

## APPENDIX 8: SUMMARY OF OUR RESPONSE TO MATTERS RAISED BY LAY SUBMITTERS WHO PRESENTED AND ON GENERAL SUBMISSION POINTS

- 1.1 While set out in response to grouped submission points below we consider that brief additional discussion is appropriate for those submitters who appeared before us. The matters below must be read in conjunction with our report and the responses to the grouped submission points.
- 1.2 During the hearing we heard from:
- (a) Lake Hayes and Shotover Country Community Association (79). Mr Burnell presented to us explaining the context of the community, the scale of local opposition (86% of respondents on the Masterplan opposed) and the concerns as to the effects the TPLM Variation would have on "real daily life issues" of the "people who live here".<sup>1</sup> The key themes Mr Burnell spoke to us about were:
- (i) Schools – and the implications of the shift to Wakatipu High School on traffic via the Shotover Bridge and SH6 Corridor. We have addressed transport matters in Section 12 and the overlap of the provisions in Section 13. We have added a new restricted discretionary activity for over 1,100 dwellings in the TPLM Site before a new high school is completed. As we have stated, building a new high school in particular is critical to reducing transport effects on SH6 and the Shotover Bridge and unlocking much needed housing development. We also heard from the Roman Catholic Bishop of Dunedin about their interest in a new primary school and the Ministry of Education (**MOE**) has the same interest. We cannot compel anyone, including the MOE, to build schools but we have, through this decision, strongly encouraged it. We heard directly from Mrs Stalker and through their submission the Board of Trustees (see below) about the enormous growth of, and pressure on Shotover Primary School. We accept the submission as to the importance of schools but reject it in that the lack of a school should not prevent the TPLM Variation.
- (ii) Housing supply and affordability. We agree that when the average house price is \$1.7m plus what does "affordable" then mean? We also agree that the TPLM cannot "guarantee" that 'affordable' houses will be delivered. But that is not a reason not to try. We have set out our position on housing supply in Section 3 and our proposed provisions in Section 13. We consider that the provisions we propose will lead to the provision of housing typologies that will assist the delivery of 'affordable' housing in the district. In this way we consider the provisions will achieve the purpose of the TPLM Zone and deliver on the Minister's expectations. We accept this point insofar as we have amended the density provisions (and associated provisions) to aid deliverability and affordability but do not agree with not proceeding with the TPLM Variation.
- (iii) Transport. We agree that the transport solutions are a critical part and must be done right for the success of the TPLM Variation. We initially had considerable

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<sup>1</sup> Summary Statement.

concerns as to how the transport issues could be managed. Through the hearing process those concerns were addressed to our satisfaction by the experts – see Section 12. We consider that the provisions will appropriately manage the transport effects of the new housing. We agree that owning a car in the District is important and heard from many residents how each dwelling owned multiple cars, often at the rate of one per room for the dwelling. We consider that the TPLM Variation will both remove journeys from SH6 (due to the commercial centre (which we accept will not cater for residents "every need" but it is not designed to do so), open space, and possibly schools over time) as well as provide critical population mass for a viable frequent bus service utilising the bus lanes that are required before development of the Sub Areas can be completed.

- (b) Ms Austin (57) presented to us on a number of matters including traffic congestion (and the ripple effect along SH6), which we have addressed in Chapter 12, waste management and recycling, which we have addressed below, specific issues with the provisions, including seeking the retention of the 75m southern setback (which we have rejected in Section 9 and 13). Her concerns regarding RVA and parking are addressed in Sections 12 and 13. The provisions to require delivery of transport infrastructure upgrades before development is completed has evolved through the Hearing process and we have added a restricted discretionary rule in relation to the completion of the school after 1,100 dwellings have been constructed. Ms Austin explained her family's use of the bus network (which is not the norm) and how even a 30-minute service would be a huge improvement.
- (c) Mr Pettit (5) presented to us about his submission. His concerns in relation to rural landscape and the 'gateway' to Queenstown we have addressed in Sections 9 and 13. We consider, for the reasons set out in those sections, that the TPLM Site can appropriate accommodate the urban development proposed and while it will be a change in landscape and amenity key views and linkages can be retained. We recognise that Mr Pettit would like this rural landscape preserved (and that he considers other areas to be better for urban development) but on the evidence before us not only is it of reduced value given its present state (and in a District which is 97% outstanding) and it is very well located, and with the attributes required, for much needed affordable housing in the District. We do not consider it appropriate for the TPLM Site to provide 'gateway' to Queenstown features for the reasons set out in Section 9. Mr Pettit supports urban intensification in principle but with a separate Intensification Variation being pursued by the Council does not consider the TPLM Variation will deliver either affordable housing or solve the housing crisis. Given house prices in Queenstown, we accept that 'affordable' is different to everywhere else in New Zealand. But we consider the TPLM Variation will provide 'affordable housing'. We accept that the TPLM Variation itself will not solve the housing crises. But it is one of a number of processes the Council is advancing, and we consider, on the evidence we have received, that it will help provide, over the short and medium term, the housing typologies that are more likely

