

Urban Intensification Variation Hearing

Speaking notes Niki Gladding (Ref 704), 9:15am 26 August 2025

1. I am a current QLDC councillor and have been in that role for almost 6 years. I was a councillor when the NPSUD came into force, and I have therefore observed and participated in the Council's response to Policy 5 from the outset.
2. My primary concern with respect to the Urban Intensification Variation (UIV) is the approach the Council has taken to hazard risk mitigation.
3. I am not an expert in this field, however I have observed and participated in the Council's response to known rockfall and debris flow hazards in the Brewery Creek and Reavers Lane areas adjacent to Gorge Rd. I have also participated in the ORC's Head of the Lake adaptation planning – as a community member and as QLDC's councillor representative for Glenorchy.
4. In addition, I was a submitter on an application by Blackthorn Ltd. to develop a hotel complex on a Lakefront site in Glenorchy on land that was subject to a number of natural hazards. Commissioner Munro was a commissioner for that hearing. I was also a s274 party to the Otago Regional Council's (ORC) subsequent Appeal.
5. The application was for an area in the known floodzone. The application also appeared to trigger extensive geological testing of the Glenorchy township which became part of the Head of the Lake Adaptation Project. I will refer to the Panel's decision later in my submission as it lays bare the risks attached to QLDC's 'consent-based' approach to managing natural hazards

Opposition to including Wanaka when it is not a 'Tier 2 environment'

6. Before progressing with my concerns about natural hazards, I want to note my concern that Wanaka has been subject to a 'Policy 5' approach to intensification.
7. Policy 5 states:

Policy 5: Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of:

- a. the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or*
- b. relative demand for housing and business use in that location*

The 'Tier 2 urban environment' listed in the relevant NPSUD Appendix¹ is 'Queenstown' – not Wanaka.

¹ See page 31, NPSUD

8. The Section 32 analysis² wrongly (by my reading) states that:

“Policy 5 directs Tier 2 local authorities to enable heights and density of urban form in a manner that commensurate with the greater of : the level of accessibility to a range of commercial activities and community services, by way of existing or planned active or public transport; or relative demand for housing and business use in that location.

9. My interpretation is that only the Queenstown urban environment is subject to Policy 5 and not all land controlled by the QLDC. I am not opposed to intensification in Wanaka. But I do believe the Council would have proposed a different set of provisions for Wanaka if the methodology used to achieve compliance with Policy 5 had not been used, and if the timeframes imposed by the NPSUD did not apply.

10. In addition, the provisions would no doubt have been shaped by significantly greater community and stakeholder engagement if Policy 5 was not the driver – noting Ms Bowbyes’ comment: *“As this intensification plan variation is a direct result of implementing a national direction, limited community consultation has occurred.”*³ (My emphasis).

11. The intensification methodology used to comply with Policy 5 should not be applied to Wanaka because the NPSUD does not require it. If that relief is granted, then it will be possible for the Panel to address concerns about natural hazard risk and other effects-based matters that are more difficult to address under the ‘Qualifying Matter’ requirements.

Natural Hazards

12. We live in an area that is geologically young and extremely active. The ORC’s online Hazard Maps⁴ show clearly where a number of hazards exist – including flooding, alluvial fan flooding and debris flows, earthquake, and landslide hazards.

13. Many of the areas to be intensified through the UIV lie within, or adjacent to, multiple active hazards – that’s according to the ORC’s Hazard Portal. I’m particularly concerned about the known hazards present in the following locations:

- a. Queenstown Town Centre – Lake flooding, active alluvial fan, liquefaction risk
- b. Frankton Road – landslide hazard and alluvial fans
- c. Wanaka Town Centre and surrounds – landslide, and flooding

² See page 8, s32 Report

³ See page 54, Section 32 Report

⁴ [Otago Natural Hazards Database](#)

d. Arthur's Point – landslide

14. The planning framework sets out the following requirements (amongst others which should be noted in the s32 Report):

Statutory document	Provisions	Requirement
RMA	Section 5	<p>Purpose</p> <p>(2) In this Act, sustainable management means <u>managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—</u></p>
	Section 6	<p>6 Matters of national importance</p> <p>In achieving the purpose of this Act, <u>all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for</u> the following matters of national importance:</p> <p>(h) <u>the management of significant risks from natural hazards.</u></p>
NPSUD	Policy 1:	<p>Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:</p> <p>(f) are resilient to the likely current and future effects of climate change.</p>
	Policy 6:	<p><u>When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:</u></p> <p><u>(e) the likely current and future effects of climate change.</u></p>

