

### Full Council

5 February 2026

#### Report for Agenda Item | Rīpoata moto e Rāraki take [4]

**Department: Planning & Development**

**Title | Taitara: Report and recommendations of the Independent Hearing Panel for the Urban Intensification Variation to the Proposed District Plan**

#### Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to provide the Independent Hearing Panel (IHP, Panel) Recommendation Report (IHP Report) on the Urban Intensification Variation (UIV, Variation) to Council and seek decisions on the Variation. The IHP Report is provided as Attachment A.

#### Executive Summary | Whakarāpopotaka Matua

The IHP was formally appointed by Council<sup>1</sup> to hear, deliberate and make recommendations on submission on the UIV. The UIV was notified using the process set out in Schedule 1 of the Resource Management Act 1991 (RMA) between 24 August – 5 October 2023, and the summary of decisions requested was notified for further submissions between 16 May – 14 June 2024.

Three addenda to the summary of decisions requested were notified (each for 10 working days) in July and August 2024, and February 2025.

In total 1274 submissions and 108 further submissions were received on the UIV, comprising over 7,000 submission points. The hearing was held in August 2025 in venues in Arrowtown, Queenstown and Wānaka. Eighty-nine individual submitters appeared and spoke to their submissions, and several submitter groups were represented (including Friends of Arrowtown Village, Wānaka Central District Property Owners group, Lismore Street group and Multiple Queenstown Submitters group). Council staff prepared s42A Reports, rebuttal and reply evidence, appeared at the hearing and responded to written questions in Minutes issued by the IHP.

The IHP Report recommends that the Variation be approved and recommends amendments to the Proposed District Plan (PDP) text and mapping that respond to matters raised in submissions.

This agenda report sets out three reasonably practicable options for Council's decisions on the UIV. It is recommended that Council adopt the IHP Report and recommendations on submissions as a Council decision.

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<sup>1</sup> 27 June 2024: 12 December 2024 (Item 9).

It is important to note that the recommendation of the IHP cannot be amended through this Council decision. If the recommendation is not adopted in full and amendments are otherwise sought, then the decision will effectively be to not accept the IHP's recommendation. If this occurs the variation process would be required to be restarted, resulting in significant time and financial cost to the Council, which has not been budgeted for.

### Recommendation | Kā Tūtohuka

That the Council:

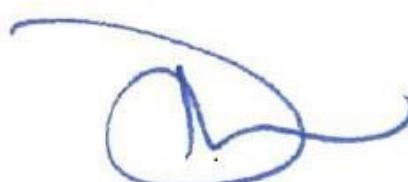
1. **Note** the contents of this report;
2. **Adopt** the Independent Hearing Panel Report and recommendations on submissions and further submissions on the Urban Intensification Variation to the Proposed District Plan as a Council decision;
3. **Direct** staff to alter the Proposed District Plan provisions to reflect the recommended change and to correct minor errors and make changes of a minor effect in accordance with clause 16(2) of the First Schedule of the Resource Management Act 1991;
4. **Note** that adopting the report and recommendations as the Council decision means that the Council also adopts the reasons for those decisions as set out in the Independent Hearing Panel report;
5. **Note** that adopting the Independent Hearing Panel report and recommendations as a Council decision does not mean Council has formed a view on possible future variations mentioned in the report; and
6. **Direct** staff to notify the decision in accordance with the First Schedule of the Resource Management Act 1991.

**Prepared by:**



**Name:** Amy Bowbyes  
**Title:** Principal Planner – Resource Management Policy  
15 January 2026

**Reviewed and Authorised by:**



**Name:** David Wallace  
**Title:** Planning & Development General Manager  
26 January 2026

### Context | Horopaki

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#### Background

1. The purpose of the UIV is to amend the PDP to give effect to Policy 5 of the National Policy Statement on Urban Development (NPS-UD), while also supporting the NPS-UD's broader objective of achieving well-functioning urban environments and enabling at least sufficient plan-enabled development capacity to meet expected demand. The UIV is also intended to make amendments to planning provisions to recognise the benefits of intensification, ensure appropriate amenity values are provided for within the intensification areas, and ensure that intensification can be serviced.
2. Pursuant to s75(3) of the Resource Management Act 1991 (RMA), district plans must give effect to any national policy statement. As the hearing for the UIV had commenced prior to 20 August 2025, the UIV is not subject to 'Planstop'<sup>2</sup>.
3. Policy 5 of the NPS-UD states the following:

