

**Queenstown Lakes District Proposed District Plan  
Section 32 Evaluation  
Stage 3 Components  
June 2019**

For:

**Chapter 38 Open Space and Recreation Zones**

And consequential Variations to Proposed District Plan 26 August 2015:

**Chapter 29 Transport  
Chapter 36 Noise  
Planning Maps 35 and 36**

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## 1. EXECUTIVE SUMMARY

1.1. The scope of the variation is to vary the rules and standards of the PDP in order to better recognise the special characteristics of the areas of Open Space and Recreation Zone (**OSZ**)<sup>1</sup> located within or immediately adjoining a Town Centre Zone. The scope of this variation is geographically limited to those areas shown in red on the plans included in Section 2 of this Evaluation.

1.2. The matters being addressed by this plan variation are that:

some council-owned reserve land is included in the Queenstown Town Centre (**QTC**) Zone;

the Queenstown Bay Waterfront subzone (**QTWSZ**) extends over OSZ land as well as QTC land and it is unclear whether the QTWSZ applies to both zones;

the rules of the OSZ and QTWSZ variously duplicate or contradict each other;

outdoor dining (other than restaurants and cafes associated with permitted activities) are all non-complying, including on Earnslaw Park and on OSZ land adjacent to Steamer Wharf;

the standards for noise received in the Civic Spaces Zone adjoining Town Centre zoned land is inconsistent with the adjoining Town Centre zones and restricts noise that can be generated in the Town Centre Zone and potentially also within the Civic Spaces Zone itself;

there is limited control over the design of buildings on OSZ land, including those areas that adjoin, and are a fundamental part of, the District's town centres;

requiring carparking to be provided on OSZ land adjoining the Town Centre zones will affect the ability to achieve high quality urban design and an efficient multi-modal transport system;

whether the OSZ rules to manage jetties, and buildings on jetties, adequately manage the potential adverse effects, noting that the respective rules are generally less restrictive than the adjoining 'Queenstown Beach and Gardens Foreshore' and 'Active Frontage' areas of the QTWSZ and do not reflect the distinction that has been made between the two parts of the Queenstown Bay;

there is limited control over the management of natural hazard risks associated with buildings on lakefront OSZs adjoining the Town Centre zones;

1.3. The decision version (**DV**) Proposed District Plan (**PDP**) Chapter 38 has been used as a baseline for this review, and the key changes that are recommended, compared against the DV provisions and planning maps, are as follows:

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<sup>1</sup> This term is used generically in this Report to refer to the following five zones regulated by the OSZ chapter:

- Nature Conservation Zone;
- Informal Recreation Zone, which includes the Ben Lomond Sub-Zone;
- Active Sport and Recreation Zone;
- Civic Spaces Zone; and
- Community Purposes Zone which includes the Community Purposes – Cemeteries, Community Purposes – Golf and Community Purposes – Camping Ground Sub-Zones.

- a) re-zoning of the recreation reserve land that is zoned QTC on the north-eastern edge of Earnslaw Park to Civic Spaces Zone;
- b) re-zoning of the strip of reserve land on the north-western shoreline of the Queenstown Gardens from Rural to CPZ;

removing the QTWSZ overlay from the land zoned Informal Recreation, Civic Spaces, and Community Purposes zones;

adding new rules and standards to enable a limited amount of outdoor dining in the OSZ adjoining the active frontage area of the QTWSZ, while continuing to protect the balance of these spaces for public use;

adding a new noise standard to enable increased day time and night time noise to be received in the Civic Spaces Zone where it adjoins Town Centre zones;

adding a new rule and additional matters of control/discretion over building design in relation to various types of buildings on specific OSZ land adjoining the Town Centre Zones;

amending the rules relating to buildings that contain commercial recreation and accessory commercial, cafes, and restaurant activities so that where such buildings are located on jetties on OSZ land which adjoins the QTWSZ, they are subject to the same rules that apply in the QTWSZ;

amending the rules so that jetties on OSZ land which adjoins the QTWSZ are subject to the same rules that apply in the QTWSZ;

adding a rule to exempt activity on OSZs adjoining the Town Centre zones from having to provide any on-site carparking; and

adding additional matters of control/discretion to provide control/discretion over natural hazard risks in relation to various types of buildings on the OSZ.

- 1.4. The proposed variations to chapters 29, 36, and 38 will assist the Council to fulfil its statutory functions and responsibilities as required by the Resource Management Act 1991 (**'the Act'** or **'the RMA'**).

## **2. INTRODUCTION**

2.1. Section 32 of the Act requires objectives in proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their costs, benefits, efficiency, effectiveness and risk in achieving the objectives.

2.2. The purpose of this variation is to introduce a number of new and amended rules to the PDP, in order to more appropriately recognise the specific characteristics of the open spaces that adjoin Town Centre zones in Wanaka, Arrowtown and Queenstown. In addition to varying the OSZ Chapter 38, this variation also recommends associated variations to PDP Chapters 29 and 36 in respect of transport and noise.

2.3. The geographic scope of this variation is limited to the land shown in red on the plans below. This land includes all Council-owned reserve land located within the DV QTWSZ and those areas

of Civic Space Zone that immediately adjoin the Queenstown, Wanaka, and Arrowtown Town Centre zones.

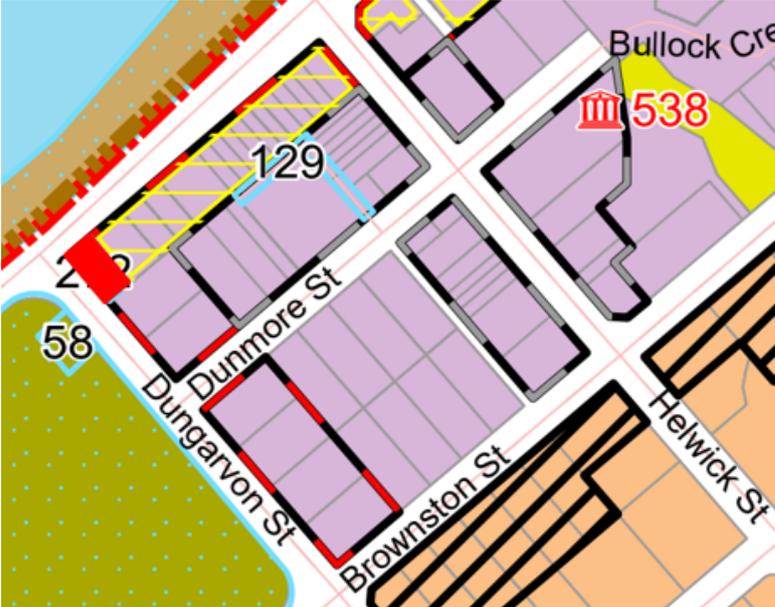


Figure 1 – Wanaka Town Centre



Figure 2 – Queenstown Town Centre

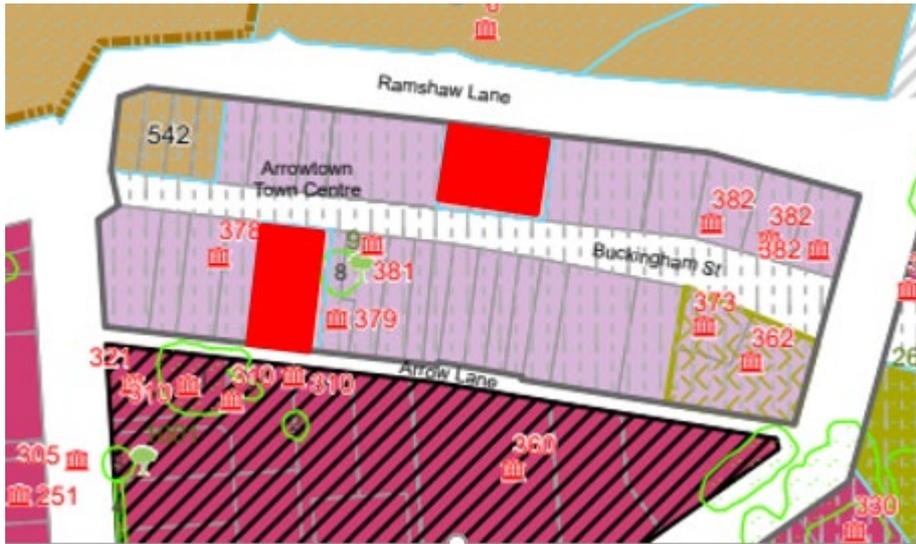


Figure 3 – Arrowtown Town Centre

- 2.4. There is also a small stretch of Queenstown Gardens shoreline that is affected by the proposed rules relating to jetties and buildings thereon as this stretch of Community Purposes Zone shoreline adjoins the QTWSZ and is therefore captured by those rules. This 37m stretch of shoreline is not shown as red below but is shown by the blue line on the below aerial plan:



- 2.5. By way of background, other than the Rural zoned strip of land on the north-western shoreline of the Queenstown Gardens, the land shown in red was all zoned Town Centre Zone in the notified Stage 1 PDP and the land adjoining the Queenstown Bay area was also overlaid by the QTWSZ. This was essentially a continuation of the zoning of the Operative District Plan (ODP). This zoning was then removed in the DV of the Stage 1 PDP planning maps as a consequence of the notification of Stage 2 OSZ prior to the release of the Stage 1 decisions. The notified Stage 2 PDP planning maps then rezoned the land variously as Civic Spaces Zone, Community

Purposes Zone (**CPZ**), and Informal Recreation Zone. The QTWSZ was retained over the land adjoining the Queenstown Bay, even though the underlying zoning changed to OSZ.

2.6. Other than the Rural zoned strip of land proposed for rezoning, the land shown in red is all designated in the PDP, either as as Recreation Reserve (designations 141, 204, 219, 272, and 556), Local Purpose (Recreation) Reserve, being the Brian Smith Park (designation 216), or Local Purpose Reserve, being the Arrowtown Atheneum Hall and adjoining pocket park (designation 143).

2.7. The evaluation of the appropriateness of the provisions in Section 10 of this Evaluation is based on addressing the following broad resource management issues:

a) Issue 1 - an inconsistency in the approach to the zoning of OSZ land;

Issue 2 - the fact the OSZ provisions limit or prevent activities on nearby Town Centre zoned land from contributing to the vibrancy and quality of the Town Centre;

Issue 3 –insufficient control over the quality of urban design and the built environment within the OSZ to ensure built form is consistent with the high standards expected in the adjoining Town Centre zones; and

Issue 4 –insufficient management of flood risks.

2.8. More specifically, the resource management issues identified with the DV provisions are that:

a) A small area of recreation reserve land is not included in the Civic Spaces Zone within the DV QTWSZ;

it is unclear whether the QTWSZ policies and rules apply to the OSZ land within the subzone and whether it is appropriate that they do or not apply;

the non-complying status of commercial outdoor dining associated with adjacent restaurants and cafes under the OSZ is not well aligned with the objectives and policies of the QTC and the QTWSZ; does not reflect the fact that such outdoor dining is well established around Earnslaw Park; and does not acknowledge that these premises are unlikely to provide an active edge to the park unless some limited encroachment onto the reserve is provided for (due to the existing buildings having been built up to the boundary);

there is no ability to control the design and external appearance of buildings or alterations to existing buildings (beyond colour and reflectivity in some open space zones), with the exception of alterations to the Coronation Bathhouse (Heritage Item 108) and the Athenaeum Hall in Arrowtown, which are managed under the historic heritage chapter. In all other instances, such matters are dealt with wholly through the Council's powers under the Reserves Act;

there is no minimum floor height for buildings and no control/ discretion over natural hazards, meaning there is no ability to manage the risk to property or people resulting from buildings constructed in the OSZs adjoining the Queenstown and Wanaka Town Centre zones;

the low noise limits of the Civic Spaces Zone adjoining the Arrowtown Town Centre (**ATC**) Zone restrict the level of noise that premises in nearby parts of the ATC Zone are able to make and potentially restrict

informal socialising and outdoor dining of a nature that would be anticipated on the areas Civic Spaces Zone that adjoining Town Centre Zone; and  
all activities that occur on areas of the OSZ, including those that adjoin the QTC, are required to provide on-site parking, which is inconsistent with the approach taken in the adjoining Town Centre zones and does not support the establishment of a more multi-modal transport network and more pedestrian-focused Town Centres environments.

