

FILE REF: RM140815

TO: Blair Devlin – Manager, Resource Consents

FROM: Anita Vanstone

DATE: 9 July 2015

SUBJECT: Requirement to hold a hearing pursuant to Section 100 of the Resource Management Act 1991 (RMA).

Resource consent is sought under section 88 of the RMA to breach night-time noise standards to enable the use of the outdoor area of Surreal Bar to be utilised until 12am (midnight), Monday to Sunday inclusive and to breach the night time noise limits.

Resource consent is also sought under section 127 of the RMA to change the following conditions of RM100129 (proposed additions shown in underline and deletions shown in ~~strikethrough~~):

“General Condition

1. *That the development must be undertaken/carried out in accordance with the plans (**Plan – Proposed Upper Floor, Cross Section – stamped as approved 20 November 2010; Proposed Deck Addition – Plans Sections/Elevation Drawing # RC-01 – stamped as approved 26 November 2010**) and the application as submitted, with the exception of the amendments required by the following conditions of consent and the development approved within RM140815.”*

“Specific Conditions

3. *The consent holder shall ensure that activities conducted on the premises shall not exceed the following noise limits (adjusted for special audible characteristics in accordance with NZS 6802:1991) when measured at any point beyond the boundaries of the site within the Queenstown Town Centre Zone (with the exception of the development approved within RM140815):*

- *Daytime (0800 – 2200 hrs) 60 dBA L₁₀*
- *Night-time (2200 – 0800 hrs) 50 dBA L₁₀ and 70 dBA L_{max}*

Noise levels shall be measured and assessed in accordance with NZS 6801:~~1991~~2008 and NZS 6802:~~1991~~2008 and shall take into account special audible characteristics.”

- “4. *The outdoor area may only be used between the hours of 0800 and ~~2200~~2400. At ~~2200~~2400 the roof area must be vacated and access to the roof area prohibited.”*
- “6. *The roof area must be constructed and managed as outlined in Assessment of Environmental Noise Effects File Ref A03610-01-D1 dated 14th April 2010 with the exception of the development approved within RM140815.”*

All other conditions of RM100129 will be adhered to including limiting the number of persons utilising the outdoor deck area to a maximum of 25 persons. The outdoor deck area has been utilised for the past three years until 10pm (2200 hours). The standards specified in Condition 3 have also been updated to represent the most current standards.

On 22 April 2015 the application was limited notified and notice of the application was served on the properties shown on Figure One below:

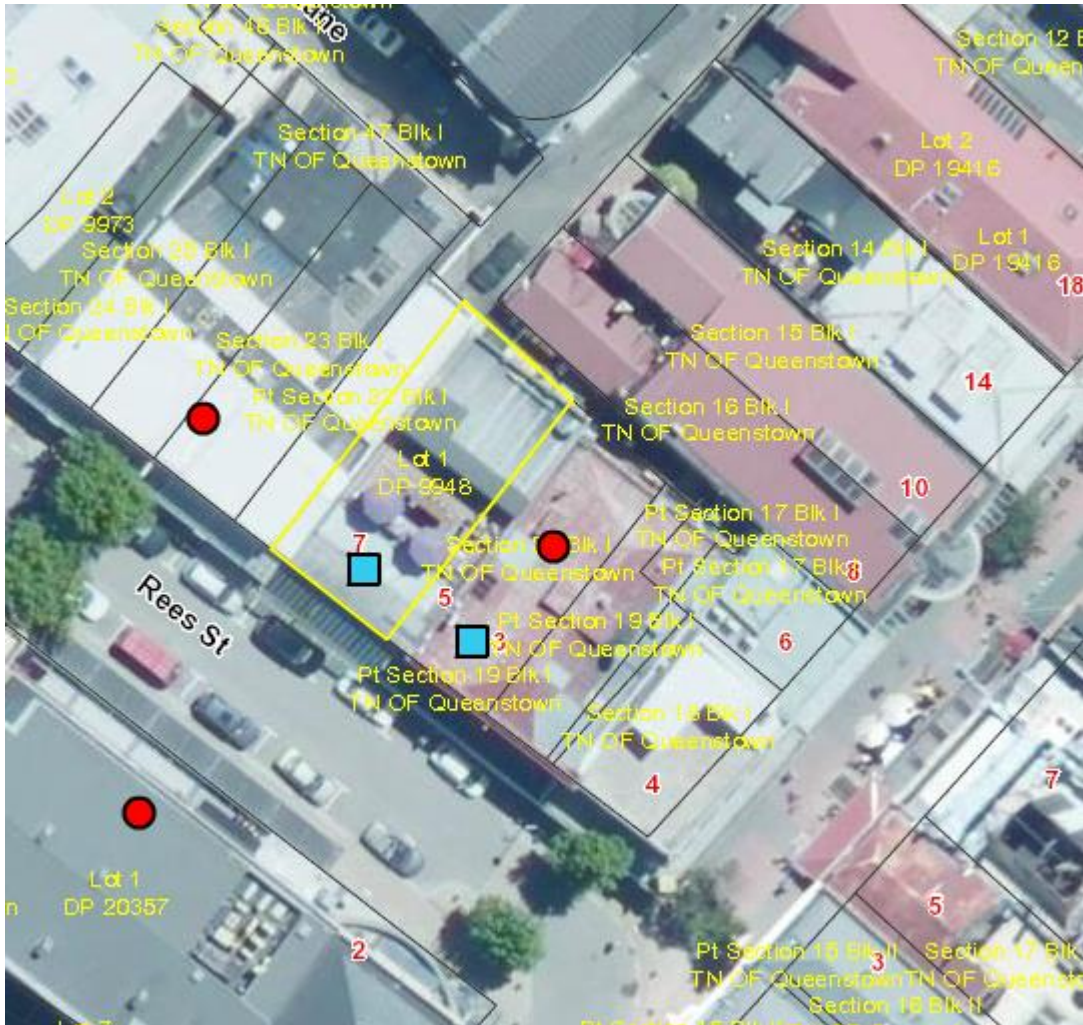


Figure One: Map showing location of subject site (outlined in yellow) and surrounds. The blue square indicates the sites whereby the owner has provided affected party approval and the red circles indicate where the tenant has provided affected party approval. However, it is noted that the affected party approval forms were not completed and thereby limited weight can be placed on these approvals. The owners/occupiers of these buildings were all served notice of the proposal.

The submission period closed on 21 May 2015. No submissions were received.

A s42A report has been prepared (attached as Appendix A) for this application which outlines the assessment that has been undertaken of the proposal against the provisions of the District Plan and the RMA.

The Resource Management Act 1991 allows for consideration of this application without a hearing under section 100 of the Act which states:

Section 100. Obligation to hold a hearing

A hearing need not be held in accordance with this Act in respect of an application for a resource consent [...] unless –

- (a) The consent authority considers that a hearing is necessary; or*
- (b) Either the applicant or a person who made a submission in respect of that application has requested to be heard and has not subsequently advised that he or she does not wish to be heard.*

The applicant has advised they do not wish to be heard at a hearing. No submissions were received and therefore no other party wishes to be heard at a hearing.

Given the conclusions contained in the report attached as Appendix 1 it is considered that a formal hearing of the application is not necessary for the substantive determination of this application.

Prepared by

Approved by



Anita Vanstone
SENIOR PLANNER

Blair Devlin
MANAGER, RESOURCE CONSENTING



DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

UNDER s104 RESOURCE MANAGEMENT ACT 1991

Applicant:	Surreal Bar Limited
RM reference:	RM140815
Application:	<p>Application under Section 88 of the Resource Management Act 1991 (RMA) for Land Use Consent to breach night-time noise standards to enable the use of the outdoor area of Surreal Bar to be utilised until 12am (midnight), Monday to Sunday inclusive.</p> <p>Application under Section 127 of the Resource Management Act 1991 to change Conditions 1 (General Condition), 3 (Noise Levels), 4 (Opening Hours of Outdoor Area) and Condition 6 (to allow for the updated Assessment of Effects and Noise Management Plan) of Resource Consent RM100129 to enable the use of the outdoor area of Surreal Bar to be utilised until 12.00am (midnight), Monday to Sunday inclusive.</p>
Location:	7 Rees Street, Queenstown
Legal Description:	Lot 1 Deposited Plan 9948 contained Computer Freehold Register OTA2/77
Zoning:	Queenstown Town Centre - Special Character Area Precinct 1
Activity Status:	Non Complying
Notification Decision:	Limited Notified
Decision Date	23 July 2015

SUMMARY OF DECISIONS

1. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 2 and 3** of this decision imposed pursuant to Section 108 of the RMA. The consent only applies if the conditions outlined are met. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Blair Devlin, Manager Resource Consenting, as delegate for the Council.

1. PROPOSAL AND SITE DESCRIPTION

Resource consent is sought under section 88 of the RMA to breach night-time noise standards to enable the use of the outdoor area of Surreal Bar to be utilised until 12am (midnight), Monday to Sunday inclusive.

In response to a further information request the applicant has submitted an updated noise management plan that details how noise will be controlled and managed in the outdoor area.

Resource consent is also sought under section 127 of the RMA to change the following conditions of RM100129 (proposed additions shown in underline and deletions shown in ~~strike through~~):

“General Condition

1. *That the development must be undertaken/carried out in accordance with the plans (**Plan – Proposed Upper Floor, Cross Section – stamped as approved 20 November 2010; Proposed Deck Addition – Plans Sections/Elevation Drawing # RC-01 – stamped as approved 26 November 2010**) and the application as submitted, with the exception of the amendments required by the following conditions of consent and the development approved within RM140815.”*

“Specific Conditions

3. *The consent holder shall ensure that activities conducted on the premises shall not exceed the following noise limits (adjusted for special audible characteristics in accordance with NZS 6802:1991) when measured at any point beyond the boundaries of the site within the Queenstown Town Centre Zone (with the exception of the development approved within RM140815):*

- Daytime (0800 – 2200 hrs) 60 dBA L_{10}
- Night-time (2200 – 0800 hrs) 50 dBA L_{10} and 70 dBA L_{max}

Noise levels shall be measured and assessed in accordance with NZS 6801:1991 and NZS 6802:1991 and shall take into account special audible characteristics.”

- “4. *The outdoor area may only be used between the hours of 0800 and ~~2200~~2400. At ~~2200~~2400 the roof area must be vacated and access to the roof area prohibited.”*
- “6. *The roof area must be constructed and managed as outlined in Assessment of Environmental Noise Effects File Ref A03610-01-D1 dated 14th April 2010 with the exception of the development approved within RM140815.”*

All other conditions of RM100129 will be adhered to including the limiting the number of persons utilising the outdoor deck area to a maximum of 25 persons. The outdoor deck area has been utilised for the past three years until 10pm (2200 hours).

It is considered that the proposal can be assessed under section 127 of the RMA as the amended conditions will not change the activity itself, being an extension of the hours of the use of the outdoor areas to be used in accordance with the overall proposal under section 88 of the RMA. The breach in noise standards is also being considered as part of a new resource consent application (RM140815).

The application was supported by an acoustic assessment which was undertaken by Acoustic Engineering Services (“AES”), which demonstrates that the use of the outdoor deck area post 10pm will result in non-compliance with the night time noise limits of the District Plan. This report and the updated noise management plan are contained in the section 42A report which is contained in Appendix 1.

No external alterations to the existing building are proposed.

Site and Locality Description

The subject site is located on the northern side of Rees Street, between BNZ bank and the Lakeside Palace Restaurant. Surreal extends over 3 levels and an existing brick wall measuring between 1.5 to 2m in height is also located on the south-eastern side of the area. Prime Restaurant is located to the immediate south, on the adjacent side of Rees Street. Surrounding buildings contain a mixture of commercial uses including restaurants, café, retail shops, banks and residential units.

