

**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.

**JOINT STATEMENT OF PLANNING EXPERTS IN RELATION TO TE PŪTAHI
LADIES MILE PLAN VARIATION**

**DATED 3 NOVEMBER 2023
Friday 3 November Only**

Introduction

- 1 This joint witness statement (**JWS**) records the outcome of conferencing of planning expert witnesses in relation to the Te Pūtahi Ladies Mile Plan Variation (**TPLM Variation**). The expert witness conferencing was held on Friday 3rd November, at the Queenstown Resort College.
- 2 Attendees at the conference were:
 - (a) Jeff Brown.
 - (b) Meg Justice,
 - (c) Erin Stagg (via Teams)
 - (d) Werner Murray.
 - (e) Alex Dunn.
 - (f) Brett Giddens.
 - (g) Michael Bathgate (via Teams)
 - (h) Hannah Hoogeveen.
 - (i) Ben Farrell.
 - (j) Nick Geddes,
 - (k) Blair Devlin
- 3 Ken Fletcher facilitated the conferencing in person.

Code of Conduct

- 4 This JWS is prepared in accordance with sections 9.4 to 9.6 of the Environment Court Practice Note 2023.
- 5 We confirm that we have read the Environment Court Practice Note 2023 and agree to abide by it.

Key information sources relied on

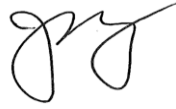
- 6 The following material has been reviewed by and/or relied upon by all attendees when coming to our opinions:
 - (a) The TPLM Variation (and associated documents);
 - (b) The Section 42A Report (**s42A Report**);
 - (c) The evidence of Meg Justice;

- (d) The evidence of Erin Stagg;
- (e) The evidence of Werner Murray;
- (f) The evidence of Alex Dunn;
- (g) The evidence of Brett Giddens;
- (h) The evidence of Scott Freeman;
- (i) The evidence of Michael Bathgate);
- (j) The evidence of Hannah Hoogeveen;
- (k) The evidence of Ben Farrell;

Purpose and scope of conferencing

- 7 The purpose of conferencing was to identify, discuss, and highlight points of agreement and disagreement with regards to planning for the TPLM Variation, and identify any technical drafting changes to the proposed District Plan provisions (and the reasons for those changes).
- 8 This JWS follows on from the outcome of the planners conference held the previous day (2 November) and should be read in conjunction with the JWS from that day
- 9 The JWS from the Traffic, Landscape, Economic and Infrastructure experts were all available by the start of the day. That of the Urban Design Experts came available at about midday.
- 10 This JWS records the discussion and agreements reached in chronological order through the day. Those experts who left part way through the day as recorded in Attachment B are only in agreement with the points noted up to the point where their departure is recorded.
- 11 **Attachment B** records the agreed issues, areas of disagreement and the reasons, along with any reservations, and technical drafting changes to the proposed District Plan provisions (and the reasons for those changes).
- 12 Except as otherwise noted, Jeff will draft revised plan provisions to reflect the agreements reached and include them in his rebuttal evidence.

Dated: 3 **November 2023**



Jeff Brown



Meg Justice



Erin Stagg



Werner Murray



Alex Dunn

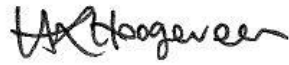


Brett Giddens



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Michael Bathgate



Hannah Hoogeveen



Ben Farrell



Nick Geddes



Blair Devlin

ATTACHMENT B – EXPERT CONFERENCING ON PLANNING

Participants: Jeff Brown, Meg Justice, Erin Stagg, Werner Murray, Alex Dunn, Brett Giddens, Scott Freeman, Michael Bathgate, Hannah Hoogeveen, Ben Farell, Nick Geddes, Blair Devlin. **Facilitator:** Ken Fletcher

