL SECTIONS

STATE HIGHWAY 6

Project

Title

Date

Scale

1:50

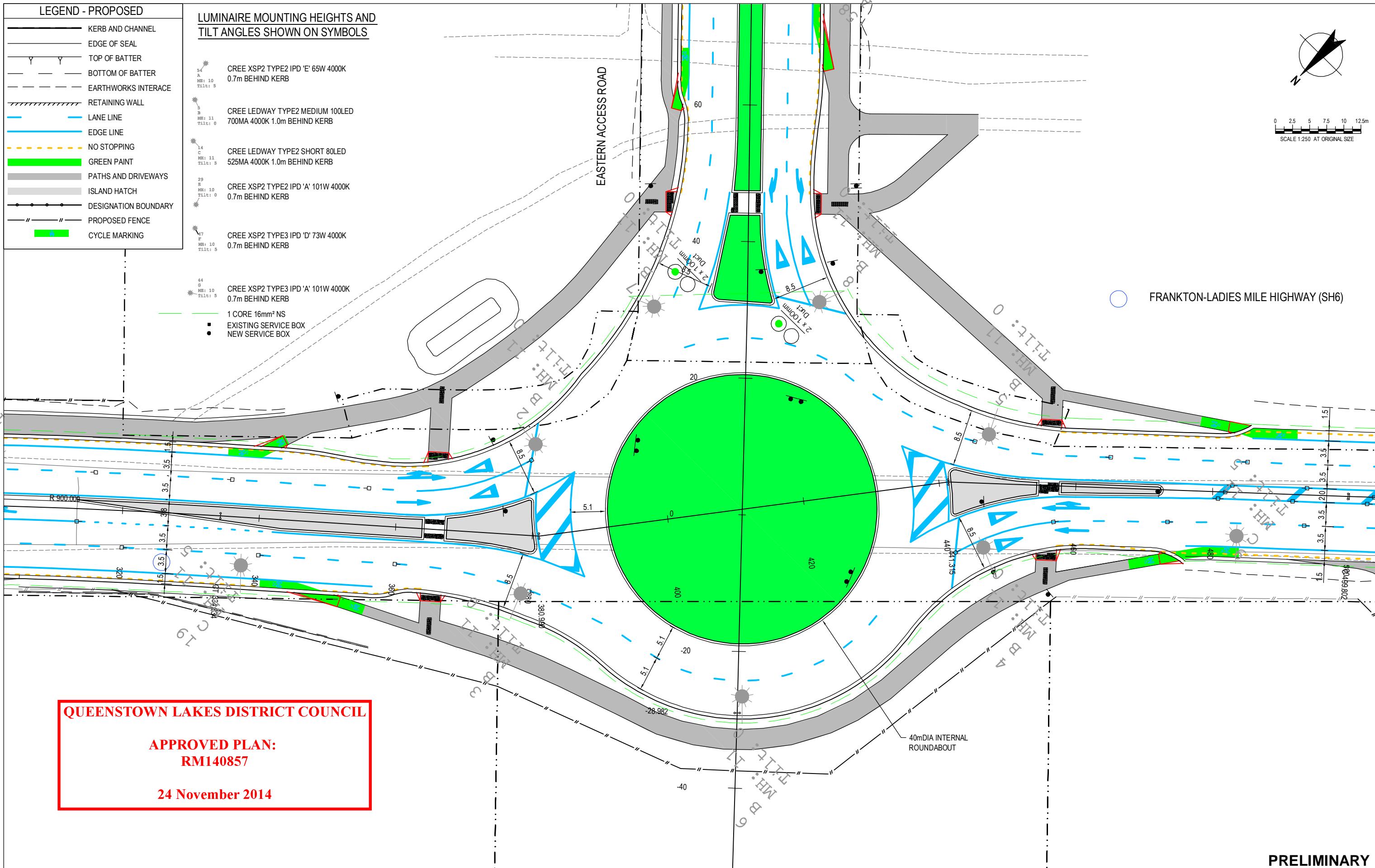
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Original Size

A1

Drawing No: 51-32544-C216

Rev: E



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D	95% DESIGN ISSUE	NM		
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A	PRELIMINARY	NM		

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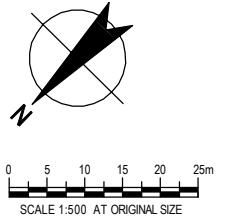


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Drafting Check Design Check
Approved Date
Scale 1:250 This Drawing must not be used for Construction unless signed as Approved

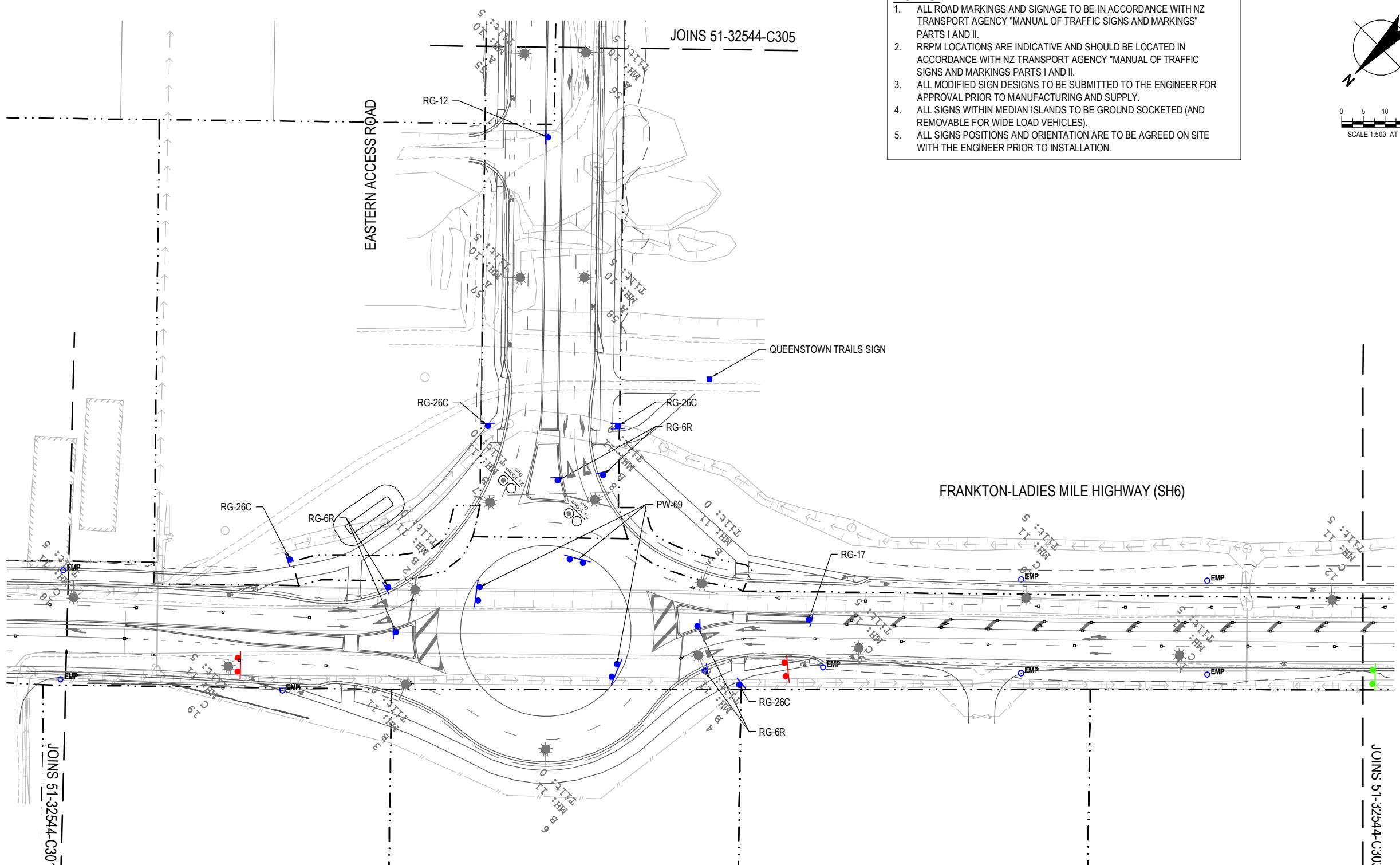
PRELIMINARY
NZ TRANSPORT AGENCY
SH6 / GLENDA DRIVE AND ASSOCIATED ROADS
INTERSECTION LAYOUT PLAN
SHEET 1
A1 Drawing No: 51-32544-C211
Rev: E

LEGEND - PROPOSED	
●	PROPOSED STREET SIGN
●	EXISTING STREET SIGN TO BE REMOVED
●	EXISTING STREET SIGN TO BE RELOCATED
●	PROPOSED SIGN
●	EXISTING SIGN TO BE REMOVED
●	EXISTING SIGN TO BE RELOCATED
●	EXISTING SIGN TO BE RETAINED
●	PROPOSED EDGE MARKER POSTS



NOTES:

- ALL ROAD MARKINGS AND SIGNAGE TO BE IN ACCORDANCE WITH NZ TRANSPORT AGENCY "MANUAL OF TRAFFIC SIGNS AND MARKINGS" PARTS I AND II.
- RRPM LOCATIONS ARE INDICATIVE AND SHOULD BE LOCATED IN ACCORDANCE WITH NZ TRANSPORT AGENCY "MANUAL OF TRAFFIC SIGNS AND MARKINGS PARTS I AND II".
- ALL MODIFIED SIGN DESIGNS TO BE SUBMITTED TO THE ENGINEER FOR APPROVAL PRIOR TO MANUFACTURING AND SUPPLY.
- ALL SIGNS WITHIN MEDIAN ISLANDS TO BE GROUND SOCKETED (AND REMOVABLE FOR WIDE LOAD VEHICLES).
- ALL SIGNS POSITIONS AND ORIENTATION ARE TO BE AGREED ON SITE WITH THE ENGINEER PRIOR TO INSTALLATION.



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PRELIMINARY

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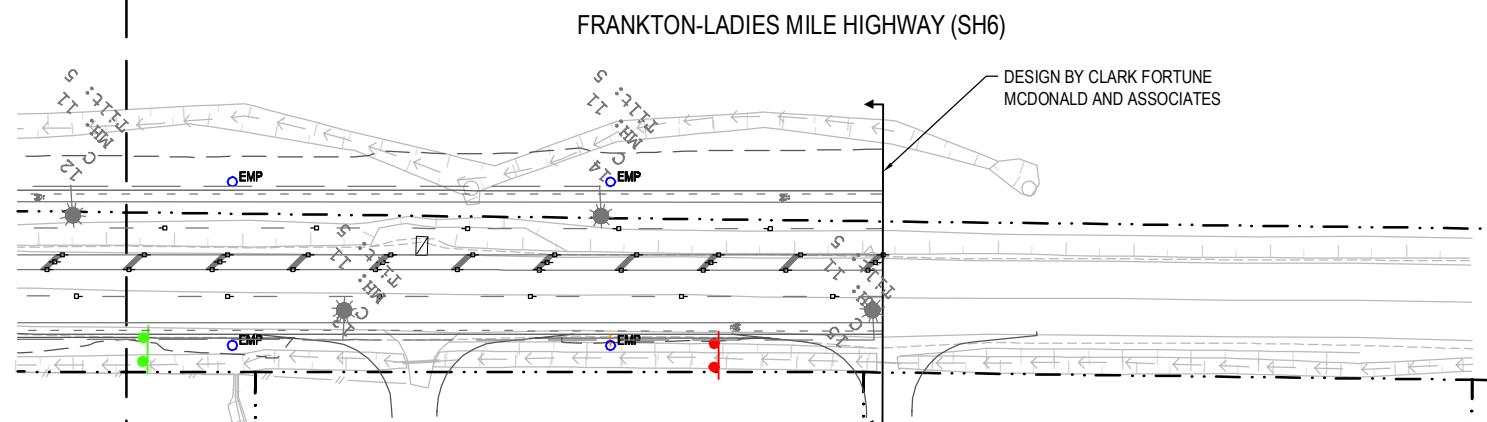
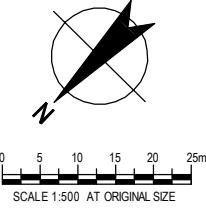
**NZ TRANSPORT AGENCY
SH6 / GLENDA DRIVE AND ASSOCIATED ROADS
SIGNAGE PLAN
SHEET 2**

A1 Drawing No: **51-32544-C302** Rev: **E**

LEGEND - PROPOSED	
PROPOSED STREET SIGN	●
EXISTING STREET SIGN TO BE REMOVED	●
EXISTING STREET SIGN TO BE RELOCATED	●
PROPOSED SIGN	●
EXISTING SIGN TO BE REMOVED	●
EXISTING SIGN TO BE RELOCATED	●
EXISTING SIGN TO BE RETAINED	●
PROPOSED EDGE MARKER POSTS	●

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QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN:
RM140857
24 November 2014

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C	FOR SAFETY AUDIT	NM	AW*	LM* 08/08/14
B	50% DESIGN ISSUE	NM		
A	PRELIMINARY	NM		

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Client Project Title
NZ TRANSPORT AGENCY
SH6 / GLENDA DRIVE AND ASSOCIATED ROADS
SIGNAGE PLAN
SHEET 3

Rev: E

A1 Drawing No: 51-32544-C303

LEGEND - EXISTING SERVICES		LEGEND - NEW SERVICES	
HV — HV — HV	HIGH VOLTAGE LINES	SW — SW	STORMWATER
E — — —	UNDERGROUND POWER	SW — — —	STORMWATER BY OTHERS
— — —	UNDERGROUND HV	○	MANHOLE
E(OH) — — —	OVERHEAD POWER LINES	○	SCRUFFY DOME
C — — —	VODAFONE	▽	HEADWALL
FO — — —	FIBRE OPTIC CABLE	◆	SINGLE SUMP
W — — —	WATER		
S — — —	SEWER		
SW — — —	STORMWATER		
→ → → — — —	SWALES		
→ → → — — —	WATER RACE		
— — —	CULVERTS		

NOTES:

- REFER TO 51-32544-C005 FOR GENERAL CONSTRUCTION NOTES.

LUMINAIRE MOUNTING HEIGHTS AND
TILT ANGLES SHOWN ON SYMBOLS

CREE XSP2 TYPE2 IPD 'E' 65W 4000K
0.7m BEHIND KERB
MS: 10
Tilt: 5

CREE LEDWAY TYPE2 MEDIUM 100LED
700MA 4000K 1.0m BEHIND KERB
MS: 11
Tilt: 0

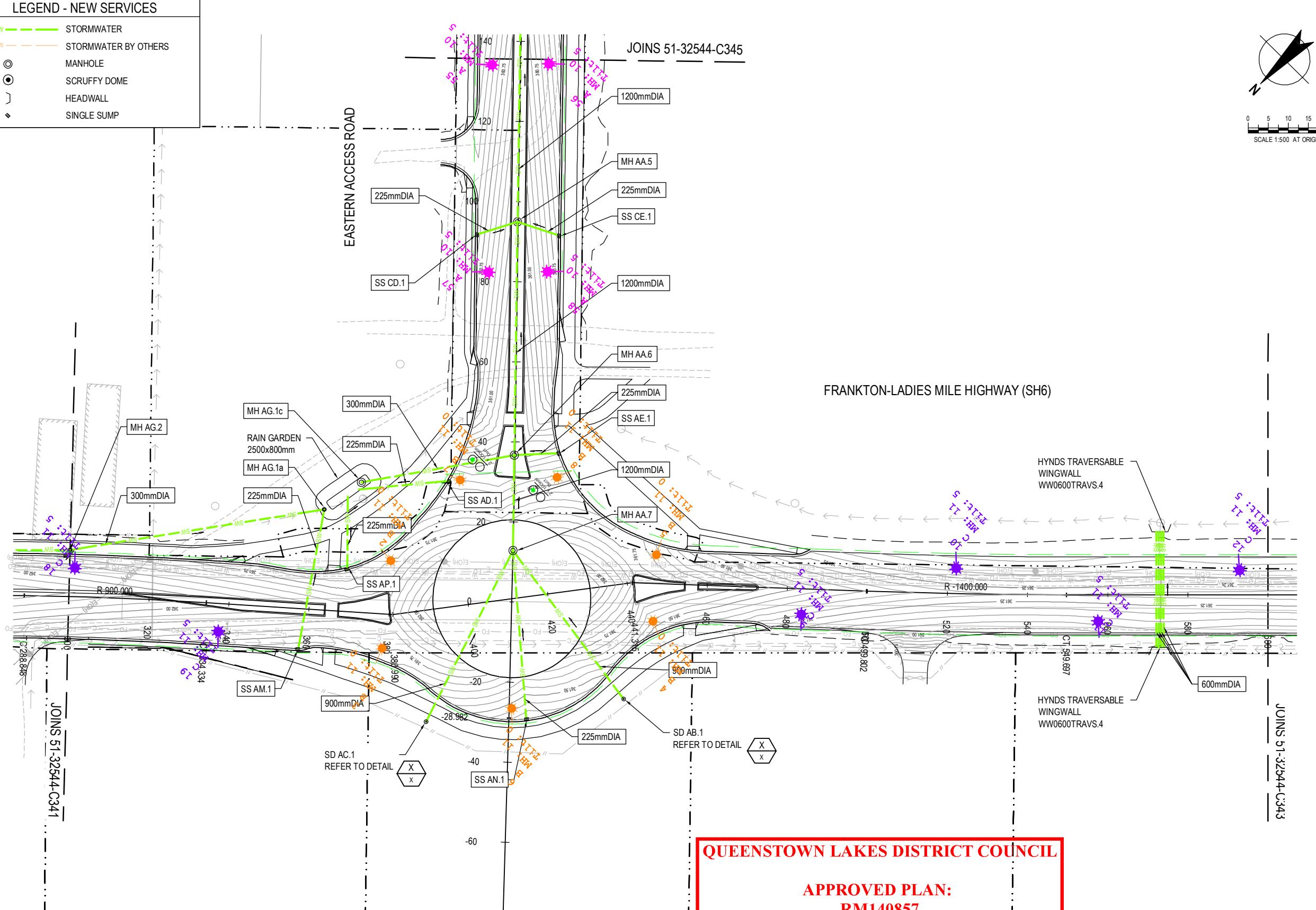
CREE LEDWAY TYPE2 SHORT 80LED
525MA 4000K 1.0m BEHIND KERB
MS: 11
Tilt: 5

CREE XSP2 TYPE2 IPD 'A' 101W 4000K
0.7m BEHIND KERB
MS: 10
Tilt: 0

CREE XSP2 TYPE3 IPD 'D' 73W 4000K
0.7m BEHIND KERB
MS: 10
Tilt: 5

CREE XSP2 TYPE3 IPD 'A' 101W 4000K
0.7m BEHIND KERB
1 CORE 16mm² NS

- EXISTING SERVICE BOX
- NEW SERVICE BOX



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E	DRAFT 100% DESIGN ISSUE	NM		
D	95% DESIGN ISSUE	NM		
C	FOR SAFETY AUDIT	NM	AW*	LM* 08/08/14
B	50% DESIGN ISSUE	NM		
A	PRELIMINARY	NM		

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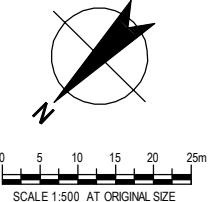


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Approved		
Date		

Client Project Title	NZ TRANSPORT AGENCY SH6 / GLENDA DRIVE AND ASSOCIATED ROADS STORMWATER AND LIGHTING LAYOUT PLAN SHEET 2		
Original Size	A1	Drawing No:	51-32544-C342

Rev: E

LEGEND - EXISTING SERVICES		LEGEND - NEW SERVICES	
HV — HV — HV	HIGH VOLTAGE LINES	SW — SW	STORMWATER
E — — —	UNDERGROUND POWER	SW — — —	STORMWATER BY OTHERS
— — —	UNDERGROUND HV	○	MANHOLE
E(OH) — — —	OVERHEAD POWER LINES	●	SCRUFFY DOME
C — — —	VODAFONE	—	HEADWALL
FO — — —	FIBRE OPTIC CABLE	◆	SINGLE SUMP
W — — —	WATER		
S — — —	SEWER		
SW — — —	STORMWATER		
→ → → — — —	SWALES		
→ → → — — —	WATER RACE		
— — —	CULVERTS		



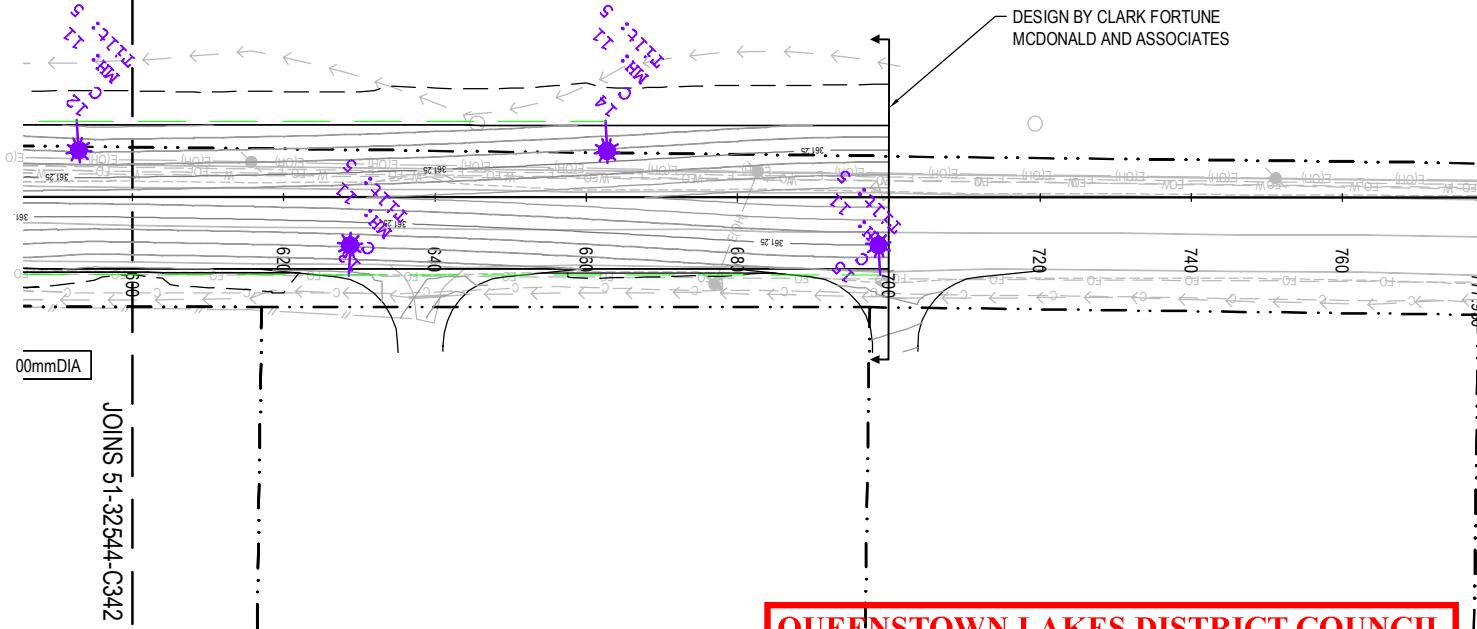
NOTES:

- REFER TO 51-32544-C005 FOR GENERAL CONSTRUCTION NOTES.

FRANKTON-LADIES MILE HIGHWAY (SH6)

GRANT ROAD

LUMINAIRE MOUNTING HEIGHTS AND TILT ANGLES SHOWN ON SYMBOLS



QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN:
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24 November 2014

- 5 A MH: 10 Tilt: 5 CREE XSP2 TYPE2 IPD 'E' 65W 4000K 0.7m BEHIND KERB
 - 3 B MH: 11 Tilt: 0 CREE LEDWAY TYPE2 MEDIUM 100LED 700MA 4000K 1.0m BEHIND KERB
 - 4 C MH: 10 Tilt: 5 CREE LEDWAY TYPE2 SHORT 80LED 525MA 4000K 1.0m BEHIND KERB
 - 29 E MH: 10 Tilt: 0 CREE XSP2 TYPE2 IPD 'A' 101W 4000K 0.7m BEHIND KERB
 - 47 F MH: 10 Tilt: 5 CREE XSP2 TYPE3 IPD 'D' 73W 4000K 0.7m BEHIND KERB
 - 44 G MH: 10 Tilt: 5 CREE XSP2 TYPE3 IPD 'A' 101W 4000K 0.7m BEHIND KERB
- 1 CORE 16mm² NS
■ EXISTING SERVICE BOX
● NEW SERVICE BOX

DRAFT

PRELIMINARY

E	DRAFT 100% DESIGN ISSUE	NM		
D	95% DESIGN ISSUE	NM		
C	FOR SAFETY AUDIT	NM	AW*	LM* 08/08/14
B	50% DESIGN ISSUE	NM		
A	PRELIMINARY	NM		

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Drafting Check Design Check

Approved Date

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Client NZ TRANSPORT AGENCY
Project SH6 / GLENDA DRIVE AND ASSOCIATED ROADS
Title STORMWATER AND LIGHTING LAYOUT PLAN
Sheet 3

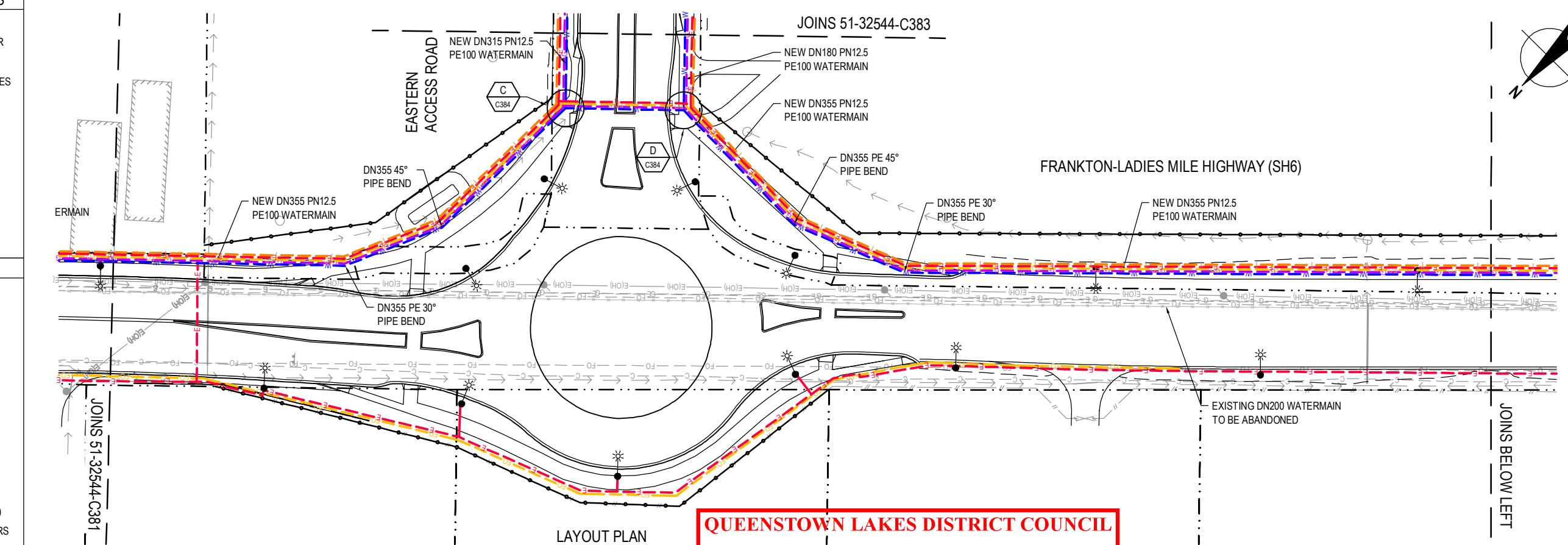
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Rev: E

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E — — —	UNDERGROUND POWER
— — —	UNDERGROUND HV
E(OH) — — —	OVERHEAD POWER LINES
C — — —	VODAFONE
FO — — —	FIBRE OPTIC CABLE
W — — —	WATER
S — — —	SEWER
SW — — —	STORMWATER
→ → → — — —	SWALES
→ → → — — —	WATER RACE
— — —	CULVERTS
LEGEND - PROPOSED	
S — — —	SEWER
S — — —	SEWER BY OTHERS
W — — —	WATER
— — —	ABANDONED WATER
W — — —	WATER BY OTHERS
G — — —	GAS
G — — —	GAS BY OTHERS
C — — —	VODAFONE
T — — —	TELECOM
T — — —	TELECOM BY OTHERS
E — — —	ELECTRICITY (ELS)
E-T — — —	ELECTRICITY (AURORA)
E-T — — —	ELECTRICITY BY OTHERS
◎	MANHOLE

NOTES:

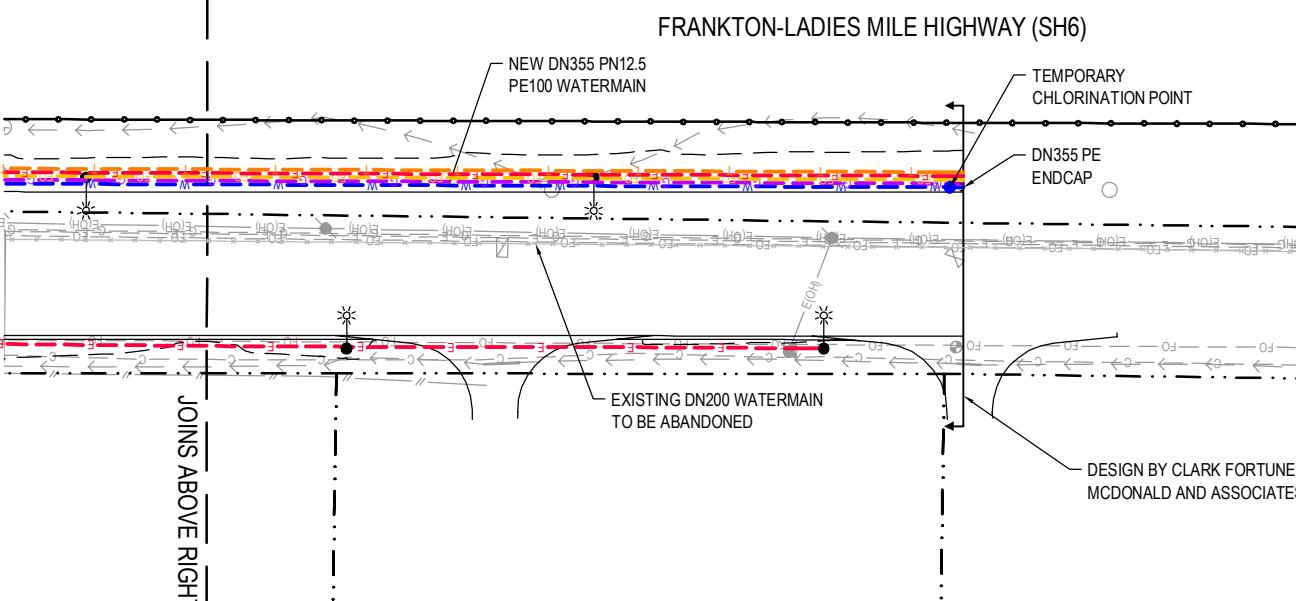
1. REFER TO 51-32544-C005 FOR GENERAL CONSTRUCTION NOTES.



