

# Private Plan Change Guide for applicants

Information to help people who are  
considering requesting a change to the  
Christchurch District Plan



# Private Plan Change Guide for applicants

## What is a private plan change request?

**A private plan change request is a formal application to change the District Plan in some way.** For example, it could be to change the zoning of a property, or to change a particular rule that applies in a particular zone. Any person, including companies or incorporated organisations, may lodge a request for a plan change.

There are specific requirements set out in the Resource Management Act (RMA), particularly Part 2 of Schedule 1 and Section 32 of that Act. These cover what must be included in a private plan change request, how the request must be processed, including time limits, and who can be involved.

**The following information describes the requirements that apply to a private plan change request, and what we will or can do at the various stages to assist in the processing of a change request.**

## Before making a private plan change request

If you are thinking of making a change request, we recommend that you discuss your proposal with a planner from our City Planning Team before you start drafting. The planner will initially help you to understand the process. To gain our perspective on some of the issues you are likely to face and the types of expert reports required, you may choose to seek a pre-application meeting (see section below).

We also strongly recommended that you obtain professional advice from a planning/resource management consultant and/or a lawyer specialising in resource management, to assist in drafting the application. You are also likely to need other technical consultants, such as a traffic engineer, to provide the level of information required.

You should also consider at a very early stage whether it is more appropriate to apply for a resource consent, rather than requesting a plan change. A resource consent application may be more appropriate if you have a specific proposal in mind.

### [ccc.govt.nz/resource-consents](http://ccc.govt.nz/resource-consents)

However, where a proposal would have significant effects on a locality or environment, departs significantly from the provisions of the District Plan, for instance by requiring several zones or a number of zone rules to be changed if it would be contrary to the plan objectives and policies, or when the intention is to provide for a range of alternative activities, then a plan change request may be more appropriate than a resource consent application. If the proposed development covers a number of sites, or will happen in stages or over a long time period, then a plan change request may also be more appropriate than a resource consent application.

Please note that the information required to be included in a private plan change request is different to, and more complex than, what is normally required to be included in a resource consent application. The private plan change request process includes more stages than a resource consent application. Unless the Council adopts the plan change as its own, (in which case limited notification is an option in some circumstances), private plan changes must be publicly notified, giving the opportunity for submissions from the public. These differences mean that the time and costs associated with a plan change request can be considerably greater than for a resource consent.

Plan changes need to be assessed on the basis of the “worst case scenario” permitted by the provisions of the proposed plan change. So if an applicant is considering a specific development that would have fewer, or less significant, adverse effects than the worst case permitted by the proposed plan change rules, the development may have a greater chance of success through a resource consent application.

## Discussions prior to lodging a formal request

We have two types of pre-application discussions. You may choose to undertake either or both. They are:

- i) A pre-application meeting similar to those undertaken for resource consent applications; and
- ii) Comments on a full draft private plan change.

## Pre-application meetings

At your request, and before you or your consultant drafts revised plan provisions, our planners can organise a meeting to provide initial comments on your proposed plan change. If possible, this will be attended by the planner likely to be allocated to process your plan change application. At your request, other staff experts on issues likely to be relevant to your plan change can be invited to this meeting. Our staff will be able to provide you with better advice if, before the meeting, you are able to provide a brief written description of what you are seeking to achieve and the general nature of the key amendments you would like to make to the plan. If you are likely to be requesting a zone change, you should also provide a map of the land involved before the meeting, clearly indicating the land sought to be rezoned.

At the meeting our staff should be able to verbally identify the key issues for your consideration in drafting the plan change. There will be no cost to you, provided that the meeting does not exceed an hour in duration. You may request a second pre-application meeting, but cumulative time taken for the two meetings over and above the first free hour may be charged for.

If there are particular subjects you want covered, please identify these when requesting such a meeting.

Pre-application meetings are confidential.

## “Draft” plan change requests

We often receive requests for comments and suggested amendments on “draft” private plan changes. Our staff encourage this practice, as it can provide you with an indication of what can be done to resolve some or all of the issues. This may also smooth the path of the plan change.

