

**BEFORE A HEARING PANEL: FOR THE QUEENSTOWN LAKES  
PROPOSED DISTRICT PLAN**

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

**AND**

**IN THE MATTER** of submissions and further submissions  
on Stage 3 of the Proposed District  
Plan

---

**LEGAL SUBMISSIONS ON BEHALF OF QUEENSTOWN WHARVES (GP)  
LIMITED**

**23 July 2020**

---

---

**BROOKFIELDS  
LAWYERS**

J Young / R Ashton  
Telephone No. 09 979 2155 / 09 979 2210  
Fax No. 09 379 3224  
Email: [ashton@brookfield.co.nz](mailto:ashton@brookfield.co.nz)  
P O Box 240  
DX CP24134  
**AUCKLAND**

## MAY IT PLEASE THE HEARING PANEL

### 1. INTRODUCTION

- 1.1. These legal submissions are made on behalf of Queenstown Wharves (GP) Limited (**QWL**) in relation to Hearing Stream 18 and the variation to the Chapters 29, 36 and 38 - Open Space and Recreation (**Variation**) of the Queenstown Lakes Proposed District Plan (**PDP**).
- 1.2. The primary issue which arises for the Hearing Panel's determination from QWL's submission<sup>1</sup> and further submission<sup>2</sup> is the most appropriate zoning to recognise the special characteristics of Queenstown Bay and provide a coordinated and integrated approach to the management of water interface activities and the use of land within Queenstown Bay.
- 1.3. It is common ground as between QWL and the Queenstown Lakes District Council (**Council**) that the zoning of land surrounding Queenstown Bay as Open Space – Informal Recreation Zone by the Stage 2 PDP decisions created an inconsistency with the Queenstown Bay Waterfront Subzone (**Waterfront Subzone**), a subzone of the Town Centre Zone, which continued to apply. This has resulted in land essentially subject to two zonings and a lack of clarity as to the objective, policy and rule framework applying. It is apparent that the section 32 assessment of the Stage 2 rezoning was not cognisant of the existence of the Waterfront Subzone.
- 1.4. QWL submits that the Waterfront Subzone better recognises the special characteristics of the land water interface of Queenstown Bay, as compared to the Council's approach of an amended rules framework under an Open Space Zoning. The Waterfront Subzone was specifically established to provide a coordinated and integrated approach to the management of water interface activities and the use of land within Queenstown Bay. This zoning, which has proven to be efficient and effective under the Operative District Plan (**ODP**), is submitted to be the most appropriate zoning.
- 1.5. While an Open Space Zoning may simplify the management of effects of activities on reserve land, the evidence put forward by the Council fails to

---

<sup>1</sup> Original Submission 3319.

<sup>2</sup> Further Submission 3444.

establish that the Open Space Zoning would achieve integration across the land and water interface in Queenstown Bay.

- 1.6. The retention of the Waterfront Subzone and the removal of the Open Space – Informal Recreation Zone would not result in the land being ‘unzoned’, because the Waterfront Subzone is by its nature a subzone of the Town Centre Zone.
- 1.7. These legal submissions now address the following:
  - a. The nature and extent of QWL’s legal interests St Omer and O’Regans wharves and the adjacent land;
  - b. The background to the Council’s decision to notify the Variation, including the origin of the contradictions between the objectives, policies and rules of Waterfront Subzone and the Open Space – Informal Recreation Zone;
  - c. The most appropriate zoning for the land adjacent to the St Omer and O’Regans wharves; and
  - d. Scope for the zoning outcome sought; and
  - e. In the alternative to the primary re-zoning relief, changes sought to Chapters 38, 36 and 29.
- 1.8. QWL has filed planning evidence from Timothy Williams in support of its submissions. Counsel is grateful to the Hearing Panel for the late admission of that evidence into this process.

## **2. NATURE OF QWL’S LEGAL INTERESTS IN QUEENSTOWN BAY**

- 2.1. As outlined in QWL’s submission, QWL owns St Omer and O’Regans wharves in the Queenstown Town Centre, along with an associated boat ramp, fuelling facility, and commercial building located on St Omer Wharf.
- 2.2. QWL does not own the land which these buildings and assets are located on, but holds the following leases:
  - a. With QLDC as it relates to those portions of these assets<sup>3</sup> that are located on land gazetted for recreation reserve purposes

---

<sup>3</sup> In respect of the recreation reserve land, QWL has undertaken site improvements, including installing underground fuel storage tanks, a formed concrete boat ramp and parking area.

