

**BEFORE THE INDEPENDENT HEARING PANEL APPOINTED BY THE
QUEENSTOWN LAKES DISTRICT COUNCIL**

UNDER the Resource Management Act 1991 (RMA)
IN THE MATTER of the Te Pūtahi Ladies Mile Plan Variation in accordance
with section 80B and 80C, and Part 5 of Schedule 1 of the
Resource Management Act 1991.

**REPLY TO QUESTIONS ASKED OF JEFFREY ANDREW BROWN
24 November 2023**

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Introduction

- 1 My full name is Jeffrey Andrew Brown. I am a Planner and Director at Brown & Company Planning Group. I prepared the section 42A Hearing Report for Queenstown Lakes District Council (**QLDC** or **Council**) dated 29 September 2023 on the proposed plan change variation request, submissions and further submissions to the Te Pūtahi Ladies Mile Plan Variation (**TPLM Variation**). I also provided rebuttal evidence dated 10 November 2023.

Response to Questions

- 2 My response to the questions filed by Koko Ridge, Corona Trust, Glenpanel Developments and the Anna Hutchinson Family Trust are set out in **Attachment A**.

Jeffrey Andrew Brown

24 November 2023

Attachment A: Questions from submitters to Jeffrey Brown

Question	Cross reference	Expert	Jeff Brown's responses
James Gardener Hopkins for Glenpanel and Anna Hutchinson Family Trust			
<p>20. Consequences of the Ladies Mile SH6 corridor being a Rapid Transport Service.</p> <p>The planning experts agreed that it will be a RTS under NPS-UD. Do you agree that this therefore means that:</p> <ul style="list-style-type: none"> (a) greater intensification is anticipated around Rapid Transit Stops (and that building setbacks would also need to be reduced); and (b) people can be anticipated to walk to such for up to at least 10 minutes (800m) and, potentially, 15 minutes (1,200m); and (c) if not, why not; and (d) Is the inclusion of an 'Amenity Access Area', providing for a slip lane for local vehicle access (and associated private accessways and car parking) in the cross section, conducive to the accessible public transport and active travel outcomes sought for the SH6 corridor? 	<p>Planning JWS (1), Is the LM SH6 corridor becoming Rapid Transport Service (RTS) as part of TPLM</p>	<p>Dave Smith Jeff Brown</p>	<p>I note Question 1.4 from the Panel regarding the RTS and the Regional Land Transport Strategy. I am conferring with the other planners on that question.</p> <p>Subject to where I and the other planners land on that question, I respond as follows to the submitter's question:</p> <p>Yes agree to the extent as follows:</p> <ul style="list-style-type: none"> (a) Yes greater intensification would be anticipated around Rapid Transit Stops, but I note that the TPLM Variation does not provide for higher density around or near the western SH6 stop (in the vicinity of the Stalker Road intersection), nor do I understand any party has sought that outcome. <p>I do not necessarily agree that my Yes answer as above means that the building setbacks would also need to be reduced – however I understand that is being discussed by the urban design witnesses at their further conferencing session. At the time of writing, a JWS from this further conferencing had not been finalised. I can provide supplementary response subject to that JWS;</p> <ul style="list-style-type: none"> (b) Yes I agree that people can be anticipated to walk to such for up to at least 10 minutes (800m) and, potentially, 15 minutes (1,200m); (c) [Not applicable]; (d) The inclusion of the 'Amenity Access Area' (AAA) providing for easy pedestrian and cycle access adjacent to SH6, to and from the Commercial Precinct and the SH6 bus stops is necessary. <p>I agree that the slip lane for local vehicle access (and associated private accessways and car parking) in the cross section is not necessary for walking and cycling accessibility to the Commercial Precinct and SH6 bus stops. The slip lane is for an urban design purpose regarding frontage of</p>