The site and adjoining sites are shown in Figure One below:

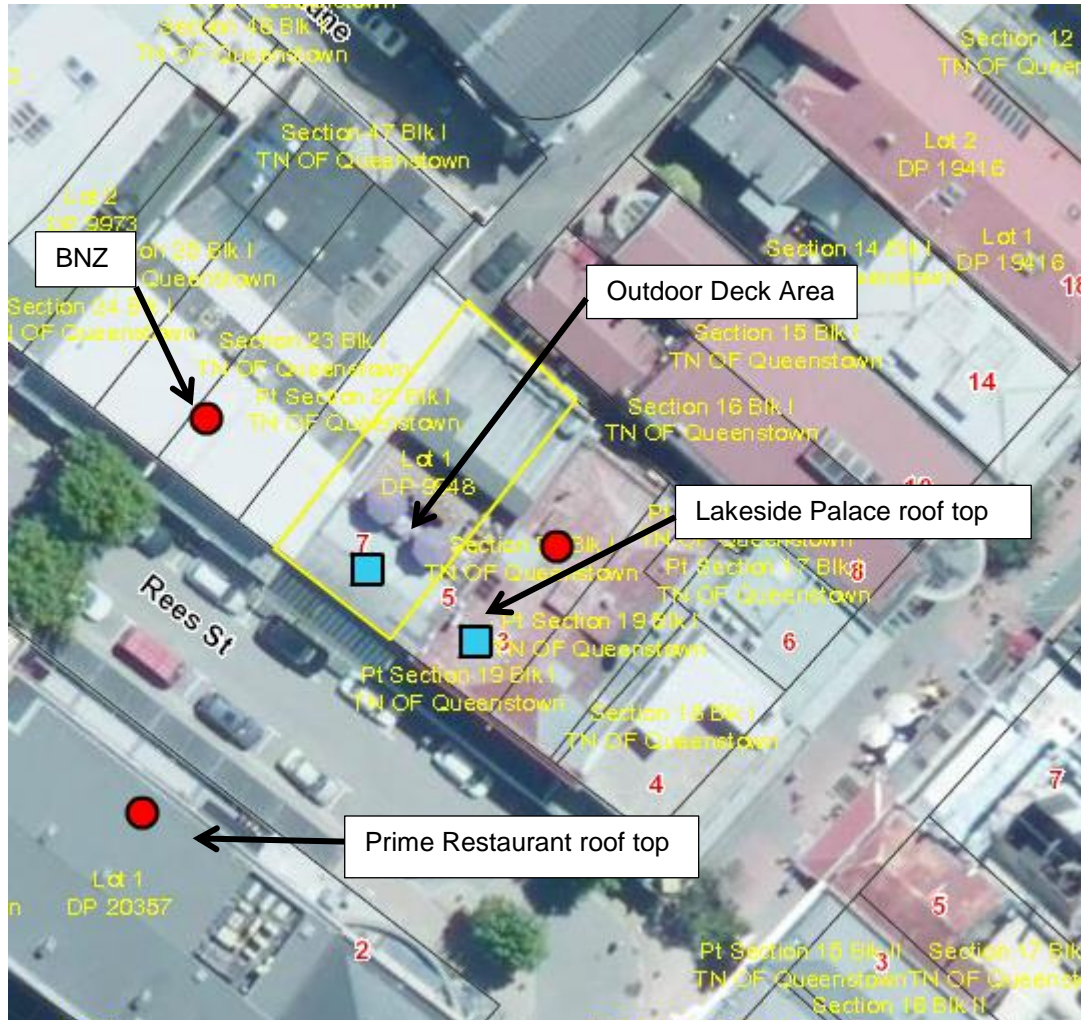


Figure One: Map showing location of subject site (outlined in yellow) and surrounds. The blue square indicates the sites whereby the owner has provided affected party approval and the red circles indicate where the tenant has provided affected party approval. However, it is noted that the affected party approval forms were not completed and thereby limited weight can be placed on these approvals. This is discussed in more detail in Section 4.1 below.

Site History

RM970367 (granted 16 September 1997) to operate a bar/restaurant and the sale of liquor between 11pm and 7am at 7 Rees Street, Queenstown.

RM000391 (granted 29 June 200) approved alterations to the exterior ground floor façade of Surreal Bar and Restaurant.

RM020550 (granted 8 August 2002) approved the sale of liquor between the hours of 2.30am until 5am Monday to Sunday Inclusive.

RM100129 (granted 29 November 2010) approved the construction of a deck on the roof of an existing building, to be used as an outdoor dining area.

2. NOTIFICATION, SUBMISSIONS AND OBLIGATION TO HOLD A HEARING

The application was limited notified on 21 May 2015. The application was notified to the following parties:

<i>Person (owner/occupier)</i>	<i>Address (location in respect of subject site)</i>
Prime Restaurant	2 Rees Street, Queenstown (Occupier)
Skyline Properties Limited	2 Rees Street, Queenstown (Owner)
Lakeside Palace	3-5 Rees Street, Queenstown (Occupier)
F S Mee Development Company Limited	3-5 and 7 Rees Street, Queenstown (Owner)
BNZ Bank	11-15 Rees Street, Queenstown (Occupier)
Mark and Jacqueline Quickfall and 1 other	11-15 Rees Street, Queenstown (Owner)



Figure Two: Parties to be served notice of the application (marked with a green diamond)

No submissions were received in this period. The consent authority does not consider a hearing is necessary.

A decision under section 100 of the Act to not hold a hearing was made by Mr Blair Devlin (Manager, Resource Consenting) on 9 July 2015.

2. THE PLANNING FRAMEWORK

This application must be considered in terms of Section 104 of the Resource Management Act 1991. Section 6.0 of the S42A report outlines S104 of the Act in more detail. This report is contained in *Appendix 1*.

The application must also be assessed with respect to Part 2 of the Act which is to promote the sustainable management of natural and physical resources. Section 10 of the S42A report outlines Part 2 of the Act.

2.1 THE DISTRICT PLAN

The subject site is zoned Queenstown Town Centre (Special Character Area Precinct 1) and the proposed activity requires resource consent for the following reasons:

- A **non-complying** activity pursuant to Rule 10.6.3.4(vii) as the proposal breaches Zone standard 10.6.5.2(ii)(a) in regard to noise. The proposal will exceed the 50 dB $L_{Aeq(15min)}$ Night Time standard at the boundary of other sites within the zone. The AES report indicates that areas of exceedance are confined to the rooftops of the neighbouring BNZ building to the west, Lakeside Palace Chinese Restaurant to the east (approximately 55 dB L_{Aeq}) and the outdoor deck of Prime Restaurant (approximately 57 dB L_{Aeq}).

2.2 RESOURCE MANAGEMENT ACT 1991

- A **discretionary** activity consent pursuant to section 127(3)(a) of the RMA, which deems any application to change or cancel consent conditions to be a discretionary activity. It is proposed to change conditions 1, 3, 4 and 6 of resource consent RM100129, as described in Section 1.0 above.

2.3 SUMMARY

Overall, the application is considered to be a **non-complying** activity.

4. SUMMARY OF EVIDENCE HEARD

This is not applicable in this case as there has not been a hearing.

5. PRINCIPAL ISSUES IN CONTENTION

The principal issue arising from the application is the effect to the character and amenity of the area, nuisance (noise and lighting), and compatibility in relation to surrounding neighbourhood.

The findings relating to these principal issues of contention are outlined in Section 8 of the attached S42A report.

6. ASSESSMENT

6.1 Actual and Potential Effects (s104(1)(a))

Actual and potential effects on the environment have been addressed in Section 8 of the S42A report prepared for Council and provides a full assessment of the application. Where relevant conditions of consent can be imposed under section 108 of the RMA as required to avoid, remedy or mitigate adverse effects. A summary of conclusions of that report are outlined below:

- The proposal will not result in adverse effects on the character and amenity of the area or the Queenstown Town Centre Zone;
- Subject to appropriate mitigation of effects associated with the operation, use and management of the outdoor area, the proposal will not have more than minor effects on the environment and persons, surrounding land owners and businesses.

6.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

As outlined in detail in Section 8.2 of the S42A report, overall the proposed development is in accordance with the relevant policies and objectives of the District Plan.

6.3 PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES (s104(D))

With respect to the assessment above, the first threshold test for a non-complying activity required under Section 104D has been met in that the application is not considered to create any actual or potential adverse effects which are more than minor in extent.

With respect to the second threshold test under Section 104D it is concluded that the application can pass through the second gateway test given that the proposal is not considered to contrary to the relevant policies and objectives of the District Plan. On this basis discretion exists to grant consent for this non-complying activity.

6.4 PART 2 OF THE RMA

In terms of Part 2 of the RMA, the proposal is considered to be in accordance with the purpose of the Resource Management Act 1991 as outlined in further detail in Section 10 of the S42A report.

7. DECISION ON LANDUSE CONSENT AND VARIATION PURSUANT TO SECTION 104 OF THE RMA

Pursuant to sections 104 of the RMA this consent is **granted** subject to the conditions stated in *Appendix 2 (RM140815)* and *Appendix 3 (Updated Conditions RM100129)* of this decision imposed pursuant to Section 108 of the RMA.

8.0 OTHER MATTERS

Local Government Act 2002: Development Contributions

This proposal is not considered a "Development" in terms of the Local Government Act 2002 as it will not generate a demand for network infrastructure and reserves and community facilities.

Administrative Matters

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or if all conditions have been met.

This resource consent is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of Section 125 of the Resource Management Act 1991.

If you have any enquiries please contact Anita Vanstone on phone (03) 441 0499 or email anita.vanstone@qldc.govt.nz.


Report prepared by

Decision made by



Anita Vanstone
SENIOR PLANNER

APPENDIX 1 - Section 42A Report
APPENDIX 2 - Consent Conditions RM140815
APPENDIX 3 - Updated Conditions RM100129



Blair Devlin
MANAGER RESOURCE CONSENTING

APPENDIX 1

Section 42A Report

FILE REF: RM140815

TO Blair Devlin: Resource Consents Manager
FROM Anita Vanstone
SUBJECT Report on a limited notified consent application.

SUMMARY

Applicant: Surreal Bar Limited
Location: 7 Rees Street, Queenstown
Proposal: Application under Section 88 of the Resource Management Act (RMA) for Land Use Consent to breach the night-time noise standards to enable the use of the second floor outdoor area of Surreal Bar to be utilised until 12am (midnight), Monday to Sunday inclusive.

Application under Section 127 of the RMA to change Conditions 1 (General Condition), 3 (Noise Levels), 4 (Opening Hours of Outdoor Areas) and Condition 6 (to allow for an updated Assessment of Effects and Noise Management Plan) of Resource Consent RM100129 to enable the use of the outdoor area of Surreal Bar to be utilised until 12.00am (midnight), Monday to Sunday Inclusive.
Legal Description: Lot 1 Deposited Plan 9948 contained Computer Freehold Register OTA2/77
Zoning: Queenstown Town Centre - Special Character Area Precinct 1
Limited Notification Date: 22 April 2015
Closing Date for Submissions: 21 May 2015
Submissions: Nil

RECOMMENDATION

That the application be GRANTED pursuant to Section 104 of the Resource Management Act 1991 for the following reasons:

1. The adverse effects of the activity can be adequately mitigated so that the effects on the wider environment are less than minor.
2. The proposal is consistent with the relevant objectives and policies of the District Plan.

3. The proposal does promote the overall purpose of the RMA.

1. INTRODUCTION

My name is Anita Vanstone. I am a Senior Resource Consents Planner with Queenstown Lakes District Council (QLDC). I have been employed with QLDC since 24 November 2014.

I hold the qualifications of a Bachelor of Science (Geography) and Masters of Resource Regional Planning from the University of Otago. I have approximately ten years' experience as a planner in roles within various Councils, a Development Company and Planning Consultant in New Zealand and the United Kingdom. I am a graduate plus member of the New Zealand Planning Institute.

This report has been prepared to assist the Commission. It contains a recommendation that is in no way binding. It should not be assumed that the Commission will reach the same conclusion.

2. PROPOSAL AND SITE DESCRIPTION

Resource consent is sought under section 88 of the RMA to breach night-time noise standards to enable the use of the outdoor area of Surreal Bar to be utilised until 12am (midnight), Monday to Sunday inclusive and to breach the night time noise limits.

Resource consent is also sought under section 127 of the RMA to change the following conditions of RM100129 (proposed additions shown in underline and deletions shown in ~~strikethrough~~):

“General Condition

1. *That the development must be undertaken/carried out in accordance with the plans (**Plan – Proposed Upper Floor, Cross Section – stamped as approved 20 November 2010; Proposed Deck Addition – Plans Sections/Elevation Drawing # RC-01 – stamped as approved 26 November 2010**) and the application as submitted, with the exception of the amendments required by the following conditions of consent and the development approved within RM140815.*

“Specific Conditions

3. *The consent holder shall ensure that activities conducted on the premises shall not exceed the following noise limits (adjusted for special audible characteristics in accordance with NZS 6802:1991) when measured at any point beyond the boundaries of the site within the Queenstown Town Centre Zone (with the exception of the development approved within RM140815):*

- Daytime (0800 – 2200 hrs) 60 dBA L₁₀
- Night-time (2200 – 0800 hrs) 50 dBA L₁₀ and 70 dBA L_{max}

Noise levels shall be measured and assessed in accordance with NZS 6801:~~1994~~2008 and NZS 6802:~~1994~~2008 and shall take into account special audible characteristics.”

- “4. *The outdoor area may only be used between the hours of 0800 and ~~2200~~2400. At ~~2200~~2400 the roof area must be vacated and access to the roof area prohibited.”*

- “6. *The roof area must be constructed and managed as outlined in Assessment of Environmental Noise Effects File Ref A03610-01-D1 dated 14th April 2010 with the exception of the development approved within RM140815.*”

All other conditions of RM100129 will be adhered to including the limiting the number of persons utilising the outdoor deck area to a maximum of 25 persons. The outdoor deck area has been utilised for the past three years until 10pm (2200 hours). The standards specified in Condition 3 are also proposed to be updated to represent the most current District Plan noise standards.

It is considered that the proposal can be assessed under section 127 of the RMA as the amended conditions will not change the activity itself, being an extension of the hours of the use of the outdoor areas to be used in accordance with the overall proposal under section 88 of the RMA. The breach in noise standards is also being considered as part of a new resource consent application.

