

**BEFORE THE HEARINGS PANEL  
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of Stage 3 of the Proposed  
District Plan

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**REBUTTAL EVIDENCE OF CHRISTINE MELISSA EDGLEY  
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**PLANNING: VARIATION TO OPEN SPACE AND RECREATION: CHAPTERS 29, 36  
AND 38 AND PLANNING MAPS 35 AND 36**

**19 June 2020**

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 **Simpson Grierson**  
Barristers & Solicitors

S J Scott / R Mortiaux  
Telephone: +64-3-968 4018  
Facsimile: +64-3-379 5023  
Email: sarah.scott@simpsongrierson.com  
PO Box 874  
SOLICITORS  
CHRISTCHURCH 8140

## CONTENTS

|  | PAGE |
|--|------|
| 1. INTRODUCTION .....  | 1    |
| 2. SCOPE.....  | 1    |
| 3. MR WILLIAMS FOR QUEENSOWN WHARVES (GP) LIMITED (3319) ..... | 1    |

## 1. INTRODUCTION

1.1 My full name is Christine Melissa Edgley. My qualifications and experience are set out in my statement of evidence in chief dated 18 March 2020.

1.2 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise except where I state that I am relying on the evidence of another person.

## 2. SCOPE

2.1 My rebuttal evidence is provided in response to the following evidence filed on behalf of various submitters:

(a) Mr Williams for Queenstown Wharves (GP) Limited (**3319**).

2.2 I also confirm that I have read the following statements of evidence and consider that no response is needed:

(a) Mr Farrell for Wayfare Limited (**31022**).

2.3 My evidence has the following attachments:

(a) **Appendix A:** Recommended amendments to the variation provisions.

## 3. MR WILLIAMS FOR QUEENSOWN WHARVES (GP) LIMITED (3319)

### Commercial Outdoor Dining

3.1 Mr Williams has filed evidence in relation to the notified provisions relating to commercial outdoor dining in the Civic Spaces Zone. At

paragraphs 7.4 and 7.5 of his evidence, Mr Williams is unclear on the relationship between the Council's Table and Chairs in Public Space Policy 2006 and the notified PDP provisions. He understands outdoor dining to require approval under the policy and is concerned about the potential for duplication of process.

**3.2** At page 17, the Policy identifies that where table and chairs are sought to be located on reserve land (as opposed to legal road), the public process under the Reserves Act 1977 (for consideration of commercial use of reserves) must be followed. The relationship between the Reserves Act 1977 processes and the Resource Management Act 1991 processes were canvassed in Stage 2 of the District Plan review when the Open Space zones were introduced. The reasoning for a complementary PDP zoning approach to the Reserves Act 1977 was set out in Council evidence for Stream 15 and ultimately accepted by the Independent Hearings Panel.

**3.3** The section 42A recommended that provisions regarding outdoor dining aim to continue the complementary approach by acknowledging that commercial outdoor dining on reserve land may be appropriate in some locations, where it does not adversely impact the use of the reserve by the public.

## **Noise**

**3.4** Mr Williams has also filed evidence in relation to the noise limits applicable to Civic Spaces Zone where it adjoins a Town Centre Zone. Mr Williams states at paragraphs 7.6 and 7.7 that he supports the noise rules which apply to the Town Centre Zone, applying to the Civic Spaces Zone that adjoins it. He further states that *"the section 42A report has recommended changes to better recognise those areas that adjoin the Queenstown Town Centre"* but that the changes *"do not appear to exactly replicate the noise rules in Chapter 12"*. He recommends that these rules are directly referred to.

**3.5** I would clarify that I did not recommend any changes to the notified variation to the noise rules. Rather, I recommended amending the

zoning of land subject to QWL's submission, which had the effect of incorporating it within the land affected by the variation.

