

## 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

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### 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 PREC6 of the HIZ Chapter.

### Resolution

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

Insert the following Rules

PREC6-R5	Boundary Landscaping
<p><u>Activity Status: Permitted</u></p> <p><u>Where:</u></p> <p><u>Note:</u></p> <p>1. <u><i>This means that no activity within PREC6 shall require boundary landscaping.</i></u></p>	
PREC6-R6	Lighting: Artificial Lighting Associated with Refining Activities
<p><u>Activity Status: Permitted</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 HIZ chapter to reflect this recommendation.

**ACCEPT / DECLINE / AMEND RECOMMENDATION**

Melissa McGrath  
**Manager District Plan**