

**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

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**REBUTTAL EVIDENCE OF HELEN JULIET MELLSOP  
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**LANDSCAPE – WAYFARE GROUP LIMITED REZONING**

**11 June 2021**

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## 1. INTRODUCTION

- 1.1 My full name is Helen Juliet Mellsop. My qualifications and experience are set out in my statement of evidence in chief dated 4 March 2021 (**EiC**).<sup>1</sup>
- 1.2 This statement of rebuttal evidence is provided for Queenstown Lakes District Council (**Council**, or **QLDC**).
- 1.3 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise except where I state that I am relying on the evidence of another person.

## 2. SCOPE

- 2.1 My rebuttal evidence responds to the following evidence filed on behalf of Wayfare Group Limited (**Wayfare**) (in the same order as listed below):
- (a) Ben Farrell (planning);
  - (b) Stephen Skelton (landscape architect); and
  - (c) Ailsa Cain (cultural heritage).
- 2.2 I have read the evidence of the following experts, and consider that no response is needed (as far as the statements listed address landscape matters):
- (a) Fiona Black (tourism);
  - (b) Grant Meldrum (natural hazards); and
  - (c) Robert Schofield (planning).

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<sup>1</sup> Refer paragraphs 1.1 to 1.5.

2.3 My evidence has the following attachment:

- (a) **Appendix A** – map showing a potential extension of the ‘moderately high landscape sensitivity area’ in the Walter Peak RVZ.

### 3. BEN FARRELL (PLANNING)

3.1 Mr Farrell’s planning evidence supports the proposed Walter Peak Tourism Zone (**Tourism Zone**) sought by Wayfare. In his Table 1, he outlines several recommended changes to the proposed provisions for the Tourism Zone. These include:

- (a) Amend Objective X.2.1 to read: *The growth, development and consolidation of visitor industry activities and associated buildings, while adverse effects on the environment are avoided, remedied or mitigated including promoting restoration and enhancement of nature conservation values, and enabling visitors to access and appreciate the Zone’s values.*
- (b) Inclusion of standards for farm buildings; and
- (c) Deletion of some rules and minor changes in the wording of other rules and standards.

3.2 These recommended changes do not alter my view of the potential adverse landscape effects that could result from approval of the Tourism Zone, as set out in my EiC. In particular, the proposed provisions supported by Mr Farrell do not provide for, or regulate, development in a way that responds to the landscape values of the northern Eyre Mountains Outstanding Natural Landscape (**ONL**) and the Lake Wakatipu ONL.<sup>2</sup>

3.3 At paragraph 41 of his evidence, Mr Farrell discusses the potential landscape effects of the Tourism Zone. At 41(a) he states that the Council has narrowed its assessment of the ONL values to the site and its immediate surrounds (as distinct from assessing effects on the entire ONL). This is not accurate. The landscape assessment

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<sup>2</sup> Ms Mellsop EiC, at paragraphs 5.10 to 5.16.

appended to my EiC as Appendix 1 provides a thorough assessment of the attributes and values of the northern Eyre mountains ONL and, in paragraphs 5.10 and 5.11 of my EiC, I discuss the effects of development enabled by the Tourism Zone on the wider ONL. Mr Skelton's assessment is focused on a smaller subset of this ONL, being the 'Von Terraces' landscape. However, I agree with Mr Farrell that it is more appropriate to consider the entire ONL, rather than breaking it into its separate landscape units. In taking this wider approach, I remain of the view that the development enabled by the proposed Tourism Zone could have significant adverse effects on the subject ONL.

- 3.4** At 41(c) of his evidence, Mr Farrell states that it is appropriate for landscape values to change over time. In the context of an ONL, and with reference to the Chapter 3 strategic objectives and policies for ONLs, I consider it may be appropriate for landscape *character* to change over time as long as the *values* of that ONL are protected overall. For example, indigenous revegetation and pest removal on Von Hill would enhance the ecological and naturalness values of the ONL, but could in turn detract from the legibility and expressiveness values associated with the open ice-eroded *rôche moutonnée*. I note that there is an important difference between indigenous revegetation and development that involves built form and earthworks, in terms of landscape character change and potential adverse effects on landscape values.
- 3.5** Mr Farrell discusses perceptual and associative values of the landscape at 41(d) of his evidence, stating that these are '*inextricably linked to the visitor destination use of the site.*' I agree that visitors' experiences on the site contribute to the memories and associations they attach to the landscape and to the shared and recognised values of the ONL. People who have not visited the site but have experienced it from the lake or the northern lake shore would also have memories, experiences and connections that contribute to the perceptual and associative values of the ONL. For visitors to Walter Peak, the natural, cultural and scenic attributes of the site (experienced both as they approach by boat and on land) contribute to the very high scenic, memorability, and shared and recognised values of the ONL setting.

