

Queenstown Lakes District Council

Variation to the Proposed District Plan: Urban Intensification Variation

Hearing Panel Directions 1: General hearing process and management directions

1. INTRODUCTION

- 1.1 The Hearing Panel appointed by the Queenstown Lakes District Council (the Council) is required to make recommendations as to whether to accept or reject the submissions received on the Urban Intensification Variation and any proposed amendments to its provisions. The Council is then required to decide whether to accept or reject the Hearing Panel's recommendations.
- 1.2 The purpose of these Directions is to:
- a) Explain how the hearings process will be managed to ensure clarity and certainty for all parties during the Hearing; and
 - b) Ensure a fair and efficient hearings process.
- 1.3 Other Directions may be issued by the Hearing Panel, both in the lead-up to the Hearing, and during the Hearing, as required.

2. BACKGROUND

- 2.1 The Urban Intensification Variation implements Policy 5 of the National Policy Statement on Urban Development 2020 (updated in May 2022) (NPS-UD), which directs Councils to enable more building height and density in certain locations. The Variation also aims to give effect to the wider directive of the NPS-UD, to ensure planning decisions contribute to well-functioning urban environments.

3. HEARING DATES AND TIMEFRAMES

- 3.1 The hearing dates and venues are as follows:
- a) Week 1: 28 July to 01 August 2025 at the **Arrowtown Athenaeum Hall**;
 - b) Week 2: 04 August to 08 August 2025 at the **Queenstown Memorial Centre Auditorium**; and
 - c) Week 3: 25 August 2025 to 29 August 2025 at the **Wānaka Community Hub**.
- 3.2 Any changes to these dates (or venues) will be communicated in advance by the Hearing Panel.
- 3.3 The hearing will commence at 11:00am on Monday 28 July, Monday 4 August and Monday 25 August. All other hearing days will start at 9am unless the Hearing Panel advises otherwise.
- 3.4 Timeframes and deadlines stated in this document are intended to balance competing considerations arising from:
- a) ensuring that submitters who wish to be heard have a fair hearing; and
 - b) conducting an efficient hearing process.

3.5 Failure to meet stated or directed timeframes and deadlines without good reason may result in late material not being considered by the Hearing Panel or exclusion from expert conferencing or hearing sessions (as applicable). Any late material will only be allowed with leave of the Hearing Panel and must be accompanied by a written explanation clearly setting out why the material was late.

4. HEARING ADMINISTRATOR AND WEBSITE

4.1 All correspondence, notices, evidence, and documents for the IHP **must be communicated via the Hearing Administrator** Lynley Scott (Email: DP.Hearings@qldc.govt.nz, Phone: +64 3 443 0121).

4.2 No person should communicate directly with the Hearing Panel or any member of the Panel except during a hearing session.

4.3 Every communication to the Hearing Panel must clearly state in its heading or opening paragraph:

(a) the name of the submitter who or on whose behalf the communication is from;

(b) the submission number (if known); and

(c) the relevant Hearing Topic name (in this case "Urban Intensification Variation").

4.4 The Hearing Administrator will assist the Hearing Panel by arranging days and times for all submitters who wish to be heard to be present at the hearing. The Hearing Panel has directed the Hearing Administrator to:

(a) Contact all submitters who wish to be heard to arrange hearing slots (date, time and venue).

(b) Work with submitters with similar issues to see if they can jointly present their submissions (for example by appointing one person to speak for them or one person to speak on a particular issue). That is to ensure that the process works efficiently rather than having the same (or very similar) issues being repeated numerous times.

(c) Resolve with the submitters as to whether they (or their lawyer/representative) will present a representation to the Hearing Panel and/or also provide lay and / or expert evidence in support of their submission (and if so the experts name, area of expertise and email address).

(d) Resolve with the submitter whether they wish to present in Te Reo Māori or NZ Sign Language so an interpreter can be arranged (see paragraph 12.1 below).

(e) Resolve with the submitter about the time required for their presentation (noting the standard times limits in paragraph 13.5 below).

4.5 All submitters must work diligently, and politely, with the Hearing Administrator when arranging for their hearing times and addressing any other matters relevant to the hearing. The matters listed in paragraph 4.4 (and in these Directions) is required to ensure a fair and efficient hearing, and the role of the Hearing Administrator is critical to that. If the matters in paragraph 4.4 are not resolved with the Hearing Administrator within 2 weeks of first contact by the Hearing Administrator, the Hearing Panel shall be informed by the Hearing Administrator and will provide additional Directions as required.

