

# 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 which developments and activities you can and cannot undertake, as of right, in the district.

To ensure that the District Plan is up-to-date and consistent with other Queenstown Lakes District Council policies and plans, QLDC may initiate a plan change.

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 QLDC.

## Why does Council make plan changes?

Plan changes happen for a variety of reasons. Council is required to review the District Plan every ten (10) years in order to keep planning controls up to date. Other reasons include (but are not limited to) ensuring the plan is up to date and consistent with other QLDC policies and plans, or to meet legislative requirements from central government. Another reason is if a private plan change is initiated.

## Why should I take part in a plan change process?

Making a submission on a plan change is one of the main ways 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. QLDC recommends keeping an eye on changes proposed in a plan change 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 QLDC to see a range of opinions from the public. This enables Council to make a decision for the benefit of all.

## What is the plan change process before notification?

- 1 Council decides a change to the District Plan may be required and undertakes research on the proposed change.
- 2 Public consultation is sometimes undertaken (although not legally required). The extent of the consultation depends on each individual plan change.
- 3 QLDC consults with Māori and statutory bodies such as Otago Regional Council (ORC) and Ministry for the Environment.
- 4 Analysis of the different options 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 the plan change is the most appropriate way of achieving the desired outcome, will be effective, and efficient.

# What is the legal process from notification of the plan change?

## COUNCIL NOTIFIES THE PLAN CHANGE AND CALLS FOR SUBMISSIONS

People will have at least 20 working days to make a submission. After all the submissions are received, they are all read, and summarised by Council planners. Then, a report is put together of all the summaries, called the 'summary of decisions requested'.

**A public notice notifying the plan change is shared in the Mountain Scene and Wānaka Sun, and on QLDC's website.**

## FURTHER SUBMISSIONS

The summary of decisions requested report is then publicly released, or notified. This allows people to read what others have said, and further submit on items of interest to them. People have ten (10) working days to lodge their further submission with Council, and must also send a copy, normally via email, to the original submitter.

Then, a Council planner reviews all the submissions and further submissions and writes an officer's report detailing the further submissions and making recommendations on whether or not the submissions should be accepted. This report is called the 42a.

It is important to note that only people who have submitted on the plan change when it was first notified, 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, as well as Council.

**The summary of decisions requested is notified in the Mountain Scene and Wānaka Sun, and on QLDC's website.**

## A HEARING IS ORGANISED AND THE OFFICER'S REPORT (42A REPORT) IS SENT OUT TO ALL SUBMITTERS

The hearing is held. This is the opportunity to speak to your submission. Hearings are public and anyone may attend to listen, however only submitters or further submitters and/or their agents (often lawyers and planners) may speak. Once the hearing has concluded, the Hearings Panel writes up its findings, which are subsequently taken to Council to be considered

**If you stated in your submission that you wished to be heard, you will be sent the date of the hearing and the officer's report, and Council officers will be in touch with you to organise your speaking slot.**

## COUNCIL'S DECISION IS NOTIFIED

The report with the recommendations on submissions is written by the Hearings Panel, and taken to Council. Then, Council makes a decision on the plan change.

**Public notice of the decision is shared in the Mountain Scene and Wānaka Sun, and on QLDC's website.**

## APPEALS TO THE ENVIRONMENT COURT

Once Council's decision is released, any person who submitted on the plan change has 30 working days to appeal the decision to the Environment Court if they are not satisfied with it.

If an appeal is lodged by someone else and you're interested in the process, you can still be involved by becoming a party to the proceedings (Section 274 parties). This is the last chance you have to be involved in the proceedings. To do so, you'll need to file with the Environment Court within 15 working days after the period for lodging a notice of appeal ends.

To become a party, you need to have been a submitter, or have an interest greater than the public generally. Also, you can't engage in trade competition through your actions.

From this point, the Environment Court is in charge of the process and decisions, and everyone (appellants and 274 parties) will be included in any mediations and hearings, all of which are run by the Environment Court. Once you appeal, or become party to an appeal, the issue cannot be resolved by mediation or negotiations without your involvement.

