



# A guide to **PLAN CHANGES** in the Queenstown Lakes District

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## **WHAT IS A PLAN CHANGE?**

A Plan Change is a change to the District Plan. It can change the provisions relating to an existing zone or create totally new zoned areas. The District Plan is the document that details what developments and activities you can and cannot undertake, as of right, in different areas of the District. To ensure that the District Plan is up-to-date and consistent with other Council policies and plans, the Council may initiate a Plan Change.

The Council and the community have invested a good deal of time and resources into the preparation of the current District Plan. The District Plan has the force of a legal regulation and changes can only be made by a hearings panel involving careful consideration of alternatives, public consultation, formal submissions and a hearing with the opportunity to test decisions in the Environment Court.

The process is set by the Resource Management Act and is undertaken by the Queenstown Lakes District Council.

## **WHY SHOULD I TAKE PART IN A PLAN CHANGE PROCESS?**

Making a submission on a Plan Change is one of the main ways that you can influence the future of the district. A plan change may affect what you and your neighbours can do on your own properties or how you can run your business. It is good practice for you to keep an eye on proposed changes in case they affect you or your land.

Making a submission makes your views known. For good resource management decisions to be made it is better for the Council to see a range of opinions from the public. This enables the Council to make a decision for the benefit of all.

## WHAT IS THE PLAN CHANGE PROCESS BEFORE NOTIFICATION?

- Step 1.** Council decides a change to the District Plan may be required and undertakes research on the proposed change.
- Step 2.** Public consultation is usually undertaken (although it is not legally required). The extent of the consultation depends of the extent of people affected by the Plan Change.
- Step 3.** The Council consults with Maori and statutory bodies such as the Otago Regional Council and the Ministry for the Environment.
- Step 4.** An analysis of the different options the Council could take and the costs and benefits of each is undertaken. This is known as a Section 32 analysis. The analysis is required by the Resource Management Act and must demonstrate that the Plan Change is the most appropriate way of achieving the desired outcome, and will be effective and efficient.

## WHAT IS THE LEGAL PROCESS FROM NOTIFICATION OF THE PLAN CHANGE?

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### **Council notifies the Plan Change and calls for submissions.**

The rules in Plan Changes do not have any effect until a decision is released – however, policies and objectives have effect from when the Plan Change is notified (unless it is a Private Plan Change).

People have 20 working days to make a submission.

A planner then drafts a summary of decisions requested to the Plan Change.

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### **The summary of decisions requested is publicly notified.**

Only the council, people who have an interest greater than the public generally or those representing a relevant aspect of the public interest can make a further submission. They have 10 working days to lodge this with the Council and send a copy to the original submitter.

The Planner writes an officer's report detailing the submissions and making recommendations to the Council on whether or not the submissions should be accepted.

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### **A hearing is organised and the officer's report is sent out to all submitters.**

The hearing is held. This is the opportunity to speak to your submission.

Council issues a decision on all submissions received.

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### **Council's decision is notified.**

Any person who submitted has 30 working days to appeal the decision to the Environment Court if they are not satisfied with the Council's decision.

If an appeal is lodged other parties have a further 15 working days to lodge "party status". This is the last chance that you have to be involved in the process.

Environment Court mediation may be held.

An Environment Court hearing may be held.

**Public notice in the Mirror, the Wanaka Sun and on Council's website and available at Council and Lakes Environmental offices.**

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**Summary of decision requested advertised as a public notice in the Mirror, the Wanaka Sun and on Council's website and available at Council and Lakes Environmental offices.**

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**If you stated in your submission that you wished to be heard you will be sent the date of the hearing and the Planners report. The date of the hearing will be published on the QLDC website.**

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**Public notice of the decision in the Mirror, the Wanaka Sun and on Council's website and available at Council and Lakes Environmental offices.**

# HOW DOES THE SUBMISSION PROCESS WORK?

## Step 1. Original submission

Any person may make a submission on the whole or any part of a Plan Change, either in support or opposition. Forms are available to make submissions and can be found on the Council's website, or at the offices of Lakes Environmental and QLDC.