to be 'affordable'. We have addressed issues of transport in detail in Section 12 and consider that the potential effects can be appropriately managed through the provisions we have recommended in **Appendix 1**.

- (d) Mr Robinson (27) who lives at Lake Hayes Estate focused on transport effects and solutions and spoke to us about other wider options/routes for resolving transport matters. He was against allowing more development until the transport infrastructure is fixed. He considered that the mode shift target was "totally naive". We discussed with him the number of cars he has. He considered that a 'safe' average in the area would be 4 per household. Further discussion on his submission is contained in Section 12. As set out in that section there are transport requirements within the TPLM Variation provisions which we consider, on the evidence we received, will along with the other provisions we recommend appropriately address transport effects and effects on SH6.
- (e) Mr Blakely (74) provided written evidence and spoke to us about the loss of rural landscape character and losing the entrance to Queenstown. Tied to this was his wish for setbacks for openness (which were proposed but we have reduced as set out in sections 9, 12 and 13) and retention of the 'historic' hawthorn hedge on the northern side of SH6 and removal of the HDR precinct or a reduction in height. He considered the Threepwood development to be a model of a good outcome. The TPLM Variation as notified, and the position we recommend, is for development fundamentally different to that at Threepwood. Mr Blakely was also concerned about transport effects which we have addressed in detail in Section 12 and the transport works requirements before development is completed (which we have retained, and they have expanded during the hearing). For the reasons set out in the sections above we consider that the provisions in, and outcomes of, the TPLM variation are appropriate.
- (f) Ms Crick (123) presented to us her on her concerns as to the need for homes but the lack of aesthetics in recent developments and her concerns as to the creation of a ghetto (and drug culture) related to providing affordable (low cost) homes. We are confident that the provisions in **Appendix 1** will deliver high quality medium density (and high density) development within the TPLM Site for the reasons set out in Section 13. That development will be at a density and scale new to the district, but we consider the TPLM Site to be able to appropriately accommodate it. While it was submitted that anyone thinking that enabling the TPLM Variation would not make existing transport issues worse was 'dreaming" we heard extensive expert evidence with which we agree as set out in Section 13 that it could be appropriately accommodated with the right infrastructure development on SH6 being required before development is completed (and the other provisions contained in the TPLM Variation).
- (g) Mr Alexander (70) spoke to us about how providing more land for housing would not solve the issue for the district as too many were "locked up and unused". He considered that growth needs to be controlled on the basis that enough is enough,

infrastructure (in particular for the TPLM variation SH6) is overloaded and we need to stand up to central government. He considered that the capacity for the Wakatipu basin to absorb more people has been reached (beyond infill of existing areas where infrastructure capacity is not exceeded) and that most residents do not want more large-scale development. While we recognise the severe pressures of growth in the District (including in relation to the cost of housing) we consider, for the reasons set out in the sections above, that the TPLM Site is appropriate for the proposed development and that it can be appropriately accommodated (including for transport as set out in Section 12). We have no control over growth in the District (see below), but we note the TPLM Site has been identified over time through numerous processes as part of the urban development future for the district.