(legally described as “Section 2 Block XVII Queenstown Town” and “Part Section 74 Block XX Shotover Survey District”)<sup>4</sup>; and

- b. With LINZ as it relates to those areas beyond the QLDC recreation reserve land being over or connected to the bed of Lake Whakatipu.

### 3. BACKGROUND

#### Operative Zoning and Stage 2 Decisions

- 3.1. Under the ODP, the Waterfront Subzone applied to manage the land water interface of Queenstown Bay. Stage 1 of the PDP retained the Queenstown Town Centre Zone and Waterfront Subzone. Stage 2 of the PDP rezoned the land from Queenstown Town Centre to Open Space – Informal Recreation Zone.<sup>5</sup> However, the Waterfront Subzone was retained such that in effect two zones now apply.<sup>6</sup>

#### Purpose of the Variation

- 3.2. The Section 42A report identified the following issues to be addressed by the Variation:<sup>7</sup>
  - (a) it was unclear whether the Waterfront Subzone applies (in terms of its rules, objectives and policies) to Open Space Zone land and Queenstown Town Centre Zone land;<sup>8</sup>
  - (b) the rules of the Waterfront Subzone applied to Open Space Zone duplicate and contradict each other;
  - (c) whether it is appropriate to apply the rules, objectives and policies of the Waterfront Subzone to Open Space Zone land;<sup>9</sup> and

---

<sup>4</sup> Part of the land vested in the Lessor for the purpose of a Recreation Reserve in Gazette Notice 243206 (Gaz. 1962 p.260) containing 344 square metres and being part Section 2 Block XVII Town of Queenstown.

<sup>5</sup> Other reserve land within the Waterfront Subzone was zoned variously Civic Spaces, Community Purposes, and Informal Recreation.

<sup>6</sup> For completeness it is noted that Remarkables Park Limited, a related company to QWL sought to appeal the Stage 2 rezoning decision. However, RPL had not filed a submission in opposition to the rezoning decision so this aspect of its Stage 2 appeal was withdrawn due to a lack of jurisdiction.

<sup>7</sup> Section 32 Evaluation for Chapter 38 Open Space and Recreation Zones, June 2019 at paragraph 2.2.

<sup>8</sup> Section 32 Evaluation for Chapter 38 Open Space and Recreation Zones, June 2019 at paragraph 7.2.

<sup>9</sup> Section 32 Evaluation for Chapter 38 Open Space and Recreation Zones, June 2019 at paragraph 7.3.

- (d) the appropriateness of Open Space Zone rules for land adjoining town centre zones in relation to outdoor dining, noise standards, building design, carparking, the management of jetties and the management of natural hazards.

- 3.3. This over-arching resource management issue is articulated in the Section 42A report as follows:<sup>10</sup>

The overarching resource management issue is whether the zoning and provisions that apply to the land subject to this variation are the most appropriate given this land adjoins Town Centre zoned land and is an integral part of the town centre environment .... The open space areas that are under consideration in this variation differ significantly from the other open space zoned land in the district in that they are located within highly urbanised settings where the mixed use nature of activities and development in the adjoining zones, the quality of the urban design/ built outcome, and the appreciation of expansive views from these spaces are integral to their success and to the economic wellbeing of the town centres and the district, as a whole. The following key issues have been identified and these form the basis of the subsequent s 32 evaluation.

#### **4. THE MOST APPROPRIATE ZONING**

##### **The underlying zone of Queenstown Bay**

- 4.1. Council's reporting officer recommends rejecting QWL's submission to retain the Waterfront Subzone and remove the Open Space – Informal Recreation zone because it would leave the land without a zone:<sup>11</sup>

... The deletion of the Informal Recreation zoning would result in the land being unzoned, as QTWSZ is a subzone. ...

- 4.2. Conversely, Mr Williams considers that the Waterfront Subzone is a sub-zone of the Town Centre Zone and that the sub-zones cannot exist in isolation.<sup>12</sup> Thus, the removal of the Open Space – Informal Recreation Zone would not leave the land without a zone because the underlying zoning is Town Centre Zone.
- 4.3. Mr Williams draws a comparison to the Ski Area Subzone functioning as a subset of the Rural General Zone. Further, the Mr Williams explains that the structure of Chapter 12 (the Waterfront Subzone provisions sit within

---

<sup>10</sup> Section 32 Evaluation for Chapter 38 Open Space and Recreation Zones, June 2019, at paragraph 7.

