

Form 5

Submission on a Publicly Notified Proposal for Policy Statement or Plan

Clause 6 of First Schedule, Resource Management Act 1991

To: **Queenstown Lakes District Council** (“the Council”)

Name of Submitter: **Kopuwai Investments Limited**

Introduction:

1. This is a submission on the proposed **Queenstown Lakes District Plan** (“the Proposed Plan”) notified on 26 August 2015.
2. The submitter could not gain an advantage in trade competition through this submission.
3. The submitter has an interest in the Proposed Plan as a whole, and as such the submission relates to the Proposed Plan in its entirety.
4. The specific provisions of the Proposed Plan that this submission relates to are those referred to in **Annexure A**, including, but not limited to, the provisions in the following chapters:
 - a. Chapter 3: Strategic Direction;
 - b. Chapter 12: Queenstown Town Centre;
 - c. Chapter 36: Noise; and
 - d. Planning Maps.
5. The submitter's property is located at Steamer Wharf in Central Queenstown, as shown on the plan in **Annexure B**.
6. Steamer Wharf is one of Queenstown’s premier tourist destinations, offering a range of hospitality offerings with exceptional views of Earnslaw Park, Queenstown Bay and the wider landscape. 714
7. The Proposed Plan has identified one entertainment precinct overlay in Central Queenstown covering the properties bound by Camp Street, Searle Lane, Shotover Street and part of Rees Street. Ballarart Street (The Mall) is also located within the precinct.

8. The submitter considers that an entertainment precinct is most appropriately located over the Steamer Wharf complex for the reasons outlined in this submission.

Outline of Submission:

9. The submitter **supports** the concept of entertainment precincts within the Queenstown Town Centre and the inclusion of specific policy that supports and facilitates late night bar and restaurant activities as being integral to enhancing and promoting a vibrant town centre.
10. The submitter considers that the Steamer Wharf complex should be designated as an Entertainment Precinct. In addition it considers that the provisions applying to entertainment precincts, and the sale and supply of alcohol in general, need to be strengthened and clarified in a number of respects to ensure the outcomes anticipated are realised and not inadvertently undermined by inconsistent provisions.
11. The establishment of an entertainment precinct at Steamer Wharf will be beneficial in a number of respects. For instance:
 - a. Consolidation of a specific area for certain activities minimises conflict between incompatible activities and can be used to avoid the impact of reverse sensitivity effects;
 - b. Monitoring and enforcement activities undertaken by the Queenstown Lakes District Council ("the Council") and Police will be easier given late night entertainment and hospitality activities will be confined to certain areas;
 - c. Adjoining and proximate premise can pool resources in terms of monitoring off-site activities and behaviours; and
 - d. Migration and any associated nuisance will be reduced.
12. With specific regard to Steamer Wharf as an Entertainment Precinct, the following is of relevance:
 - a. Steamer Wharf is a proven hospitality destination, offering a wide range of hospitality outlets at a premium location in Queenstown Bay.
 - b. At present there are 11 quality bars and restaurants located at Steamer Wharf, with additional retail and office tenancies interspersed. Providing for hospitality activities in the District Plan will provide further support to these businesses and help promote the location as the premier and diverse mix of hospitality in Central Queenstown.
 - c. The submitter was granted resource consent to allow the licenced premises to operate their outdoor areas until 12am each night. This consent is the first consent of its type granted in Queenstown and has provided an excellent case study of how good hospitality operators can function in Queenstown. This consent has had proven results whereby:

