

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

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of re-notified Stage 1
submissions: Gertrude's
Saddlery Limited and
Larchmont
Developments Limited,
at Arthurs Point

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

LANDSCAPE

20 DECEMBER 2022

 **Simpson Grierson**
Barristers & Solicitors

S J Scott / R Mortiaux
Telephone: +64-3-968 4018
Facsimile: +64-3-379 5023
Email: sarah.scott@simpsongrierson.com
PO Box 874
SOLICITORS
CHRISTCHURCH 8140

TABLE OF CONTENTS

1. INTRODUCTION.....	1
2. SCOPE.....	1
3. MR BEN ESPIE AND MS YVONNE PFLUGER FOR GERTRUDE'S SADDLERY AND LARCHMONT	2
4. CONCLUSIONS.....	9

Attachment A – Map of photograph locations and photographs taken on 22 November or 15 December 2022

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 18 October 2022.

1.2 Although this is a Council hearing, 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 provided on behalf of the submitters - Gertrude's Saddlery Ltd (#494) (**Gertrude's Saddlery**) and Larchmont Developments Ltd (#527) (**Larchmont**):

- (a) Benjamin Espie; and
- (b) Yvonne Pfluger.

2.2 I have read the landscape evidence of Stephen Brown for the Arthurs Point Outstanding Natural Landscape Society Incorporated (**APONLS**) and consider that no response is needed.

2.3 For completeness I record that I have also read the following statements:

- (a) Kevin Lloyd for Gertrude's Saddlery and Larchmont;
- (b) Jeffrey Brown for Gertrude's Saddlery and Larchmont; and
- (c) Brett Giddens for APONLS.

2.4 I made a repeat visit to some representative viewpoints on 22 November and 15 December 2022. Additional tree clearance had occurred since my visit on 29 September 2022. Selected photographs taken on 22 November or 15 December are included at **Attachment A** to this rebuttal.

3. MR BEN ESPIE AND MS YVONNE PFLUGER FOR GERTRUDE'S SADDLERY AND LARCHMONT

Revised rezoning relief

3.1 The evidence of Mr Espie, Ms Pfluger and Mr J Brown outlines revised rezoning relief sought by Gertrude's Saddlery and Larchmont. The revised relief involves:

- (a) Extension of LDRZ over the northern side of the knoll within the Gertrude's Saddlery site;
- (b) Large Lot Residential B Zone (**LLRB**) over the remainder of the submission sites, with a bespoke structure plan and planning provisions, including a 2000m² minimum lot size; and
- (c) 17 identified building platforms within the LLRB structure plan, as well as structural native planting (required to be implemented prior to issue of titles under Section 224(c) of the RMA) and building restriction areas (**BRAs**) covering areas of the Kimiākau Shotover River ONF and the upper southern slopes of the knoll.

LDRZ

3.2 The LDRZ extension sought is similar to, but slightly smaller than, that identified in Appendix D to my primary evidence. That appendix identifies a potential LDRZ extension that would protect landscape values (with recommended planting mitigation).¹

3.3 **Figure 1** below shows the differences between the two LDRZ areas (ie that in my primary evidence in pink, and that now proposed by the submitters with the black boundary). For the reasons set out in my primary evidence, I could support the revised extent of LDRZ sought by the submitters from a landscape perspective.

¹ H Mellsop EiC, at 9.1-9.7.