2.9. Addressing the issues set out above will result in more appropriate management of the effects of activities on OSZ land that adjoins the Town Centre Zones and is consistent with achieving the purpose of the Act.

2.10. The proposed variation applies to land notified in Stage 3 of the Proposed District Plan review and is shown on the plans included earlier in Section 2 of this evaluation report and the Planning Maps attached to the Stage 3 bundle.

### 3. DISTRICT PLAN REVIEW

3.1. The review of the ODP is being undertaken in stages. This Variation forms part of Stage 3 and proposes to vary parts of the PDP that were notified in stages 1 and 2 of the PDP. This Variation does not incorporate any other documents into the PDP by Reference and does not raise any jurisdictional matters.

### 4. PURPOSE OF THE REPORT

4.1. Section 32 of the Act requires objectives in proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their efficiency, effectiveness, and risk in achieving the objectives. This report fulfils the obligations of the Council under section 32 of the Act. The analysis set out below should be read together with the text of chapters 29, 36, and 38.

4.2. This report provides an analysis of the key issues, objectives, and policy response for chapters 29, 36, and 38 of the PDP under the following headings;

a) The **Consultation** undertaken, including engagement with iwi authorities on the draft plan.

An overview of the applicable **Statutory Policy Context** (Section 6)

Description of the **Non-Statutory Context** (strategies, studies and community plans), which have informed the proposed provisions (Section 6.46);

A description of the **Resource Management Issues**, which provide the driver for the proposed provisions (Section 6.1);

A **level of detail** that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal (Section 32(1)(c)) (Section 9);

An **Evaluation** against Section 32(1)(b) of the Act (Sections 10 and 11), that is:

- (b) Whether the provisions (policies and methods) are the most appropriate way to achieve the objectives (Section 32(1)(b)), including:
  - (i) identifying other reasonably practicable options for achieving the objectives
  - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives, and
  - (iii) summarising the reasons for deciding on the provisions; and

Consideration of **Risk** (Section 12).

4.3. As no new objectives are included in this proposal, it is not necessary to consider whether the objectives are the most appropriate way to achieve the RMA's purpose, pursuant to Section 32(1)(a).

## 5. CONSULTATION

5.1. While no specific public consultation was undertaken in the development of the proposal, the QLDC Parks and Open Space Strategy 2017 and documents produced through the Queenstown Town Centre Masterplan process (2018) both helped to inform the proposal. Both those processes included a significant amount of public consultation.

5.2. No specific advice was received from the relevant iwi authorities in relation to these proposals.

## 6. STATUTORY POLICY CONTEXT

6.1. Appropriate regard has been given to the relevant requirements of the RMA, the Local Government Act 2002, and the two iwi management plans that apply in the District<sup>2</sup> during the preparation of this proposal.

6.2. The National Policy Statements (**NPS**) on Urban Development Capacity and on Freshwater Management are peripherally relevant to this proposal in that the proposal provides sufficient development for "other infrastructure" (including reserve land) to meet the needs of people and communities and future generations in urban environments; and some of the OSZ areas subject

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<sup>2</sup> *The Cry of the People, Te Tangi a Taura: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (MNRMP 2008) and Kāi Tahu ki Otago Natural Resource Management Plan 2005 (KTKO NRMP 2005).*

to this proposal immediately variously adjoin or include parts of Lake Wakatipu and Horne Creek. The proposal is consistent with both of these.

- 6.3. None of the National Environmental Standards (**NES**) are relevant to this proposal.
- 6.4. The relevant provisions of the operative and proposed Otago Regional Policy Statements (**RPS**) have been considered in the preparation of this proposal and has been concluded that this proposal gives effect to the operative provisions of the RPS and has appropriate regard to the proposed provisions.
- 6.5. Of relevance, other than the Rural zoned Queenstown Gardens shoreline, the land subject to this proposal is all vested as reserve and is therefore subject to the provisions of the Reserves Act 1977. It is noted that while the north-western shoreline of the Queenstown Gardens (which faces into the Queenstown Bay) is not vested it is administered by the QLDC in accordance with the relevant Queenstown Bay Foreshore RMP 2016. In summary, the purpose of the Reserves Act is to preserve and manage reserves for the benefit and enjoyment of the public, in accordance with the reason for which they have been classified. As outlined in section 2 of this evaluation report, most of the reserves the subject of this variation are recreation reserves.
- 6.6. In addition to the general provisions of the Reserves Act, more detailed Reserve Management Plans (**RMPs**)<sup>3</sup> have been prepared under the Reserves Act for many of the reserves that are the subject of this variation. Pursuant to s 74(2)(b)(i) of the RMA, due consideration has been given to these RMPs in the preparation of this variation.

<https://www.qldc.govt.nz/assets/Uploads/Council-Documents/Reserve-Management-Plans/Wanaka-Lakefront-Reserves-Management-Plan.pdf>

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<sup>3</sup> Pembroke Park RMP 2007 (relevant to Bridgeman Green):

[https://www.qldc.govt.nz/assets/OldImages/Files/Reserve\\_Management\\_Plans/Pembroke\\_Park\\_Reserve\\_management\\_plan\\_2007.pdf](https://www.qldc.govt.nz/assets/OldImages/Files/Reserve_Management_Plans/Pembroke_Park_Reserve_management_plan_2007.pdf)

Queenstown Bay Foreshore RMP 2016 (relevant to the OSZs and strip of Rural land that adjoin the QTWSZ):

[https://www.qldc.govt.nz/assets/OldImages/Files/Reserve\\_Management\\_Plans/Queenstown-Bay-Foreshore-Reserves-Management-Plan.pdf](https://www.qldc.govt.nz/assets/OldImages/Files/Reserve_Management_Plans/Queenstown-Bay-Foreshore-Reserves-Management-Plan.pdf)

Arrowtown-Lake Hayes RMP 2013 (relevant to the Civic Space Zone areas that adjoin the ATC):

[https://www.qldc.govt.nz/assets/OldImages/Files/Reserve\\_Management\\_Plans/Arrowtown-Lake\\_HayesPart1.pdf](https://www.qldc.govt.nz/assets/OldImages/Files/Reserve_Management_Plans/Arrowtown-Lake_HayesPart1.pdf)

[https://www.qldc.govt.nz/assets/OldImages/Files/Reserve\\_Management\\_Plans/Arrowtown-Lake\\_HayesPart2.pdf](https://www.qldc.govt.nz/assets/OldImages/Files/Reserve_Management_Plans/Arrowtown-Lake_HayesPart2.pdf)

[https://www.qldc.govt.nz/assets/OldImages/Files/Reserve\\_Management\\_Plans/Arrowtown-Lake\\_HayesPart2.pdf](https://www.qldc.govt.nz/assets/OldImages/Files/Reserve_Management_Plans/Arrowtown-Lake_HayesPart2.pdf)

## Proposed District Plan - Notified 26 August 2015

- 6.7. The following objectives and policies of the PDP are relevant to this proposal. How effective and efficient the proposal will be at achieving these objectives is included in the evaluation provided in section 10 of this report.

### Strategic Direction Chapter 3

Plan Reference	Provision
Objective 3.2.1	The development of a prosperous, resilient and equitable economy in the District
Objective 3.2.1.1	The significant socioeconomic benefits of well-designed and appropriately located visitor industry facilities and services are realised across the District.
Objective 3.2.1.2	The Queenstown and Wanaka town centre are the hubs of New Zealand's premier alpine visitor resorts and the District's economy
Objective 3.2.2	Urban growth is managed in a strategic and integrated manner.
Objective 3.2.2.1	Urban development occurs in a logical manner so as to: <ul style="list-style-type: none"> <li>a) promote a compact, well designed and integrated urban form;</li> <li>build on historical urban settlement patterns;</li> <li>achieve a built environment that provides desirable, healthy and safe places to live, work and play;</li> <li>minimise the natural hazard risk, taking into account the predicted effects of climate change;</li> <li>protect the District's rural landscapes from sporadic and sprawling development;</li> <li>ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;</li> <li>contain a high-quality network of open spaces and community facilities; and</li> <li>be integrated with existing, and planned future, infrastructure.</li> </ul>
Objective 3.2.3	A quality built environment taking into account the character of individual communities.
Objective 3.2.3.1	The District's important historic heritage values are protected by ensuring development is sympathetic to those values
Objective 3.2.4	The distinctive natural environments and ecosystems of the District are protected
Objective 3.2.4.3	The natural character of the beds and margins of the District's lakes, rivers and wetlands is preserved or enhanced
Objective 3.2.4.5	Public access to the natural environment is maintained or enhanced.
Objective 3.2.6	The District's residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety
Objective 3.2.7	The partnership between Council and Ngāi Tahu is nurtured.
Visitor Industry Policy 3.3.1	Make provision for the visitor industry to maintain and enhance attractions, facilities and services within the Queenstown and Wanaka town centre areas and elsewhere within the District's urban areas and settlements at locations where this is consistent with objectives and policies for the relevant zone.
Town Centres Policy 3.3.2	Provide a planning framework for the Queenstown and Wanaka town centres that enables quality development and enhancement of the centres as the key commercial, civic and cultural hubs of the District, building on their existing functions and strengths.

Natural Environment Policy 3.3.19	Manage subdivision and/ or development that may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins so that their life-supporting capacity and natural character is maintained or enhanced
Cultural Environment Policies 3.3.33 - 35	Collectively these relate to the management of effects on wāhi tūpuna

6.8. The Strategic Directions objectives seek to enable development while protecting the valued natural and physical resources of the District and the proposal is required to give effect to these objectives. These objectives and policies are particularly relevant to the proposal because they emphasise the importance of:

- a) developing a strong economy, specifically citing the visitor industry and the roles of the Queenstown and Wanaka Town Centres as the hubs of this activity;

integrated management;

providing a high-quality built environment (including the network of open spaces and community facilities) that is desirable, healthy, safe, and minimises natural hazard risks; and

the natural character of the margins of lakes and streams and public access to the natural environment.

#### Urban Development Chapter 4:

Plan Reference	Provision
Objective 4.2.1	Urban Growth Boundaries used as a tool to manage the growth of larger urban areas within distinct and defensible urban edges.
Policy 4.2.1.4	Ensure Urban Growth Boundaries encompass a sufficient area consistent with: <ul style="list-style-type: none"> <li>a. ...</li> <li>d. the need to make provision for the location and efficient operation of infrastructure, commercial and industrial uses, and a range of community activities and facilities;</li> <li>e. ...</li> </ul>
Objective 4.2.2A	A compact and integrated urban form within the Urban Growth Boundaries that is coordinated with the efficient provision and operation of infrastructure and services.
Policy 4.2.2.1	Integrate urban development with the capacity of existing or planned infrastructure so that the capacity of that infrastructure is not exceeded and reverse sensitivity effects on regionally significant infrastructure are minimised.
Policy 4.2.2.2	Allocate land within Urban Growth Boundaries into zones which are reflective of the appropriate land use having regard to: <ul style="list-style-type: none"> <li>...</li> <li>c. any risk of natural hazards, taking into account the effects of climate change;</li> <li>d. connectivity and integration with existing urban development;</li> <li>...</li> <li>h. the need to provide open spaces and community facilities that are located and designed to be safe, desirable and accessible;</li> </ul>

	i. the function and role of the town centres and other commercial and industrial areas as provided for in Chapter 3 Strategic Objectives 3.2.1.2 - 3.2.1.5 and associated policies; and ...
Policy 4.2.2.4	Encourage urban development that enhances connections to public recreation facilities, reserves, open space and active transport networks.
Policy 4.2.2.9	Ensure Council-led and private design and development of public spaces and built development maximises public safety by adopting “Crime Prevention Through Environmental Design”.

