

Clause 16(2)

Notice of Amendment to Proposed Policy or Plan

Notification of Amendment to Plan Changes 88I and 115



District Plan Changes: Urban and Services - Notification of Amendment (Puriri Park Road, Maunu)

Whangarei District Council gives notice that it has resolved under delegated authority to amend Proposed Plan Changes 115 and 88I by way of amendment to the Proposed District Plan Map series. Planning Maps 10, 66 and 72 have been amended to identify Section 2 SO 475907, Puriri Park Road, Maunu as proposed Medium Density Residential Zone, rather than proposed Open Space Zone, to correct a mapping error.

These amendments are made pursuant to Clause 16(2) of the Resource Management Act 1991.

Details of these amendments to the Proposed Plan Changes are available for viewing on the Council's website at: <http://www.wdc.govt.nz/PlanChanges>

Please contact Council's District Plan Department if you have any questions about the amendments.

Plan Change 115 and 88I were notified on 8 May 2019 as components within the District Plan Changes: Urban and Services. The closing date for submissions on the District Plan Changes: Urban and Services is 3rd July 2019 at 4pm. Both Plan Changes propose rezoning of land within the district.

R Forlong
CHIEF EXECUTIVE

Memorandum

To District Plan Manager
From Support Assistant (District Plan)
Copies
Subject **Clause 16(2) Minor Amendment - Planning Maps 10, 66 and 72**
Date 23 May 2019
Ref

Introduction

Council has the capacity to *“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.

Case law states that the test in determining whether an amendment is authorised 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 effect of this interpretation of Clause 16(2) is that amendments such as spelling, grammar, numbering and layout may be altered without formality or the need for a decision by Council.

Similarly, wording can be amended so long as it does not alter the effect of a rule or statement. However, if there is a need to change wording which may appear to be clearly incorrect, but the effect of the amendment could provide a benefit or a penalty to any person, the change is outside the scope of Clause 16(2).

Issue

1. Proposed Planning Maps 10, 66 and 72 identified Section 2 SO 475907, Puriri Park Road, Maunu (“the subject site”) as proposed Open Space Zone on proposed Planning Maps 10, 72 and 66 due to mapping error.
2. The subject site was incorrectly mapped as proposed Open Space Zone due to a technical GIS selection error. The subject site should have been mapped as proposed Medium Density Residential Zone.
3. No section 32 evaluation report supports the identification of the subject site as proposed Open Space Zone and the subject site does not meet the Open Space Zone mapping criteria, as the proposed Open Space mapping is the result of an error.

Recommendation

1. That in terms of Clause 16(2) of the First Schedule to the Resource Management Act 1991, it is recommended that proposed Planning Maps 10, 66 and 72 be amended to identify Section 2 SO 475907, Puriri Park Road, Maunu as proposed Medium Density Residential Zone to correct a mapping error.

Reasons

1. The amendment is an alteration of minor effect.
2. The amendment is consistent with PC88I Proposed Living Zones section 32 evaluation report. The subject site meets the Medium Density Residential Zone mapping criteria and this was the intended proposed zoning.
3. The Clause 16 notice will be publicly notified within the plan change notification for submission period.

ACCEPT / ~~DECLINE~~ / ~~AMEND~~ RECOMMENDATION

A handwritten signature in black ink, appearing to read 'm. mcgrath', written in a cursive style.

Melissa McGrath
Manager District Plan