QUEENSTOWN LAKES DISTRICT COUNCIL

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RM140857

24 November 2014



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Drawn N. MACKIE Designed N. DEVERY

Client

NZ TRANSPORT AGENCY

SH6 / GLENDA DRIVE AND ASSOCIATED ROADS

WATER AND UTILITIES LAYOUT PLAN

STATE HIGHWAY 6 - SHEET 2

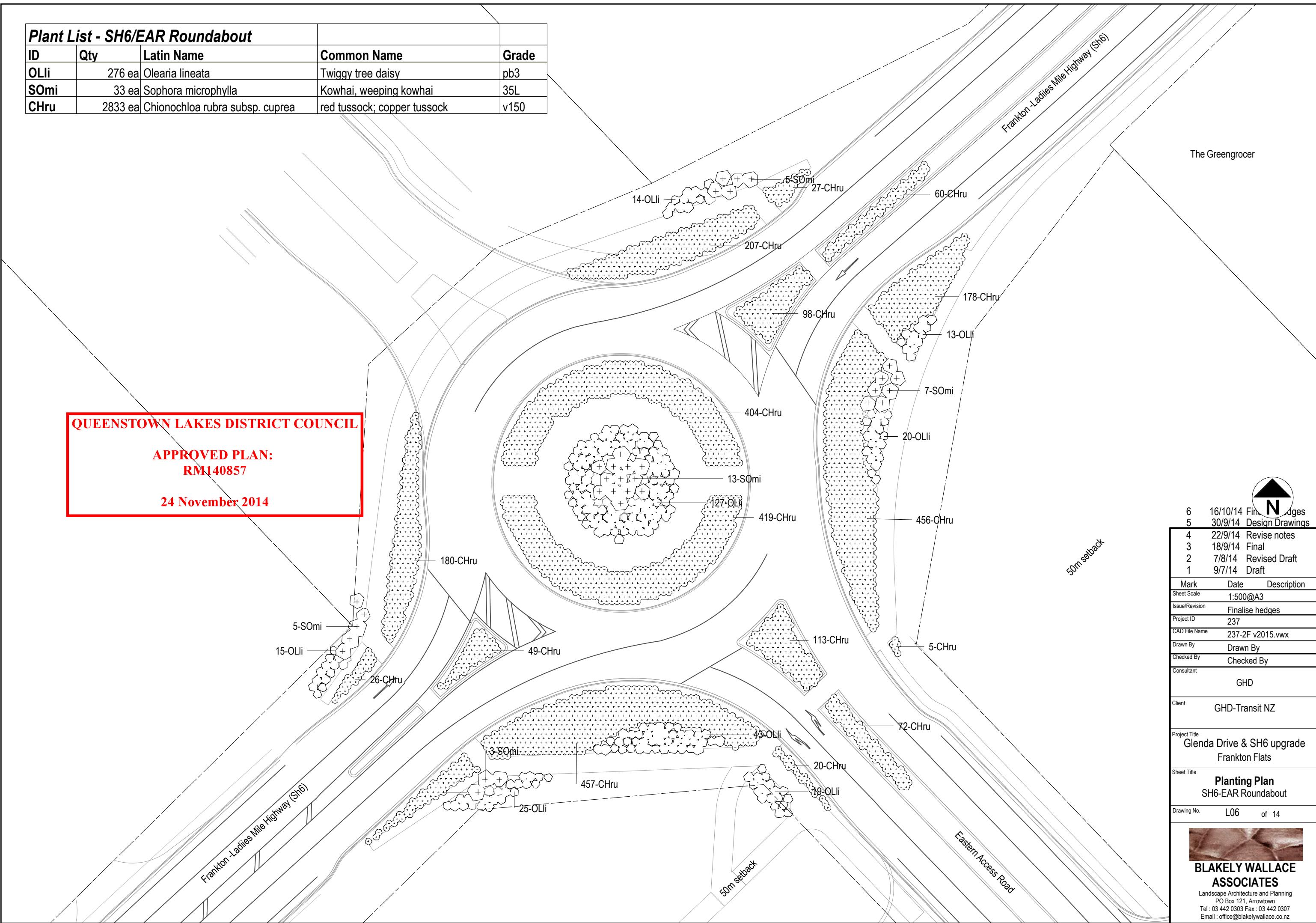
Original Size
A1 Drawing No: 51-32544-C382

Rev: A

Plant List - SH6/EAR Roundabout

ID	Qty	Latin Name	Common Name	Grade
OLli	276 ea	Olearia lineata	Twiggy tree daisy	pb3
S0mi	33 ea	Sophora microphylla	Kowhai, weeping kowhai	35L
CHru	2833 ea	Chionochloa rubra subsp. cuprea	red tussock; copper tussock	v150

QUEENSTOWN LAKES DISTRICT COUNCIL
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24 November 2014



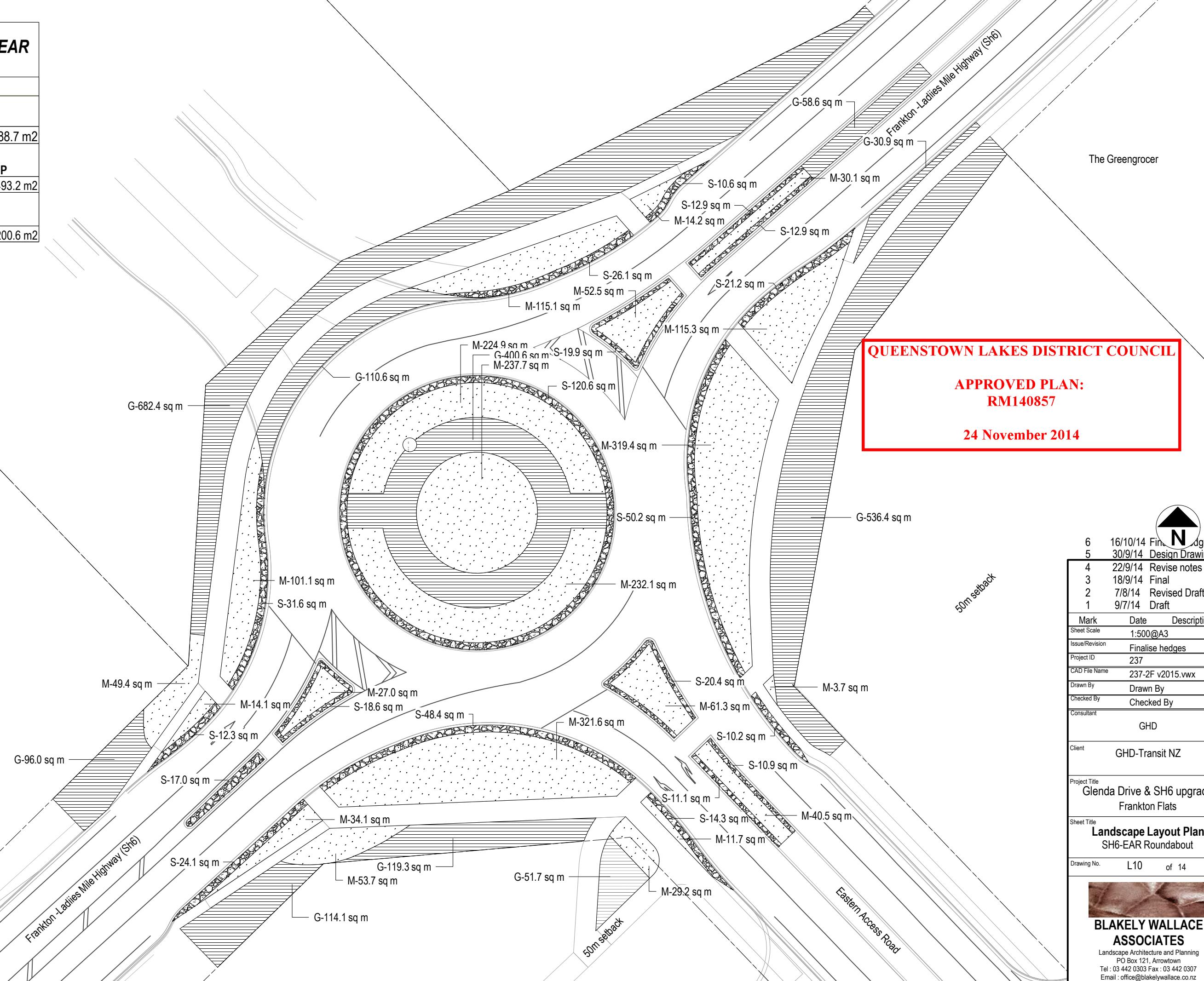
6	16/10/14	Final hedges
5	30/9/14	Design Drawings
4	22/9/14	Revise notes
3	18/9/14	Final
2	7/8/14	Revised Draft
1	9/7/14	Draft

Mark	Date	Description
Sheet Scale	1:500@A3	
Issue/Revision		Finalise hedges
Project ID	237	
CAD File Name	237-2F v2015.vwx	
Drawn By	Drawn By	
Checked By	Checked By	
Consultant	GHD	
Client	GHD-Transit NZ	
Project Title	Glenda Drive & SH6 upgrade	
	Frankton Flats	
Sheet Title	Planting Plan	
	SH6-EAR Roundabout	
Drawing No.	L06	of 14



**BLAKELY WALLACE
ASSOCIATES**
Landscape Architecture and Planning
PO Box 121, Arrowtown
Tel : 03 442 0303 Fax : 03 442 0307
Email : office@blakelywallace.co.nz

Area Schedule - SH6-EAR Roundabout	
ID	AREA
GARDEN BEDS	
M	2088.7 m ²
LANDSCAPE SEPARATION STRIP	
S	493.2 m ²
TOPSOIL & GRASS	
G	2200.6 m ²



6	16/10/14	Final hedges
5	30/9/14	Design Drawings
4	22/9/14	Revise notes
3	18/9/14	Final
2	7/8/14	Revised Draft
1	9/7/14	Draft
Mark	Date	Description
Sheet Scale	1:500 @ A3	
Issue/Revision	Finalise hedges	
Project ID	237	
CAD File Name	237-2F v2015.vwx	
Drawn By	Drawn By	
Checked By	Checked By	
Consultant	GHD	
Client	GHD-Transit NZ	
Project Title	Glenda Drive & SH6 upgrade	
	Frankton Flats	
Sheet Title	Landscape Layout Plan	
	SH6-EAR Roundabout	
Drawing No.	L10	of 14
BLAKELY WALLACE ASSOCIATES		
Landscape Architecture and Planning		
PO Box 121, Arrowtown		
Tel : 03 442 0303 Fax : 03 442 0307		
Email : office@blakelywallace.co.nz		

Area Schedule - SH6-West	
ID	AREA
GARDEN BEDS	
LANDSCAPE SEPARATION STRIP	
TOPSOIL & GRASS	
G	3112.4 m ²



6	16/10/14	Finalise hedges
5	30/9/14	Design Drawings
4	22/9/14	Revise notes
3	18/9/14	Final
2	7/8/14	Revised Draft
1	9/7/14	Draft
Mark	Date	Description
Sheet Scale	1:1000@A3	
Issue/Revision	Finalise hedges	
Project ID	237	
CAD File Name	237-2F v2015.vwx	
Drawn By	Drawn By	
Checked By	Checked By	
Consultant	GHD	
Client	GHD-Transit NZ	
Project Title	Glenda Drive & SH6 upgrade	
	Frankton Flats	
Sheet Title	Landscape Layout Plan	
	SH6-West	
Drawing No.	L14	of 14
BLAKELY WALLACE ASSOCIATES		
Landscape Architecture and Planning PO Box 121, Arrowtown Tel : 03 442 0303 Fax : 03 442 0307 Email : office@blakelywallace.co.nz		

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM140857

24 November 2014



NZ TRANSPORT AGENCY
WAKA KOTAHİ

11 December 2014

Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

Attention: Rachel Beer

Level 2, AA Centre
450 Moray Place
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Dunedin 9058
New Zealand
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www.nzta.govt.nz

Dear Madam

Re: NZ Transport Agency Notice of Requirement (RM140857) - Alteration of designations to provide for enlarged SH6/EAR and SH6/Grant Road roundabouts and four laning of SH6 between the two roundabouts

The NZ Transport Agency (Transport Agency) has reviewed the Independent Commissioner's Recommendation Report for the Notice of Requirement to alter the existing SH6 designations for enlarged SH6/EAR and SH6/Grant Road roundabouts and four laning of SH6 between the two roundabouts. The recommendation is for the Notice of Requirement to be confirmed subject to conditions. The conditions proposed are as per the original designation conditions (with updated plan date stamp) with an additional condition proposed to address landscaping maintenance within the 'Maintenance of Defects' period.

The Transport Agency hereby accepts the Commissioners recommendation on the Notice of Requirement in full under section 172(1) of the Resource Management Act 1991.

If you require any further clarification please contact Phil Dowsett on 03 955-2935 or by email at phil.dowsett@nzta.govt.nz

Yours sincerely

Ian Duncan
Southern Business Unit Manager
NZ Transport Agency

RECOMMENDATION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**RECOMMENDATION UNDER s181****ALTERATION TO A DESIGNATION****RESOURCE MANAGEMENT ACT 1991**

Applicant/Requiring Authority:	New Zealand Transport Agency (NZTA)
RM reference:	RM140857
Application:	Notice of Requirement (NoR) under Section 181(3) of the Resource Management Act 1991 (RMA) for the alteration of designations to provide for enlarged SH6/EAR and SH6/Grant Road roundabouts and the four laning of SH6 between the two roundabouts.
Location:	State Highway 6 between Glenda Drive and Grant Road Queenstown
Legal Description:	N/A
Zoning:	Rural General and Frankton Flats Special Zone A & B
Designation:	Ref. Nos. 84 & 370
Recommendation Date	26 November 2014

SUMMARY OF RECOMMENDATIONS

1. Pursuant to Section 181(3) of the RMA, the NoR for an alteration of Designation Ref. No. 84 and 370 is ACCEPTED. To reach the recommendation the application was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Jane Sinclair, Independent Commissioner, as delegate for the Council.

1. PROPOSAL AND SITE DESCRIPTION

A NoR has been received to alter Designations Ref. No. 84 and 370

The applicant has provided a detailed description of the proposal, the site and locality and the relevant site history in Section(s) 1-5 of the report entitled State Highway 6 four laning and Eastern Access Road and Grant Road roundabouts, prepared by Kimberley Rolton of GHD, and submitted as part of the application (hereon referred to as the applicant's AEE and attached as Appendix 1). This description is considered accurate and is adopted for the purpose of this report.

It is noted the application also details the extent of the proposed works to occur within the altered designation in relation to the EAR/SH6 roundabout and four laning. Therefore in accordance with s176A(2) the requiring authority does not subsequently require an outline plan approval for these works.

Details relating to the SH6/Grant Road roundabout have not been submitted with this application and therefore the provisions of s176A would still apply in respect to these works.

The NoR confirms the existing designation conditions will apply to the altered designations.

2. NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH (NES)

A separate application is considering matters relating to the NES.

3. SECTION 181 OF THE RMA

A territorial authority may at any time alter a designation in its district plan if the alteration;

- involves no more than a minor change to the effects on the environment associated with the use of land or any water concerned (s181(3)(a)(i));
- or the alteration involves only minor changes or adjustments to the boundary of the designation or requirement (s181(3)(a)(ii)); and
- written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration (s181(3)(b)); and
- both the territorial authority and the requiring authority agree with the alteration (s181(3)(c)) - and sections 168 to 179 shall not apply to any such change.

An assessment in this respect follows.

4. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s181(3)(a)(i))

4.1 ASSESSMENT: EFFECTS ON THE ENVIRONMENT

The following assessment determines whether the alteration to the designation involves no more than a minor change to the effects on the environment associated with the use or proposed use of the land.

The Assessment of Effects provided at section 6 of the applicant's AEE is comprehensive and is considered accurate. It is therefore adopted for the purposes of this report.

In addition a peer review of the landscape assessment provided with the NoR has been undertaken by Michelle Snodgrass Landscape Architecture. This confirms any potential adverse effects (particularly relating to the reduced landscape buffer within the Frankton Flats Special Zones A & B) will be minor. The landscape review also confirms the proposed landscaping within the SH6/EAR roundabout will positively contribute to the gateway function this roundabout will play in the entry experience to Queenstown. In particular the landscape review notes the form of the proposed planting will ensure the distant views of the mountains from the State Highway will be maintained.

The landscape review recommends the following conditions are added to the existing designation conditions:

- The proposed landscaping shall be maintained and irrigated for a period of 12 months (the Maintenance of Defects period) after the completion of the landscape works. Any plant material that dies during that time shall be required to be replaced within the same or next planting season, whichever is the sooner.*

Given the important role the roundabouts will play in the gateway/entry experience to Queenstown it is considered appropriate to ensure all landscaping is successfully established.

A review of engineering matters has been undertaken by Council consultant engineer Allan Hopkins this review confirms that provided the existing conditions of the designation are complied with any adverse effects can be mitigated.

4.2 DECISION: EFFECTS ON THE ENVIRONMENT

Overall the proposed alteration of Designations Ref. No. 84 and 370 will involve no more than a minor change to the effects on the environment associated with the use or proposed use of land.

5. WRITTEN NOTICE (s181(3)(b))

Written notice of the proposed alteration of Designations Ref. No 84 and 370 has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration. These persons are outlined below:

Landowner	Land Required (m ²)	Approval Provided
Queenstown Central Limited	7435	Yes
Queenstown Central Limited/ Crown	477	Yes
Queenstown Gateway (5M) Ltd	3899	Yes
Queenstown Lakes District Council	216	Yes
LG Hansen, WJ Rutherford, WT Cooney	1247	Yes

The proposal will result in only minor changes to the boundaries of the existing designation.

No other persons are directly affected by the alteration because no other land is required to accommodate the alteration. Furthermore, aside from the proposed alteration to accommodate the four laning of the highway the alterations facilitate activity (roundabouts) that have previously been provided for through alterations to the State Highway designation. The increased size of the roundabouts provided for through the alteration will not affect any vehicle access arrangements to properties that have not provided their approval. The previous designation process RM090808 considered the effects of the changes required to vehicle accesses along the State Highway corridor to accommodate the SH6/EAR roundabout and the details provided in the NoR confirm this will not change as a result of the alterations proposed.

6. OVERALL RECOMMENDATION

Given the decisions made above in sections 4 and 5, the Queenstown Lakes District Council agrees with the alteration. In addition, the Requiring Authority as applicant agrees with the alteration.

6.1 RECOMMENDATION ON NOR PURSUANT TO SECTION 181 (3) OF THE RMA

Pursuant to section 181(3) of the RMA the alteration to Designations Ref. No. 84 & 370 is ACCEPTED.

The conditions proposed/amended by the requiring authority that form part of the NoR are outlined in Appendix 2.

7. ADMINISTRATIVE MATTERS

The costs of processing the NoR are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

This NoR is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

If you have any enquiries please contact the Duty Planner on phone (03) 441 0499.

Report prepared by



Tim Williams
CONSULTANT PLANNER

Decision made by



Jane Sinclair
INDEPENDENT COMMISSIONER

APPENDIX 1 Applicant's AEE (State Highway 6 four laning and Eastern Access Road and Grant Road roundabouts, prepared by Kimberley Rolton of GHD)

APPENDIX 2 Conditions of Alteration of Designation

Schedule 4- Council Recommendation and Plans for RM150169- Makarora Variable Message Sign



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RECOMMENDATION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

RECOMMENDATION UNDER s181

ALTERATION TO A DESIGNATION

RESOURCE MANAGEMENT ACT 1991

Applicant/Requiring Authority: New Zealand Transport Agency

RM reference: RM150169

Application: Notice of Requirement (NoR) under Section 181(3) of the Resource Management Act 1991 (RMA) for an alteration of a designation for 'State Highway Purposes' to allow the installation of a Variable Message Sign (VMS).

Location: State Highway 6, Makarora

Legal Description: Adjacent to Lot 2 DP 25911 contained in Computer Freehold Register 18A/74

Zoning: Rural Lifestyle

Designation: Ref. No. 84 State Highway Purposes

Recommendation Date **16 April 2015**

SUMMARY OF RECOMMENDATIONS

1. Pursuant to Section 181(3) of the RMA, the NoR for an alteration of Designation Ref. No. 84 is ACCEPTED. To reach the recommendation the application was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Anita Vanstone, Senior Planner, as delegate for the Council.

1. PROPOSAL AND SITE DESCRIPTION

A NoR has been received from the New Zealand Transport Agency (NZTA) to alter Designation Ref. No. 84 for 'State Highway Purposes' to allow for a Variable Message Sign (VMS) to be installed.

The applicant has provided a detailed description of the proposal, the site and locality and the relevant site history in Sections 1-4 of the report entitled 'Proposed New Variable Message Sign on SH6 at Makarora- Notice of requirement for alteration to Designation, March 2015', prepared by Kate Randell of Opus International Consultants on behalf of NZTA, and submitted as part of the application (hereon referred to as the applicant's AEE and attached as Appendix 1). This description is considered accurate and is adopted for the purpose of this report.

It is noted that the application also details the extent of the proposed works to occur within the altered designation in relation to the VMS. Therefore in accordance with s176A(2) the requiring authority does not subsequently require an outline plan approval for these works.

2. NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH (NES)

This application does not involve subdivision (excluding production land), change of use where it is reasonably likely to harm human health or removal of (part of) a fuel storage system. Any earthworks will meet section 8(3) of the NES (including volume not exceeding 25m³ per 500m²). Therefore the NES does not apply.

3. SECTION 181 OF THE RMA

A territorial authority may at any time alter a designation in its district plan if the alteration;

- involves no more than a minor change to the effects on the environment associated with the use of land or any water concerned (s181(3)(a)(i));
- or the alteration involves only minor changes or adjustments to the boundary of the designation or requirement (s181(3)(a)(ii)); and
- written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration (s181(3)(b)); and
- both the territorial authority and the requiring authority agree with the alteration (s181(3)(c)) - and sections 168 to 179 shall not apply to any such change.

An assessment in this respect follows.

4. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s181(3)(a)(i))

4.1 ASSESSMENT: EFFECTS ON THE ENVIRONMENT

The following assessment determines whether the alteration to the designation involves no more than a minor change to the effects on the environment associated with the use or proposed use of the land.

The Assessment of Effects provided at section 7 of the applicant's AEE, is comprehensive and is considered accurate. It is therefore adopted for the purposes of this report. In summary the actual or potential effects are in terms of construction, landscape and visual amenity and road safety.

In addition to the applicant's assessment on landscape and visual amenity it is considered appropriate that the supporting poles for the sign are finished in a suitable recessive grey colour to mitigate any potential adverse visual effects of the sign.

Any actual or potential effects of the proposal are considered to be less than minor.

4.2 DECISION: EFFECTS ON THE ENVIRONMENT

Overall the proposed alteration of Designation Ref. No. 84 will involve no more than a minor change to the effects on the environment associated with the use or proposed use of land.

5. WRITTEN NOTICE (s181(3)(b))

Written notice of the proposed alteration of Designation Ref. No. 84 has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration. These persons are outlined below:

Land owner	Land Parcel	Land Required	Approval Provided
RP Copper and AD Copper, Farry and Co Trustees Ltd	Lot 2 Deposited Plan 25911 held in Computer Freehold Title OT 18A/74	130m ²	Yes

The proposal will result in only minor changes to the boundaries of the existing designation. No other persons are directly affected by the alteration with no other land required to accommodate the alteration.

6. OVERALL RECOMMENDATION

Given the decisions made above in sections 4.2 and 5, the Queenstown Lakes District Council agrees with the alteration. In addition, the Requiring Authority as applicant agrees with the alteration.