- (h) Mr Belk (20) presented to us on his submission. His concerns related to transport (see Section 12), housing, affordability and density (see Sections 3 and 13), landscape (see Section 9) such that cumulatively with the TPLM variation we are "fouling our own nest". We accept that the TPLM variation will change the landscape and amenity of the site. We accept that issues of affordability are relative (he mentioned the Queenstown market is global and NZ\$1.7m was 'cheap'), and that providing housing is challenging but we consider the TPLM Site to be well located, and with the right attributes to provide high quality medium (and high) density living with typologies that we favour 'affordability'. The landscape and amenity will change but important views will remain and the TPLM Site does not include any outstanding landscapes (or features). The concerns raised are common and the provisions have changed considerably to address them, and we recommend further changes.
- (i) Mr Victor (89) provided written evidence and raised in his submission and before us issues relating to the rural environment, the 'gateway' to Queenstown and, his main issue, traffic effects. He explained the existing roading issues and that, in his view, the TPLM Variation would cripple the system. He explained that residents want to get around the area freely and that the school bus gets held up in the traffic too. He also stated that in the Lake Hayes estate area it was likely 1 car per bedroom (or 4 people, 4 cars). As set out above, that aligned with what other submitters told us. As for many submitters, he sought that the TPLM Variation be declined on this ground but, for the reasons set out in Section 13 we consider that the transport effects can be, and will be, appropriately addressed through the provisions we recommend.
- (j) We heard from Mr Hilhorst on behalf of FlightPlan2050 (84) regarding the use SH6 Ladies Mile as an emergency runway and potential relocation of the airport (Tarras option) and use of airport land for development (with Ladies Mile playing an emergency role). We received a robust submission, evidence, and presentation from Mr Hilhorst. In relation to an emergency runway, the concern raised is the proposed reduced BRA and the planting of trees would not enable the use of SH6 and would remove that potential for it in the future. During the hearing Mr Hilhorst explained how road infrastructure can be quickly removed to enable its use as a runway (and gave examples in Singapore). While we accept that emergency

preparation is important, no local or national emergency organisation submitted requesting this outcome and we do not consider that maintaining the potential for the use of SH6 Ladies Mile as an emergency strip, and the wider BRA, to not be an efficient use of the land. The narrower BRA (which we recommend) reflects the speed limit on SH6 and maintains safety. The other matter raised was the potential future of Queenstown Airport, with the potential development of the Tarras airport and due to its impediment on development in the critical Frankton Flats area. If Queenstown Airport closed that would open some 150ha of land on Frankton Flats for development (and remove noise restrictions). However, any such outcome is not presently proposed (or contemplated by the relevant organisations before us) and, if it should occur at some time in the future, detailed planning and phasing will occur then. Retaining Ladies Mile for an emergency landing strip now, on the basis that the existing airport may close in the future, is again, in our opinion an inefficient use of the land. We therefore reject this submission.

- (k) Ms Singh, Airways Corporation of NZ (69). Need for ongoing access to the Slope Hill navigation aid. Mr Brown agreed drafting changes to Rule 29.5.24.1 through the hearing process and Ms Singh presented legal submissions supporting the position agreed. We recognise the significance of the access to, and role of the navigation aid. We accept those changes and the submission insofar as it relates to them.

1.3 Numerous other matters have been raised through submissions. We address our position on some of those below. For the submission points not listed, we agree with the positions reached in relation to them in the s42A Report (and its associated evidence) and the s42A Reply Report (and the Response Evidence accompanying it). Our position on particular matters is:

- (a) The TPLM Site is inappropriate for urban development. J Allen (1), U Davis (2), G Mark-Dear (3), G Dear (4), M Pettit (5), T Sanders (6), J Berriman (9), M Camilleri (10), I Moore (11), K Smith (12), J Newson (13), B Findlay (14), N Crouch (15), V Noskov (16), N Brown (17), S Melton & P Wong (18), S Belk (20), N Fairweather (21), A Meredith (22), N Lisitsina (23), J James (25), K Pirovano (26), J Lazar (28), H MacPherson (29) \*note – unfortunately has since passed away, J Doe (30), G McBride (31), L Martin (32), J Crane (33), D Andrew (34), P Chudleigh (35), J Johnston (38), R Bowman (39), A Styris (40), S Pratley (41), B Yuill (42), M Spary (43), DoC (44), R Burnell (47), L Anderson (48), N Busst (49), G Egerton (52), P Thompson (53), S & K Strain (54), C Austin (57), R Cranfield (58), L Prytherch (59), M Pryde (60), Shotover Primary School (61), A McCarthy (61), J Smith (62), S Thornburg (63), R Kuhm (64), W Stiven (65), R George (66), S O'Donnell (67), N Winstone (68), J Alexander (70), T Stack-Forsyth (72), Blakely Wallace Family (74), Park Ridge Limited (75), M Wheeler (76), Ladies Mile Pet Lodge Limited (78), LHESHCCA (79), Roman Catholic Bishop of Dunedin (82), FlightPlan2050 (84), M Read (87), L Nicolson (88), S Victor (89), D Behan (90), A Morris (91), S Brent (92), R Copland (96), P Crick (97), L McQuillan (98), Queenstown Country Club (106), R Macleod (109), T Sydney (110), R Hanan (111), J Lee (112), D Bergin (113), G Griffin (114), K & J Crane (115), M Bailey (116), N Martin (117), M Barrett (118), J

