

Planning & Strategy Committee

10 June 2025

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

Department: Planning & Development

Title | Taitara: Hāwea Mapping Variation to the Proposed District Plan

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to seek a resolution from the Planning & Strategy Committee to approve the recommendations to undertake a variation to Proposed District Plan (PDP) using a limited notification process to resolve mapping inconsistencies identified in Hāwea. This is in accordance with Clause 5(A) of the First Schedule of the Resource Management Act 1991 (RMA).

Recommendation | Kā Tūtohu

That the Planning & Strategy Committee:

1. **Note** the contents of this report;
2. **Approve** initial consultation to be served on all persons directly affected by the proposed variation; and
3. **Authorise** the Manager of Planning Policy to use the delegation to prepare a Section 32 Report and undertake limited notification to amend the Proposed District Plan maps to correct minor errors and recognise vested open space, which will be served on all persons directly affected by the proposed variation, in accordance with Clause 5(A) of the First Schedule of the Resource Management Act 1991.

Prepared by:



Name: Charlotte Clark
Title: Intermediate Policy Planner
20 May 2025

Reviewed and Authorised by:



Name: David Wallace
Title: General Manager Planning & Development
26 May 2025

Context | Horopaki

Background

1. This report seeks endorsement to undertake a variation to the PDP to address two discrete PDP mapping issues in Hāwea. The mapping issues are summarised as follows:
 - Correct a mapping error by rezoning two residential lots at Longview to Lower Density Suburban Residential Zone (LDSR), which were erroneously zoned Informal Recreation Zone via an Environment Court Consent Order; and
 - Update PDP mapping to rezone land zoned LDSR to an appropriate Open Space and Recreation Zone, to formally acknowledge that the land is now vested in Council for reserves purposes. This is a standard process following the completion of subdivision.
2. Due to the localised nature of the mapping issues, the changes to the PDP maps can be made using an alternative plan change process to the standard full notification required by the RMA.
3. Clause 5(A) of Schedule 1 of the RMA allows for limited notification in some cases.¹ Legal advice received confirms that c15(A) is an appropriate option to consider for this proposal.

Mapping Issue A

4. A mapping inconsistency was identified in Longview, Hāwea, whereby a strip of PDP Informal Recreation zoning was placed across the two residential lots (17 Ellacott Lane (Lot 17 DP 578363), and 28 Riley Street (Lot 40 DP 578363)) that were intended to be zoned PDP LDSR Zone. See Attachment A for a map showing the location.
5. This mapping inconsistency resulted from different and contrary information being supplied by the developer Universal Developments in respect of the arrangement of residential lots and the location of reserves in the Longview development during their Environment Court Appeal (Decision [2023] NZEnvC 110). The appeal has been resolved; therefore, the current PDP mapping approved under the Environment Court Decision is treated as operative.
6. A variation to the PDP is required to update the PDP mapping to remove the PDP Informal Recreation zoning across these properties and show the correct zoning, LDSR Zone.

¹ The local authority may give limited notification, but only if it is able to identify all the persons directly affected by the proposed change or a variation of a proposed policy statement or plan. The local authority must serve limited notification on all persons identified as being directly affected by the proposed change or variation. [Resource Management Act 1991 No 69 \(as at 05 April 2025\), Public Act 5A Option to give limited notification of proposed change or variation – New Zealand Legislation](#)

