

**Annexure F- Relevant Council Recommendation and Plans for RM150169 - Makarora Variable  
Message Sign**



**RECOMMENDATION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**RECOMMENDATION UNDER s181**

**ALTERATION TO A DESIGNATION**

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant/Requiring Authority:</b>	New Zealand Transport Agency
<b>RM reference:</b>	RM150169
<b>Application:</b>	Notice of Requirement (NoR) under Section 181(3) of the Resource Management Act 1991 (RMA) for an alteration of a designation for 'State Highway Purposes' to allow the instillation of a Variable Message Sign (VMS).
<b>Location:</b>	State Highway 6, Makarora
<b>Legal Description:</b>	Adjacent to Lot 2 DP 25911 contained in Computer Freehold Register 18A/74
<b>Zoning:</b>	Rural Lifestyle
<b>Designation:</b>	Ref. No. 84 State Highway Purposes
<b>Recommendation Date</b>	<b>16 April 2015</b>

**SUMMARY OF RECOMMENDATIONS**

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

## **1. PROPOSAL AND SITE DESCRIPTION**

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

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

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

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

This application does not involve subdivision (excluding production land), change of use where it is reasonably likely to harm human health or removal of (part of) a fuel storage system. Any earthworks will meet section 8(3) of the NES (including volume not exceeding 25m<sup>3</sup> per 500m<sup>2</sup>). Therefore the NES does not apply.

## **3. SECTION 181 OF THE RMA**

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

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

An assessment in this respect follows.

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

### **4.1 ASSESSMENT: EFFECTS ON THE ENVIRONMENT**

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

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

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

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

### **4.2 DECISION: EFFECTS ON THE ENVIRONMENT**

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

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

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

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

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

## 6. OVERALL RECOMMENDATION

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

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

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

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

## 7. ADMINISTRATIVE MATTERS

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

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

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

Report prepared by



Sarah Picard  
**PLANNER**

Decision made by



Anita Vanstone  
**SENIOR PLANNER**

**APPENDIX 1 – Applicant’s AEE**

# Proposed New Variable Message Sign on SH6 at Makarora

Notice of Requirement for Alteration to Designation  
Queenstown Lakes District Council

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March 2015



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### Quality Assurance Statement

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Project Manager: Kate Randell

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Prepared by: Jennifer Orange

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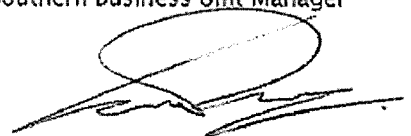
Reviewed by: Sue Scott

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Approved for issue by: Ian Duncan

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Signed by:  
Ian Duncan  
Southern Business Unit Manager



Pursuant to authority delegated by the  
NZ Transport Agency

Date... 3<sup>rd</sup> March 2015

3-80805.01 N05CE

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

**TO:** Queenstown Lakes District Council  
Private Bag 50072  
Queenstown 9348

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

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

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

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

***Requiring Authority:***

The NZ Transport Agency

***Designation Notation:***

"State Highway Purposes".

***The reason why the designation alteration is needed:***

As set out in this NoR.

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

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

The physical site description is as set out in this NoR.

The land parcel affected by this NoR is set out below and as shown in the plans attached to and forming part of this NoR.

<b>Land Required for State Highway Designation</b>		
<b>Owner/Occupier</b>	<b>Legal Description</b>	<b>Area Affected by Requirement (m<sup>2</sup>)</b>
RP Cooper and AD Cooper Farry and Co Trustees (owners of Makarora Airstrip)	A portion of LOT 2 DP 25911 OT18A/74	130m <sup>2</sup>

The written approvals of the directly affected owner of the land identified above has been obtained and is included within this NoR.

***Nature of the proposed work:***

The Transport Agency proposes to erect a new Variable Message Sign (VMS) in the road reserve along SH6, and associated works, as described in this NoR.

***Any proposed restrictions:***

The term sought to give effect to the designation alteration is **5 years**, in terms of Section 184 of the RMA.

***Effect of the proposed work on the environment and proposed mitigation measures:***

As set out in this NoR.

***Alternative sites, routes and methods considered:***

An assessment of the alternatives considered for the proposed work is included in this NoR.

***The proposed work and designation alteration is reasonably necessary for achieving the objectives of the Requiring Authority:***

For the reasons set out in this NoR.

***The following additional statutory approvals are required, and are being sought separately in relation to the activity:***

No other statutory approvals are required.

***Discussion on consultation undertaken with parties directly affected by the designation alteration is included in this NoR.***

***Any information required to be included in this NoR by any plan, the RMA, or any regulations made under the RMA, is included in this NoR.***



Ian Duncan  
 Southern Business Unit Manager

Pursuant to authority delegated by NZ  
 Transport Agency

Date 3<sup>rd</sup> March 2015

**Address for service:**

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## 1. Introduction

This is a Notice of Requirement (NoR) by the New Zealand Transport Agency (the Transport Agency) to Queenstown Lakes District Council (QLDC) to alter the existing SH6 designation in the Queenstown Lakes District Plan in terms of Section 181 of the Resource Management Act 1991 (RMA) to include additional land required for the installation of a Variable Message Sign (VMS). The altered designation is to ensure that the proposed new VMS and access for ongoing maintenance will be within the road reserve of the altered designation.

The site is located on SH6 adjacent to the north-bound lane of traffic, and beside the Makarora Airstrip. It is approximately 220m past Rata Road, and opposite Mount Aspiring National Park, as shown in the plans attached to and forming part of this Notice of Requirement (NoR) (at or about GPS coordinates NZMG E2209066 N5657353; SH6 RP 828/4.20).

SH6 is designated by the Transport Agency for "state highway purposes" (Designation 84) in the operative Queenstown Lakes District Plan (District Plan). The designation provides for the Transport Agency, either itself or through its agents, to control, manage and improve the state highway network, State Highways 6, 6A, 84 and 89 including planning, design, research, construction and maintenance relating to all land within the designation. There are no conditions attached to this designation.

Assuming this designation alteration is confirmed, it is considered sufficient detail on the proposed work is incorporated in this NoR such that a separate Outline Plan for the installation of the VMS in terms of Section 176A(3) of the RMA will not need to be submitted to the QLDC as a result of Section 176A(2)(b) of the RMA.

The term sought to give effect to the designation alteration is therefore **5 years**, in terms of Section 184 of the RMA. It is intended that construction will commence in late 2014.

The Transport Agency is a Crown entity focused on creating transport solutions for a thriving New Zealand through four core business functions:

- Planning the land transport networks;
- Investing in land transport;
- Managing the state highway network; and
- Providing access to and use of the land transport system.

The Transport Agency's principle objective under Section 94 of the Land Transport Management Act 2003 is to undertake its functions in a way that contributes to an affordable, integrated, safe, responsive and sustainable land transport system. The Transport Agency considers the proposed works are necessary to assist in achieving this objective.

The Transport Agency has Requiring Authority status approved by notification in the New Zealand Gazette No.3 dated 3 March 1994. This states:

*"Transit New Zealand [succeeded by the Transport Agency] is hereby approved as a requiring authority under section 167 of the Resource Management Act 1991, for its particular network utility operation (including the maintenance, improvement, enhancement, expansion, realignment and alteration) of any state highway or motorway pursuant to the Transit New Zealand Act 1989."*

The Transport Agency automatically took over Transit New Zealand designations under Section 2A of the RMA.

The following appendices are attached to and form part of this NOR:

- Appendix 1: Designation Alteration Plan (including directly affected party written approval)
- Appendix 2: VMS Location Plans
- Appendix 3: Queenstown Lakes District Plan Maps
- Appendix 4: Photographs of Site Location
- Appendix 5: Photograph of Example VMS
- Appendix 6: Diagram of Illumination Cone

## 2. Reasons for the Work and the Designation Alteration

### 2.1 Overview

Section 171(1)(c) of the RMA dictates that an assessment is required as to “*whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.*”

The need for the project, and whether the designation alteration is reasonably necessary as a planning tool to facilitate the proposed works (as opposed to other methods such as resource consent), are considered in Sections 2.2 and 2.3 below.

### 2.2 Need for the Project

#### **Broad Overview:**

The Transport Agency is undertaking a coordinated nationwide initiative to install VMS at strategic regional locations to provide motorists with early warning of adverse road conditions. This initiative is one of the key elements of the Transport Agency’s Intelligent Transport Systems Strategy designed to improve road safety and promote efficient travel.

Traffic and incidents on the state highways are managed by the Wellington Traffic Operation Centre (TOC) and Auckland Joint Traffic Operation Centre (JTOC) through proactive surveillance, traveller information using message signs and signals, and coordination of the deployment of incident management resources. In addition the Transport Agency offers traveller information by utilising a network of CCTV and verified sources of information in order to provide information to travellers using VMS. The VMS provide motorists with real time information as an adverse condition develops, and when the situation returns to normal.

This initiative expands on the Transport Agency’s network of over 110 regional VMS.

#### **Makarora VMS:**

The Transport Agency plans to install a new VMS along SH6, at Makarora. The VMS will be seen by vehicles travelling in the north-bound lane of SH6, approximately 220m past Rata Road (see Appendices 1-4). This section of SH6 has an 80 km/h speed limit and is a major tourist and freight route to and from the West Coast via Haast Pass. The VMS will provide information to drivers so they can be made aware of any adverse road conditions and/or traffic incidents on SH6, and provide information when Haast Pass is closed.

### 2.3 Need for the Designation Alteration

Part VIII of the RMA allows for requiring authorities to request land be designated in District Plans for projects and works for which the requiring authority has financial responsibility. The Transport Agency is the requiring authority for SH6 and the existing designation for this in the District Plan, and will have financial responsibility for the designation alteration and the works proposed.

The location and direction of each VMS has been determined by the nature of the road environment and to ensure that motorists have adequate warning of adverse road conditions ahead.

The proposed Makarora VMS project will result in additional state highway infrastructure being located outside of the current state highway and road widening designations. The altered designation includes the land parcel where the VMS is sited. The altered designation will ensure that the proposed new VMS and ongoing access for its maintenance will be within the altered designation.

The designation alteration is considered both reasonably necessary and to be the preferred planning mechanism for the project. Designations provide greater certainty for long-term operation and maintenance of state highways than resource consents. This certainty is important since the Transport Agency traditionally

investigates highway improvements extensively and makes a long-term commitment to any particular project chosen to improve the safety, efficiency and sustainability of the state highway network.

By contrast, resource consents would result in less certainty for the Transport Agency in terms of process and outcome, and there is less scope for minor changes to design and layout once approved.

The state highway network is considered a significant physical resource under the RMA within the context of *Auckland Volcanic Cones Soc Inc v Transit NZ* EnvC A203/2002, and as such it must be sustainably managed. The designation mechanism is used by the Transport Agency as part of a national strategy for establishing, operating and maintaining a safe, efficient and sustainable state highway infrastructure throughout the country. The designation alteration will enable the VMS to be established, operated and maintained in a manner that is consistent with management of the existing state highway network in and around the Otago and West Coast regions and throughout the country, which is also designated. Providing for the project by way of the designation alteration will therefore allow for consistent and sustainable management of the state highway network.

The need for the project is discussed in Section 2.2 above. The designation alteration is both necessary and will be effective in improving state highway safety and efficiency.

Actual or potential effects of the project on the environment have been assessed and appropriate mitigation measures recommended. It is considered the mitigation measures recommended will ensure that any actual or potential adverse effects are likely to be no more than minor. The designation alteration is also assessed as satisfying all the relevant tests of Section 171 of the RMA and will achieve the purpose and principles in Part 2 of the RMA.

### 3. Site Description

SH6 is a major state highway extending from Blenheim, to Nelson, down the West Coast, crossing the Southern Alps at Haast Pass and through inland Otago and Southland to Invercargill. It is the only road link north from Queenstown to Wanaka and the West Coast of the South Island, and is vital to the social, economic and cultural wellbeing of the Queenstown Lakes and South Westland Districts. SH 6 has been identified as a 'Regional connector' highway in the NZTA state highway Classification. It carries a significant volume of tourist traffic on the route between Queenstown and the West Coast.

The proposed VMS site is located near Makarora West, adjacent to the north-bound lane of traffic heading towards Haast Pass. The VMS will be located adjacent to the Makarora Airstrip, approximately 220m past Rata Road. The location is shown in the in Appendices 1-3 and is located at or about GPS coordinates NZMG E2209066 N5657353.

The location and direction of each VMS on the state highway network has been determined by the nature of the road environment and to ensure that motorists have adequate warning of adverse road conditions ahead. This section of SH6 has an 80 km/h speed limit. The proposed location of the Makarora VMS will be visible from the road outside the visitor centre, providing information on road conditions to travellers leaving the town heading north.

The parcel of land (LOT 2 DP 25911 OT18A/74) directly adjacent to the highway where the VMS is proposed to be sited is part of the Makarora airstrip owned by RP Cooper and AD Cooper, Farry and Co Trustees Ltd. The land is zoned rural lifestyle in the District Plan (Map 16b – refer to Appendix 3).

## 4. Proposal Description

### 4.1 Variable Message Sign – Height Shape and Bulk

The VMS is similar in design and physical dimensions to those already installed on the state highway network (refer to Appendix 5 for a photograph of an example). The size of each VMS, number of lines, and size and number of characters that can be displayed is decided by a number of factors including the expected message suite and the speed environment.

The proposed Makarora VMS will be a Transport Agency Type D sign with a cabinet height of 0.95m and maximum width of 3.3m. The total sign height including posts will be approximately 3.95m. The face of the sign will be rectangular, and consist of a matrix of LEDs which are selectively illuminated to form messages. The sign will display two lines of writing, with a character height of 200mm, and potential to display up to 16 characters per line.

The base of the sign will be 3m above the ground to allow good visibility to motorists and to suppress vandalism. The sign will be supported on two frangible posts on an approximately 5.5m wide concrete foundation pad. The surface of the foundation pad will consist of a platform for access ladders extending approximately 0.5m in front and 2.2m behind the sign.

A ground mounted communications cabinet (traffic signals type) will be located near the VMS at a rear of the service pad to house electrical and communications equipment. The cabinet will be finished in beige colour paint (similar to the cabinet behind the example sign shown in Appendix 5), and will be approximately 0.5 m x 0.5 m x 1 m high.

Power and telecom cables will be laid underground within the road reserve in order for the signs to be illuminated and the message changed.

Beacons (corner flashers) may be fitted to some VMS. The Makarora VMS will also have a small whip aerial fitted on the top for communications. These are typically small and unobtrusive (approximately 0.5m in length). Equipment trials and traffic detection devices may also be installed at the VMS site, such as radar units for the purpose of traffic counting, however these will also be small and unobtrusive.

### 4.2 Landscaping and Finished Contour of the Site

The site is currently flat land, as shown in Appendix 4. Minor excavation will be necessary out to create the concrete foundation pad. The finished contour of the site will be largely unaffected as the site will be reinstated following construction and left in a tidy condition. The fenceline will be re-aligned around the new road reserve.

### 4.3 Vehicle Access and Temporary Traffic Management

The VMS will be located within the altered road reserve, providing good vehicle access to the site.

Temporary traffic management procedures will be in place during the construction of the VMS in accordance with the Transport Agency's current Code of Practice for Temporary Traffic Management.

### 4.4 Timing and Duration of Works

It is intended that construction will commence in late 2014. The physical works are expected to take around 3-5 days in total on site to complete.

## 4.5 Maintenance

The Transport Agency maintains its state highway network as part of its on-going network maintenance operations, in accordance with standard maintenance procedures. Once constructed, the VMS will be included as part of the on-going network maintenance operations.

## 4.6 Mitigation

It is considered the actual or potential environmental effects of the proposal will be no more than minor, for the following reasons:

- (a) The extent of the works will be limited to the VMS site shown in the attached plans therefore the extent of works is relatively minor in the overall context of the highway;
- (b) The duration of work will be limited to the construction period, which is very short term. The installation of the VMS is expected to take around 3-5 days in total on site to complete;
- (c) All areas affected by the works will be reinstated at the conclusion of the works and left tidy;
- (d) Highway traffic movement will be maintained for the duration of the VMS installation works;
- (e) Works will be undertaken in accordance with the conditions of all applicable statutory approvals.

## 5. Consideration of Alternatives

Clause 1(b) of the Fourth Schedule of the RMA requires that an AEE should include a description of any possible alternative locations or methods for undertaking the activity, only where it is likely that an activity will result in any significant adverse effect on the environment. The location and direction of the VMS has been determined by the nature of the road environment and to ensure that motorists have adequate warning of adverse road conditions ahead. Given that the effects are assessed in Section 7 below as no more than minor, consideration of alternative locations or methods is not considered necessary.

## 6. Consultation

### 6.1 Directly Affected Landowners

In the context of Section 181(3)(b) of the RMA (see Section 8.1 below), consultation has been undertaken with RP Cooper and AD Cooper, Farry and Co Trustees Ltd, as the land owner directly affected by this designation alteration.

The landowners plan to transfer the land to NZTA ownership and have provided written approval for the alteration to the designation. Copies are attached in Appendix 1. In the context of Section 181(3)(b) of the RMA, no other parties are considered directly affected by this designation alteration.

## 7. Assessment of Effects on the Environment

### 7.1 Overview

Section 88 and Schedule 4 of the RMA requires the applicant to make an assessment of any actual or potential effects **in such detail as corresponds with the scale and significance of the effects** that the proposed works may have on the environment and the ways in which any adverse effects may be avoided, remedied or mitigated.



Actual or potential effects of the proposed VMS are considered to be:

- Construction effects
- Effects on landscape and visual amenity
- Effects on Road Safety

### 7.1.1 Construction Effects

Actual or potential effects associated with construction of the proposed new VMS include the presence of machinery and minor excavation work.

However, any such effects will be limited to the duration of construction, which is short term, as well as to the VMS site and its immediate approaches. Therefore, any such effects will be short term, localised and temporary. Furthermore, the construction works will occur in the road reserve away from traffic. Overall, therefore, any actual or potential adverse construction effects will be avoided, remedied or mitigated to the extent that they will be no more than minor.

### 7.1.2 Effects on Landscape and Visual Amenity

The VMS will be located in the road reserve immediately adjacent to the traffic lanes of SH6, at the site shown in Appendices 1-4. An example of the type of sign to be erected is shown in Appendix 5. Approaching north-bound traffic on SH6 will have approximately 300m clear view of the sign. Considering that the road environment is already highly modified and road signs are part of the efficient operation of the state highway, the presence of the proposed VMS at this location will have no more than minor adverse effects on the visual amenity of the site.

The proposed VMS will be illuminated. The possible nuisance impact of the illuminated sign on neighbours is one of the factors assessed when deciding on a site. In this case, the nearest residential dwelling (adjacent to the DOC Visitor Centre at 5958 Haast Pass – Makarora Rd) is located approximately 60m from the proposed VMS site, however the dwelling is set back from the road and the line of sight to the proposed VMS is obstructed by dense trees and vegetation on the corner of Mt Aspiring National Park. The VMS will also be sited adjacent to the Makarora Airstrip, however the direction of the illumination will be angled away from the path of aircraft.

The illumination direction of the VMS is determined carefully as the LEDs have a highly specific illumination cone. The illumination cone is an area in which the illumination is visible; this is 30 degrees (15 degrees either side of the optical axis). Appendix 6 shows a diagrammatic representation of the illumination cone. The VMS will be located so that the most efficient angle of the illumination cone to the road is achieved, and as a result the messages will be visible to motorists for an optimal length of time. The light intensity drops off dramatically outside the illumination cone.

The VMS is only illuminated when there is a need to advise road condition / road safety information. It is not permitted to be used for other purposes e.g. advertising. When a message is activated, the VMS will emit a constant light to the human eye. The messages do not flash, however alternating messages may be displayed at times.

Due to the highly specific direction of the illumination cone, and the site and orientation selected for the VMS, the actual or potential adverse effects on the visual amenity of the area are considered to be no more than minor.

### 7.1.3 Effects on Road Safety

This section of SH6 has an 80km/h speed limit and is the gateway to Haast Pass Highway, which is regularly subject to closures due to heavy rain or slips. The work will have a positive effect for motorists travelling along this stretch of state highway as the VMS will provide up to date information to aid in reducing accidents and informing drivers of any adverse road conditions and/or traffic incidents or closures on SH6.

Any actual or potential effects of the construction of the VMS on traffic will be managed in accordance with the Transport Agency's current Code of Practice for Temporary Traffic Management. Traffic movement on SH6 will be maintained during construction. Any such effects will be limited to the duration of construction, which is short term, and limited to a small site area. Therefore, any such effects of construction on traffic will be short term, localised and temporary.

Any actual or potential adverse traffic effects of the proposal will therefore be satisfactorily avoided, remedied or mitigated, and significant positive effects on Road Safety will arise.

## 8. Statutory Assessment

### 8.1 Section 181(3) of the RMA

Section 181(1) of the RMA provides that a requiring authority may give notice to a territorial authority of its requirement to alter a designation or a designation requirement. Furthermore, subject to Section 181(3) of the RMA, a territorial authority may at any time alter a designation in a district plan or a requirement for a designation in a proposed district plan, if certain conditions are met as follows (emphasis added):

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

*(a) The alteration—*

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

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

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

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

If these criteria are satisfied, the alteration to designation may occur without further formality (ie, on a non-notified basis).

The "effects" criterion is one of two options available to the requiring authority under Section 181(3)(a). The other relates to a determination of the extent of change or adjustment to the "boundaries" of the designation.

It is important to note that it is not necessary to satisfy both the effects and boundaries "tests" of Section 181(3)(a)(i) and (ii). The two limbs of Section 181(3)(a)(i) and (ii) are disjunctive, so it is only necessary to satisfy one of the two criteria.

The extent to which this NoR for designation alteration is able to satisfy the tests of Section 181(3) of the RMA is discussed in Sections 8.1.1 to 8.1.5 below.

#### 8.1.1 Section 181(3)(a)(i) No More than Minor Change to Effects

On the basis of Sections 4.6 and 7 above, actual or potential adverse effects on the environment are assessed as no more than minor. Mitigation measures can be put in place to ensure that any actual or potential adverse effects on the environment can be avoided, remedied or mitigated to the extent that any such adverse effects

will likely be no more than minor. Therefore, no significant cumulative adverse environmental effects will arise. The designation alteration will therefore result in no more than a minor change to the effects on the environment.

The proposal can therefore be regarded as satisfying the “*effects*” test of Section 181(3)(a)(i) of the RMA.

### 8.1.2 Section 181(3)(a)(ii) Minor Changes or Adjustment to Designation Boundary

In order to satisfy the requirements of Section 181(3)(a)(ii), it is necessary to demonstrate that the proposal involves only minor changes or adjustments to the boundaries of the designation. The proposal is considered to be an alteration to the existing SH6 designation and that Section 181(3)(a)(ii) applies.

The designation plan, illustrating the area and location of the designation alteration, is contained in Appendix 1. The plan shows the boundaries of the existing designation and the proposed new boundaries.

The total area of additional land required to be designated for state highway purposes is approximately 130m<sup>2</sup> or 0.013ha. This needs to be considered in the context of the overall SH6 designation boundary. SH6 within Queenstown Lakes District is approximately 165km in length, with a road reserve width generally taken to be 20m. This equates to a total designation area of approximately 3,300,000m<sup>2</sup> or approximately 330ha. In this context, the designation alteration is a minor change or adjustment to the overall boundaries of the designation.

On this basis, it is considered the proposal meets the “*boundaries*” test of Section 181(3)(a)(ii) of the RMA.

### 8.1.3 Section 181(3)(b) Directly Affected Party Approvals

Consultation has been undertaken with RP Cooper and AD Cooper, Farry and Co Trustees Ltd, the sole land owner directly affected by this designation alteration. Written approval has been obtained and a copy is attached in Appendix 1. No other parties are considered directly affected by this designation alteration. In this context the proposal can be regarded as satisfying Section 181(3)(b) of the RMA.

### 8.1.4 Section 181(3)(c) Local Authority and Requiring Authority Agreement

To satisfy Section 181(3)(c) of the RMA, both the requiring authority and the territorial authority must agree to the designation alteration. The Transport Agency, as requiring authority, agrees to the designation alteration.

### 8.1.5 Summary – Section 181(3)

On the basis of the above it is considered this designation alteration satisfies Sections 181(3) (a)(i) and (ii) and (b) and partially satisfies Section 181(3)(c) of the RMA. Therefore, pending the agreement of the territorial authority, this designation alteration may be processed on a non-notified basis without requiring the written approval of any other party or any other information.

## 8.2 Section 171 of the RMA

On the basis of the conclusion reached in Section 8.1 above, in terms of Section 181(1) of the RMA the QLDC's consideration of the designation alteration is subject to Section 171(1), (2) and (3) of the RMA, as follows:

*“(1) When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to –*

*(a) any relevant provisions of –*

- (i) a national policy statement;*
- (ii) a New Zealand coastal policy statement;*
- (iii) a regional policy statement or proposed regional policy statement;*
- (iv) a plan or proposed plan; and*

- (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if –*
- (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
- (ii) *it is likely the work will have a significant adverse effect on the environment; and*
- (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
- (d) *any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.*
- (2) *The territorial authority may recommend to the requiring authority that it–*
- (a) *confirm the requirement;*
- (b) *modify the requirement;*
- (c) *impose conditions;*
- (d) *withdraw the requirement.*
- (3) *The territorial authority must give reasons for its recommendation under subsection (2)."*

It is considered the designation alteration is able to satisfy Section 171 and Part 2 of the RMA, based on the discussion and conclusions in this NoR.