4.6 While the Hearing Panel and the Hearing Administrator will endeavour to accommodate all requests, submitters should be aware that it will not always be possible to accommodate preferred days and times. As set out below, the Hearing Panel has imposed general speaking limits, and those seeking more time will need to seek leave of the Panel.

- 4.7 The Hearing Administrator will be present throughout the hearing and is able to assist parties with administrative queries.
- 4.8 All relevant information for the hearing will be posted as received by the Hearing Administrator on the website: <https://www.qldc.govt.nz/your-council/district-plan/urban-intensification-variation/>.

5. SECTION 42A REPORT

- 5.1 The Council will prepare a s42A report, including any supporting expert reports/evidence by the Council's expert advisors, and provide it to the Hearing Administrator by **12noon on 6 June 2025**.
- 5.2 The s42A report and its supporting reports/evidence must comply with the Environment Court Code of Conduct (see [Practice-Note-2023-pdf \(environmentcourt.govt.nz\)](#)) and the authors/technical experts must provide their qualifications and experience in their reports/evidence.
- 5.3 All s42A reports/evidence must be as **succinct as possible** (additional relevant material can be in an appendix) and contain an executive summary clearly stating the expert's position on, and reasons for, material issues and material submission points with recommendations.

6. SUBMITTER PRESENTATIONS AND EVIDENCE

- 6.1 The purpose of pre-circulation of evidence is to ensure all parties, and the Hearing Panel, understand the issues that are to be presented prior to the hearing session commencing. It will also enable a much more efficient hearings process.
- 6.2 All submitters who wish to speak to their submission may present to the Hearing Panel as set out in paragraphs 13 and 14 below. In addition, submitters may wish to call evidence to support their submission. This evidence will either be **lay evidence** or **expert evidence** as explained below. For all evidence the focus is on quality of what is said not the quantity of words or issues to be addressed.

7. LAY WITNESS EVIDENCE

- 7.1 Lay evidence is evidence given by an ordinary person (as opposed to an expert) that relates to relevant facts, recollections, observations, and records (including relevant data, information/materials, and reports). A lay witness may not provide opinion evidence as to the consequences of those matters. If a person who is a submitter has expertise in relation to an issue they cannot, in accordance with the Environment Court Code of Conduct (see the link to the 2023 Practice Note above) provide expert evidence, but they may present lay evidence.
- 7.2 Any submitter who intends to present written lay evidence (and any associated relevant material) at the hearing (as opposed to simply speaking to their submission at the hearing, which is addressed below) is to provide a copy of it to the Hearing Administrator by **12noon on 4 July 2025**.
- 7.3 Lay evidence must be **as succinct as possible**, but not be longer than 15 pages, 1.5 line spacing and 11-size font (excluding appendices which must be relevant) unless leave is sought from the Hearing Panel in advance of filing the lay evidence).
- 7.4 Written lay evidence should identify and address the key issues of concern, identify and address any relevant matters identified in the s42A report and in s32AA of the RMA (which can be found at [Resource Management Act 1991 No 69 \(as at 13 April 2023\), Public Act Contents](#)

[– New Zealand Legislation](#)) and, where appropriate, provide specific District Plan drafting (i.e., proposed or alternative rules, assessment matters and so on) for the Hearing Panel to address their concerns.

