

QUEENSTOWN LAKES DISTRICT COUNCIL – PROPOSED DISTRICT PLAN
UPPER CLUTHA LANDSCAPE SCHEDULES VARIATION

MINUTE 2 OF THE COMMISSION
GENERAL HEARING PROCESS AND MANAGEMENT DIRECTIONS
11 JUNE 2025

1.0 INTRODUCTION

- 1.1 The Queenstown Lakes District Council (the Council) has appointed a Hearing Panel, which comprises Commissioners Peter Kensington, Richard Blakey and Quentin Smith (the Hearing Panel / Commission), to hear all submissions and, after it has heard the submissions, to make recommendations on the Variation to the Proposed District Plan: Upper Clutha Landscape Schedules, as to whether to accept or reject the submissions received and any amendments to the provisions of the Schedules.
- 1.2 The Council is then required to decide whether to accept or reject the Hearing Panel's recommendations.

2.0 PURPOSE OF DIRECTIONS

- 2.1 The purpose of these general hearing process and management directions is to:
- a. Explain how the hearings process will be managed to ensure clarity and certainty for all parties during the Hearing.
 - b. Confirm the key dates that were originally set out in the (undated) preliminary notice of hearing.
 - c. Ensure a fair and efficient hearings process.
- 2.2 Other directions may be issued by the Hearing Panel, both in the lead-up to the Hearing, and during the Hearing, as required.

3.0 BACKGROUND

- 3.1 The Upper Clutha Landscape Schedules Variation proposes to amend Strategic Policy 3.3.36 of Chapter 3 Strategic Direction, introduce additional landscape schedules into Schedules 21.22 and 21.23 and amend the preamble for 21.23 of Chapter 21 (Rural Zone) under the Proposed District Plan (PDP). The Variation proposes to introduce one schedule relating to an Outstanding Natural Feature (ONF) priority area and twelve schedules for Rural Character Landscape (RCL) priority areas. The Variation does not propose any changes to the existing PDP rule framework for subdivision and development within the Rural Zone.
- 3.2 The Variation is the second proposed change to the PDP relating to Landscape Schedules. The Upper Clutha Landscape Schedules Variation follows the Priority Area Landscape Schedules which originated from an Environment Court decision.¹ The decision followed appeals on Stage 1 of the PDP relating to the management of landscapes in the Rural Zone. The Environment Court decided that requiring protection of the landscape values of Outstanding Natural Landscapes (ONLs) and ONFs, and the maintenance or enhancement of visual amenity values of RCLs, without specifying what those values were, did not provide enough certainty to ensure that the policy direction of the PDP was able to be achieved. The Environment Court therefore directed that the landscape values of ONL/Fs and the

¹ [2019] NZEnvC 205 Topic 2.2

landscape character and visual amenity values of RCLs, should be identified and included in schedules for Priority Areas in the PDP.

4.0 HEARING DATES AND TIMEFRAMES

- 4.1 The hearing will commence at **8:30am** on Tuesday **18 November 2025** at the Wānaka Community Hub, 34 McDougall Street, Wānaka. Each hearing day thereafter will start at **9:00am** unless the Hearing Panel advises otherwise. Any changes to this date will be communicated in advance by the Hearing Panel.
- 4.2 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.
 - b. Conducting an efficient hearing process.
- 4.3 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.

5.0 HEARING ADMINISTRATOR AND WEBSITE

- 5.1 All correspondence, notices, evidence, and documents for the Hearing Panel **must be communicated via the Hearing Administrator** Lynley Scott (Email: DP.Hearings@qldc.govt.nz or Phone: 03 443 0121).
- 5.2 No person should communicate directly with the Hearing Panel or any member of the Hearing Panel except during a hearing session.
- 5.3 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).
 - c. The relevant Hearing Topic name (in this case the Upper Clutha Landscape Schedules Variation).
- 5.4 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 speaking dates and times.
 - 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 8.1 below).
 - e. Resolve with the submitter about the time required for their presentation (noting the standard times limits in paragraph 9.5 below).

- 5.5 All submitters must work diligently, and politely, with the Hearing Administrator when arranging their hearing times and addressing any other matters relevant to the hearing. The matters listed in paragraph 5.4 (and in these Directions) are required to ensure a fair and efficient hearing, and the role of the Hearing Administrator is critical to that. If the matters in paragraph 5.4 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.
- 5.6 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. Note that (below) the Hearing Panel has imposed general speaking limits, and those seeking more time will need to seek leave of the Panel.
- 5.7 The Hearing Administrator will be present throughout the Hearing and is able to assist parties with administrative queries.
- 5.8 All relevant information for the hearing will be posted as received by the Hearing Administrator on, can be found on the website: www.qldc.govt.nz/your-council/district-plan/proposed-district-plan/hearings listed under the name of the hearing (Upper Clutha Landscape Schedules). Free online access to the Council's website is available at its libraries and offices.

