

Before the Hearings Panel

For the Proposed Queenstown Lakes District Plan

Under the

Resource Management Act 1991

In the matter

of a variation to Chapter 21 Rural Zone of the Proposed Queenstown Lakes District Plan, to introduce Priority Area Landscape Schedules 21.22 and 21.23

**MEMORANDUM ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL
REGARDING EXPERT WITNESS CONFERENCING ARRANGEMENTS**

14 September 2023



Mike Wakefield / Katherine Viskovic
T: +64-4-499 4599
mike.wakefield@simpsongrierson.com
katherine.viskovic@simpsongrierson.com
PO Box 2402 Wellington

Background

1. This memorandum is filed on behalf of Queenstown Lakes District Council (**Council**) in response to the Minute issued by the Hearing Panel dated 4 August 2023 (**4 August Minute**).
2. Paragraphs 7.6 to 7.15 of the 4 August Minute set out the Hearing Panel's expectations for expert conferencing, with paragraph 7.7 directing that:

Following receipt of submitter evidence, counsel representing the Queenstown Lakes District Council shall confer with the parties and, if considered appropriate, by **12noon on 15 September 2023** provide the Hearing Panel and parties with a proposed conferencing timetable which should include a draft agenda outlining topics, attendees, days and times for conferencing, with planning conferencing to be last. If there is any issue, counsel for the Council may raise that for the Hearing Panel and seek directions.

3. As the Hearing Panel will be aware, submitter evidence was filed late yesterday (13 September). This evidence has only just been received by Council's expert witnesses, who have been asked to advise the Council of any issues raised in that evidence that may benefit from expert conferencing.
4. Given the tight timeframes involved, Council has not yet been able to confer with submitters in relation to either a proposed conferencing timetable, or a draft agenda. This memorandum seeks an extension to allow for that to occur, and associated directions that will facilitate that discussion.
5. We have also outlined below Council's preliminary proposals for the benefit of the Hearing Panel and all submitters, and to inform the development of a final agenda and list of topics.

Timing and other key arrangements

6. The 4 August Minute helpfully indicated that the week of 2 October should be set aside for expert conferencing.

7. Councils experts are available for the entirety of that week, and can attend conferencing in person in Queenstown. For completeness, Council's preference is that conferencing is in person.
8. Council is currently confirming venue arrangements, and will provide a scribe for conferencing.
9. Council is currently working to engage an independent commissioner to facilitate expert witness conferencing, and will advise the Hearing Panel and submitters when a commissioner has been identified.
10. While the Hearing Panel, in its 4 August Minute, indicated that planning conferencing should be sequenced last, Council's current view is that there would be benefit in a joint planning and landscape session. The reason for that is outlined below, after Council's preliminary agenda.

Attendees

11. Based on the evidence uploaded to Council's webpage so far, the conferencing could involve up to 17 planning experts and 11 landscape experts. In addition, there will be a Commissioner and scribe in attendance. If the evidence filed yesterday has been from new witnesses, then these numbers will increase.
12. As set out below, Council is seeking a direction that all submitters liaise with their experts and confirm their availability during the week of 2 October, including in light of the proposed agenda / topics below, and then contact Shanae Richardson with that information. After responses have been received, Council will be able to finalise the agenda and file a reporting memorandum with the Hearing Panel for confirmation. Directions are sought on that basis below.

Council's Preliminary agenda for expert witness conferencing

13. Based on its review of the evidence filed by submitters to date, Council considers that an appropriate set of topics, and agenda, would be as follows:

Preliminary agenda and topics		
Date	Theme	Topics
Monday, 2 October (10:00am – 5:00pm)	Landscape conferencing	<ol style="list-style-type: none"> 1. Structure and content of landscape schedules including: <ol style="list-style-type: none"> a. The level of information provided in the schedules; and b. Whether it is appropriate for attributes and values to be discussed together 2. The appropriate landscape capacity rating scale to be used to inform the schedules
Tuesday, 3 October (9:00am – 5:00pm)	Planning and landscape joint conferencing	<ol style="list-style-type: none"> 3. Planning implications of there being “no landscape capacity” for identified activities 4. Landscape schedule preambles – role and drafting 5. Appropriateness of definitions used in the landscape schedules 6. Whether the landscape schedules should sit outside of the district plan 7. The request to delete landscape capacity assessments from the schedules
Wednesday, 4 October (9:00am – 5:00pm)	Planning conferencing	<ol style="list-style-type: none"> 8. Application of PA schedules to non-rural zones 9. Approach to exception zones 10. [Placeholder for other planning topics]
Thursday, 5 October (9:00am – 5:00pm)	Landscape conferencing	<ol style="list-style-type: none"> 11. Conferencing on content of specific schedules – to be confirmed based on submitter expert availability
Friday, 6 October (9:00am – 2:00pm)	Landscape conferencing	<ol style="list-style-type: none"> 12. Conferencing on content of specific schedules – to be confirmed based on submitter expert availability <p>Note an early finish will be required to allow for return travel out of Queenstown.</p>

14. Council's preliminary agenda has been prepared to provide for initial landscape conferencing on several topics, due to those topics addressing overarching matters that will inform the later planning and landscape conferencing sessions.
15. The reason why a joint session has been proposed for Tuesday, 3 October is that the topics identified will likely benefit from both planning and landscape input, bearing in mind the intended role of the PA schedules (to inform applications that will engage landscape and planning considerations).
16. Beyond Tuesday, 3 October, Council considers there to be scope for a separate planning session (on matters that engage with Chapter 3 directions and plan design issues), followed by landscape conferencing on the content of the schedules (which will be informed by the earlier conferencing). We note that our current proposals will not preclude concurrent landscape conferencing on specific schedules, if that is considered most efficient by the submitters.
17. Council has attempted to prepare the agenda to ensure that planners will not be unduly inconvenienced by travel at different times of the week.

Directions sought

18. Council seeks an extension of time to allow further opportunity to engage with relevant submitters on expert conferencing proposals. Council respectfully proposes to file a further reporting memorandum with the Hearing Panel by 5pm on Wednesday, 20 September, which will confirm arrangements and outline any areas of disagreement with submitters.
19. To assist with ascertaining submitter expert availability, confirming the proposed conferencing schedule, and identifying topics for conferencing, Council seeks a direction that:

19.1 Submitters email Shanae Richardson (shanae.richardson@simpsongrierson.com), by 5pm on Monday, 18 September 2023, with the following information:

- (a) Name and contact information of their expert(s) who wish to attend expert witness conferencing, and (in order to satisfy paragraph 7.10 of the 4 August Minute), relevant qualifications:
- (b) Expert availability during the week of 2 October 2023, for in-person conferencing in Queenstown;
- (c) Topics of relevance to their experts;
- (d) Confirmation of any specific PA schedule(s) that their landscape experts would like scheduled for expert conferencing; and
- (e) Any additional (or amended) topics that submitters would like to see added to the draft agenda; and
- (f) Any other feedback on the preliminary draft agenda proposed by Council.

20. Council requests that the information in paragraph 19.1 (a) to (d) above is provided in table form, using the below format:

Submitter name / number	Expert / expertise (and contact details)	Relevant qualifications (or reference to paragraph in evidence)	Availability	Topics of interest	PA schedules for conferencing
XX	XX	XX	XX	XX	XX

21. For completeness, Council does not consider that an extension is required to the existing direction that provides for separate requests to the hearing Panel by 22 September.

DATED this 14th day of September 2023



M G Wakefield / K Viskovic
Counsel for Queenstown Lakes District Council