**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.*

4. To inform how Policy 5 is to be given effect to in the unique context of the district, the Council commissioned a comprehensive suite of technical assessments. In summary, these comprised:
  - a) Accessibility – an assessment of “the ability to go places to do things”, including how many destinations could be accessed within a given timeframe. This analysis drew on transport network data and the spatial distribution of activities and destinations;
  - b) Relative Demand – analysis of several demand indicators, including land prices and proximity to amenities, to map different levels of demand across the urban environment. This identified the relative demand for housing and business use in different locations;
  - c) Urban Design – review of PDP provisions to identify those already consistent with the NPS-UD's enabling intent, and to highlight potential barriers or conflicts that may require amendment to align with anticipated built-form outcomes; and

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<sup>2</sup> A summary briefing of the 'Planstop' requirements is outlined in the briefing paper provided at the meeting of Full Council on 27 November 2025 (Item 8).

- d) Economic Modelling – evaluation of the adequacy of different intensification options, to meet the NPS-UD Policy 5 requirements, including assessment of housing typologies, capacity, and development feasibility.
- 5. Together, these inputs informed the Section 32 Evaluation Report and shaped the form and location of the intensification measures proposed in the Variation.
- 6. The UIV therefore proposes a coordinated package of amendments to the PDP (both text and mapping changes) to increase building heights and densities, or to remove barriers to achieving existing density, across selected PDP urban zones, and to rezone land close to the commercial areas of Queenstown, Frankton and Wānaka to enable intensification of development. It also introduces changes to recognise the benefits of intensification, ensure that adequate amenity values are provided for within intensification areas, and to ensure that intensification is appropriately serviced.
- 7. A summary of the notified UIV, compiled at the time of notification, is provided on the Council website [here](#). The notified provisions, s32 Report and supporting evidence can be viewed [here](#), along with all documents filed for each step of the Variation, including Minutes issued by the IHP, s42A Reports and legal submissions, submitter evidence and legal submissions, rebuttal evidence, hearing presentations and memoranda responding to questions from the IHP, and reply evidence.
- 8. The UIV was approved for notification via Council at its meeting held on 1 June 2023, and subsequently an additional report on 10 August 2023 endorsed the inclusion of Lake Hāwea South (following its inclusion in the urban environment) in the approved notification. The Variation was publicly notified on 24 August 2023, with the notification period open for an extended period of 30 working days, closing on 5 October 2023. In total 1274 submissions and 108 further submissions were received on the UIV, comprising over 7,000 submission points.
- 9. The summary of decisions requested by submitters was notified on 16 May 2024 for a period of 20 working days, closing 14 June 2024, and was subsequently renotified through three addenda on 11 July 2024, 8 August 2024 and 14 February 2025 to include additional submissions.
- 10. Submissions received were across the full spectrum of views, from submissions seeking enablement of greater heights and densities of urban form, to submissions seeking limited or no change to the status quo.
- 11. The Council endorsed appointment of the IHP at its meeting held on 9 May 2024. Independent Commissioners David Allen (Chair) and Ian Munro were appointed, along with Councillor Commissioner Lyal Cocks. The hearing was held between 28 July and 27 August 2025, comprising 2.5 sitting weeks held at venues in Arrowtown, Queenstown and Wānaka.
- 12. Following the receipt of the Council's Reply evidence and closing legal submissions on 1 October 2025 the hearing was formally concluded by the IHP on 20 October 2025. The IHP then completed the Recommendation Report which is Attachment A.

