



**RECOMMENDATION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**RESOURCE MANAGEMENT ACT 1991**

<b>Requiring Authority:</b>	New Zealand Transport Agency
<b>RM reference:</b>	RM221079
<b>Location:</b>	Frankton, Queenstown
<b>Proposal:</b>	Notice of requirement to alter Designation 84 in the Operative Queenstown Lakes District Plan to provide for improvement works on State Highway 6 and State Highway 6A
<b>Legal Description:</b>	<p>Legal road at Hardware Lane, Joe O’Connell Drive, Hansen Road, Gray Street, McBride Street, Ross Street and the following parcels:</p> <p>Lot 2 DP 497316 (Record of Title 764774)  SECTION 3 SO 502556 (Record of Title 806429)  SECTION 2 SO 502556 (Record of Title 804356)  SECTION 6 SO 517733 (Record of Title 1031095)  Lot 6 DP 486920 (Record of Title 695482)  SECTION 4 SO 517733 (Record of Title 941148)  Lot 100 DP 468142 (Record of Title 627621)  Lot 1 DP 25073 (Record of Title 659427)  Lot 1 DP 566709 (Record of Title 107396)  SECTION 5 BLOCK XXXIII TN OF FRANKTON (Record of Title 1091078)  PART-SECTION 5 BLOCK XXI SHOTOVER SD (Record of Title OT18B/922)  SECTION 6 BLOCK XXXIII TN OF FRANKTON (Record of Title 1091078)  LOT 1 DP 318736 (Record of Title 73370)  SECTION 12 BLOCK XX TN OF FRANKTON (Record of Title 257274)  SECTION 14 BLOCK XX TN OF FRANKTON (Record of Title 257274)  SECTION 17 BLOCK XII OF FRANKTON (Record of Title 544617)  SECTION 19 BLOCK XII TN OF FRANKTON  SECTION 18 BLOCK XII TN OF FRANKTON</p> <p>As set out in Attachment B to the Notice of Requirement.</p>
<b>Operative Plan Zoning:</b>	Road and various
<b>Proposed Plan Zoning:</b>	Road and various

<b>Public Notification:</b>	9 February 2023
<b>Commissioners:</b>	Rachel Dimery (Chair) Ken Fletcher Jane Sinclair
<b>Date Issued:</b>	19 October 2023
<b>Recommendation:</b>	<b>The notice of requirement to alter a designation is confirmed with modifications, subject to conditions</b>

## Recommendation following the hearing of a Notice of Requirement under the Resource Management Act 1991

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### Proposal

New Zealand Transport Agency gave notice of a requirement to alter Designation 84 to provide for improvement works on State Highway 6 and State Highway 6A, pursuant to section 181 of the Resource Management Act 1991 (**the Act**).

The Commissioners appointed by Queenstown Lakes District Council recommend to the New Zealand Transport Agency that the notice of requirement is **CONFIRMED with MODIFICATIONS**, subject to conditions.

<b>Application number:</b>	RM221079
<b>Site address:</b>	Frankton, Queenstown Lakes District
<b>Requiring Authority:</b>	New Zealand Transport Agency
<b>Hearing:</b>	20 and 21 June 2023
<b>Hearing panel:</b>	Rachel Dimery (Chair) Jane Sinclair Ken Fletcher
<b>Appearances</b>	<b><u>For the Requiring Authority:</u></b> Ms Nicky McIndoe, Legal counsel Ms Lauren Barnett, Legal counsel Mr Matt Gatenby – Transport Mr Reece Gibson – Transportation design and safety Ms Amy Prestidge – Stormwater Mr Wade Robertson – Urban design and landscape Mr Greg Levett – Construction Mr George van Hout – Noise and vibration Ms Gemma Greenshields – Consultation and community engagement Mr Shane Roberts – Planning

	<p>Mr Tony Sizemore – New Zealand Transport Agency</p> <p><b><u>For the Submitters:</u></b></p> <p>Ms Melissa Brook and Daniel Dodd for Queenstown Airport Corporation Limited</p> <p>Mr John Glover for Shaping our Future</p> <p>Mr Jeff Bryant for Back Peddlers</p> <p>Mr Jeremy Wilson</p> <p><b><u>For the Council:</u></b></p> <p>Ms Mary McConnell, Planning</p> <p>Ms Amanda Leith, Parks and Reserves</p> <p>Ms Roz Devlin, Urban Design</p> <p>Mr Chris Rossiter, Transport</p> <p>Mr Jeremy Trevathan, Acoustics and Vibration</p>
<b>Hearing administration</b>	Ms Karen Mair and Ms Trish Anderson
<b>Hearing adjourned:</b>	21 June 2023
<b>Commissioner’s site visit:</b>	19 June 2023
<b>Hearing closed:</b>	6 September 2023
<b>Date of recommendation:</b>	19 October 2023

## Introduction

1. New Zealand Transport Agency (**the requiring authority**) issued a notice of requirement to alter Designation 84 in the Operative Queenstown Lakes District Plan (**ODP**).<sup>1</sup> The designation is for State Highway purposes and the alteration is a change to the boundary of the designation to provide for the construction, operation and maintenance of improvement works to State Highway 6 (**SH6**) and State Highway 6A (**SH6A**).

<sup>1</sup> For completeness we note that although the PDP includes Designation 84 for State Highway purposes in its schedule of designations (Chapter 37), the notice did not request that this be amended and identified that the designation is referred to as “Road” in the Proposed Queenstown Lakes District Plan (PDP). We further note that section 175 of the Act provides for the designation to be included in the ODP and PDP without using Schedule 1 once it is confirmed and beyond challenge.

2. Waka Kotahi is the corporate name for New Zealand Transport Agency and is used throughout this recommendation report.
3. At the same time, Queenstown Lakes District Council, as the requiring authority (**QLDC**), issued a notice of requirement for a designation of approximately 0.674 hectares of land for the construction and maintenance of the Frankton Bus Hub, located at Frankton, Queenstown Lakes District.
4. A single Assessment of Effects on the Environment (**AEE**) was submitted with the two notices of requirement. Copies of the notices of requirement, AEE and supporting reports were included in the hearing agenda.
5. The notices of requirement were publicly notified on 9 February 2023 and submissions closed on 9 March 2023. 35 submissions were received; 12 of which were in opposition, four of which were in support and 19 of which sought changes. Many submissions related to both notices of requirement, however some related to only one notice of requirement.
6. We were appointed by Queenstown Lakes District Council (**Council**), to hear and determine the notice of requirement for the Frankton Bus Hub, and to hear and make a recommendation on the notice of requirement for the alteration to designation number 84, under delegated authority pursuant to sections 34 and 34A of the Act.
7. The hearing took place on 20 and 21 June 2023 in Queenstown.
8. This recommendation contains the findings on the notice of requirement for the alteration of Designation 84 and has been prepared in accordance with section 171 of the Act. A separate decision report has been prepared in accordance with section 168A of the Act in respect of the notice of requirement for the Frankton Bus Hub.
9. In referencing the two separate notices of requirement, we have referred to these as the 'Frankton Bus Hub' or 'bus hub' and the 'alteration to Designation 84' or the 'State Highway improvements'. Where we have referred to both notices of requirement, we have referred to this as 'the Project'.
10. The joint nature of the material and evidence supporting the notices of requirement caused us some difficulty in disentangling the two projects for the purposes of our separate consideration as is required under sections 168A and 171. We make further comment on the approach later in our recommendation report.
11. We would like to thank all the parties involved for their assistance during the hearing.

## Background

12. Together the notices of requirement form part of the New Zealand Upgrade Programme Queenstown Package (**NZUP**). This is a programme of works that is focused on prioritising state highway infrastructure to support public transport and improve the overall level of service provided by the Queenstown state highway network. It includes:
  - Improved public transport infrastructure – introduction of bus lanes where feasible, with additional and higher-quality stop facilities, including an expansion of the existing bus hub at Frankton;
  - Improved facilities for Active Modes – improved infrastructure and linkages between existing and new routes;
  - Intersection improvements – change in intersection form to improve road safety and access, and to enable better operational management of the network.
13. The wider programme includes works to the east of the Shotover Bridge, and on SH6A between Frankton and the Queenstown town centre, as well as the projects covered by the two notices of requirement which were the subject of the hearing.
14. Figure 1 below provides an overview of the extent of the NZUP – Queenstown package zones 1 to 6. The two notices of requirement relate to zones 2 to 4, noting that some of the area highlighted in red within zones 3 and 4, is within the existing extent of Designation 84.



**Figure 1: NZUP Queenstown Package – Zones 1 to 6<sup>2</sup>**

<sup>2</sup> NZ Upgrade Programme – Queenstown Package, Urban Design and Landscape Assessment at page 3 (Appendix D to AEE)

## The location and existing environment

15. The existing transport network and general location of the Project is shown in Figure 1 below.



**Figure 2: General location of the Project<sup>3</sup>**

16. The existing land use and existing environment was comprehensively described in the AEE<sup>4</sup> and in Mr Roberts' evidence.<sup>5</sup> We adopt those descriptions and do not repeat this material here.

## The Notices of Requirement

17. The notice of requirement for the alteration to Designation 84 affects the road corridor and its immediate surrounds in the vicinity of SH6 and SH6A at Frankton in Queenstown between Hardware Lane in the east, the intersection of McBride Street/SH6A in the west and Boyes Crescent to the south. The notice of requirement for the designation of the bus hub affects two parcels of land located on the eastern side and western side of SH6 (Kawarau Road), a small part of SH6/Kawarau Road and a small part of Gray Street.

<sup>3</sup> Mr Gibson, Evidence in Chief, Figure 1 at [6.1]

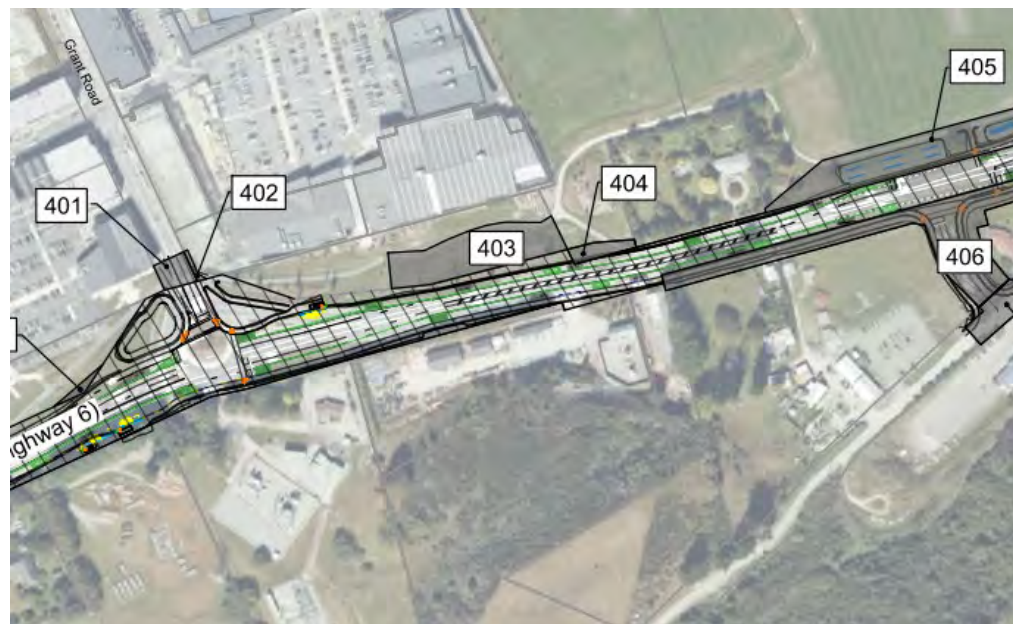
<sup>4</sup> AEE, section 4

<sup>5</sup> Mr Roberts, Evidence in Chief, section 6

18. Figures 3 – 6 below are excerpts from the designation plans.<sup>6</sup> The areas shown shaded in grey depict the proposed alteration to Designation 84 and the new designation for the bus hub. The diagonal cross hatching depicts the extent of the existing designation.



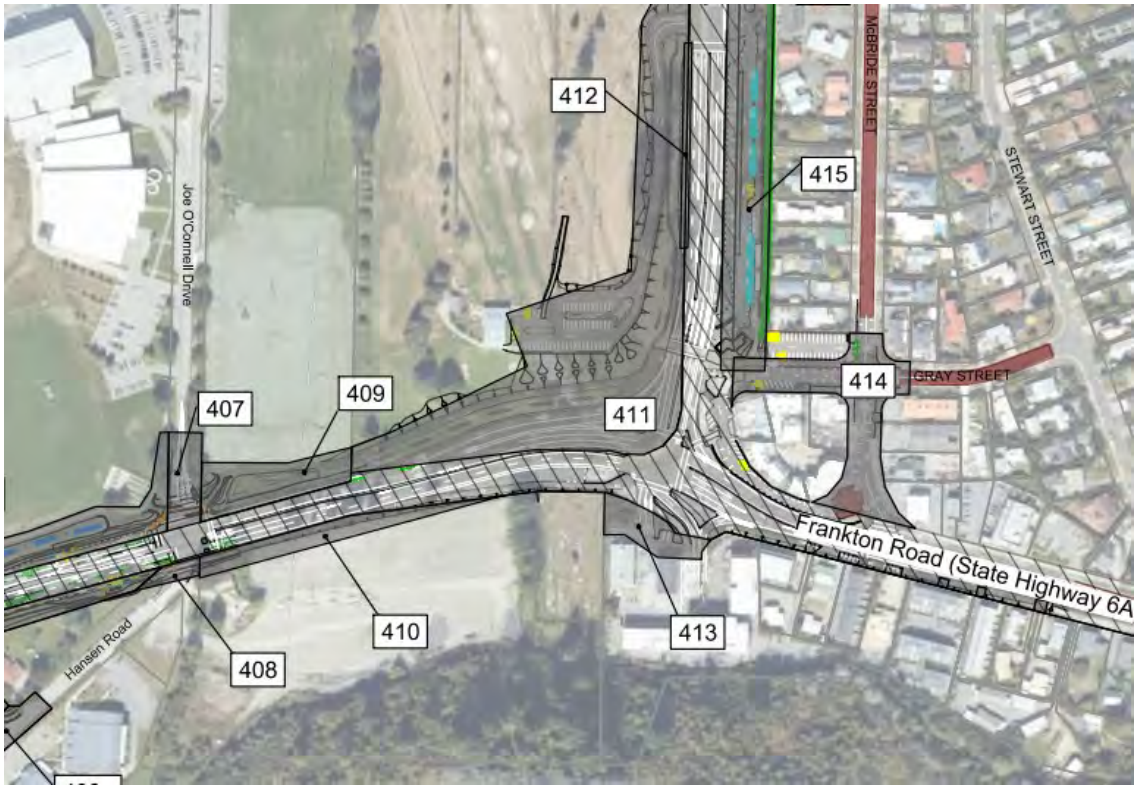
**Figure 3: Designation Plan - Hardware Lane to just east of Grant Road**