6.9. The Urban Development objectives and policies encourage consolidation of urban growth within the urban growth boundaries and existing settlements. They are particularly relevant to the proposal because they emphasise the importance of:

- a) making provision for a range of community activities, infrastructure, facilities, and services within the Urban Growth Boundaries (**UGB**);

achieving an integrated urban form within the UGB whereby the capacity of that infrastructure is not exceeded;

having regard to natural hazard risks when allocating zones and providing for activities within the UGB;

having regard to connectivity and integration with existing urban development and the need to provide safe, desirable and accessible open spaces and community facilities when allocating zones and providing for activities within the UGB; and

having regard to the function and role of the town centres when allocating zones and providing for activities within the UGB;

#### **Tangata Whenua Chapter 5:**

<b>Plan Reference</b>	<b>Provision</b>
Objective 5.3.1	Consultation with tangata whenua occurs through the implementation of the Queenstown Lakes District Plan Policies.
Policies 5.3.1.1 - 4	Collectively, these relate to the decision making process under the RMA and building relationships with iwi resource consent
Objective 5.3.2	Ngāi Tahu have a presence in the built environment
Policy 5.3.2.1	Collaborate with Ngāi Tahu in the design of the built environment including planting, public spaces, use of Ngāi Tahu place names and interpretive material. Enable the sustainable use of Māori land.
Objective 5.3.3	Ngāi Tahu taonga species and related habitats are protected.
Objective 5.3.5	Wāhi tūpuna and all their components are appropriately managed and protected.
Policies 5.4.5.1 - 5	Collectively, these relate to identifying areas of sites of cultural significance in the PDP and, until that time, engaging with iwi through the consent process

6.10. The tangata whenua objectives and policies give effect to Sections 6(e) and 8 of the Act. They are particularly relevant to the proposal because they emphasise the importance of consulting

with tangata whenua when a consent presents issues of interest to them and enabling Ngāi Tahu to have a presence/ ability to influence the design of the built environment, including public spaces.

### **Landscapes and Rural Character Chapter 6:**

<b>Plan Reference</b>	<b>Provision</b>
Policy 6.3.30	Control the location, intensity and scale of buildings, jetties, moorings and infrastructure on the surface and margins of water bodies and ensure these structures maintain or enhance landscape quality and character, and amenity values.
Policy 6.3.32	Recognise the urban character of Queenstown Bay and provide for structures and facilities providing they protect, maintain, or enhance the appreciation of the District's distinctive landscapes.
Policy 6.3.33	Provide for appropriate commercial and recreational activities on the surface of water bodies that do not involve construction of new structures.

6.11. These policies give effect to Sections 6(b) and 7(c) of the Act and the Strategic Direction objectives by managing the actual and potential adverse effects of use and development on the District's landscape values.

6.12. While most of Chapter 6 does not apply to the proposal, these objectives are relevant because they emphasise the importance of:

- a) ensuring that buildings and structures on the margins of water bodies must be designed to maintain or enhance landscape quality and character, and amenity values, while also recognising the urban character of Queenstown Bay;
- b) providing for appropriate commercial and recreational activities on the surface of water bodies where this does not involve the construction of new structures

### **Other Council Documents Considered**

6.13. The following Council documents have also informed this Section 32 evaluation:

- a) QLDC Tables and Chairs Policy 2006. <https://www.qldc.govt.nz/assets/Uploads/Council-Documents/Policies/Council-Property-Policies/Tables-and-Chairs-Policy.pdf>;

Learning to Live with Flooding: A Flood Risk Management Strategy 2006 (QLDC and ORC).

<https://www.qldc.govt.nz/council-online/council-documents/strategies-and-publications/flood-management-strategy/>;

QLDC Parks and Open Space Strategy 2017

<https://www.qldc.govt.nz/assets/Uploads/Council-Documents/Strategies-and-Publications/QLDC-Parks-Strategy-FINAL.pdf>

## 7. RESOURCE MANAGEMENT ISSUES

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.

### **Issue 1 – Inconsistency in the approach to the zoning of OSZ land**

#### Inconsistent zoning of reserve land within the QTC Zone

- 7.1. 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. However, there appears to be an anomaly in the mapping of the boundary of the Civic Spaces Zone known as Earnslaw Park in Queenstown, in that a number of small parcels which are gazetted as reserve have been zoned QTC rather than Civic Spaces Zone. There is a further anomaly in the mapping of the Queenstown Gardens where a narrow strip of the shoreline is zoned Rural rather than CPZ.

#### The relationship between the OSZ provisions and the Queenstown Bay Waterfront Subzone (QTWSZ) overlay that applies to the land

- 7.2. In the notified stage 1 PDP the land was all zoned QTC and the QTWSZ was also applied to those OSZ areas adjacent to the Queenstown Bay. The land was then rezoned in Stage 2 to OSZ (variously Civic Spaces, Community Purposes, and Informal Recreation) and the QTWSZ was retained over those OSZ areas adjacent to the Queenstown Bay. A consequence of this is that it is unclear whether the QTWSZ objective, policies, and rules are intended to apply to the OSZ areas within it, as there is no cross reference in Chapter 38 (OSZ) to the QTWSZ rules, which are located in Chapter 12 (QTC).
- 7.3. There is also the more substantive issue of whether it is appropriate to apply the QTWSZ objective, policies, and rules to the OSZ land that sits within the QTWSZ or whether the subzone

should be removed from this land. In assessing this, it is necessary to consider whether the QTWSZ provisions complement, conflict with, or unnecessarily duplicate those of the stage 2 OSZ.

**Issue 2 – Ensuring that the OSZ provisions do not disadvantage or prevent activities on nearby Town Centre zoned land from contributing to the vibrancy and quality of the Town Centre**

The provisions relating to commercial outdoor dining on OSZ land adjacent to the Active Frontage Area of the QTWSZ

- 7.4. Under the DV rules, outdoor dining, restaurants, and cafes would be considered as an ‘activity not listed’ (38.9.1) and therefore would be non-complying activities. This non-complying status:
- a) is inconsistent with the objectives and policies of the QTC and with those of the QTWSZ that relate to safety, amenity, and socialising;  
does not reflect the fact that such outdoor dining is well established (and, in most cases, consented) around Earnslaw Park and adjoining Steamer Wharf;  
does not recognise that, due to the buildings having been built right up to the reserve boundary in most cases, these premises are unable to provide outdoor dining without some encroachment onto the reserve;  
is inconsistent with the Council’s application of the Tables and Chairs Policy 2006, under which numerous licences to occupy have been approved on the edge of these reserves.
- 7.5. While it is considered that, in general, such strong rules are important to protect against the commercialisation of the OSZ that adjoins the Town Centres, it is considered that such strong protection is not wholly appropriate for those areas of OSZ land adjoining the active frontage area of the QTWSZ (i.e. Earnslaw Park and adjoining Steamer Wharf) and that rules should allow for a limited amount of outdoor dining associated with adjoining restaurants and cafes at the edge of these / this specific open space.

The relatively low noise limits set for the OSZ

- 7.6. The noise limits set for the OSZ are significantly lower than those that were previously permitted under the Town Centre zoning of the stage 1 PDP.
- 7.7. Due to the way that noise is measured in the Arrowtown TC Zone, the OSZ noise rules restrict the level of noise that can be generated by Arrowtown TC zoned premises in the vicinity of the Civic Spaces Zone in Arrowtown. This is likely to restrict the operation of cafes, restaurants, and bars (especially those with outdoor dining) that are located in the vicinity of the Civic Space Zone (i.e. the Arrowtown Green and community centre/ Athenaeum Hall). This is likely to either discourage such active uses from locating there at all, or require such premises to meet the rules,

which would limit operations (likely meaning they would not provide outdoor dining or at least not into the evening) and would have them incur higher compliance costs in order to comply. Under either scenario, the OSZ noise rules are likely to limit the ability of the Arrowtown TC to fully realise its role as a focus for entertainment activities.

- 7.8. Further to this, but of less concern, is that where the Civic Spaces Zone adjoins Town Centre zones, the OSZ noise limits will constrain the amount of general noise generated from all the Town Centre zones (e.g. building services plant/equipment and the use of loading bays/service activities will likely breach the OSZ noise limits) or may require those in the vicinity of the civic spaces zone to obtain consent.
- 7.9. A further potential issue is that due to the way noise is measured in the PDP rules, if an area zoned as Civic Spaces Zone comprises more than one “site” then, technically, informal socialising and outdoor dining of the nature that would be anticipated on civic spaces zones adjoining Town Centre zoned land could, itself, be in breach of the noise rules. This is not an effective or efficient method of achieving the objectives of the OSZ (or the adjoining Town Centre zones).

**Issue 3 – Ensuring that the quality of buildings and general urban design outcomes within the OSZ is consistent with the high standards required in the adjoining Town Centre zones**

The quality of buildings and urban design outcomes

- 7.10. This issue relates to whether the provisions and other processes under the Reserves Act are sufficient to ensure that the quality of building design within the OSZ is consistent with the high standards expected in the surrounding Town Centre zones.
- 7.11. The OSZ rules regulate buildings to various degrees depending on the use of the building, as follows:
- (a) buildings for permitted uses<sup>4</sup> are permitted (subject to height and colour, and reflectivity rules on the land zoned Informal Recreation Zone);
  - (b) buildings for commercial recreation or commercial activity associated with recreation are discretionary in the Informal Recreation Zone and restricted discretionary in the Civic Spaces and Community Purposes zones;

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<sup>4</sup> Permitted activities that may require buildings are informal recreation, public amenities, and park maintenance in all the three open space zones within the land, recreation facilities, education relating to open space, libraries, and ‘organised sport and recreation’ in Community Purposes Zone; carparking ancillary to permitted uses in Civic Spaces and Community Purposes zones; and retail ancillary to permitted uses (limited to 100m<sup>2</sup>/ 10% of rec GFA in informal recreation and Community Purposes zones).

- (c) buildings for restaurants/ cafes ancillary to a permitted activity which is more than 50m from a Residential Zone (i.e. the Civic Spaces and Community Purposes zones) are controlled and those within 50m (i.e. the Informal Recreation Zone) are restricted discretionary; and
- (d) buildings that have no relationship to recreation or commercial recreation activity and are not otherwise provided for are non-complying.

7.12. These rules need to be considered in the context of the objectives and policies, which essentially signal that building in these areas will be strictly limited and the fact the land is council owned reserve.

7.13. The matters of control/ discretion for commercial and commercial recreation buildings and restaurants/ cafes include the intensity and scale of the activity on recreation use and amenity values, public access and use of the open space, and location (in respect of restaurants) but do not provide specific control/ discretion over external appearance, materials, colour, lighting, the impact on the streetscape, or the contribution the building makes to safety, in the manner that the Queenstown Town Centre rule does.