Question	Cross reference	Expert	Jeff Brown's responses			
			<p>development to SH6, and promoting an outcome where development faces and does not turn its back on the highway corridor. I agree that the slip lane could be removed, or at least the AAA width reduced, provided that the urban design goal of development properly facing and interacting with the AAA, and hence SH6, is still achieved.</p> <p>I defer to the urban design experts on that matter and await their further JWS.</p>			
<p>21. Walkable catchments</p> <p>Do you agree that a walkable catchment of 400 metres is typically associated with a five-minute average walk and 800 metres with a 10-minute average walk?</p>		Jeff Brown	Yes.			
<p>35. Commercial activity at the western end</p> <p>Do you agree that:</p> <p>(a) some shops could be developed towards the western end, say at [xx], under the current zone provisions as a RD activity?; and</p> <p>(b) so a small commercial centre towards the western end could eventuate, particularly if the extension area were to be included in the TPLM Variation?</p>		Jeff Brown	<p>On part (a) of the question: Yes I agree with that. Rule 49.4.16 (Commercial Activities comprising no more than 100m² of GFA per site in the LDR and MDR Precinct:</p> <table border="1" data-bbox="1330 783 2002 967"> <tr> <td data-bbox="1330 783 1402 967">49.4.16</td> <td data-bbox="1402 783 1861 967">Commercial Activities comprising no more than 100m² of gross floor area per site in the Low Density Suburban Residential Precinct or the Medium Density Residential Precinct. Discretion is restricted to: a. benefits of the commercial activity in servicing the day-to-day needs of local residents; b. hours of operation; c. parking, traffic and access; d. noise</td> <td data-bbox="1861 783 2002 967">RD</td> </tr> </table> <p>On part (b): I agree this rule could enable a small centre if several tenancies were clustered together.</p>	49.4.16	Commercial Activities comprising no more than 100m ² of gross floor area per site in the Low Density Suburban Residential Precinct or the Medium Density Residential Precinct. Discretion is restricted to: a. benefits of the commercial activity in servicing the day-to-day needs of local residents; b. hours of operation; c. parking, traffic and access; d. noise	RD
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<p>38. Risks of not including the extension area now</p> <p>You consider that the Hutchinson land is appropriate for urban development in the future, including through a future urban zone, or inclusion within the next Spatial Plan. Do you accept that:</p> <p>(a) If not rezoned now, then it will be some 5+ years before any rezoning would occur, at the earliest, having regard to:</p> <p>(i) The likely refusal of Council for any private plan change within 2 years, and the 2-3 year</p>	Jeff Brown EIE, [180]	Jeff Brown	<p>Generally on this question:</p> <ul style="list-style-type: none"> I cannot comment on the risk that the submitter took on in filing the submission and engaging experts. I reiterate my rebuttal evidence at paragraphs 180 – 182. <p>On part (a): I cannot speculate on the length of time a separate rezoning may take, but it would be measured in years and possibly 5 years, but possibly shorter than that depending on the process taken.</p> <p>There would be several options for a rezoning:</p>			

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<p>process for any private plan change commenced after the 2-year stand down period;</p> <p>(ii) The Landowner would be unlikely in any event, to reinvest in any private plan change process, having resourced this process so heavily;</p> <p>(iii) That if the landowner did not pursue a private plan change, the Council would be unlikely to do so, for at least 5+ years (and more likely, longer);</p> <p>(b) Accordingly, the most likely outcome, if the extension area is not rezoned now, is that the landowner will look to recover their costs of this failed process, through development of the land for lifestyle residential, consistent with the current zoning;</p> <p>(c) In that case, the ability to develop the extension area for urban development will be permanently lost; and</p> <p>(d) Even if the extension area is not developed for lifestyle residential, by the time that it is to be rezoned, then, either:</p> <p>(i) the western end of the TPLM Variation may have been developed by that point, precluding appropriate integration; or</p> <p>(ii) the means of integrating will be a further imposition on the landowner of the relevant land at the time.</p>			<ul style="list-style-type: none"> • a private plan change (but only once the PDP is operative and private plan change requests are able to be made, and also noting that the two-year stand down period is not mandatory and the Council could accept a private request before that two-year period ends); • a variation, led by the Council, as part of a future stage of the PDP. Given the work that has already been undertaken by the submitter, that process could get underway sooner rather than later; • a variation or plan change as part of the Council's Future Development Strategy / Spatial Plan work which the Council is already underway with as part of its responsibilities under the NPS-UD. I would not be able to speculate on timing of when that could translate into a rezoning. <p>On (b), I cannot comment on what the landowner may choose to do;</p> <p>On (c) I agree that losing the opportunity permanently for urban development on the Hutchison land would be an inefficient outcome.</p> <p>On (d), I agree to some extent but it is likely that development on the extension land can be integrated with the current TPLM land in one way or another, even if developed. The means of integrating it would be an imposition on the developing owner whether now or later.</p> <p>I acknowledge the work that Mr Weir presented in his evidence on integration, and Mr Harland's Rebuttal evidence (paragraph 31) and Mr Dun's Rebuttal (at paragraph 31) and in Mr Harland's responses to questions (in his Attachment B). In my view there would need to be a more focused urban design exercise to produce an "optimal" integration solution.</p>

