

Memorandum

To: District Planning Manager: Katherine Overwater

CC: General Manager Planning and Development: Michael Day

From: District Planner: Paul Waanders

Date: 16 September 2024

Subject **Clause 20A Correction of the Operative District Plan: Changes to the legend of both Series One and Series Two to provide for Development Area Maps**

Background Context

The 2013 Operative Kaipara District Plan (the Plan) consists of text (Objectives, Policies and Rules plus Maps) to regulate where the different provisions in the district apply, normally described in zones or resources. The maps that interpret the District Plan visually get their authority from the text.

The maps consist of layers arranged in two series. Series One are the land-use zones and Series Two are the Resource Areas. Each of the series of maps consists of various layers of maps with a legend that identifies the matters on the plan.

With Plan Change 22, Estuary Estates a separate zoning was introduced into the District Plan with a bespoke chapter. This separate chapter was carried over into the 2013 District Plan and subsequently further amended by Plan Change 78 Mangawhai Central. In terms of the National Planning Standards, Zone Framework Standard such bespoke "Development areas" are recognized as "Special Purpose Zones" (see Attachment A for layer Requirements)

Attachment B shows the present District Plan legends for Series One- Land Use and Series Two- Sites, Features and Units.

With Plan Change 81, Trifecta Development Area and Plan Change 84, Mangawhai Hill Development area the need was identified to separate the development area map notations as these have separate chapters in the District Plan with separate bespoke plan provisions. With the e-plan there are links from the maps to the Plan Provisions and it has become necessary to identify the various Development Areas individually.

The suggestion is that the same "zone colour" is used for development areas but that the borders be identified with a separate colour or lines with an indication of the title of the Development area written within the border area including the Chapter reference. This will make it possible in the e-plan to open the chapter by clicking on the map. Attachment C shows the proposed legend table to be expanded as and when new "Development Areas" or "Precinct Plans" are incorporated.

In cases where bespoke “Precinct provisions” are applied within the existing zones the zoning of the chapter remains, but the precinct plan (sometimes only a structure plan) can also be identified within the chapter zone i.e. PC82 Awakino Precinct Plan and is also shown with a border to highlight the existence of such precinct plan within a particular zone.

Legal Position

Clause 20A enables a Council to amend its Operative District Plan to correct any minor errors without using the notification and consultation processes set out in Schedule 1 of the RMA. Case law has determined what constitutes an ‘error’ including a ‘minor’ error. An error is simply a mistake or inaccuracy which has crept into the plan. A correction can amend a clerical mistake or error arising from an accidental slip or omission. The use of the “slip rule” is only applicable when it is used to correct a slip in the “expression” of the statement and not the “content.”

In this case, the proposed additional notations are necessary to make the e-plan function operative and to distinguish between the various “Development Areas” and “Precinct Plans.”

It is therefore considered that the corrections requested are of a minor nature and can be dealt with under the provisions of Clause 20A of Schedule 1 of the RMA.

Delegation

The authority to make minor amendments and to correct minor errors on the Operative District Plan pursuant to Clause 20A of Schedule 1 of the RMA has been delegated to the Planning and Policy Manager.

Recommendation

Correction of the Operative District Plan Maps by replacing the present notations to the District Plan Maps with a new set of Notations to provide for “Development Areas” and “Precinct Plans.”

Recommendation is approved.



Paul Waanders District Planner
6 September 2024



Katherine Overwater Planning and Policy Manager
17 September 2024

Attachment A

12. District Spatial Layers Standard





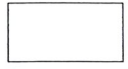
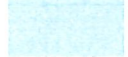
Mandatory directions

1. Where a district plan or a district plan component of a combined plan uses a spatial layer that has the functions described in table 18:
 - a. the plan must use the name of the relevant spatial layer
 - b. provisions introduced by the spatial layer must be located in the location identified.
2. Other than the spatial layers identified in table 18, no other spatial layers may be created.

