

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

Report 16.4

Report and Recommendations of Independent Commissioners  
Regarding Upper Clutha Planning Maps  
Glen Dene Homestead

Commissioners

Trevor Robinson (Chair)

Jenny Hudson

Calum MacLeod

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**Figure 1:** BRA area as recommended by Ms Mellsop (shown shaded red) in addition to those identified by Mr Espie

**Figure 2:** Proposed combined Rural Lifestyle Zone (submissions 384 and 581)

## 1. SUMMARY OF RECOMMENDATIONS

### 1.1. Overall Recommendation

1. We recommend the submission be rejected.

### 1.2. Summary of Reasons for Recommendation

2. The suggested special zone fails to appropriately recognise and provide for protection of the outstanding natural landscape. The Rural Zone has the most appropriate provisions to manage the wide variety of effects that are possible from rural living on the site.

## 2. PRELIMINARY MATTERS

### 2.1. Subject of Submission

3. This submission relates to an approximate area of 13 ha within Lot 2 DP 396356, a 100.7 ha site on the eastern side of SH 6 at Lake Hawea that is in turn part of Glen Dene Station. The area the subject of submission is known as Glen Dene Homestead ('the Homestead').

### 2.2. Outline of Relief Sought

4. Submission 384 sought the rezoning of approximately 13 ha from Rural (as shown on Planning Map 8) to Rural Lifestyle. It was proposed that parts of the site along a lake front terrace be subject to a BRA totalling approximately 1.75 ha<sup>1</sup>, leaving a developable area capable of accommodating a total of six dwellings, three of which are existing. While the submitters also sought that the ONL classification of the site be changed to Rural Landscape Classification, this was not pursued in their submission (although not formally withdrawn)<sup>2</sup> and was not supported by any evidence. Accordingly, we have not considered it further.
5. The submission also referred to the possibility of rezoning this land to Rural Residential or creating a special zone to enable future buildings and/or extra housing to allow for the changing nature of the submitter's business, which may require more staff and visitor accommodation. However, at the hearing, the option of Rural Residential or special zoning was not pursued by the submitter<sup>3</sup> and the principal issue was the Rural Lifestyle zoning request. Accordingly, we have not considered these alternative zoning options, as they were not supported by evidence.

### 2.3. Description of the Site and Environs

6. The site is located within a narrow strip of land between the edge of Lake Hawea and SH 6 approximately 3.3 kms north of the Hawea River outlet and Lake Hawea township. The Homestead area is part of a much larger landscape of mountains surrounding the lake and, as described in the landscape evidence of Mr Espie "*is dominated by natural patterns and elements and is majestic, dramatic and highly memorable*". The Homestead and intensively grazed pastures of Glen Dene Station sit on the flatter lands of a terrace toe of the Mount Maude Range, with rugged high country mountain slopes above. The area around the Homestead is heavily vegetated with mature, mostly exotic trees which screen most dwellings

