

Minor corrections to the Operative Hurunui District Plan

The following memo outlines the correction of a minor error identified in the Operative Hurunui District Plan. The correction of this error is pursuant to clause 20A of Schedule 1 of the Resource Management Act 1991.

Clause 20A allows the Council to amend the Operative Hurunui District Plan to correct any minor errors without using the Schedule 1 process.

Background

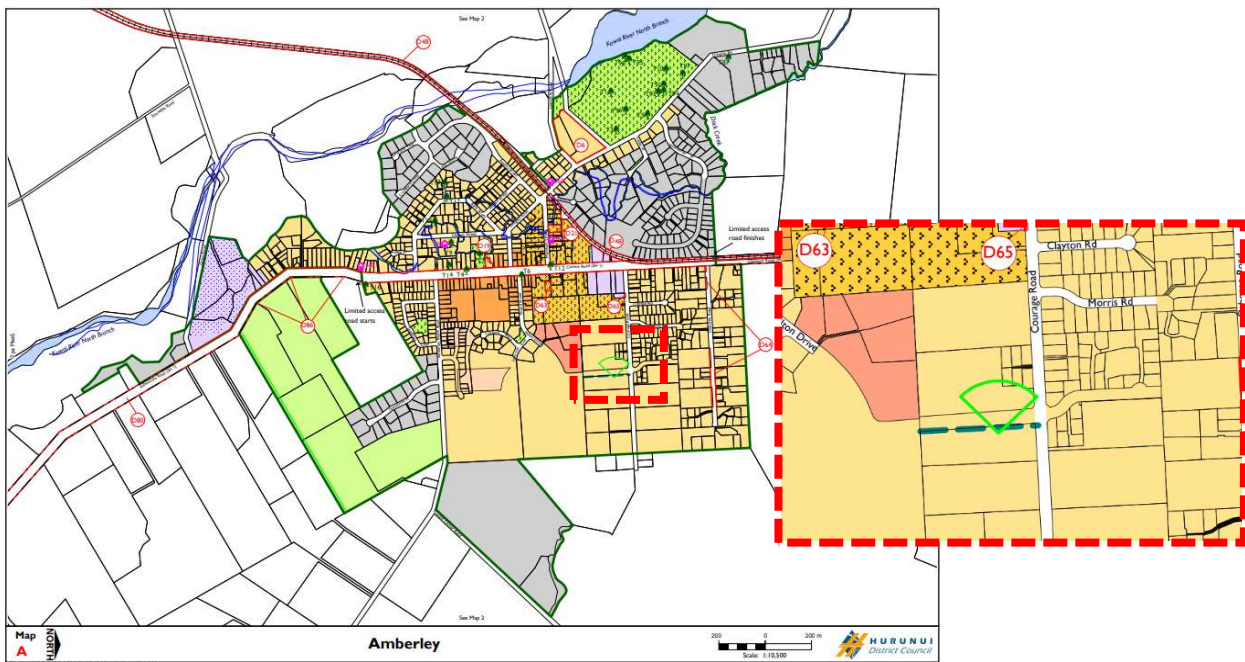
Inoperative District Plan 2003

A rule requiring a building restriction line was included as follows:

B1.2.10 Amberley Township

No buildings are permitted on the southern side of Courage Road within a radial distance of 90 metres from the western side of the fertiliser store on Lot 1 DP 301957. This rule shall endure as long as the fertiliser store remains in operation.

This building restriction line was mapped in lime green on Map A, shown below:



