

QUEENSTOWN LAKES DISTRICT COUNCIL  
Hearing of Submissions on the Proposed District Plan

Report 16.5

Report and Recommendations of Independent Commissioners  
Regarding Upper Clutha Planning Maps  
State Highway 6 at Lake Hawea  
(Lesley and Jerry Burdon)

Commissioners

Trevor Robinson (Chair)

Jenny Hudson

Calum MacLeod

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Attachments:

Figure 2: Revised Rural Lifestyle Zone submitted by L and J Burdon and Glen Dene Ltd

## LESLEY AND JERRY BURDON (581)

### Further Submissions:

- FS1032.2 (Marjorie Goodger): Support
- FS1033.2 (Sheila and Brian McCaughan): Support
- FS1037.2 (Dan Pinckney): Support
- FS 1011 (Dennis and Ros Hughes): Support
- FS1177.2 (D M Cochrane): Support
- FS1183.2 (Richard and Sarah Burdon): Support

## 1. SUMMARY OF RECOMMENDATIONS

### 1.1. Overall Recommendation

1. We recommend the submissions and further submissions be rejected.

### 1.2. Summary of Reasons for Recommendation

2. The PDP Rural Zone is more appropriate than the requested rezoning of Rural Lifestyle because the Rural Zone has the most appropriate provisions to manage the wide variety of effects that are possible from rural living on this site.

## 2. PRELIMINARY MATTERS

### 2.1. Subject of Submission

3. This submission relates to Lot 1 DP 396356, Computer Freehold Register 384225, a 38.24 ha property on the Makarora - Lake Hawea Road (SH 6) that is located between the Lake Hawea Campground and the Glen Dene Homestead land the subject of Report 16.4.

### 2.2. Outline of Relief Sought

4. Submission 581 sought the rezoning of the site from Rural (as shown on Planning Map 8) to a modified Rural Lifestyle zoning. The site is zoned Rural General in the ODP and Rural in the PDP, and is within an ONL. The submission was supported by a section 32 report, a landscape assessment and an engineering assessment. The proposed zone had an objective, policies and methods specifically tailored to the submitters' site. The engineering report confirmed that the identified house sites are not within natural hazard areas and can be serviced. NZTA has also provided preliminary comments regarding access from the SH 6.
5. The provisions attached to the submission were further modified during and post-hearing. Following the presentation of separate evidence for Glen Dene Ltd and Glen Dene Holdings Ltd (Richard and Sarah Burdon) who have also sought Rural Lifestyle zoning for the adjoining Glen Dene Homestead land to the north, and at the suggestion of the Hearing Panel, Mr Duncan White for Glen Dene Ltd and Mr Ian Greaves for Lesley and Jerry Burdon conferred regarding the potential to combine the relief sought in the separate submissions. As a result, they proposed a combined Rural Lifestyle Zone for Glen Dene Homestead and the property of Lesley and Jerry Burdon ('Burdon Senior'). A plan of the proposed zone (the 'Glen Dene Rural Lifestyle Zone') was filed on 13 June 2017<sup>1</sup>, along with a joint statement of evidence and revised zone provisions signed by Messrs Greaves and White. A copy of the plan is attached to this report.
6. The latest provisions of the 'Glen Dene Rural Lifestyle Zone' introduced further changes to the proposed bespoke Rural Lifestyle zone over the Burdon Senior property, identified throughout

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<sup>1</sup> Exhibit 34

the zone provisions by its legal description of Lot 1 DP 396356. Most of the changes to the zone in the agreed joint provisions are to include, and make appropriate reference to the Homestead site, rather than fundamentally change the original zoning proposal attached to the Burdon Senior submission. The proposed zone included an objective of enabling rural living in a way that protects and maintains the outstanding natural landscape and visual amenity values as experienced from SH 6, Lake Hawea, and Lake Hawea township, as well as policies and rules that:

- a. limit the total number of building platforms including existing dwellings, to five within Lot 1 DP 396356, as well as six at the Glen Dene Homestead;
  - b. impose a maximum building height of 5m;
  - c. require a vegetation management plan for the BRAs on Lot 1 DP 396356 at the time of lodging a resource consent application for a subdivision, building platform or future dwelling;
  - d. refer to restrictions on future building bulk and use of recessive colours;
  - e. require identification of residential curtilage areas.
7. Under the proposed zone provisions, the entire submission site would be identified as a BRA except for five building platforms (including that for the existing Burdon Senior dwelling) and internal access roads. Servicing of new development, access and risk of natural hazards are considered capable of being resolved through normal assessment processes. Council officers did not oppose these aspects. We note the proposal includes provision for a single shared access to serve the four proposed new sites the subject of this submission, in accordance with NZTA advice, and we see no need to address these matters further as they are not in contention.
8. For the purpose of our determination of the issues relating to the Burdon Senior property, we have taken into account the latest revisions to the bespoke Rural Lifestyle zone originally sought in the submission, and then separately considered the effects of rezoning both the Burdon Senior and Homestead land.