### Analysis and Advice | Tatāritaka me kā Tohutohu

13. The full IHP Recommendation Report is attached at Attachment A. This outlines in detail the process and analysis undertaken by the IHP to develop the recommendations made. All requirements of the variation process have been undertaken to meet legislative requirements, including the evaluation requirements set out in s32 and s32AA of the RMA.
14. The recommendation is a result of detailed analysis of evidence provided to the Panel and analysis of submissions made by numerous parties across the District. The outcome of the IHPs analysis is amendments to the Proposed District Plan to give effect to the NPS-UD, which is a statutory requirement.
15. The IHP have, through their analysis and deliberations, recommended changes from what was originally notified. These changes arise from the matters raised in submissions received and the evaluation process undertaken by the IHP. The recommendation is within the ambit of the role delegated to the IHP via its formal appointed by Council.
16. It is important to note that the recommendation of the IHP cannot be amended through this Council decision. If the recommendation is not adopted in full and amendments are otherwise sought then the decision will effectively be to not accept the IHPs recommendation. If this occurs the variation process would be required to be restarted, resulting in significant time and financial cost to the Council, which has not been budgeted for.

### Summary of Key Recommendations in the IHP Report

17. The IHP Report recommends that the Variation be approved, with several modifications that still give effect to the NPS-UD. The modifications generally place greater emphasis on managing amenity and character effects than the notified UIV. The Panel generally supports intensification in the most accessible and central locations and recommends lesser height increases (compared to the notified UIV) in certain locations, as summarised below.

18. Key changes to the notified Variation recommended by the IHP are summarised below.

- a) Overall, outside of the main urban centres of Wānaka and Queenstown town centres and the Queenstown Central Residential area, the Wānaka Three Parks area and the Wānaka South area, the panel found that an increase in low level two storey density on sites was preferred over increasing height above two storeys and that these changes to the notified UIV would meet the requirements of the NPS-UD.
- b) The **Lower Density Suburban Residential Zone (LDSRZ)** is recommended by the Panel to be renamed Suburban Residential Zone (SRZ), and the Panel supports the notified height standards which increase current permitted heights from 6.5 or 7m currently, to 8m. This change, coupled with changes to recession planes, provides greater flexibility for two storey development. The density standards are recommended by the Panel to be amended to provide greater flexibility to exceed current density limits, which would

enable greater opportunity for small, detached infill dwellings. The Panel recommends that the activity status for breaches to maximum height is amended from non-complying to discretionary activity status.

- c) Provisions of the **Medium Density Residential Zone (MDRZ) and High Density Residential Zone (HDRZ)** are recommended to be restructured to retain these existing PDP zones and introduce two new zones called Medium Density Residential A Zone (MDRAZ) and High Density Residential A Zone (HDRAZ). The 'A' zones are recommended to apply in the areas where greater height and density is recommended by the Panel.
- d) The Panel found that most parts of the notified UIV MDRZ extent outside of the central Queenstown residential area and generally greenfield land in Wānaka South should retain the existing PDP height limit and other existing provisions. Notified new Rules requiring outdoor Living Space and Outlook Space for residential units are recommended by the Panel to only apply where the development includes more than three residential units on the site, or three or less units that have a net area per residential unit of less than 250m<sup>2</sup>. The Panel recommends that the activity status for breaches to maximum height is amended from non-complying to discretionary activity status.
- e) The Panel recommends that the new MDRAZ applies to locations near central Queenstown and on generally greenfield land in Wānaka South. The panel supports the notified height standards for this zone which increase current permitted heights from 8m to 11 metres plus an additional 1m for pitched roof forms. The panel supports the removal of the density requirements for this zone (one residential unit per 250m<sup>2</sup> net site area) and the additional requirement of requiring an outdoor living space of 20m<sup>2</sup> and an outlook space of 4m x 4m from a main living room. The Panel recommends that the activity status for breaches to maximum height is amended from non-complying to discretionary activity status.
- f) Similar to MDRZ, the panel found that most parts of the HDRZ outside of the central Queenstown residential area and generally greenfield land at Wānaka Three Parks should retain the existing PDP height limit and other existing built form provisions.
- g) Within the central Queenstown residential area and at Wānaka Three Parks, the Panel recommends that the new HDRAZ applies and generally support the notified version of the HDRZ provisions. The Panel agrees with increasing permitted building height from 12m to 16.5m and recommends introducing a tiered approach for any building greater than 24m to be discretionary activity (notified version was restricted discretionary for all buildings above 16.5m).
- h) The Panel recommends that the location for increased residential density in Wānaka is focused in and around the largely greenfield urban areas of Three Parks and Wānaka South, by applying the MDRAZ and HDRAZ in these locations. This change differs significantly from the notified proposal, which sought to apply greater heights in residential areas adjoining and near to Wānaka Town Centre. In the residential areas near

Wānaka Town Centre, the Panel recommends that lower heights are applied, by accepting the mapping changes in the notified version (apart from 1 Ballantyne Road gazetted as National Park on which the Panel recommends the current zoning be retained) which increase the extent of the MDRZ (albeit with a permitted height of 8m).

