



**DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**RESOURCE MANAGEMENT ACT 1991**

<b>Requiring Authority:</b>	Queenstown Lakes District Council
<b>RM reference:</b>	RM221079A
<b>Location:</b>	Kawarau Road and Gray Street, Frankton, Queenstown Lakes District
<b>Proposal:</b>	Notice of requirement under Section 168A of the Resource Management Act 1991 to designate land for the purposes of a bus hub
<b>Legal Description:</b>	Legal road at Gray Street and Kawarau Road and the following parcels: SECTION 6 BLOCK XXXIII TN OF FRANKTON SECTION 12 BLOCK XX TN OF FRANKTON
<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 and Jane Sinclair
<b>Date Issued:</b>	14th November 2023
<b>Decision:</b>	<b>The notice of requirement for designation is confirmed, subject to conditions</b>

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

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## Proposal

Queenstown Lakes District Council gave notice of a requirement for a designation for the purposes of a bus hub, pursuant to section 168A of the Resource Management Act 1991 (**the Act**).

The notice of requirement is **CONFIRMED**, subject to conditions.

<b>Application number:</b>	RM221079A
<b>Site address:</b>	Kawarau Road and Gray Street, Frankton, Queenstown Lakes District
<b>Requiring Authority:</b>	Queenstown Lakes District Council
<b>Hearing:</b>	20 and 21 June 2023
<b>Hearing panel:</b>	Rachel Dimery (Chair) Ken Fletcher Jane Sinclair
<b>Appearances:</b>	<b><u>For the Requiring Authority:</u></b> Ms Kate Woods, 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 Anthony Pickard – Queenstown Lakes District Council</p> <p><b><u>For the Submitters:</u></b></p> <p>Ms Melissa Brook and Daniel Dodd for Queenstown Airport Corporation Limited  Mr John Glover for Shaping our Future  Mr Jeff Bryant for Back Peddlers  Mr Jeremy Wilson</p> <p><b><u>For the Council:</u></b></p> <p>Ms Mary McConnell, Planning  Ms Amanda Leith, Parks and Reserves  Ms Roz Devlin, Urban Design  Mr Chris Rossiter, Transport  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 decision:</b>	14th November 2023

## Introduction

1. Queenstown Lakes District Council, as the requiring authority (**the requiring authority**), 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.
2. At the same time, New Zealand Transport Agency 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**).

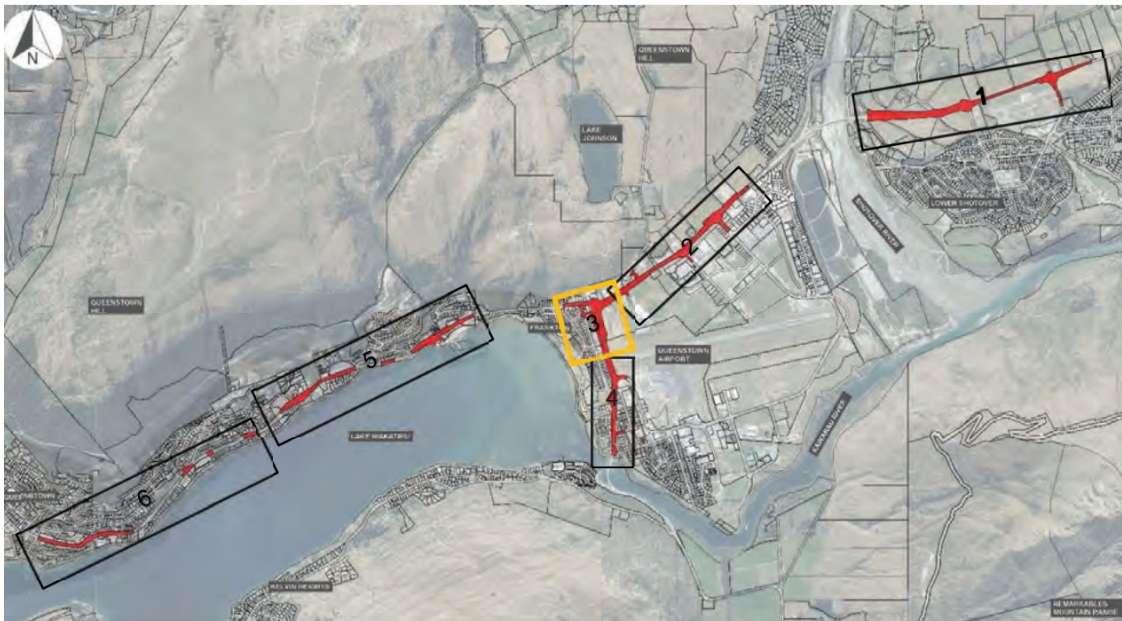
<sup>1</sup> For completeness we note that although the PDP includes Designation 84 for State Highway purposes in its schedule of designations (Chapter 37), the notice did not request that this be amended and identified that the designation is referred to as “Road” in the Proposed Queenstown Lakes District 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.

3. Waka Kotahi is the corporate name for New Zealand Transport Agency and is used throughout this report.
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 decision contains the findings on the notice of requirement for the Frankton Bus Hub and has been prepared in accordance with section 168A of the Act. A separate recommendation report has been prepared in accordance with section 171 of the Act in respect of the notice of requirement to alter Designation 84.
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 decision.
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 (**NZUP**) Queenstown Package. 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 generally relate to zones 2 to 4, noting that the 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>**

### **The location and existing environment**

15. The existing transport network and general location of the Project is shown in Figure 2 below.

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



**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, except to comment on one aspect relating to the existing bus hub.
17. The bus hub was established following the requirement for an outline plan being waived, relying on existing Designation 155, which designates the land for recreation reserve purposes. The AEE acknowledged that it was questionable whether the bus hub was consistent with the purpose of the designation.<sup>6</sup> We raised this matter at the hearing with counsel and the witnesses. Ms Woods' reply submissions addressed this matter and submitted that:

*...unlawful activities should not be included as part of the assessment of the "existing environment". Accordingly, it is arguable that the existing Bus Hub should not be considered as part of the "existing environment" when considering effects of allowing the requirement...<sup>7</sup>*

18. Ms Woods' highlighted that the witnesses confirmed that they did not rely on the existing Bus Hub for their assessments.

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

<sup>4</sup> Assessment of Effects on the Environment, section 4

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

<sup>6</sup> AEE, section 4.3, page 13

<sup>7</sup> Closing legal submissions on behalf of Queenstown Lakes District Council – Frankton Bus Hub expansion, dated 18 August 2023, at [2.2]



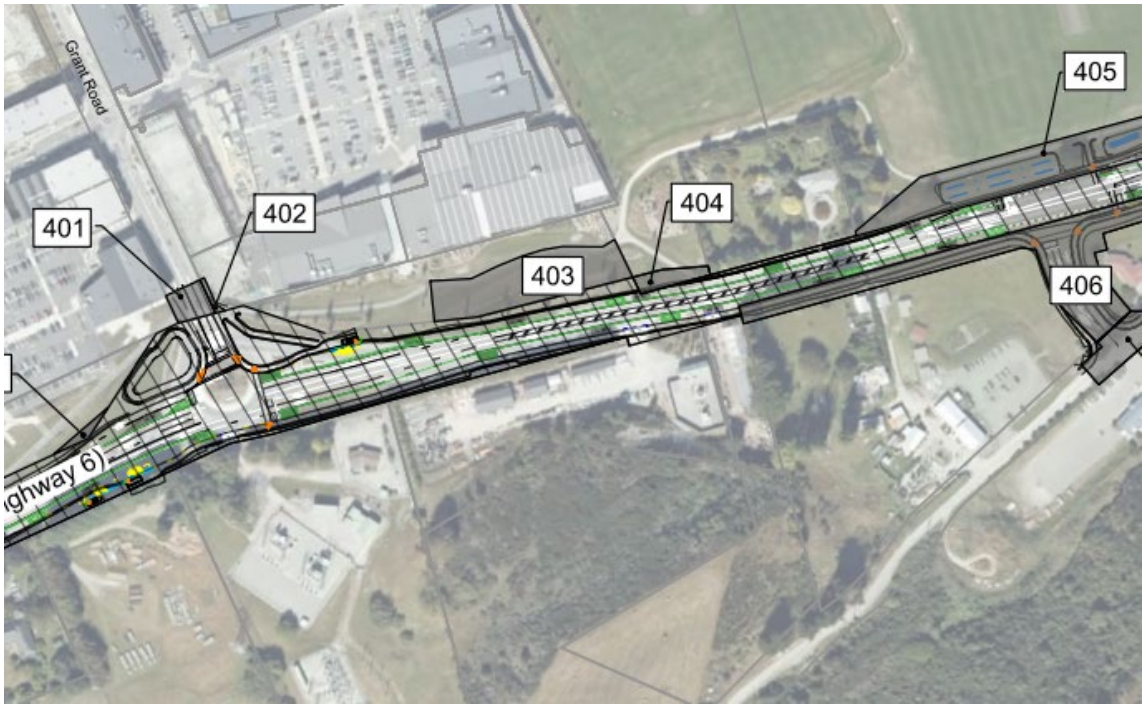
## The Notices of Requirement

19. 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.
20. Figures 3 – 6 below are excerpts from the designation plans.<sup>8</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.