Hamilton (119), L Keoghan (120), D Foggo (121), M Cole Bailey (122), R Crick (123), G Tayler (124) and N Scholfield (125). We recognise the considerable opposition to, and concerns regarding, the TPLM Variation. We thank these submitters for making the effort to put their concerns to us which has enabled us to fully understand the issues and focus on addressing them to the level we consider most appropriate. Many of these submissions are also referred to on specific issues addressed above and further below. We have kept these concerns front of mind as we have read, heard and considered the extensive evidence, submissions and legal / lay presentations to us. The matters raised in opposition were primarily focused on transport effects and landscape and rural character. There were also a multitude of other reasons. We have set out in detail above our reasons for which the TPLM Site is appropriate for intensive urban development. We consider that with the right controls and given the changes to the TPLM Variation that transport effects will be appropriately managed. As we have explained the landscape and character of the TPLM Site will fundamentally change. We consider that the important values, in particular views through to the Slope Hill ONF and other ONLs will be appropriately provided for. Overall, we consider that the TPLM Site is an appropriate site, and indeed a good site, for high quality intensive urban development in the district. The provisions proposed will provide for long-term beneficial outcomes for affordable housing in the district in a way that appropriately responds to, and addresses, potential environmental effects. Therefore, while we reject the submissions points, they have heavily influenced the hearing process and the many changes that have been made to the provisions through the process, and by us.

- (b) The TPLM Site is appropriate for urban development (at least in principle). N Sygrove (8), K Hill (19), J & M Dobb (37), Caithness Developments Limited (45), Shotover Country Limited(46), G Erving (51), Clark Fortune McDonald (55), AA Southern Lakes (56), G & S Stalker (71), GDL (73), Ladies Mile Property Syndicate (77), Koko Ridge Limited (80), Doolytle and Son Limited (81), Otago Regional Council (83), No. 1 Hansen Road Limited (85), Ministry of Education (86), Sanderson (93), Winter Miles Airstream Limited (94), C Evans (95), Corona Trust (99), Aukaha and Te Ao Marama Inc (100), D Finlin (101), A Reid (102), T Allen (103), Waka Kotahi (104), Maryhill Limited (105) and Milstead Trust (108). We accept these submission points for the reasons we have set out in detail above. We agree that done well, and with appropriately managing the environmental effects, the TPLM Site is an appropriate, indeed good, site for the proposed high quality intensive urban development in the district. Many of these submitters made other submission points which we have addressed above and below.
- (c) Other locations (already zoned or could be zoned) should be developed, or prioritised for development, first. R Pettit (5), T Sanders (6), J Newson (13), L Martin (32), P Chudleigh (35), B Yuill (42), R Cranfield (58), L Prytherch (59), M Pryde (60), L McQuillan (98), R Griffen (114) and M Barrett (118). These submitters referred to numerous areas around Queenstown where development could occur in preference to the TPLM Site (Frankton Flats, Airport, Jacks Point / Hanly Farm / Kingston Road,

Kingston, Central Queenstown, Gorge Road, 'towards' Glenorchy, Malaghans Road, Dalefield / Thurlby Domain). We agree with the s42A Report in relation to these submissions.<sup>2</sup> Submitters are right as to the availability of developable land, but the Council cannot force development to occur. The submitters are also right that there are other urban development options, but all come with their own issues and limitations. As we have stated above the TPLM Variation is not the sole response of the Council to housing. It is part of a wider package. We have addressed the positions of the experts above as to the need for, and benefits of additional developable land. We have also addressed the strategic benefits of the location for the TPLM Variation. We agree with the s42A Report, and the reasons given therein, as well as the matters above, disagreeing with these submissions and the preference for other locations for urban growth and not the TPLM Site. We therefore reject these submission points.