## 8.3 Relevant Objectives and Policies

### 8.3.1 National Policy Statements

There are no national policy statements of relevance to this proposal.

### 8.3.2 Otago Regional Policy Statement

The District Plan is considered to be consistent with the Regional Policy Statement (RPS). On this basis, an assessment of the proposal in relation to the RPS has not been specifically undertaken, as an assessment of the consistency of the proposal with relevant objectives and policies of the District Plan will *ipso facto* also provide an assessment of the consistency of the proposal with the RPS.

### 8.3.3 Queenstown Lakes District Plan

The District Plan contains objectives and policies that are relevant to the proposal, specifically:

- Chapter 14, Objective 1: Efficient use of the District's existing and future transportation resource and of fossil fuel usage associated with transportation.
- Chapter 14, Objective 2: Maintenance and improvement of access, ease and safety of pedestrian and vehicle movement throughout the District.
- Chapter 14, Objective 3: Minimal adverse effects on the surrounding environment as a result of road construction and road traffic.
- Chapter 18, Objective 1: Outdoor signs which convey necessary information, while avoiding or mitigating any adverse effects on public safety, convenience and access or on the visual amenities of the District's important landscape, townscape, heritage and water area values.

It is considered that the VMS proposal will convey necessary information to enhance road safety, and is consistent with the relevant policies and objectives in the District Plan.

## 8.4 Section 176A of the RMA

Section 176A of the RMA requires an Outline Plan of the works to be constructed on designated land to be submitted to the territorial authority, to allow the territorial authority to request changes before construction commences. A territorial authority cannot approve or decline a development under an Outline Plan. The sole discretion of a territorial authority is restricted to requesting changes to an Outline Plan.

Section 176A(3) of the RMA states:

*"An outline plan must show -*

- (a) The height, shape and bulk of the public work, project, or work; and*
- (b) The location on the site of the public work, project, or work; and*
- (c) The likely finished contour of the site; and*
- (d) The vehicular access, circulation, and the provision for parking; and*
- (e) The landscaping proposed; and*
- (f) Any other matters to avoid, remedy, or mitigate any adverse effects on the environment."*

However, Section 176A(2)(b) of the RMA states:

*"An Outline plan need not be submitted to the territorial authority if - ...*

- (b) The details of the proposed public work, project, or work, as referred to in subsection (3), are incorporated into the designation;..."*

Assuming this designation alteration is confirmed, it is considered that sufficient detail of the proposed work is incorporated into this NoR such that an Outline Plan for the proposed work in terms of Section 176A(3) of the RMA will not need to be submitted to the QLDC in terms of Section 176A(2)(b) of the RMA. Details on information required in an outline plan can be found in the following sections of this NoR:

- (a) Section 4.1
- (b) Section 3
- (c) Section 4.2
- (d) Section 4.3
- (e) Section 4.2
- (f) Section 4.6 & 7.1.

## 8.5 Other Statutory Approvals

### 8.5.1 Otago Regional Council

No Resource Consents related to this proposal are required from Otago Regional Council.

### 8.5.2 Civil Aviation Authority

The owner of the Makarora Airstrip has been consulted and is agreeable to the installation of the proposed VMS. To ensure there is no interference with the operation of the airstrip, an application is also being sought under Civil Aviation Regulations relating to objects and activities affecting navigable airspace.

## 8.6 Part 2 of the RMA

### 8.6.1 Overview

Designation alterations under Section 181 of the RMA and the QLDC's considerations under Section 171 of the RMA are subject to Part 2 of the RMA.

In Part 2, the purpose of the RMA in terms of Section 5(1) of the RMA is to promote the sustainable management of natural and physical resources.

### 8.6.2 Section 5

The term "*sustainable management*" is defined in Section 5(2)(a) to (c) of the RMA. In summary, it means managing resources in a way that enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety, while achieving specified bottom line environmental outcomes. The state highway network is considered a significant physical resource under the RMA within the context of *Auckland Volcanic Cones Soc Inc v Transit NZ* EnvC A203/2002. As such, providing for and improving the safety, efficiency and sustainability of SH6 is a resource management issue of significance.

For the reasons discussed above, in terms of Section 5(a) of the RMA the proposal will contribute positively to the sustainable management of SH6 as a physical resource.

In achieving Section 5(1) of the RMA, Section 5(2)(c) of the RMA states, in summary, that activities must be managed so that adverse effects on the environment are avoided, remedied or mitigated, and Section 5(b) of the RMA requires the life-supporting capacity of air, water, soil and ecosystems to be safeguarded. Based on the assessment of actual or potential effects of the proposal on the environment above and the proposed mitigation measures, it is considered the proposal is consistent with Sections 5(2) (b) and (c).

### 8.6.3 Section 6

Section 6 of the RMA sets out those matters of national importance that are to be recognised and provided for in achieving the purpose of the RMA. Based on the discussion in Sections 4, 5, 7 and 8 of this NoR, it is considered that there are no matters of national importance considered to be of relevance to the designation alteration.

### 8.6.4 Section 7

Section 7 of the RMA sets out those "other matters" that the QLDC is to have particular regard to in achieving the purpose of the RMA. Matters in Section 7 that may be of relevance to the designation alteration are considered to include the following:

- (a) Kaitiakitanga:...*
- (b) The efficient use and development of natural and physical resources*
- (c) the maintenance and enhancement of amenity values*
- (f) maintenance and enhancement of the quality of the environment"*

Based on the discussion in Sections 4, 5, 7 and 8 above, it is considered that none of these Section 7 matters will be adversely affected by the proposal. In particular, the proposal will contribute to the efficient use and development of the state highway network as a physical resource, satisfying Section 7(b). The proposal will at maintain amenity values and the quality of the environment, partially satisfying Sections 7(c) and (f).

### 8.6.5 Section 8

Section 8 of the RMA, in summary, requires all persons exercising functions and powers under the RMA to take into account the principles of the Treaty of Waitangi. The QLDC, in this context, must weigh the matter of Treaty obligations with other matters that are being considered.

## 9. Monitoring

The Fourth Schedule of the RMA requires that “*where the scale or significance of the activity's effect are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom*”.

The scale and significance of the actual or potential effects of the proposed VMS installation are considered no more than minor. No special monitoring is considered necessary, given the on-going regular checks that will occur, as associated with the normal highway maintenance programme.

Routine highway maintenance checks are undertaken to check on the on-going integrity of all state highway structures.

## 10. Conclusion

The Transport Agency plans to install a new VMS along SH6 (the Haast Pass- Makarora Road). The VMS will be seen by vehicles travelling north-bound lane leaving Makarora.

This section of SH6 has a 80km/h speed limit and is a major traffic and freight route, through the Haast Pass. The VMS will provide information to drivers so they can be made aware of any adverse road conditions and/or traffic incidents, and advice of road closures when necessary.

SH6 is designated by the Transport Agency for “state highway” purposes in the District Plan. The Transport Agency wishes to alter the existing SH6 designation in terms of Section 181 of the RMA to include additional land required for erecting the VMS sign.

The term sought to give effect to the designation alteration is therefore **5 years**, in terms of Section 184 of the RMA. It is intended that construction will commence in late 2014.

Any actual or potential adverse environmental effects of the proposal are assessed as no more than minor. Mitigation measures can be put in place to ensure that any actual or potential adverse environmental effects of the proposal can be satisfactorily avoided, remedied or mitigated to ensure that any such adverse effects will be no more than minor.

Consultation has been undertaken with RP Cooper and AD Cooper, Farry and Co Trustees Ltd, the land owners directly affected by this designation alteration, and written approval has been obtained. No other parties are considered directly affected by this designation alteration.

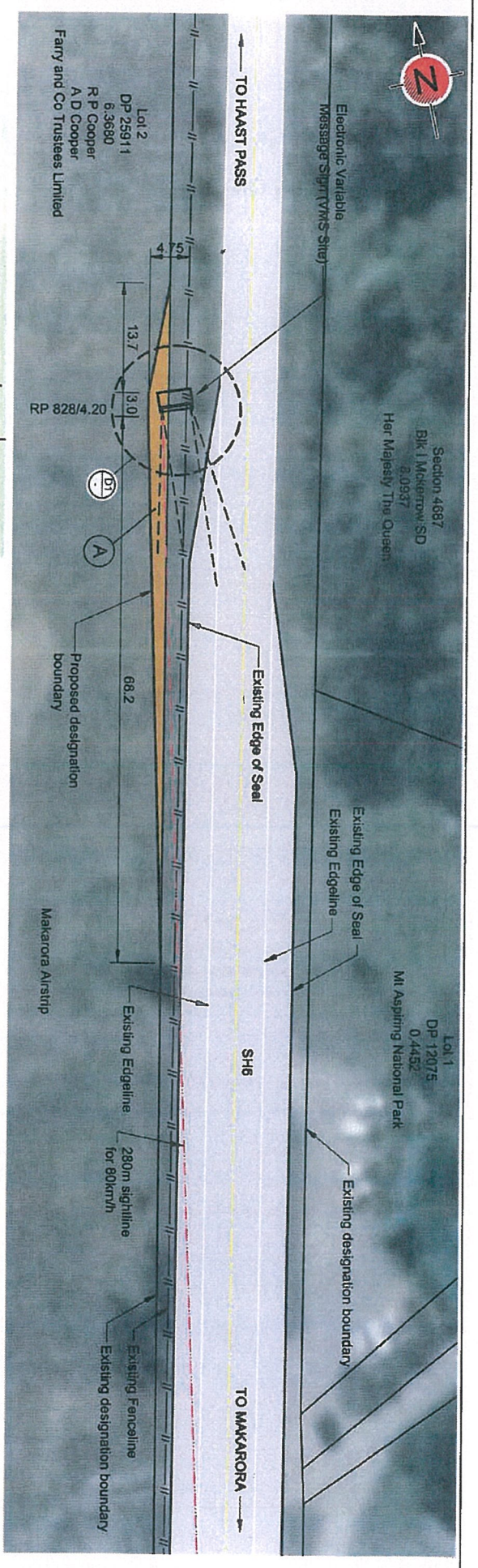
Assuming this designation alteration is confirmed, it is considered sufficient detail on the proposed work is incorporated into this NoR such that a separate Outline Plan for the proposed work in terms of Section 176A(3) of the RMA will not need to be submitted to the QLDC in terms of Section 176A(2)(b) of the RMA.

The proposal is assessed as consistent with relevant objectives and policies, as well as the purpose and principles in Part 2 of the RMA.

It is considered this designation alteration satisfies Sections 181(3) (a)(i) and (ii) and (b) and partially satisfies Section 181(3)(c) of the RMA. Therefore, pending the agreement of the territorial authority, this designation alteration may be processed on a non-notified basis without requiring the written approval of any other party or any other information.

## **Appendix 1: Designation Alteration Plan & Landowner Approval**



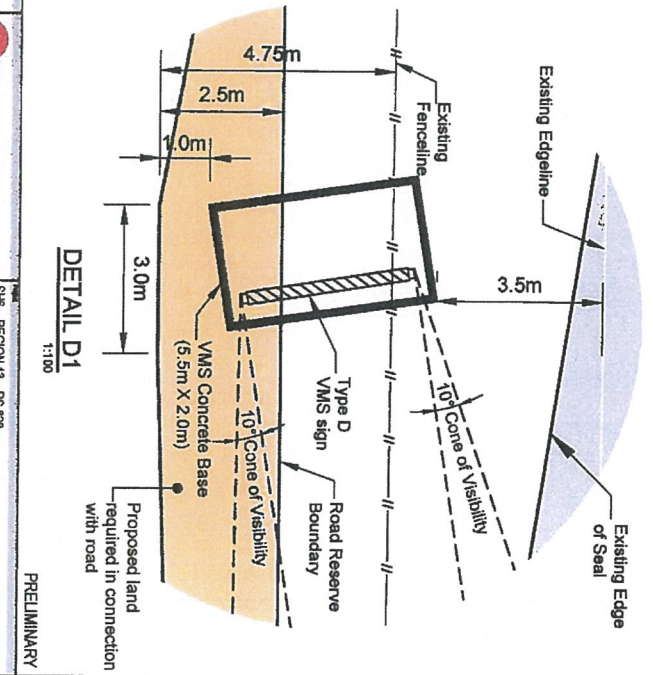


**SITE PLAN**  
1:500

LAND TO BE DESIGNATED AS STATE HIGHWAY	
SHOWN	A
ID	
AREA (m <sup>2</sup> )	130
LEGAL DESCRIPTION	Lot 2 DP 25911 OT 18A74
OWNER	R P Cooper A D Cooper Farry and Co Trustees Limited

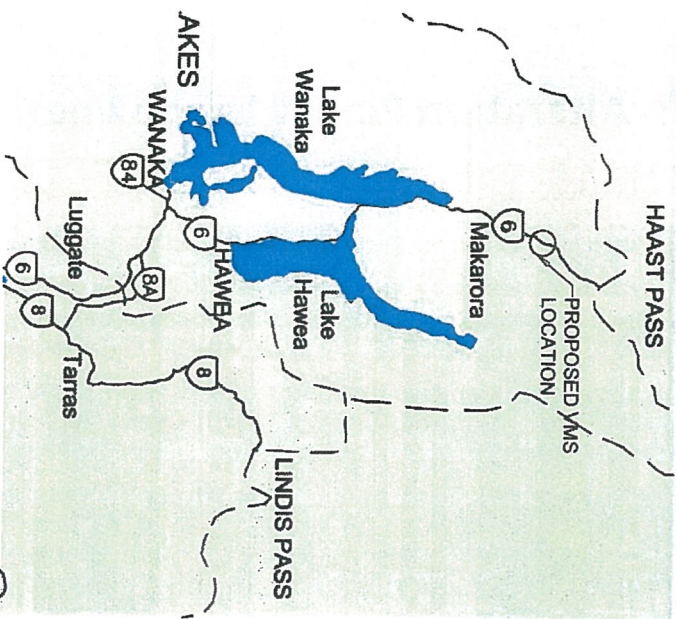
*J. Jarvis*  
Approved: *J. Jarvis* Date: *27/1/2015*  
Senior Network Manager, NZTA

Owner: *R P Cooper*  
*A D Cooper*  
Farry and Co Trustees Ltd



PRELIMINARY

**LOCATION DIAGRAM**  
N.T.S.



NO	DATE	DESCRIPTION
1	27/1/2015	Issue for comment
2	27/1/2015	Final design

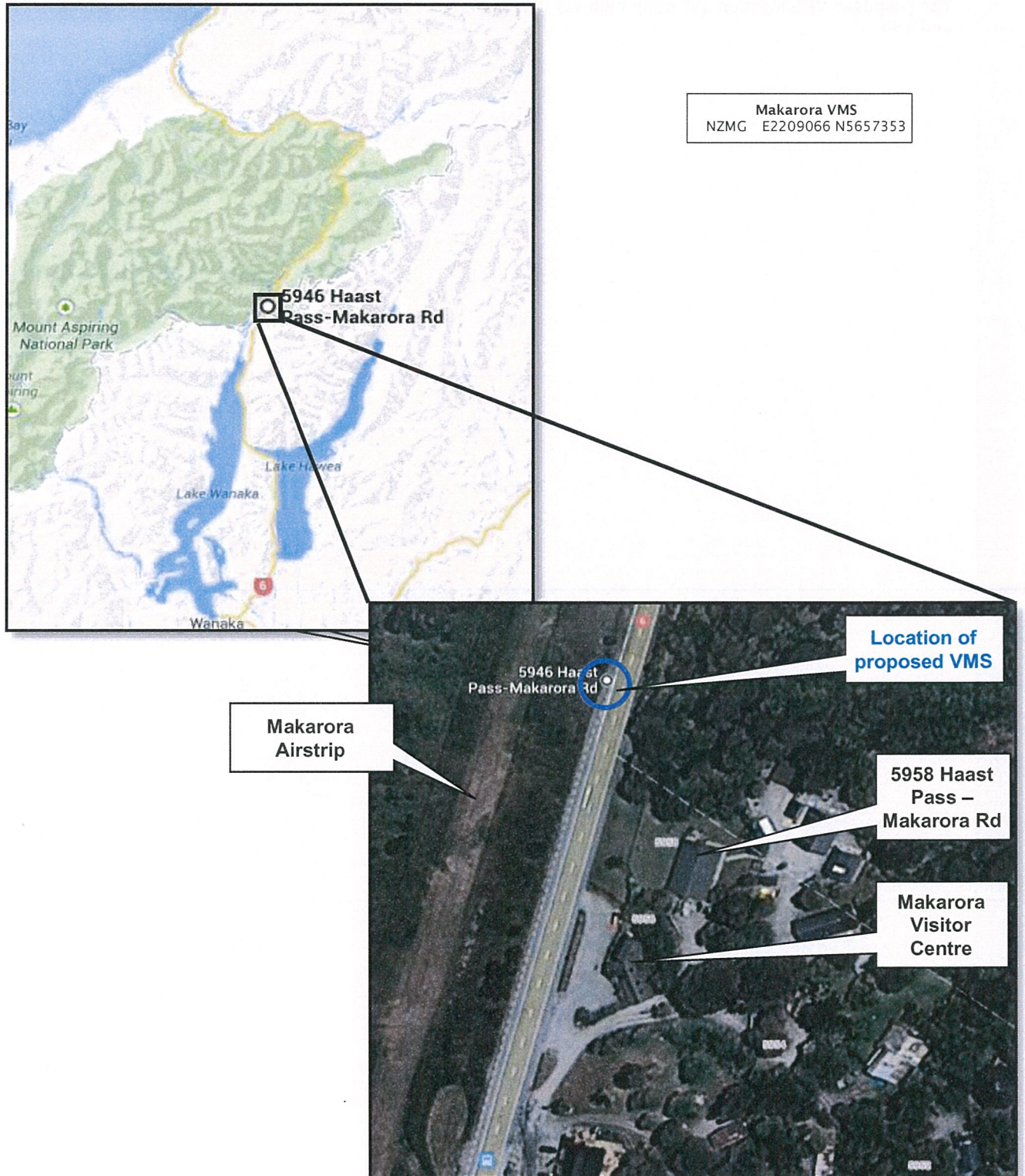
**NZ TRANSPORT AGENCY**  
www.nzta.govt.nz

**OPUS**  
Automated Office  
444-1343300  
PO Box 273  
Auckland 1140

Project: SH16 REGION 13 RS 628  
VARIABLE MESSAGE SIGN, HAAST PASS-MAKARORA RD  
RP 828/4.20

6-XT/17/20/1056X AS SHOWN 782828274

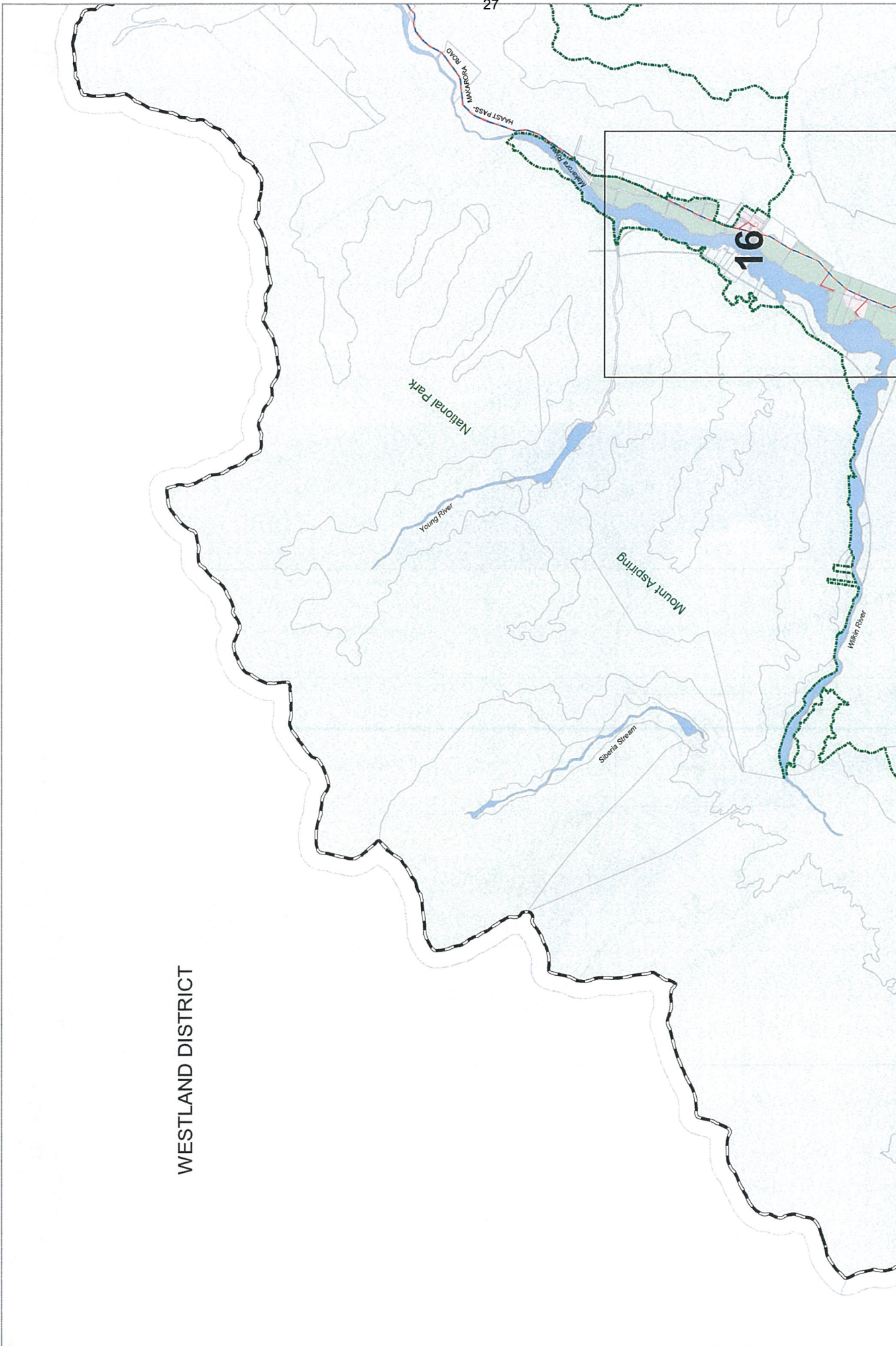
## Appendix 2: VMS Location Plans



## **Appendix 3: Queenstown Lakes District Plan Maps**

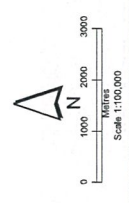
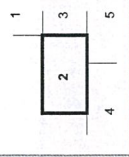
The proposed VMS location and state highway designation is contained in the following District Plan Maps 2 and 16b.

WESTLAND DISTRICT




**Queenstown Lakes District Council**  
District Plan Maps

**Makarora (Part),  
Mount Aspiring  
National Park**



**QUEENSTOWN  
LAKES DISTRICT  
COUNCIL**

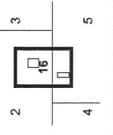
Maps created by QLDC GIS department



16

QUEENSTOWN  
LAKES DISTRICT  
COUNCIL

Maps created by QLDC GIS department



Makarora,  
Makarora Township (Inset)  
Makarora West (Inset)

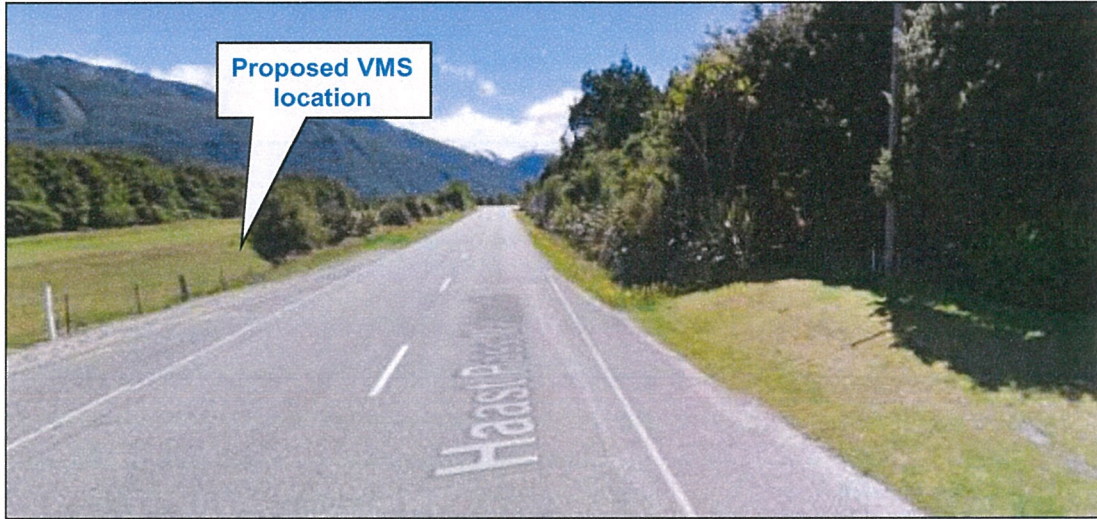
Map printed: February 2008

Queenstown Lakes District Council  
District Plan Maps

Parcel boundaries derived from New Zealand Core Records System Vector Data (Corax) obtained from LINZ under the LINZ Licence Agreement

## Appendix 4: Photographs of Site Location

The location of the proposed VMS, seen from SH6, heading north.