8. EXPERT WITNESS EVIDENCE

- 8.1** Expert witnesses are those who have specific qualifications (such as a diploma or degree) and/or experience (such as working in a particular area) relevant to a matter and can comply with the Environment Court Code of Conduct (see above). All expert evidence, and conduct by the experts throughout this process, must comply with the Environment Court Code of Conduct.
- 8.2** Any submitter may file expert evidence to support their case. Such evidence must be provided to the Hearing Administrator by **12noon on 4 July 2025**.
- 8.3** All expert evidence, and conduct by the experts throughout this process, must comply with the Environment Court Code of Conduct (see [Practice-Note-2023-.pdf \(environmentcourt.govt.nz\)](#)).
- 8.4** All expert evidence must, as relevant:
- a) **be as succinct as possible;**
 - b) except for expert planning evidence is limited to 25 pages, 1.5 line spacing and 11-size font (excluding appendices which must be relevant) unless leave is sought (with reasons) in writing via the Hearing Administrator before filing;
 - c) identify the key matters in dispute and focus on those;
 - d) identify the key reasons for the difference of opinion with other experts (including any issues regarding methodologies, etc.);
 - e) for expert planning witnesses in particular, provide clear and concise District Plan provisions for the Hearing Panel that would address the expert's concerns (in strike through / underscore), with succinct reasoning why, including an appropriate s32AA analysis and discussion for any changes considered necessary; and
 - f) if issues are accepted and agreed among experts merely state so, or reference any joint witness statement, rather than rewording them.
- 8.5** The Hearing Panel strongly encourages experts to consult with each other to ensure clarity of issues and concise statements of evidence focused on the key issues that cannot be resolved.

9. EXPERT WITNESS CONFERENCING

- 9.1** To assist the efficient running of the hearing process, and the Hearing Panel in making its decision on the evidence, the Hearing Panel's preference is that on topics where there are material matters in dispute between/among experts then those relevant experts shall attend expert conferencing. The Hearing Panel's preference is that conferencing occurs in person; if that is not reasonably achievable it should be addressed within the process in paragraph 9.2 and recorded in the recommendations to the Panel. The Hearing Panel recognises that the timing is tight; all experts are to use reasonable endeavors to achieve an efficient process.
- 9.2** Following receipt of submitter expert evidence, counsel representing the Queenstown Lakes District Council shall confer with the relevant submitters and within 2 working days provide the Hearing Panel and parties with a proposed recommendation and conferencing timetable, which should include whether a facilitator is proposed, the proposed venue, 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.

- 9.3** If, following receipt of the proposed conferencing timetable, expert conferencing is then directed by the Hearing Panel, it is expected that all relevant expert witnesses will attend - and be in person, unless special circumstances apply. The timeframe for conferencing is tight and, so that the s42A experts have time to prepare their rebuttal, conferencing (as required) shall occur from **10-16 July 2025** (with planning conferencing on 15/16 July as required). All expert witnesses are expected to arrange their calendars to best fit within this timeframe.
- 9.4** Participation in expert conferencing (including communication related to any conference) is limited to the experts. Submitters and lay witnesses (who are not experts) and lawyers are not entitled to participate in this process.
- 9.5** The Hearing Panel will decide whether a person has appropriate qualifications, independence, expertise and experience to be qualified to attend as an expert at an expert conference.
- 9.6** The Hearing Panel will have the same expectations of expert witnesses as set out in the Environment Court's Practice Note, including in particular:
- (a) an expert witness has an overriding duty to assist the Hearing Panel impartially on matters within the expert's area of expertise.
 - (b) an expert witness is not, and must not behave as, an advocate for the party who engages the witness. Expert witnesses must declare any relationship with the parties calling them or any interest they may have in the outcome of the proceeding.
- 9.7** In addition, every person at an expert conference who is participating in their role as an expert witness must comply with the Code of Conduct for such witnesses and not act as an advocate for the party who engages the witness. The expert witness must exercise **independent and professional judgement and must not act on the instructions or directions of any person.**
- 9.8** An expert conference may be facilitated by a person appointed by the Hearing Panel, or if appropriate, the expert conference may be self-managed. The facilitator or an appointed member of the conference must prepare a report on the conference which is signed by the attendees on the day of the conference and provide it electronically to the Hearing Administrator and the persons who attended the conference no more than two (2) working days after the conference.
- 9.9** The report on the expert conference will take the form of a joint statement signed by the experts and will include the following matters:
- a) the matters and issues that are agreed between the experts (including key facts and assumptions and identification of any methodology or standards used by the experts in arriving at their opinions and reasons for differences in methodology and standards (if any) and any drafting changes proposed by the experts);
 - b) the issues upon which the experts cannot agree and the reasons for their disagreement.
 - c) identification of published standards or papers relied upon in coming to their opinions, including identification of all material regarded by the experts as primary data.
 - d) confirmation that in producing the statement the experts have complied with the Code of Conduct for Expert Witnesses.
- 9.10** Expert conferencing will not be open to non-expert observers, but may be attended by the section 42A officer, especially if the experts are preparing tracked change drafting.