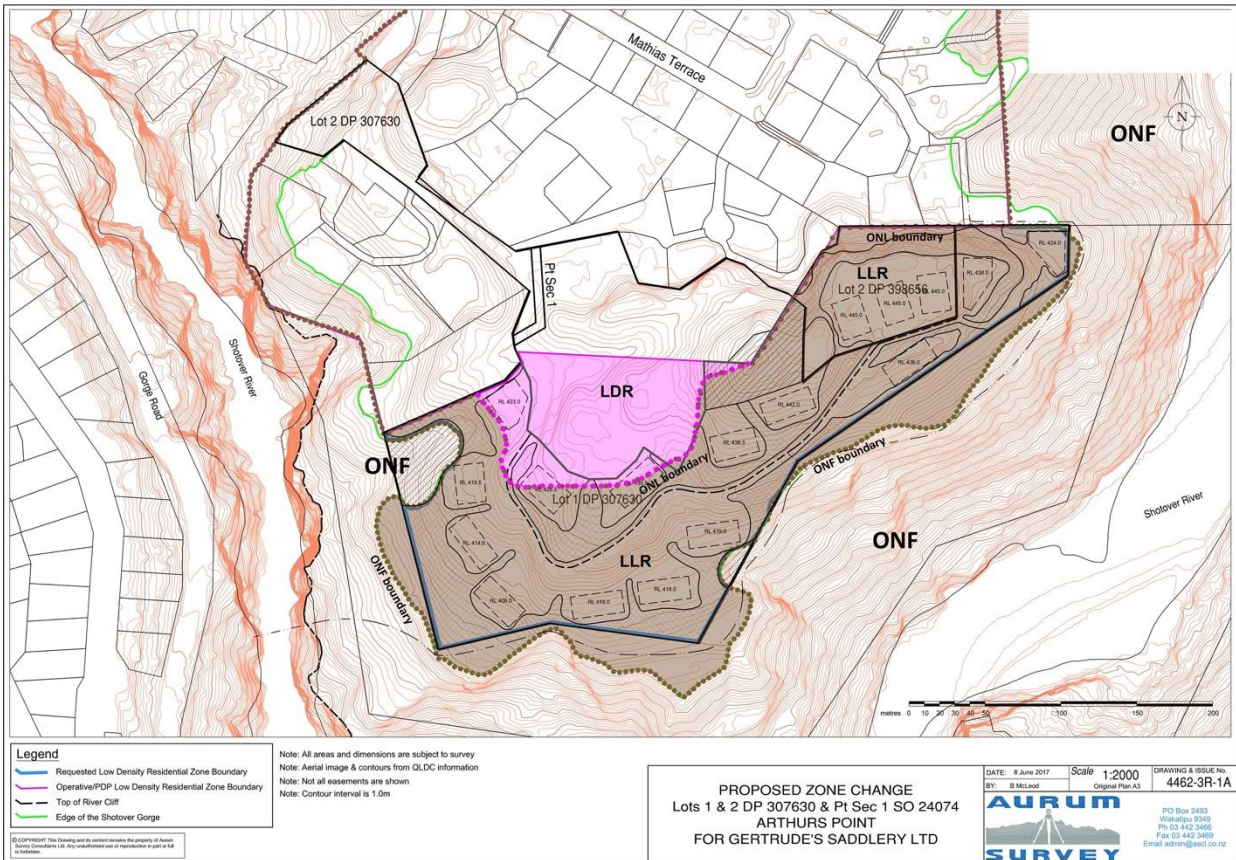


Figure 1: Proposed LLRB Structure Plan overlaid on Appendix D of my EiC.

3.4 I note that the Concept Masterplan and visual simulations attached to Mr Espie’s evidence² show two lots high on the northern slopes of the knoll – Lots 13 and 14 – albeit that these are within already zoned LDRZ (ie that is not subject to the rezoning being requested). I am unsure whether these would be located so close to the summit given the steep gradients, the sensitivity of the knoll and the restricted discretionary status of subdivision (including assessment matters relating to natural features³). I also note that the LDRZ lots shown on the masterplan are larger than 450m² in size, which means there is consequently potential for more houses to be developed in the zone than shown in the simulations.⁴

LLRB

3.5 With regard to the proposed LLRB zone and bespoke structure plan, my opinion is that development shown on that structure plan would still

2 B Espie EiC, Appendices Figure 1.
 3 PDP 27.9.3.1 (c).
 4 B Espie EiC, Appendices Figures 7 to 16.

have a moderate-high adverse effect on the values of the adjacent Kimiākau Shotover River ONF and a moderate adverse effect on the wider ONL context. My reasons are discussed below.

