

MEMORANDUM

To: James Witham – Team Leader - District Plan

From: Melissa Pearson – Consultant Policy Planner

Date: 8 August 2025

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

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.

Horticulture Processing Facilities Zone mapping error

A mapping inconsistency was identified in August 2025 by the section 42A officer assigned to the rural rezoning requests in Hearing 15C – Rezoning General. The error is that the PDP maps as notified use identical symbology to represent both the Horticulture Processing Facilities Zone and the Rural Residential Zone, both appearing as a dark grey diamond notation on a light grey background. Council GIS staff have investigated this issue and confirmed that it is a genuine error.

This incorrect use of the same notation for two different zones has led to confusion for submitters and general plan users, particularly in locations around Kerikeri and Waipapa where there are adjoining parcels zoned Horticulture Processing Facilities Zone and Rural Residential Zone. Although there is visual confusion when relying on the map symbology alone to identify the zone of a parcel, when a property is selected on the interactive GIS maps, the information panel correctly identifies whether the parcel is zoned Horticulture Processing Facilities Zone and Rural Residential Zone. There are submissions from the landowners of some affected Horticulture Processing Facilities Zone sites requesting that errors are corrected – note that this memo only applies to errors

resulting from the duplication of zone notation symbols, it does not address other issues raised by these submitters e.g. the creation of split zoned sites. Substantive rezoning matters such as these will be addressed in the Hearing 15C section 42A report.

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 all properties will remain the same as notified (noting that substantive rezoning requests will be assessed using the Schedule 1 process in Hearing 15C); and;
- The proposed mapping corrections are solely intended to enable plan users to visually distinguish between the Horticulture Processing Facilities Zone and the Rural Residential Zone. The correction to the map symbology will not result in any changes to the zoning of properties as notified in the PDP in July 2022 and the Property Information Panel on the interactive GIS maps will remain unchanged —no properties will be added to or removed from either zone.

Based on the above, I consider the correction to be neutral in effect. Accordingly, I recommend that the map symbology for the Horticulture Processing Facilities Zone on the PDP maps be updated as a clause 16(2) correction to clearly distinguish it from the Rural Residential Zone. Given that fewer properties are zoned Horticulture Processing Facilities Zone (four parcels), the amendment will result in minimal change. The revised symbology, as illustrated in Figure 1, will eliminate visual confusion and ensure accurate map interpretation. The specific properties where the map symbology will be amended are identified in Appendix 1 below.

Figure 1 illustrates the updated symbology for the Horticulture Processing Facilities Zone, which will now use a dark grey circle outline over a light grey background (the National Planning Standards required colour for a special purpose zone). The diamond symbol remains unchanged for the Rural Residential Zone.

Figure 1 – Example property at 153 Waipapa Road, Kerikeri, showing split zoning between Horticulture



Processing Facilities Zone (circles) and Rural Residential Zone (diamonds)

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).

