

## Memorandum

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To: James Witham – Team Leader - District Plan

From: Kenton Baxter – Policy Planner

Date: 23 August 2024

Subject: **CORRECTIONS TO FAR NORTH PROPOSED DISTRICT PLAN PURSUANT TO CLAUSE 16 (2), FIRST SCHEDULE, RESOURCE MANAGEMENT ACT 1991**

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### 1. PURPOSE

To amend the Far North Proposed District Plan (PDP), correcting minor errors through clause 16 (2) of the Resource Management Act 1991 (the Act).

### 2. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

This is a procedural matter under the Act. Clause 16 (2) of Schedule 1 enables Council to make amendments to the PDP, without using the process set out in Schedule 1, to alter any information, where such an alteration is of minor effect, or to correct any minor errors. In summary, Council is not required to notify changes satisfying Clause 16 (2).

Pursuant to section 34 of the Act, Council has delegated its power under clause 16 (2) to the Manager - Resource Consents, General Manager Planning and Policy, Team Leader - District Plan, Senior Policy Planners and Policy Planners to make amendments to correct any minor errors to the PDP, provided the rights of members of the public are not affected, either prejudicially or beneficially.

To consider correcting any errors, case law establishes 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).

### 3. HISTORY/BACKGROUND

As the PDP has been developed, further integrated, and moved through the submission phases, errors have been identified. Council has erred on the side of caution and where there may be a perceived or actual material effect because of a change required to address an error, these have not been included in this list of clause 16(2) corrections as they will be addressed in response to submissions (where there is scope to do so) or introduced to the Proposed District Plan through a future plan variation.

Council's Policy Planners have considered the relevant provisions outlined in **Appendix 1** against clause 16 (2) (alteration of minor effect or corrections of a minor error), and acting under authority delegated by Council, have determined the amendments to the PDP as set out in **Appendix 1** meet those tests and can be made accordingly.

#### 4. VIEWS OF THOSE AFFECTED/CONSULTATION

- **Views of those affected** - No party is considered to be affected.
- **Consultation** - Given that the proposed amendments will have no more than a minor effect, no consultation has occurred.
- **Māori implications** - There are no implications on Māori.

#### 5. AMENDMENTS

In accordance with clause 16(2) of the First Schedule of the Resource Management Act 1991, James Witham – Team Leader District Plan, has exercised Council’s delegations to determine minor changes required to the PDP, as set out in Appendix 1 (attached).

**Prepared by:** Kenton Baxter, Policy Planner – Far North District Council



**Approved by:** James Witham, Team Leader – District Plan, Far North District Council

## APPENDIX 1:

The following minor corrections have been made to the Far North Proposed District Plan in accordance with Clause 16(2), Schedule 1, of the Resource Management Act 1991.

Clause 16(2) amendments made to the Proposed Far North District Plan (May 2024)				
Section	Provision	Description of Amendment	Reason for Amendment	Correction (additions in <u>underline</u> and deletions in <del>strikethrough</del> )
Infrastructure	Rule I-R7 (New overhead lines and associated poles, telecommunication poles and attached antennas, or towers)	Insert the missing word 'poles' in rule header	It is neutral, provides consistency across the plan and more clearly expresses the intent of the rule.	I-R7 New overhead lines and associated poles, telecommunication <u>poles</u> and attached antennas, or towers
Infrastructure	Rule I-R15 (New overhead lines and associated poles, telecommunication poles and attached antennas, or towers)	Insert the missing zone 'rural lifestyle' in rule header	It is neutral, provides consistency across the plan without changing the intent of the rule (because Rule I-R7 already applies to the Rural Lifestyle Zone therefore reference to Rural Lifestyle Zone in Rule I-R15 is clearly an error)	I-R15 All zones other than the Rural Production zone, Māori Purpose zone, <u>Rural lifestyle zone</u>
Infrastructure	Rule I-R14 (Amateur radio infrastructure)	Correct numbering from PER-6 to PER-8	It is neutral, provides consistency across the plan without changing the intent of the rule.	I-R14 All Zones. Activity status: Permitted  <del>PER-7 PER-6. PER-8 PER-7. PER-9 PER-8.</del>
Heritage area overlays	Rule HA-R14 (Demolition or relocation of a scheduled Heritage Resource)	Correct numbering from PRO-8 to PRO-7	It is neutral, provides consistency across the plan without changing the intent of the rule.	HA-R14 All Zones, Heritage Area Overlay: Te Waimate.  <del>PRO-8</del> <u>PRO -7</u>
Natural Character	Standard NATC-S2 (Earthworks or indigenous vegetation clearance)	Correct number reference in clause 1.	It is neutral, provides consistency across the plan without changing the intent of the rule.	NATC-S2 Any earthworks or indigenous vegetation clearance on a site within a wetland, lake and river margins must: <ol style="list-style-type: none"> <li>1. not exceed a total area of 400m<sup>2</sup> for 10 years from the notification of the District Plan, unless a control in <del>5.4.</del> below applies;</li> <li>2. not exceed a cut height or fill depth of 1m;</li> </ol>

