

Proposed Plan Change 94

Hearing Panel's response to the Applicant's request to correct some precinct provisions – dated 15 May 2025.

Having assessed the Applicant's request, we have made the changes to the precinct provisions in the attached document pursuant to section 46 of the Legislation Act 2019. All of the changes made correct minor errors and are of minor effect, as addressed in the table below.

Legislation Act 2019

46 Power to do things may be exercised to correct errors

(1) The power to do anything may be exercised to correct an error or omission in a previous exercise of the power.

Error #/ Page # (Refer Attachment B)	Provision	Requestor Identified errors	Hearing Panel Findings
1. Page 46	I334.8.1(1A)(b)(i) 1 st bullet point	<p>This sub-clause is missing part of its wording with only the last three words provided (highlighted below). The full wording is:</p> <ul style="list-style-type: none">• <u>Separate pedestrian entrances for residential uses within mixed use buildings</u>	<p>Agree the words missing from the decision version.</p> <p>It appears these words have dropped off in the Council's technical check of the precinct provisions. They were in the version send by the Hearing Panel to the Council for the technical check (22/02/25), and in the Applicant's Reply version.</p> <p>The words left out means the provision doesn't make sense. Inserting the words back in is of 'minor effect' as it corrects an error (as was always in the provisions) and Hearing Panel's decision did not make comment about deleting those words. No party can say the new words have 'simply appeared' or should not be re-inserted.</p>

2. Page 46	I334.8.1(1A)(b)(ii)	<p>The word 'numbering' at the beginning of the clause needs to be removed as follows:</p> <p>(ii) Numbering <u>activities at ground level engage with and activate existing and/or proposed open spaces, streets and lanes;</u></p>	Agree this word should be removed, and is clearly a minor error.
3. Page 51	I334.8.1(4)(b)(ii)(ii)	Missing brackets at end of sub-clause number.	Agree the brackets are missing at the end of the number as identified by the requestor. This is a minor change.
4. Page 52	I334.8.1(4)(b)(ii)(v	Refer to comments and findings for item 3 above	
5. Page 52	I334.8.1(4)(c) - (j)	(c)(iii) should be reinstated as operative text along with (d) – (i). (j) (including the subsidiary (i) – (vi)) should be deleted.	<p>We do not agree all of the errors identified by the Applicant are in fact errors.</p> <p>In line with the AUP numbering style guide, numbers which are used in the operative AUP cannot be reused for new provisions. Operative AUP numbers remain in any amended AUP provisions with the associated text deleted.</p> <p>However, numbering of these sub-clauses should be amended to correct the two identified errors. These changes align with our decision version, which amended the structure of this provision.</p>
6. Page 58	I334.8.2(1A)(g)(i) [Restricted discretionary – assessment criteria]	Seek deletion of references to policy 14A and 14B – these policies address tall buildings not parking structures and vehicle access	<p>The reference to policy 14A and 14B needs to be deleted.</p> <p>The policies address tall buildings in Area 1 – and have nothing to do with not parking structures and vehicle access – so they make no sense in I334.8.2(1A)(g)(i)</p> <p>Leaving them in was clearly an oversight in editing.</p>

			Deleting the policy reference here is of “minor effect” as corrects and obvious error – i.e. the policies would not apply here.
7. Page 75 Precinct Plan 2 - Protected trees		Location of a number of these trees differs from the reply version plan- suggest review	<p>The Plan change did not propose to change the schedule of protected trees or the operative precinct provisions in relation to them – which the Hearing Panel accepted.</p> <p>We agree with the Applicant that a number of trees should be deleted as they are not identified in Table I334.6.7.1 Identified trees.</p> <p>Trees 18, 19, 20, 22, 29, 31. 35 39, 40, 41 and 73 need to be removed and Tree 12 renumbered as tree 14.</p> <p>In terms of the base map used, the decision version is more accurate than the operative version as the location of the trees are now all geolocated. It would be more useful and accurate to retain the decision base map.</p> <p>A revised precinct plan using the decision base map and showing the removal of trees as sought by the requestor has been inserted into the ‘revised’ precinct provisions</p> <p>This a of ‘minor effect’ as simply shows the trees that remain and not those that have already been removed. No change has been made to the operative provisions.</p>