

## Queenstown Lakes District Council

### Variation to Queenstown Lakes Proposed District Plan: Te Pūtahi Ladies Mile

#### **Hearing Panel Minute: Preparation for the hearing and responding to various memoranda**

1.1 The Hearing Panel is mindful that the hearing will be commencing on 27 November 2023 in line with the Notice of hearing available at <https://www.qldc.govt.nz/your-council/district-plan/proposed-district-plan/hearings/te-putahi-ladies-mile>.

#### **Site visit(s)**

1.2 In advance of the hearing commencing the Hearing Panel will be undertaking a site visit. In accordance with Direction 15.1 of 10 August 2023, we requested responses from submitters as to places they wished us to consider visiting during the site visit. We were asked to visit:

- (a) various locations (in two requests) by Mr Crane on behalf of Threepwood Farm residents Association and Threepwood Custodians Limited; and
- (b) the Maryhill Limited land.

1.3 In addition, on 8 November 2023, Stuart Victor on behalf of Lake Hayes and Shotover Country Community Association requested that we visit (and helpfully provided maps) 2 locations on a Monday (noting that years 12 and 13 students are now on study leave for the year) being:

- (a) in the morning, the corner of Howards Drive & SH6, the Shotover Country Roundabout (intersection of Stalker Road & SH6), and the Shotover Bridge; and
- (b) in the afternoon, NPD Roundabout (intersection of Hawthorne Drive & SH6) and the Pak N Save Roundabout (intersection of Glenda Drive & Hawthorne Drive).

1.4 This request is similar to the second request by Mr Crane (above). The Hearing Panel is undertaking its main site visit on Sunday 26 November. It will endeavour to undertake additional visits on a Monday as requested, depending on demands of the hearing timetable. Members of the Hearing Panel are aware of traffic issues along SH6 and the wide range of submissions clearly emphasise the existing congestion issues. We will be sure to familiarise ourselves with them 'on the ground'.

#### **Scope issues and hearing day on 27 November 2023**

1.5 On 6 November 2023, we received 2 procedural memoranda/emails related to scope. We briefly respond to them below.

- (a) Cole-Bailey, Arnestedt, Rodwell, Huckins and Oakes: seek that the relief sought by the Hutchinson submission be rejected on the basis that it is not "on" the TPLM Variation.<sup>1</sup> This issue was raised in an earlier memorandum of 16 October 2023 to which we responded on 18 October 2023. In hindsight, we agree with counsel that the response was somewhat vague as to whether it will be heard as a procedural issue. The Hearing Panel recognises the costs involved in this matter being argued through the hearing. But we would prefer to hear all submissions and evidence before making our finding on this matter (and the other

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<sup>1</sup> The same position reached by Mr Brown in his s42A Report.

scope matters) in our substantive decision. Counsel for the submitters request that the issue be heard on 27 November 2023 as a procedural issue. We are willing to have it raised then but in light of our position suggest that counsel wait until full submissions and substantive arguments and evidence are provided during the hearing.

- (b) Doolittle & Son Ltd: seeks the inclusion of LOT 403 DP 322425 within the TPLM Variation. The issue also relates to whether the request is within scope of the TPLM Variation. The Hearing Panel appreciates the focused memorandum received and grants the request to not attend the procedural matters hearing on 27 November 2023 and instead provide further submissions later in the hearing. As above, the Hearing Panel will decide on whether the submission is within scope in its substantive decision.

1.6 The Hearing Panel recognises that there are other scope matters that we will need to decide on. These are summarised in the s42A Report.

1.7 This raises the question of what the Hearing Panel wishes to occur on Monday 27 November 2023. Our initial view was procedural matters, council opening and planning overview. Having considered the various procedural matters received, we are now of the opinion that there are none that we require to be heard on this day. Therefore, our preference is that:

- (a) we have the council's opening submissions (ideally pre-circulated in accordance with our Minute of 11 October 2023); and
- (b) we hear from Mr Brown in relation to:
  - (i) his overview of the TPLM Variation, the context, policy and planning provisions and key issues;
  - (ii) step through key high-level questions and issues from the Hearing Panel; and
  - (iii) step through the latest TPLM provisions and any updates/amendments following evidence, conferencing, and discussions.