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<p>40. Planner's obligations</p> <p>Do you accept that:</p> <ul style="list-style-type: none"> (a) You are not obliged to adopt the evidence of every Council expert; and (b) You are able to accept or prefer the evidence of submitters' experts over that of a Council expert; (c) In determining what evidence to accept or prefer, you need to consider the usual tests for probative value, such as relevance, coherence, consistency, balance, insight, and impartiality? 		Jeff Brown	Yes.
<p>41. Credibility that there need be no change to the SH6 cross section diagram, as a consequence of the 60km/hour speed reduction</p> <p>Do you really consider it most appropriate to make no changes to the TPLM Variation as a consequence of confirmation that:</p> <ul style="list-style-type: none"> (a) SH6 will be a Rapid Transit Service; (b) SH6 will be a 60km/ hour environment; and (c) SH6 will be subject to traffic lights. 	Jeff Brown EIR, [39]	Jeff Brown	<p>The TPLM Variation's purpose, objectives, policies and the vast majority of the rules need not change as a result of the reduction of the SH6 speed limit to 60km/h.</p> <p>In my view the only change that may be needed is to the Amenity Access Area as discussed above, and I defer, at this point, to the urban design experts on that point – see response to questions 20(a) and (d) above.</p>
<p>42. Consideration of incentives</p> <p>To what extent have you considered the application of a base density requirement (say, 40 dwellings per ha), with enablement if not incentives, to encourage additional density, such as around the TPLM centre, around the Rapid Transit Stops, and Glenpanel Precinct etc, to best ensure that the overall density required for the transport mode shift, and urban design requirements, are met? If not, could this be an appropriate way forward?</p>		Jeff Brown	<p>I have re-drafted Rule 49.5.16 as a consequence of the planners' conferencing, my rebuttal evidence, and discussions with the Council's economics expert (Ms Fairgray) in light of the opinions of the other economists' evidence and the Economics JWS.</p> <p>That re-drafted rule allows a mechanism for reduction in density in the HDR Precinct, counterbalanced by a mechanism to attain higher density in later stages of a project.</p> <p>I have circulated the re-drafted rule to the planners for their feedback, which I am hoping to receive by Thursday 30 November.</p> <p>I note also the additional TPLM provisions in the Rebuttal Version that promote better market feasibility of high densities in the HDR Precinct, including the addition of limited Residential Visitor Accommodation opportunities and the inclusion of the storage</p>