We will undertake an initial broad assessment of a “draft” application for you, providing written comments and suggested amendments. The assessment will cover the adequacy of the information provided in assessing all relevant issues, including compliance with statutory documents, and whether the information properly addresses effects – is the application complete?. It may also touch on the merits of the plan change, which would later be assessed more fully as part of the reports prepared for the Hearings Panel or Commissioner, on the formal plan change request and submissions received.

We charge for the costs of this assessment at standard private plan change time charging rates, and will require a signed undertaking when the draft is submitted that you will pay those costs. To avoid confusion, you should state clearly that the document is a draft.

As the assessment will be similar to that which we would make when the change request is formally lodged, the assessment of the draft should reduce the costs of that later assessment. To maximise those savings it will be important to ensure the draft identifies or addresses all the relevant issues, and that the changes to the plan wording (objectives, policies and rules) are identified clearly and are written in a manner which is as consistent as possible with the remainder of the provisions in the district plan. At formal lodgement stage, it will be beneficial to indicate clearly where changes have been made from the draft version, to reduce the need to review all the information again.

Note that our staff will not be able to advise you at this stage whether the draft plan change will or will not be approved. That will depend on the final form of the proposed plan change, the submissions received on it, the assessment of the issues at that time, and the conclusions reached at the hearing on the change.

Draft plan changes are assessed confidentially.



## Information required

A separate checklist of the information required for a private plan change application is available. The following is a summary only.

A request for a private plan change must include:

- The name of those requesting the change.
- Postal address and contact phone number.
- The site addresses and legal descriptions, where applicable and, preferably, ownership details.
- A description of the changes to the plan that are being sought. You will need to provide both a summary of the changes and a track changed version of the exact changes to the provisions of the plan, in the format of the plan.
- The purpose and reasons for the change.
- An assessment is required (Section 32 and Clause 23(1), Part 2 of Schedule 1 of the RMA) of whether the requested change(s) most appropriately achieve the objectives and policies of the plan and the purpose of the Act (Section 5 of the RMA) compared to other reasonably practicable alternative options.
- The assessment needs to include;
  - (i) an assessment of the **change in the environmental effects** that will be permitted as a result of the change to the plan (with reference to Schedule 4 of the RMA), taking into account any provisions proposed to be included in the change to reduce the environmental effects, and
  - (ii) consideration of the **benefits and costs** of the change, the **efficiency and effectiveness** of the change, and the **benefits and costs, efficiency and effectiveness of possible alternatives**. Alternative options should include at least the status quo (existing provisions of the plan that are proposed to be changed) and preferably several other options.
  - (iii) An assessment of the degree to which the proposed provisions are consistent with higher order documents, and are the most appropriate way to achieve the objectives of national or regional policy statements, national planning standards, and relevant recovery or regeneration plans.
- Information on any consultation that has been undertaken, including the names and addresses of those consulted, and an example of the information provided to those consulted, and responses received. Although consultation is not a mandatory requirement, it is strongly encouraged and can lead to a faster and a less costly change request process. Refer also to following notes under “Advice on consultation”.

## Advice on assessments required as part of application

The following information is a summary of that provided in Appendix 1. Taking this information into consideration will help avoid unnecessary delays in processing the private plan change request.

### Comparison of “worst case” effects

- The assessment needs to compare the maximum potential effects that would be permitted by the requested change with those that could occur under the existing plan - the “worst case” under each.
- All potential changes in effects must be assessed. However the level of assessment may differ depending on the relative scale and significance of effects.
- Where appropriate, the assessments should include technical and expert reports on matters such as traffic, noise, landscape and visual effects, infrastructure effects such as stormwater and wastewater management, and hazards such as flooding.

### Effects indicated by plan standards and provisions

- A good starting point for identifying the differences in potential effects, particularly for requests to change the zoning of land, is to compare the activities provided for and the standards that apply to activities in the existing zone with those that apply in the proposed zone, such as height limits, noise limits, and traffic generation limits.
- There may be other differences in potential effects that are not immediately obvious from a comparison of activities and standards alone. See Appendix 1 for more detail on this point.