6.0 SECTION 42A REPORT

- 6.1 The Council will prepare a report in accordance with s42A of the RMA (s42A report), including any supporting expert reports/evidence by the Council's expert advisors, and provide it to the Hearing Administrator by 12 noon on Friday **12 September 2025**.
- 6.2 The s42A report and its supporting reports/evidence must comply with the Environment Court Code of Conduct (refer - [Practice-Note-2023](#)) and the authors/technical experts must provide their qualifications and experience in their reports/evidence by way of attachments.
- 6.3 All s42A reports/evidence must be as succinct as possible (additional relevant material can be included 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.

7.0 SUBMITTER EVIDENCE

- 7.1 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 hearing process.

Expert witnesses evidence

- 7.2 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).
- 7.3 Any submitter may file expert evidence to support their case. Such evidence must be provided to the Hearing Administrator by 12 noon on Friday **10 October 2025**.
- 7.4 All expert evidence, and conduct by the experts throughout this process, must comply with the Environment Court Code of Conduct (refer - [Practice-Note-2023](#))
- 7.5 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, for example).
 - e. For expert planning witnesses in particular, provide clear and concise PDP provisions for the Hearing Panel that would address the expert's concerns (in strike-through / underscore), with succinct reasoning why, including an appropriate analysis under s32AA of the RMA (refer - [RMA s32AA](#)) and discussion in respect of any changes considered necessary.
 - f. If issues are accepted and agreed among experts merely state so, or reference any joint witness statement, rather than rewording them.
- 7.6 The Hearing Panel 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.

Expert witness conferencing

- 7.7 The Hearing Panel may, at any time prior to or during the hearing, direct that a conference of experts be held. Expert conferencing will normally only be directed where one or more specific issues which are the subject of expert evidence require separate conferencing. The preliminary notice of hearing makes an allowance of time for expert witness conferencing to occur and we encourage use of this process
- 7.8 Following receipt of submitter evidence, counsel representing the Council shall confer with the parties and, if considered appropriate, by 12 noon on Wednesday **15 October 2025**, 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.
- 7.9 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 expert conferencing, which will take place the week beginning Monday **20 October 2025** and be in person, unless special circumstances apply as a reason not to attend and approval is sought from the Hearing Panel by 12 noon on Friday **17 October 2025** and granted by the Hearing Panel.
- 7.10 Participation in expert conferencing (including communication related to any conference) is limited to the experts. Submitters (who are not experts) and lawyers are not entitled to participate in this process. The Hearing Panel will require that the contact details of experts be provided so that its facilitators can make direct contact with experts to organise expert conferencing. Failure by a submitter or their lawyer to supply contact details for experts is likely to result in those experts not receiving communication about expert conferencing.
- 7.11 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.
- 7.12 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.

- 7.13 In addition, every person at an expert conference who is participating in his or her role as an expert witness must agree to 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.
- 7.14 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 appointed member of the conference must prepare a report on the conference and provide it in writing or electronically to the Hearing Panel and the persons who attended the conference via the Hearing Administrator no more than five (5) working days after the conference.
- 7.15 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).
 - 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.
- 7.16 Expert conferencing will not be open to non-experts observers, but may be attended by the author of the Council's s42A report, especially if the experts are preparing track changes to the PDP.

Rebuttal evidence

- 7.17 The s42A report author(s), and any expert advisors on behalf of the Council, may provide rebuttal evidence to the Hearing Administrator by 12 noon on Friday **31 October 2025**. This evidence must respond only to evidence filed and must not introduce new evidence 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.
- 7.18 To avoid doubt, no further rebuttal evidence in response to any rebuttal by the s42A report author(s) 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. 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.

Lay witnesses evidence

- 7.19 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.
- 7.20 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 **at least two working days prior to allocated speaking time**.

- 7.21 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.
- 7.22 Written lay evidence should identify and address the key issues of concern, identify and address any relevant matters identified in the s42A report and, where appropriate, provide specific PDP drafting (i.e., proposed or alternative rules, assessment matters and so on) for the Hearing Panel to address their concerns.

Late or supplementary evidence

- 7.23 Late or supplementary evidence will only be accepted at a hearing session:
- a. Where circumstances make it necessary for such evidence to be provided.
 - b. With the leave of the Hearing Panel.

8.0 TE REO MĀORI AND SIGN LANGUAGE

- 8.1 Any submitter, counsel or witness may speak in Te Reo Māori or utilise NZ Sign Language at the hearing. To enable time to engage the assistance of an interpreter, notice of any party wishing to speak in Te Reo Māori or utilise NZ Sign Language must be provided to the Hearing Administrator by 12 noon Friday **7 November 2025**.