6.1 RECOMMENDATION ON NOR PURSUANT TO SECTION 181 (3) OF THE RMA

Pursuant to section 181(3) of the RMA the alteration to Designation Ref. No. 84 is ACCEPTED such that:

1. The proposed designation is extended in accordance with the plan titled 'SH 6 region 13 RS 828 variable Message Sign, Haast Pass- Makarora Road- Land Designation Plan' by OPUS and stamped as approved on X April 2015.
2. The poles that support the sign shall be a dark grey colour of low light reflectance value (less than 15%) to ensure the sign structure is recessive within the broader landscape.

7. ADMINISTRATIVE MATTERS

The costs of processing the NoR are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

This NoR is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

If you have any enquiries please contact Sarah Picard on phone (03) 441 0499 or email sarah.picard@qldc.govt.nz.

Report prepared by

Sarah Picard
PLANNER

Decision made by

Anita Vanstone
SENIOR PLANNER

APPENDIX 1 – Applicant's AEE

Proposed New Variable Message Sign on SH6 at Makarora

Notice of Requirement for Alteration to Designation
Queenstown Lakes District Council

March 2015



This report has been prepared for the benefit of the NZ Transport Agency (the Transport Agency). No liability is accepted by this company or any employee or sub-consultant of this company with respect to its use by any other person.

This disclaimer shall apply notwithstanding that the report may be made available to other persons for an application for permission or approval or to fulfil a legal requirement.

Quality Assurance Statement

Project Manager: Kate Randell

Prepared by: Jennifer Orange

Reviewed by: Sue Scott

Approved for issue by: Ian Duncan

Signed by:
Ian Duncan
Southern Business Unit Manager



Pursuant to authority delegated by the
NZ Transport Agency

Date.....3rd March 2015

3-80805.01 N05CE

Address for Service:

Opus International Consultants Ltd
P O Box 1482
CHRISTCHURCH 8140

ATTENTION: Kate Randell
Ph (03) 374 3773
Fax (03) 365 7858
Kate.Randell@opus.co.nz

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**NOTICE OF REQUIREMENT FOR AN ALTERATION TO DESIGNATION (NoR)
 PURSUANT TO SECTION 181 OF THE RESOURCE MANAGEMENT ACT 1991 (RMA)**

TO: Queenstown Lakes District Council
 Private Bag 50072
 Queenstown 9348

FROM: The NZ Transport Agency
 PO Box 5245, Moray Place
 Dunedin 9058
 (Note: address for service given below)

The NZ Transport Agency (the Transport Agency), as a requiring authority, hereby gives notice to the Queenstown Lakes District Council (QLDC) of a requirement to alter an existing "state highway" purposes designation in the operative Queenstown Lakes District Plan for State Highway 6 (SH6) near Makarora.

The alteration is required to enable the installation of a new Variable Message Sign (VMS), which is designed to improve road safety and promote efficient travel. The altered designation includes a parcel of land to accommodate the new VMS structure. Further details of the required designation alteration are set out below.

Assuming this designation alteration is confirmed, it is considered sufficient detail on the proposed work is incorporated into this NoR such that a separate Outline Plan will not be required.

Requiring Authority:

The NZ Transport Agency

Designation Notation:

"State Highway Purposes".

The reason why the designation alteration is needed:

As set out in this NoR.

Address, physical and legal description of the site to which this Notice of Requirement applies:

The address is adjacent to the north-bound lane of SH6 (Haast Pass - Makarora Rd), beside the Makarora Airstrip. It is approximately 220m past Rata Road, as shown in the plans attached to and forming part of this NoR (at or about GPS coordinates NZMG E2209066 N5657353).

The physical site description is as set out in this NoR.

The land parcel affected by this NoR is set out below and as shown in the plans attached to and forming part of this NoR.

Land Required for State Highway Designation		
Owner/Occupier	Legal Description	Area Affected by Requirement (m²)
RP Cooper and AD Cooper Farry and Co Trustees (owners of Makarora Airstrip)	A portion of LOT 2 DP 25911 OT18A/74	130m ²

The written approvals of the directly affected owner of the land identified above has been obtained and is included within this NoR.

Nature of the proposed work:

The Transport Agency proposes to erect a new Variable Message Sign (VMS) in the road reserve along SH6, and associated works, as described in this NoR.

Any proposed restrictions:

The term sought to give effect to the designation alteration is **5 years**, in terms of Section 184 of the RMA.

Effect of the proposed work on the environment and proposed mitigation measures:

As set out in this NoR.

Alternative sites, routes and methods considered:

An assessment of the alternatives considered for the proposed work is included in this NoR.

The proposed work and designation alteration is reasonably necessary for achieving the objectives of the Requiring Authority:

For the reasons set out in this NoR.

The following additional statutory approvals are required, and are being sought separately in relation to the activity:

No other statutory approvals are required.

Discussion on consultation undertaken with parties directly affected by the designation alteration is included in this NoR.

Any information required to be included in this NoR by any plan, the RMA, or any regulations made under the RMA, is included in this NoR.



Ian Duncan
 Southern Business Unit Manager

Pursuant to authority delegated by NZ
 Transport Agency

Date 3rd March 2015

Address for service:

Opus International Consultants Ltd
 20 Moorhouse Ave
 PO Box 1482
 Christchurch 8011
 Attn: Kate Randell

Ph (03) 363 5531
 Fax (03) 365 7858

1. Introduction

This is a Notice of Requirement (NoR) by the New Zealand Transport Agency (the Transport Agency) to Queenstown Lakes District Council (QLDC) to alter the existing SH6 designation in the Queenstown Lakes District Plan in terms of Section 181 of the Resource Management Act 1991 (RMA) to include additional land required for the installation of a Variable Message Sign (VMS). The altered designation is to ensure that the proposed new VMS and access for ongoing maintenance will be within the road reserve of the altered designation.

The site is located on SH6 adjacent to the north-bound lane of traffic, and beside the Makarora Airstrip. It is approximately 220m past Rata Road, and opposite Mount Aspiring National Park, as shown in the plans attached to and forming part of this Notice of Requirement (NoR) (at or about GPS coordinates NZMG E2209066 N5657353; SH6 RP 828/4.20).

SH6 is designated by the Transport Agency for "state highway purposes" (Designation 84) in the operative Queenstown Lakes District Plan (District Plan). The designation provides for the Transport Agency, either itself or through its agents, to control, manage and improve the state highway network, State Highways 6, 6A, 84 and 89 including planning, design, research, construction and maintenance relating to all land within the designation. There are no conditions attached to this designation.

Assuming this designation alteration is confirmed, it is considered sufficient detail on the proposed work is incorporated in this NoR such that a separate Outline Plan for the installation of the VMS in terms of Section 176A(3) of the RMA will not need to be submitted to the QLDC as a result of Section 176A(2)(b) of the RMA.

The term sought to give effect to the designation alteration is therefore **5 years**, in terms of Section 184 of the RMA. It is intended that construction will commence in late 2014.

The Transport Agency is a Crown entity focused on creating transport solutions for a thriving New Zealand through four core business functions:

- Planning the land transport networks;
- Investing in land transport;
- Managing the state highway network; and
- Providing access to and use of the land transport system.

The Transport Agency's principle objective under Section 94 of the Land Transport Management Act 2003 is to undertake its functions in a way that contributes to an affordable, integrated, safe, responsive and sustainable land transport system. The Transport Agency considers the proposed works are necessary to assist in achieving this objective.

The Transport Agency has Requiring Authority status approved by notification in the New Zealand Gazette No.3 dated 3 March 1994. This states:

"Transit New Zealand [succeeded by the Transport Agency] is hereby approved as a requiring authority under section 167 of the Resource Management Act 1991, for its particular network utility operation (including the maintenance, improvement, enhancement, expansion, realignment and alteration) of any state highway or motorway pursuant to the Transit New Zealand Act 1989."

The Transport Agency automatically took over Transit New Zealand designations under Section 2A of the RMA.

The following appendices are attached to and form part of this NOR:

- Appendix 1: Designation Alteration Plan (including directly affected party written approval)
- Appendix 2: VMS Location Plans
- Appendix 3: Queenstown Lakes District Plan Maps
- Appendix 4: Photographs of Site Location
- Appendix 5: Photograph of Example VMS
- Appendix 6: Diagram of Illumination Cone

2. Reasons for the Work and the Designation Alteration

2.1 Overview

Section 171(1)(c) of the RMA dictates that an assessment is required as to “*whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.*”

The need for the project, and whether the designation alteration is reasonably necessary as a planning tool to facilitate the proposed works (as opposed to other methods such as resource consent), are considered in Sections 2.2 and 2.3 below.

2.2 Need for the Project

Broad Overview:

The Transport Agency is undertaking a coordinated nationwide initiative to install VMS at strategic regional locations to provide motorists with early warning of adverse road conditions. This initiative is one of the key elements of the Transport Agency's Intelligent Transport Systems Strategy designed to improve road safety and promote efficient travel.

Traffic and incidents on the state highways are managed by the Wellington Traffic Operation Centre (TOC) and Auckland Joint Traffic Operation Centre (JTOC) through proactive surveillance, traveller information using message signs and signals, and coordination of the deployment of incident management resources. In addition the Transport Agency offers traveller information by utilising a network of CCTV and verified sources of information in order to provide information to travellers using VMS. The VMS provide motorists with real time information as an adverse condition develops, and when the situation returns to normal.

This initiative expands on the Transport Agency's network of over 110 regional VMS.

Makarora VMS:

The Transport Agency plans to install a new VMS along SH6, at Makarora. The VMS will be seen by vehicles travelling in the north-bound lane of SH6, approximately 220m past Rata Road (see Appendices 1-4). This section of SH6 has an 80 km/h speed limit and is a major tourist and freight route to and from the West Coast via Haast Pass. The VMS will provide information to drivers so they can be made aware of any adverse road conditions and/or traffic incidents on SH6, and provide information when Haast Pass is closed.

2.3 Need for the Designation Alteration

Part VIII of the RMA allows for requiring authorities to request land be designated in District Plans for projects and works for which the requiring authority has financial responsibility. The Transport Agency is the requiring authority for SH6 and the existing designation for this in the District Plan, and will have financial responsibility for the designation alteration and the works proposed.

The location and direction of each VMS has been determined by the nature of the road environment and to ensure that motorists have adequate warning of adverse road conditions ahead.

The proposed Makarora VMS project will result in additional state highway infrastructure being located outside of the current state highway and road widening designations. The altered designation includes the land parcel where the VMS is sited. The altered designation will ensure that the proposed new VMS and ongoing access for its maintenance will be within the altered designation.

The designation alteration is considered both reasonably necessary and to be the preferred planning mechanism for the project. Designations provide greater certainty for long-term operation and maintenance of state highways than resource consents. This certainty is important since the Transport Agency traditionally

investigates highway improvements extensively and makes a long-term commitment to any particular project chosen to improve the safety, efficiency and sustainability of the state highway network.

By contrast, resource consents would result in less certainty for the Transport Agency in terms of process and outcome, and there is less scope for minor changes to design and layout once approved.

The state highway network is considered a significant physical resource under the RMA within the context of Auckland Volcanic Cones Soc Inc v Transit NZ EnvC A203/2002, and as such it must be sustainably managed. The designation mechanism is used by the Transport Agency as part of a national strategy for establishing, operating and maintaining a safe, efficient and sustainable state highway infrastructure throughout the country. The designation alteration will enable the VMS to be established, operated and maintained in a manner that is consistent with management of the existing state highway network in and around the Otago and West Coast regions and throughout the country, which is also designated. Providing for the project by way of the designation alteration will therefore allow for consistent and sustainable management of the state highway network.

The need for the project is discussed in Section 2.2 above. The designation alteration is both necessary and will be effective in improving state highway safety and efficiency.

Actual or potential effects of the project on the environment have been assessed and appropriate mitigation measures recommended. It is considered the mitigation measures recommended will ensure that any actual or potential adverse effects are likely to be no more than minor. The designation alteration is also assessed as satisfying all the relevant tests of Section 171 of the RMA and will achieve the purpose and principles in Part 2 of the RMA.

3. Site Description

SH6 is a major state highway extending from Blenheim, to Nelson, down the West Coast, crossing the Southern Alps at Haast Pass and through inland Otago and Southland to Invercargill. It is the only road link north from Queenstown to Wanaka and the West Coast of the South Island, and is vital to the social, economic and cultural wellbeing of the Queenstown Lakes and South Westland Districts. SH 6 has been identified as a 'Regional connector' highway in the NZTA state highway Classification. It carries a significant volume of tourist traffic on the route between Queenstown and the West Coast.

The proposed VMS site is located near Makarora West, adjacent to the north-bound lane of traffic heading towards Haast Pass. The VMS will be located adjacent to the Makarora Airstrip, approximately 220m past Rata Road. The location is shown in the Appendices 1-3 and is located at or about GPS coordinates NZMG E2209066 N5657353.

The location and direction of each VMS on the state highway network has been determined by the nature of the road environment and to ensure that motorists have adequate warning of adverse road conditions ahead. This section of SH6 has an 80 km/h speed limit. The proposed location of the Makarora VMS will be visible from the road outside the visitor centre, providing information on road conditions to travellers leaving the town heading north.

The parcel of land (LOT 2 DP 25911 OT18A/74) directly adjacent to the highway where the VMS is proposed to be sited is part of the Makarora airstrip owned by RP Cooper and AD Cooper, Farry and Co Trustees Ltd. The land is zoned rural lifestyle in the District Plan (Map 16b – refer to Appendix 3).

4. Proposal Description

4.1 Variable Message Sign – Height Shape and Bulk

The VMS is similar in design and physical dimensions to those already installed on the state highway network (refer to Appendix 5 for a photograph of an example). The size of each VMS, number of lines, and size and number of characters that can be displayed is decided by a number of factors including the expected message suite and the speed environment.

The proposed Makarora VMS will be a Transport Agency Type D sign with a cabinet height of 0.95m and maximum width of 3.3m. The total sign height including posts will be approximately 3.95m. The face of the sign will be rectangular, and consist of a matrix of LEDs which are selectively illuminated to form messages. The sign will display two lines of writing, with a character height of 200mm, and potential to display up to 16 characters per line.

The base of the sign will be 3m above the ground to allow good visibility to motorists and to suppress vandalism. The sign will be supported on two frangible posts on an approximately 5.5m wide concrete foundation pad. The surface of the foundation pad will consist of a platform for access ladders extending approximately 0.5m in front and 2.2m behind the sign.

A ground mounted communications cabinet (traffic signals type) will be located near the VMS at a rear of the service pad to house electrical and communications equipment. The cabinet will be finished in beige colour paint (similar to the cabinet behind the example sign shown in Appendix 5), and will be approximately 0.5 m x 0.5 m x 1 m high.

Power and telecom cables will be laid underground within the road reserve in order for the signs to be illuminated and the message changed.

Beacons (corner flashers) may be fitted to some VMS. The Makarora VMS will also have a small whip aerial fitted on the top for communications. These are typically small and unobtrusive (approximately 0.5m in length). Equipment trials and traffic detection devices may also be installed at the VMS site, such as radar units for the purpose of traffic counting, however these will also be small and unobtrusive.

4.2 Landscaping and Finished Contour of the Site

The site is currently flat land, as shown in Appendix 4. Minor excavation will be necessary out to create the concrete foundation pad. The finished contour of the site will be largely unaffected as the site will be reinstated following construction and left in a tidy condition. The fenceline will be re-aligned around the new road reserve.

4.3 Vehicle Access and Temporary Traffic Management

The VMS will be located within the altered road reserve, providing good vehicle access to the site.

Temporary traffic management procedures will be in place during the construction of the VMS in accordance with the Transport Agency's current Code of Practice for Temporary Traffic Management.

4.4 Timing and Duration of Works

It is intended that construction will commence in late 2014. The physical works are expected to take around 3-5 days in total on site to complete.

4.5 Maintenance

The Transport Agency maintains its state highway network as part of its on-going network maintenance operations, in accordance with standard maintenance procedures. Once constructed, the VMS will be included as part of the on-going network maintenance operations.

4.6 Mitigation

It is considered the actual or potential environmental effects of the proposal will be no more than minor, for the following reasons:

- (a) The extent of the works will be limited to the VMS site shown in the attached plans therefore the extent of works is relatively minor in the overall context of the highway;
- (b) The duration of work will be limited to the construction period, which is very short term. The installation of the VMS is expected to take around 3-5 days in total on site to complete;
- (c) All areas affected by the works will be reinstated at the conclusion of the works and left tidy;
- (d) Highway traffic movement will be maintained for the duration of the VMS installation works;
- (e) Works will be undertaken in accordance with the conditions of all applicable statutory approvals.

5. Consideration of Alternatives

Clause 1(b) of the Fourth Schedule of the RMA requires that an AEE should include a description of any possible alternative locations or methods for undertaking the activity, only where it is likely that an activity will result in any significant adverse effect on the environment. The location and direction of the VMS has been determined by the nature of the road environment and to ensure that motorists have adequate warning of adverse road conditions ahead. Given that the effects are assessed in Section 7 below as no more than minor, consideration of alternative locations or methods is not considered necessary.

6. Consultation

6.1 Directly Affected Landowners

In the context of Section 181(3)(b) of the RMA (see Section 8.1 below), consultation has been undertaken with RP Cooper and AD Cooper, Farry and Co Trustees Ltd, as the land owner directly affected by this designation alteration.

The landowners plan to transfer the land to NZTA ownership and have provided written approval for the alteration to the designation. Copies are attached in Appendix 1. In the context of Section 181(3)(b) of the RMA, no other parties are considered directly affected by this designation alteration.

7. Assessment of Effects on the Environment

7.1 Overview

Section 88 and Schedule 4 of the RMA requires the applicant to make an assessment of any actual or potential effects in such detail as corresponds with the scale and significance of the effects that the proposed works may have on the environment and the ways in which any adverse effects may be avoided, remedied or mitigated.

Actual or potential effects of the proposed VMS are considered to be:

- Construction effects
- Effects on landscape and visual amenity
- Effects on Road Safety

7.1.1 Construction Effects

Actual or potential effects associated with construction of the proposed new VMS include the presence of machinery and minor excavation work.

However, any such effects will be limited to the duration of construction, which is short term, as well as to the VMS site and its immediate approaches. Therefore, any such effects will be short term, localised and temporary. Furthermore, the construction works will occur in the road reserve away from traffic. Overall, therefore, any actual or potential adverse construction effects will be avoided, remedied or mitigated to the extent that they will be no more than minor.

7.1.2 Effects on Landscape and Visual Amenity

The VMS will be located in the road reserve immediately adjacent to the traffic lanes of SH6, at the site shown in Appendices 1-4. An example of the type of sign to be erected is shown in Appendix 5. Approaching north-bound traffic on SH6 will have approximately 300m clear view of the sign. Considering that the road environment is already highly modified and road signs are part of the efficient operation of the state highway, the presence of the proposed VMS at this location will have no more than minor adverse effects on the visual amenity of the site.

The proposed VMS will be illuminated. The possible nuisance impact of the illuminated sign on neighbours is one of the factors assessed when deciding on a site. In this case, the nearest residential dwelling (adjacent to the DOC Visitor Centre at 5958 Haast Pass – Makarora Rd) is located approximately 60m from the proposed VMS site, however the dwelling is set back from the road and the line of sight to the proposed VMS is obstructed by dense trees and vegetation on the corner of Mt Aspiring National Park. The VMS will also be sited adjacent to the Makarora Airstrip, however the direction of the illumination will be angled away from the path of aircraft.

The illumination direction of the VMS is determined carefully as the LEDs have a highly specific illumination cone. The illumination cone is an area in which the illumination is visible; this is 30 degrees (15 degrees either side of the optical axis). Appendix 6 shows a diagrammatic representation of the illumination cone. The VMS will be located so that the most efficient angle of the illumination cone to the road is achieved, and as a result the messages will be visible to motorists for an optimal length of time. The light intensity drops off dramatically outside the illumination cone.

The VMS is only illuminated when there is a need to advise road condition / road safety information. It is not permitted to be used for other purposes e.g. advertising. When a message is activated, the VMS will emit a constant light to the human eye. The messages do not flash, however alternating messages may be displayed at times.

Due to the highly specific direction of the illumination cone, and the site and orientation selected for the VMS, the actual or potential adverse effects on the visual amenity of the area are considered to be no more than minor.

7.1.3 Effects on Road Safety

This section of SH6 has an 80km/h speed limit and is the gateway to Haast Pass Highway, which is regularly subject to closures due to heavy rain or slips. The work will have a positive effect for motorists travelling along this stretch of state highway as the VMS will provide up to date information to aid in reducing accidents and informing drivers of any adverse road conditions and/or traffic incidents or closures on SH6.

Any actual or potential effects of the construction of the VMS on traffic will be managed in accordance with the Transport Agency's current Code of Practice for Temporary Traffic Management. Traffic movement on SH6 will be maintained during construction. Any such effects will be limited to the duration of construction, which is short term, and limited to a small site area. Therefore, any such effects of construction on traffic will be short term, localised and temporary.

Any actual or potential adverse traffic effects of the proposal will therefore be satisfactorily avoided, remedied or mitigated, and significant positive effects on Road Safety will arise.

8. Statutory Assessment

8.1 Section 181(3) of the RMA

Section 181(1) of the RMA provides that a requiring authority may give notice to a territorial authority of its requirement to alter a designation or a designation requirement. Furthermore, subject to Section 181(3) of the RMA, a territorial authority may at any time alter a designation in a district plan or a requirement for a designation in a proposed district plan, if certain conditions are met as follows (emphasis added):

"A territorial authority may at any time alter a designation in its district plan or a requirement in its proposed district plan if—

- (a) *The alteration—*
 - (i) *Involves no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned; or*
 - (ii) *Involves only minor changes or adjustments to the boundaries of the designation or requirement; and*
- (b) *Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and*
- (c) *Both the territorial authority and the requiring authority agree with the alteration—*
and sections 168 to 179 shall not apply to any such alteration."

If these criteria are satisfied, the alteration to designation may occur without further formality (ie, on a non-notified basis).

The "effects" criterion is one of two options available to the requiring authority under Section 181(3)(a). The other relates to a determination of the extent of change or adjustment to the "boundaries" of the designation.

It is important to note that it is not necessary to satisfy both the effects and boundaries "tests" of Section 181(3)(a)(i) and (ii). The two limbs of Section 181(3)(a)(i) and (ii) are disjunctive, so it is only necessary to satisfy one of the two criteria.

The extent to which this NoR for designation alteration is able to satisfy the tests of Section 181(3) of the RMA is discussed in Sections 8.1.1 to 8.1.5 below.

8.1.1 Section 181(3)(a)(i) No More than Minor Change to Effects

On the basis of Sections 4.6 and 7 above, actual or potential adverse effects on the environment are assessed as no more than minor. Mitigation measures can be put in place to ensure that any actual or potential adverse effects on the environment can be avoided, remedied or mitigated to the extent that any such adverse effects

will likely be no more than minor. Therefore, no significant cumulative adverse environmental effects will arise. The designation alteration will therefore result in no more than a minor change to the effects on the environment.

The proposal can therefore be regarded as satisfying the “*effects*” test of Section 181(3)(a)(i) of the RMA.

8.1.2 Section 181(3)(a)(ii) Minor Changes or Adjustment to Designation Boundary

In order to satisfy the requirements of Section 181(3)(a)(ii), it is necessary to demonstrate that the proposal involves only minor changes or adjustments to the boundaries of the designation. The proposal is considered to be an alteration to the existing SH6 designation and that Section 181(3)(a)(ii) applies.

The designation plan, illustrating the area and location of the designation alteration, is contained in Appendix 1. The plan shows the boundaries of the existing designation and the proposed new boundaries.

The total area of additional land required to be designated for state highway purposes is approximately 130m² or 0.013ha. This needs to be considered in the context of the overall SH6 designation boundary. SH6 within Queenstown Lakes District is approximately 165km in length, with a road reserve width generally taken to be 20m. This equates to a total designation area of approximately 3,300,000m² or approximately 330ha. In this context, the designation alteration is a minor change or adjustment to the overall boundaries of the designation.

On this basis, it is considered the proposal meets the “*boundaries*” test of Section 181(3)(a)(ii) of the RMA.

8.1.3 Section 181(3)(b) Directly Affected Party Approvals

Consultation has been undertaken with RP Cooper and AD Cooper, Farry and Co Trustees Ltd, the sole land owner directly affected by this designation alteration. Written approval has been obtained and a copy is attached in Appendix 1. No other parties are considered directly affected by this designation alteration. In this context the proposal can be regarded as satisfying Section 181(3)(b) of the RMA.

8.1.4 Section 181(3)(c) Local Authority and Requiring Authority Agreement

To satisfy Section 181(3)(c) of the RMA, both the requiring authority and the territorial authority must agree to the designation alteration. The Transport Agency, as requiring authority, agrees to the designation alteration.

8.1.5 Summary – Section 181(3)

On the basis of the above it is considered this designation alteration satisfies Sections 181(3) (a)(i) and (ii) and (b) and partially satisfies Section 181(3)(c) of the RMA. Therefore, pending the agreement of the territorial authority, this designation alteration may be processed on a non-notified basis without requiring the written approval of any other party or any other information.

8.2 Section 171 of the RMA

On the basis of the conclusion reached in Section 8.1 above, in terms of Section 181(1) of the RMA the QLDC's consideration of the designation alteration is subject to Section 171(1), (2) and (3) of the RMA, as follows:

- “(1) When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to –
 - (a) any relevant provisions of –
 - (i) a national policy statement;
 - (ii) a New Zealand coastal policy statement;
 - (iii) a regional policy statement or proposed regional policy statement;
 - (iv) a plan or proposed plan; and

- (b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if -
- (i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or
 - (ii) it is likely the work will have a significant adverse effect on the environment; and
- (c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and
- (d) any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.
- (2) The territorial authority may recommend to the requiring authority that it-
- (a) confirm the requirement;
 - (b) modify the requirement;
 - (c) impose conditions;
 - (d) withdraw the requirement.
- (3) The territorial authority must give reasons for its recommendation under subsection (2)."

It is considered the designation alteration is able to satisfy Section 171 and Part 2 of the RMA, based on the discussion and conclusions in this NoR.

8.3 Relevant Objectives and Policies

8.3.1 National Policy Statements

There are no national policy statements of relevance to this proposal.

8.3.2 Otago Regional Policy Statement

The District Plan is considered to be consistent with the Regional Policy Statement (RPS). On this basis, an assessment of the proposal in relation to the RPS has not been specifically undertaken, as an assessment of the consistency of the proposal with relevant objectives and policies of the District Plan will *ipso facto* also provide an assessment of the consistency of the proposal with the RPS.

8.3.3 Queenstown Lakes District Plan

The District Plan contains objectives and policies that are relevant to the proposal, specifically:

- Chapter 14, Objective 1: Efficient use of the District's existing and future transportation resource and of fossil fuel usage associated with transportation.
- Chapter 14, Objective 2: Maintenance and improvement of access, ease and safety of pedestrian and vehicle movement throughout the District.
- Chapter 14, Objective 3: Minimal adverse effects on the surrounding environment as a result of road construction and road traffic.
- Chapter 18, Objective 1: Outdoor signs which convey necessary information, while avoiding or mitigating any adverse effects on public safety, convenience and access or on the visual amenities of the District's important landscape, townscape, heritage and water area values.

It is considered that the VMS proposal will convey necessary information to enhance road safety, and is consistent with the relevant policies and objectives in the District Plan.

8.4 Section 176A of the RMA

Section 176A of the RMA requires an Outline Plan of the works to be constructed on designated land to be submitted to the territorial authority, to allow the territorial authority to request changes before construction commences. A territorial authority cannot approve or decline a development under an Outline Plan. The sole discretion of a territorial authority is restricted to requesting changes to an Outline Plan.

