

## Memorandum

To District Plan Manager  
From Taya Baxter – Planner (District Plan)  
Subject **Clause 16(2) Minor Amendment**  
Date 21 July 2023  
Ref Reformatting of Decision Version of Hazardous Substances Chapter

---

### 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 Decision Version of the Hazardous Substances Chapter Plan is currently set out in the old Whangarei District Plan (**WDP**) format. The Chapter needs amending so that it is consistent with the new format of the WDP.

### Reasons:

1. Plan Change 91 reviewed the hazardous substances provisions in the WDP. The Proposed Plan Change was notified for public submission on 24<sup>th</sup> August 2022. The notified version of the proposed Hazardous Substances Chapter was set out in the old WDP format.
2. Council is required to develop an ePlan in accordance with Standard 16 Electronic Accessibility and Functionality of the Planning Standards.
3. To enable a Microsoft Word Version of the WDP to be ingested into the ePlan it was necessary for the entire plan to be reformatted to ensure consistency of styles for headings, tables, and numbering throughout the document.
4. The entire WDP was reformatted on 30 May 2023.
5. The Decision Version of the Hazardous Substances Chapter was approved by Council on 20<sup>th</sup> July 2023. The Chapter now requires amendment to ensure that it is consistent with the newly reformatted WDP.

### Resolution

1. Pursuant to Clause 16(2) of the First Schedule to the Resource Management Act 1991, that the Decision Version of the Hazardous Substance Chapter be amended to be consistent with the newly reformatted version of the WDP shown on the next page below.

### ACCEPT



Yvonne Masefield  
Manager District Plan

Date: 26/07/2023