**Figure 4: Designation Plan – Grant Road to Hansen Road**

<sup>6</sup> Mr Gibson, Evidence in Chief, Appendix A, Revised Designation Plans





**Figure 5: Designation Plan - Hansen Road/Joe O'Connell Drive to McBride Street/SH 6A intersection and SH6 (Kawarau Road), with proposed bus hub designation also shown**



**Figure 6: Designation Plan - SH 6 (Kawarau Road), north of Ross Street to Boyes Crescent**

## Alteration to Designation 84 – Waka Kotahi

19. Existing Designation 84 covers the entire State Highway network within the Queenstown Lakes District and is for State Highway Purposes. The notice of requirement proposes to widen the extent of Designation 84 as shown above. This will affect 18 parcels of land and several local roads, totalling approximately 6.4 hectares.<sup>7</sup>
20. The evidence of Mr Gibson set out how it was proposed to reduce the extent of the designation footprint over part of Grant Road.<sup>8</sup> This change is shown in Figure 3 above and relates to Property Reference 401. Mr Gibson explained that this had come about due to design refinements. Waka Kotahi requested that we recommend a modification to the designation to reflect this reduced extent.
21. The objectives of Waka Kotahi for the proposed work are to:

*... enable the upgrading of the Frankton Corridor, SH6 / 6A intersection and Frankton Bus Hub to improve public transport connections, active travel, safety and to accommodate growing traffic volumes on SH6 and 6A<sup>9</sup>.*

22. The proposed work includes public transport priority lanes, converting the existing roundabouts to signalised intersections, converting existing priority intersections to signalised intersections, and constructing new signalised controls around the expanded Frankton Bus Hub. The notice of requirement states that the work is reasonably necessary to meet the aforementioned objective as it will:

*...reduce reliance on private vehicles and provide other modes of transport including active modes and improved public transport. These measures will support people in choosing different ways to travel that are both healthier and better for our environment.<sup>10</sup>*

23. The notice of requirements states the proposed alteration to the designation is an appropriate planning tool as it will identify the land required in the ODP, provide certainty for landowners of the intended use and it will protect the land from development that may preclude the proposed work.

## Frankton Bus Hub Designation - QLDC

24. This is a notice of requirement for a new designation to recognise the existing bus hub and allow for its expansion. It will affect 2 parcels of land, totalling 0.674 ha and legal road at Gray Street and Kawarau Road. The land affected by the requirement is already owned by QLDC. The land is on either side of SH6/Kawarau Road and includes a thin portion of legal road on the western side of SH6/Kawarau Road and southern side of Gray Street. The designation covers land adjoining SH6/Kawarau Rd on the west side,

<sup>7</sup> Notice of Requirement for Alteration of a Designation, November 2022 at page 4

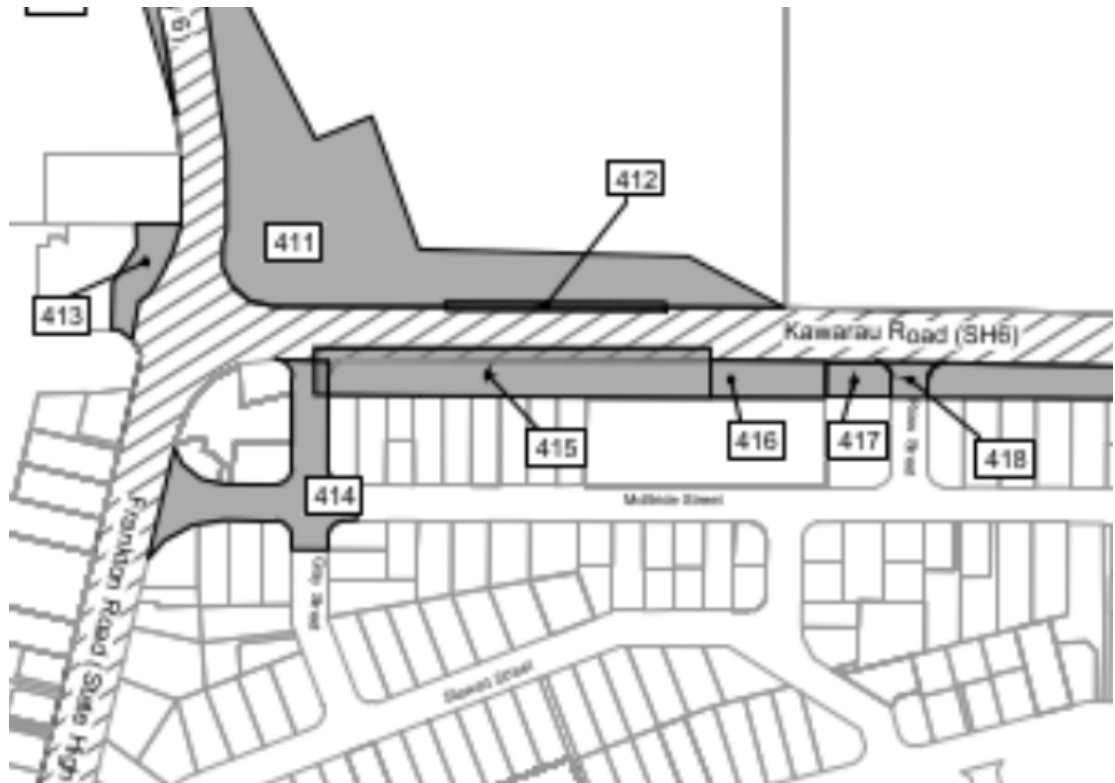
<sup>8</sup> Mr Gibson, evidence in chief at [9.34]

<sup>9</sup> Notice of Requirement for Alteration of a Designation, November 2022, at page 4

<sup>10</sup> Notice of Requirement for Alteration of a Designation, November 2022, page 3

extending from Gray St almost to Ross St, and a thin strip on the east side of SH 6/Kawarau Rd opposite the proposed bus hub.

25. The location is denoted by areas 412 and 415 shown in Figure 7 below:



**Figure 7: Excerpt from Designation Plans, showing extent of land required for the Frankton Bus Hub<sup>11</sup>**

26. The objectives of QLDC are to:

*Provide an expanded Frankton Bus Hub to improve public transport connections as an integral part of the wider Queenstown NZ Upgrade Project<sup>12</sup>.*

27. The notice of requirement states that the work is reasonably necessary to meet the aforementioned objective as it will:

*Reduce reliance on private vehicles and provide other modes of transport including active modes and improved public transport. These measures will support people in choosing different ways to travel that are both healthier and better for our environment.<sup>13</sup>*

<sup>11</sup> Notice of Requirement for a Designation of Land, November 2022, at Attachment A

<sup>12</sup> Notice of Requirement for a Designation of Land, QLDC 29 November 2022, page 3

<sup>13</sup> Notice of Requirement for a Designation of Land, QLDC 29 November 2022, page 3

28. The notice of requirement goes on to state the proposed alteration to the designation is an appropriate planning tool as it will identify the land required in the ODP, provide certainty for landowners of the intended use and it will protect the land from development that may preclude the proposed work.
29. As can be seen from the above summaries of the two notices of requirement, they are very closely linked. The aim of both is to enhance public transport, the bus hub by accommodating increased public transport movements and the alteration to Designation 84 by both facilitating the bus hub and improving public transport and active travel connections.

### **Submissions and evidence**

30. As above, there were 35 submissions received; 12 of which were in opposition and four of which were in support and 19 of which sought changes. As we have mentioned, many submissions related to both notices of requirement, however some related only to one notice of requirement. The submissions are summarised in detail in the evidence on behalf of the requiring authority and in the Section 42A Report. We do not repeat this, but summarise briefly that some of the matters raised in relation to the alteration to Designation 84 included the following:
- (a) Construction effects, including night works;
  - (b) Impacts on operations at Queenstown Airport from construction and landscape planting;
  - (c) Potential increased overland flow and flooding of adjacent properties;
  - (d) Design and safety, including provision for cyclists and pedestrians, an overpass near the existing roundabout;
  - (e) Traffic effects, including congestion on the wider road network and provision for truck movements;
  - (f) Loss of parking at Frankton Village and Gray Street;
  - (g) Property impacts in relation to existing easements and licences to occupy legal road; and
  - (h) Reducing the speed limit in the Frankton area.
31. Ms McConnell prepared the Section 42A Report, which was circulated prior to the hearing and was taken as read. Her report recommended that the notice of requirement be confirmed, with conditions imposed.
32. Prior to the hearing, the requiring authority and Queenstown Airport Corporation Limited (**QAC**) pre-circulated statements of evidence. Letters were tabled in advance of the hearing from Queenstown Central Limited and Queenstown Gateway (5M)

Limited advising that both parties agreed to the conditions appended to Waka Kotahi's evidence, subject to one change to condition 12A. Both parties further advised that they no longer wished to appear at the hearing.

33. The statements of evidence were taken as read and the witnesses were provided with the opportunity to highlight the main points raised in their statement and to respond to questions. Following this, the officers for Council were provided with an opportunity to respond to the statements of evidence and to the material presented to the hearing and to clarify points raised in the Section 42A Report or supporting specialist reports.
34. We have considered the following information in formulating our recommendation:
- (a) the notice of requirement, AEE and supporting reports;
  - (b) the submissions;
  - (c) the Section 42A Report, the appendices to the Section 42A Report and the Section 42A Addendum;
  - (d) the legal submissions and evidence on behalf of the requiring authority;
  - (e) the legal submissions, evidence and additional evidence and further information/notes on behalf of the submitters;
  - (f) the Officer's response at the hearing by Ms McConnell, Mr Rossiter, Ms Leith, Ms Devlin, and Mr Trevathan;
  - (g) material provided by parties during and after the hearing including the response to Minute & Direction 1 and Minute & Direction 2; and
  - (h) the requiring authority's closing submissions.
35. All documentation that we have considered has been uploaded to Council's website and may be viewed there.

### **Assessment framework under the Act**

36. Waka Kotahi gave notice of its requirement to alter Designation 84 under section 181 of the Act. Section 171 of the Act sets out the matters which apply to our consideration of the notice of requirement to alter Designation 84. As already noted, we have been delegated the authority to make a recommendation on the notice of requirement.
37. Section 171 requires us to consider the effect on the environment of allowing the requirement and the matters which we must have particular regard to. These matters are set out at subsections (a)-(d) of s171 and are set out in full in Ms McIndoe's legal submissions.<sup>14</sup> Our consideration is subject to Part 2 of the Act, which states the

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<sup>14</sup> Legal submissions on behalf of the requiring authority at [7.3]

purpose and principles of the Act. In making a recommendation under section 171(2) we may confirm the requirement, modify the requirement, impose conditions, or withdraw the requirement.

38. As we have noted earlier, the joint nature of the material and evidence presented by Waka Kotahi and QLDC presented some issues for us in disentangling the effects of allowing the requirements and other considerations under sections 168A and 171. Mr Roberts in his evidence acknowledged that the requiring authorities had not sought to distinguish between the effects arising from each designation, as the Project is intended to work together.<sup>15</sup> Be that as it may, we are required to consider the effects on the environment of allowing the requirement, as opposed to the Project. However, we find that we may have particular regard to how the Project will work together, as this is clearly a relevant matter.<sup>16</sup>

## **Procedural**

### ***Late submissions***

39. Two late submissions were received from Queenstown Gateway (5M) Limited and Reid Ranch Limited. The Section 42A report also identified that the submission by Presbyterian Support Southland was also late, however from our review of the Agenda, this submission was received on 21 February 2023, prior to the closing date for submissions.
40. Pursuant to section 37A we resolve to accept these submissions, as to do so would not result in any undue delay and would also enable consideration of the interests of the community in achieving an adequate assessment of effects of the alteration to the designation.

## **Section 171(1) the effects on the environment of allowing the requirement**

41. Having considered the requirement, submissions, and evidence, we find that the effects on the environment of allowing the requirement may be divided broadly into two categories: construction effects and operational effects. These effects are as follows:
- (a) Construction effects:
- Noise and vibration;
  - Environment management – contaminated land, dust, erosion, and sediment control;
  - Temporary traffic management; and

<sup>15</sup> Mr Roberts, evidence in chief at [10.1.a]

<sup>16</sup> Section 171(1)(d)

- Heritage values.
- (b) Operational effects:
- Landscape and urban design;
  - Noise;
  - Stormwater and flooding;
  - Transportation;
  - Social and economic well-being;
  - Health and safety; and
  - Heritage values.

### **Construction effects – noise and vibration**

42. The evidence and discussion around Designation 84 construction noise and vibration was focused on that which will occur around the SH6/6A intersection, and the effects on guests at the Sudima Hotel at the intersection of SH6 and Grant Rd.
43. The detailed designs were still in progress during the hearing, and the detailed construction methods and timings were not known. However, Mr van Hout considered that all five phases of construction that had been identified by Mr Levett, would involve heavy construction equipment, that this would likely produce high noise and vibration levels, including during night works<sup>17</sup>, and that without mitigation the noise and vibration effects would likely exceed the relevant criteria<sup>18</sup>.

