

Before the Hearings Panel

For the TE PŪTAHI LADIES MILE PLAN VARIATION

Under the Resource Management Act 1991

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.

Facilitation Report of Ken Fletcher

1. Over the week of 30 Oct-3 Nov 2023 expert facilitations on the above matter was conducted. Disciplines conferencing were Transport and Landscape (Monday 30 Oct), Economics (Tuesday 31 Oct), Urban Design and Infrastructure/Engineering (Wednesday 1 Nov) and Planning (Thursday and Friday 2-3 Nov).
2. I facilitated the Planning conference.
3. Those involved in the Planning Conference were:
Thursday: Jeff Brown, Bruce Harland, Meg Justice, Erin Stagg, Werner Murray, Alex Dunn, Brett Giddens, Scott Freeman (left about 4pm), Michael Bathgate (left about 12:10pm), Hannah Hoogeveen, and Ben Farrell.
Friday: Jeff Brown, Meg Justice, Erin Stagg (via Teams), Werner Murray, Alex Dunn, Brett Giddens, Michael Bathgate (via Teams), Hannah Hoogeveen, Ben Farrell. Nick Geddes and Blair Devlin. Participants left progressively through the day as noted in the Friday JWS.
4. The Joint Witness Statement (JWS) on Traffic was available before the Planning conference commenced. The Landscape JWS came available during the Thursday conference. The Economic and Infrastructure/Engineering JWSs came available late Thursday night for the Friday conference, and the Urban Design JWS was available about midday on the Friday.
5. The draft Planning Conference Agenda is attached as Appendix 2. The timing of the various other discipline's JWSs coming available meant that not all topics could be completed in the order scheduled, with some of the Thursday topics being revisited on Friday.
6. Two JWSs were produced, one for each day and they should be read in conjunction with each other, as some issues from Thursday were able to be further advanced on Friday as the other disciplines' JWSs came available.
7. One consequence of the Planning considerations of the other JWSs, was further questions from the Planners that relate to the other disciplines. These questions are

attached as Appendix 1. I recommend that the Panel seek responses to these questions from the other disciplines prior to the hearing to assist in your questioning of witnesses during the hearing.

8. The Panel should be aware of an email I received on the Friday morning from Kate Woods, Wynn-Williams, Solicitor for QLDC regarding Bruce Harland, as attached in Appendix 3. In this regard, I make the following points:
 - a. Bruce was listed as one of the attendees in all the versions of the Planning Agenda I had received prior to the conference (See Appendix 2 below).
 - b. I assumed that the agenda with Bruce included had been circulated to all planners named as attendees, and the parties on whose behalf they are appearing. I have been given no reason to change that assumption.
 - c. It was apparent from comments he made during the discussions on Thursday that Bruce had participated in the Urban Design conference, but he was very careful not to reveal any of the substance of the discussion or the conclusions from the Urban Design conference.
 - d. At the start of the conference I made very pointed remarks to all present (Including Bruce) that regardless of who was paying them, that they were not advocates for whoever their clients were and that they were all present as independent experts to assist the panel in making the decisions they have to make.
 - e. Bruce contributed positively and constructively to the planner's discussions on Thursday, including helpful background to the Variation. At no time during the day's discussion did I have any concern as to his conduct or any reason to consider that he was in any way acting as an advocate.
 - f. I saw the email from Kate Woods just as we were gathering for the 8:30 start on Friday morning. At the same time Jeff Brown and Werner Murray approached me to raise the issue. As I had not at that stage read the email, we withdrew to a side room where I heard Werner's and then Jeff's take on the issue and we briefly discussed the matter. Both Werner and Jeff agreed that the matter was behind them. Of note is that Werner did not seek to make any comment on the issue in the Thursday JWS, despite the advice of James Winchester.
 - g. Through the day on Friday I attempted to contact Kate during breaks, but without success and with no response to my messages.
 - h. It was only after we had concluded the conference that I was able to seek advice from Daniel Hadfield (QLDC planner) as to an alternative legal contact, and I then spoke to Lucy de Latour (Wynn-Williams) at about 4:45pm. I stated my view that Bruce was included in the agenda as a participant, that he had

contributed to the discussions and agreements during Thursday, that I had no issue with his conduct during the day, and he was down as both a participant and had a signature block in the JWS that the other participants had signed for Thursday. Therefore I considered that he should sign the JWS from Thursday and have the same opportunity to make any qualifying comments as every other participant. Lucy agreed that Bruce should be given the opportunity to sign Thursday's JWS.

- i. On Saturday morning I emailed Bruce requesting that he sign the Thursday JWS and giving him the opportunity to add qualifying comments, which he duly did.
- j. With regard to the claim made by James Winchester that the conference was disrupted by Bruce's presence, I would make the point that the discussion was frank and free flowing as is desirable at such expert conferencing, but that no person was in any way disruptive. While the planners engaged by submitters presented their expert opinions and positions robustly, all showed by their involvement that they were open to alternative views and positions. At no time did Bruce act as an advocate, or in any way disrupt the conference. On the contrary, his contributions were put professionally and constructively, and he provided valuable background to the development of the Variation. He was as open as anyone else to alternative positions and contributed positively to the agreements reached. I do not consider that Bruce's attendance and participation in any negative way affects the integrity of the process or the agreements reached on Thursday.