- i. No noise complaints have been made as a result of the businesses using their outdoor areas until 12am;
 - ii. The businesses have seen positive results in their trade;
 - iii. The feedback received by patrons has been overwhelming positive and has allowed residents and visitors to appreciate the amenity of Queenstown Bay into the late evenings.
 - d. A central management structure between the licenced premises is already in place to help coordinate hospitality at Steamer Wharf.
 - e. Steamer Wharf has been used successfully for a large number of public events, such as Winter Games, and is a proven facility for future events.
 - f. An alcohol accord is in place for the licenced premises that not only helps in managing the effects of the sale and supply of alcohol, but focusses on controlling amenity impacts to the wider area.
 - g. There are a very limited number of sensitive receivers in the immediate locality of the complex and a very low likelihood that any would be able to establish within the complex itself, making it very unique to other areas of Queenstown that are under multiple ownership. This strongly accords with Policy 12.2.3.4 (d) which seeks to discourage new residential and visitor accommodation activity.
13. In particular, the intent of policies 12.2.1.3, 12.2.1.4, 12.2.3.1, 12.2.3.1, 12.2.3.3 and 12.2.3.4 is **supported**.
14. A number of amendments to the Proposed Plan are required to reflect the above requirements, including the rules to allow for outdoor dining and drinking at Steamer Warf as a permitted activity until 1am.

Reasons for the submission:

15. Identifying the Steamer Wharf complex within an entertainment precinct as requested will:
- a. Promote the sustainable management of natural and physical resources, will be consistent with Part 2 of the Resource Management Act 1991 ("RMA") and ultimately achieve its purpose;
 - b. Enable the social, economic and cultural well-being of the community;
 - c. Meet the reasonably foreseeable needs of future generations; and
 - d. Represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.
16. The relief sought by the submitter will result in an outcome that aligns with the purpose of the RMA, along with implementing the relevant objectives and policies of the Proposed Plan.

Relief sought:

- 17. The submitter seeks the following:
 - a. The relief sought as outlined in **Annexure B**;
 - b. Any other additional or consequential relief to the Proposed Plan, including but not limited to, the maps, issues, objectives, policies, rules, discretions, assessment criteria and explanations that will fully give effect to the matters raised in the submission.

- 18. If conflict arises between the entertainment precinct in the Proposed Plan, or any other areas requested by other submitter's, that the Steamer Wharf Entertainment Precinct is given primacy over the others on the basis of it being the most appropriately located site.

- 19. The suggested revisions do not limit the generality of the reasons for the submission.

- 20. The submitter wishes to be heard in support of its submission.

- 21. If others make similar submissions, the submitter will consider presenting a joint case at any hearing.



Brett Giddens
(Signed on behalf of Kopuwai Investments Limited)

23-10-15

Date

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Annexure A: General Provisions

Point #	Provision	Support, Oppose, Amend	Submission	Decision Sought (strike out , <u>bold and underlined</u>)
Chapter 12: Queenstown Town Centre				
1	12.1 Zone Purpose	Amend	The Zone purpose refers to the “entertainment precinct” in the Queenstown Town Centre. This should be made plural to accommodate the Steamer Wharf Entertainment Precinct.	...Development within the Special Character Area of the Town Centre Zone (shown on Planning Maps) is required to be consistent with the Queenstown Town Centre Design Guidelines 2015, reflecting the specific character and design attributes of development in this part of the Town Centre. The Entertainment Precincts (also shown on Planning Maps) has <u>have</u> permitted noise thresholds that are higher than other parts of the Town Centre in order to encourage those noisier operations to locate in the most central part of town, where it will have least effect on residential zones.
2	Policy 12.2.1.3	Support	<p>Policy 12.2.1.3 recognises “<i>the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre by enabling restaurant and bar activities to occur without unduly restrictive noise controls</i>”.</p> <p>The recognition of the benefits that bars and restaurants have, in particular to the night-time economy and vibrancy of the Town Centre is important to the sustainable development of the district.</p>	Retain