Mapping Issue B

7. The proposed variation allows an opportunity to update the mapping of the wider Hāwea area for land already vested to QLDC for the purpose of reserves and accessways from LDSR Zone to Informal Recreation Zoning. This mapping change will reflect what is already existing and can be considered as a general amendment to reflect the correct zoning and intention of these parcels of land, which are now reserves vested in Council. See Attachment B for a map showing the location of these reserves and accessways.
8. The Informal Recreation zoning provides for certain rules within our District Plan which are more enabling for our Parks Team to undertake general maintenance and install public amenities on these reserves. This is in accordance with the recommendations made in a previous variation to the District Plan concerning the Open Space Chapter 38.
9. It is normal practice for the location, size and purpose of new reserve land to be determined during the subdivision consent process. This enables new reserves to be fit-for-purpose for the local context. Via the subdivision approval process, reserves are vested in Council, classified under the Reserves Act 1977 and become a Council asset. The proposed mapping variation to rezone the land to an Open Space & Recreation Zone ensures the vested reserves in question have the relevant District Plan zone and can be managed accordingly. It is not just within Hāwea where vested Council reserves have yet to be rezoned, but district wide. However, this proposal is just limited to Hāwea.

Clause 5(A) of the First Schedule of the RMA

10. Clause 5(A) of the First Schedule of the RMA provides an option for a variation to the District Plan to have limited notification if the local authority is able to identify all persons directly affected by the variation. Only those persons given limited notification may make a submission on the proposed variation.
11. Following limited notification, the affected parties have 20 working days to make submissions. If confirmation is received from all those notified that they do not intend to submit prior to the submission period elapsing, then the submission period can be closed earlier.
12. This is the first time that Council staff have used the Clause 5(A) process. It aims to streamline the planning process by focusing just on those directly affected by the proposal rather than the wider public. Should this proposal be approved, it could be used for other minor variations to the District Plan including updating additional reserves in the wider district to the anticipated Open Space zoning.

Analysis and Advice

13. The Delegations Register states that the Planning Policy Manager may prepare a Section 32 Report and publicly notify a proposed plan in accordance with Clause 5(A) subject to the authority of the Planning & Strategy Committee.
14. It is anticipated that the formal limited notification process in accordance with Clause 5(A) will be undertaken at the end of September or early October 2025 if the Planning & Strategy Committee authorises the use of the delegation outlined above.
15. Council Staff have commenced preparation for the Longview Reserve Mapping Variation to the PDP should this be approved by the Planning and Strategy Committee, including an initial consultation letter to advise those directly affected by this variation. It is expected that the initial consultation letter will be sent out shortly, if approved.
16. **Attachment B** shows the persons (approximately 30 properties in total) that we have identified as being directly affected, in the event that the Committee resolves to use the cl5(A) process for this variation.

Analysis and Advice | Tatāritaka me kā Tohutohu

17. 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.
18. Option 1 To notify the Hāwea Mapping Variation using limited notification process in accordance with cl5(A) of the First Schedule of the RMA.

Advantages:

- Only those who have been determined to be directly affected by the Hāwea Mapping Variation may submit. Given the discrete issues proposed to be addressed by the variation, and the localised and limited effects of the changes, this option would be very efficient, whilst still enabling directly affected parties the opportunity to make submissions and participate in a hearing, if one is required.
- It allows Council to resolve two matters related to Hāwea, notified in one variation: Mapping Issue A (correct the erroneous zoning) and Mapping Issue B (update the wider reserve land vested in Council to an Open Space & Recreation Zone). Therefore, using a very efficient plan-review process.
- If the Clause 5(A) process is successful it opens an option to Council to use this to resolve other discrete matters which require a variation to the District Plan, where the effects of that change are limited.

Disadvantages:

- A targeted approach is required to identify those persons who are directly affected. This is potentially more time consuming in the initial stages of preparing the draft variation.
- This option is less inclusive than the normal 'full notification' process for a variation to the District Plan under the First Schedule of the RMA.

19. Option 2 Delay notification of what is proposed and wait for an opportunity to notify alongside other matters.

Advantages:

- This matter may be considered as minor and deemed more efficient to delay notification and combine it with another variation that resolves several issues at once.

Disadvantages:

- It may be a long period of time before there is another opportunity to notify this matter, in the meantime the two properties with the erroneous zoning will be restricted with what activities can occur on their land.
- If we do not use the limited notification process under Clause 5(A) it may result in more people attempting to submit (out of scope submissions) to a hearing and a greater chance of a hearing occurring, which is of a greater cost to Council.