3.6 In discussing the structure plan design and its potential landscape effects, Ms Pfluger states that the 17 proposed building platforms are located in flatter areas that have a higher ability to absorb development,⁵ are ‘significantly’ set back from the ONF boundary,⁶ avoid the sensitive summit of the knoll, and avoid any buildings breaking the skyline.⁷ My interpretation of the detailed site contours, the masterplan and the model views/visual simulations indicates that:

- (a) several building platforms (on Lots 34, 35 and 36) are on steeper slopes;
- (b) several are close to the ONF boundary with minimal or no intervening planting (setbacks of 2 - 25m on Lots 28, 30, 31, 33 and 38);
- (c) two platforms (on Lots 34 and 35) are high on the southern slopes of the knoll; and
- (d) buildings on a number of the LLRB platforms would break the skyline when viewed from public and private places (refer model views and visual simulations⁸ appended to Mr Espie’s evidence).

3.7 In addition, substantial earthworks would be required to provide vehicle access to many of the proposed platforms, particularly those below the main access road. These earthworks, when added to those required to form building platforms and widen the access road would substantially alter the natural landform of the knoll. I do not consider it would be possible to adequately mitigate the adverse landscape and visual amenity effects of earthworks with planting, as suggested by Ms Pfluger.⁹

3.8 Proposed planting shown on the structure plan would help to integrate future dwellings and to remediate the site following the recent wilding

5 Y Pfluger EIC, at 23.

6 Ibid, at 23 and 50.

7 Ibid, at 26.

8 The visual simulations include trees that have now been removed and so underestimate the visibility of future dwellings. Potential visibility is more accurately shown in the model views.

9 Y Pfluger EIC, at 33.

tree clearance, but it would not completely screen dwellings or associated domestic activities (including lawns, amenity gardens, outdoor living, driveways, carparking, fencing, clotheslines, play equipment etc). Only 30% of plant species to be used are required to be taller species capable of growing more than 5m in height at maturity.¹⁰

- 3.9** In my opinion, there is also considerable uncertainty about how revegetation planting would be maintained once it is compartmentalised within individual private lots following subdivision. Future residents are likely to wish to maintain high amenity views to the Kimiākau Shotover River corridor and to the mountains to the west, south and north. Proposed planting north of Lots 37, 39, 40 and 41 is also likely to affect sunlight access to these lots as it matures.
- 3.10** In my assessment, the refined LLRB relief would result in an urban pattern of development that would extend over the knoll and into the river corridor, right up to within 1-2m of the river escarpment crest in some cases. The change in character from rural to urban would be widely visible from public and private places around Arthurs Point and would detract from the naturalness, legibility and memorability of the knoll, as well as the aesthetic quality and scenic values of the landscape. The attributes that make this knoll a part of the wider ONL – its natural and now open and legible landform, its landmark role as the ‘bookend’ to urban development on Atley Terrace and the ‘turning point’ of the river gorge, its memorability and its connection to other schistose landforms and mountains – would be substantially degraded.
- 3.11** Urban development (albeit of a lower density than that originally proposed) in close proximity to the river escarpments and within the visual enclosure of the river corridor would, in my opinion, still adversely affect the naturalness, scenic and wildness/remoteness attributes of the adjacent ONF to a moderate-high degree. The southern slopes of the knoll are particularly sensitive to development that is within the same vista as the ONF, and where existing urban development is not highly visible.

¹⁰ J Brown EiC, Attachment C, proposed Rule 27.7.XX 1.(b).

3.12 I do not support any of the bespoke LLRB area sought by the submitters. However, in the event that the Hearing Panel was minded to recommend approval, I would recommend the following changes to the bespoke provisions:

- (a) A standard 4000m² minimum lot size for LLRB rather than the bespoke 2000m² sought. In my view the slopes of the knoll have a landscape sensitivity similar to that of the Mount Iron slopes that are zoned LLRB with a 4000m² minimum lot size;
- (b) A 5.5m building height above a defined reduced level (**RL**) for each building platform rather than the 7m sought. This building height is likely to encourage single storey or stepped dwellings that would be less bulky and potentially easier to integrate with planting;
- (c) Retention of the standard 6-metre internal boundary setback for LLRB. If building platforms are close to the boundaries with Department of Conservation land and to existing or proposed public tracks, a building setback would reduce the prominence of dwellings and allow for intervening planting;
- (d) Specification of 60% (as compared with 30%) taller growing species in the planting mix on southern, south-western and south-eastern slopes, to provide a greater level of screening to built form. Retention of the 30% taller growing species would be appropriate on the less sensitive northern slopes; and
- (e) A requirement for taller species (either 60% or 30% of the planting mix, as recommended above) to reach an average height of 2m prior to building construction, once again to provide a greater level of screening and integration for built form, access and domestication.¹¹