7.14. Any alteration or addition to existing buildings are also permitted in the OSZ. However, when considering the risk posed by this permissive rule, it is relevant that the effects of any alteration to the Coronation Bath House (heritage item 108), the war memorial gate at Marine Parade (heritage item 27) or to Athenaeum Hall in Arrowtown are managed through the Historic Heritage chapter and the only other buildings on the land subject to this variation are the public toilets on Earnslaw Park and potentially a very small part of the building on the wharf on the Informal Recreation Zone west of Steamer Wharf. It is noted for completeness that the toilets and sewage pump station adjacent to Queenstown Beach are located on road reserve rather than on the CPZ.

7.15. Importantly, given all the land subject to this variation is gazetted as reserve and owned and/ or administered by Council, any new building or additions to buildings is subject to approval processes under the Reserves Act. While all buildings in the adjacent Town Centre zones (including alterations and additions) require a restricted discretionary consent to ensure a high standard of design, other than any non-complying buildings, the Council manages the quality of buildings in the OSZs through the Reserves Act.

7.16. What that means is that when a building is proposed in the OSZ by someone other than Council (such as a sports club or a commercial recreation operator), in addition to any resource consent that may be required, the applicant needs to apply to Council for a lease. The assessment of such applications is not as prescriptive as the resource consent process and the range of matters that Council is able to consider in making its decision whether to grant the lease or not is unlimited and would generally include design-related matters. That decision is guided to a large extent by

any existing RMP and by Council strategies and design guidelines. If the licence/ lease application is for an activity or building/ structure that is not anticipated in an RMP then it will be publicly notified. The decision is then made by elected members and cannot be appealed.

Rules relating to jetties and buildings on jetties in the OSZ in the context of the Queenstown Bay area

- 7.17. Under the QTC and the QTWSZ, jetties, wharves, moorings, and surface of water activities within the Queenstown Bay are treated as a 'special case' in the PDP. This is reflected in both the chapter 6 (Landscape) and 12 (QTC) policies and in the fact that, in many cases, the rules that apply in this area differ from those of the OSZ and the Rural Zone, which covers all other waterways.
- 7.18. The issue is whether the rules relating to jetties, and buildings on jetties, in the OSZ should be aligned with the QTWSZ provisions. This is relevant to the Informal Recreation and Community Purposes zones that adjoin the QTWSZ as those OSZ zones extend close to (or even into) the bed of the lake and therefore, any new jetties will almost certainly be located partly within the OSZ and partly within the adjoining QTWSZ.
- 7.19. Full discretionary status for jetties in the Informal Recreation Zone is consistent with the rules of the adjoining Active Frontage Area of the QTWSZ but, in all other respects/ areas, the OSZ rules for both jetties, and buildings thereon, differ from the QTWSZ rules, with the QTWSZ rules being more restrictive in all instances. Buildings on jetties that are to be used for permitted activities are permitted and those for commercial recreation or ancillary commercial uses (being the most likely other buildings to locate on jetties) are restricted discretionary in the Community Purposes Zone and full discretionary in the Informal Recreation Zone. All such buildings are non-complying in the adjoining QTWSZ. Jetties are full discretionary in the Community Purposes Zone, whereas they are non-complying in the adjoining QTWSZ.
- 7.20. It is considered that aligning the rules of the Community Purposes Zone and Informal Recreation zone with those of the adjoining QTWSZ will result in better integrated management of effects and be better aligned with the QTWSZ policy framework and rules that make a clear distinction between the character, role, and development capacity of the Active frontage and Queenstown Beach and gardens foreshore frontage areas of the waterfront subzone.

Whether on-site carparking should be required to be provided on the OSZ adjoining the Town Centre zones

- 7.21. Activity occurring within the Town Centre zones is exempt from the minimum parking requirements specified in Chapter 29 (transport), whereas all activities in the OSZ are required to provide onsite parking, including where those open spaces immediately adjoin and are an

integral part of the Town Centres. While it is acknowledged that there is unlikely to be significant levels of parking activity occurring within these open spaces, it is feasible that commercial recreation activities such as walking tours or boating activity could commence from these spaces or that small scale commercial activities ancillary to recreation may occur within them.

- 7.22. By way of example, a new (15m<sup>2</sup>) ticketing kiosk would be required to provide 1 onsite carpark and a commercial recreation activity undertaken or commencing from an open space zone would be required to provide 1 onsite carpark per 5 persons that is designed to accommodate. For example, a boating activity that commences from the OSZ (e.g. a new building on or adjacent to O'Regan's Wharf west of Steamer Wharf) could require a significant amount of parking to be provided.

#### **Issue 4 – The management of flood risks relating to buildings in the OSZ adjoining the Queenstown and Wanaka Town Centre zones**

- 7.23. The Council's Flood Mitigation Strategy (2006) determined that, rather than construct physical works to control flooding, the Council would encourage the community to manage flood risks by establishing a minimum building floor level of 312.0 masl and 281.9 masl respectively in the Queenstown and Wanaka Town Centre zones. These levels were purposely set to minimise, rather than prevent, the risks and damage resulting from flooding, in recognition that setting the levels any higher could result in significant adverse effects on amenity, mobility, and the quality of the streetscape.
- 7.24. Given that the level of the promenade adjacent to Earnslaw Park is approximately at 312.0 masl, it follows that most of the OSZ adjoining the QTWSZ is flood prone. While requiring minimum floor levels to be met would minimise (or if set high enough, avoid) any risk to buildings constructed on this land, it would result in significant adverse effects on the public space in some areas due to the likely height differences between the ground level and finished building floor height, which would necessitate steps and ramps for access and result in buildings sitting 'proud' about the natural ground level. This would be particularly so in the lower-lying parts of the Community Purposes Zone (i.e. Marine Parade).
- 7.25. Similarly, the Civic Space Zone adjoining the Wanaka Town Centre (on the corner of Ardmore and Dungarvon streets) sits well below the level of the road and presumably well below the minimum floor level that is set for the Wanaka Town Centre Zone.
- 7.26. The issue is therefore, how the OSZ provisions can best mitigate the effects of buildings erected on the land being flooded; be it through imposing minimum floor heights consistent with those set for the Wanaka and Queenstown Town Centre zones; by relying on council's powers under the Reserves Act to minimise effects in relation to all buildings; or by extending control/ discretion over natural hazards in relation to all buildings that are not otherwise permitted.



## 8. BROAD OPTIONS TO ADDRESS THE KEY RESOURCE MANAGEMENT ISSUE

**Option 1:** Status quo - Retain the DV OSZ boundaries and the QTWSZ over the land at the Queenstown waterfront, without amendment

**Option 2:** Replace the DV OSZs over the land with the relevant Town Centre zones and retain the QTWSZ.

**Option 3:** Retain the QTWSZ and OSZ over the land, but amend the rules to ensure more integrated and consistent management of the effects on open space and Town Centre zoned land

**Option 4:** Retain the OSZ over the land; amend the rules to ensure more integrated and consistent management of the effects on open space and Town Centre zoned land; and

- a. re-zone the reserve land zoned Town Centre in the Stage 2 PDP Maps to Civic Spaces Zone and the narrow strip of land that is zoned Rural in the Stage 2 PDP Maps to CPZ
  - b. remove the QTWSZ from the OSZ land; and
  - c. apply the QTWSZ rules relating to jetties and buildings on jetties to the OSZ land that adjoins the QTWSZ.
- (Recommended)

<b>Table 1 - Broad Options</b>				
	<b>Option 1 – Retain the Open Space and QTWSZ zoning</b>	<b>Option 2 – Rezone land as Town Centre and retain the QTWSZ</b>	<b>Option 3 – Retain the Open Space and QTWSZ zoning but amend some rules</b>	<b>Option 4 – retain and extend the OSZ; remove the QTWSZ from that land and incorporate key rules into the OSZ; and amend select rules</b>

<p><b>Costs</b></p>	<ul style="list-style-type: none"> <li>• A lack of clarity whether the QTWSZ applies to the OSZ zoned land within it as the provisions sit in the QTC zone and they are not cross referenced in the OSZ.</li> <li>• Only provides control over the design of non-complying buildings; relying solely on the leasing process under the Reserves Act to consider the design of all other buildings.</li> <li>• There is both duplication and inconsistency between the OSZ and QTWSZ rules that all apply to the land.</li> <li>• Permits a range of buildings and provides less design control under the PDP (managed instead under the Reserves Act).</li> <li>• There is a lack of consistency between the OSZ and Town Centre rules which, in many cases, will result in less integrated management of effects across the two zones.</li> </ul>	<ul style="list-style-type: none"> <li>• The policy framework and rules would be much less focused on its public function and open space values and more focused on continued/ increased commercial use, built quality, vibrancy, and night time activity (consistent with the surrounding Town Centre zoning).</li> <li>• Poor alignment with the underlying designations and Reserve Strategy due to the weakened policy emphasis on public enjoyment/ use of the reserve land.</li> <li>• Inconsistent with the approach taken for the district-wide OSZ in that in all other cases, Council owned reserve land is zoned as OSZ.</li> <li>• Signals that buildings up to 12 m high may be appropriate in the CPZ,</li> </ul>	<ul style="list-style-type: none"> <li>• While large scale buildings are unlikely on the land (given its small extent and the relevant RMPs), buildings up to 10m high would be allowed in the CPZ, except for buildings on jetties.</li> <li>• Inconsistent with the approach taken for the district-wide OSZ in that there are areas of reserve land at Earnslaw Park that are zoned QTC and at the Queenstown Gardens foreshore area that are zoned Rural.</li> <li>• Results in duplication and more complex consent processing in that both the OSZ and the QTWSZ rules apply to the same land, which even if they are identical, still adds cost.</li> <li>• Would require the addition of a cross reference in the OSZ to the QTWSZ provisions in chapter 12 in order to make this</li> </ul>	<ul style="list-style-type: none"> <li>• Means the more detailed QTWSZ objective and policies no longer apply to the reserve land. However, the key elements are similarly captured in the OSZ objectives and policies.</li> <li>• Permits non-commercial/ reserve-related buildings and only provides control over the design of non-complying buildings (managing all other building design solely under the Reserves Act).</li> <li>• While large scale buildings are unlikely on the land (given its small size and the relevant RMPs), buildings up to 10m high would be allowed in the CPZ, except for buildings on jetties.</li> </ul>
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	<ul style="list-style-type: none"> <li>Some rules are restrictive to the point they will adversely affect the Town Centre environment.</li> <li>Allows (at least permitted) buildings up to 10 m high in the CPZ.</li> <li>The noise limits will restrict Town Centre activity in the vicinity of the Civic Spaces Zone in the ATC Zone.</li> <li>Inconsistent with the approach of zoning council owned and/ or administered reserve land as OSZ in that part of Earnslaw Park is zoned QTC and a strip of the Queenstown Gardens shoreline is zoned Rural.</li> <li>Wherever an application crosses 2 or more zones, such as for a jetty, consent is required under both/ all these zones, therefore complicating the consent application and decision making.</li> </ul>	albeit subject to a restricted discretionary consent.	clear, which is a departure from the convention of the PDP.	
<b>Benefits</b>	<ul style="list-style-type: none"> <li>The primary focus of the policy framework and rules is on public recreational use and enjoyment.</li> </ul>	<ul style="list-style-type: none"> <li>Greater focus on achieving quality urban design and vibrancy.</li> </ul>	<ul style="list-style-type: none"> <li>The primary focus of the policy framework and rules continues to be on public recreational use</li> </ul>	<p>As for Option 3, plus</p> <ul style="list-style-type: none"> <li>Ensures that all council-owned and/ or</li> </ul>