3	Policy 12.2.1.4	Support	<p>Policy 12.2.1.4 enables “<i>residential activities and visitor accommodation activities while acknowledging that there will be a lower level of residential amenity due to the mix of activities and late night nature of the town centre</i>”.</p> <p>With any town centre environment, conflicts can arise and it is important that protection for bars and restaurants, specifically late night activity, to be afforded protection by way of an acknowledgement that town centre living should not be afforded the same level of residential amenity as areas outside of the town centre.</p>	Retain
4	Objective 12.2.3	Amend	<p>Objective 12.2.3 refers to an increasingly vibrant Town Centre that continues to prosper while maintaining a reasonable level of residential amenity within and beyond the Town Centre Zone.</p> <p>The increased vibrancy of the Town Centre will create positive outcomes for the district, including its residents and visitors.</p> <p>A “reasonable level” of amenity needs to be considered in light of policy 12.2.1.4 and a footnote to this objective would help clarify that.</p>	<p>Add foot note reference to Objective 12.2.3</p> <p><u>What is a “reasonable level” of amenity needs to be considered in light of policy 12.2.1.4</u></p>
5	Policy 12.2.3.1	Support and Amend	<p>Insulation is not the only method to protect from noise and it is considered that the phrase “self-protect” should be added to this policy to make people aware that a range of options should be considered and not just insulation.</p>	<p>Require activities within the Town Centre Zone to comply with noise limits, and sensitive uses within the Town Centre to insulate <u>and self-protect</u> for noise in order to mitigate the adverse effects of noise within and adjacent to the Town Centre Zone.</p>

6	Policy 12.2.3.3	Support and Amend	<p>Night time activity is an important element of the Town Centre and should be recognised and provided for within the policy.</p> <p>This policy needs to be clarified to provide for Steamer Wharf as an Entertainment Precinct and to clarify that it is the residential zones adjacent to the town centre (not the entertainment precincts) that are to be protected under this policy.</p> <p>Sub-section (c) requires clarification as it is the nature and scale of the <i>effects</i> that are important, not necessarily the nature and scale of the <i>activity</i> as there are measures that can be adopted to mitigate most effects.</p>	<p>Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre and specifically provide for those activities, while mitigating effects on residential amenity by:</p> <p>(a) Enabling night time dining and socialising, both indoors and outdoors, to varying degrees throughout the Town Centre;</p> <p>(b) Providing for noisier night time activity within the entertainment precincts in order to minimise effects on adjacent residential zones adjacent to the Town Centre; and</p> <p>(c) Ensuring that the nature and scale of licensed premises located in the Town Centre Transition subzone result in effects that are compatible with adjoining residential zones.</p>
7	Policy 12.2.3.4	Support and Amend	<p>Acknowledging the impacts on amenity arising from a vibrant Town Centre is important. As above, insulation is not the only way to protect from noise and the policy has been amended to reflect the ability to “self-protect” in general.</p>	<p>Enable residential and visitor accommodation activities within the Town Centre while:</p> <p>(a) Acknowledging that the level of amenity will be lower than in residential zones due to the density, mixed use, and late night nature of the Town Centre and requiring that such sensitive uses are insulated and self-protected from noise;</p> <p>(b) Discouraging residential uses at ground level in those areas where active frontages are particularly important to the vibrancy of the Town Centre;</p> <p>(c) Avoiding, or, where this is not possible, mitigating adverse traffic effects from visitor accommodation through encouraging operators to provide guests with alternatives to private car travel,</p>

				<p>discouraging the provision of onsite car parking, and through the careful location and design of any onsite parking and loading areas; and</p> <p>(d) Discouraging new residential and visitor accommodation uses within the Entertainment Precincts.</p> <p>The Steamer Wharf Entertainment Area will best achieve Policy 12.2.3.4 (d) as there will not be any residential activity within the complex. In this regard, the proposed Entertainment Precinct is more superior and will minimise future conflict better than the area proposed.</p>
8	New Policy 12.2.5.6	New	A new policy should be inserted to further encourage the establishment of, and investment in, activities in and around the Steamer Wharf complex, recognising the benefit that development in this area has on the Queenstown Bay land-water interface.	<u>Encourage the day time and night time use of outdoor areas for use by bars and restaurants in and around the Steamer Wharf Complex with appropriate seating, tables and/or planting to enhance the vibrancy and visual amenity.</u>
9	New Policy 12.2.5.7	New	The business zone contains a useful policy to assist with self-protecting from potential noise effects. This policy has been replicated.	<u>Ensure that residential development and visitor accommodation provide acoustic insulation over and above the minimum requirements of the Building Code to avoid reverse sensitivity.</u>
10	New Rule 12.4.17	New	A new rule should be added to specifically relate to the entertainment precinct at Steamer Wharf to enable greater uses of outdoor areas and to provide for hospitality activity.	<u>Licensed Premises with Entertainment Precinct at Steamer Wharf</u> <u>12.4.4.17 Premises within the Steamer Wharf Entertainment Precinct licensed for the consumption of liquor on the premises between the hours of 1am and 8am, provided that this rule shall not apply to the sale of liquor to any person who is residing (permanently or temporarily) on the premises.</u>