- (d) Recycling, sustainability and climate change. S Waddlingham (7), C Austin (57) and Aukaha and To Ao Marama (100): We agree with the s42A Report<sup>3</sup> that the TPLM Variation cannot control recycling, that is delivered by the Council through other functions and reject S Waddlingham's submission point on this matter. We support Objective 49.2.8 and Policy 49.2.8.1 (to which we have made some minor tweaks) and agree with the s42A Report that they are appropriate, so otherwise reject the submissions seeking changes to them. We agree with Mr Brown,<sup>4</sup> in relation to C Austin's submission that while encouragement is important, too much prescription would become overly onerous. We therefore reject C Austin's submission point.
- (e) No need for an additional commercial centre and too much uncertainty that it will fulfil its purpose. N Fairweather (21), R Burnell (47), C Austin (57), M Wheeler (76), LHESCCA (79) and J Hamilton (119). We agree with Ms Hampson (and the other economic experts) that there is a need and justification for a commercial centre. Through the Hearing there was a lot of discussion about ensuring that the commercial centre was properly enabled, especially by relaxing the restrictions imposed on the supermarket (and allowing one service station). The Visitor Accommodation (**VA**) and Residential Visitor Accommodation (**RVA**) provisions have also been further modified. Controls over the rest of the TPLM Zone have been retained to ensure the commercial centre retains its functions. In addition to the economic rationale there is also a significant transport benefit in providing a commercial centre to reduce trips along SH6. We have recommended adding two additional local shopping centres (at the western end of the TPLM Variation and on the Doolytle site) for the reasons set out in our report above. We therefore agree with Mr Brown<sup>5</sup> that these submission points be rejected.
- (f) That Ladies Mile will not inevitably be developed such that the Variation is unnecessary. N Lisitsina (23). We agree with the s42A Report<sup>6</sup> that the position is

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<sup>2</sup> At [11.99] – [11.149].

<sup>3</sup> At [11.257].

<sup>4</sup> At [11.259].

<sup>5</sup> Reply s42A Report at [11.161].

<sup>6</sup> At [11.98].

not flawed given the numerous efforts to date, and continuing, to undertake development in the area. As stated above we support the TPLM on the basis of provided planned, integrated, urban development. We reject this submission point.

- (g) More land is not required for urban growth. N Lisitsina (23), L Martin (32), P Chudleigh (35), R Burnell (47), C Austin (57), J Alexander (70), M Wheller (76) and R Hanan (111). These submitters consider that there is sufficient land already zoned to provide for the necessary housing demand. That reflects the HCA assessment discussed above but, as also discussed above, does not reflect Ms Fairgray's evidence that dwelling capacity alone is only one component in assessing for the Council to meet long-term housing demand. Further, as stated in the s42A Report,<sup>7</sup> the Council cannot, through the RMA make owners on existing undeveloped but zoned land develop their land before other land is zoned for housing. We accept Ms Fairgray's evidence and agree with the s42A Report. We also note that a critical driver for the TPLM variation is housing type choice, and especially elevating the availability of affordable housing types in the district. We therefore reject this submission point.
- (h) Large majority of residents in opposition. N Lisitsina (23), L Martin (32), B Yuill (42), R Burnett (47), L Prytherch (59), Ladies Mile Pet Lodge (78), LHESCCA (79) and R Hanan (111). As stated during community consultation for the Masterplan 86% of respondents opposed the variation. Numerous submitters on this process opposed the TPLM Variation. The short point is it is not the number of submissions (or size of the opposition) that is relevant. It is the issues they raise. The predominant issue was, very fairly, transport/traffic effects (see above). As stated in the s42A Report<sup>8</sup> the Council required that staged approach be considered to tie development to transport infrastructure upgrades. This occurred, the provisions were further developed through the hearing, and we have amended them in our recommendations (see Section 12). The numerous other grounds for opposition have all been considered in our recommendation and we consider that the TPLM Variation is a necessary and appropriate planning response, that it is well located and that it contains appropriate provisions to lead to efficient and sustainable urban development. We therefore reject this submission point.
- (i) Developing land under the flight path. J Doe (30). As illustrated in the s42A Report<sup>9</sup> the TPLM site is not under the flight path for the airport. We agree with Mr Brown and reject this submission.
- (j) Uncertainty as to provision of 'affordable' housing. L Martin (32), P Chudleigh (35), C Austin (57), M Wheeler (76), LHESCCA (79), S Brent (92), Winter Miles Airstream Ltd (94), L McQuillan (98), T Allen (103), Maryhill Ltd (105), R Hanan (111) and J Hamilton (119).<sup>10</sup> In relation to inclusionary zoning as set out in the s42A Report<sup>11</sup>