9.0 PREPARING FOR THE HEARING

- 9.1 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 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.
- 9.2 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 s42A report author(s) and any expert witnesses).
 - c. Submitters in support and opposition of the variation.
 - d. The Council's right of reply.
- 9.3 Attendance via video cannot be accommodated within the venue and the hearing will not be live-streamed. Attendance is only available in person at the venue specified.
- 9.4 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 Council's website. Unless otherwise directed by the Hearing Panel, the Hearing will be managed in accordance with the daily agenda.
- 9.5 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). 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.
- 9.6 If not addressed immediately during the first discussion/correspondence with the Hearing Administrator, submitters with experts and lawyers, or who consider they need additional time, may within five (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. The allocated time includes questions, so it is important that submitters leave time to answer questions from the Hearing Panel.

- 9.7 All legal submissions, representations are to be provided electronically (unless requested otherwise in writing with reasons to the Hearing Panel and accepted by the Hearings Panel) by 12 noon on Thursday **6 November 2025**. Any supporting information (including any PowerPoint slides) must be provided to the Hearing Administrator by 12 noon of the day prior to the submitter presenting at the hearing.
- 9.8 Unless leave is sought in writing prior to the Hearing Administrator and granted by the Hearing Panel:
- a. Representations and presentations (including PowerPoint slides) shall not be longer than 10 pages, 1.5 line spacing and 11-size font (excluding appendices which must be directly relevant).
 - b. Legal submissions shall not be longer than 20 pages, 1.5 line spacing and 11-size font (excluding appendices and referred cases or other authorities, which must be directly relevant).

10.0 PRESENTING AT THE HEARING

- 10.1 The Panel will have read all submissions, evidence and pre-circulated documents. Lay submitters will not be permitted to present and read their original submission. It will be of greatest assistance to the Hearing Panel if submitters and witnesses succinctly focus on their key issues and suggested PDP provision changes, with reasons why.
- 10.2 At the hearing, each expert witness is to provide the Hearing Panel with, and talk to, a succinct (no more than two pages at 1.5 line spacing and 11-size font), summary of the key points of their evidence. This summary must include the latest position on the matters remaining in dispute (including any answers through the question process).
- 10.3 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.
- 10.4 Proceedings will be digitally recorded. The recordings will be available as audio files on the Council website within two working days of being recorded.
- 10.5 All submissions and evidence lodged in advance of the hearing will be available on the Council's website within two days of receipt.
- 10.6 Other submissions and evidence presented, and material tabled, will also be available on the Council's website within two working days of the Hearing.
- 10.7 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.

11.0 RIGHT OF REPLY

- 11.1 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.

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

12.0 SITE VISIT(S)

- 12.1 The Hearing Panel may undertake a site visit(s) before the hearing commences. This is not part of the hearing but would be to provide the Hearing Panel with context to aid its understanding of the issues.
- 12.2 Any submitter may inform the Hearing Administrator by 12 noon on Friday **7 November 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).
- 12.3 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.
- 12.4 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.

13.0 AMENDMENTS

- 13.1 Any submitter may seek, in writing to the Hearing Administrator, amendments to these directions from the Hearing Panel. Any such notice must provide the reasons for seeking the amendment and clearly state what change is sought.
- 13.2 The Hearing Panel may amend any of these directions by issuing further directions to the submitters. All directions will be posted to the Council's website by the Hearing Administrator.

Commissioners Peter Kensington, Richard Blakey and Quentin Smith

11 June 2025

Appendix 1: Summary of process steps and key dates

Note: Please allow time for the Hearing Administrator to upload evidence on Council's website, evidence provided by 12pm will be uploaded by the end of that day.

Clause(s) in Direction	Step	Date
6.1	Council's section 42A recommendation report and attached expert reports on behalf of QLDC to be electronically filed with the Hearing Administrator.	Friday 12 September 2025 by 12:00pm
7.3	Date for electronic filing any expert evidence with the Hearing Administrator.	Friday 10 October 2025 by 12:00pm
7.8	Counsel for the council to provide an expert witness conferencing timetable.	Wednesday 15 October 2025 by 12:00pm
7.9	Facilitated expert witness conferencing (if required).	Week beginning Monday 20 October 2025
7.17	Rebuttal evidence on behalf of QLDC to be electronically filed with the Hearing Administrator.	Friday 31 October 2025 by 12:00pm
9.7	Date for electronic filing of legal submission or legal submissions longer than 20 pages to be provided electronically to the Hearing Administrator.	Thursday 6 November 2025 by 12:00pm
9.7	Any request to provide representations and presentations (including PowerPoint slides) longer than 10 pages.	By 12:00pm on the day prior to the allocated speaking time
7.20	Date for electronic filing of any lay witness evidence with the Hearing Administrator.	Two working days prior to allocated speaking time
12.2	Submitters to inform the Hearing Administrator of any requests for places to visit for the site visit(s), with explanation for the site visit and a map showing the recommended viewing locations.	Friday 7 November 2025 by 12:00pm
8.1	Notice to the Hearing Administrator from any party wishing to speak in Te Reo Māori or utilise NZ Sign Language.	Friday 7 November 2025 by 12:00pm
4.1	Hearing commences.	Tuesday 18 November 2025 at 8.30am