



THE WEST COAST REGIONAL COUNCIL

27 October 2021

Information Sheet - Private Plan Changes

Private plan changes to district and regional plans, sought by individuals, groups or organisations, provide an opportunity to replace existing plan provisions with new ones. Requests for private plan changes potentially enable a wide range of changes such as the rezoning of land, amendments to design controls and the identification of important heritage sites.

This information sheet provides information on the process for a private plan change and the main considerations for a potential applicant. For detailed information on private plan changes please visit: <https://www.qualityplanning.org.nz/sites/default/files/2018-11/Private%20Plan%20Change%20Process.pdf>

The West Coast Regional Council (the Council) has the function of processing private plan changes to District Plans as a temporary measure while Te Tai o Poutini Plan (One District Plan) is developed. This is a result of the Order in Council (law) that was gazetted on 17 June 2019 (<https://gazette.govt.nz/notice/id/2019-go2872>).

Process of a private plan change

Council has developed the following process if it receives an application for a private plan change:

1. the applicant lodges a private plan change request to the Council
2. Council engages a planning consultant to process the request. Further information, peer reviews, and commissioned reports can be sought as part of evaluating the private plan change request, if necessary
3. if the Council subsequently considers that there is insufficient information to process the private plan change request, it may reject the request or not approve the plan change sought
4. the Council may modify the application with the agreement of the applicant
5. after receiving all the necessary information, the Council has 30 working days to decide whether to adopt, accept, or reject the plan change request, or convert the request to a resource consent
6. the Council publicly notifies a request if adopted or accepted, allowing submissions and further submissions to then be made
7. the Council holds a hearing where it assesses the request and submissions made, and then issues a decision on the request
8. the Council decision is open to appeal to the Environment Court.

Matters to consider when preparing a private plan change

The following matters may need to be considered when preparing a private plan change:

- plans, maps, diagrams (layout, roads, servicing, open space areas), to scale, labelled and with a legend
- reasoning for the change
- consideration of the benefits of the change, and efficiency and effectiveness of the change
- actual and potential environmental effects, including on significant natural and cultural values, and how any adverse effects can be avoided, remedied or mitigated
- requirements under the Resource Management Act 1991, in particular Part 2 of the 1st Schedule and Section 32

- feedback from District Council staff
- site-specific details, including flooding and geotechnical reports
- servicing - water, sewerage, stormwater disposal, drainage and roading services to be provided for the development, or draft provisions that will limit development until services are available
- consultation with a private planning consultant, including gaining expert advice to support the proposed private plan change
- consultation with surrounding affected properties and occupants
- overall costs.

Timing and costs

The private plan change process usually takes six months to one year for small-scale, straightforward plan changes. However, for more complex or larger scale proposals it may take as long as three years or more.

Council fees can include staff time, council consultants, legal advice, public notification and hearing costs. These costs do not include the applicant's costs or application preparation costs. Costs can range from a minimum of \$10,000, to \$1M and beyond for large-scale developments. As per the Quality Planning (www.qualityplanning.org.nz) document *Plan Development, Private Plan Change Process*, average costs can be in the vicinity of \$30,000 to \$50,000 for a rural residential subdivision with minimal opposition.

Such costs and processing times may not be significantly different to those associated with a resource consent application for the same activity.

The initial application fee for a plan change is \$50,000. This fee is required to be paid at the time of submitting an application. All costs relating to the private plan change over and above the application fee will be charged to the applicant as an additional charge pursuant to section 36(5) of the Resource Management Act 1991.

Where to begin

If you are thinking of lodging a private plan change, the Council offers a pre-application meeting. This is where the applicant, and their consultants, can meet with Council staff and an Iwi representative at an early stage to discuss key details and requirements related to a private plan change request. To request a pre-application meeting for a private plan change, email: ls@wrc.govt.nz

Key matters Council may help with during a pre-application meeting are:

- local knowledge on services, constraints and environmental issues
- application fee costs
- District Plan and RMA requirements
- other plan changes and major resource consent applications that have been approved in nearby areas
- advice on whom to consult with.