### 2.3. Further submissions

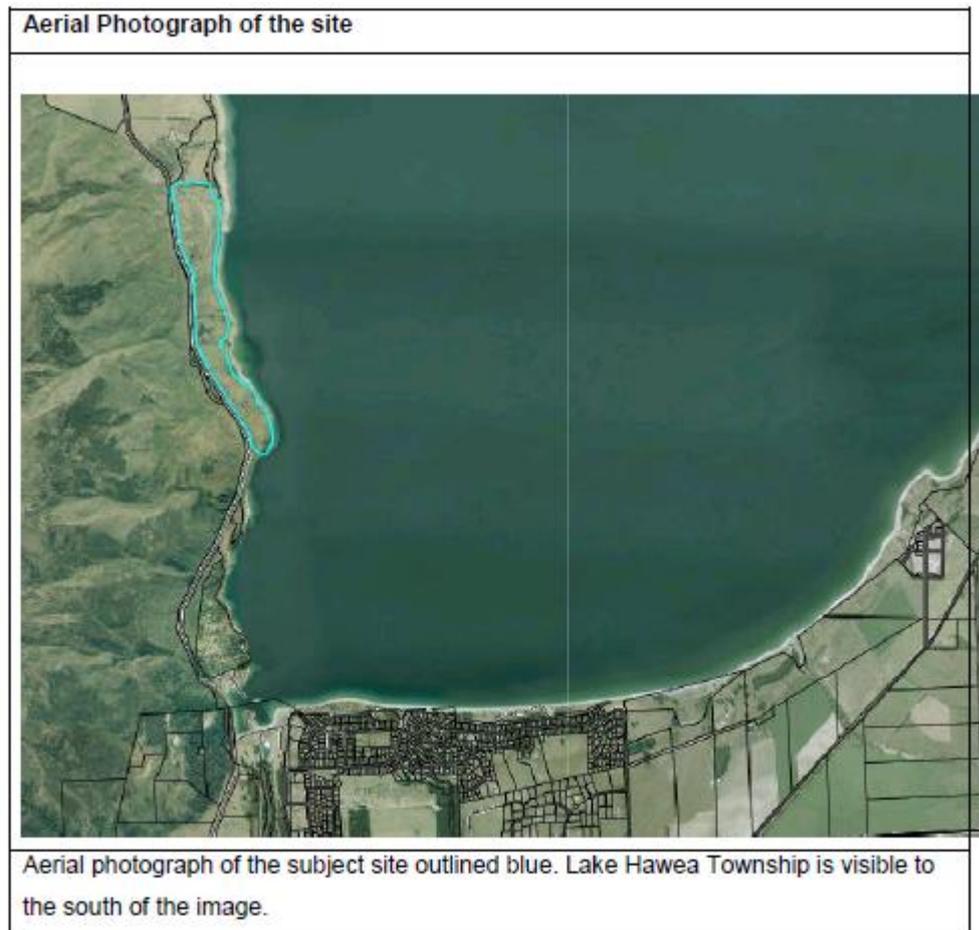
9. Five further submissions supported the Burdon Senior rezoning request, four that we understood to be from residents of Lake Hawea township and one from Richard and Sarah Burdon who have sought rezoning of the neighbouring Homestead site, as discussed above. Of the further submitters, Mr and Mrs Hughes attended the hearing and spoke of their long association with the area, their boat trips out on to the lake to view the proposed house sites and their assessment that the existing Burdon dwelling is barely visible from the lake. They produced photos which illustrated the view towards the Burdon land from the lake, and the discrete placement of two dwellings which have low profiles and colours sympathetic to the landscape. In their opinion, it would be easy to achieve screening from the highway and from the lakefront, as there is a high cliff looking up.

### 2.4. Description of the Site and Environs

10. The site is located within a narrow elongated strip of land on the western side of Lake Hawea, between the edge of the lake and SH 6 (Makarora - Lake Hawea Road) approximately 2 kms north of the Lake Hawea Dam. A promontory at the southern end of the site creates a clear separation between the site and the lakeside land (including the Hawea Campground) further south. At the northern end is another glacial mound and there are two creeks and a number of ephemeral streams dividing the site into a series of terraces, with a steep, high escarpment falling to the lake approximately midway towards the northern boundary. The lake edge has wide, stony beaches, accommodating changes in lake levels within its artificially managed

range. On the western side of SH 6, the land rises steeply to Mt Maude. At present the site has one dwelling on it (the submitters' home) and the remaining land is used for grazing in conjunction with the adjacent Glen Dene Station. From SH 6, there are intermittent views of the lake across paddocks interspersed with bracken, kanuka, eucalyptus trees and a few conifers. There is an existing access road to the dwelling at the northern end of the site. A separate shared access is proposed for the additional four lifestyle lots further south.