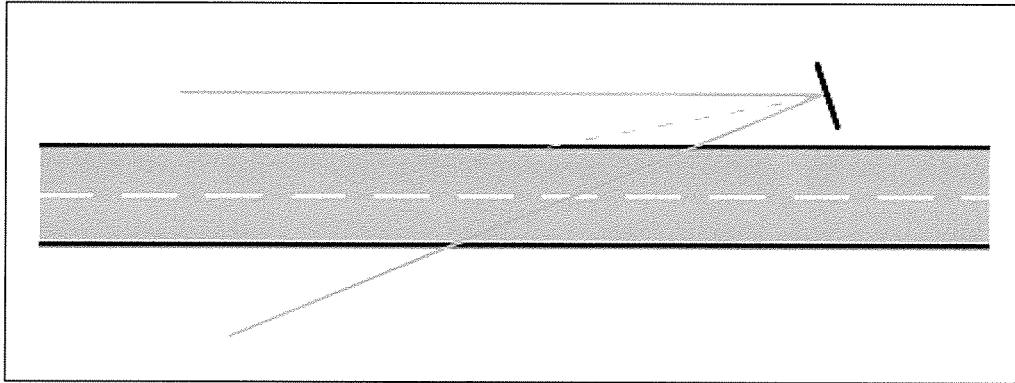
## Appendix 5: Photograph of Example VMS

The photograph below is an example of the type of sign proposed.



## Appendix 6: Diagram of Illumination Cone

The diagram below illustrates the illumination cone from the VMS. The cone extends 15 degrees on either side of the optical axis (shown in below in orange).

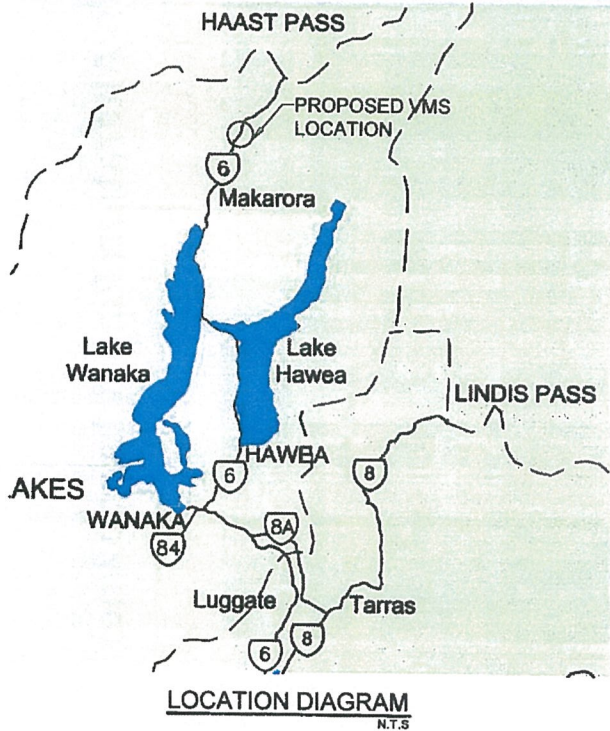
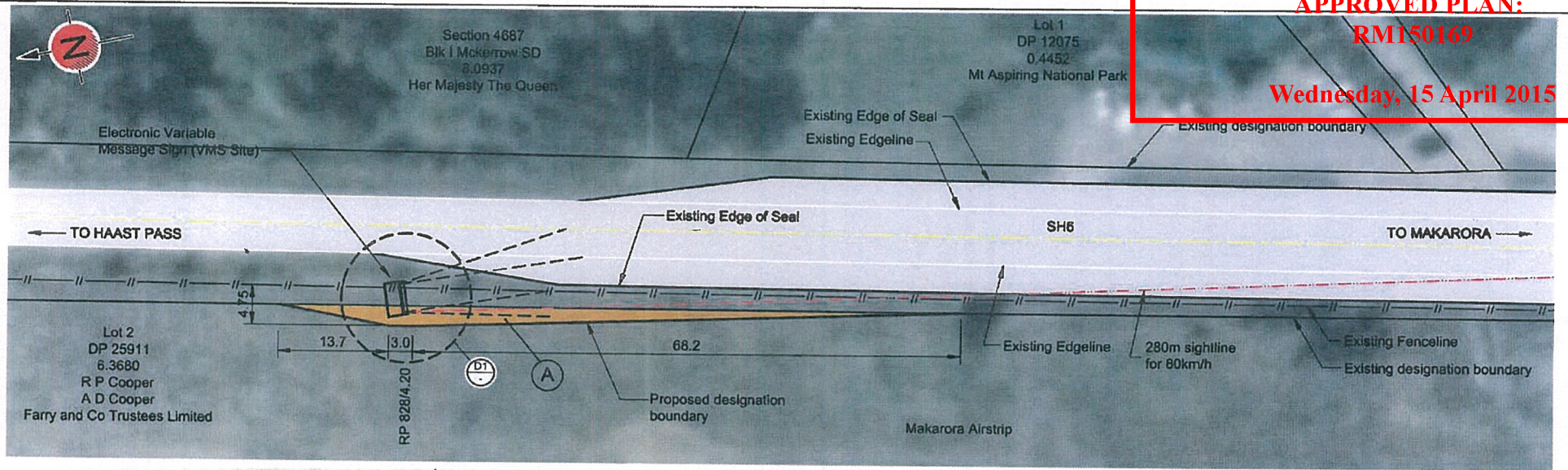


APPROVED PLAN:

RM150169

Wednesday, 15 April 2015

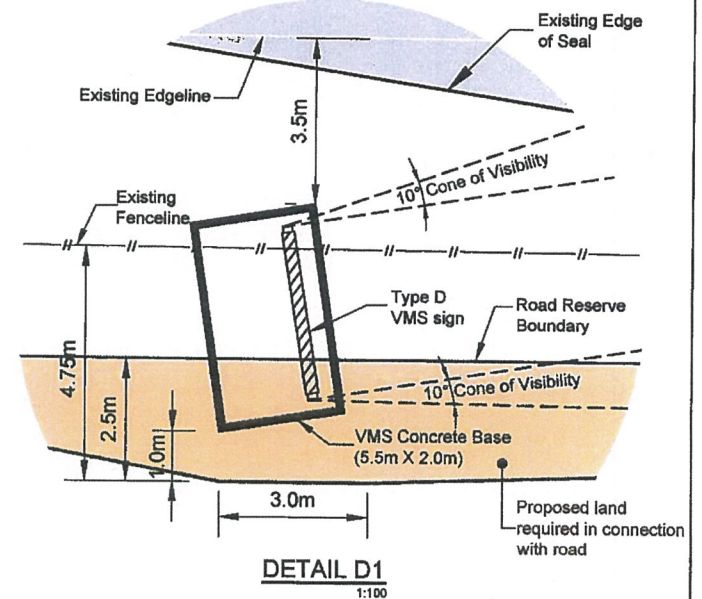
31



SITE PLAN  
1:500

LAND TO BE DESIGNATED AS STATE HIGHWAY	
SHOWN	
ID	A
AREA (m <sup>2</sup> )	130
LEGAL DESCRIPTION	Lot 2 DP 25911 OT 18A/74
OWNER	R P Cooper A D Cooper Farry and Co Trustees Limited

Owner: *R P Cooper A D Cooper Farry and Co Trustees Ltd* Date: *27/1/2015*  
 Approved: *J. Jarvis* Date: .....  
 J. Jarvis  
 Senior Network Manager, NZTA



DETAIL D1  
1:100

PRELIMINARY

RC	Description	Approved	Building No.
	Amendment change		

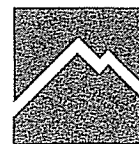


Project: SH6 REGION 13 RS 828  
 VARIABLE MESSAGE SIGN, HAAST PASS-MAKARORA RD  
 RP 828/4.20  
 Date: 08/2014  
 Title: LAND DESIGNATION PLAN

Drawn: Nilsch D	Checked: SL/NO	Approved: R Glass	Revision: 08/2014
Project: 6-XT177.30/105GX	Scale: AS SHOWN	Sheet No: 7/38/28/3714	Sheet: 1 of 1



**Annexure G- Relevant Decision, Council Recommendation and Plans for RM090645 - Boyd Road**



**QUEENSTOWN  
LAKES DISTRICT  
COUNCIL**

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

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	New Zealand Transport Agency
<b>RM reference:</b>	RM090645
<b>Location</b>	The site incorporates land including and adjoining State Highway 6 at Boyd Road, Queenstown
<b>Proposal:</b>	The alteration to a designation is required to facilitate improvements to the alignment of approximately 1.58 km of state Highway 6 near Boyd Road and the access road to the Remarkables Ski Field.
<b>Type of Consent:</b>	<b>Alteration to a Designation</b>
<b>Legal Description:</b>	Part Lot 1 Deposited Plan 20511, Part Section 41 Block XII, Coneburn Survey District, Part Section 38 Block X11 Coneburn Survey District.
<b>Valuation Number:</b>	2913200200A
<b>Zoning:</b>	Rural General
<b>Activity Status:</b>	N/A
<b>Notification:</b>	Public Notification
<b>Commissioner:</b>	Commissioners Clarke and Gilmour
<b>Date:</b>	8 February 2010
<b>Recommendation:</b>	Conditions are imposed

## **Under the Resource Management Act 1991**

**IN THE MATTER OF** an application by New Zealand Transport Agency to the Queenstown Lakes District Council for a alteration to a designation. This is required to facilitate improvements to the intersection and alignment of approximately 1.58 km of State highway 6 near Boyd Road and the Remarkables Ski Field access road.

**Council File:** RM090645

### **DECISION OF DAVID CLARKE AND CATH GILMOUR, HEARINGS COMMISSIONERS APPOINTED PURSUANT TO SECTION 34A OF THE ACT.**

#### **The Proposal and the Site**

1. The purpose of the hearing is to consider a Notice of Requirement (NOR) for an alteration to the existing designation for State Highway 6 (SH6) in the Partially Operative District Plan (PODP) The land desired to be included in the State Highway designation is located on the inside bends of two existing (virtually ninety degree) bends near the intersection with Boyd Road. The western corner is currently located adjacent to District Plan protected feature #78 (Stone Cottage (Rees) 148 Kingston Road) and the realignment will move the road further away from this feature. The eastern corner is at the junction with Boyd Road. The highway is bound on both sides by a rural pastoral landscape, consisting mostly of grassed paddocks with occasional trees.

2. The land the NOR relates to is;

- On the northern side of the existing highway, 1.4071 ha of land owned by FS Mee Development company
- On the southern side of the existing highway, 1.3257 ha of land owned by Dickson and Jillian Jardine and HGW Trust

3. Currently a number of properties gain access by way of those portions of the State Highway that are proposed to be changed. They are the Stone Cottage owned by Reid, Reid & Swinney ( JAP Dier Trust), land owned by the Jardine's, land owned by Mee, the property of Reavers Limited, the property of W&K Boyd and the land providing access to the Remarkables Ski field owned by Southern Alpine Recreation.

4. The New Zealand Transport Agency (NZTA), as a Requiring Authority, has an historical designation over SH6 for State Highway purposes. The designation is referenced as # 84 in the Queenstown Lakes District Council's PODP. The purpose and scope of the designation is described as follows:

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

5. The NZTA proposes to alter the boundaries of Designation 84 as it relates to areas near Boyd Road and the Remarkables ski field access. The aim is to realign the State Highway to reduce the severity of two curves. These curves have contributed to a number of crashes over the last 10 years. The realignment requires removal of some land from the designation and incorporation of

alternative land. As such, the NZTA has submitted a Notice of Requirement to the Queenstown Lakes District Council to designate those lands for highway purposes. The Notice of Requirement was in the prescribed format and contained the following required information:

- The site to which the requirement applies
- The nature of the work and any proposed restrictions.
- The effect that the proposed work will have on the environment and proposed mitigation measures.
- The lack of alternative sites
- The reasons the realignment and alteration to designation are reasonably necessary for meeting the objectives of the requiring authority.
- Consultation undertaken.

6. The application from NZTA details the rationale for the alteration and states as follows that the ultimate realignment of SH6 will:

- *Provide a safer driving environment for road users by removing two out of context curves that are significant contributors to accidents in the area;*
- *Improve passing opportunities and reduce travel times;*
- *Improve the intersection with the Remarkables Ski Field access road which has a high traffic demand during the ski season. The option also allowed the rationalisation of the Boyd Road intersection by including it with the ski field access thereby removing an extra intersection on the State Highway;*
- *Contribute to the ongoing upgrading of SH6;*
- *Improve the safety, efficiency and functionality of the State Highway in this area.*

7. The application indicates three small areas of surplus land which it is understood are to have the current roading designation removed at a later date, after the road has been re-aligned. It also shows the current physical road which will mostly remain, to serve as access for the various properties.

### **Late Submissions**

8. The application was publicly notified on 14 October 2009 and received four submissions in the statutory timeframe, which expired on 12 November. One submission from Reavers NZ Ltd was received late. This submitter believed that they should have been directly served notice of the application and Lakes Environmental Planner Ms Rolls agreed. She also considered she should have directly served two other affected parties. They are Southern Alpine Recreation Ltd ( NZ Ski Ltd.), and Reid, Reid and Swinney (JAPDier Trust). Ms Rolls contacted these parties advising them of the mistake and they agreed to the lodging of submissions on a reduced timeframe so the hearing could proceed. Ms Rolls also contacted me prior to the hearing, explaining the situation and asking if I agreed in principle to accept these three late submissions. I agreed I would, but this had to be with the agreement of the applicant at the hearing. The applicant subsequently agreed to accept the late submissions. The submission from Reavers NZ Ltd. was the only submission in opposition to the application, but some of the submissions gave conditional support and this is discussed later in the decision.

### **Consultation**

9. The applicant has consulted widely as part of the Notice of Requirement. This consultation has included;
  - FS Mee Development Company Ltd (approval not provided)
  - DS Jardine, JF Jardine and HGW Trustees Limited (approval provided)

The following were consulted by NZTA as part of its obligations under the Land Transport Management Act 2003:

- NZ Historic Places Trust
- Otago Fish and Game Council
- Department of Conservation
- Kai Tahu Ki Otago Limited
- Otago Regional Council
- Queenstown Lakes District Council
- The Remarkables Ski Area (adjacent lease)
- Southern Alpine Recreation Limited (adjacent landowner)
- NZ Fire service
- NZ Police
- Order of St John
- Opus International Consultants
- Delta Civil and Electrical contracting Division
- Telecom
- Rockgas
- LINZ
- JAP DIER Trust (adjacent landowner)
- Southern Trustees Limited (adjacent landowner)
- W Boyd (adjacent landowner)
- Cone Peak Station, Signature Investments Limited (adjacent landowner)

10. It should be noted that the Act requires only that a statement of any consultation undertaken with persons affected or likely to be affected by the designation and public works be supplied with the Notice of Requirement (section 168).

### **The Hearing**

11. The hearing was convened in Queenstown on 15 December 2009. The applicant was represented by Mr Nicholas Rodger (Project Manager), and Dr. Jane Loten (counsel/planner.)

12. The following submitters were at the hearing and presented oral submissions;

- Justin Reid –JAP Dier Trust
- Kay Parker- Wakatipu Trails Trust
- John Edmonds- Reavers NZ Ltd.
- Jo Boyd- Jo Boyd, W&K Boyd
- Ross Lawrence- NZ Ski Ltd.

13. Ms Wendy Rolls (reporting planner) from Lakes Environmental was present. Ms Louise Ryan was the minutes' secretary. The Commissioners had the benefit of a pre-circulated report from the reporting planner.

14. An extensive site visit was undertaken by the Commissioners on 14 December. We were accompanied by Ms Rolls who clarified a number of issues relating to the application.

### **Statutory Considerations**

15. Section 181(1) of the Resource Management act 1991 allows the NZTA to give notice to the Council at any time, of its requirement to alter the designation subject to the following;

#### **Section 181 – Alteration to a Designation**

Under section 181(3)

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

*(a) The alteration -*

*(i) Involves no more than a minor change to the effects on the environment associated with the use proposed use of the land ...; or*



*(ii) Involves only minor changes or adjustments to the boundaries of the designation; and*

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

*(c) Both the territorial authority and the requiring authority agree with the alteration –  
and sections 168 to 179 shall not apply to any such change.”*

16. The FS Mee Development Company ( Mee Development) in consultation with NZTA, did not agree to the NOR and therefore the proposal did not meet (b) above. Hence the reason for the hearing.

17. The Commission must consider the NOR in terms of section 171, 172, 173 and 176 of the Act, which state the following;

Section 171- Recommendation by territorial authority

18. Section 171 *Recommendation by Territorial Authority* of the Act specifies the following:

*(1) When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to –*

*(a) any relevant provisions of –*

*(i) a national policy statement:*

*(ii) a New Zealand coastal policy statement:*

*(iii) a regional policy statement or proposed regional policy statement:*

*(iv) a plan or proposed plan; and*

- (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if –
  - (i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or
  - (ii) it is likely that the work will have a significant adverse effect on the environment;and*
- (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
- (d) *any other matter the territorial authority considers reasonably necessary in order to make a decision on the requirement.*

19. Section 171(1) requires the NZTA to establish that the work meets the purpose of the Act as set out in Section 5. This purpose being to promote the sustainable management of natural and physical resources. The definition of sustainable management is:

*“managing the use, development and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic and cultural well being and for their health and safety while:*

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations: and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems: and*
- (c) *Avoiding, remedying, or mitigating any adverse effect of activities on the environment.”*

20. Section 171(2) of the Act states:

*(2) The territorial authority may recommend to the requiring authority that it –*

- (a) Confirm the requirement:*
- (b) modify the requirement:*
- (c) impose conditions:*
- (d) withdraw the requirement:*

21. Section 171(3) requires the Council to give its reasons for the recommendation under subsection (2). In doing so the Council is required to have regard to the matters listed in section 171(1) when making its recommendation. Any conditions imposed must be for a resource management purpose and relate to the potential effects of the designation.

*Section 172 - Decision of Requiring Authority, and 173 - Notification of Decision of a Designation*

22. Sections 172 and 173 of the Act specify the processes that apply following the NZTA's receipt of the Council's recommendation. The NZTA then has 30 days to advise Council whether or not it accepts the recommendation in whole or in part, and provide reasons for its decision. Council is then obligated to serve on all submitters a copy of the decision and publically notify such within 15 working days. The decision of the NZTA is then open to appeal under section 174 of the Act from the Council and all submitters.

*Section 176 – Effect of Designation*

23. Under Section 176 of the Act, where a designation is included in a district plan, then notwithstanding anything to the contrary in the district plan or any proposed district plan, the Requiring Authority may do anything that is in accordance with the designation.

### Section 176A – Outline Plan

24. Should the Council recommend that the Notice of Requirement be confirmed (or modified), then under Section 176A of the Act, an outline plan of the proposed works must be submitted by the Requiring Authority to the Territorial Authority, prior to the commencement of works. This is to enable Council to request changes if such are considered necessary.

### Assessment

25. We concur with the reporting planner that the proposal requires assessment in terms of the following issues;

- (i) Effects on the Environment;
- (ii) Matters to have particular regard to;
- (iii) Objectives, Policies and Assessment Matters of the District Plan;
- (iv) Part 2 of the Act.

### Effects on the Environment

26. In her report, Ms. Rolls identifies a number of actual and potential effects on the environment. Within this assessment, I have included discussion on the potential adverse effects that were raised by the various parties and how they have been resolved.

### Land, Flora and Fauna

27. The realignment of SH6 in this location requires additional pastoral land, the subject of the NOR. At present, the highway runs through an avenue of trees and some of these trees will need to be removed. Some of the trees are historical, but many of those were removed some years ago. One submitter, Ms Jo Boyd sought that, where possible, some of the trees be located. Mr Rodger responded on behalf of NZTA, that the minimum number of trees would be removed during land clearance for the project and that they would look at

relocating or incorporating nominated trees into the project, subject to NZTA's and QLDC's operational and safety concerns and in liaison with QLDC's landscape architect and other affected parties. This was to Ms Boyd's satisfaction. We note that Mr Rewcastle, the landscape architect for Lakes Environmental, has in his report submitted ;

*Whilst there is some benefit in retaining existing trees as a remnant( heritage)feature associated with the existing road, I consider it would be more important that reinstated areas( and proposed 'land severance' areas) focus on maintaining consistency with the open rural and pastoral character of the Valley, including access of stock as part of the maintenance regime. Replacement tree planting would not be required to achieve this.*

We concur with this view.

28. There is a culvert passing under the existing highway. Under the realignment proposal this culvert will be under Boyd Road and a new culvert will be constructed under the new section of highway. This will require a consent from the Otago Regional Council. The effects on the water quality of this small stream will be no more than minor.

### **People and Built Form**

29. Mr Justin Reid, representing the JAP Dier Trust generally supported the proposal and welcomed the benefits it would bring to the stone cottage and those living in it. He was still concerned about noise effects from the highway and sought bunding and planting in front of the cottage, perhaps on surplus to requirement areas A&B (as identified on the Opus Land Map 22/6/09) which the JAP Dier Trust hoped to acquire. Mr Rodger responded that he did not consider the bunding and planting would have any real effect on any noise generated by traffic but that NZTA would be happy to investigate possible bunding for landscape purposes. With regard to the future state highway road reserve and local road reserve adjacent to the cottage, Mr Rodger indicated that this was still subject to negotiation between QLDC, NZTA and adjacent land owners.

30. Mr Reid also raised the issue of storm water runoff coming onto the cottage property from the existing highway. He was concerned that this problem would remain with the proposed access road. Mr Rodger undertook to investigate this problem, separate to the NOR.

With regards to construction effects, Dr Loten conceded that there may be effects from dust on W & K Boyd who live near the proposed works but that these effects could be mitigated by NZTA's Environmental Management Standards.

### **Infrastructure**

31. There was a consensus at the hearing, that the roading infrastructure would be improved and made safer by the proposed realignment; however there were a number of infrastructural effects raised by submitters.

32. Ms Kay Parker, representing the Wakatipu Trails Trust (WTT) sought a separate 3 m unsurfaced cycle and foot path along the length of the realignment and 1.5 m wide shoulders on either side of the realigned highway for the safe passage of cyclists and the occasional pedestrian user. Mr Rodger advised the commissioners, that a feasibility study had been undertaken regarding this and that the track and widened shoulders would be constructed to provide safe access for cyclists and pedestrians. Further liaison between NZTA and WTT is to be carried out to confirm funding responsibilities and design criteria.

33. Ms Jo Boyd sought a bus turn around area at the end of Boyd Road, a more visible 'no exit' sign at the Boyd Road /SH6 intersection and improved access from the SH6 into Boyd road and vice versa. Mr Rodger responded by stating that the project would include a bus turning area as sought and that it would be gravelled and have room for buses and recycling/rubbish trucks to turn and for parents to park. Improved 'no exit' signs, compliant with QLDC standards would be investigated and the intersection of Boyd Road and SH6 would include a widening of the State Highway to accommodate vehicles waiting to enter Boyd Road. Mr Rodger stated that this widening together with the shoulders would be

sufficient to allow vehicles to pass any waiting traffic. Boyd Road currently has two entrances off SH6. The one that you presently see when travelling north would be blocked off with bunding and landscaped and become known as 'SH6 extension' in the interim. It would not be removed, as it may be utilised in the future as a link to a new Kawarau River bridge. The blocking off of this part of the road was also seen as a discouragement to drivers who presently venture down the 'no exit' Boyd Road simply to see what's there.

34. The issue of accessways onto SH6 was raised by W&K Boyd, Reavers NZ Ltd and NZ Ski Ltd. It was submitted that the proposal had adverse effects on the access to their properties. Reavers and Boyd, who share a driveway, sought access onto SH6 directly and also access onto the SH6 extension. NZ Ski Ltd sought a relocated and reconstructed entrance to the Remarkables Ski Field road. Mr Rodger advised the commissioners that the submitters' concerns had been addressed and meetings with the parties had resolved any access issues. This was confirmed by the submitters and their representatives. Specifically, NZTA has agreed to provide a separate exit for NZ Ski Ltd further south than the existing one, in line with the lower delineation of the access road. NZTA has also agreed to provide the Boyd and Reavers properties with access directly to the State Highway, and access onto the extension of Boyd Road formed by the disused part of the State Highway.

35. In her report, Ms Rolls raised the issue of the provision of a Road Safety Audit. Mr Rodger responded by stating that upon finalisation of the accessway locations, a design safety audit will be carried out prior to construction tenders being called for.

### **Cultural Significance**

36. There are no registered archaeological sites in the vicinity of the realignment. The existing SH6 runs in front of the Rees Stone cottage. The realignment will take the road approximately 50m away from the cottage, affording it greater protection and an improvement in the amenity for the cottage owners. New Zealand Historic Places Trust ( NZHPT) sought that specific mitigation measures

to protect the building from any damage during earthworks, should be imposed via appropriate conditions in the Outline Plan.

37. NZHPT questioned if the existing culvert had some historical significance, but investigations revealed that it did not have. NZHPT submitted that Accidental Discovery Protocol (ADP) controls would be sufficient for the project. Mr Rodger advised that use of NZTA's protocol, written with NZHPT approval, would ensure even more stringent conditions than NZHPT's ADP. This was accepted.