- 3.6** I do not agree with Mr Williams' recommendation for direct reference to the noise rules in Chapter 12 as an appropriate method for consistency in assessing noise in the Civic Space Zone. The noise rules in Chapter 12 are applicable to the Queenstown Town Centre Zone only, whereas the variation affects Civic Spaces Zone land adjoining the Queenstown Town Centre Zone, Wanaka Town Centre Zone (Chapter 13) and Arrowtown Town Centre Zone (Chapter 14).
- 3.7** The notified wording of these provisions reflects the general daytime and night-time noise limits of Chapters 12-14 but does not include the night-time  $L_{AF}$  maximum or the specific noise limits for voices or music. As the night-time  $L_{AF}$  maximum is consistent across all the Town Centre Zone chapters, I recommend including this limit for the adjoining Civic Spaces Zone for consistency and compatibility with the adjoining zones. In Appendix B I amend my recommendation on this submission point (3319.14) to accept in part.
- 3.8** The Queenstown and Wanaka Town Centre Zones include specific standards for music and noise. Without separate limits for these in the Civic Spaces Zone, noise sources will fall under the general limits in Rule 36.5.3. In my opinion this will achieve the appropriate balance between supporting the vibrancy of the Town Centre Zones while protecting reserve land for use by the public.

## **Rezoning**

- 3.9** Mr Williams has also filed evidence in relation to the rezoning of the land adjacent to St Omer and O'Regan's Wharves. Mr Williams clarifies at paragraph 6.2 that he considers the Queenstown Town Centre Zone, with a Queenstown Bay Waterfront Subzone overlay, to be the most appropriate zoning for this land.<sup>1</sup> He considers this to be the most effective and efficient method for achieving integrated

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<sup>1</sup> Submission point 3319.2 seeks the retention of the Queenstown Bay Waterfront Subzone and the "deletion" of the Informal Recreation Zone but did not explicitly state that it sought a rezoning to Queenstown Town Centre Zone.

management of Queenstown Bay, and that the methods proposed by the variation will cause confusion for plan users.

- 3.10** A rezoning to Queenstown Town Centre Zone for this land, with the retention of the Queenstown Bay Waterfront Subzone overlay, would undermine the purpose and intent of Chapter 38 in providing a targeted zoning framework for Council-administrated reserves that better complements the anticipated use of reserve land. I therefore do not support a rezoning to the Queenstown Town Centre Zone.



**Christine Edgley**

**19 June 2020**

## Open Space & Recreation Zone- Variations to Chapters

### Variation to the Proposed District Plan

Underlined text for additions and ~~strike through~~ text for deletions Variation to Proposed District Plan

Red underlined text for additions and ~~red strike through~~ text for deletions as recommended in the S42A Report dated 18 March 2020.

Green underlined text for additions as recommended in the Rebuttal dated 19 June 2020.

### Variation to Chapter 38 Open Space and Recreation Zones

#### 38.9 Rules – Activities

**Table 38.1: Activities Open Space and Recreation Zones**

| Rule    | Activities  | Nature Conservation Zone | Informal Recreation Zone | Active Sports/ Recreation Zone | Civic Spaces Zone | CPZ | CPZ (Golf) | CPZ (Camping Ground) | CPZ (Cemeteries) |
|---------|---|--------------------------|--------------------------|--------------------------------|-------------------|-----|------------|----------------------|------------------|
| 38.9.16 | Restaurants and cafes that are accessory to a permitted activity and are located further than 50m from a Residential Zone including buildings.<br><br><u>This Rule does not apply to buildings that are located on jetties that extend into the Queenstown Bay Waterfront Sub-Zone. These buildings are subject to Rule 12.4.8.2.</u> | NC                       | C                        | C                              | C                 | C   | C          | C                    | NC               |
| 38.9.17 | Restaurants and cafes that are accessory to a permitted activity and are located within 50m of a  | NC                       | RD                       | RD                             | RD                | RD  | RD         | RD                   | NC               |