RPS	<p>Policy 4.1.6</p> <p>Minimising increase in natural hazard risk Minimise natural hazard risk to people, communities, property and other aspects of the environment by:</p> <p>a) Avoiding activities that result in significant risk from natural hazard;</p> <p>d) <u>Encouraging the location of infrastructure away from areas of hazard risk where practicable;</u></p> <p>e) <u>Minimising any other risk from natural hazard.</u></p> <p>Method 4: City and District Plans Method 4.1.2, Method 4.2.8</p> <p>Policy 4.1.8</p> <p>Precautionary approach to natural hazard risk Where natural hazard risk to people and communities is uncertain or unknown, but potentially significant or irreversible, apply a precautionary approach to identifying, assessing and managing that risk.</p> <p>Method 4: City and District Plans Method 4.1.2</p> <p>Principal Reasons and Explanation:</p> <p>While many of these events are beyond the control of people and communities, <u>there is a need to reduce their potential impacts on people's safety, health and wellbeing.</u></p> <p>Natural hazards can injure or kill people, damage property, create stress and fear, affect the operation of infrastructure and impact on the economy. <u>Natural hazard risks can also be exacerbated by inappropriate subdivision, use and development.</u></p> <p>Natural hazards should be identified and managed appropriately, so the risk of avoidable social and economic harm to communities is reduced as much as possible.</p>	
PRPS	HAZ–NH–P2	<p>Risk assessments</p> <p>Assess the level of <i>natural hazard risk</i> by determining a range of <i>natural hazard</i> event scenarios and their</p>

		potential consequences in accordance with the criteria set out within APP6 [Appendix 6 to the PRPS].
	HAZ–NH–P3	<p>New activities</p> <p>Once the level of <i>natural hazard risk</i> associated with an activity has been determined in accordance with HAZ–NH–P2, manage new activities to achieve the following outcomes:</p> <p>(1) when the <i>natural hazard risk</i> is significant, the activity is avoided,</p> <p>(2) when the <i>natural hazard risk</i> is tolerable, manage the level of <i>risk</i> so that it does not become significant, and</p> <p>(3) when the <i>natural hazard risk</i> is acceptable, maintain the level of <i>risk</i>.</p>
	HAZ–NH–P5	<p>Precautionary approach to <i>natural hazard risk</i></p> <p>Where the <i>natural hazard risk</i>, either individually or cumulatively, is uncertain or unknown, but potentially significant or irreversible, apply a precautionary approach to identifying, assessing and managing that <i>risk</i></p>
	HAZ–NH–M4	<p>District plans</p> <p><i>Territorial authorities</i> must prepare or amend and maintain their <i>district plans</i> to:</p> <p>(1) achieve policies HAZ–NH–P2 to HAZ–NH–P6 and APP6 on <i>land</i> outside the <i>coastal marine area</i>, <i>beds</i> of <i>lakes</i> and <i>rivers</i>, and <i>wetlands</i> <u>by managing the location, scale and density of activities that may be subject to <i>natural hazard risk</i>.</u></p> <p>(6) <u>include provisions that require decision makers to apply the precautionary approach set out in HAZ–NH–P5 when considering applications for <i>resource consent</i> for activities that will change the use of <i>land</i> and which may increase the <i>risk</i> from <i>natural hazards</i> within</u></p>

	<p>HAZ–NH–PR1</p>	<p>areas subject to <i>natural hazard risk</i> that is uncertain or unknown, but potentially significant or irreversible, and</p> <p>Principal reasons</p> <p><u>...The negative effects of natural hazards are generally best managed by avoiding development in areas that are known to be subject to natural hazards.</u> However, the majority of the region is subject to some form of hazards <i>risk</i>, to a greater or lesser extent. While avoidance may be the preferred option in many cases, in other situations mitigating the <i>effects</i> of <i>natural hazards</i> to tolerable levels will be a feasible option to ensure the health, safety and well-being of the community. The changing nature of <i>natural hazards risk</i> due to <i>climate change</i> means that planning provisions need to be able to adapt to a future <i>natural hazards environment</i>.</p>
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15. I have scanned the Council’s evidence and the s32 Report and have found limited evidence of the presence of hazards being addressed either:
- a. as part of a Part 2 assessment, or
 - b. as a qualifying matter under the NPSUD (in line with QLDC’s general approach), or
 - c. to address the requirements of the Partially Operative Otago Regional Policy Statement 2019 (RPS) or the Proposed Regional Policy Statement 2021 (PRPS).
16. The exception to the statement above is the Gorge Road ODP High Density Residential Zone which is discussed at 6.2.1 of the s32 Report as follows:

Whilst the Accessibility and Demand Analysis identified the Gorge Road area as having a high accessibility score, particularly in proximity to the Queenstown town centre, and the relative demand analysis identified the area as having high demand, the Council is currently working to understand the nature, scale and risk of the natural hazards (alluvial fan debris flow risk, flooding and rock fall) present within and adjacent to the Gorge Road ODP High Density Residential Zone.