### **Traffic Generation and Vehicle Movement**

38. The issue of road access at all times was raised by NZ Ski Ltd. Dr Loten responded, that at all times during construction, the existing state highway will remain open but may be at times, confined to one lane. There will be no disruption during holiday periods or during the ski season. NZTA said they would if necessary split the construction project to ensure this. Other issues relating to traffic movement and access have already been dealt with.

### **Positive Effects**

39. The project will result in a number of positive effects. Although this section of SH6 has been an historical entrance to Queenstown via the tree lined avenue, it is no longer appropriate for present day volumes of traffic and for the speed travelled. The existing tight corners have resulted in a number of accidents and they will be eliminated. There will be improved access to the Remarkables Ski field road, Boyd Road and a number of other properties. A cycle/walkway will add to the Wakatipu Trails Trust network and provide safe access for cyclists and pedestrians.

### **Summary of Effects**

40. The proposal will realign a dangerous stretch of SH6. A number of submitters had concerns relating to various project details while others sought mitigation and additions to the proposal. NZTA has taken the concerns on board and



adopted all of the changes and inclusions sought. Dr Loten has suggested a number of mitigation measures that are contained in Appendix 1. The proposal will therefore have adverse effects that are no more than minor and in terms of the motoring and cycling public will have considerable positive effects.

### **Relevant Policy Statements and Plans**

41. The only policy statement seen as being relevant to the proposal is the Otago Regional Council's Policy Statement, Objective 9.4.2 that seeks to promote the sustainable management of Otago's infrastructure to meet the present and reasonably foreseeable needs of Otago's communities. Policies 9.5.2 and 9.5.3 promote the development of effective and efficient infrastructure, including a safer transport network. The application is consistent with this Policy Statement.

The subject site is zoned rural General and the landscape classification is Visual Amenity landscape (VAL). The relevant sections of the Partially Operative District Plan are Section 4 and 5

#### *Part 4.2 - Landscape and Visual Amenity*

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

#### **Policies:**

##### *12. Transport Infrastructure*

*To preserve the open nature of the rural landscape by:*

- *encouraging the location of roads, car parks and tracks along the edges of existing landforms and vegetation patterns.*
- *Discouraging roads and tracks on highly visible slopes.*

42. The proposal is not contrary to the above objective and policy. Ms Rolls has concerns that maintaining the disused portions of the present highway for access purposes, has the potential to create a more domesticated and urbanised appearance. She considers that these roads need to be downgraded to narrower gravel tracks to reduce visual effects. Mr Rodger considers that if the council wishes to reduce the level of service so they are in keeping with other local roads/tracks then they can undertake this. We agree with Mr Rodger that the best solution is to remove all markings and roadside furniture but maintain the sealed surface which still has considerable life left and thus avoid any dust issues in the future.

### *Part 5 – Rural Areas*

#### *Objective 1 – Character and Landscape Value*

*To protect the character and landscape value of the rural area by promoting sustainable management of natural and physical resources and the control of adverse effects caused through inappropriate activities.*

#### ***Policies:***

*1.1 Consider fully the district wide landscape objectives and policies when considering subdivision, use and development in the Rural General Zone.*

*1.3 Ensure land with a potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.*

*1.4 Ensure activities not based on the rural resources of the area occur only where the character of the rural area will not be adversely affected.*

43. The proposal is not contrary to the above objective and policies.

*Objective 2 – Life Supporting Capacity of Soils*

*Retention of the life supporting capacity of soils/and of vegetation in the rural area so that they are safeguarded to meet the reasonably foreseeable needs of future generations.*

***Policies:***

*2.4 Encourage land management practices and activities, which avoid, remedy or mitigate adverse effects on soil and vegetation cover.*

44. A small portion of productive farmland will be needed, to undertake the proposal. Other land no longer required will be returned at a later stage to various land owners. It is not considered that the proposal is contrary to the above objective and policy.

*Part 14 - Transport*

*Objective 2 – Safety and accessibility*

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

***Policies:***

*2.6 To ensure intersections and accessways are designed and located so:*

- good visibility is provided.*
- They can accommodate vehicle manoeuvres.*

2.7 *To ensure vegetation plantings are sited and/or controlled so as to maintain adequate visibility and clearance at road intersections and property access and to prevent the icing of roads during winter months.*

45. The proposal is entirely consistent with the above objective and policies.

**Consideration of alternative sites, routes, or methods of undertaking the work**

46. The Commissioners must have regard as to whether consideration has been given to alternative site, routes or methods of undertaking the work. Dr Loten rightly points out in her submission, that Council cannot compel the NZTA to choose a particular option, but *'must satisfy itself that the NZTA has undertaken a business-like identification and a comparison of alternative sites, routes or methods'*. We agree with Ms Rolls, that the *'works are site specific and involve remedying identified hazards to the safe and efficient operation of the highway network, the applicant's statement that no other sites were considered, or can be realistically considered, is valid. The Notice of Requirement seeks to widen an existing designation that is already fixed in location'*.

47. It should be noted that all parties were complimentary of NZTA's approach to the negotiations.

**Whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought**

48. We find that the NZTA has demonstrated that the realignment is reasonably necessary for achieving its objectives. We accept that there will be benefits in safety and traffic flows resulting from the realignment.

**Other matters the territorial authority considers reasonably necessary in order to make a decision on the requirement**

49. There are not any other matters relevant to this consideration.

## Part II matters

50. Section 104 is subject to Part II of the Act. Section 5 provides for the sustainable management of natural and physical resources. This is defined in the Act as:

*“Managing the use, development and protection of the natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety while:*

- (a) sustaining the potential, natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life supporting capacity of air, water, soil and eco systems; and*
- (c) Avoiding, remedying or mitigating any adverse effect of activities on the environment.”*

51. The proposal enables people and their communities to provide for their social, economic and cultural wellbeing and their health and safety. The upgrade and realignment of this section of SH6 meets the foreseeable needs of future generations with the work being carried out to ensure that any adverse effects are no more than minor. The proposal is therefore not contrary to this part of the Act.

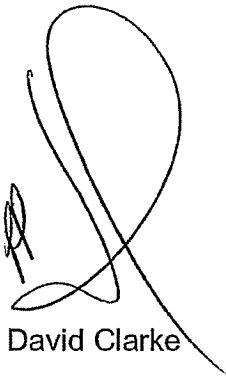
## Recommendation

52. The Commission hereby recommends **IMPOSING CONDITIONS ON THE NOTICE OF REQUIREMENT** to alter the state highway designation notated as Designation 84 in the Partially Operative District Plan in accordance with s181(2). The altered designation will include the various parcels of land located in the vicinity of Boyd Road and the Remarkables Ski Field access road and

identified on the plan titled '*Designation Plan*'. The conditions recommended to be imposed on the alteration relate to matters agreed to by NZTA during the hearing, which will need to be detailed at the time of the Outline Plan process.

53. The late submissions are received pursuant to section 37 of the Act

Dated at Queenstown this 5th day of February 2010

A handwritten signature in black ink, appearing to be 'David Clarke', written in a cursive style. The signature is positioned to the left of the printed name.

David Clarke

**Independent Hearings Commissioner (on behalf of the Commission)**

## **Conditions of Consent**

*It is recommended the following conditions be included in the designation:*

*The following conditions apply to the realignment of the area of SH6 located generally between the Rees Stone Cottage( Protected Feature #78) and the Remarkables Ski Field access road as sought in the Notice of Requirement RM090645.*

- 1. Access to the properties affected by the realignment will be designed in consultation with the relevant property owners.*
  
- 2. A landscape plan shall be submitted for assessment at the time of outline plan approval which achieves the following objectives:*
  - Maintains consistency with the open, rural, and pastoral character of the valley, including access of stock as part of the maintenance regime.*
  - Identifies reinstatement (re-grassing/re-vegetating) of exposed cut /fill batters.*
  - Identifies treatment (width and surface material) of roads no longer forming part of the State Highway*
  - Identifies existing trees to be retained or relocated.*
  - Addresses the following submitter concerns (concerns from neighbouring properties, including the following)*
    - Provision of bunding, in the vicinity of the Rees Stone Cottage.*
    - Planting around the entrance to Boyd Road.*
    - Landscaping and screen planting designed to reduce visibility down the local road leading to Boyd Road when travelling North.*
  
- 3. The landscape plan detailed under Condition (2) will be developed in consultation with the owners of the Remarkables Ski Field access*

*road, the owners of the Rees Stone Cottage, the owner of 59B Boyd Road, and Council's Landscape Architect.*

Advice Note

Although the alteration to the designation is sought to re-align the State Highway, at this time the only change is to increase the area covered by the designation to include the new stretches of road. It is understood that at a later date NZTA will make application to withdraw unnecessary portions relating to the road to be decommissioned. The reason for this is the need to construct the new carriageway, whilst still using the old.





22 February 2010

Lakes Environmental  
Private Bag 50077  
**QUEENSTOWN 9348**

**Attention:** Wendy Rolls

Dear Wendy

**Decision on Recommendation for Notice of Requirement (RM090645) – Boyd Road – SH 6 –  
Queensotwn**

The NZ Transport Agency (the requiring authority) has received the Queenstown Lakes District Council's (Council) recommendation in terms of Section 171 of the Resource Management Act 1991 (the Act) on the Requirement to Alter the Designation (RM090645) for the State highway at Boyd Road on State Highway 6 near Queenstown.

The Council's recommendation was received on 9 February 2010.

Under section 172 of the Act, the requiring authority is now able to respond to the Council on whether or not its recommendation is accepted, or rejected, in whole or in part.

I therefore advise, pursuant to section 172 of the Act, that the Council's recommendation to confirm the Notice of Requirement to amend the designation for State highway purposes at Boyd Road on State Highway 6 subject to conditions is accepted in whole.

Please do not hesitate to contact me if you have any further queries on this matter.

Yours sincerely

**Ian McCabe**  
Integrated Planning Manager – Otago/Southland

cc Opus International Consultants, Private Bag 1913, Dunedin 9054

**Annexure H- Relevant Council Recommendation and Plans for RM081075 Peninsula Road**

**DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL**

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	New Zealand Transport Agency
<b>RM reference:</b>	RM81075
<b>Location:</b>	The site incorporates land adjoining the State Highway 6 and Peninsula Road intersection.
<b>Proposal:</b>	The alteration to designation is required to facilitate improvements to the intersection and alignment of approximately 600m of road at the State Highway 6 and Peninsula Road intersection near Kelvin Heights. This is achieved by extending the boundary of the existing designation to encompass an additional 4,880m <sup>2</sup> of adjoining land.
<b>Type of Consent:</b>	Notice of Requirement
<b>Legal Description:</b>	Lands comprising 1285m <sup>2</sup> of Section 44 and Part Section 41 Block XII Coneburn Survey District (OT 5B/507) and 245m <sup>2</sup> of Lot 3 Deposited Plan 382304 (OT 329128) and 1255m <sup>2</sup> of Part Section 40 Block XII Coneburn Survey District and 45m <sup>2</sup> of Part Section 45 Block XII Coneburn Survey District (both OT 5B/511), all owned by F S Mee Development Company Limited. The site also includes 2050m <sup>2</sup> of Section 9 and 10 Part Reserve B Block 1 Coneburn Survey District Survey Office 314331 Crown Land LIPS 15162 owned by the Crown and administered by Land Information New Zealand.
<b>Valuation Number:</b>	2913100300
<b>Zoning:</b>	Rural General
<b>Activity Status:</b>	Notice of Requirement
<b>Notification:</b>	Notified
<b>Commissioner:</b>	Commissioner Taylor & Alfeld
<b>Date:</b>	3 July 2009
<b>Decision:</b>	<b>Confirm the Notice of Requirement, subject to the imposition of conditions</b>

**UNDER THE RESOURCE MANAGEMENT ACT 1991**

**IN THE MATTER OF** a **Notice of Requirement** by **New Zealand Transport Agency**, a Requiring Authority under section 167 of the Resource Management Act 1991, to alter the State Highway 6 and Peninsula Road intersection.

Date of hearing: 12 June 2009

Counsel for the Applicant: Ms C J Hewitt

**Council File: RM 081075**

**RECOMMENDATION BY QUEENSTOWN LAKES DISTRICT COUNCIL UNDER S 171(2)  
OF THE RESOURCE MANAGEMENT ACT 1991  
BY INDEPENDENT HEARINGS COMMISSIONERS  
JANE TAYLOR AND LOU ALFELD**

**1. The Proposal**

On 3 July 2008, Transit New Zealand (Transit) issued a Notice of Requirement ("NOR") for an alteration to a designation pursuant to Section 181(3) of the Resource Management Act of 1991 ("the Act") required to facilitate improvements to the intersection and alignment of approximately 600m of road at the State Highway 6 and Peninsula Road intersection near Kelvin Heights, Queenstown.

The Applicant is a Crown entity created by the Land Transport Management Amendment Act 2008 ("LTMAA") on 1 August 2008. The LTMAA dissolved Transit and Land Transport New Zealand ("LTNZ") and established the New Zealand Transport Agency ("NZTA") to succeed both Transit and LTNZ. Accordingly, this Notice of Requirement (NOR) proceeds under the authority of NZTA ("the Applicant"), which replaces Transit as a requiring authority under the relevant Order in Council, notice or other instrument in effect immediately before 1 August 2008.

The NOR seeks to extend the boundary of the existing designation to encompass an additional 4,880m<sup>2</sup> of adjoining land. Specifically, the land comprises 1285m<sup>2</sup> of Section 44 and Part Section 41 BLK XII Coneburn SD (OT 5B/507) and 245m<sup>2</sup> of Lot 3 DP 382304 (OT 329128) and 1255m<sup>2</sup> of Part Section 40 BLK XII Coneburn SD and 45m<sup>2</sup> of Part Section 45 BLK XII Coneburn SD (both in OT 5B/511) and all owned by F S Mee Development Company Limited, and 2050m<sup>2</sup> of Section 9 and 10 Part Reserve B BLK I Coneburn SDSO 314331 Crown Land LIPS 15162 owned by the Crown and administered by Land Information New Zealand.

## 2. **Process under the Resource Management Act 1991**

At the time NZTA lodged the NOR it was anticipated that an agreement to the alteration of the designation would be reached with the owners of the neighbouring affected land, F S Mee Development Company Limited ("Mee Development"). Such agreement would have enabled the designation to be altered on a relatively informal basis as provided by section 181(3).

However, Mee Development has not agreed to the NOR. As a result, the proposal fails to meet s 181(3)(b) and the process for a new designation applies to the alteration in accordance with s 181(2).

As Mee Development has further alleged that the Territorial Authority does not have jurisdiction to consider this matter on the grounds that no agreement in relation to the land owned by the submitter has been reached with NZTA, we have set out the process applicable to our determination of this matter as required by the Act.

Section 169 provides that a Territorial Authority, in this case the Queenstown Lakes District Council ("QLDC"), must notify the NOR in accordance with s 93(2) (as has been done), following which QLDC must make a recommendation under s 171, which states:

### **171. Recommendation by Territorial Authority**

- (1) When considering a requirement and any submissions received, a Territorial Authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to:
  - (a) Any relevant provisions of: -

- (i) A national policy statement;
  - (ii) A New Zealand coastal policy statement;
  - (iii) A regional policy statement or proposed regional policy statement;
  - (iv) A plan or proposed plan; and
- (b) Whether adequate consideration has been given to alternative sites, routs or methods of undertaking the work if: -
- (i) The Requiring Authority does not have an interest in the land sufficient for undertaking the work; or
  - (ii) It is likely that the work will have a significant adverse effect on the environment; and
- (c) Whether the work and designation are reasonably necessary for achieving the objectives of the Requiring Authority for which the designation is sought; and
- (d) Any other matter the Territorial Authority considers reasonably necessary in order to make a recommendation on the requirement.
- (2) The Territorial Authority may recommend to the Requiring Authority that it: -
- (a) *Confirm the requirement;*
  - (b) *Modify the requirement;*
  - (c) *Impose conditions;*
  - (d) *Withdraw the requirement.*
- (3) The Territorial Authority must give reasons for its recommendation under subsection (2).

Once QLDC has made its recommendation under s 171(2), which is the purpose of this hearing, the Requiring Authority (NZTA) must advise QLDC within 30 working days whether it accepts or rejects the recommendation in whole or part (s 172). Section 172(2) provides that a Requiring Authority may modify a requirement if, and only if that modification is recommended by the Territorial Authority or is not inconsistent with the requirement as notified. Section 172(3) provides that where a Requiring Authority rejects the recommendation in whole or in part, or modifies the requirement, the Authority shall give reasons for its decision.

Following the decision by the Requiring Authority under s 172, the Territorial Authority and any person who made a submission on the requirement may appeal the whole or any part of a decision of the Requiring Authority under s 174.

Accordingly, pursuant to s 171(1) this Commission must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to the matters contained in that section (s 171(i)(a) to (d)). The Commission may recommend to the Applicant that it confirm the requirement, modify the requirement, impose conditions or withdraw the requirement in accordance with s 171(2).

#### *Outline Plans*

Section 176A of the Act sets out the provisions in respect of outline plans. Subject to subsection (2), an outline plan of the public work, project or work to be constructed on designated land must be submitted by a Requiring Authority to the Territorial Authority to allow the Territorial Authority to request changes before construction is commenced. However, subsection (2) provides that an outline plan need not be submitted if, inter alia:

- (i) The proposed public work, project or work has been otherwise approved under this Act; or
- (ii) The details of the proposed public work, project or work are incorporated into the designation.

In this respect, we note that full details of the proposed work has been provided in respect of the intersection realignment and roadway upgrade, which is incorporated into the NOR: accordingly, the NOR meets the requirements of s 176A(2).

### **3. The Hearing**

Prior to the hearing, we had the benefit of a comprehensive s 42A report from Lakes Environmental planner, Mr Aaron Burt (planner). Mr. Burt recommended in his report that pursuant to s 171(2)(a) of the Act, the NOR be confirmed.

Five submissions were received prior to the hearing as follows:

- (i) A submission in opposition to the application was received from F S Mee Development Company Ltd. alleging the lack of the Commission's jurisdiction over the NOR on the grounds that no agreement has been reached as



between the registered proprietor of the property to be designated (Mee Development) and NZTA. However, as previously discussed, the Act anticipates that landowners subject to an alteration to a designation may not agree with the alteration. In the absence of landowner approval, s 181(2) requires that ss 168 to 179 apply to the NOR, which has the effect of treating the application as a requirement for a new designation. Section 185 of the Act empowers the Environment Court to make an order allowing the requiring authority to obtain the land under the Public Works Act 1981 ("the PWA"). Therefore the issue raised by Mee Development is a PWA issue and is not therefore relevant to these proceedings under the Act.

- (ii) Mr Bill and Mrs Kirsty Sharpe lodged a submission in support of the NOR. Ms Sharpe spoke at the hearing and requested consideration be given to providing a roundabout in place of the proposed "T" intersection. She also requested that the Kawarau Falls Station temporary access road be allowed to remain open; that an additional lane for slow traffic be added; that a place for car parking near the intersection remain, and that native landscaping be retained to enhance the entrance to Kelvin Heights.
- (iii) Mr Ross Lawrence lodged a submission in support.
- (iv) The Kelvin Peninsula Community Association lodged a submission in support, requesting that a landscape plan be made available for comment by the KPCA and that details of the proposed design be made available.
- (v) Peninsula Road Limited lodged a late submission in support, which, following consideration of the relevant criteria, was accepted by the Commission pursuant to s 37A of the Act.

The Applicant was represented at the hearing by its legal counsel, Ms C J Hewitt, who called expert evidence from:

- Mr Nicolas Grant Rodger, an NZTA Project Manager and civil engineer. Mr Rodger's evidence described the need for the intersection upgrade and provided plans for the proposed works, detailing the necessity for the acquisition of the additional land beyond the current designation. He

discussed alternatives to the proposal and the reasons for rejecting them, the consultation process to date, and addressed issues raised by submitters.

- Ms Jane Clark Loten, a planner with Opus International Consultants Ltd. Ms Loten prepared the NOR, assessed environmental effects and undertook consultations with potentially affected parties. She also provided a proposed landscape plan.

The Commission was assisted at the hearing by Committee Secretary, Ms Ryan.

Prior to the hearing the Commission undertook a site visit to the property.

#### 4. **The Notice of Requirement**

The NOR seeks to alter the existing designation to include an additional 4,880m<sup>2</sup> of land required to facilitate improvements to the intersection and alignment of approximately 600m of road at the State Highway 6 and Peninsula Road intersection near Kelvin Heights.

Ms Hewitt submitted that the intersection upgrade is necessary to provide for the safe operation of the roadway as traffic volumes increase. Mr Rodger gave evidence that the objectives of the NOR are to:

- Provide a safer driving environment for road users by increasing the sight distances along SH6 at the Peninsula Road intersection, decreasing the gradient of the road through this intersection and replacing the U-bend approach with a single radius curve leading to a standard 90 degree “tee” junction;
- Prevent the projected increase in the number of crashes at the Peninsula Road intersection due to the projected increase in traffic from both the adjacent Kawarau Falls Station development, and ongoing smaller-scale residential development on the peninsula;
- Contribute to the ongoing upgrading of SH6;

- Improve the safety and efficiency of the highway in this area.

5. **Assessment under s171(i)**

(a) Section 171(i)(a): Effects on the Environment and Relevant Provisions of Planning Documents

Ms Loten provided detailed evidence regarding the environmental effects of allowing the requirement, and concluded that not only will any adverse effects of the proposed realignment of the intersection be minor, but that substantial positive effects will result. She also recommended conditions be imposed on the NOR regarding the implementation of the Landscape Plan and the excavation of archaeological or koiwi remains to mitigate construction and landscape effects. We summarise her evidence briefly as follows:

*Positive effects*

Referring to Mr Rodger's evidence, the works will enable traffic to safely and efficiently use the intersection due to improved sight distances and road realignment.

*Construction effects*

NZTA standard conditions for construction ensure that all environmental effects will be safeguarded. A copy of the project specification and the standard environmental plan were tabled at the end of the hearing.

*Effects on water resources*

The distance from the Kawarau River (approximately 16m) and the presence of existing culverts for storm water discharge and the addition of no new discharges comply with the Otago Regional Council Regional Plan: Water (Rule 12.4.1.2). Contractor measures will prevent any sediment runoff and will replant bare soil.

*Effects on vegetation*

Some native plantings by the KPCA that adorn the entranceway will be removed. New native vegetation will be replanted in accordance with the Landscape Plan

provided by Ms Loten at the hearing. Further consultation with KPCA will ensure that the overall result is both appropriate and attractive.

*Effects on landscape values*

The Partially Operative District Plan classifies the land in the vicinity of the NOR to be an area of Outstanding Natural Landscape ("ONL"). However, the proposed works will barely encroach along the edge of the ONL, while the result of the works, including the extensive re-vegetation, will add to the amenity of the landscape.

*Visual and amenity effects*

Although the work will involve new cut and fill batters and the position of the intersection will change, the overall result will not substantially alter the existing topography. New landscape plantings will enhance the entry to Kelvin Heights.

*Cultural significance*

No archaeological sites are known in the vicinity. However, following consultation with KTKO Limited, Ms Loten recommended a condition be imposed on the NOR in the event that any archaeological or koiwi remains are uncovered during the construction process.

*Local road, access and traffic effects*

Due to the nature of the work, traffic movements will be affected throughout the duration of the upgrade. At times traffic may be reduced to a single lane. Access, however, will remain open at all times. Traffic management will comply with NZTA's Interim Code of Practice for Temporary Traffic Management to minimize disruption. Once work is complete, traffic safety and access will be greatly improved.

*Statutory Planning Provisions*

Ms Loten discussed the relevant provisions of the Otago Regional Policy Statement; the Partially Operative District Plan, together with other relevant planning documents; and Part 2 of the Act. We accept with her analysis and conclusion that confirmation of the NOR is consistent with the provisions of the relevant documents and that the NOR will achieve the purpose of the Act in terms of the Part 2 considerations.

Having assessed the evidence presented at the hearing, together with the evidence contained in Mr Burt's report, we are of the view that any adverse effects on the environment will be minor and that, on the contrary, there are substantial positive effects resulting from the increased safety of the intersection. In our view the NOR is consistent with the provisions of the relevant planning documents, subject to Part 2 of the Act (discussed further below). We have considered and accept the recommended conditions proposed by Ms Loten to mitigate construction and landscape effects.

(b) Section 171(i)(b): Consideration of alternative sites

Mr Rodger gave detailed evidence in relation to alternative engineering solutions, none of which were considered by NZTA to be either practical or economical. We accept Ms Hewitt's submission that the Commission must satisfy itself in relation to the *process* undertaken by NZTA to consideration of alternative sites; it is not the function of the Commission to determine which alternative design might be the most desirable (the substantive decision). The evidence presented at the hearing by Mr Rodger has satisfied us in relation the requirements of s 171(b)(i), noting that section 171(b)(ii) is not relevant as we have determined that the work will not have a significant adverse effect on the environment.

(c) Section 171(i)(c): Whether the work and designation are reasonably necessary for achieving the objectives of the Requiring Authority for which the designation is sought

Both Mr Rodger and Ms Loten gave evidence as to the necessity of the proposed upgrade. Projected growth of traffic along State Highway 6 and to and from Kelvin Heights raises heightened risks of accident and injury. Although traffic accident data does not currently show this intersection as an overly dangerous location, it is clear that vehicles must take extra care when exiting Peninsula Road onto the State Highway, especially when travelling south. Large vehicles, such as buses and long trucks, are frequently obliged to cross into the oncoming lane when making the right-hand turn.