| Rule           | Activities  | Nature Conservation Zone | Informal Recreation Zone | Active Sports/ Recreation Zone | Civic Spaces Zone | CPZ | CPZ (Golf) | CPZ (Camping Ground) | CPZ (Cemeteries) |
|----------------|---|--------------------------|--------------------------|--------------------------------|-------------------|-----|------------|----------------------|------------------|
|                | Residential Zone including buildings.<br><br><u>This Rule does not apply to buildings that are located on jetties that extend into the Queenstown Bay Waterfront Sub-Zone. These buildings are subject to Rule 12.4.8.2.</u>  |                          |                          |                                |                   |     |            |                      |                  |
| <b>38.9.20</b> | <u>Commercial outdoor dining on land that adjoins the Active Frontage Area of the Queenstown Bay Waterfront Sub-Zone (Rule 38.10.14)</u> and is not provided for elsewhere in this table.   | NA                       | <del>RD</del> NA         | NA                             | RD                | NA  | NA         | NA                   | NA               |
| <b>38.9.20</b> | Commercial Recreation Activities and buildings associated with Commercial Recreation Activities.<br><br><u>This Rule does not apply to buildings that are located on jetties that extend into the Queenstown Bay Waterfront Sub-Zone. These buildings are subject to Rule 12.4.8.2.</u> | D                        | D                        | D                              | RD                | RD  | RD         | RD                   | NC               |
| <b>38.9.21</b> | Commercial Activities and buildings associated with, and located on the same site as recreation activities.   | D                        | D                        | D                              | RD                | RD  | RD         | RD                   | NC               |

**Commented [CE2]:** 3319 (QWL): Consequential as a result of rezoning

**Commented [CE1]:** Clause 16



| Rule           | Activities  | Nature Conservation Zone | Informal Recreation Zone | Active Sports/ Recreation Zone | Civic Spaces Zone | CPZ | CPZ (Golf) | CPZ (Camping Ground) | CPZ (Cemeteries) |
|----------------|---|--------------------------|--------------------------|--------------------------------|-------------------|-----|------------|----------------------|------------------|
|                | <u>This Rule does not apply to buildings that are located on jetties that extend into the Queenstown Bay Waterfront Sub-Zone. These buildings are subject to Rule 12.4.8.2.</u>                       |                          |                          |                                |                   |     |            |                      |                  |
| <b>38.9.36</b> | Boat Ramps, Jetties and Marinas.<br><br><u>This Rule does not apply to jetties that extend into the Queenstown Bay Waterfront Sub-Zone. These jetties are subject to Rules 12.4.7.1 and 12.4.8.1.</u> | D                        | D                        | D                              | D                 | D   | D          | D                    | NC               |

*And subsequent renumbering of existing rules in table 38.1 and cross referencing in other chapters.*

**38.10 Rules - Standards for Open Space and Recreation Zones**

|          | Table 38.2: Standards for Activities in the Open Space and Recreation Zones  | Non-compliance Status   |
|----------|--|---|
| 38.10.13 | <p><b><u>Commercial outdoor dining located on the Civic Spaces Zone and Informal Recreation Zone that adjoin Active Frontage Area of the Queenstown Bay Waterfront Subzone</u></b></p> <p><u>Outdoor dining shall immediately adjoin the restaurant or café that it is associated with and shall not extend into the Civic Spaces Zone or Informal Recreation Zone by more than 5 m from the Queenstown Town Centre Zone boundary or beyond the side boundaries of the restaurant or café.</u></p> | <p><del>NC RD</del></p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>Effects on the amenity of the reserve,</u><br/> b. <u>Public access to, and use of the open space; and</u><br/> c. <u>Cumulative effects.</u></p> |

**Commented [CE4]:** 30016 (KIL)

**Commented [CE3]:** 3319 (QWL): Consequential as a result of rezoning

**38.13 Matters of control for Controlled Activities identified in Table 38.1**

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application.

