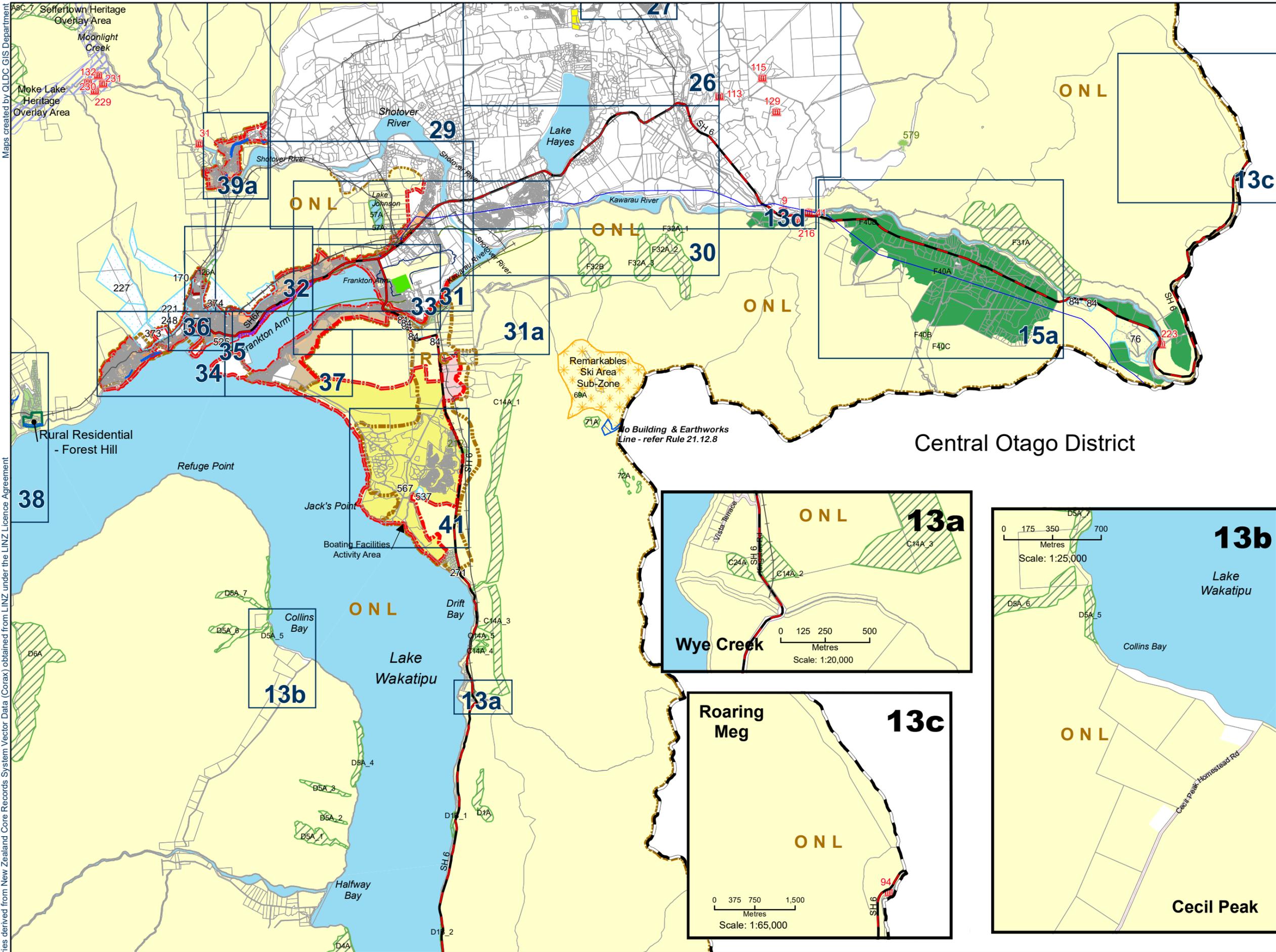


**Appendix B** - A copy of the relevant parts of the Decision



**Legend**

- Historic Heritage Features
- Protected Tree
- Aurora Distribution Lines - For Information Only
- Transmission Corridor
- Queenstown Airport Air Noise Boundary (Ldn65)
- Queenstown Airport Outer Control Boundary (Ldn55)
- State Highway
- Parcel/Road Boundary
- Specific Rules Apply
- Landscape Classification (ONF, ONL, RCL)
- Urban Growth Boundary
- Territorial Authority Boundary
- Heritage Overlay Area
- Significant Natural Area
- Unformed Roads
- Designated Areas
- Building Restriction
- Ski Area Sub-Zone
- Rural Residential Sub-Zone
- Jacks Point
- Waterfall Park
- Medium Density Residential
- Lower Density Suburban Residential
- High Density Residential
- Coneburn Industrial
- Town Centres
- Local Shopping Centre
- Business Mixed Use
- Airport Zone
- Rural
- Rural Residential
- Rural Lifestyle
- Gibbston Character Zone
- Water (zoned Rural unless otherwise shown)