20. Option 3 Use the full notification process set out in Schedule 1 of the RMA.

Advantages:

- Full notification would enable any person to submit on the notified variation.

Disadvantages:

- The variation would be discrete, both in terms of the issues it would seek to address and the localised effects of the mapping changes. Full notification is a less efficient and more costly option compared to Option 1.

This report recommends **Option 1** for addressing the matter because it has been determined to be the most effective and efficient method to undertake the Hāwea Mapping Variation.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi i kā Whakaaro Hiraka

21. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy 2024 because it aligns with existing policies within the District Plan and will unlikely have any impact on social, economic, environmental and cultural wellbeing.
22. The persons who are affected by or interested in this matter are residents/ratepayers of the Queenstown Lakes district who are directly affected by the proposal, refer to Attachment B.
23. Following approval from the Planning and Strategy Committee, Council will undertake initial consultation with the property owners directly affected by this proposed variation in the form of a letter in June 2025. Additionally, we will provide a copy of the proposed variation to the Minister for the Environment, the Otago Regional Council and tangata whenua. The only further engagement will be the limited notification process in accordance with Clause 5(A) of the First Schedule whereby only the persons directly affected and were served the notification may make a submission. Council must make the change or variation publicly available in the central public library of the relevant district or region and may also make it available in any other place that it considers appropriate.

Māori Consultation | Iwi Rūnaka

24. The Council will undertake consultation with iwi in accordance with the requirements Clause 5(A) of the First Schedule of the RMA, which requires that the local authority must provide a copy of the proposed change or variation, without charge to tangata whenua of the area, through iwi authorities.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

25. This matter relates to the Community & Wellbeing 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 due to the erroneous zoning currently applied to the residential land at Hāwea.
26. The approval of the recommended option will allow Council to avoid the risk. This will be achieved by having the erroneous zoning removed on the two residential properties. The rezoning of the new reserves from LDSR Zone to an Open Space & Recreation Zone will formalise the ongoing use of this land for appropriate reserves activities. Additionally, it enables the Open Space & Recreation Zone rule framework to apply to the land, which is a more effective and efficient method compared to the current residential zoning.

Financial Implications | Kā Riteka ā-Pūtea

27. Council's costs (including legal costs) of preparing this variation, and the following notification process, will be met from existing budgets.
28. The key financial implications of using the cl5(A) limited notification option are that limited notification would be a less expensive option compared to full notification. Limited notification would mean only the parties served notice of the variation would be able to make submissions and participate in a Council hearing (if a hearing is required).

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

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

- The Proposed District Plan

30. The recommended option is consistent with the principles set out in the named plans.

31. This matter is not included in the Long-Term Plan/Annual Plan.

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

32. Legal advice has been provided, which deemed it was appropriate to use the limited notification process under Clause 5(A) of the First Schedule of the RMA to resolve this matter.

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

33. 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 Proposed District Plan provides a framework for the future development communities in the Queenstown Lakes District, contributing to their wellbeing. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