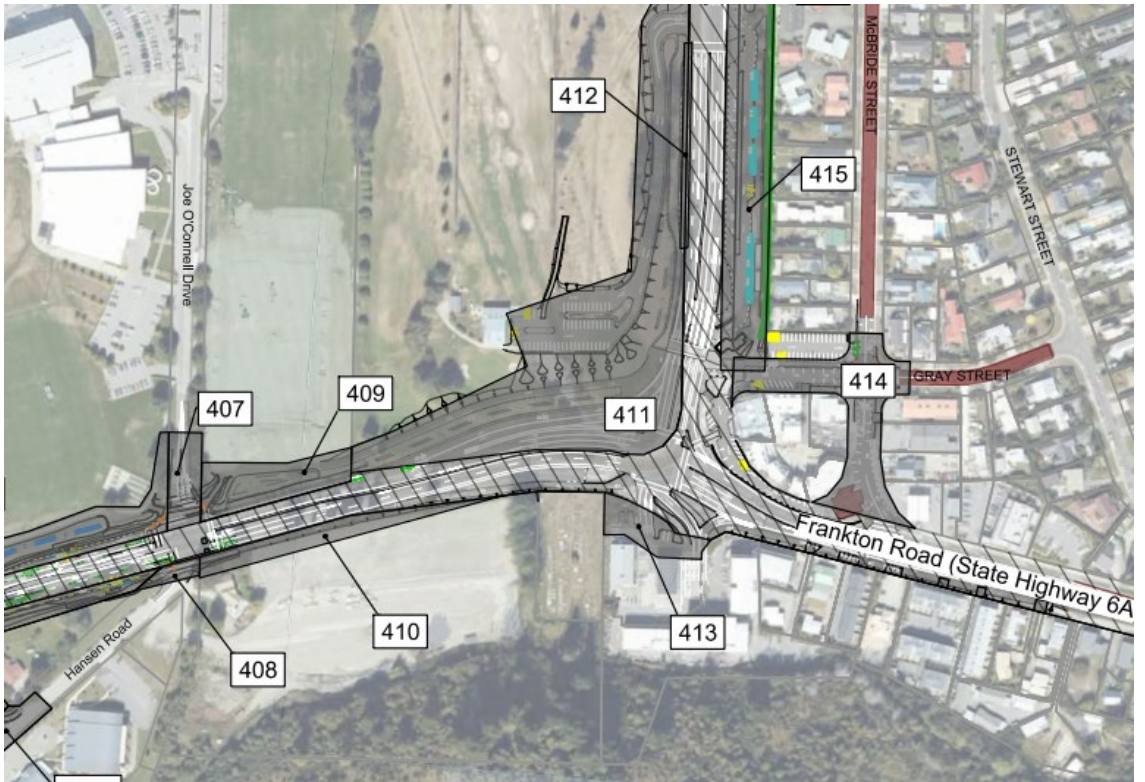


**Figure 3: Designation Plan - Hardware Lane to just east of Grant Road**

<sup>8</sup> Mr Gibson, Evidence in Chief, Appendix A, Revised Designation Plans

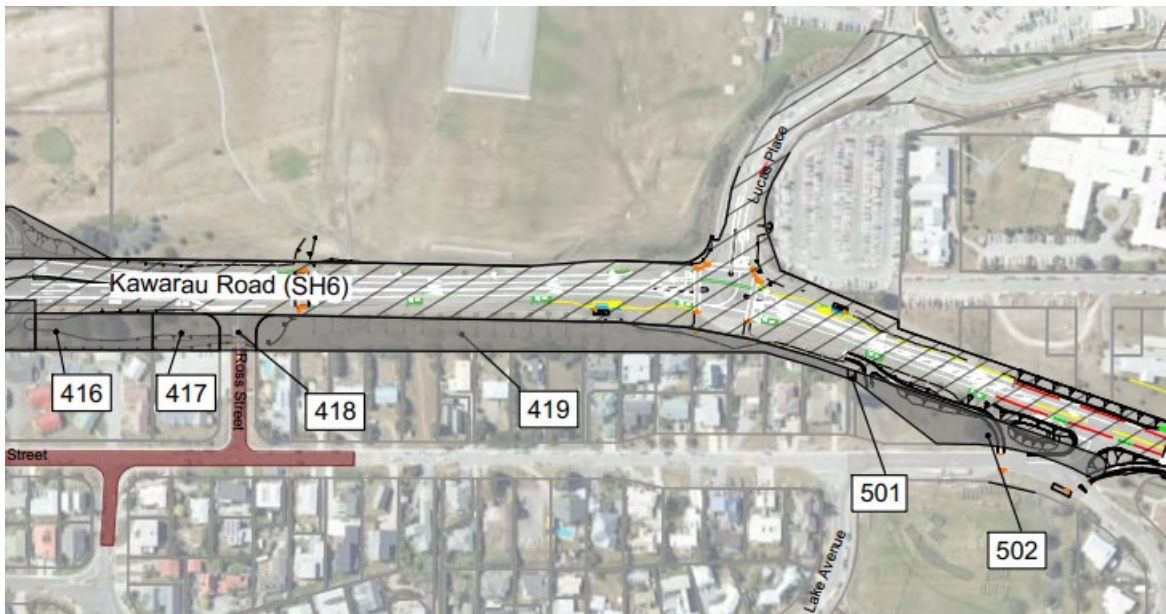


**Figure 4: Designation Plan – Grant Road to Hansen Road**



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





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

#### **Alteration to Designation 84 – Waka Kotahi**

21. Existing Designation 84 covers the entire State Highway network within the Queenstown Lakes District and is for State Highway Purposes. The notice of requirement to alter the designation 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>9</sup>
22. 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>10</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.
23. 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>11</sup>.
24. 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

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

<sup>10</sup> Mr Gibson, evidence in chief at [9.34]

<sup>11</sup> Notice of Requirement for Alteration of a Designation, November 2022, at page 4

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>12</sup>

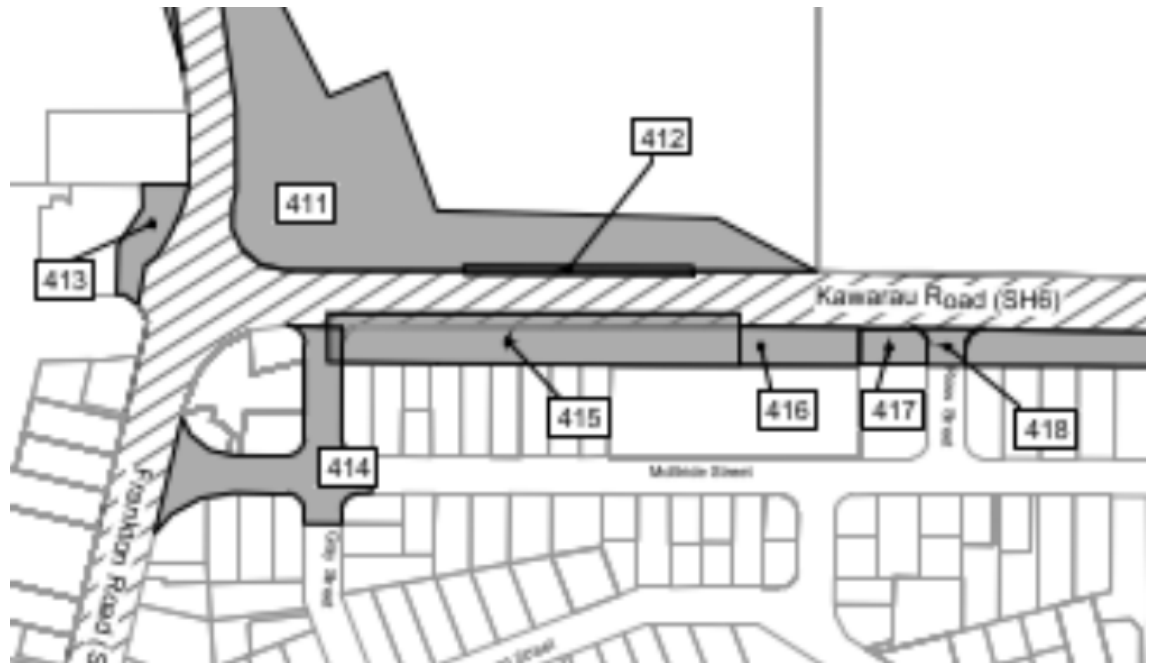
25. The notice of requirement states that the proposed alteration to the designation is an appropriate planning tool as it will identify the land required in the ODP and PDP, provide certainty for landowners of the intended use and it will protect the land from development that may preclude the proposed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

### **Frankton Bus Hub Designation - QLDC**

26. This is a notice of requirement for a new designation to recognise the existing bus hub and allow for its expansion. It will affect two 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 small part of the southern side of Gray Street. The designation covers land adjoining SH6/Kawarau Rd on the west side, extending from Gray St almost to Ross St, and a thin strip on the east side of SH6/Kawarau Rd opposite the proposed bus hub.
27. The location is denoted by areas 412 and 415 shown in Figure 7 below:

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



**Figure 7: Excerpt from Designation Plans, showing extent of land required for the Frankton Bus Hub<sup>13</sup>**

28. 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>14</sup>*

29. 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>15</sup>*

30. The notice of requirement further states that the proposed 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.

31. 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

<sup>13</sup> Notice of Requirement for a Designation of Land, November 2022, at Attachment A

<sup>14</sup> Notice of Requirement for a Designation of Land, QLDC 29 November 2022, page 3

<sup>15</sup> Notice of Requirement for a Designation of Land, QLDC 29 November 2022, page 3

Designation 84 by both facilitating the bus hub and improving public transport and active travel connections.