### ***Construction noise***

44. The QLDC Proposed District Plan requires that construction noise be measured, assessed and managed in accordance with NZS 6803:1999 Acoustics – Construction Noise,<sup>19</sup> as does the ODP.<sup>20</sup> Construction noise must comply with the upper limits set out in Table 2 (Residential) and Table 3 (Industrial/Commercial).<sup>21</sup> Table 2 as provided by Mr van Hout is reproduced below (yellow highlighting is as supplied in the table from Mr van Hout).<sup>22</sup>

<sup>17</sup> Mr van Hout, Evidence in Chief, at [6.5]

<sup>18</sup> Mr van Hout, Evidence in Chief, at [5.2]

<sup>19</sup> PDP 36.5.13, as referred to by Mr van Hout, Evidence in Chief, at [7.1b]

<sup>20</sup> Section 42A Report, Appendix 5, Noise and Vibration, at 1.3, p 3

<sup>21</sup> Frankton SH6/SH6A Intersection, preliminary Technical Assessment Report: Road Traffic Noise, Construction Noise and Vibration, 10 March 2022 at 6.1 page 12

<sup>22</sup> SharePoint document 11, that accompanied the Memorandum of counsel for Waka Kotahi NZ Transport Agency, dated 13 July 2023

Time of week	Time Period	Duration of work					
		Typical duration		Short-term duration		Long-term duration	
		Leq	Lmax	Leq	Lmax	Leq	Lmax
Weekdays	0630-0730	60	75	65	75	55	75
	0730-1800	75	90	80	95	70	85
	1800-2000	70	85	75	90	65	80
	2000-0630	45	75	45	75	45	75
Saturdays	0630-0730	45	75	45	75	45	75
	0730-1800	75	90	80	95	70	85
	1800-2000	45	75	45	75	45	75
	2000-0630	45	75	45	75	45	75
Sundays and public holidays	0630-0730	45	75	45	75	45	75
	0730-1800	55	85	55	85	55	85
	1800-2000	45	75	45	75	45	75
	2000-0630	45	75	45	75	45	75

**Table 1: NZS6803:1999 Table 2, Noise criteria for residential zones**

45. As a long-duration project, Table 2 specifies a daytime  $L_{eq}$  of 70 dB. However, this is comparable to the existing ambient daytime noise level around the SH6/6A roundabout, and the Standard states that in this case the construction noise limits should be based on the ambient level plus a margin, and the application considers that a daytime limit of 75 dB is appropriate.<sup>23</sup> The review of the acoustics assessment appended to the Section 42A Report agrees with the requiring authorities that a 75 dB daytime limit is appropriate for those areas already experiencing the road noise, but notes that the Table 2 limit of 70 dB daytime limit should be retained for those properties that are presently screened from the road noise.<sup>24</sup> Accordingly, we have recommended amendments to condition 10 to reflect this.
46. The experts agreed that it was not possible at this stage of the proposal planning to do a detailed assessment of construction noise emissions. They were also agreed that both the daytime and nighttime limits were likely to be exceeded without mitigation and that properties within 70m of construction activities were potentially subject to these exceedances.<sup>25</sup> They were agreed that the appropriate way to manage the effects of construction noise was through a Construction Noise and Vibration Management Plan.

<sup>23</sup> Frankton SH6/SH6A Intersection, preliminary Technical Assessment Report: Road Traffic Noise, Construction Noise and Vibration, 10 March 2022 at 6.1 p12

<sup>24</sup> Section 42A Report, Appendix 5, Noise and Vibration, at 1.3, page 3

<sup>25</sup> Section 42A Report, Appendix 5, Noise and Vibration, at 2.2, page 4



The Construction Noise and Vibration Management Plan would be prepared once the detailed construction methodology was confirmed, and noise levels are known, and the best practical management and physical mitigation options are identified. Mr van Hout's evidence included a non-exclusive list of six possible mitigation options as follows:<sup>26</sup>

1. *localised and site boundary acoustic hoardings;*
2. *equipment selection suitable for the works;*
3. *use of mains power rather than generators where practicable;*
4. *no unnecessary idling of equipment on site;*
5. *continuous communication with properties predicted to exceed the noise and vibration criteria; and*
6. *training of staff and sub-contractors*

47. In addition, the acoustic documentation supplied by Mr van Hout after the hearing, included a hierarchy of measures to reduce the impact of noise and vibration.<sup>27</sup> Although unreferenced, we understand these are from NZS6803:1999, and they are copied below.

1. *Scheduling construction activities to avoid sensitive times, particularly in the case of night works.*
2. *Use equipment and construction methods that minimise noise and vibration at the source, including the use of quieter machinery and tools.*
3. *Including physical mitigation measures to reduce the noise and vibration levels at receivers, such as noise barriers at the boundary of the Site and for specific items of plant.*
4. *Maintain open communication with the community and inform them about the schedule, duration, and potential noise impacts of the construction work. Respond promptly to any complaints and adjust the work plan as needed.*
5. *Deploying trained workers in noise management practices and encourage them to minimise noise by following best practices, such as avoiding unnecessary idling of equipment and using proper tools for the job. Hold*

<sup>26</sup> Mr van Hout, Evidence in Chief, at [11.7]

<sup>27</sup> SharePoint document 11, that accompanied the Memorandum of counsel for Waka Kotahi NZ Transport Agency, dated 13 July 2023

*regular toolbox talks and site inductions which discuss potential noise and vibration impacts.*

6. *Temporary relocation of potentially affected parties during high noise/vibration night works.*

### **Construction Vibration**

48. Like construction noise, the planning stage of the project does not yet allow for a detailed assessment of construction vibration. The experts are agreed that a Construction Noise and Vibration Management Plan is the appropriate way to provide for such an assessment once construction methods are known, as well as to manage the effects of vibration.<sup>28</sup> They agree that the appropriate assessment standard is the German standard DIN 4150-3:1999 Effects of Vibration on Structures, and that the appropriate limits for vibration to prevent building damage are 5 mm/s PPV for residential buildings and 10 mm/s PPV for commercial buildings.<sup>29</sup>
49. Mr van Hout considers that buildings within 10m of construction activity are likely to experience vibration greater than 5 mm/s PPV limit,<sup>30</sup> and the applicant stated that commercial buildings within 10m, and residential buildings within 20m, of construction activity would likely exceed the vibration limits set in the standard.<sup>31</sup> The Section 42A Report considered that slightly larger setbacks may be required, but that this could be managed through the Construction Noise and Vibration Management Plan.<sup>32</sup>

### **Conclusions on Noise and Vibration**

50. We accept the combined opinion of the experts that a professionally compiled and monitored Construction Noise and Vibration Management Plan is the appropriate way to manage the effects of construction noise and vibration. We have adopted the conditions proposed for construction noise and vibration management and for the Construction Noise and Vibration Management Plan, with some modifications.
51. We recognise the importance of engagement with those on the receiving end of construction noise and vibration and have adjusted the proposed conditions to fully reflect the 6-point hierarchy of measures provided by Mr van Hout copied above.
52. We note that the proposed working day is 7am-6pm, but that the noise standards have the daytime limits beginning at 7:30am. We were assured the activities undertaken before 7:30am would be preparatory and not actual construction requiring heavy machinery, and that minimal noise would be generated in this timeframe, and we have modified the conditions to ensure this.

<sup>28</sup> Section 42A Report, Appendix 5, Noise and Vibration, at 2.3, page 4

<sup>29</sup> Section 42A Report, Appendix 5, Noise and Vibration, at 1.4, page 3

<sup>30</sup> Evidence of George van Hout at 11.6, page 14

<sup>31</sup> Frankton SH6/SH6A Intersection, preliminary Technical Assessment Report: Road Traffic Noise, Construction Noise and Vibration, 10 March 2022 at 6.3 p14

<sup>32</sup> Section 42A Report, Appendix 5, Noise and Vibration, at 2.3, page 5

53. The requiring authority was concerned to protect the fence, gates and headstones of Frankton Cemetery from the possibility of damage from construction vibration, and to ensure that internments at the cemetery are conducted with reverence and without disruption from construction activity in the vicinity. Conditions have been included to require this.

### **Construction effects – Environmental management**

54. During the construction of the State Highway improvements, there is the potential to generate dust, erosion and sediment runoff. As noted in the evidence of Mr Roberts, the BP site is identified on Otago Regional Council's Hazardous Activities and Industries List.<sup>33</sup> It is therefore also possible that soil disturbance may occur on potentially contaminated land. Mr Roberts confirmed that this will be addressed during detailed design and any resource consents required under the Regional Plan: Waste for Otago or the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health will be obtained.
55. The construction methodology and programme were addressed in the evidence of Mr Levett.<sup>34</sup> He outlined how an Environmental Management Plan would be used to manage the effects of construction works. He advised that the existing Environmental Management Plan for the NZUP Queenstown Package would be used and would be updated to include the works the subject of this designation. The plan will cover dust control, works around trees, contaminated land, erosion and sediment control, hazardous substances, and heritage and archaeology.
56. The evidence of Ms Brook on behalf of QAC provided detailed information on the potentially significant risks to aircraft on approach or departure to the airport, should earthworks during construction not be managed properly. For example, dust plumes can potentially impede visibility and ponded water can attract birds, which in turn can increase the risk of bird strike.<sup>35</sup> Ms Brook sought that these matters be included in the conditions relating to the preparation of the Environmental Management Plan.
57. A set of draft conditions was appended to Mr Robert's evidence, which included the requirement for an Environmental Management Plan to be submitted prior to site works commencing. The draft conditions also included amendments to address the matters raised in Ms Brook's evidence. By the close of the hearing, the approach had changed slightly, with the set of conditions submitted on 18 August 2023 being amended to require the Environmental Management Plan to be submitted as part of the outline plan of works.
58. Ms McConnell agreed that this approach was appropriate. We agree and find that the potential environmental effects associated with construction can be appropriately managed. We agree that the Environmental Management Plan should be submitted as

<sup>33</sup> Mr Roberts, Evidence in Chief at [10.41]

<sup>34</sup> Mr Levett, Evidence in Chief at [7.1] – [7.18] and [9.11] – [9.7]

<sup>35</sup> Ms Brook, Evidence in Chief at [3.1] – [3.8]

part of the outline plan of works, as this will enable the Council to request changes, if necessary, once the construction methodology and programme is further developed.

### **Construction effects – Temporary traffic management**

59. Submissions raised concerns about the impact and duration of construction works on road users, local businesses, and transport operators.
60. As noted earlier, the construction methodology and programme were addressed in the evidence of Mr Levett.<sup>36</sup> He outlined that the intention is for trucks to run in a circuit from the Shotover Bridge laydown and quarry to the site in order to deliver and remove material. He advised that the construction programme is still in development, but that the initial stage, comprising the BP intersection works and bus hub will have a duration of three years.<sup>37</sup> In relation to the BP intersection work, he highlighted that the intention was to limit the number of construction phases in order to reduce the number of times road users need to learn a new layout.<sup>38</sup> He told us that no decision had been made as to whether the rest of the state highway work would be done concurrently with the bus hub and SH6/6A intersection, or whether the parts would be done sequentially, stating that this was partly dependent on funding. He acknowledged that the construction period could extend to six years or more if the parts were done sequentially.
61. Mr Gatenby acknowledged that there will be disruption to road users and residents during construction. He recommended that a Temporary Traffic Management Plan be prepared and included in the outline plan of works.<sup>39</sup> The evidence of Mr Levett and Ms Greenshields described how a Communications and Engagement Plan would be the primary tool to assist in managing the potential impacts by providing information to stakeholders on construction activities.
62. It is clear to us that the duration of the construction works, and limited alternative routes available to road users will result in delays and has the potential to result in ‘rat-running’ through nearby residential streets. The issue of ‘rat-running’ was identified in the evidence of Mr Gatenby as being an existing issue, particularly during the ski season.<sup>40</sup> We sought clarification in our first minute and directions as to how this issue could be managed and in particular, how changes may be made if monitoring identifies any issues that may arise. This matter was addressed in the memorandum of counsel,<sup>41</sup> which confirmed that the safe and efficient operation of roads falls under Waka Kotahi and QLDC’s responsibilities as road controlling authorities. However, as Waka Kotahi is unable to restrict the use of QLDC’s roads, the issue is best dealt with through Waka Kotahi monitoring traffic flows and working with QLDC to manage any issues. We accept this and find that it will be the responsibility of QLDC as road controlling authority

<sup>36</sup> Mr Levett, Evidence in Chief at [7.1] – [7.18]

<sup>37</sup> Ibid, at [12.1]

<sup>38</sup> Ibid, at [7.1]

<sup>39</sup> Mr Gatenby, Evidence in Chief at [14.1]

<sup>40</sup> Ibid, at [6.6]

<sup>41</sup> Memorandum of counsel for Waka Kotahi NZ Transport Agency, dated 13 July 2023, at [5.1] – [5.2]

to implement any measures that may be required to manage traffic on residential streets. We further find that the Communications and Engagement Plan will be critical to ensuring the community is aware of the timing of construction activities and provided with information on road layout changes.

63. The final set of conditions provided included the requirement for the outline plan(s) of work for the State Highway improvements to include measures to manage temporary traffic management during construction.<sup>42</sup> Among other matters, this information is to include methods for maintaining reasonable vehicle access to adjacent properties, methods for performance monitoring of temporary traffic management measures and consultation with tourism operators and public transport services. We find that this condition is appropriate and have recommended that it is imposed.

### **Construction effects – Heritage values**

64. The Frankton Cemetery walls and gates are a listed heritage item with category 2 status. These heritage features will not be altered as part of the works. We note that it is proposed to create a formed parking area to enhance the visitor arrival experience. The works and earthworks for the State Highway improvements have the potential to result in damage as a result of vibration. As we have already discussed, these effects can be avoided or mitigated through the inclusion of vibration criteria within the Construction Noise and Vibration Management Plan and monitoring during the works.

### **Operational effects – Landscape and urban design**

65. The legal submissions for Waka Kotahi<sup>43</sup> highlighted that the main adverse landscape effect identified by both Mr Robertson and in the Section 42A Report is the effect of the proposed tree removals, which will result in significant short to medium term effects. QLDC's legal submissions noted that '*a large number of these trees*' are to be removed within the bus hub designation.<sup>44</sup> As we have commented throughout this report, the combined nature of the assessments and evidence presented did not clearly distinguish between the effects of allowing each separate requirement. This was further complicated by the fact that much of the potential mitigation through the proposed landscaping, encompassed land outside the designation footprint for the bus hub.<sup>45</sup>
66. The Urban Design and Landscape Assessment provided with the notice of requirement identified that 92 trees would be required to be removed for the Project. The feasibility of reducing the tree removals for the bus hub was investigated, however this did not yield any significant improvement due to the existing versus proposed ground levels.<sup>46</sup> By the time of the hearing, it was identified that there would be a total of 139 trees required to be removed for the Project.