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Temporary activities	Rule TA-R7 (Temporary motorsport activity)	Remove reference to RDIS-5	It is neutral, provides consistency across the plan without changing the intent of the rule.	Activity status where compliance not achieved with RDIS-1, RDIS-2, RDIS-3, RDIS-4, <del>RDIS-5</del> : Discretionary
Treaty settlement land overlay	Policy TSL-P4	Amend numbering level for a.b. to i, ii	It is neutral, provides consistency across the plan without changing the intent of the policy.	Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application: <ul style="list-style-type: none"> <li>a. consistency with the scale, density, design and character of the environment and purpose of the zone;</li> <li>b. the location, scale and design of buildings or structures;</li> <li>c. the positive effects resulting from the economic, social and cultural wellbeing provided by the proposed activity;</li> <li>d. managing reverse sensitivity effects on adjacent land uses, including: <ul style="list-style-type: none"> <li><u>i.</u> <del>a-</del> any setbacks, fencing, screening or landscaping required to address potential conflicts with adjacent land uses;</li> <li><u>ii.</u> <del>b-</del> the ability of surrounding properties to undertake primary production activities in a rural environment;</li> </ul> </li> <li>e. ....</li> </ul>
Settlement	Rule RSZ-R8 (Commercial activity)	Correct numbering of PER-4 to PER-3	It is neutral, provides consistency across the plan without changing the intent of the rule.	Activity status where compliance not achieved with <del>PER-4</del> <u>PER-3</u> : Restricted Discretionary
Horticulture Zone	Rule HZ-R12 (Visitor accommodation)	Correct number from PER to DIS	It is neutral, provides consistency across the plan without changing the intent of the rule.	<del>PER-1</del> <u>DIS-1</u> <del>PER-2</del> <u>DIS-2</u> <del>PER-3</del> <u>DIS-3</u>
Horticulture Zone	Rule HZ-R13 (Education facility)	Correct number from PER to DIS	It is neutral, provides consistency across the plan without changing the intent of the rule.	<del>PER-1</del> <u>DIS-1</u> <del>PER-2</del> <u>DIS-2</u> <del>PER-3</del> <u>DIS-3</u>
Māori Purpose	Rule MPZ-R2 (Impermeable surfaces)	Renumbering the second PER-1 to PER-2	It is neutral, provides consistency across the plan without changing the intent of the rule.	Māori Purpose zone – Rural. Activity status: Permitted