## Submissions and evidence

32. 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 Section 42A Report. We do not repeat this, but summarise briefly that some of the matters raised in submissions in relation to the Bus Hub included the following:
- (a) Other suitable sites for the bus hub;
  - (b) Construction effects, including night works;
  - (c) Landscape character, visual amenity and privacy effects on adjoining residential properties and the locality;
  - (d) Fumes and air emissions;
  - (e) Operational noise;
  - (f) Flooding of adjacent properties;
  - (g) Design and safety, including provision for cyclists and pedestrians;
  - (h) Provision of other amenities at the bus hub such as a café and tourist information kiosk;
  - (i) Impacts on bus routes;
  - (j) Impacts on operations at Queenstown Airport from construction and landscape planting; and
  - (k) Provision for use of the bus hub by licensed transport providers.
33. 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.
34. Prior to the hearing, the requiring authority and Queenstown Airport Corporation Limited (**QAC**) pre-circulated statements of evidence.
35. 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. Submitters who were not calling expert evidence were provided with the



opportunity to speak to their submissions and 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.

36. We have considered the following information in reaching a decision:
- (a) the notice of requirement and AEE and supporting reports;
  - (b) the submissions;
  - (c) the Section 42A Report and the appendices to the Section 42A Report;
  - (d) the legal submissions and briefs of evidence filed on behalf of the requiring authority;
  - (e) the legal submissions, briefs of evidence and additional 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 authorities' closing submissions.
37. All documentation, submissions and evidence that we have considered has been uploaded to Council's website and may be viewed there.

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

38. Section 168A of the Act sets out the matters which apply if a territorial authority (in this case Queenstown Lakes District Council) decides to issue a notice of requirement for a designation. As already noted, we have been delegated the authority to make a decision on the notice of requirement.
39. Section 168A requires that we consider the effect on the environment of allowing the requirement and sets out the matters to which we must have particular regard. These matters are set out at subsections (a)-(d) of s168A and are set out in full in Ms Wood's legal submissions.<sup>16</sup> Our consideration is subject to Part 2 of the Act, which states the purpose and principles of the Act. In making a decision under section 168A(4) we may confirm the requirement, modify the requirement, impose conditions or withdraw the requirement.

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<sup>16</sup> Legal submissions on behalf of Queenstown Lakes District Council at [2.3]

40. 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>17</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>18</sup>

## **Procedural**

41. No party raised any procedural matters requiring consideration.

## **Section 168A(3) the effects on the environment of allowing the requirement**

42. 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;
- Environmental management – dust, erosion, and sediment control;
- Temporary traffic management; and
- Social well-being.

(b) Operational effects:

- Landscape and urban design;
- Noise;
- Stormwater and flooding;
- Transportation;
- Social and economic well-being; and
- Health and safety.

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<sup>17</sup> Mr Roberts, evidence in chief at [10.1.a]

<sup>18</sup> Section 168A(3)(d)

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

43. The combined nature of the AEE in covering both notices of requirement within the one assessment has resulted in little specific detail of the construction effects relating to the Bus Hub Designation. The AEE acknowledges that traffic management during construction will be required, then notes that some of the work, particularly that related to the bus hub, can be done “off-line” with minimal disruption to the existing roading network.<sup>19</sup> Later, under the heading of Construction Noise, it states that two of the proposed staging and plant storage areas, 14 McBride St and the Bus Hub, have the potential to exceed noise limits if not adequately managed.<sup>20</sup>
44. Mr van Hout told us that without mitigation the noise and vibration effects of both the bus hub, and the state highway, works were likely to exceed the relevant criteria.<sup>21</sup>
45. Other than this, all the discussion around construction noise and vibration was either unspecific or more obviously focused on road construction. It was stated that the bus hub construction would be done concurrently with the SH6/6A intersection work and will be done in stages.<sup>22</sup> Disentangling the construction noise and vibration effects of the Bus Hub construction from those of the combined project has not been possible. Therefore, the discussion below on the construction noise and vibration effects related to the alteration to Designation 84 construction should be read as applying to the bus hub construction. With the exception of the conditions relating to noise and vibration effects on specific properties,<sup>23</sup> the noise and vibration conditions imposed on the bus hub designation replicate those we have recommended in respect of the alteration to Designation 84.

### ***Designation 84***

46. 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.
47. 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>24</sup> and that without mitigation the noise and vibration effects would likely exceed the relevant criteria.<sup>25</sup>
48. The QLDC Proposed District Plan (PDP) requires that construction noise be measured, assessed and managed in accordance with NZS 6803:1999 Acoustics – Construction

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<sup>19</sup> Assessment of Effects on the Environment, 29 November 2022 at 8.2.1

<sup>20</sup> Assessment of Effects on the Environment, 29 November 2022 at 8.9.2

<sup>21</sup> Mr van Hout, Evidence in Chief, at [5.2]

<sup>22</sup> Mr Levett, Evidence in Chief, at [7.11]

<sup>23</sup> Including the Frankton Cemetery, Grant Road food and beverage premises, Frankton Shops and Sudima Hotel at Five Mile

<sup>24</sup> Mr van Hout, Evidence in Chief, at [6.5]

<sup>25</sup> Mr van Hout, Evidence in Chief, at [5.2]

Noise,<sup>26</sup> as does the operative plan.<sup>27</sup> Construction noise must comply with the upper limits set out in Table 2 (Residential) and Table 3 (Industrial/Commercial).<sup>28</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>29</sup>

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**

49. As a long-duration project, NZS6803 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 assessment proposes a daytime limit of 75 dB as being appropriate.<sup>30</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

<sup>26</sup> PDP 36.5.13, Mr van Hout, Evidence in Chief, at [7.1b]

<sup>27</sup> Section 42A Report, Appendix 5, Noise and Vibration, at 1.3, page 3

<sup>28</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>29</sup> SharePoint document 11, that accompanied the Memorandum of counsel for Waka Kotahi NZ Transport Agency, dated 13 July 2023

<sup>30</sup> Frankton SH6/SH6A Intersection, preliminary Technical Assessment Report: Road Traffic Noise, Construction Noise and Vibration, 10 March 2022 at 6.1 page 12



properties that are presently screened from the road noise.<sup>31</sup> Accordingly, we have amended condition 10 to reflect this.

50. 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>32</sup> They were agreed that the appropriate way to manage the effects of construction noise was through a Construction Noise and Vibration Management Plan. 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>33</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*

51. 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>34</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*

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<sup>31</sup> Section 42A Report, Appendix 5, Noise and Vibration, at 1.3, page 3

<sup>32</sup> Section 42A Report, Appendix 5, Noise and Vibration, at 2.2, page 4

<sup>33</sup> Mr van Hout, Evidence in Chief, at [11.7]

<sup>34</sup> SharePoint document 11, that accompanied the Memorandum of counsel for Waka Kotahi NZ Transport Agency, dated 13 July 2023

- 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 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**

52. 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, and also to manage the effects of vibration.<sup>35</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>36</sup>
53. Mr van Hout considers that buildings within 10m of construction activity are likely to experience vibration greater than 5 mm/s PPV limit,<sup>37</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>38</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>39</sup>

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

54. We accept the combined opinion of the experts that a professionally compiled and monitored Construction Noise and 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.
55. 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.
56. 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

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<sup>35</sup> Section 42A Report, Appendix 5, Noise and Vibration, at 2.3, page 4

<sup>36</sup> Section 42A Report, Appendix 5, Noise and Vibration, at 1.4, page 3

<sup>37</sup> Evidence of George van Hout at 11.6, page 14

<sup>38</sup> Frankton SH6/SH6A Intersection, preliminary Technical Assessment Report: Road Traffic Noise, Construction Noise and Vibration, 10 March 2022 at 6.3 page 14

<sup>39</sup> Section 42A Report, Appendix 5, Noise and Vibration, at 2.3, page 5

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.