<sup>42</sup> Condition 12A in Appendix C to the Joint memorandum of counsel for Waka Kotahi NZ Transport Agency and Queenstown Lakes District Council, dated 18 August 2023

<sup>43</sup> Legal submissions for Waka Kotahi NZ Transport Agency, dated 20 June 2023 at [8.12]

<sup>44</sup> Legal submissions on behalf of Queenstown Lakes District Council – Frankton Bus Hub expansion, dated 20 June 2023 at [4.4.b]

<sup>45</sup> As shown in the Preliminary Landscape Plan at Appendix 2 to Mr Robertson's Evidence in Chief

<sup>46</sup> NZ Upgrade Programme – Queenstown Package, Urban Design and Landscape Assessment at page 9

67. It was the evidence of Mr Robertson that:

*... the short to medium term effects resulting from their removal will be significant. There are no mitigation measures that can be implemented to effectively reduce these significant short to medium term effects... it will likely take decades for new planting to establish and grow to achieve the same physical presence as the trees being removed.<sup>47</sup>*

68. However, Mr Robertson considered on balance, and taking into account the positive effects, which include improvements to user experience for all modes of transport and the enhancement of associative values through design elements, that the overall effects on the local landscape will be moderate.<sup>48</sup>
69. The Section 42A Report included a memoranda from Ms Leith, on behalf of Council's Parks and Reserves division, and Ms Devlin and Mr Compton-Moen, in respect of urban design. Ms Leith concluded in her memorandum that the extent of mitigation was not known, as no plans or details of the number of replacement trees had been provided. Similarly, Ms Devlin and Mr Compton-Moen concluded that while the overall urban design outcome will likely be positive, there was insufficient landscaping and visual amenity mitigation detail provided.
70. The conditions appended to Mr Roberts' evidence included a condition to require replacement planting at a rate of two new trees for every tree removed, as is required by QLDC's Tree Policy. The proposed condition was worded such that this planting could occur on any land administered by QLDC, including local reserves and local roads.
71. A preliminary landscape plan was appended to Mr Robertson's evidence. We explored this in some detail with him, along with how the proposed condition for replacement tree planting would work. He told us that the focus was on the number of trees that could be reintroduced to the east side of the golf course access road and drew our attention to the regular spacing of the proposed trees shown on the plans. He advised that in his experience, a far greater number of trees could be provided in this area. He described how discussions with QLDC at the time included offset planting and how much planting can fit into the footprint and how much may be achieved in the area directly adjacent to the designation footprint.
72. In the officer's response, Ms Leith indicated that she was pleased that a condition had been offered to require replacement planting in accordance with the Council's tree policy. She highlighted that this policy was not solely focussed on visual mitigation, but also had other important objectives to off-set carbon emissions and reduce heat island<sup>49</sup> effects. It was her preference that rather than specifying a percentage of trees to be planted within the designation footprint, any condition imposed reflect the

<sup>47</sup> Mr Robertson, Evidence in Chief, at [9.4]

<sup>48</sup> Mr Robertson, Evidence in Chief, at [10.1] – [10.3]

<sup>49</sup> Whereby urban land is hotter due to building materials and reduced vegetation cover

priorities in the tree policy; whereby the first priority is to replant in the same road corridor or reserve where the trees are removed, following this replanting should occur in the closest road corridor or reserve, and failing that within the urban forest. She also noted that the reclassification of the reserve land was underway and that one submission had been received from a property owner with three properties adjoining the land. Ms Devlin advised that she agreed with Mr Robertson that the overall adverse effects would be moderate, insofar as balancing is appropriate, but did see the duration of adverse effect, being 15 to 20 years until the new planting established, as somewhat concerning.

73. Given the high degree of uncertainty around the extent of mitigation that will be achieved and the level of adverse effects, we invited the requiring authorities to provide further clarification and in particular, to advise the level of mitigation planting that can be achieved within each of the designation footprints.<sup>50</sup>
74. By the close of the hearing, the likely number of tree removals had reduced slightly to 124 and some clarification was provided in relation to the replacement tree planting. We were advised that the current design would reintroduce 113 trees to the area immediately surrounding the SH6/SH6A intersection; 90 of which will be within the Waka Kotahi designation, seven within the bus hub designation and 16 within the golf course. In addition to this, an additional 12,500m<sup>2</sup> of planting comprising ground cover, shrubs and small trees would be established within the boundary of the designation footprints, with the majority around the golf club access road and a smaller proportion within the bus hub. It was further advised that the likely location for circa 100 replacement trees would be within the Frankton Beach Reserve.<sup>51</sup>
75. Mr Robertson commented that *'The requirement to undertake replacement planting on specific parcels of land would limit opportunities to achieve the best outcomes in terms of mitigating effects and may also result in planting trees in sub-optimal locations.'*<sup>52</sup> The final wording of the landscape plan condition<sup>53</sup> included the following wording in relation to replacement trees:
- ... located with the objective of achieving a landscape that has mature trees that provide a high degree of amenity within the vicinity of the Bus Hub and SH6/SH6A intersection when considered together with landscaping provided under designation 84 (RM221079)*
76. While we accept that trees will need sufficient space to reach maturity, we find that the wording of the landscape plan condition leaves open the possibility that no, or very limited planting may occur within the footprint of the State Highway improvements or the immediate vicinity. To an extent this has been confirmed in the response which indicates approximately 100 trees will be planted in the Frankton Beach Reserve. We

<sup>50</sup> Minute and Direction No. 2 dated 3 August 2023

<sup>51</sup> Joint Memorandum of Counsel, 18 August 2023, Appendix B, Memorandum by Mr Wade Robertson at page 2

<sup>52</sup> Joint Memorandum of Counsel, dated 18 August 2023, Appendix B, Memorandum by Mr Wade Robertson at page 2

<sup>53</sup> Condition 1 for both the bus hub and Designation 84, Appendix C to the Joint memorandum of Counsel, dated 18 August 2023

therefore find there is some uncertainty relating to Mr Robertson's conclusion that the overall effects on the local landscape will be moderate.

77. Having considered the evidence of Mr Robertson, the information provided following the hearing and formulation of the landscape plan condition, we find that replacement planting that may occur at locations such as Frankton Beach Reserve is not mitigation, as it does not address effects at the point of impact, namely within the designation footprint. We view it rather as a positive environmental effect that we may take into account under s171(1) and s171(1B). We accept broadly that replacement tree planting on QLDC owned land is a positive effect, as it will increase the tree cover in the district. We also accept that due to the Project being delivered by the Alliance on behalf of both Waka Kotahi and QLDC, there are synergies that make it possible to coordinate the approach to landscape planting. However, we are not persuaded that the replacement planting outside of the footprint of the designation is a matter that can be considered under Section 176A of the Act. This section requires the submission of an outline plan *'of the public work, project, or work to be constructed on designated land'*. Approximately half of the replacement planting is to be established on land outside the designated land. We find that this is not a matter properly considered as part of the outline plan process. We find that it is more appropriate for the conditions to simply require replacement planting at a 2:1 ratio, as offered by the requiring authority and for this replanting to be in accordance with the tree policy, to allow planting outside the boundary of the designation. We have also imposed a condition to require the landscape plan submitted as part of the outline plan to include as many suitable replacement trees as possible. Lastly, we have amended the conditions relating to some of the matters raised by QAC, to simply require that the agreed changes to be implemented. For example, the requirement for bird resistant seeds to be used has been imposed as a standalone condition, rather than as a detail to be provided with the landscape plan. Given that the location of the replacement planting is unknown, we have also included the requirement for all replacement planting to be selected from the species in Chapter 17 – Airport Zone of the Proposed District Plan.
78. Overall, we find that there will be significant adverse effects on local landscape in the short to medium term. However, we do not go so far as to consider the potential effects so significant to determine that the notice of requirement be withdrawn. As noted above, there are synergies due to the Project being delivered by an Alliance on behalf of the two requiring authorities that mean it is possible to coordinate the approach to landscape planting and other aspects such as construction staging. Furthermore, QLDC has a responsibility to implement its tree policy which applies to Council land and there will be positive effects resulting from the replanting of approximately 248 trees<sup>54</sup>. We also agree that the upgrades to the pedestrian and cycle facilities will enhance the perceptual and associative effects for people travelling on the state highway and passers-by.

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<sup>54</sup> Assuming a total of 124 trees will be removed for both the bus hub and State Highway improvements



## Operational effects - Noise

79. There are no standards for road traffic noise within the Queenstown Lakes Operative or Proposed District Plans, so traffic noise assessment was carried out in accordance with NZS 6806:2010 Acoustics-Road Traffic Noise – New and Altered Roads. As no new roads are proposed, only the altered road criteria were considered. Under these criteria the road noise with and without the alteration are considered, and mitigation is only required if:
- the projected noise level with the alteration is at least 64 dB  $L_{Aeq(24h)}$  **and** is at least 3 dB higher than the projected road noise without the alteration; or
  - the projected noise level is at least 67 dB **and** at least 1 dB higher than without the alteration.
80. The noise levels were modelled for 2048, as this was the year that they had modelled traffic volumes. The reference points are the nearest protected premises and facilities (**PPFs**) that are within 100m of the proposed traffic lanes.<sup>55</sup>
81. A detailed noise assessment was undertaken for sites around the SH6/6A intersection. The identified PPFs as shown in the figure below.<sup>56</sup>



**Figure 8: Overview of PPFs locations**

<sup>55</sup> Frankton SH6/SH6A Intersection, preliminary Technical Assessment Report: Road Traffic Noise, Construction Noise and Vibration, 10 March 2022 at 2.1 page 3

<sup>56</sup> Frankton SH6/SH6A Intersection, preliminary Technical Assessment Report: Road Traffic Noise, Construction Noise and Vibration, 10 March 2022 Figure 3.1 at 3.1 page 4

82. Although the modelling showed that several sites would exceed the 64/67 dB thresholds, none showed an increase in noise of more than 0.4 dB<sup>57</sup>. The existing noise environment is currently dominated by traffic noise, and this is not likely to change with the intersection upgrade. There will be some small reductions in traffic noise due to a quieter road surface being put in place. Therefore, operational noise effects of the SH6/6A roundabout replacement were assessed as minimal and it was concluded that no mitigation was required.<sup>58</sup> The Section 42A Report agreed with the above assessment,<sup>59</sup> and Mr Trevathan made no comment that disagreed with it. We accept the evidence of the experts and there is no condition required around noise limits or mitigation for road traffic noise arising from the altered designation.
83. Mr van Hout did make some suggestions to reduce or limit the noise effects from the upgraded intersection. Already included in the intersection design are measures to control traffic speed and so reduce the need for engine braking.<sup>60</sup> He also recommended that any other practical measures to reduce engine braking should be implemented, and that the quality and condition of the road surface can have a significant effect on road traffic noise. Surfaces should be durable and competently laid, and joins between sections should be smooth and flat, without discontinuities.<sup>61</sup> The Section 42A Report agreed with these suggestions.<sup>62</sup>
84. While the details of road construction and the operation of the roading network are beyond our remit, we endorse the view of the experts that all practical mechanisms to limit or reduce road noise at the intersections covered by the alteration to Designation 84 should be explored.
85. Mr van Hout acknowledged that he had not done a detailed acoustic assessment of the other intersections affected by the alteration to Designation 84, but he expected that the results would be similar to those from the SH6/6A intersection discussed above. He recommended that these other intersections be assessed to determine whether noise mitigation is required.<sup>63</sup> This was supported by Mr Trevathan during the hearing and a condition to this effect is included in our recommendation.<sup>64</sup>

### **Operational effects – Stormwater and flooding**

86. Some submissions<sup>65</sup> raised concerns that there could be an increase in overland flows and flooding.

<sup>57</sup> Frankton SH6/SH6A Intersection, preliminary Technical Assessment Report: Road Traffic Noise, Construction Noise and Vibration, 10 March 2022 Table 4.1 p10

<sup>58</sup> Frankton SH6/SH6A Intersection, preliminary Technical Assessment Report: Road Traffic Noise, Construction Noise and Vibration, 10 March 2022 at 5.1-5.2 p11

<sup>59</sup> Section 42A Report, Appendix 5, Noise and Vibration, at 2.1.3, page 4

<sup>60</sup> Mr van Hout, Evidence in Chief, at [13.3]

<sup>61</sup> Frankton SH6/SH6A Intersection, preliminary Technical Assessment Report: Road Traffic Noise, Construction Noise and Vibration, 10 March 2022 at 5.2 p11

<sup>62</sup> Section 42A Report, Appendix 5, Noise and Vibration, at 2.1.3, page 4

<sup>63</sup> Mr van Hout, Evidence in Chief, at 12.4

<sup>64</sup> Condition 9

<sup>65</sup> Submission 13 and 34

87. The management of stormwater and potential flooding effects were addressed by Ms Prestidge. She explained how the stormwater would be managed through a combination of new reticulation or overland flow paths and how new infiltration basins would be provided to treat road runoff and attenuate flood flows. She advised that there would be a reduction in flooding during 1% AEP events at the submitters' properties as a result of the stormwater design.<sup>66</sup> She also responded to the suggestion that the stormwater infrastructure be located elsewhere, advising that this was not possible due to the required setback from the road to meet the QLDC Code of Practice and standard industry practice.<sup>67</sup>
88. Ms Prestidge concluded that stormwater treatment and flooding levels will either be improved, or made no worse, as a result of the Project.<sup>68</sup> We accept stormwater and flooding effects will be appropriately managed through the provision of the new reticulation system and proposed treatment and attenuation devices.

### Operational effects - Transportation

89. Messrs. Gatenby and Gibson addressed the design philosophy, the transport network operating environment and the effects on traffic, public transport operations, active mode users and parking/access. It was the opinion of Mr Gatenby that the Project would have a transformational impact on public transport within the area.<sup>69</sup> In relation to the alteration to Designation 84, he considered that it would improve the reliability of public transport services and improve accessibility to existing and future land use through the provision of additional bus stops. Of note, he advised that traffic modelling indicates *'bus travel times will be more reliable than without the scheme, and are less variable than general traffic travel times.'*<sup>70</sup>
90. We have discussed matters relating to health and safety, and in particular relating to the safety of cyclists and pedestrians, in a separate section below.
91. The submission by Reid Ranch Limited<sup>71</sup> raised concerns about the loss of parking at the Frankton Village Shops. The indicative information included in the landscape plan, was that the reconfiguration of the parking areas would result in the removal of 11 spaces adjacent to the Frankton Village Shops and 3 spaces on Gray Street.<sup>72</sup> The evidence of Mr Gatenby identified there would be potential effects on access and parking.<sup>73</sup> He advised that Gray Street would be converted to eastbound only between McBride Street and SH6, as this will facilitate improved parking bay allocation. Mr Gibson stated that detailed design was ongoing with regards to parking<sup>74</sup> and neither

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<sup>66</sup> Ms Prestidge, Evidence in Chief at [8.4]

<sup>67</sup> Ibid at [9.6]

<sup>68</sup> Ibid at [11.1]

<sup>69</sup> Mr Gatenby, Evidence in Chief, at [12.1]

<sup>70</sup> Ibid at [12.3]

<sup>71</sup> Submission 33

<sup>72</sup> NZ Upgrade Programme – Queenstown Package, Urban Design and Landscape Assessment, Figure 5, at page 19

<sup>73</sup> Mr Gatenby, Evidence in Chief, at [13.1] – [13.4]

<sup>74</sup> Mr Gibson, Evidence in Chief, at [9.23]

he nor Mr Gatenby could advise at this point in time the level of parking provision that will be achieved.

