

REPORT

TO: Tim Harris – Group Manager Environmental and Regulatory Services
FROM: Robert Love – Team Leader Strategy and Policy
DATE: 20 December 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 (PDP) through the use of cl.16(2) of the Resource Management Act 1991 (RMA) to correct minor errors in the Plan.

2. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

This is a procedural matter under the RMA.

3. HISTORY/BACKGROUND

As the PDP has been developed, further integrated, and moved through the submission and s42A report evidence 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. Other submission points have also been received seeking amendments to the PDP, which can instead be made using cl.16(2).

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 fifth tranche of amendments.

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, however a number of submitters have sought to correct minor errors or make an alteration to the PDP of minor effect, which can be more effectively dealt with via cl.16(2) of the RMA. The s42A reports addressing submissions on the PDP identify which submission points contain relief that can be addressed in this manner.

(b) Consultation

Given that the proposed amendments will have no more than a minor effect, no consultation has occurred. However, those submitters whose submission points are recommended to be dealt with via cl.16(2) will have an opportunity to address this remedy through the PDP hearings process.

(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.

A handwritten signature in black ink, appearing to read 'Tim Harris', with a stylized flourish at the end.

Tim Harris

GROUP MANAGER ENVIRONMENTAL AND REGULATORY SERVICES

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

Provision	Reason	Amendment
Health Care Facility	Typo in definition	<i>is a community facillity facility that uses land and/or buildings for the provision of physical and mental health services, or health-related welfare services, for people by registered health practitioners (approved under the Health Practitioners Competence Assurance Act 2003), when the capacity is for less than 50 people at any one time and does not have surgery or emergency treatment facilities.</i>
Key Activity Centre	Typo in definition	<i>The existing and proposed commercial centres identified as focal points for employment, community activities, and the transport network; and which are suitable for more intensive mixed-use development. The following centres shown on Map A of Chapter 6 of the CRPS are the existing KACs within the Greater Christchurch are <u>area</u> of the district: Lincoln; Rolleston and in the case of this district plan, KACs also include the commercial centres in Darfield and Leeston.</i>
Waste	Missing the word 'includes'	<i>Has the meaning given in the Waste Minimisation Act 2008 and includes:</i> <i>a. any thing disposed of or discarded; and</i> <i>b. a type of waste that is defined by its composition or source (for example, organic waste, electronic waste, or construction and demolition waste); and</i> <i>c. to avoid doubt, <u>includes</u> any component or element of diverted material</i>
LURP hyperlink	Section HPW3 does not link to the LURP doc on website	The phrase 'The Land Use Recovery Plan' should link to: https://www.greaterchristchurch.org.nz/assets/Documents/greaterchristchurch/Plans/LandUseRecoveryPlan.pdf
NTS	Abbreviation has word 'means' but does not need it	<i>means</i> <i>Not to scale</i>
HDCA (new)	Missing from abbreviations list but referenced in the PDP	<u><i>HCDA Housing Development Capacity Assessment</i></u>
FDS (new)	Missing from abbreviations list but referenced in the PDP	<u><i>FDS Future Development Strategy</i></u>
RMA (new)	Missing from abbreviations list but referenced in the PDP	<u><i>RMA Resource Management Act 1991</i></u>
ITA (new)	Missing from abbreviations list but referenced in the PDP	<u><i>ITA Integrated Transport Assessment</i></u>

HNZ	Abbreviation not used in plan so needs to be deleted.	HNZ pouhere taonga/heritage new zealand
NESTA	Abbreviation spelt incorrectly	NESTA <u>NESETA</u>
TRAN-TABLE10	There is no reference to the engineering code of practice which will contain detail on the dimensions and formation of loading bays	Add under 'Advisory Note' - <u>3. SDC's Engineering Code of Practice includes more detail on the design requirements for loading areas.</u>
APP3	Both the text and diagram of APP3 are labelled a.b.c this is confusing as it leads people to think that the a's b's and c's are to be matched with each other, but they are not, renaming one set of abc's to 123 would remove confusion	Change diagram to read 1,2,3 instead of A,B,C
HPW4	'per' is incorrectly underlined as a definition in paragraph 4.	<i>As per the requirements of the National Planning Standards the proposed Selwyn District Plan consists of four parts, which are summarised in the table below:</i>
HPW1	Missing reference to s10B of the RMA	<p><i>Obligations to comply with the Act</i></p> <p><i>No person may use land in a manner that contravenes a rule in the District Plan, unless they have existing use rights or a resource consent granted by the Council (Sections 9, 10, and 10A, and 10B). In the context of the RMA such use includes the use of the surface of lakes and rivers (Section 10A <u>and 10B</u>).</i></p> <p><i>No person may subdivide land unless expressly allowed by a rule in the District Plan, a National Environmental Standard or a resource consent (Section 11).</i></p>