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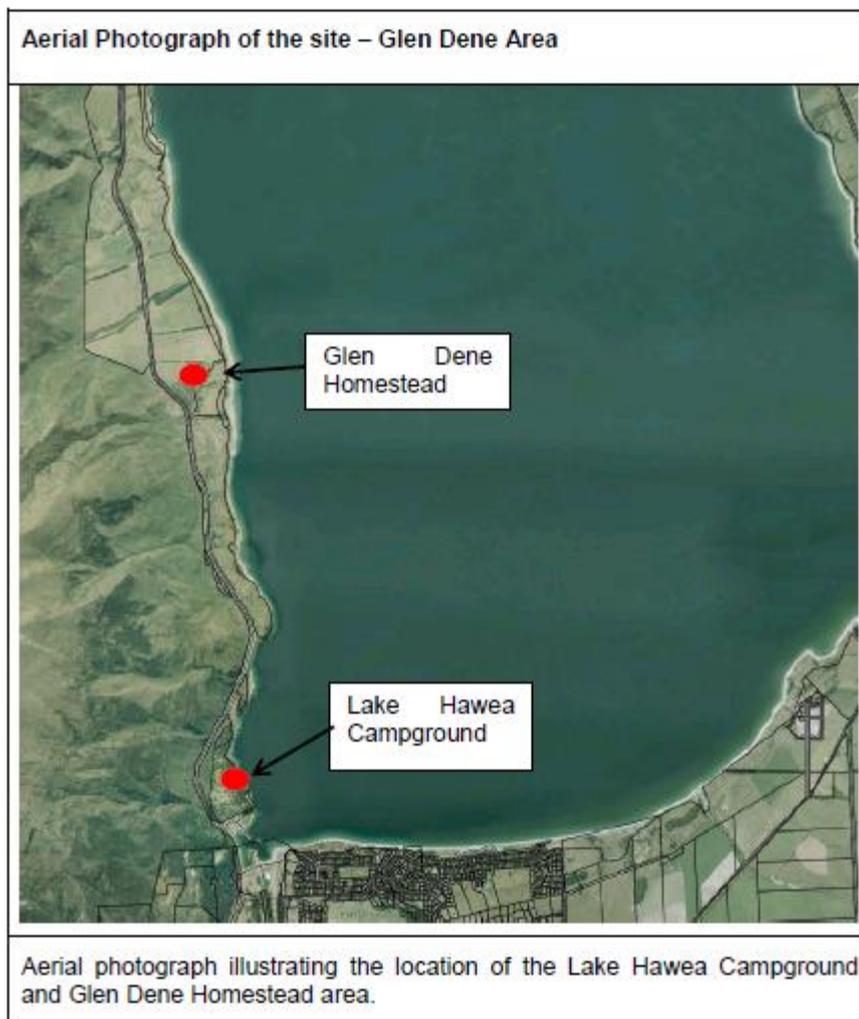
<sup>1</sup> Evidence in Chief of Ben Espie dated 4 April 2017 at paragraph 4.1

<sup>2</sup> Evidence of Duncan White on behalf of the submitter, dated 4 April 2017

<sup>3</sup> In Mr White's primary evidence at paragraph 11.5, he said that Rural Residential zoning provides for lot sizes to 4000m<sup>2</sup>, or approximately 32 lots within the submission area. This level of intensity was considered inappropriate and was not assessed further under s32.

and farm buildings from the state highway although one dwelling is visible from the highway through gaps in the lines of trees along the highway and paddock fence. The Homestead buildings are clustered in the middle of the proposed Rural Lifestyle zone, surrounded by open paddocks that provide views of the lake to the north, east and south. The existing access road to the site is tree-lined at its junction with SH 6 and is aligned in a north-south direction before branching to the farm buildings and dwellings.

7. The location of the site is shown in an excerpt from the section 42A report, reproduced below.



**Figure 1: location of Glen Dene Homestead**

#### 2.4. The Submitter's Case for Rezoning

8. Mr Espie's landscape evidence for the submitter considered that the Homestead area had the potential to absorb additional development without significant adverse effects on visual amenity and landscape character, describing the existing character as "a node of intensive farming activity set within a large, extensive farming station". Mr Espie noted that topography and existing evergreen trees provide visual separation of the zone from the State Highway, but acknowledged that existing and new buildings would be clearly visible from the surface of the lake within 3 kms of the site, and would not be as prominent, but nonetheless visible from the road on the opposite side of the lake (a distance of 5.5 kms). He expected that future owners of Rural Lifestyle lots would bolster existing vegetation to preserve their privacy, but would want to retain an open outlook towards the lake views.

9. In Mr Espie's opinion, six dwellings would alter the character of the immediate vicinity from a farm base node into one dominated by rural living activities. He considered that careful treatment of northern and southern parts of the western edge would be needed, but that the proposed number of dwellings would not degrade the landscape overall. In his opinion, there would be sufficient controls within the Rural Lifestyle zone and subdivision chapters to enable appropriate assessment and mitigation.
10. Responding to Ms Mellsoy's comments that the BRA as defined in the submission would not ensure that the visually exposed lake terrace and slopes would be adequately protected from future development, Mr Espie agreed that an additional BRA over the eastern sloping land adjacent to the public land along the lake edge and south of the BRA initially proposed would be appropriate, as proposed in Appendix 3 of his evidence.
11. Mr Duncan White's planning evidence in support of the submission focussed on a section 32 analysis of the objectives from the Rural Lifestyle provisions in Chapter 22, in comparison with the Rural Zone objectives as modified in the section 42A report. Mr White considered that the Rural Lifestyle zone was more efficient and effective than Rural zoning because the Rural Lifestyle zone would provide greater certainty with both a minimum lot size and maximum development density. In contrast, the Rural zone requires resource consent applications for both subdivision and building platforms, with no minimum lot size or maximum density controls.
12. Mr White also contrasted the costs and benefits of Rural Lifestyle zoning versus Rural zoning in terms of consenting costs and the degree of uncertainty, both of which he considered were significantly greater in the Rural zone, and which lent weight to his argument that Rural Lifestyle zoning was the most appropriate for the submitters' land.
13. In terms of the efficiency and effectiveness of provisions, he concluded that the area proposed to be zoned Rural Lifestyle has similar characteristics to the existing Rural Lifestyle zoned areas along Riverbank Road (on the fringes of Wanaka township) and at Hawea Flat, and this meant in his view that the provisions could be considered efficient and effective.