|         | Table 38.4: Matters of Control for Activities in the Open Space and Recreation Zones  |
|---------|---|
| 38.13.1 | <p><b>Rule 38.9.16: Restaurants and cafes that are accessory to a permitted activity and are located further than 50m from a Residential Zone in the Civic Spaces Zone, Informal Recreation Zone, Active Sports and Recreation Zone, CPZ, CPZ (Golf), CPZ (Camping Ground):</b></p> <p>a. Scale and intensity of the activity on recreation use and amenity values;</p> <p>b. Public access to, and use of the open space;</p> <p>c. Traffic generation, access and parking; <del>and</del></p> <p>d. Infrastructure and servicing, including the provision of storage and loading/service areas; <del>and</del></p> <p>e. <u>In the Civic Spaces Zone that adjoins the Arrowtown, Wanaka, and Queenstown Town Centre Zones, and in that part of the Community Purposes Zone within 70 m of the Queenstown Bay Waterfront Sub-Zone:</u></p> <p>i. <u>external appearance of buildings,</u> including materials and colours <u>and associated landscaping;</u></p> <p>ii. <u>lighting;</u></p> <p>iii. <u>the contribution the building makes to the safety of the Town Centre through adherence to CPTED principles; and</u></p> <p>iv. <u>natural hazards.</u></p> |

**Commented [CE5]:** Clause 16

**38.14 Matters of discretion for Restricted Discretionary Activities identified in Table 38.1**

The Council will restrict its discretion over the following matters when assessing a restricted discretionary activity resource consent application.

| Table 38.5: Matters of Discretion for Activities in the Open Space and Recreation Zones |   |
|---|---|
| 38.14<br>.1   | <p><b>Rule 38.9.17: Restaurants and cafes that are accessory to a permitted activity and are located within 50m of a Residential Zone in the Civic Spaces Zone, Informal Recreation Zone, Active Sports and Recreation Zone, CPZ, CPZ (Golf), CPZ (Camping Grounds):</b></p> <ul style="list-style-type: none"> <li>a. Intensity and scale of the activity on recreation use and amenity values;</li> <li>b. Public access to, and use of, the open space;</li> <li>c. Location, in particular distance from adjoining properties;</li> <li>d. Traffic generation, access and parking;</li> <li>e. Noise; <del>and</del></li> <li>f. Infrastructure and servicing, including the provision of storage and loading/service areas; <u>and</u></li> <li>g. <u>In the Informal Recreation Zone that adjoins the Queenstown Bay Waterfront Subzone, and in the Civic Spaces Zone that adjoins the Arrowtown Town Centre Zone:</u> <ul style="list-style-type: none"> <li>i. <u>external appearance of buildings, including materials and colours and associated landscaping;</u></li> <li>ii. <u>lighting;</u></li> <li>iii. <u>the contribution the building makes to the safety of the Town Centre through adherence to CPTED principles; and</u></li> <li>iv. <u>natural hazards</u></li> </ul> </li> </ul> |
| 38.14<br>.2   | <p><b>Rules 38.9.20 and 38.9.21: Commercial recreation activity including commercial activities associated with and located on the same site as recreation activities, including buildings in the Civic Spaces Zone, CPZ, CPZ (Golf), CPZ (Camping Grounds):</b></p> <ul style="list-style-type: none"> <li>a. Intensity and scale of the activity on recreation use and amenity values;</li> <li>b. Public access to, and use of the open space;</li> <li>c. Other occupiers or users of the site or adjoining sites;</li> <li>d. Traffic generation, access and parking; <u>and</u></li> <li>e. <u>In the Civic Spaces Zone that adjoins the Arrowtown, Wanaka, and Queenstown Town Centre Zones, and in those parts of the Informal Recreation and Community Purposes Zones that are within 70 m of the Queenstown Bay Waterfront Sub-Zone:</u> <ul style="list-style-type: none"> <li>i. <u>external appearance of buildings, including materials and colours and associated landscaping;</u></li> <li>ii. <u>lighting</u></li> <li>iii. <u>the contribution the building makes to the safety of the Town Centre through adherence to CPTED principles; and</u></li> <li>iv. <u>natural hazards</u></li> </ul> </li> </ul>  |