We are satisfied that, on the evidence presented, the existing intersection is operating at close to maximum capacity and will not be able to service the forecast

growth. In addition, the peak evening traffic during the ski season already poses a considerable hazard at this location on the roadway.

Having heard the evidence, we are satisfied that the Applicant has demonstrated that the work is reasonably necessary, if not essential, for achieving the objectives of the Requiring Authority in this area. The Applicant is taking a responsible approach to its obligation to ensure that safe and efficient traffic flows will accommodate future growth in this area.

- (d) Section 171(i)(d): Any other matters that are considered reasonably necessary in order to make a recommendation on the requirement

There are no other matters which the Commission consider to be reasonably necessary to make a recommendation on the NOR.

## 6. **Part 2 of the Act**

Both Ms Loten and Ms Hewitt have addressed the relevant Part 2 matters, acknowledging that consideration of the designation is subject to Part 2 of the Act in accordance with s 171. Ms Hewitt submitted that the designation does not offend any of the three “environmental bottom lines” contained in s 5, while it will enable the Applicant to achieve its statutory duties to protect and maintain the physical resource that is the State Highway.

Section 6 of the Act requires that Outstanding Natural Landscapes are protected from inappropriate use and development. The evidence of Ms Loten concluded that the proposed work is appropriate for the purposes of 6(a) because the natural character of the Kawarau River and its margins will be preserved; and for the purposes of 6(b) because the road already exists and the works are very small scale in the context of the adjoining ONL.

Section 7 requires consideration of amenity values and the quality of the environment. Again, we are satisfied that appropriate conditions that address the amenity values and the quality of the environment are both necessary and potentially effective.

In his report, Mr Burt considers that confirming the NOR would: “... *provide for the continued management, use, development, and protection of the state highway resource, enabling the community to provide for its social, economic and cultural wellbeing, health and safety, within limited environmental consequences*”. Accordingly, we consider the proposed designation is consistent with Part 2 of the Act in that it will promote sustainable management of natural and physical resources.

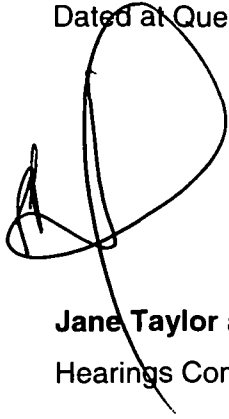
## 7. Summary

In summary, having regard to the provisions of s 171 and the evidence presented at the hearing, we have reached a conclusion in accordance with s 171(2) that for the reasons explained above the NOR will promote sustainable management and should be confirmed subject to the imposition of the recommended conditions.

Accordingly, we **CONFIRM** the Notice of Requirement, subject to the imposition of the following conditions:

- That the activity be carried out in accordance with the application and plans submitted, with the exception of the amendments required by the following conditions of consent.
- NZTA shall implement the Landscape Plan attached as Appendix One to this decision (supplied by Ms Loten and contained as appendix 1 to her evidence).
- If koiwi (human skeletal remains), waahi taoka (resource or object of importance), waahi tapu (place or feature of special significance) or other artefact materials are discovered, work shall stop, allowing for a site inspection by the appropriate Rūnaka and their advisors. These people will determine if the discovery is likely to be extensive and whether a thorough site investigation will be required. Materials discovered should be handled and removed by takata whenua who possess knowledge of tikanga (protocol) appropriate to their removal or preservation.

Dated at Queenstown this 3<sup>rd</sup> day of July 2009

A handwritten signature in black ink, consisting of several overlapping loops and a long vertical stroke extending downwards.

**Jane Taylor and Lou Alfeld**  
Hearings Commissioners





QUEENSTOWN LAKES DISTRICT COUNCIL

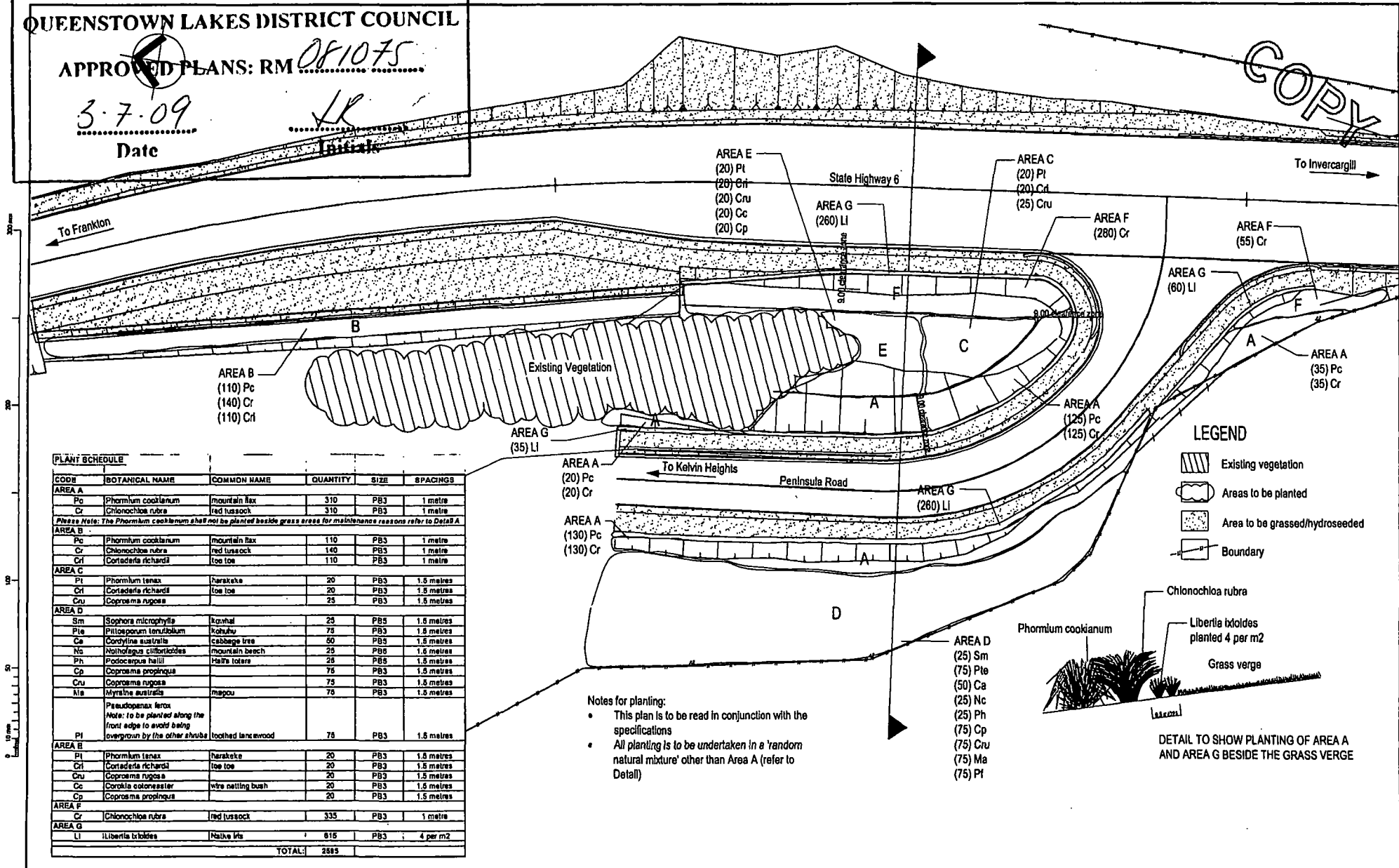
APPROVED PLANS: RM 081075

3.7.09

Date

Initials

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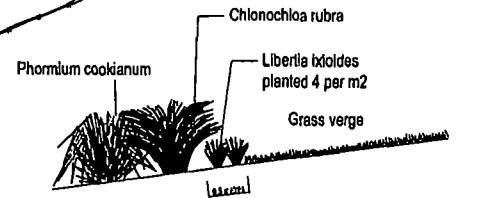
PLANT SCHEDULE

CODE	BOTANICAL NAME	COMMON NAME	QUANTITY	SIZE	SPACINGS
<b>AREA A</b>					
Pc	Phormium cookianum	mountain flax	310	PB3	1 metre
Cr	Chionochloa rubra	red tussock	310	PB3	1 metre
<i>Please Note: The Phormium cookianum shall not be planted beside grass areas for maintenance reasons refer to Detail A</i>					
<b>AREA B</b>					
Pc	Phormium cookianum	mountain flax	110	PB3	1 metre
Cr	Chionochloa rubra	red tussock	140	PB3	1 metre
Cd	Cortaderia richardii	toe toe	110	PB3	1 metre
<b>AREA C</b>					
Pt	Phormium tenax	harakeke	20	PB3	1.5 metres
Cd	Cortaderia richardii	toe toe	20	PB3	1.5 metres
Cu	Coprosma rugosa		25	PB3	1.5 metres
<b>AREA D</b>					
Sm	Sophora microphylla	kopuhi	25	PB5	1.5 metres
Ple	Pittosporum tenuifolium	kohuhu	75	PB3	1.5 metres
Ca	Cordyline australis	cabbage tree	50	PB5	1.5 metres
Nc	Neonardus cuneifolius	mountain beech	25	PB6	1.5 metres
Ph	Podocarpus hallii	hair's totara	25	PB5	1.5 metres
Cp	Coprosma propinqua		75	PB3	1.5 metres
Cu	Coprosma rugosa		75	PB3	1.5 metres
Ma	Myrsine australis	mapou	75	PB3	1.5 metres
Pt	Pseudopanax ferox				
<i>Note: to be planted along the front edge to avoid being overgrown by the other shrubs</i>					
PI	Phormium tenax	harakeke	75	PB3	1.5 metres
<b>AREA E</b>					
PI	Phormium tenax	harakeke	20	PB3	1.5 metres
Cd	Cortaderia richardii	toe toe	20	PB3	1.5 metres
Cu	Coprosma rugosa		20	PB3	1.5 metres
Cc	Cortaderia richardii	wire netting bush	20	PB3	1.5 metres
Cp	Coprosma propinqua		20	PB3	1.5 metres
<b>AREA F</b>					
Cr	Chionochloa rubra	red tussock	335	PB3	1 metre
<b>AREA G</b>					
LI	Liberia tibodes	Native lily	816	PB3	4 per m2
TOTAL:			2885		

LEGEND

- Existing vegetation
- Areas to be planted
- Area to be grassed/hydroseeded
- Boundary

Notes for planting:  
 • This plan is to be read in conjunction with the specifications  
 • All planting is to be undertaken in a 'random natural mixture' other than Area A (refer to Detail)



DETAIL TO SHOW PLANTING OF AREA A AND AREA G BESIDE THE GRASS VERGE

DESIGN	BY	CHECKED	DATE
	S. Scott	D. McKenzie	02/01/09
DRAWN	S. Scott	D. McKenzie	02/01/09
APPROVED			3/6/09

Amendments to the plan made after consultation

This drawing and its contents are the property of Opus International Consultants Limited. Any unauthorised employment or reproduction, in full or in part, is forbidden.

NZ TRANSPORT AGENCY  
 WAKA KOTAHU

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 Fax: +64 3 474 8985

OPUS

TITLE	REGION 13 SH 6 RS 896 RP 996/2.20 - RP 996 2.80 PENINSULA ROAD INTERSECTION IMPROVEMENTS
LANDSCAPE PLAN	
STATUS	FINAL
SCALE	1:500
FILE	6x1158.01
PROJECT DATE	22/01/09
FEATURE IDENTIFIER	7/50/54
CODE	5705
SHEET	1
REVISION	R1

**Annexure I- Relevant Council Recommendation and Plans for RM040909 and RM090555- Nevis Bluff**



File: RM040909

4 November 2004

Transit New Zealand  
C/- Opus International  
Private Bag 1913  
DUNEDIN

Attn: David Campbell

Dear David

**DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**  
**FOR ALTERATION TO A DESIGNATION**  
**PURSUANT TO SECTION 181 OF THE**  
**RESOURCE MANAGEMENT ACT 1991 – RM040909**

I refer to your notice of requirement for an alteration to an existing designation under Section 181 of the Resource Management Act 1991. The request was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 4 November 2004. This decision was made and its issue authorised by Jane Sinclair, Independent Commissioner, as delegate for the Council.

**The Proposal**

Transit New Zealand require an extension to the boundaries of the existing Designation 84 for State Highway 6 located at Nevis Bluff, Kawarau Gorge under the Partially Operative District Plan. The alteration to the existing designation is necessary for Transit New Zealand in that it incorporates land in which work is required to stabilise the Nevis Bluff to ensure safe and efficient operation of the State Highway. Similar work is currently being carried out within the existing designation.

The stabilisation works will involve the removal of rock from the bluff face by means of blasting and sluicing. Resource Consent approval is currently being sought to dispose of the debris material on land at Wentworth Station, located approximately 2 km from the Nevis Bluff, (refer to RM040908).

No references remain outstanding on Designation 84, and as such the provisions of the Partially Operative District Plan can be afforded full weight in considering this proposal.

**Site Description**

The land area proposed for the designation alteration immediately adjoins the State Highway designation 84 located at the Nevis Bluff, Kawarau Gorge. The land area to be designated is described as Sec 1 SO 328697 being that portion of Part Section 4 SO 24743 (CT OT2528). The subject site is 5.073 hectares in area.

A section of State Highway 6 runs through a narrow stretch of the Kawarau Gorge, above which is situated the Nevis Bluff which incorporates the subject site proposed for the designation alteration.

Nevis Bluff is approximately 120m high and rises at an angle of 70° immediately above State Highway 6. The face is a highly fractured rocky outcrop which has a history of material collapsing onto the State Highway below.

### **Nature of Proposed Work**

The proposed stabilisation works will involve the removal of any unstable rock features from the bluff face that potentially threaten the safe and efficient operation of State Highway 6 below.

Rock will be removed from the Nevis Bluff through various techniques including:

- Scaling and trimming of smaller loose rocks from the rock face;
- Blasting of rock from the face by placing explosives into predrilled cavities;
- Sluicing of the rock face following blasting to wash off any loose material. This is usually achieved by releasing water from a monsoon bucket suspended beneath a helicopter.

Stabilisation works also involve methods to retain rock on the face of the bluff, these include:

- Drilling of drain holes and general drainage works to reduce the amount of water on the face and to lower groundwater levels;
- Application of Shotcrete in conjunction with mesh reinforcement, bolts and plates. This will assist in preserving rock structure.
- Attaching bolts and anchors to hold rock in place.
- Draping of mesh and cable nets to prevent small rock falls bouncing out on to the State Highway.
- Benching of the slope in order to catch and retain small rockfalls. Benching will require an application to be made for an outline plan approval;
- Construct of fences and walls to retain smaller rock falls. Future structures will require an application to be made for an outline plan approval.

Work on the Nevis Bluff is likely to require helicopter assistance. Helicopters are to be used for inspections of the bluff, the placement of explosives, sluicing and to provide necessary access. Helicopter operational hours have been proposed on an intermittent basis between the hours of 7:00am and 6:00pm.

Vehicle access is provided to the top of the bluff via an existing track.

### **Statutory Requirements**

Section 181 of the Resource Management Act 1991 enables a requiring authority that is responsible for a designation to alter an existing designation. Section 181(3) sets out the manner in which an alteration to a designation may be considered, as follows:

- (3) *A territorial authority may at any time alter a designation in its district plan or a requirement in its proposed district plan if –*
- (a) *the alteration –*
- (i) *involves no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned; or*

- (ii) *involves only minor changes or adjustments to the boundaries of the designation or requirement; and*
- (b) *written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and*
- (c) *both the territorial authority and the requiring authority agree with the alteration – and sections 168 to 179 shall not apply to any such alteration.*

State Highway 6 is designated under the Proposed District Plan for 'State Highway purposes' (Ref: Designation number 84). The authority responsible for the designation is Transit New Zealand. The designation is not subject to any specific conditions.

It is agreed under section 181 (3)(a)(i) that the proposal involves only minor changes to the effects on environment which are outlined in the following section 'Change to Effects on the Environment'.

As per requirement of section 181(3) (a) (ii) the proposal constitutes a more than minor change to the existing designation boundary as the alteration is to incorporate an additional 5.073 hectares to the existing State Highway designation.

Transit New Zealand is the only directly affected party of the land proposed to be altered under the designation. Transit New Zealand agree to the alteration of the designation, which constitutes the requirement under section 181(3)(b).

It is accepted by the Queenstown Lakes District Council (territorial authority) that the proposed alterations fall within the purpose of the designation and are being undertaken by the requiring authority responsible for this designation.

### **Change to Effects on the Environment**

An Assessment of Environmental Effects (AEE) prepared by Opus International Consultants submitted with the application identifies a number of potential effects on the environment as follows:

- 1) Landscape and visual effects;
- 2) Effects on amenity,
- 3) Traffic effects,
- 4) Cultural effects,
- 5) Effects on people and communities.

#### *Landscape and Visual effects*

The proposed stabilisation works will potentially have a minor effect on the natural character and natural features of the Nevis Bluff.

The bluff is visible from the State Highway where the majority of people view it from. The bluff is also visible from the Gibbston Back Road and Coal Pit Road to the west.

The AEE addresses the potential effects on the landscape and visual amenity that will occur when stabilisation works are carried out. The operation of machinery required for stabilisation will be short in duration and temporary in nature. Any effect caused by the removal of rock will be little different than what may occur naturally. The bluff has been highly modified since the construction of the highway from both natural rock fall and stabilisation works. Stabilisation works requiring the placement of materials such as Shotcrete, anchors, bolts and mesh will alter the visual appearance of the bluff. These materials will not be visible from a distance.

Any further proposed stabilisation works such as the construction of fences, walls and benching will impact more significantly on the visual amenity of the bluff. And an outline plan approval will be required.

### *Effects on Amenity*

The AEE addresses the adverse amenity effects that may be experienced in terms of noise, vibration and dust. These effects would result from the operation of earth moving machinery, drilling and helicopter take-offs and landings. Proposed mitigation measures submitted with the application include that noise and vibration outputs will comply with the New Zealand Standards NZS 4403:1976 (vibration) and NZS 6803:1999 (Acoustics – Construction Noise) for the operation of earthmoving machinery and blasting activity. The proposal states that when blasting work is required there will only be one blast per day. A siren will warn locals in the vicinity before each blast. Noise and vibration works being carried out will be short term in duration and temporary.

Dust nuisance may result from blasting and removal of debris. Material blasted from the site is to be transported to a debris disposal area. The debris is comprised of mainly rock which will result in minimal dust content.

Any potential adverse effects of noise, vibration or dust are considered to be less than minor.

### *Traffic effects*

Stabilisation works will require the temporary closure of the state highway for periods of blasting and debris removal. Localised traffic control will be required and will comply with Transit New Zealand's "*Interim Code of Practice for Temporary Traffic Management*". Observance of this code of practice will mitigate any potential adverse effects on road safety.

### *Cultural effects*

Kai Tahu ki Otago was consulted on this proposal when Transit New Zealand was seeking resource consent from the Otago Regional Council during previous works. Kai Tahu ki Otago are not considered a directly affected party to the designation alteration. Pursuant to section 181(3) (b) of the RMA written approval for the proposed designation alteration is not required from Kai Tahu ki Otago.

### *Effects on people and communities*

Public notice will be provided and local landowners and occupiers in the area will be advised of road closures. A warning blast will be given to warn the locals in the area of blasting activity. A sentry guard/spotter will identify river users in the immediate vicinity. Blasting will be delayed if river users are identified.

State Highway 6 is the main road link into and out of Queenstown. The economic, social and cultural wellbeing of Queenstown depends on the safe and efficient operation of the State Highway. The proposed stabilisation works will provide reassurance to the local community.

### **Change to boundaries**

The extent of the alteration and changes being proposed to the State Highway designation is shown on the land plan submitted with the application. The area of land to be designated is described as Sec 1 SO 328697. In total the proposed alteration requires 5.073 hectares of additional land which immediately adjoins the existing State Highway designation.

The size and scale of the proposed boundary adjustment to State Highway 6 at the Nevis Bluff will result in a more than minor change to designation boundary. Section 181(3)(a)(ii) of the RMA is therefore not met. However, it is only necessary to meet one limb of section 181(3)(a) (i) or (ii).

### **Written Approval**

In April 2004 the land area to be designated was transferred from the Department of Conservation to Transit New Zealand. The agreement for the transfer of land was submitted with the application. Pursuant to section 181(3) (b) of the RMA, no other land owners or occupiers are considered directly affected by the designation alteration.

### **Agreement of Territorial Authority**

In order for an alteration to an existing designation to be processed without the formal notification procedure set out under Sections 168 to 179, the Territorial Authority (Queenstown Lakes District Council) must first consider whether it agrees to the proposed alteration.

There are guidelines under the Resource Management Act on what matters are relevant for the territorial authority to base this decision. This is interpreted to mean that the Territorial Authority is satisfied that the proposal can pass each of the above requirements relating to effects on the environment and the acquisition of approvals. Section 181 (3) (a) (ii) of the RMA has not been met in relation to boundary adjustments, however it is deemed only necessary for the requiring authority to meet one limb of this section.

The effects of the boundary adjustment to Designation 84, State Highway 6 located at the Nevis Bluff, are considered to be more than minor due to the size and scale of the area proposed for the designation. Alteration of the designation boundaries will allow Transit New Zealand to undertake necessary maintenance work to ensure the safe and efficient operation of State Highway 6. The proposed work falls within the designation provisions and the effects are considered minor. There are no parties considered directly affected in terms of requiring written approval.

Accordingly the Queenstown Lakes District Council accepts the alteration to the designation as outlined in the application.

### **Decision**

It is considered that the proposed alteration of the State Highway 6 designation including all of that work described within the Notice of Requirement prepared by Opus International Consultants (dated September 2004) as well as the subsequent letter (dated 28 October 2004) meets the prescribed tests of section 181(3), and accordingly the provisions of sections 168-179 of the Resource Management Act 1991 do not apply. It is accepted that the designation can be amended accordingly.

### **Other Matters**

The consent holder is advised that if the construction of fences, walls and the benching of slopes is necessary, an application will be required for outline plan approval.

The costs of processing the request are currently being assessed and you will be advised under separate cover whether further money is required or whether a refund is owing to you.

This approval is not a consent to build under the Building Act 1991. A consent under this Act must be obtained before construction can begin.

If you have any enquiries please contact Karen Hanson on (03) 442 4969.

Prepared by  
**CIVICCORP**

Reviewed and Approved by  
**CIVICCORP**



Karen Hanson  
**PLANNER**

Andrew Henderson  
**PRINCIPAL: RESOURCE MANAGEMENT**

## Karen Hanson

---

**From:** David Campbell [David.W.Campbell@opus.co.nz]  
**Sent:** Thursday, 28 October 2004 11:55  
**To:** Karen Hanson  
**Subject:** RM040909 - TNZ designation - Nevis Bluff

Hi Karen,

I apologise for the cross referencing not relating, so here is what the relevant sentences should read:

- page 6, Section 7 Consultation: Section 1.5 should read Section 1.2
- page 10, Section 10.4.2 Noise and vibration, third paragraph: Section 4.2.2 should read Section 2.2.
- page 11, Section 10.6 Cultural Values, third paragraph: Section 4.2.2.3 should read Sections 1.2 and 7.

I hope this clarifies matters for you.

regards  
David Campbell  
Senior Resource Management Planner  
Opus International Consultants Limited  
Philip Laing House  
144 Rattray Street  
Private Bag 1913  
DUNEDIN  
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Tel. **64-3-442 4777**  
Fax. **64-3-442 4778**  
e-mail: [enquiries@civicc corp.co.nz](mailto:enquiries@civicc corp.co.nz)  
site: <http://www.civicc corp.co.nz>

In reply please quote  
File Ref: RM040909

5 October 2004

Transit New Zealand  
C/- Opus International Consultants  
Private Bag 1913  
DUNEDIN

Dear Sir or Madam

**RESOURCE CONSENT APPLICATION**

**DESIGNATION ALTERATION LOCATED ON STATE HIGHWAY 6, GIBBSTON HIGHWAY,  
GIBBSTON**

I acknowledge receipt of your application for resource consent under Section 88 of the Resource Management Act 1991.

The application has been allocated the number RM040909 and it is requested that you use this number as a reference when corresponding on this matter. This application has been allocated to:

Karen Hanson  
DDI: 442 4969  
Email: [karen.hanson@civicc corp.co.nz](mailto:karen.hanson@civicc corp.co.nz)

This Planner will be in contact with you in due course.

The amount charged for processing this application is a deposit fee only. You may be charged further than the deposit depending on the costs incurred by CivicCorp in processing this application. Monthly invoices will be issued throughout the consent process.

Please also be aware that your proposal may result in a requirement for development contribution payments to Council where further demand on Council infrastructure is identified. For further information on development contributions, please contact the planner processing your application.

We will ensure at all times that your application is processed as quickly as possible.