The application was supported by an acoustic assessment which was undertaken by Acoustic Engineering Services (“AES”), which demonstrates that the use of the outdoor deck area post 10pm will result in non-compliance with the night time noise limits of the District Plan. This report is contained in Appendix I. While, the updated Noise Management Plan is contained in Appendix II.

No external alterations to the existing building are proposed.

Site and Locality Description

The subject site is located on the northern side of Rees Street, between BNZ bank and the Lakeside Palace Restaurant. Surreal extends over 3 levels and an existing brick wall measuring between 1.5 to 2m in height is also located on the south-eastern side of the area. Prime Restaurant is located to the immediate south, on the adjacent side of Rees Street. Surrounding buildings contain a mixture of commercial uses including restaurants, café, retail shops, banks and residential units.

The site and adjoining sites are shown in Figure One below:

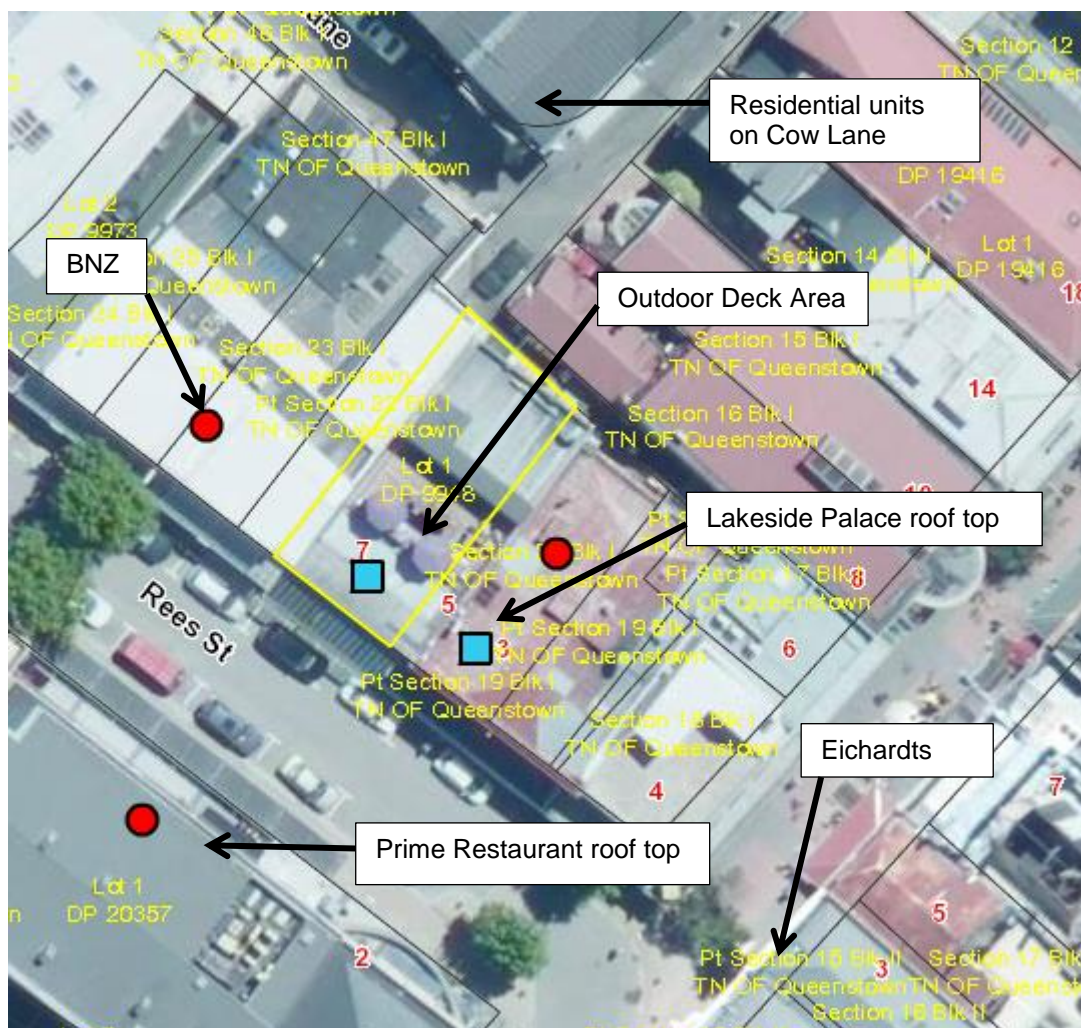


Figure One: Map showing location of subject site (outlined in yellow) and surrounds. The blue square indicates the sites whereby the owner has provided affected party approval and the red circles indicate where the tenant has provided affected party approval. This is discussed in more detail in Section 4.1 below.

Site History

RM970367 (granted 16 September 1997) to operate a bar/restaurant and the sale of liquor between 11pm and 7am at 7 Rees Street, Queenstown.

RM000391 (granted 29 June 200) approved alterations to the exterior ground floor façade of Surreal Bar and Restaurant.

RM020550 (granted 8 August 2002) approved the sale of liquor between the hours of 2.30am until 5am Monday to Sunday Inclusive.

RM100129 (granted 29 November 2010) approved the construction of a deck on the roof of an existing building, to be used as an outdoor dining area.

3. SUBMISSIONS

3.1 SUBMISSIONS

No submissions have been received.

4. CONSULTATION AND WRITTEN APPROVALS

The following persons have provided their written approval and as such adverse effects on these parties have been disregarded. No consultation has otherwise been undertaken.

<i>Person (owner/occupier)</i>	<i>Address (location in respect of subject site) and additional comments</i>
F S Mee Development Company Limited PO Box 2060, Wakatipu, Queenstown, 9349	Owners, 3-5 and 7 Rees Street, Queenstown (Michael Mee, Director signed form. Mr Mee confirmed he had delegated authority to sign on behalf of the other Directors).
Lakeside Palace Restaurant	Occupier, 3-5 Rees Street, Queenstown (Bonny Lao, owner Lakeside Palace)
Mark Jessop (Prime Restaurant)	Occupier, 2 Rees Street, Queenstown
BNZ Branch Properties Limited	Occupier, 11-15 Rees Street, Queenstown (Michael White has signed on behalf of BNZ Branch Properties Limited. Mr White has provided confirmation that he has delegated authority to sign on behalf of BNZ Branch Properties Limited)

The application was limited notified on 21 May 2015. The application was notified to the following parties:

<i>Person (owner/occupier)</i>	<i>Address (location in respect of subject site)</i>
Prime Restaurant	2 Rees Street, Queenstown (Occupier)
Skyline Properties Limited	2 Rees Street, Queenstown (Owner)
Lakeside Palace	3-5 Rees Street, Queenstown (Occupier)
F S Mee Development Company Limited	3-5 and 7 Rees Street, Queenstown (Owner)
BNZ Bank	11-15 Rees Street, Queenstown (Occupier)

Mark and Jacqueline Quickfall and 1 other

11-15 Rees Street, Queenstown (Owner)



Figure Two: Parties served notice of the application (marked with a green diamond)

5. PLANNING FRAMEWORK

5.1 THE DISTRICT PLAN

The subject site is zoned Queenstown Town Centre (Special Character Area Precinct 1) and the proposed activity requires resource consent for the following reasons:

- A **non-complying** activity pursuant to Rule 10.6.3.4(vii) as the proposal breaches Zone standard 10.6.5.2(ii)(a) in regard to noise. The proposal will exceed the 50 dB $L_{Aeq(15min)}$ Night Time standard at the boundary of other sites within the zone. The AES report indicates that areas of exceedance are confined to the rooftops of the neighbouring BNZ building to the west, Lakeside Palace Chinese Restaurant to the east (approximately 55 dB L_{Aeq}) and the outdoor deck of Prime Restaurant (approximately 51 dB L_{Aeq}).

5.2 RESOURCE MANAGEMENT ACT 1991

- A **discretionary** activity consent pursuant to section 127(3)(a) of the RMA, which deems any application to change or cancel consent conditions to be a discretionary activity. It is proposed to change conditions 1, 3, 4 and 6 of resource consent RM100129, as described in Section 1.0 above, to allow the use of the outdoor deck area to 12am (midnight) and allow for the exceedance of the night-time noise levels as stated above.

5.3 SUMMARY

Overall, the application is considered to be a **non-complying** activity.

6.0 STATUTORY CONSIDERATIONS

This application must be considered in terms of Section 104 of the RMA.

Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. In addition, Section 104D places particular restrictions on non-complying activities. Following assessment under Section 104, the application must be considered under Section 104B of the RMA.

The application must also be assessed with respect to the purpose of the RMA which is to promote the sustainable management of natural and physical resources. Section 10 of this report outlines Part 2 of the RMA in more detail.

Section 108 empower the Commission to impose conditions on a resource consent.

7. INTERNAL REPORTS

The following reports have been prepared on behalf of QLDC and are attached as appendices.

- Peer Review of the Noise Assessment was undertaken by Stephen Chiles from Chiles Ltd (contained in Appendix III).

The assessments and recommendations of the reports are addressed where appropriate in the assessment to follow.

8. ASSESSMENT

It is considered that the proposal requires assessment in terms of the following:

- (i) Effects on the Environment
- (ii) Objectives and Policies Assessment
- (iii) Other Matters (precedent, other statutory documents)

8.1 EFFECTS ON THE ENVIRONMENT

8.1.1 The Permitted Baseline and Receiving/Existing Environment

The Permitted Baseline

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.

In this case the permitted baseline allows for the sale of liquor between the hours of 7am and 11pm. However, given that resource consent is required for licenced premises between the hours of 11pm and 7am (unless associated with dining), and the proposal is to extend the hours that the outdoor areas are used until midnight in association with licenced premises, this permitted baseline is not applicable to this application.

In addition, the permitted baseline restricts the sound from activities to 50 dB $L_{Aeq(15min)}$ and 70 dB L_{AFmax} during the hours of 2200 to 0800 hours when measured at any point within any other site in the Town Centre Zone.

Receiving/Existing Environment

The site is located in the Queenstown Town Centre, which contains a mixture of commercial uses including retail, offices, restaurants, licensed premises and community activities. Many licenced premises in the near vicinity of the site have resource consent to operate to 4am in the morning, including the Bunker, Tardis and the Ballarat Trading Company.

To the east of the site is Lakeside Palace, which is a restaurant. To the north-west is BNZ bank, while Prime Restaurant is located to the south. To the north is the roof top of the building that Surreal Bar is located within. The use of the building for a licensed premise has been established since 1997. The use of the outdoor area was approved by the Council in 2010, although its use was restricted to 10pm and maximum number of only 25 persons at all times.

8.1.2 Actual and Potential Effects on the Environment

I consider the proposal raises the following actual and potential effects on the environment:

- Noise;
- Affects to the amenity and character of the area; and
- Compatibility in relation to the surrounding neighbourhood.

There are no directly related assessment matters, however the assessment matters contained within section 10.10.2 (viii) Licensed Premises of the District Plan relating to the character, scale and intensity of the proposed activity and its compatibility in relation to the surrounding and/or adjoining residential neighbourhoods, and the effect on amenities especially in relation to noise and the previous history of the site and the relative impact of adverse effects caused by activities associated with the sale of liquor are considered relevant. As the proposal is for a non-complying activity, Council's discretion is not restricted to these matters.

The applicant has provided a noise assessment prepared by AES as part of the application. Council's consultant acoustic expert, Dr Stephen Chiles of Chiles Limited, has reviewed this assessment and provided comment. The AES report and Mr Chiles' findings are incorporated into the assessment below.

People and Built Form:

Adverse Effects to consider	Effects on the Environment
Character & Amenity	Less than minor
Cumulative	Less than minor

The Queenstown Town Centre is characterised by a mix of commercial uses including bars, restaurants, retail shopping, offices and residential accommodation. There are also a number of noise sensitive receivers in the vicinity of the subject site including visitor accommodation and residential activities along Cow Lane and Marine Parade.

It is noted that Steamer Wharf have recently obtained resource consent on a 12 month trial basis to allow for the use of the outdoor areas of Pub on Wharf, Pier 19, Ivy & Lola's, Boiler Room, Public and Atlas to 12am (midnight) (RM140850) and the former World Bar (RM120296) obtaining resource consent to utilise their outdoor area to 4am. Both of these resource consents have conditions surrounding the operation, including maximum numbers permitted in the outdoor areas.

Surreal Bar currently utilises the outdoor decking area on the second floor until 10pm within specified conditions, including compliance with noise limits, limited numbers and compliance with the approved noise management plan. Bar staff and the Duty Manager currently manage the outdoor area to ensure compliance with these consent conditions, including maximum numbers. A review of the site history indicates that the Council has not received any noise complaints surrounding the use of the outdoor area.

The outdoor area is not easily seen and is relatively discrete in terms of visibility from Rees Street due to its location on the second floor of the building. In addition, glass balustrades have been erected around the circumference of the outdoor area that encloses the area, whilst maintaining an open vista. An existing brick wall that ranges in height from 1.5m to 2m is located on the south east boundary, which adjoins the boundary shared with 5 Rees Street (Lakeside Palace Restaurant). This helps screen the outdoor area from neighbouring properties that are located to the south east of the site.