Section 176A(3) of the RMA states:

"An outline plan must show -

- (a) *The height, shape and bulk of the public work, project, or work; and*
- (b) *The location on the site of the public work, project, or work; and*
- (c) *The likely finished contour of the site; and*
- (d) *The vehicular access, circulation, and the provision for parking; and*
- (e) *The landscaping proposed; and*
- (f) *Any other matters to avoid, remedy, or mitigate any adverse effects on the environment."*

However, Section 176A(2)(b) of the RMA states:

"An Outline plan need not be submitted to the territorial authority if - ...

- (b) *The details of the proposed public work, project, or work, as referred to in subsection (3), are incorporated into the designation;..."*

Assuming this designation alteration is confirmed, it is considered that sufficient detail of the proposed work is incorporated into this NoR such that an Outline Plan for the proposed work in terms of Section 176A(3) of the RMA will not need to be submitted to the QLDC in terms of Section 176A(2)(b) of the RMA. Details on information required in an outline plan can be found in the following sections of this NoR:

- (a) Section 4.1
- (b) Section 3
- (c) Section 4.2
- (d) Section 4.3
- (e) Section 4.2
- (f) Section 4.6 & 7.1.

8.5 Other Statutory Approvals

8.5.1 Otago Regional Council

No Resource Consents related to this proposal are required from Otago Regional Council.

8.5.2 Civil Aviation Authority

The owner of the Makarora Airstrip has been consulted and is agreeable to the installation of the proposed VMS. To ensure there is no interference with the operation of the airstrip, an application is also being sought under Civil Aviation Regulations relating to objects and activities affecting navigable airspace.

8.6 Part 2 of the RMA

8.6.1 Overview

Designation alterations under Section 181 of the RMA and the QLDC's considerations under Section 171 of the RMA are subject to Part 2 of the RMA.

In Part 2, the purpose of the RMA in terms of Section 5(1) of the RMA is to promote the sustainable management of natural and physical resources.

8.6.2 Section 5

The term "*sustainable management*" is defined in Section 5(2)(a) to (c) of the RMA. In summary, it means managing resources in a way that enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety, while achieving specified bottom line environmental outcomes. The state highway network is considered a significant physical resource under the RMA within the context of *Auckland Volcanic Cones Soc Inc v Transit NZ EnvC A203/2002*. As such, providing for and improving the safety, efficiency and sustainability of SH6 is a resource management issue of significance.

For the reasons discussed above, in terms of Section 5(a) of the RMA the proposal will contribute positively to the sustainable management of SH6 as a physical resource.

In achieving Section 5(1) of the RMA, Section 5(2)(c) of the RMA states, in summary, that activities must be managed so that adverse effects on the environment are avoided, remedied or mitigated, and Section 5(b) of the RMA requires the life-supporting capacity of air, water, soil and ecosystems to be safeguarded. Based on the assessment of actual or potential effects of the proposal on the environment above and the proposed mitigation measures, it is considered the proposal is consistent with Sections 5(2) (b) and (c).

8.6.3 Section 6

Section 6 of the RMA sets out those matters of national importance that are to be recognised and provided for in achieving the purpose of the RMA. Based on the discussion in Sections 4, 5, 7 and 8 of this NoR, it is considered that there are no matters of national importance considered to be of relevance to the designation alteration.

8.6.4 Section 7

Section 7 of the RMA sets out those "other matters" that the QLDC is to have particular regard to in achieving the purpose of the RMA. Matters in Section 7 that may be of relevance to the designation alteration are considered to include the following:

- (a) *Kaitiakitanga*:
- (b) *The efficient use and development of natural and physical resources*
- (c) *the maintenance and enhancement of amenity values*
- (f) *maintenance and enhancement of the quality of the environment*

Based on the discussion in Sections 4, 5, 7 and 8 above, it is considered that none of these Section 7 matters will be adversely affected by the proposal. In particular, the proposal will contribute to the efficient use and development of the state highway network as a physical resource, satisfying Section 7(b). The proposal will at maintain amenity values and the quality of the environment, partially satisfying Sections 7(c) and (f).

8.6.5 Section 8

Section 8 of the RMA, in summary, requires all persons exercising functions and powers under the RMA to take into account the principles of the Treaty of Waitangi. The QLDC, in this context, must weigh the matter of Treaty obligations with other matters that are being considered.

9. Monitoring

The Fourth Schedule of the RMA requires that “*where the scale or significance of the activity's effect are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom*”.

The scale and significance of the actual or potential effects of the proposed VMS installation are considered no more than minor. No special monitoring is considered necessary, given the on-going regular checks that will occur, as associated with the normal highway maintenance programme.

Routine highway maintenance checks are undertaken to check on the on-going integrity of all state highway structures.

10. Conclusion

The Transport Agency plans to install a new VMS along SH6 (the Haast Pass- Makarora Road). The VMS will be seen by vehicles travelling north-bound lane leaving Makarora.

This section of SH6 has a 80km/h speed limit and is a major traffic and freight route, through the Haast Pass. The VMS will provide information to drivers so they can be made aware of any adverse road conditions and/or traffic incidents, and advice of road closures when necessary.

SH6 is designated by the Transport Agency for “state highway” purposes in the District Plan. The Transport Agency wishes to alter the existing SH6 designation in terms of Section 181 of the RMA to include additional land required for erecting the VMS sign.

The term sought to give effect to the designation alteration is therefore **5 years**, in terms of Section 184 of the RMA. It is intended that construction will commence in late 2014.

Any actual or potential adverse environmental effects of the proposal are assessed as no more than minor. Mitigation measures can be put in place to ensure that any actual or potential adverse environmental effects of the proposal can be satisfactorily avoided, remedied or mitigated to ensure that any such adverse effects will be no more than minor.

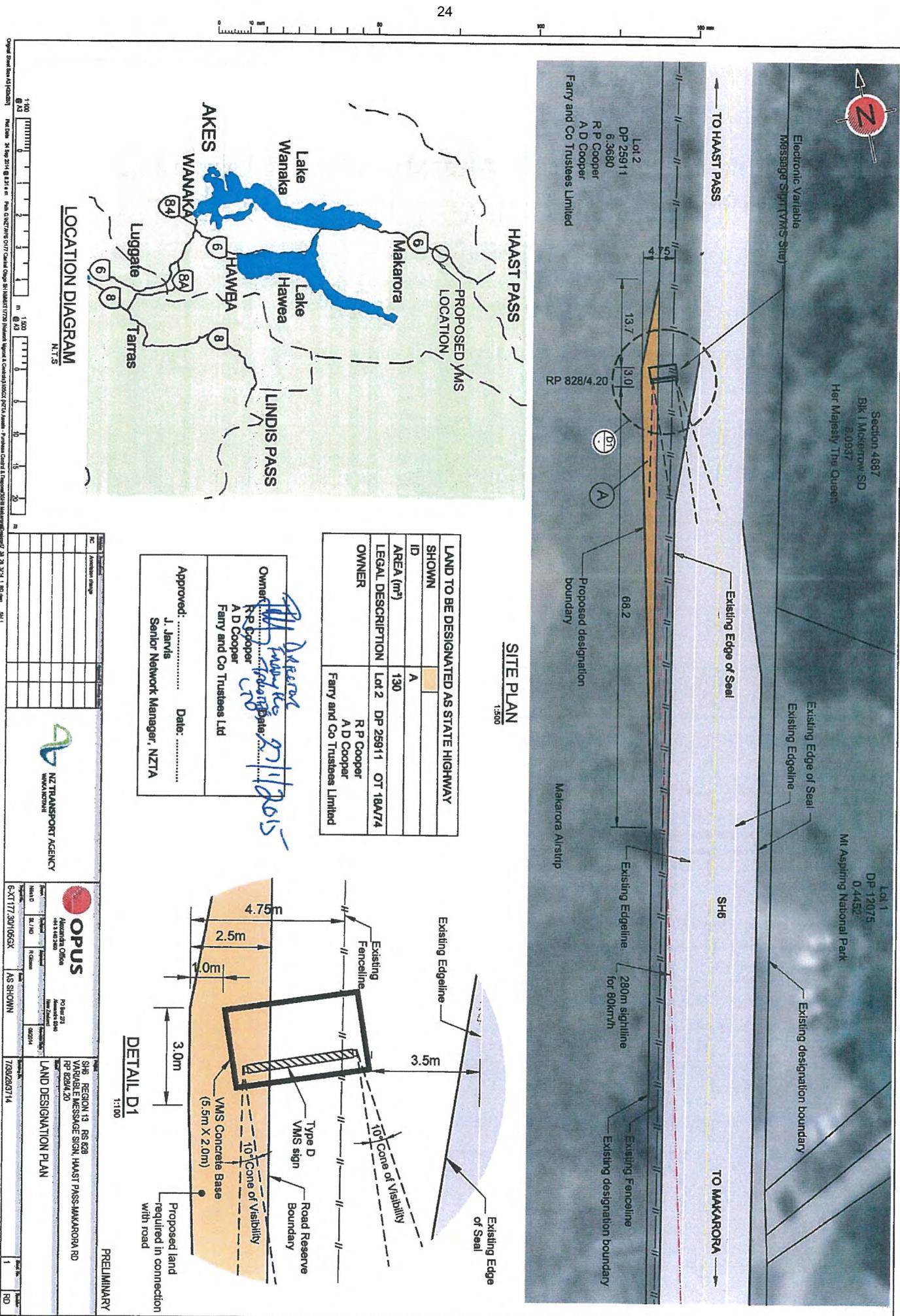
Consultation has been undertaken with RP Cooper and AD Cooper, Farry and Co Trustees Ltd, the land owners directly affected by this designation alteration, and written approval has been obtained. No other parties are considered directly affected by this designation alteration.

Assuming this designation alteration is confirmed, it is considered sufficient detail on the proposed work is incorporated into this NoR such that a separate Outline Plan for the proposed work in terms of Section 176A(3) of the RMA will not need to be submitted to the QLDC in terms of Section 176A(2)(b) of the RMA.

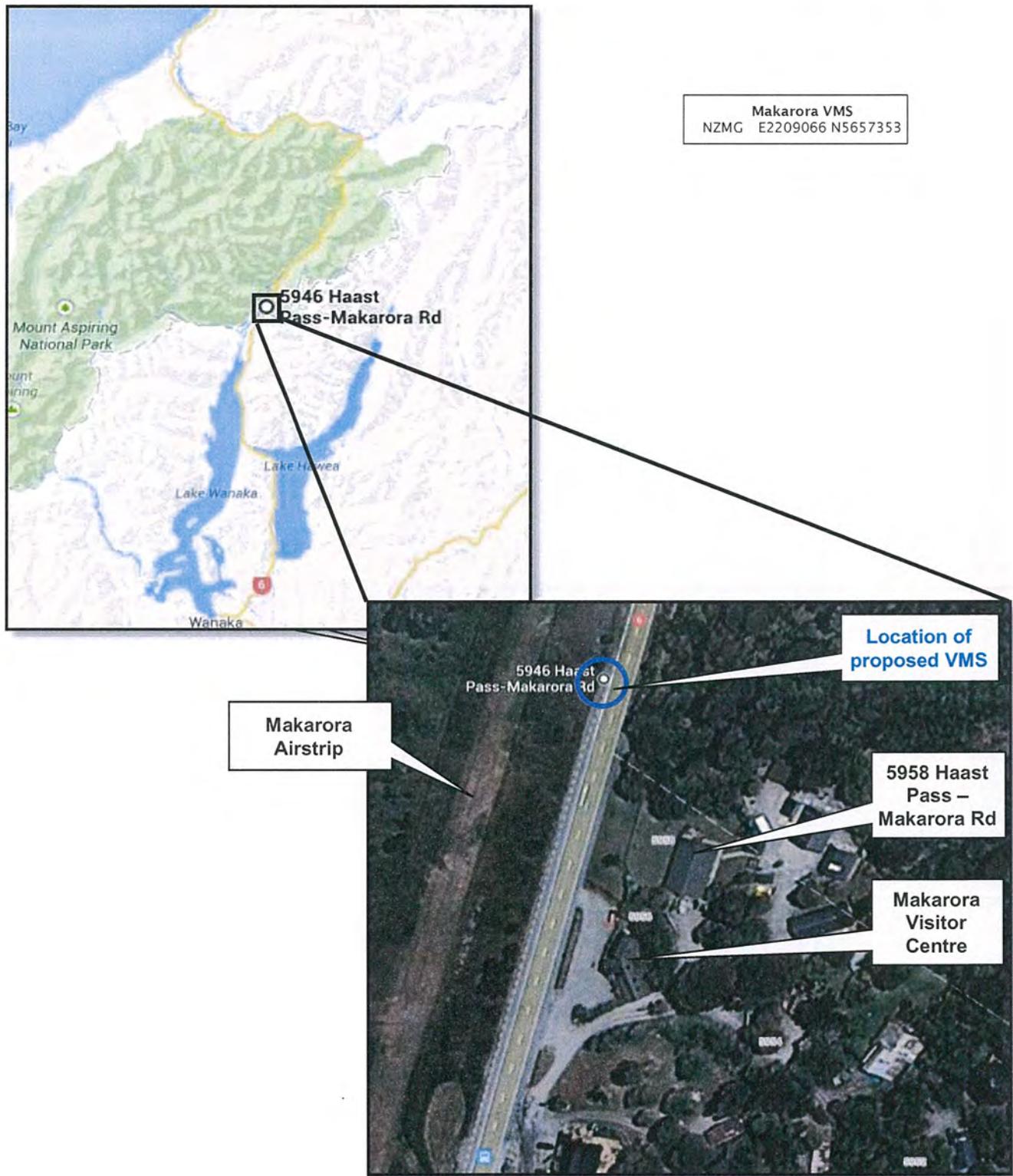
The proposal is assessed as consistent with relevant objectives and policies, as well as the purpose and principles in Part 2 of the RMA.

It is considered this designation alteration satisfies Sections 181(3) (a)(i) and (ii) and (b) and partially satisfies Section 181(3)(c) of the RMA. Therefore, pending the agreement of the territorial authority, this designation alteration may be processed on a non-notified basis without requiring the written approval of any other party or any other information.

Appendix 1: Designation Alteration Plan & Landowner Approval



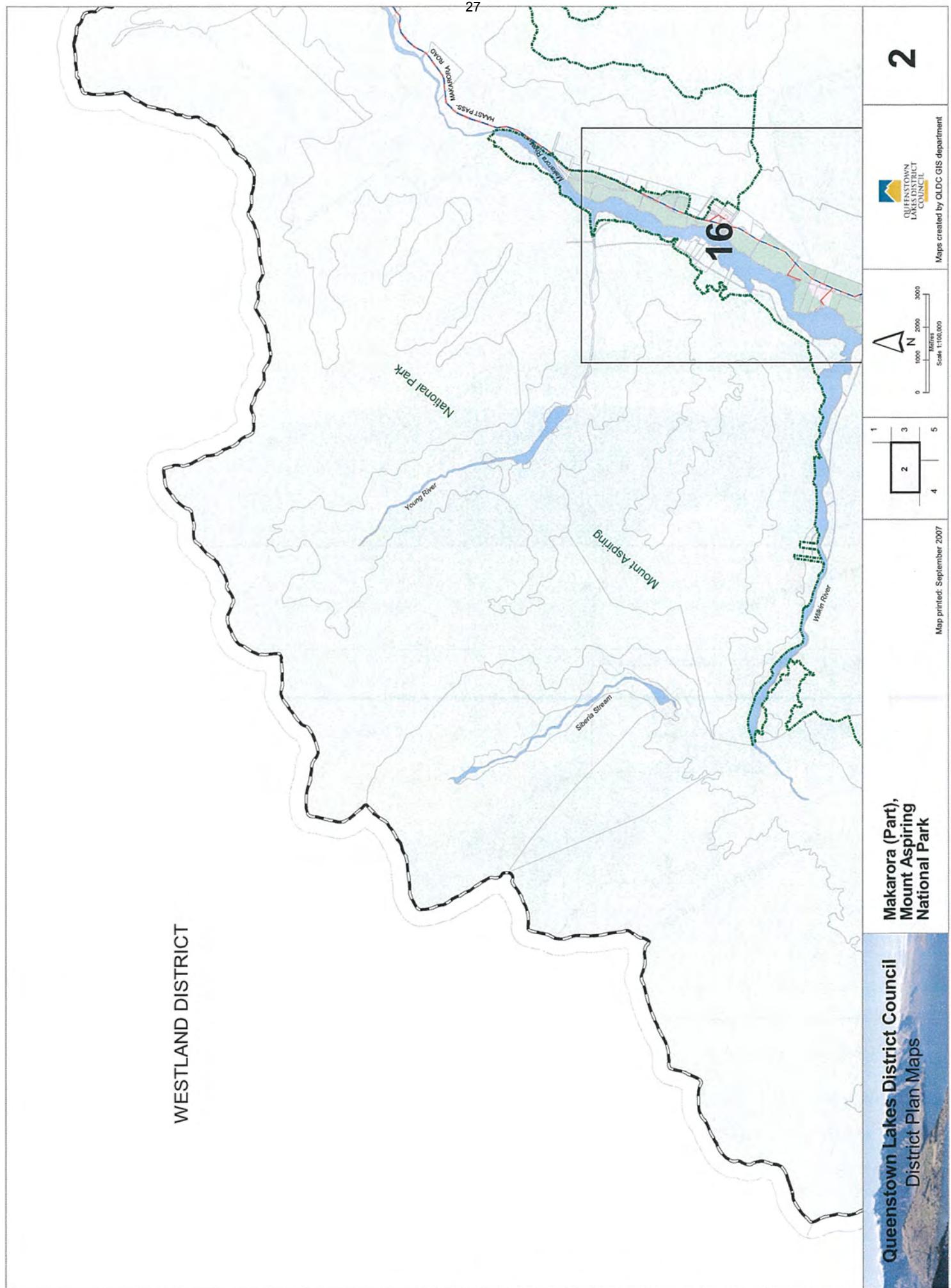
Appendix 2: VMS Location Plans



Appendix 3: Queenstown Lakes District Plan Maps

The proposed VMS location and state highway designation is contained in the following District Plan Maps 2 and 16b.

WESTLAND DISTRICT



Parcel boundaries derived from New Zealand Core Records System Vector Data (Gorax) obtained from LINZ under the LINZ Licence Agreement

Queenstown Lakes District Council
District Plan Maps

Makarora (Part),
Mount Aspiring
National Park

2



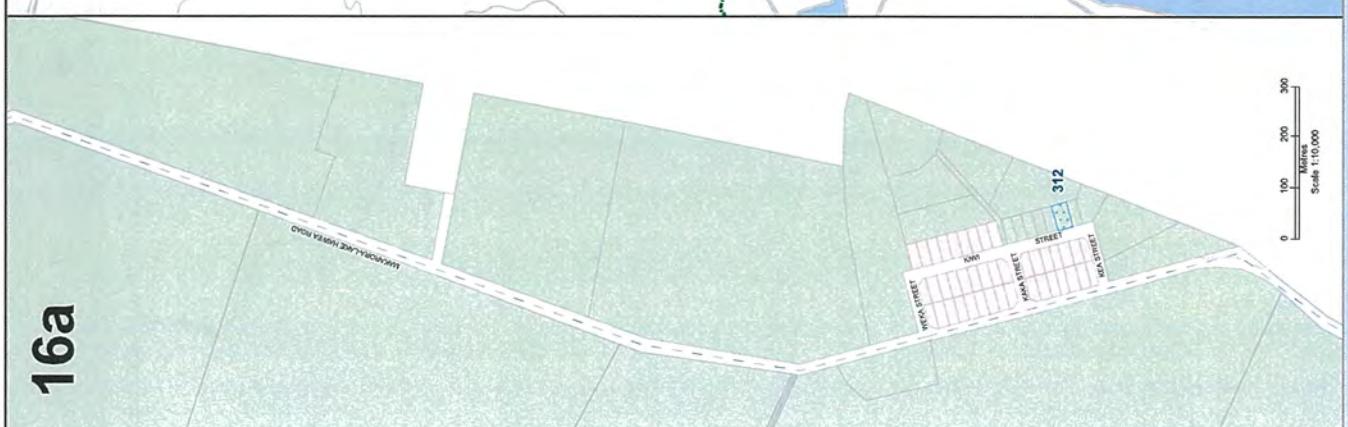
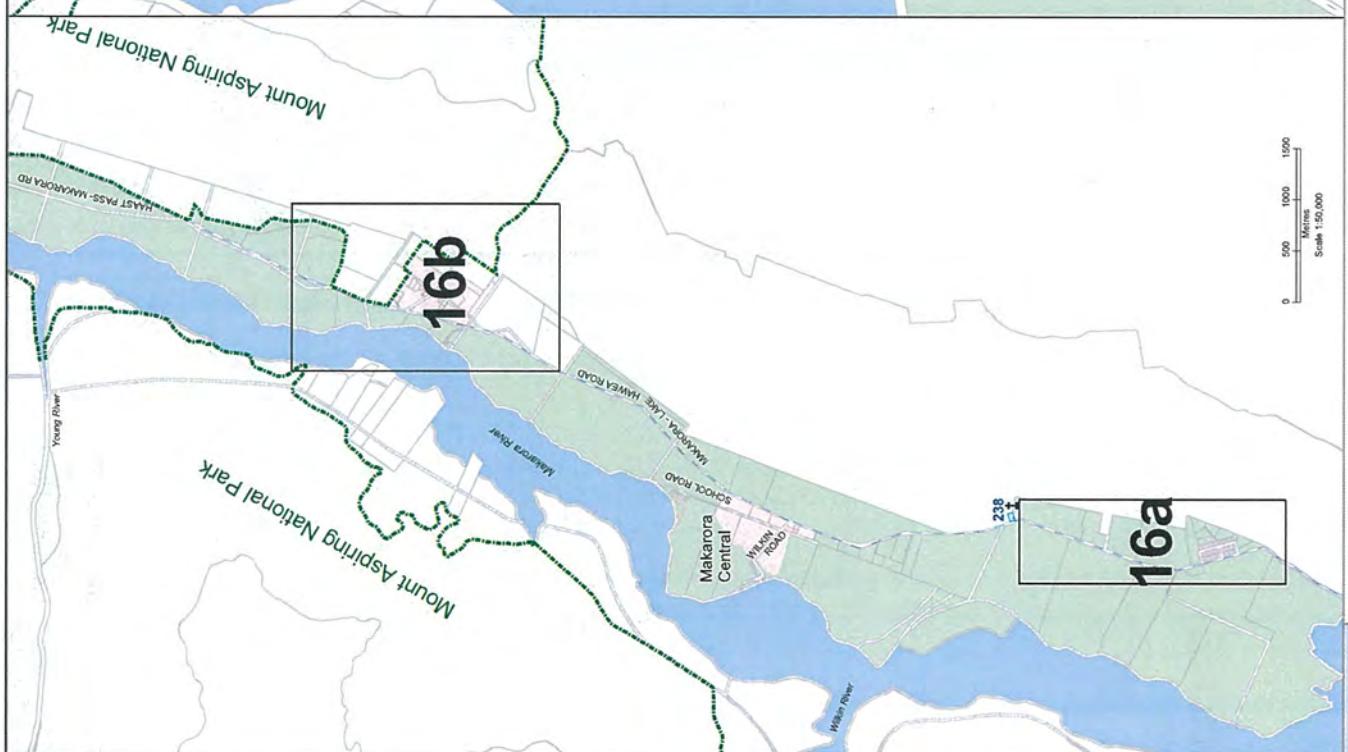
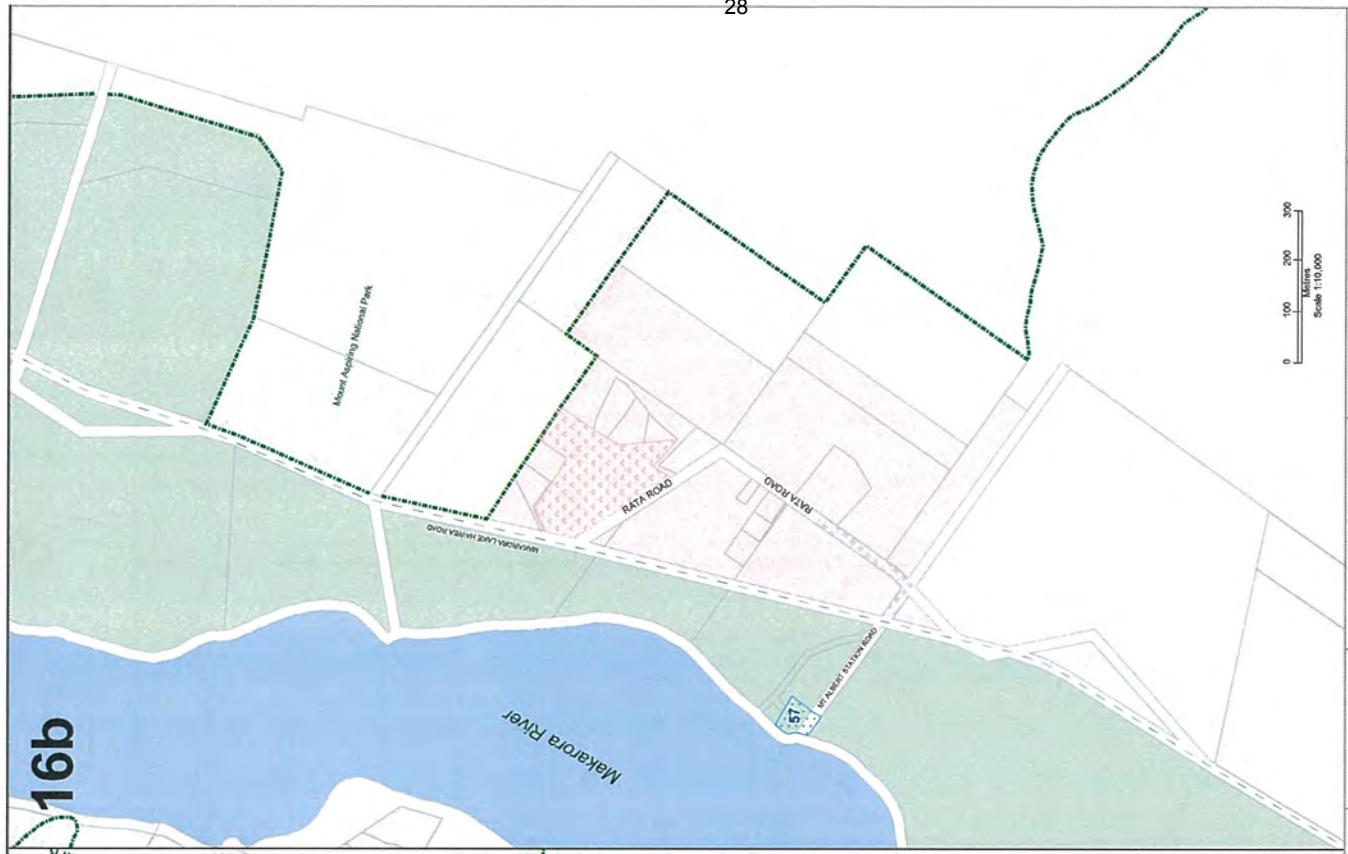
QUEENSTOWN
LAKES DISTRICT
COUNCIL
Maps created by QLDC GIS department

Map printed: September 2007

Scale 1:100,000

16

QUEENSTOWN
LAKES DISTRICT
COUNCIL
Maps created by QLDC GIS department



Queenstown Lakes District Council
District Plan Maps

Makarora, Makarora Township (Inset)
Makarora West (Inset)

Map printed: February 2008

Appendix 4: Photographs of Site Location

The location of the proposed VMS, seen from SH6, heading north.



