

Appendix D

A copy of the relevant part of the Decision

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2.2. ONF boundary near Springbank and Glenpanel

14. A group of submitters² requested that the boundary of the Slope Hill/Lake Hayes ONF be amended to exclude the lower more developed slopes. Ms Vanstone and Mr Langman, relying on the evidence of Ms Mellisop, recommended that the ONF boundary be amended.
15. We did not hear any evidence from the submitters in support of the requested amendment. However, we accept Ms Mellisop's assessment that the ONF boundary should exclude the Glenpanel homestead and curtilage and the dwellings at 399 Frankton-Ladies Mile Highway and 14 Lower Shotover Road.
16. Accordingly, we recommend that the ONF boundary be amended as sought by the submitters (refer to the line shown in green in Figure 3 below).

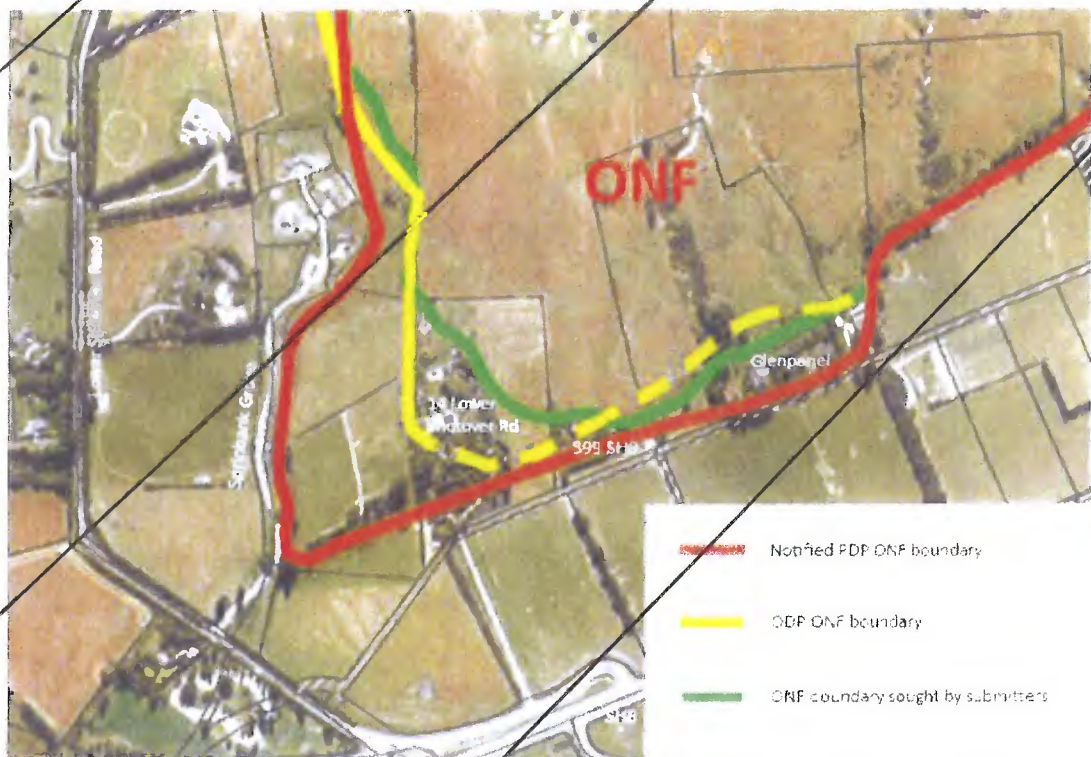


Figure 3: Recommended ONF boundary (as per Figure 5 of Ms Mellisop's Evidence in Chief)

2.3. Kawarau River ONL at Lake Hayes Estate

17. Bridesdale Farm Developments Limited ('Bridesdale')³ sought the relocation of the boundary of the ONL at Lake Hayes Estate to the true left bank of the Kawarau River. One other submitter⁴ supported the notified location of the ONL boundary.