It is considered that the proposed activity will reflect the alfresco dining character that is anticipated in the Queenstown Town Centre. It is recommended that only low level lighting is used in the outdoor

area during night time hours. A review of the conditions of RM100129 has found that no lighting condition has been imposed on this consent. To ensure that the amenity and character of the town centre is not adversely affected by the proposal it is recommended that a lighting condition be included on the granting of the new land use consent.

The subject site is considered appropriate for later trading (with appropriate conditions) given the position and orientation of the outdoor deck area and the character of the surrounding area. The proposal is considered to be in keeping with the existing character and amenity of Queenstown Town Centre being an extension of hours to which patrons can use the existing outdoor areas associated with licenced premises.

Overall, any adverse effect on people and built form is likely to be less than minor.

Nuisance:

Adverse Effects to consider	Effects on the Environment
Noise	Less than minor
Hours of Operation	Less than minor

The AES report identified sound sources resulting from the proposal as: people; low level background music; and plant items (e.g. kitchen extraction systems). The scope of the assessment was restricted to assessing the potential noise effects arising during the use of the outdoor deck area between 10pm and midnight.

The key issue identified in the AES report is sound generated from people in outdoor dining areas and socialising areas propagating further afield into the surrounding vicinity. The AES report concludes that the proposal is likely to exceed the District Plan noise limits between 10pm and midnight on the rooftops of the neighbouring BNZ building to the north-west, Lakeside Palace Chinese Restaurant to the south-east and the outdoor deck of Prime Restaurant across Rees Street (south).

Dr Chiles has reviewed the AES report and notes that an appropriate methodology has been used, agreeing with the overall conclusions of this report. However, Dr Chiles has identified the nearest sensitive receiver as 2 Rees Street (Prime Restaurant), 3-5 Rees Street (Lakeside Palace) and 11-15 Rees Street (BNZ). Dr Chiles agrees that because Prime and BNZ are unoccupied between 2200hours and 0000hours there will be no adverse effect on these parties.

The AES report notes that levels received on the outdoor deck of Prime Restaurant are in the order of 51 dB L_{Aeq} , which is only a minor exceedance of the District Plan night time noise levels (by 1 dB L_{Aeq}). AES note that background noise levels in the area are in the order of 57 dB L_{Aeq} / 51 dB L_{Aeq} , which is generally from street conversations and laughter. It is also noted that at the time AES undertook the noise assessment there were 30 patrons in the outdoor area. It is recommended that the condition relating to maximum numbers of only 25 persons shall be maintained.

The outdoor deck of Prime is not currently being used after 10pm, nor has consent been obtained for its use. It is noted that the occupier of Prime Restaurant has provided their affected party approval, but the owner of the building has not. They were served notice as part of the limited notification of the application. AES have confirmed in their acoustic report that the breach in the night time noise standards is only considered to be minor. With appropriate conditions of consent, including stringent management of the outdoor area, limitation on maximum numbers, lighting and adherence to the submitted noise management plan, the use of the outdoor area after 10pm will not result in adverse effects to this property.

In terms of the breach of noise standards to the west, this will only breach night time noise standards on the BNZ rooftop only. AES have reported that they expect break-in noise levels of less than 35 dB L_{Aeq} . This level complies with the satisfactory noise levels recommended in AS/NZS 2107:2000. It is noted that BNZ Properties have provided their affected party approval, however the owner of the building has not. However, they were served notice on the application. It is anticipated that the proposal would not adversely affect this property as noise levels are breached on the rooftop level only. Adverse effects to this property will be less than minor.

It noted that the use of the deck area will also breach night time noise levels on the eastern neighbour (Lakeside Palace), however break in noise levels of less than 40 dBA L_{Aeq} are anticipated, which

complies with the satisfactory noise levels recommended in AS/NZ 2107:2000. It is noted that the affected party approval of the building owner and occupier (Lakeside Palace) has been obtained. Therefore, effects to these parties can be disregarded pursuant to Section 95D(e) of the Resource Management Act.

The nearest residential units are located on Marine Parade (Eichardt's Private Hotel) and apartments on Cow Lane. These are indicated on Figure One above. The outdoor deck area is located approximately 35m from Eichardt's and approximately 22m from the apartments on Cow Lane. In terms of Eichardt's the outdoor deck area is screened from this property by the neighbouring building to the east and the existing brick wall. The outdoor area is directed out onto Rees Street and is surrounded by a glass balustrade along its north western and southern boundary. A condition of consent has also been recommended to include a restriction on the level of lighting in this area, to ensure that these apartments are not adversely affected by the proposal. It is considered that, with conditions of consent that restrict numbers, cease its use by midnight and low level lighting in this area, the impact on nearby residential units will be less than minor.

Overall, the AES report concludes that the break-in noise levels into the wider environment (with the exception of 2, 3-5 and 11-15 Rees Street) will be within the guidance provided by AS/NZS 2107:2000 for recommended internal noise levels in these spaces. Dr Chiles agrees with these findings and considers the noise effects associated with the proposal to be reasonable (with the exception of future effects on adjoining tenancies which cannot be determined or assessed at this time). Dr Chiles recommends that a review condition be included on the granting of any consent to address any management issues or unanticipated effects. This is because the successful use of the outdoor area is heavily reliant on appropriate management and behaviour of patrons. This condition is accepted.

In addition, the applicant has submitted an updated noise management plan to the Council that details management procedures. This document promotes a policy of host responsibility in terms of regulating patron behaviour to maintain noise levels at acceptable levels, and describes a range of physical noise controls (such as the installation of a self-closing device on the door to the outdoor area) to mitigate and reduce the noise emissions from the site so as not to give rise to nuisance effects. It is considered that adverse effects would be less than minor with the noise management plan procedures in place.

Given the foregoing assessment, the proposal will not result in adverse effects to the amenity or character of the area, as the adverse effects of the proposal can be mitigated through the imposition of conditions of consent as discussed above. As a result, it is considered that nuisance effects are likely to be less than minor.

8.1.3 Overall Summary of Effects

In summary, the proposal will not result in adverse effects to the environment and persons that are more than minor.

8.2 THE DISTRICT PLAN – ASSESSMENT MATTERS AND OBJECTIVES AND POLICIES

The relevant Objectives and Policies are contained in Sections 4 (District Wide) and 10 of the District Plan (Town Centre).

Objective 4.9.3.2 promotes urban growth which has regard for the built character and amenity values of the existing urban areas and enables people and communities to provide for their social, cultural and economic wellbeing. In particular, Policy 2.1 promotes the growth of urban areas that protects and enhances the amenity of the urban area. The use of the outdoor area to 12am (midnight) has been determined to not result in adverse effects and will maintain the amenity of the surrounding area.

Paragraph 10.2.4 sets out those Objectives and Policies which relate specifically to the Queenstown Town Centre and of those only Objective 1 is relevant to this proposal. It reads:

Objective 1 - Maintenance and Consolidation of the Town Centre
Maintenance and enhancement of the Queenstown Town Centre as the principal commercial, administration, cultural and visitor focus for the District.

Policies:

- 1.1 *To provide for the concentration of buildings and developments to occur in the town centre.*
- 1.2 *To enable a broad range of activities to establish, and to encourage the continuing occupation and development of buildings and sites.*
- 1.3 *To minimise the adverse environmental effects of those activities both within the town centre and on the activities in the surrounding living areas.*

The proposal maintains the use of a town centre building and allows for outdoor drinking and socialising during the night time hours whilst ensuring the surrounding living areas are not adversely affected by the noise. The proposal will encourage the continued occupation of a use that is anticipated in the Town Centre without resulting in adverse effects to adjoining properties and the general area. The proposal is considered to assist in achieving this objective and the associated policies.

8.3 OTHER MATTERS

8.3.1 Precedent

Every application for resource consent must be considered and assessed on its own merits as is the case with this resource consent. The rules are not made to prohibit activity (unless an activity is actually prohibited) but to require an application for resource consent so that the merits can be fully assessed and it can be determined whether the activity is appropriate. It is not considered that an undesirable precedent will be set by allowing this application as the effects of the proposal on both persons and the environment have been deemed to be less than minor.

9. DETERMINATION

9.1 Effects on the Environment

As found in the assessment undertaken in Section 8.1, the proposed development would not result in adverse effects on the environment that are considered to be more than minor.

9.2 Effects on the Persons

As found in the assessment undertaken in Section 8.1, the proposed development would not result in adverse effects on persons that are considered to be more than minor.

9.3 Objectives and Policies

As found in the assessment of the proposal against the relevant objectives and policies of the District Plan the proposal is not considered to be contrary to the provisions of the District Plan which looks to provide for the operation of licensed premises town centre locations which do not have a significant impact on the character and amenity of the area.

9.4 Legislative Requirements (section 104D)

As a non-complying activity the proposal is required to be assessed under section 104D of the RMA.

The first threshold test for a non-complying activity required under Section 104D has been met in that the application is not considered to create actual or potential adverse effects which are more than minor in extent.

It is concluded that the application can also pass through the second gateway test given that the proposal is not considered to be contrary to the Objectives and Policies of the District Plan.

On this basis discretion exists to grant consent for this non-complying activity.

9.5 Overall Determination

Given the findings set out in Sections 9.1 – 9.4 above, the application by Surreal Bar Limited can be granted.

10. PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

Part 2 of the RMA details the purpose of the RMA in promoting the sustainable management of the natural and physical resources. The proposal promotes development that enables the use of an outdoor area associated with a consented licensed premise in a way that enables the applicant to provide for their social, economic and cultural wellbeing of the community. As noted in Section 8 above, the proposal will not result in adverse effects to the environment with appropriate conditions of consent.

Therefore the proposal is considered to be consistent with the primary purpose of the Act.

No matters of national importance listed in Section 6 of the RMA are considered relevant.

Under Part 2 of the RMA, regard must be had to the relevant matters of Section 7 – Other Matters, including:

- (b) *the efficient use and development of natural and physical resources:*
- (c) *the maintenance and enhancement of amenity values:*
- (f) *the maintenance and enhancement of the quality of the environment:*

As outlined throughout this report, the proposal development would maintain amenity values and the quality of the environment experienced by adjacent occupiers and landowners.

Overall, I consider the proposal promotes sustainable management.

11. RECOMMENDATION

Land use consent is sought under section 88 of the RMA to breach night-time noise standards to enable the use of the outdoor area of Surreal Bar to be utilised until 12am (midnight), Monday to Sunday inclusive and to breach the night time noise limits.

Resource consent is also sought under section 127 of the RMA to change conditions of consent to allow a breach in night-time noise levels and allow the use of the outdoor area to 12am (midnight). Additional conditions of consent have also been proposed relating to the use of lighting in the outdoor area, to ensure the effects on nearby residential units will be minimised.

Subject to the recommendation conditions of consent, it is considered that any adverse effects can be appropriately avoided or mitigated.

Overall, the proposal is generally in accordance with the objectives and policies of the District Plan and is not contrary to the provisions of the District Plan.

In terms of Part 2 of the RMA, the proposal is considered sustainable and consistent with the primary purpose of the RMA, and is therefore considered appropriate.

For the reasons set out in this report, I recommend that the application be granted subject to the recommended conditions discussed in this report. A draft set of these conditions is provided in Appendix IV (RM140815) and updated set of conditions of RM100129 is provided in Appendix V.

Report prepared by

Reviewed by



Anita Vanstone
SENIOR PLANNER

Adonica Giborees
SENIOR PLANNER

Attachments:

Appendix I	AES Noise Assessment
Appendix II	Updated Noise Management Plan
Appendix III	Peer Review of Noise Assessment (Chiles Ltd)
Appendix IV	Draft Set of Conditions for RM140815
Appendix V	Draft Updated Set of Conditions for RM100129

Report Dated: 9 July 2015

Appendix I AES Noise Assessment

File Ref: AC14168 – 01 – D1

18 December 2014

Mr Erich Stadler
Surreal Bar & Restaurant
7 Rees Street
Queenstown 9300

Level 3, 518 Colombo Street
Christchurch 8011
PO Box 549
Christchurch 8140

Ph 03 377 8952
www.aeservices.co.nz
office@aeservices.co.nz

Dear Erich

**Re: Surreal Bar outdoor deck – Proposed extension of operating hours:
Assessment of Environmental Noise Effects**

Acoustic Engineering Services (AES) have been engaged to provide acoustic engineering advice in relation to a proposed extension of operating hours for the existing outdoor deck on the first floor of Surreal Bar and Restaurant at 7 Rees Street, Queenstown.

Before the deck was established, AES provided a desktop study regarding the expected noise effects based on the deck operating during the daytime period (AES document reference A03610 – 01 – D1 dated 14th April 2010). The outdoor deck has now been in operation for over three years and we understand that the applicant wishes to consider any additional noise effects which may be associated with extending the operating hours until midnight.

We have updated our original analysis based on a site visit and measurement of noise from the deck in operation. Please find our analysis and recommendations below.

1.0 District Plan noise rules

The site is located within the Queenstown Town Centre Zone under the Queenstown Lakes District Plan.