**Commented [CE6]:** 3319 (QWL): Consequential as a result of rezoning

**Commented [CE7]:** Clause 16

**Commented [CE8]:** Subsequent renumbering required (Clause 16)

| Table 38.5: Matters of Discretion for Activities in the Open Space and Recreation Zones |  |
|---|--|
| 38.14<br>.5   | <p><b>Rule 38.9.19b20: Commercial outdoor dining on the Civic Spaces Zone and Informal Recreation Zone, where the Zone adjoins the Active Frontage Area of the Queenstown Bay Waterfront Sub-Zone:</b></p> <ul style="list-style-type: none"> <li>a. <u>the scale of the activity;</u></li> <li>b. <u>effects on the amenity of the reserve, including pedestrian access to and through it</u></li> <li>c. <u>lighting;</u></li> <li>d. <u>effects on the safety of the reserve through designing the outdoor space in accordance with CPTED principles;</u></li> <li>e. <u>noise issues;</u></li> <li>f. <u>hours of operation; and</u></li> <li>g. <u>cumulative effects.</u></li> </ul> |

Commented [CE9]: Clause 16

Commented [CE10]: 3319 (QWL): Consequential as a result of rezoning

#### VARIATION TO CHAPTER 36 – NOISE

|        |   |                           |                |                                     |    |
|--------|---|---------------------------|----------------|-------------------------------------|----|
| 36.5.2 | ...<br>Open space and Recreation Zone, except the Civic Spaces Zone where it adjoins the Queenstown, Wanaka, or Arrowtown Town Centre Zones | Any point within any site | 0800h to 2000h | 50dBAeq (15 min)                    | NC |
|        |   |                           | 2000h to 0800h | 40dBAeq (15 min)                    | NC |
| 36.5.3 | Civic Spaces Zone where it adjoins the Queenstown, Wanaka, or Arrowtown Town Centre Zones   | Any point within any site | 0800h to 2200h | 60 dB LAeq (15 min)                 | NC |
|        |   |                           | 2200h to 0800h | 50 dB LAeq (15 min)<br>75 dB LAFmax | NC |

Commented [CE11]: 3319 (QWL)

And subsequent renumbering of existing rules in section 36.5 and cross referencing in other chapters.

**VARIATION TO CHAPTER 29 – TRANSPORT**

29.8 Minimum Parking Requirements Minimum Parking Requirements

|               | Table 29.4   | Resident/ Visitor | Staff/ Guest |
|---------------|--|-------------------|--------------|
| <b>29.8.1</b> | <ul style="list-style-type: none"> <li>• All activities in the:</li> <li>• Queenstown Town Centre Zone;</li> <li>• Wanaka Town Centre Zone;</li> <li>• Arrowtown Town Centre Zone;</li> <li>• Local Shopping Centre Zone;</li> <li>• Within the immediate environs of the Queenstown airport terminal facility located within the Airport Zone (Queenstown);</li> <li>• <u>Civic Spaces Zone, where it adjoins the Queenstown, Wanaka, or Arrowtown Town Centre Zones</u></li> <li>• <u>Parts of the Community Purposes and Informal Recreation Zones that are within 70 m of the Queenstown Bay Waterfront Sub-Zone.</u></li> </ul> | 0                 | 0            |

## Open Space & Recreation Zone- Variations to Chapters

### Variation to the Proposed District Plan

Underlined text for additions and ~~strike through~~ text for deletions Variation to Proposed District Plan

Red underlined text for additions and ~~red strike through~~ text for deletions as recommended in the S42A Report dated 18 March 2020.

Green underlined text for additions as recommended in the Rebuttal dated 19 June 2020.

