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**REPORT 3**  
*(1215/53/IM)*

**PRIVATE DISTRICT PLAN CHANGE REQUEST:  
NGAURANGA FOREST, OFF HOMEBUSH ROAD,  
KHANDALLAH**

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**1. Purpose of Report**

To consider a request under Clause 21(1) of the First Schedule of the RMA by Primeproperty Developments Ltd to change the zoning of approximately 1.2ha of land located to the east of Homebush Road in Khandallah, from Open Space B to Outer Residential.

**2. Recommendations**

Officers recommend that the Committee:

- 1. Receives the information.*
- 2. Agrees to accept the private plan change request for the re-zoning of approximately 1.2ha of land to the east of Homebush Road in Khandallah, from Open Space B to Outer Residential, as outlined in Appendix 2.*
- 3. Notes that the request will be publicly notified in accordance with the First Schedule of the Resource Management Act 1991.*

**3. Discussion**

**3.1 The Plan Change Request**

Primeproperty Developments Ltd has lodged a request to change the zoning of approximately 1.2ha of land (“the site”) from Open Space B to Outer Residential. The site is located to the east of Homebush Road with proposed vehicle and pedestrian access via 198 Homebush Road. Appendix 1 of this report shows the proposed area for rezoning.

The change of zoning would enable subdivision and development of the site for residential activity to the extent provided for by the Outer Residential Activity Area provisions of the District Plan.

## **3.2 The Site**

The site is located to the east of Homebush Road and comprises ridgelines and slopes covered with both exotic and indigenous trees and vegetation. It is proposed to access the site via 198 Homebush Road. A “conceptual subdivision plan” has been lodged with the request. This indicates that the site could be subdivided into approximately 14 lots for residential development.

## **3.3 Adequacy of the Plan Change Request**

### **3.3.1 The Requirements of the RMA**

Clause 21(1) of the First Schedule of the RMA states that “*any person may request a change to a district plan*”. Clause 22(1) states that “*a request made under clause 21 shall be...in writing and shall explain the purpose of, and reasons for, the change*” and contain “*an evaluation under Section 32 for any objectives, policies, rules or other methods proposed*”. Clause 22(2) requires an assessment of effects on the environment “*in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change*”.

### **3.3.2 Evaluation**

The request for change of zoning is clear and unambiguous. The purpose of and reasons for the request are stated in section 4 of the Request. The required Section 32 evaluation is in section 6 of the request and is adequate. The environmental effects of the request are assessed in section 8 of the request and supported by specialist assessments relating to conceptual subdivision, landscape and visual effects, traffic effects, and geotechnical effects. It is considered that the assessment of environmental effects is “*in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change*”.

Accordingly, the request contains all the information required by the RMA.

## **3.4 Private Plan Change Process**

At this stage in the process, it is not appropriate for officers or the Committee to comment on the merits of the request. This assessment is appropriate after a plan change request is notified and submissions (including further submissions) have been received. However, under Clause 25 of the First Schedule of the RMA, the Committee is at this stage required to decide whether to *reject*, *accept*, or *adopt* this plan change request.

There are very limited grounds for rejection. Accepting the request means it would remain a private plan change and all processing costs would be met by the Requester. Adoption means that it would become a Council plan change and the Council would be committed to supporting the request through the plan change process. An assessment of these options is given in the table below.

### Council's options for rejecting, accepting or adopting the request

<b>Option – Reject the Request</b>	<b>Evaluation</b>
<p>A plan change request can only be rejected on the basis that:</p> <ul style="list-style-type: none"> <li>• It is frivolous or vexatious</li> <li>• The substance of the request has been dealt with by Council or the Environment Court in the last two years</li> <li>• The request is not in accordance with sound resource management practice</li> <li>• The request would make the District Plan inconsistent with Part V of the RMA (other policies or plans, such as regional policies or plans)</li> <li>• The District Plan has not been made operative for more than two years.</li> </ul>	<p>The request cannot be described as frivolous or vexatious.</p> <p>The District Plan has been operative since 2000 and the substance of the request has not been dealt with by either the Council or the Environment Court in the last two years.</p> <p>The request is clear and unambiguous, contains all the required information, and has been prepared in accordance with sound resource management practice. Rejection cannot be sustained and accordingly this is <b>not recommended.</b></p>
<b>Option - Accept the Request</b>	<b>Evaluation</b>
<p>“Acceptance” means that the request will be processed by the Council as a private plan change with the Requester being responsible for the success or failure of the request and meeting associated processing costs.</p>	<p>It is appropriate that the success or failure of the request together with processing costs should rest with the requester rather than Council, given that most of the benefits will accrue to the Requester.</p> <p><b>Acceptance is recommended.</b></p>
<b>Option - Adopt the Request</b>	<b>Evaluation</b>
<p>“Adoption” will mean that the Council is responsible for the success or failure of the request. It would also largely have to meet the cost of the process.</p>	<p>There are considered to be insufficient public benefits to warrant the Council taking responsibility for the request and meeting the associated processing costs. In the past the Council has not adopted similar requests and it is important to maintain consistent administration of the District Plan.</p> <p><b>Adoption is not recommended.</b></p>

## 4. Conclusion

An assessment of environmental effects and a section 32 report have been provided in accordance with the requirements of the First Schedule of the RMA. It is considered that there are no grounds for refusing to notify this private plan change request and that the applicant has provided sufficient information to allow the plan change to be notified. It is recommended that Council *accept* the plan change request and allow it to be publicly notified.