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

57. During the construction of the bus hub, there is the potential to generate dust, erosion, and sediment runoff. The construction methodology and programme were addressed in the evidence of Mr Levett.<sup>40</sup> He advised that the bus hub works will be split into two stages, with the new section to the south being constructed offline to enable the existing bus hub to continue to operate. Following this, the current bus hub would be renovated and extended.
58. Mr Levett 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.
59. Ms Brook, the General Manager Strategy for QAC, presented evidence on behalf of QAC and Mr Dodd, the Senior Manager of Regulatory and Compliance, appeared to assist with responding to matters relating to airport operations under the Civil Aviation Rules. The evidence of Ms Brook 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>41</sup> In addition, the use of cranes or mobile plant that may penetrate the obstacle limitation surface are also a serious risk to health and safety. Ms Brook sought that these matters be included in the conditions relating to the preparation of the Environmental Management Plan.
60. 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, and specifically requiring consultation with QAC.
61. Ms McConnell agreed that this approach was appropriate. We agree and find that the potential environmental effects associated with construction can be appropriately managed. In particular, the condition addresses the matters raised by QAC. We agree that the Environmental Management Plan should be submitted as part of the outline

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<sup>40</sup> Mr Levett, Evidence in Chief at [7.1] – [7.18 and [9.11] – [9.7]

<sup>41</sup> Ms Brook, Evidence in Chief at [3.1] – [3.8]

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

### **Construction effects – Temporary Traffic Management**

62. Submissions raised concerns about the impact and duration of construction works on road users, local businesses, and transport operators.
63. As noted earlier, the construction methodology and programme were addressed in the evidence of Mr Levett.<sup>42</sup> 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>43</sup> He told us that the initial 18 months would focus on the Golf Course corner and would be entirely offline, and so entail minimal traffic disruption. He also 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-SH6/6A intersection work, or whether the work would be done sequentially. He stated that this decision may depend on funding. He also provided an overview of the likely construction traffic.<sup>44</sup>
64. 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>45</sup> The evidence of Mr Levett and Ms Greenshields described how the Communications and Engagement Plan would be the primary tool to assist in managing the potential impacts by providing information to stakeholders on construction activities.
65. The final set of conditions provided included the requirement for the outline plan of work(s) for the State Highway improvements to include measures to manage temporary traffic management during construction.<sup>46</sup> However, this condition was not included in the set of conditions to apply to the designation for the bus hub. Without knowing the construction programme at this stage, we find that there is a possibility that works for the bus hub and the State Highway improvements may overlap and as such, it is appropriate that details of the temporary traffic management measures are provided with the outline plan for the bus hub. Furthermore, the condition includes the requirement to consult with tourism operators and providers of public transport services. In light of the matters raised in submissions, we find that temporary traffic management measures to be just as relevant to the bus hub works as to those for the State Highway improvements. Accordingly, we have included a condition to require the inclusion of temporary traffic management measures, and engagement with those affected, in the outline plan.

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<sup>42</sup> Mr Levett, Evidence in Chief at [7.1] – [7.18]

<sup>43</sup> Ibid, at [12.1]

<sup>44</sup> Ibid at [8.1] – [8.5]

<sup>45</sup> Mr Gatenby, Evidence in Chief at [14.1]

<sup>46</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



## Construction effects – Social well-being

66. The Section 42A report identified that a member of Queenstown’s homeless community currently uses the bus hub for shelter and recommended that a case worker be assigned to mitigate the social effects related to displacement of the individual. This matter was responded to in the evidence of Mr Greenshields, where she advised that the Alliance has already engaged social services to talk to homeless people about the Project. She advised that this engagement would continue in the lead-up to and during construction.<sup>47</sup>
67. We are satisfied that this will ensure that the social well-being effects on people and communities are appropriately mitigated.

## Operational effects – Landscape and Urban Design

68. The legal submissions for Waka Kotahi<sup>48</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>49</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>50</sup>
69. Before turning to the effects of the tree removals, we address the other landscape and urban design effects relating to the loss of open space, loss of privacy and the visual effects of the bus hub structures, most notably the acoustic screens between the bus shelters. These matters were raised in submissions<sup>51</sup> and responded to primarily in the evidence of Mr Robertson. As set out in Mr Robertson’s evidence, landscape character represents the sum of the physical, associative, and perceptual attributes that exist within a landscape.<sup>52</sup>
70. Mr Robertson highlighted that it was now intended that the acoustic screens would be 3 metres high, rather than 2 metres. We note that this increase in height is not required for noise attenuation purposes. Mr Robertson concluded the adverse visual and privacy effects on adjoining residential properties will be high.<sup>53</sup> He considered that a degree of mitigation could be achieved through erecting a 1.8m close boarded timber fence on the residential boundaries of the properties between 22 and 32 McBride Street, but that the resultant adverse effects would still be high-moderate. Following the hearing, we

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<sup>47</sup> Ms Greenshields, Evidence in Chief, at [11.3]

<sup>48</sup> Legal submissions for Waka Kotahi NZ Transport Agency, dated 20 June 2023 at [8.12]

<sup>49</sup> Legal submissions on behalf of Queenstown Lakes District Council – Frankton Bus Hub expansion, dated 20 June 2023 at [4.4.c]

<sup>50</sup> As shown in the Preliminary Landscape Plan at Appendix 2 to Mr Robertson’s Evidence in Chief

<sup>51</sup> Submissions 2 and 35

<sup>52</sup> Mr Robertson, Evidence in Chief, at [6.14]

<sup>53</sup> Mr Robertson, Evidence in Chief, at [9.16] – [9.21]

sought further clarification on the degree of adverse perceptual effects on these properties.<sup>54</sup> In the response, Mr Robertson advised that the use of 'solid' acoustic screens and an increase in height of 300mm or more would be noticeable and would increase the degree of visual effect from moderate-high to high/very high.<sup>55</sup> We issued a second minute and direction to request further clarification on whether a minimum setback was required. Mr Robertson's response was that a reduced setback would similarly increase the degree of visual effect, whereby a reduction in the setback of 300mm or more would increase the degree of visual effect to high/very high.<sup>56</sup> The revised set of conditions attached to the response did not include a minimum setback distance. On the basis of Mr Robertson's assessment, we find that it is appropriate to include a minimum setback distance for the bus shelters and acoustic screens and have amended the condition accordingly.

71. 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>57</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.

72. 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>58</sup>

73. 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>59</sup> These improvements include the improved pedestrian and cycling facilities, including the shared path and wayfinding elements and also the incorporation of cultural design elements and a formalised entrance to the bus hub.

74. The Section 42A Report included memoranda from Ms Leith, on behalf of Parks and Reserves, 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

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<sup>54</sup> Minute and Direction No. 1, dated 27 June 2023

<sup>55</sup> Appendix A to the Memorandum of Counsel for Waka Kotahi NZ Transport Agency, dated 13 July 2023

<sup>56</sup> Appendix B to the Joint memorandum of counsel for Waka Kotahi NZ Transport Agency and Queenstown Lakes District Council, dated 18 August 2023

<sup>57</sup> NZ Upgrade Programme – Queenstown Package, Urban Design and Landscape Assessment at page 9

<sup>58</sup> Mr Robertson, Evidence in Chief, at [9.4]

<sup>59</sup> Mr Robertson, Evidence in Chief, at [10.1] – [10.3]

likely be positive, there was insufficient landscaping and visual amenity mitigation detail provided.

75. 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.
76. 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.
77. 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>60</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 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.
78. 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>61</sup>
79. 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

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<sup>60</sup> Whereby urban land is hotter due to building materials and reduced vegetation cover

<sup>61</sup> Minute and Direction No. 2 dated 3 August 2023

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>62</sup>

80. 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>63</sup> The final wording of the proposed landscape plan condition<sup>64</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)*

81. 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 bus hub designation or the immediate vicinity. To an extent this has been confirmed in the response, which indicates only seven trees will be replanted within the bus hub and approximately 100 trees will be planted in the Frankton Beach Reserve. We therefore find there is some uncertainty relating to Mr Robertson's conclusion that the overall effects on the local landscape will be moderate.
82. 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 s168A(3) and s168A(3A). 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.
83. 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'*. As the majority of the replacement planting is to be established on land outside the designated land, we find that this is not a matter

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<sup>62</sup> Joint Memorandum of Counsel, dated 18 August 2023, Appendix B, Memorandum by Mr Wade Robertson at page 2

<sup>63</sup> Joint Memorandum of Counsel, dated 18 August 2023, Appendix B, Memorandum by Mr Wade Robertson at page 2

<sup>64</sup> Condition 1 for both the bus hub and Designation 84, Appendix C to the Joint memorandum of Counsel, dated 18 August 2023

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 PDP or alternative species acceptable to QAC.