### Variation to Chapter 38 Open Space and Recreation Zones

#### 38.9 Rules – Activities

**Table 38.1: Activities Open Space and Recreation Zones**

| Rule    | Activities  | Nature Conservation Zone | Informal Recreation Zone | Active Sports/ Recreation Zone | Civic Spaces Zone | CPZ | CPZ (Golf) | CPZ (Camping Ground) | CPZ (Cemeteries) |
|---------|---|--------------------------|--------------------------|--------------------------------|-------------------|-----|------------|----------------------|------------------|
| 38.9.16 | Restaurants and cafes that are accessory to a permitted activity and are located further than 50m from a Residential Zone including buildings.<br><br><u>This Rule does not apply to buildings that are located on jetties that extend into the Queenstown Bay Waterfront Sub-Zone. These buildings are subject to Rule 12.4.8.2.</u> | NC                       | C                        | C                              | C                 | C   | C          | C                    | NC               |
| 38.9.17 | Restaurants and cafes that are accessory to a permitted activity and are located within 50m of a  | NC                       | RD                       | RD                             | RD                | RD  | RD         | RD                   | NC               |

| Rule           | Activities  | Nature Conservation Zone | Informal Recreation Zone | Active Sports/ Recreation Zone | Civic Spaces Zone | CPZ | CPZ (Golf) | CPZ (Camping Ground) | CPZ (Cemeteries) |
|----------------|---|--------------------------|--------------------------|--------------------------------|-------------------|-----|------------|----------------------|------------------|
|                | Residential Zone including buildings.<br><br><u>This Rule does not apply to buildings that are located on jetties that extend into the Queenstown Bay Waterfront Sub-Zone. These buildings are subject to Rule 12.4.8.2.</u>  |                          |                          |                                |                   |     |            |                      |                  |
| <b>38.9.20</b> | <u>Commercial outdoor dining on land that adjoins the Active Frontage Area of the Queenstown Bay Waterfront Sub-Zone (Rule 38.10.14)</u> and is not provided for elsewhere in this table.   | NA                       | <del>RD</del> NA         | NA                             | RD                | NA  | NA         | NA                   | NA               |
| <b>38.9.20</b> | Commercial Recreation Activities and buildings associated with Commercial Recreation Activities.<br><br><u>This Rule does not apply to buildings that are located on jetties that extend into the Queenstown Bay Waterfront Sub-Zone. These buildings are subject to Rule 12.4.8.2.</u> | D                        | D                        | D                              | RD                | RD  | RD         | RD                   | NC               |
| <b>38.9.21</b> | Commercial Activities and buildings associated with, and located on the same site as recreation activities.   | D                        | D                        | D                              | RD                | RD  | RD         | RD                   | NC               |

**Commented [CE2]:** 3319 (QWL): Consequential as a result of rezoning

**Commented [CE1]:** Clause 16

| Rule           | Activities  | Nature Conservation Zone | Informal Recreation Zone | Active Sports/ Recreation Zone | Civic Spaces Zone | CPZ | CPZ (Golf) | CPZ (Camping Ground) | CPZ (Cemeteries) |
|----------------|---|--------------------------|--------------------------|--------------------------------|-------------------|-----|------------|----------------------|------------------|
|                | <u>This Rule does not apply to buildings that are located on jetties that extend into the Queenstown Bay Waterfront Sub-Zone. These buildings are subject to Rule 12.4.8.2.</u>                       |                          |                          |                                |                   |     |            |                      |                  |
| <b>38.9.36</b> | Boat Ramps, Jetties and Marinas.<br><br><u>This Rule does not apply to jetties that extend into the Queenstown Bay Waterfront Sub-Zone. These jetties are subject to Rules 12.4.7.1 and 12.4.8.1.</u> | D                        | D                        | D                              | D                 | D   | D          | D                    | NC               |

*And subsequent renumbering of existing rules in table 38.1 and cross referencing in other chapters.*



**38.10 Rules - Standards for Open Space and Recreation Zones**

|                 | Table 38.2: Standards for Activities in the Open Space and Recreation Zones  | Non-compliance Status   |
|-----------------|--|---|
| <b>38.10.13</b> | <p><b><u>Commercial outdoor dining located on the Civic Spaces Zone <del>and</del> <del>Informal Recreation Zone</del> that adjoin Active Frontage Area of the Queenstown Bay Waterfront Subzone</u></b></p> <p><u>Outdoor dining shall immediately adjoin the restaurant or café that it is associated with and shall not extend into the Civic Spaces Zone <del>or</del> <del>Informal Recreation Zone</del> by more than 5 m from the Queenstown Town Centre Zone boundary or beyond the side boundaries of the restaurant or café.</u></p> | <p><del>NC RD</del></p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>Effects on the amenity of the reserve,</u><br/> b. <u>Public access to, and use of the open space; and</u><br/> c. <u>Cumulative effects.</u></p> |