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<sup>7</sup> At [11.15].

<sup>8</sup> At [11.28].

<sup>9</sup> At [11.261].

<sup>10</sup> Other submitters considered the provisions will assist in greater affordability by requiring density - G Erving (51), C Evans (95), Te Rūnanga o Ngāi Tahu, Papatipu Rūnanga (100).

<sup>11</sup> At [11.179].

there is a separate Inclusionary Zoning Variation presently being undertaken and those matters will be addressed District wide through that process. As set out in the Reply s42A Report<sup>12</sup> and in Section 13, affordability was a matter raised through the Hearing. Enabling the right housing typology is a critical (as is having sufficient housing supply) to delivering affordability which is a particular focus of the TPLM Variation and in our assessment (in line with the Minister's expectations). The provisions as we recommend are focused on delivering affordable typologies (in line with Objective 49.2.2) and the infrastructure to support and maintain them, at a density which the market can respond to in the short to medium term. Changes to the RVA provisions should also benefit affordability and provide options for people investing in a house. We have also introduced general restriction of discretion relating to maximising density, affordability and (non-suburban) housing choice. We therefore support this submission point in part, as it relates to the changes made through the hearing and additional changes we recommend.

- (k) The TPLM provides a precedent for urban development in rural areas. P Chudleigh (35). We agree with the s42A Report<sup>13</sup> that accepting the TPLM Variation will not provide a precedent. It is a planned, structured and integrated response to the present ad hoc approach to potential urban development in the area. We reject this submission point.
- (l) The land is productive and that will be lost by urbanisation. M Spary (43). We have addressed the NPS-HPL above (it does not apply to the TPLM variation). We have also addressed the existing zoning and lot/ownership regime above. The area is highly segmented (in terms of multiple owners) and the evidence from Threepwood (and GDL) that existing farming is uneconomic. We have also quoted from the WLBUS above as to how the nature of productive land use in the basin has changed. That, in relation more specifically to the site aligns with the key strategic planning documents reviewed above. We therefore reject this submission point.
- (m) The District's growth should be slowed. C Austin (57), J Alexander (70) and M Barrett (118). These submitters consider that the adverse effects of growth fundamentally threaten the beauty and lifestyle that make the District what it is. We acknowledge that growth comes with compromises and the district has changed (and will continue to change) over time. We agree with the s42A Report<sup>14</sup> that there are no practical legal mechanisms for the Council to slow or stop the District's rate of growth, that it would be contrary to the RMA planning documents, and that the RMA requirements, including through the NPS-UD, are to manage the effects of growth including by providing for well-functioning urban environment, ensuring a sufficient supply of housing, and encouraging a competitive housing marketing. We therefore reject this submission point.
- (n) Pressure on school roll and resources and no guarantee of a school being built. Shotover Primary School BOT (61) and LHESCCA (79). While we acknowledge the

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<sup>12</sup> At Section 6.

<sup>13</sup> At [11.91] and [11.95].

<sup>14</sup> At [11.7].

potential issues, we agree with the s42A Report ([11.80] and [11.157]) and do not accept that the TPLM Variation (and much needed future housing) should be rejected on this ground. The Roman Catholic Bishop of Dunedin is interested in a potential primary school at the western end of the TPLM Variation. The Ministry of Education has expressed its intention for another primary (and secondary) school within the TPLM Variation. While we cannot force that outcome to occur, we strongly encourage it. We therefore reject these submission points.