Ken Fletcher

7 November 2023

Appendix 1 Questions for Other Disciplines arising from the Planners Conference

1. What are the urban design implications of the SH6 Corridor speed limit of 60kmh?
2. How does this affect/frame the Queenstown eastern gateway/entrance experience?
3. What are the urban design implications of the SH6 eastern corridor (Threepwood to Frankton and into Queenstown) becoming a Rapid Transit Service corridor?
4. 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?

5. What are the traffic safety and public transport implications of the shift to 60kmh? e.g. location and nature of crossings, bus stops etc.
6. 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 ?
7. 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.
8. All other disciplines to review planning outcomes that affect their considerations.
9. What would be the traffic and economics implications of office / mixed use development, or higher density residential on the Doolytle land?

Appendix 2 - Draft Planning Conference Agenda

PLANNING CONFERENCING

Date: Thursday 2 November and Friday 3 November 2023, starting at 9am both days

Facilitator: Ken Fletcher

Location: Queenstown Resort College – 7 Coronation Drive, Queenstown

Attendees:

- Jeff Brown
- Bruce Harland
- Megan Justice
- Erin Stagg (*attending in person on Thursday 2 November, and remotely Friday 3 November*).
- Werner Murray
- Alex Dunn
- Brett Giddens
- Scott Freeman
- Nick Geddes (*just attending on Friday 3 November*)
- Blair Devlin (*just attending Friday 3 November*)
- Michael Bathgate (*just attending Thursday 2 November*)
- Hannah Hoogeveen
- Ben Farrell

Topics / Issues to be discussed:

THURSDAY 2 NOVEMBER 2023

General

1. Appropriateness of TPLM Variation area for urban development
2. Appropriateness of TPLM Variation provisions relating to transport, including:
 - a. Discussion on outcome of traffic expert conferencing session;
 - b. Transport infrastructure triggers.

3. Appropriateness of centralised/integrated stormwater solution and inclusion within TPLM Variation provisions, including
 - a. Changes to TPLM Variation provisions recommended in s42A report, including provision of infrastructure;
 - b. Depicting centralised stormwater solution on TPLM Structure Plan;
 - c. Other matters raised by evidence of Michael Bathgate for Kai Tahu relating to stormwater management;
 - d. Any amendments to TPLM Variation provisions.
4. Appropriateness of TPLM Variation provisions relating to minimum densities in MDR and HDR Precincts.
5. Visitor accommodation and residential visitor accommodation

Submitter specific

6. Maryhill Ltd submission including:
 - a. Prescription of TPLM Variation provisions and structure plan;
 - b. Commercial mixed use;
 - c. Storage facilities;
7. Sanderson Group & Queenstown Commercial Ltd submission including:
 - a. Minimum Density provision relating to MDR and HDR Precincts
 - b. Extent of Commercial Precinct;
 - c. Height limits;
 - d. Location of reserves;
 - e. Parking;
 - f. Subdivision (superlots)
 - g. Residential flats;
 - h. Office activities;
 - i. Bulk and location provisions.
8. Winter Miles Airstream Ltd submission including:
 - a. Amending to TPLM provisions relating to Structure Plan;
 - b. Information requirements;
 - c. Housing affordability and increased density;
 - d. Residential flats;
 - e. Commercial activity;
 - f. SH6 “key crossing” and whether underpass is preferred;
 - g. Infrastructure triggers;
 - h. Notification issues.
9. Ladies Mile Property Syndicate submission, including:
 - a. Any other amendments to TPLM Variation provisions not discussed in general topics.

FRIDAY 3 NOVEMBER 2023

Submitter specific

10. Anna Hutchinson Family Trust submission for proposed western extension of the TPLM Variation area, including:
 - a. Discussion on outcome of other expert conferencing sessions, statements on landscape and visual effects, infrastructure and servicing, economic effects, urban design matters and traffic effects;
 - b. Impact of outcomes from other expert conferencing sessions on planning position;
 - c. If not covered above