HPW19	Missing reference to s189A of the RMA	Heritage Order <i>Spatially identifies heritage orders enabled under section 189 <u>and 189A</u> of the RMA.</i>
The PORTZ Noise Overlay as it relates to the LPC site.	Missing dBA labels	Turn these labels on
PREC8	The boundaries for the proposed PREC8 over the proposed GIZ in Leeston do not match the outline of the zone/correct PREC8 boundaries as showing in the GIZ Schedule.	Amend the boundary of PREC8 to follow boundary of proposed GIZ zone.
HPW27	Yorktown SCA is missed off the list of SCA's in HPW27, insert new row under SCA17 Rocklands Density	<u>Yorktown Density SCA-RD18</u> An existing development area where site sizes are smaller than the surrounding rural environment.
HPW13	Typo – 'greater' spelt wrong	<i>Locations of rural residential growth within Geater <u>Greater</u> Christchurch are managed and considered through the Selwyn Rural Residential Strategy.</i>
HPW6	Missing reference to s10B of the RMA	<i>HPW6 - Activity Status</i> <i>No person is allowed to undertake any activity in a manner that contravenes a rule in the District Plan or a national environmental standard unless the activity is expressly allowed by a resource consent or is an existing use allowed by section 10, or 10A, <u>or 10B</u> of the Act. A resource consent is a consent granted by a consent authority which allows a person to carry out a certain activity, for instance land use activities or subdivision.</i>
GRZ-R6	Repeated line of text in rule	delete 'the site shares a boundary with a reserve' at the end of b.ii.2.
LRZ-R6	Repeated line of text in rule	delete 'the site shares a boundary with a reserve' at the end of b.ii.2.
SETZ-R6	Repeated line of text in rule	delete 'the site shares a boundary with a reserve' at the end of b.ii.2.

All definitions with alphanumeric or roman numeric clauses and hypens or endashes	Planning standards required alpha numeric and roman numeric definitions to be enclosed in brackets not followed by a full stop. E.g.'(a)'not 'a.'	Wherever a definition has an alphanumeric or roman numeric sub clause with a full stop replace with brackets eg. A. or iii. becomes (a) or (iii). Where the definition is shaded in grey in the definitions chapter, there is a definition that has been loaded by ePlan provider Isovist and the change will need to be undertaken by them.
All RMA definitions	Where the definition has been adopted from the RMA all formatting including hypens and or endashes should align with the specific formatting in the Act.	When a hyphen/endash is used the plan definition should mimic the formatting in the RMA
RESZ-P15.1	Duplicated word in policy	Delete duplicate 'the'.
Definition: Monument	Spelling errors	<i>In relation to heriatge <u>heritage</u> settings, includes any tombstone, headstone, memorial, statue, kerbing, plaque, tablet or other like or related object, strucutre <u>structure</u> or erection associated with interments in public cemeteries under the Selwyn District <u>District</u> Council's control.</i>
HH-SCHED2 - Heritage Item Record Form for H52 (Lady Rhodes Memorial Church/St Paul's Anglican Church)	Hyperlink in HH-SCHED2 to the Heritage Item Record Form for H52 does not work	Repair broken hyperlink
ORION-18	The whole of the Fonterra SPZ has been identified as subject to the designation, rather than just the area of the substation (the smaller	Amend the spatial extent of ORION-18 to just the substation, as shown in the notice of requirement - Lot 2 DP 456083

	area is that shown in the notice of requirement)	
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