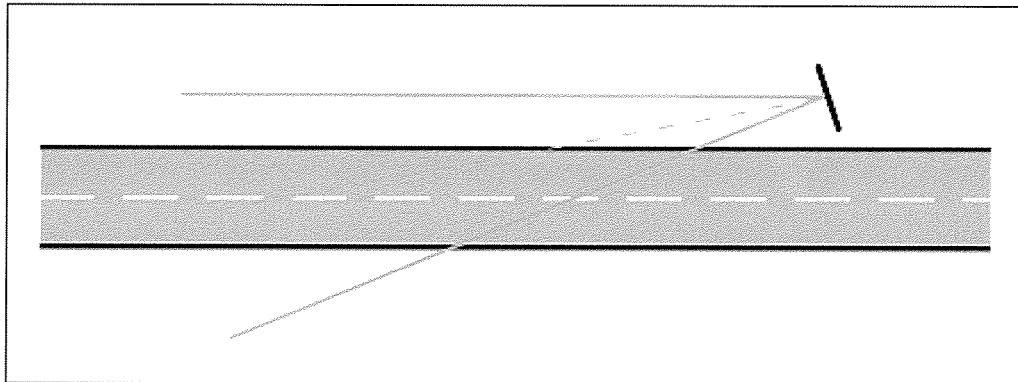
Appendix 5: Photograph of Example VMS

The photograph below is an example of the type of sign proposed.



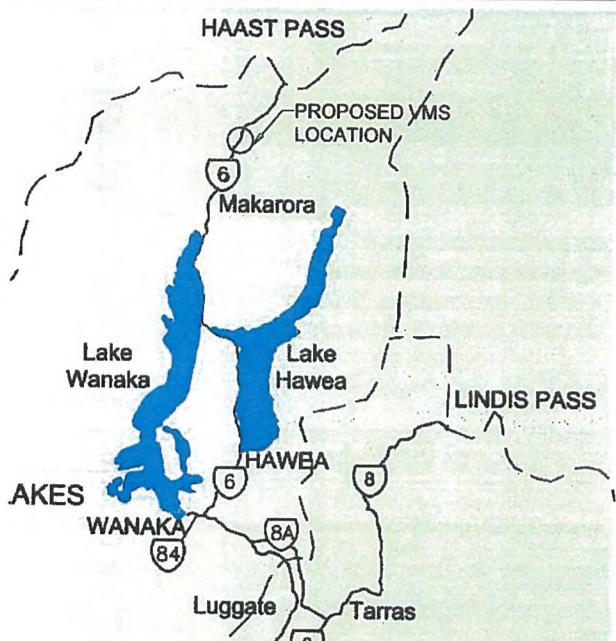
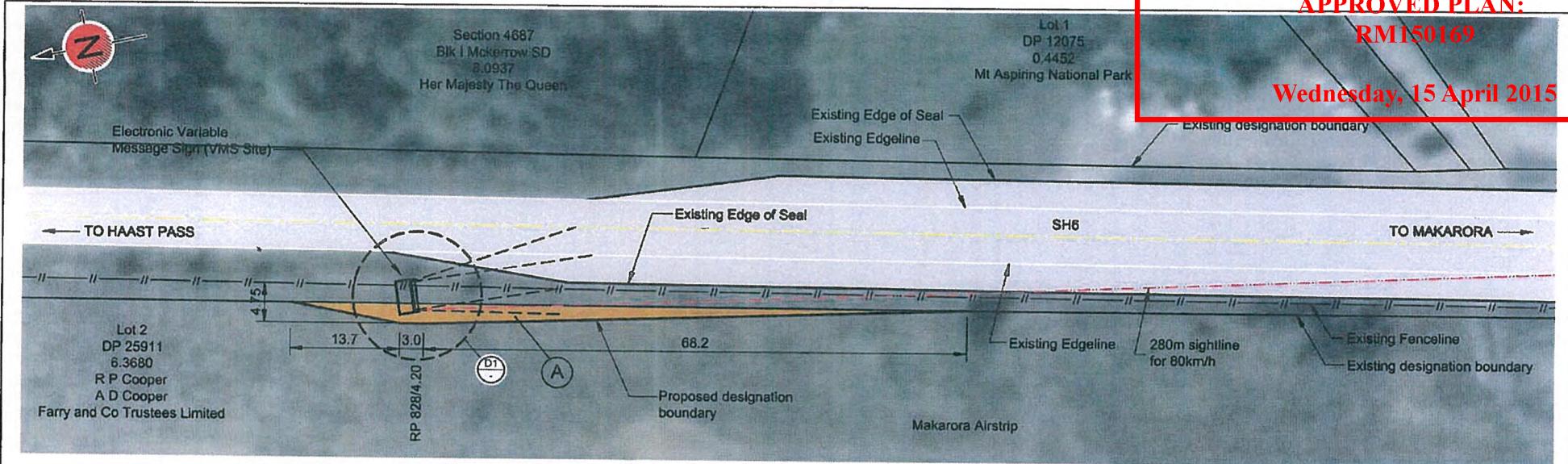
Appendix 6: Diagram of Illumination Cone

The diagram below illustrates the illumination cone from the VMS. The cone extends 15 degrees on either side of the optical axis (shown in below in orange).

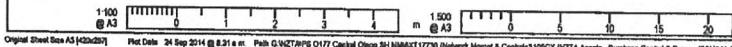


**APPROVED PLAN:
RM150169**

Wednesday, 15 April 2015



LOCATION DIAGRAM

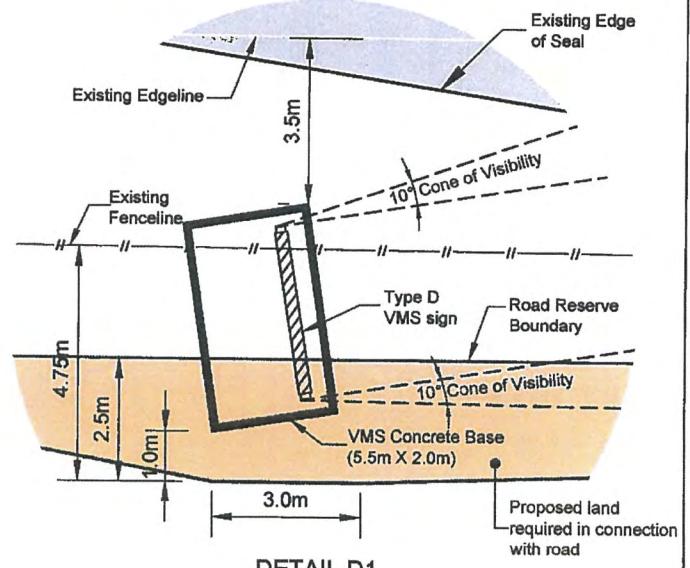


SITE PLAN

LAND TO BE DESIGNATED AS STATE HIGHWAY	
SHOWN	
ID	A
AREA (m ²)	130
LEGAL DESCRIPTION	Lot 2 DP 25911 OT 18A/74
OWNER	R P Cooper A D Cooper Ferry and Co Trustees Limited

Owner: J. Jarvis Friday 27/11/2015
R.R Cooper
A D Cooper
Ferry and Co Trustees Ltd

Approved: Date:
J. Jarvis
Senior Network Manager, NZTA



DETAIL D1

PRELIMINARY

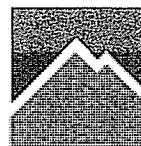


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Alexandria Office
1-822-440-2422

REGION 13 RS 828
ABLE MESSAGE SIGN, HAAST PASS-MAKARORA RD
8/4.20

ED DESIGNATION PLAN

Schedule 5- Council Recommendation, Decision and Plans for RM090645- Boyd Road



QUEENSTOWN
LAKES DISTRICT
COUNCIL

RECOMMENDATION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	New Zealand Transport Agency
RM reference:	RM090645
Location	The site incorporates land including and adjoining State Highway 6 at Boyd Road, Queenstown
Proposal:	The alteration to a designation is required to facilitate improvements to the alignment of approximately 1.58 km of state Highway 6 near Boyd Road and the access road to the Remarkables Ski Field.
Type of Consent:	Alteration to a Designation
Legal Description:	Part Lot 1 Deposited Plan 20511, Part Section 41 Block XII, Coneburn Survey District, Part Section 38 Block X11 Coneburn Survey District.
Valuation Number:	2913200200A
Zoning:	Rural General
Activity Status:	N/A
Notification:	Public Notification
Commissioner:	Commissioners Clarke and Gilmour
Date:	8 February 2010
Recommendation:	Conditions are imposed

Under the Resource Management Act 1991

IN THE MATTER OF an application by New Zealand Transport Agency to the Queenstown Lakes District Council for a alteration to a designation. This is required to facilitate improvements to the intersection and alignment of approximately 1.58 km of State highway 6 near Boyd Road and the Remarkables Ski Field access road.

Council File: RM090645

**DECISION OF DAVID CLARKE AND CATH GILMOUR,
HEARINGS COMMISSIONERS APPOINTED PURSUANT TO SECTION 34A OF
THE ACT.**

The Proposal and the Site

1. The purpose of the hearing is to consider a Notice of Requirement (NOR) for an alteration to the existing designation for State Highway 6 (SH6) in the Partially Operative District Plan (PODP). The land desired to be included in the State Highway designation is located on the inside bends of two existing (virtually ninety degree) bends near the intersection with Boyd Road. The western corner is currently located adjacent to District Plan protected feature #78 (Stone Cottage (Rees) 148 Kingston Road) and the realignment will move the road further away from this feature. The eastern corner is at the junction with Boyd Road. The highway is bound on both sides by a rural pastoral landscape, consisting mostly of grassed paddocks with occasional trees.

2. The land the NOR relates to is;
 - On the northern side of the existing highway, 1.4071 ha of land owned by FS Mee Development company
 - On the southern side of the existing highway, 1.3257 ha of land owned by Dickson and Jillian Jardine and HGW Trust
3. Currently a number of properties gain access by way of those portions of the State Highway that are proposed to be changed. They are the Stone Cottage owned by Reid, Reid & Swinney (JAP Dier Trust), land owned by the Jardine's, land owned by Mee, the property of Reavers Limited, the property of W&K Boyd and the land providing access to the Remarkables Ski field owned by Southern Alpine Recreation.
4. The New Zealand Transport Agency (NZTA), as a Requiring Authority, has an historical designation over SH6 for State Highway purposes. The designation is referenced as # 84 in the Queenstown Lakes District Council's PODP. The purpose and scope of the designation is described as follows:

"The designation provides for Transit New Zealand, either itself or through its agents, to control, manage and improve the state highway network, State Highways No 6, 6A, 84 and 89 including planning, design, research, construction and maintenance relation to all land within the designation. Such activities may also involve, but not necessarily be limited to, realigning the road, altering its physical configuration, culverts, bridges and associated protection works."

5. The NZTA proposes to alter the boundaries of Designation 84 as it relates to areas near Boyd Road and the Remarkables ski field access. The aim is to realign the State Highway to reduce the severity of two curves. These curves have contributed to a number of crashes over the last 10 years. The realignment requires removal of some land from the designation and incorporation of

alternative land. As such, the NZTA has submitted a Notice of Requirement to the Queenstown Lakes District Council to designate those lands for highway purposes. The Notice of Requirement was in the prescribed format and contained the following required information:

- The site to which the requirement applies
- The nature of the work and any proposed restrictions.
- The effect that the proposed work will have on the environment and proposed mitigation measures.
- The lack of alternative sites
- The reasons the realignment and alteration to designation are reasonably necessary for meeting the objectives of the requiring authority.
- Consultation undertaken.

6. The application from NZTA details the rationale for the alteration and states as follows that the ultimate realignment of SH6 will:

- *Provide a safer driving environment for road users by removing two out of context curves that are significant contributors to accidents in the area;*
- *Improve passing opportunities and reduce travel times;*
- *Improve the intersection with the Remarkables Ski Field access road which has a high traffic demand during the ski season. The option also allowed the rationalisation of the Boyd Road intersection by including it with the ski field access thereby removing an extra intersection on the State Highway;*
- *Contribute to the ongoing upgrading of SH6;*
- *Improve the safety, efficiency and functionality of the State Highway in this area.*

7. The application indicates three small areas of surplus land which it is understood are to have the current roading designation removed at a later date, after the road has been re-aligned. It also shows the current physical road which will mostly remain, to serve as access for the various properties.

Late Submissions

8. The application was publicly notified on 14 October 2009 and received four submissions in the statutory timeframe, which expired on 12 November. One submission from Reavers NZ Ltd was received late. This submitter believed that they should have been directly served notice of the application and Lakes Environmental Planner Ms Rolls agreed. She also considered she should have directly served two other affected parties. They are Southern Alpine Recreation Ltd (NZ Ski Ltd.), and Reid, Reid and Swinney (JAPDier Trust). Ms Rolls contacted these parties advising them of the mistake and they agreed to the lodging of submissions on a reduced timeframe so the hearing could proceed. Ms Rolls also contacted me prior to the hearing, explaining the situation and asking if I agreed in principle to accept these three late submissions. I agreed I would, but this had to be with the agreement of the applicant at the hearing. The applicant subsequently agreed to accept the late submissions. The submission from Reavers NZ Ltd. was the only submission in opposition to the application, but some of the submissions gave conditional support and this is discussed later in the decision.

Consultation

9. The applicant has consulted widely as part of the Notice of Requirement. This consultation has included;

- FS Mee Development Company Ltd (approval not provided)
- DS Jardine, JF Jardine and HGW Trustees Limited (approval provided)

The following were consulted by NZTA as part of its obligations under the Land Transport Management Act 2003:

- NZ Historic Places Trust
- Otago Fish and Game Council
- Department of Conservation
- Kai Tahu Ki Otago Limited
- Otago Regional Council
- Queenstown Lakes District Council
- The Remarkables Ski Area (adjacent lease)
- Southern Alpine Recreation Limited (adjacent landowner)
- NZ Fire service
- NZ Police
- Order of St John
- Opus International Consultants
- Delta Civil and Electrical contracting Division
- Telecom
- Rockgas
- LINZ
- JAP DIER Trust (adjacent landowner)
- Southern Trustees Limited (adjacent landowner)
- W Boyd (adjacent landowner)
- Cone Peak Station, Signature Investments Limited (adjacent landowner)

10. It should be noted that the Act requires only that a statement of any consultation undertaken with persons affected or likely to be affected by the designation and public works be supplied with the Notice of Requirement (section 168).

The Hearing

11. The hearing was convened in Queenstown on 15 December 2009. The applicant was represented by Mr Nicholas Rodger (Project Manager), and Dr. Jane Loten (counsel/planner.)

12. The following submitters were at the hearing and presented oral submissions;

- Justin Reid –JAP Dier Trust
- Kay Parker- Wakatipu Trails Trust
- John Edmonds- Reavers NZ Ltd.
- Jo Boyd- Jo Boyd, W&K Boyd
- Ross Lawrence- NZ Ski Ltd.

13. Ms Wendy Rolls (reporting planner) from Lakes Environmental was present. Ms Louise Ryan was the minutes' secretary. The Commissioners had the benefit of a pre-circulated report from the reporting planner.

14. An extensive site visit was undertaken by the Commissioners on 14 December. We were accompanied by Ms Rolls who clarified a number of issues relating to the application.

Statutory Considerations

15. Section 181(1) of the Resource Management act 1991 allows the NZTA to give notice to the Council at any time, of its requirement to alter the designation subject to the following;

Section 181 – Alteration to a Designation

Under section 181(3)

"A territorial authority may at any time alter a designation in its district plan or a requirement in its proposed district plan if –

(a) The alteration -

(i) Involves no more than a minor change to the effects on the environment associated with the use proposed use of the land ...; or

- (ii) *Involves only minor changes or adjustments to the boundaries of the designation; and*
- (b) *Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and*
- (c) *Both the territorial authority and the requiring authority agree with the alteration –
and sections 168 to 179 shall not apply to any such change.”*

- 16. The FS Mee Development Company (Mee Development) in consultation with NZTA, did not agree to the NOR and therefore the proposal did not meet (b) above. Hence the reason for the hearing.
- 17. The Commission must consider the NOR in terms of section 171, 172, 173 and 176 of the Act, which state the following;

Section 171- Recommendation by territorial authority

- 18. Section 171 *Recommendation by Territorial Authority* of the Act specifies the following:

- (1) *When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to –*
 - (a) *any relevant provisions of –*
 - (i) *a national policy statement;*
 - (ii) *a New Zealand coastal policy statement;*
 - (iii) *a regional policy statement or proposed regional policy statement;*
 - (iv) *a plan or proposed plan; and*

- (b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—
 - (i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or
 - (ii) it is likely that the work will have a significant adverse effect on the environment;

and
- (c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and
- (d) any other matter the territorial authority considers reasonably necessary in order to make a decision on the requirement.

19. Section 171(1) requires the NZTA to establish that the work meets the purpose of the Act as set out in Section 5. This purpose being to promote the sustainable management of natural and physical resources. The definition of sustainable management is:

“managing the use, development and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic and cultural well being and for their health and safety while:

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- (c) Avoiding, remedying, or mitigating any adverse effect of activities on the environment.”

20. Section 171(2) of the Act states:

(2) *The territorial authority may recommend to the requiring authority that it –*

- (a) *Confirm the requirement:*
- (b) *modify the requirement:*
- (c) *impose conditions:*
- (d) *withdraw the requirement:*

21. Section 171(3) requires the Council to give its reasons for the recommendation under subsection (2). In doing so the Council is required to have regard to the matters listed in section 171(1) when making its recommendation. Any conditions imposed must be for a resource management purpose and relate to the potential effects of the designation.

Section 172 - Decision of Requiring Authority, and 173 - Notification of Decision of a Designation

22. Sections 172 and 173 of the Act specify the processes that apply following the NZTA's receipt of the Council's recommendation. The NZTA then has 30 days to advise Council whether or not it accepts the recommendation in whole or in part, and provide reasons for its decision. Council is then obligated to serve on all submitters a copy of the decision and publically notify such within 15 working days. The decision of the NZTA is then open to appeal under section 174 of the Act from the Council and all submitters.

Section 176 – Effect of Designation

23. Under Section 176 of the Act, where a designation is included in a district plan, then notwithstanding anything to the contrary in the district plan or any proposed district plan, the Requiring Authority may do anything that is in accordance with the designation.

Section 176A – Outline Plan

24. Should the Council recommend that the Notice of Requirement be confirmed (or modified), then under Section 176A of the Act, an outline plan of the proposed works must be submitted by the Requiring Authority to the Territorial Authority, prior to the commencement of works. This is to enable Council to request changes if such are considered necessary.

Assessment

25. We concur with the reporting planner that the proposal requires assessment in terms of the following issues;

- (i) Effects on the Environment;
- (ii) Matters to have particular regard to;
- (iii) Objectives, Policies and Assessment Matters of the District Plan;
- (iv) Part 2 of the Act.

Effects on the Environment

26. In her report, Ms. Rolls identifies a number of actual and potential effects on the environment. Within this assessment, I have included discussion on the potential adverse effects that were raised by the various parties and how they have been resolved.

Land, Flora and Fauna

27. The realignment of SH6 in this location requires additional pastoral land, the subject of the NOR. At present, the highway runs through an avenue of trees and some of these trees will need to be removed. Some of the trees are historical, but many of those were removed some years ago. One submitter, Ms Jo Boyd sought that, where possible, some of the trees be located. Mr Rodger responded on behalf of NZTA, that the minimum number of trees would be removed during land clearance for the project and that they would look at

relocating or incorporating nominated trees into the project, subject to NZTA's and QLDC's operational and safety concerns and in liaison with QLDC's landscape architect and other affected parties. This was to Ms Boyd's satisfaction. We note that Mr Rewcastle, the landscape architect for Lakes Environmental, has in his report submitted ;

Whilst there is some benefit in retaining existing trees as a remnant(heritage)feature associated with the existing road, I consider it would be more important that reinstated areas(and proposed 'land severance' areas) focus on maintaining consistency with the open rural and pastoral character of the Valley, including access of stock as part of the maintenance regime. Replacement tree planting would not be required to achieve this.

We concur with this view.

28. There is a culvert passing under the existing highway. Under the realignment proposal this culvert will be under Boyd Road and a new culvert will be constructed under the new section of highway. This will require a consent from the Otago Regional Council. The effects on the water quality of this small stream will be no more than minor.

People and Built Form

29. Mr Justin Reid, representing the JAP Dier Trust generally supported the proposal and welcomed the benefits it would bring to the stone cottage and those living in it. He was still concerned about noise effects from the highway and sought bunding and planting in front of the cottage, perhaps on surplus to requirement areas A&B (as identified on the Opus Land Map 22/6/09) which the JAP Dier Trust hoped to acquire. Mr Rodger responded that he did not consider the bunding and planting would have any real effect on any noise generated by traffic but that NZTA would be happy to investigate possible bunding for landscape purposes. With regard to the future state highway road reserve and local road reserve adjacent to the cottage, Mr Rodger indicated that this was still subject to negotiation between QLDC, NZTA and adjacent land owners.

30. Mr Reid also raised the issue of storm water runoff coming onto the cottage property from the existing highway. He was concerned that this problem would remain with the proposed access road. Mr Rodger undertook to investigate this problem, separate to the NOR.

With regards to construction effects, Dr Loten conceded that there may be effects from dust on W & K Boyd who live near the proposed works but that these effects could be mitigated by NZTA's Environmental Management Standards.

Infrastructure

31. There was a consensus at the hearing, that the roading infrastructure would be improved and made safer by the proposed realignment; however there were a number of infrastructural effects raised by submitters.

32. Ms Kay Parker, representing the Wakatipu Trails Trust (WTT) sought a separate 3 m unsurfaced cycle and foot path along the length of the realignment and 1.5 m wide shoulders on either side of the realigned highway for the safe passage of cyclists and the occasional pedestrian user. Mr Rodger advised the commissioners, that a feasibility study had been undertaken regarding this and that the track and widened shoulders would be constructed to provide safe access for cyclists and pedestrians. Further liaison between NZTA and WTT is to be carried out to confirm funding responsibilities and design criteria.

33. Ms Jo Boyd sought a bus turn around area at the end of Boyd Road, a more visible 'no exit' sign at the Boyd Road /SH6 intersection and improved access from the SH6 into Boyd road and vice versa. Mr Rodger responded by stating that the project would include a bus turning area as sought and that it would be gravelled and have room for buses and recycling/rubbish trucks to turn and for parents to park. Improved 'no exit' signs, compliant with QLDC standards would be investigated and the intersection of Boyd Road and SH6 would include a widening of the State Highway to accommodate vehicles waiting to enter Boyd Road. Mr Rodger stated that this widening together with the shoulders would be

sufficient to allow vehicles to pass any waiting traffic. Boyd Road currently has two entrances off SH6. The one that you presently see when travelling north would be blocked off with bunding and landscaped and become known as 'SH6 extension' in the interim. It would not be removed, as it may be utilised in the future as a link to a new Kawarau River bridge. The blocking off of this part of the road was also seen as a discouragement to drivers who presently venture down the 'no exit' Boyd Road simply to see what's there.

34. The issue of accessways onto SH6 was raised by W&K Boyd, Reavers NZ Ltd and NZ Ski Ltd. It was submitted that the proposal had adverse effects on the access to their properties. Reavers and Boyd, who share a driveway, sought access onto SH6 directly and also access onto the SH6 extension. NZ Ski Ltd sought a relocated and reconstructed entrance to the Remarkables Ski Field road. Mr Rodger advised the commissioners that the submitters' concerns had been addressed and meetings with the parties had resolved any access issues. This was confirmed by the submitters and their representatives. Specifically, NZTA has agreed to provide a separate exit for NZ Ski Ltd further south than the existing one, in line with the lower delineation of the access road. NZTA has also agreed to provide the Boyd and Reavers properties with access directly to the State Highway, and access onto the extension of Boyd Road formed by the disused part of the State Highway.
35. In her report, Ms Rolls raised the issue of the provision of a Road Safety Audit. Mr Rodger responded by stating that upon finalisation of the accessway locations, a design safety audit will be carried out prior to construction tenders being called for.

Cultural Significance

36. There are no registered archaeological sites in the vicinity of the realignment. The existing SH6 runs in front of the Rees Stone cottage. The realignment will take the road approximately 50m away from the cottage, affording it greater protection and an improvement in the amenity for the cottage owners. New Zealand Historic Places Trust (NZHPT) sought that specific mitigation measures

to protect the building from any damage during earthworks, should be imposed via appropriate conditions in the Outline Plan.

37. NZHPT questioned if the existing culvert had some historical significance, but investigations revealed that it did not have. NZHPT submitted that Accidental Discovery Protocol (ADP) controls would be sufficient for the project. Mr Rodger advised that use of NZTA's protocol, written with NZHPT approval, would ensure even more stringent conditions than NZHPT's ADP. This was accepted.

Traffic Generation and Vehicle Movement

38. The issue of road access at all times was raised by NZ Ski Ltd. Dr Loten responded, that at all times during construction, the existing state highway will remain open but may be at times, confined to one lane. There will be no disruption during holiday periods or during the ski season. NZTA said they would if necessary split the construction project to ensure this. Other issues relating to traffic movement and access have already been dealt with.

Positive Effects

39. The project will result in a number of positive effects. Although this section of SH6 has been an historical entrance to Queenstown via the tree lined avenue, it is no longer appropriate for present day volumes of traffic and for the speed travelled. The existing tight corners have resulted in a number of accidents and they will be eliminated. There will be improved access to the Remarkables Ski field road, Boyd Road and a number of other properties. A cycle/walkway will add to the Wakatipu Trails Trust network and provide safe access for cyclists and pedestrians.

Summary of Effects

40. The proposal will realign a dangerous stretch of SH6. A number of submitters had concerns relating to various project details while others sought mitigation and additions to the proposal. NZTA has taken the concerns on board and

adopted all of the changes and inclusions sought. Dr Loten has suggested a number of mitigation measures that are contained in Appendix 1. The proposal will therefore have adverse effects that are no more than minor and in terms of the motoring and cycling public will have considerable positive effects.

Relevant Policy Statements and Plans

41. The only policy statement seen as being relevant to the proposal is the Otago Regional Council's Policy Statement, Objective 9.4.2 that seeks to promote the sustainable management of Otago's infrastructure to meet the present and reasonably foreseeable needs of Otago's communities. Policies 9.5.2 and 9.5.3 promote the development of effective and efficient infrastructure, including a safer transport network. The application is consistent with this Policy Statement.

The subject site is zoned rural General and the landscape classification is Visual Amenity landscape (VAL). The relevant sections of the Partially Operative District Plan are Section 4 and 5

Part 4.2 - Landscape and Visual Amenity

Objective: Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.

Policies:

12. Transport Infrastructure

To preserve the open nature of the rural landscape by:

- *encouraging the location of roads, car parks and tracks along the edges of existing landforms and vegetation patterns.*
- *Discouraging roads and tracks on highly visible slopes.*

42. The proposal is not contrary to the above objective and policy. Ms Rolls has concerns that maintaining the disused portions of the present highway for access purposes, has the potential to create a more domesticated and urbanised appearance. She considers that these roads need to be downgraded to narrower gravel tracks to reduce visual effects. Mr Rodger considers that if the council wishes to reduce the level of service so they are in keeping with other local roads/tracks then they can undertake this. We agree with Mr Rodger that the best solution is to remove all markings and roadside furniture but maintain the sealed surface which still has considerable life left and thus avoid any dust issues in the future.