84. 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>65</sup>. We also agree that the upgrades to the pedestrian and cycle facilities and incorporation of cultural design elements will enhance the perceptual and associative effects for people using the bus hub and passers-by.

### **Operational effects - Noise**

85. Of relevance to the Bus Hub operational noise is the existing environment – what is the ambient noise level that is currently experienced in the vicinity of the proposed bus hub, and particularly by the residential neighbours. Complicating this is the presence of the existing bus hub, the noise it currently generates, and as we have discussed above, that it is not a lawfully established activity.

#### ***The existing environment***

86. The primary part of the bus hub site, on the western side of SH6/Kawarau Road, is adjacent to land zoned for business and residential purposes, as shown in Figure 8 below.<sup>66</sup> The smaller area on the eastern side of SH6/Kawarau Road is not shown. As we have already noted, the bus hub is within an existing recreation reserve. The zoning of the adjacent land was provided in the Assessment of Environmental Noise Effects appended to the AEE.<sup>67</sup>

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<sup>65</sup> Assuming a total of 124 trees will be removed for both the bus hub and State Highway improvements

<sup>66</sup> NZUP State Highway 6 Bus Hub, Frankton: Assessment of Environmental Noise Effects, 17 August 2022, Fig 2.2

<sup>67</sup> NZUP State Highway 6 Bus Hub, Frankton: Assessment of Environmental Noise Effects, 17 August 2022, Section 2.2



**Figure 8: Site and PDP zoning<sup>68</sup>**

87. The noise limits that apply in each area under the ODP and PDP are summarised in the tables 2 and 3 below.<sup>69</sup>

Table 4-1: Noise limits for adjacent properties under the ODP

Zone	Time	Noise Limits
Low Density Residential Zone properties	Daytime (0800 to 2000 hours)	50 dB LAeq(15 min)
	Night-time (2000 to 0700 hours)	40 dB LAeq(15 min)
	Night-time (2200 to 0700 hours)	70 dB LAFmax
Corner Shopping Area Zone properties	Daytime (0800 to 2200hrs)	60 dB LAeq(15 min)
	Night-time (2200 to 0800 hours)	50 dB LAeq(15 min)
	Night-time (2200 to 0800 hours)	70 dB LAFmax
Designation 155	Daytime (0800 to 2000 hours)	40 dBA L10
	Night-time (2000 to 0700 hours)	30 dBA L10

**Table 2: Noise limits for adjacent properties under the ODP**

<sup>68</sup> Source: NZUP State Highway 6 Bus Hub, Frankton: Assessment of Environmental Noise Effects, 17 August 2022, Figure 2.1

<sup>69</sup> NZUP State Highway 6 Bus Hub, Frankton: Assessment of Environmental Noise Effects, 17 August 2022, Table 4.1 and Table 4.2



Table 4-2: Noise limits for adjacent properties under the PDP

Zone	Time	Noise Limits
Lower Density Suburban Residential zoned properties	Daytime (0800 to 2000 hours)	50 dB LAeq(15 min)
	Night-time (2200 to 0700 hours)	40 dB LAeq(15 min)
	Night-time (2200 to 0700 hours)	70 dB LAFmax
Local Shopping Centre zoned properties	Daytime (0800 to 2200hrs)	60 dB LAeq(15 min)
	Night-time (2200 to 0800 hours)	50 dB LAeq(15 min)
	Night-time (2200 to 0800 hours)	75 dB LAFmax

**Table 3: Noise limits for adjacent properties under the PDP**

88. In terms of the noise levels that are currently being experienced on the site of the proposed bus hub, Mr van Hout (the author of this section of the AEE) had done acoustic measurements on and around the site in June 2022. The results are reproduced below<sup>70</sup>.

Table 4-4: Ambient noise measurement summary

Date	Time Of Measurement	Location	Length Of Measurement	Measured Average Noise Level (LAeq,T)	Maximum Noise Level (LAFmax)	Background Noise Level (LA90)
15 June 2022	1000 hours	1	15 minutes	61 dB	77 dB	-
15 June 2022	1030 hours	3	15 minutes	63 dB	76 dB	-
15 June 2022	1100 hours	2	6 minutes	61 dB	74 dB	-
15 June 2022	1130 hours	1	6 minutes	66 dB	77 dB	-
15 June 2022	1200 hours	6	2 minutes	64 dB	68 dB	-
28 June 2022	0450 hours	5	15 minutes	54 dB	70 dB	36 dB
28 June 2022	0510 hours	4	15 minutes	57 dB	73 dB	37 dB
28 June 2022	0526 hours	3	15 minutes	58 dB	71 dB	41 dB
28 June 2022	0545 hours	2	15 minutes	60 dB	77 dB	46 dB
28 June 2022	0558 hours	1	10 minutes	61 dB	74 dB	48 dB
28 June 2022	0609 hours	3	5 minutes	61 dB	72 dB	51 dB
28 June 2022	0620 hours	6	5 minutes	60 dB	70 dB	53 dB
28 June 2022	0630 hours	2	10 minutes	60 dB	80 dB	53 dB
28 June 2022	0700 hours	3	10 minutes	63 dB	72 dB	53 dB
28 June 2022	0725 hours	4	10 minutes	63 dB	72 dB	53 dB

**Table 4: Ambient noise measurement summary**

89. The measurement points are identified in the image below, noting that Mr van Hout corrected Location 6 in the above table should be Location 5 in Figure 9 below<sup>71</sup>.

<sup>70</sup> NZUP State Highway 6 Bus Hub, Frankton: Assessment of Environmental Noise Effects, 17 August 2022, Table 4.4

<sup>71</sup> NZUP State Highway 6 Bus Hub, Frankton: Assessment of Environmental Noise Effects, 17 August 2022, Fig 4.1



**Figure 9: Measurement locations**

90. We understand that:

- the right-hand column, Background Noise level ( $L_{A90}$ ), is the lower limit of the noise on the site, the noise that was always there throughout the measurement period;
- the middle column, Maximum Noise Level ( $L_{AFmax}$ ), is the peak noise that was recorded during the measurement period; and
- the left-hand column, (Measured Average Noise Level ( $L_{Aeq T}$ )) is the average level of noise that was recorded during the measurement period.

91. Further, from discussion with Mr van Hout we understand that:

- the measurements at Location 5 are the best indicator of the ambient noise if the existing bus hub was not present;
- the maximum levels prior to 0600 represent passing cars;
- the results prior to 0600 are effectively without the bus hub operating as no buses were recorded before then;
- the increase in measured noise in moving from location 5 to Location 1 was due to moving closer to the SH6/6A roundabout, rather than any bus hub activity; and
- the noise levels on 28 June stabilised after 0600 and were reflective of the daytime noise levels recorded on 15 June.

92. Mr van Hout told us that the ambient noise levels prior to 0600 did not have any bus activity contributing to it, and that it was road traffic and the background noise from mechanical plant in the surrounding area.
93. From the above discussion, it can be seen that current ambient noise levels in the vicinity of the proposed bus hub are at all times above those required by Designation 155, and above the limits required for both the surrounding residential and retail areas. This was recognised in the AEE, and national and international noise limits and standards were used to create a bespoke set of noise limits for the bus hub, based on the measured background noise. Based on the common international practise of an appropriate noise limit being 5-10 dB above the average ambient noise level ( $L_{A90, T}$ ), limits of 45 dB before 0600 and 55-60 dB ( $L_{Aeq(15min)}$ ) after 0600 hours were considered appropriate.<sup>72</sup>
94. Referencing the noise standards in the operative and proposed district plans, and national and international noise standards, the requiring authority derived a bus hub specific noise standard, reproduced below.<sup>73</sup>

Table 4-6: Proposed acoustic criteria for the designation

Property	Time	Noise Limit
Residential Zoned properties	0600 to 2100 hours	50 dB $L_{Aeq(15min)}$
	2100 to 0600 hours	45 dB $L_{Aeq(15min)}$ 70 dB $L_{AFmax}$
Commercial / Local Shopping Centre zoned properties	0600 to 2100 hours	60 dB $L_{Aeq(15min)}$
	2100 to 0600 hours	50 dB $L_{Aeq(15min)}$ 75 dB $L_{AFmax}$

**Table 5: Proposed acoustic criteria for the designation**

95. Of note in this proposed standard is that the daytime noise limit applies from 6am. The New Zealand standard uses 7am and the district plans use 8am.<sup>74</sup>
96. The Section 42A report considered that generally this would not be appropriate for a residential setting, potentially leading to sleep disturbance, but considered it was acceptable in this situation, due to the existing elevated noise levels from the traffic on SH6/6A. Compliance with these noise limits would result in acceptable noise effects.<sup>75</sup>
97. Mr Trevathan also agreed that these proposed limits were conservative in the context of the existing ambient noise at 6am.
98. The application modelled the likely noise effects of the bus hub once operational, and the noise effects at the residential boundary behind the bus hub under two mitigation

