

Memorandum

To District Plan Manager
From Support Assistant (District Plan)
Subject **Clause 16(2) Minor Amendment - Urban and Services, Recommendations of the Hearing Panel**
Date 15 June 2020

Introduction

Council has the capacity to correct errors and “make an amendment, without further formality, to its proposed policy statement or plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.” under Clause 16 (2) of the First Schedule to the Resource Management Act 1991.

The correction of minor errors, has to be considered according to guidelines developed through case law.

Case law states that the test in determining whether an amendment is authorized by Clause 16(2) is “does the amendment affect (prejudicially or beneficially) the rights of some members of the public, or is it neutral?” Only if it is neutral is an amendment permitted by Clause 16(2).

The decision to correct minor errors was delegated in terms of Section 34 of the Resource Management Act to the District Plan Manager.

Issue

1. The identification of minor errors in the Urban and Services Decision - provisions of PREC5 of the LIZ Chapter.

Resolution

1. Pursuant to Clause 16(2) of the First Schedule to the Resource Management Act 1991, that the LIZ Chapter of the Decision version of District Plan be amended to correct the errors outlined below.

Amendment of issues:

LIZ - PREC1 – South Whangarei Gateway Precinct (SWGP)

Issues

The South Whangarei Gateway Precinct (Gateway Precinct) enables an expanded range of trade ~~retailsuppliers~~, general retail and food and beverage activities are present within a portion of the Light Industrial Zone. The Gateway Precinct is located to the south of Whangarei City, with activities clustered, around the intersections of State Highway 1, Rewa Rewa Road and Tauroa Street Raumanga. The South Whangarei Gateway Precinct (Gateway Precinct) recognises the established nature of these activities and the need to ensure the ongoing use and development of the land within a suitable planning framework importance of this location as the southern gateway entrance to Whangarei City.

Amendment of objectives:

Objectives

LIZ-PREC-01
Recognised
Activities

Recognise the existing Enable the ongoing operation of trade ~~retailsuppliers~~, general retail and food and beverage activities located in the Gateway Precinct.

<u>LIZ-PREC-O2 - Protected Zones</u>	<u>Provide for limited expansion of trade retail general retail and food and beverage activities located in the Gateway Precinct while protecting the vitality and viability of the City Centre, Mixed Use and Commercial Zones.</u>
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Amendment of Policy:

Policies	
<u>LIZ-PREC-P1- Enabled Activities</u>	<p><u>To protect the vitality and viability of the City Centre, Mixed Use and Commercial Zones by:</u></p> <ol style="list-style-type: none"> a. <u>Recognising the existing the trade retail suppliers, general retail and food and beverage activities located in the Gateway Precinct.</u> b. <u>Providing for limited expansion of trade retail general retail and food and beverage activities located in the Gateway Precinct.</u>

Amendment of Rules

<u>LIZ-PREC-R1</u>	<u>General Retail</u>	
	<p><u>Activity Status: Permitted</u></p> <p><u>Where:</u></p> <ol style="list-style-type: none"> 1. <u>The activity is:</u> <ol style="list-style-type: none"> a. <u>A primary activity or ancillary activity.</u> b. <u>Greater than 450m² GFA per tenancy site.</u> 	<p><u>Activity Status when compliance not achieved: Discretionary</u></p>

<u>LIZ-PREC-R2</u>	<u>Food and Beverage</u>	
<u>LIZ-PREC-R3</u>	<u>Drive Through Activities</u>	
	<p><u>Activity Status: Permitted</u></p> <p><u>Where:</u></p> <ol style="list-style-type: none"> 1. <u>The activity is:</u> <ol style="list-style-type: none"> a. <u>A Primary activity or ancillary activity.</u> b. <u>Greater than 250m² GFA per site tenancy.</u> 	<p><u>Activity Status when compliance not achieved: Discretionary</u></p>

Reasons

During the hearing the Council reporting planner and submitters planners reached an agreed position recommended to the hearing panel to resolve drafting issues. The Reporting Planner's right of reply report recommended the amendments to the Hearing Panel. The Hearing Panels recommendation (Council decision) adopted the reporting planners position, however the changes were not made to the LIZ to reflect this recommendation.

ACCEPT / DECLINE / AMEND RECOMMENDATION



Melissa McGrath **Manager District Plan**