				<p><u>Discretion is restricted to consideration all of the following:</u></p> <ul style="list-style-type: none"> <u>• The scale of the activity;</u> <u>• Effects on amenity of adjoining residential zones;</u> <u>• The provision of screening and/ or buffer areas between the site and adjoining residential zones; and</u> <u>• Potential noise impacts, and hours of operation.</u>
11	Rule 12.4.4	Amend	<p>There are no car parking requirements in the Town Centre Zone and therefore bar and restaurant owners/operators are unable to influence parking and traffic. This matter of discretion is unnecessary for the Town Centre.</p> <p>Reference to “noise issues” as a matter of discretion could be misconstrued. This should be more appropriately amended to “potential noise impacts”.</p> <p>Rule 12.4.4.2 notes matters of discretion in the body of the rule while matters of discretion are also listed below the rule. Reference in the body of the rule should be deleted to avoid duplication and potential confusion.</p> <p>The hours should be amended to reflect the hours of 11pm and 8am within the transition sub-zone, which aligns with the status quo.</p>	<p>Licensed Premises 12.4.4.1 Other than in the Town Centre Transition subzone <u>Entertainment Precinct at Steamer Wharf</u>, premises licensed for the consumption of liquor on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <p>a. To any person who is residing (permanently or temporarily) on the premises; and/or</p> <p>b. To any person who is present on the premises for the purpose of <u>drinking and</u> dining up until 12am.</p> <p>12.4.4.2 Premises within the Town Centre Transition sub-zone licensed for the consumption of liquor on the premises between the hours of 6pm 11pm and 11pm with respect to the scale of this activity, car parking, retention of amenity, noise and hours of operation, provided that this rule shall not apply to the sale of liquor:</p> <p>a. To any person who is residing (permanently or temporarily) on the premises; and/or</p>