The noise standards which apply to activities on the site are those outlined in the Queenstown Lakes District Council District Plan: *Town Centres – Rules, Section 10.6.5.2: Zone Standards, Part ii: Noise*. It is stated that activities shall be conducted such that the following noise limits are not exceeded within the boundary of any other site within the zone:

Daytime (0800 to 2200 hours) 60 dB L_{Aeq} (15 min)

Night time (2200 to 0800 hrs) 50 dB L_{Aeq} (15 min) and 70 dB L_{AFmax}

Noise shall be measured in accordance with NZS 6801:2008 *Acoustics – Measurement of environmental sound* and assessed in accordance with NZS 6802:2008 *Acoustics – Environmental noise*.

We note that a literal reading of the District Plan would see this noise limit applied at all points on neighbouring sites, including at roof height. However we consider it reasonable to assess compliance with the District Plan noise limits at any noise sensitive location, being any balcony, external door or window of a neighbouring building.

Noise received over inaccessible roof or solid wall elements is not expected to have any adverse effect externally. In such situations, we would consider it reasonable to consider expected levels of break-in noise against the satisfactory internal noise levels recommended for such spaces in AS/NZS 2107:2000: *Acoustics – Recommended design sound levels and reverberation times for building interiors*.

2.0 Existing activity

AES visited the site on the 2nd of December 2014 (a sunny Tuesday afternoon / evening) in order to quantify the typical level of noise emissions from the outdoor deck and familiarise ourselves with the layout of the deck and surrounding environment.

The deck is semi enclosed, with shielding provided by the Surreal building to the north-east and Lakeside Palace Restaurant building to the south-east as shown in figure 2.1 below. There is a glass balustrade around the remaining edges of the deck. Directly opposite the outdoor deck, on the other side of Rees Street is an outdoor dining area for Prime Waterfront Restaurant and Bar which we understand is closed from 2200 hours.

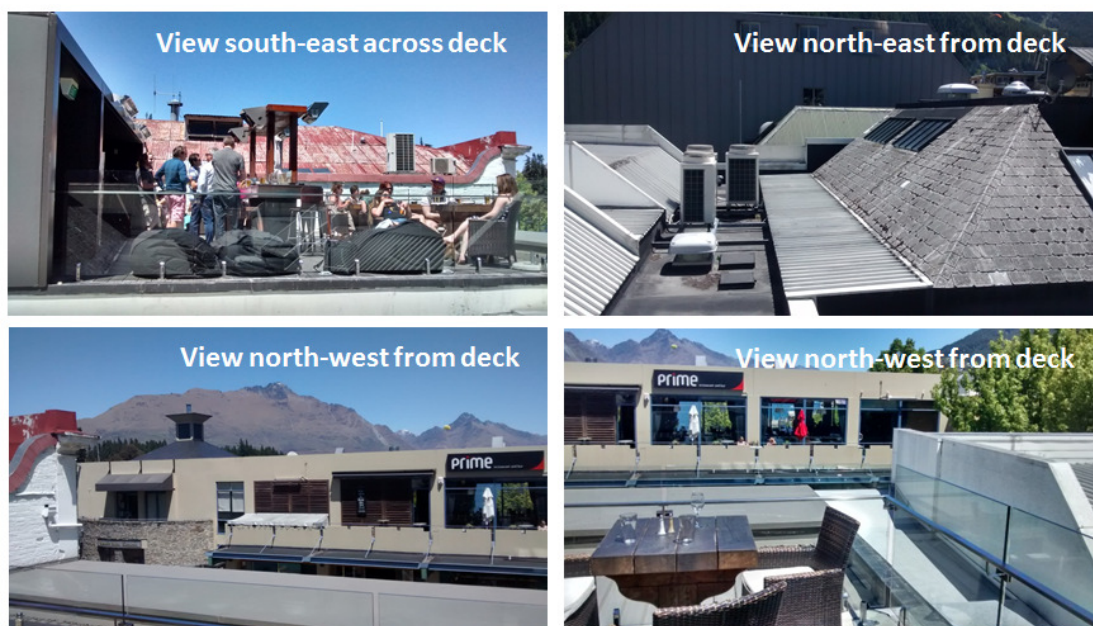


Figure 2.1 – Existing deck and surrounds

The results of measurements undertaken on the outdoor deck are presented in table 2.1 below. As shown, typical noise levels range between 65 – 70 dB L_{Aeq} on the deck itself.

Table 2.1 – Measured noise on outdoor deck

Time / duration	Equivalent continuous noise level (dB L _{Aeq})	Background noise level (dB L _{A90})	Maximum noise level (dB L _{Amax})	Comment
13:30 hours 15 minutes	67	56	84	Measurement on deck, people noise dominant. 18 - 20 people on deck, general conversation, laughter and moving chairs / glasses etc. Some contribution from outdoor condenser units on BNZ roof.
14:00 hours 15 minutes	65	56	80	As above.
18:45 hours 15 minutes	70	63	87	Measurement on deck, people noise dominant. 25 - 30 people on deck, some loud conversations, laughter and moving chairs / glasses.

AES also undertook a 15 minute duration ambient noise measurement at ground level near the corner of Rees Street and Beach Street to quantify night-time noise levels in the area. At 22:40 hours, noise levels were in the order of 57 dB L_{Aeq} / 51 dB L_{A90} , excluding noise from traffic immediately passing on Rees / Beach Street. These noise levels were generally due to noise from pedestrian traffic in the area, distant traffic and street conversations.

3.0 Noise emissions

Based on our measurement data we have assumed a sound power of 70 dB $L_{WA,eq}$ per meter over the deck area.

Using this sound power, we have then calculated the propagation of noise using SoundPLAN computational noise modelling. This modelling is based on ISO 9613 *Acoustics – Attenuation of sound outdoors – Part 2: General method of calculation* taking into account the screening provided by buildings in the area and worst-case downwind conditions.

Figure 3.1 shows the areas where noise levels are expected to exceed the 50 dB L_{Aeq} limit. Note that the figure shows the expected noise level at 1.2 metres above ground level, and where the area coincides with a building site, the noise level at 1.2 metres above roof height.

This analysis indicates that areas of exceedance are confined to the rooftops of the neighbouring BNZ building to the west, Lakeside Palace Chinese Restaurant to the east and the outdoor deck of Prime Restaurant across Rees Street.

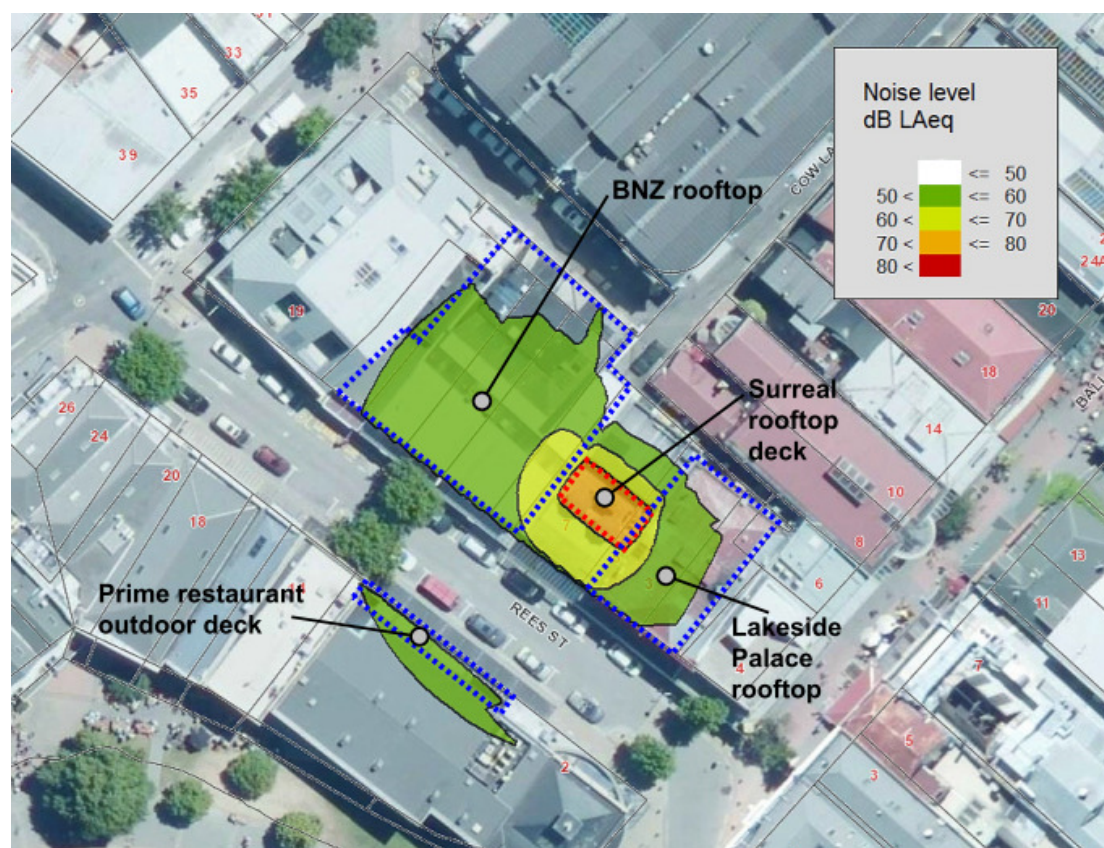


Figure 3.1 Expected noise propagation from Surreal Bar Deck. Shaded green area shows locations where noise is expected to exceed 50 dBA.

The maximum noise level expected to be incident on the roof of the BNZ rooftop to the west is 60 dB L_{Aeq} . This roof has areas of profiled steel, 'warm roof' membrane and concrete slate roofing with glazed skylights. With a typical plasterboard or mineral ceiling tile suspended below, we expect that these constructions would provide an outside to inside reduction of at least 25 dB at speech frequencies. Break-in noise levels of less than 35 dBA L_{Aeq} are

therefore expected in occupied spaces below. This complies with the satisfactory noise levels recommended in AS/NZS 2107:2000 for office spaces by some margin. We also note that as this building is a commercial office tenancy, it is unlikely that it would be occupied frequently after 2200 hours.

The maximum noise level expected to be incident on the roof of the Lakeside Palace rooftop to the east is 55 dB L_{Aeq} . This roof is primarily constructed from profiled steel, with opening windows near the ridgeline of the roof. It is typical to assume an outside to inside reduction of 15 dB for a slightly ajar window. Break-in noise levels of less than 40 dBA L_{Aeq} are therefore expected in occupied spaces below. This complies with the satisfactory noise levels recommended in AS/NZS 2107:2000 for restaurant spaces by some margin.

Levels received on the outdoor deck of Prime Restaurant are in the order of 51 dB L_{Aeq} which is a minor exceedance of the District Plan. We understand that this dining area is not used after 2200 hours. However, even if outdoor dining were to occur on the balcony at this time, background noise levels in the area are in the order of 57 dB L_{Aeq} / 51 dB L_{Aeq} and of the same general character as the noise from Surreal (street conversations, laughter). We therefore expect that the effect of any noise received from Surreal at this location would be negligible.

3.0 Conclusions and Recommendations

We have considered noise effects associated with the extension of operating hours for the outdoor deck of Surreal Bar and Restaurant. Noise generated by patrons using the deck is expected to exceed the Queenstown Lakes District Plan night time limit of 50 dB L_{Aeq} at roof level of the neighbouring BNZ Bank and Lakeside Palace Restaurant sites and at the outdoor balcony of Prime Restaurant across Rees Street.

However based on the current use of these sites, it is expected that break-in noise levels into the BNZ and Lakeside Palace tenancies will be well within the guidance provided by AS/NZS 2107:2000 for recommended internal levels in these spaces. Noise levels received at the balcony of Prime Restaurant will be in the same order and character as existing background noise levels in the area. We therefore conclude that the effects of noise on the surrounding environment from the extension of hours will not be unreasonable.

Kind Regards,



William Reeve
B.E.(Hons.) Mech

Acoustic Engineering Services

18 December 2014

Appendix II Updated Noise Management Plan

SURREAL BAR & RESTAU-
RANT

UPDATED NOISE MANAGE-
MENT PLAN

MAY 2015

1.0 NOISE MANAGEMENT PLAN

This Noise Management Plan provides methodologies that will ensure that the noise associated with the operation of the licensed premise for the sale and supply of alcohol located at 7 Rees Street, Queenstown does not exceed a reasonable level.

The Noise Management Plan relates to the control of noise from patrons during use of the upstairs outdoor deck area post 10pm until 12am.

The management and staff of all premises will be made familiar with the procedures set down in this Noise Management Plan and will be required to abide by these procedures to ensure that noise does not exceed a reasonable level.

This Noise Management Plan describes a range of physical noise control improvements and management initiatives to control and where necessary reduce the noise emissions from the site. These methods identified are considered as the 'best practical option' under the operating conditions likely to occur in practice. With all physical methods in place and effective implementation of management responsibilities, it is the aim of this Noise Management Plan to ensure that noise emissions associated with the proposed activity from within the premise will comply with the relevant noise limits specified under the Queenstown Lakes District Plan.