	<ul style="list-style-type: none"> <li>• Good alignment with the underlying designations.</li> <li>• The OSZ and QTWSZ policies are generally consistent and the QTWSZ provide more detailed direction in some instances.</li> <li>• Retaining the QTWSZ provides very strong protection over the effects of buildings on jetties and in relation to jetties in the Queenstown Beach and Gardens Foreshore Area.</li> <li>• Provides reasonable protection of views to the surrounding landscape and of pedestrian connections, except for the liberal building height that would apply in the CPZ other than on jetties.</li> <li>• Permits non-commercial reserve related buildings, providing an efficient process for council and other applicants wanting to construct such buildings.</li> </ul>	<ul style="list-style-type: none"> <li>• Consistent rules for reserves and adjoining land and therefore more integrated management.</li> <li>• Better alignment between the rules.</li> <li>• Simpler consent process</li> <li>• More effective management over building design.</li> <li>• Provides very strong protection over the effects of buildings on jetties in all areas and of jetties in the Queenstown Bay and Gardens Foreshore Area.</li> <li>• Provides good protection of views to the surrounding landscape and of pedestrian connections.</li> <li>• Enables cafes/ bars in the vicinity of the Civic Space Zone in Arrowtown to continue to generate noise consistent with the levels of the ATC Zone.</li> </ul>	<p>and enjoyment, while acknowledging (through rule amendments) that a limited amount of commercial/ private use is beneficial and consistent with the adjoining active frontage area of the QTWSZ.</p> <ul style="list-style-type: none"> <li>• Avoids inconsistency between the OSZ and QTWSZ rules that will both apply to the same land as the rules can be amended to be consistent.</li> <li>• The addition of a cross reference in the OSZ to the QTWSZ provisions in chapter 12 would clarify that both sets of rules apply to this land.</li> <li>• Permits non-commercial reserve related buildings, which provides an efficient process for council and others applying for 'public' buildings.</li> <li>• Enables good alignment with the underlying designations and Table and Chairs Policy;</li> </ul>	<p>administered reserve land is included as OSZ.</p> <ul style="list-style-type: none"> <li>• Avoids the duplication of having both the OSZ and QTWSZ rules applying to the same land.</li> <li>• Removes the ambiguity as to whether the QTWSZ applies to the OSZ zoned land.</li> </ul>
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			<ul style="list-style-type: none"> <li>. The OSZ rules can be made to be more consistent with the surrounding Town Centre zone, where this won't affect, or will more effectively achieve, the OSZ (and Town Centre) objectives. For example, building design can be added as a matter of discretion where consent is already required.</li> <li>. Provides good protection of views to the surrounding landscape and of pedestrian connections (except for the liberal height allowed in the CPZ)</li> <li>. The OSZ policy framework does not require amending.</li> </ul>	
<b>Ranking</b>	3	4	2	1

## 9. SCALE AND SIGNIFICANCE EVALUATION

9.1. The level of detailed analysis undertaken for the evaluation of the proposed provisions has been determined by an assessment of the scale and significance of the implementation of the proposed provisions. In making this assessment, regard has been had to the following, namely whether the proposed provisions:

- Result in a significant variance from the existing baseline in the stage 2 PDP chapters 29, 36, and 38.
- Have effects on matters of national importance.
- Adversely affect those with specific interests.
- Involve effects that have been considered implicitly or explicitly by higher order documents.
- Impose increased costs or restrictions on individuals, communities, or businesses.
- Are more appropriate than the existing.

9.2. Taking the above criteria into consideration, the level of detail of analysis in this report is **low to moderate**.

9.3. The PDP chapters 29, 36, and 38 have been used as a basis for the revised provisions, with the most significant changes within the proposal being that:

- (a) in the OSZ land adjoining the QTWSZ, jetties and certain types of buildings<sup>5</sup> on jetties are subject to the QTWSZ rules, which are generally the same or more restrictive than the equivalent OSZ rules<sup>6</sup>;
- (b) in the Civic Spaces and Informal Recreation zones adjoining the QTWSZ, the rules relating to commercial outdoor dining will be less restrictive;
- (c) the level of noise that can be received in the Civic Spaces Zone adjoining Town Centre zones will impose less restrictions on those generating noise within or in the vicinity of these Civic Space zones;
- (d) no carparking will be required for activities undertaken on any of the OSZ land that adjoins and is within 70 m of the QTWSZ or on any of the Civic Spaces Zone that adjoin any Town Centre zones.

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<sup>5</sup> A pragmatic approach has been taken in the rule drafting, whereby buildings associated with commercial, commercial recreation, restaurant and café activities are made subject to the stronger QTWSZ rule whereas community centres and halls, day care facilities, art galleries, arts and cultural centres, clubrooms, libraries and the range of permitted (community and recreation type) buildings are so unlikely to be located on a jetty that it is considered unnecessary to subject those building types to the QTWSZ rule.

<sup>6</sup> It is recognised that the rules relating to the active frontage area of the QTWSZ are subject to appeal and, therefore, may become less restrictive through the appeal process. However, that will be a robust decision-making process and it is considered that whatever those final provisions end up being will be equally appropriate for the adjoining OSZ.

- 9.4. None of the other proposed changes affect the status of activities and these are, therefore, considered to be of a more minor nature.
- 9.5. In all respects, these changes make the provisions generally more consistent with the adjoining Town Centre zoned land while continuing to achieve the objectives of the OSZ. Furthermore, other than in relation to jetties and certain buildings thereon, the rules are generally more liberal than under the OSZ provisions. In summary, while the proposal will result in some variance from the existing baseline, overall the current approach to managing the effects on the open space values of the land is recommended to remain fundamentally unchanged.
- 9.6. With reference to the matters identified in paragraph 9.1 above, it is noted that:
- (a) the amended provisions will have a beneficial effect on the amenity, character, quality, and enjoyment/ vibrancy of these areas of OSZ and adjoining Town Centre zoned land when compared to the DV provisions;
  - (b) the OSZ land (including the Town Centre zoned land, which is proposed to be rezoned as Civic Spaces Zone through this proposal) is all owned and/ or administered by Council and the activities that Council and recreational/ community groups are likely to wish to undertake within the zone remain permitted;
  - (c) the rules relating to carparking, outdoor dining, and noise have been liberalised for activities occurring within certain OSZs adjoining the Town Centre zones, thereby resulting in economic benefits to those undertaking activities on this land and for those wishing to operate cafes, bars, etc within the ATC in close proximity of the areas of Civic Space Zone at Arrowtown;
  - (d) the activity status of all other commercial and commercial recreation activity remains unchanged (albeit natural hazard risk and building design will also be considered as part of a consent for any associated building under the amended rules); and
  - (e) the amendments to the provisions will not affect a wide sector of the community; and will not affect matters of national importance or special interest groups and statutory bodies.
- 9.7. Maintaining consistency with the PDP chapter structure is considered important to ensure that the PDP is implemented as a cohesive whole. Accordingly, the drafting style conventions that have been established in Stages 1 and 2 of the District Plan Review have been applied to this proposal.
- 9.8. An analysis of alternatives has been undertaken at both a broad and detailed level. A summary of this analysis is contained in sections 8 and 10 of this Evaluation.

## **10. EVALUATION OF THE PROPOSED PROVISIONS SECTION 32(1)(b)**

10.1. Section 32(1)(b) requires the Council to:

*Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*

*(i) identifying other reasonably practicable options for achieving the objectives; and*

*(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*

*(iii) summarising the reasons for deciding on the provisions*

10.2. The following table identifies the reasonably practicable options for achieving the objectives outlined in Section 6 of this Evaluation Report and those of DV Chapter 38. In accordance with section 32(1)(c) of the RMA, the consideration of practicable options has been undertaken to a level of detail that corresponds to the scale and significance of the effects that are anticipated from the implementation of the chapter and, as such, not all possible options for all approaches are included below.

**Reasonably practicable options for achieving the objectives (s32(1) (b)(i))**

**Table 2 - Reasonably practicable broad options**

**Options for the zoning of Council owned and/ or administered reserve land (Issue 1)**

1. Retain the QTC Zone over the parcels along the north-east edge of Earnslaw Park and the Rural Zone over the north-western shoreline that adjoins the QTWSZ
2. Amend the zoning of the parcels along the north-east edge of Earnslaw Park to Civic Spaces Zone and that part of the north-western shoreline that adjoins the QTWSZ to CPZ.

➤ Option 2 is preferred, for the reasons outlined in Table 3 below.

**Options for ensuring that the OSZ provisions do not disadvantage activity on adjoining land from adding to the vibrancy of the Town Centres (Issue 2)**

Commercial outdoor dining

1. Provide more enabling rules for commercial outdoor dining on all OSZ land that adjoins the Town Centre zones.
2. Provide more enabling rules for commercial outdoor dining on all Civic Space Zone land that adjoins the Town Centre zones.
3. Provide more enabling rules for commercial outdoor dining on the Civic Space Zone land that adjoins the Active Frontage Area of the QTWSZ (i.e. Earnslaw Park).
4. Provide more enabling rules for commercial outdoor dining on all OSZ land that adjoins the Active Frontage Area of the QTWSZ (i.e. Earnslaw Park and West of Steamer Wharf).
5. As per Option 4 and also limit this to an area at the edge of that space.

Noise limits

6. Provide more enabling noise limits for all OSZs that adjoin Town Centre zones
7. Provide more enabling noise limits for all Civic Space zones that adjoin Town Centre zones

**Table 2 - Reasonably practicable broad options**

8. Provide more enabling noise limits for all Civic Space zones that adjoin the Arrowtown Town Centre zone.

➤ Options 5 and 7 are preferred, for the reasons outlined in Table 4, below.

**Options for ensuring that the quality of urban design, building design, and amenity values provided in these OSZ areas (including views from these areas) is consistent with the high standards required in the adjoining Town Centre zones (Issue 3)**

Design and external appearance of buildings

1. Rely on the Council's powers and processes under the Reserves Act to manage the design and external appearance of buildings.
2. As for option 1 for permitted buildings but expand the matters of control/ discretion over buildings that require consent to also include building design.
3. As for option 2 but also change the status of permitted buildings to controlled or restricted discretionary in respect of design.

Rules relating to jetties and buildings thereon

4. Retain the discretionary activity status for jetties and the various status of buildings thereon in the OSZs adjoining the QTWSZ (the status of buildings varies from permitted to non-complying depending on the use of the building).
5. Apply the QTWSZ rules for jetties and for buildings on jetties to the adjoining OSZ land; meaning that the rules for jetties will be similar in the Informal Recreation Zone to those of the DV OSZ chapter; more restrictive for buildings on jetties in all OSZ areas<sup>7</sup>; and more restrictive for jetties in the CPZ that adjoins the Queenstown Beach and Gardens Foreshore area of the QTWSZ.

Parking requirements

6. Retain the requirement for any activities occurring within the OSZs adjoining the Town Centre zones to provide a minimum amount of onsite carparking.

<sup>7</sup> As noted previously (footnote 6), the rules relating to the Active frontage area of the QTWSZ may become less restrictive through the appeal process in which case so too would the rules applying to the adjoining Informal Recreation Zone.

**Table 2 - Reasonably practicable broad options**

7. Exempt the activities occurring within Civic Space Zone land adjoining the Town Centre zones and the CPZ and Informal Recreation Zone adjoining the QTWSZ to provide a minimum amount of onsite carparking, consistent with the way that activities within Town Centre zoned land is exempt.
8. As per Option 9 but also limit the rule to an area of 70 m from the boundary of the QTWSZ, such that the usual parking requirements will continue to apply to those parts of the Queenstown gardens and St Omers Park, which do not form an integral part of the Town Centre environment.

➤ Options 2, 5, and 8 are preferred, for the reasons outlined in Table 5, below.