34. The recommended option:

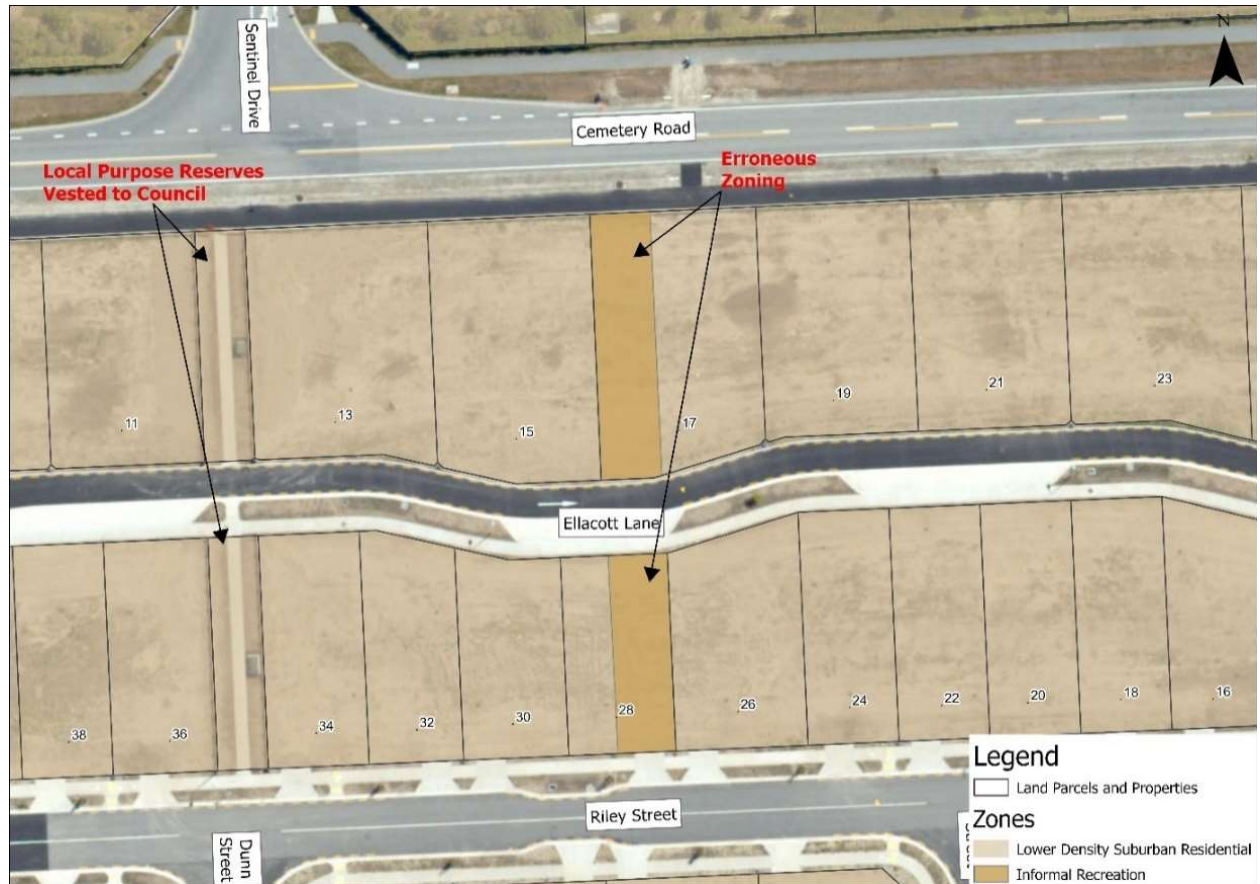
- Can be implemented through current funding under the Long Term Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of the Council or transfer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