Part 5 – Rural Areas

Objective 1 – Character and Landscape Value

To protect the character and landscape value of the rural area by promoting sustainable management of natural and physical resources and the control of adverse effects caused through inappropriate activities.

Policies:

1.1 Consider fully the district wide landscape objectives and policies when considering subdivision, use and development in the Rural General Zone.

1.3 Ensure land with a potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.

1.4 Ensure activities not based on the rural resources of the area occur only where the character of the rural area will not be adversely affected.

43. The proposal is not contrary to the above objective and policies.

Objective 2 – Life Supporting Capacity of Soils

Retention of the life supporting capacity of soils/and of vegetation in the rural area so that they are safeguarded to meet the reasonably foreseeable needs of future generations.

Policies:

2.4 Encourage land management practices and activities, which avoid, remedy or mitigate adverse effects on soil and vegetation cover.

44. A small portion of productive farmland will be needed, to undertake the proposal.

Other land no longer required will be returned at a later stage to various land owners. It is not considered that the proposal is contrary to the above objective and policy.

Part 14 - Transport

Objective 2 – Safety and accessibility

Maintenance and improvement of access, ease and safety of pedestrian and vehicle movement throughout the District.

Policies:

2.6 To ensure intersections and accessways are designed and located so:

- *good visibility is provided.*
- *They can accommodate vehicle manoeuvres.*

2.7 To ensure vegetation plantings are sited and/or controlled so as to maintain adequate visibility and clearance at road intersections and property access and to prevent the icing of roads during winter months.

45. The proposal is entirely consistent with the above objective and policies.

Consideration of alternative sites, routes, or methods of undertaking the work

46. The Commissioners must have regard as to whether consideration has been given to alternative site, routes or methods of undertaking the work. Dr Loten rightly points out in her submission, that Council cannot compel the NZTA to choose a particular option, but '*must satisfy itself that the NZTA has undertaken a business-like identification and a comparison of alternative sites, routes or methods*'. We agree with Ms Rolls, that the '*works are site specific and involve remedying identified hazards to the safe and efficient operation of the highway network, the applicant's statement that no other sites were considered, or can be realistically considered, is valid. The Notice of Requirement seeks to widen an existing designation that is already fixed in location*'.

47. It should be noted that all parties were complimentary of NZTA's approach to the negotiations.

Whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought

48. We find that the NZTA has demonstrated that the realignment is reasonably necessary for achieving its objectives. We accept that there will be benefits in safety and traffic flows resulting from the realignment.

Other matters the territorial authority considers reasonably necessary in order to make a decision on the requirement

49. There are not any other matters relevant to this consideration.

Part II matters

50. Section 104 is subject to Part II of the Act. Section 5 provides for the sustainable management of natural and physical resources. This is defined in the Act as:

"Managing the use, development and protection of the natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety while:

- (a) sustaining the potential, natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life supporting capacity of air, water, soil and eco systems; and*
- (c) Avoiding, remedying or mitigating any adverse effect of activities on the environment."*

51. The proposal enables people and their communities to provide for their social, economic and cultural wellbeing and their health and safety. The upgrade and realignment of this section of SH6 meets the foreseeable needs of future generations with the work being carried out to ensure that any adverse effects are no more than minor. The proposal is therefore not contrary to this part of the Act.

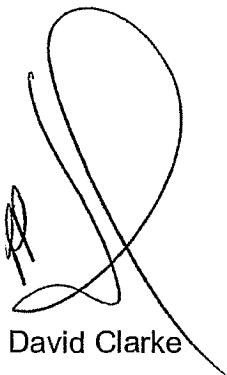
Recommendation

52. The Commission hereby recommends **IMPOSING CONDITIONS ON THE NOTICE OF REQUIREMENT** to alter the state highway designation notated as Designation 84 in the Partially Operative District Plan in accordance with s181(2). The altered designation will include the various parcels of land located in the vicinity of Boyd Road and the Remarkables Ski Field access road and

identified on the plan titled '**Designation Plan**'. The conditions recommended to be imposed on the alteration relate to matters agreed to by NZTA during the hearing, which will need to be detailed at the time of the Outline Plan process.

53. The late submissions are received pursuant to section 37 of the Act

Dated at Queenstown this 5th day of February 2010

A handwritten signature in black ink, appearing to read "David Clarke".

David Clarke

Independent Hearings Commissioner (on behalf of the Commission)

Conditions of Consent

It is recommended the following conditions be included in the designation:

The following conditions apply to the realignment of the area of SH6 located generally between the Rees Stone Cottage(Protected Feature #78) and the Remarkables Ski Field access road as sought in the Notice of Requirement RM090645.

1. *Access to the properties affected by the realignment will be designed in consultation with the relevant property owners.*
2. *A landscape plan shall be submitted for assessment at the time of outline plan approval which achieves the following objectives:*
 - *Maintains consistency with the open, rural, and pastoral character of the valley, including access of stock as part of the maintenance regime.*
 - *Identifies reinstatement (re-grassing/re-vegetating) of exposed cut /fill batters.*
 - *Identifies treatment (width and surface material) of roads no longer forming part of the State Highway*
 - *Identifies existing trees to be retained or relocated.*
 - *Addresses the following submitter concerns (concerns from neighbouring properties, including the following)*
 - *Provision of bunding, in the vicinity of the Rees Stone Cottage.*
 - *Planting around the entrance to Boyd Road.*
 - *Landscape and screen planting designed to reduce visibility down the local road leading to Boyd Road when travelling North.*
3. *The landscape plan detailed under Condition (2) will be developed in consultation with the owners of the Remarkables Ski Field access*

road, the owners of the Rees Stone Cottage, the owner of 59B Boyd Road, and Council's Landscape Architect.

Advice Note

Although the alteration to the designation is sought to re-align the State Highway, at this time the only change is to increase the area covered by the designation to include the new stretches of road. It is understood that at a later date NZTA will make application to withdraw unnecessary portions relating to the road to be decommissioned. The reason for this is the need to construct the new carriageway, whilst still using the old.

22 February 2010

Lakes Environmental
Private Bag 50077
QUEENSTOWN 9348

Attention: Wendy Rolls

Dear Wendy

**Decision on Recommendation for Notice of Requirement (RM090645) – Boyd Road – SH 6 –
Queensotwn**

The NZ Transport Agency (the requiring authority) has received the Queenstown Lakes District Council's (Council) recommendation in terms of Section 171 of the Resource Management Act 1991 (the Act) on the Requirement to Alter the Designation (RM090645) for the State highway at Boyd Road on State Highway 6 near Queenstown.

The Council's recommendation was received on 9 February 2010.

Under section 172 of the Act, the requiring authority is now able to respond to the Council on whether or not its recommendation is accepted, or rejected, in whole or in part.

I therefore advise, pursuant to section 172 of the Act, that the Council's recommendation to confirm the Notice of Requirement to amend the designation for State highway purposes at Boyd Road on State Highway 6 subject to conditions is accepted in whole.

Please do not hesitate to contact me if you have any further queries on this matter.

Yours sincerely

Ian McCabe
Integrated Planning Manager – Otago/Southland

cc Opus International Consultants, Private Bag 1913, Dunedin 9054

Schedule 6- Council Recommendation, Decision and Plans for RM81075- Peninsula Road



QUEENSTOWN
LAKES DISTRICT
COUNCIL

DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	New Zealand Transport Agency
RM reference:	RM81075
Location:	The site incorporates land adjoining the State Highway 6 and Peninsula Road intersection.
Proposal:	The alteration to designation is required to facilitate improvements to the intersection and alignment of approximately 600m of road at the State Highway 6 and Peninsula Road intersection near Kelvin Heights. This is achieved by extending the boundary of the existing designation to encompass an additional 4,880m ² of adjoining land.
Type of Consent:	Notice of Requirement
Legal Description:	Lands comprising 1285m ² of Section 44 and Part Section 41 Block XII Coneburn Survey District (OT 5B/507) and 245m ² of Lot 3 Deposited Plan 382304 (OT 329128) and 1255m ² of Part Section 40 Block XII Coneburn Survey District and 45m ² of Part Section 45 Block XII Coneburn Survey District (both OT 5B/511), all owned by F S Mee Development Company Limited. The site also includes 2050m ² of Section 9 and 10 Part Reserve B Block 1 Coneburn Survey District Survey Office 314331 Crown Land LIPS 15162 owned by the Crown and administered by Land Information New Zealand.
Valuation Number:	2913100300
Zoning:	Rural General
Activity Status:	Notice of Requirement
Notification:	Notified
Commissioner:	Commissioner Taylor & Alfeld
Date:	3 July 2009
Decision:	Confirm the Notice of Requirement, subject to the imposition of conditions

UNDER THE RESOURCE MANAGEMENT ACT 1991

IN THE MATTER OF a Notice of Requirement by New Zealand Transport Agency, a Requiring Authority under section 167 of the Resource Management Act 1991, to alter the State Highway 6 and Peninsula Road intersection.

Date of hearing: 12 June 2009

Counsel for the Applicant: Ms C J Hewitt

Council File: RM 081075

**RECOMMENDATION BY QUEENSTOWN LAKES DISTRICT COUNCIL UNDER S 171(2)
OF THE RESOURCE MANAGEMENT ACT 1991
BY INDEPENDENT HEARINGS COMMISSIONERS
JANE TAYLOR AND LOU ALFELD**

1. The Proposal

On 3 July 2008, Transit New Zealand (Transit) issued a Notice of Requirement ("NOR") for an alteration to a designation pursuant to Section 181(3) of the Resource Management Act of 1991 ("the Act") required to facilitate improvements to the intersection and alignment of approximately 600m of road at the State Highway 6 and Peninsula Road intersection near Kelvin Heights, Queenstown.

The Applicant is a Crown entity created by the Land Transport Management Amendment Act 2008 ("LTMAA") on 1 August 2008. The LTMAA dissolved Transit and Land Transport New Zealand ("LTNZ") and established the New Zealand Transport Agency ("NZTA") to succeed both Transit and LTNZ. Accordingly, this Notice of Requirement (NOR) proceeds under the authority of NZTA ("the Applicant"), which replaces Transit as a requiring authority under the relevant Order in Council, notice or other instrument in effect immediately before 1 August 2008.

The NOR seeks to extend the boundary of the existing designation to encompass an additional 4,880m² of adjoining land. Specifically, the land comprises 1285m² of Section 44 and Part Section 41 BLK XII Coneburn SD (OT 5B/507) and 245m² of Lot 3 DP 382304 (OT 329128) and 1255m² of Part Section 40 BLK XII Coneburn SD and 45m² of Part Section 45 BLK XII Coneburn SD (both in OT 5B/511) and all owned by F S Mee Development Company Limited, and 2050m² of Section 9 and 10 Part Reserve B BLK I Coneburn SDSO 314331 Crown Land LIPS 15162 owned by the Crown and administered by Land Information New Zealand.

2. Process under the Resource Management Act 1991

At the time NZTA lodged the NOR it was anticipated that an agreement to the alteration of the designation would be reached with the owners of the neighbouring affected land, F S Mee Development Company Limited ("Mee Development"). Such agreement would have enabled the designation to be altered on a relatively informal basis as provided by section 181(3).

However, Mee Development has not agreed to the NOR. As a result, the proposal fails to meet s 181(3)(b) and the process for a new designation applies to the alteration in accordance with s 181(2).

As Mee Development has further alleged that the Territorial Authority does not have jurisdiction to consider this matter on the grounds that no agreement in relation to the land owned by the submitter has been reached with NZTA, we have set out the process applicable to our determination of this matter as required by the Act.

Section 169 provides that a Territorial Authority, in this case the Queenstown Lakes District Council ("QLDC"), must notify the NOR in accordance with s 93(2) (as has been done), following which QLDC must make a recommendation under s 171, which states:

171. Recommendation by Territorial Authority

- (1) When considering a requirement and any submissions received, a Territorial Authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to:
 - (a) Any relevant provisions of: -

- (i) A national policy statement;
 - (ii) A New Zealand coastal policy statement;
 - (iii) A regional policy statement or proposed regional policy statement;
 - (iv) A plan or proposed plan; and
- (b) Whether adequate consideration has been given to alternative sites, routs or methods of undertaking the work if: -
- (i) The Requiring Authority does not have an interest in the land sufficient for undertaking the work; or
 - (ii) It is likely that the work will have a significant adverse effect on the environment; and
- (c) Whether the work and designation are reasonably necessary for achieving the objectives of the Requiring Authority for which the designation is sought; and
- (d) Any other matter the Territorial Authority considers reasonably necessary in order to make a recommendation on the requirement.
- (2) The Territorial Authority may recommend to the Requiring Authority that it: -
- (a) Confirm the requirement;
 - (b) Modify the requirement;
 - (c) Impose conditions;
 - (d) Withdraw the requirement.
- (3) The Territorial Authority must give reasons for its recommendation under subsection (2).

Once QLDC has made its recommendation under s 171(2), which is the purpose of this hearing, the Requiring Authority (NZTA) must advise QLDC within 30 working days whether it accepts or rejects the recommendation in whole or part (s 172). Section 172(2) provides that a Requiring Authority may modify a requirement if, and only if that modification is recommended by the Territorial Authority or is not inconsistent with the requirement as notified. Section 172(3) provides that where a Requiring Authority rejects the recommendation in whole or in part, or modifies the requirement, the Authority shall give reasons for its decision.

Following the decision by the Requiring Authority under s 172, the Territorial Authority and any person who made a submission on the requirement may appeal the whole or any part of a decision of the Requiring Authority under s 174.

Accordingly, pursuant to s 171(1) this Commission must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to the matters contained in that section (s 171(i)(a) to (d)). The Commission may recommend to the Applicant that it confirm the requirement, modify the requirement, impose conditions or withdraw the requirement in accordance with s 171(2).

Outline Plans

Section 176A of the Act sets out the provisions in respect of outline plans. Subject to subsection (2), an outline plan of the public work, project or work to be constructed on designated land must be submitted by a Requiring Authority to the Territorial Authority to allow the Territorial Authority to request changes before construction is commenced. However, subsection (2) provides that an outline plan need not be submitted if, inter alia:

- (i) The proposed public work, project or work has been otherwise approved under this Act; or
- (ii) The details of the proposed public work, project or work are incorporated into the designation.

In this respect, we note that full details of the proposed work has been provided in respect of the intersection realignment and roadway upgrade, which is incorporated into the NOR: accordingly, the NOR meets the requirements of s 176A(2).

3. The Hearing

Prior to the hearing, we had the benefit of a comprehensive s 42A report from Lakes Environmental planner, Mr Aaron Burt (planner). Mr. Burt recommended in his report that pursuant to s 171(2)(a) of the Act, the NOR be confirmed.

Five submissions were received prior to the hearing as follows:

- (i) A submission in opposition to the application was received from F S Mee Development Company Ltd. alleging the lack of the Commission's jurisdiction over the NOR on the grounds that no agreement has been reached as

between the registered proprietor of the property to be designated (Mee Development) and NZTA. However, as previously discussed, the Act anticipates that landowners subject to an alteration to a designation may not agree with the alteration. In the absence of landowner approval, s 181(2) requires that ss 168 to 179 apply to the NOR, which has the effect of treating the application as a requirement for a new designation. Section 185 of the Act empowers the Environment Court to make an order allowing the requiring authority to obtain the land under the Public Works Act 1981 ("the PWA"). Therefore the issue raised by Mee Development is a PWA issue and is not therefore relevant to these proceedings under the Act.

- (ii) Mr Bill and Mrs Kirsty Sharpe lodged a submission in support of the NOR. Ms Sharpe spoke at the hearing and requested consideration be given to providing a roundabout in place of the proposed "T" intersection. She also requested that the Kawarau Falls Station temporary access road be allowed to remain open; that an additional lane for slow traffic be added; that a place for car parking near the intersection remain, and that native landscaping be retained to enhance the entrance to Kelvin Heights.
- (iii) Mr Ross Lawrence lodged a submission in support.
- (iv) The Kelvin Peninsula Community Association lodged a submission in support, requesting that a landscape plan be made available for comment by the KPCA and that details of the proposed design be made available.
- (v) Peninsula Road Limited lodged a late submission in support, which, following consideration of the relevant criteria, was accepted by the Commission pursuant to s 37A of the Act.

The Applicant was represented at the hearing by its legal counsel, Ms C J Hewitt, who called expert evidence from:

- Mr Nicolas Grant Rodger, an NZTA Project Manager and civil engineer. Mr Rodger's evidence described the need for the intersection upgrade and provided plans for the proposed works, detailing the necessity for the acquisition of the additional land beyond the current designation. He

discussed alternatives to the proposal and the reasons for rejecting them, the consultation process to date, and addressed issues raised by submitters.

- Ms Jane Clark Loten, a planner with Opus International Consultants Ltd. Ms Loten prepared the NOR, assessed environmental effects and undertook consultations with potentially affected parties. She also provided a proposed landscape plan.

The Commission was assisted at the hearing by Committee Secretary, Ms Ryan.

Prior to the hearing the Commission undertook a site visit to the property.

4. **The Notice of Requirement**

The NOR seeks to alter the existing designation to include an additional 4,880m² of land required to facilitate improvements to the intersection and alignment of approximately 600m of road at the State Highway 6 and Peninsula Road intersection near Kelvin Heights.

Ms Hewitt submitted that the intersection upgrade is necessary to provide for the safe operation of the roadway as traffic volumes increase. Mr Rodger gave evidence that the objectives of the NOR are to:

- Provide a safer driving environment for road users by increasing the sight distances along SH6 at the Peninsula Road intersection, decreasing the gradient of the road through this intersection and replacing the U-bend approach with a single radius curve leading to a standard 90 degree “tee” junction;
- Prevent the projected increase in the number of crashes at the Peninsula Road intersection due to the projected increase in traffic from both the adjacent Kawarau Falls Station development, and ongoing smaller-scale residential development on the peninsula;
- Contribute to the ongoing upgrading of SH6;

- Improve the safety and efficiency of the highway in this area.

5. **Assessment under s171(i)**

(a) Section 171(i)(a): Effects on the Environment and Relevant Provisions of Planning Documents

Ms Loten provided detailed evidence regarding the environmental effects of allowing the requirement, and concluded that not only will any adverse effects of the proposed realignment of the intersection be minor, but that substantial positive effects will result. She also recommended conditions be imposed on the NOR regarding the implementation of the Landscape Plan and the excavation of archaeological or koiwi remains to mitigate construction and landscape effects. We summarise her evidence briefly as follows:

Positive effects

Referring to Mr Rodger's evidence, the works will enable traffic to safely and efficiently use the intersection due to improved sight distances and road realignment.

Construction effects

NZTA standard conditions for construction ensure that all environmental effects will be safeguarded. A copy of the project specification and the standard environmental plan were tabled at the end of the hearing.

Effects on water resources

The distance from the Kawarau River (approximately 16m) and the presence of existing culverts for storm water discharge and the addition of no new discharges comply with the Otago Regional Council Regional Plan: Water (Rule 12.4.1.2). Contractor measures will prevent any sediment runoff and will replant bare soil.

Effects on vegetation

Some native plantings by the KPCA that adorn the entranceway will be removed. New native vegetation will be replanted in accordance with the Landscape Plan

provided by Ms Loten at the hearing. Further consultation with KPCA will ensure that the overall result is both appropriate and attractive.

Effects on landscape values

The Partially Operative District Plan classifies the land in the vicinity of the NOR to be an area of Outstanding Natural Landscape ("ONL"). However, the proposed works will barely encroach along the edge of the ONL, while the result of the works, including the extensive re-vegetation, will add to the amenity of the landscape.

Visual and amenity effects

Although the work will involve new cut and fill batters and the position of the intersection will change, the overall result will not substantially alter the existing topography. New landscape plantings will enhance the entry to Kelvin Heights.

Cultural significance

No archaeological sites are known in the vicinity. However, following consultation with KTKO Limited, Ms Loten recommended a condition be imposed on the NOR in the event that any archaeological or koiwi remains are uncovered during the construction process.

Local road, access and traffic effects

Due to the nature of the work, traffic movements will be affected throughout the duration of the upgrade. At times traffic may be reduced to a single lane. Access, however, will remain open at all times. Traffic management will comply with NZTA's Interim Code of Practice for Temporary Traffic Management to minimize disruption. Once work is complete, traffic safety and access will be greatly improved.

Statutory Planning Provisions

Ms Loten discussed the relevant provisions of the Otago Regional Policy Statement; the Partially Operative District Plan, together with other relevant planning documents; and Part 2 of the Act. We accept with her analysis and conclusion that confirmation of the NOR is consistent with the provisions of the relevant documents and that the NOR will achieve the purpose of the Act in terms of the Part 2 considerations.

Having assessed the evidence presented at the hearing, together with the evidence contained in Mr Burt's report, we are of the view that any adverse effects on the environment will be minor and that, on the contrary, there are substantial positive effects resulting from the increased safety of the intersection. In our view the NOR is consistent with the provisions of the relevant planning documents, subject to Part 2 of the Act (discussed further below). We have considered and accept the recommended conditions proposed by Ms Loten to mitigate construction and landscape effects.

(b) Section 171(i)(b): Consideration of alternative sites

Mr Rodger gave detailed evidence in relation to alternative engineering solutions, none of which were considered by NZTA to be either practical or economical. We accept Ms Hewitt's submission that the Commission must satisfy itself in relation to the process undertaken by NZTA to consideration of alternative sites; it is not the function of the Commission to determine which alternative design might be the most desirable (the substantive decision). The evidence presented at the hearing by Mr Rodger has satisfied us in relation the requirements of s 171(b)(i), noting that section 171(b)(ii) is not relevant as we have determined that the work will not have a significant adverse effect on the environment.

(c) Section 171(i)(c): Whether the work and designation are reasonably necessary for achieving the objectives of the Requiring Authority for which the designation is sought

Both Mr Rodger and Ms Loten gave evidence as to the necessity of the proposed upgrade. Projected growth of traffic along State Highway 6 and to and from Kelvin Heights raises heightened risks of accident and injury. Although traffic accident data does not currently show this intersection as an overly dangerous location, it is clear that vehicles must take extra care when exiting Peninsula Road onto the State Highway, especially when travelling south. Large vehicles, such as buses and long trucks, are frequently obliged to cross into the oncoming lane when making the right-hand turn.

We are satisfied that, on the evidence presented, the existing intersection is operating at close to maximum capacity and will not be able to service the forecast

growth. In addition, the peak evening traffic during the ski season already poses a considerable hazard at this location on the roadway.

Having heard the evidence, we are satisfied that the Applicant has demonstrated that the work is reasonably necessary, if not essential, for achieving the objectives of the Requiring Authority in this area. The Applicant is taking a responsible approach to its obligation to ensure that safe and efficient traffic flows will accommodate future growth in this area.

- (d) Section 171(i)(d): Any other matters that are considered reasonably necessary in order to make a recommendation on the requirement

There are no other matters which the Commission consider to be reasonably necessary to make a recommendation on the NOR.

6. **Part 2 of the Act**

Both Ms Loten and Ms Hewitt have addressed the relevant Part 2 matters, acknowledging that consideration of the designation is subject to Part 2 of the Act in accordance with s 171. Ms Hewitt submitted that the designation does not offend any of the three "environmental bottom lines" contained in s 5, while it will enable the Applicant to achieve its statutory duties to protect and maintain the physical resource that is the State Highway.

Section 6 of the Act requires that Outstanding Natural Landscapes are protected from inappropriate use and development. The evidence of Ms Loten concluded that the proposed work is appropriate for the purposes of 6(a) because the natural character of the Kawarau River and its margins will be preserved; and for the purposes of 6(b) because the road already exists and the works are very small scale in the context of the adjoining ONL.

Section 7 requires consideration of amenity values and the quality of the environment. Again, we are satisfied that appropriate conditions that address the amenity values and the quality of the environment are both necessary and potentially effective.

In his report, Mr Burt considers that confirming the NOR would: "... provide for the continued management, use, development, and protection of the state highway resource, enabling the community to provide for its social, economic and cultural wellbeing, health and safety, within limited environmental consequences". Accordingly, we consider the proposed designation is consistent with Part 2 of the Act in that it will promote sustainable management of natural and physical resources.

7. Summary

In summary, having regard to the provisions of s 171 and the evidence presented at the hearing, we have reached a conclusion in accordance with s 171(2) that for the reasons explained above the NOR will promote sustainable management and should be confirmed subject to the imposition of the recommended conditions.

Accordingly, we **CONFIRM** the Notice of Requirement, subject to the imposition of the following conditions:

- That the activity be carried out in accordance with the application and plans submitted, with the exception of the amendments required by the following conditions of consent.
- NZTA shall implement the Landscape Plan attached as Appendix One to this decision (supplied by Ms Loten and contained as appendix 1 to her evidence).
- If koiwi (human skeletal remains), waahi taoka (resource or object of importance), waahi tapu (place or feature of special significance) or other artefact materials are discovered, work shall stop, allowing for a site inspection by the appropriate Rūnaka and their advisors. These people will determine if the discovery is likely to be extensive and whether a thorough site investigation will be required. Materials discovered should be handled and removed by takata whenua who possess knowledge of tikanga (protocol) appropriate to their removal or preservation.

