

## MEMORANDUM

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To: James Witham – Team Leader - District Plan

From: Melissa Pearson – Consultant Policy Planner

Date: 6 June 2025

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 Team Leader - District Plan, 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 plan variation.

#### **Heritage Area Overlay mapping**

There are nine Heritage Area Overlays in the notified PDP, including five that are divided into multiple parts – Paihia, Kororāreka Russell, Mangōnui Rangitoto, Kerikeri and Rāwene. In the lead up to Hearing 12 – Historic and Cultural Values in May 2025 it was discovered by the section 42A officer for the Historic Heritage topic that the PDP maps are incorrectly listing multiple Heritage Area Overlays for some properties. For example, the PDP maps might correctly show a property being entirely located within Part A of a Heritage Area Overlay, but when a parcel is clicked on, the Property Information panel shows the property incorrectly being subject to both Part and Part B of the Heritage Area Overlay. The intent of the PDP mapping as notified is that, if a Heritage Area Overlay boundary follows property boundaries, those properties will only be subject to one Heritage Area Overlay (or one part of that overlay). The exception to this is some properties are deliberately 'split', with the Heritage Area Overlay boundary running through the middle of the site. These situations are intentional and do not form part

of the errors discussed in this memo.

Council GIS staff investigated these issues and found that the Heritage Area Overlay boundaries are slightly misaligned with property boundaries, causing the ePlan script to detect an intersection and display an additional Heritage Area Overlay in the Property Information Panel. Council GIS staff found that these minor misalignments result in small areas of property parcels being incorrectly detected by the adjoining Heritage Area Overlay, showing two overlays when maps appear to show only one. These errors are typically too small to notice on PDP maps unless zoomed in to the maximum extent.

Council's Policy Planners have considered the relevant data outlined 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 meet those tests and can be made accordingly, for reasons stated below.

- No party will be impacted (prejudicially or beneficially) as the PDP maps will appear the same as notified (the minor boundary adjustments are so small they are difficult to detect spatially when viewing the maps); and
- The proposed corrections are to remove confusion between the Property Information Panel and the Heritage Area Overlay layers shown spatially on the PDP maps – they will not result in any property being added or removed from the Heritage Area Overlay that they were subject to when the PDP was notified in July 2022.

Based on the above, I consider that amending these errors is neutral with respect to the rights of landowners. As such, I recommend that the PDP maps (Heritage Area Overlay layer) are updated as a clause 16(2) correction to align Heritage Area Overlay boundaries with parcel boundaries to prevent multiple Heritage Area Overlays being listed for the same land parcel incorrectly, as outlined in Appendix 1 below.

#### 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.
- **Tangata whenua implications** – None of the affected properties are zoned Māori Purpose Urban or Rural and are not subject to the Treaty Settlement Overlay.

#### 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).



Melissa Pearson  
**Consultant Policy Planner**

## APPENDIX 1: PROPERTIES INCORRECTLY LISTED IN THE PDP PROPERTY INFORMATION SUMMARY AS BEING SUBJECT TO MULTIPLE HERITAGE AREA OVERLAYS

The Heritage Area Overlay for the planning maps has been corrected as a 'boundary adjustment' to the layer for land identified in the below tables in accordance with Clause 16(2), Schedule 1, of the Resource Management Act 1991.

### KORORĀREKA RUSSELL

Legal Description(s)	Parcel Intent	Correct Heritage Area Part Retained	Incorrect Heritage Area Part removed
Allot 13 Sec 13 TN OF RUSSELL	DCDB	D	C
Lot 2 DP 40218	DCDB	D	C
Lot 2 DP 532843	Fee Simple Title	D	C
Lot 2 DP 29590	DCDB	D	C
Lot 1 DP 29590	DCDB	D	C
Pt Lot 1 DP 29544	DCDB	D	C
Allot 4 Sec 12 TN OF RUSSELL	Fee Simple Title	D	C
Lot 4 DEEDS 621	DCDB	D	C
Lot 2 DP 33014	DCDB	D	C
Lot 1 DP 384803	Fee Simple Title	D	C
Lot 2 DP 442796	Fee Simple Title	D	C
Allotment 9 SECTION 12 TN OF Russell	DCDB	D	C
Lot 5 DEEDS 621	DCDB	D	C
Allot 2A Sec 12 TN OF RUSSELL	Fee Simple Title	D	C
Allot 6 Sec 12 TN OF RUSSELL	DCDB	D	C
Lot 4 DEEDS 093	DCDB	D	C
Allot 5 Sec 12 TN OF RUSSELL	DCDB	D	C
Allot 3A Sec 12 TN OF RUSSELL	DCDB	D	C
Lot 8 DP 23411	DCDB	D	C
Allotment 14 SECT 12 TN OF Russell	DCDB	D	C
Lot 7 DP 23411	DCDB	D	C
Lot 3 DEEDS P 43	DCDB	D	C
Allot 1A Sec 12 TN OF RUSSELL	Fee Simple Title	D	C
Lot 1 DP 33014	DCDB	D	C