*All submissions must include the following information:*

### Checklist

- Name and contact details of the submitter;
- The name of the Plan Change you are submitting on (sometimes the Council notifies more than one Plan Change at a time so it is important that you are clear about which one you are submitting on);
- Your submission – whether you support or oppose the specific provisions and would like to have them amended, and the reasons for your opinions;
- What decision you would like from the Council;
- Whether you would like to speak in support of your submission at a Council hearing;
- If you would be happy to present a joint case with someone making a similar submission.

You must send a copy of your submission to the address in the public notice by the due date or your submission may not be taken into account when the Council makes its decision.

### Tips for making a good submission:

- Be clear and, base your submission on facts.
- Focus on the positive or negative effects of the Plan Change.
- Stick to the issues. The Council can only consider points of submission that are relevant to the particular Plan Change.
- If you decide to speak at the hearing you are only able to speak on matters you have identified in your submission.
- Be specific and try to use concrete examples where you can.
- Where appropriate, include maps, diagrams and professional opinions that support your submission.
- Tell the Council what you want – don't leave it to guess.
- Write in clear, simple everyday language.

## Step 2. Summary of Decisions Requested and lodging further submissions

The planner will summarise all of the submissions. The availability of the Summary of Decisions Requested will be publicly notified in the same manner as the original Plan Change and copies of the summary will be available at Council and Lakes Environmental offices, at public libraries, and on the Council's website [www.qldc.govt.nz](http://www.qldc.govt.nz). You can read what other people have said about the proposed Plan Change and decide whether you agree or disagree with their suggestions. However, you can only make a further submission if you represent a relevant part of the public interest, or have an interest greater than the public generally.

*You must include the following information in your further submission:*

### Checklist

- Your name and contact details.
- The details of the submission you are making a further submission on.
- Whether you support or oppose the primary submission.
- The particular parts of the submission that you support or oppose.

- The reasons for your support of, or opposition to the original submission.
  - What decision you seek from the Council.
- A further submission can only be in support or opposition to an original submission. It cannot raise matters that were not raised in the original submission. Within 5 days of making a further submission you need to send a copy of this to the person(s) who made the original submission(s) that you are now commenting on.

## Step 3. Planner's Report:

Once all of the submissions and further submissions have been received the planner collates them all into one report. The planner will group the submission points into similar topics and make recommendations to the Hearings Panel on the submissions. The planner need not address each submission point separately. The planner will base their recommendations on the requirements of the Resource Management Act, the Section 32 analysis, and their knowledge of the subject. The planner's report is sent to all submitters at least 10 working days before the hearing is to be held.

## Step 4. The Council hearing:

If you indicated in your submission that you would like to be heard in support of your submission you will be sent a notice of hearing letter. This will tell you the date, time and location of the hearing. It will include a protocol for the running of the hearing and how the hearing process works.

The hearing will be run by the Council and is as informal as possible. You do not need to be represented by a lawyer or planner unless you wish and you may wish to have an expert in the matter to present your submissions, for example a planner, surveyor, landscape architect or engineer. Cross examination of those making submissions is not allowed by other submitters or by the Council. However, you may be asked points of clarification if needed.

Try to be concise and to the point when speaking to your submissions. You can read out your concerns if you find this easier, and you are encouraged to give the Council hearing panel copies of your verbal submission so they can use this information when forming their decision. You may also use diagrams or photos to illustrate your point if this helps explain your submission.

## Step 5. The decision:

As soon as possible after the hearing of submissions the Council will make a decision on the Plan Change. The Council's decision can only amend the Plan Change if the amendment has been sought in some way by a submitter in a submission.

The Council's decisions will be sent to all submitters to the Plan Change. A public notice will be put in the newspapers and on the Council's website advertising the availability of the decisions and they will be available at Council, Lakes Environmental and public libraries.