- a. *These areas (known as Brewery Creek and Reavers Lane) have not yet been included in the District Plan review as detailed investigations and community consultation in relation to risk tolerance is being undertaken and a preferred response package is being developed. This is being undertaken within the context of section 6(h) of the RMA, matters of national importance - the management of significant risks from natural hazards.*
- b. *Once the outcomes of the above workstreams is known, the zoning of the areas and their related planning provisions will be considered, and the area incorporated into the District Plan review. This review will be required to take into account the requirements of the NPS-UD, given that Queenstown Lakes is a Tier 2 local authority, but currently due to the further work required, the natural hazard risk in this area means that intensification is considered to be inappropriate.*
- c. *It is noted that the majority of the area is zoned High Density Residential under the ODP in which there is no maximum density specified in the ODP.*

17. These areas (Brewery Creek and Reaver's Lane) have been excluded from the UIV because QLDC is in the process of considering the hazard risk – and how to address it. It is considering whether to down-zone parts these areas or even prevent habitation. Compensation has been considered as an option although there is no budget. In terms of this Variation, QLDC is clearly unable to intensify an area of known risk when it may increase risk to life or its own liability.

18. The question then becomes how much does QLDC need to know about a hazard, and the risk it poses before it is obliged to take a precautionary approach to intensification under Policy 5 (or with respect to any upzoning of land)? Noting the potential risks to life, property, and also to ratepayers through the potential need to compensate for damage and/or future down-zoning if poor decisions are made now.

19. At 6.2.8 of the s32 Report Ms Bowbyes acknowledges the hazards in the area of the Wanaka Town Centre – including the landslide and flood hazards. She notes that:

“Natural Hazards are covered by Chapter 28 of the PDP, but there are also Natural Hazard specific assessment matters (25.8.8) in the Earthworks chapter of the PDP and matters of discretion for buildings in the WTC (13.4.4), HDRZ(9.4.5) and MDRZ (8.4.10)...

...The loading on the likely needed engineered designed foundations could increase due to increase in the height of buildings, but a higher development yield could also make the cost of the foundations more feasible. While, the presence of these hazards does present a constraint on intensification (and potentially the feasibility of intensification), the changes proposed do not change the status quo and the need to consider these hazards at a site level when development is proposed.”

20. I am challenging the lawfulness of that site-level approach while effectively or literally upzoning these hazard prone parts of the district – given the provisions of the statutory documents.

21. There are also potential, unquantified economic and health and safety effects that I believe must be considered by the Panel including effects on:

- a. Risk to life
- b. Risk to property
- c. Economic risk to landowners

22. In terms of the last, land that has greater development potential is likely to receive a higher valuation (at least initially while valuers assume greater intensity of development is possible) and will, in that event, be expected to carry a higher rates burden despite that development being cost prohibitive or even unfeasible. On top of that, the risk for insurers may increase to the point where they pull out of these areas.

23. Below is part of the Decision⁵ of the Panel that considered a new Hotel development for a flood and liquefaction-prone lakefront site in Glenorchy. This section deals with natural hazards. The ORC had opposed the grant of consent, highlighting the multiple hazards affecting the site and the additional investigations required to assess the level of risk. The Panel did not agree with the ORC or accept the need for additional investigations – largely on the basis that District Plan provisions were not merely guidelines and must have been based on an assessment of the risk. The Commissioners stated that the zoning provisions indicated a level of tolerance to the existing risk (see the parts of the Decision underlined below) and consent was granted.

24. This Decision obviously does not bind future decision-makers but it illustrates the potential consequences of not taking a precautionary approach to upzoning hazard

⁵ Decision of the Queenstown Lakes District Council, Blackthorn Lodge Glenorchy, RM191318 (Commissioners Ian Munro and Lisa Mein), 20 May 2021

prone sites. As an aside, the Decision was appealed and a settlement was mediated imposing detailed requirements for foundation works – years on, and after much time and effort and money spent, work has not progressed.