### Assessing the change in effects against objectives and policies

- The assessment should not simply be an assessment of whether the change in a particular effect will be minor, as with resource consent applications. Rather the assessment needs to be a comparison between the changes requested, and any other alternative options, to determine which will result in effects that better meet the objectives and policies of the plan, directions in higher order documents, and the purposes of the RMA. This needs to be done separately for each effect before coming to an overall conclusion.

### Positive effects and benefits

- The assessment should include an analysis of the positive effects of the plan change. Examples of positive effects are economic benefits, increased public access or open space for recreation, protection or enhancement of the natural environment, and provision of community facilities.

### Weighing up costs and benefits

- Often a requested change will result in both some beneficial effects and some adverse effects compared to the existing plan provisions. The assessment needs to compare both beneficial and adverse effects against those of the existing

plan provisions. It may also be worthwhile identifying if there are particular people or groups on whom positive or adverse effects fall.

- As already noted, this assessment needs to be based on whether the outcomes of the plan change, or another option better achieve each of the relevant objectives and policies of the plan, and the directions in higher order documents. See separately available Section 32 template for additional guidance.

### Changes to plan objectives

- Where the requested change seeks to amend the objectives of the plan, it will be particularly important to ensure that the assessment compares whether the requested amended objective(s) better meet the purpose and principles of the RMA (Part 2) than the existing objectives of the plan, and the directions in higher order documents. It will also be important to ensure that the amended objective is consistent with and fits under the strategic directions of the plan (Chapter 3).

### Assessing process and administration costs

- The assessment should also assess the process and administration costs of the requested change relative to those of the existing plan provisions.

### Reliance on other parties or land

- If the change requested relies on the involvement of other people or other land to reduce the potential effects, there will need to be clear evidence that those people, or that land, will be committed if the plan is changed as requested.
- If the requested change relies on us undertaking certain actions or the involvement of our land, a firm commitment from Council needs to be obtained, for instance, provision in our long term plan before that is considered in the assessment and before the requested change is formally lodged.

## Advice on consultation

- Consultation with the people who may be affected by the change request can be very useful in identifying potential effects and incorporating provisions in the plan change to deal with those effects before it is lodged.

This can significantly reduce the possibility of unanticipated issues arising, of submissions being lodged against the change request, or of problems arising where the hearing panel considers an amendment is necessary to make the change acceptable, but finds it is unable to make the amendment because it is outside the scope of any submissions. Alternatively lack of consultation could reduce the likelihood of the plan change request being approved.

- It is recommended that applicants discuss with the planner allocated to the plan change, who the planner considers to be directly affected, and who therefore would be sent a copy of the plan change request when it is publicly notified.
- The consultation should give all of those potentially affected sufficient information to understand how they may be affected by the requested change to the plan. The information provided during consultation should reflect the assessment of effects.
- It is recommended that you consult with Mahaanui Kurataiao Ltd, a resource and environmental management advisory company who have a general mandate to represent the interests of the six Ngāi Tahu Papatipu Rūnanga in the Canterbury Region. They will advise you on how to obtain comment from iwi and may undertake that consultation on your behalf.
- It is recommended that you also consult with the Canterbury Regional Council (ECan) in relation to any relevant objectives and policies in the Canterbury Regional Policy Statement and the NZ Transport Agency (NZTA), Kiwirail and network utility operators if your proposal could affect their interests.
- The change request should not be finalised until after the consultation has been completed, so that where appropriate, the change request can be amended to reflect any issues that arise.
- It should be noted that even if it is understood through initial consultation that all the parties who may be affected support the change, public notification is still the default position for a private plan change. Limited notification is only available as an option if Council decides to adopt the plan change as its own, and then only if we can clearly identify all parties who might be directly affected.



## Lodging a private plan change request

To formally lodge a private plan change request you need to provide the information set out in 'Information required' above, and pay the required fee (see also 'Costs' below). A deposit of \$20,000 (including GST) is payable at the time of lodging a formal change request. A private plan change application form is available separately. Once receipt is acknowledged, this starts the formal process and timeframes set out in the RMA (refer to Schedule 1) and summarised here.

The Council would prefer to receive the change request as one unbound hard copy (for photocopying), and one electronic copy. Both PDF files and word files are required for text changes requested. Please contact the City Planning Statutory Administration Advisor if you have any questions about the appropriate format.