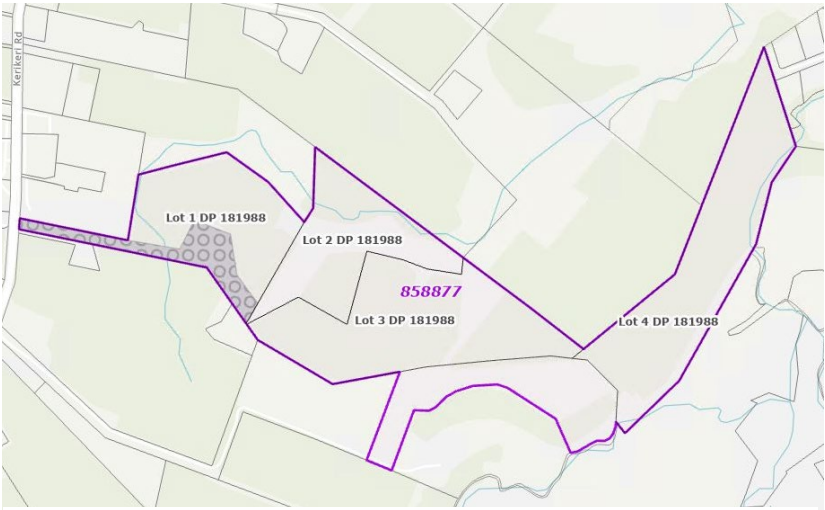


Melissa Pearson
Consultant Policy Planner

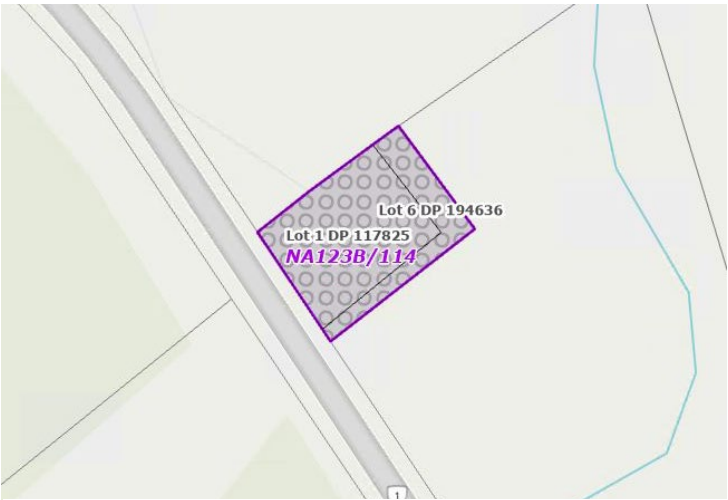
APPENDIX 1: PROPERTIES UNDER THE HORTICULTURE PROCESSING FACILITIES ZONE IN THE PDP

The Horticulture Processing Facilities Zone symbology has been corrected in the planning maps to the land identified in the table below in accordance with Clause 16(2), Schedule 1, of the Resource Management Act 1991.

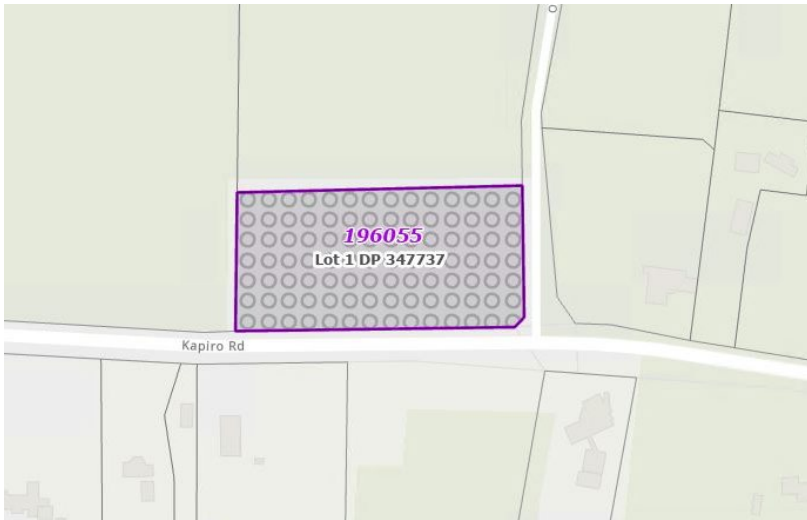
Property Address	Property ID	Valuation Number	Titles	Legal Descriptions
517 Kerikeri Road, Kerikeri 0293	3360842	00219-72400	858877	Lot 1 DP 181988
1640 State Highway 1, Awanui 0552	3335037	00013-24601	NA123B/114	Lot 1 DP 117825 & Lot 6 DP 194636
311 Kapiro Road, Kerikeri 0294	3347207	00213-37900	196055	Lot 1 DP 347737
153 Waipapa Road, Kerikeri 0295	3312501	00213-04500	NA124C/509	Lot 3 DP 196433



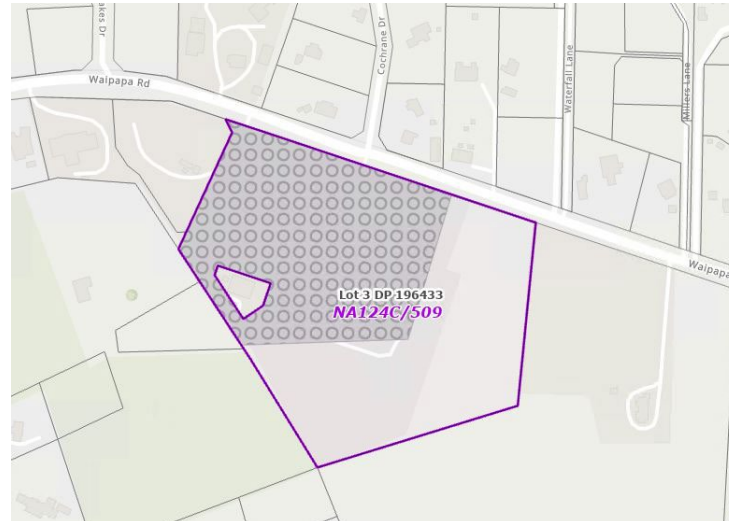
517 Kerikeri Road, Kerikeri 0293



1640 State Highway 1, Awanui 0552



311 Kapiro Road, Kerikeri 0294



153 Waipapa Road, Kerikeri 0295