<sup>11</sup> Section 42A report of Christine Edgley on the variation to Open Space and Recreation, 18 March 2020, at paragraph 9.3.

<sup>12</sup> Statement of Timothy Williams, 12 June 2020, at paragraph 6.7.

Chapter 12) also supports his interpretation. Relevantly, the section 32 report on the Queenstown Town Centre Zone appears to support Mr Williams' interpretation:<sup>13</sup>

“.. the fact [Waterfront Subzone] is a subzone of the Town Centre Zone (and hence the Town Centre objectives and provisions apply) should improve certainty and the efficiency of resource consent processing.”

- 4.4. It is therefore submitted that the relief sought by QWL would not leave the land without a zoning, rather the presence of the Waterfront Subzone means that the underlying zoning is Town Centre Zone.

### **The objectives and policies of Chapter 12**

- 4.5. It is submitted that the objectives and policies of Chapter 12 Queenstown Town Centre are the most appropriate as they were specifically established to provide a coordinated and integrated approach to the management of water interface activities. Objective 12.2.5 and its associated policies in the Decisions Version of the PDP provide:

12.2.5 Objective - Integrated management of the Queenstown Bay land-water interface, the activities at this interface and the establishment of a dynamic and attractive environment that benefits both residents and visitors.

#### **Policies**

12.2.5.1 Encourage the development of an exciting and vibrant waterfront, which maximises the opportunities and attractions inherent in its location and setting as part of the Town Centre.

12.2.5.2 Promote a comprehensive approach to the provision of facilities for water-based activities.

12.2.5.3 Conserve and enhance, where appropriate, the natural qualities and amenity values of the foreshore and adjoining waters, recognising in particular, the predominantly undeveloped character of the 'Queenstown beach and gardens foreshore area' (as identified on the Planning Map) and the important contribution this area makes to providing views to the lake and mountains, pedestrian and cycle connections, water-based commercial recreation activities, and passive recreation opportunities.

12.2.5.4 Retain and enhance all the public open space areas adjacent to the waterfront.

---

<sup>13</sup> Section 32 Evaluation Report for Queenstown Town Centre, August 2019, at page 28.

12.2.5.5 Maximise pedestrian accessibility to and along the waterfront for the enjoyment of the physical setting by the community and visitors.

12.2.5.6 Provide for structures within the Queenstown Bay waterfront area subject to compliance with strict bulk location and appearance criteria, provided the existing predominantly open character and a continuous pedestrian waterfront connection will be maintained or enhanced.

12.2.5.7 Provide for public water ferry services within the Queenstown Town Centre Waterfront Subzone.

- 4.6. As part of the section 32(1)(b)(ii) efficiency and effectiveness test under Stage 1 of the PDP the Council carried out a detailed evaluation of the environmental, economic and social benefits and costs of the provisions in achieving this objective and policies. In terms of effectiveness, the section 32 report found at page 28:

The existing rules strike an appropriate balance between enabling commercial use of the waterfront and ensuring it adds to the vibrancy and relevance of the Town Centre, while ensuring that the special character and sense of place that is derived from the relationship with the lake and views of it and the mountains beyond are maintained.

- 4.7. It is submitted that no equivalent detailed evaluation has taken place in respect of the Stage 2 rezoning. The purpose of this rezoning was to simply the management of effects of activities on reserve land:<sup>14</sup>

In order to simplify the management of effects of activities on reserve land, the Stage 2 OSZ chapter re-zoned all Council owned and/ or administered reserve land as one of five open space zones and four sub-zones. The zone provisions are intended to better provide for public amenities, day-to-day park management activities, and existing and future anticipated activities, and therefore reduce unnecessary consenting requirements for those activities while ensuring that other activities (and the effects thereof) are appropriately managed. ...

- 4.8. While in general there may be administrative benefits resulting from this approach to the management of reserve land, the broad stroke and general approach sits in contrast to the targeted approach of Stage 1 which was established to provide a coordinated and integrated approach to the management of water interface activities and the use of land within

---

<sup>14</sup> Section 32 Evaluation for Chapter 38 Open Space and Recreation Zones, June 2019, at paragraph 7.1.

Queenstown Bay.<sup>15</sup> Further, the Council did not expressly consider the management of water interface activities when it undertook the Stage 2 rezoning.