**Commented [CE4]:** 30016 (KIL)

**Commented [CE3]:** 3319 (QWL): Consequential as a result of rezoning

**38.13 Matters of control for Controlled Activities identified in Table 38.1**

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application.

|                | Table 38.4: Matters of Control for Activities in the Open Space and Recreation Zones  |
|----------------|---|
| <b>38.13.1</b> | <p><b>Rule 38.9.16: Restaurants and cafes that are accessory to a permitted activity and are located further than 50m from a Residential Zone in the Civic Spaces Zone, Informal Recreation Zone, Active Sports and Recreation Zone, CPZ, CPZ (Golf), CPZ (Camping Ground):</b></p> <p>a. Scale and intensity of the activity on recreation use and amenity values;</p> <p>b. Public access to, and use of the open space;</p> <p>c. Traffic generation, access and parking; <del>and</del></p> <p>d. Infrastructure and servicing, including the provision of storage and loading/service areas; <del>and</del></p> <p>e. <u>In the Civic Spaces Zone that adjoins the Arrowtown, Wanaka, and Queenstown Town Centre Zones, and in that part of the Community Purposes Zone within 70 m of the Queenstown Bay Waterfront Sub-Zone:</u></p> <p>i. <u>external appearance <del>of buildings</del>, including materials and colours and associated landscaping;</u></p> <p>ii. <u>lighting;</u></p> <p>iii. <u>the contribution the building makes to the safety of the Town Centre through adherence to CPTED principles; and</u></p> <p>iv. <u>natural hazards.</u></p> |

**Commented [CE5]:** Clause 16

**38.14 Matters of discretion for Restricted Discretionary Activities identified in Table 38.1**

The Council will restrict its discretion over the following matters when assessing a restricted discretionary activity resource consent application.

| Table 38.5: Matters of Discretion for Activities in the Open Space and Recreation Zones |   |
|---|---|
| 38.14<br>.1   | <p><b>Rule 38.9.17: Restaurants and cafes that are accessory to a permitted activity and are located within 50m of a Residential Zone in the Civic Spaces Zone, Informal Recreation Zone, Active Sports and Recreation Zone, CPZ, CPZ (Golf), CPZ (Camping Grounds):</b></p> <ul style="list-style-type: none"> <li>a. Intensity and scale of the activity on recreation use and amenity values;</li> <li>b. Public access to, and use of, the open space;</li> <li>c. Location, in particular distance from adjoining properties;</li> <li>d. Traffic generation, access and parking;</li> <li>e. Noise; <del>and</del></li> <li>f. Infrastructure and servicing, including the provision of storage and loading/service areas; <u>and</u></li> <li>g. <u>In the Informal Recreation Zone that adjoins the Queenstown Bay Waterfront Subzone, and in the Civic Spaces Zone that adjoins the Arrowtown Town Centre Zone:</u> <ul style="list-style-type: none"> <li>i. <u>external appearance of buildings, including materials and colours and associated landscaping;</u></li> <li>ii. <u>lighting;</u></li> <li>iii. <u>the contribution the building makes to the safety of the Town Centre through adherence to CPTED principles; and</u></li> <li>iv. <u>natural hazards</u></li> </ul> </li> </ul> |
| 38.14<br>.2   | <p><b>Rules 38.9.20 and 38.9.21: Commercial recreation activity including commercial activities associated with and located on the same site as recreation activities, including buildings in the Civic Spaces Zone, CPZ, CPZ (Golf), CPZ (Camping Grounds):</b></p> <ul style="list-style-type: none"> <li>a. Intensity and scale of the activity on recreation use and amenity values;</li> <li>b. Public access to, and use of the open space;</li> <li>c. Other occupiers or users of the site or adjoining sites;</li> <li>d. Traffic generation, access and parking; <u>and</u></li> <li>e. <u>In the Civic Spaces Zone that adjoins the Arrowtown, Wanaka, and Queenstown Town Centre Zones, and in those parts of the Informal Recreation and Community Purposes Zones that are within 70 m of the Queenstown Bay Waterfront Sub-Zone:</u> <ul style="list-style-type: none"> <li>i. <u>external appearance of buildings, including materials and colours and associated landscaping;</u></li> <li>ii. <u>lighting</u></li> <li>iii. <u>the contribution the building makes to the safety of the Town Centre through adherence to CPTED principles; and</u></li> <li>iv. <u>natural hazards</u></li> </ul> </li> </ul>  |