<b>Legal Description(s)</b>	<b>Parcel Intent</b>	<b>Correct Heritage Area Part Retained</b>	<b>Incorrect Heritage Area Part removed</b>
Lot 4 DP 7147	DCDB	A	D
Lot 3 DP 7147	DCDB	A	D
Lot 5 DP 7147	DCDB	A	D
Lot 23 DP 23792	DCDB	A	C
Lot 3 DP 37624	DCDB	A	C
Pt Sec 10 TN OF Russell	DCDB	A	C
Lot 2 DP 180689	DCDB	A	C
Lot 1 DP 70505	DCDB	A	C
Lot 1 DP 59484	DCDB	A	C
Lot 5 DP 14940	DCDB	A	B
Lot 4 DP 7147	DCDB	A	B
Lot 3 DP 7147	DCDB	A	B
Lot 1 DP 82552	DCDB	A	B
Lot 4 DP 14940	DCDB	A	B
Allotment 10 SECTION 1 TN OF Russell	DCDB	B	D
Pt Lot 1 of OLC 288A	Fee Simple Title	B	D
Lot 1 DP 41788	DCDB	B	D
Lot 2 DP 181247	DCDB	B	D
Lot 1 DP 333542	Fee Simple Title	B	D
Pt Lot 2 DP 25710	Fee Simple Title	B	D
Lot 2 DP 42877	DCDB	B	D
Lot 1 DP 181247	DCDB	B	D
Lot 3 DEEDS 1016	Fee Simple Title	B	D
Lot 2 DP 469655	Fee Simple Title	B	A
Pt Section 2A Blk V TN OF Russell	Fee Simple Title	B	A
Lot 2 DP 7147	DCDB	B	A
Pt Section 2 Blk V TN OF Russell	Fee Simple Title	B	A
Allotment 12 SECTION 1 TN OF Russell	DCDB	B	A

**PAIHIA**

<b>Legal Descriptions</b>	<b>Parcel Intent</b>	<b>Correct Heritage Area Part Retained</b>	<b>Incorrect Heritage Area Part removed</b>
Pt OLC 251	DCDB	A	B
Lot 5 DP 57340	DCDB	A	B
Lot 1 DP 11040	DCDB	A	B
Section 6 Blk IV Kawakawa SD	DCDB	A	B
Section 5 Blk IV Kawakawa SD	DCDB	A	B
Lot 2 DP 83548	Fee Simple Title	A	B
Lot 4 DP 38287	DCDB	A	B
Pt OLC 251	DCDB	A	B
Lot 8 Blk I DP 1217	DCDB	A	B
Lot 6 DP 38287	DCDB	A	B
Lot 1 DP 38287	DCDB	A	B
Pt Lot 9 DP 1217	DCDB	A	B
Lot 2 DP 38287	DCDB	A	B
Lot 5 DP 38287	DCDB	A	B
Lot 3 DP 38287	DCDB	A	B

**KERIKERI**

<b>Legal Descriptions</b>	<b>Parcel Intent</b>	<b>Correct Heritage Area Part Retained</b>	<b>Incorrect Heritage Area Part removed</b>
Section 53 Blk XI Kerikeri SD	DCDB	A	B
Pt Lot 2 DP 88757	Fee Simple Title	A	B
Pt Section 57 Blk XI Kerikeri SD	DCDB	A	B
Lot 4 DP 319869	Fee Simple Title	A	B
Lot 2 DP 23664	DCDB	A	B

## MANGŌNUI RANGITOTO

Legal Descriptions	Parcel Intent	Correct Heritage Area Part Retained	Incorrect Heritage Area Part removed
Lot 2 DP 56867	DCDB	B	A
Lot 1 DP 45416	DCDB	B	A
Lot 9 DP 62544	DCDB	B	A
Pt Allot 26 TN OF MANGONUI	DCDB	B	A
Lot 2 DP 153079	DCDB	B	A
Lot 3 DP 56867	DCDB	B	A
Lot 8 DP 62544	DCDB	B	A
Lot 7 DP 62544	DCDB	B	A
Lot 2 DP 388514	Fee Simple Title	B	A
Lot 6 DP 62544	DCDB	B	A
Pt Sec 16 Tn of Mangonui	Fee Simple Title	B	A
Lot 2 DP 198617	Fee Simple Title	B	A
Lot 1 DP 153079	DCDB	B	A
Lot 2 DP 56744	DCDB	B	A
Allotment 294 TN OF Mangonui	DCDB	B	A
Lot 1 DP 56867	DCDB	B	A
Lot 1 DP 42764	DCDB	B	A
Lot 1 DP 388514	Fee Simple Title	B	A
Lot 10 DP 62544	DCDB	B	A

## RĀWENE

Legal Descriptions	Parcel Intent	Correct Heritage Area Part Retained	Incorrect Heritage Area Part removed
Sec 10 TN OF RAWENE	DCDB	B	A
Sec 9 TN OF RAWENE	DCDB	B	A
Lot 5 DP 42906	DCDB	B	A
Section 243 TN OF Rawene	DCDB	B	A
Sec 12 TN OF RAWENE	DCDB	B	A
Sec 253 TN OF RAWENE	DCDB	B	A

Sec 11 TN OF RAWENE	DCDB	B	A
Sec 246 TN OF RAWENE	DCDB	B	A