<sup>72</sup> NZUP State Highway 6 Bus Hub, Frankton: Assessment of Environmental Noise Effects, 17 August 2022, at 4.5

<sup>73</sup> NZUP State Highway 6 Bus Hub, Frankton: Assessment of Environmental Noise Effects, 17 August 2022, at 4.7, Table 4-6

<sup>74</sup> NZUP State Highway 6 Bus Hub, Frankton: Assessment of Environmental Noise Effects, 17 August 2022, at 4.1-4.3, page 12-13

<sup>75</sup> Section 42A Report, Appendix 5, Noise and Vibration, at 1.2, pages 2-3

scenarios – a 2m high acoustic wall, on either the residential boundaries, or emplaced between the existing and proposed bus shelters to create a continuous acoustic wall. Under both scenarios the modelling indicated that the noise generated by the bus hub activities would be within the proposed noise limits above.<sup>76</sup>

99. The noise experts were in agreement that the above limits were readily able to be met with the installation of 2.0m high acoustic screens between the proposed bus shelters on the West side of SH6.<sup>77</sup>
100. The bus hub design was still in development during the hearing, but the proposed acoustic screens between the shelters had increased in height to 3.0m in the latest design. Mr Robertson indicated that the height of the shelters was being matched to the 3.0m height of the acoustic screen.<sup>78</sup> Mr van Hout was clear that the increase in height was not at his behest, and that a 2.0m height was all that was acoustically required. We understand that the increase in screen height was as part of the aesthetics of the bus shelter design, to match the height of the back wall of the shelters. Given the high adverse visual effects of the 3.0m shelters and acoustic screens that Mr Robertson identified,<sup>79</sup> (discussed above in relation to landscape and urban design effects) we have imposed a 3.0m height limitation on both the shelters and the acoustic screens, and a 4.5m minimum separation distance for the shelters and screens from the residential boundaries.<sup>80</sup>
101. Mr van Hout had originally recommended a condition requiring monitoring of the actual noise outcomes within one month of the bus hub being operational to confirm that the noise limits above are being achieved.<sup>81</sup> Mr Trevathan considered that the designs were not yet in a final state, but once they were, completing the modelling would give sufficient certainty of outcome without the difficulties of isolating the bus hub noise from that of the surrounding environment, especially the traffic noise. It was his opinion that if the modelling was done then it was not necessary for monitoring to be undertaken.
102. On the basis of Mr Trevathan's evidence the proposed monitoring condition has been converted to one of modelling once the designs are finalised.

### ***Finding – Bus Hub operation noise limits***

103. Given the expert agreement on the appropriateness of these proposed noise limits for the operation of the bus hub, in the circumstances of the existing road noise, we accept that the noise limits are appropriate, and that a condition requiring adherence to them should be imposed on the designation.

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<sup>76</sup> NZUP State Highway 6 Bus Hub, Frankton: Assessment of Environmental Noise Effects, 17 August 2022, at 5, p 18-24

<sup>77</sup> Mr van Hout, Evidence in Chief, at [12.10] and Section 42A Report, Appendix 5, Noise and Vibration, at 3.4, page 6

<sup>78</sup> Mr Robertson, Evidence in Chief, at [7.3(b)] and Appendix 1

<sup>79</sup> Mr Robertson, Evidence in Chief, at [9.16]

<sup>80</sup> Bus Hub Condition 1(a) and 1(b)

<sup>81</sup> Mr van Hout, Evidence in Chief, at [12.10]

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

104. Mr Jeremy Wilson<sup>82</sup> raised concerns in his submission regarding the potential for significant runoff to occur during heavy rain, resulting in flooding of adjacent residential properties.
105. The management of stormwater and potential flooding effects were addressed by Ms Prestidge. She explained how a new stormwater reticulation system would be installed and that there would be a reduction in ponding levels along the property boundary.<sup>83</sup> We accept Mr Wilson's submission that during and after periods of heavy rain, his property is prone to flooding from stormwater runoff. As there was no contrary expert evidence presented to us, we have accepted Ms Prestidge's evidence and her conclusion that stormwater treatment and flooding levels will either be improved, or made no worse, as a result of the Project.<sup>84</sup> Overall, we accept that stormwater and flooding effects will be appropriately managed through the provision of the new reticulation system.

## **Operational effects - Transport**

106. 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>85</sup> He advised that the bus hub will accommodate increased bus frequencies of at least 48 Otago Regional Council bus movements per hour, up to 2028 and beyond.<sup>86</sup> He considered that this, in conjunction with State Highway improvements including the provision of new bus stops and bus lanes, will increase the attractiveness of public transport and provide more transport choice.
107. The preliminary bus hub design presented includes a shared path for cyclists and pedestrians through the bus hub site, which would connect with the wider network of proposed walking and cycling facilities proposed as part of the State Highway improvements. Mr Gatenby considered that the walking and cycling routes will assist in encouraging short trips to Frankton on foot or other active modes, as well as encouraging more commuter cycle trips.<sup>87</sup>
108. Some submissions<sup>88</sup> emphasised the importance of providing adequate cycle parking at the bus hub. Mr Gibson responded to this matter in his evidence, where he advised that secure, lit, and covered cycle parking would be provided, with 60 bicycle parks

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<sup>82</sup> Submission 2

<sup>83</sup> Ms Prestidge, Evidence in Chief at [7.2]

<sup>84</sup> Ibid, at [11.1]

<sup>85</sup> Mr Gatenby, Evidence in Chief, at [12.1]

<sup>86</sup> Ibid, at [12.2]

<sup>87</sup> Ibid, at [9.7]

<sup>88</sup> Submissions 3 and 20

currently provided for in the design and that this would be confirmed through the detailed design process.<sup>89</sup>

109. Mr Glover, who spoke to the submission by Shaping Our Future, questioned whether the bus hub footprint was sufficient to provide for the desired mode shift in the short to medium term. He sought a condition be imposed to require a needs assessment of the infrastructure required to support the desired mode shift and to consult with, and seek feedback from, relevant submitters on this prior to the outline plan of works being submitted. We explored with Mr Glover whether there were specific facilities that he considered were missing from the preliminary design. He did not have any specific views on this and explained that it was a whole discipline around this and that he wished to see more consultation in this regard.
110. Overall, we find that the bus hub and shared path traversing the site will contribute to improved travel times and reliability of bus services, be part of an overall significant improvement to facilities for pedestrians and cyclists and will generally improve the attractiveness of public transport and active transport modes.

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

111. 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>90</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>91</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 cars.’*<sup>92</sup>
112. We find that the bus hub will be an important first step as part of the wider NZUP Queenstown Package to improving the performance of Queenstown’s transport system in order to provide for people and communities’ social and economic well-being.

### **Operational effects – health and safety**

113. The key health and safety issues raised at the hearing related to public access to the bus hub manoeuvring area and the potential for vegetation and structures to impact on airport operations.
114. Mr Wilson<sup>93</sup>, who spoke at the hearing, focussed on one element of his submission, which was the health and safety risks associated with the layout of the bus hub. Mr

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<sup>89</sup> Mr Gibson, Evidence in Chief, at [9.7]

<sup>90</sup> Mr Sizemore, Evidence in Chief, at section 8

<sup>91</sup> Ibid at [12.2] – [12.4]

<sup>92</sup> Mr Sizemore, Evidence in Chief, at [14.2]

<sup>93</sup> Submission. 2



Wilson advised us that he was the designated health and safety expert for his workplace. He was concerned that the layout of the bus hub would put people at serious risk, due to the number of heavy vehicle movements and unrestricted access to the manoeuvring area. He considered that the bus hub would be better located in a commercial area, where a terminal could be built to separate vehicles from the public.

115. It was the evidence of Mr Gibson,<sup>94</sup> that the design of both the bus hub and State Highway improvements would be required to go through safety reviews, by Waka Kotahi and QLDC Safety Engineers, as well as designers, constructors and end users. These reviews consider constructability, maintenance, and end user safety.
116. We recognise Mr Wilson's genuine concerns, but prefer the evidence of Mr Gibson, given his considerable experience in transport projects and qualifications as a Waka Kotahi accredited Road Safety Engineer and Road Safety Auditor. We are satisfied that, as the detailed design is progressed, the appropriate safety audits will be completed and that appropriate measures will be implemented to ensure the safety of members of the public using the bus hub.
117. 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 risk to health and safety. As we understand it, the concerns relating to lights and structures related to the alteration of Designation 84 and do not apply to the bus hub. Therefore, the key concern relating to the bus hub relates to the selection of trees and vegetation.
118. 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.
119. Lastly, we note that the preliminary bus hub design presented includes a shared path for cyclists and pedestrians through the site, which would connect with the wider network of proposed walking and cycling facilities as part of the State Highway improvements. Mr Pickard considered that these measures would support people in choosing different ways to travel that are healthier and better for the environment.<sup>95</sup> We agree and find that these facilities will assist the community in providing for their health and well-being, through better enabling opportunities for both active recreation and active modes of travel.