Landscape classification

3.13 Mr Espie agrees that Arthurs Point urban settlement is an island of development zoning within a mountainous landscape of high natural character.¹² I am therefore uncertain why he considers that the knoll

¹¹ Conditions of consent for RM181638, a residential development within the ONL immediately north of Arthurs Point, required visual mitigation planting to achieve 80% survival and a 3m average height prior to building construction.

¹² B Espie EIC, at 46.

on the site is not part of the ONL surrounding the settlement, which is continuous around all urban boundaries, with the ONL including the ONF of the Kimiākau Shotover River within it. The area has a similar level of naturalness to many other parts of the ONL close to Arthurs Point (eg. on Moonlight Track and east of Arthurs Point north), is not sufficiently large to be a landscape in its own right, and is widely separated from any Rural Character Landscapes (the underlying landscape classification of the Wakatipu Basin Zone).

3.14 Mr Espie states that the subject site is not part of any identified ONL,¹³ as he considers it does not accord with the descriptions in the notified schedules for Central Whakatipu Basin Coronet Peak ONL Priority Area (PA) or the Western Whakatipu Basin ONL PA.¹⁴ With respect, I consider this reflects a misunderstanding of the purpose of the PA landscape schedules and how they are to be used to assist in the landscape assessment of plan changes and resource consent applications. In accordance with best practice landscape assessment, a landscape architect needs to define and evaluate the actual landscape context of the site.¹⁵ The PA schedules are a tool to assist in this site-specific evaluation. The PAs are not ‘separate’ landscapes for the purposes of assessment, particularly in cases such as this where extent of landscape potentially affected by a proposal covers several PAs.

3.15 ONFs such as the Kimiākau Shotover River are often nested ‘within’ larger continuous ONLs and it would be both contrary to people’s perceptions of the landscape and illogical to artificially separate an ONF from the ONL it sits within. The exclusion of the knoll from any wider ONL PA is, in my view, a mapping artefact rather than any

13 Ibid, at 51.

14 Ibid, at 48-49.

15 Te Tangi a te Manu Aotearoa New Zealand Landscape Assessment Guidelines states at 5.16, p109: Small landscapes nest within larger landscapes. As a guide to selecting the relevant spatial extent:

- take a practical approach having regard to the purpose of the assessment
- identify the spatial extent most relevant to the purpose of the assessment—but also outline that landscape’s place in the wider context
- consider each landscape as a whole
- be mindful that landscapes can overlap and have blurred boundaries—often it is enough to identify the general extent rather than the precise delineation
- determine the spatial extent from each landscape’s own character and attributes—the sense that you are in a particular landscape as opposed to another— it may be a hydrological catchment, a visual catchment, or a neighbourhood, for example, depending on the purpose of the assessment.

And at 5.20, p110: ...landscape assessors should treat mapped boundaries in a reasoned way. While boundaries are mapped as lines, they are often less sharp on the ground. Boundaries identified in a statutory plan may have been mapped at a large scale without precise ground-truthing. Landscape values and attributes can spill across boundaries in both directions. It is important, therefore, that assessors look beyond lines on maps to the actual landscape.

reflection of the physical and perceived landscape. This subject site is not a remnant area of Rural Zone,¹⁶ but an integral part of the wider ONL that surrounds Arthurs Point.

3.16 I agree with Mr Espie that landscape classification boundaries should generally follow landform lines or other natural patterns, and that built development should not sprawl onto steep, prominent or otherwise sensitive areas.¹⁷ I also agree that these landscape principles were not taken into account when urban or Rural Visitor Zone boundaries were determined on the subject site and at other locations around Arthurs Point as part of ODP zoning in the 1990s.¹⁸ The existing LDRZ on the site extends in a triangle up to the crest of the knoll in a way that is completely unsympathetic to the natural landform lines. However in my opinion the revised rezoning proposal would result in sprawl onto a steep, prominent and sensitive area of the landscape, which I consider to be part of the ONL.