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				Where:  <del>PER-1</del> <u>PER-2</u> The impermeable surface coverage of any site is no more than 25%.
Ngawha Innovation and Enterprise Park	Rule NEIP-R5 (Rural industry)	Renumbering the second Permitted Activity Rules: NIEP zone: Innovation and Enterprise precinct	It is neutral, provides consistency across the plan without changing the intent of the rule.	NIEP zone: Innovation and Enterprise precinct Activity status: Permitted  Where:  <del>PER-1</del> <u>PER-4</u> <del>PER-2</del> <u>PER-5</u> <del>PER-3</del> <u>PER-6</u>  Activity status where compliance not achieved with <del>PER-3</del> <u>PER-6</u> : Restricted Discretionary...  Activity status where compliance not achieved with <del>PER-1</del> <u>PER-4</u> and <del>PER-2</del> <u>PER-5</u> : Discretionary
Mixed Use	Rule MUZ-R11 (Healthcare activity)	delete MUZ-R11 as it is a duplication renumber rules MUZ-R11 to MUZ R21	It is neutral, provides consistency across the plan without changing the intent of the rule.	<del>MUZ-R11</del> <u>Healthcare activity</u> <del>Mixed Use zone: Activity status: Permitted</del> <del>MUZ-R12</del> <u>MUZ-R11</u> Educational facility <del>MUZ-R13</del> <u>MUZ-R12</u> Light industrial activity <del>MUZ-R14</del> <u>MUZ-R13</u> Retirement village <del>MUZ-R15</del> <u>MUZ-R14</u> Large format retail <del>MUZ-R16</del> <u>MUZ-R15</u> Drive-through activity <del>MUZ-R17</del> <u>MUZ-R16</u> Activities not otherwise listed in this chapter <del>MUZ-R18</del> <u>MUZ-R17</u> Residential activity on the ground level of sites with pedestrian frontage identified on the planning maps <del>MUZ-R19</del> <u>MUZ-R18</u> Heavy industrial activity <del>MUZ-R20</del> <u>MUZ-R19</u> Primary production activity <del>MUZ-R21</del> <u>MUZ-R20</u> Rural industry <del>MUZ-R22</del> <u>MUZ-R21</u> Landfill

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General approach	Part 3 - Area Specific Matters	Correct typographical errors: t 'ware' to 'are	It is neutral, provides consistency across the plan without changing the intent.	<b>Zones</b> (including Special Purpose Zones) – spatial identification and grouping of areas with common qualities, characteristics and defined environmental outcomes. The zone sets out an overall framework for land use management. All land in the district has a zone on the planning maps and has associated policies and methods including rules which are aimed at addressing zone based activities and effects. The zones generally seek to enable compatible activities <del>that are</del> <u>that are</u> similar or effects to be located in appropriate areas together, while managing those that are incompatible. Area specific zone chapters do not contain rules and standards that apply generally across the district.
Signs	Rule SIGN-R6 (Double-sided and V-shaped signs)	Correct numbering PER-3 to PER-1	It is neutral, provides consistency across the plan without changing the intent of the rule.	All zones. Activity status: Permitted  Where:  <del>PER-3</del> PER-1
Signs	SIGN-Table 1 - Minimum and maximum lettering	Correct wording of Column 3 from 'minimum' to 'maximum'.	It is neutral, provides consistency across the plan and clarifies intent without altering the intent.	<del>Minimum</del> <u>Maximum</u> lettering height
Quail Ridge	Rule QR-R7 (Off zone road improvements)	Correct spelling of lease to least.	It is neutral, provides consistency across the plan without changing the intent of the rule.	CON-2  Prior to the occupation of Stage 2 serviced apartments and bed care units, Rainbow Falls Road shall be widened to a 7m width plus the provision for a footpath on at <del>lease</del> <u>least</u> one side of the road complies with standard QR-S7 Off site road improvements.
Quail Ridge	Rule QR-R8 (Bush protection, and weed and pest control)	Correct spelling of lease to least.	It is neutral, provides consistency across the plan without changing the intent of the rule.	CON-2  Prior to the occupation of Stage 2 serviced apartments and bed care units, Rainbow Falls Road shall be widened to a 7m width plus the provision for a footpath on at <del>lease</del> <u>least</u> one side of the road complies with standard QR-S7 Off site road improvements.

