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**SUBMISSION ON PUBLICLY NOTIFIED PROPOSED PLAN UNDER CLAUSE 6 OF THE
FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991**

TO: QUEENSTOWN LAKES DISTRICT COUNCIL

SUBMISSION ON: QLDC Proposed District Plan

NAME: Wanaka on Water (Body Corporate No.363238)

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1. Wanaka on Water is the Body Corporate of a property located at 151-153 Ardmore Rd, Wanaka.
2. The Body Corporate comprises six residential units and two commercial units, the latter being Trout Bar and Alchemy, both located on the Ardmore St waterfront.
3. The Body Corporate could not gain an advantage in trade competition through this submission.
4. The specific provisions of the proposed plan that this submission relates to are:
 - (a) Chapter 3 Strategic Direction;
 - (b) Chapter 13 Wanaka Town Centre Zone;
 - (c) Chapter 36 Noise.
5. The submission is:
 - (a) The Body Corporate members value residential amenity and social wellbeing. The Body Corporate's residential activities are located on the Wanaka waterfront and are exposed to noise resulting from activities in restaurants and bars, and from activities hosted on the Wanaka waterfront generally.
 - (b) In preparing this submission, the Body Corporate has taken advice from acoustic consultants, Marshall Day. That advice is incorporated into this submission.
 - (c) The Strategic Direction chapter of the proposed plan contains a number of relevant provisions:
 - (i) 3.2.1 Goal – Develop a prosperous, resilient and equitable economy
 - (ii) Objective 3.2.1.1 – Recognise, develop and sustain the Queenstown and Wanaka central business areas as the hubs of New Zealand's premier alpine resorts and the District's economy.

- (iii) Policy 3.2.1.1.1 – Provide a planning framework for the Queenstown and Wanaka central business areas that enables quality development and enhancement of the centres as the key commercial hubs of the District, building on their existing functions and strengths.
- (d) One of the strengths of the Wanaka Town Centre is that it provides urban living opportunities in balance with its entertainment functions, which is different in character to the Queenstown Town Centre. The Wanaka Town Centre character should be preserved.
- (e) Most of the objectives and policies of the Wanaka Town Centre focusing on the Lower Ardmore Entertainment Precinct (“LAEP”) are inappropriately directed at creating a “party town” atmosphere and do not take sufficient account of other town centre activity types and users, particularly residential activity. The proposed noise limits are very permissive and are inconsistent with residential amenity.
- (f) Objective 13.2.5 and Policy 13.2.5.1 address appropriate noise limits being placed on town centre activities to minimise adverse environmental effects received both within and beyond the town centre. However, the balance of the policies associated with this objective and the proposed rules do not implement the objective and policy.
- (g) The proposed district plan proposes to relax the noise limits applying to the Wanaka Town Centre Zone, in particular the LAEP. The proposed noise limits applying to activities in this area through Rules 13.5.10.1 to 13.5.10.5 comprise different acoustic measurements relating to:
- (i) the sound of activities;
 - (ii) the sound from music;
 - (iii) the sound of voices; and
 - (iv) the sound of loudspeakers.
- (h) The Council has stated in its section 32 report (p.4) for the Wanaka Town Centre Zone that the relaxed noise limits are proposed because:
- “Evening entertainment premises, such as bars and restaurants, struggle to comply with these [the existing] standards with issues arising due to:
- The fact that the Operative Plan sends a confused message that the town centre should be a mixed use area but then, due to the strict noise controls, outside dining and drinking is limited in the evening;
 - Late night trading means that bars need not close until 4am; and
 - The smoking legislation requires people to smoke outside.”
- (i) The section 32 report provides no information to support assertions about non-compliance and so-called confused messages.
- (j) An earlier consultant report provided to the Council on noise issues in Queenstown indicated that the introduction of an entertainment precinct is intended to provide more lenient provisions for bars and clubs to operate (in

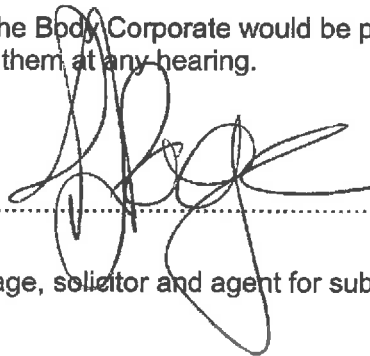
that case, in Queenstown) and to encourage separation of noise from residential and visitor accommodation.¹

