

# REPORT

**TO:** Tim Harris – Group Manager Environmental and Regulatory Services

**FROM:** Robert Love – Team Leader Strategy and Policy

**DATE:** 02 August 2021

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

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## 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 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 fourth 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.

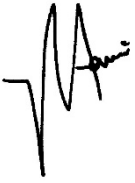
## **7. FUNDING IMPLICATIONS**

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', located in the top left corner of the page.

Tim Harris

**GROUP MANAGER ENVIRONMENTAL AND REGULATORY SERVICES**

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

Provision	Issue	Amendment
Health Care Facility	Typo in definition	Amend ' <del>facillity</del> ' with ' <u>facility</u> '.
Key Activity Centre	Typo in definition	Amend '...KACs within the Greater Christchurch <del>are</del> <u>area</u> of the district...'
Waste	Missing word in the definition	Insert '...c. to avoid doubt, <u>includes</u> any component or element of diverted material.'
LURP hyperlink	Hyperlink of LURP in HPW3 does not link to the correct location.	Hyperlink 'The Land Use Recovery Plan' to: <a href="https://www.greaterchristchurch.org.nz/assets/Documents/greaterchristchurch/Plans/LandUseRecoveryPlan.pdf">https://www.greaterchristchurch.org.nz/assets/Documents/greaterchristchurch/Plans/LandUseRecoveryPlan.pdf</a>
NTS	Abbreviation has word 'means' but does not need it.	Amend ' <del>means</del> Not to Scale'.
HDCA (new)	Missing abbreviation for Housing Development Capacity Assessment.	Insert into abbreviations list 'HDCA - Housing Development Capacity Assessment'
FDS (new)	Missing abbreviation for Future Development Strategy.	Insert into abbreviations list 'FDS - Future Development Strategy'
RMA (new)	Missing abbreviation for Resource Management Act 1991.	Insert into abbreviations list 'RMA - Resource Management Act 1991'
ITA (new)	Missing abbreviation for Integrated Transport Assessment.	Insert into abbreviations list 'ITA - Integrated Transport Assessment'
HNZ	This abbreviation not used in the Plan so needs to be deleted.	Remove from the abbreviations list 'HNZ - Pouhere Taonga/Heritage New Zealand'
NESTA	Abbreviation is spelt incorrectly.	Amend ' <del>NESTA</del> ' to ' <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 ABC this is	Change diagram to remove A,B and C

	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, removing the ABC reference on the diagram, which serves no specific purpose, would remove confusion	
HPW4	'per' is underlined as a definition in paragraph 4 but it should not be.	Remove the underlining of 'per'.
HPW1	Reference to s10B of the RMA is missing.	Insert '...resource consent granted by the Council (Sections 9, 10, <del>and</del> 10A, <u>and 10B</u> ). In the context of the RMA such use includes the use of the surface of lakes and rivers (Section 10A <u>and 10B</u> )....'
Antenna	The definition of 'Antenna' does not match the NESTF definition.	Amend the definition to ' <u>Means</u> a device that receives or transmits radiocommunication or telecommunication signals, but not <del>excludes</del> a small cell unit.
HPW19	The reference to s189A of the RMA is missing.	Insert '...Spatially identifies heritage orders enabled under section 189 <u>and 189A</u> of the RMA'.
LPC Port Noise Overlay	The dBA labels for the Lyttelton Port Company's PORTZ are missing.	Insert these labels onto the Planning Maps.
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 Planning Maps 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 into HPW27 ' <u>Yorktown Density - SCA-RD18 - An existing development area where site sizes are smaller than the surrounding rural environment</u> '.
HPW13	Typo in in HPW13	Amend 'Locations of rural residential growth within <del>Geater</del> <u>Greater</u> Christchurch are managed and considered through the Selwyn Rural Residential Strategy'.
HPW6	Reference to s10B of the RMA is missing.	Insert reference '...resource consent or is an existing use allowed by section 10, <del>or</del> 10A, <u>or 10B</u> of the Act...'
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.
NH-R1	Numbering error - clause after NH-R1.20 should be NH-R1.21, not NH-R1.7	Amend ' <del>7.</del> <u>21.</u> The exercise of discretion in relation to NH-R1.20 is restricted to the following matters:...''
NH-R1	Typo – 'achieved' spelt wrong in NH-R1.17	Amend '17. When compliance with any rule requirement listed in this rule is not <del>achieved</del> <u>achieved</u> :'.
All definitions with alphanumeric or roman numeric clauses and hyphens or endashes	The 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.'	Amend definitions wherever a definition has an alphanumeric or roman numeric subclause with a fullstop replace with brackets eg. A. or iii. becomes (a) or (iii).
All RMA definitions	Where the definition has been adopted from the RMA all formatting including hyphens 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, amend provisions as required to fulfil this requirement.