- (o) Western boundary setback and height restriction. GW and SE Stalker (71). We agree with Mr Brown in his s42A Report that a 25m setback is excessive and the 5m height limit is too low. We accept the proposed 6m landscape buffer and 8m height limit.
- (p) TPLM Variation is contrary to higher order objectives and policies. Park Ridge Ltd (75) and LHESCCA (79). We agree with the s42A Report ([11.87] and [11.88]), the s32 Evaluation Report, and the submission of ORC (83) that the TPLM Variation is consistent with the higher order provisions (noting the further changes we have recommended). We therefore reject these submissions.
- (q) Uncertainty development will occur leading to long periods of vacant land. Mr Wheller (76), LHESCCA (79), M Barrett (118). As addressed above development will occur over time, with the higher density development likely to be long term. The development (as with anywhere) will be staged (some potentially due to the transport requirements and the school restricted discretionary rule we have addressed above) and occur over time. Through the Hearing process changes have occurred (including lower density and enabling the supermarket), which we consider will enable earlier development. As also addressed above development has been already pursued (largely unsuccessfully) in the area and new development proposals are awaiting decision. Therefore, while development cannot be required through the process, and will never occur overnight, we consider it is highly likely to occur and that the TPLM Variation allows for it to occur in an integrated and efficient manner. We therefore reject these submissions.
- (r) Uncertainty that the Structure Plan will be adhered to and whether densities and housing typologies will eventuate. M Wheeler (76) and LHESCCA (79).<sup>15</sup> The delivery of the notified densities was a key issue discussed through the hearing process. The result was a considerable change adopted by the Council (as ultimately set out in Mr Brown's Reply s42A Report), which we have changed further for the reasons set out in Section 13. On the evidence we have received we consider that the densities and provisions as we recommend will eventuate and the provisions, including the Structure Plan, will be appropriately adhered to. We therefore accept these submission points in part as they relate to the changes we have recommended.

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<sup>15</sup> Conversely the submissions of GDL (73) and Maryhill (105) were that the provisions were too prescriptive and would hinder development.

- (s) Lack of consultation. Ladies Mile Pet Lodge (78), LHESCCA (79) and R Hanan (111). The s42A Report responds to this matter and refers to the earlier strategic documents including the Establishment Report and Spatial Plan (which we have addressed above). Further, section 8 of the s42A Report sets out consultation undertaken. These submitters (and anyone else who wished) have also had the opportunity to submit. We agree with the s32 Evaluation Report<sup>16</sup> that consultation was adequate and therefore reject these submission points.
- (t) Misleading communications with the Minister. R Hanan (111). We agree with the s42A Report<sup>17</sup> and reject this submission point.
- (u) Antisocial behaviour, litigation risk and unknown future for Queenstown Airport. Mr Barrett (118). We agree with the s42A Report<sup>18</sup> and reject this submission point on the basis that:
  - (i) the TPLM Variation density (which has reduced from that notified) will not lead to social behaviour problems;
  - (ii) the potential for litigation given the multiple landowners is not a valid reason for rejecting the TPLM Variation. Efforts to deliver urban development in the area to date has already led to litigation. Litigation is always a risk but we consider, for the reasons set out in this recommendation, that the process has been robust and complied with the legal requirements; and
  - (iii) while the future of the airport cannot be guaranteed it is nationally significant infrastructure that is not planning to and is unlikely to (and we received no evidence otherwise) shift. If the airport ever was to shift planning for its land would occur at that time. It is not a reason to not develop the TPLM Site for much required affordable housing now.
- (v) Retention of notified densities. Kāinga Ora (136). As set out in Section 13 above the submissions and evidence before us (Kāinga Ora did not appear before us) was clear that the high densities proposed were beyond those which the market could deliver in at least the short to medium term. Therefore, retaining the notified densities would fail to deliver the purpose of the TPLM Variation and fail to address the key issue of housing affordability. As we have described in Section 13 such an approach is not efficient nor effective and is also not the most appropriate to meet the objective and would not meet the Minister's expectations. We therefore reject this further submission point.

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<sup>16</sup> At [11.23].

<sup>17</sup> At [11.34].

<sup>18</sup> At [11.83] and [11.85].