#### **4. STEPHEN SKELTON (LANDSCAPE)**

- 4.1** In his evidence, Mr Skelton has assessed the potential landscape effects of the Tourism Zone in the context of a 'Von Terrace' landscape. This landscape comprises the flatter ice-eroded and alluvial land that was once at the base of the glacier that formed Lake Wakatipu. As noted above, this approach differs from my assessment of the wider northern Eyre mountains ONL, by focusing on a narrower area within the wider ONL.
- 4.2** While I generally agree with Mr Skelton's description of the biophysical, sensory and associative attributes of the Von Terrace land, in my view (and I do not understand Mr Skelton to disagree) it remains part of the wider ONL. The formative processes of this land are legible and expressive, particularly from the western flight path to Queenstown airport and other elevated viewpoints. While the terraces do have a greater level of human modification than the surrounding mountains which frame the lake, the level of naturalness (in terms of intact landform, ecological attributes, vegetation types and perception of naturalness) is only slightly lower than that of the adjacent mountains. Naturalness and natural character are typically assessed on a spectrum that ranges between 'pristine' indigenous ecosystems, and modified urban environments (eg. central business district / urban areas). On this spectrum, the 'Von Terrace' landscape would have a moderate-high level of naturalness, within a wider ONL that has a high level of naturalness (as per the landscape assessment attached to my EIC).
- 4.3** At paragraphs 12 and 13 of his evidence, Mr Skelton discusses the size of the proposed Tourism Zone as a percentage of the 'Von Terraces' landscape and the wider ONL. In my view, this information is not particularly relevant to the assessment of effects on landscape character and values. Landscape change that affects only a small physical area of a landscape can still have a significant impact on landscape values overall. In my view, the critical point is ensuring that any additional development is provided for only where there is capacity

to absorb it, not whether it is of a comparatively low proportion to the wider ONL.

- 4.4** The description of landscape character areas<sup>3</sup> within the proposed Tourism Zone, at paragraphs 27 to 40 of Mr Skelton's evidence, is largely in accordance with the landscape sensitivity mapping in my 2019 assessment. Mr Skelton agrees with my view that Von Hill and the Mountain Slopes are the areas that are most sensitive to development, that the Homestead area could absorb further development (with associated controls) and that the Eastern Paddocks could absorb some development with '*stringent assessment against landscape character and visual amenity effects.*' I disagree with Mr Skelton's evaluation of the type and level of development that could be absorbed within the Von Hill and Homestead Areas. My reasons are discussed further below.
- 4.5** I do not agree with Mr Skelton's assessment that development within Beach Bay and the foreshore '*can be well contained visually to that area by the enclosing landform.*'<sup>4</sup> As can be seen from the photographs attached to his evidence, the bay area is visible from the Queenstown foreshore, Fernhill, Queenstown-Glenorchy Road, 7 Mile Reserve, Wilsons Bay and the 12 Mile Delta camping ground at 12-Mile (Images 1-4 and 6-9), at distances of between 5.5 and 12 kilometres. Mr Skelton acknowledges this visibility in paragraph 46 of his evidence. Existing buildings on the foreshore are visible in some light conditions, even from the more distant viewpoints, and even recessively coloured development within the bay area is likely to be visible from the closer viewpoints.
- 4.6** The bay area is also clearly visible from the lake surface to the east and north-east of the site. Mr Skelton considers that '*appropriate*' development would not diminish the high degree of visual amenity and natural character of the bay, however, he does not indicate what kind of development he considers appropriate or how '*appropriate*' development outcomes would be achieved through the Tourism Zone provisions. My opinion on what would constitute '*appropriate*' development within the bay area is set out in paragraph 5.15 of my EIC.