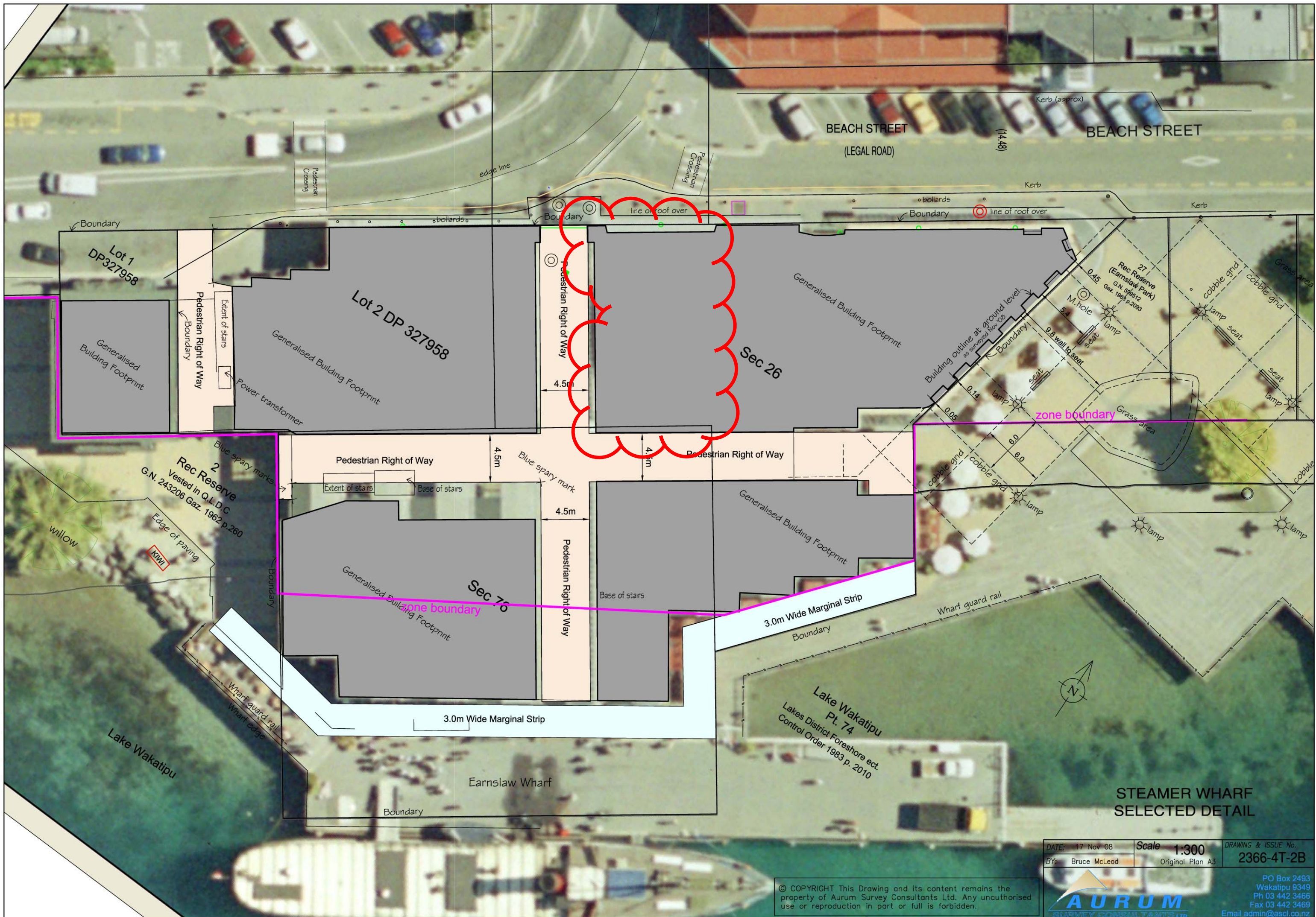
			Consideration should be given to a specific rule relating the entertainment precinct.	<p>b. To any person who is present on the premises for the purpose of dining up until 12am.</p> <p>*In relation to both 12.4.4.1 and 12.4.4.2 above, discretion is restricted to consideration all of the following:</p> <ul style="list-style-type: none"> • The scale of the activity; • Car parking and traffic generation; • Effects on amenity (including that of adjoining residential zones and public reserves); • The provision of screening and/ or buffer areas between the site and adjoining residential zones; • The configuration of activities within the building and site (e.g. outdoor seating, entrances); • <u>Potential</u> noise issues <u>effects</u>, and hours of operation; and • Consideration of any alcohol policy or bylaw
12	Rule 12.4.5	Oppose	Delete this rule as it is covered in Rule 12.4.4.1	<p>Licensed Premises within the Town Centre Transition subzone</p> <p>Premises within the Town Centre Transition sub-zone licensed for the consumption of liquor on the premises between the hours of 11 pm and 8 am.</p> <p>This rule shall not apply to the sale of liquor:</p> <p>a. To any person who is residing (permanently or temporarily) on the premises; and/or</p> <p>b. To any person who is present on the premises for the purpose of dining up until 12 am.</p>
13	Rule 12.5.11	Amend	Provision needs to be made for increased noise levels within the Steamer Wharf Entertainment Precinct and also to exclude	<p>Noise</p> <p>12.5.11.1 Sound from activities in the Town Centre Zone and Town Centre Transition Sub-</p>