92. We find that the reduction in parking adjacent to the Frankton Village Shops will inconvenience people, however this will be mitigated through the provision of a new parking area on the golf course land.
93. The evidence of Mr Roberts<sup>75</sup> outlined how as part of the works, part of Hansen Road would be relocated approximately 120 metres to the east to improve access to the land on the north side of SH6. He also provided an overview of the access arrangements into the BP/Terrace Junction site and entrance to the Frankton Golf Centre. Mr Gibson advised that liaison would continue through the detailed design phase to address the access configuration to the BP/Terrace Junction site<sup>76</sup> He considered that access to the Frankton Golf Centre would be improved as a result of the works.
94. Mr Glover, spoke to the submission by Shaping Our Future, highlighting concerns around how the design funnels cyclists from Gray Street, down a steep hill to the lake. He wished to see a safe cycle route provided between Gray Street and the Frankton Track and sought a condition be imposed in this regard. While we appreciate Mr Glover's concerns, we agree with Mr Gibson<sup>77</sup> that this request is out of scope, as it relates to an area outside the alteration to Designation 84.
95. Overall, we accept the opinion of Mr Gatenby that the alteration to Designation 84 will assist in encouraging public transport and active mode use through the area subject to the designation, and beyond. It will also provide for improved reliability of bus travel times and improve safety for all road users.

### **Operational effects – Social and economic well-being**

96. The evidence of Mr Sizemore provided context to the need for the Project, noting that high tourism and population growth has placed considerable pressure on the transport system. He outlined the success of the Orbus service introduced in 2017 but noted that this service is already reaching capacity.<sup>78</sup> He outlined the 'three pillars of investment' approach whereby investment is distributed to infrastructure, public transport service operations and travel behavioural change and how this led to a preference to maximise interventions relating to bus priority, active modes and intersection improvements.<sup>79</sup> He explained that the purpose of the Project is to *'prioritise public transport and active modes, in an effort to move more people, rather than more cars.'*<sup>80</sup>
97. We find that the State Highway improvements will be an important first step as part of the wider NZUP Queenstown Package to improving the performance of Queenstown's

<sup>75</sup> Mr Roberts, Evidence in Chief, at [9.8]

<sup>76</sup> Mr Gibson, Evidence in Chief, at [9.45]

<sup>77</sup> Ibid, at [9.17]

<sup>78</sup> Mr Sizemore, Evidence in Chief, at section 8

<sup>79</sup> Ibid, at [12.2] – [12.4]

<sup>80</sup> Ibid, at [14.2]

transport system in order to provide for people and communities' social and economic well-being.

### **Operational effects – Health and safety**

98. The key health and safety issues raised at the hearing related to the safety of cyclists and pedestrians and the potential for vegetation and structures to impact on airport operations.
99. A number of submitters were concerned that the design did not make adequate provision for the safety of cyclists and pedestrians.<sup>81</sup> Some submitters expressed a preference for off-road facilities, while others raised detailed concerns about specific aspects of the design such as turning facilities, crossing facilities and consideration of an underpass or overpass for cyclists and pedestrians. Mr Bryant, spoke to the submission by Back Pedallers, a group of 120 recreational cyclists. He highlighted concerns around cycling safety at the BP intersection, noting amongst other things that there are no cycling lanes for left hand turns from Kawarau Road into SH6A, nor for SH6 into Kawarau Road and that it would be highly desirable to have an underpass at the intersection. He commented that overall, there was no continuity or consistency to the provision of cycle facilities and was particularly concerned with areas showing cycle lanes merging with bus lanes.
100. Messrs. Gatenby<sup>82</sup> and Gibson<sup>83</sup> responded to these submissions, noting that detailed design was continuing, and they were both of the opinion that there would be a substantial improvement to the safety of pedestrians and cyclists when compared to the existing situation. Mr Gibson noted that the options of an underpass or overpass were considered as part of the business case but were not supported due to factors including the cost of land and in respect of an overpass, the requirements of over-dimension vehicles.
101. Mr Rossiter, a consultant transportation engineer for Council, reviewed the Project and prepared a memorandum as part of the Section 42A Report. Mr Rossiter raised a number of specific concerns relating to the design and safety matters. These matters were comprehensively addressed in the evidence of Mr Gibson.<sup>84</sup> Of note, he set out the details of the different safety reviews that are undertaken during the detailed design phase. He further identified that some specific matters, such as safety of pedestrian crossings for pedestrians with impaired vision as a detailed design matter that will be addressed.
102. As we have noted earlier, Ms Brook and Mr Dodd appeared for QAC. Ms Brook provided an overview of the obstacle limitation surface and its fundamental role in ensuring the safety and efficiency of airport operations. In this regard, she advised that any penetrations of this surface by trees or structures, such as lights were a serious

<sup>81</sup> Submissions 3, 5, 8, 10, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 27, 31, 32

<sup>82</sup> Mr Gatenby, Evidence in Chief, at [15.3]

<sup>83</sup> Mr Gibson, Evidence in Chief, at [9.3] and [9.14]

<sup>84</sup> Mr Gibson, Evidence in Chief at, sections 9 and 10

risk to health and safety. By the close of the hearing, the conditions had been amended to address the concerns raised by QAC. As we have discussed earlier, these conditions include requirements relating to the use of bird resistant seed and replacement planting to be selected from the species in Chapter 17 – Airport Zone of the Proposed District Plan, or alternative species acceptable to QAC.

103. We are satisfied that there will be appropriate reviews and audits undertaken at the detailed design phase to ensure that all elements of the State Highway improvements appropriately provide for the health and safety of people and communities.

### **Operational effects – Heritage values**

104. As we have noted earlier, the Frankton Cemetery walls and gates are a listed heritage item with category 2 status. These heritage features will not be altered as part of the works. We note that it is proposed to create a formed parking area to enhance the visitor arrival experience. We agree with Mr Robertson that this more formalised entry will improve the appearance and sense of arrival, as well as providing for passers-by on foot/cycle to appreciate these heritage features.<sup>85</sup>

### **Section 171(1)(a) any relevant provisions**

105. Section 171(1)(a) sets out the relevant provisions that must be considered by a territorial authority when considering its recommendation on a notice of requirement.
106. The notice of requirement documentation, the Section 42A Report, and the planning evidence on behalf of the requiring authority provided a comprehensive analysis of the relevant provisions. This material addressed the provisions of the following policy statements and plans:
- National Policy Statement for Freshwater Management 2020;
  - Partially Operative Otago Regional Policy Statement 2019;
  - Proposed Otago Regional Policy Statement 2021;
  - Otago Regional Plan: Water;
  - Otago Regional Plan: Air;
  - Otago Regional Plan: Waste;
  - The ODP; and
  - The PDP.

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<sup>85</sup> Mr Robertson, Evidence in Chief at [9.24]

107. The planning experts agreed the proposal is consistent<sup>86</sup> with the policies of the relevant national policy statement, regional policy statements, regional plans, and district plans and further agreed the proposal was consistent with the National Environmental Standards relating to Assessing and Managing Contaminants in Soil to Protect Human Health and the National Environmental Standard for Air Quality.
108. While we accept their assessment and conclusions and do not intend to repeat their analysis here, however there were differences between the planning experts on relevant plan provisions, which we observed is largely in relation to the provisions of the PDP and to a lesser extent, the ODP. We have therefore found it necessary to set out discussion on these differences.

### **The Proposed District Plan**

109. The alteration to the Designation 84 occurs across multiple zones and numerous parts of the existing state highway, as well as parts of the local roading network. The proposed alteration is located on land referenced in the notice of requirement documents as Property References 301-304, 306-308, 401- 411, 413, 414, 416-419, 501, and 502. We note the AEE<sup>87</sup> notes that Property References 301, 306, 401, 407, 408, 408a, 414 and 418 are located within the legal road which is not zoned in the PDP.
110. Mr Roberts provided an assessment of the objectives and policies<sup>88</sup> identifying the following chapters relevant:
- Chapter 7 Lower Density Suburban Residential Zone
  - Chapter 15 Local Shopping Centre Zone
  - Chapter 16 Business Mixed Use Zone
  - Chapter 29 Transport
  - Chapter 38 Open Space & Recreation Zone, Informal Recreation Zone, Community Purposes Zone
111. Ms McConnell advised that Mr Roberts' assessment was *'adequate and is adopted'*,<sup>89</sup> however she considered additional provisions were also relevant in Chapter 7 Lower Density Suburban Residential Zone and that Chapter 3 Strategic Directions, Chapter 30 Energy and Utilities, and Chapter 30 Noise were also relevant. In his evidence, Mr Roberts did not provide any further assessment of Chapters 7, or assess Chapters 3, 30, and 36.

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<sup>86</sup> Assessment of Effects on the Environment, page 43, and Section 42A page 20

<sup>87</sup> Assessment of Effects on the Environment, section 5.1, Table 4, page 18

<sup>88</sup> Assessment of Effects on the Environment, section 9 page 39 along with Appendix C Tables 7 & 8, pages 61-67

<sup>89</sup> Section 42A Report, section 9, page 20

112. There was no disagreement between the planning experts on Chapter 15 Local Shopping Centre, Chapter 16 Business Mixed Use Zone, Chapter 29 Transport, and Chapter 38 Open Space and Recreation Zones, Informal Recreation Zone, and Community Purposes Zone, therefore we adopt their assessments and conclusions as set out in relation to these provisions.
113. After the adjournment of the hearing, as part of expert conferencing, we were provided with a Joint Witness Statement<sup>90</sup> to assist our considerations on the relevance of Chapter 25 Earthworks. This statement set out the agreed provisions of Chapter 25. There was no disagreement between the expert planning witnesses, therefore we accept their analysis and adopt their conclusions.
114. At the hearing, although we noted general agreement between the planning experts on the plan provisions identified, there was however some differences in what plan provisions were considered relevant. For completeness, we have considered these differences, and this is set out below.

### **Chapter 3 Strategic Directions**

115. Ms McConnell considered Chapter 3 relevant, concluding the proposal consistent<sup>91</sup> as it achieves key strategic drivers including sustainable development, infrastructure to support development, reducing carbon emissions, community resilience and accessibility and mobility. However, her assessment only specifically identified Strategic Objective 3.2.1.3 as relevant.
116. Objective 3.2.1.3 states:
- The Frankton urban area (including Remarkables Park mixed use centre) functions primarily as a major commercial and industrial service centre, and provides community facilities for the people of the Wakatipu Basin.*
117. Through questioning at the hearing, Mr Roberts advised he did not consider it necessary to specially address Chapter 3, as he considered the lower strategic directions of other chapters, which he referred to as step down provisions of the plan, will implement Chapter 3.
118. In determining the relevance of Chapter 3, we have taken guidance from Section 3.1B Interpretation and Application, which includes Section 3.1B.2.
119. We find Chapter 3 sets out the overarching strategic direction for the management of growth, land use and development in a manner that ensures sustainable management of the district's special qualities. Further that for the purpose of plan implementation, section 3.1.B2 specifically refers to determination of notices of requirement and that the Strategic Objectives and Strategic Policies of Chapter 3 may provide guidance on

<sup>90</sup> Joint Witness Statement – Planning, dated 13 July 2023

<sup>91</sup> Section 42A Report, page 23



what related objectives and policies of other chapters are seeking to achieve in relation to Strategic issues. We also note that this section of the plan directs that relevant objectives and policies are to be considered together and that no fixed hierarchy exists between them. On this basis, we prefer the evidence of Ms McConnell that Chapter 3 is relevant and agree that the proposal is aligned with the themes of Chapter 3, and is directly aligned with Strategic Objective 3.2.1.3.

### ***Chapter 7 Lower Density Suburban Residential***

120. Part of the alteration to the SH6 designation occurs adjacent to and in the vicinity of land zoned Lower Density Suburban Residential (**LDSR Zone**).
121. Mr Roberts identified policies 7.2.1.1, 7.2.1.3 and Objective 7.2.6 with supporting policy 7.2.6.3. He concluded the proposal was consistent<sup>92</sup>, which Ms McConnell agreed with and adopted<sup>93</sup>.
122. In addition, Ms McConnell identified Objective 7.2.1 along with Policies 7.2.6.1 and 7.2.6.2. She concluded the proposal was aligned<sup>94</sup> as it promotes sustainable transport options, improves connectivity, reduces reliance on private vehicles, provides for a higher frequency of public transport services, develops a comprehensive transport network, and caters for the needs of all people. She opined that providing infrastructure for a higher frequency transport service will encourage a mode shift to the use of public transport and the notice of requirement will create an efficient, sustainable, and safe transport system that meets the needs of residents and visitors.
123. We have considered these additional provisions and find Objective 7.2.1 is concerned with providing a mix of compatible suburban densities and a high amenity low density residential living environment for residents as well as users of public spaces within the zone. We do not find this objective directly relevant as it relates to residential densities 'within the zone' and our understanding is that while the alteration to the designation is located on land adjoining and close to the LDSR Zone, it is not located on land zoned LDSR. We do however accept these provisions nonetheless seek to provide high amenity environments for users of public spaces and that the notice of requirement has considered zoning capacity in the design process.
124. Ms McConnell identified Policy 7.2.6.1 which is related to ensuring access and vehicle parking is located and designed to optimise safety and efficiency of the road network and minimise impacts on on-street vehicle parking. Further she identified Policy 7.2.6.2 which seeks development is designed consistent with the capacity of existing infrastructure networks, and where possible incorporates low impact approaches to stormwater management and efficient use of potable water. As noted above, we have accepted Ms Prestidge's evidence and conclusion that stormwater flows into private property has been taken into account in the preliminary designs and that the proposal will result in reduced flood flows to the affected properties. We also accept that the

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<sup>92</sup> AEE, section 9.3.6, page 44

<sup>93</sup> Section 42A Report, section 9, page 20

<sup>94</sup> Section 42A Report, page 23

proposed swales are a low impact approach to stormwater management. We also find that the safety and efficiency of the LDSR road network can be incorporated into an Outline Plan of Work(s) relating to managing temporary traffic management issues during the construction period.