Yours faithfully  
**CIVICCORP**

Katherine Ashton  
**CONSENTS OFFICER**

**PLANNING CIRCULATION**

Resource consent number: RM \_\_\_\_\_

Description of activity: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Location: \_\_\_\_\_

**NO CIRCULATION REQUIRED**

**CIRCULATION REQUIRED**

External Letters

Internal Memos

- MAC Property Services
- Imtech
- LCS
- Robertson Valuations
- DLR
- MSA

- Engineering
- Policy
- Landscape Architects
- Environmental Health

Planner Only

- |   |                            |                            |
|---|----------------------------|----------------------------|
| Is the site/activity within or adjacent to an area of Statutory Acknowledgment/Nohoanga or Topuni | <input type="checkbox"/> Y | <input type="checkbox"/> N |
|---|----------------------------|----------------------------|
  
- |  |                            |                            |
|--|----------------------------|----------------------------|
| Has Ngai Tahu/Kai Tahu been consulted by applicant | <input type="checkbox"/> Y | <input type="checkbox"/> N |
|--|----------------------------|----------------------------|
  
- |   |                            |                            |
|---|----------------------------|----------------------------|
| Does the site/ activity involve waterway issues   | <input type="checkbox"/> Y | <input type="checkbox"/> N |
| Has a report been commissioned from the Maritime Safety Authority (Section 395) (refer above) | <input type="checkbox"/> Y | <input type="checkbox"/> N |
  
- |   |                            |                            |
|---|----------------------------|----------------------------|
| Does the property front a State Highway ?         | <input type="checkbox"/> Y | <input type="checkbox"/> N |
| Is there a potential impact on the State Highway  | <input type="checkbox"/> Y | <input type="checkbox"/> N |
| Has Transit NZ approval been sought by applicant? | <input type="checkbox"/> Y | <input type="checkbox"/> N |
  
- |  |                            |                            |
|--|----------------------------|----------------------------|
| Arrowtown Residential/ Commercial Heritage zones     | <input type="checkbox"/> Y | <input type="checkbox"/> N |
| Adjacent/ in close proximity to zone                 | <input type="checkbox"/> Y | <input type="checkbox"/> N |
| Arrowtown Planning Group contacted/ meeting arranged | _____                      | _____                      |

- Registered HPT or registered QLIC item/precinct/zone  Y  N
- Adjacent/ in close proximity to item  Y  N
- Has Historic Places Trust consent been sought/obtained by applicant?  Y  N
- Wakatipu Advisory Group contact/meeting arranged  Y  N
  
- Does the activity involve:  Y  N
  - Large scale earthworks;
  - Ground disturbance of Areas developed pre 1900
  - Archaeological sites
  - Unregistered sites or buildings of heritage interest
  - Historic Place Trust consent sought/obtained

Other

- |   |  |
|---|--|
| <input type="checkbox"/> Council Consent as Landowner | <input type="checkbox"/> DOC                                 |
| <input type="checkbox"/> Harbourmaster                | <input type="checkbox"/> Circulate geotech report to Council |
| <input type="checkbox"/> Fish & Game                  |  |

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**NOTES**

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**Site Visit Checklist of Potential Effects: \***

Site Address: \_\_\_\_\_

Planner: \_\_\_\_\_ Date: \_\_\_\_\_

EFFECT	YES / NO	COMMENTS
<b>Land, Flora and Fauna</b>		
Trees		
Vegetation		
Fauna		
Landform		
Waterbodies		
Heritage (trees / volcanic cones)		
Groundwater		
<b>Infrastructure</b>		
Run-off		
Capacity		
Flooding		
Pollution		
<b>People and Built Form</b>		
Shadowing		
Privacy		
Dominance		
Character		
Amenity		
Views		
Streetscape		
Heritage (structures)		
Cultural Values		
Socio-economic		
Smell		
Noise		
Dust		
Air discharges		
Vibration		
Soil Stability		
<b>Traffic Generation &amp; Vehicle Movements</b>		
On-Street Parking		
Driver Safety		
Pedestrian Safety		
Traffic Generation		
Roading Capacity		
Noise		
Vehicle Movements		

**MEASURES OF "EFFECT"**

In assessing the extent or scale of effects - (*minor, > minor, nil*), consider the following :

- Any positive or negative effects.
- Any past, present, or future effects.
- Duration of effects (*short-term/ temporary (e.g during construction); medium-term (e.g prior to landscaping becoming fully established); and long-term/permanent.*)
- Frequency of effects (*e.g "one-off", intermittent/ sporadic, continuous.*)
- Degree of Probability (*including any potential effect of high probability; and any potential effect of low probability which has a high potential impact.*)
- Cumulative effect (arising over time or in combination with other effects.)

**Further Comments on Potential Adverse Effects:**

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**Adversely Affected Persons:**

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## PROPERTY INQUIRY



QUEENSTOWN  
LAKES DISTRICT  
COUNCIL



Queenstown Area  
Date Prepared: 4/10/04

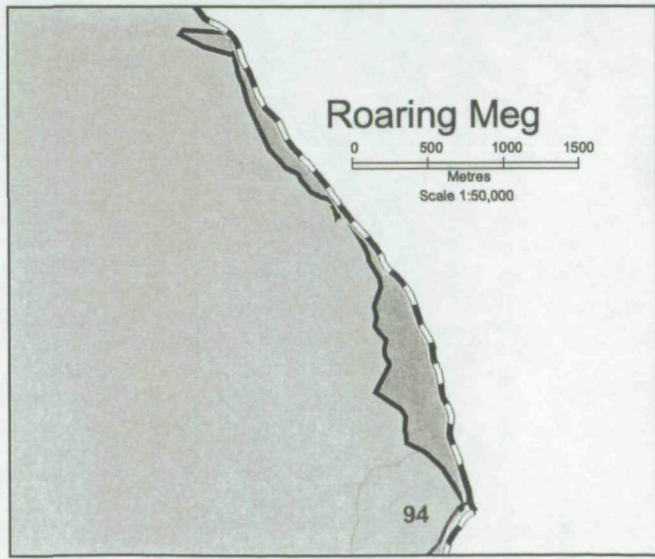
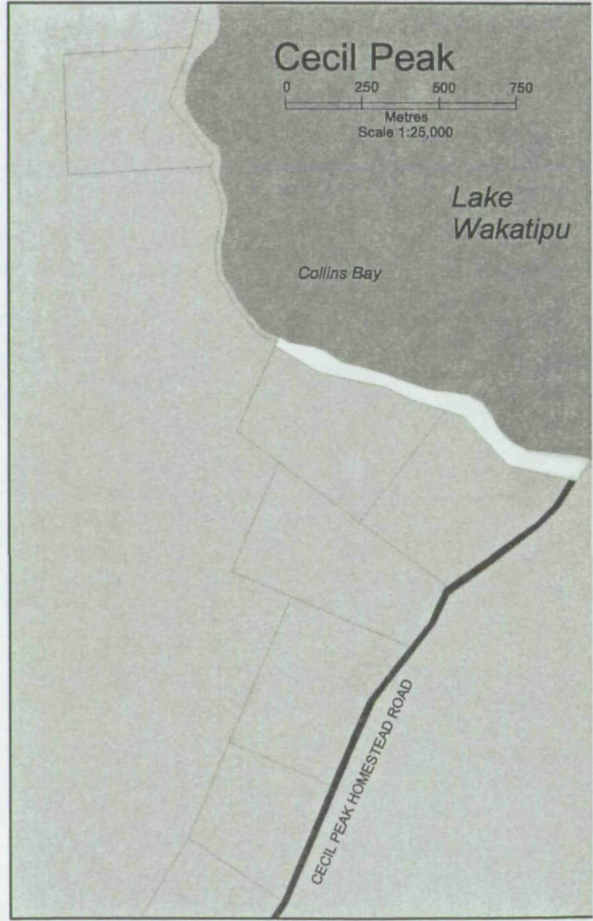
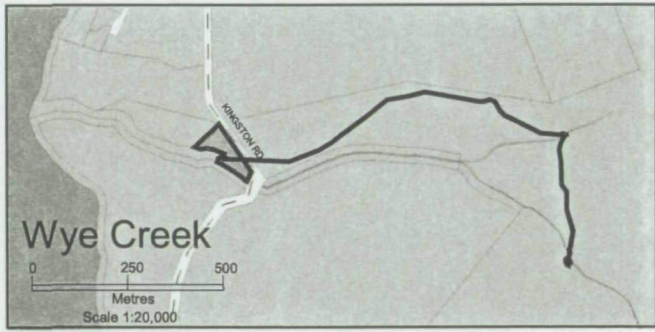
Occupier: DEPARTMENT OF CONSERVATION:  
P O BOX 27 ALEXANDRA  
Property Location: GIBBSTON HIGHWAY, GIBBSTON

**Assessment Number: 2907203201**

Cadastral information derived from the Land Information New Zealand's Digital Cadastral Database (DCDB). CROWN COPYRIGHT RESERVED.

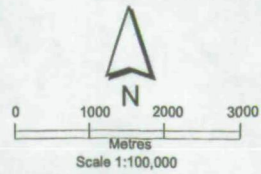


CENTRAL OTAGO DISTRICT



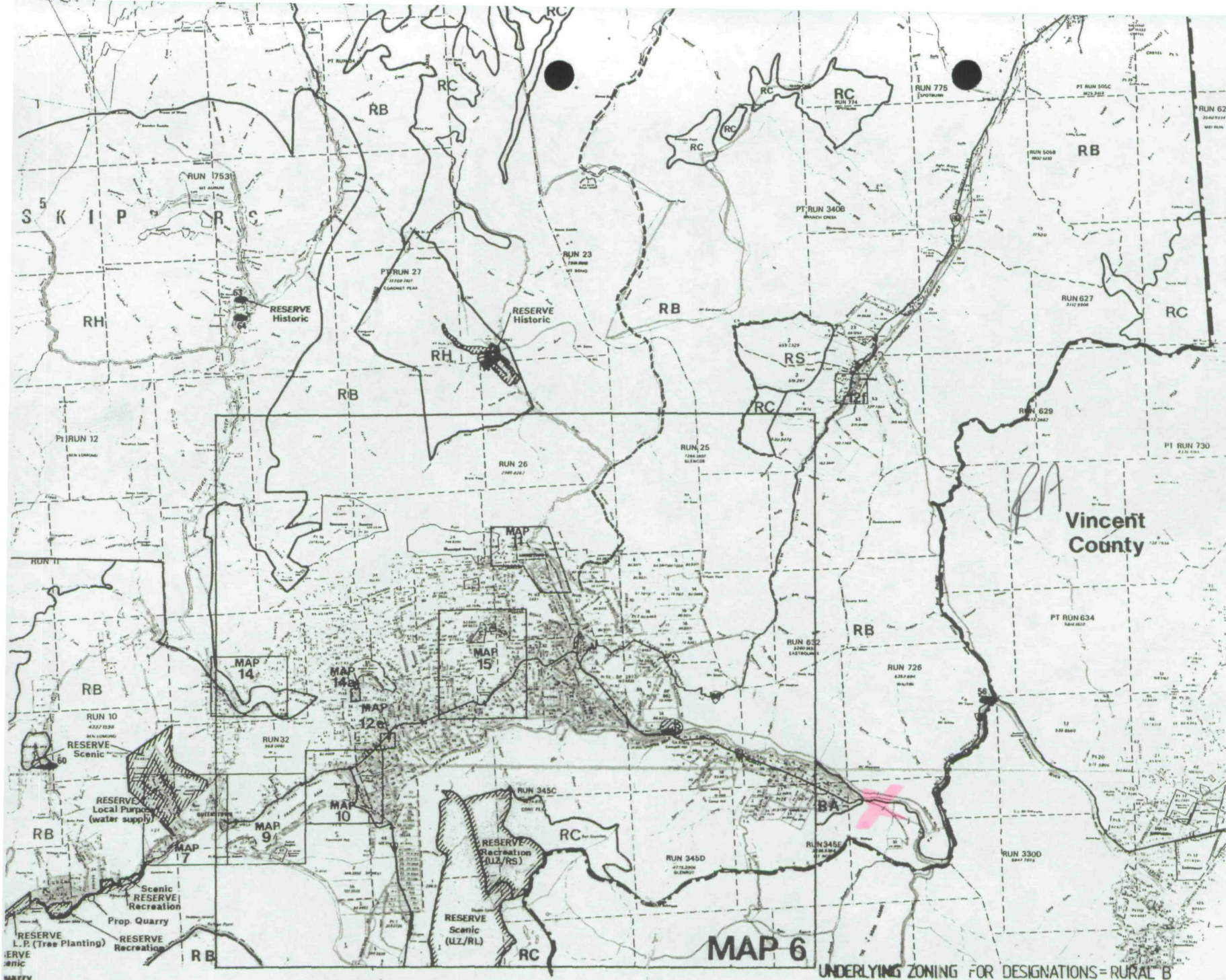
Council

9	10	11
12	13	
14	15	



Gibbston Valley  
Cecil Peak (Inset)  
Wye Creek (Inset)

13



COMMERCIAL 1	CI	COMMERCIAL
COMMERCIAL 2	C2	COMMERCIAL
COMMERCIAL 3	C3	COMMERCIAL

INDUSTRIAL 1	IN1	TOURIST DEVELOPMENT
INDUSTRIAL 2	IN2	TOURIST DEVELOPMENT

**DESIGNATIONS**

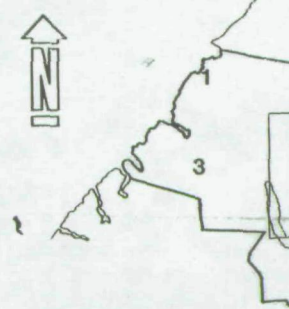
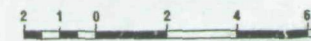
RESERVES	Existing	RES
NATIONAL PARKS	Existing	NAT.PK
PUBLIC WORKS	Existing	●

STATE HIGHWAYS	Existing	—+—+—+—
LIMITED ACCESS ROADS	Existing	—+—+—
ROAD TO BE STOPPED		—+—+—
ROAD TO BE WIDENED		—+—+—

**NOTATIONS**

DISTRICT (County) BOUNDARY.	—+—+—+—	AREAS KEPT FOR DEVELOPMENT IN R4 ZONE
BOROUGH BOUNDARY.	—+—+—+—	VERANDA FRONTAGE REQUIRED
ZONE BOUNDARY.	—+—+—+—	SUGGESTED ALIGNMENT
DESIGNATION BOUNDARY.	—+—+—+—	BUILDING RESTRICTIONS
COMMUNITY USES.	HALL	RESERVE DIVISION
NOTABLE OBJECT OR PLACE.	●	UNDESIGNED
NOTABLE BUILDING.	■	
NOTABLE TREE	↑	

Scale 1 : 300 000



Location Diagram

Map reproduced by permission of the Dept. of

AMENDED: June 1982.

# SHOTOVER

OPERATIVE DATE:

## MAP 6

UNDERLYING ZONING FOR DESIGNATIONS=RURAL B



# Notice of Requirement.



**PLANNING CHECKLIST**

Resource consent  Certificate of Compliance

Site address: SH6 - Newis Bluff Date: 7/10/04

Checking Planner: B McCollan Ok to receipt   
 Further Info required   
 Time taken

Zone: RGN

	Yes	No	N/A
<b>Form details completed and signed</b> (Form 5 or equivalent)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Application Fee</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Certificate of Title (current)</b> (Check for Covenants or Encumbrances - copy to be provided with application)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Assessment of Effects</b> (required by the 4 <sup>th</sup> Schedule) commensurate in detail with the application	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Description of Proposal</b> Explaining the application and specifying the exact matter(s) for which consent is sought and quantifying of degree of non-compliance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Plans (2x scale copies plus 1x A4)</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Scale</b> (Standard scales being 1:50 or 1:100 or 1:200)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Site Plan</b>			
Boundaries/easements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Building outlines	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Contours/floor levels	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Vehicle access/carparking	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Trees/vegetation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site coverage	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Outdoor living space	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Show a clear north point	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Earthworks</b>			
Volume (in m <sup>3</sup> )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Area (in m <sup>2</sup> )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Height of cuts/fill (in m)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site management plan (proposed sediment control measures)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Water supply</b> (if not connecting to main water lines)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Effluent Disposal</b> (If not connecting to Sewage lines)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Elevations</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Certificate by a registered architect/surveyor stating			
That ground levels shown are those at 10 October 1995 (if issue relates to height and it is within 0.5m or above)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Floor Plan</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Landscape Plan</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Photographs</b> (secondhand dwellings/relocatables)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Affected persons Approval</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Form filled out/Plans signed (Clear signatures on the plans, with printed name)			



**DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL**

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	NZ Transport Agency
<b>RM reference:</b>	RM090555
<b>Location:</b>	Foot of Mount Mason on the south side of State Highway 6 in the Gibbston Valley
<b>Proposal:</b>	To alter Designation 84 to include 6.45 hectares for Nevis Bluff control works, which includes access and as a future deposition area for cleanfill.
<b>Type of Consent:</b>	Alteration to Designation
<b>Legal Description:</b>	Section 1, SO 400378
<b>Valuation Number:</b>	N/A
<b>Zoning:</b>	Rural General Zone
<b>Activity Status:</b>	N/A
<b>Notification:</b>	Non-notified
<b>Commissioner:</b>	Commissioner Sinclair
<b>Date:</b>	9 September 2009
<b>Decision:</b>	<b>Granted</b>

I refer to your requirement under section 181 of the Resource Management Act 1991 to alter Designation 84 to increase the amount of land included within the Designation, by approximately 6 hectares, at the foot of Mount Mason on the south side of State Highway 6 in the Gibbston Valley. The application was considered under delegated authority pursuant to section 34 of the Resource Management Act 1991 on 8 September 2009. This decision was made and its issue authorised by Jane Sinclair, Independent Commissioner, as delegate for the Council.

The subject site is situated at the foot of Mount Mason, in the Gibbston Valley and is legally described as Section 1, SO 400378.

Under the Partially Operative District Plan the site subject to Designation 84 is designated for State Highway Purposes. The authority responsible for the designation is the NZ Transport Agency (previously Transit New Zealand). The subject site is currently zoned Rural General and is part of a landscape that has been identified as an Outstanding Natural Landscape on the District Planning Maps.

Section 181 of the Resource Management Act 1991 establishes the procedure for altering a designation. Section 181(3) of the Act states:

*“A territorial authority may at any time alter a designation in its district plan if –*

- (a) The alteration –*
  - (i) Involves no more than a minor change to the effects on the environment associated with the use of land or any water concerned; or*
  - (ii) Involves only minor changes or adjustments to the boundary of the designation; and*
- (b) Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers who agree with the alteration and*
- (c) Both the territorial authority and the requiring authority agree with the alteration –*

*And sections 168 to 179 shall not apply to any such change.”*

## **Proposal**

The NZ Transport Agency (NZTA) has acquired the land subject to this Alteration through Section 20(1) of the Public Works Act 1981. The purpose of the acquisition was to ensure surety of access to the Nevis Bluff for control works. The NZTA now wishes to alter the boundaries of the Designation, by a minor amount for the purposes of roading, to allow it to more efficiently carry out protection works in order to maintain the safe and efficient operation of the State Highway in the vicinity of Nevis Bluff. The proposed use of the site is to provide access to the Nevis Bluff and as a future deposition area for cleanfill. When it is intended to use the site for cleanfill purposes an Outline Plan will be submitted for approval. At this time conditions may be recommended in relation to the cleanfill. Currently, monitoring and control works are carried out on the Nevis Bluff on both a scheduled basis and occasionally due to emergency dislodgements. The ability to quickly and efficiently organise works from a nearby site and deposit material is necessary for the NZTA to fulfil its statutory obligations. This alteration to the designation will enable a site for the future deposition of cleanfill close to the Nevis Bluff.

The current designation is subject to the conditions listed under A 'Roads,' on pages A1-15 and A1-16 of the Partially Operative District Plan. No changes to the conditions in this part of the District Plan are required as a result of this Alteration.

### **Recommendation**

Pursuant to section 181(3) of the Resource Management Act 1991 the alterations to Designation 84 as outlined below are ACCEPTED.

1. The size of Designation 84 is increased by approximately 6.4510 ha as shown on Site Plan A, stamped as approved on 9 September 2009.
2. The site legal description for Designation 84 in Appendix 1 of the Partially Operative District Plan is amended to include:

Section 1, SO 400378.

### **Reasons for Recommendation**

#### *Landscape Amenity*

The site is triangular in shape and consists of 6.45 ha in area. It is currently covered in scrubby bush with sporadic rock outcrops. Access to the site is obtained from the State Highway and a farm track which is used for the Nevis Bluff control works zigzags up the north face of Mount Mason. This is the only permanent and visible man made feature on the subject site at the moment. No other permanent works are currently proposed. An application for outline plan approval will be applied for prior to the use of the site for a cleanfill. At the moment the likely size of the cleanfill operation is not known. An assessment of effects and conditions relating to landscaping and the operation of the cleanfill can be imposed at the time of outline plan approval.

#### *Ecological Values*

Ecologist Neil Simpson has identified that the subject site contains no vegetation of significance.

#### *Heritage Values*

The applicant has undertaken a review of the NZ Historic Places Trust database, which has no identified archaeological sites within the subject site. The NZ Archaeological Association has also been contacted who have also advised that there are no known sites in the immediate vicinity. The applicant is aware of their obligations under the Historic Places Act if material is found during works on the site.

#### *Traffic*

The applicant has advised that control works for Nevis Bluff usually occur only twice a year, and as such access will remain low volume. Any vehicle movements associated with emergency dislodgments will be minimal. No upgrade is required to the existing access at this stage and if an upgrade is required in the future, it will be subject to the outline plan process. The site is some 120m from Nevis Bluff which will reduce the travel times for heavy vehicles, thus reducing demands on the Highway. As such, it is considered that there will be no adverse effects in terms of traffic movements.

#### *Affected Parties*

The two adjoining landowners (DOC and Antimony Investments Limited) have provided written consent to the proposal. No other parties are considered to be affected by the alteration to the designation.

*Conclusion*

Overall, the adverse effects on the environment of the activity for which consent is sought will be de minimus.

**Other Matters**

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

Please contact the Council when the conditions have been met or if you have any queries with regard to the monitoring of your consent.

If you have any enquiries please contact Charlene Kowalski on phone (03) 450 0367 or email [charlene.kowalski@lakesenv.co.nz](mailto:charlene.kowalski@lakesenv.co.nz).

Prepared by  
**LAKES ENVIRONMENTAL**



Charlene Kowalski  
**PLANNER**

Reviewed and Approved by  
**LAKES ENVIRONMENTAL**



Paula Costello  
**PLANNER**

Lot 3  
 DP 303681  
 14730  
 (Anthony Investments Ltd)

Sec 3  
 SO 24743  
 14730  
 (Anthony Investments Ltd)  
 (Mt Rosa Station)

Pt Sec 4  
 SO 24743  
 (2004 1371 NZGZ)

NEWS  
 BLUFF

Proposed designation area



ALIGNMENT	APP'D	DATE	BY	CHECKED	DATE
			DESIGN		
			DRAWN	LP/JM	3-09
			APPROVED		

This drawing and its contents are the property of your client/consultant. Any unauthorised reproduction or use, in full or in part, is prohibited.

**NZ TRANSPORT AGENCY**  
 WAWA KOTIHI

**Opus**  
 Alexandra  
 PO Box 273  
 Alexandra, New Zealand  
 Tel: +64 3 440 2400  
 Fax: +64 3 440 2401

THE SH6 REGION 13 RS 956  
 NEWS BLUFF - ALTERATION OF DESIGNATION

**RECEIVED**  
 11 AUG 2009

**LAKES ENVIRONMENTAL**

TITLE	STATUS	SCALE	DATE	FILE	DESIGNER	CHECKER	DATE
SH6 REGION 13 RS 956 NEWS BLUFF - ALTERATION OF DESIGNATION	SITE PLAN A	1:5000	30/03/09 @ 10:40				

Scale 1:5000. Date 30/03/09. Time 10:40. File: SH6 REGION 13 RS 956 NEWS BLUFF - ALTERATION OF DESIGNATION. SHEET 1 OF 1. DRAWN BY: [Name]. CHECKED BY: [Name]. DATE: 30/03/09. TIME: 10:40.

972

DOWN LAKES DISTRICT COUNCIL

090555

VED PLANNING

*WJH*

8/9/09

cc



**DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL**

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	NZ Transport Agency
<b>RM reference:</b>	RM090555
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*Conclusion*

Overall, the adverse effects on the environment of the activity for which consent is sought will be de minimus.

**Other Matters**

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

Please contact the Council when the conditions have been met or if you have any queries with regard to the monitoring of your consent.

If you have any enquiries please contact Charlene Kowalski on phone (03) 450 0367 or email [charlene.kowalski@lakesenv.co.nz](mailto:charlene.kowalski@lakesenv.co.nz).

Prepared by  
**LAKES ENVIRONMENTAL**



Charlene Kowalski  
**PLANNER**

Reviewed and Approved by  
**LAKES ENVIRONMENTAL**



Paula Costello  
**PLANNER**

Lot 3  
 DP 303681  
 14730  
 (Anthony Investments Ltd)

Sec 3  
 SO 24743  
 14730  
 (Anthony Investments Ltd)  
 (Mt Rosa Station)

Pt Sec 4  
 SO 24743  
 (2004 1371 NZGZ)

NEWS  
 BLUFF

Proposed designation area



APPROVED	DATE	BY	CHECKED	DATE
		DESIGN		
		DRAWN	LP/JM	3-09

APPROVED

This drawing and its contents are the property of your client/consultant/contractor. Any unauthorised reproduction or use, in full or in part, is prohibited.