- 4.9. The land around Queenstown Bay is distinguishable from most reserve land due to its highly urban setting and unique position in Queenstown Bay. It is submitted that these distinctive characteristics create tension with the approach of Council to have a uniform zoning to reserve land.
- 4.10. In addition, the objectives, policies, and rules of the Waterfront Subzone were the subject of several days of mediation in relation to appeals against decisions on Stage 1 of the PDP. The amendments to these provisions agreed by the parties, including QWL, are now the subject of an Environment Court consent order dated 17 June 2020, a copy of which is **attached** to these submissions. The considerable effort that the parties invested in enhancing these provisions to manage the land water interface would be partially obviated by the removal of the Waterfront Subzone over the land component of Queenstown Bay. The refinement of the Waterfront Subzone provisions through an Environment Court process supports the retention of the spatial extent of the subzone.

#### **The concerns raised by Council**

- 4.11. In response to the relief sought by QWL to retain the Waterfront Subzone (an outcome also sought by Wayfare Group Limited) the Section 42A report stated:<sup>16</sup>

The relief sought to retain the QTWSZ over land zoned Open Space would retain the uncertainty of the application of the rules in Chapters 12 and 38 that the variation seeks to resolve. The lack of consistency between the policy directions of the Open Space chapter and the QTWSZ is likely to result in poor alignment with the underlying requirement of the Reserves Act 1997 to manage reserve land for public use and enjoyment. Neither submission offered an alternative resolution to this issue. The deletion of the Informal Recreation zoning would result in the land being unzoned, as QTWSZ is a subzone. I recommend that the submissions be rejected.

- 4.12. Ms Edgley prepared rebuttal evidence on behalf of QLDC in response to Mr Williams evidence. Ms Edgley stated:

---

<sup>15</sup> Statement of evidence of Timothy Williams, 12 June 2020, at paragraph 6.2.

<sup>16</sup> Section 42A report of Christine Edgley on the variation to Open Space and Recreation, 18 March 2020, at paragraph 9.3.



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.

- 4.13. Mr Farrell, in his planning evidence filed on behalf of Wayfare Limited and Cardrona Alpine Resort Limited, states that he is “*unclear on the resource management issue the rezoning is trying to address*”.<sup>17</sup> QWL agrees. The Variation appears to be driven by simplifying the framework for Council administered reserves. This is a blanket policy and not an adequate basis to remove the Waterfront Subzone where it specifically addresses the resource management issues of the locality.
- 4.14. Further, it is submitted that the retention of the Waterfront Subzone would not result in the poor alignment with the underlying requirement of the Reserves Act 1977 to manage reserve land for public use and enjoyment. The policies of Chapter 12 clearly provide for the retention of open space character for public use, access and enjoyment. This position is further supported by the evidence of Mr Farrell, who considers that there is sufficient policy support and direction in Chapter 12 that promotes the use and enjoyment of public land.<sup>18</sup> Further, the context of the land from which the St Omer and O’Regans wharves extend is highly urbanised, which makes it distinct from most reserve land in the District.

#### **The water interface**

- 4.15. Rules relating to jetties and buildings on jetties in the Open Space Zone are discussed at paragraphs 7.17 to 7.20 of the section 32 report in support of the Variation and it is recommended to align the Open Space Zone rules with the Waterfront Subzone.
- 4.16. The Section 32 report for the Queenstown Town Centre for Stage 1 identified that the PDP anticipates that the Queenstown Town Centre Zone will continue to function as one of the key commercial, retail, and entertainment areas of the district and will continue to be used by both residents and visitors alike.<sup>19</sup> The management of the interface between

---

<sup>17</sup> Evidence of Ben Farrell, 12 June 2020, at paragraph 21.

<sup>18</sup> Evidence of Ben Farrell, 12 June 2020, at paragraph 23.

<sup>19</sup> Section 32 Evaluation Report for Queenstown Town Centre, August 2015, at section 6.

the Town Centre and lakefront is identified as a key issue, stating at page 9:

**Issue 6 - Management of the interface between the Town Centre and lakefront**

The Queenstown Bay is an important part of the Town Centre and it is important to ensure that the level of development and activity allowed in that area will contribute to achieving the objectives of the Town Centre. The key issue for consideration is whether the suite of rules strikes an appropriate balance between enabling commercial activity and vibrancy in the waterfront area while preserving its character and the views and sense of place that contributes to the Town Centre as a whole.