Attachments | Kā Tāpirihaka

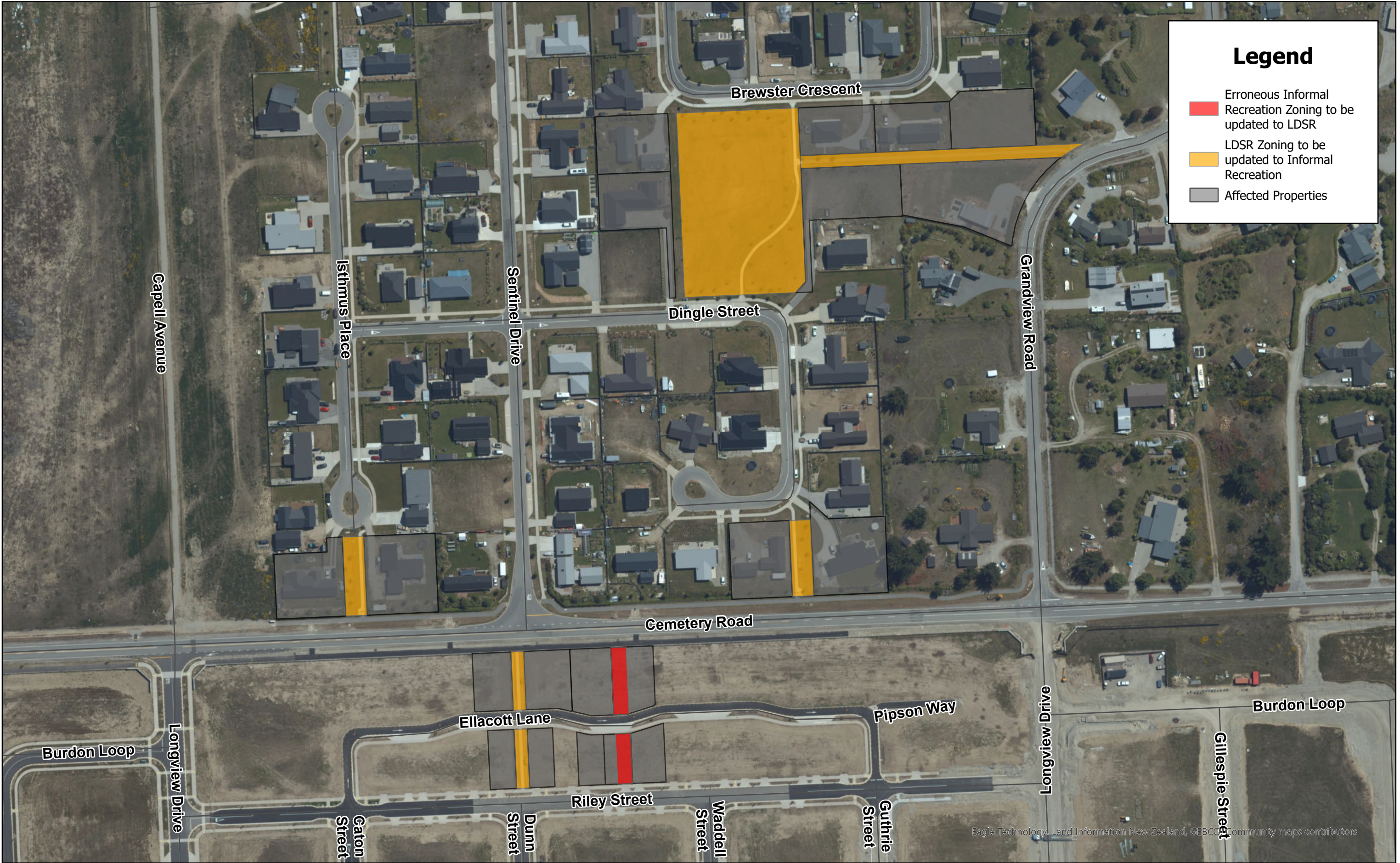
A	Map showing zoning inconsistency – Informal Recreation zoning across LDSR properties
B	Map showing zoning inconsistency and additional reserves to be rezoned to Informal Recreation adjacent to “directly affected” properties, which would receive the limited notification.

Attachment A: Map showing zoning inconsistency - Informal recreation zoning across LDSR properties