² Submissions 353 (supported by FS1016), 534, 535 (supported by FS1259, 1267, opposed by FS1068, FS1071), 813 and 2553 (supported by FS2763)

³ Submission 655, opposed by FS1064, FS1071, FS1340

⁴ Submission 492, opposed by FS1261

18. Mr Goldsmith, legal counsel for Bridesdale, pointed out that landscape assessments have subjective elements. He urged us to consider what is outstanding in the context of this district, in which 96.97% of the land is classified as ONL or ONF.
19. Mr Skelton, who gave landscape evidence for Bridesdale Farm Developments Limited, did not consider that the escarpment and river flats to be outstanding or natural. In his view, this was particularly so because of the existing and permitted development. His assessment in part relied on approximately 8ha of the river flats being designated recreation reserve⁵ and his understanding that the designation's conditions would allow up to 4,000m² of building coverage and 16,000m² of impervious surface coverage⁶. This land is also proposed to be rezoned Informal Recreation as part of Stage 2.
20. Ms Vanstone and Ms Mellsoy, for Council, both considered this level of development to be fanciful. Ms Vanstone⁷ referred us to the definition of recreation reserve in the Reserves Act and the purpose of the Informal Recreation zone. She also noted that the flood hazard over this land may also limit the level of development that can occur. We return to the issue of the Informal Recreation zoning momentarily but agree that the flood hazard will impose a constraint on any development of this land.
21. We discussed the scenarios relating to the likely level of future development with counsel and witnesses at the hearing. Mr Goldsmith handed up a plan to us showing a seven-court tennis academy proposed on the land south of the garden allotments associated with the Bridesdale Farm development. He told us that this proposal was the subject of an application for resource consent that was currently being processed.
22. Turning to our consideration of the level of development enabled by the PDP, we have taken into account the recommendations of the Stream 15 Hearings Panel. That Panel's recommendation is to confirm the Informal Recreation zoning on the Council reserve land and to confirm the Rural zoning on the river flats, as notified in Stage 1.
23. In her reply evidence, Ms Vanstone asserted that the level of development on the designated recreation reserve land and adjoining Informal Recreation zoned land was likely to be small-scale community buildings and structures. Having read the Informal Recreation zone provisions attached to Report 19.6 by the Stream 15 Hearing Panel, we find that Ms Vanstone's conclusions still hold. In relation to the tennis academy proposal, we conclude that this not relevant to our consideration, as it does not yet have an approved resource consent.
24. Returning to our consideration of the appropriate location of the ONL boundary, we were persuaded by the evidence of Ms Mellsoy. She cautioned against confining the assessment of the values of an area in isolation from the wider landscape.

There is always a danger that the more confined the focus of an assessment is, the more likely it is that the outcomes of the evaluation will be anomalous. Almost all ONL within the District contain small areas that would not be considered ONL if evaluated in isolation.⁸

⁵ Designation 365 Queenstown Lakes District Council as recreation reserve

⁶ S. Skelton, Evidence in Chief at 13

⁷ A. Vanstone, Reply Evidence at 9.12 to 9.17

⁸ H. Mellsoy, Rebuttal Evidence at 9.3

25. We are cognisant of the decisions of the Environment Court discussing the extent of a landscape⁹. This is particularly relevant in this situation as we understood the landscape architects to agree that the river flats were too small to be a landscape in its own right. This understanding led us to have some difficulty with the logic of the boundary advanced by Mr Skelton. When we asked him how this area could be perceived to be part of the Ladies Mile LCU, he told us that this was because of the association with Lake Hayes Estate and Bridesdale on the upper edge of the terrace, with Slopehill behind, which framed the view and acted as a backstop.
26. Ms Mellsop concluded that the ONL boundary as notified follows a clear and legible demarcation between the suburban landscape of Lake Hayes Estate and the Kawarau River corridor. We agree. We consider the river flats to be part of the Kawarau River ONF, which is in turn part of the Remarkables ONL. It is artificial to separate the river flats from the river.
27. Ms Mellsop recommended a minor amendment to the ONL boundary to recognise historic earthworks that have taken place on the Crawford property¹⁰. We agree with her recommendation and agree that the ONL boundary should be shifted to the crest of the bund on Lot 403 DP 379403, as this now forms the effective crest of the river escarpment¹¹.
28. Overall, we find that amending the ONL boundary to exclude the river flats would not achieve the objectives for ONLs in the PDP. We recommend the ONL boundary is amended on the Crawford property, as this reflects the extent of historic earthworks, but otherwise it be confirmed as notified. Our recommended ONL boundary in this location (from Onslow Road to Hayes Creek) is shown on Figure 4 below.

⁹ See the discussion in *Wakatipu Environmental Society & Lakes District Rural Landowners Inc v Queenstown Lakes District Council* [2003] NZRMA 289 at paragraph 10ff

¹⁰ Submission 842, opposed by FS1340

¹¹ H. Mellsop, Evidence in Chief at 6.42.