Issue	Agreed Position	Issues, Questions, Disagreements or reservations, with reasons/consequences
Stormwater	<p>Planners are comfortable with the outcome of the Infrastructure JWS stormwater, other than:</p> <ol style="list-style-type: none"> 1. Concerns re Stormwater JWS item 2 and the loosening the words around the number of devices from “4” to “as few as possible”. If this directive is to be included in the provisions, the planners would prefer words along the lines of “the number of devices within the integrated system shall be minimised”, acknowledging that some will be temporary while the sites develop. (R27.7.28.1 (b)) 2. Agree wording of “integrated” stormwater management system is better than “centralised” stormwater management system 	<p>Brett does not consider that “minimisation” of the number of devices is an issue that needs to be carried into the plan provisions, that the number of devices is an engineering issue within the overall integrated system. Werner and Megan concur. Hannah, Ben and Blair have not considered this detail.</p> <p>Werner reminds everyone that QCC installed a pipe and constructed a wetland (capacity and completion status unknown) on the lower Shotover Terrace, and this is potentially available for stormwater purposes.</p> <p>General agreement that a question for the stormwater experts is: How would secondary flow paths from Slope Hill be managed if splitting into two integrated solutions, one each for Slope Hill and one for the TPLM Zone north of SH6?</p> <p>Subject to that answer, Jeff can insert wording into the updated provisions (rebuttal version) to capture the secondary overflow issue from Slope Hill?</p>
	Michael left the conference at 9:50	
Residential Visitor Accommodation (RVA) and Visitor Accommodation (VA)	<p>Agreed that VA should be permitted in commercial areas.</p> <p>Agreed that RVA may be permitted in high density areas in the larger building (4 levels or over) to a 90 day limit, and up to 30-days in buildings of up to 3 levels. There are differing positions on the status if the limit is exceeded.</p> <p>Agreed that RVA should not be allowed in the medium density areas i.e. non-complying.</p>	<p>Following from the economic JWS: Aim to assist seeding of higher density/height developments by allowing RVA to encourage investment. Need to research any existing evidence on level of unoccupied or short-term rentals within district and any other evidence, to inform decision on the day limits for RVA to still encourage use for long term residential occupation. Jeff to comment on this in rebuttal.</p>

Issue	Agreed Position	Issues, Questions, Disagreements or reservations, with reasons/consequences
	<p>Agreed that RVA in low density areas RVA is to be non-complying with grandfather provisions within the Large Lot Residential A Zone, with grandfathering ended by subdivision below 2000m² post Variation.</p> <p>With consequential amendment to Pol 49.2.5.5, adding “except for limited residential visitor accommodation in the high density precinct for the purpose of facilitating and incentivising built development at very high densities” or similar.</p>	<p>Jeff considers that a mechanism is appropriate in the HDR precinct as follows: For buildings of 4-plus levels 90 days of RVA as permitted, and non-complying over 90. For buildings up to and including 3 levels, a maximum of 30 days RVA and non-complying over 30. (30 days derived from 4 weeks annual leave).</p> <p>Alex and Nick concur with Jeff. Werner’s focus was more on the commercial area, but does agree with Jeff’s approach.</p> <p>Megan concurs with Jeff but with over 90 days being a fully discretionary activity.</p> <p>Hannah, Erin and Brett agree with Jeff but consider the status above 90 days should be RDA, with the matters of discretion being similar to that adopted in the existing High Density Residential Zone in the PDP.</p> <p>Ben and Blair have no position on the RVA issue in high density areas.</p> <p>All agree there will need to be some tweaking of the policy framework to reflect the final decision on the above given the current provision have an ‘avoid’ policy. Jeff will provide wording in the rebuttal version of provisions.</p>
Roman Catholic Bishop of Dunedin	<p>Agreed that Medium Density Residential label does not make non-residential activity non-complying for not achieving required densities, and tweaks to wording may be made. Zoning plan not part of overall structure plan and be clear that educational and community activity does not trigger NC status. Alex will draft changes to relevant provisions to objectives, policies and rules.</p>	
Commercial Land (General)	<p>Agreed that the size of the notified commercial precinct may need to be increased in terms of allowable</p>	<p>Brett noted that Winter Miles Airstream Ltd have sought 2500m² of commercial precinct within their land and</p>

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	<p>commercial activity given the allowance for VA, and the expansion of the supermarket allowable size, within the commercial precinct, but note that there is a lack of economic evidence to support any particular proposal. Note also the evidence of Ms Hampson.</p>	<p>considers that this could be accommodated due to the loss of commercial land from permitted VA (i.e. hotels) and the enlargement of the supermarket.</p>
<p>Doolittle Land</p>	<p>As above, agreed that the size of the notified commercial precinct may need to be increased in terms of allowable commercial activity given the allowance for VA, and the expansion of the supermarket allowable size, within the commercial precinct, but note that there is a lack of economic evidence to support any particular proposal. Note also the evidence of Ms Hampson.</p> <p>No agreement re retail/commercial on the site.</p> <p>Generally agreed that it is important not to undermine the notified commercial precinct. Osbourne in evidence (para 26 (e) indicates that more residential provides more support for commercial/retail within the TPLM.</p> <p>General agreement that existing low-density zoning does not appear to be efficient use of the land.</p> <p>General agreement that some form of mixed use/commercial (but not retail) may be both efficient and acceptable, subject to economic and traffic et al evidence.</p>	<p>No agreement on provision of retail/commercial space on this site. Alex supports it for reasons given in his evidence. Noted that there is a lack of economic evidence to support the specific proposal, although there seems to be a recognition that the wider area is not well served by local retail.</p> <p>Jeff relies on Economic JWS statement not supporting retail in this area. He is open to the possibility of office or mixed use activity, but notes the lack of evidence to support this.</p> <p>Werner is aware that this is the opportunity to get the best outcomes for the area, and that the area will be urbanised and on the Rapid Transit Service corridor. This site appears to be within the local centre within the Spatial Plan.</p>