- i) The Panel recommend greater building heights within Wānaka Town Centre from 8m to 16.5m, being permitted, for buildings other than those in the Wānaka Height Precinct as notified. The Panel recommends a tiered approach for buildings between 16.5m and 20m to be a restricted discretionary activity and that the activity status for breaches to the 20m maximum height be amended from non-complying to discretionary activity status. The Panel recommends the inclusion of additional objectives, policies, rules and matters of discretion to ensure high quality urban design outcomes are achieved.
- j) In Queenstown Town Centre, the Panel agreed with the notified greater building heights applying the amphitheatre approach which recognises the 'historical town centre' with lower heights adjoining the historical core and lake shore. The Panel supported the additional built form provisions, including building setback at upper floors, and outlook space requirements for residential units. The Panel recommends that the activity status for breaches to maximum height is amended from non-complying to discretionary activity status. The MDRAZ and HDRAZ are recommended to apply near the town centre. This is largely consistent with the notified approach around the town centre, apart from additional rezonings recommended by the Panel to rezone land located at the top of Queenstown Hill from LDSRZ to MDRAZ and from MDRZ to HDRAZ on Thompson Street.
- k) For Arrowtown, the Panel recommends lower building heights in the MDRZ and SRZ and recommends that references to the Arrowtown Design Guidelines 2016 be removed from the SRZ and MDRZ. Matters of discretion that enable consideration of Arrowtown's existing character are recommended by the Panel to apply to certain activities. The Panel recommends that the PDP maximum building height for the Local Shopping Centre Zone in Arrowtown is retained at 7m.
- l) For Hāwea, the Panel recommends retention of the current zoning, including application of the MDRZ with the reduced building height of 8m. The Panel recommend that the PDP maximum height of 10m is retained in the Local Shopping Centre Zones at Hāwea South and increased from 7m to 10m for Hāwea.
- m) The Panel recommends that the PDP maximum building height for the other Local Shopping Centre Zones (Albert Town, Fernhill, Sunshine Bay, Cardrona Valley Road) increase from 7m to 10m and for Kelvin Heights and Frankton the PDP maximum building height is retained at 10m.
- n) For Arthurs Point, the Panel recommends retention of the current zoning, including retention of the MDRZ with the reduced building height of 8m and 12m for the HDRZ.

- o) The Panel recommends that most of the current references to Queenstown Lakes District Council (QLDC) design guidelines be removed from the provisions. The Panel's key reason for this change is that the recommended changes to heights and density would result in the guidelines being inconsistent with the UIV provisions. The Panel acknowledges that the guidelines are documents incorporated by reference in the PDP and are required to be updated via a specific RMA process that is separate to the plan change process<sup>3</sup>. The guidelines have not been amended at the same time as the UIV process has occurred, resulting in inconsistency between the UIV provisions and the current guidelines. However, references to the Business Mixed Use guidelines are recommended by the Panel to be retained, and references to the Residential design guidelines are recommended to be retained in the MDRZ and HDRZ.
- p) The Panel also recommends new provisions relating to vehicle loading areas in residential zones.

19. The Panel's position on scope aligns with the Council's notified position, whereby the Panel recommends that the UIV applies to land in the existing urban environment that is subject to the PDP. The Panel agrees that the ODP land sought by submitters to be included in the UIV is out of scope of this Variation, and that separate plan change(s) would be required for the ODP land.

20. The Panel confirms that the district plan is meeting the requirements of Policy 2 of the NPS-UD, which requires Tier 2 territorial authorities to at all times provide at least sufficient development capacity to meet expected demand for housing and business growth.