11. The outline of the site is shown in an excerpt from the section 42A report, reproduced as Figure 1 below.



**Figure 1: location of submission site 581**

## 2.5. The Submitter's Case for Rezoning

12. Mr Jerry Burdon's evidence outlined the history of the site and the raising of the lake level for hydro-electricity purposes together with the construction of a replacement road (SH 6) in the 1950's, which he considered were the first modifications of the area's landscape values. He noted that the land was "scared (sic) and eroded by the rising and lowering of the lake" and that further damage had occurred in 1994 and 1995 after heavy rain resulted in the lake level being held above its maximum height to prevent further flooding downstream.
13. He discussed the limited grazing available because of poorer varieties of grasses and persistent brackens and weeds, which meant the site has limited farming values, and that the zone change would provide options for other family members to live on the land. He considered that having more people on the land would enable the land to be successfully managed.

14. Ms Snodgrass's landscape evidence for the submitter considered that the site has four areas in addition to the existing dwelling's curtilage that have the potential to absorb additional development without significant adverse effects on visual amenity and landscape character. Ms Snodgrass's evidence summed up her assessment as follows:

*"There are five locations within the site that physically have the potential to contain building platforms, in that they are flat to gently sloping land where a dwelling could be built, and are removed at a distance from the existing house to retain privacy for the homestead. Four of those locations are more able to be absorbed by the landscape as they are less visible from Lake Hawea Township, Lake Hawea - Makarora Road and the surface of Lake Hawea, due to topography. The potential building areas are roughly clustered in a terrace between the northern and southern glacial hummocks, and are separated by the existing creeks and gullies".<sup>2</sup>*

15. It was accepted by both Ms Snodgrass and Ms Mellso (giving landscape evidence for Council) that mitigation of effects on landscape character and visual amenity would be necessary to avoid adverse character and amenity effects on the ONL. Ms Snodgrass relied on the combination of measures proposed in the modified Rural Lifestyle zone to achieve this, referring to "the potential results of native planting for screening and recessive buildings",<sup>3</sup> as well as the comparatively small scale of the proposed actual area of development within the broader landscape of mountains and lake which form the immediate landscape context.
16. Ms Snodgrass also considered that to achieve the overall described level of slight to moderate visual effects, the Council would have the ability to use controls at subdivision and dwelling construction stages to ensure built form that is relatively inconspicuous. Some aspects of the development would potentially be visible, but in her opinion, in the short to medium term the visual effect would not be severe, and curtilage areas and vehicle access were likely to be completely screened. She explained that the proposed revegetation of the BRA would take approximately 10 years before it achieved the level of maturity anticipated to visually screen dwellings in three of the four building locations. In her opinion, the extent of the revegetation would be positive overall.
17. In her landscape report, Ms Snodgrass referred to design controls that would apply at subdivision stage such as recessive cladding and roofing colours and her evidence placed some emphasis on the PDP provisions and control exercised by the Council to ensure any adverse landscape effects are appropriately mitigated.
18. Responding to Ms Mellso's comments that the proposed zone will have moderate effects on the landscape's 'outstandingness', and will degrade its current remote and wild qualities, Ms Snodgrass was of the opinion that the site is neither of these things as it is part of a farmed station, has a dwelling on it and is not far from Lake Hawea township.
19. She also assessed the likelihood of potential cumulative landscape and visual effects from the site as well as the effects of rezoning both the Burdon Senior and Homestead land, making the point that not all of the dwelling locations would be visible collectively from one viewpoint. She explained her reasoning in some detail, and opined that the greatest potential for new buildings (identified as locations 1 - 4 on Figure 2 below) to be visible would likely be from Gladstone township at a distance of almost 5 kms and therefore "negligible." In her opinion, the cumulative effect of both the existing Glen Dene Homestead and proposed Burdon senior

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<sup>2</sup> Evidence of Michelle Snodgrass dated 4 April 2017 at paragraph 6

<sup>3</sup> Evidence of Michelle Snodgrass dated 4 April 2017 at paragraph 10

dwellings would have a "slight" cumulative effect and if both sites are rezoned, there would be no increase in cumulative effect, provided that the Rural Lifestyle zone around the Glen Dene Homestead is designed appropriately.