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	<p>General agreement that high density residential may be suitable on this site, subject to appropriate landscape and amenity/built form controls around the terrace and traffic issues. But no evidence on this.</p>	<p>Brett notes need to give attention to how the setback from the terrace and the interface with the open space precinct adjacent.</p>
	<p>Urban Design JWS available 12:00 time taken to read</p>	
<p>Koko Ridge & Corona Trust</p>	<p>Agreed between Blair, Brett and Jeff that the area of land in contention with regard to the effects of built form is the area encompassing Lots 27-30 of RM211276.</p>	<p>Landscape JWS states Tony Milne seeking a 15m setback, while Wendy sought 20m setback. All Landscape experts agreed a 5.5m building height limit. David Compton-Moen seeks a 4m setback from cadastral boundary (point 5).</p> <p>Blair considers that the Urban Design JWS does not address the issue beyond stating that there is no need to hide buildings but having them as part of an urban gateway, but this was in a more general context for the variation as a whole, not specific to any one site (p2). Brett considers this statement relates to the urban gateway and therefore is not relevant to this specific matter.</p> <p>No agreement between Blair and Brett. Blair wants a 4m building setback from the site boundary as per s42A report and existing resource consent with the LDR Precinct height limits. Brett wants 15m setback from the site boundary with 5.5m height limit.</p> <p>Blair considers that a permitted baseline applies throughout the Large Lot Residential A zoning and Koko Ridge site with the exception of built form within the PDP 75m BRA which was for the purpose of amenity from the state highway, and that the Koko consents include building platforms within this BRA that form part</p>

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		<p>of the receiving environment. Brett considers that a permitted baseline does not apply as resource consent is required for buildings on the Koko site in the current zone.</p> <p>Blair considers that the appropriate comparison is between what is permitted under the LLR-A zone and the LDR precinct Provisions. Brett does not agree as the LDR precinct provisions are significantly more intensified.</p> <p>Brett considers that Koko evidence has not assessed the effects of the Variation.</p> <p>Brett considers that terrace edge issues are important. Blair considers that this is an urban zone and large setbacks from terrace edges are not necessary (for example Shotover Country).</p>
Dobb Family	<p>Agreed that rural zoning of the whole property is an anomaly and should have been addressed before now. This site forms part of the Eastern approach to the Variation area and is likely to be affected as part of the road requirements and approach to the eastern edge of the TPLMZ. Any residual land will need to be dealt with at that stage.</p>	<p>Jeff considers that there is a question of scope. Blair considers that the area is within scope.</p> <p>Acknowledged that there is a roundabout to be in the general location of the Dobbs land, but design not done and will not be done within a timeframe that allows it to be progressed within the Variation process. The roundabout is likely to shift eastwards from the notified location (and hence further into the Dobbs land) in line with the Council's response to the Finlin submission (which addresses the land north of the highway at the eastern edge of the TPLM Variation area).</p>
Maryhill	<p>Megan agreed to let increased commercial area claim lapse (para 38 of Megan's evidence), given the Economics JWS position on this.</p> <p>Referring to Commercial Storage activity within the identified parcel of land identified at para 40 of Megan's evidence, on basis of Megan's evidence para 44 proposed rule, with external appearance, fencing and</p>	

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	landscaping, and lighting as additional controls, and given the support of the economics JWS to the provision, it is agreed that this would be an appropriate provision.	
	Lunch Break Blair left the conference at 1:25	
Density	<p>Urban designers JWS reached no agreement re density in HDR (p 9). Urban designers agreed a minimum was required but no agreement as to what the minimum level should be*.</p> <p>The planners noted from the Traffic JWS (page 7) that there was no agreement that a min density of 60 d/ha is required for the TPLM transport strategy, but that Colin Shields' (QLDC traffic witness) view as recorded in the JWS is that 40-60 d/ha is required for effective mode shift. The planners also noted the evidence of Mr Parlane that at densities higher than 40 d/ha there are diminishing returns for modal shift.</p> <p>To clarify if this is gross or net density.</p> <p>Economists also do not reach agreement changing the density requirements.</p> <p>Agreed that Jeff will seek expert advice and consider possible mechanisms to incentivise rapid development with densities at the lower end of the range, while still achieving later densities at higher end of range.</p> <p>Agreed that discussion applies in the MDR as well.</p>	<p>No agreement on density among other experts does not assist in resolving differences between Planners.</p> <p>Hannah, Megan and Erin seek a shift from assessing density based on gross land area to using net area. Hannah recommends a consequential change arising from the shift from gross to net density altering the upper end from 72 to 90 d/Ha</p> <p>Hannah did not want a “penalty” for providing vested roads as these should be encouraged. Werner was of the view that calculating density should be made as easy as possible to understand for future applications.</p> <p>Jeff considers that the higher densities in the longer term are required, but is open to discussions as to how to structure provisions that will allow densities at the lower end of the range in shorter term to get development started, provided higher density was not only not built out, but was required to be achieved in medium to long term.</p> <p>It is considered possible to find a mechanism to enable lower end of density range in initial build, but that requires evidence of how later builds on same site/same developer will achieve the higher density.</p> <p>There was general agreement that the plan change should be enabling in this regard but not overly restrictive. Jeff considers that the provisions should contain sufficient regulatory rigour to ensure that high and medium densities are achieved.</p>