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			<p>overlay area. These are additional to the extra height allowance in the HDR Precinct areas.</p>
<p>43. Location of the ONF</p> <p>You state that you understand that the location of the ONF boundary is not within the scope of the TPLM Variation. Is this on instruction? As a Planner, do you accept that:</p> <ul style="list-style-type: none"> (a) The TPLM Variation must give effect to the NPS-UD, as well as Chapter 4 of the PDP as amended to give effect to the NPS-UD; (b) the map in ch 4 at 4.1.2, Figure 1, is small and is not designed to identify the precise boundaries of the "Indicative Future Expansion the Area", and that it does no more than signal the general area where the QLDC thinks urban expansion should occur; and (c) accordingly, the precise boundaries of the TPLM Variation Area must be available to consideration, with revision of the ONF as a consequential consideration, particularly if the evidence is that the ONF is actually located higher up the slope. 	<p>Jeff Brown EIR, [183]</p>	<p>Jeff Brown</p>	<p>No this is not on instruction. From the outset, the S32 evaluation (attachment 3A - Landscape Assessment Report TPLM Masterplan, April 2021), in relation to consideration against Policy 6.3.1.1, noted that <i>"the Slopehill ONF boundary has been defined and confirmed and no part of the proposal will take place within the ONF"</i>.</p> <p>On part (a) of the question: Yes, I agree that the TPLM variation must give effect to the NPS-UD and achieve higher order provisions of the PDP including Chapter 4.</p> <p>On part (b): I agree the map is small and not able to be seen in detail and is not for the purpose of delineating ONL / ONF boundaries.</p> <p>I don't agree the purpose of the image is as suggested in the question. The purpose of the image is explained at 4.1.2 and indicates the areas included within the 'Queenstown Lakes District Urban Environment' as part of the Housing and Business Assessment undertaken in 2021.</p> <p>On (c): Submissions on land not notified as part of the Variation, including the boundary of the ONF, are a matter of scope and will no doubt be addressed in legal submissions. It is discussed in the s42A Report and in my Rebuttal.</p> <p>The ONF boundary is in my view settled, from the earlier ONF hearings (the evidence of Ms Gilbert notes that the PDP Slope Hill ONF mapping was confirmed by the Environment Court in the Topic 2.7 Decision). The ONF or any related provisions (eg.. In PDP Chapter 6) were not notified with the TPLM Variation.</p> <p>Ms Gilbert has also assessed the proposed amendment and maintains the view that the Slope Hill ONF is in the appropriate location, also specifically in relation to the submitters land. Furthermore, the Landscape JWS (item 7) records that <i>"Messrs Milne and Compton Moen consider that the existing Slope Hill PA</i></p>

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			<p><i>ONF boundary is generally appropriate...</i>" Mr Milne states at para 30 of his evidence:</p> <p><i>"I agree that the rebuttal version of 21.22.6 PA ONF Slope Hill is largely appropriate at the scale of the Slope Hill ONF as a whole, subject to the recommended change in the use of the 'no' landscape capacity rating terminology to 'extremely limited or no' landscape capacity rating agreed between the planning and landscape experts, at the conferencing session on 3 October 2023.</i></p> <p>The amendments to the landscape schedules are occurring through a separate plan variation process, and the amendments are proposed to specify 'limited' capacity for Utilities and Regionally Significant Infrastructure on Slope Hill. These amendments are discussed in the Rebuttal evidence of Ms Gilbert.</p> <p>Mr Milne's and Mr Compton-Moen's view is that the lower southern slopes of Slope Hill ONF display different landscape values to the mid and upper slopes, which support a tolerance for urban development within the lower slopes of the ONF. For example, see: T Milne EiC [32], [35], [36], [38]; D Compton-Moen EiC [19], [22], [23]. Ms Gilbert in her rebuttal responds to Messrs Milne and Compton-Moen and their suggestion that a 'finer grained' assessment is necessary for this location. Ms Gilbert disagrees and maintains that the ONF is in the correct location. She states (at para 43 of her Rebuttal):</p>