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3 Mapped in Attachment J to Mr Skelton's evidence.

4 Stephen Skelton evidence in chief, paragraph 31.

- 4.7** In relation to the homestead area (as defined by Mr Skelton), Mr Skelton is of the view that this area could absorb further development provided it is '*sensitively designed, recessively coloured, and set within a frame of vegetation*'.<sup>5</sup> I do not consider the proposed Tourism Zone provisions (as currently drafted) will ensure that such outcomes are achieved. There are no standards for building external appearance or building coverage, and while the matters of control in relation to buildings include building design, density, scale, location, landform modification and landscaping, the Council would have no ability to refuse consent if it considered that the proposal would have unacceptable adverse effects on landscape and visual amenity values.
- 4.8** Mr Skelton considers that appropriate development could be undertaken on some parts of Von Hill, but that such development '*would need to be well controlled with restrictions on earthworks and building coverage and provisions for biodiversity enhancement (planting)*'.<sup>6</sup> While I generally disagree with Mr Skelton about the absorption capacity of Von Hill, there is a misalignment between his evidence and the proposed Tourism Zone provisions. The proposed provisions provide for built development up to 8m in height anywhere on Von Hill as a controlled activity, without any standards for building coverage, site coverage or biodiversity enhancement. In my view, the proposed provisions will not provide any ability to appropriately regulate development in this highly sensitive area.
- 4.9** Mr Skelton suggests at his paragraph 36 that development in the area of Von Hill south and east of the 'Beach Bay Ridge' would be appropriate as it would not be visible from places to the north, such as Bobs Cove and 12 Mile Delta. It would however be potentially visible from all viewpoints to the east (Mr Skelton's images 1-8) and from the surface of the lake, and could detract from the landscape character and visual amenity values of Von Hill.
- 4.10** I do consider there to be some potential for development on the southern face of Von Hill, so long as it is visually discreet and maintains visual amenity values. I accept that development within this area would

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5 Stephen Skelton evidence in chief, paragraph 33.

6 Stephen Skelton evidence in chief, paragraph 37.



likely result in some degradation to the physical attributes of the landform, and to its legibility and integrity. The map **attached** at Appendix A shows a potential additional area of moderate-high landscape sensitivity where I consider additional development, subject to a discretionary activity status under the Decisions Version Rural Visitor Zone (**RVZ**) provisions, could be absorbed.

- 4.11** I agree with Mr Skelton, at his paragraph 39, that there are some pockets of the Eastern Paddocks area (Moderate-High Landscape Sensitivity Area in the notified Walter Peak RVZ) that could absorb development while maintaining landscape character and visual amenity. However, in my view the provisions of the Tourism Zone do not set up the '*stringent assessment*' of landscape character and visual amenity effects that Mr Skelton considers necessary. In my view, the provisions of the RVZ<sup>7</sup> are more appropriate, as they require a fully discretionary consideration of any resource consent for buildings, against objectives and policies that require the protection of ONL landscape values.
- 4.12** In his paragraph 41, Mr Skelton considers the potential for urban-type development within the proposed zone, including rural living on Von Hill, concluding that such development could be appropriately absorbed while maintaining the values of the ONL. In my opinion this conclusion conflicts with Mr Skelton's earlier evidence, where he discusses the high sensitivity of Von Hill to development and the limited absorption capacity of the Eastern Paddocks. I am also unsure why Mr Skelton supports this 'worst case' hypothetical outcome of the proposed Tourism Zone, when earlier in his evidence, at paragraph 7, he states that '*by controlling development and promoting predominantly open space and planting, adverse effects on the ONL values should be cumulatively minor.*' This suggests he is of the view that urban-type development, which would not maintain a predominance of open space, would cumulatively degrade the values of the ONL.
- 4.13** Mr Skelton also compares, at his paragraph 41, potential hypothetical development on Von Hill to that in the Jacks Point Preserve area,

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<sup>7</sup> As confirmed by the Independent Hearings Panel in Stage 3.