Attachment A - Map showing zoning inconsistency

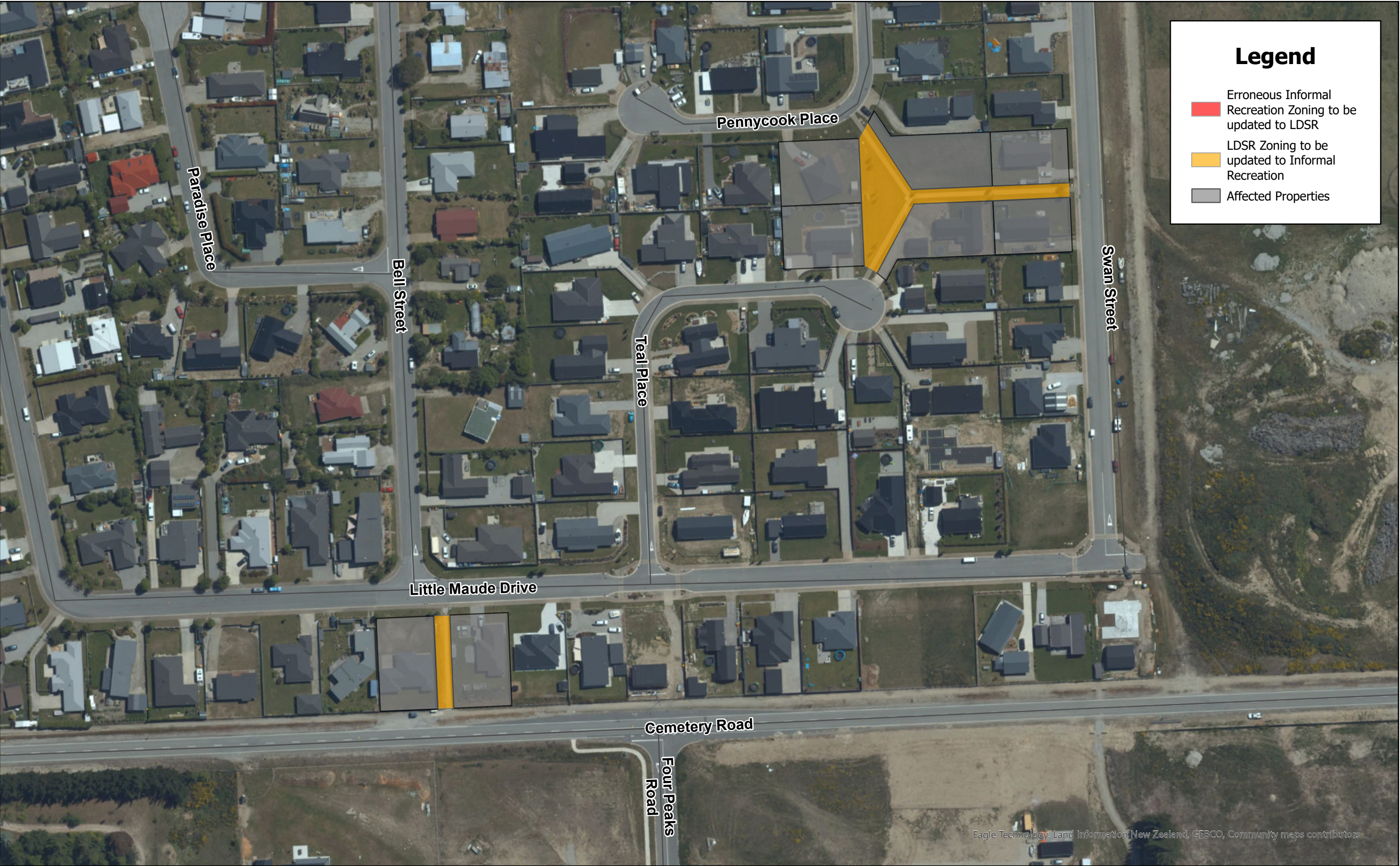


Attachment B: Map showing zoning inconsistency and additional reserves to be rezoned to Informal Recreation adjacent to “directly affected” properties, which would receive the limited notification.



The information provided on this map is intended to be general information only. While considerable effort has been made to ensure that the information provided on this map is accurate, current and otherwise adequate in all respects, Queenstown Lakes District Council does not accept any responsibility for content and shall not be responsible for, and excludes all liability, with relation to any claims whatsoever arising from the use of this map and data held within.





Legend

Erroneous Informal Recreation Zoning to be updated to LDSR

LDSR Zoning to be updated to Informal Recreation

Affected Properties

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