

## Memorandum

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To: James Witham – Team Leader - District Plan

From: Jaimee Cannon – Consultant Planner

Date: 1 October 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 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 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).

In addition to Clause 16(2) Amendments, Council has updated the PDP to include the confirmed designation alteration for Kerikeri Wastewater Treatment Plant (FN253) and new designation for Russell Cemetery (FN254) confirmed via the Notice of Requirement process under the RMA.



Jaimee Cannon  
**Consultant Planner**

**Approved by James Witham – Team Leader District Plan**

## 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. Deletions are shown as ~~striketrough~~ and additions as underline.

Clause 16(2) amendments made to the Proposed Far North District Plan (August 2025)				
Section	Provision	Description of Amendment	Reason for Amendment	Correction
Māori Purpose Zone	MPZ-S3 Māori Purpose Zone - Rural	Clause iii should read as follows: where a site is less than 5,000 m <sup>2</sup> buildings must be setback at least 3m from boundaries that do not adjoin a road or a site within the Rural Production Zone.	Correct omission/ typo in standard.	iii. where a site is less than 5,000 m <sup>2</sup> buildings must be setback at least <u>3m</u> from boundaries that do not adjoin a road or a site within the Rural Production Zone.
Designations	Ministry of Education MEDU88 Ōhaeawai School	Update designation extent for Ministry of Education's designation MEDU 88 (Ōhaeawai School) to include the new 2m wide 'slither' of land to align with the new boundary location following a boundary adjustment, shown on planning maps. <sup>1</sup>	Correct boundary location on planning maps to reflect a boundary adjustment as mapped.	Amend designation boundary on planning maps to include the new 2m wide 'slither' of land to align with new boundary.
Designations	Chorus New Zealand	Updating the map and legal description ("site identifier") to correctly align with the correct location of the Te Kao Interchange.	The map was in the incorrect location as was the site identifier	<i>Amend site identifier to read Part parengarenga <u>SB2B2 Block</u> <del>SB2B-Blk XVI Muriwhenua SD</del>, Muriwhenua SD, 30<u>3</u>sqm.</i>  Amend location of designation extent to align with the correct location of Te Kao Interchange.
Designations	Northland Regional Council	Updating the map to show the correct site of designation NRC148	A mapping error occurred while preparing the PDP. The correct position of NRC 148 should be the same as in the ODP (as requested by NRC in the designation rollover notice).	Amend the designation extent to reflect the accurate location of the designation extent and for consistency with designation extent shown in the Operative District Plan.

<sup>1</sup> The Ministry of Education undertook consultation with the boundary owner to achieve this boundary adjustment and amendment  
OCTOBER 2025 - CORRECTIONS TO FAR NORTH PROPOSED DISTRICT PLAN PURSUANT TO CLAUSE 16 (2), FIRST SCHEDULE, RESOURCE MANAGEMENT ACT 1991

### Clause 16(2) amendments made to the Proposed Far North District Plan (August 2025)

Section	Provision	Description of Amendment	Reason for Amendment	Correction
Planning Maps	Notable Trees SCHED1 – Schedule of notable trees Reference 18a 250 Te Ahu Ahu Road, Waimate North.	Remove tree from planning maps: Species: Acer psuedoplatanus (sycamore)	Correct error on maps.	Remove tree from planning maps: Species: Acer psuedoplatanus (sycamore)
Planning Maps	Notable Trees SCHED1 – Schedule of notable trees Reference 18d 250 Te Ahu Ahu Road, Waimate North.	Remove tree from planning maps: Species: Cinnamomum camphora (Camphor)	Correct error on maps.	Remove tree from planning maps: Species: Cinnamomum camphora (Camphor)
Planning Maps	Notable Trees SCHED1 – Schedule of notable trees Reference 71 119 Hone Heke Road, Kerikeri.	Remove tree from planning maps: Species: Phoenix canariensis (Phoenix Palms)	Correct error on maps.	Remove tree from planning maps: Species: Phoenix canariensis (Phoenix Palms)
Planning Maps	Notable Trees SCHED1 – Schedule of notable trees Reference 18b 250 Te Ahu Ahu Road, Waimate North.	Amend tree reference on PDP maps: Magnolia grandiflora (Evergreen Magnolia) Current reference within the PDP maps: 18b <b>Reference to be updated to: 18a to match schedule</b>	Correct error on maps.	Amend current reference 18b Magnolia grandiflora (Evergreen Magnolia) to 18a.
Planning Maps	Notable Trees SCHED1 – Schedule of notable trees Reference 18c 250 Te Ahu Ahu Road, Waimate North.	Amend tree reference on PDP maps: Cedrus libani (Cedar of Lebanon) Current reference within the PDP maps: 18c <b>Reference to be updated to: 18b to match schedule</b>	Correct error on maps.	Amend current reference 18c Cedrus libani (Cedar of Lebanon) to 18b.

### Clause 16(2) amendments made to the Proposed Far North District Plan (August 2025)

Section	Provision	Description of Amendment	Reason for Amendment	Correction
Planning Maps	Notable Trees SCHED1 – Schedule of notable trees Reference 18c 250 Te Ahu Ahu Road, Waimate North.	Add the following trees to PDP maps to match schedule.  Reference 18c: Pinus radiate (Pine)	Correct error on maps.	Add reference 18c: Pinus radiate (Pine)
Planning Maps	Notable Trees SCHED1 – Schedule of notable trees Reference 18d 250 Te Ahu Ahu Road, Waimate North.	Add the following trees to PDP maps to match schedule.  Reference 18d: 2 x Araucaria heterophylla (Norfolk Pines)	Correct error on maps.	Amend current reference 18d: 2 x Araucaria heterophylla (Norfolk Pines)