20. Mr Ian Greaves's planning evidence in support of the submission focussed on the section 32 analysis that he had undertaken, in which he concluded that Rural Lifestyle zoning was the most appropriate by:
  - a. enabling rural living in appropriate locations whilst ensuring that any adverse effects on landscape and amenity values of the ONL are avoided, remedied or mitigated;
  - b. ensuring the protection of the most sensitive areas of the site from development;
  - c. encouraging the protection and regeneration of indigenous vegetation.
21. Mr Greaves also undertook an evaluation of the relevant statutory instruments including the Operative and Proposed Regional Policy Statements as well as the strategic objectives of the PDP. Relying on Ms Snodgrass's landscape evidence, he considered that the Rural Lifestyle zoning as proposed would be consistent with notified Policy 6.3.1.6 which referred to enabling rural lifestyle living in areas where the landscape can accommodate change.
22. He commented on submissions seeking to change the discretionary activity status of subdivision to a controlled activity, and the Council officers' recommendation to a restricted discretionary activity, which he considered would have no bearing on the level of control for future development of the site, as the establishment of a building platform would be a full discretionary activity<sup>4</sup>.
23. He also discussed the transaction costs of the consenting process required to establish a dwelling within an ONL classification. He considered it would be less costly and less onerous in a Rural Lifestyle zone, which confers an implied level of residential development rights in comparison with the ONL provisions, which have no development rights, and considered that there were benefits of planting and ecological enhancement across the entire site as a zone provision, in comparison with an ad hoc resource consent process.

## 2.6. The Council's Position

24. In her landscape assessment for the Council, Ms Mellsop considered that there may be some potential for rural living on the site. While in her view many of the initial concerns discussed in her evidence and rebuttal were addressed by inclusion of the additional controls in the combined Rural Lifestyle zone (for example, the requirement to prepare a vegetation management plan for the BRA on Lot 1 DP 396356 and a restriction on access), she did not support the requested zoning. In her opinion the proposed policy of "*ensuring that activities are inconspicuous from the road, Lake Hawea township and Lake Hawea*" could not be achieved with the methods proposed. The main thrust of her evidence was based on:
  - a. the extent to which revegetation is relied on by Ms Snodgrass to achieve an appropriate level of mitigation of visual and natural character effects, and her doubts regarding the effectiveness of this type of measure given the large scale of the planting that would be required;
  - b. her contention that natural character and visual impact are not the same issues, and natural character can be affected even if people cannot view the landscape;
  - c. her opinion that any benefits of revegetation would be outweighed by human modification of the landscape;

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<sup>4</sup> We discuss below the changes now recommended by the Stream 4 Hearing Panel which, if accepted, would make subdivision and identification of building platforms a restricted discretionary activity

- d. the absence of any requirement to submit a landscape plan for the dwelling and curtilage prior to construction, in order to achieve screening and integration;
  - e. the permitted activity status of dwelling construction and curtilage development under the PDP, subject to compliance with the relevant development controls. The curtilage areas on Lot 1 DP 396356 are between 0.8 and 1.5 hectares, which she described as "quite large" and could be visually prominent if maintained as mowed lawn or gardens with exotic trees.
25. In her reply evidence, Ms Mellsop maintained her opposition to the proposal but helpfully suggested that, if the Hearing Panel should recommend rezoning to Rural Lifestyle, the curtilage areas on the Burdon Senior site should be reduced in size. She also considered that a rule should be included requiring a landscape plan to be submitted for the land outside the BRA prior to the construction of any dwelling to demonstrate how Policy (a) of the proposed zone would be met, this being to ensure that development is inconspicuous when viewed from the township, the lake itself and the highway.
26. In his rebuttal evidence, Mr Barr responded to Mr Greaves' assertion that inadequate consideration had been given to the costs and uncertainties associated with the resource consent process. In Mr Barr's opinion, ensuring that future development gives effect to sections 6(b) and (c) of the RMA in the context of providing for the wider community's social wellbeing was more important than that of an individual seeking certainty through a more lenient consenting process.
27. Mr Barr helpfully commented on the latest changes to the proposed combined zone in his Reply statement, and agreed with Ms Mellsop that the revised rules provide a greater level of certainty that indigenous vegetation would be maintained and enhanced on the Burdon Senior site, and that a single shared entry from SH 6 for all four proposed new building platforms would be beneficial. He suggested that the proposed vegetation management plan should be required to distinguish between native planting for visual screening, and native planting to enhance ecological values.
28. He also acknowledged that procedurally, the proposed provisions "could provide adequate certainty" and the proposed objective, policies and rules provide an appropriate level of certainty without being unduly onerous. However, his overall conclusion, relying on Ms Mellsop's evidence and reply in relation to landscape matters, remained steadfast that Rural zoning is the most appropriate way of managing adverse effects of development and activities in an ONL, based on the expectation of development rights conferred by Rural Lifestyle zoning, which he had addressed in detail in his rebuttal evidence.
- 2.7. Discussion of Planning Framework**
29. Mr Barr and Mr Greaves provided us with input on the planning background to the relevant Plan provisions, the issues being primarily the sensitivity of the landscape and appropriate methods for managing visual and landscape character effects. We note that the latest version of the PDP available to the planners was that recommended in the staff reply on each chapter. In our Report 16, we summarise the key background provisions in the PDP, as recommended by the Hearing Panel, that is to say, a further iteration along from that considered in the planning evidence. For the purposes of our discussion here, we have not repeated the reference to every objective, policy or other provision to which we have had regard.
30. Focussing on the most relevant provisions, given that the site is within the notified ONL, the question of whether landscape character and visual amenity values are protected in terms of