ALIGNMENT	APP'D	DATE

**NZ TRANSPORT AGENCY**  
 WAWA KOTIHU

**Opus**

**Alexandra**

PO Box 273  
 Alexandra, New Zealand  
 Tel: +64 3 440 2400  
 Fax: +64 3 440 2401

THE SH16 REGION 13 RS 956  
 NEWS BLUFF - ALTERATION OF DESIGNATION

**RECEIVED**  
 11 AUG 2009

**LAKES ENVIRONMENTAL**

TITLE	REGION	RS
SH16	13	956

STATUS	DATE	SCALE
SITE PLAN A	30/03/09 @ 10:40	1:5000

DATE	BY	SCALE
30/03/09 @ 10:40		1:5000

972

DOWN LAKES DISTRICT COUNCIL

090555

VED PLANNING

*WJH*

8/9/09

cc



File: RM040909

4 November 2004

Transit New Zealand  
C/- Opus International  
Private Bag 1913  
DUNEDIN

Attn: David Campbell

Dear David

**DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**  
**FOR ALTERATION TO A DESIGNATION**  
**PURSUANT TO SECTION 181 OF THE**  
**RESOURCE MANAGEMENT ACT 1991 – RM040909**

I refer to your notice of requirement for an alteration to an existing designation under Section 181 of the Resource Management Act 1991. The request was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 4 November 2004. This decision was made and its issue authorised by Jane Sinclair, Independent Commissioner, as delegate for the Council.

**The Proposal**

Transit New Zealand require an extension to the boundaries of the existing Designation 84 for State Highway 6 located at Nevis Bluff, Kawarau Gorge under the Partially Operative District Plan. The alteration to the existing designation is necessary for Transit New Zealand in that it incorporates land in which work is required to stabilise the Nevis Bluff to ensure safe and efficient operation of the State Highway. Similar work is currently being carried out within the existing designation.

The stabilisation works will involve the removal of rock from the bluff face by means of blasting and sluicing. Resource Consent approval is currently been sought to dispose of the debris material on land at Wentworth Station, located approximately 2 km from the Nevis Bluff, (refer to RM040908).

No references remain outstanding on Designation 84, and as such the provisions of the Partially Operative District Plan can be afforded full weight in considering this proposal.

**Site Description**

The land area proposed for the designation alteration immediately adjoins the State Highway designation 84 located at the Nevis Bluff, Kawarau Gorge. The land area to be designated is described as Sec 1 SO 328697 being that portion of Part Section 4 SO 24743 (CT OT2528). The subject site is 5.073 hectares in area.

A section of State Highway 6 runs through a narrow stretch of the Kawarau Gorge, above which is situated the Nevis Bluff which incorporates the subject site proposed for the designation alteration.

Nevis Bluff is approximately 120m high and rises at an angle of 70° immediately above State Highway 6. The face is a highly fractured rocky outcrop which has a history of material collapsing onto the State Highway below.

### **Nature of Proposed Work**

The proposed stabilisation works will involve the removal of any unstable rock features from the bluff face that potentially threaten the safe and efficient operation of State Highway 6 below.

Rock will be removed from the Nevis Bluff through various techniques including:

- Scaling and trimming of smaller loose rocks from the rock face;
- Blasting of rock from the face by placing explosives into predrilled cavities;
- Sluicing of the rock face following blasting to wash off any loose material. This is usually achieved by releasing water from a monsoon bucket suspended beneath a helicopter.

Stabilisation works also involve methods to retain rock on the face of the bluff, these include:

- Drilling of drain holes and general drainage works to reduce the amount of water on the face and to lower groundwater levels;
- Application of Shotcrete in conjunction with mesh reinforcement, bolts and plates. This will assist in preserving rock structure.
- Attaching bolts and anchors to hold rock in place.
- Draping of mesh and cable nets to prevent small rock falls bouncing out on to the State Highway.
- Benching of the slope in order to catch and retain small rockfalls. Benching will require an application to be made for an outline plan approval;
- Construct of fences and walls to retain smaller rock falls. Future structures will require an application to be made for an outline plan approval.

Work on the Nevis Bluff is likely to require helicopter assistance. Helicopters are to be used for inspections of the bluff, the placement of explosives, sluicing and to provide necessary access. Helicopter operational hours have been proposed on an intermittent basis between the hours of 7:00am and 6:00pm.

Vehicle access is provided to the top of the bluff via an existing track.

### **Statutory Requirements**

Section 181 of the Resource Management Act 1991 enables a requiring authority that is responsible for a designation to alter an existing designation. Section 181(3) sets out the manner in which an alteration to a designation may be considered, as follows:

- (3) *A territorial authority may at any time alter a designation in its district plan or a requirement in its proposed district plan if –*
- (a) *the alteration –*
- (i) *involves no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned; or*

- (ii) *involves only minor changes or adjustments to the boundaries of the designation or requirement; and*
- (b) *written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and*
- (c) *both the territorial authority and the requiring authority agree with the alteration – and sections 168 to 179 shall not apply to any such alteration.*

State Highway 6 is designated under the Proposed District Plan for 'State Highway purposes' (Ref: Designation number 84). The authority responsible for the designation is Transit New Zealand. The designation is not subject to any specific conditions.

It is agreed under section 181 (3)(a)(i) that the proposal involves only minor changes to the effects on environment which are outlined in the following section 'Change to Effects on the Environment'.

As per requirement of section 181(3) (a) (ii) the proposal constitutes a more than minor change to the existing designation boundary as the alteration is to incorporate an additional 5.073 hectares to the existing State Highway designation.

Transit New Zealand is the only directly affected party of the land proposed to be altered under the designation. Transit New Zealand agree to the alteration of the designation, which constitutes the requirement under section 181(3)(b).

It is accepted by the Queenstown Lakes District Council (territorial authority) that the proposed alterations fall within the purpose of the designation and are being undertaken by the requiring authority responsible for this designation.

### **Change to Effects on the Environment**

An Assessment of Environmental Effects (AEE) prepared by Opus International Consultants submitted with the application identifies a number of potential effects on the environment as follows:

- 1) Landscape and visual effects;
- 2) Effects on amenity,
- 3) Traffic effects,
- 4) Cultural effects,
- 5) Effects on people and communities.

#### *Landscape and Visual effects*

The proposed stabilisation works will potentially have a minor effect on the natural character and natural features of the Nevis Bluff.

The bluff is visible from the State Highway where the majority of people view it from. The bluff is also visible from the Gibbston Back Road and Coal Pit Road to the west.

The AEE addresses the potential effects on the landscape and visual amenity that will occur when stabilisation works are carried out. The operation of machinery required for stabilisation will be short in duration and temporary in nature. Any effect caused by the removal of rock will be little different than what may occur naturally. The bluff has been highly modified since the construction of the highway from both natural rock fall and stabilisation works. Stabilisation works requiring the placement of materials such as Shotcrete, anchors, bolts and mesh will alter the visual appearance of the bluff. These materials will not be visible from a distance.

Any further proposed stabilisation works such as the construction of fences, walls and benching will impact more significantly on the visual amenity of the bluff. And an outline plan approval will be required.



### *Effects on Amenity*

The AEE addresses the adverse amenity effects that may be experienced in terms of noise, vibration and dust. These effects would result from the operation of earth moving machinery, drilling and helicopter take-offs and landings. Proposed mitigation measures submitted with the application include that noise and vibration outputs will comply with the New Zealand Standards NZS 4403:1976 (vibration) and NZS 6803:1999 (Acoustics – Construction Noise) for the operation of earthmoving machinery and blasting activity. The proposal states that when blasting work is required there will only be one blast per day. A siren will warn locals in the vicinity before each blast. Noise and vibration works being carried out will be short term in duration and temporary.

Dust nuisance may result from blasting and removal of debris. Material blasted from the site is to be transported to a debris disposal area. The debris is comprised of mainly rock which will result in minimal dust content.

Any potential adverse effects of noise, vibration or dust are considered to be less than minor.

### *Traffic effects*

Stabilisation works will require the temporary closure of the state highway for periods of blasting and debris removal. Localised traffic control will be required and will comply with Transit New Zealand's "*Interim Code of Practice for Temporary Traffic Management*". Observance of this code of practice will mitigate any potential adverse effects on road safety.

### *Cultural effects*

Kai Tahu ki Otago was consulted on this proposal when Transit New Zealand was seeking resource consent from the Otago Regional Council during previous works. Kai Tahu ki Otago are not considered a directly affected party to the designation alteration. Pursuant to section 181(3) (b) of the RMA written approval for the proposed designation alteration is not required from Kai Tahu ki Otago.

### *Effects on people and communities*

Public notice will be provided and local landowners and occupiers in the area will be advised of road closures. A warning blast will be given to warn the locals in the area of blasting activity. A sentry guard/spotter will identify river users in the immediate vicinity. Blasting will be delayed if river users are identified.

State Highway 6 is the main road link into and out of Queenstown. The economic, social and cultural wellbeing of Queenstown depends on the safe and efficient operation of the State Highway. The proposed stabilisation works will provide reassurance to the local community.

### **Change to boundaries**

The extent of the alteration and changes being proposed to the State Highway designation is shown on the land plan submitted with the application. The area of land to be designated is described as Sec 1 SO 328697. In total the proposed alteration requires 5.073 hectares of additional land which immediately adjoins the existing State Highway designation.

The size and scale of the proposed boundary adjustment to State Highway 6 at the Nevis Bluff will result in a more than minor change to designation boundary. Section 181(3)(a)(ii) of the RMA is therefore not met. However, it is only necessary to meet one limb of section 181(3)(a) (i) or (ii).

### **Written Approval**

In April 2004 the land area to be designated was transferred from the Department of Conservation to Transit New Zealand. The agreement for the transfer of land was submitted with the application. Pursuant to section 181(3) (b) of the RMA, no other land owners or occupiers are considered directly affected by the designation alteration.

### **Agreement of Territorial Authority**

In order for an alteration to an existing designation to be processed without the formal notification procedure set out under Sections 168 to 179, the Territorial Authority (Queenstown Lakes District Council) must first consider whether it agrees to the proposed alteration.

There are guidelines under the Resource Management Act on what matters are relevant for the territorial authority to base this decision. This is interpreted to mean that the Territorial Authority is satisfied that the proposal can pass each of the above requirements relating to effects on the environment and the acquisition of approvals. Section 181 (3) (a) (ii) of the RMA has not been met in relation to boundary adjustments, however it is deemed only necessary for the requiring authority to meet one limb of this section.

The effects of the boundary adjustment to Designation 84, State Highway 6 located at the Nevis Bluff, are considered to be more than minor due to the size and scale of the area proposed for the designation. Alteration of the designation boundaries will allow Transit New Zealand to undertake necessary maintenance work to ensure the safe and efficient operation of State Highway 6. The proposed work falls within the designation provisions and the effects are considered minor. There are no parties considered directly affected in terms of requiring written approval.

Accordingly the Queenstown Lakes District Council accepts the alteration to the designation as outlined in the application.

### **Decision**

It is considered that the proposed alteration of the State Highway 6 designation including all of that work described within the Notice of Requirement prepared by Opus International Consultants (dated September 2004) as well as the subsequent letter (dated 28 October 2004) meets the prescribed tests of section 181(3), and accordingly the provisions of sections 168-179 of the Resource Management Act 1991 do not apply. It is accepted that the designation can be amended accordingly.

### **Other Matters**

The consent holder is advised that if the construction of fences, walls and the benching of slopes is necessary, an application will be required for outline plan approval.

The costs of processing the request are currently being assessed and you will be advised under separate cover whether further money is required or whether a refund is owing to you.

This approval is not a consent to build under the Building Act 1991. A consent under this Act must be obtained before construction can begin.

If you have any enquiries please contact Karen Hanson on (03) 442 4969.

Prepared by  
**CIVICORP**

Reviewed and Approved by  
**CIVICORP**



Karen Hanson  
**PLANNER**

Andrew Henderson  
**PRINCIPAL: RESOURCE MANAGEMENT**

## Karen Hanson

---

**From:** David Campbell [David.W.Campbell@opus.co.nz]  
**Sent:** Thursday, 28 October 2004 11:55  
**To:** Karen Hanson  
**Subject:** RM040909 - TNZ designation - Nevis Bluff

Hi Karen,

I apologise for the cross referencing not relating, so here is what the relevant sentences should read:

- page 6, Section 7 Consultation: Section 1.5 should read Section 1.2
- page 10, Section 10.4.2 Noise and vibration, third paragraph: Section 4.2.2 should read Section 2.2.
- page 11, Section 10.6 Cultural Values, third paragraph: Section 4.2.2.3 should read Sections 1.2 and 7.

I hope this clarifies matters for you.

regards  
David Campbell  
Senior Resource Management Planner  
Opus International Consultants Limited  
Philip Laing House  
144 Rattray Street  
Private Bag 1913  
DUNEDIN  
[www.opus.co.nz](http://www.opus.co.nz)

DDI: (03) 474 8965  
Fax: (03) 474 8995  
Cell: 027 450 9606  
Email: [david.w.campbell@opus.co.nz](mailto:david.w.campbell@opus.co.nz)



**Civic Corporation Limited**  
Private Bag 50077,  
CivicCorp House, 74 Shotover Street  
Queenstown, New Zealand  
Tel. **64-3-442 4777**  
Fax. **64-3-442 4778**  
e-mail: [enquiries@civicc corp.co.nz](mailto:enquiries@civicc corp.co.nz)  
site: <http://www.civicc corp.co.nz>

In reply please quote  
File Ref: RM040909

5 October 2004

Transit New Zealand  
C/- Opus International Consultants  
Private Bag 1913  
DUNEDIN

Dear Sir or Madam

**RESOURCE CONSENT APPLICATION**

**DESIGNATION ALTERATION LOCATED ON STATE HIGHWAY 6, GIBBSTON HIGHWAY,  
GIBBSTON**

I acknowledge receipt of your application for resource consent under Section 88 of the Resource Management Act 1991.

The application has been allocated the number RM040909 and it is requested that you use this number as a reference when corresponding on this matter. This application has been allocated to:

Karen Hanson  
DDI: 442 4969  
Email: [karen.hanson@civicc corp.co.nz](mailto:karen.hanson@civicc corp.co.nz)

This Planner will be in contact with you in due course.

The amount charged for processing this application is a deposit fee only. You may be charged further than the deposit depending on the costs incurred by CivicCorp in processing this application. Monthly invoices will be issued throughout the consent process.

Please also be aware that your proposal may result in a requirement for development contribution payments to Council where further demand on Council infrastructure is identified. For further information on development contributions, please contact the planner processing your application.

We will ensure at all times that your application is processed as quickly as possible.

Yours faithfully  
**CIVICCORP**

Katherine Ashton  
**CONSENTS OFFICER**

**PLANNING CIRCULATION**

Resource consent number: RM \_\_\_\_\_

Description of activity: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Location: \_\_\_\_\_

**NO CIRCULATION REQUIRED**

**CIRCULATION REQUIRED**

External Letters

Internal Memos

- MAC Property Services
- Imtech
- LCS
- Robertson Valuations
- DLR
- MSA

- Engineering
- Policy
- Landscape Architects
- Environmental Health

Planner Only

- Is the site/activity within or adjacent to an area of Statutory Acknowledgment/Nohoanga or Topuni  Y  N
- Has Ngai Tahu/Kai Tahu been consulted by applicant  Y  N
- Does the site/ activity involve waterway issues  Y  N

Has a report been commissioned from the Maritime Safety Authority (Section 395) (refer above)  Y  N
- Does the property front a State Highway ?  Y  N

Is there a potential impact on the State Highway  Y  N

Has Transit NZ approval been sought by applicant?  Y  N
- Arrowtown Residential/ Commercial Heritage zones  Y  N

Adjacent/ in close proximity to zone  Y  N

Arrowtown Planning Group contacted/ meeting arranged  Y  N

- Registered HPT or registered QLIC item/precinct/zone  Y  N
- Adjacent/ in close proximity to item  Y  N
- Has Historic Places Trust consent been sought/obtained by applicant?  Y  N
- Wakatipu Advisory Group contact/meeting arranged  Y  N
  
- Does the activity involve:  Y  N
  - Large scale earthworks;
  - Ground disturbance of Areas developed pre 1900
  - Archaeological sites
  - Unregistered sites or buildings of heritage interest
  - Historic Place Trust consent sought/obtained

Other

- |   |  |
|---|--|
| <input type="checkbox"/> Council Consent as Landowner | <input type="checkbox"/> DOC                                 |
| <input type="checkbox"/> Harbourmaster                | <input type="checkbox"/> Circulate geotech report to Council |
| <input type="checkbox"/> Fish & Game                  |  |

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**NOTES**

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**Site Visit Checklist of Potential Effects: \***

Site Address: \_\_\_\_\_

Planner: \_\_\_\_\_ Date: \_\_\_\_\_

EFFECT	YES / NO	COMMENTS
<b>Land, Flora and Fauna</b>		
Trees		
Vegetation		
Fauna		
Landform		
Waterbodies		
Heritage (trees / volcanic cones)		
Groundwater		
<b>Infrastructure</b>		
Run-off		
Capacity		
Flooding		
Pollution		
<b>People and Built Form</b>		
Shadowing		
Privacy		
Dominance		
Character		
Amenity		
Views		
Streetscape		
Heritage (structures)		
Cultural Values		
Socio-economic		
Smell		
Noise		
Dust		
Air discharges		
Vibration		
Soil Stability		
<b>Traffic Generation &amp; Vehicle Movements</b>		
On-Street Parking		
Driver Safety		
Pedestrian Safety		
Traffic Generation		
Roading Capacity		
Noise		
Vehicle Movements		

MEASURES OF "EFFECT"

In assessing the extent or scale of effects - (*minor, > minor, nil*), consider the following :

- Any positive or negative effects.
- Any past, present, or future effects.
- Duration of effects (*short-term/ temporary (e.g during construction); medium-term (e.g prior to landscaping becoming fully established); and long-term/permanent.*)
- Frequency of effects (*e.g "one-off", intermittent/ sporadic, continuous.*)
- Degree of Probability (*including any potential effect of high probability; and any potential effect of low probability which has a high potential impact.*)
- Cumulative effect (arising over time or in combination with other effects.)

**Further Comments on Potential Adverse Effects:**

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**Adversely Affected Persons:**

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QUEENSTOWN  
LAKES DISTRICT  
COUNCIL



Queenstown Area  
Date Prepared: 4/10/04

## PROPERTY INQUIRY

Occupier: DEPARTMENT OF CONSERVATION:  
P O BOX 27 ALEXANDRA

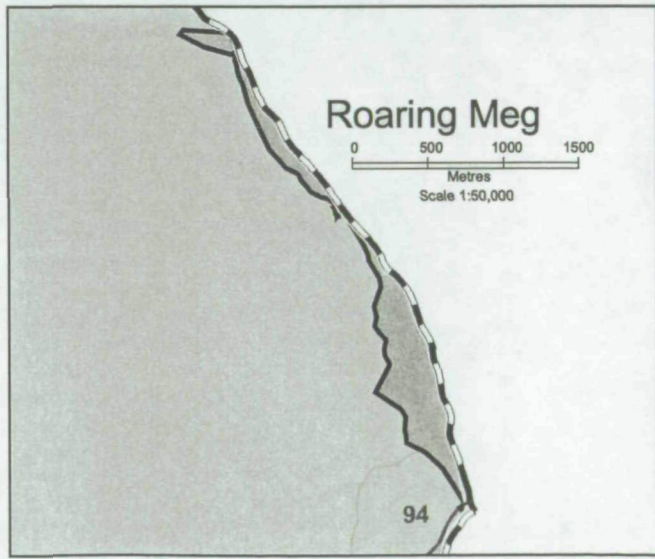
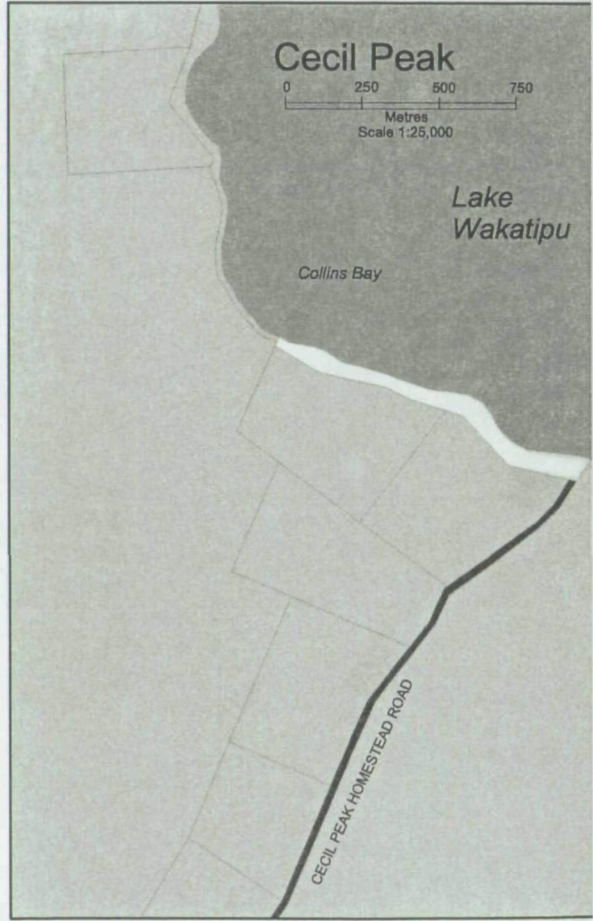
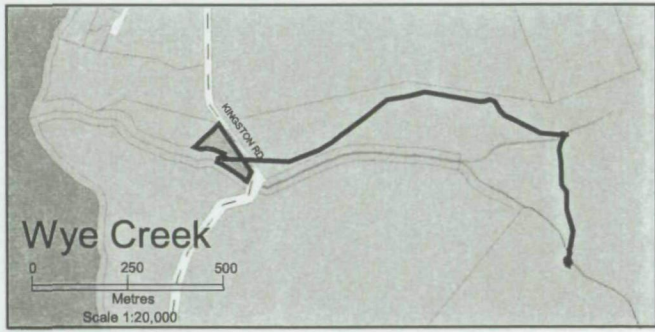
Property Location: GIBBSTON HIGHWAY, GIBBSTON

**Assessment Number: 2907203201**

Cadastral information derived from the Land Information New Zealand's Digital Cadastral Database (DCDB). CROWN COPYRIGHT RESERVED.