4.17. When examining the economic effectiveness and efficiency of these provisions the Section 32 report stated at page 32:

- Focusing activity in the Earnslaw Park/ Steamer Wharf/ St Omers Park area while preserving the Marine parade beach area from structural developments will enable some intensification of the area while preserving the special character and quality of the remaining area.
- Clarifying the extent of the subzone, the location of the pier, and the fact it is a subzone of the Town Centre Zone (and hence the Town Centre objectives and provisions apply) should improve certainty and the efficiency of resource consent processing.

4.18. It is submitted that this section 32 assessment supports the Waterfront Subzone as being the most appropriate planning tool for management of the land water interface of Queenstown Bay.

**5. SCOPE FOR ZONING OUTCOME SOUGHT**

5.1. While the Council has not raised any issue as to scope, the issue is briefly addressed to assist the Panel. It is submitted that the relief sought by QWL is “on” the Variation in terms of the two stage **Motor Machinist**<sup>20</sup> test.

5.2. The notified Variation sought to:

Amend the location of the Queenstown Bay Waterfront Sub Zone boundary on Plan Maps 35 and 36 to exclude all OSZ from the QTWSZ, as follows

5.3. On its face, the Variation did not propose to alter the Open Space – Informal Recreation Zoning. However, applying the first **Motor Machinist**

---

<sup>20</sup>

Palmerston North CC v Motor Machinists Ltd [2014] NZRMA 519.

test, when one looks to the section 32 material, the change to the status quo contemplated by the Variation is the reconciliation of the tension created by the two zonings applying to the land. This is the issue that the Variation seeks to address. It is submitted that retention of the Waterfront Subzone and the consequential deletion of the Open Space – Informal Recreation Zoning is clearly within the change to the status quo contemplated. Indeed, this is one of the options considered in section 8 of the Section 32 report in support of the Variation. In this sense the situation is analogous to the Environment Court’s decision in **Calcutta Farms Ltd v Matamata-Piako District Council**<sup>21</sup> which qualified the approach to the scope of a plan change where that change forms part of a plan review.

- 5.4. In terms of the second limb of the **Motor Machinist** test, it is submitted that the publication of the summary of submission has given adequate opportunity for people to be heard on this issue. The QWL submission certainly has not come “*out of left field*”.
- 5.5. While QWL’s primary submission focused on the land in which it has legal interests, QWL lodged a further submission in support of the submission of Wayfare Group Limited’s submission<sup>22</sup> seeking that the Waterfront Subzone be retained. Therefore, there is scope within QWL’s submissions for the Hearing Panel to retain the Waterfront Subzone over all of Queenstown Bay and remove the Open Space Zoning.

## 6. **QWL’S ALTERNATIVE RELIEF – AMENDMENTS TO CHAPTER 38, 36 AND 29**

- 6.1. The following relief is addressed in the alternative to the primary rezoning relief sought.

### **Open Spaces – Civic Spaces Zone**

- 6.2. QWL supports the Council reporting officer’s recommendation that the land from which the St Omer and O’Regans wharves extend be rezoned Open Spaces – Civic Spaces Zone.<sup>23</sup>

---

<sup>21</sup> **Calcutta Farms Ltd v Matamata-Piako District Council** [2018] NZEnvC 187

<sup>22</sup> Wayfare Group Limited’s primary submission 3343.14.

<sup>23</sup> Section 42A report of Christine Edgley on the variation to Open Space and Recreation, 18 March 2020, at paragraph 8.10.

### **Additional Objective and Policy**

- 6.3. QWL seeks that the following new objective and policy be inserted into Chapter 38:

#### **Objective 38.xx**

Recognise the benefits of wharves, water-based activities and associated commercial activities in the Queenstown Bay as adding to the vibrancy and public enjoyment of the town centre.

#### **Policy 38.xx**

Enable use, maintenance and development of existing wharves for waterbased activities including ferry services, commercial recreation, retail and food and beverage-based activities.

- 6.4. These new provisions assist with providing integrated management of the waterfront area and provide specific recognition of the particular character of Queenstown Bay. It is submitted that Objective 38.2.4 is more general and doesn't specifically assist in acknowledging the unique character and qualities of Queenstown Bay. Further, the proposed provisions give effect to Strategic Policy 6.3.32 in Chapter 6.