Dated at Queenstown this 3rd day of July 2009

Jane Taylor and Lou Alfeld
Hearings Commissioners

QUEENSTOWN LAKES DISTRICT COUNCIL

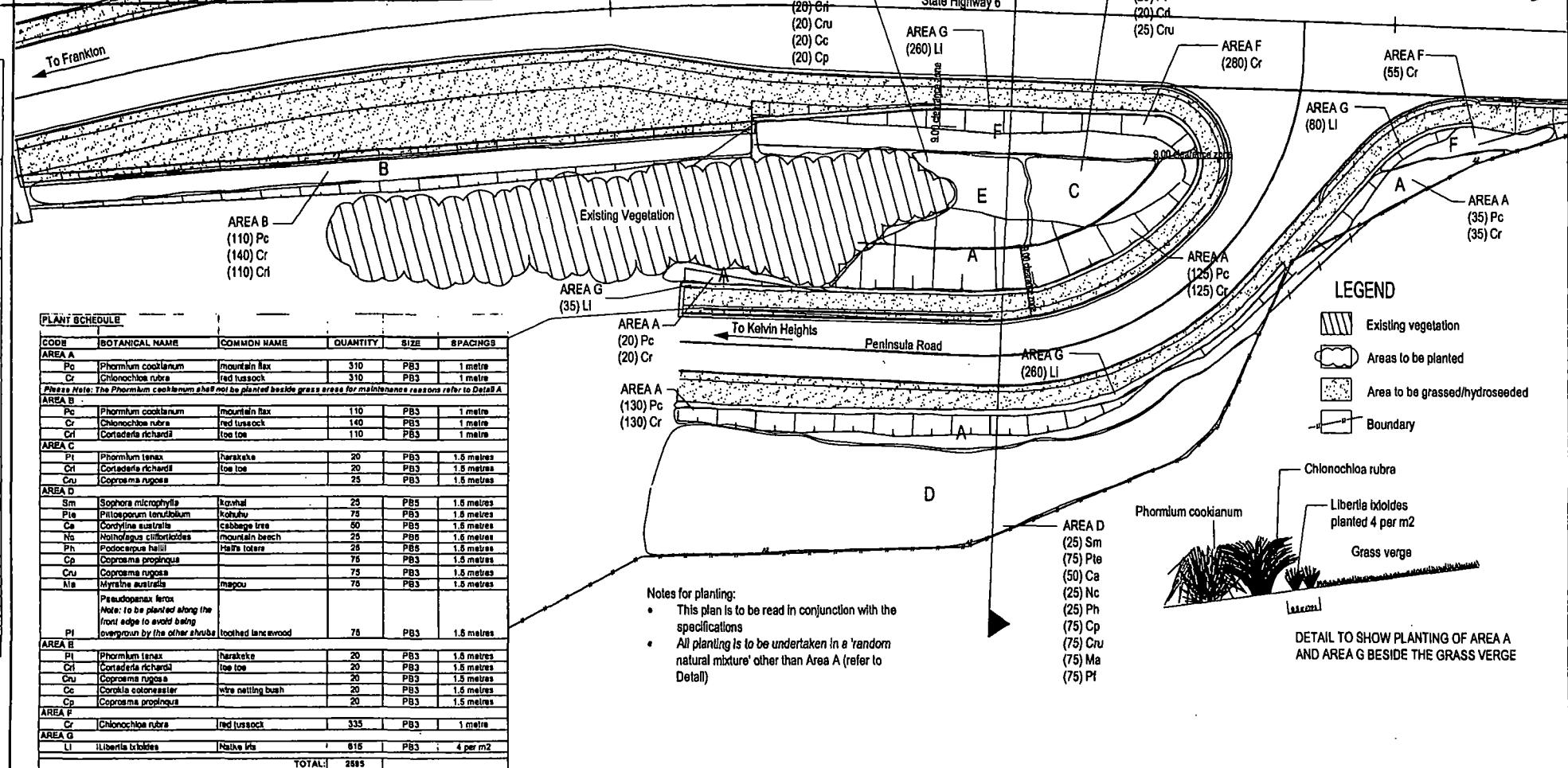
APPROVED PLANS: RM 081075

3.7.09

Date

Biffle

HL



- This plan is to be read in conjunction with the specifications
 • All planting is to be undertaken in a 'random natural mixture' other than Area A (refer to Detail)

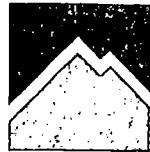
BY	CHECKED	DATE
DESIGN	S. Scott	D. McKenzie
DRAFFY	S. Scott	D. McKenzie
APPROVED	3/6/09	
Amendments to the plan made after compilation		
AMENDMENT		
DATE		

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REGION 13 SH 6 RS 986 RP 986/2.20 - RP 986 2.80 PENINSULA ROAD INTERSECTION IMPROVEMENTS			
LANDSCAPE PLAN			
STATUS	FINAL	FILE	6x158.01
50 @ A1 1:500	3/6/09	FEATURE IDENTIFIER	7/50/54
CODE	FILE DATE	CODE	5705
REVISION		Sheet	1
R1			

**Schedule 7- Council Recommendation, Decision and Plans for RM040909 and
RM090555- Nevis Bluff**



QUEENSTOWN LAKES DISTRICT COUNCIL

File: RM040909

4 November 2004

Transit New Zealand
C/- Opus International
Private Bag 1913
DUNEDIN

Attn: David Campbell

Dear David

DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL
FOR ALTERATION TO A DESIGNATION
PURSUANT TO SECTION 181 OF THE
RESOURCE MANAGEMENT ACT 1991 – RM040909

I refer to your notice of requirement for an alteration to an existing designation under Section 181 of the Resource Management Act 1991. The request was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 4 November 2004. This decision was made and its issue authorised by Jane Sinclair, Independent Commissioner, as delegate for the Council.

The Proposal

Transit New Zealand require an extension to the boundaries of the existing Designation 84 for State Highway 6 located at Nevis Bluff, Kawarau Gorge under the Partially Operative District Plan. The alteration to the existing designation is necessary for Transit New Zealand in that it incorporates land in which work is required to stabilise the Nevis Bluff to ensure safe and efficient operation of the State Highway. Similar work is currently being carried out within the existing designation.

The stabilisation works will involve the removal of rock from the bluff face by means of blasting and sluicing. Resource Consent approval is currently been sought to dispose of the debris material on land at Wentworth Station, located approximately 2 km from the Nevis Bluff, (refer to RM040908).

No references remain outstanding on Designation 84, and as such the provisions of the Partially Operative District Plan can be afforded full weight in considering this proposal.

Site Description

The land area proposed for the designation alteration immediately adjoins the State Highway designation 84 located at the Nevis Bluff, Kawarau Gorge. The land area to be designated is described as Sec 1 SO 328697 being that portion of Part Section 4 SO 24743 (CT OT2528). The subject site is 5.073 hectares in area.

A section of State Highway 6 runs through a narrow stretch of the Kawarau Gorge, above which is situated the Nevis Bluff which incorporates the subject site proposed for the designation alteration.

Nevis Bluff is approximately 120m high and rises at an angle of 70° immediately above State Highway 6. The face is a highly fractured rocky outcrop which has a history of material collapsing onto the State Highway below.

Nature of Proposed Work

The proposed stabilisation works will involve the removal of any unstable rock features from the bluff face that potentially threaten the safe and efficient operation of State Highway 6 below.

Rock will be removed from the Nevis Bluff through various techniques including:

- Scaling and trimming of smaller loose rocks from the rock face;
- Blasting of rock from the face by placing explosives into predrilled cavities;
- Sluicing of the rock face following blasting to wash off any loose material. This is usually achieved by releasing water from a monsoon bucket suspended beneath a helicopter.

Stabilisation works also involve methods to retain rock on the face of the bluff, these include:

- Drilling of drain holes and general drainage works to reduce the amount of water on the face and to lower groundwater levels;
- Application of Shotcrete in conjunction with mesh reinforcement, bolts and plates. This will assist in preserving rock structure.
- Attaching bolts and anchors to hold rock in place.
- Draping of mesh and cable nets to prevent small rock falls bouncing out on to the State Highway.
- Benching of the slope in order to catch and retain small rockfalls. Benching will require an application to be made for an outline plan approval;
- Construct of fences and walls to retain smaller rock falls. Future structures will require an application to be made for an outline plan approval.

Work on the Nevis Bluff is likely to require helicopter assistance. Helicopters are to be used for inspections of the bluff, the placement of explosives, sluicing and to provide necessary access. Helicopter operational hours have been proposed on an intermittent basis between the hours of 7:00am and 6:00pm.

Vehicle access is provided to the top of the bluff via an existing track.

Statutory Requirements

Section 181 of the Resource Management Act 1991 enables a requiring authority that is responsible for a designation to alter an existing designation. Section 181(3) sets out the manner in which an alteration to a designation may be considered, as follows:

(3) *A territorial authority may at any time alter a designation in its district plan or a requirement in its proposed district plan if –*

(a) *the alteration –*

(i) *involves no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned; or*

- (ii) involves only minor changes or adjustments to the boundaries of the designation or requirement; and
- (b) written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and
- (c) both the territorial authority and the requiring authority agree with the alteration – and sections 168 to 179 shall not apply to any such alteration.

State Highway 6 is designated under the Proposed District Plan for 'State Highway purposes' (Ref: Designation number 84). The authority responsible for the designation is Transit New Zealand. The designation is not subject to any specific conditions.

It is agreed under section 181 (3)(a)(i) that the proposal involves only minor changes to the effects on environment which are outlined in the following section 'Change to Effects on the Environment'.

As per requirement of section 181(3) (a) (ii) the proposal constitutes a more than minor change to the existing designation boundary as the alteration is to incorporate an additional 5.073 hectares to the existing State Highway designation.

Transit New Zealand is the only directly affected party of the land proposed to be altered under the designation. Transit New Zealand agree to the alteration of the designation, which constitutes the requirement under section 181(3)(b).

It is accepted by the Queenstown Lakes District Council (territorial authority) that the proposed alterations fall within the purpose of the designation and are being undertaken by the requiring authority responsible for this designation.

Change to Effects on the Environment

An Assessment of Environmental Effects (AEE) prepared by Opus International Consultants submitted with the application identifies a number of potential effects on the environment as follows:

- 1) Landscape and visual effects;
- 2) Effects on amenity,
- 3) Traffic effects,
- 4) Cultural effects,
- 5) Effects on people and communities.

Landscape and Visual effects

The proposed stabilisation works will potentially have a minor effect on the natural character and natural features of the Nevis Bluff.

The bluff is visible from the State Highway where the majority of people view it from. The bluff is also visible from the Gibbston Back Road and Coal Pit Road to the west.

The AEE addresses the potential effects on the landscape and visual amenity that will occur when stabilisation works are carried out. The operation of machinery required for stabilisation will be short in duration and temporary in nature. Any effect caused by the removal of rock will be little different than what may occur naturally. The bluff has been highly modified since the construction of the highway from both natural rock fall and stabilisation works. Stabilisation works requiring the placement of materials such as Shotcrete, anchors, bolts and mesh will alter the visual appearance of the bluff. These materials will not be visible from a distance.

Any further proposed stabilisation works such as the construction of fences, walls and benching will impact more significantly on the visual amenity of the bluff. And an outline plan approval will be required.

Effects on Amenity

The AEE addresses the adverse amenity effects that may be experienced in terms of noise, vibration and dust. These effects would result from the operation of earth moving machinery, drilling and helicopter take-offs and landings. Proposed mitigation measures submitted with the application include that noise and vibration outputs will comply with the New Zealand Standards NZS 4403:1976 (vibration) and NZS 6803:1999 (Acoustics – Construction Noise) for the operation of earthmoving machinery and blasting activity. The proposal states that when blasting work is required there will only be one blast per day. A siren will warn locals in the vicinity before each blast. Noise and vibration works being carried out will be short term in duration and temporary.

Dust nuisance may result from blasting and removal of debris. Material blasted from the site is to be transported to a debris disposal area. The debris is comprised of mainly rock which will result in minimal dust content.

Any potential adverse effects of noise, vibration or dust are considered to be less than minor.

Traffic effects

Stabilisation works will require the temporary closer of the state highway for periods of blasting and debris removal. Localised traffic control will be required and will comply with Transit New Zealand's "*Interim Code of Practice for Temporary Traffic Management*". Observance of this code of practice will mitigate any potential adverse effects on road safety.

Cultural effects

Kai Tahu ki Otago was consulted on this proposal when Transit New Zealand was seeking resource consent from the Otago Regional Council during previous works. Kai Tahu ki Otago are not considered a directly affected party to the designation alteration. Pursuant to section 181(3) (b) of the RMA written approval for the proposed designation alteration is not required from Kai Tahu ki Otago.

Effects on people and communities

Public notice will be provided and local landowners and occupiers in the area will be advised of road closures. A warning blast will be given to warn the locals in the area of blasting activity. A sentry guard/spotter will identify river users in the immediate vicinity. Blasting will be delayed if river users are identified.

State Highway 6 is the main road link into and out of Queenstown. The economic, social and cultural wellbeing of Queenstown depends on the safe and efficient operation of the State Highway. The proposed stabilisation works will provide reassurance to the local community.

Change to boundaries

The extent of the alteration and changes being proposed to the State Highway designation is shown on the land plan submitted with the application. The area of land to be designated is described as Sec 1 SO 328697. In total the proposed alteration requires 5.073 hectares of additional land which immediately adjoins the existing State Highway designation.

The size and scale of the proposed boundary adjustment to State Highway 6 at the Nevis Bluff will result in a more than minor change to designation boundary. Section 181(3)(a)(ii) of the RMA is therefore not met. However, it is only necessary to meet one limb of section 181(3)(a) (i) or (ii).

Written Approval

In April 2004 the land area to be designated was transferred from the Department of Conservation to Transit New Zealand. The agreement for the transfer of land was submitted with the application. Pursuant to section 181(3) (b) of the RMA, no other land owners or occupiers are considered directly affected by the designation alteration.

Agreement of Territorial Authority

In order for an alteration to an existing designation to be processed without the formal notification procedure set out under Sections 168 to 179, the Territorial Authority (Queenstown Lakes District Council) must first consider whether it agrees to the proposed alteration.

There are guidelines under the Resource Management Act on what matters are relevant for the territorial authority to base this decision. This is interpreted to mean that the Territorial Authority is satisfied that the proposal can pass each of the above requirements relating to effects on the environment and the acquisition of approvals. Section 181 (3) (a) (ii) of the RMA has not been met in relation to boundary adjustments, however it is deemed only necessary for the requiring authority to meet one limb of this section.

The effects of the boundary adjustment to Designation 84, State Highway 6 located at the Nevis Bluff, are considered to be more than minor due to the size and scale of the area proposed for the designation. Alteration of the designation boundaries will allow Transit New Zealand to undertake necessary maintenance work to ensure the safe and efficient operation of State Highway 6. The proposed work falls within the designation provisions and the effects are considered minor. There are no parties considered directly affected in terms of requiring written approval.

Accordingly the Queenstown Lakes District Council accepts the alteration to the designation as outlined in the application.

Decision

It is considered that the proposed alteration of the State Highway 6 designation including all of that work described within the Notice of Requirement prepared by Opus International Consultants (dated September 2004) as well as the subsequent letter (dated 28 October 2004) meets the prescribed tests of section 181(3), and accordingly the provisions of sections 168-179 of the Resource Management Act 1991 do not apply. It is accepted that the designation can be amended accordingly.

Other Matters

The consent holder is advised that if the construction of fences, walls and the benching of slopes is necessary, an application will be required for outline plan approval.

The costs of processing the request are currently being assessed and you will be advised under separate cover whether further money is required or whether a refund is owing to you.

This approval is not a consent to build under the Building Act 1991. A consent under this Act must be obtained before construction can begin.

If you have any enquiries please contact Karen Hanson on (03) 442 4969.

Prepared by
CIVICCORP

Karen Hanson
PLANNER

Reviewed and Approved by
CIVICCORP

Andrew Henderson
PRINCIPAL: RESOURCE MANAGEMENT

Karen Hanson

From: David Campbell [David.W.Campbell@opus.co.nz]
Sent: Thursday, 28 October 2004 11:55
To: Karen Hanson
Subject: RM040909 - TNZ designation - Nevis Bluff

Hi Karen,

I apologise for the cross referencing not relating, so here is what the relevant sentences should read:

- page 6, Section 7 Consultation: Section 1.5 should read Section 1.2
- page 10, Section 10.4.2 Noise and vibration, third paragraph: Section 4.2.2 should read Section 2.2.
- page 11, Section 10.6 Cultural Values, third paragraph: Section 4.2.2.3 shoudl read Sections 1.2 and 7.

I hope this clarifies matters for you.

regards

David Campbell
Senior Resource Management Planner
Opus International Consultants Limited

Philip Laing House
144 Rattray Street
Private Bag 1913
DUNEDIN
www.opus.co.nz

DDI: (03) 474 8965
Fax: (03) 474 8995
Cell: 027 450 9606
Email: david.w.campbell@opus.co.nz

In reply please quote
File Ref: RM040909

Civic Corporation Limited
Private Bag 50077,
CivicCorp House, 74 Shotover Street
Queenstown, New Zealand
Tel. 64-3-442 4777
Fax. 64-3-442 4778
e-mail: enquiries@civiccorp.co.nz
site: <http://www.civiccorp.co.nz>

5 October 2004

Transit New Zealand
C/- Opus International Consultants
Private Bag 1913
DUNEDIN

Dear Sir or Madam

RESOURCE CONSENT APPLICATION

**DESIGNATION ALTERATION LOCATED ON STATE HIGHWAY 6, GIBBSTON HIGHWAY,
GIBBSTON**

I acknowledge receipt of your application for resource consent under Section 88 of the Resource Management Act 1991.

The application has been allocated the number RM040909 and it is requested that you use this number as a reference when corresponding on this matter. This application has been allocated to:

Karen Hanson
DDI: 442 4969
Email: karen.hanson@civiccorp.co.nz

This Planner will be in contact with you in due course.

The amount charged for processing this application is a deposit fee only. You may be charged further than the deposit depending on the costs incurred by CivicCorp in processing this application. Monthly invoices will be issued throughout the consent process.

Please also be aware that your proposal may result in a requirement for development contribution payments to Council where further demand on Council infrastructure is identified. For further information on development contributions, please contact the planner processing your application.

We will ensure at all times that your application is processed as quickly as possible.

Yours faithfully
CIVICCORP

Katherine Ashton
CONSENTS OFFICER

PLANNING CIRCULATION

Resource consent number: RM _____

Description of activity: _____

_____Location: _____

- NO CIRCULATION REQUIRED**
- CIRCULATION REQUIRED**

External Letters

- MAC Property Services
- Imtech
- LCS
- Robertson Valuations
- DLR
- MSA

Internal Memos

- Engineering
- Policy
- Landscape Architects
- Environmental Health

Planner Only

- Is the site/activity within or adjacent to an area of
Statutory Acknowledgment/Nohoanga or Topuni Y N
- Has Ngai Tahu/Kai Tahu been consulted by applicant Y N
- Does the site/ activity involve waterway issues Y N
Has a report been commissioned from the Maritime
Safety Authority (Section 395) (refer above) Y N
- Does the property front a State Highway ? Y N
Is there a potential impact on the State Highway Y N
Has Transit NZ approval been sought by applicant? Y N
- Arrowtown Residential/ Commercial Heritage zones
Adjacent/ in close proximity to zone Y N
Arrowtown Planning Group contacted/ meeting
arranged

- Registered HPT or registered OIIC item/precinct/zone Y N
- Adjacent/ in close proximity to item Y N
- Has Historic Places Trust consent been sought/obtained by applicant? Y N
- Wakanipu Advisory Group contact/meeting arranged Y N
- Does the activity involve:
 - Large scale earthworks;
 - Ground disturbance of Areas developed pre 1900
 - Archaeological sites
 - Unregistered sites or buildings of heritage interest
 - Historic Place Trust consent sought/obtained

Other

- | | | | |
|--------------------------|------------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | Council Consent as Landowner | <input type="checkbox"/> | DOC |
| <input type="checkbox"/> | Harbourmaster | <input type="checkbox"/> | Circulate geotech report to Council |
| <input type="checkbox"/> | Fish & Game | | |
-

NOTES

Site Visit Checklist of Potential Effects: *

Site Address: _____

Planner: _____ Date: _____

EFFECT	YES / NO	COMMENTS
Land, Flora and Fauna		
Trees		
Vegetation		
Fauna		
Landform		
Waterbodies		
Vantage (trees / volcanic cones)		
Groundwater		
Infrastructure		
Run-off		
Capacity		
Flooding		
Pollution		
People and Built Form		
Shadowing		
Privacy		
Dominance		
Character		
Amenity		
Views		
Streetscape		
Heritage (structures)		
Cultural Values		
Socio-economic		
Smell		
Noise		
Dust		
Air discharges		
Vibration		
Soil Stability		
Traffic Generation & Vehicle Movements		
On-Street Parking		
Driver Safety		
Pedestrian Safety		
Traffic Generation		
Roading Capacity		
Noise		
Vehicle Movements		

"MEASURES OF "EFFECT"

In assessing the extent or scale of effects - (*minor, > minor, nil*), consider the following :

- Any positive or negative effects.
- Any past, present, or future effects.
- Duration of effects (*short-term/ temporary (e.g during construction); medium-term (e.g prior to landscaping becoming fully established); and long-term/permanent.)*)
- Frequency of effects (*e.g "one-off", intermittent/ sporadic, continuous.)*
- Degree of Probability (*including any potential effect of high probability; and any potential effect of low probability which has a high potential impact.)*
- Cumulative effect (arising over time or in combination with other effects.)

Further Comments on Potential Adverse Effects:

Adversely Affected Persons:



QUEENSTOWN
LAKES DISTRICT
COUNCIL



PROPERTY INQUIRY

Occupier: DEPARTMENT OF CONSERVATION:
P O BOX 27 ALEXANDRA

Property Location: GIBBSTON HIGHWAY, GIBBSTON

Queenstown Area
Date Prepared: 4/10/04

Assessment Number: 2907203201

Cadastral information derived from the Land Information New Zealand's Digital Cadastral Database (DCDB). CROWN COPYRIGHT RESERVED.

26

30

markables
area Subzone
39A

71A

72A

●

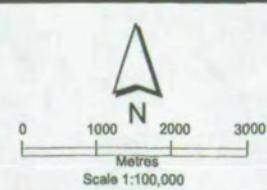
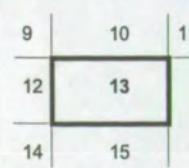
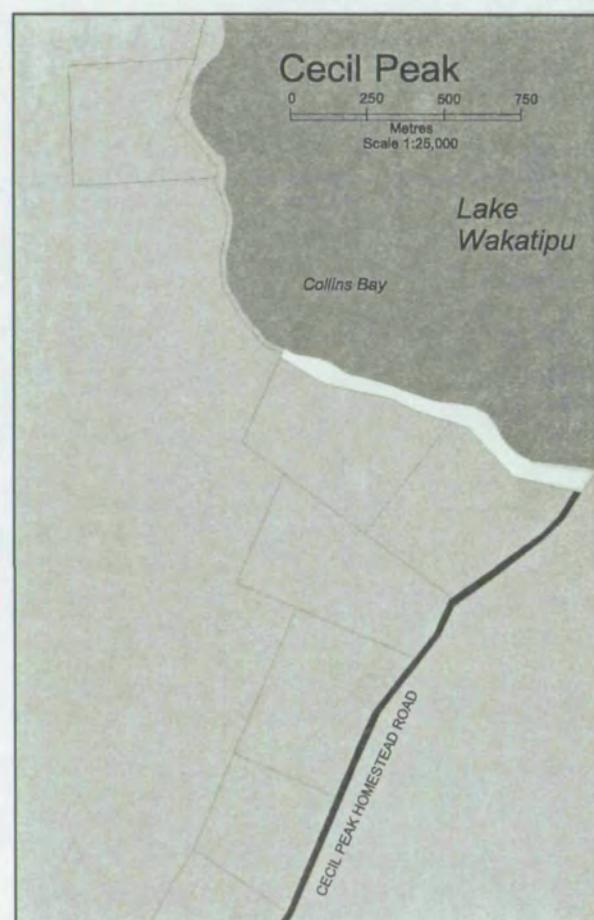
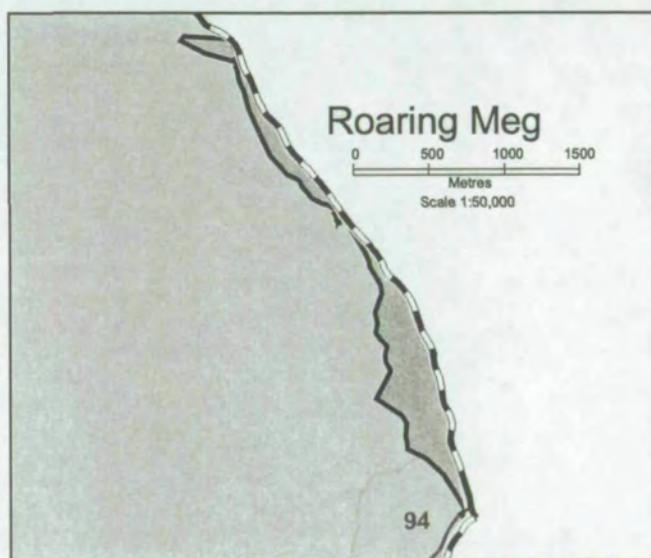
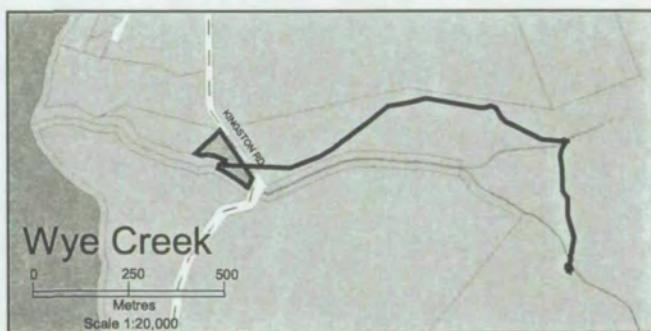
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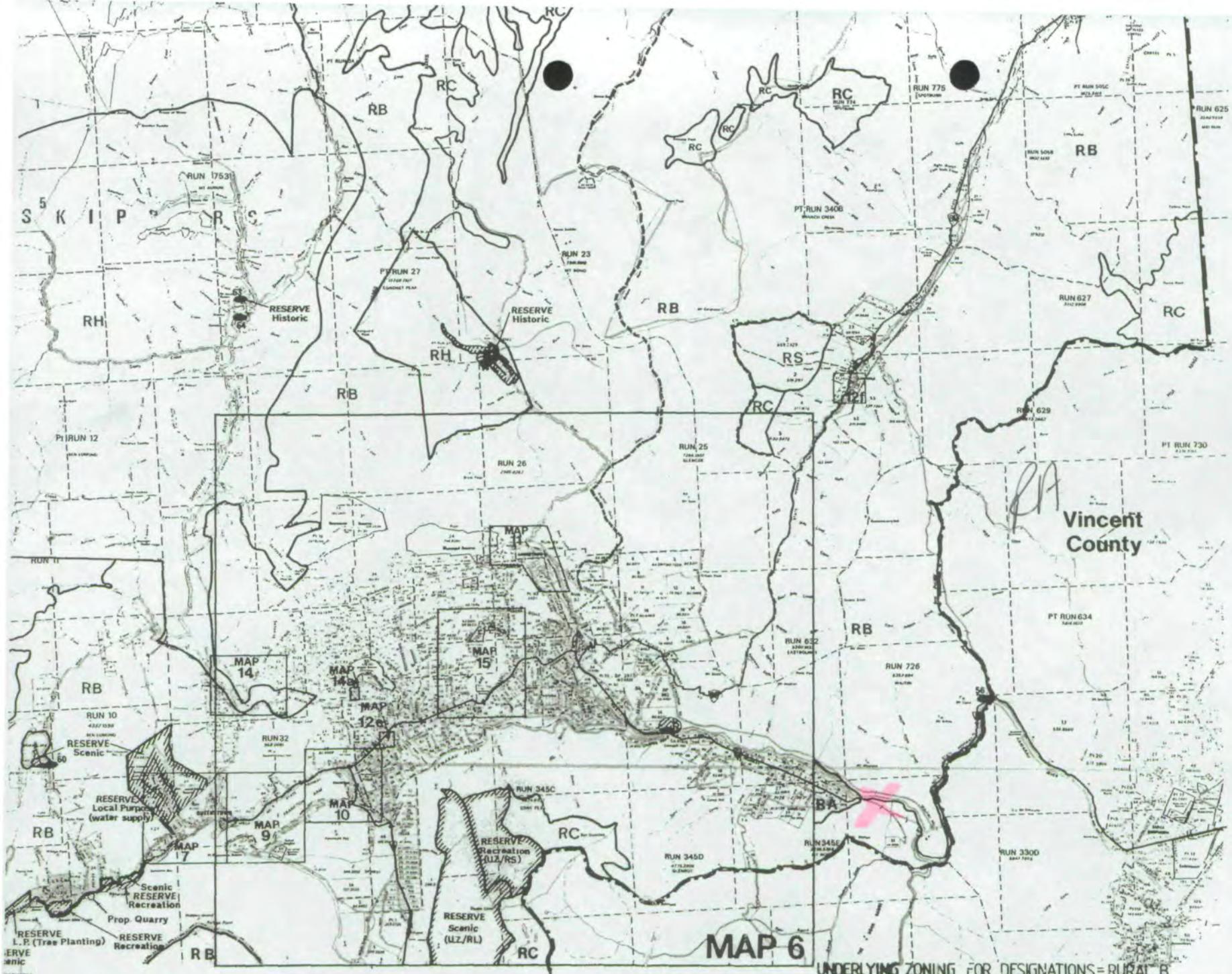


CENTRAL OTAGO DISTRICT



Gibbston Valley
Cecil Peak (Inset)
Wye Creek (Inset)

13



COMMERCIAL 1	CI	COMMERCIAL
COMMERCIAL 2	C2	COMMERCIAL
COMMERCIAL 3	C3	COMMERCIAL
INDUSTRIAL 1	IN1	TOURIST DEVELOP.
INDUSTRIAL 2	IN2	

Scale 1: 300 000

2 1 0 2 4 5



3

Location Diagram

Map reproduced by permission of the Dept. of

AMENDED: June 1982.