2.0 BACKGROUND

2.1 Objectives of the Noise Management Plan

Objective 1: To set out in a concise and simple manner a practical plan to control sound emissions.

Objective 2: To ensure that activities on the Surreal rooftop are managed and operated in accordance with the relevant noise rules for the site.

Objective 3: To ensure that staff and management, and all persons undertaking day-to-day activities adopt the best practical option at all times to ensure the emission of noise from the site does not exceed a reasonable level in accordance with Section 16 of the Resource Management Act 1991 (RMA).

The reasonable noise limit is that specified in the Queenstown Lakes District Plan.

2.2 Mitigation

Section 16 of the RMA places a general duty on all occupiers of land and every person carrying out an activity to adopt the best practical option to ensure noise emitted does not exceed a reasonable level. As a general guide this Noise Management Plan adopts the noise limits prescribed in objective 2 (above) as being a reasonable level.

3.0 NOISE CONTROL METHODS

3.1 Host Responsibility

The management is to be instructed to promote a policy of host responsibility in terms of behaviour of patrons while on site with the aim of maintaining noise levels at a non-nuisance level. The duty manager shall be responsible for ensuring the procedures of this Noise Management Plan are followed each night.

Staff shall keep an attentive watch on patrons using the outdoor area, with particular focus being on the use of these areas post 10pm. Patrons generating excessive noise in the outdoor area after daytime hours will be asked to reduce their volume. Failure to do so may result in the staff requesting the relocation of the offending patron(s) inside the premise or ultimately, removal from the site.

3.2 Management control over noise levels

Management will ensure that all staff members are made fully aware of the Noise Control Methods that are contained within the Noise Management Plan and if necessary, modify job descriptions of staff. Personnel will be informed about the need to reduce noise and about the hazards of excessive noise. As noted above, the Duty Manager responsibilities will include the implementation of this noise management plan. All staff shall be made aware of these controls, and their responsibility to ensure the noise limits will not be breached. The noise emitted from the outdoor area will be vigilantly monitored. No entertainment will be provided on the deck, including the use of outdoor speakers.

3.3 Doors & Windows & Patrons

All doors and windows to the rooftop area to remain closed after 10pm each night when inside noise levels are greater than background levels, with the exception for the timely exit and entry of patrons and staff. The door leading out to the deck is also fitted with a self-closing device.

The upstairs deck area will cease to be used after 12am, the Manager on duty will clear the deck and lock the door.

A maximum number of 25 patrons shall be permitted on the deck at any one time. This is and shall continue be monitored by upstairs bar staff and the Manager on duty. If this number are exceeded patrons will be asked to move inside by the staff.

4.0 NOISE COMPLAINT PROCEDURE

The following complaint procedure shall be adopted:

- (i) Management shall undertake to keep a log of all complaints referred directly to it, or through Queenstown Lakes District

Council or its agents. The following details about each complaint shall be recorded:

- . a) Date and time of complaint
 - . b) Type of activity (if possible)
 - . c) Location of complaint
 - . d) Type of noise
- (ii) Management shall investigate the noise source forthwith and record the action taken to avoid or mitigate the noise.
- (iii) This log shall be available to the Council on request.

5.0 NON-COMPLIANCE CONTINGENCY PLAN

Should the results of in-house monitoring and review indicate non-compliance with the specified noise limits, immediate steps shall be taken to reduce noise from the site so that the noise limits are complied with. Without limiting the options available for noise reduction, the following options are recommended by this Noise Management Plan.

- (i) Identification of offending noise source(s)
- (ii) Immediate remedial action (noise reduction) or alternatively remove source(s) from site

6.0 REVIEW OF NOISE MANAGEMENT PLAN

This Noise Management Plan should be internally reviewed whenever new activities are introduced or existing activities are changed. This Noise Management Plan should also be reviewed whenever any physical structural changes are made to the building envelope.

Appendix III Peer Review of Noise Assessment (Chiles Ltd)

Chiles Ltd

Private Bag 55037, Christchurch 8154

21 January 2015

Ref: 140113

Queenstown Lakes District Council
Private Bag 50072
Queenstown 9348

Attention: Anita Vanstone

Dear Anita

Subject: RM140815 Peer review of noise assessment

Introduction

Chiles Ltd has been engaged by the Queenstown Lakes District Council (QLDC), to peer review the noise assessment for resource consent (RM140815) to operate the rooftop outdoor area of the Surreal Bar at 7 Rees Street, Queenstown, for an additional two hours between 2200h and 0000h each day. This peer review has been conducted on a desk-top basis, from review of the operative district plan and the Assessment of Environmental Noise Effects report AC14168-01-D1 dated 18 December 2014, by Acoustic Engineering Services (AES). A site visit has not been conducted for this review but the author is familiar with the area.

Operative district plan

Section 1 of the AES report correctly sets out the zoning of the site and the applicable noise limits from the district plan. These noise limits are also required by condition 3 of the existing consent (RM100129), although in that condition they are defined in terms of a previous noise assessment Standard and parameters.

We agree with AES that the application is non-complying as the noise limits are not achieved between 2200h and 0000h at three neighbouring properties (2, 3-5 and 11-15 Rees Street). We note the AES report also demonstrates the existing operation prior to 2200h does not comply with condition 3 of RM100129 as the 60 dB L_{10} noise limit is being exceeded at 3-5 and 11-15 Rees Street. The AES report also estimates 25-30 people were on the deck, which is in breach of condition 9 imposing a limit of 25 patrons.

Sound level predictions

In section 3 of the report AES makes predictions of sound levels from people in the rooftop area. The predictions are based on recent sound level measurements at the Surreal Bar. However, the measurements were limited as they only included three fifteen minute periods during a weekday daytime and early evening. Based on a more comprehensive series of measurements of sound from people outside the Pig & Whistle bar on Ballarat Street in 2009, people in the rooftop area of Surreal Bar could result in sound levels up to 60 dB $L_{Aeq(15\ min)}$ at 2 Rees Street (Prime Restaurant), which is higher than predicted by AES. However, these sound levels vary depending on the behaviour of patrons, and if patrons in the rooftop area of the Surreal Bar are generally restrained then the AES predictions are realistic.

Potential noise effects

We agree with AES that if 2 Rees Street (Prime Restaurant) and 11-15 Rees Street (BNZ) are unoccupied between 2200h and 0000h there will be no adverse effects. We also agree that the predicted sound levels inside 3-5 Rees Street (Lakeside Palace) would not cause adverse effects for a restaurant. However, if any of these buildings had a change of occupancy then adverse effects may arise. We therefore recommend the owners of these buildings should be notified of this application.

Based on the AES predicted sound levels there would be compliance with the district plan noise limits at all other locations beyond 2, 3-5 and 11-15 Rees Street. On this basis the noise effects are considered to be reasonable.

Conditions

If consent is granted, we recommend a condition should be imposed requiring the activity to comply with the standard district plan noise limits (as set out in the AES report) excluding at 2, 3-5 and 11-15 Rees Street.

The existing noise management conditions 4 to 9 of RM100129 should be retained, but with 2200h changed to 0000h.

As discussed above, the assessment of noise effects is implicitly based on certain behaviour of patrons. This is not practical to control directly through conditions, but it is recommended that a review condition should be imposed, to address any noise effects arising from more boisterous behaviour of patrons, than assumed by AES.

Conclusions

AES has predicted sound levels from the proposed extension of hours for the outdoor area of the Surreal Bar at 7 Rees Street, and assessed the effects. In general an appropriate methodology has been used and we agree with the overall conclusions.

The assessment is based on current assumed uses of neighbouring buildings and does not allow for more sensitive permitted uses. It is therefore recommended the owners of 2, 3-5 and 11-15 Rees Street are notified of this application.

We recommend a condition should be imposed requiring compliance with the district plan noise limits other than at 2, 3-5 and 11-15 Rees Street. The existing conditions 4 to 9 relating to noise in RM100129 should be retained. Given the reliance on assumed behaviour of patrons a review condition is recommended to address any noise effects arising from more exuberant behaviour.

Yours sincerely

Chiles Ltd



Dr Stephen Chiles

stephen@chiles.co.nz

03 318 8854

Appendix IV Draft Set of Conditions for RM140815

APPENDIX IV – DRAFT CONSENT CONDITIONS RM140815

General Conditions

1. That the development must be undertaken/carried out in accordance with the reports:
 - 'Assessment of Environmental Noise Effects' prepared by Acoustic Engineering Services;
 - 'Noise Management Plan' dated May 2015;

stamped as approved on 22 July 2015

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$100. This initial fee has been set under section 36(1) of the Act.

Specific Conditions

3. The Consent Holder shall ensure compliance with the Noise Management Plan approved in Condition 1 above and its procedures are adhered to at all times while the premise is operating its outdoor area after 10pm.
4. The consent holder shall ensure that activities conducted on the premises shall not exceed the following noise limits (adjusted for special audible characteristics in accordance with NZS 6802:1991) when measured at any point beyond the boundaries of the site within the Queenstown Town Centre Zone:
 - Daytime (0800 – 2200 hrs) 60 dBA L₁₀
 - Night-time (2200 – 0800 hrs) 50 dBA L₁₀ and 70 dBA L_{max}

Noise levels shall be measured and assessed in accordance with NZS 6801:2008 and NZS 6802:2008 and shall take into account special audible characteristics, with the exception of the roof tops of 3-5, 7, 11- 15 Rees Street and the outdoor deck area and roof top on the first floor of 2 Rees Street. Noise levels from the roof tops of 3-5, 7, 11- 15 Rees Street and the outdoor deck area and roof top on the first floor of 2 Rees Street shall be in accordance with the noise levels indicated in the Acoustic Engineering Services Report titled: Surreal Bar outdoor deck – Proposed extension of operating hours: Assessment of Environmental Noise Effects (as approved in Condition 1 above).

5. The outdoor area may only be used between the hours of 0800 and 2400. At 2400 the roof area must be vacated and access to the roof area prohibited.
6. The consent holder shall ensure that no entertainment is provided on the roof area (outdoor deck area). This includes the use of speakers.
7. All windows and doors opening onto the rooftop area must be closed between 2200 – 0800 hours each night, with the exception of the timely exit and entry of patrons and staff.
8. The consent holder shall ensure that the door leading onto the rooftop area is fitted with a self-closing device and it be utilised at all times.

Lighting

10. All fixed exterior lighting shall be directed away from adjacent roads and properties so that light spill beyond property boundaries does not occur.
11. Exterior lighting shall utilise hoods, louvres, snoots or other similar attachments to direct light and minimise 'light spill', and shall be incandescent, halogen or other white light and not sodium vapour or other light.
12. Floodlighting or accent lighting is not permitted.

Complaint Log

13. The Consent Holder shall keep a register of all complaints made directly to it or as advised by the Council during the term of this consent. This log shall be available to the Council on request.
14. The Consent Holder shall adhere to the noise complaint procedure outlined in section 4 of the Noise Management Plan, including the requirement to take immediate action to avoid or mitigate unreasonable noise in the outdoor areas after 10pm.

Review

15. The Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
 - (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.
 - (b) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.
 - (c) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.
 - (d) Monitoring of the exercise of the consent has revealed that there is or is likely to be an adverse effect on the environment.
16. As part of the review clause stated in condition 14 of this consent, the Council may have the noise management plan audited at the consent holder's expense.

Advice note:

- The applicant will require a variation of their on-licence to enable the outdoor balcony area to be utilised to 12 am (midnight).

Appendix V Draft Updated Set of Conditions for RM100129

APPENDIX 5 – DRAFT UPDATED CONDITIONS RM100129

General Conditions

1. ***That the development must be undertaken/carried out in accordance with the plans (Plan – Proposed Upper Floor, Cross Section – stamped as approved 20 November 2010; Proposed Deck Addition – Plans Sections/Elevation Drawing # RC-01 – stamped as approved 26 November 2010), and the application as submitted, with the exception of the amendments required by the following conditions of consent and the development approved within RM140815.***
2. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$100.

Specific Conditions

3. The consent holder shall ensure that activities conducted on the premises shall not exceed the following noise limits (adjusted for special audible characteristics in accordance with NZS 6802:1991) when measured at any point beyond the boundaries of the site within the Queenstown Town Centre Zone (with the exception of the development approved within RM140815):
 - Daytime (0800 – 2200 hrs) 60 dBA L₁₀
 - Night-time (2200 – 0800 hrs) 50 dBA L₁₀ and 70 dBA L_{max}

Noise levels shall be measured and assessed in accordance with NZS 6801:2008 and NZS 6802:2008 and shall take into account special audible characteristics.

4. The outdoor area may only be used between the hours of 0800 and 2400. At 2400 the roof area must be vacated and access to the roof area prohibited.
5. The consent holder shall ensure that no entertainment is provided on the roof area, this includes the use of speakers.
6. The roof area must be constructed and managed as outlined in Assessment of Environmental Noise Effects File Ref A03610-01-D1 dated 14th April 2010 with the exception of the development approved within RM140815.
7. All windows and doors opening onto the rooftop area must be closed between 2200 – 0800 hours each night.
8. The consent holder shall ensure that the door leading onto the rooftop area is fitted with a self closing device.
9. A maximum of 25 patrons shall be permitted on the rooftop area at any one time.