**Options for managing flood risks in the OSZs adjoining the Queenstown and Wanaka Town Centre zones (Issue 4)**

1. Retain the current provisions, which include no references to flood risk, and rely solely on the objectives and policies of natural hazards chapter (28) and the powers and processes for approval of buildings and activities under the Reserves Act.
2. Include a minimum floor height rule of 312.0 masl on OSZs adjoining the QTWSZ and 281.9 masl for buildings over 20m<sup>2</sup> on OSZs adjoining the Wanaka Town Centre Zone, consistent with the adjoining Town Centre zone provisions.
3. Add natural hazards/ flood risk management as a matter of control/ discretion to be considered as part of approving any controlled or restricted discretionary building in the respective OSZs and rely on the fact the Reserves Act powers and processes enable council to consider flood risk matters when providing leases for any permitted buildings.

➤ Option 3 is preferred, for the reasons outlined in Table 6 below.

**Evaluation of the costs and benefits (section 32(1)(b)(i))**

- 10.3. The following tables consider whether the proposed provisions are the most appropriate way to achieve the relevant objectives. In doing so, it considers the costs and benefits of the proposed provisions and whether they are effective and efficient. For the purposes of this evaluation the proposed provisions are grouped by the resource management issue.

**Table 3: Issue 1 – An inconsistency in the approach to the zoning of OSZ land**

A summary of proposed provisions and components of the proposal that address this issue and give effect to the objectives:

- Re-zoning of all the reserve land within the geographic scope of this variation (including that currently zoned QTC and Rural) to an OSZ
- Removing the QTWSZ overlay from the Informal Recreation, Civic Spaces, and Community Purposes zones.
- Consequent changes to the OSZ rules to ensure they provide for the integrated management of effects (these are assessed in detail in Tables 4-6 below)

Matters addressed in the proposal:

- That some council-owned reserve is included in the QTC Zone
- That the QTWSZ extends over OSZ land as well as QTC land and it is unclear whether the QTWSZ applies to both zones
- That the rules of the OSZ and QTWSZ variously duplicate or contradict each other

<b>Map amendments</b>	<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>• Zone and subzone amendments to Maps 35 and 36.</li> </ul>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>• Rezoning the edge of Earnslaw Park to OSZ may discourage premises from fronting onto the park, resulting in a less active edge (counteracted though by the more lenient outdoor dining rules proposed);</li> <li>• Removing the QTWSZ overlay will be relatively neutral in terms of environmental costs because where the rules of the QTWSZ provide more robust management of environmental</li> </ul>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>• Rezoning the edge of Earnslaw Park to Civic Spaces Zone better recognises the open space function of the land and provides more control over commercial use of this space and commercial signage over 2m<sup>2</sup>.</li> <li>• Removing the QTWSZ overlay will be neutral in terms of environmental benefits for the reasons cited earlier.</li> <li>• Removing the QTWSZ overlay will effectively strengthen the OSZ policy</li> </ul>	<p><b>Effectiveness</b></p> <p>These provisions will be most effective at:</p> <ul style="list-style-type: none"> <li>• achieving Strategic Direction objectives 3.2.1, 3.2.2, 3.2.3, 3.2.4, 3.2.6 and policies 3.3.1, 3.3.2, and 3.3.19, which relevantly relate to: <ul style="list-style-type: none"> <li>• developing a prosperous economy;</li> <li>• achieving integrated urban growth and a high-quality built environment that is desirable and safe and includes high quality</li> </ul> </li> </ul>

	<p>effects, these have been as carried over into the OSZ provisions.</p> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Owners of land adjacent to the north-eastern edge of Earnslaw Park will have a slightly more onerous consenting process if they wish to conduct commercial activity or outdoor dining on that small area of rezoned land, which may result in slightly greater costs, uncertainty, and time delays.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>The rezoning of the edge to OSZ may not encourage premises to front the park, which could result in less passive surveillance and adversely affect public safety within the park (although this is unlikely and is effectively counteracted by the more lenient outdoor dining rules proposed).</li> <li>There are no social or cultural costs resulting from removing the QTWSZ</li> </ul>	<p>framework (resulting in environmental benefits) as the slightly more enabling policy framework of the QTWSZ (especially that which currently applies to the Informal Recreation and Civic Spaces zones) will no longer be considered alongside those of the OSZ.</p> <ul style="list-style-type: none"> <li>Rezoning the shoreline of the Queenstown Gardens to CPZ better recognises the open space function of the land, aligns with the RMP for this land and, with the changes proposed to the rules, will provide more control over jetties and buildings thereon.</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Removing the QTWSZ overlay will result in a simpler, less costly consent process as there will only be one set of provisions to consider and there will be no conflicting rules.</li> <li>Rezoning the shoreline of the Queenstown Gardens to CPZ will result in a less complex (albeit it more onerous) consent process for</li> </ul>	<p>public spaces and community facilities (with particular reference to the Wanaka and Queenstown Town Centres as the key hubs);</p> <ul style="list-style-type: none"> <li>preserving the natural character of water margins and public access thereto; and</li> <li>providing for the visitor industry to maintain and enhance attractions, facilities and services (within limits);</li> <li>achieving Urban Development Objectives 4.2.1 and 4.2.2.A, which relevantly relate to: <ul style="list-style-type: none"> <li>the need to provide for a range of community activities and facilities in an integrated manner within the UGBs;</li> <li>ensuring that public spaces and built development maximises public safety through adherence to CPTED; and</li> <li>the need to have regard for the function and role of the town centres (as provided for in</li> </ul> </li> </ul>
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	<p>overlay from the OSZ land or from rezoning the Queenstown Gardens shoreline CPZ.</p>	<p>any party wanting to construct a jetty as a single set of rules would apply to the whole structure.</p> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>Removing the QTWSZ overlay will have the effect of strengthening the OSZ policy framework for the reasons cited earlier. As a consequence, the stronger policy focus on public enjoyment of the land will have positive and cultural benefits in terms of setting a clear priority that these spaces are to provide for enjoyment by the general public rather than being privatised or used for commercial activity.</li> <li>Rezoning the shoreline as CPZ will result in a stronger policy focus on public enjoyment of the land and more appropriate recreation/ community-based rules, which will have positive and cultural benefits.</li> </ul>	<p>Objectives 3.2.1.2 - 3.2.1.5 and policies) when allocating land within UGBs into zones;</p> <ul style="list-style-type: none"> <li>achieving OSZ Objectives 38.2.1 – 38.2.4 and 38.6.1, noting that these are better achieved by rezoning the reserve land currently zoned QTC and Rural to OSZ. These objectives generally relate to: <ul style="list-style-type: none"> <li>ensuring the OSZs meet the recreation needs of residents and visitors;</li> <li>maintaining/ enhancing open space values and recreation opportunities;</li> <li>limiting commercial activity; and</li> <li>ensuring that the Civic Spaces Zone provides a community focal point.</li> </ul> </li> </ul> <p>Also, the rezoning results in provisions that are better aligned with the objectives of the adjoining Queenstown, Arrowtown, and Wanaka Town Centre zones. In particular, it is noted that QTC Objective</p>
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			<p>12.2.5, (which relates to the integrated management of the Queenstown Bay land-water interface and achieving a dynamic and attractive environment) will continue to be achieved provided the proposed amendments are made to the OSZ provisions, as outlined in the following tables.</p> <p><b>Efficiency</b></p> <p>Removing the QTWSZ overlay is the most efficient option as this:</p> <ul style="list-style-type: none"> <li>• removes the conflicting rules (such as commercial activity being controlled in the QTWSZ and non-complying in the OSZ); and</li> <li>• simplifies the consenting process for applications that are located wholly within the OSZ as they only need consent under the OSZ provisions.</li> </ul> <p>Rezoning the edge of Earnslaw Park to Civic Spaces Zone is the most efficient option as this:</p>
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			<ul style="list-style-type: none"> <li>• is consistent with the zoning of other reserve land in the district, making it efficient from an administrative perspective;</li> <li>• provides an efficient (permitted) approval process for recreation/ community activities (and any associated buildings) that are anticipated to occur in the Civic Spaces Zone.</li> <li>• Will be relatively neutral for those commercial premises wishing to establish outdoor dining on this edge of Earnslaw Park as this would ordinarily extend beyond the narrow strip of land being rezoned.</li> </ul> <p>Rezoning the shoreline of the Queenstown Gardens to CPZ is the most efficient option as this:</p> <ul style="list-style-type: none"> <li>• is consistent with the zoning of other reserve land in the district, making it efficient from an administrative perspective;</li> </ul>
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			<ul style="list-style-type: none"> <li>• provides an efficient (permitted) approval process for recreation/ community activities (and any associated buildings) that are anticipated to occur in the CPZ;</li> <li>• will provide an efficient consent process for jetty applications in that, in most cases, only one set of rules will apply to the whole structure.</li> </ul>
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**Table 4. Issue 2 – Ensuring that the OSZ provisions do not disadvantage or prevent activities in the nearby Town Centre zoned from contributing to the vibrancy and quality of the Town Centre**

A summary of proposed provisions of the proposal that address this issue and give effect to the objectives:

- Rule 38.9.20, Standard 38.10.13, and Matters of Discretion 38.14.5 enable a limited amount of outdoor dining in specific areas while protecting the balance of the OSZ areas for public use and ensuring that the effects are appropriately managed.
- Noise standards 36.5.2 and 36.5.3 enable increased day time and night time noise to be received in the Civic Spaces zones adjoining Town Centre zones

Matters addressed in rules:

Recognise the urban setting of the open spaces considered in this evaluation and ensure that their zoning does not unnecessarily restrict Town Centre activity, vibrancy, and economic prosperity by:

- making adjoining outdoor dining on the OSZ that adjoins the active frontage area of the QTWSZ (i.e. on Earnslaw Park and on land adjoining Steamer Wharf) a restricted discretionary activity provided it extends no more than 5 metres into the OSZ and adjoins the premises it is associated with; and