Table 18: Spatial layers for district plans and district plan components of combined plans table













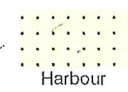




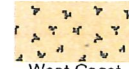

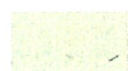
Spatial layer name	Function	Location of spatial layer provisions
Zones	A zone spatially identifies and manages an area with common environmental characteristics or where environmental outcomes are sought, by bundling compatible activities or effects together, and controlling those that are incompatible.	Zone chapters or sections
Overlays	An overlay spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions.	District-wide matters chapters for district plans Domain and topic chapters for combined plans with a district component
Precincts	A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s).	If apply to only one zone, in the associated zone chapter or section If apply to multiple zones, in the multi-zone precincts chapters
Specific controls	A specific control spatially identifies where a site or area has provisions that are different from other spatial layers or district-wide provisions that apply to that site or area (for example where verandah requirements apply, or where a different maximum height on a particular site applies).	Relevant chapters or sections
Development areas	A development area spatially identifies and manages areas where plans such as concept plans, structure plans, outline development plans, master plans or growth area plans apply to determine future land use or development. When the associated development is complete, the development areas spatial layer is generally removed from the plan either through a trigger in the development area provisions or at a later plan change.	Development area chapters
Designations	Spatially identifies where a designation is included in a plan under section 168 or section 168A or clause 4 of Schedule 1 of the RMA.	Designations chapters
Heritage orders	Spatially identifies heritage orders enabled under section 189 of the RMA.	<i>Historic heritage chapter</i>

Map Series One - Land Use Legend

-  State Highway
-  Railway
-  Bridge or Causeway
-  Unformed Road
-  Cadastral Parcel Boundary
-  Sea, Lakes and Rivers

Zones

Each Zone has a Chapter in the Plan

-  Rural (Chapter 12)
 -  Kai Iwi Lakes
 -  West Coast
 -  East Coast
 -  Harbour
-  Business: Commercial (Chapter 14)
 -  Harbour
-  Business: Industrial (Chapter 14)
 -  Harbour
-  Residential (Chapter 13)
 -  West Coast
 -  East Coast
 -  Harbour
-  Maori Purpose: Maori Land (Chapter 15A)
 -  West Coast
 -  Harbour
-  Maori Purpose: Treaty Settlement Land (Chapter 15B)
 -  West Coast
 -  Harbour
-  Estuary Estates (Chapter 16)

Overlays (Chapter 4)


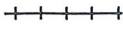






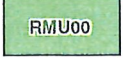








Rules for Overlays are in each Zone Chapter.

Look at the Zoning under the Overlay


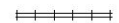




-  Kai Iwi Lakes Overlay
-  West Coast Overlay
-  East Coast Overlay
-  Harbour Overlay

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Map Series Two - Sites, Features and Units Legend

-  State Highway
-  Railway
-  Bridge or Causeway
-  Cadastral Parcel Boundary
-  Sea, Lakes and Rivers
-  Heritage Resource (Chapter 17)
-  Notable Tree (Chapter 19)
-  Areas of Significance to Maori (Chapter 17)
-  Reserve Management Units (Chapter 20)
-  Designation Areas (Chapter 21)
-  Outstanding Natural Landscapes
-  Maungaturoto Dairy Factory Noise Contour Boundary (45dBA leq)
-  50 kV Electricity Transmission Line
-  110 kV and 220 kV Electricity Transmission Line (Chapter 10)
-  Natural Gas Pipeline (Chapters 10 & 21)
-  Petroleum Gas Pipeline (Chapters 10 & 21)
-  Maungaturoto Dairy Factory Wastewater Pipeline













All Maps

-  State Highway
-  Railway
-  Bridge or Causeway
-  Unformed Road
-  Sea, Lakes and Rivers
-  Parcel Boundary

Map Series One - Land Use

-  Business: Commercial
-  Business: Industrial
-  Residential
-  Rural
-  Estuary Estates
-  Trifecta Development Area
-  Maori Purpose: Maori Land
-  Maori Purpose: Treaty Settlement Land
-  8m Height Restriction
-  East Coast Overlay
-  Harbour Overlay
-  Kai Iwi Lakes Overlay
-  West Coast Overlay
-  Estuary Estates Structure Plan
-  Trifecta Development Area Plan
-  Awakino Precinct Plan

Map Series Two - Sites, Features and Units

-  Heritage Resource
-  Notable Tree
-  Maungaturoto Dairy Factory Wastewater Pipeline
-  110-220 kV Electricity Transmission Line
-  50 kV Electricity Transmission Line
-  Designation Areas
-  Outstanding Natural Landscape
-  Reserve Management Units
-  Areas of Significance to Maori
-  Maungaturoto Dairy Factory Noise Contour Boundary (45dBA leq)
-  Estuary Estates Structure Plan
-  Trifecta Development Area Plan
-  Awakino Precinct Plan