With regard to formatting, follow the current structure and format of the plan. Separate guidance is available on drafting and formatting.

Diagrams and maps that are to be included in the plan need to be in a specific format. See separate guidance titled 'Digital data supply requirements'.

## Assessment of plan change request by Council before notification

We are required to do the following before we publicly notify the change request:

- Determine whether enough information has been provided to:
  - o identify all the relevant potential effects and show that they can be adequately mitigated,
  - o set out the benefits and costs, efficiency and effectiveness of the proposed provisions,
  - o any possible alternatives to the request, and
  - o the nature of any consultation undertaken. (Clause 23 of Schedule 1 of the RMA).
- If there is inadequate information, we will **request further information** from you within 20 working days (working days exclude weekends, most public holidays, and the period from 20 December to the 10 January). If we are still not happy that sufficient information has been provided after receiving further information, it may request additional information (on the same issues rather than on new ones) within 15 working days.
- For most aspects of the proposed change, we will have in-house expertise to draw upon. However, in some cases we may not and may propose commissioning external consultant reports to review the information provided, including identifying gaps in the assessment. The cost of both internal staff time spent and external reports commissioned will be charged to you.

If you do not wish to provide the additional information or do not agree to the commissioning of the reports, you must do so

in writing. This could lead to us rejecting the change request due to inadequate information. You can appeal a decision to reject the change request to the Environment Court within 15 working days.

- Staff must then determine under Clause 24 of Schedule 1 whether there are aspects of the change request that should be modified to satisfy the requirements of the RMA. We must ask for your agreement to modify the change request, but you do not have to agree. If you do not agree, we may decide to lodge our own submission later in the process, opposing or seeking amendment(s) to the change request, to ensure that there is scope for the commissioner or hearings panel to make a recommendation, including such modifications if they so choose.
- We may also ask you to modify the format, style or in some cases even the content of the private plan change if it is not drafted in a manner which is as consistent as possible with the district plan, or creates conflicts or inconsistencies within the plan, for instance by amending defined terms used elsewhere in the plan.
- Within 30 working days of receiving the formal plan change request, or receiving any additional information or reports required, or modifying the request as agreed with the applicant, we must decide to do one of the following:
  - (i) **Accept** the request in whole or in part, and publicly notify the change request. Accepting the request indicates that the Council consider that there is enough information for it to be publicly notified, not that the Council necessarily supports it.
  - (ii) **Adopt** the request in whole, or in part, so that it becomes a Council plan change rather than a private plan change, and publicly notify the request.

The Council only 'adopt' plan changes in rare circumstances.
  - (iii) **Reject** the request on the limited grounds set out in the RMA (Schedule 1, Clause 25 (4)) and not publicly notify it; or
  - (iv) **Deal with** the request **as if it were a resource consent**. This is not likely to be a realistic option unless the change request includes a proposal for a very specific development or activity. In most cases this option would have been considered earlier and pursued if considered appropriate.

We are required to advise the applicant of the decision, giving reasons, within 10 working days and the applicant can appeal this decision to the Environment Court within 15 working days after receiving the decision. The decision is made at a full Council meeting. This is not a hearing on the merits of the plan change.

Please note we may extend all timeframes stated in the RMA (Section 37), if there is a good reason to do so, for instance because our reporting timetables prevent a decision being made within 30 working days. Limits on the extension of timeframes are set out in section 37A of the RMA.

## Public notification

We are required to publicly notify the change request within four months of making a decision if it was not rejected or dealt with as a resource consent. Within that time, we will consult with the applicant, notify those people that may be directly affected by the change request, and publicly notify it in the newspapers. In practice, we usually notify changes within four weeks of the decision being made.

## Submissions

Anyone who wants to may make a submission supporting or opposing the change request, either in whole or in part, or seeking amendments to the change, before the closing date for submissions. This submission period should not be less than 20 working days after public notification.

We may make submissions seeking amendments to the change request if such amendments were not able to be mutually agreed with the applicant before public notification.