10. REBUTTAL EVIDENCE

- 10.1** The s42A report authors, and any expert advisors on behalf of the council, may provide succinct rebuttal evidence to the Hearing Administrator by **12noon on 25 July 2025** . This evidence must respond only to new information presented by a submitter's expert witness which leads to a material change in the conclusions or opinions of a council witness requiring additional evidence. Where a council witness' position has not materially changed having considered the submitters expert evidence no rebuttal evidence is necessary.
- 10.2** To avoid doubt, no further rebuttal evidence in response to any rebuttal by the s42A report authors or experts is permitted. Submitters and experts may raise any remaining issues during their presentation to the Hearing Panel but new material, not previously circulated in accordance with these Directions, will not be accepted except as set out in paragraphs 3.5 and 11.1. The Hearing Panel does not want time wasted responding to new issues, or material, not previously circulated. It is also a matter of fairness for all submitters and parties involved.

11. LATE OR SUPPLEMENTARY EVIDENCE

- 11.1** Late or supplementary evidence will only be accepted at a hearing session:
- a) where circumstances make it necessary for such evidence to be provided; and
 - b) with the leave of the Hearing Panel.

12. TE REO MĀORI AND SIGN LANGUAGE

- 12.1** Any submitter, counsel or witness may present in Te Reo Māori or NZ Sign Language at the hearing. However, to enable time to engage the assistance of an interpreter, notice of any party wishing to present in Te Reo Māori or NZ Sign Language must inform the Hearing Administrator when submitters are contacted as set out in paragraph 4.4.

13. PREPARING FOR THE HEARING

- 13.1** The Hearing Panel must ensure that the process of hearing and considering submissions, leading to the issue of their recommendations report, is fair and efficient. This necessitates the assistance of all submitters (and their witnesses) to ensure a fair, focused and efficient hearing process. The Hearing Panel expects all submitters preparing and presenting during the hearing to be mindful of these matters.
- 13.2** The order (subject to the efficient running of the hearing) of the hearing will be:
- a) any procedural matters;
 - b) the Council (any legal submissions and the 42A report author(s) and any expert witnesses);
 - c) submitters in support and opposition of the plan change; and
 - d) the Council's right of reply.
- 13.3** Attendance via video cannot be accommodated within the venues and the hearing **will not be live-streamed**. Attendance is only available in person at the venues specified for Queenstown, Arrowtown and Wānaka. The hearing will be recorded by audio recording only, which will be uploaded to the hearing webpage each hearing day by the Hearing Administrator.

- 13.4** To ensure the hearing runs fairly and efficiently, and all submitters have a reasonable understanding of when their submission will be heard, presentations by submitters will be subject to time restrictions. A daily agenda of presentations will be prepared by the Hearing Administrator and placed on the Website. Unless otherwise directed by the Hearing Panel, the hearing will be managed in accordance with the daily agenda.
- 13.5** The Hearing Panel has allocated a default time of fifteen (15) minutes for each submitter in the absence of any specific request for additional time (see below). The allocated time includes questions, so it is important that submitters leave time to answer questions from the Hearing Panel. Requests for additional time will not be unreasonably refused. The ultimate decision as to how much time is allotted to each submitter will be made by the Hearing Panel.
- 13.6** If not addressed immediately during the first discussion/correspondence with the Hearing Administrator as set out in paragraph 4.4, submitters with experts and lawyers, or who consider they need additional time, may within 5 working days of first being contacted by the Hearing Administrator request in writing a longer period of time but are encouraged to ensure any additional time requested is reasonable and well considered. Any request for a longer time period shall include clear reasons why the additional time is required. The Hearing Administrator will arrange times with submitters in conjunction with the Hearing Panel, but the Hearing Panel's expectation is that all submitters will ensure the timely delivery of their submissions (and any associated expert evidence) during the hearing.
- 13.7** All legal submissions, and any written presentations by a submitter, are to be provided electronically to the Hearing Administrator by **12noon of the day prior** to the submitter presenting at the hearing. This allows pre-reading by the Hearing Panel and ensures the efficiency of the hearing process.
- 13.8** Unless leave is sought in writing (with reasons) to the Hearing Administrator and granted by the Hearing Panel in advance of filing under paragraph 13.7:
- a) presentations shall not be longer than 10 pages, 1.5 line spacing and 11-size font (excluding appendices which must be directly relevant); and
 - b) legal submissions shall not be longer than 25 pages, 1.5 line spacing and 11-size font (excluding appendices and referred cases or other authorities, which must be directly relevant).