## CAN THE DECISION BE APPEALED?

Sometimes a submitter may not be happy with the decision that the Council made in respect of their submission. If this happens the submitter may appeal the decision to the Environment Court. This must be done within 30 working days of receiving the Council's decision. An appeal must be made to the Environment Court (not Council or Lakes Environmental) in the prescribed form and a copy must be served on all people who made submissions on that topic and the Council. Talk to a planner or legal advisor for details on this.

If somebody else appeals and you are a submitter to the Plan Change you will be sent a notice of appeal by the person who is appealing to the Environment Court. If you would like to stay part of the process then you should lodge Section 274 party status. This means that you will be a party to the appeal and the issue cannot be resolved by mediation or negotiations without your involvement. You must lodge party status within 15 working days of receiving the notice of appeal. Sometimes through negotiations the provisions may change and if you have not become a party and had a say, the resulting provisions may not be what you envisaged. If you are unsure about how to become a party to an Environment Court appeal, ask for advice from a Council planner, a planning consultant, or a legal advisor.

## IS THIS LIKE THE RESOURCE CONSENT PROCESS?

This process is different from a resource consent in that you may not be individually notified and asked to sign your acceptance of a development. The Council will notify all people it sees as affected parties, this may be by notices sent out with rates, mail outs or public notices. It is up to you to keep an eye out and take part in the process.

## IS THERE A DIFFERENCE BETWEEN A PLAN CHANGE AND A VARIATION?

A variation is made to the District Plan or part of the Plan that is not operative (meaning that there are outstanding decisions or appeals). Only the Council can make a variation to the Plan (i.e. individuals cannot). A variation follows the same process as a Plan Change, it will still be notified and you can make submissions.

## WHAT IS A PRIVATE PLAN CHANGE?

Anyone can request a private plan change to operative parts of the District Plan. However, in the two year period from the date the Plan became operative the Council has the ability to reject the request. A proposed Plan Change is submitted to the Council along with a Section 32 analysis, an assessment of environmental effects and details of any consultation undertaken or proposed. The exact form of the request is outlined in Clause 22 of the First Schedule of the Resource Management Act 1991.

A Private Plan Change must be paid for by the person initiating it, including all Council's costs. Talk to the Council or a planner if you are considering this option. If a privately promoted Plan Change is adopted by the Council as if it were its own, the same process of public notification applies as for a Council-initiated change. When the Council receives a Private Plan Change it has 3 options:

- 1. Reject the Plan Change** – The Council may reject a request for various reasons, including:
  - 1) if there is inadequate information
  - 2) if the plan change does not represent good resource management, and
  - 3) if the District Plan has not been operative for more than 2 years, or the provisions covered by the plan change have been considered by Council or the court within the last 2 years.
- 2. Accept the Plan Change** – this means that the Council agrees that the required information has been provided and can process the information. It does not necessarily mean that the Council supports the content of the Private Plan Change.
- 3. Adopt the Plan Change** – if the Council agrees with the content and changes proposed by the Plan Change, they may adopt it as a Council Plan Change. The process is then the same as if the Council had prepared the Plan Change.

## HOW CAN I STAY INFORMED?

Any Plan Change to the District Plan must be publicly notified. This means that a public notice is put in the newspapers (The Wanaka Sun and The Mirror) giving details on the changes are being made to the District Plan.

A copy of the public notice, the Section 32 analysis, the proposed provisions, notices of meetings and calls for comments are all put on Council's website [www.qldc.govt.nz](http://www.qldc.govt.nz).

The Council also has an email database of all people who wish to receive emails when significant steps in the Plan Change process are undertaken. Call the District Plan Administrator if you would like to be added to this list.

## CONTACT DETAILS

Please contact QLDC at either Queenstown or Wanaka offices between 8:00am and 5:00pm Monday to Friday.

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