Natural hazard risks and effects

67. We accept that there is a probability of a number of very high-severity, low-occurrence interval events affecting the Site, the settlement of Glenorchy, and in fact all of the settlements within the District. In this respect we remain unconvinced that this particular Site exhibits a materially greater risk in the face of such extreme events than other land within Glenorchy.

68. The ORC's experts drew to our attention a number of potential hazard risks facing the Site that had not been assessed sufficiently, in the ORC's view, by the Applicant or the Council. In the ORC's experts' opinion, these were of such a magnitude, and while accepting that the Site would be more susceptible to some hazard events than some other sites in Glenorchy (but not all), that we struggled to discern with any confidence how they might apply specifically to the Site rather than most if not all of Glenorchy as a whole. In several scenarios, the hazard events in question would need to cross many other sites in Glenorchy before reaching the Site. In this respect it was not clear to us what the ORC experts would seek development on the Site itself to achieve, but that no other sites should achieve. We also struggled to see how we could approach the Site in light of such hazards given how substantially changes on intervening sites, often as permitted activities under the ODP and PDP, could occur and in ways that we could not control or predict – but which could affect how a hazard event might impact the Site. By the same token, we did not see how we could approach the matter of forcing the proposal to respond to hazard events affecting much of Glenorchy when changes to the Site to mitigate those might exacerbate the hazard events in question on many other sites that we are not able to consider or fully understand.

69. We prefer the Applicant's and the Council's position that an acceptable and reasonable level of risk assessment has been undertaken, and that an acceptable residual risk has been identified within the broad community 'frame' of risk tolerance that has been set through the ODP and PDP (and we are satisfied that the PDP gives effect to the RPS in this respect, as was advised to us by Ms. Sheehy). We find that the relief sought by the ORC is both excessive and unreasonable. It is also inconsistent, if not irreconcilable, with the position the ORC has otherwise taken to support the Settlement zone for the land in the PDP. It has been very relevant to us that in reaching this conclusion, many submitters expressed the view that they felt informed, and able to make informed decisions, to live with and tolerate natural hazard risks in Glenorchy. Many submitters also supported development of a hotel on the Site, including the potential for an equivalent number of site users as is proposed, but on the basis of a more compliant bulk and location outcome (such as less height but greater site coverage).

70. In reaching our conclusion we find that we have been able to understand the natural hazard risks that development in Glenorchy faces sufficiently to make a decision on the application, without additional detailed studies as sought by ORC. In support of this approach, we refer to the submitters and

the many experiences shared with us of how the community lives with and tolerates the natural hazard risks that face the town. For example, Ms. Gladding took credit as the one that made a video recording of Rees River flooding that was shown to us as part of the ORC presentation. Similarly, we accept Mr. Reid's account of his own 40-year memories of living in Glenorchy as well as stories recounted to him by his father and grandfather of when hazard events occurred.

71. Respectfully, we had a number of difficulties with the position of the ORC and its experts.

In summary:

(i) One driver of the submission was that if an extreme event occurred, the ORC would face inappropriate financial costs as part of responding to that. The ORC was not able to offer any evidence at all to substantiate this claim, which we have found to lack merit. We see part of ORC's role being to set rates enabling it to fulfil its duties under the RMA and any other applicable statute. Granting consent to the proposal could not as we see it interfere with that duty.

(ii) We cannot see a pathway to supporting the ORC's submission without accepting that, first, the natural hazard provisions of the ODP and PDP outweigh or out-rank the zone chapter(s) that enable development. Secondly, and as an inevitable consequence of (a), the land use zones within the ODP and PDP would ultimately be little more than indicative guidelines to be proven (or not) at the time of a resource consent. We find that the Plan does not, and cannot, operate in the way that ORC seems to prefer. To the contrary, we find that the Council and ORC have together undertaken natural hazard assessments as part of the preparation of their respective Plans and this has informed where they have and have not zoned land for development. They have signalled, broadly, a degree of natural hazard risk acceptance through the planning decisions they have made in exercising their statutory functions and powers of general competence.

72. We would take care to emphasise that we are not suggesting that resource consents should not, or could not, ever be refused consent on the basis of natural hazard risks. As we read the ODP, PDP and RPS it is clear that such outcomes are envisaged. However, in this instance, we find that a no more than minor level of adverse effects is likely in relation to natural hazards, and in light of the level of risk tolerance and acceptance that exists in Glenorchy (including by way of the ODP and PDP zone frameworks). These effects have been reasonably mitigated by the Applicant and by way of the investigations and methodologies (and consent conditions) it has volunteered or accepted.