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<sup>94</sup> Mr Gibson, Evidence in Chief, at [7.12]

<sup>95</sup> Mr Pickard, Evidence in Chief, at [6.3]

## **Section 168A(3)(a) any relevant provisions**

120. Section 168A(3) sets out the relevant provisions that must be considered by a territorial authority when considering and making a decision on a notice of requirement.
121. 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
  - The PDP
122. The planning experts agreed the proposal is consistent<sup>96</sup> with the policies of the relevant national policy statement, regional policy statements, regional plans, and district plans. Further to this, they agreed the proposal was consistent with the National Environmental Standards relating to Assessing and Managing Contaminants in Soil to Protect Human Health and Air Quality. While we accept their assessment and conclusions and do not intend to repeat their analysis here, as there were differences between the experts on what provisions were considered relevant, we have considered these differences which are set out below. We note the differences are largely in relation to the provisions of the PDP, and to a lesser extent, the ODP.

### **The Proposed District Plan**

123. The new designation is proposed for land identified on the designation plan as Property References 412 and 415.
124. Property Reference 412 is a relatively thin rectangular strip of land located on the eastern side of SH6 (Kawarau Road) across the highway from the existing Frankton bus hub. This piece of land occupies part of the SH6/Kawarau Road and part of Designation 29 (QLDC) relating to a multi-purpose indoor and outdoor recreation,

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<sup>96</sup> AEE page 43, and Section 42A Report page 20

cultural and conference complex. Designation 29 has an underlying zoning of Community Purpose.

125. Property Reference 415 is a larger rectangular shape, located on the western side of SH6 in the location of the existing bus hub. The proposed designation occupies part of SH6, part of existing Designation 155, and a small part of Gray Street. Designation 155 is a Recreation Reserve, with an underlying zoning of Informal Recreation.
126. Mr Roberts provided an assessment of the objectives and policies<sup>97</sup> identifying the following as 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
127. Ms McConnell advised Mr Roberts' assessment '*was adequate and is adopted for the purposes of the report*',<sup>98</sup> however she considered additional provisions of Chapter 7 Lower Density Suburban Residential Zone were relevant, along with additional Chapters including Chapters 3 Strategic Directions, 30 Energy and Utilities, and 36 Noise. In his evidence, Mr Roberts did not provide additional comment on these identified plan provisions.
128. As we have noted above, the joint nature of the supporting documentation and evidence has caused some difficulty in disentangling the two projects for the purposes of the assessment of the plan provisions. In relation to the new designation for the bus hub we prefer Mr Roberts' evidence that Chapter 30 Energy and Utilities is not relevant as the bus hub does not fall within the definition of a utility.
129. We note Chapter 15 Local Shopping Centre and Chapter 16 Business Mixed Use Zone are not directly relevant to the new designation. However, for completeness, as there was no disagreement between the planners on these chapters, or on the assessment of Chapter 29 Transport, and Chapter 38 Open Space and Recreation, Informal Recreation, and Community Purposes Zones, we therefore accept and adopt their conclusions.
130. After the adjournment of the hearing, as part of expert conferencing, we were provided with a Joint Witness Statement<sup>99</sup> to assist our considerations of Chapter 25 Earthworks.

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<sup>97</sup> Assessment of Effects on the Environment, section 9 page 39 along with Appendix C Tables 7 & 8, pages 61-67

<sup>98</sup> Section 42A Report, section 9, page 20

<sup>99</sup> Joint Witness Statement – Planning, dated 13 July 2023

This statement set out the agreed provisions and provided assessment of those provisions. As there was no disagreement between the expert planning witnesses, we accept their analysis and adopt their assessment in relation to Chapter 25.

131. Our findings on the areas of difference between the planning experts are set out below.

### ***Chapter 3 Strategic Directions***

132. Ms McConnell considered Chapter 3 Strategic Directions relevant. While she concluded the proposal consistent<sup>100</sup> because it achieves key strategic drivers including sustainable development, infrastructure to support development, reduces carbon emissions, assists with community resilience, and provides for accessibility and mobility, she however only identified Strategic Objective 3.2.1.3 as being relevant.

133. 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.*

134. Through questioning at the hearing, Mr Roberts advised he did not consider it necessary to specifically 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.

135. In determining the relevance of Chapter 3, we have taken guidance from Section 3.1B Interpretation and Application, which includes Section 3.1B.2.

136. 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 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 accept the evidence of Ms McConnell that Chapter 3 is relevant, 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***

137. The proposed new designation occurs adjacent to land zoned Lower Density Suburban Residential (**LDSR Zone**).

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<sup>100</sup> Section 42A Report, page 23

138. 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>101</sup> which Ms McConnell agreed with and adopted.<sup>102</sup>
139. In addition to the above, 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>103</sup> as it promotes sustainable transport options, improves transport 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. Ms McConnell opined that providing a higher frequency transport service will encourage a shift to using public transport and the proposal will create an efficient, sustainable, and safe transport system that meets the needs of residents and visitors.
140. We have considered the additional provisions identified by Ms McConnell 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 particularly relevant as it relates to residential densities 'within the zone' and as far as we understand, while the proposed new designation is located on land adjoining the LDSR Zone, it is not located on land zoned LDSR Zone. We do however accept that these provisions seek high amenity environments for users of public spaces and that the notice of requirement has considered zoning capacity in its design.
141. 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. She also 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 above, while we do not find these provisions directly relevant, we do accept that the notice of requirement documentation has addressed management of stormwater, specifically with reference to the flooding experienced on private properties on McBride Street (zoned LDSR). As above, we accept Mr Wilson's submission that during and after periods of heavy rain, his property is prone to flooding from stormwater runoff. As there was no contrary expert evidence presented to us, we have accepted Ms Prestidge's evidence and conclusion that this issue has been taken into account in the preliminary designs and that the proposal will result in reduced flood flows to these properties. We also accept that the 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.

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<sup>101</sup> AEE, section 9.3.6, page 44

<sup>102</sup> Section 42A Report, section 9, page 20

<sup>103</sup> Section 42A Report, page 23

## **Chapter 36 Noise**

142. There was also a difference between the assessments on the provisions of Chapter 36 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 that these provisions are relevant and having considered the expert noise evidence we accept Ms McConnell's conclusion that the proposed noise mitigation measures, including recommended conditions, are sufficient to control adverse effects of noise emissions to a minor level.<sup>104</sup> Ms McConnell also considered that the acoustic barrier proposed as part of the new designation aims to minimise the potential conflict that may arise between the residential land use and the adjacent expanded bus hub. As set out earlier, we also consider it necessary to impose a setback condition for the expanded bus hub to further manage adverse effects and to assist with retaining amenity values. In all other respects, we agree with Ms McConnell's assessment, and adopt her conclusions.

## **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 on Part 14, she also considered other parts of the ODP relevant including Part 4 District Wide, Part 7 Residential, and Part 17 Utilities. Mr Roberts did not address these chapters in his evidence. As above, we agree with Mr Roberts that Part 17 Utilities is not relevant for the new designation for the bus hub. We will now turn to addressing these provisions.

### **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); 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.

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<sup>104</sup> Section 42A Report, page 25



147. She advised the proposal achieves the policy 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 Operative Plan (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 McConnell. 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, we 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 seek to improve the efficiency and sustainability of the transport network and to promote the use of alternative modes of transport. We further agree that the proposal achieves these provisions by the development of public transport corridors

and the development of an expanded bus hub facilities which will enable a higher frequency public transport service to operate and encourage a mode shift away from private vehicles to more sustainable transport options.

152. Ms McConnell also identified Objective 4 which states to improve the safety and amenity of residential environment by managing traffic and vehicle speeds with associated 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 notice of requirement is not occurring on land zoned Residential, but we agree that the policy is relevant as it relates to managing traffic and the speed of traffic around the vicinity of the proposed new designation and for this reason a condition has been imposed to address this.

### **Chapter 22 Earthworks**

153. As noted above, a Joint Witness Statement<sup>105</sup> was prepared to assist our considerations on the relevance of Chapter 22 Earthworks, which set out the agreed provisions. As there was no disagreement between the expert planning witnesses, we accept their analysis and adopt their conclusions in relation to Chapter 22.