Variation 5 to the 1997 proposed version of the Inoperative District Plan 2003

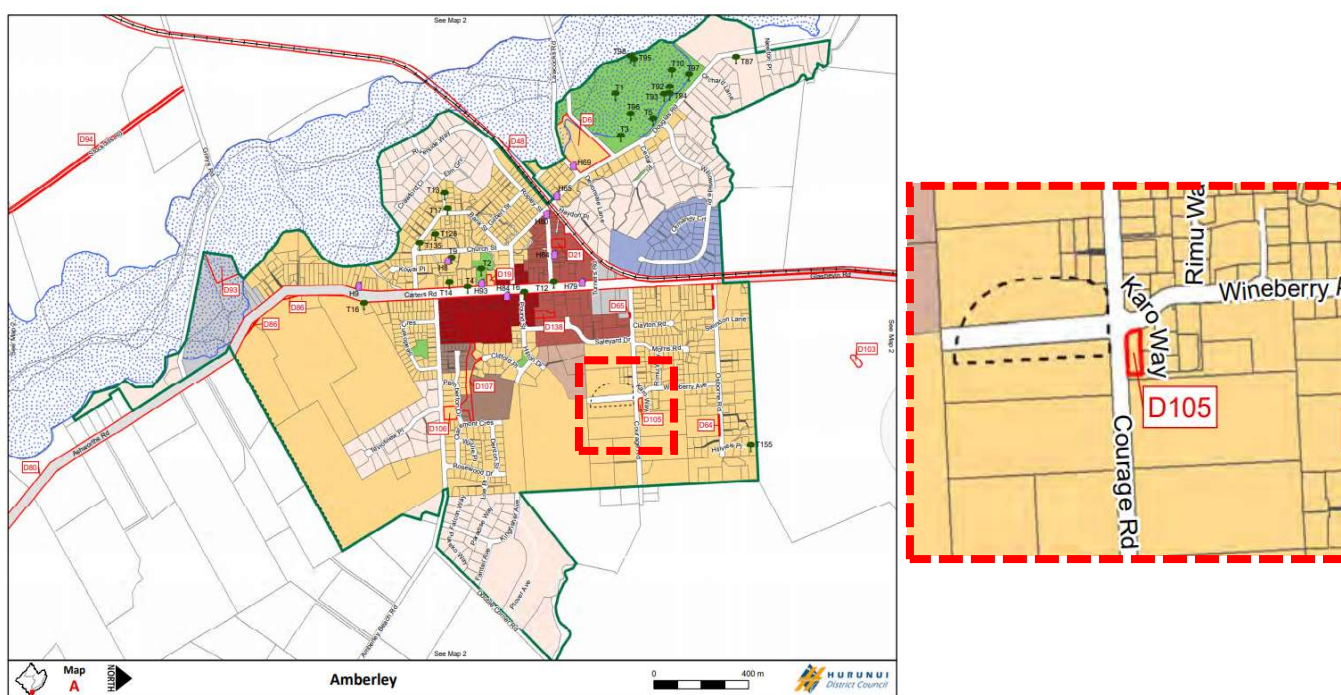
This building restriction line was introduced as part of Variation 5 to the 1997 proposed version of the Inoperative Hurunui District Plan. The variation proposed the then Pyne Gould Corporation land on Courage Road be rezoned from Industrial to part Business, part Residential.

The building restriction line was introduced as part of this rezoning to prevent the siting of buildings within 90 m of the western boundary of the fertiliser store. This restriction provides a mitigation measure to avoid any potential adverse effects caused by dust from the fertiliser works to protect the residential amenity of the property to the west of the fertiliser works site.

Issue

The rule for this building restriction line was not transferred into the Operative District Plan. The absence of this rule means a dwelling could be located within the building line restriction, as the Operative District Plan no longer specifically controls this, which could result in reverse sensitivity effects to the occupants of such a dwelling due to dust from the fertiliser store operating on Lot 1 DP 301957.

It is noted the building line restriction has been transferred to Planning Map A, as a black dashed line, of the Operative District Plan, shown below. In addition, the fertiliser store on Lot 1 DP 301957 is still in operation. The wording of the rule from the Inoperative District Plan is very clear the rule should endure as long as the fertiliser store remains in operation. Therefore, the absence of this rule is considered unintentional and appears to be a minor error resulting from how the rule framework was restructured for the Operative District Plan.



Amendment

Re-instate the building line restriction as Rule 4.6.24 as follows:

4.6 Standards for permitted activities

24. Amberley

- (a) No buildings are permitted on the southern side of Courage Road within a radial distance of 90 m from the western side of the fertiliser store on Lot 1 DP 301957. This rule shall endure as long as the fertiliser store remains in operation.

This change is a correction of a minor error under Clause 20A and has been approved under delegated authority granted by Council resolution 31 May 2018.

J. Batchelor

Judith Batchelor, Manager Regulatory Services

9 July 2018