

Queenstown Lakes District Council

**Section 42A Hearing Report (Supplementary clarification)
For Hearing commencing 24 July 2023**

Supplement dated: 21 July 2023

Clarification of agreements with expert planning evidence

Plan Change 54 - Northlake

1. SUPPLEMENTARY CLARIFICATION

- 1.1. My name is Ian Colin Munro and I have the experience and qualifications set out in my s.42A report. I confirm that I continue to agree to comply with the Environment Court's Code of Conduct for Expert Witnesses and that I have done so in the preparation of this s.42A statement of supplementary clarification.
- 1.2. I have read the expert planning evidence called on behalf of NIL (by Mr. Jeff Brown), Te Rūnanga o Ngāi Tahu (Ms. Tanya Stevens), and Office for Māori Crown Relations – Te Arawhiti (Ms. Katrina Ellis). I have also read the balance of expert evidence called by all submitters and discussed it as relevant with my reporting experts Ms. Mellisop, Mr. Smith, Ms. Purton, and Mr. Powell.
- 1.3. In this supplementary clarification is it my hope to assist the Commissioners by briefly updating my s.42A recommendations where I am in agreement with the expert planners. This is in the hope of narrowing the focus of the hearing to the key issues of disagreement in a way that will not prejudice or disadvantage any submitters or further submitters, or in particular hinder their ability to prepare their best-possible case for the Hearing in the time available between now and then.
- 1.4. For that reason, in this statement I will not provide further, response or rebuttal opinions addressing those matters where I have not changed my recommendations.

Overall agreement that PC54 can be approved

- 1.5. The planning experts collectively seem to agree that PC54 should be approved, with disagreement limited to the modifications that should be imposed.

Background to Sticky Forest

- 1.6. At 4.19 - 4.28 of the s.42A report I sought to provide background and context to the Commissioners. I confirmed that I had no first-hand knowledge of the matter. In her evidence, Ms. Stevens has provided a comprehensive and authoritative background to the matter. I defer to her superior record of that history and I commend her comments to the Commissioners as the 'base' that they should rely on for the purposes of their PC54 findings.

Policy 3.1

- 1.7. Mr. Brown, Ms. Stevens and Ms. Ellis all support changes to policy 3.1, which are now agreed by NIL as the Requestor of the plan change. In my s.42A report I had preferred

the wording requested by NIL and saw no resource management justification to compel a change to that. But in light of NIL now supporting the revised wording (and noting that as the Requestor of the plan change it can amend its request formally should it choose to), I am comfortable that the agreed wording will be appropriate.

- 1.8. However I am not in agreement with changing reference from Sticky Forest to Hawea/Wānaka – Sticky Forest for the reasons set out in the s.42A report.

Rule 12.34.2.3(m)

- 1.9. In response to a method proposed as a result of Ms. Mellsop's review, Mr. Skelton and Mr. Brown have proposed an alternative approach reliant on a specified maximum building height limit of 401.5 MASL within AAB6. Ms. Mellsop has reported to me that the proposed alternative rule might achieve the outcome she considers to be necessary but would require additional validation such as via simple cross sections from points on the lake and the north-western part of Millenium Track, or a broadened ZTV model to include additional public viewpoints.
- 1.10. At this time while the alternative method is not agreed, I therefore signal that this may be a matter that agreement could be reached on.

Rules 12.34.2.3(i) and 12.34.2.3(v) (and a new Policy 3.7)

- 1.11. Notwithstanding the wider disagreement that exists around my proposed resource consent trigger, Ms. Brown has identified numerous constructive clarifications to that. I am grateful for his thoughtfulness and I agree most of his targeted refinements would make the method clearer and hence more effective and more efficient.
- 1.12. I agree with his proposed changes to 12.34.2.3(v)(a) and (d), and in part (b). However, and for completeness, I disagree that the additional assessment matters he proposes are necessary and in any event I disagree with his proposed wording for that (my proposed method is purposefully limited to seeking to manage the traffic resulting from activities on Sticky Forest where that traffic seeks to use the NSZ; it does not seek to manage activities on Sticky Forest itself. Mr. Brown's assessment matters would however apply directly to activities on Sticky Forest (I regard that as ultra vires).
- 1.13. I consider that clause (b) should retain reference to cycle and pedestrian traffic noting that additional motorised vehicular traffic may require upgrades that provide for the ongoing safety and convenience of pedestrians and cyclists. For example, if a roundabout is identified as necessary to manage additional vehicular traffic at an intersection, an additional pedestrian and cycle crossing such as a zebra crossing may

also be warranted based on the consequential effects on those modes created by the addition of the roundabout.

- 1.14. I agree that the changes I had recommended to 12.34.2.3(i) can be removed on the basis that the terms I agree with for 12.34.2.3(v) can address this in addition to the requirement (that I continue to support) for a HPMV restriction at rule 15.2.3.4(xx).
- 1.15. Related to this, Mr. Brown has identified that if the proposed s.42A rule was to be added to the Plan, an additional policy would be necessary. Mr. Brown has identified this as a new policy 3.7. I do not share Mr Brown's view that such a policy would be absolutely necessary, but I would not be opposed to such a policy either and do see some benefits in its inclusion.

Rule 15.2.3.4(xx)

- 1.16. Based on agreement that has been reached between the parties, NIL now supports adding reference to the Sticky Forest road link also being an infrastructure corridor. I am comfortable with the reference being added, but do not agree with the balance of Mr. Brown's proposed changes to the s.42A version of this rule.

15.2.3.6(d)(i)(a)

- 1.17. Following on from the consequential change to 15.2.3.3(x) identified in the s.42A report, Mr. Brown has identified an additional consequential change. I agree with Mr. Brown.

Conclusions

- 1.18. I have marked up my s.42A recommended Plan provisions to reflect the above agreements as **Appendix 4** (following on from the numbering used in the S.42A report).
- 1.19. To the extent that a s.32AA analysis is required to explain the changes between my s.42A recommendations and those I now recommend, I consider that the reasoning above and the reasons set out in the evidence of Mr. Brown, Ms. Stevens, and Ms. Ellis are sufficient. No additional or further assessment or reporting is required.

Ian Munro

21 July 2023