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Infrastructure	Policy I-P13	Amend numbering level for consistency	It is neutral, provides consistency across the plan without changing the intent of the policy.	<p>Manage the adverse effects of infrastructure on the environment by:</p> <ul style="list-style-type: none"> <li>a. avoiding, remedying or mitigating the adverse effects of substantial upgrades to, or the development of new infrastructure, including effects on: <ul style="list-style-type: none"> <li><u>i.</u> natural and physical resources;</li> <li><u>ii.</u> amenity values;</li> <li><u>iii.</u> sensitive activities;</li> <li><u>iv.</u> the safe and efficient operation of other infrastructure;</li> <li><u>v.</u> the health, well-being and safety of people and communities.</li> </ul> </li> <li>b. avoiding radio, electric and magnetic emissions that do not meet the recognised standards or guidelines;</li> <li>c. requiring the undergrounding of network utilities in Urban zones and the Settlement zone where it: <ul style="list-style-type: none"> <li><u>i.</u> <del>A</del> is technically feasible;</li> <li><u>ii.</u> <del>B</del> is justified by the extent of adverse visual effects; and</li> <li><u>iii.</u> <del>C</del> provides for the safety of the community.</li> </ul> </li> </ul>
Natural Hazards	Rule NH-R2 (Extensions and alterations to existing buildings or structures)	Add links to the rule.	It is neutral, provides consistency across the plan without changing the intent of the rule.	<p>Add links to standards referenced within the rule:</p> <p><b>PER-1</b> There is no increase to the GFA of the building or footprint of the structure that results in the building or structure exceeding the limits for new buildings or structures in NH-R3- PER 1 and new buildings or structures ancillary to farming activities in NH-R4 PER 1</p> <p><b>PER-2</b> No part of the building or structure is enclosed in a manner that alters or diverts an overland flow path or reduces flood plain storage.</p>
Heritage area overlays	Policy HA-P14 (Policies for Rangihoua Heritage area overlay)	Delete the list numbering.	It is neutral, provides consistency across the plan without changing the intent of the policy.	<ul style="list-style-type: none"> <li><del>a.</del> The archaic value of the landforms and objects of historic significance at Rangihoua, and their context is retained by limiting the location, type, scale and nature of buildings or structures, including any additions or alterations.</li> </ul>

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Heritage area overlays	Rule HA-R15 (Policies for Rangihoua Heritage area overlay)	Delete the list numbering.	It is neutral, provides consistency across the plan without changing the intent of the rule.	<del>a-</del> The significant land features Rangihoua Pā, Te Pahi's Entrepot, Oihi and Te Puna and their connections are protected by the control of scale, form, colour and location of buildings or structures, including additions or alterations.
Subdivision	Rule SUB -R1 (Boundary adjustments)	Correct references to standards from SUB-1 to SUB-S1	It is neutral, provides consistency across the plan without changing the intent of the rule.	CON-1  The boundary adjustment complies with standards: SUB- <del>S</del> 1 Minimum allotment sizes for controlled activities, except where an existing allotment size is already non-compliant, the degree of non-compliance shall not be increased;
Light	Objective LIGHT-O1	Amend numbering level for consistency	It is neutral, provides consistency across the plan without changing the intent of the rule.	Artificial outdoor lighting is designed and located to: <u>a.</u> minimise adverse effects; <u>b.</u> be compatible with the characteristics and qualities of the surrounding environment; and <u>c.</u> protect the amenity values of light sensitive areas.
General residential	Rule GRZ -R10 (Retirement village)	Correct Rule acronyms.	It is neutral, provides consistency across the plan without changing the intent of the rule.	<del>RD1</del> <u>RDIS-1</u>
Rural production	Policy RPROZ-P6	Amend numbering level for consistency	It is neutral, provides consistency across the plan without changing the intent of the rule.	Avoid subdivision that: <u>a.</u> results in the loss of highly productive land for use by farming activities; <u>b.</u> fragments land into parcel sizes that are no longer able to support farming activities, taking into account: <u>i.</u> <del>a-</del> the type of farming proposed; and <u>ii.</u> <del>b-</del> whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land. <u>c.</u> provides for rural lifestyle living unless there is an environmental benefit.
Settlement	Rule RSZ-R1 (New buildings or structures, or extensions or	Add a '- ' between standard references.	It is neutral, provides consistency across the plan without changing the intent of the rule.	<b>PER-2</b> The new building or structure, or extension or alteration to an existing building or structure complies with standards:



