

**BEFORE THE HEARINGS PANEL  
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of the Proposed District  
Plan Stage 3b  
submission related to  
notified Walter Peak  
Rural Visitor Zone

---

**REPLY OF HELEN JULIET MELLSOP  
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**LANDSCAPE – WAYFARE GROUP LIMITED REZONING**

**5 July 2021**

---

---

 **Simpson Grierson**  
Barristers & Solicitors

J G A Winchester / M G Wakefield  
Telephone: +64-3-968 4009  
Facsimile: +64-3-379 5023  
Email : [mike.wakefield@simpsongrierson.com](mailto:mike.wakefield@simpsongrierson.com)  
PO Box 874  
SOLICITORS  
CHRISTCHURCH 8140

## CONTENTS

	<b>PAGE</b>
1. INTRODUCTION .....	1
2. CONTROLLED ACTIVITY STATUS.....	1
3. CONSISTENCY OF THE PROPOSED TOURISM ZONE WITH THE STRATEGIC DIRECTION IN CHAPTER 3.....	2
4. POSITIVE EFFECTS ON LANDSCAPE VALUES .....	4

## 1. INTRODUCTION

1.1 My full name is Helen Juliet Mellsop. I prepared a statement of evidence in chief<sup>1</sup> (**EiC**) and a statement of rebuttal<sup>2</sup> in relation to Hearing Stream 19, which concerned the notified Walter Peak Rural Visitor Zone (**RVZ**) and submission made by Wayfare Group Limited (**Wayfare**). My qualifications and experience are set out at section 1 of my EiC.

1.2 I attended the hearing on 22 June 2021.

1.3 This reply evidence addresses the following issues:

- (a) The appropriateness of a controlled activity status for buildings in the Walter Peak Tourism Zone (**Tourism Zone**);
- (b) Consistency of the proposed Tourism Zone with Strategic Objective 3.2.1.8 and Strategic Policies 3.2.5.3, 3.3.30 and 3.3.31; and
- (c) Positive effects on landscape values.

## 2. CONTROLLED ACTIVITY STATUS

2.1 During the Hearing, and in the supplementary legal submissions filed on behalf of Wayfare,<sup>3</sup> the appropriateness of the proposed controlled activity status for buildings in the Tourism Zone was addressed.

2.2 At paragraph 35 of Wayfare's supplementary legal submissions, counsel acknowledges the lack of policy support for all of the matters of control associated with controlled activity buildings. In response to this, Wayfare proposes the following new policy:

*X.2.x Control the location, density and scale of buildings in order to protect or enhance landscape values and nature conservation values.*

---

1 Dated 4 March 2021.

2 Dated 11 June 2021.

3 Supplementary legal submissions of Wayfare Group Limited dated 25 June 2021.

- 2.3** While this new policy does provide support for the landscape related matters of control in relation to buildings, I remain of the opinion that the rule implementing this policy (Rule X.4.12) would not ensure protection of the landscape values of the ONL. I remain particularly concerned about controlled activity status applying to the entirety of Von Hill, and along the margins of Lake Wakatipu, where there may be limited, or even no, appropriate locations for buildings. These particular parts of the Walter Peak site are highly sensitive to built development and earthworks, with a high likelihood that such development would degrade the naturalness and aesthetic qualities of these parts of the site.
- 2.4** In relation to the suggestion by Wayfare that Council will have a wide discretion to change the location or layout of a building, within a site, I note that the functional requirements of a building may act to limit the degree to which location could be altered to avoid adverse effects on landscape values. Related to this concern is the (in my opinion) inadequate standards proposed for buildings within the Tourism Zone. These standards allow a maximum height of 8 metres as a controlled activity, with no building coverage limits, external appearance standards or biodiversity enhancement standards.
- 2.5** In my experience, the enabling standards and lack of any other standards, provides an indication of the type and form of built development that could be anticipated as a controlled activity. The lack of any specific guidance in the Tourism Zone provisions around the built outcomes anticipated, through either the policies or standards, would, in my view, make it difficult for a consent authority to attempt to impose conditions in the manner suggested by Wayfare (particularly where Council's discretion will be more stringent than the zone standards).

### **3. CONSISTENCY OF THE PROPOSED TOURISM ZONE WITH THE STRATEGIC DIRECTION IN CHAPTER 3**

- 3.1** Mr Skelton accepted during the Hearing that he did not specifically assess the appropriateness of the Tourism Zone in relation to certain

Strategic provisions, including Strategic Objective 3.2.1.8 and Strategic Policies 3.2.5.3, 3.3.30 and 3.3.31.

- 3.2** While he concluded, in his statement of evidence, that *'the potential adverse effects on landscape character would be no more than low in extent, and landscape values of the much wider ONL would be maintained'*,<sup>4</sup> it is unclear from his evidence whether Mr Skelton considers that the landscape values associated with the site itself, 'Von Terraces' and the wider northern Eyre mountains, would be protected (as directed by Chapter 3 PDP). As noted in my rebuttal,<sup>5</sup> Mr Skelton has not provided any assessment of how the potential adverse landscape effects arising from residential development in the more sensitive areas of the Walter Peak site (Beach Bay<sup>6</sup>, Von Hill<sup>7</sup>, Eastern Paddocks<sup>8</sup>) would be regulated in a manner that protects landscape values through the Tourism Zone provisions.
- 3.3** With reference to paragraph 52 of the supplementary submissions by Wayfare, two new policies have been proposed in an effort to guide the assessment of discretionary activity residential activities. The second policy refers to protecting or enhancing landscape values, but would still involve built form that is consented as a controlled activity. For the reasons outlined above, I do not consider that to be an appropriate policy response to the protection of landscape values where there are varying degrees of landscape sensitivity and capacity across the site.
- 3.4** For the above reasons, and those set out in my EiC and rebuttal, I remain of the view that the Tourism Zone would not ensure that the landscape values of the ONL are protected from inappropriate subdivision, use and development.

---

4 Steven Skelton, Statement of Evidence, 28 May 2021, para 47.

5 Helen Mellsop, Rebuttal Evidence, 11 June, para 4.15.

6 Stephen Skelton, Statement of Evidence, 28 May 2021, para 31.

7 Ibid, para 37.

8 Ibid, para 39.

#### 4. POSITIVE EFFECTS ON LANDSCAPE VALUES

4.1 During the hearing, Mr Skelton suggested that '*a proposal may be such that a positive effect can outweigh a negative effect*' in relation to landscape values.

4.2 In my view, the Chapter 3 provisions do not provide any support for a 'balancing' or 'offsetting' of positive and negative effects relative to the landscape values of ONLs. Enhancement of landscape values is appropriate and would represent a positive effect, but degradation of other values of the particular landscape would not be appropriate. I do not consider that a 'trade-off' between enhancement and degradation of landscape values would meet the intention of the Chapter 3 provisions.



**Helen Juliet Mellsop**

**5 July 2021**