- i. summary of relief sought and changes made since original submission, with reduced scale site specific mapping.
 - ii. Cemetery and reserves – clarify intent and extent of reserve inclusion.
 - iii. Neighbourhood centre – clarify location, size, purpose.
 - iv. clarify changes shown to other parts of the TLPM structure plan
 - v. Traffic and noise effects to Spence Road and adjacent landowners
 - vi. Transport – proximity to public transport, any additional bus stops proposed.
 - d. Any amendments to TPLM Variation provisions.
 - i. Position on car parking restrictions
- 11. TPLM Variation provisions relating to sub-area H2 (i.e. Koko Ridge Ltd’s land), including:
 - a. Density provisions for sub-area H2;
 - b. Flexibility in lot sizes / car parking minimums
 - c. Corona Trust submission, including permitted baseline and BRA.
- 12. J&M Dobb submission, including:
 - a. Rezoning of upper terrace of J&M Dobb’s site to be included in TPLM Zone, MDR Precinct, or alternatively whole site as LDSR;
 - b. Any other amendments to TPLM Variation provisions.
- 13. Queenstown Country Club submission, including:
 - a. Discussion on outcome of landscape and urban design expert conferencing and appropriateness of BRA across northern portion of QCC’s land (and possible reduction from 75m to 25m);
 - b. TPLM Variation provisions relating to BRA across northern portion of QCC’s land.
- 14. Doolytle & Son Ltd submission including:
 - a. Rezoning of Doolytle and Son Ltd site to Commercial Precinct, or alternatively HDR Precinct;
 - b. Any other amendments to TPLM Variation provisions.
- 15. Roman Catholic Bishop of Dunedin submission, including:
 - a. Education and Place of Worship Precinct and enabling education and community facilities on Diocese site;
 - b. Any other amendments to TPLM Variation provisions.
- 16. Ladies Mile Pet Lodge submission, including:
 - a. Discussion on outcome of traffic expert conferencing on “Key Crossing” adjacent to Ladies Mile Pet Lodge site;
 - b. TPLM Variation provisions relating to “Key Crossing” and alternative location of “Key Crossing” West of Howards Drive.
 - c. Any other amendments to TPLM Variation provisions.

Appendix Three Email from Kate Woods, Wynn-Williams, received 8:16 am Friday 3/11/23

Dear Ken,

We have received the below email from legal counsel for the Anna Hutchison Family Trust regarding Bruce Harland’s attendance at the planning conference.

We have spoken to Bruce and Jeff about some of the allegations made, and we strongly refute these allegations about Bruce's conduct. For some context, Bruce was included in the attendees for the planning conference to help provide background and context given his long involvement in the project. Bruce also has planning qualifications and was comfortable with complying with the code in this respect.

In any event, given the concerns raised, Bruce will not attend conferencing today and not sign the JWS. We will advise the legal counsel for the Anna Hutchison Family Trust about the Council's position shortly.

Kind regards,


Kate





Kate Woods

Senior Associate

Wynn Williams

 **P** +64 3 379 7622

 www.wynnwilliams.co.nz

 **M** +64 27 335 1079

 [Connect with us on LinkedIn](#)

From: James Winchester <jw@jameswinchester.co.nz>

Sent: Thursday, November 2, 2023 9:57 PM

To: Lucy de Latour <Lucy.deLatour@wynnwilliams.co.nz>; Kate Woods <Kate.Woods@wynnwilliams.co.nz>

Cc: Werner Murray <wmurray@propertygroup.co.nz>; Alyson Hutton <Alyson.Hutton@qldc.govt.nz>; James Gardner-Hopkins <james@jgh.nz>

Subject: Te Putahi Ladies Miles Variation - Witness Conferencing - Urgent

Dear Lucy and Kate

This e-mail is sent on behalf of my client, the Anna Hutchinson Family Trust (**Trust**).

I have been advised this evening by the Trust's planning witness Mr Murray that today's planning witness conferencing session has been disrupted by the attendance of Mr Bruce Harland, who has described his role for the purposes of this exercise as the Council's project manager. This is despite the fact that the Council has retained Mr Brown as its planning consultant and expert witness on planning issues. Mr Harland's involvement in the planning conferencing appears to be for the purposes of acting as an advocate on political matters and improperly influencing the views of the planning witnesses. It goes without saying that

it is a matter of real concern that the Council might countenance an unfair and partial influence on expert witness conferencing.

The purpose of my e-mail is to request that you take urgent instructions and ensure that Mr Harland withdraws from further participation in the planning conferencing. He is expressly listed as an urban design expert in the appendices to the Council's section 42A report (and his statement of evidence records the same), he has participated in the conferencing of the urban design experts and, with respect, he has no right to attend the planners' conferencing session. In the circumstances, there is no reasonable basis upon which he could purport to express any views on planning matters, and any such views could not be given in accordance with the Code of Conduct.

Mr Harland's attendance and participation at this session calls into question the integrity of the conferencing process and potentially taints any outcomes. In light of this, I have advised Mr Murray to expressly record his professional concerns and reservations about Mr Harland's involvement and participation in this exercise in any Joint Witness Statement, and intend to seek directions from the Independent Hearing Panel for any views expressed by Mr Harland in a Planning JWS to be deleted from the record and disregarded by the Panel in any decision-making.

Given the procedural impropriety and fundamental unfairness of Mr Harland's actions, I reserve my client's position to seek directions requiring the Council to seek leave to have Mr Harland appear and give any evidence on the Council's behalf before the Panel, and in particular for him to give any further evidence in rebuttal (on any subject matter that he purports to have relevant expertise).

Kind regards

**JAMES
WINCHESTER
BARRISTER**

P 06 883 0080

M 021 303 700

Joll Commons

Level 1, 17 Joll Road

PO Box 8161, Havelock North