Once the submission period has closed, we will send copies of the submissions to the applicant and publicly notify a summary of the submissions, usually within four weeks of the submission closing date. People who have an interest in the plan change greater than the public generally or who are representing a relevant aspect of the public interest may make a further submission supporting or opposing the original submissions, either in whole or in part, before the closing date for further submissions. This further submission period should not be less than 10 working days after public notification of the summary.

## Hearing and decision

There will be a hearing on the change request, unless no submissions are received and there are no concerns about the request. The applicant and all submitters may present evidence at the hearing and an officer report under section 42A of the RMA will be presented assessing the requested change and the submissions. Specialist reports/evidence, such as transportation or landscape assessments, may be required to assist the officer in carrying out the change assessment. In many cases these will be the same people who undertook the pre-notification assessment as to whether the information provided was adequate.

Depending on the complexity of the issues raised by the change request and/or the submissions, the evidence gathering and report writing stage may take between six weeks and several months. The report will be circulated to the applicant and submitters at least five working days before the hearing. This period may be longer if directions have been given by the authority prior to the hearing as to timing and sequence of exchange of evidence.

After the hearing, the hearing panel or commissioner(s) will make a recommendation to the Council. The Council may **approve** the change request, **approve it with modifications** in line with the submissions received, or **decline** it.

The Council may decline the change request even if there were no submissions opposing it, as the Council is required to be satisfied that the change request is the most appropriate way to achieve the objectives and policies of the district plan, the directions of higher order documents, and the purposes of the RMA.

At any time prior to making its decision (either before the hearing or as a result of it), the Council can initiate a variation to the change request with the agreement of the applicant. This could occur if the change request as publicly notified is found to have effects that need to be mitigated by amending the plan change, in a way that is “beyond scope”. The scope to amend a plan change at this stage is set by the nature and breadth of the submissions. Such a variation would need to be publicly notified and the process would start again from that point. This situation occurs only rarely because issues with the plan change and its coverage that can be resolved have usually been resolved before this point.

## Appeals

The applicant and any person who made a submission may appeal the decision of the Council to the Environment Court within 30 working days.

## Costs

We will require the applicant to pay all the reasonable costs incurred in processing the change request, as provided for under the RMA. These are likely to include staff costs, consultants' fees if any, notification costs such as public advertisements, photocopying, postage, etc., and hearing costs.

At the time of printing this guide, a deposit of \$20,000 (including GST) is payable at the time of lodging a formal change request.

The costs of processing the change request are likely to exceed the deposit, and once this occurs, the applicant will be invoiced for the additional costs in accordance with our notified schedule of fees.

[ccc.govt.nz/fees-district-plan/](http://ccc.govt.nz/fees-district-plan/)