**13**

## PART A: HALFWAY BAY LANDS LIMITED

**Submitter**      **Halfway Bay Lands Limited (Submission 478.2)**<sup>1</sup>

### 1. PRELIMINARY MATTERS

#### 1.1. Subject of Submissions

1. These submissions related to an area of approximately 32ha at Halfway Bay, on Lake Wakatipu.

#### 1.2. Outline of Relief Sought

2. The submitters sought that approximately 32 ha of the flat land of the station be rezoned from Rural to Rural Visitor. The basis was that the flat land of the station should be zoned to enable diversification (including tourism), similar to zones located at Cecil Peak and Walter Peak Stations. The submitter stated that it understood that changing the zoning from Rural to Rural Visitor would exclude that part of the property from the ONL classification, and supported such exclusion.

#### 1.3. Description of the Site and Environs

3. Halfway Bay Station is a large pastoral station on the western side of the southern arm of Lake Wakatipu. The Station has no road access, and most access is by boat from a private jetty off the Kingston Rd across the lake or by helicopter. The station homestead and farm buildings are on an area of flat land at the edge of the lake near the mouth of the Lochy River and there is another area of flat land on a terrace behind the homestead. Together these flats comprise 32 ha and are the subject of this submission.

4. The area is shown on Figure 10-1 below.



Figure 10-1 - Aerial photograph of the land subject to the submission outlined in red

<sup>1</sup> As successor under section 2A of the Act to Lake Wakatipu Station Limited & Review Seventeen Limited

#### 1.4. The Case for Rezoning

5. Evidence for the submitter discussed landscape, services, and planning matters. The submitter's landscape architect Mr Stephen Skelton<sup>2</sup> considered that from a distance, such as from Kingston or across the lake, distance would make buildings difficult to see provided that recessive colours were used. From shorter distances, such as from the foreshore or surface of the lake, development would be more obvious but that there were pockets on the flat lands that would be suitable for development. He relied on the overwhelming natural landscape, including the high jagged mountains, forested slopes, river valleys and the lake, as well as the existing pastoral and domesticated land, exotic plantings and buildings around the homestead, to reduce the impact and significance of any new development. New development would be a controlled activity in the ODP Rural Visitor Zone. The planning witness, Mr Ben Farrell considered that decision makers would have the power under the zone provisions to sufficiently control and mitigate any adverse effects. He stated that some site specific provisions would have to be inserted into the zone, or a subzone created to fully achieve this and gave some examples, but did not present us with a fully drafted set of rules to consider.
6. We heard brief evidence from Mr Gary Dent,<sup>3</sup> an engineering consultant to the effect that the land would be suitable for self-sufficient wastewater and stormwater systems to be provided without adversely affecting water quality in the lake and rivers. We noted on our site visit that the lands on the flats close to the lake were very wet, and considered that this aspect would have to be handled with great care.
7. For the Council, Dr Read considered that only the upper terrace at the back of the proposed site would be capable of absorbing the effects on the landscape, and was opposed to the rezoning of the front land near the lakeshore.<sup>4</sup> Mr Mander, the Council's traffic consultant, was concerned about the possible effects of traffic accessing the boat landing off the Kingston Highway, because no assessment of such effects had been made and it was not possible to know how much traffic would result with so little information.<sup>5</sup>
8. The Council's planning witness, Mr Buxton, relied on the evidence of Dr Read and Mr Mander. He disagreed with Mr Farrell about the ability to suitably control effects under the Rural Visitor Zone, pointing out that it controlled only building height and setbacks, but not density.<sup>6</sup>

#### 1.5. Discussion of Planning Framework

9. The land is zoned Rural within an ONL. Strategic Objectives and Policies in Chapters 3 and 6 of the PDP require the identification of ONL's and avoidance of adverse effects on them that would be more than minor and or not temporary. Subdivision and development are discouraged in ONL's unless the landscape can absorb the change and where the buildings and structures and associated roading and boundary changes would be reasonably difficult to see from beyond the boundary of the site<sup>7</sup>.
10. The Zone Purpose for the Rural Zone states that the purpose of the zone is to enable farming activities and provide for appropriate other activities that rely on rural resources while protecting, maintaining and enhancing landscape values, ecosystem services, nature