SHOTOVER

OPERATIVE DATE:

Notice of Requirement



PLANNING CHECKLIST

Resource consent

Certificate of Compliance

Site address: SH6 - Nevils Bluff Date: 4/10/04

Checking Planner B McCall Ok to receipt

Further Info required

Time taken

Zone: RGN

	Yes	No	N/A
Form details completed and signed (Form 5 or equivalent)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Application Fee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Certificate of Title (current) (Check for Covenants or Encumbrances –copy to be provided with application)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Assessment of Effects (required by the 4 th Schedule) commensurate in detail with the application	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Description of Proposal Explaining the application and specifying the exact matter(s) for which consent is sought and quantifying of degree of non-compliance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plans (2x scale copies plus 1x A4)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scale (Standard scales being 1:50 or 1:100 or 1:200)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Site Plan	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
Earthworks	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
Water supply (if not connecting to main water lines)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Effluent Disposal (If not connecting to Sewage lines)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Elevations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Certificate by a registered architect/surveyor stating That ground levels shown are those at 10 October 1995 (if issue relates to height and it is within 0.5m or above)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floor Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Landscape Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Photographs (secondhand dwellings/relocatables)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Affected persons Approval	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Form filled out/Plans signed (Clear signatures on the plans, with printed name)			



QUEENSTOWN
LAKES DISTRICT
COUNCIL

DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	NZ Transport Agency
RM reference:	RM090555
Location:	Foot of Mount Mason on the south side of State Highway 6 in the Gibbston Valley
Proposal:	To alter Designation 84 to include 6.45 hectares for Nevis Bluff control works, which includes access and as a future deposition area for cleanfill.
Type of Consent:	Alteration to Designation
Legal Description:	Section 1, SO 400378
Valuation Number:	N/A
Zoning:	Rural General Zone
Activity Status:	N/A
Notification:	Non-notified
Commissioner:	Commissioner Sinclair
Date:	9 September 2009
Decision:	Granted

I refer to your requirement under section 181 of the Resource Management Act 1991 to alter Designation 84 to increase the amount of land included within the Designation, by approximately 6 hectares, at the foot of Mount Mason on the south side of State Highway 6 in the Gibbston Valley. The application was considered under delegated authority pursuant to section 34 of the Resource Management Act 1991 on 8 September 2009. This decision was made and its issue authorised by Jane Sinclair, Independent Commissioner, as delegate for the Council.

The subject site is situated at the foot of Mount Mason, in the Gibbston Valley and is legally described as Section 1, SO 400378.

Under the Partially Operative District Plan the site subject to Designation 84 is designated for State Highway Purposes. The authority responsible for the designation is the NZ Transport Agency (previously Transit New Zealand). The subject site is currently zoned Rural General and is part of a landscape that has been identified as an Outstanding Natural Landscape on the District Planning Maps.

Section 181 of the Resource Management Act 1991 establishes the procedure for altering a designation. Section 181(3) of the Act states:

"A territorial authority may at any time alter a designation in its district plan if –

- (a) *The alteration –*
 - (i) *Involves no more than a minor change to the effects on the environment associated with the use of land or any water concerned; or*
 - (ii) *Involves only minor changes or adjustments to the boundary of the designation; and*
- (b) *Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers who agree with the alteration and*
- (c) *Both the territorial authority and the requiring authority agree with the alteration –*

And sections 168 to 179 shall not apply to any such change."

Proposal

The NZ Transport Agency (NZTA) has acquired the land subject to this Alteration through Section 20(1) of the Public Works Act 1981. The purpose of the acquisition was to ensure surety of access to the Nevis Bluff for control works. The NZTA now wishes to alter the boundaries of the Designation, by a minor amount for the purposes of roading, to allow it to more efficiently carry out protection works in order to maintain the safe and efficient operation of the State Highway in the vicinity of Nevis Bluff. The proposed use of the site is to provide access to the Nevis Bluff and as a future deposition area for cleanfill. When it is intended to use the site for cleanfill purposes an Outline Plan will be submitted for approval. At this time conditions may be recommended in relation to the cleanfill. Currently, monitoring and control works are carried out on the Nevis Bluff on both a scheduled basis and occasionally due to emergency dislodgements. The ability to quickly and efficiently organise works from a nearby site and deposit material is necessary for the NZTA to fulfil its statutory obligations. This alteration to the designation will enable a site for the future deposition of cleanfill close to the Nevis Bluff.

The current designation is subject to the conditions listed under A 'Roads,' on pages A1-15 and A1-16 of the Partially Operative District Plan. No changes to the conditions in this part of the District Plan are required as a result of this Alteration.

Recommendation

Pursuant to section 181(3) of the Resource Management Act 1991 the alterations to Designation 84 as outlined below are ACCEPTED.

1. The size of Designation 84 is increased by approximately 6.4510 ha as shown on Site Plan A, stamped as approved on 9 September 2009.
2. The site legal description for Designation 84 in Appendix 1 of the Partially Operative District Plan is amended to include:

Section 1, SO 400378.

Reasons for Recommendation

Landscape Amenity

The site is triangular in shape and consists of 6.45 ha in area. It is currently covered in scrubby bush with sporadic rock outcrops. Access to the site is obtained from the State Highway and a farm track which is used for the Nevis Bluff control works zigzags up the north face of Mount Mason. This is the only permanent and visible man made feature on the subject site at the moment. No other permanent works are currently proposed. An application for outline plan approval will be applied for prior to the use of the site for a cleanfill. At the moment the likely size of the cleanfill operation is not known. An assessment of effects and conditions relating to landscaping and the operation of the cleanfill can be imposed at the time of outline plan approval.

Ecological Values

Ecologist Neil Simpson has identified that the subject site contains no vegetation of significance.

Heritage Values

The applicant has undertaken a review of the NZ Historic Places Trust database, which has no identified archaeological sites within the subject site. The NZ Archaeological Association has also been contacted who have also advised that there are no known sites in the immediate vicinity. The applicant is aware of their obligations under the Historic Places Act if material is found during works on the site.

Traffic

The applicant has advised that control works for Nevis Bluff usually occur only twice a year, and as such access will remain low volume. Any vehicle movements associated with emergency dislodgments will be minimal. No upgrade is required to the existing access at this stage and if an upgrade is required in the future, it will be subject to the outline plan process. The site is some 120m from Nevis Bluff which will reduce the travel times for heavy vehicles, thus reducing demands on the Highway. As such, it is considered that there will be no adverse effects in terms of traffic movements.

Affected Parties

The two adjoining landowners (DOC and Antimony Investments Limited) have provided written consent to the proposal. No other parties are considered to be affected by the alteration to the designation.

Conclusion

Overall, the adverse effects on the environment of the activity for which consent is sought will be de minimus.

Other Matters

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

Please contact the Council when the conditions have been met or if you have any queries with regard to the monitoring of your consent.

If you have any enquiries please contact Charlene Kowalski on phone (03) 450 0367 or email charlene.kowalski@lakesenv.co.nz.

Prepared by
LAKES ENVIRONMENTAL

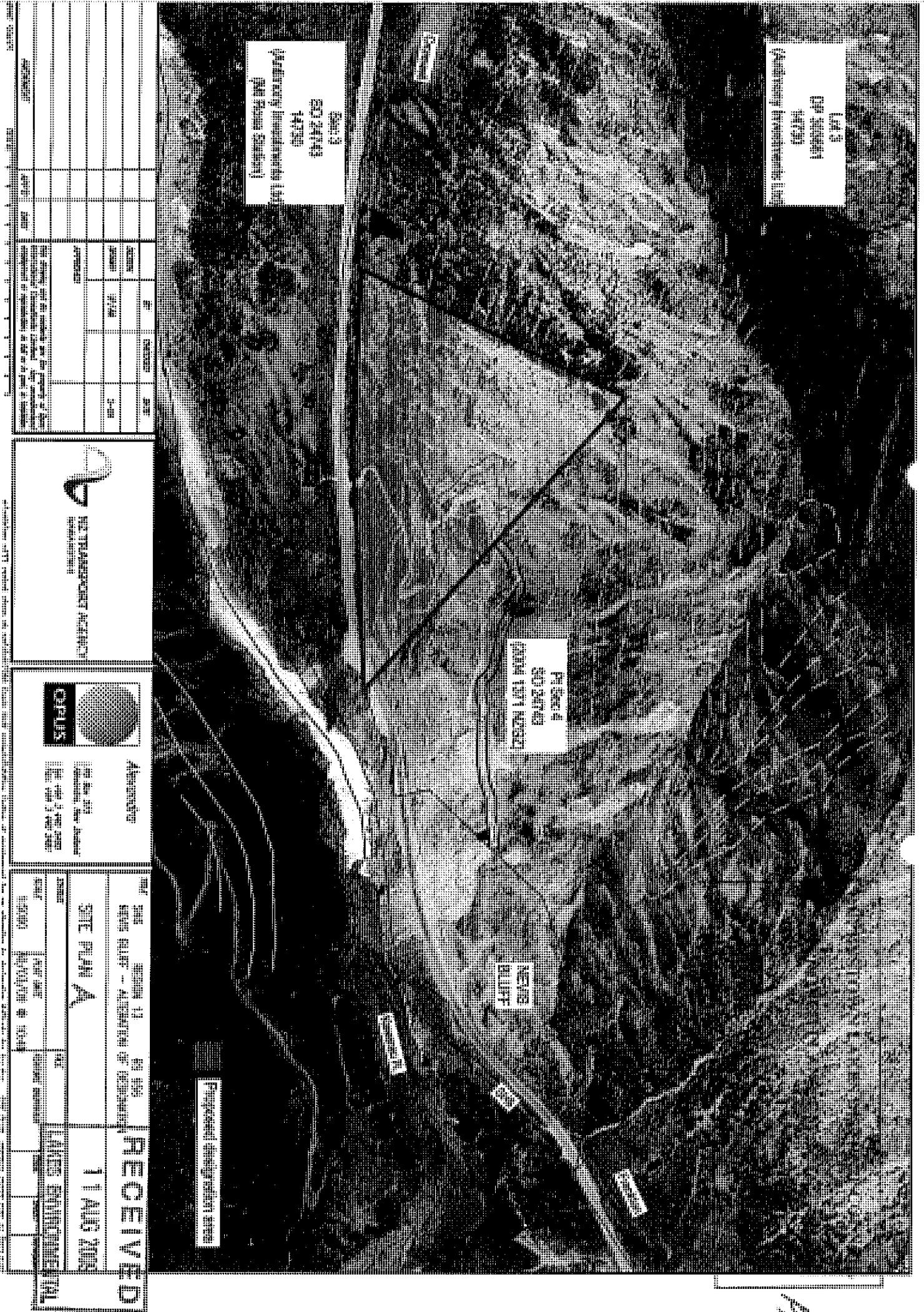


Charlene Kowalski
PLANNER

Reviewed and Approved by
LAKES ENVIRONMENTAL



Paula Costello
PLANNER



OWN LAKES DISTRICT COUNCIL
ED PLANS 090555
Joe
8/9/09

Schedule 8- Amendments sought to Chapter 37 of the Proposed Plan

Amendments Sought to the Proposed Plan

The Transport Agency seeks the following amendments to Chapter 37- Designations of the Proposed Plan (further to those changes that are included in the revised chapter at Appendix 1 of the Officer's Report, and in addition to the relief sought in the New Zealand Transport Agency's submission dated 23 October 2015 and further submissions dated 16 December 2015):

1. Amend “37.2 Schedule of Designations” to read:

No.	Map No.	Authority Responsible	Purpose	Site/Legal Description and Conditions
84	2, 3, 5, 8, 11, 13, 15, 16, 17, 18, 21, <u>24</u> , 30, <u>31</u> , <u>31a</u> 32, 33, 34, 35, 36, 37, 38	New Zealand Transport Agency	State Highway Purposes	As Shown on District Plan Maps. For conditions refer to A below.

2. Amend “A.3 Limited Access Roads” to read:

Those sections of State Highway which are declared limited access are:

- (i) *SH No 6 from the junction with SH No 6A to the eastern abutment of the Hayes Creek Bridge.*
- (ii) *SH No 6 835m south of Kent Street to 300m north of Kent Street, Kingston.*
- (iii) *SH No 6A from the junction with State Highway 6 to Cecil Street (unformed - 500m east of Suburb Street).*
- (iv) *SH No 84 from its junction with State Highway No. 6 to its intersection with Ardmore Drive and Brownston Street, Wanaka.*
- (v) *SH No 6 from Brady Creek Bridge to Wharf Creek Bridge*
- (vi) *SH No 6 from the Neck to Lake Hawea (control dam)*
- (vii) *SH No 6 from Hawea to Mount Iron*
- (viii) *SH No 6 from Mt Iron to SH8A Intersection*
- (ix) *SH No 6 from the intersection with SH8A, Luggate to Gravelly Gully*
- (x) *SH No 6 from Cemetery Road to Goldfields Mining Centre*
- (xi) *SH No 6 from Gentle Annie Bridge (Kawarau Gorge) to Nevis Bluff*
- (xii) *SH No 6 from Nevis Bluff to Kawarau River*
- (xiii) *SH No 6 from Kawarau River to Lake Hayes*
- (xiv) *SH No 6 from Lake Hayes to Shotover River*
- (xv) *SH No 6 from Shotover River to Frankton*
- (xvi) *SH No 6 from SH 6 the intersection to Wye Creek Bridge*
- (xvii) *SH No 6 Kingston Section*
- (xviii) *SH No 6A from Frankton to Queenstown (east)*
- (xix) *SH No 6A from Frankton to Queenstown (west)*
- (xx) *SH No 84 from SH6 to Wanaka*
- (xxi) *Those sections of the State Highway which are proposed limited access are as follows:*
- (xxii) *SH 6 from Hayes Creek to Swift Burn.*

3. Delete A.4 Conditions for Designation #370- Roundabout at intersection of State Highway 6 and Eastern Access Road

4. Amend “A Roads” to include:

A.4 Conditions for Designation #84- Kawarau Falls Bridge

General

1. Except as modified by the conditions below, and subject to final design, the Project shall be undertaken in general accordance with the information provided by the requiring authority in the notice of requirement dated 20 July 2012 and supporting documents, being:
 - i) Assessment of Environmental Effects report, dated 3 April 2012 (and re-submitted on 20 September 2012);
 - ii) Geotechnical Assessment SH6 Kawarau Falls Bridge Specimen Design (prepared by Ross Roberts-, SKM, dated August 2012); and
 - iii) SH6 Kawarau Falls Bridge – Design Statement in relation to Road Bridges Urban Design Principles (prepared by Vivian + Espie, dated 27 August 2012).
2. As soon as practicable following completion of construction of the Project, the requiring authority shall:
 - a. Review the width of the area designated for the Project;
 - b. Identify any areas of designated land that are no longer necessary for the ongoing operation, or maintenance of the Project or for ongoing mitigation measures (provided that the final designation width is no less than 16 metres); and
 - c. Give notice to the Council in accordance with Section 182 of the RMA for the removal of those parts of the designation identified in 2(b) above.
3. The requiring authority may request amendments to the management plans required by these conditions by submitting the amendments in writing to QLDC for certification by the Chief Executive Officer or their delegate, prior to any changes taking effect.
4. At the completion of the Project, the requiring authority shall ensure that all plant, equipment, chemicals, fencing, signage, debris, rubbish and other material brought on site is removed from the site. The site shall be tidied to a degree at least equivalent to that prior to the Project commencing.

Advice Note: These conditions apply to construction of the Kawarau Falls Bridge, and will be satisfied once construction is complete. These conditions do not apply to operation or maintenance of the Bridge or adjacent sections of State highway.

Notification

5. The requiring authority shall notify the QLDC and all immediately adjoining landowners in writing at least five working days prior to the commencement of the Project, and at the completion of the Project.

Communications Plan

6. 25 working days prior to the commencement of the Project, the requiring authority shall submit a Communication Plan to QLDC for certification by the Chief Executive Officer or their delegate. The Communications Plan shall be based on the draft plan submitted with the notice of requirement application.
7. The requiring authority shall carry out the Project in accordance with the certified Communications Plan.

Construction Environmental Management Plan

8. Twenty-five (25) working days prior to the Project commencing, the requiring authority shall submit a Construction Environmental Management Plan (CEMP) to the QLDC for certification by the Chief Executive Officer or their delegate. The CEMP shall be based on the draft CEMP provided with the NOR, and include the following:
 - Accidental Discovery Protocol
 - Procedures to ensure that any refuelling of machinery within 50 metres of any ephemeral or permanent watercourse is carried out in such a manner so as to prevent the discharge of contaminants
 - The following plans, required by conditions 6, 11, 14, and 21 shall form appendices to the CEMP and be held together with it:
 - Construction Noise and Vibration Management Plan
 - Temporary Traffic Management Plan
 - Urban and Landscape Design Master Plan
 - Communications Plan.
9. The requiring authority shall carry out the Project in accordance with the certified CEMP.
10. All significant earthworks, pile boring and retaining construction shall be supervised by a suitably qualified geotechnical engineer

Advice Note: The NZTA shall ensure that if the CEMP is changed or updated that the most up to date version is provided to the QLDC. The Erosion Sediment and Dust Control Plan and River Users Management Plan may be held together with the CEMP, but will be certified by the Otago Regional Council.

Construction Noise and Vibration Plan

11. Twenty-five (25) working days prior to commencing the Project, the requiring authority shall submit a Construction Noise and Vibration Management Plan (CNVMP) to the QLDC for certification by the Chief Executive Officer or their delegate. The CNVMP shall:
 - a. be prepared by a suitably qualified and experienced acoustic consultant;
 - b. contain methods to ensure that construction noise and vibration generally comply with the requirements of NZS6803:1999 and DIN 4150-3:1999;
 - c. contain methods which represent the best practicable option; and
 - d. include requirements for monitoring construction noise and vibration.
12. The requiring authority shall engage a suitably qualified engineer to conduct a detailed pre-construction building condition survey of the existing Kawarau Falls Bridge before construction. This survey shall be repeated within 25 working days of construction being complete. The requiring authority shall provide copies of the survey reports to the QLDC within one week of receipt.
13. The requiring authority shall carry out the Project in accordance with the certified CNVMP.

Temporary Traffic Management Plan

14. Twenty-five (25) working days prior to commencing the Project, the requiring authority shall submit a temporary traffic management plan (TTMP) to the QLDC for certification by the Chief Executive Officer or their delegate. The TTMP shall include:
 - a. Details of traffic management systems for vehicles entering and exiting the site;
 - b. Suitable site warning signage to be in place on the road in both directions from the site entrance;
 - c. Frequency and number of construction traffic movements estimated to and from the site;
 - d. Truck loading/unloading areas and procedures;
 - e. Road remediation once works are complete;
 - f. Management of pedestrian and cycling routes during construction.

15. The requiring authority shall carry out the Project in accordance with the certified TTMP.
- Dust
 16. The requiring authority shall control the discharge of dust created by earthworks, transportation and construction activities in order to minimise dust hazard or nuisance.

Control of Hazardous Substances

17. The Requiring Authority shall ensure that:
 - a. all hazardous substance storage or re-fuelling areas are bunded or contained in such a manner so as to prevent the discharge of contaminants;
 - b. all machinery is regularly maintained in such a manner so as to minimise the potential for leakage of contaminants;
 - c. no machinery is cleaned or stored within 50 metres of any ephemeral or permanent watercourse; and all contaminants (e.g. fuel, hydraulic oils, lubricants etc) are removed at the end of the construction period.

Utilities on the bridge

18. The requiring authority shall ensure that the bridge design accommodates the following utilities:
 - Telecommunications
 - Electricity
 - Water mains
 - Intelligent Transport systems utilities
19. The utilities listed in Condition 18 are to be incorporated into the bridge design in such a way as they are, to the greatest extent practicable, not visible, including from the river and the pedestrian/cycle structure proposed under the bridge.
20. Where works completed in relation to or in association with this project result in changes being made to the existing Council services, or the addition of new services, the requiring authority shall submit to the QLDC GIS department new 'as-built' plans. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads, Water, Wastewater and Stormwater reticulation.

Urban and Landscape Design Master Plan

21. The requiring authority shall submit, prior to lodgement of the Outline Plan of Works, an Urban and Landscape Design Master Plan (ULDMP) to the QLDC for certification by the Chief Executive Officer or their delegate. The ULDMP shall be prepared by a suitably qualified person or persons and shall take into account the following documents or updated versions of same:
 - a. NZTA's "Urban Design Policy" (2007)
 - b. NZTA's "Urban Design Principles: Road Bridges" (2009)
 - c. QLDC's "Urban Design Strategy" (2009)
22. The ULDMP shall be consistent with the Landscape Concept Plan as outlined in NOR drawings ZB01194-ECC-DG-0015 (dated 14/02/13) and ZB01194-ECC-DG-0016 (dated 14/02/13, but with the "Recommended Extension" added, which is shown as a solid red line in Appendix 3 to the Commissioners' Recommendation) prepared for NZTA by Sinclair Knight Merz Ltd, and include the following:

Urban Design Panel comments

- a. Comments obtained from the QLDC Urban Design Panel on a draft ULDMP, together with a statement as to how these have been responded to in the UDLMP submitted for certification;

Revegetation and planting

- b. Retention or propagation for replanting of existing native plants where possible;
- c. Retention of poisoned willow roots/stumps below the bank works where possible;
- d. In replanting areas outside of the earthworks areas mature willows shall be retained to provide a nursery for newly planted vegetation. These willows shall be poisoned when vegetation is established and the bank is stable, but dead stumps may remain;
- e. Details of maintenance of the newly planted areas, such maintenance to be for a period of 2 years after completion of planting;
- f. Selection of plant varieties for newly planted areas consistent with the Department of Conservation's "Wakatipu Project Gold" objectives and specifications;
- g. A detailed planting plan identifying the location, density, grade, botanical names, and quantity of all planting;

Pedestrian and cycle tracks

- h. The final design and location of pedestrian and cycle tracks shall include step connections indicated on the Landscape Concept Plan as "link via steps" and otherwise meet the intent of the Landscape Concept Plan, including:
 - Earthworks, showing areas of cut and fill, depths of cut and fill and cut batters;
 - Any subsoil drainage system;
 - Ease and convenience of use;
 - Providing a complementary amenity experience to what is provided on nearby sections of track;
 - Adherence, to the extent that is practical, to the following design criteria:
 - The provision of pathways that meet district wide design standards of minimum width (2.5m) and maximum gradient (10%); and
 - Pedestrian and cycling routes that provide direct and safe routes.
- i. The requiring authority shall make reasonable efforts to consult with Queenstown Trails Trust and the QLDC regarding conformity with the Trust's and the QLDC's pedestrian and cycle track standards, and consult with the Otago Regional Council on provision for pedestrians and cyclists both on and in the vicinity of the new bridge, and if this offer is accepted, describe the consultation which occurred, and its outcomes in the ULDMP submitted for certification;

Heritage Matters

- j. A detailed landscape design of the area where the new and existing bridges converge on the true left bank of the River. This design shall be prepared in consultation with a heritage consultant approved by the NZHPT, and shall ensure that the connection between the existing bridge and the north bank remains visible;
- k. A detailed design of the pedestrian and cycle structure below the existing bridge and the new bridge. The design of this structure shall be prepared in consultation with a heritage consultant approved by the NZHPT and shall ensure a minimum of impact on the fabric of the existing bridge. Any alteration to the fabric of the bridge is to be undertaken in accordance with recognised heritage principles such as the ICOMOS New Zealand Charter;
- l. Removal of modern traffic facilities from the existing bridge where possible;
- m. Prior to removal of the designation from the existing bridge, the requiring authority is to make such modifications as are necessary to enable the carriageway to be used as a pedestrian and cycle track (suitable for use by both recreational and commuting cyclists). Where this involves modifications to the fabric of the bridge, such work is to be undertaken in accordance with recognised heritage principles such as the ICOMOS New Zealand Charter.
- n. Provision of information panels on the history of the existing bridge and Kawarau Falls area;

- o. Carparking for visitors to the existing bridge, where possible;
- Bridge Design
- p. Bridge safety barriers which allow views out to the river, river margins and the existing bridge for State highway users, while balancing safety considerations;
 - q. Final bridge design (including embankments and retaining walls) using external materials, finishes and colours that assist it to accord with both the natural setting and its relationship with the existing bridge, including giving effect to Condition 19;
 - r. Final bridge design which, to the extent practicable, gives effect to Goals 1, 2 and 4 of the Queenstown Lakes District Council Urban Design Strategy;
 - s. Details of lighting to be installed on the bridge and its approaches, if any. Any proposed lighting –
 - should be an integral design component of the bridge;
 - shall minimise light spill onto the river, onto adjacent land and into the night sky; and
 - must comply with the Queenstown Southern Lights Strategy.

Emergency access

- t. Details of how, at the completion of construction, the requiring authority shall ensure that emergency access for vehicles onto the historic bridge is to be made possible.
23. The requiring authority shall carry out the Project in general accordance with ULDMP. The ULDMP shall be fully implemented within 12 months of the opening of the new State highway bridge.

Archaeology

24. During construction, the requiring authority shall:
- a. Identify the extent of the stacked stone wall to the east of the Northern abutment of the existing bridge before earthworks begin.
 - b. Clear vegetation in the location of proposed earthworks in a way that minimises damage to ground.
 - c. Ensure earthworks areas are examined and recorded by an archaeologist prior to earthworks commencing (with recordings submitted to the NZHPT and NZAA).

Advice Note: If any archaeological sites are to be affected by earthworks an Authority from the NZHPT will be required.

Lapse date

25. The designation shall lapse if not given effect to within 10 years from the date on which it is included in the District Plan under Section 175 of the RMA.

A.4A Conditions for Designation #84 – Boyd Road

The following conditions apply to the realignment of the area of SH6 located generally between the Rees Stone Cottage (Protected Feature #78) and the Remarkables Ski Field access road as sought in the Notice of Requirement RM090645:

1. Access to the properties effected by the realignment will be designed in consultation with the relevant property owners.
2. A landscape plan shall be submitted for assessment at the time of outline plan approval which achieves the following objectives:
 - a. Maintains consistency with the open, rural, and pastoral character of the valley, including access of stock as part of the maintenance regime.
 - b. Identifies reinstatement (re-grassing/re-vegetating) of exposed cut/fill batters.
 - c. Identifies treatment (width and surface material) of roads no longer forming part of the State Highway.

- d. Identifies existing trees to be retained or relocated.
- e. Addresses the following submitter concerns (concerns from neighbouring properties, including the following):
 - i. Provision of bunding, in the vicinity of the Rees Stone Cottage.
 - ii. Planting around the entrance to Boyd Road.
 - iii. Landscape and screen planting designed to reduce visibility down the local road leading to Boyd Road when travelling North.
- 3. The landscape plan detailed under Condition (2) will be developed in consultation with the owners of the Remarkables Ski Field access road, the owners of the Rees Stone Cottage, the owner of 59B Boyd Road, and the Council's Landscape Architect.

Advice Note:

Although the alteration to the designation is sought to re-align the State Highway, at this time the only change is to increase the area covered by the designation to include the new stretches of road. It is understood that at a later date NZTA will make application to withdraw unnecessary portions relating to the road to be decommissioned. The reason for this is the need to construct the new carriageway, whilst still using the old.