recommended Objective 3.2.5.1 is of particular importance along with the corresponding provisions of recommended Policy 3.3.30. In relation to activities across all rural zones, the following recommended policy is worthy of note:

6.3.9 *Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity of the land use or the retirement of productive farmland.*

31. In relation to activities in ONLs and on ONFs, the following policy in Chapter 6 is applicable:

6.3.12 *Recognise that subdivision and development is inappropriate in almost all locations in Outstanding Natural Landscapes and on Outstanding Natural Features, meaning successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes will be reasonably difficult to see from beyond the boundary of the site the subject of application.*

32. Chapter 21 - Rural Zones - echoes these overarching objectives and policies by referring to enabling a wide range of land uses including farming, permitted and established activities *"while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values"* in recommended Objective 21.2.1.

33. In Chapter 22 - Rural Residential and Rural Lifestyle Zones, the description of the zone purpose provides a useful overview of the Rural Lifestyle zone, and embodies many of the objectives and policies for these zones:

*"The Rural Residential and Rural Lifestyle zones provide residential living opportunities on the periphery of urban areas and within specific locations amidst the Rural Zone. In both the zones a minimum allotment size is necessary to maintain the character and quality of these zones and the open space, rural and natural landscape values of the surrounding Rural Zone."*

34. Chapter 22.1 goes on to record in relation to the Rural Lifestyle Zone:

*"The Rural Lifestyle Zone provides for rural living opportunities with an overall density of one residential unit per two hectares across a subdivision. Building platforms are identified at the time of subdivision to manage the sprawl of buildings, manage adverse effects on landscape values and to manage other identified constraints such as natural hazards and servicing. The potential adverse effects of buildings are controlled by height, colour, and lighting standards.*

*Many of the Rural Lifestyle Zones are located within sensitive parts of the district's distinctive landscapes. While residential development is anticipated within these zones, provisions are included to manage the visual prominence of buildings, control residential density and generally discourage commercial activities. Building location is controlled by the identification of building platforms, bulk and location standards and where required, design and landscaping controls imposed at the time of subdivision."*

35. Recommended Objective 22.2.1 is: *The district's landscape quality, character and amenity values are maintained and enhanced while enabling rural living opportunities in areas that can absorb development* and an associated Policy 22.2.1.1 is - *"Ensure the visual prominence of*

*buildings is avoided, remedied or mitigated particularly development and associated earthworks on prominent slopes, ridges and skylines. "*

36. In terms of the PDP's provisions, the Stream 4 Hearing Panel has recommended that subdivision in the Rural Lifestyle zone become a restricted activity instead of discretionary as notified. The matters for discretion in amended Rule 27.5.8 now include consideration of the location and size of building platforms and in respect of any buildings within those building platforms:
- a. external appearance,
  - b. visibility from public places,
  - c. landscape character and
  - d. visual amenity.
37. Assessment matters in amended Rule 27.9.3.2 (i), and (iii) respectively refer to "*the extent to which the design maintains and enhances rural living character, landscape values and visual amenity*" and "*whether and what controls are required on buildings within building platforms to manage their external appearance or visibility from public places or their effects on landscape character and visual amenity*". A further criterion (vi) is "*whether any landscape features or vegetation, including mature forest, on the site are of a sufficient amenity value that they should be retained and the proposed means for their protection*". Although matters for discretion include a wide range of other considerations, these principally relate to adequate provision for access and infrastructure, open space and recreation.

### 3. ISSUES

38. We have identified the following issues that we need to address in order to provide a recommendation on the submission:
- a. The effects of Rural Lifestyle development within a sensitive landscape.
  - b. Whether bespoke provisions are an adequate and appropriate method of avoiding, remedying or mitigating adverse effects on this site.
  - c. The cumulative effects of further development within the Glen Dene Homestead, the Lake Hawea campground and the submitters' land.