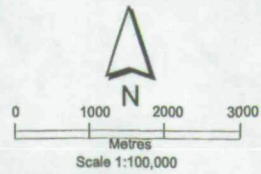


CENTRAL OTAGO DISTRICT



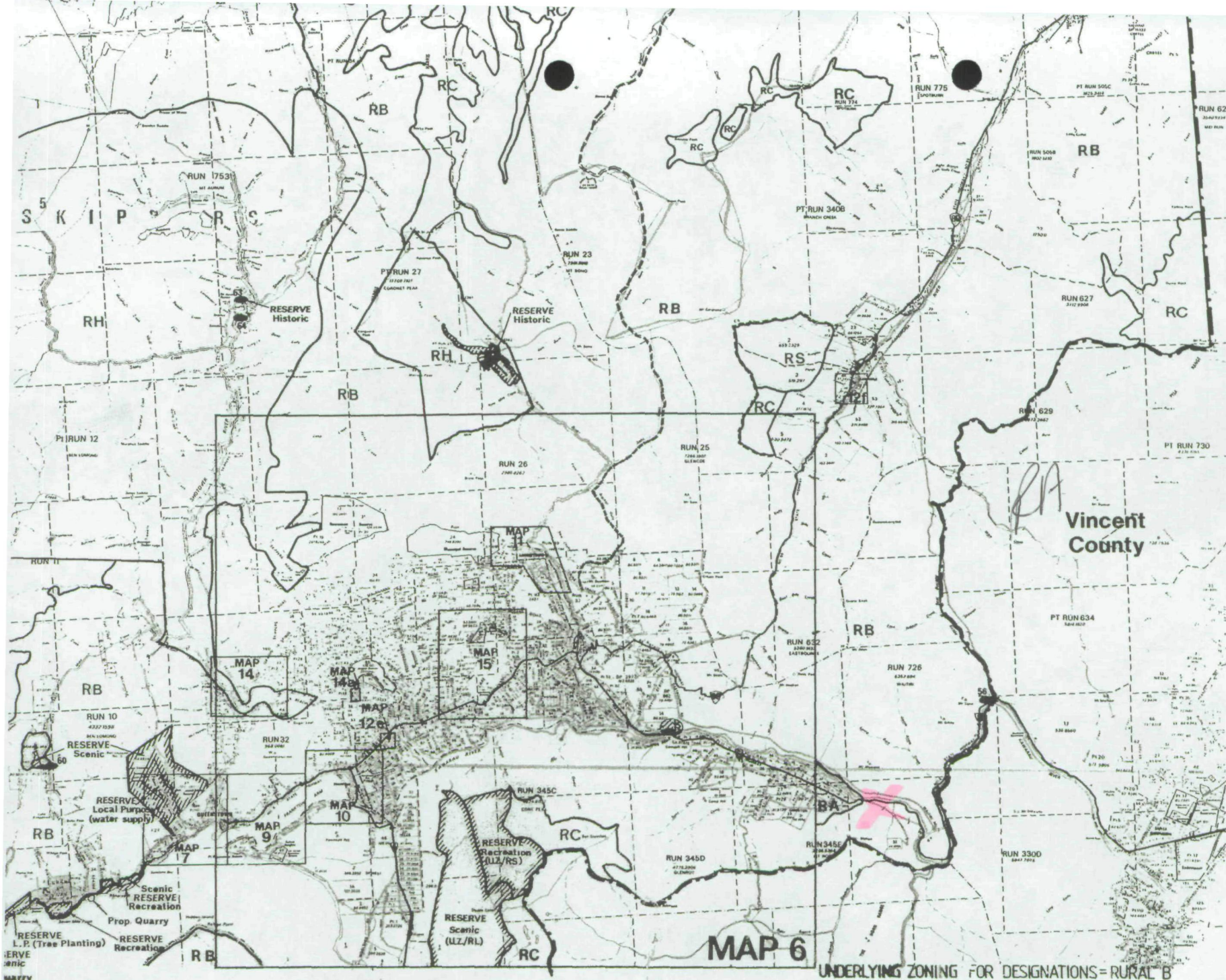
Council

9	10	11
12	13	
14	15	



Gibbston Valley  
Cecil Peak (Inset)  
Wye Creek (Inset)

13



COMMERCIAL 1	CI	COMMERCIAL
COMMERCIAL 2	C2	COMMERCIAL
COMMERCIAL 3	C3	COMMERCIAL

INDUSTRIAL 1	IN1	TOURIST DEVELOPMENT
INDUSTRIAL 2	IN2	TOURIST DEVELOPMENT

**DESIGNATIONS**

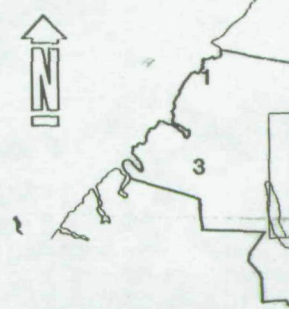
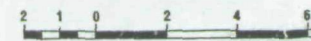
RESERVES	Existing	RES
NATIONAL PARKS	Existing	NAT.PK
PUBLIC WORKS	Existing	●

STATE HIGHWAYS	Existing	—+—+—+—
LIMITED ACCESS ROADS	Existing	—+—+—
ROAD TO BE STOPPED		—+—+—
ROAD TO BE WIDENED		—+—+—

**NOTATIONS**

DISTRICT (County) BOUNDARY.	—+—+—+—	AREAS KEPT FOR DEVELOPMENT IN R4 ZONE
BOROUGH BOUNDARY.	—+—+—	VERANDA FRONTAGE REQUIRED
ZONE BOUNDARY.	—+—+—	SUGGESTED ALIGNMENT
DESIGNATION BOUNDARY.	—+—+—	BUILDING RESTRICTIONS
COMMUNITY USES.	HALL	RESERVE DIVISION
NOTABLE OBJECT OR PLACE.	●	UNDESIGNED
NOTABLE BUILDING.	■	
NOTABLE TREE	↑	

Scale 1 : 300 000



Location Diagram

Map reproduced by permission of the Dept. of

AMENDED: June 1982.

# SHOTOVER

OPERATIVE DATE:

## MAP 6

UNDERLYING ZONING FOR DESIGNATIONS=RURAL B

# Notice of Requirement.



**PLANNING CHECKLIST**

Resource consent  Certificate of Compliance

Site address: SHL - Lewis Bluff Date: 7/10/04

Checking Planner: B McCollan Ok to receipt   
 Further Info required   
 Time taken

Zone: RGN

	Yes	No	N/A
<b>Form details completed and signed</b> (Form 5 or equivalent)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Application Fee</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Certificate of Title (current)</b> (Check for Covenants or Encumbrances - copy to be provided with application)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Assessment of Effects</b> (required by the 4 <sup>th</sup> Schedule) commensurate in detail with the application	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Description of Proposal</b> Explaining the application and specifying the exact matter(s) for which consent is sought and quantifying of degree of non-compliance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Plans (2x scale copies plus 1x A4)</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Scale</b> (Standard scales being 1:50 or 1:100 or 1:200)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Site Plan</b>			
Boundaries/easements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Building outlines	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Contours/floor levels	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Vehicle access/carparking	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Trees/vegetation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site coverage	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Outdoor living space	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Show a clear north point	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Earthworks</b>			
Volume (in m <sup>3</sup> )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Area (in m <sup>2</sup> )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Height of cuts/fill (in m)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site management plan (proposed sediment control measures)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Water supply</b> (if not connecting to main water lines)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Effluent Disposal</b> (If not connecting to Sewage lines)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Elevations</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Certificate by a registered architect/surveyor stating			
That ground levels shown are those at 10 October 1995 (if issue relates to height and it is within 0.5m or above)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Floor Plan</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Landscape Plan</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Photographs</b> (secondhand dwellings/relocatables)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Affected persons Approval</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Form filled out/Plans signed (Clear signatures on the plans, with printed name)			



**QUEENSTOWN  
LAKES DISTRICT  
COUNCIL**

**DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL**

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	NZ Transport Agency
<b>RM reference:</b>	RM090555
<b>Location:</b>	Foot of Mount Mason on the south side of State Highway 6 in the Gibbston Valley
<b>Proposal:</b>	To alter Designation 84 to include 6.45 hectares for Nevis Bluff control works, which includes access and as a future deposition area for cleanfill.
<b>Type of Consent:</b>	Alteration to Designation
<b>Legal Description:</b>	Section 1, SO 400378
<b>Valuation Number:</b>	N/A
<b>Zoning:</b>	Rural General Zone
<b>Activity Status:</b>	N/A
<b>Notification:</b>	Non-notified
<b>Commissioner:</b>	Commissioner Sinclair
<b>Date:</b>	9 September 2009
<b>Decision:</b>	<b>Granted</b>

I refer to your requirement under section 181 of the Resource Management Act 1991 to alter Designation 84 to increase the amount of land included within the Designation, by approximately 6 hectares, at the foot of Mount Mason on the south side of State Highway 6 in the Gibbston Valley. The application was considered under delegated authority pursuant to section 34 of the Resource Management Act 1991 on 8 September 2009. This decision was made and its issue authorised by Jane Sinclair, Independent Commissioner, as delegate for the Council.

The subject site is situated at the foot of Mount Mason, in the Gibbston Valley and is legally described as Section 1, SO 400378.

Under the Partially Operative District Plan the site subject to Designation 84 is designated for State Highway Purposes. The authority responsible for the designation is the NZ Transport Agency (previously Transit New Zealand). The subject site is currently zoned Rural General and is part of a landscape that has been identified as an Outstanding Natural Landscape on the District Planning Maps.

Section 181 of the Resource Management Act 1991 establishes the procedure for altering a designation. Section 181(3) of the Act states:

*"A territorial authority may at any time alter a designation in its district plan if –*

*(a) The alteration –*

*(i) Involves no more than a minor change to the effects on the environment associated with the use of land or any water concerned; or*

*(ii) Involves only minor changes or adjustments to the boundary of the designation; and*

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

*(c) Both the territorial authority and the requiring authority agree with the alteration –*

*And sections 168 to 179 shall not apply to any such change."*

### **Proposal**

The NZ Transport Agency (NZTA) has acquired the land subject to this Alteration through Section 20(1) of the Public Works Act 1981. The purpose of the acquisition was to ensure surety of access to the Nevis Bluff for control works. The NZTA now wishes to alter the boundaries of the Designation, by a minor amount for the purposes of roading, to allow it to more efficiently carry out protection works in order to maintain the safe and efficient operation of the State Highway in the vicinity of Nevis Bluff. The proposed use of the site is to provide access to the Nevis Bluff and as a future deposition area for cleanfill. When it is intended to use the site for cleanfill purposes an Outline Plan will be submitted for approval. At this time conditions may be recommended in relation to the cleanfill. Currently, monitoring and control works are carried out on the Nevis Bluff on both a scheduled basis and occasionally due to emergency dislodgements. The ability to quickly and efficiently organise works from a nearby site and deposit material is necessary for the NZTA to fulfil its statutory obligations. This alteration to the designation will enable a site for the future deposition of cleanfill close to the Nevis Bluff.

The current designation is subject to the conditions listed under A 'Roads,' on pages A1-15 and A1-16 of the Partially Operative District Plan. No changes to the conditions in this part of the District Plan are required as a result of this Alteration.

### **Recommendation**

Pursuant to section 181(3) of the Resource Management Act 1991 the alterations to Designation 84 as outlined below are ACCEPTED.

1. The size of Designation 84 is increased by approximately 6.4510 ha as shown on Site Plan A, stamped as approved on 9 September 2009.
2. The site legal description for Designation 84 in Appendix 1 of the Partially Operative District Plan is amended to include:

Section 1, SO 400378.

### **Reasons for Recommendation**

#### *Landscape Amenity*

The site is triangular in shape and consists of 6.45 ha in area. It is currently covered in scrubby bush with sporadic rock outcrops. Access to the site is obtained from the State Highway and a farm track which is used for the Nevis Bluff control works zigzags up the north face of Mount Mason. This is the only permanent and visible man made feature on the subject site at the moment. No other permanent works are currently proposed. An application for outline plan approval will be applied for prior to the use of the site for a cleanfill. At the moment the likely size of the cleanfill operation is not known. An assessment of effects and conditions relating to landscaping and the operation of the cleanfill can be imposed at the time of outline plan approval.

#### *Ecological Values*

Ecologist Neil Simpson has identified that the subject site contains no vegetation of significance.

#### *Heritage Values*

The applicant has undertaken a review of the NZ Historic Places Trust database, which has no identified archaeological sites within the subject site. The NZ Archaeological Association has also been contacted who have also advised that there are no known sites in the immediate vicinity. The applicant is aware of their obligations under the Historic Places Act if material is found during works on the site.

#### *Traffic*

The applicant has advised that control works for Nevis Bluff usually occur only twice a year, and as such access will remain low volume. Any vehicle movements associated with emergency dislodgments will be minimal. No upgrade is required to the existing access at this stage and if an upgrade is required in the future, it will be subject to the outline plan process. The site is some 120m from Nevis Bluff which will reduce the travel times for heavy vehicles, thus reducing demands on the Highway. As such, it is considered that there will be no adverse effects in terms of traffic movements.

#### *Affected Parties*

The two adjoining landowners (DOC and Antimony Investments Limited) have provided written consent to the proposal. No other parties are considered to be affected by the alteration to the designation.

*Conclusion*

Overall, the adverse effects on the environment of the activity for which consent is sought will be de minimus.

**Other Matters**

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

Please contact the Council when the conditions have been met or if you have any queries with regard to the monitoring of your consent.

If you have any enquiries please contact Charlene Kowalski on phone (03) 450 0367 or email [charlene.kowalski@lakesenv.co.nz](mailto:charlene.kowalski@lakesenv.co.nz).

Prepared by  
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Charlene Kowalski  
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Paula Costello  
**PLANNER**



**Annexure J- Recommended Amendments to the Proposed Plan**

## Recommended Amendments to the Proposed Plan

The Transport Agency seeks the following amendments to the Proposed Plan (further to those changes that are included in the the revised chapter at Appendix 1 of the Officer's Report).

### 1. Amend "37.2 Schedule of Designations" to read:

No.	Map No.	Authority Responsible	Purpose	Site/Legal Description and Conditions
84	2, 3, 5, 8, 11, 13, 15, 16, 17, 18, 21, <u>24</u> , 30, 31, 31a 32, 33, 34, 35, 36, 37, <del>38</del>	New Zealand Transport Agency	State Highway Purposes	As Shown on District Plan Maps. For conditions refer to A below.

### 2. Amend "A.3 Limited Access Roads" to read:

Those sections of State Highway which are declared limited access are:

- (i) *SH No 6 from the junction with SH No 6A to the eastern abutment of the Hayes Creek Bridge.*
- (ii) *SH No 6 835m south of Kent Street to 300m north of Kent Street, Kingston.*
- (iii) *SH No 6A from the junction with State Highway 6 to Cecil Street (unformed - 500m east of Suburb Street).*
- (iv) *SH No 84 from its junction with State Highway No. 6 to its intersection with Ardmore Drive and Brownston Street, Wanaka.*
- (v) *Brady Creek Bridge to Wharf Creek Bridge*
- (vi) *The Neck to Lake Hawea (control dam)*
- (vii) *Hawea to Mount Iron*
- (viii) *Mt Iron to SH8A Intersection*
- (ix) *Intersection SH8A, Luggate to Gravelly Gully*
- (x) *Cemetery Road to Goldfields Mining Centre*
- (xi) *Gentle Annie Bridge (Kawarau Gorge) to Nevis Bluff*
- (xii) *Nevis Bluff to Kawarau River*
- (xiii) *Kawarau River to Lake Hayes*
- (xiv) *Lake Hayes to Shotover River*
- (xv) *Shotover River to Frankton*
- (xvi) *SH 6 Intersection to Wye Creek Bridge*
- (xvii) *Kingston Section*
- (xviii) *Frankton to Queenstown (east)*
- (xix) *Frankton to Queenstown (west)*
- (xx) *SH6 to Wanaka*
- (xxi) *Those sections of the State Highway which are proposed limited access are as follows:*
- (xxii) *SH 6 from Hayes Creek to Swift Burn.*

### 3. Amend "A Roads" to include:

## **A.6 Conditions for Designation #84- Kawarau Falls Bridge**

### General

1. Except as modified by the conditions below, and subject to final design, the Project shall be undertaken in general accordance with the information provided by the requiring authority in the notice of requirement dated 20 July 2012 and supporting documents, being:
  - i) Assessment of Environmental Effects report, dated 3 April 2012 (and re-submitted on 20 September 2012);
  - ii) Geotechnical Assessment SH6 Kawarau Falls Bridge Specimen Design (prepared by Ross Roberts-, SKM, dated August 2012); and
  - iii) SH6 Kawarau Falls Bridge – Design Statement in relation to Road Bridges Urban Design Principles (prepared by Vivian + Espie, dated 27 August 2012).
2. As soon as practicable following completion of construction of the Project, the requiring authority shall:
  - a. Review the width of the area designated for the Project;
  - b. Identify any areas of designated land that are no longer necessary for the ongoing operation, or maintenance of the Project or for ongoing mitigation measures (provided that the final designation width is no less than 16 metres); and
  - c. Give notice to the Council in accordance with Section 182 of the RMA for the removal of those parts of the designation identified in 2(b) above.
3. The requiring authority may request amendments to the management plans required by these conditions by submitting the amendments in writing to QLDC for certification by the Chief Executive Officer or their delegate, prior to any changes taking effect.
4. At the completion of the Project, the requiring authority shall ensure that all plant, equipment, chemicals, fencing, signage, debris, rubbish and other material brought on site is removed from the site. The site shall be tidied to a degree at least equivalent to that prior to the Project commencing.

Advice Note: These conditions apply to construction of the Kawarau Falls Bridge, and will be satisfied once construction is complete. These conditions do not apply to operation or maintenance of the Bridge or adjacent sections of State highway.

### Notification

5. The requiring authority shall notify the QLDC and all immediately adjoining landowners in writing at least five working days prior to the commencement of the Project, and at the completion of the Project.

### Communications Plan

6. 25 working days prior to the commencement of the Project, the requiring authority shall submit a Communication Plan to QLDC for certification by the Chief Executive Officer or their delegate. The Communications Plan shall be based on the draft plan submitted with the notice of requirement application.
7. The requiring authority shall carry out the Project in accordance with the certified Communications Plan.

### Construction Environmental Management Plan

8. Twenty-five (25) working days prior to the Project commencing, the requiring authority shall submit a Construction Environmental Management Plan (CEMP) to the QLDC for certification by the Chief Executive Officer or their delegate. The CEMP shall be based on the draft CEMP provided with the NOR, and include the following:
  - Accidental Discovery Protocol

- Procedures to ensure that any refuelling of machinery within 50 metres of any ephemeral or permanent watercourse is carried out in such a manner so as to prevent the discharge of contaminants
  - The following plans, required by conditions 6, 11, 14, and 21 shall form appendices to the CEMP and be held together with it:
    - Construction Noise and Vibration Management Plan
    - Temporary Traffic Management Plan
    - Urban and Landscape Design Master Plan
    - Communications Plan.
9. The requiring authority shall carry out the Project in accordance with the certified CEMP.
10. All significant earthworks, pile boring and retaining construction shall be supervised by a suitably qualified geotechnical engineer

Advice Note: The NZTA shall ensure that if the CEMP is changed or updated that the most up to date version is provided to the QLDC. The Erosion Sediment and Dust Control Plan and River Users Management Plan may be held together with the CEMP, but will be certified by the Otago Regional Council.

#### Construction Noise and Vibration Plan

11. Twenty-five (25) working days prior to commencing the Project, the requiring authority shall submit a Construction Noise and Vibration Management Plan (CNVMP) to the QLDC for certification by the Chief Executive Officer or their delegate. The CNVMP shall:
- a. be prepared by a suitably qualified and experienced acoustic consultant;
  - b. contain methods to ensure that construction noise and vibration generally comply with the requirements of NZS6803:1999 and DIN 4150-3:1999;
  - c. contain methods which represent the best practicable option; and
  - d. include requirements for monitoring construction noise and vibration.
12. The requiring authority shall engage a suitably qualified engineer to conduct a detailed pre-construction building condition survey of the existing Kawarau Falls Bridge before construction. This survey shall be repeated within 25 working days of construction being complete. The requiring authority shall provide copies of the survey reports to the QLDC within one week of receipt.
13. The requiring authority shall carry out the Project in accordance with the certified CNVMP.

#### Temporary Traffic Management Plan

14. Twenty-five (25) working days prior to commencing the Project, the requiring authority shall submit a temporary traffic management plan (TTMP) to the QLDC for certification by the Chief Executive Officer or their delegate. The TTMP shall include:
- a. Details of traffic management systems for vehicles entering and exiting the site;
  - b. Suitable site warning signage to be in place on the road in both directions from the site entrance;
  - c. Frequency and number of construction traffic movements estimated to and from the site;
  - d. Truck loading/unloading areas and procedures;
  - e. Road remediation once works are complete;
  - f. Management of pedestrian and cycling routes during construction.
15. The requiring authority shall carry out the Project in accordance with the certified TTMP.

#### Dust

16. The requiring authority shall control the discharge of dust created by earthworks, transportation and construction activities in order to minimise dust hazard or nuisance.

#### Control of Hazardous Substances

17. The Requiring Authority shall ensure that:
- a. all hazardous substance storage or re-fuelling areas are bunded or contained in such a manner so as to prevent the discharge of contaminants;
  - b. all machinery is regularly maintained in such a manner so as to minimise the potential for leakage of contaminants;
  - c. no machinery is cleaned or stored within 50 metres of any ephemeral or permanent watercourse; and all contaminants (e.g. fuel, hydraulic oils, lubricants etc) are removed at the end of the construction period.

Utilities on the bridge

18. The requiring authority shall ensure that the bridge design accommodates the following utilities:
- Telecommunications
  - Electricity
  - Water mains
  - Intelligent Transport systems utilities
19. The utilities listed in Condition 18 are to be incorporated into the bridge design in such a way as they are, to the greatest extent practicable, not visible, including from the river and the pedestrian/cycle structure proposed under the bridge.
20. Where works completed in relation to or in association with this project result in changes being made to the existing Council services, or the addition of new services, the requiring authority shall submit to the QLDC GIS department new 'as-built' plans. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads, Water, Wastewater and Stormwater reticulation.

Urban and Landscape Design Master Plan

21. The requiring authority shall submit, prior to lodgement of the Outline Plan of Works, an Urban and Landscape Design Master Plan (ULDMP) to the QLDC for certification by the Chief Executive Officer or their delegate. The ULDMP shall be prepared by a suitably qualified person or persons and shall take into account the following documents or updated versions of same:
- a. NZTA's "Urban Design Policy" (2007)
  - b. NZTA's "Urban Design Principles: Road Bridges" (2009)
  - c. QLDC's "Urban Design Strategy" (2009)
22. The ULDMP shall be consistent with the Landscape Concept Plan as outlined in NOR drawings ZB01194-ECC-DG-0015 (dated 14/02/13) and ZB01194-ECC-DG-0016 (dated 14/02/13, but with the "Recommended Extension" added, which is shown as a solid red line in Appendix 3 to the Commissioners' Recommendation) prepared for NZTA by Sinclair Knight Merz Ltd, and include the following:

Urban Design Panel comments

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

Revegetation and planting

- b. Retention or propagation for replanting of existing native plants where possible;
- c. Retention of poisoned willow roots/stumps below the bank works where possible;
- d. In replanting areas outside of the earthworks areas mature willows shall be retained to provide a nursery for newly planted vegetation. These willows shall be poisoned when vegetation is established and the bank is stable, but dead stumps may remain;
- e. Details of maintenance of the newly planted areas, such maintenance to be for a period of 2 years after completion of planting;

- f. Selection of plant varieties for newly planted areas consistent with the Department of Conservation's "Wakatipu Project Gold" objectives and specifications;
- g. A detailed planting plan identifying the location, density, grade, botanical names, and quantity of all planting;

#### Pedestrian and cycle tracks

- h. The final design and location of pedestrian and cycle tracks shall include step connections indicated on the Landscape Concept Plan as "link via steps" and otherwise meet the intent of the Landscape Concept Plan, including:
  - Earthworks, showing areas of cut and fill, depths of cut and fill and cut batters;
  - Any subsoil drainage system;
  - Ease and convenience of use;
  - Providing a complementary amenity experience to what is provided on nearby sections of track;
  - Adherence, to the extent that is practical, to the following design criteria:
    - The provision of pathways that meet district wide design standards of minimum width (2.5m) and maximum gradient (10%); and
    - Pedestrian and cycling routes that provide direct and safe routes.
- i. The requiring authority shall make reasonable efforts to consult with Queenstown Trails Trust and the QLDC regarding conformity with the Trust's and the QLDC's pedestrian and cycle track standards, and consult with the Otago Regional Council on provision for pedestrians and cyclists both on and in the vicinity of the new bridge, and if this offer is accepted, describe the consultation which occurred, and its outcomes in the ULDMP submitted for certification;

#### Heritage Matters

- j. A detailed landscape design of the area where the new and existing bridges converge on the true left bank of the River. This design shall be prepared in consultation with a heritage consultant approved by the NZHPT, and shall ensure that the connection between the existing bridge and the north bank remains visible;
- k. A detailed design of the pedestrian and cycle structure below the existing bridge and the new bridge. The design of this structure shall be prepared in consultation with a heritage consultant approved by the NZHPT and shall ensure a minimum of impact on the fabric of the existing bridge. Any alteration to the fabric of the bridge is to be undertaken in accordance with recognised heritage principles such as the ICOMOS New Zealand Charter;
- l. Removal of modern traffic facilities from the existing bridge where possible;
- m. Prior to removal of the designation from the existing bridge, the requiring authority is to make such modifications as are necessary to enable the carriageway to be used as a pedestrian and cycle track (suitable for use by both recreational and commuting cyclists). Where this involves modifications to the fabric of the bridge, such work is to be undertaken in accordance with recognised heritage principles such as the ICOMOS New Zealand Charter.
- n. Provision of information panels on the history of the existing bridge and Kawarau Falls area;
- o. Carparking for visitors to the existing bridge, where possible;

#### Bridge Design

- p. Bridge safety barriers which allow views out to the river, river margins and the existing bridge for State highway users, while balancing safety considerations;
- q. Final bridge design (including embankments and retaining walls) using external materials, finishes and colours that assist it to accord with both the natural setting and its relationship with the existing bridge, including giving effect to Condition 19;
- r. Final bridge design which, to the extent practicable, gives effect to Goals 1, 2 and 4 of the Queenstown Lakes District Council Urban Design Strategy;

- s. Details of lighting to be installed on the bridge and its approaches, if any. Any proposed lighting –
- should be an integral design component of the bridge;
  - shall minimise light spill onto the river, onto adjacent land and into the night sky; and
  - must comply with the Queenstown Southern Lights Strategy.

Emergency access

- t. Details of how, at the completion of construction, the requiring authority shall ensure that emergency access for vehicles onto the historic bridge is to be made possible.

23. The requiring authority shall carry out the Project in general accordance with ULDMP. The ULDMP shall be fully implemented within 12 months of the opening of the new State highway bridge.

Archaeology

24. During construction, the requiring authority shall:
- a. Identify the extent of the stacked stone wall to the east of the Northern abutment of the existing bridge before earthworks begin.
  - b. Clear vegetation in the location of proposed earthworks in a way that minimises damage to ground.
  - c. Ensure earthworks areas are examined and recorded by an archaeologist prior to earthworks commencing (with recordings submitted to the NZHPT and NZAA).

Advice Note: If any archaeological sites are to be affected by earthworks an Authority from the NZHPT will be required.

Lapse date

25. The designation shall lapse if not given effect to within 10 years from the date on which it is included in the District Plan under Section 175 of the RMA.

**4. Alter the Proposed Planning maps to show the altered designations as follows:**

Show the full designation footprints, including as altered by the designation alterations in Annexures C-H:

- a. With red and black markings on the smaller scale maps; and
- b. With light blue markings and filled in with dots on the larger scale maps.

**5. The Proposed Plan Maps- “Legend and User Information” is amended to include “State Highways (Designation 84)” as follows:**

 State Highway (Designation 84)

**6. Definition for “State Highway 6 Roundabout Works” is deleted**