#### **Attendance at conferencing and witnesses required for the hearing**

1.8 On 6 November 2023, we received a procedural memorandum from Glenpanel Development Limited raising a procedural issue against the attendance of Mr Harland at the planning conferencing. This memorandum also raised concerns with Mr Harland's evidence as an expert. This issue appears to have also been raised by counsel for the Anna Hutchinson Family Trust.

1.9 The Hearing Panel agrees that Mr Harland should not have also attended planning conferencing. However, as per the Facilitation Report <https://www.qldc.govt.nz/your-council/district-plan/proposed-district-plan/hearings/te-putahi-ladies-mile> provided by Mr Fletcher, the Hearing Panel recognises that his involvement was professional, positive and constructive. The Hearing Panel does not propose to "remove" his comments from the statement but will not consider them given his expertise, role, and that the evidence he provides relates to background context. The Hearing Panel will be mindful of all those matters in relation to his evidence.

1.10 While the background to the TPLM Variation is important context, the Hearing Panel emphasises that our role is solely to assess the TPLM Variation. It is not to assess any earlier work. While the context is important, and well summarised in Mr Brown's s42A Report, the Hearing Panel does not

need to hear from background witnesses. We have read all the evidence. The hearing will be focused on the TPLM Variation and the matters we must decide on. The Hearing Panel also notes that the Council often has more than one witness on a topic which is fine but needs to be efficiently provided for.

- 1.11 In order to ensure an efficient hearing process, the Hearing Panel asks that counsel for the Council consider:
- (a) what witnesses are required for the hearing;
  - (b) that background/context witnesses are not required (nor desired) to appear by the Hearing Panel; and
  - (c) that overlap between witnesses is avoided.
- 1.12 The Hearing Panel would appreciate that counsel liaise with the Hearing Administrator (and others as required) to deliver that outcome. If required counsel can file a memorandum seeking additional clarity/directions.

#### **Further expert conferencing / discussions**

- 1.13 On 6 November 2023, we received a procedural memorandum from counsel for the Anna Hutchinson Family Trust seeking additional expert conferencing for transport and urban design and also leave for relevant witnesses to engage their counterparts to seek to agree matters of detail (especially for landscape and planning).
- 1.14 Given the limited time to the hearing, the Hearing Panel is not presently willing to direct additional conferencing. All experts, and counsel/representatives, are however strongly encouraged to engage with each other, as far as practicable, over the next few weeks and during the hearing as necessary, to try and resolve, or at least narrow, the issues in dispute.
- 1.15 Mr Fletcher in his Facilitation Report sets out questions raised from the planning conferencing. Those matters are listed below. The Hearing Panel especially encourages experts to consider these questions and discuss them prior to the hearing to see if a joint position can be agreed. We will expect all experts to be ready to address these questions (and any others we may circulate) at the hearing.
- 1.16 The questions are (quoted from the report):
- (a) *What are the urban design implications of the SH6 Corridor speed limit of 60kmh?*
  - (b) *How does this affect/frame the Queenstown eastern gateway/entrance experience?*
  - (c) *What are the urban design implications of the SH6 eastern corridor (Threepwood to Frankton and into Queenstown) becoming a Rapid Transit Service corridor?*
  - (d) *Given the 60kmh speed limit and the Rapid Transit Service corridor what is the appropriate setback for building/development along the TPLM SH6 corridor? Does it change the road cross section requirements? Building height restrictions?*
  - (e) *What are the traffic safety and public transport implications of the shift to 60kmh? e.g. location and nature of crossings, bus stops etc.*

- (f) *Given the reduction in the BRA, and that a continuous 8m height will have adverse effects on the ONL, what is the appropriate building height restriction and/or profile within the reduced BRA?*
- (g) *Can the stormwater experts confirm what a stormwater masterplan process would look like and whether they expect that would evolve into stormwater management guidelines of a framework that would sit outside the District Plan, or whether the current (s42A version) of stormwater provisions are appropriate without needing to refer to a document sitting outside the District Plan.*
- (h) *All other disciplines to review planning outcomes that affect their considerations.*
- (i) *What would be the traffic and economics implications of office / mixed use development, or higher density residential on the Doolytle land?*

**Other matters**

1.17 If there are other matters that the Hearing Panel has missed relating to the efficient management of the upcoming hearing, please contact the Hearing Panel via the Hearing Administrator.

David Allen, Gillian Crowcroft, Hoani Langsbury, Judith Makinson and Ian Munro.

Independent Hearing Commissioners

13 November 2023