### 4. DISCUSSION OF ISSUES AND CONCLUSIONS

39. Considering the Burdon Senior proposal on its own, both Ms Snodgrass and Ms Mellisop acknowledged the sensitivity of the landscape and the potential for development to adversely affect rural character and the ONL. We have discussed the general issue of bespoke provisions in Report 16 and proceed on the basis that there is no legal or planning impediment to their adoption in an appropriate case.
40. As we see it, the bespoke provisions introduced in Messrs White's and Greaves' joint statement, assuming they were applied, would address some of the key landscape issues regarding future development sites within the Burdon Senior land (and we have made a similar comment regarding the Homestead site in our Report 16.4). While we accept that a proposed height limit of 5m for buildings will ensure that dwellings would have a low profile and be less conspicuous than taller buildings from the road, lake and township, the zone provisions, in our view, still fall short of ensuring that new development would remain relatively inconspicuous as required by the proposed policy (which in turn is necessary to give effect to the strategic objectives of the PDP, and to the higher order provisions and section 6 of the Act, sitting behind them).

41. Proposed Policy (a) second bullet point of the submitter's bespoke provisions, requires measures to ensure that built form and associated activities within the zone are inconspicuous when viewed from Makarora - Lake Hawea Road, the Lake Hawea Township and Lake Hawea by *"appropriately locating building platforms within the zone so they are minor components within the landscape vistas of the Zone including restrictions on future building bulk and recessive colour tones"*. However, it does not link into any assessment criterion or rule requiring the specific design of dwellings to be assessed and the default provision in the Rural Lifestyle zone is that a building within a consented building platform is a permitted activity under proposed Rule 22.4.3.1, subject to compliance with the relevant standards, and therefore no conditions can be imposed on it once the subdivision has been consented. In our view, while the intent of the policy is clearly stated, the proposed method is unlikely to be effective in achieving the overall outcomes sought by Objective 3.2.5.1 and Policy 6.3.12.
42. While landscaping could be implemented to avoid or mitigate views from the lake and the State Highway, such a measure affects extensive areas of land and would take some years to establish. It imposes obligations on the present and future landowners that might be regarded as onerous. In order to protect the character of the ONL, it would be necessary for any planting to precede the granting of consents for new dwellings, as noted by Ms Mellsop.
43. We are also of the view that the proposed revegetation of the whole 38.2 ha site (except for building platforms) introduces other issues of its own. While we accept that the successful implementation of a revegetation strategy would have positive benefits, and would be consistent with recommended Policy 6.3.9, the scale of the revegetation regarded by the landscape architects as necessary to mitigate landscape character and visual amenity effects is considerable. We note that the cumulative effects of visible curtilages and building platforms within the site are likely to be apparent for several years<sup>5</sup> while landscaping becomes established. It is not clear to us whether in the Rural Lifestyle zone, there would be scope under the Chapter 27 provisions to require landscaping around building curtilages prior to construction of buildings, a point also made by Ms Mellsop, leading to her conclusion that the methods proposed may not achieve the overall objective of protecting the ONL from adverse effects on natural character and visual amenity.
44. While at face value, the Chapter 27 provisions as recommended by the Stream 4 Hearing Panel provide a range of tools that go some way towards addressing visual and landscape character effects, they have limitations as discussed above. In addition, as we have noted in our Report 16, the restricted discretionary provisions for subdivision applications are designed to enable the Council to reject poorly framed resource consent applications rather than to exercise a more wide-ranging discretion to reject an application outright or to demand reductions in the density of development.
45. We have also considered other potential adverse effects likely to arise from a Rural Lifestyle zoning over time. While Ms Snodgrass considered that the proposed zone would result in a limited degree of modification to the landscape when compared with the large scale of the lake and mountain backdrop, both she and Mr Greaves are relying on the Rural Lifestyle zoning, with additional controls, to enable a finite level of development. The difficulty we have with that proposition is that the Rural Lifestyle zone is likely to create an expectation that over time further development opportunities will be possible. As we have noted in our Report 16, this underlying premise, in many of the submissions made to it, was accepted by the Stream 4 Hearing Panel - that the zoning of the land represents a considered decision that the land is suitable for development for the identified purpose. In the case of the Rural Lifestyle Zone,

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<sup>5</sup> As noted above, Ms Snodgrass referred to three house sites being visible for ten years

this means development into rural lifestyle blocks at the density provided for in that zone and we refer specifically to the statement in PDP 22.1 Zone Purpose, where the Rural Lifestyle Zone *"provides for rural living opportunities having a development density of one residential unit per hectare with an overall density of one residential unit per two hectares across a subdivision"*. This zoning over the Burdon Senior land would theoretically allow for up to 19 building platforms and the zone statement would suggest that this density is to be anticipated in the Rural Lifestyle zone.