Contact Officer: *Jason Jones, Planning Technician, City Planning Unit*

Report Written by: *Peter Coop, Resource Management Consultant, Urban Perspectives*

## **Supporting Information**

### **1) Strategic Fit / Strategic Outcome**

This consideration is not relevant at this stage. When assessing the merits of the private plan change, Council will however need to assess whether it gives effect to the Urban Development Strategy and whether it supports the outcomes for achieving a more liveable city set out in that document.

### **2) LTCCP/Annual Plan reference and long term financial impact**

This relates to updating the District Plan. Plan change processing costs will be paid for by the Requester.

### **3) Treaty of Waitangi considerations**

There are no specific Treaty of Waitangi implications.

### **4) Decision-Making**

The decision to *accept* the Request is consistent with Clause 25 of the First Schedule of the Resource Management Act 1991.

### **5) Consultation**

#### **a) Specific Consultation**

The Requester has not undertaken consultation with neighbours.  
Consultation is not a requirement of the RMA

#### **b) Consultation with Maori**

None.

#### **c) General Consultation**

Public notification will allow interested and affected parties to make a submission and participate in the hearing process.

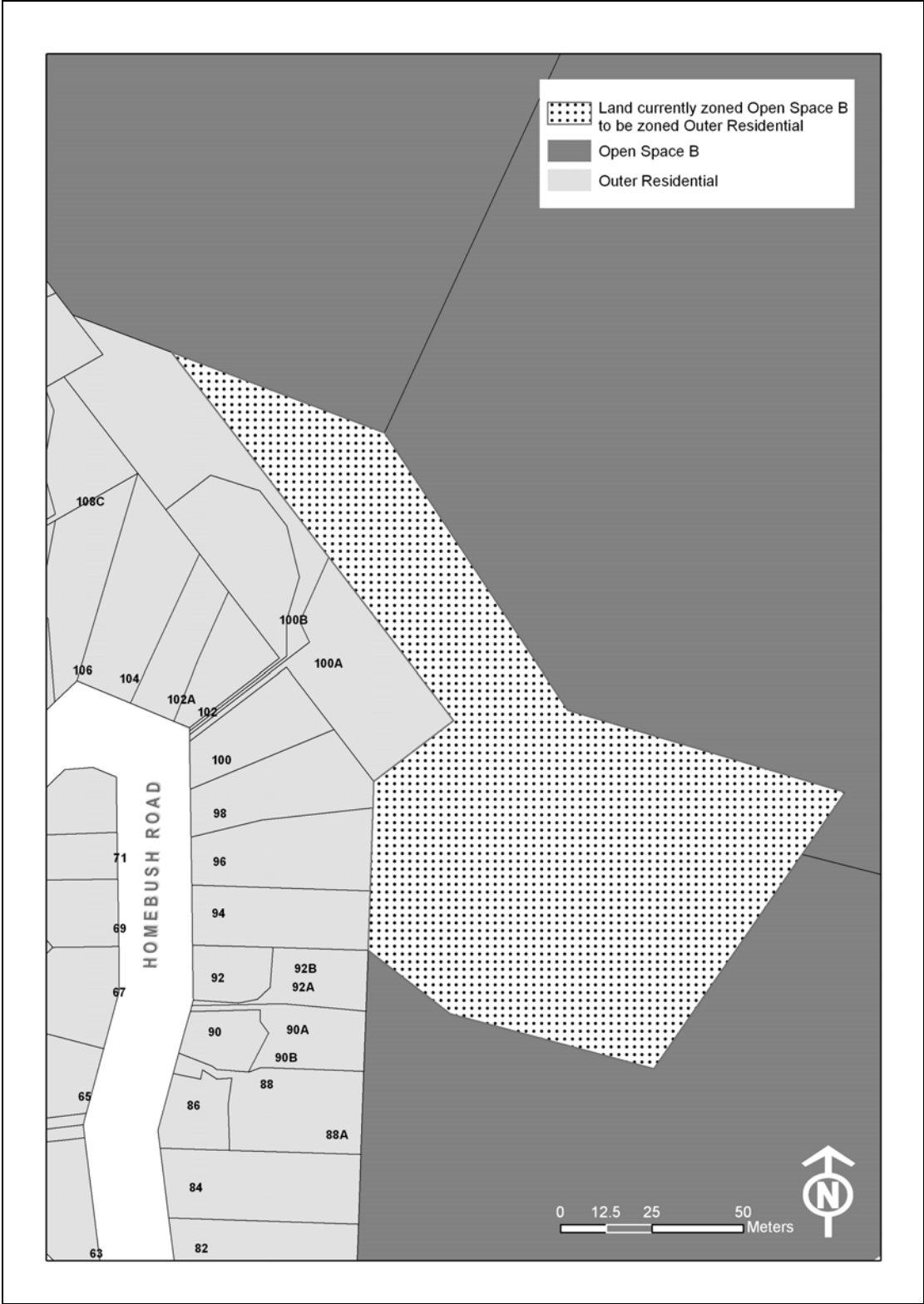
### **6) Legal Implications**

The Request is in accordance with the Resource Management Act 1991.

### **7) Consistency with existing policy**

This consideration is not relevant at this stage (as stated above).

# Appendix 1



## **APPENDIX 2**

### **Extract from Private Plan Change Request**