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<sup>2</sup> S Skelton, EIC, 9 June 2017

<sup>33</sup> G Dent, EIC, 6 September 2017

<sup>4</sup> Dr M Read, EIC, 24 May 2017, paragraphs 16.7 – 16.11

<sup>5</sup> D Mander, EIC, 24 May 2017, paragraphs 11.6 – 11.8

<sup>6</sup> R Buxton, Section 42A Report, 24 May 2017, paragraphs 23.1 – 23.11

<sup>7</sup> See Objective 3.2.5, policies 3.2.5.1, 3.3.30, and Policy 6.3.1.

conservation values, the soil and water resource and rural amenity. The Zone Purpose also recognises that a substantial proportion of the Outstanding Natural Landscapes of the district comprises private land managed in traditional pastoral farming systems. Rural land values tend to be driven by the high landscape and amenity values in the district. The long-term sustainability of pastoral farming will depend upon farmers being able to achieve economic returns from utilising the natural and physical resources of their properties. For this reason, it is important to acknowledge the potential for a range of alternative uses of farm rural properties that utilise the qualities that make them so valuable.<sup>8</sup>

11. Objectives and policies of Chapter 21 provide for a range of land uses including farming to be enabled, while protecting landscape and other natural and amenity values, and recognising economic diversification and sustainable commercial recreation activities.<sup>9</sup> Rules in the plan provide for residential and larger scale commercial recreation as discretionary activities.

## 2. ISSUES

- a. Landscape
- b. Traffic effects
- c. Zoning framework

## 3. DISCUSSION OF ISSUES AND CONCLUSIONS

12. Firstly we observe that we are entirely sympathetic to the submitter's wish to diversify the economic base of the station by developing visitor accommodation and activities there. This is specifically recognised and provided for in the PDP provided that it is carried out in an appropriate way.<sup>10</sup> The question to be resolved is the most appropriate way to do this.
13. The two landscape witnesses were not far apart on this site. Mr Skelton considered that with care and attention to location and detail, development could be absorbed throughout the proposed site. Dr Read may well have accepted that if she believed that the Rural Visitor Zone provisions were able to achieve that result, but as she did not, she was only prepared to accept the use of the upper terrace area which was more secluded from views from outside the site and screened by shelter belts. The planners reflected those positions. Mr Farrell accepted that the basic ODP Rural Visitor provisions would need to be augmented for this site, but that following that the zoning would be more suitable than the existing Rural Zone.<sup>11</sup> Mr Buxton did not accept that, considering the Rural Visitor Zone too permissive to enable that to be done effectively.
14. As we have stated throughout this report, we are not prepared to import the ODP Rural Visitor Zone into the PDP. As Mr Buxton observed, it is very enabling and the matters which can be controlled are limited. With activities having controlled status, it would not be possible to decline an inappropriate proposal, only to modify it to a limited extent by conditions. We do not think that zone in its present form would fit into the strategic approach of the Council towards both landscape and tourist-related activities as set out in Chapters 3 and 6.

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<sup>8</sup> Chapter 21, Section 21.1

<sup>9</sup> See Objectives 21.2.1, 22.1.8, 21.1.9, 21.1.10 and their related policies.

<sup>10</sup> See Objective 3.2.1.8 and Policy 3.3.1

<sup>11</sup> B Farrell, EIC, 9 June 2017; Rebuttal Evidence, 7 September 2017

15. As Mr Farrell said, we could create a bespoke version of the Rural Visitor Zone for this site. If we did that we would probably also have to do the same for a number of other submissions. This would necessarily have to include revision of the ODP objectives and policies to make them consistent with the Strategic approach of the PDP in Chapters 3 and 6, as well as attention to some confusing and poorly drafted rules. This would not be a small exercise, and would probably pre-empt the Council's review process. We prefer to wait for the Council's review of the ODP Rural Visitor Zone. We consider that the recommended Rural Zone in the PDP, along with the landscape provisions of Chapters 3 and 6, has enough flexibility to enable applications for visitor activities to be made and considered on their merits. Therefore we consider the Rural Zone to be preferable than the suggested ODP Rural Visitor Zone,
16. Because of this outcome we do not need to consider the issue of the suitability of the land for on-site wastewater disposal, or the traffic issue.

#### **4. RECOMMENDATION**

17. For the reasons set out above, we recommend that:
  - a. Submission 478.2 be rejected; and
  - b. The Council reconsider the zoning of the submission site when the Rural Visitor Zone is reviewed.