#### 2.5. The Council's Position

14. In her landscape assessment for the Council, Ms Mellsoy considered that three additional dwellings could be accommodated if they were appropriately located, designed and landscaped. In this respect, she considered that all the open slopes leading down to the lake should be included in the proposed BRA as they are highly visible from the lake and from both Gladstone and the public walking trail between Gladstone and Lake Hawea township.
15. Ms Mellsoy did not agree that the additional BRA offered by Mr Espie was sufficient to address her concerns and in Figure 5 of her rebuttal evidence identified a much larger area of open slopes where visible development would in her view significantly detract from the perceived naturalness of the ONL.<sup>4</sup> We have attached this to our report. Notwithstanding the additional mitigation that could be provided by extending the no-build area over those slopes, her overall conclusion was that the Rural Lifestyle zone provisions lacked the level of control necessary to avoid adverse effects on the ONL and rural landscape character.
16. While taking into account Ms Mellsoy's view that an additional three house sites could be absorbed within the Homestead site, provided that the BRA was extended further across the

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<sup>4</sup> Rebuttal of H Mellsoy at paragraph 4.2

lakefront terrace than initially proposed by Mr Espie, Mr Barr maintained the opinion expressed in his section 42A report and stated in rebuttal evidence that in his view Rural Lifestyle zoning would not achieve the strategic objectives of the Plan and that the most appropriate zone is the Rural Zone.

## 2.6. Revised Rural Lifestyle Zone Provisions

17. Following the presentation of evidence for submitters Lesley and Jerry Burdon ('Burdon Senior'), who own a 38.24 ha area of land adjoining the Glen Dene Homestead land and who have also sought Rural Lifestyle zoning, and at the suggestion of the Hearing Panel, Mr Duncan White for Glen Dene 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 (Lot 1 DP 396356). A plan of the proposed zone (the 'Glen Dene Rural Lifestyle Zone') was filed on 13 June 2017 (Exhibit 34), along with a joint statement of evidence signed by Messrs Greaves and White. A copy of that plan is attached to this report.

18. The 'Glen Dene Rural Lifestyle Zone' incorporated a number of proposed provisions that essentially introduced a bespoke Rural Lifestyle zone over the Homestead property (some of which were not previously given consideration as part of submission 384) and the Burdon Senior property (Lot 1 DP 396356). These 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 the 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 six at Glen Dene Homestead and five within Lot 1 DP 396356 (the Burdon Senior land);
- b. impose a maximum building height of 5m;
- c. require a vegetation management plan for the BRAs at the time of lodging a resource consent application for a subdivision, building platform or future dwelling;
- d. reference restrictions on future building bulk and use of recessive colours;
- e. require identification of residential curtilage areas (noting that these are shown on the plan for Lot 1 DP 396356 but not on the Homestead property).

19. Ms Mellsoop and Mr Barr have both helpfully commented on these changes in their Reply statements. While the proposed bespoke provisions addressed many of the initial concerns discussed in their evidence, and rebuttal, neither Ms Mellsoop nor Mr Barr provided their unqualified support for it, and Mr Barr's overall conclusion remained steadfast that Rural zoning is the most appropriate way of managing adverse effects of development and activities in an ONL.

## 2.7. Discussion of Planning Framework

20. Mr Barr and Mr White 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.

21. Focussing on the most relevant provisions, given that the site is within the notified ONL and we heard no evidence that would call that classification into question, the issue 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.

22. In relation to activities in ONLs and on ONFs, the following policy in Chapter 6 is also 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.”*

23. 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.