**Commented [CE6]:** 3319 (QWL): Consequential as a result of rezoning

**Commented [CE7]:** Clause 16

**Commented [CE8]:** Subsequent renumbering required (Clause 16)

| Table 38.5: Matters of Discretion for Activities in the Open Space and Recreation Zones |  |
|---|--|
| 38.14<br>.5   | <p><b>Rule 38.9.19b20: Commercial outdoor dining on the Civic Spaces Zone and Informal Recreation Zone, where the Zone adjoins the Active Frontage Area of the Queenstown Bay Waterfront Sub-Zone:</b></p> <ul style="list-style-type: none"> <li>a. <u>the scale of the activity;</u></li> <li>b. <u>effects on the amenity of the reserve, including pedestrian access to and through it</u></li> <li>c. <u>lighting;</u></li> <li>d. <u>effects on the safety of the reserve through designing the outdoor space in accordance with CPTED principles;</u></li> <li>e. <u>noise issues;</u></li> <li>f. <u>hours of operation; and</u></li> <li>g. <u>cumulative effects.</u></li> </ul> |

Commented [CE9]: Clause 16

Commented [CE10]: 3319 (QWL): Consequential as a result of rezoning

#### VARIATION TO CHAPTER 36 – NOISE

|        |   |                           |                |                                     |    |
|--------|---|---------------------------|----------------|-------------------------------------|----|
| 36.5.2 | ...<br>Open space and Recreation Zone, except the Civic Spaces Zone where it adjoins the Queenstown, Wanaka, or Arrowtown Town Centre Zones | Any point within any site | 0800h to 2000h | 50dBAeq (15 min)                    | NC |
|        |   |                           | 2000h to 0800h | 40dBAeq (15 min)                    | NC |
| 36.5.3 | Civic Spaces Zone where it adjoins the Queenstown, Wanaka, or Arrowtown Town Centre Zones   | Any point within any site | 0800h to 2200h | 60 dB LAeq (15 min)                 | NC |
|        |   |                           | 2200h to 0800h | 50 dB LAeq (15 min)<br>75 dB LAFmax | NC |

Commented [CE11]: 3319 (QWL)

And subsequent renumbering of existing rules in section 36.5 and cross referencing in other chapters.

**VARIATION TO CHAPTER 29 – TRANSPORT**

29.8 Minimum Parking Requirements Minimum Parking Requirements

|               | Table 29.4   | Resident/ Visitor | Staff/ Guest |
|---------------|--|-------------------|--------------|
| <b>29.8.1</b> | <ul style="list-style-type: none"> <li>• All activities in the:</li> <li>• Queenstown Town Centre Zone;</li> <li>• Wanaka Town Centre Zone;</li> <li>• Arrowtown Town Centre Zone;</li> <li>• Local Shopping Centre Zone;</li> <li>• Within the immediate environs of the Queenstown airport terminal facility located within the Airport Zone (Queenstown);</li> <li>• <u>Civic Spaces Zone, where it adjoins the Queenstown, Wanaka, or Arrowtown Town Centre Zones</u></li> <li>• <u>Parts of the Community Purposes and Informal Recreation Zones that are within 70 m of the Queenstown Bay Waterfront Sub-Zone.</u></li> </ul> | 0                 | 0            |