without any acknowledgement that development in the Preserve area is subject to extremely stringent built form standards and assessment matters in the zone provisions, as well as an external design review process. In addition, development in the Preserve is limited to identified homesites only, rather than provided by a blanket controlled activity status, and there are substantial indigenous revegetation requirements both within and outside all lots created by subdivision. No such controls or standards are proposed as part of the Tourism Zone. My assessment is that urban-style development within the site, as described in Mr Skelton's evidence, would result in significant adverse effects on the naturalness, expressiveness, scenic (including visual coherence) and shared and recognised values of the northern Eyre Mountains ONL. Urban-style or rural living development would be visible from many public places north of the lake and on the lake waters and would not be compatible with the character and values of the ONL landscape.

- 4.14** While Mr Skelton concludes that the site has the ability to absorb the type of development enabled by the proposed Tourism Zone, his evidence suggests that controlled activity development across the whole site is not appropriate, particularly on Von Hill and the lake terraces. In his paragraph 7 he states that development would be controlled and would promote predominantly open space and planting. However, there are no objectives, policies, rules or standards within the proposed Tourism Zone that ensure these outcomes. In my view, controlled activity status for buildings across the entire site, combined with a zone purpose and objective that is focused on visitor industry development, is not sufficient to ensure protection of ONL values.
- 4.15** Mr Skelton has not considered the potential landscape effects of residential activity within the proposed Tourism Zone, either as a discretionary activity under Table X.4 (18) or as a permitted activity ancillary to Recreation and Recreation Activities. In my view, the spread of rural living or residential development, apart from onsite staff accommodation ancillary to visitor accommodation and commercial recreation, has potential to degrade the naturalness, scenic and tranquillity/remoteness attributes of the landscape, as well as the shared and recognised recreational values of the zone and wider ONL.

This would result from increased domestication of the landscape and potential dissection into smaller lots with boundary fencing, variations in planting and loss of open character and/or visual coherence.

**4.16** Mr Skelton concludes in his paragraph 45 that any adverse effects of the Tourism Zone on the values of the 'Von Terraces' landscape and the wider ONL would be low in extent. In my view, his earlier evidence, where he identifies the high landscape sensitivity of parts of the site and the need for 'stringent' controls over development, does not support his conclusion. The Tourism Zone as proposed does not protect all sensitive areas of the site and does not include stringent controls that would ensure development is appropriately absorbed in the landscape.

**4.17** In my opinion the Decisions Version RVZ would be a more appropriate zone for the site than the proposed Tourism Zone. The RVZ would provide for visitor industry activity in those parts of the site that are able to absorb additional development. It would also ensure that the character and quality of more sensitive areas was maintained, and the landscape values of the northern Eyre mountains ONL protected.

## **5. AILSA CAIN (CULTURAL HERITAGE)**

**5.1** Ms Cain has provided evidence on the historical context, evolution and development of Walter Peak Station, and the cultural heritage of Walter Peak, focusing on pastoralism and tourism. In her paragraph 45 she highlights that I have not provided any thematic heritage assessment in my EiC. This is correct, and the reason for that is that I have no specialist cultural heritage expertise and have based the heritage comments in my 2019 landscape assessment and my EiC on information that is in the general public domain. It is public knowledge that Walter Peak has a European history of pastoralism and rural tourism and that the Colonel's Homestead and the associated buildings and gardens from the late 19<sup>th</sup> and early 20<sup>th</sup> century are an important part of the sense of place of Beach Bay and its attraction as a tourist destination.

**5.2** I agree with Ms Cain that *'new developments and reinstatement of previous features, such as native biodiversity, is an appropriate continuum of development'* for places with historic buildings such as Walter Peak. The comment in paragraph 5.18 of my EiC related to the potential for new buildings within Beach Bay to detract from the landscape setting and remaining heritage values of the historic buildings. I did not intend to suggest that new development should mimic the architectural style of existing historic buildings, but remain of the view that new built form and landscaping should be sympathetic to the historic buildings and should maintain the visual coherence of the bay. Recent development within Beach Bay has, in my view, been successful in this regard.



**Helen Juliet Mellsop**

**11 June 2021**

APPENDIX A – map showing potential additional area of moderately high landscape sensitivity on south-eastern side of Von Hill.