24. 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.”*

25. 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.”*

26. 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. ”*

### 3. ISSUES

27. 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 the proffered bespoke provisions are an adequate and appropriate method of avoiding, remedying or mitigating adverse effects on this site.

### 4. DISCUSSION OF ISSUES AND CONCLUSIONS

28. Both Mr Espie and Ms Mellsop acknowledged the sensitivity of the landscape and the potential for development to adversely affect rural character and the ONL. However, the Homestead land already has a screened cluster of buildings, and on the evidence there is potential for a small number of additional dwellings, although we noted during our site visit that beyond the curtilages of the existing dwellings, the site is more open and visually exposed, particularly on the lake side. Based on the evidence we heard, we do not, however, consider there to be any significant issues relating to site servicing, traffic generation, or natural hazard risks, or loss of ecological values.
29. We have considered the issues posed by the submission from two perspectives:
- a. As it was initially presented to us i.e. limited to the Glen Dene Homestead land;
  - b. As it was varied, to present a combined rezoning proposal including the Burdon Senior land to the south.

#### 4.1. Glen Dene Submission in Isolation

30. Addressing the Glen Dene submission on its own, the submission did not proffer any specific restrictions within the requested Rural Lifestyle zone, other than the BRA recommended by Mr Espie. Currently, the site's mature vegetation and the single discretely located crossing point from the State Highway, which provides combined access for all three dwellings (together with the Burdon Senior dwelling on the adjacent property to the south), are features of the Homestead land which to a degree, mitigate visual and landscape character effects and we note that the existing access could serve other dwellings without the necessity for another access to be created. That said, it was apparent to us from our visit to the site and wider environs, that there are visible signs of domestication, including the predominantly exotic tree plantings, which are not entirely consistent with the natural character and visual amenity values of an ONL, but which are a small element in the wider ONL. Currently, most (but not all) buildings within the Homestead are reasonably difficult to see across the lake and lake waters and from the Highway, but we agree with Ms Mellsop that without specific (and additional) restrictions on the potential location of additional building platforms, there is the potential for new dwellings to be visually prominent, especially from the lake side. The open paddock to the north of the existing cluster of buildings is also clearly visible from the Highway. We note that sensitive building design is a key element reflected in the objectives and policies for development in an ONL that require development to be reasonably difficult to see, and this is not a matter which is assessed at subdivision stage under the provisions of Chapter 27.
31. 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.
32. 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.
33. While at face value, the Chapter 27 provisions provide a range of tools that go some way towards addressing visual and landscape character effects, 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.
34. In the case of the Homestead land, issues relating to density are somewhat academic as the site area of 13 ha would not allow more than three additional dwellings, and neither Mr Espie nor Ms Mellsop had an issue with this number. However, Mr Espie's evidence alluded to one, and possibly two of the existing dwellings being replaced along with the relocation or removal of farm buildings. It is reasonable to assume that new dwellings would be larger than the existing, somewhat modest farmhouses and would be designed to take advantage of views over the lake - in which case the visual and landscape effects could be greater. The issue becomes one of the combined effects of three new dwellings on building platforms not as yet identified, as well as potentially two larger dwellings within existing curtilages (if not on precisely the same site) in addition to the existing Homestead.
35. We accept that some additional development may be appropriate at the Homestead around the existing cluster of dwellings and vegetation, but are of the view that the assessment of future dwellings is rather problematic in an ONL when a subdivision consent can set parameters for building design within each building platform (external appearance and, we assume, matters such as building height and overall building envelope) but is not, as Mr Barr noted, intended to be a vehicle for a design-led approach and does not go as far as requiring the detailed design of individual buildings. In this regard, we note that Policy 6.3.12 makes it clear that development in an ONL needs to satisfy a more rigorous assessment process than that which applies to sites outside ONLs. We are not confident that the Rural Lifestyle provisions in Chapters 22 and 27 are sufficiently linked to this and other strategic policies in the plan. We also have an issue as to whether there is adequate protection of existing vegetation, on which the proposed rezoning relies to provide screening from the State Highway. While the proposed assessment criterion in 27.9.3.2(vi) refers to the amenity values of existing vegetation, it is questionable whether this would ensure protection of exotic vegetation in this case.
36. The proposal for a stand-alone Rural Lifestyle zoning (that is, separate from the Burdon Senior submission and the joint provisions which we will discuss below) relies heavily 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 as there is insufficient surety that over time the BRA would remain, given that these may only last as long as the next District Plan review. In our view, the creation of restrictive covenants on each title is a more effective mechanism to ensure long term reservation of land from development.