73. We therefore find that in terms of adverse natural hazards effects, a refusal of consent to the application would be improperly justified.

Relief requested

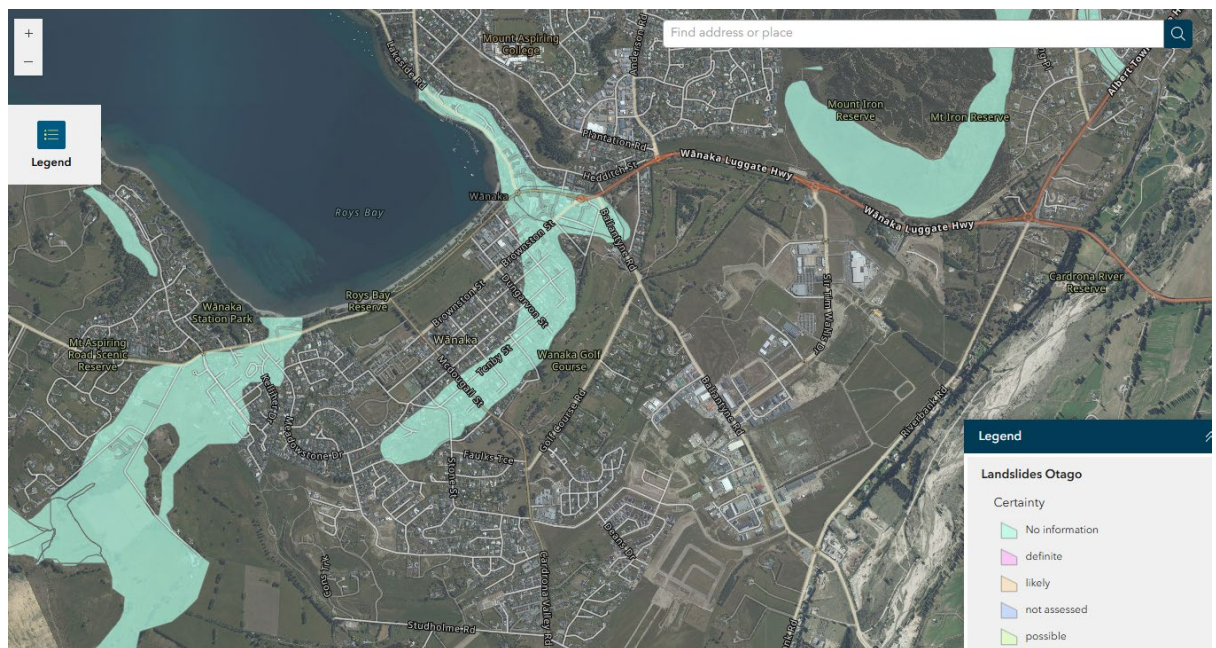
25. I am requesting that the Policy 5 methodology and requirements be limited to the Queenstown urban environment.

26. I am also requesting that the Panel does not accept QLDC's approach of only assessing hazard risk on a site-by-site basis at the time that resource and building consents are applied for. That approach may be unlawful. It would also be grossly inefficient and unfair on landowners. And it would increase the risk of inappropriate and unsafe development. QLDC is the party best-placed to assess the risk (in line with APP6 Methodology⁶) and it should do so before enabling intensification. I note this is the approach QLDC is taking at Gorge Rd hazard sites; my position is that the statutory documents require a precautionary approach for all land that is subject to known natural hazards and not just for the areas QLDC has so far taken the time to investigate.
27. I am asking the Panel, to make a recommendation that the intensification of land within areas subject to known natural hazards can not proceed until QLDC has assessed natural hazard risk in line with App6 as required by HAZ–NH–P2 (PRPS).
28. Below are a few examples of the hazards that the Panel should consider. These are available on the ORC hazard database⁷. Flood, alluvial fan, and landslide maps should be considered for all areas. Queenstown CBD, Frankton Road, Arther's Point, and Wanaka Town Centre stood out as affected but my intention is not to limit the scope of your consideration.

⁶ See Appendix 6 to the ORC's Proposed Regional Policy Statement

⁷ [Otago Natural Hazards Database](#)

Landslide Hazards (Wanaka)



Flood Hazard (Wanaka)



Mapped landslide hazard (Queenstown)



Mapped landslide hazard (Frankton Road) – showing where intensification overlaps with known hazards