14. PRESENTING AT THE HEARING

- 14.1** The Panel will have read all submissions, evidence and pre-circulated documents. Submitters will not be permitted to simply read their original submission. It is of greatest assistance to the Hearing Panel if submitters and witnesses succinctly focus on their key issues and proposed District Plan provision changes, with reasons why. As stated in paragraph 8.4, it is the quality of the information presented, not the quantity, that is of the greatest assistance to the Hearing Panel.
- 14.2** At the hearing, each expert witness is to provide the Hearing Panel with, and talk to, a **succinct summary of the key points** of their evidence (except for planning witnesses, no more than 3 pages 1.5 line spacing and 11-size font, excluding any drafting change recommendations) unless leave is sought from the Hearing Panel). This summary must include the latest position on the matters remaining in dispute.
- 14.3** Submitters and witnesses will be kept to their time limits to ensure the fair, timely and efficient management of the hearing. It is a common courtesy to following submitters to ensure that all submitters have a reasonable and fair opportunity to present to the Hearing Panel.
- 14.4** All submissions and evidence lodged in advance of the Hearing will be available on the Council website within two days of receipt.

14.5 Other submissions and evidence presented, and material tabled, will also be available on the Council's website within two working days of the Hearing.

14.6 Unless requested in writing to the Hearing Administrator in advance of the hearing commencing, and approved by the Hearing Panel, no submitter or person attending the hearing shall take a private recording of it.

15. RIGHT OF REPLY

15.1 The Council's right of reply will be in writing and provided to the Hearing Administrator within the time set by the Hearing Panel at the end of the 'in-person' hearing.

15.2 Following the written reply, the Hearing Panel will confirm that it has all the information it requires, before formally closing the hearing.

16. SITE VISIT(S)

16.1 The Hearing Panel may undertake a site visit(s) before the hearing commences. This is **not** part of the hearing (and not an opportunity for submitters to speak to the Hearing Panel) but provides the Hearing Panel with context to aid its understanding of the issues.

16.2 Any submitter (and counsel for Queenstown Lakes District Council) may inform the Hearing Administrator by **12noon on 11 July 2025** of places of interest (ideally shown on a map) along with reasons why they wish the Hearing Panel to visit the site for the Panel's consideration. The Panel will generally not seek to enter private residences or buildings but may agree to visit private sites (including the sites that are the subject of the Variation) subject to all health and safety requirements.

16.3 The Hearing Panel may also undertake site visits either during or after the hearing where necessary to aid their understanding of the issues and the evidence presented.

16.4 The Hearing Administrator will work with the Hearing Panel to organise the site visit(s) and liaise with submitters who own sites that may be visited. All health and safety requirements will be met during the site visit process.

17. AMENDMENTS

17.1 Any submitter may seek, in writing to the Hearing Administrator, variations to these Directions from the Hearing Panel. Any such notice must provide the reasons for seeking the variation and clearly state what change is sought.

17.2 The Hearing Panel may amend any of the Directions by issuing further Directions to the submitters. All Directions will be posted to the Website by the Hearing Administrator.

David Allen, Ian Munro and Councillor Lyall Cocks

Commissioners

18 February 2025

APPENDIX 1: SUMMARY OF KEY DATES

Step	Date
Section 42A report, including any supporting expert reports/evidence by the Council's expert advisors, and provide it to the Hearing Administrator	12 Noon 6 June 2025
Lay Witness Evidence	12 Noon 4 July 2025
Expert Witness Evidence	12 Noon 4 July 2025
Expert Witness Conferencing (as required) 10-16 July	10 to 16 July 2025
Site Visit Requests	12 Noon 11 July 2025
Rebuttal Evidence	12 Noon 25 July 2025
Hearing Commences:	
Week 1: 28 July to 01 August 2025 at the Arrowtown Athenaeum Hall	28 July to 01 August 2025
Week 2: 04 August to 08 August 2025 at the Queenstown Memorial Centre Auditorium	04 August to 08 August 2025
Week 3: 25 August 2025 to 29 August 2025 at the Wānaka Community Hub	25 August to 29 August 2025