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			<p><i>“Relying on my experience of consideration of a wide range of RMA s6(b) landscapes and features in the district, I acknowledge that in some instances, the alignment of ONF or ONL boundaries can seem arbitrary and a finer grain landscape assessment (including input from other expert disciplines) may determine a more appropriate boundary. However, I do not consider this to be the case for the southern side of Slope Hill ONF due to the alignment of the ONF boundary along the base of highly legible roche moutonnée landform”.</i></p> <p>Accordingly, I have not seen any expert evidence that “... the ONF is actually located higher up the slope” as suggested in the question.</p> <p>I prefer the evidence of Ms Gilbert in this regard (and reiterate my Rebuttal at paragraph 184).</p>
<p>44. Consent pathway for water tanks</p> <p>Do you agree that:</p> <p>(a) Where there are conflicts between competing policies, then they should be resolved at the plan stage rather than at the resource consent stage wherever possible;</p> <p>(b) Even if the tanks are discretionary as utilities, that the consent pathway is uncertain given:</p> <p>(i) The agreed capacity for utilities on Slope hill is limited, and only where that infrastructure “is buried or located such that they are screened from external view”, which will not be possible here; and</p> <p>(ii) Even as utilities, the tanks are urban development that is to be “avoided” outside the UGB.</p> <p>(iii) Accordingly, if the UGB were extended to accommodate the tanks, then they would</p>	<p>Jeff Brown EIR, [185]-[189]</p>	<p>Jeff Brown</p>	<p>On (a): if there is a matter of significance with competing policies, then I agree this should be resolved at the plan stage. However on this particular matter, I consider, taking into account the higher order provisions of the PDP and the rules framework, there is sufficient scope for applications to be considered for infrastructure located outside of UGBs; and as recorded in the Slope Hill Landscape JWS that the landscape experts agree that:</p> <p><i>“...it is not uncommon that infrastructure of this nature needs to be located within ONF/Ls in the district...”</i></p> <p>and further that:</p> <p><i>“The experts agree that from a landscape perspective, they do not consider that water tanks in their own right, read as urban development.¹”</i></p> <p>On part (b)(i) the question quotes from the Chapter 21 Priority Area Landscape Schedules for Slope Hill. As noted in my response to question 43 above, these amendments to the landscape schedules are occurring through a separate plan variation process. The amendments agreed in conferencing on the landscape schedules</p>

¹ Landscape Slope Hill ONF JWS dated 18 October 2023 page 3, points [g] and [h]

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<p>have clearer policy support in any application.</p>			<p>variation are proposed to specify 'limited' capacity for Utilities and Regionally Significant Infrastructure on Slope Hill, and this replaces the previous 'no capacity'.</p> <p>These amendments are discussed in the Rebuttal Evidence of Ms Gilbert. They will allow some capacity for infrastructure on Slope Hill.</p> <p>I note the quoted text that the infrastructure "<i>is buried or located such that they are screened from external view</i>" currently still remains in the Landscape Schedule. I consider that the landscape effects of water tanks should be considered and that the structures be screened or reduced in visibility in some way. That is normal practice for any building proposed within an ONF or ONL, for which the policy framework requires the protection of the ONF/L values.</p> <p>I do not consider there is sufficient evidence to suggest this "<i>will not be possible here</i>", as the question puts it.</p> <p>On part (b)(ii): I agree there are policies in Chapter 4 (Policy 4.2.1.3) and Chapter 3 (Strategic Policy 3.3.15) that seek that urban development is avoided outside UGBs. However, there is also Policy 3.3.24 which enables infrastructure in the rural environment:</p> <p>3.3.24 Provide for non-residential development with a functional need to locate in the rural environment, including regionally significant infrastructure where applicable, through a planning framework that recognises its locational constraints, while ensuring maintenance and enhancement of the rural environment. (relevant to S.O. 3.2.1.8, 3.2.1.9 3.2.5.1 and 3.2.5.2)</p> <p>As stated in my Rebuttal (paragraphs 185 – 189) I do not agree that water tanks are "urban development" in their own right. However, I understand the definitions of "urban development", "regionally significant infrastructure" and "municipal infrastructure" are relevant to this determination. I do not consider that the water tanks are "regionally significant infrastructure" or "municipal infrastructure", or "urban development". Instead they are simply a "building" within the rural environment, and can enable urban or non-urban development depending on the location and the circumstances.</p>