46. The proposal relies primarily on the limitations imposed by any BRA, together with the plan provisions for assessing Rural Lifestyle subdivisions, to ensure that the landscape character and amenity values of the ONL are adequately protected. In this regard we have concerns with the use of BRAs to achieve long term protection of ONLs which create an opportunity in the next Plan review to uplift the BRAs and increase the density, an outcome which would not ensure the protection of the ONL and which is inconsistent with the Plan's objectives and policies previously referred to.
  47. In particular, we anticipate that, once established, further opportunities would likely be sought at some future date to increase the number of building platforms on the basis that the character of the lake edge terraces has been altered by the development already enabled and a few more dwellings would not materially change that character.
  48. Regrettably, there are already examples of other Rural Lifestyle zones that have clearly not achieved the outcomes anticipated by that zoning and we are of the view that the western edge of Lake Hawea is vulnerable to the adverse effects of incremental development which would, as we have noted in our comments on the Glen Dene Homestead, amount to undesirable sprawl.
  49. In our view, therefore, an implied development right in the Rural Lifestyle zone leads us to the conclusion that it is inappropriate to create that expectation. The likely adverse effects on landscape character and visual amenity from rural lifestyle development is an outcome which the PDP seeks to avoid in ONLs and we find that the proposal is contrary to recommended Policy 6.3.12.
  50. More generally, we found in Report 16 that the presence of a site in an ONL, requires us to be confident that key landscape values will be protected should it be rezoned. The proposed modified Rural Lifestyle Zone does not give us that confidence.
  51. In summary, the extent to which large-scale revegetation is relied upon for mitigation, the lengthy period before such mitigation would be effective, the use of BRAs over most of the site and the expectation that is created by a Rural Lifestyle zoning for a level of development well in excess of that currently proposed are hurdles which are not able to be overcome satisfactorily on this site. The submission essentially amounts to a resource consent application for four houses and it is our view that it would be better considered as such (although we must emphasise that our findings on the submission should not be regarded as pre-determination of the outcome, should the submitters choose to pursue that option), within the framework of the objectives, policies and rules applying in the Rural Zone.
- 4.1. **Combined Glen Dene Rural Lifestyle Zone.**
52. Turning to the 'combined' proposal, we have discussed the key issues relating to the Burdon Senior land including the general issues of bespoke provisions above. We agree that the latest provisions represent an improvement over those proposed in the original submission and

enable the combined effects of both the Homestead and Burdon Senior submissions to be assessed.

53. In particular, the combined proposal in our view puts the potential cumulative effects 'on the table' and crystallises the issues arising from additional dwellings being peppercotted down the lake. Unlike the western edge of Lake Wanaka close to Wanaka township, where human activity has extended along the glacial outwash terraces of the lake, and parts of the lower terraces have now assumed a peri-urban character, there is relatively little evidence of urban creep from Lake Hawea township along the base of the Mount Burke Range. The most obvious area of human modification is the Lake Hawea campground which, while physically separated from the Burdon Senior land by a large 'knob', becomes an area of intensive activity during the summer months. As discussed in our Report 16.6, the Camp Ground is the subject of a separate development proposal that will likely be reconsidered as part of the Stage 2 Variation process. In our view, even assuming no further development occurs on the Camp Ground site, that separation makes the lakeside terraces north of the 'knob' all the more sensitive to the adverse effect of further development. Accordingly, there are in our view even more important landscape and visual amenity values in play at Lake Hawea, in order to ensure that its outstanding qualities as a natural and memorable landscape are protected.
54. If the request for rezoning the Burdon Senior land were considered without the inclusion of Glen Dene Homestead, we consider that the result would still be a change in the character of an elongated area of visually exposed land within the ONL extending from the 'knob' for some distance northwards. This is exacerbated in our view by any increase in development within the Glen Dene Homestead site.
55. We have also discussed the expectation likely to be created that over time further development opportunities will be possible and this again is exacerbated by the combined proposal, as zoning both areas invites future applications for intensification within the zone as well as further extension along the lake north of the Homestead. There is no geographical feature or other defensible zone boundary to the north and we consider that undesirable sprawl along a significant length of the lake edge would be a likely outcome.
56. Ultimately, while we regard the combined zone proposal as being a more comprehensive and integrated option to that initially proffered by the submitters, we do not consider rezoning to the modified Rural Lifestyle zone proposed by the two sets of submitters achieves the strategic objectives of the PDP, or more generally, the sustainable management purpose of the Act and sections 6(a) and (b) matters relating to the protection of the margins of lakes and rivers, and outstanding natural landscapes, from inappropriate subdivision, use and development.
57. In particular, we agree with Mr Barr, that the Rural Lifestyle zoning within an ONL even with the bespoke provisions proposed by the submitters' experts, would not suitably manage the protection of the ONL at this location or give effect to Strategic Direction Objective 3.2.5.1 to protect ONLs and ONFs from more than minor adverse effects. The likely adverse effects on landscape character and visual amenity from rural lifestyle development are an outcome which the PDP seeks to avoid and are in our view contrary to Policy 6.3.12.

