

REPORT

TO: Tim Harris – Group Manager Environmental and Regulatory Services

FROM: Robert Love – Team Leader Strategy and Policy

DATE: 03 February 2021

SUBJECT: **CLAUSE 16(2) AMENDMENTS TO THE PROPOSED DISTRICT PLAN**

RECOMMENDATION

'That the suggested clause 16(2) amendments to the Proposed District Plan are approved.'

1. PURPOSE

To seek amendments to the Proposed District Plan through the use of cl.16(2) to correct minor errors in the Plan.

2. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

This is a procedural matter under the Resource Management Act 1991.

3. HISTORY/BACKGROUND

As the Proposed District Plan has been developed, further integrated, and moved through the submission phase, errors in the Plan have been found. Council has erred on the side of caution and has included some of these errors as submission points where there may be a perceived or actual material effect as a result of the proposed change.

Clause 16(2) allows a local authority to make an amendment to a proposed plan without using a schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors.

Note this is the second tranche of amendments with the first tranche being approved on 16 December 2020.

4. PROPOSAL

See proposed amendments in Appendix 1.

5. OPTIONS

- a) To accept the recommended cl.16(2) amendments; or
- b) To not accept the recommended cl.16(2) amendments.

6. VIEWS OF THOSE AFFECTED / CONSULTATION

(a) Views of those affected

No party is considered to be affected.

(b) Consultation

Given that the proposed amendments will have no more than a minor effect, no consultation has occurred.

(c) Māori implications

There are no implications on Māori.

(d) Climate Change considerations

There are no climate change considerations.

7. FUNDING IMPLICATIONS

There are no funding implications other than staff time.



Robert Love

TEAM LEADER – STRATEGY AND POLICY

The Group Manager Environmental and Regulatory Services exercises his delegation to approve the minor changes set out in Appendix 1 to the Proposed Plan in accordance with clause 16(2) of the First schedule of the Resource Management Act 1991.



Tim Harris

GROUP MANAGER ENVIRONMENTAL AND REGULATORY SERVICES

Appendix 1: Proposed cl.16(2) amendments to the Proposed District Plan

Provision	Issue	Amendment
Prebbleton Development Area 1	DEV-PR1 has been incorrectly mapped by including neighbouring areas to the actual development area as set out in the outline development plan (ODP) included in the Plan.	Amend the maps by reducing the DEV-PR1 area to what is shown in the ODP.
Prebbleton Development Area 2	DEV-PR2 was omitted from the planning maps at the time of notification.	Amend the maps by including the DEV-PR2 area as shown in the ODP.
Rolleston Development Area 2	DEV-RO2 has been incorrectly mapped by not including the entire area indicated in the ODP.	Amend the maps by expanding the DEV-RO2 area to what is shown in the ODP.
Rolleston Development Area 4	DEV-RO4 has been incorrectly mapped in the wrong area and mislabelled with a DEV-RO5 label.	Delete the DEV-RO4 area as shown on the planning maps, and relabel DEV-RO5 to DEV-RO4 on the planning maps.
Rolleston Development Areas	The following map labels are incorrect: <ul style="list-style-type: none"> - DEV-RO6 - DEV-RO7 - E39 - E40 	Amend the map labels: <ul style="list-style-type: none"> - DEV-RO6 to DEV-RO5 - DEV-RO7 to DEV-RO6 - E39 to DEV-RO7 - E40 to DEV-RO8
SIGN-MAT1	No matters have been included under this matter heading, as due to an error in the EPlan the matters (first box with matters 1- 4) have displayed underneath the SIGN-MAT2 heading.	Amend SIGN-MAT1 and SIGN-MAT2 by removing the relevant matters from SIGN-MAT2 and placing these under SIGN-MAT1.
EIB-R1.24b	Incorrect cross reference within the rule.	Amend the cross reference to EIB-R1.4.i as noted in EIB-R1.24.b, to EIB-R1.4.j.
EIB-R1.27	Incorrect rule numbering.	Amend EIB-R1.27 to EIB-R1.25.
TRAN – Note for plan users	The current wording of this section would benefit from amendment to improve readability.	Amend the note to: <i>As required by the National Planning Standards, <u>unless relating specifically to a Special Purpose Zone</u>, the Transport Chapter has been created to be self-contained for all Land Transport Infrastructure and Land Transport Corridor works and activities. <u>Under the National Planning Standards it is permitted to have more than one chapter covering these matters under the 'Energy, Infrastructure and Transport' heading. In this Plan, transport matters are contained in a separate chapter to energy and infrastructure matters.</u></i>