<ul style="list-style-type: none"> <li>increasing the noise standards for noise received in the Civic Spaces Zone adjoining Town Centre zoned land to be consistent with the ATC Zone noise rules.</li> </ul>			
<b>Provisions</b>	<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>Rule 38.9.19b</li> <li>Standard 38.10.13</li> <li>Standard 38.14.5</li> <li>Noise standard 36.5.2</li> <li>Noise standard 36.5.3</li> </ul>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>The continued use of the edge of Earnslaw Park and Steamer Wharf for commercial outdoor dining makes parts of the park inaccessible to the general public and will potentially increase congestion of the balance in busy periods.</li> <li>There will be no environmental costs arising from the increased noise limits in Queenstown and Wanaka but in Arrowtown Town Centre, there is the potential for the total amount of noise generated from the Town Centre to increase.</li> </ul> <p><b>Economic</b></p> <p>There will be no economic costs of these rules.</p> <p><b>Social &amp; Cultural</b></p>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>The continuation of limited outdoor dining on the edge of Earnslaw Park and Steamer Wharf will encourage premises to continue to front onto the park, resulting in an active public/ private edges.</li> <li>Provides an incentive for those buildings fronting the reserve that are currently used for retail or service activities to transition to cafes, etc over time, which will provide a more active edge to the reserve (activating it and adding to safety).</li> <li>Enables outdoor dining to face onto Earnslaw Park, which would otherwise not be possible in most cases due to the fact the buildings are built right up to (and in some cases, overhanging) the boundary of the reserve.</li> </ul>	<p><b>Effectiveness</b></p> <p>These provisions will be the most effective at:</p> <ul style="list-style-type: none"> <li>achieving Strategic Direction Objectives 3.2.1, 3.2.2, 3.2.3, and 3.2.6 and policies 3.3.1, 3.3.2, and 3.3.19, which relevantly relate to: <ul style="list-style-type: none"> <li>developing a prosperous economy;</li> <li>achieving integrated urban growth;</li> <li>achieving a high-quality built environment that is desirable and safe and includes high quality public spaces and community facilities (with particular reference to the Wanaka and Queenstown Town Centres as the key hubs); and</li> <li>providing for the visitor industry to maintain and enhance attractions, facilities and services (within limits);</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>There are no social or cultural costs resulting from the proposed rules relating to noise, and limited outdoor dining on Earnslaw Park and adjoining Steamer Wharf.</li> </ul>	<ul style="list-style-type: none"> <li>Recognises that such outdoor dining is part of the established character of Earnslaw Park</li> <li>Continues to protect against commercial outdoor dining occurring in other Civic Spaces Zone land adjoining the Town Centre where such encroachment is either unnecessary due to the adjacent premises having onsite capacity for outdoor dining and/ or is inappropriate due to the space being too small and congested and/ or is surrounded by roads.</li> <li>Preserves the balance/ significant majority of the reserve for use by the general public.</li> <li>The increased noise levels will enable cafes, restaurants, and bars in the vicinity of the Arrowtown civic spaces to operate in a manner that will contribute to the vibrancy of the centre and its role as a focus for entertainment activities. This includes outdoor dining and socialising that would be otherwise be prevented</li> </ul>	<ul style="list-style-type: none"> <li>achieving Urban Development Objectives 4.2.1 and 4.2.2.A, which relevantly relate to: <ul style="list-style-type: none"> <li>the need to provide for a range of community activities and facilities in an integrated manner within the UGBs; and</li> <li>ensuring that public spaces and built development maximises public safety through adherence to CPTED;</li> </ul> </li> <li>achieving OSZ Objectives 38.2.1, 38.2.2, 38.2.3, 38.4.1, and 38.6.1 in that: <ul style="list-style-type: none"> <li>the more liberal noise provisions in the Civic Spaces Zone will enable the areas to provide focal points for civic functions and informal recreation without constraint and for amenity values anticipated in civic spaces that are located in a Town Centre context will be maintained; and</li> <li>the more liberal (yet still limited) outdoor dining provisions in the</li> </ul> </li> </ul>
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		<ul style="list-style-type: none"> <li>. The increased noise levels are compatible with the noise environment that is anticipated (and permitted) on the adjoining Town Centre zoned land and therefore, there will be no effect on those properties.</li> <li>. The increased noise levels will enable the public's use of the Civic Spaces Zone into the evening by enabling the level of noise that would reasonably be expected to be generated within civic spaces (from informal socialising etc) to occur without breaching the noise limits. It is noted that this would only be relevant in the unusual instance that any such spaces are determined to comprise more than one "site".</li> <li>. The increased noise levels will not discourage cafes, bars and restaurants from locating adjacent to the Civic Spaces Zone in Arrowtown and such tenancies tend to be the most successful at activating the best public/ private interface.</li> </ul>	<p>Civic Spaces and Informal Recreation zones continue to enable the open spaces to provide for the recreation needs of the community and for the open space values to be maintained while also acknowledging the existing character of Earnslaw Park and Steamer Wharf and the positive (public safety and vibrancy) effects that result from activating the edges of public spaces (policies 38.2.1.1(b)).</p> <ul style="list-style-type: none"> <li>. achieving ATC Objective 14.2.3, which amongst other matters, relates to the ATC being a focus for entertainment activities (as the achievement of this could be disadvantaged by low noise limits on the civic spaces).</li> <li>. achieving QTC Objectives 12.2.1, 12.2.3, and 12.2.5 and WTC Objectives 13.2.1, which include the centres being focal points for entertainment and the importance of their vibrant atmosphere. It is noted</li> </ul>
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		<p><b>Economic</b></p> <ul style="list-style-type: none"> <li>• The outdoor dining rules provide a well-defined, more certain, and less costly consenting framework for applicants (compared to the DV OSZ rules).</li> <li>• The increased noise levels significantly reduce, if not avoid, the need for applicants within the ATC to apply for consent to breach the more onerous Civic Space Zone noise rules or the need to install noise insulation; both of which reduce development costs.</li> <li>• The increased noise levels make cafes, bars, and, restaurants a viable/ feasible prospective tenant in the vicinity of the Civic Spaces Zone in Arrowtown, thereby increasing the highest end value of that land for landowners/ landlords.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>• Encourages restaurants, cafes, and bars to locate at the edge of civic spaces, thereby contributing to the</li> </ul>	<p>that the achievement of this could potentially be disadvantaged if the DV noise limits restrict noise generated within the adjoining civic space zone).</p> <p><b>Efficiency</b></p> <p>Increasing the level of noise and allowing for some outdoor dining will be the most efficient option as this will:</p> <ul style="list-style-type: none"> <li>• significantly reduce, if not avoid, the need for adjoining Town Centre premises to obtain consent for noise breaches or undertake noise insulation;</li> <li>• assist in maintaining high land values in the Town Centre in the vicinity of the public places, thus encouraging and high occupancy levels and high-quality design and tenants;</li> <li>• reduce the consenting costs for adjoining cafes, restaurants, and bars who wish to establish a strip of outdoor dining adjacent to their premise; and</li> <li>• result in increased economic welfare in the Town Centres, as a whole.</li> </ul>
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		<p>public safety of the spaces into the evening.</p> <ul style="list-style-type: none"> <li>• Continues to protect the spaces from noise levels that would be inappropriate to their setting.</li> <li>• Continues to protect the spaces from any more than a minor additional encroachment of commercial outdoor dining on Earnslaw Park, thereby preserving it for informal recreation, including socialising and community/ cultural events.</li> </ul>	
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**Table 5. Issue 3 – Options for ensuring that the quality of urban design, building design, and amenity values provided in these OSZ areas (including views from these areas) is consistent with the high standards required in the adjoining Town Centre zones**

A summary of proposed provisions that address this issue and give effect to the objectives:

- Matters of Discretion 38.14.1 and 38.14.2, and Matter of Control 38.13.1 provide Council with discretion/ control over building design matters in relation to various types of buildings on the OSZ and provide an appropriate level of control over the effects of buildings on jetties.
- Rules 38.9.16, 38.9.17, 38.9.20, and 38.9.21 which, as amended, exempt buildings on jetties from those rules and, instead, subject such buildings to DV Rule 12.4.8.2<sup>8</sup> and therefore provide strong controls over the effects of buildings on jetties.
- Rule 29.8.1 removes the requirement to provide on-site carparking in OSZs adjoining the Town Centre zones

<sup>8</sup> Noting this reference and the substance of the rule relating to the Active Frontage Area may change through the Topic 8 (QTC) stage 1 appeal process

- Rule 38.9.36 and the cross reference to DV Rules 12.4.7.1 and 12.4.8.1<sup>9</sup> make jetties adjoining the Active Frontage Area restricted discretionary and non-complying in that area adjoining the Queenstown Beach and Gardens Foreshore Area of the QTWSZ.

Matters addressed in rules:

- The potential for poorly designed commercial and commercial recreation buildings to be constructed on OSZ land adjoining (and forming a fundamental part of) the District's Town Centres.
- The potential adverse effects (including cumulative effects) of buildings on jetties and, in particular, the effects of any such buildings that are proposed in the Community Purposes zone adjoining the QTWSZ
- The potential adverse effects of requiring carparking to be provided on open space zones adjoining the Town Centre zones on achieving quality urban design and an efficient multi modal transport system.
- The potential adverse effects of providing for jetties as discretionary on the Community Purposes Zone adjoining the Queenstown Beach and Gardens Foreshore Area of the QTWSZ (whereas that portion that extends into the QTWSZ is non-complying) and the inefficiencies of a single jetty that extends over two zones being subject to two contradictory regulatory frameworks.

<b>Provisions</b>	<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
Matter of Control 38.13.1  Matter of Discretion 38.14.1	<b>Environmental</b>  <ul style="list-style-type: none"> <li>Potential adverse effects on amenity, heritage (in the case of Arrowtown), and urban design outcomes resulting from potentially poorly designed permitted buildings<sup>10</sup> or extensions to</li> </ul>	<b>Environmental</b>  <ul style="list-style-type: none"> <li>Provides the Council with wide control/ discretion over external appearance, landscaping, lighting, and CPTED matters for those buildings that are not otherwise permitted, along with the</li> </ul>	<b>Effectiveness</b>  These provisions will be the most effective at: <ul style="list-style-type: none"> <li>achieving Strategic Direction Objectives 3.2.3 and 3.2.6 and policies 3.3.1, 3.3.2, 3.3.19, which relevantly relate to:</li> </ul>

<sup>9</sup> Noting this reference and the substance of the rule relating to the Active Frontage Area may change through the Topic 8 (QTC) stage 1 appeal process

<sup>10</sup> Permitted activities that may require buildings are 'informal recreation', public amenities, and 'park maintenance' in all three relevant open space zones, plus recreation facilities, education relating to open space, libraries, and 'organised sport and recreation' in the Community Purposes Zone; plus retail ancillary to permitted uses (limited to 100m<sup>2</sup>/ 10% of rec GFA) in the Informal Recreation and Community Purposes Zones.