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	alterations to existing buildings or structures)			RSZ_S1 Maximum height; RSZ_S2 Height in relation to boundary; RSZ_S3 Setback (excluding from MHWS or wetland, lake and river margins); RSZ_S4 Setback from MHWSs; RSZ_S5 Outdoor living space; RSZ_S6 Outdoor Storage; and RSZ_S7 Landscaping and screening.
Kororāreka Russell Township	Policy KRT-P1	Remove 'a.' from first line.	It is neutral, provides consistency across the plan without changing the intent of the rule.	<ul style="list-style-type: none"> <li>a. Enable land use and subdivision in the Kororāreka Russell Township zone where:</li> <li>b. <u>a.</u> landscaping and areas of open space are maintained around buildings on the site;</li> <li>c. <u>b.</u> it is consistent with scale, character and design anticipated in the surrounding residential environment;</li> <li>d. <u>c.</u> there is appropriate infrastructure to support residential and non-residential development;</li> <li>e. <u>d.</u> heritage resources are protected; and</li> <li>f. <u>e.</u> values of coastal environment and High Natural Character are recognised and protected.</li> </ul>
Ngawha Innovation and Enterprise Park	Rule NIEP-R9	Correct Rule acronyms.	It is neutral, provides consistency across the plan without changing the intent of the rule.	<del>RDA-1</del> <u>RDIS -1</u>
Ngawha Innovation and Enterprise Park	Rule NIEP-R10 (Café and takeaway food outlets)	Correct Rule acronyms.	It is neutral, provides consistency across the plan without changing the intent of the rule.	<del>RDA-1</del> <u>RDIS -1</u> and <del>RDA-2</del> <u>RDIS -2</u>
Orongo Bay	Rule OBZ-R14 (Comprehensive development plan)	Correct Rule acronyms.	It is neutral, provides consistency across the plan without changing the intent of the rule.	<del>RD-1</del> <u>RDIS-1</u>

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General residential	Rule GRZ-R18 (Primary Production)	Delete reference to rural industry from rule title.	It is neutral, provides consistency across the plan without changing the intent of the rule.	Primary production <del>and rural industry</del>
Moturoa Island zone	Policy MIZ-P7	Delete reference to subdivision from policy	It is neutral, provides consistency across the plan without changing the intent of the rule.	Manage land use <del>and subdivision</del> to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application: ....
Schedules	Schedule 6 (Schedule of Outstanding natural features)	Correct typographical error in heading.	It is neutral, provides consistency across the plan without changing the intent of the rule.	Refer to Chapter Natural features and landscapes for relevant rules.
Schedules	Schedule 3 (Schedule of Sites and Areas of Significance to Māori)	Insert explanation of 'requesting parties'	It is neutral, provides consistency across the plan without changing the intent of the rule.	<u>Where the column headed "Requesting party" lists a party, which may be an Iwi authority, hapu or landowner, this is not intending to identify who has mana whenua over the site and area of cultural significance.</u>
Schedules	Schedule 7 (Schedule of High Natural Character)	Corrections to 'Unique ID' formatting column in Schedule 7 – Schedule of High Natural Character i.e. 01-Jan to 01/01.	It is neutral, provides consistency across the plan without changing the intent of the rule.	i.e. HNC161 Unique ID: <del>1-JAN</del> <u>01/01</u> and equivalent changes to others