Review

10. Within ten working days of each annual anniversary of the date of this decision or upon the receipt of information identifying non-compliance with the conditions of this consent, the Council may, in accordance with Sections 128 & 129 of the Resource Management Act 1991, serve notice on the consent holder of it's intention to review the conditions of this resource consent for any of the following purposes:
 - (a) there is or is likely to be an adverse environmental effect as a result of the exercise of this consent, which was unforeseen when the consent was granted.
 - (b) monitoring of the exercise of the consent has revealed that there is or is likely to be an adverse effect on the environment.

- (c) there has been a change in circumstances such that the conditions of the consent are no longer appropriate in terms of the purpose of the above Act.

11. As part of the review clause stated in Condition 10 of this consent, the Council may have the acoustic assessment and noise management plan audited at the consent holder's expense.

Advice Notes

- The applicant will require a redefinition of their on-licence to include the outdoor balcony area as part of their licensed premises area.
- If complaints are received by Council with regard to the noise associated with the creation of this rooftop area, monitoring will be required to be undertaken at the consent holder's expense. Should it be found that the noise level exceeds that which is permitted by the District Plan, then further resource consent will be required for this breach, and until resource consent has been granted, the use of the balcony area will cease for all patrons.

DRAFT

APPENDIX 2

Consent Conditions RM140815

CONSENT CONDITIONS RM140815

General Conditions

1. That the development must be undertaken/carried out in accordance with the reports:
 - 'Assessment of Environmental Noise Effects' prepared by Acoustic Engineering Services;
 - 'Noise Management Plan' dated May 2015;

stamped as approved on 22 July 2015

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$100. This initial fee has been set under section 36(1) of the Act.

Specific Conditions

3. The Consent Holder shall ensure compliance with the Noise Management Plan approved in Condition 1 above and its procedures are adhered to at all times.
4. The consent holder shall ensure that activities conducted on the premises shall not exceed the following noise limits (adjusted for special audible characteristics in accordance with NZS 6802:1991) when measured at any point beyond the boundaries of the site within the Queenstown Town Centre Zone:
 - Daytime (0800 – 2200 hrs) 60 dBA L₁₀
 - Night-time (2200 – 0800 hrs) 50 dBA L₁₀ and 70 dBA L_{max}

Noise levels shall be measured and assessed in accordance with NZS 6801:2008 and NZS 6802:2008 and shall take into account special audible characteristics, with the exception of the roof tops of 3-5, 7, 11- 15 Rees Street and the outdoor deck area and roof top on the first floor of 2 Rees Street. Noise levels from the roof tops of 3-5, 7, 11- 15 Rees Street and the outdoor deck area and roof top on the first floor of 2 Rees Street shall be in accordance with the noise levels indicated in the Acoustic Engineering Services Report titled: Surreal Bar outdoor deck – Proposed extension of operating hours: Assessment of Environmental Noise Effects (as approved in Condition 1 above).

5. The outdoor area may only be used between the hours of 0800 and 2400. At 2400 (midnight) the roof area must be vacated and access to the roof area prohibited.
6. The consent holder shall ensure that no entertainment is provided on the roof area (outdoor deck area). This includes the use of speakers.
7. All windows and doors opening onto the rooftop area must be closed between 2200 – 0800 hours each night, with the exception of the timely exit and entry of patrons and staff.
8. The consent holder shall ensure that the door leading onto the rooftop area is fitted with a self-closing device and it be utilised at all times.
9. A maximum of 25 patrons shall be permitted on the rooftop area at any one time.

Lighting

10. All fixed exterior lighting shall be directed away from adjacent roads and properties so that light spill beyond property boundaries does not occur.
11. Exterior lighting shall utilise hoods, louvres, snoots or other similar attachments to direct light and minimise 'light spill', and shall be incandescent, halogen or other white light and not sodium vapour or other light.
12. Floodlighting or accent lighting is not permitted.

Complaint Log

13. The Consent Holder shall keep a register of all complaints made directly to it or as advised by the Council during the term of this consent. This log shall be available to the Council on request.
14. The Consent Holder shall adhere to the noise complaint procedure outlined in section 4 of the Noise Management Plan, including the requirement to take immediate action to avoid or mitigate unreasonable noise in the outdoor areas after 10pm.

Review

15. The Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
 - (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.
 - (b) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.
 - (c) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.
 - (d) Monitoring of the exercise of the consent has revealed that there is or is likely to be an adverse effect on the environment.
16. As part of the review clause stated in condition 14 of this consent, the Council may have the noise management plan audited at the consent holder's expense.

Advice note:

- The applicant will require a variation of their on-licence to enable the outdoor balcony area to be utilised to 12 am (midnight).

File Ref: AC14168 – 01 – D1

18 December 2014

Mr Erich Stadler
 Surreal Bar & Restaurant
 7 Rees Street
 Queenstown 9300

QUEENSTOWN LAKES DISTRICT COUNCIL
**APPROVED PLAN:
 RM140815**
Wednesday, 22 July 2015

Level 3, 518 Colombo Street
 Christchurch 8011
 PO Box 549
 Christchurch 8140

Ph 03 377 8952
 www.aeservices.co.nz
 office@aeservices.co.nz

Dear Erich

**Re: Surreal Bar outdoor deck – Proposed extension of operating hours:
 Assessment of Environmental Noise Effects**

Acoustic Engineering Services (AES) have been engaged to provide acoustic engineering advice in relation to a proposed extension of operating hours for the existing outdoor deck on the first floor of Surreal Bar and Restaurant at 7 Rees Street, Queenstown.

Before the deck was established, AES provided a desktop study regarding the expected noise effects based on the deck operating during the daytime period (AES document reference A03610 – 01 – D1 dated 14th April 2010). The outdoor deck has now been in operation for over three years and we understand that the applicant wishes to consider any additional noise effects which may be associated with extending the operating hours until midnight.

We have updated our original analysis based on a site visit and measurement of noise from the deck in operation. Please find our analysis and recommendations below.

1.0 District Plan noise rules

The site is located within the Queenstown Town Centre Zone under the Queenstown Lakes District Plan.

The noise standards which apply to activities on the site are those outlined in the Queenstown Lakes District Council District Plan: *Town Centres – Rules, Section 10.6.5.2: Zone Standards, Part ii: Noise*. It is stated that activities shall be conducted such that the following noise limits are not exceeded within the boundary of any other site within the zone:

Daytime (0800 to 2200 hours) 60 dB L_{Aeq} (15 min)

Night time (2200 to 0800 hrs) 50 dB L_{Aeq} (15 min) and 70 dB L_{AFmax}

Noise shall be measured in accordance with NZS 6801:2008 *Acoustics – Measurement of environmental sound* and assessed in accordance with NZS 6802:2008 *Acoustics – Environmental noise*.

We note that a literal reading of the District Plan would see this noise limit applied at all points on neighbouring sites, including at roof height. However we consider it reasonable to assess compliance with the District Plan noise limits at any noise sensitive location, being any balcony, external door or window of a neighbouring building.

Noise received over inaccessible roof or solid wall elements is not expected to have any adverse effect externally. In such situations, we would consider it reasonable to consider expected levels of break-in noise against the satisfactory internal noise levels recommended for such spaces in AS/NZS 2107:2000: *Acoustics – Recommended design sound levels and reverberation times for building interiors*.

2.0 Existing activity

AES visited the site on the 2nd of December 2014 (a sunny Tuesday afternoon / evening) in order to quantify the typical level of noise emissions from the outdoor deck and familiarise ourselves with the layout of the deck and surrounding environment.

The deck is semi enclosed, with shielding provided by the Surreal building to the north-east and Lakeside Palace Restaurant building to the south-east as shown in figure 2.1 below. There is a glass balustrade around the remaining edges of the deck. Directly opposite the outdoor deck, on the other side of Rees Street is an outdoor dining area for Prime Waterfront Restaurant and Bar which we understand is closed from 2200 hours.

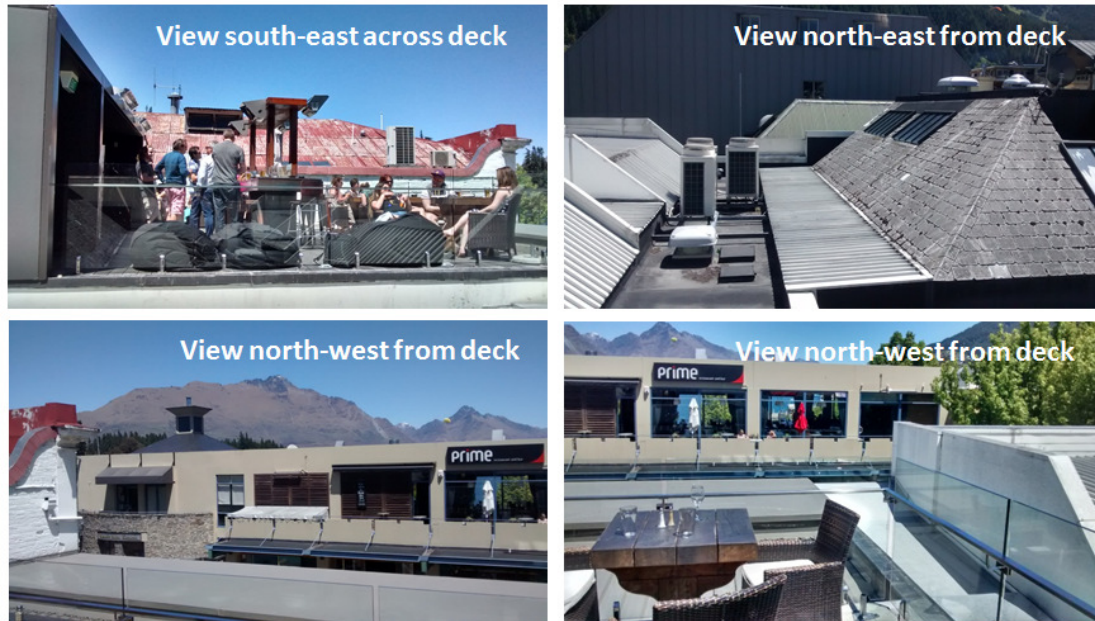


Figure 2.1 – Existing deck and surrounds

The results of measurements undertaken on the outdoor deck are presented in table 2.1 below. As shown, typical noise levels range between 65 – 70 dB L_{Aeq} on the deck itself.

Table 2.1 – Measured noise on outdoor deck

Time / duration	Equivalent continuous noise level (dB L _{Aeq})	Background noise level (dB L _{A90})	Maximum noise level (dB L _{Amax})	Comment
13:30 hours 15 minutes	67	56	84	Measurement on deck, people noise dominant. 18 - 20 people on deck, general conversation, laughter and moving chairs / glasses etc. Some contribution from outdoor condenser units on BNZ roof.
14:00 hours 15 minutes	65	56	80	As above.
18:45 hours 15 minutes	70	63	87	Measurement on deck, people noise dominant. 25 - 30 people on deck, some loud conversations, laughter and moving chairs / glasses.

AES also undertook a 15 minute duration ambient noise measurement at ground level near the corner of Rees Street and Beach Street to quantify night-time noise levels in the area. At 22:40 hours, noise levels were in the order of 57 dB L_{Aeq} / 51 dB L_{A90} , excluding noise from traffic immediately passing on Rees / Beach Street. These noise levels were generally due to noise from pedestrian traffic in the area, distant traffic and street conversations.

3.0 Noise emissions

Based on our measurement data we have assumed a sound power of 70 dB $L_{WA,eq}$ per meter over the deck area.

Using this sound power, we have then calculated the propagation of noise using SoundPLAN computational noise modelling. This modelling is based on ISO 9613 *Acoustics – Attenuation of sound outdoors – Part 2: General method of calculation* taking into account the screening provided by buildings in the area and worst-case downwind conditions.

Figure 3.1 shows the areas where noise levels are expected to exceed the 50 dB L_{Aeq} limit. Note that the figure shows the expected noise level at 1.2 metres above ground level, and where the area coincides with a building site, the noise level at 1.2 metres above roof height.

This analysis indicates that areas of exceedance are confined to the rooftops of the neighbouring BNZ building to the west, Lakeside Palace Chinese Restaurant to the east and the outdoor deck of Prime Restaurant across Rees Street.