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			<p>I note also that there are many instances of water tanks being located outside the UGB in the District, for example at Cardrona, and the Mount Iron Water Reservoirs.</p> <p>In my view it would be inappropriate to need to shift the UGB for the singular purpose of enabling water tanks, when there is a more efficient and effective planning method through the consenting pathways already in the PDP.</p>
<p>45. Location of the collector road</p> <p>Do you accept that the location of the collector road to the east of the TPLM Variation Area and in particular on the Glenpanel site:</p> <ul style="list-style-type: none"> (a) has greater flexibility as to location than towards the west; (b) is not inappropriate in the location sought by Glenpanel; and (c) if consented in that location, and the properties to the east and west therefore had to connect to that location, there would be no major planning issue with that. <p>Will the updated Structure plan as described in your para [41] achieve these outcomes?</p>		<p>Jeff Brown</p>	<p>The question is somewhat confusing in that the Glenpanel land is in the western part of the TPLM Variation area, not the eastern part.</p> <p>On (a): yes I agree.</p> <p>On (b) and (c), I accept and prefer Mr Dun's evidence that the location as shown on the Structure plan is more appropriate than the location sought by Glenpanel, for the urban design reasons that he discusses in his EIC evidence (paragraphs 77 – 83).</p> <p>I would comment also that any shift to the collector road location should be done at the rezoning / structure plan formulation stage to give certainty to all parties about the location, rather than in an ad hoc manner through resource consents.</p>
<p>46. Nature of the collector road (including cross sections)</p> <p>Do you consider, in light of the agreed changes to the SH corridor (signalised intersections, reduced 60km/hour speed limit, and it being a Rapid Transport System, with Rapid Transit Stops), that it may be appropriate to reconsider what is most appropriate in respect of the nature of the collector road including its cross sections, and function?</p>		<p>Jeff Brown Colin Shields</p>	<p>This is beyond my expertise and I defer to Mr Shields.</p>
<p>48. Consent pathway for occupation</p> <p>Do you agree that:</p> <ul style="list-style-type: none"> (a) If an applicant can demonstrate that a certain number of units can be developed and occupied, without 		<p>Jeff Brown</p>	<p>On (a): in a one-off instance an applicant may be able to demonstrate minimal and acceptable effects on the transportation network if development proceeds prior to completion of the transportation infrastructure staging works.</p>

Question	Cross reference	Expert	Jeff Brown's responses
<p>additional transportation infrastructure being in place, with minor effects only, then there should be a consent pathway available, ie that the objectives and policies should not in that scenario prevent delivery of houses to Queenstown when it is in a housing crisis; and</p> <p>(b) If you do not agree, then do you accept that despite the zoning (if approved) that it might in fact be many years before housing is delivered to the market should key infrastructure triggers be delayed (eg until the westbound buslane is completed).</p> <p>In any event, how can compliance with the avoid policy be demonstrated:</p> <p>Avoid development where specific transport infrastructural works in Rules 49.5.10, 49.5.33, 49.5.50 and 49.5.56 have not been completed, unless it can be demonstrated that development will avoid future and cumulative adverse effects from additional traffic movements on State Highway 6.</p> <p>How can future and cumulative effects be avoided, or demonstrated to be avoided?</p>			<p>However, it is inevitable or at least very likely that there would be more than one such applicant seeking to “jump the gun” with development prior completion of the infrastructure works. Each application when considered on its own may not have a more than minor adverse effect, however the potential cumulative adverse effects on the transportation network may be significant. These are the adverse effects that the staging rules are designed to avoid.</p> <p>On (b): yes I do accept that some time (possibly years) could pass before the necessary works could be in place. I discussed the infrastructure staging triggers in the s42A report at Section 11, Theme H, including the costs and benefits of the rules and the implications of delays to development. I have nothing further to add to this, other than to say that the rezoning itself would contribute to the pressure on the infrastructure providers (especially the Way2Go partners) in working towards implementing the necessary upgrades. The rezoning is likely also to catalyze developer agreements for infrastructure works.</p> <p>On the last part of the question: the s42A version of the TPLM Provisions, and carried over to the Rebuttal Version, deletes the last half of Policy 49.2.6.5, as follows:</p> <p>49.2.6.5 Avoid development where specific transport infrastructural works have not been completed, unless it can be demonstrated that development will avoid future and cumulative adverse effects from additional traffic movements on State Highway 6.</p> <p>This change was in acceptance of Waka Kotahi's submission.</p>
Brett Giddens for Corona Trust			
<p>General comment on the questions from Mr Giddens (for Corona Trust) and Ms Rusher (for Koko Ridge): The Koko-Corona issue is very localised and concerns two affected parties on either side of a property boundary. It seems that no matter what method the Council witnesses suggest to avoid, remedy or mitigate perceived adverse effects neither party will be satisfied. It would be helpful if the two parties mediated on the issue and settled on an agreed solution.</p>			