21. Regarding housing affordability, the Panel generally agrees with the Council's position set out the s32 and various evidence provided through the course of the hearing, that whilst the UIV will not require development of affordable housing, it will benefit housing affordability outcomes by responding to growth demands and enabling greater flexibility for smaller houses (including attached housing).

22. Overall, the Panel is satisfied that its recommended version is the most appropriate outcome for the UIV. The recommended provisions are close to or otherwise derived from the Council's Reply position, including the s32 and 32AA analyses provided by Council experts. The extent to which the recommended provisions differ from Council witness' position are not considered by the Panel to be significant and warrant a simple s32AA report from the Panel<sup>4</sup> noting that the decision, and reasons, must also be seen as forming part of the required s32AA analysis.

23. The IHP Report states<sup>5</sup> in summary that:

*The recommended provisions will be as beneficial, less adverse, and more focused on addressing existing housing affordability issues in the District's urban environment than the Council's [notified] UIV position was. Economic growth opportunities have been maintained*

<sup>3</sup> The process for updating material incorporated by reference is set out in Part 3 of the First Schedule of the RMA.

<sup>4</sup> IHP Recommendation Report, Section 21.

<sup>5</sup> IHP Recommendation Report, paragraph 21.2(e).

*but broadly, the overall costs and benefits of the Panel’s recommendation will be equivalent to those of the Council’s reply position. The Panel finds that its approach of looking to maximise local amenity-compatible intensification within the LDSRZ (to be named SRZ) and MDRZ zones beyond status quo permitted density limits will also provide more opportunity for more landowners to provide for their own social and economic wellbeing by having land development options available to them that currently are not.*

24. It is important to note that Central Government has already made significant legislative changes through the Fast Track Approvals Act regime and is currently proposing further significant and fundamental change to the Planning and Building regulation legislation in New Zealand. The thrust of these Central Government led changes is to promote more housing growth in New Zealand and for that to be facilitated through more streamlined planning regulation. This coupled with other previous central Government changes giving rise to the NPS -UD point to a significant shift in Government policy to facilitate and promote more housing growth in New Zealand. The changes recommended by the IHP support the requirements of the NPS-UD and aim to enable additional housing growth supporting of increased housing densities and typologies in New Zealand to meet future demand.
25. This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.
26. Option 1: Adopt the IHP Recommendation Report recommendations on submissions and further submissions as a Council decision.

*Advantages:*

- The UIV has been through a thorough process under Schedule 1 of the RMA. This ensured the submissions and hearing process gave people the opportunity to support or seek changes to the notified proposal and be heard in relation to their submissions. Submissions received on the notified proposal were across the full spectrum of views, from submitters seeking greater heights and densities to those seeking that the status quo be retained.
- The IHP Commissioners were formally appointed by Council to prepare the recommendation report. The Commissioners are qualified decision-makers who have read and considered the notified proposal, all submissions and further submissions received, and all evidence on the Variation. The Commissioners have reached a robust and fully informed recommendation that meets the RMA statutory requirements.
- This is the most efficient option for advancing the Variation to becoming operative, meeting Council’s statutory requirement to implement the NPS-UD and making a fully informed and robust decision on the Variation.
- The Variation supports compact urban form and efficient use of infrastructure, reducing urban sprawl and promoting sustainable development patterns. The IHP recommended provisions provide for projected future housing demand and a wider range of attached

housing typologies, consistent with the Accessibility and Demand Analysis and Section 32 evaluation. The recommendations will also help address ongoing housing affordability pressures by increasing development capacity in the most accessible locations, where higher densities are most viable and consistent with strategic planning outcomes.

- As this Variation is subject to the process set out in Schedule 1 of the RMA, submitters will have the opportunity to appeal the Council's decisions to the Environment Court, should they choose to.

*Disadvantages:*

- Some submitters may remain dissatisfied with the outcomes recommended by the IHP, particularly where height or density increases have been retained or applied in alternative locations.
- The Variation may generate community concern about the perceived loss of neighbourhood character or amenity in certain locations, even though these effects were carefully balanced against the directive in Policy 5 that requires Council to enable intensification in accessible and high demand areas.
- The higher densities enabled through the Variation will place additional pressure on existing infrastructure networks until upgrades are completed, although the evidence indicates that optimising and upgrading existing infrastructure is generally more efficient than continuing outward expansion.