### **Chapter 30 Energy and Utilities**

125. In the Section 42A Report, Ms McConnell directed us to the definition of 'Utility' in Chapter 2 Definitions, which states:

*Means the systems, services, structures and networks necessary for operating and supplying essential utilities and services to the community including:*

...

*1. anything described as a network utility operation in s166 of the Resource Management act 1991.*

126. She advised section 166 of the RMA defines 'Network Utility Operator' as a person who '(f) constructs, operates , or proposes to operate , a road or railway line'.
127. On this basis, Ms McConnell advised Chapter 30 relevant, and identified Objective 30.2.5, Objective 30.2.6 with supporting Policies 30.2.6.1-30.2.6.4, as well as Objective 30.2.7 and Policy 30.2.7.1. We agree with her on this issue.
128. Objective 30.2.5 relates to growth and development being supported by utilities that operate effectively and efficiently and Objective 30.2.6 relates to operation, maintenance, development and upgrading of utilities that supports community wellbeing. We agree with Ms McConnell that these objectives are relevant. She identified four associated policies being Policies 30.2.6.1 - 30.2.6.4 which we have considered and our findings are discussed below.
129. Policy 30.2.6.1 relates to operation, maintenance or upgrading of utilities to ensure ongoing viability and efficiency. Ms McConnell advised the application achieves the policy as it will maximise efficiencies, providing a more efficient and reliable public transport service, encouraging increased use. We accept Ms McConnell's assessment and agree that the alteration to the designation will provide for the upgrading of the state highway roading network, ensuring ongoing viability and that an efficient roading network is provided which caters for public transport and alternative transport modes.
130. Policy 30.2.6.2 relates to the consideration of alternatives. This policy states:

*When considering the effects of proposed utility developments consideration must be given to alternatives, and also to how adverse effects will be managed through the route, site and method selection process, while taking into account the locational, technical and operational requirements of the utility and the benefits associated with the utility.*

131. We agree with Ms McConnell that this policy is relevant and directs that alternatives are considered. Ms McConnell was satisfied that the notice of requirement has considered alternatives.<sup>95</sup> The consideration of alternatives was the subject of a request for further information<sup>96</sup> by the Commission which has been discussed below and will not be repeated here, other than to record we are satisfied that adequate consideration has been given to alternative sites, routes, or methods.
132. The policy is also concerned with how adverse effects will be managed while taking into account locational, technical and operational requirements. As above, we have found that for a substantial part of the route, the conditions as recommended, will ensure adverse effects can be adequately managed. However, for that part of the route located on SH6-Kawarau Road, including the BP intersection, the area in the vicinity of the Frankton bus hub, and extending south towards Ross Street, whilst mitigation planting has been proposed, the notice of requirement will result in significant adverse effects from the removal of the established tree and vegetated environment, currently located on existing Designation 155 Recreation Reserve and Designation 29.
133. Policy 30.2.6.3 was also identified as relevant. This policy is also concerned with ensuring adverse effects of utilities are managed while taking into account the positive social, economic, cultural and environmental benefits that utilities provide, including:
- a. *enabling enhancement of the quality of life and standard of living for people and communities;*
  - b. *providing for public health and safety;*
  - c. *enabling the functioning of businesses;*
  - d. *enabling economic growth;*
  - e. *enabling growth and development;*
  - f. *protecting and enhancing the environment;*
  - g. *enabling the transportation of freight, goods, people;*
  - h. *enabling interaction and communication*
134. Ms McConnell concluded the notice of requirement aligned with the transportation provisions as it will facilitate a more efficient and reliable public transport service which will encourage more people to use public transport, as well as supporting the growth and development of the district and the well-being of the community. She also advised urban design outcomes were appropriate and that the proposed tree planting condition would assist with mitigating the adverse effects associated with the loss of the tree environment. Further, she considered there is sufficient detail on how acoustic and visual adverse effects will be managed.
135. Having considered the policy, we agree with Ms McConnell that it's relevant. We find that the policy seeks adverse effects are managed and our findings on this have been discussed above. While we agreed with part of Ms McConnell's assessment, we have not accepted that the most recent version of condition 1 provides enough certainty and mitigates the adverse effects that will occur from the loss of the mature tree and

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<sup>95</sup> Section 42A Report, page 25

<sup>96</sup> Minute and Directions 2, dated 3 August 2023

vegetated context. We have found these adverse effects will be significant for a substantial period of time and that it is necessary to recommend alternative wording for condition 1 to achieve greater level of certainty for the proposed planting as well as to further reduce the level of adverse effect. We have also found it appropriate to recommend amendments to the condition relating to managing early morning construction activities.

136. Turning to the eight listed matters of the policy, we note six are 'enabling' policies and we find: (a) for the wider community the notice of requirement will enhance quality of life and standard of living by facilitating a more efficient public transport system and providing for alternative modes of transport, the exception to this is for the residents on Ross Street and McBride Street and the visual effects resulting from the loss of the established tree environment; (b) the initial traffic engineering designs have taken into account public health and safety and further refinements will be made through condition processes; (c) the notice of requirement will enable the functioning of businesses; (d) will enable economic growth; and (e) will enable growth and development. In regard to (f), while adverse effects can be managed for parts of the route, we have found that there will be significant adverse effects on the environment relating to the removal of the established treed context. Finally, we agree with Ms McConnell that in regard to (g) the notice of requirement enables the transportation of freight, goods, and people; and (h) the notice of requirement enables interaction and communication.
137. Policy 30.2.6.4 encourages co-location of facilities where operationally and technically feasible. Ms McConnell concluded the proposal was aligned with this policy and we agree with her assessment of this policy.
138. Ms McConnell also identified Objective 30.2.7 which is also concerned with adverse effects being avoided or minimised. Supporting policy 30.2.7.1 seeks to manage adverse effects by: (a) avoiding location on sensitive sites, including heritage and special character areas, Outstanding Natural Landscapes and Outstanding Natural Features, and skylines and ridgelines, (b) encouraging co-location or multiple use of network utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment; (c) ensuring that redundant utilities are removed; (d) using landscaping and or colours and finishes to reduce visual effects; and (e) integrating utilities with the surrounding environment.
139. Ms McConnell considered the proposals aligned as the proposed tree planting condition will reduce the level of adverse effects. With reference to Policy 30.2.7.1 she considered, apart from works occurring close to Frankton Cemetery, the alteration to the designation is not located near any other sites of significance, will be co-located to maximise efficiencies, and that sufficient detail has been provided on how acoustic and visual adverse effects will be managed.
140. We agree with Ms McConnell on the relevance of these provisions and find that with suitably worded conditions imposed, any adverse effects on the historic Frankton Cemetery can be managed and minimised. We also agree that no other parts of the

route are located close to or on sensitive sites and the notice of requirement achieves co-location. We had no evidence presented on the removal of redundant utilities. We have accepted that with suitably worded conditions urban design outcomes will be appropriate. However, as discussed above in relation to our consideration of the landscape and urban design effects, we do not agree that condition 1 as currently presented provides enough certainty and achieves an appropriate level of mitigation, therefore we have recommended alternative wording to ensure an appropriate outcome are for the community and visitors.

141. Overall, we find that that while the notice of requirement is consistent with some objectives and policies it is inconsistent with the provisions seeking to ensure adverse effects are adequately managed.

### **Chapter 36 Noise**

142. Chapter 36 was another area where there was a difference of opinion between identified provisions, with Ms McConnell identifying Objective 36.2.1 along with Policy 36.2.1.1.

143. Objective 36.2.1 states:

*The adverse effects of noise emissions are controlled to a reasonable level to manage the potential for conflict arising from adverse noise effects between land use activities.*

144. Supporting policy 36.2.1.1 requires that adverse effects of unreasonable noise from land use and development to be avoided, remedied or mitigated. We agree with Ms McConnell on the relevance of these provisions and, having considered the expert noise evidence, agree with her conclusion that the proposed noise mitigation measures, including recommended conditions, are sufficient to control adverse effects of noise emissions to a minor level.<sup>97</sup>

## **The Operative District Plan**

145. Mr Roberts identified Part 14 Transport as relevant, identifying Objective 1 with Policy 1.8, Objective 2 with Policy 2.3, Objective 3 with Policies 3.5 - 3.7, Objective, and Objective 7 with Policies 7.1 - 7.3 and 7.5. While Ms McConnell agreed and adopted Mr Roberts assessment, she also considered other parts of the ODP relevant including Part 4 District Wide, Part 7 Residential, and Part 17 Utilities. In his evidence, Mr Roberts did not address these identified provisions. We will now discuss the differences of opinion.

### **Part 4 District Wide**

146. Ms McConnell advised Objective 2 was relevant, with supporting policies 2.1.1 (integration of transport networks), 2.1.2 (public transport); 2.1.3 (active transport);

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<sup>97</sup> Section 42A Report, page 25

2.1.4 (road safety); 2.1.5 (freight movement); 2.1.6 (parking); 2.1.7 (emergency access); and 2.1.8 (climate change). Ms McConnell stated the objective seeks to promote and manage transport networks that provide safe, efficient, affordable, and environmentally sustainable movement of people and goods.

147. Ms McConnell advised the proposal was consistent as it:

- encourages the use of public transport by providing infrastructure such as bus hubs, bus stops, and transit lanes;
- encourages active transportation such as biking and walking, by providing infrastructure such as cycleways, shared paths and pedestrian crossings;
- reduces traffic congestion by improving road networks;
- promotes sustainable transportation options such as active transportation modes; and
- collaboration with stakeholders to identify and implement effective transportation solutions that meet the needs of the community.

148. While we agree with Ms McConnell that this objective and its policies appear relevant, we did have difficulty locating these provisions as set in the Section 42A Report in Council's online version of the ODP (April 2021). Taken at face value, and without adding further complications to the proceedings, we agree that the proposal is directly aligned with Policies 2.1.1, 2.1.2, 2.1.3, and 2.1.8 as set out by Ms Connell. Further, having considered the evidence, we also agree that, with suitable conditions, the proposal will achieve policy 2.1.4 and 2.1.7. In regard to policy 2.1.6 (as referenced by Ms McConnell), we acknowledge there will be a reduction in the number of available car parks at the Frankton Shops, however an alternative parking area has been incorporated into the design.

### ***Part 7 Residential***

149. The Section 42A Report identified Objective 1 with associated policies 1.1 and 1.2. Objective 1 seeks to provide for a range of transport options that support a sustainable, healthy, and safe community. Policy 1.1 seeks integration of transport and land use to support a range of transport options that support sustainable communities and Policy 1.2 directs to encourage and support the development of walking and cycling networks.

150. Objective 3 seeks to promote sustainable travel modes to reduce the reliance on private vehicles, with Policy 3.1 seeking a connected, safe, and accessible walking and cycling network that supports active and sustainable transport. Policy 3.2 seeks to promote the use of public transport, walking and cycling and Policy 3.3 encourages provision of facilities and infrastructure that supports sustainable transport modes.

151. As above, there was an inconsistency with the provisions identified in the Section 42A Report and that contained in Council's online version of Part 7 (June 2018). Relying

on the evidence as presented by Ms McConnell we agree the provisions are relevant and we adopt her assessment for the purposes of this recommendation. We agree that the provisions seek to improve the efficiency and sustainability of the transport network and to promote the use of alternative modes of transport. Further that the alteration to the designation allows for the development of public transport corridors enabling a higher frequency public transport service to operate and will assist in encouraging a mode shift away from private vehicles to more sustainable transport options.

152. Ms McConnell also identified Objective 4 which seeks to improve the safety and amenity of residential environment by managing traffic and vehicle speeds along with Policy 4.1 relating to management of traffic and speeds to provide a safe residential environment. We find this policy not directly relevant as the alteration for the designation is not proposed on land zoned Residential, but we agree that the policy is relevant regarding managing traffic and the speed of traffic through the Low Density Residential zone of the old Frankton area including McBride Street and the local roading network in the vicinity of the two primary schools during the construction process. We find it appropriate to recommend amendments to the condition relating to traffic management.

### ***Part 17 Utilities***

153. Ms McConnell identified Objective 17.4 with policies 17.1, 17.3 and 17.4 in the Section 42A Report.<sup>98</sup> She advised the objective and policies relate to ensuring that utility infrastructure is designed and located to minimise effects on the environment and to ensure that infrastructure is provided in a coordinated and efficient manner. Ms McConnell considered the notice of requirement achieves these provisions by combining the alteration to the state highway designation and the bus hub as one project and that the design minimises the impact on the environment.
154. While we agree with Ms McConnell that Chapter 17 is relevant, we were unfortunately unable to locate Objective 17.4 and Policies 17.1, 17.3 and 17.4 as set out in the Section 42A Report, on Council's website. However, we have considered the version of Chapter 17<sup>99</sup> as found on Council's website and found that the notice of requirement for the alteration to Designation 84 aligns with Objective 1 Co-ordination of utilities, Objective 2 Efficient Use and Establishment of Utilities and Objective 3 Environmental Impacts.

### ***Chapter 22 Earthworks***

155. As above, a Joint Witness Statement<sup>100</sup> was prepared to assist our considerations on the relevance of Chapter 22 Earthworks, which set out the agreed provisions. As there

<sup>98</sup> Section 42A Report, page 22

<sup>99</sup> QLDC – District Plan (June 2007 pages 17-1- 17.6 and version October 2011 for page 17-7)

<sup>100</sup> Joint Witness Statement – Planning, dated 13 July 2023

was no disagreement between the expert planning witnesses, we accept their analysis and adopt their conclusions in relation to Chapter 22.

