

Private Plan Change

What is a private plan change?

- > **A private plan change** is a formal request made by an individual or organisation to change operative parts of a District Plan.
- > **Anyone can request** a private plan change.
- > **It is generally a process** used to enable larger-scale developments on substantial areas of land.
- > Most private plan changes are exempt from central government's "plan stop" requirements that are currently in place during the transition to legislation that will replace the Resource Management Act. The [Ministry for the Environment website](#) has more information on "plan stop".

Seek advice before requesting a private plan change

Requesting a private plan change is a complex and often costly process so it's recommended to get tailored advice before you proceed. A local planning professional will be able to assist you

in making a request and you may also request a private plan change pre-application meeting with Council using the [Private Plan Change Pre-Application Meeting Request Form](#) and uploaded via the [Community Portal](#).

What to include in a request?

- > A completed [Private Plan Change Request Form](#) submitted to Council.
- > A **Section 32 analysis** including any expert reports relevant to support this evaluation.
- > An **assessment of environmental effects**.
- > Details of **consultation undertaken or proposed**.
- > The required format is set out in **Clause 22, Part 2, Schedule 1 of the Resource Management Act 1991**.
- > A **clear plan or map** showing the proposed site, its locality and any surrounding sites.
- > A **Freehold Register** for the property and copies of any relevant consent notices, covenants and resource consents.

What happens after a request is lodged?

If Council receives a private plan change request, it has **three options**:

1 REJECT THE PLAN CHANGE

Council may reject a request if:

- > **Information is inadequate.**
- > The proposal **does not represent good resource management** and would result in the District plan being inconsistent.
- > The District Plan has been operative for **less than two years**, or the same provisions have been considered by Council or the courts within the last two years.
- > It is considered to be frivolous or vexatious.

2 ACCEPT THE PLAN CHANGE

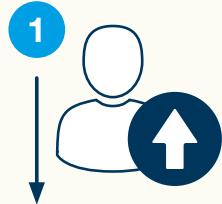
- > Council agrees the required information has been provided and can process the request.
- > Acceptance **does not mean Council supports** the content of the plan change.

3 ADOPT THE PLAN CHANGE

- > Council agrees with the content and proposed changes.
- > The plan change becomes a **Council-initiated plan change**.
- > The same **public notification and submission process** applies as for any Council-led plan change.

Costs

All costs associated with a private plan change, including Council processing costs, must be paid by the person initiating the request. More information on the costs involved in a private plan change can be found on the private plan change request form.



1 The applicant lodges a private plan change request with the Council (schedule 1, clauses 21 and 22).



2 The Council can request further information by written notice regarding clause 23(1).



3 The Council then considers the request (clause 25).



4 The Council then has several options for making a formal decision on how the private plan change will proceed, including:



Reject the request (subject to clause 25(4)).



Convert the request to a resource consent (subject to clause 25(3)).



Accept the request in whole or in part (subject to clause 25(2)(b)).



Adopt the request in whole or in part as if it were a proposed policy statement or plan made by Council itself (subject to clause 25(2)(a)). Note that this option is not automatically exempt from "plan stop" and may require prior approval from the Minister for the Environment.

The Private Plan Change Process

More information on the private plan change process including the costs associated with this process can be found on the

[Private Plan Change website](#) and on the [Private Plan Change Request Form](#).



These decisions can be appealed to the Environment Court (clause 27).



The Council notifies the request, or part of the request under clause 26.



The process then proceeds under the same framework as a public plan change, and will include notification of the plan change, submissions and further submissions, and a hearing before Council's decision is notified.