- (k) The proposed Wanaka Town Centre Zone provisions encourage higher building heights in identified parts of the Zone, and encourage mixed use, including further residential activity, in this part of the Wanaka Town Centre. This conflicts with the intention to separate the noise generated by entertainment facilities from residential activities.
- (l) The Council's section 32 report for the Wanaka Town Centre Zone refers to the potential for an increase in sensitive noise environments in the Wanaka Town Centre and that nearby residential zoned properties also expect appropriate levels of amenity. The report states that specified noise limits encourage "noisy activities to establish in areas located furthest from residential zoned properties and requiring acoustic treatments where appropriate" (p.13). This assessment focuses on the effects of the noise effects on residential areas outside the zone and fails to acknowledge the adverse effects of mixing noisy activities and residential activities within the zone. It wrongly assumes that residents within the zone should, and do, accept all levels of noise within the town centre, day and night and that this part of the Wanaka Town Centre should be permitted to develop into a night-time entertainment zone.
- (m) Previous studies undertaken for the Council by acoustic consultants have determined that bars and related music entertainment will generally exceed district plan noise limits of 50dB for residential and visitor accommodation unless the bar has enhanced sound insulation, including door lobbies.² There is no assessment of the impact of a 60dB or 65dB noise limit at night in Wanaka, or the direction of mitigation at bar owners.
- (n) The identification of the LAEP inappropriately creates an expectation that late night outside noise associated with the consumption of alcohol is acceptable on Ardmore St. The Body Corporate is concerned the LAEP will create pressure for extending liquor licence trading hours. It does not accept that any extension of liquor licensing hours is appropriate.
- (o) The Council appears to be intent on developing its road reserve as entertainment space on Ardmore St. This will not be capable of adequate policing or enforcement as the noise rules do not apply to road reserve. Roads are not zoned in the proposed district plan.
- (p) The provisions of the proposed plan are premised on mitigation occurring in new noise sensitive buildings, but do not consider the inability to mitigate noise effects on existing noise sensitive buildings and who should meet the cost of the installation of such mitigation, if it were possible for it to be installed at all.
- (q) The mitigation proposed unfairly favours the noise producers to the detriment of the noise receivers.
- (r) The Body Corporate has, to date, worked alongside existing bar and restaurant operators in the immediate area of Ardmore St to resolve noise concerns. It sees no need to relax the noise controls any further.

¹ Report to QLDC from URS on Proposed plan Change 42, dated 23 July 2011, section 6

² Report to QLDC from URS on Proposed plan Change 42, dated 23 July 2011, page 2

- (s) In their proposed form, the Wanaka Town Centre provisions do not achieve the purpose of the Resource Management Act:
- (i) They do not provide for Wanaka Town Centre residents' social wellbeing;
 - (ii) They do not maintain and enhance amenity values;
 - (iii) They do not maintain or enhance the quality of the environment.
6. The Body Corporate seeks the following decision from the local authority:
- (a) Confirm Goal 3.2.1, associated Objective 3.2.1.1 and Policy 3.2.1.1.1.
 - (b) Confirm Objective 13.2.5 and Policy 13.2.5.1.
 - (c) Delete in its entirety the Lower Ardmore Entertainment Precinct from the proposed plan and associated maps;
 - (d) Delete all policies related to the Lower Ardmore Entertainment Precinct.
 - (e) Amend the noise rules applying to the Wanaka Town Centre as follows:
 - (i) Retain the noise rules stated in the Operative District Plan;
 - (ii) Require any noise mitigation to be undertaken by noise producers;
 - (iii) Make appropriate amendments to the proposed District Plan such that no bar or restaurant activity shall occur on road reserves and reserve land beyond the operative district plan noise limits.
 - (f) Any additional or consequential relief to give effect to this submission.
7. The Body Corporate does wish to be heard in support of its submission.
8. If others make a similar submission the Body Corporate would be prepared to consider presenting a joint case with them at any hearing.



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DATED 21 October 2015

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