### **Section 171(1)(b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work**

156. Under s171(1)(b) we are required to have particular regard to whether adequate consideration has been given to alternative sites, routes or methods of undertaking the work if either one of two prerequisites are met. These prerequisites are that either, the requiring authority does not have an interest in the land sufficient for undertaking the work; or it is likely the work will have a significant adverse effect on the environment. The first prerequisite is met, as Waka Kotahi does not have an interest in the land sufficient for undertaking the work, as land acquisition is still progressing. We are therefore required to have particular regard to whether adequate consideration has been given to alternative routes, sites or methods of undertaking the work.
157. Section 6 of the AEE provided a brief overview of the investigations and development of the preferred option. The further information response dated 14 March 2023 provided short excerpts from the Queenstown Integrated Transport Business Case – Options Assessment, dated 16 November 2020. Further background and details of the options assessment undertaken was set out in the evidence of Messrs. Roberts<sup>101</sup> and Sizemore.<sup>102</sup>
158. In our second Minute and Directions dated 3 August 2023, we sought clarification and further details around the timeline, processes and methodology by which the alternatives were considered for both notices of requirement. The joint memorandum of counsel<sup>103</sup> provided detailed information to this end, including copies of the Queenstown Transport Business Case – Options Assessment (16 November 2020) and Queenstown Transport Business Case – Preferred Options Assessment (16 November 2020), as well as other parts of the business case, which we have collectively referred to as the Queenstown Business Case.
159. The Queenstown Business Case covers the Wakatipu Basin and is divided into three geographic areas: Queenstown Town Centre, Frankton to Queenstown, and Frankton and Ladies Mile. It provides an overview of previous studies and investigations, including the 2017 Queenstown Integrated Transport Programmed Business Case. The Options Assessment sets out how the longlist process was developed and assessed and following this, how the shortlist was developed and assessed using a multi-criteria analysis framework.
160. As was highlighted in the joint memorandum of counsel, the Frankton North development was approved in October 2020. As a consequence, additional modelling

<sup>101</sup> Mr Roberts, Evidence in Chief at [8.1] – [8.6]

<sup>102</sup> Mr Sizemore, Evidence in Chief at [12.9] – [12.28]

<sup>103</sup> Joint memorandum of counsel for Waka Kotahi NZ Transport Agency and Queenstown Lakes District Council, dated 18 August 2023



was carried out and a technical note<sup>104</sup> was prepared to evaluate the operation and layout of intersections, bus travel times and provision for pedestrians and cyclists. The technical note concluded that the development would result in an additional 1,600 traffic movements in the AM peak hour period by 2028 and double this volume at full build out. This in turn meant that a conventional signalised intersection arrangement would be required at the SH6/Hawthorne Drive and SH6/Grant Road intersections, as well as other minor layout adjustments including lane lengths and pedestrian crossing facilities. The results of the modelling showed that while network operation would be relatively poor for general traffic bus travel time and reliability would be largely the same as for the original business case and pedestrian/cycle provision would be improved.

161. We find that Waka Kotahi has undertaken an adequate assessment of the alternatives. This finding is based on the information in the Queenstown Transport Business Case and subsequent technical note, which identifies that a range of options were identified and evaluated. We accept Ms McIndoe's submissions that 'adequate consideration' does not mean exhaustive or meticulous, and nor does it require all possible alternatives to be considered, nor the best alternative selected.<sup>105</sup> Overall, we are satisfied that the requirements of section 171(1)(b) are met.

**Section 171(1)(c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought**

162. The objectives of the requiring authority are as follows:

*To enable the upgrading of the Frankton State Highway Corridor, SH6 / SH6A intersection and Frankton Bus Hub to improve public transport connections, active travel, safety and to accommodate growing traffic volumes on SH6 and 6A.*

163. Underlying the wider programme in the Queenstown Package, is the fact that the Queenstown arterial roading network is at, or approaching capacity, that travel demand from both residential and tourist growth is forecast to continue to grow, and more than double by 2048<sup>106</sup> while the potential for roading expansion is constrained by geography and cost. COVID caused a hiatus in Queenstown's population and visitor growth, but this is forecast to have recovered to pre-pandemic levels in 3-5 years<sup>107</sup> and may have already done so.
164. There are three pinch points on the Queenstown roading network – the approaches to the Shotover River Bridge, the Kawarau River Bridge, and SH6A between Frankton and the Town Centre. Changes to the roading network between these points can only be effective within that space and will not improve network performance beyond the

<sup>104</sup> SH6 Frankton Eastern Corridor Operation & Future Performance, Technical Note #01, NZ Upgrade Programme, Queenstown, April 2022

<sup>105</sup> Legal submissions for Waka Kotahi NZ Transport Agency, dated 20 June 2023

<sup>106</sup> Queenstown Business Case A Options Assessment, Nov 2020, at 1.2 page 8

<sup>107</sup> Queenstown Business Case A Options Assessment, Nov 2020, at 1.4 page 13

capacity of these pinch points. As a result, it is acknowledged by QLDC and Waka Kotahi that a major mode shift away from private cars is required to accommodate projected future traffic growth. The mode shift required is 40% by 2028 and 60% by 2048.<sup>108</sup> This will require that almost all growth in travel demand from 2018 levels will need to be accommodated by non-car modes.<sup>109</sup> This in turn means that public transport infrastructure is required to facilitate the mode shift.

165. A new bus network was implemented in 2017, built around a hub and spoke model centred on Frankton, with a spine running from Fernhill via Queenstown town centre and Frankton to Remarkables Park, with a range of feeder services.<sup>110</sup> The feeder routes have since been expanded and peak hour direct routes added. This runs at regular intervals from 6 am to 1 am. Fares have since been reduced to a flat rate \$2 with the card, and \$5 with cash. In conjunction with increased town centre parking charges, there was an increase of 192% in bus patronage between June 2017 and June 2018, and the step change has been followed by steady growth in patronage. In 2020 the 'Bee Card' was introduced, providing a tag on-tag-off system.<sup>111</sup>
166. The public transport vision for the Wakatipu Basin includes park and ride facilities, frequency enhancements and larger vehicles to accommodate the growth in traffic. It is anticipated that a 2027 service contract renewal will be a point of significant increase in public transport provision.<sup>112</sup> Ferry services that complement the bus services, expansion of the Town Centre bus hub and further upgrades to connector services are also anticipated.<sup>113</sup> Further changes in service provision are anticipated in 2030 and beyond as the capacity of the current system is exceeded, and a mass rapid transit facility becomes necessary.<sup>114</sup>
167. Mr Gatenby described how the enhanced bus hub, in conjunction with the State Highway improvements will improve bus travel time and reliability, will increase the attractiveness of the public transport to people, as well as enabling higher bus frequencies.<sup>115</sup>
168. Ms McConnell agreed that the Project is necessary to enable the objectives of the requiring authority.<sup>116</sup>
169. Queenstown Central Limited and Queenstown Gateway (5M) Limited raised concerns about the extent of the designation footprint and the rationale for the land requirement. These concerns were responded to in the evidence of Mr Gibson. He confirmed that the Queenstown Gateway (5M) Limited land identified as Ref: 402 and 403 is not permanently required, but rather is for construction purposes.<sup>117</sup> Mr Gibson also

<sup>108</sup> Queenstown Business Case B Strategic Context, 16 Nov 2020, at 2.1 page 8

<sup>109</sup> Queenstown Business Case A Options Assessment, Nov 2020, at 4.3.4 page 56

<sup>110</sup> Queenstown Business Case A Options Assessment, Nov 2020, at 1.5.4 page 15

<sup>111</sup> Queenstown Business Case A Options Assessment, Nov 2020, at 1.7.1 page 19

<sup>112</sup> Better Ways to Go, May 2022 at 6.2, page 42

<sup>113</sup> Queenstown Business Case, Summary Report 12 November 2020, at 47-48, page 15

<sup>114</sup> Better Ways to Go, May 2022 at 6.2, page 42

<sup>115</sup> Mr Gatenby, Evidence in Chief, at [9.2] – [9.5]

<sup>116</sup> Section 42A Report at page 26 of the Agenda

<sup>117</sup> Mr Gibson, Evidence in Chief, at [9.36]

identified that part of land requirement affecting the Queenstown Central Limited land (Ref. 401) is no longer required and that Waka Kotahi requests the designation be modified accordingly. He also identified that Reference 307 is only required for construction purposes and two other parcels of land are required for stormwater reasons.<sup>118</sup> As we have noted earlier, Queenstown Central Limited and Queenstown Gateway (5M) Limited both tabled letters in advance of the hearing advising that neither party wished to be heard and that subject to an amendment to condition 12A, both parties were in agreement with the conditions appended to Waka Kotahi's evidence.<sup>119</sup>

170. Public transport on the SH6/6A corridor is currently unreliable and travel times are variable, due to the lack of bus priority lanes and the nature of Queenstown traffic. As well as the morning and evening commuter peaks of any other centre, Queenstown traffic is complicated by the interpeak activities of tourists, and then evening return of skiers in winter.<sup>120</sup>
171. The free and largely unrestricted parking across the Frankton retail and industrial areas, and the dispersed nature of these areas, separated as they are by the airport, drives increased car dependency and makes public transport provision in the area difficult.<sup>121</sup> Planned land use changes, both residential and commercial will only exacerbate the general traffic and public transport issues into the future.
172. It was the evidence of Mr Gatenby that the proposed bus lanes would mean that bus travel times would be more reliable than without the scheme.<sup>122</sup> He was also of the opinion that the provision of signalised crossings and continuous off-road walking and cycling facilities would result in enhanced safety for pedestrians and cyclists. He noted that the signalisation of intersections would also improve the safety of general traffic, through preventing risky manoeuvres during busy periods.<sup>123</sup>
173. Mr Rossiter prepared a memorandum appended to the Section 42A Report, which raised specific concerns relating to the design and the potential that additional land may be required to accommodate alternative design solutions. In particular, Mr Rossiter considered that the poor level of service predicted at the SH6/SH6A and SH6/Hawthorne Drive signalised intersection raised questions about the suitability of the scheme design and associated land requirements.<sup>124</sup> Mr Gibson responded to this in his evidence, advising that while a larger design footprint would accommodate alternative design solutions, in his opinion this would not better achieve the Project objectives.<sup>125</sup>
174. While the objectives of the requiring authority include accommodating growing traffic on SH6 and 6A, provision for public transport connections and active travel, as well as

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<sup>118</sup> Ibid at [9.34]

<sup>119</sup> Renumbered as condition 16 in our recommended conditions at Appendix 1

<sup>120</sup> Application SH6 Frankton Transport Statement, July 2022at 2.2 p 6

<sup>121</sup> Application SH6 Frankton Transport Statement, July 2022at 2.3 p 8

<sup>122</sup> Mr Gatenby, Evidence in Chief, at [12.3]

<sup>123</sup> Ibid at [11.1] – [11.4]

<sup>124</sup> Section 42A Report, Appendix 3, Transportation Review by Mr Rossiter, dated 13 April 2023

<sup>125</sup> Mr Gibson, Evidence in Chief, at [10.2]

improving safety are the mechanisms to achieve this. We agree with Mr Gibson that a larger designation footprint would not better achieve the stated objectives.

175. Overall, we are persuaded that the work and the designation are reasonably necessary for achieving the objectives of the requiring authority. The State Highway improvements will enhance the reliability of bus travel times, improve safety for all road users and make far superior provision for active travel compared to the existing situation.

**Section 171(1)(d) any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement**

176. Some of the submissions raised issues in relation to the reduction of speed limits and the widening of Shotover Bridge. We do not have the remit to address matters as part of our consideration of the notice of requirement.

177. Mr Roberts identified and provided assessment of four other plans which he considered relevant under section 171(1)(d). These plans are:

- Kai Tahu Ki Otago Natural Resources Management Plan 2005;
- Te Tangi a Tauria - The Cry of the People, Ngāi Tahu ki Murihiku Natural Resource and Environmental Management Plan 2008;
- Emissions Reduction Plan; and
- Frankton Master Plan

178. Ms McConnell did not address these plans in her Section 42A Report but through questioning at the hearing she confirmed she agreed with Mr Roberts on the relevance of these plans and adopted his conclusions. Given the level of agreement between the expert planners we do not intend to discuss these plans any further and therefore adopt the assessment as set out by Mr Roberts in his evidence.<sup>126</sup>

179. Further to this, submitter Mr John Glover, representing Shaping Our Future Inc. referred the Commission to three reports:

- Better Ways of Getting Around, Shaping Our Future workshop Queenstown session 29 July 2021,
- The Shaping Our Future Frankton Master Plan forum 25th September 2018; and
- The Shaping Our Future Queenstown Transport Taskforce Report 2017.

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<sup>126</sup> Evidence of Mr Roberts, pages 24 & 25, section 12.18-12.24.

180. We agree with Mr Roberts that these plans are relevant as an ‘other matter’ in terms of section 171(1)(d) but are not binding under the RMA. We note the Section 42A Report has not specially assessed these documents/plans, however the Frankton Master Plan 2020 was referred to in Council’s urban design peer review.<sup>127</sup> We agree with Mr Roberts that the Frankton Master Plan highlights the need for improvements in the short, medium, and longer term and that the notice of requirement could be seen as giving effect to the Masterplan’s aspirations for public transport provisions providing the infrastructure to enable a mode shift in the short to medium term.
181. As we have commented on throughout this recommendation report, we had some difficulty with the joint approach taken to the assessment of Project, being the bus hub and State Highway improvements. However, we find that how the Project will work together as a whole, is an ‘other matter’ to which we may have particular regard. Given their close proximity to each other, we agree that constructing the bus hub and the SH6/6A intersection as one project has positive effects in terms of limiting the period over which the residents of McBride Street and the Frankton Village businesses will be exposed to the construction effects, and in limiting the duration of traffic disruptions.
182. There are no other matters that we consider it reasonably necessary to have regard to in order to make a recommendation on the requirement.

## **Part 2 of the Act**

183. Our consideration of this notice of requirement and the submissions received is subject to Part 2. Ms McIndoe submitted that this is slightly out of step with the approach to plan changes and resource consents. She noted Part 2 is potentially somewhat more relevant to our consideration than it is in considering resource consents, but that this distinction did not have any bearing on the Project.<sup>128</sup>
184. The notice of requirement, the evidence of Mr Roberts and the Section 42A Report addressed Part 2. Mr Roberts and Ms McConnell concluded that the purpose of the Act would be met and that the Project would promote sustainable management. With reference to section 5, we recognise that the State Highway improvements will generate significant adverse environmental effects in the short to medium term due to number of tree removals. However, the State Highway improvements will assist in lifting the performance of Queenstown’s transport system and will provide for people and communities’ social and economic well-being. In particular, the increased reliability of bus travel times will benefit the community, as will the provision of pedestrian and cycle facilities.
185. In terms of section 8, taking into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), we record that Waka Kotahi has established a collaborative working relationship with the Mana Whenua Liaison Group, comprising the seven of the 18

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<sup>127</sup> Section 42A Report, page 64

<sup>128</sup> Legal submissions on behalf of Waka Kotahi NZ Transport Agency, at [15.1] and [footnote 99]

Papatipu Rūnaka who are Mana Whenua of Tāhuna. Engagement is to continue throughout the project with the Aukaha Mana Whenua Design Panel.