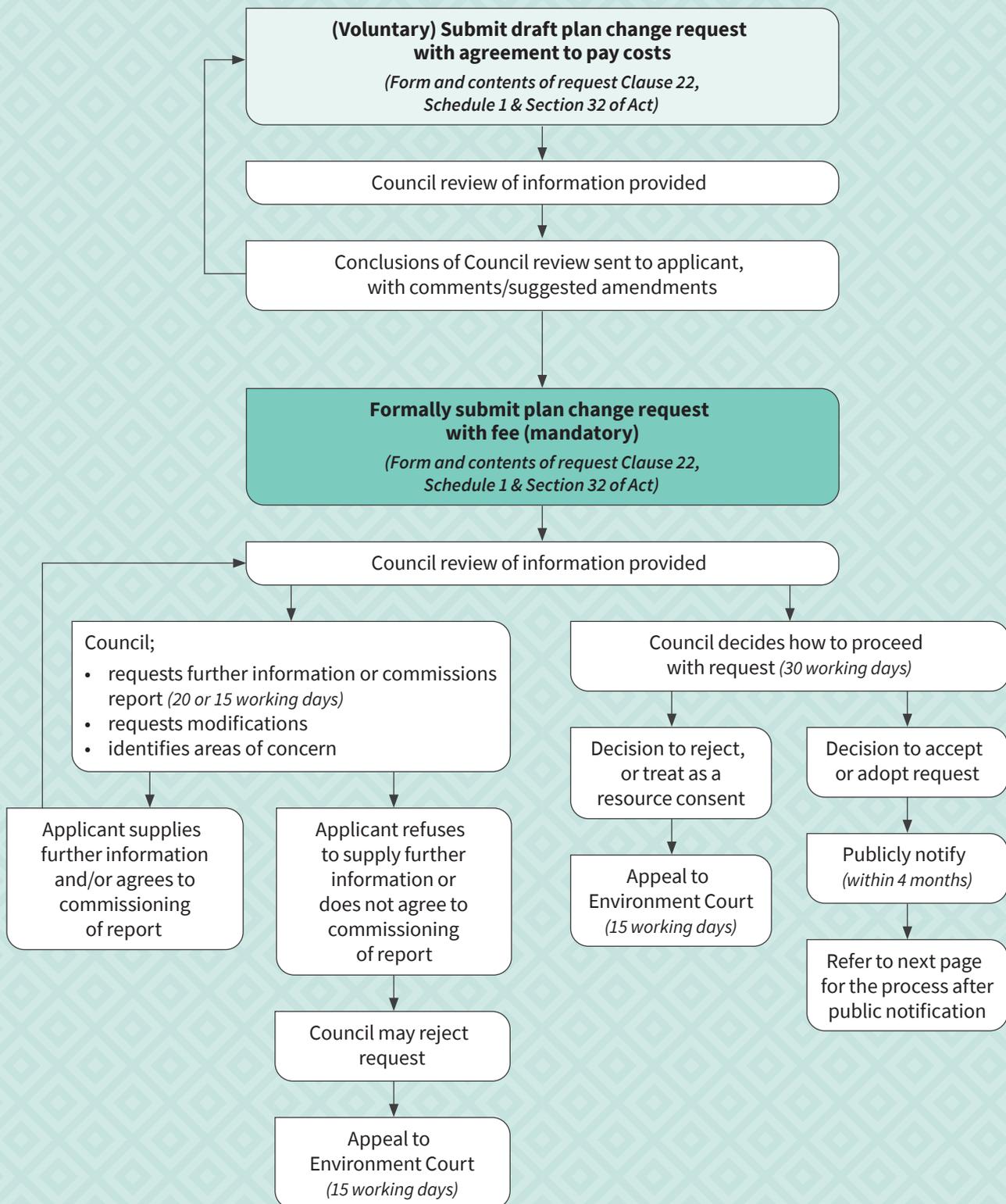
Where the additional costs are significant, we may invoice the applicant in stages for the costs incurred to that date. The costs of processing a large or controversial plan change can be over \$200,000 but the costs of most medium or smaller sized plan changes are not more than \$100,000.

As indicated earlier, “draft changes” will also be charged actual costs, and those costs may also be invoiced in stages.