<p>Matter of Discretion 38.14.2</p> <p>Rules 38.9.16, 38.9.17, 38.9.20, 38.9.21 (which, as amended, apply DV Rule 12.4.8.2 to regulate buildings on jetties)</p>	<p>existing buildings. However, the fact that powers under the Reserves Act enable all these matters to be considered, that Council is likely to be the developer (or a partner) of such buildings, and that the rules relating to building colour in the Informal Recreation Zone, bulk and location, and historic heritage rules (26.4.12 and 26.5.6) collectively reduce the potential adverse effects significantly.</p> <ul style="list-style-type: none"> <li>. Requiring no parking to be provided could result in spill over parking into residential streets; affecting residential amenity and streetscape character.</li> <li>. Any new buildings on the Civic Spaces Zone adjoining the Arrowtown Town Centre are not required to be consistent with the Arrowtown Design Guidelines 2016 and therefore could have adverse</li> </ul>	<p>controls that Council has over such matters through the Reserves Act.</p> <ul style="list-style-type: none"> <li>. Continues to provide for the management of adverse effects on heritage values resulting from any alteration or demolition/ relocation of the Coronation Bathhouse and Athenaeum Hall (as a contributory building within the heritage precinct).</li> <li>. Provides strong protection against the proliferation of buildings on jetties.</li> <li>. Provides strong protection in relation to jetties and, in particular, jetties adjoining the Queenstown Beach and Gardens Foreshore Area in recognition of the predominately unbuilt character and natural qualities of this part of Queenstown Bay. This stronger protection is justified on the basis that this area is relatively unique in that it is highly accessible to a large population, is relatively small and gets highly congested, is an important</li> </ul>	<ul style="list-style-type: none"> <li>. achieving a high-quality built environment that includes high quality public spaces and community facilities and preserves the natural character of lake margins;</li> <li>. providing for the visitor industry to maintain and enhance attractions, facilities and services (consistent with zone objectives and policies);</li> <li>. managing the effects of development in a way that maintains or enhances the natural character of lake margins; and</li> <li>. providing a planning framework that enables quality development and enhancement of the Queenstown and Wanaka centres as the key hubs;</li> <li>. achieving Urban Development Objective 4.2.2.A, which relevantly relates to the need to provide open spaces that are located and designed to be safe, desirable and accessible;</li> <li>. achieving the district-wide transport Objectives 29.2.1 (e. in particular), 29.2.2,</li> </ul>
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	<p>effects on heritage values. However, through the leasing process under the Reserves Act (or for its own developments), the Council would always consider the appropriateness of such buildings against the Guidelines, as well as consulting with community groups/ stakeholders.</p> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>• Results in an additional cost burden on applicants as a result of expanding the matters of control/ discretion for non-permitted buildings. However, this is likely to be very minor as consent is already required for non-permitted buildings and the activity status remains unchanged.</li> </ul> <p><b>Social &amp; Cultural</b></p> <p>There will be no social or cultural costs arising from these rules.</p>	<p>space for passive recreation, it immediately adjoins an ONL, it will come under significant pressure for competing uses given its strategic location, and that there are unique navigational issues with the construction of more jetties and more boating activity in this area.</p> <ul style="list-style-type: none"> <li>• Applying the same rules relating to jetties and building thereon as those that apply in the QTWSZ will be more effective at avoiding such structures where they will have potential significant adverse effects on landscape values, the appreciation of the wider landscape, the sense of place of the QTC, and public access in these highly populated areas.</li> <li>• Encourages jetties to be located in the Active Frontage Area rather than the Queenstown Beach and Gardens Foreshore Area of the Queenstown Bay, which is consistent with their different characteristics as identified in chapter 12 and the planning maps.</li> </ul>	<p>and 29.2.4. and the policies of the Town Centre zones, which collectively aim to discourage private car travel, limit the impact of vehicles, and/ or enhance pedestrian amenity in and around the Town Centres;</p> <ul style="list-style-type: none"> <li>• achieving OSZ objectives 38.2.1, 38.2.2 (including policy 38.2.2.5 regarding ONLs), 38.2.3, 38.2.4, 38.4.1, 38.6.1, and 38.7.1 in that the provisions: <ul style="list-style-type: none"> <li>• enable consideration of the design of non-permitted buildings under the PDP, as well as through the Reserves Act (refer policies 38.2.2.3 and 38.2.2.4(b) and 38.2.2.5);</li> <li>• provide an appropriate level of control over the effects of buildings/ structures where they are located adjoining or near to an ONL (i.e. the Queenstown Gardens and Lake Wakatipu beyond the QTWSZ) (policy 38.2.2.5) or near the margin of the lake, while being more enabling in the area adjoining the Active Frontage Area (38.2.4.3 &amp; 38.2.4.3); and</li> <li>• enable, safer, more efficient, and higher quality development of the OSZ areas as</li> </ul> </li> </ul>
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		<ul style="list-style-type: none"> <li>Provides a strong policy framework to consider effects on Outstanding Natural Landscape (<b>ONL</b>) values arising from jetties or buildings, where these adjoin or are near an ONL (as could be the case in the Informal Recreation or Community Purposes zones that are subject to this variation).</li> <li>Avoids the adverse urban design and safety outcomes that would arise from requiring vehicle access onto, and parking within various OSZs that adjoin the Town Centre zones.</li> <li>Discourages private car use and vehicles travelling through the QTC to the waterfront area.</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Results in an economic benefit to those undertaking activities on certain OSZ land as they will avoid having to lease additional reserve land for carparking or, alternatively, avoid</li> </ul>	<p>a result of not requiring onsite parking to be provided for activities undertaken within the zone.</p> <p>The provisions also support achieving the:</p> <ul style="list-style-type: none"> <li>objectives of the adjoining Queenstown, Arrowtown, and Wanaka Town Centre zones. In particular, QTWSZ Objective 12.2.5, (which relates to the integrated management of the Queenstown Bay land-water interface and achieving a dynamic and attractive environment) will be supported.</li> <li>Arrowtown Design Guidelines 2016;</li> </ul> <p><b>Efficiency</b></p> <p>The nature and constrained size of the land subject to this Variation and the fact it is all owned or administered by Council (in accordance with detailed RMPs in most cases) means that a) any significant built form is highly unlikely and b) any permitted buildings that are constructed will almost certainly be developed by or in partnership with Council. As such, the permitted status of such buildings (DV OSZ rules 38.9.24 and 38.9.25) will pose a very low risk to the quality and</p>
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		<p>consent application costs to enable the rule to be breached.</p> <ul style="list-style-type: none"> <li>Continues to enable Councils and other parties to construct new permitted buildings and alter/ repair existing buildings without resource consent under the OSZ rules.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>Health benefits derive from exempting activities from parking requirements as this supports a reduction in private vehicle use.</li> <li>Social benefits derive from the design of buildings contributing to providing high quality public spaces.</li> </ul>	<p>amenity values of the Town Centres. Due to this low level of risk, the potential environmental costs of poor design are outweighed by the efficiency benefits that accrue to Council (the wider community) and others (usually community groups) by them not having to obtain resource consent for permitted buildings, as well as licences, etc under the Reserves Act. Furthermore, Rule 38.5.10 makes any building within 10 m of a waterbody restricted discretionary, which would capture buildings on jetties and mean that, even in relation to permitted buildings, effects of such buildings on landscape values, public access etc. would be thoroughly assessed.</p> <p>The provisions minimise duplication with the historic heritage chapter by continuing to permit alterations to existing buildings under the OSZ provisions.</p> <p>The potential environmental costs of poorly designed, non-permitted buildings constructed on this land are higher than on other OSZ land given the importance of the quality of the built</p>
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		<p>environment to the success of the Town Centres acknowledged that these spaces are an integral part of the Town Centre experience. As such, the benefit of added control over building design in respect of buildings other than those that are permitted is considered to outweigh any additional minor costs incurred by applicants in relation to non-permitted buildings and any duplication with the powers that Council has to consider such matters through the Reserves Act.</p>
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**Table 6. Issue 4 –Ensuring that flood risks on the Queenstown and Wanaka Town Centre lakefronts are appropriately managed by the OSZ provisions**

A summary of proposed provisions that address this issue and give effect to the objectives:

- Matter of Control 38.13.1(e)(iv) and Matters of Discretion 38.14.1(g)(iv) and 38.14.2(e)(iv) provide Council with discretion/ control over natural hazard matters in relation to various types of buildings in the OSZ

This issue relates to whether the OSZ provisions, along with other processes under the Reserves Act, adequately manage the risks to people and property associated with new (and additions to existing) buildings within the OSZs adjoining the relevant Town Centre zones.

Matters addressed in rules:

- The mitigation of natural hazard risks associated with commercial and commercial recreation type buildings on lakefront OSZs adjoining the Town Centre zones

<b>Provisions</b>	<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<p>Matter of Control 38.13.1(e)(iv)</p> <p>Matters of Discretion 38.14.1(g)(iv) and 38.14.2(e)(iv)</p>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>Will not necessarily prevent buildings within the OSZ from being flooded, which can result in water contamination etc, if buildings are not required to be designed appropriately.</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Will not necessarily prevent buildings within the OSZ from being flooded, which can extend the clean-up period following the event and have economic effects to owners and the wider community.</li> <li>While there is an additional cost burden on applicants from expanding the matters of control/ discretion, this will be minor as consent is already required for non-permitted buildings and the activity status remains unchanged.</li> </ul>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>Not imposing minimum floor level rules avoids buildings being raised well above ground level, which enables a more modest change in levels between buildings and the surrounding open space. This means buildings do not dominate the spaces, maintains amenity values and avoids/ minimises the use of valuable open space for access ramps, etc.</li> <li>Enables Council to impose conditions on any non-permitted buildings to ensure resilient building design that will mitigate the environmental costs of flooding (such as pollution of lake waters).</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Requiring flood-proof building design will reduce the economic</li> </ul>	<p><b>Effectiveness</b></p> <p>These provisions will be the most effective at:</p> <ul style="list-style-type: none"> <li>achieving Strategic Direction Objectives 3.2.1, 3.2.2 and 3.2.6 and policies 3.3.1, 3.3.2 and 3.3.19, which relevantly relate to: <ul style="list-style-type: none"> <li>recognising Queenstown and Wanaka centres as the key hubs of the District;</li> <li>developing a prosperous economy;</li> <li>providing for logical urban development that minimises hazard risks; and</li> <li>enabling communities to provide for their economic wellbeing, health, and safety;</li> </ul> </li> <li>achieving Urban Development Objective 4.2.2.A, which relevantly relates to having regard to any risk of natural hazards when allocating land within Urban Growth Boundaries into zones;</li> <li>achieving Natural Hazard objectives 28.3.1 and 28.3.2, which relate to only allowing development on land that is subject to hazards where the risk is managed to a level tolerable by the community; and</li> </ul>

	<ul style="list-style-type: none"> <li>There are potentially added construction costs as a result of consent conditions requiring flood proof building design and construction techniques<sup>11</sup>, although the cost difference may be neutral in that such techniques encourage the use of low maintenance building and cladding materials.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>Will not necessarily prevent buildings within the OSZ from being flooded, which can extend the clean-up period following the event, which can have social costs on the wider community.</li> </ul>	<p>costs of flooding (such as lost revenue generated in the Town Centre, lost productivity and income from temporary or permanent closures, and minimising stock losses and refurbishment costs).</p> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>Mitigating flood damage and minimising the recovery period through imposing conditions on privately owned buildings in these spaces will promote social wellbeing as expediently as possible following a flooding event.</li> </ul>	<ul style="list-style-type: none"> <li>achieving OSZ objectives 38.2.1 (relating to providing for needs); 38.2.2 (relating to facilities needing to maintain amenity values; and 38.2.4 (relating to the open space/ water interface).</li> </ul> <p>The amended provisions are also generally consistent with:</p> <ul style="list-style-type: none"> <li>The adjoining Town Centre Zone objectives 12.2.2 and 13.2.5 (and the associated policies), which acknowledges that areas of the town centres are flood prone and appropriate measures are required to limit the impact; and</li> <li>Council's Learning to Live with Flooding: A Flood Risk Management Strategy for the communities of Lake Wakatipu and Wanaka, which specifically acknowledge that the level of investment and importance of the Wanaka and Queenstown town centres justify them being considered as somewhat unique cases.</li> </ul> <p><b>Efficiency</b></p> <p>Due to the very low-lying nature of some of these open spaces, the benefits of entirely avoiding</p>
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<sup>11</sup> Learning to Live with Flooding: A Flood Risk Management Strategy for the communities of Lakes Wakatipu and Wanaka, Pg7

		<p>buildings in these areas from flooding do not outweigh the environmental (and economic) costs associated with raising floor levels.</p> <p>Also, unlike in the adjacent Town Centre zones where a minimum floor height is considered to be the most efficient option, the low risk of buildings of any significant scale being constructed on these spaces further justifies not requiring a minimum floor height.</p> <p>It is therefore most efficient to, instead, encourage the buildings to be designed in a manner that minimises flood risks via conditions.</p> <p>In regard to permitted buildings in these spaces it is efficient not to impose control over flood risks in the PDP as this recognises that the developer of these buildings will usually be the Council and, where it is not, it can require that buildings are designed to mitigate flood damage and any effects on amenity through the lease process under Reserve Act . This is considered sufficiently effective given the low risk of third parties constructing permitted buildings in these particular OSZ areas.</p>
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## **11. EFFICIENCY AND EFFECTIVENESS OF THE PROVISIONS**

11.1. The proposed provisions strike an appropriate balance to achieve the integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district. In doing so, the proposed provisions are more appropriate than the alternatives considered.

## **12. THE RISK OF NOT ACTING**

12.1. Section 32(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is not considered that there is uncertain or insufficient information about the subject matter of the provisions.

12.2. The issues identified and options taken forward are the most appropriate way to achieve the purpose of the RMA. If these changes were not made there is a risk the District Plan would fall short of fulfilling its functions.