186. Overall, we consider the proposal satisfies Part 2 and the requirement for a designation will promote the sustainable management purpose and principles of the Act.

### **Recommendation**

187. In exercising our delegation under sections 34 and 34A of the Act and having regard to the matters discussed above under section 171 of the Act, we recommend that the notice of requirement to alter Designation 84 to provide for improvement works on State Highway 6 and State Highway 6A be confirmed, with modifications to reduce the extent of the footprint at Grant Road, as shown in the plans appended to Mr Gibson's evidence; and subject to conditions, for the reasons given.



Commissioner: Rachel Dimery



Commissioner: Ken Fletcher



Commissioner: Jane Sinclair

19 October 2023

## **Appendix 1 – Designation Conditions**

## Conditions for Alteration to Designation for SH6/6A

Conditions for Designation #84 - SH6 commencing 150 metres east of Hardware Lane to the intersection of SH6 and McBride Street, and SH6A from Kawarau Road (SH6) to the intersection of SH6A and McBride Street (RM221079)

### *Construction conditions*

1. All work shall be undertaken in accordance with the requirements and processes set out in the plans listed in conditions 7, 8, 15, 18, and 20, (Detailed Landscape Plan, Construction Noise Vibration Management Plan (CNVMP), Environmental Management Plan (EMP), Construction Staging Plan (CSP) and Communications and Engagement Plan (C&EP).
2. Within the first planting season following the completion of construction works, a minimum of two new trees shall be planted for every tree being removed. The replacement trees shall be:
  - a. a minimum of 2m high at the time of planting; and
  - b. species included in the indicative planting list contained in Chapter 17 – Airport Zone of the Proposed District Plan; or where alternative species are proposed the Requiring Authority must engage with Queenstown Airport Corporation (QAC) as to acceptability.
3. The replacement trees required by condition 2 may comprise a combination of trees planted within and outside the boundary of the designation. Replacement trees within the boundary of the designation shall be planted in locations in accordance with the Detailed Landscape Plan required under condition 7. The location of replacement trees to be planted outside the boundary of the designation shall be provided in accordance with the Queenstown Lakes District Council (QLDC) Tree Policy 2022 and specifically, with regard to the order of priority stated in Policy 1.13.
4. All batter slopes and mounds shall be either vegetated in grass or landscaped. The gradient of batter slopes and mounds vegetated in grass shall not exceed a gradient of 1:4 when measured across any point to ensure that all slopes are mowable. Steeper slopes must be landscaped.
5. Bird resistant seeds shall be used for any exposed surfaces to be vegetated with grass to avoid attracting birds to the site.
6. All landscaping and planting shall be in general accordance with Part 7 – Landscape, of QLDC’s Land Development and Subdivision Code of Practice (dated 2020) and subsequent amendments to that document. Where there is any inconsistency between the Code of Practice and these conditions, the conditions shall prevail. *Note: The current standards are available on QLDC’s website via the following link: <https://www.qldc.govt.nz/media/3yyc4fzi/2020-qldc-land-development-and-subdivision-code-of-practice.pdf>*
7. Prior to the removal of any trees on land owned or administered by the QLDC as at 2 December 2022, the Requiring Authority shall provide, as part of the Outline Plan(s) of Work(s), a Detailed Landscape Plan. This plan is to be prepared by a suitably qualified and experienced landscape architect. The Detailed Landscape Plan shall include design specifications and provide details of the following:



- a. The location of as many suitable replacement trees as possible to be located within the boundary of the designation.
  - b. Clearly identify all trees, planting and landscaping, the species, size and location.
  - c. Irrigation plan showing how trees, plants and/or grass are to be irrigated.
  - d. Tree pit details showing root ball treatment and staking.
  - e. Maintenance requirements.
  - f. All plantings and landscaping must be species included in the indicative planting list contained in Chapter 17-Airport Zone of the Proposed District Plan; or where alternative species are proposed the Requiring Authority must engage with QAC as to acceptability.
8. A Construction Noise and Vibration Management Plan (CNVMP) shall be prepared by a suitably qualified and experienced acoustic consultant and submitted to the Manager Resource Management Engineering at QLDC as part of the Outline Plan of Work(s). The objective of the CNVMP is to identify, require and enable the adoption of the best practicable option to minimise adverse construction noise and vibration effects as far as practicable. As a minimum, the CNVMP shall address:
- a. Description of the construction methodology and equipment to be used, with a preference for using low noise and vibration generating equipment for the activity as far as practical.
  - b. The construction noise and vibration limits.
  - c. Those buildings within 20 metres of any activity associated with the upgrade works and any more distant buildings identified as predicted likely to exceed the vibration criteria in Table 1 of DIN 4150-3, and a requirement to carry out preconstruction surveys of those buildings.
  - d. Details of noise and vibration mitigation measures to be applied during different stages of construction, including any requirement for acoustically effective barriers.
  - e. Identification of and contact details for the person(s) responsible for the implementation of the CNVMP on site.
  - f. Neighbours consultation and engagement procedures.
  - g. Procedures for ensuring that all contractors and operators on site are aware of the requirement to avoid noise and vibration effects on neighbouring sites as far as practicable.
  - h. A procedure for responding to any noise and vibration complaints.
  - i. A procedure for noise and vibration monitoring during the works and applying any corrective actions that may be required.
  - j. Provide details of the measures to be put in place to ensure that adverse noise and vibration effects on the food and beverage activities located on the eastern and western sides of Grant Road at the entrance to the Retail Centre and the Frankton Shops are minimised.
  - k. The normal hours of operation being 7am until 6pm Monday to Saturday, with activities that generate minimal noise to occur between 7am and 7.30am.
  - l. Measures to minimise sleep disturbance for residents of nearby properties, and commercial accommodation providers (including the Sudima Hotel at Five Mile), including but not limited to offering temporary relocation as appropriate.
  - m. Where work is required outside normal hours of operation (i.e., outside the hours of 7am until 6pm, Monday to Saturday), provide detailed procedures to be followed and specific management measures to be employed.
  - n. Procedures to ensure any internments at the Frankton Cemetery are undertaken with due reverence and without disruption by noise, vibration or other construction activities.

9. The Requiring Authority must submit to QLDC, as part of the Outline Plan(s) of Work(s), a report prepared by a suitably qualified acoustic professional confirming that operational noise levels and changes arising from Grant Road/SH6 and Hawthorne Drive/SH 6 upgrades will be below the altered road thresholds outlined in 1.5.2(a) and (b) of NZS6806:2010, and any mitigation required to achieve those thresholds.
10. Noise from construction activities shall be measured and assessed in accordance with NZS 6803:1999 "Acoustics – Construction Noise" and shall comply with the noise limits in Table 2 of that Standard for any properties that are currently screened from road noise; and as far as practicable for all other properties.
11. Vibration from the site shall be measured and assessed in accordance with DIN 4150-3:1999 "Structural Vibration - Effects of Vibration on Structures" and shall comply with the guideline values given in Table 1 of that Standard as far as practicable.
12. A post construction condition survey of those buildings identified in the CNVMP as predicted to be subject to vibration exceeding the criteria in Table 1 of DIN 4150-3 should be conducted when construction is completed, and any damage shown to have been caused by the construction authorised under this designation shall be rectified or remedied by the Requiring Authority.
13. A suitably qualified archaeologist or built heritage specialist shall be on site during the earthwork operations authorised under this consent to monitor all earthworks within 20m of Frankton Cemetery. The Manager Resource Management Engineering at QLDC shall be notified and work shall stop immediately if any cracking, movement, structural distress or damage occurs to existing cemetery structures, including the cemetery walls and gates. Work must not recommence until the suitably qualified archaeologist or built heritage specialist advises the Manager Resource Management Engineering at QLDC of the measures put in place to address the cracking, movement, structural distress or damage.
14. In the event of an accidental discovery of archaeological material, the site manager must:
  - a. Cease work immediately within 10m of the discovery, and secure this area.
  - b. Notify the QLDC, the project archaeologist and the Heritage New Zealand - Pouhere Taonga Regional archaeologist.
  - c. Advise the NZ Police if skeletal remains are uncovered.
  - d. Ensure that works within the secured area do not resume until Heritage New Zealand - Pouhere Taonga gives approval for work to continue.
  - e. If at any time during investigation, potential koiwi, archaeology or artefacts of Maori origin are discovered, the Requiring Authority will notify Mana Whenua.
15. The Requiring Authority shall submit an Environmental Management Plan (EMP) to QLDC, as part of the Outline Plan(s) of Works. This document must be prepared by a suitably qualified and experienced person. The EMP shall be in accordance with the principles and requirements of the QLDC Guidelines for Environmental Management Plans (QLDCGEMP) and specifically shall address the following environmental elements as specified in the guidelines:
  - a. Administrative Requirements
    - i. Weekly site inspections
    - ii. Notification and management of environmental incidents
    - iii. Records and registers

- iv. Environmental roles and responsibilities of personnel (including nomination of Principal Contractor)
- v. Site induction
- b. Operational Requirements:
  - i. Erosion and Sediment Control Plan prepared by a suitably qualified and experienced person
  - ii. Dust Control – how works will not cause dust that results in offensive or objectionable effects at neighbouring properties and management of potential dust emissions, noting the proximity of the site to the Queenstown Airport Runway
  - iii. Accidental Discovery Protocol
  - iv. Management and protection measures to avoid adverse effects on Wāhi Tupuna areas
  - v. Noise
  - vi. Vibration
  - vii. Indigenous vegetation clearance
  - viii. Fuel management
  - ix. How pooling stands of water will be prevented from forming during construction, thereby avoiding any potential attraction of birds to the site
  - x. How it will be ensured that rubbish and litter generated during construction is unable to become airborne and create a safety concern for approaching or departing aircraft at Queenstown Airport
  - xi. Temporary lighting of the site that may be required during construction, and the detail on how any potential glare effects will be actively managed to avoid impacting on aircraft operations at Queenstown Airport.
  - xii. A specific methodology developed in consultation with QAC for managing effects on the Queenstown Airport Approach and Land Use Controls Designation, including specific plant and machinery to be used for the construction proposed. For the avoidance of doubt, potential obstacles could include lighting poles, cranes and trucks with tipping buckets. The Environmental Management Plan should include reference to a process for identifying any potential obstacles and for verifying their acceptability to QAC.
  - xiii. Stockpiling
  - xiv. Measures to keep the construction site tidy and contained within the construction boundaries
  - xv. Measures to ensure that staff and contractors do not park on land owned by Queenstown Central Limited (QCL) or Queenstown Gateway limited (QGL) except as agreed between the Requiring Authority and those landowners.

16. The Outline Plan(s) of Work(s) shall include measures to manage temporary traffic management during construction. The information provided in the Outline Plan(s) of Work(s) shall include:

- a. Methods for maintaining reasonable vehicle access to adjacent properties at all times during construction.
- b. Methods for performance monitoring of temporary traffic management measures.
- c. In relation to McBride Street and Lake Ave:
  - i. Methods for performance monitoring of temporary traffic management measures;
  - ii. A requirement to provide monitoring results to QLDC; and

- iii. Options for modifying temporary traffic management measures, which could be applied to resolve any significant issues identified by monitoring results;
    - d. Evidence of engagement with QCL and QGL with respect to the proposed methodology for Temporary Traffic Management with respect to works on the state highway between Hawthorne Drive and Grant Road intersections.
    - e. Evidence of engagement with Frankton Village shops and Terrace Junction/BP businesses with respect to the proposed methodology for Temporary Traffic Management at the intersection of SH6 and SH6A.
    - f. Consultation with tourism operators and providers of public transport services.
    - g. Management of cyclists and pedestrians moving through the work site, including any temporary diversions and signage.
17. Any Outline Plan of Work(s) prepared for proposed works on SH6 Kawarau Road (between Lucas Place and Gray Street) must be prepared in consultation with QAC and must show:
- a. The Obstacle Limitation Surfaces of Designation 4 in relation to any proposed permanent Structure;
  - b. The proposed planting, including height at maturity;
  - c. that no permanent structures penetrate the Obstacle Limitation Surfaces, except as agreed in writing by QAC;
  - d. that the SH6 carriageway pavement surface is no closer to the Obstacle Limitation Surface than the existing SH6 carriageway pavement.
18. The Requiring Authority must prepare a Construction Staging Plan (CSP) for inclusion in the Outline Plan(s) of Work(s). The CSP must detail the following:
- a. How the CSP minimises disruption to the Frankton Community, including “the retail centre” on land owned by QCL and QGL as much as practicable.
  - b. How the Requiring Authority will ensure that the staging and construction programme minimises disruption on the hotel guests (e.g. minimising time spent in that part of the site, and avoiding working at night).

The Requiring Authority shall engage with QCL and QGL in the preparation of the Construction Staging Plan, and provide evidence of this engagement and feedback to QLDC as part of the Outline Plan(s) of Works.

19. Prior to lodging an Outline Plan of Work(s), the Requiring Authority shall provide a copy of the detailed design of the stormwater management system for the portion of SH6 between Hawthorne Drive and Grant Road to QCL and QGL for consultation and feedback. The information to be provided includes, but is not limited to:
- a. The detailed design of the stormwater treatment measures at Hawthorne Drive and Grant Road intersections with SH6;
  - b. The global stormwater assessment for the upgraded SH6;
  - c. Impacts on the retail centre on land owned by QCL and QGL in terms of collection, treatment, discharge, and any flooding impacts.

The Requiring Authority shall provide evidence of this consultation and feedback to QLDC as part of the Outline Plan(s) of Work(s) application.

20. The Requiring Authority must prepare a Communications and Engagement Plan (C&EP) for inclusion in the Outline Plan(s) of Work(s). The C&EP must:

- a. Identify stakeholders and affected parties;
  - b. Describe how those stakeholders and parties will be communicated and engaged with before and during the construction phase;
  - c. Include a procedure for receiving and responding to complaints;
  - d. How any feedback received will be considered.
21. Within 6 months of completion of construction of each relevant stage or as soon as otherwise practicable, the Requiring Authority shall:
- a. Review the extent of the designation to identify any areas of designated land that it no longer requires for the construction of the Project; and
  - b. Give notice to QLDC in accordance with section 182 of the RMA for the removal of those parts of the designation identified above.