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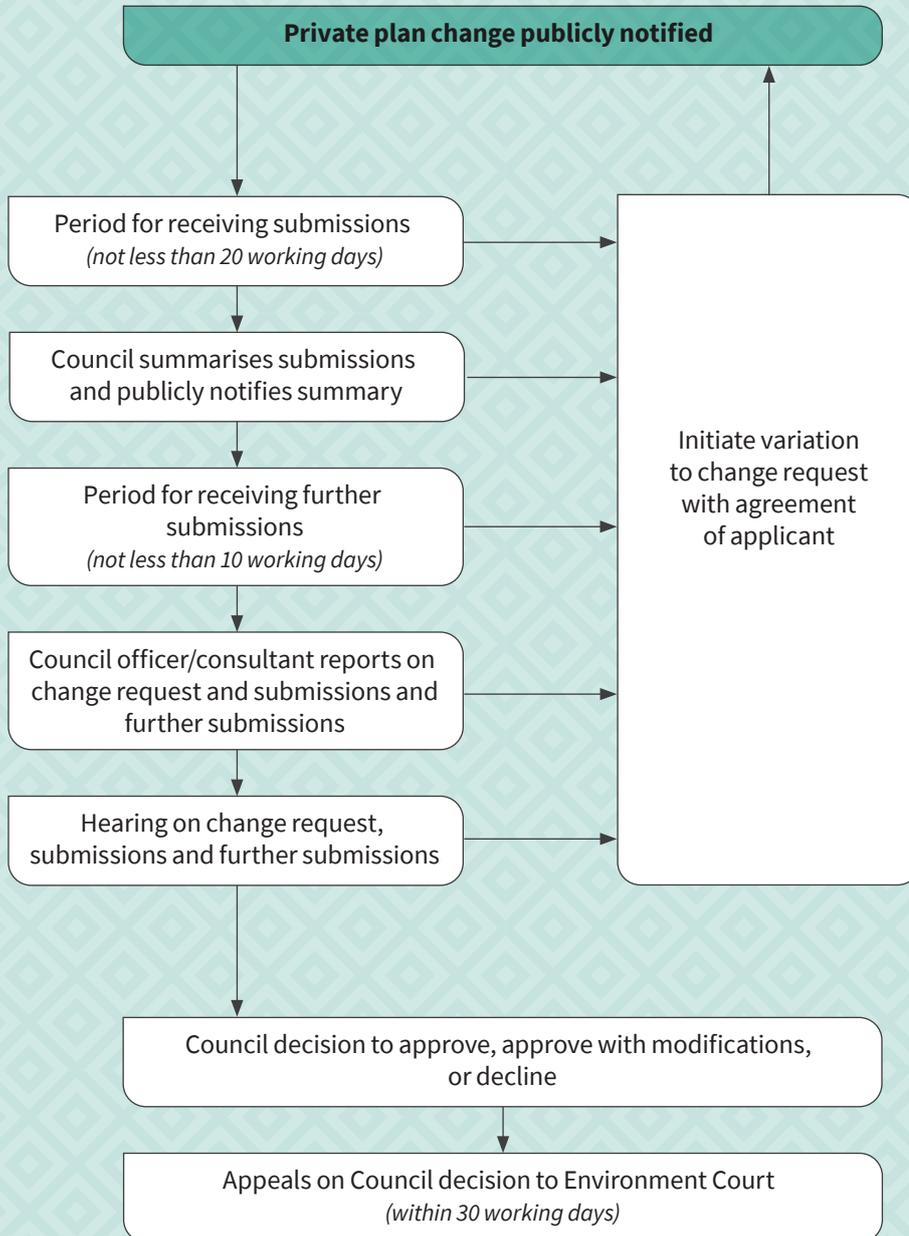
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## Private plan change request process – Part 1



## Private plan change request process – Part 2

(See previous page for start of process)



# Appendix 1

## More detailed advice on assessments

### Comparison of ‘worst case’ effects

- The assessment needs to compare the maximum potential effects that would be permitted by the requested change with those that could occur under the existing plan, i.e. the ‘worst case’ under each. For example, what traffic effects would be permitted under the requested change compared to the traffic effects permitted under the existing plan rules.

For example, if a commercial zoning is sought for an existing residential property so that the owner can use it for a real estate office, but the commercial zoning could also allow a drive-through takeaway, the traffic effects assessed would have to be the higher of either the traffic effects of the takeaway, or whatever activity was reasonably possible under the commercial zone that generated the highest level of traffic effects.

- The plan change request may be able to at least partly overcome this issue if it also proposed to include a rule limiting the traffic that any activity on the site could generate, for example to that consistent with a real estate office.
- All potential changes in effects must be assessed. However the level of assessment may differ depending on the relative scale and significance of effects.
- Where appropriate, the assessments should include technical and expert reports on matters such as traffic, noise, landscape and visual effects, infrastructure effects such as stormwater management and sewerage, and hazards such as flooding.

### Effects Indicated by Activities, Plan Standards and Provisions

- A good starting point for identifying the differences in potential effects, particularly for requests to change the zoning of land, is to compare the activities provided for and the standards that apply in the existing zone with those that apply in the proposed zone, such as the height limits, noise limits, and traffic generation limits.
- However, there may be other differences in potential effects that are not immediately obvious from a comparison of activities provided for and standards that apply alone. For example, standards that limit building bulk are designed primarily to manage the potential effects on outlook, shading and built character of an area. However, they also have the

effect of limiting the potential level of activity that could occur on any particular site. So the assessment of effects for a requested change to allow larger buildings on a site should include not only effects in terms of outlook, shading and character, but also consideration of the effects of a higher level of activity on that site.