27. Option 2 Reject the IHP Recommendation Report recommendations in full or in part and appoint a new IHP to rehear submissions on the UIV

*Advantages:*

- Would allow Council to appoint new Commissioners to re-hear some or all submissions.
- Could provide an opportunity to address any perceived gaps or errors in the IHP's consideration of evidence or interpretation of the policy framework, should such matters be identified.

*Disadvantages:*

- As the Council has not heard the evidence presented at the hearing, a full variation rehearing process would be required. This would impose significant additional costs, time delays and uncertainty on ratepayers and all parties directly involved.
- A re-evaluation and rehearing would be necessary because changing the recommendations without undertaking a further hearing would not demonstrate procedural fairness or uphold the principles of natural justice for those who have participated in the Variation process.

- Repeating the Schedule 1 hearing process would require substantial Council, staff, and submitter resources, and would significantly delay the implementation of Policy 5 of the NPS-UD. There is no certainty that a rehearing would result in materially different recommendations. Parties who are dissatisfied with the IHP recommendations already have a clear right of appeal to the Environment Court on a de novo basis (i.e., a rehearing of all matters from the beginning). Reopening the hearing at Council level would therefore duplicate this process without providing any additional procedural benefit.
- A decision to adopt some of the IHP's recommendations and not others would result in significant complexity and legal uncertainty, as the recommendations are a cohesive package rather than a set of discrete findings. This approach could also raise fairness concerns if the submissions of some parties were reconsidered while others were not, potentially undermining confidence in the impartiality of the process. It may also risk litigation and associated costs.
- The IHP was appointed by Council to undertake an objective and independent assessment of the matters raised in submissions to ensure their recommendations are legally robust. Rejecting the recommendations without clear and defensible justification would risk undermining public confidence in both the statutory hearing process and the integrity of the Council's decision-making framework.
- Pursuant to s75 of the RMA, district plans are required to give effect to any national policy statement. If a decision is not made on the UIV, then this may result in the Council failing to meet RMA requirements.

### 28. Option 3 Withdraw the UIV

#### *Advantages:*

- No further investment required in the current UIV process.

#### *Disadvantages:*

- Would not provide any return on the significant investment in the UIV by Council and parties who have made submissions and participated in the hearing. This option would also fail to achieve the benefits of the UIV, including addressing the district's growth challenges by enabling more efficient use and development of existing urban land.
- Would not meet the statutory requirement to give effect to Policy 5 of the NPS-UD. Any new variation would still need to be informed by a comprehensive evidential basis that, from the evidence gathered thus far, would still result in a proposal to increase heights and density of urban form in the existing urban environment. This would also create prolonged uncertainty for communities and developers.

- Would not implement the Council endorsed QLDC Spatial Plan 2021, which seeks intensification of the existing urban environment as a priority method to provide for growth. It would also not align with the QLDC Climate and Biodiversity Plan 2025, which seeks to reduce the district's emissions, including through reducing car-dependency by enabling compact self-sufficient serviced communities.
- If a decision is not made on the UIV, then this may result in the Council failing to meet the requirement in s75 of the RMA, which requires district plans to give effect to any national policy statement.
- Would limit Council's ability to meet the statutory requirement to give effect to Objective 2 and Policy 2 of the NPS-UD. Objective 2 requires that planning decisions improve housing affordability by supporting competitive land and development markets. It would also lead to a shortfall in sufficient plan enabled development capacity to meet expected demand for attached dwellings, and therefore not give effect to Policy 2 of the NPS-UD.
- Would not address the district's growth challenges and may result in both reputational and legal risk due to not giving effect to the NPS-UD.

29. This report recommends **Option 1** for addressing the matter because it is the most efficient, timely, cost effective and legally robust option.

### Consultation Process | Hātepe Matapaki

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#### Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

30. This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy 2024 because growth is an issue that has a high level of community interest, demonstrated through the high number of submissions received on the UIV.