### **Section 168A(3)(b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work**

154. Under s168A(3)(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. Part of the land the subject of the notice of requirement is vested as Local Purpose (Beautification) Reserve and part is vested as road. This does not satisfy the first prerequisite under s168A(3)(b)(i). The position on the second prerequisite under s168A(3)(b)(ii) evolved during the hearing. At the opening on the hearing, Ms Wood submitted that it was not likely the work will have a significant adverse effect on the environment.<sup>106</sup> By the close of the hearing, the requiring authority maintained that the tree planting offered by way of conditions was mitigation and therefore, could be taken into account under section 168A(3)(b)(ii), but acknowledged that the full effect would not be realised for a number of years. It was acknowledged that it may be open for us to find the work will have a significant adverse effect on the environment under section 168A(3)(b)(ii).<sup>107</sup>
155. We accept that we are required to assess the scale of adverse effects with consideration to mitigation offered by the proposed conditions. However, as will be apparent from our findings above on the landscape effects, we do not accept that the

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<sup>105</sup> Joint Witness Statement – Planning, dated 13 July 2023

<sup>106</sup> Legal submissions on behalf of Queenstown Lakes District Council at [4.11]

<sup>107</sup> Closing legal submissions on behalf of Queenstown Lakes District Council at [3.8]

replacement planting offered is mitigation. We have found that the removal of the trees as a result of the works will have a significant adverse effect on the environment. 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.

156. The consideration of alternative sites for the bus hub was a matter raised in some submissions<sup>108</sup>, with a preference expressed for alternative sites such as Five Mile or other commercial land.
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>109</sup> and Sizemore<sup>110</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>111</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. We were somewhat unclear how the preferred option progressed from a bus hub on the east side of Kawarau Road at the Frankton Golf Course<sup>112</sup> to the Frankton Bus Hub the subject of this notice of requirement. However, this was addressed in the Queenstown Business Case – Preferred Options Assessment, where it is explained that a staged approach is necessary due to funding programmes (and limitations).<sup>113</sup> It was also addressed in Mr Sizemore’s evidence where he explained that minimising the impacts on the Frankton Golf Course were a consideration. Mr Sizemore noted that further expansion of the hub will be needed in the longer term to the east side of SH6 Kawarau Road.<sup>114</sup> While it is evident that

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<sup>108</sup> Submissions no. 1, 2, 24, 31

<sup>109</sup> Mr Roberts, Evidence in Chief at [8.1-8.6]

<sup>110</sup> Mr Sizemore, Evidence in Chief at [12.9-12.28]

<sup>111</sup> Joint memorandum of counsel for Waka Kotahi NZ Transport Agency and Queenstown Lakes District Council, dated 18 August 2023

<sup>112</sup> Queenstown Business Case – Options Assessment, November 2020, page 76

<sup>113</sup> Queenstown Business Case – Preferred Options Assessment, November 2020, page 10

<sup>114</sup> Mr Sizemore, Evidence in Chief at [12.10]

stakeholder feedback and funding had considerable influence, we are satisfied that a range of alternatives were considered.

160. We find that QLDC has undertaken an adequate assessment of the alternatives. This finding is based on the information in the Queenstown Transport Business Case, 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>115</sup> Overall, we are satisfied that the requirements of section 168A(3)(b) are met.

**Section 168A(3)(c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought**

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

*To provide an expanded Frankton Bus Hub to improve public transport connections as an integral part of the wider New Zealand Upgrade Programme - Queenstown Package.*

162. 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>116</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>117</sup> and may have already done so.
163. There are three major pinch points on the Queenstown roading network – 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 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>118</sup> This will require that almost all growth in travel demand from 2018 levels will need to be accommodated by non-car modes.<sup>119</sup> This in turn means that public transport infrastructure is required to facilitate the mode shift.
164. 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>120</sup>. The feeder

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<sup>115</sup> Legal submissions for Waka Kotahi NZ Transport Agency, dated 20 June 2023

<sup>116</sup> Queenstown Business Case A Options Assessment, Nov 2020, at 1.2 page 8

<sup>117</sup> Queenstown Business Case A Options Assessment, Nov 2020, at 1.4 page 13

<sup>118</sup> Queenstown Business Case B Strategic Context, 16 Nov 2020, at 2.1 page 8

<sup>119</sup> Queenstown Business Case A Options Assessment, Nov 2020, at 4.3.4 page 56

<sup>120</sup> Queenstown Business Case A Options Assessment, Nov 2020, at 1.5.4 page 15

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>121</sup>

165. 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>122</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>123</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>124</sup>
166. The existing bus hub has periods of being over-capacity, with both public transport and private coaches and ski-field buses all using the same facility, interspersed with private vehicles doing drop-offs and pick-ups. It has limited capacity to accommodate the growth in operations required by the aimed-for mode-shifts.<sup>125</sup>
167. The existing bus hub accommodates 20 buses per hour. Mr Pickard's evidence was that the expansion of the existing Frankton Bus Hub is a key enabler of an increased level of public transport service. 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>126</sup> He advised that the upgrades to the bus hub are predicted to accommodate at least 48 Otago Regional Council bus movements per hour.<sup>127</sup>
168. It was Mr Pickard's opinion that the proposed 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.<sup>128</sup>
169. Ms McConnell agreed that the Project is necessary to enable the objectives of the requiring authority.<sup>129</sup> No party presented evidence to the contrary.
170. Overall, we are persuaded that the work and the designation are reasonably necessary for achieving the objectives of the requiring authority. The existing bus hub has

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<sup>121</sup> Queenstown Business Case A Options Assessment, Nov 2020, at 1.7.1 page 19

<sup>122</sup> Better Ways to Go, May 2022 at 6.2, page 42

<sup>123</sup> Queenstown Business Case, Summary Report 12 November 2020, at 47-48, page 15

<sup>124</sup> Better Ways to Go, May 2022 at 6.2, page 42

<sup>125</sup> Application SH6 Frankton Transport Statement, July 2022 at 2.2.1 page 7 (Appendix D to AEE)

<sup>126</sup> Mr Gatenby, Evidence in Chief, at [9.2-9.5]

<sup>127</sup> Ibid at [12.2]

<sup>128</sup> Mr Pickard, Evidence in Chief, at [6.4]

<sup>129</sup> Section 42A Report at page 26 of the Agenda

insufficient capacity to meet the intended expansion of bus services. The bus hub will be a first step in catering to anticipated growth in passenger services.

**Section 168A(3)(d) any other matter the territorial authority considers reasonably necessary in order to make a decision on the requirement**

171. Some of the submissions raised issues in relation to the provision of amenities at the bus hub such as an information kiosk and café. We do not have the remit to require this, but do note that the evidence of Mr van Hout has recommended noise conditions that leave open the possibility of new activities such as a café being developed.<sup>130</sup>
172. Mr Roberts identified and provided an assessment of four other plans which he considered relevant under section 168A(3)(d). These plans are:
- Kai Tahu Ki Otago Natural Resources Management Plan 2005;
  - Te Tangi a Taurira - The Cry of the People, Ngāi Tahu ki Murihiku Natural Resource and Environmental Management Plan 2008;
  - Emissions Reduction Plan; and
  - Frankton Master Plan
173. 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 that these plans were relevant and adopted Mr Roberts conclusions. Given the agreement between the expert planners on their analysis of these plans we do not intend to discuss these plans any further and adopt the assessment as set out by Mr Roberts in his evidence.<sup>131</sup>
174. 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.
175. We agree with Mr Roberts that these plans are relevant as an 'other matter' in terms of section 168(3)(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>132</sup> We agree with Mr

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<sup>130</sup> Mr van Hout, Evidence in Chief, at [12.9]

<sup>131</sup> Mr Roberts, Evidence in Chief, at [12.18] – [12.24]

<sup>132</sup> Section 42A Report, page 64



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 by providing the infrastructure required to enable a mode shift in the short to medium term.

176. As we have commented on throughout this decision, 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.
177. We find that there are no other matters that we consider it reasonably necessary to have regard to in order to make a decision on the requirement.

## **Part 2 of the Act**

178. Our consideration of this 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>133</sup>
179. 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 bus hub will generate significant adverse environmental effects in the short to medium term due to the number of tree removals. However, the bus hub will assist in lifting the performance of Queenstown's transport system in order to provide for people and communities' social and economic well-being. In particular, the bus hub will benefit the community in terms of enabling an increase in Otago Regional Council bus services to 48 buses per hour, as well as accommodating coach movements and short-stay/kerbside activity.
180. In terms of section 8, taking into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), we record that QLDC has established a collaborative working relationship with the Mana Whenua Liaison Group, comprising the seven of the 18 Papatipu Rūnaka who are Mana Whenua of Tāhuna. Engagement is to continue throughout the project with the Aukaha Mana Whenua Design Panel.
181. 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.

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<sup>133</sup> Legal submissions on behalf of Waka Kotahi NZ Transport Agency, at [15.1] and [footnote 99]

## Decision

182. In exercising our delegation under sections 34 and 34A of the Act and having regard to the matters discussed above under section 168A of the Act, we have determined that the notice of requirement for a designation of land for the purposes of a bus hub be confirmed, subject to conditions, for the reasons given.



Commissioner: Rachel Dimery



Commissioner: Ken Fletcher



Commissioner: Jane Sinclair

14th November 2023

## **Appendix 1 – Designation Conditions**