		<p><u>The Transport chapter is designed to work in the following way:</u></p> <p><u>1. Within this chapter there may be a Plan provision that applies to a non-transport matter where it affects a transport activity. For example the establishment of a new or expansion of an existing structure, or the planting of a tree. In these cases both the provisions within this Chapter apply as well as all other relevant provisions within this Plan.</u></p> <p><u>2. Regarding transport activities, while most of the relevant provisions are contained within this chapter, where an activity is located within the Port Zone or the Dairy Processing Zone (both of which are Special Purpose Zones), those chapter provisions must also be considered. Moreover, all activities must be assessed against the Energy and Infrastructure chapter. Additionally, the objectives, policies, and methods for managing reverse sensitivity effects relating to noise sensitive activities establishing in proximity to transport infrastructure are managed under the Noise Chapter of this Plan.</u></p> <p><u>3. Where a rule or rule requirement from another chapter has been cross-referenced within this chapter, the relevant associated objectives and policies also apply when assessing an application for resource consent.</u></p> <p><u>4. Where an activity is within an Overlay the associated objectives and policies from the relevant chapter for that overlay also apply when assessing an application for resource consent.</u></p> <p>All energy or infrastructure activities, other than those activities addressed in the Port Zone or Dairy Processing Zone, should be only be assessed against the Energy and Infrastructure Chapter.</p> <p><i>Details of the steps Plan users should take to determine the status of an activity is provided in the How the Plan Works.</i></p>
Energy and Infrastructure – Note for plan users	The current wording of this section would benefit from amendment to improve readability.	<p>Amend the note to:</p> <p><u>As required by the National Planning Standards, unless relating specifically to a Special Purpose Zone, the ‘Energy, Infrastructure and Transport’ heading has been created to be self-contained for all energy, transport and infrastructure works and activities. Under the National Planning Standards it is permitted to have more than one chapter covering these matters under the ‘Energy, Infrastructure and Transport’ heading. In this Plan, energy and infrastructure matters are contained in a separate chapter to transport matters.</u></p>

		<p><u>The Energy and Infrastructure chapter is designed to work in the following way:</u></p> <p><u>1. Within this chapter there may be a number of Plan provisions that apply to a non-energy or important infrastructure related activity where they affect an energy or important infrastructure activity. For example, the establishment of a new, or expansion of an existing sensitive activity. In these cases both the provisions within this Chapter apply as well as all other relevant provisions within this Plan.</u></p> <p><u>2. Regarding energy or important infrastructure activities, while most of the relevant provisions are contained within this chapter, where an activity is located within the Port Zone or the Dairy Processing Zone (both of which are Special Purpose Zones), those chapter provisions must also be considered. Moreover, all activities must be assessed against the Transport chapter. Additionally, the objectives, policies, and methods for managing reverse sensitivity effects relating to noise sensitive activities establishing in proximity to important infrastructure are managed under the Noise Chapter of this Plan.</u></p> <p><u>3. Where a rule or rule requirements from another chapter has been cross-referenced within this chapter, the relevant associated objectives and policies also apply with when assessing an application for resource consent.</u></p> <p><u>4. Where an activity is within an Overlay, the associated objectives and policies from the relevant chapter for that overlay also apply when assessing an application for resource consent.</u></p> <p><i>Details of the steps Plan users should take to determine the status of an activity is provided in the How the Plan Works.</i></p>
E39 (DEV-RO7)	<p>ODP included as part of the Plan does not include dimensions for the State Highway setback, and odour constrained areas.</p> <p>Note these areas have been indicated on the ODP.</p>	<p>Amend the ODP to include the distances of each setback.</p> <ul style="list-style-type: none"> - 80 metres for the State Highway 1 setback. - 150 and 450 metres for the odour constrained area.

E40 (DEV-RO8)	<p>ODP included as part of the Plan does not include dimension for the odour constrained area.</p> <p>Note this area have been indicated on the ODP.</p>	Amend the ODP to include the distance (260 metres) of the odour constrained area.
---------------	--	---