31. The persons who are affected by or interested in this matter are residents/ratepayers of the district, community members, the building and development sector, community agencies and groups which are concerned with housing supply, choice and availability, and submitters on the UIV.

32. The Council has undertaken public consultation on this Variation using the process set out in Schedule 1 of the RMA. Consultation included a 40 working day submission period which included community drop-in sessions in venues in Arrowtown, Queenstown and Wānaka, a further submission period of 20 working days, and the hearing convened by the IHP.

#### Māori Consultation | Iwi Rūnaka

33. The Council has consulted with iwi through the Variation process, including receiving feedback from the iwi authorities on the draft Variation, and incorporating the feedback into the notified

proposal. Rūnaka also had the opportunity to submit on the Variation, engage in evidence exchange and appear at the hearing, however, chose not to.

### Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

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34. This matter relates to the Environmental risk category. It is associated with RISK10056 Ineffective provision for the future planning and development needs of the district within the QLDC Risk Register. This risk has been assessed as having a moderate residual risk rating.
35. The approval of the recommended option will allow Council to retain the risk at its current level. This will be achieved by approving the recommended option by adopting the IHP Report recommendations. The IHP has read and considered all submissions and evidence on the UIV and has prepared recommendations based upon that evidence.
36. Should the Council decide not to adopt the IHP Report recommendations, the risk rating would increase to high or very high. There are legal and reputational risks associated with failing to meet the statutory requirement to implement the National Policy Statement on Urban Development. The relevant additional risk in the QLDC Risk Register is RISK1009 Strategy for growth fails to meet objectives, as intensification of the urban environment is an objective of the QLDC Spatial Plan 2021.

### Financial Implications | Kā Riteka ā-Pūtea

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37. The preferred option would include the opportunity for Environment Court appeals, which would require funding for legal and consultant costs provided through the PDP budget. The Environment Court appeal process is standard practice for plan variations using the process set out in Schedule 1 of the RMA.
38. Should the Council decide not to adopt the preferred option, the financial implications would be significant due to the need to appoint a new IHP to rehear submissions. Additionally, prolonged uncertainty regarding the final version of the UIV provisions may erode confidence of developers seeking to develop in the district, which may result in development proposals being abandoned.

### Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

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39. The following Council policies, strategies and bylaws were considered:

- Proposed District Plan
- Spatial Plan 2021
- Climate and Biodiversity Plan 2025
- Aligns with the following principles of the Strategic Framework:
  - Create well-designed communities

- Provide for growth
- Build resilience and ability to adapt to the future
- Create thriving town centres
- Reduce carbon emissions

40. The recommended option is consistent with the principles set out in the named plans and strategies.

### Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

41. The process for undertaking variations to district plans is set out in Schedule 1 of the RMA. This includes a requirement for decisions on submissions to be issued within 2 years of a variation being notified. The UIV was notified on 24 August 2023, meaning that the Variation has not achieved the statutory timeframe for decisions. Any delay to the decision (i.e. if Option 1 is not adopted) this would increase the current non-compliance with the 2 year timeframe.

42. Pursuant to s75 of the RMA, district plans are required to give effect to any national policy statement. If a decision is not made on the UIV, then this may result in the Council failing to meet RMA requirements. A decision to adopt some recommendations of the IHP and not others, would result in significant legal complexity, as the IHP recommendations are formulated as a cohesive package rather than a set of individual recommendations.

### Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kīaka

43. Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. The recommended option (Option 1) will deliver on this purpose by supporting compact urban form and efficient use of infrastructure, promoting sustainable development patterns, providing for projected future housing demand and enabling a wider range of housing typologies. The recommended option will also help address ongoing housing affordability pressures by increasing development opportunity in the most accessible locations, where higher densities are most viable and consistent with strategic planning outcomes. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

44. The recommended option:

- Can be implemented through current funding under the Long Term Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of the Council or transfer the ownership or control of a strategic asset to or from the Council.

### Attachments | Kā Tāpirihaka

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| A          | IHP Recommendation Report for the Urban Intensification Variation to the PDP |
| Appendix 1 | Revised Chapter Provisions and Maps as recommended by the panel              |

Both of the above are presented as separate documents because of their size.