37. In addition to our concerns regarding the larger BRA that Ms Mellsoop considered necessary to avoid adverse effects of development as viewed from the lake (which we agree is a minimum requirement), at least one potential building platform, if located on the open paddock north of the existing cluster would be clearly visible from both the State Highway and the lake until such time as landscaping reached sufficient height to screen it. 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 Mellsoop 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.
38. We note 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.
39. A further matter of some concern to us is the likely effect of a change of zoning of the Homestead land on the ONL's natural character and amenity values. By Mr Espie's own admission, six dwellings on the site will alter that character from a farm-based node to one of rural living. Given the apparent intention (from Mr Espie's evidence) to remove two existing rather modest farm houses that currently form a cluster with the Homestead and other farm buildings, and replace them with new stand alone dwellings, that would make five new dwellings, each occupying their own substantial site, together with the existing Homestead. This is a substantial change in character, which in our view would open the gate to future incremental development north of the Homestead, in much the same way as the Burdon Senior submission is seeking to extend rural living along the strip between the Homestead and Lake Hawea Campground.
40. Overall, we are of the view that the Homestead is potentially capable of absorbing some additional rural lifestyle development, but the Rural Lifestyle zoning as sought does not provide sufficient rigour to ensure that the ONL is adequately protected. Furthermore, the small site area of 13 ha calls into question whether, on its own, it has sufficient critical mass to justify rezoning given the extent of existing site development.

#### 4.2. Combined Glen Dene Rural Lifestyle Zone.

41. Turning to the 'combined' proposal, 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.
42. As we see it, the bespoke provisions introduced in Messrs White's and Greaves' joint statement would address some of the key landscape issues regarding future development sites within the Homestead site. In particular, the proposed height limit of 5m would ensure that buildings would have a low profile, in contrast to the Homestead-only proposal which has no specific height restriction (the default for the Rural Lifestyle zone being 8m). We have discussed the landscaping and screening issue above, but note that the cumulative effects of visible curtilages and building platforms within both the Homestead and Burdon Senior land

are likely to be apparent for several years while landscaping becomes established (and to be effective, would apply to extensive areas of land). As noted by Ms Mellsop, it would be necessary for any planting to precede the granting of consents for new dwellings in order to protect the character of the ONL and mitigation measures of this type impose obligations on the present and future landowners that might be regarded as onerous, given that key attributes of the site for rural living are the lake views and favourable aspect. It can also be expected that future owners would want to locate building platforms to maximise these features, which we consider would be essentially at odds with the objectives and policies discussed above and, in particular, recommended Policy 6.3.12 and Objective 22.2.1.

43. We are also mindful of the expectation likely to be created that over time further development opportunities will be possible beyond the proposed zone boundaries and the submission by Lesley and Jerry Burdon seeking Rural Lifestyle zoning highlights the relevance of the cumulative effects issue, which we also discuss in our report on submission 581.
44. The conundrum is that if the Homestead land is rezoned without also rezoning the Burdon Senior property, that circumstance invites a further application to 'fill in the gap' between the Homestead and the Lake Hawea Campground. Combining the two submissions enables that effect to be assessed. However, zoning both areas invites a future application to extend further along the lake north of the Homestead. There is no geographical feature or other defensible zone boundary to the north, other than the cadastral boundary relating to the submitter's site. Both scenarios amount to undesirable sprawl along a significant length of the lake edge.
45. Ultimately, while we regard the combined zone proposal as being a more comprehensive and integrated option to that initially proffered by the submitter, 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.
46. 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. We find that retention of Rural zoning is the most appropriate method of achieving the Plan's objectives.

5. OVERALL CONCLUSIONS AND RECOMMENDATIONS

47. For the reasons set out in our report, our recommendation is that the requested rezoning of the Glen Dene Homestead land in submission 384 to Rural Lifestyle is rejected.

For the Hearing Panel:

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

Trevor Robinson, Chair  
Dated: 27 March 2018



APPENDIX 3: Proposed Rural Lifestyle Zone sought by the submission. Annotated by Helen Mellsoy

**vivian+espie**  
resource management and landscape planning

Figure 1: BRA area as recommended by Ms Mellsoy (shown shaded red) in addition to those identified by Mr Espie