3.17 Mr Espie considers the relief sought would result in a suburban area that has a logical and appropriate landform boundary.¹⁹ However my observation is that the transition from the knoll slopes to the river escarpment slopes is not always distinct or obvious, and in perceptual terms the whole slope is viewed as a continuous enclosure to the river corridor. His opinion also raises the question of why a lower density suburban form with extensive planting mitigation was considered necessary on most of the knoll, if this part of the site was not considered sensitive to development.

Other comments

3.18 In discussing potential effects on observers on the Kimiākau Shotover River, Mr Espie says that the relevant stretch of the river is used exclusively by Shotover Jet Limited.²⁰ I understand that over the past 2-3 years, the general public has been able to use this stretch of the river (non-motorised craft only) from 5.30 to 10.00pm on Wednesdays and Fridays year round.²¹ These members of the public would be able

¹⁶ B Espie EIC, at 26.

¹⁷ Ibid, at 48.

¹⁸ Ibid, at 47.

¹⁹ Ibid, at 61.

²⁰ Ibid, at 91.

²¹ <https://www.qldc.govt.nz/services/permits/shotover-river-concession-area-permit>.

to see the proposed rezoning area once they are east of the site near Big Beach. I have discussed the landscape effects of the original LDRZ proposal from the surface and margins of river in my primary evidence,²² and consider that the amended relief would also detract from the naturalness, legibility and memorability of the knoll in these views.

3.19 Mr Espie criticises my evaluation and categorisation of the existing landscape,²³ firstly by stating that my 2019 assessment for the Rural Visitor Zone (RVZ) review did not have the purpose of analysing the landscape at a broad scale. To the extent that is relevant to the current submissions, I disagree. My assessment of each existing RVZ started with an analysis of the attributes and values of the wider ONL setting, and in the case of Arthurs Point included the entire landscape context of the settlement.²⁴

3.20 He then refers to the notified PAs as separate distinct landscapes, which I have addressed in 3.13 - 3.14 above.

4. CONCLUSIONS

4.1 The revised rezoning relief sought by Gertrude's Saddlery and Larchmont reduces the density of development on the southern slopes of the knoll compared with the LDRZ originally sought, and ensures that some level of native revegetation would occur.

4.2 However even with these mitigation measures the extension of urban form over the entire site (through the proposed LLRB) would not, in my opinion, protect the values of the ONL and adjacent ONF in the receiving landscape.



Helen Mellsop

20 December 2022

²² H Mellsop EiC, at 8.8.

²³ B Espie, at 106.

²⁴ <https://www.gldc.govt.nz/media/pub5fd1/gldc-t18-mellsop-h-evidence-landscape-rvz-18-03-2020.pdf>, Appendix 1.

ATTACHMENT A

Map of photograph locations and photographs

(all photographs taken at 50mm lens equivalent on 22 November or 15 December 2022, unless stated otherwise)



Photograph location map (22 November photographs)



Photograph 1: View from Matthias Terrace towards knoll (panorama stitched from 2 x 50mm lens equivalent landscape photographs taken on 22 November 2022)



Photograph 2: View from Matthias Terrace/Larchmont Close intersection towards knoll (22 Nov 2022)



Photograph 3: View from McChesney Road adjacent to No. 20 towards knoll (22 Nov 2022)



Photograph 4: View from Gorge Road near former Arthurs Point Tavern site towards knoll (panorama stitched from 4 x 50mm equivalent portrait photographs taken on 15 December 2022)



Photograph 5: View towards knoll from Watties Track adjacent to No. 13 (panorama stitched from 2 x 50mm equivalent landscape photographs taken on 22 November 2022).



Photograph 6: View towards knoll from 13 Watties Track – private property (panorama stitched from 3 50mm equivalent landscape photographs taken on 22 November 2022).



Photograph 7: View towards knoll from Watties Track (panorama stitched from 4 x 50mm equivalent landscape photographs taken on 15 December 2022).