- Other related plan provisions may also be of assistance in identifying some of the differences in effects that are likely to occur, including objectives and policies, other activities potentially permitted with a resource consent, and matters of discretion.

### Assessing the Change in Effects against Objectives and Policies

- The assessment should not simply be an assessment of whether the change in a particular effect will be minor; as with resource consent applications. Rather the assessment needs to be a comparison between the changes requested and any other reasonable options including the status quo, to determine which will result in effects that better meet the objectives and policies of the plan and the purposes of the RMA.
- The assessment needs to clearly compare the differences between the existing plan, alternative options and the requested change for each particular effect (for example, the effects of the buildings permitted in each case on shading, on outlook, and on neighbourhood character) and determine which better achieves each of the objectives and policies of the plan that refer to that particular effect.
- Note that assessments should also reflect consistency with directions in higher order planning documents as covered below under “**Consistency with national, regional, iwi or other planning documents**”

### Positive Effects and Benefits

- The assessment should include an analysis of the positive effects of the plan change. Examples of positive effects are economic benefits, increased public access or open space for recreation, protection or enhancement of the natural environment, provision of community facilities.

## Appendix 1 cont'd

### Weighing Up Costs and Benefits

- Often a requested change will result in some beneficial effects and some adverse effects compared to the existing plan provisions. For example, rezoning land from residential to commercial may provide opportunities for business activity and employment, but it may also adversely affect the residential character of the area.

The assessment needs to compare both the beneficial and adverse effects of the change request against those of the existing plan provisions. The assessment needs to clearly identify which effects are considered more important than others and explain why. It may also be worthwhile identifying if there are particular people or groups on whom positive or adverse effects fall.

As already noted, this assessment needs to be based on whether the outcomes of the plan change, other alternative options or those of the existing plan provisions better achieve each of the relevant objectives and policies of the plan and higher order planning documents.

See separately available Section 32 template for additional guidance.

### Changes to Plan Objectives

- Where the requested change seeks to amend the objectives of the plan, it will be particularly important to ensure that the assessment compares whether the requested change better meets the purpose and principles of the RMA (Part 2) than the existing objectives of the plan. It will also be important to ensure that the amended objective is consistent with higher order planning documents and the strategic directions of the plan (Chapter 3).

### Assessing Process and Administration Costs

- The assessment should also assess the process and administration costs of the requested change relative to those of the existing plan provisions. Requested changes that require significant increases in resource consent, administration or monitoring costs may not be justifiable if the additional environmental benefits are limited.

### Consistency with National, Regional, Iwi or Other Planning Documents

- The plan is required to give effect to certain other national and regional resource management documents. Where relevant, the assessment included in a requested change should clearly identify whether the requested change:
  - is consistent with national standards,
  - gives effect to any national policy statement, the New Zealand Coastal Policy Statement, the Canterbury Regional Policy Statement, and
  - is not inconsistent with any recovery or regeneration plan under the Greater Christchurch Regeneration Act, water conservation order or regional plan. The current regeneration and recovery plans include the Christchurch Central Recovery Plan, the Land Use Recovery Plan, the Lyttelton Port Recovery Plan and the Ōtākaro Avon River Corridor Regeneration Plan.

If the assessment identifies a conflict with any of these documents, there may be little point in pursuing the requested change.

- The assessment should also identify whether the requested change conflicts with any relevant planning document or management plan of an iwi authority (for Christchurch city the relevant document is the Mahaanui Iwi Management Plan), the Heritage NZ List, and other relevant statutory management plans or strategies.

### Reliance on Other Parties or Land

- If the change requested relies on the involvement of other people or other land to reduce the potential effects, there will need to be clear evidence that those people, or that land, will be committed if the plan is changed as requested. For example, if the plan change relies on a road connection across adjoining land in different ownership, has agreement for the road been secured from the owner?
- If the requested change relies on the Council undertaking certain actions or the involvement of our land, a firm commitment from Council needs to be obtained (such as provision in our long term plan) before that is considered in the assessment and before the requested change is formally lodged. An example of this may be where on-road works, such as traffic islands, are necessary to avoid potentially adverse traffic effects. Plan changes cannot include requirements on third parties, such as infrastructure providers.