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		<p>Werner considers that if dwellings were “lost” through the slight decrease in density provisions, that has been asked for in the high density and medium density zones this could be redistributed to the other sites seeking inclusion.</p> <p>It was considered (by some at least) that the density requirements in relation to the number of dwellings (2,400) was not a target but the TPLM variation was seeking to enable that many dwellings.</p> <p>*[Note that the Urban Design JWS came in very late and may not have been considered in its entirety – working off the assumption that the UD agreed to disagree.]</p>
	Alex and Hannah left at 2:45	
Minimum parking Limits		Agreed to disagree on any changes to parking maximums
Building heights	<p>Agreed that R 49.5.17.1 sets exceeding 6 levels as non-complying, while R 49.5.17.3 sets exceedance of the height limits as Restricted Discretionary to be inconsistent. Agreed that these should be consistent in terms of activity status and matters of discretion/assessment.</p> <p>Agreed that activity status for both exceedances should be RDA.</p>	
General Accordance with Structure Plans	<p>Agreed that minor deviation from the structure plan with good reasons should not force a development that achieves the wider objectives down the non-complying route. Need to allow a level of tolerance for minor deviations given level of uncertainty around future detailed designs. Jeff will investigate possible mechanisms to allow this and describe an appropriate degree of flexibility.</p>	<p>Werner noted that roading is a good example as there is a 20m allowance for deviation in location of the structure plan roads but only at the intersections, no allowance to deviate along the paper road (in the west).</p>
	Erin, Megan and Ben left the conference at 3:10	
Hutchinson	Agreed that there is a question of scope, which is a legal question.	Nick views that the 2.4 ha area identified in fig 4 p 11 of his evidence should remain as lifestyle precinct subzone

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	Agreed that the terrace edges are important and need to be treated with care.	<p>of PDP chapter 24 and not be included as part of the proposed rezoning under the Variation as sought by Submission 107. Achieving the same effect through inclusion within the Variation would be equally acceptable to Nick. Werner will take this to his clients as a potential solution between the parties early next week.</p> <p>Nick and Werner will come back to QLDC with an agreed position.</p> <p>Jeff is cognisant of urban design, landscape, traffic and economics JWS's. Jeff will consult with the other QLDC witnesses to test the proposal, especially with respect to timing and report back to Werner.</p>
	Nick left at 4:00	
Glenpanel		<p>No agreement over the issue of shifting the ONF boundary. Werner noted that the Outstanding Natural Feature (Roche moutonnée) was not where the district plan currently showed the line, despite Council's landscape architect asserting otherwise. Glenpanel is seeking an extension of the zone to below where the Roche moutonnée is actually located.</p> <p>Jeff to further investigate the issues around consenting for the tanks. Werner understands that the tanks cannot be considered to be <i>regionally significant infrastructure (Municipal Infrastructure)</i> - (this has been considered in other hearings and found to be the case), and meets the definition of <i>Urban Development</i></p> <p>[Note that building height was also an issue for Glenpanel.]</p>

Drafting changes proposed to the District Plan provisions (if any) and the technical reasons for those changes¹	
Change proposed	Technical Reasons
R27.7.28.1, assessment matters and information requirements (b) – is this wording suitable or need more detail? R 27.10 sufficient of boost with reference to Stormwater?	
Policy 49.2.6.4(b) should be deleted	Move to signalised intersection from roundabouts removed need for underpass and better solution is the pedestrian crossing
Residential Visitor Accommodation in the HDR Precinct: changes required in light of the discussion on pages 1 – 2 above. Jeff will provide these in rebuttal.	As discussed at page 2 above.
Change to further clarify the intent of the structure plan and status of non-residential activities – Alex to provide some draft wording for Jeff	As discussed at page 2 above
Storage “overlay” mechanism – additions to Megan’s suggested rule (addressed at para 44 of her EIC). Jeff to include wording in rebuttal	As discussed at page 2 above
Building heights – Jeff to update rules in rebuttal version	As discussed at page 5 above
Possible minor deviations to structure plan – Jeff will reflect and provide possible rules changes in rebuttal	As discussed at page 5 above

¹ As required by Hearing Panel Minute dated 10 August 2023. Paragraph 9.11(f).