### **Commercial outdoor dining – Rule 38.10.13**

#### *Distance of the allowable encroachment*

- 6.5. QWL supports the intent of Rule 38.10.13 to provide for commercial outdoor dining in the Open Space – Informal Recreation and Open Space – Civic Spaces Zone. However, in its submissions QWL sought that the allowable encroachment be extended to 20 m (rather than 5 m) to better recognise the highly urban locality and enable community enjoyment of the land.
- 6.6. The section 42A report opposed a 20 m encroachment, stating that it was an arbitrary number and would result in a significant intrusion into the public space. However, the report acknowledged that the current 5 m distance is also "potentially an arbitrary number".<sup>24</sup> QWL accepts that commercial outdoor dining should not have an adverse effect on the public access and use of the reserve and acknowledges that a 20 m encroachment may result in an intrusion into public space. However, it is

---

<sup>24</sup> Section 42A report of Christine Edgley on the variation to Open Space and Recreation, 18 March 2020, at paragraphs 3.9.

submitted that the area could cater for a 10 m encroachment without a significant intrusion into public space. It is submitted that outdoor dining is an integral part of the vibrancy of the waterfront and should be encouraged. Further, as acknowledged by the section 42A report, many existing operations extend beyond 5 m.<sup>25</sup> Thus, QWL submits that the allowable encroachment should be extended to 10 m.

*Activity status for breach of standard 38.10.13*

- 6.7. QWL supports the changes proposed by Council’s reporting officer to change the activity status to for breach of standard 38.10.13 to restricted discretionary activity (rather than a non-complying activity status) and the identified matters of discretion. Council’s reporting officer proposes the following changes:

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

- 6.8. QWL agrees that the change will provide greater certainty, reduce consenting costs and for consistency with the Council’s Table and Chairs Policy 2006.<sup>26</sup> Council’s reporting officer proposes the following changes:

**Noise limits**

- 6.9. QWL seeks that the noise rules of the Town Centre Zone applying to the Open Spaces - Civic Space Zone where it adjoins the Town Centre Zone. These noise limits in Chapter 12 are the same (for any site outside the

<sup>25</sup> Section 42A report of Christine Edgley on the variation to Open Space and Recreation, 18 March 2020, at paragraphs 3.9.

<sup>26</sup> Section 42A report of Christine Edgley on the variation to Open Space and Recreation, 18 March 2020, at paragraphs 3.10 to 3.12.

Entertainment Precinct) as standard 36.5.3 (as set out in the appendix to section 42A report) in terms of dB LAeq (15min), except that:

- a. the daytime limits in Chapter 12 apply from 0800 to 0100 hrs, rather than 0800 to 2200;
- b. the Town Centre Zone noise limits in rules 12.5.10.3 and 12.5.10.4 are more permissive for sound from music and voices respectively, reflecting that noise from these sources are part of a vibrant town centre.

6.10. It is submitted that the Town Centre Zone noise limits are the most appropriate for this land because:

- a. They recognise that Queenstown Bay is a vibrant and active area where a greater degree of noise is anticipated;
- b. The close proximity of other noise sources in the area (such as outdoor dining) means environmental costs from increased noise effects on amenity are likely to be minor;
- c. They represent an integrated approach to the management of Queenstown Bay by applying the noise limits that were developed for Queenstown Bay in Stage 1 of the PDP.

6.11. Copies of the Chapter 12 Noise rules are set out as **Appendix B** attached to Mr William's evidence.

#### **Rule 29.8.1 - minimum parking requirements**

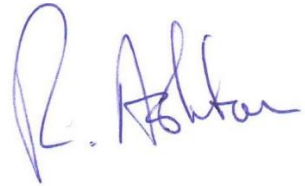
6.12. QWL supports exempting the Open Spaces - Civic Space Zone from minimum parking requirements where it adjoins the Queenstown Town Centre Zone. As set out in QWL's submission, the requirement to provide on-site carparking in such a central location would impose an inappropriate burden on commercial operators or public transport providers and undermines the Council's public transport objectives. Parking of vehicles would generally be an inappropriate use of an active, urban waterfront area.

## **7. CONCLUSION**

7.1. In conclusion, the Waterfront Subzone is submitted to be the most appropriate zoning to recognise the special characteristics of

Queenstown Bay and provide integrated management of the land-water interface.

**DATED** 23 July 2020

A handwritten signature in blue ink, appearing to read "R. Ashton". The signature is fluid and cursive, with a large initial "R" and a smaller "A" followed by "shon".

---

**John Young / Rowan Ashton**

Counsel for the Queenstown Wharves (GP) Limited