			<p>the measurement for compliance being other sites within the precinct.</p>	<p>zone (excluding sound from the sources specified in rules 12.5.11.3 to 12.5.11.5 below) shall not exceed the following noise limits at any point within any other site in these zones:</p> <ul style="list-style-type: none"> a. Daytime (0800 to 2200hrs) 60 dB LAeq(15 min) b. Night-time (2200 to 0800hrs) 50 dB LAeq(15 min) c. Night-time (2200 to 0800hrs) 75 dB LAFmax <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</p> <p>12.5.11.2 Sound from activities in the Town Centre Zone and Town Centre Transition Sub-zone (excluding sound from the sources specified in rules 12.5.11.3 and 12.5.11.4 below) which is received in another zone shall comply with the noise limits set for the zone the sound is received in.</p> <p>12.5.11.3 Within the Town Centre Zone only, sound* from music shall not exceed the following limits:</p> <ul style="list-style-type: none"> a. 60 dB LAeq(5 min) at any point within any other site in the Entertainment Precinct; and b. 55 dB LAeq(5 min) at any point within any other site outside the Entertainment Precinct. <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, and excluding any special audible</p>
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				<p>characteristics and duration adjustments.</p> <p>12.5.11.4 Within the Town Centre Zone only, sound* from voices shall not exceed the following limits:</p> <p>a. 65 dB LAeq(15 min) at any point within any other site in the Entertainment Precinct; and b. 60 dB LAeq(15 min) at any point within any other site outside the Entertainment Precinct. *measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008.</p> <p>12.5.11.5 Within the Town Centre Zone only, sound* from any loudspeaker outside a building shall not exceed 75 dB LAeq(5 min) measured at 0.6 metres from the loudspeaker. * measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, excluding any special audible characteristics and duration adjustments.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> • The noise limits in 12.5.11.1 and 12.5.11.2 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999. • The noise limits in 12.5.11.1 to 12.5.11.5 shall not apply to outdoor public events pursuant to Chapter 35 of the District Plan. • <u>Noise from within the Steamer Wharf Entertainment Precinct that is measured at sites within the precinct.</u>
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14	Rule 12.5.13		This rule needs to be updated to include the Steamer Wharf Entertainment Precinct.	Acoustic insulation within the Entertainment Precincts 12.5.13.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 6 in Chapter 36. 12.5.13.2 All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB Rw+Ctr determined in accordance with ISO 10140 and ISO 717-1.
15	12.6 Non-notification of applications	New	As has been shown by the approval of resource consent, hospitality activity at Steamer Wharf can be undertaken without significant effects on the surrounding environment. A clause directing non-notification would increase certainty.	12.6.2 The following Restricted Discretionary activities shall not require the written consent of other persons and shall not be notified or limited notified: 12.6.2.1 Buildings. 12.6.2.2 Building coverage in the Town Centre Transition subzone and comprehensive development of sites 1800m ² or greater. 12.6.2.3 Waste and recycling storage space. <u>12.6.2.4 Licenced premises, and the sale and supply of alcohol within the Steamer Wharf Entertainment Precinct.</u>
Chapter 36: Noise				
16	36.1 Zone Purpose	Amend	The distinction between the noise chapter and noise associated with Town Centres is important to avoid confusion and unnecessary assessment. This clarification in the zone purpose is supported, however further clarification should be added to make it clear that the objectives and policies for this chapter do not apply to activities undertaken within the Town Centre.	...Noise in relation to town centres is not addressed in this chapter, but rather in the Town Centres chapters. This is due to the town centre-specific complexities on noise in those zones, and its fundamental nature as an issue that inter-relates with all other issues in those zones. <u>Therefore, the objectives, policies and rules in this chapter do not require consideration in relation to activities undertaken within the Town Centre.</u>

Planning Maps				
17	Proposed District Plan Map 36 – Queenstown Central	Amend	To help give effect to this submission, the Steamer Wharf complex requires an Entertainment Precinct overlay reflected on the planning maps.	Identify the Steamer Wharf area as an Amended Planning Map 36



BEACH STREET
(LEGAL ROAD)

BEACH STREET

Lot 1
DP327958

Lot 2 DP 327958

Sec 26

Sec 76

STEAMER WHARF
SELECTED DETAIL

DATE: 17 Nov 08	Scale 1:300	DRAWING & ISSUE No.
BY: Bruce McLeod	Original Plan A3	2366-4T-2B

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