# 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 Council's website, or at the offices of Queenstown Lakes District Council in Queenstown and Wānaka.

Submissions can be made:

- > on QLDC's website
- > via post to the address in the public notice
- > via email to:  
[pdsubmission@qldc.govt.nz](mailto:pdsubmission@qldc.govt.nz)

If your submission is not received by the due date, it may not be taken into account when Council makes its decision.

### All submissions must include the following information

- > Name and contact details of the submitter
- > The name of the plan change you are submitting on (sometimes Council notifies more than one plan change at a time so it is important 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 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.

### 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. Council can only consider points of submission that are relevant to the 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 Council what you want – don't leave it to guess work
- > Write in clear, simple everyday language.

## Step 2

### SUMMARY OF DECISIONS REQUESTED AND LODGING FURTHER SUBMISSIONS

The planner will summarise all submissions. 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's offices, public libraries, and website.

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 have previously submitted on the plan change, represent a relevant part of the public interest, or have an interest greater than the public generally.

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 five (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.

### You must include the following information in your further submission

- > 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 Council.

## Step 3

### PLANNER'S REPORT (42A REPORT)

Once all submissions and further submissions have been received the planner collates them 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, and 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 ten (10) working days before the hearing is to be held.

## Step 4

### COUNCIL HEARING

If you indicated in your submission 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. Council officers will also be in touch to confirm a time for your speaking slot.

The hearing will be run by the Hearings Panel with admin support from QLDC and is as informal as possible. Each person is given a timeslot to speak about their submission, and then the panel often asks questions. The questions are for points of clarification to understand your perspective (they do not cross-examine). You do not need to be represented by a lawyer or planner unless you wish.

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 provide a copy of your verbal submission in advance of the hearing. This assists the panel in understanding your perspective and forming their decision. You may use diagrams or photos to illustrate your point if this helps explain your submission. You may have experts in fields relevant to your submission speak to support your submission if you wish, but it is not necessary.

## Step 5

### THE DECISION

As soon as possible after the hearing of submissions, QLDC will make a decision on the plan change. Council's decision can only amend the plan change if the amendment has been sought in some way by a submitter in a submission. This step can often take a few months from the close of the hearing.

Council's decision will be sent to all submitters to the plan change. A public notice will be put in the newspapers and on Council's website advertising the availability of the decision, and they will be available at Council's offices, public libraries, and website.

## Can the decision be appealed?

Sometimes a submitter may not be happy with the decision that 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 Council's decision. An appeal must be made to the Environment Court (not QLDC) in the prescribed form and a copy must be served on all people who made submissions on that topic and 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 can 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 S274 party status within 15 working days after the period for lodging an appeal ends. 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. QLDC 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?

There are technical differences between a variation and a plan change, but they both mean that the objectives, rules, and policies in the plan are proposed to be changed.

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 Council can make a variation to the Plan, 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 Council can reject the request. A private plan change is submitted to 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 Council or a planner if you are considering this option.**

If a private plan change is adopted by Council as if it were its own, the same process of public notification applies as for a Council-initiated change.

## What is the process for private plan changes?

When Council receives a private plan change it has three options.

### 1 REJECT THE PLAN CHANGE

Council may reject a request for various reasons, including:

- > if there is inadequate information
- > if the plan change does not represent good resource management, and
- > if the District Plan has not been operative for more than two years, or the provisions covered by the plan change have been considered by Council or the court within the last two years.

### 2 ACCEPT THE PLAN CHANGE

Council agrees that the required information has been provided and can process the information. It does not necessarily mean that Council supports the content of the private plan change.

### 3 ADOPT THE PLAN CHANGE

If 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 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 (Mountain Scene and Wānaka Sun) 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 published on QLDC's website at [www.qldc.govt.nz](http://www.qldc.govt.nz)

QLDC 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

If you have any further questions, please contact the QLDC Planning Policy team:

### Queenstown

03 441 0499

[PDPenquiries@qldc.govt.nz](mailto:PDPenquiries@qldc.govt.nz)

### Wānaka

03 443 0024

[PDPenquiries@qldc.govt.nz](mailto:PDPenquiries@qldc.govt.nz)