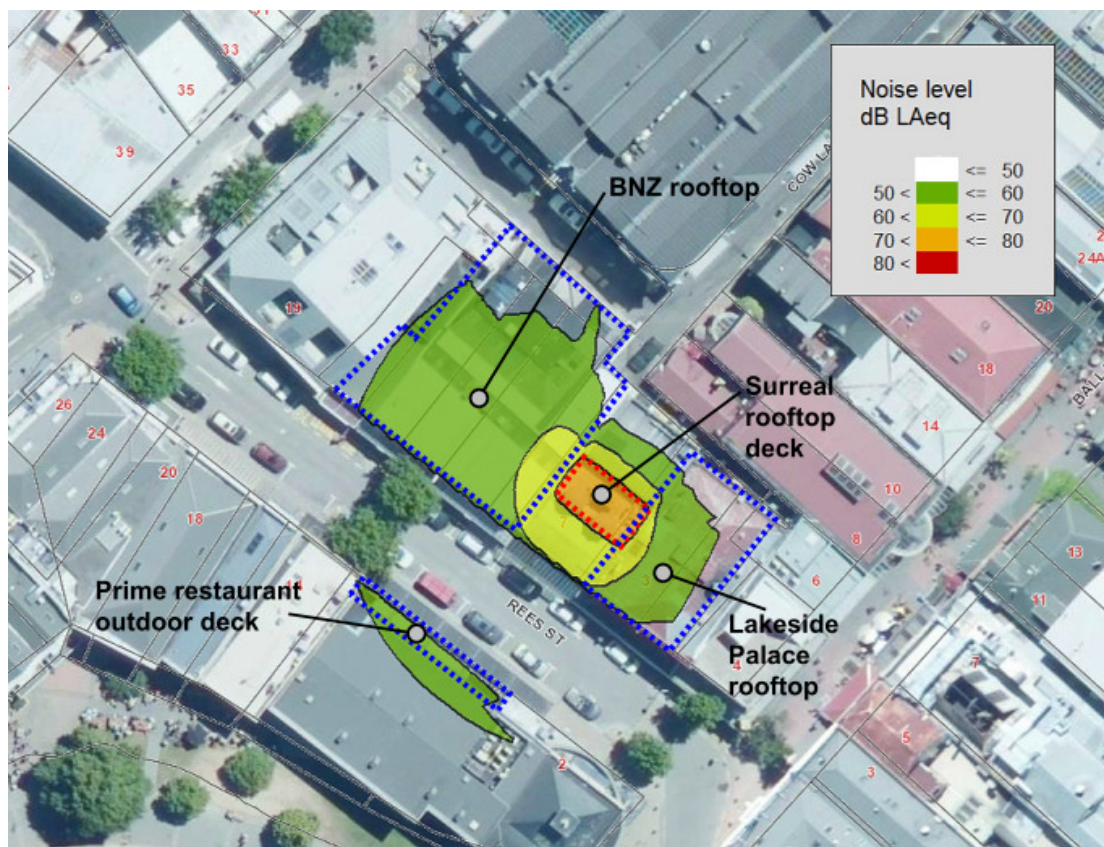


Figure 3.1 Expected noise propagation from Surreal Bar Deck. Shaded green area shows locations where noise is expected to exceed 50 dBA.

The maximum noise level expected to be incident on the roof of the BNZ rooftop to the west is 60 dB L_{Aeq} . This roof has areas of profiled steel, 'warm roof' membrane and concrete slate roofing with glazed skylights. With a typical plasterboard or mineral ceiling tile suspended below, we expect that these constructions would provide an outside to inside reduction of at least 25 dB at speech frequencies. Break-in noise levels of less than 35 dBA L_{Aeq} are

therefore expected in occupied spaces below. This complies with the satisfactory noise levels recommended in AS/NZS 2107:2000 for office spaces by some margin. We also note that as this building is a commercial office tenancy, it is unlikely that it would be occupied frequently after 2200 hours.

The maximum noise level expected to be incident on the roof of the Lakeside Palace rooftop to the east is 55 dB L_{Aeq} . This roof is primarily constructed from profiled steel, with opening windows near the ridgeline of the roof. It is typical to assume an outside to inside reduction of 15 dB for a slightly ajar window. Break-in noise levels of less than 40 dBA L_{Aeq} are therefore expected in occupied spaces below. This complies with the satisfactory noise levels recommended in AS/NZS 2107:2000 for restaurant spaces by some margin.

Levels received on the outdoor deck of Prime Restaurant are in the order of 51 dB L_{Aeq} which is a minor exceedance of the District Plan. We understand that this dining area is not used after 2200 hours. However, even if outdoor dining were to occur on the balcony at this time, background noise levels in the area are in the order of 57 dB L_{Aeq} / 51 dB L_{Aeq} and of the same general character as the noise from Surreal (street conversations, laughter). We therefore expect that the effect of any noise received from Surreal at this location would be negligible.

3.0 Conclusions and Recommendations

We have considered noise effects associated with the extension of operating hours for the outdoor deck of Surreal Bar and Restaurant. Noise generated by patrons using the deck is expected to exceed the Queenstown Lakes District Plan night time limit of 50 dB L_{Aeq} at roof level of the neighbouring BNZ Bank and Lakeside Palace Restaurant sites and at the outdoor balcony of Prime Restaurant across Rees Street.

However based on the current use of these sites, it is expected that break-in noise levels into the BNZ and Lakeside Palace tenancies will be well within the guidance provided by AS/NZS 2107:2000 for recommended internal levels in these spaces. Noise levels received at the balcony of Prime Restaurant will be in the same order and character as existing background noise levels in the area. We therefore conclude that the effects of noise on the surrounding environment from the extension of hours will not be unreasonable.

Kind Regards,



William Reeve
B.E.(Hons.) Mech

Acoustic Engineering Services

18 December 2014

SURREAL BAR & RESTAU- RANT

UPDATED NOISE MANAGE- MENT PLAN

MAY 2015

QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM140815**

Wednesday, 22 July 2015

1.0 NOISE MANAGEMENT PLAN

This Noise Management Plan provides methodologies that will ensure that the noise associated with the operation of the licensed premise for the sale and supply of alcohol located at 7 Rees Street, Queenstown does not exceed a reasonable level.

The Noise Management Plan relates to the control of noise from patrons during use of the upstairs outdoor deck area post 10pm until 12am.

The management and staff of all premises will be made familiar with the procedures set down in this Noise Management Plan and will be required to abide by these procedures to ensure that noise does not exceed a reasonable level.

This Noise Management Plan describes a range of physical noise control improvements and management initiatives to control and where necessary reduce the noise emissions from the site. These methods identified are considered as the 'best practical option' under the operating conditions likely to occur in practice. With all physical methods in place and effective implementation of management responsibilities, it is the aim of this Noise Management Plan to ensure that noise emissions associated with the proposed activity from within the premise will comply with the relevant noise limits specified under the Queenstown Lakes District Plan.

2.0 BACKGROUND

2.1 Objectives of the Noise Management Plan

Objective 1: To set out in a concise and simple manner a practical plan to control sound emissions.

Objective 2: To ensure that activities on the Surreal rooftop are managed and operated in accordance with the relevant noise rules for the site.

Objective 3: To ensure that staff and management, and all persons undertaking day-to-day activities adopt the best practical option at all times to ensure the emission of noise from the site does not exceed a reasonable level in accordance with Section 16 of the Resource Management Act 1991 (RMA).

The reasonable noise limit is that specified in the Queenstown Lakes District Plan.

2.2 Mitigation

Section 16 of the RMA places a general duty on all occupiers of land and every person carrying out an activity to adopt the best practical option to ensure noise emitted does not exceed a reasonable level. As a general guide this Noise Management Plan adopts the noise limits prescribed in objective 2 (above) as being a reasonable level.

3.0 NOISE CONTROL METHODS

3.1 Host Responsibility

The management is to be instructed to promote a policy of host responsibility in terms of behaviour of patrons while on site with the aim of maintaining noise levels at a non-nuisance level. The duty manager shall be responsible for ensuring the procedures of this Noise Management Plan are followed each night.

Staff shall keep an attentive watch on patrons using the outdoor area, with particular focus being on the use of these areas post 10pm. Patrons generating excessive noise in the outdoor area after daytime hours will be asked to reduce their volume. Failure to do so may result in the staff requesting the relocation of the offending patron(s) inside the premise or ultimately, removal from the site.

3.2 Management control over noise levels

Management will ensure that all staff members are made fully aware of the Noise Control Methods that are contained within the Noise Management Plan and if necessary, modify job descriptions of staff. Personnel will be informed about the need to reduce noise and about the hazards of excessive noise. As noted above, the Duty Manager responsibilities will include the implementation of this noise management plan. All staff shall be made aware of these controls, and their responsibility to ensure the noise limits will not be breached. The noise emitted from the outdoor area will be vigilantly monitored. No entertainment will be provided on the deck, including the use of outdoor speakers.

3.3 Doors & Windows & Patrons

All doors and windows to the rooftop area to remain closed after 10pm each night when inside noise levels are greater than background levels, with the exception for the timely exit and entry of patrons and staff. The door leading out to the deck is also fitted with a self-closing device.

The upstairs deck area will cease to be used after 12am, the Manager on duty will clear the deck and lock the door.

A maximum number of 25 patrons shall be permitted on the deck at any one time. This is and shall continue be monitored by upstairs bar staff and the Manager on duty. If this number are exceeded patrons will be asked to move inside by the staff.

4.0 NOISE COMPLAINT PROCEDURE

The following complaint procedure shall be adopted:

- (i) Management shall undertake to keep a log of all complaints referred directly to it, or through Queenstown Lakes District

Council or its agents. The following details about each complaint shall be recorded:

- . a) Date and time of complaint
- . b) Type of activity (if possible)
- . c) Location of complaint
- . d) Type of noise

QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM140815**

Wednesday, 22 July 2015

- (ii) Management shall investigate the noise source forthwith and record the action taken to avoid or mitigate the noise.
- (iii) This log shall be available to the Council on request.

5.0 NON-COMPLIANCE CONTINGENCY PLAN

Should the results of in-house monitoring and review indicate non-compliance with the specified noise limits, immediate steps shall be taken to reduce noise from the site so that the noise limits are complied with. Without limiting the options available for noise reduction, the following options are recommended by this Noise Management Plan.

- (i) Identification of offending noise source(s)
- (ii) Immediate remedial action (noise reduction) or alternatively remove source(s) from site

6.0 REVIEW OF NOISE MANAGEMENT PLAN

This Noise Management Plan should be internally reviewed whenever new activities are introduced or existing activities are changed. This Noise Management Plan should also be reviewed whenever any physical structural changes are made to the building envelope.

QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM140815**

Wednesday, 22 July 2015

APPENDIX 3

Updated Conditions RM100129

UPDATED CONDITIONS RM100129

General Conditions

1. *That the development must be undertaken/carried out in accordance with the plans (**Plan – Proposed Upper Floor, Cross Section – stamped as approved 20 November 2010; Proposed Deck Addition – Plans Sections/Elevation Drawing # RC-01 – stamped as approved 26 November 2010**), and the application as submitted, with the exception of the amendments required by the following conditions of consent and the development approved within RM140815.*
2. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$100.

Specific Conditions

3. The consent holder shall ensure that activities conducted on the premises shall not exceed the following noise limits (adjusted for special audible characteristics in accordance with NZS 6802:1991) when measured at any point beyond the boundaries of the site within the Queenstown Town Centre Zone (with the exception of the development approved within RM140815):
 - Daytime (0800 – 2200 hrs) 60 dBA L₁₀
 - Night-time (2200 – 0800 hrs) 50 dBA L₁₀ and 70 dBA L_{max}

Noise levels shall be measured and assessed in accordance with NZS 6801:2008 and NZS 6802:2008 and shall take into account special audible characteristics.

4. The outdoor area may only be used between the hours of 0800 and 2400. At 2400 the roof area must be vacated and access to the roof area prohibited.
5. The consent holder shall ensure that no entertainment is provided on the roof area, this includes the use of speakers.
6. The roof area must be constructed and managed as outlined in Assessment of Environmental Noise Effects File Ref A03610-01-D1 dated 14th April 2010 with the exception of the development approved within RM140815.
7. All windows and doors opening onto the rooftop area must be closed between 2200 – 0800 hours each night.
8. The consent holder shall ensure that the door leading onto the rooftop area is fitted with a self closing device.
9. A maximum of 25 patrons shall be permitted on the rooftop area at any one time.

Review

10. Within ten working days of each annual anniversary of the date of this decision or upon the receipt of information identifying non-compliance with the conditions of this consent, the Council may, in accordance with Sections 128 & 129 of the Resource Management Act 1991, serve notice on the consent holder of it's intention to review the conditions of this resource consent for any of the following purposes:
 - (a) there is or is likely to be an adverse environmental effect as a result of the exercise of this consent, which was unforeseen when the consent was granted.
 - (b) monitoring of the exercise of the consent has revealed that there is or is likely to be an adverse effect on the environment.

- (c) there has been a change in circumstances such that the conditions of the consent are no longer appropriate in terms of the purpose of the above Act.

11. As part of the review clause stated in Condition 10 of this consent, the Council may have the acoustic assessment and noise management plan audited at the consent holder's expense.

Advice Notes

- The applicant will require a redefinition of their on-licence to include the outdoor balcony area as part of their licensed premises area.
- If complaints are received by Council with regard to the noise associated with the creation of this rooftop area, monitoring will be required to be undertaken at the consent holder's expense. Should it be found that the noise level exceeds that which is permitted by the District Plan, then further resource consent will be required for this breach, and until resource consent has been granted, the use of the balcony area will cease for all patrons.