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Despite that general comment, I respond to the questions as follows.			
12. Given the requests to extend the zone and increase densities in some precincts, is the notified 2,400 household figure referred to throughout the Variation and supporting evidence of the Council an 'upper limit' or should be it expected that the end figure could be higher?	General comments, and from paragraph 110 of rebuttal and more specifically from paragraph 118	Jeff Brown	<p>the Council witnesses, in response to submitters' questions and the Panel's questions, are reviewing the overall quantum of residential development enabled in the TPLM Zone, taking into account the various additions to the quantum (such as on the Koko land and QCC land) and subtractions (such as from the increase in the Commercial Precinct area, the storage overlay, and the potential for development as promoted in the Catholic Diocese submission).</p> <p>I will provide supplementary responses to the questions when that review is finalised.</p>
13. If it is expected that the figure above is to be higher than 2,400, how does this correlate with the policy that directs that residential densities in each precinct are to be "achieved" (e.g. Policy 49.2.2.1)?		Jeff Brown	
14. With regard to the Low Density Residential Precinct, Sub Area H2, how does increasing the density from 450m2 to 300m2 (60 to 108 units) align with the need to manage the total number of residential units to avoid effects on SH6 under Policy 49.2.2.4? Are there adverse cumulative effects arising from this increase in light of the other requests for additional density?		Jeff Brown	<p>As stated in my rebuttal evidence (at paragraph 113), I consider that increasing the number of residential units on the Koko land is appropriate given the transport upgrades that are planned as part of the NZUP program, additional upgrades required to be provided through the TPLM Variation, in addition to the car parking restrictions that would apply if this land is subdivided under the TPLM provisions. The number of units is still restricted, however, to 108, which still remains of a density (13 du/ha) similar to and possibly lower than a typical LDSR Zone.</p> <p>Accordingly, the increase from 60 to 108 remains consistent with Policy 49.2.2.4 as it is an upper limit.</p> <p>I have conferred with Mr Shields on this question. His response to me (pers. comm.) is:</p> <p><i>"H2 although Low density is within a walkable catchment of the proposed bus stops on SH6 and the TPLM provisions include for an active travel mode link to connect the H2 residents to the bus stops. Therefore, alternatives to using a private vehicle will be available to H2 residents. Notwithstanding this as part of the Waka Kotahi agreed Sidra modelling of the proposed SH6/Stalker Road signalised intersection, a sensitivity test on the capacity of the intersection has been carried out for these additional</i></p>

Question	Cross reference	Expert	Jeff Brown's responses
			<p><i> dwellings which concluded that the impact on overall capacity of the intersection was minimal. "</i></p> <p>Based on the above I do not consider there are adverse cumulative effects associated with 48 additional units.</p>
<p>15. In the context of your recommendation to increase the density of development in Sub Area H2 of the Low Density Residential Precinct from 60 to 108 (paragraph 114), how does this additional development impact the properties on Maxs Way from a built form? Have you considered the additional effects arising from residential flats being permitted and accessory buildings being located within the setback?</p>		<p>Jeff Brown</p>	<p>Residential flats are already permitted on the site under the LLR-A Zone Provisions.</p> <p>Yes, accessory buildings could be located within the setback under the current wording of TPLM Zone Rule 49.5.6, but would still need to comply with the 5.5m height limit, recession planes, and be less than 7.5m in length.</p> <p>I note that accessory buildings are defined, and must be "<i>incidental to the principal building, use or activity on a site</i>".</p> <p>In my Rebuttal evidence I recommended a 5.5m height limit within 20m of the common boundary with this land. Mr Lowe also recommended a minimum lot width of 20-25m, and at para 127 of my Rebuttal I agreed with this, however I note this was not incorporated into the provisions. This is now included in the updated TPLM Provisions (to be discussed at the hearing).</p> <p>I consider a minimum lot width of 25m along this boundary to be appropriate. Mr Lowe has calculated the built form differences between the current existing environment / permitted baseline situation (the LLR-A Zone) and the proposed situation (the TPLM Zone, LDR Precinct with additional controls for Sub-Area H2, including the suggested controls adjacent to the Koko-Corona boundary).</p> <p>The updated provisions could result in 10 lots (if the minimum lot width at the boundary is 20m) or 8 lots (if the minimum width is 25m) located adjacent to the Koko-Corona boundary, as compared to the consented 5 lots.</p> <p>I consider the increase in density and built form is consistent with Policy 6 of the NPS-UD which recognises that changes to urban environments "<i>may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations...</i>".</p>