## 5. OVERALL CONCLUSIONS AND RECOMMENDATIONS

58. For the reasons set out in our report, we conclude that retention of Rural zoning is the most appropriate method of achieving the Plan's objectives.

59. Our recommendation is that the rezoning requested by Mr and Mrs Burdon in submission 581 to Rural Lifestyle is rejected, along with the further submissions supporting that relief.

For the Hearing Panel

A handwritten signature in blue ink, appearing to read 'T. Robinson', with a large, stylized flourish extending downwards and to the left.

Trevor Robinson, Chair  
Dated: 27 March 2018

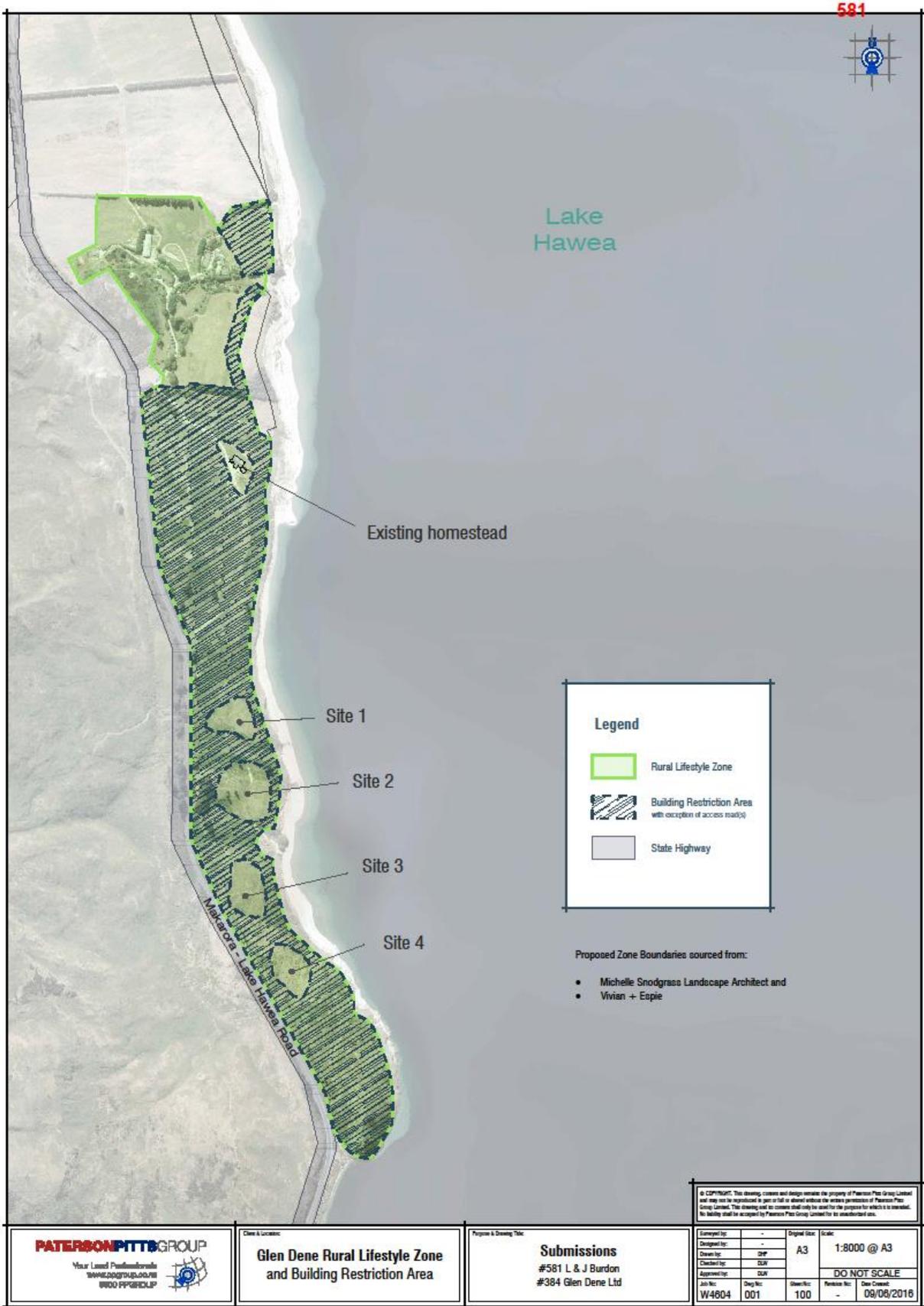


Figure 2: revised Rural Lifestyle Zone submitted by L and J Burdon and Glen Dene Ltd