Question	Cross reference	Expert	Jeff Brown's responses
			I also consider that the provisions achieve Policy 49.2.7.8 in relation to amenity effects on neighbouring properties.
16. In the context of Policy 49.2.7.8, how does 14 residential dwellings, 5.5m in height, 16m in width, 4m setback from the southern boundary of the zone with all windows and outdoor spaces facing the Remarkables maintain the amenity values enjoyed by users of the neighbouring properties on the lower terrace on Maxs Way, with particular consideration of privacy and dominance?		Jeff Brown	As above in response to question 15. The comment about with <i>"all windows and outdoor spaces facing the Remarkables"</i> is not relevant as this could occur under the existing zoning.
17. With regard to Sub Area H2, further explain how in your opinion the effects of four dwellings 5.5m high setback 4m compare to the effects of 14 dwellings of the same setback and height in the context of Policy 49.2.7.8, and how this infill does not result in "poor and unanticipated urban design outcomes and adverse effects on landowners on the lower terrace at Maxs Way" as set out in your paragraph 124.		Jeff Brown	Refer responses to questions 15 and 16 above. The question's reference to paragraph 124 of my rebuttal evidence is out of context. Para 124 refers to development on the steep escarpment north of the eastern end of Max's Way (shown in the figure at para 125 of my rebuttal evidence). My comment regarding that land relates to the potential scenario of future landowners seeking to develop housing on the escarpment, not to land on the terrace at the top of the escarpment.
Kristy Rusher for Koko Ridge and Tim Allen			
See comment above in relation to the Koko Ridge and Corona Trust parties mediating to find some common ground.			
1. Rebuttal Evidence para 120 – could Mr Brown explain what landscape or visual effects assessment evidence he is relying on in forming his opinion that there are effects on 53 Max's Way that require mitigation?	Submitter 80 & 103 X-ref: Evidence of Blair Devlin paras 21 and Dave Compton Moen – annexures to evidence, visual assessments	Jeff Brown	The evidence presented by Corona Trust's experts, which I have weighed up alongside the evidence of Koko Ridge, and taken into account also the evidence of Mr Lowe and Mr Skelton. I consider that there is a degree of adverse effect on the amenity values of the Corona land's residents, particularly in light of the increase in unit numbers from 60 to 108 and the potential intensity and change that could mean at the Koko-Corona boundary. I have suggested methods to mitigate those effects, as discussed above in relation to Corona's questions to me (questions 15 – 17). I acknowledge that the issues at stake here are subjective, and reiterate that the parties should endeavour to find an agreed solution.

Question	Cross reference	Expert	Jeff Brown's responses
<p>2. Is Mr Brown satisfied that any evidence he has relied on from Corona Trust has been provided on the basis of an accurate permitted baseline assessment by that expert?</p>	<p>Submitter 80 & 103 X-ref: Evidence of Blair Devlin paras 21 and Dave Compton Moen – annexures to evidence, visual assessments</p>	<p>Jeff Brown</p>	<p>I agree that there are a couple of errors in the assessment undertaken by Ms Moginie for Corona Trust, such as her reference to a 10m setback (para 11(c)(i)) which does not exist in the resource consent decision for Koko Ridge, and where she relies on the covenant and does not fully consider the existing LLR-A Zone provisions which already enable an 8m building height and 4m setback.</p> <p>I understand there has been some concern raised over the accuracy of images and height poles presented (para 53 of Mr Allen's evidence), however I can only comment that no specific analysis of height poles has been undertaken as part of this Variation.</p> <p>However, my recommendations are also based on my own review of the existing environment and permitted baseline, in addition to that undertaken by other experts particularly Mr Lowe, and as I discussed for Koko's question 1 above. I have considered the effect of the proposed rules which enable additional infill development on the site (with a reduced minimum lot size and increased density) which were not anticipated at the time of the previous zoning and subdivision decision.</p>