

# Memo

Date 19 June 2019

To: Phill Reid, Auckland-wide Manager  
 From: Alison Pye – Principal Planner

Subject: **Plan Modification: Clause 20A Amendment to the Auckland Council District Plan - Hauraki Gulf Islands Section – Operative 2013: being an amendment to section Part 10c – Development controls for land units and settlement areas, Rule 10c.5.5.1 Permitted Activities.**

Delegated authority to T4 manager through Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register (Updated May 2017).

This plan modification requires decision-making pursuant to clause 20A of the First Schedule to the Resource Management Act 1991, as corrections are required to the Auckland Council District Plan - Hauraki Gulf Islands Section – Operative 2013.

<b>Rule or Section of Auckland Council District Plan - Hauraki Gulf Islands Section – Operative 2013</b>	Part 10c – Development controls for land units and settlement areas/ <u>Rule 10c.5.5.1 Permitted activities</u>
<b>Subject Site (if applicable)</b>	N/A
<b>Legal Description (if applicable)</b>	N/A
<b>Nature of change</b>	<p>A text change is required to reinstate the correct content of Rule 10c.5.5.1. Permitted Activities.</p> <p><b>Discussion</b></p> <p>A technical error in the digitisation of the Auckland Council District Plan - Hauraki Gulf Islands Section – Operative 2013, has resulted in the unintentional loss of the contents of Rule 10c.5.5.1; and the replacement of that content with standards for permitted activities that are set out in Rule 10c.5.5.2 - specifically subclauses (3) and(4).</p>
<b>Effect of change</b>	Reinstatement of the correct content applicable under Part 10c – Development controls for land units and settlement areas, Rule 10c.5.5.1 Permitted Activities.
<b>Changes required to be made</b>	<p>Amend Rule 10c.5.5.1 as follows:</p> <p>The following words (struck through) should be deleted.</p> <p><b>10c.5.5.1 Permitted activities</b></p> <p><del>1. The following are permitted activities: Any surplus excavated material which is not reused on site, must be disposed of in a legally authorised manner.</del></p> <p><del>2. Where evidence of a burial site or any other archaeological site (including oven</del></p>

stones, charcoal, shell middens, ditches, banks, pits, old building foundations, wells, rubbish pits, artefacts of Maori or European origin or human burials) is found or exposed on an area where earthworks is occurring, all work must cease immediately and the council and the Historic Places Trust must be advised immediately.

**Note:** On receipt of such advice it is the council's practice to consult with the relevant authorities (Historic Places Trust, Department of Conservation, tangata whenua) and the owner of the property with regard to the appropriate treatment of the site.

The following words should be inserted:

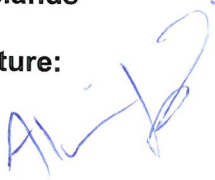
#### **10c.5.5.1 Permitted activities**

The following are permitted activities:

1. Subject to compliance with the standards set out in rule 10c.5.5.2 below, earthworks (other than as provided for in 3 to 11 below) where:
  - the land subject to earthworks has a slope of greater than 1 in 6; and
  - the contiguous extent of the earthworks measured in square metres does not exceed the limit specified in tables 10c.1 to 10c.6: Development controls for the relevant land unit or settlement area.
2. Subject to compliance with the standards set out in rule 10c.5.5.2 below, earthworks (other than as provided for in 3 to 11 below) where:
  - the land subject to earthworks has a slope of less than or equal to 1 in 6; and
  - the contiguous extent of the earthworks measured in square metres does not exceed the limit specified in table 10c.1 for the relevant land unit or settlement area.
3. Earthworks where less than 200m<sup>3</sup> of cleanfill is transported by public road to or from the area subject to earthworks.
4. With the exception of landform 1, 2 and 4, earthworks to dig trenches for network utility services or effluent disposal systems where all of the following are met:
  - a. The utility services include water, power, wastewater, drainage, telecommunications, or other in ground services of a similar character.
  - b. No more earth is removed than is absolutely necessary for the trench.
  - c. The trench does not remain open for more than 48 hours.
  - d. The reinstated disturbed land is revegetated or otherwise protected from soil erosion as soon as practicable after completion of the works.
  - e. The earthworks comply in all respects with the standards set out in rule 10c.5.5.2 below.
5. Earthworks to construct farm tracks in landform 3 and 5 where:
  - a. The tracks are required for farming activities; and
  - b. The earthworks comply in all respects with the standards set out in rule 10c.5.5.2 below.
6. Earthworks to construct new farm drains in landform 3 and 5.
7. Earthworks associated with the cleaning and maintenance of existing farm drains and waterbodies where permitted by the Auckland Regional Plan: Air, Land and Water.
8. Earthworks for the use, maintenance and upgrading of existing formed public roads as provided for in part 5 - Network utility services.
9. Gardening for domestic purposes.
10. Cultivation and similar ancillary activities associated with agriculture or horticulture.
11. The digging of holes for the erection of posts or poles (including benching required to construct farm fences).

**Alison Pye – Principal Planner  
Plans and Places, North, West  
and Islands**

**Signature:**



**T4 Manager Approval**

**Signature**

**Peter Vari– Team Leader  
Plans and Places, North, West  
and Islands**

**Signature:**



# Clause 20A Guidance

## What are NOT clause 20A matters?

- The proposed amendment is debatable in ANY WAY OR FORM;
- A clarification of intent / content matter;
- Rewriting a rule in better / plain English which may alter the meaning of the provision;
- changing the zoning of a parcel where the zoning could be debatable;
- The proposed amendment would not result in a change that someone may want to make a submission on.

This list is NOT exclusive.

## What are clause 20A matters?

- Correcting typographical errors where intent / content matter is not changed and the amendment is not debateable in any way or form;
- Correcting text, mapping, and mapping text errors where it is clear from evidence and/or the Panel's recommendations that their intentions have not been carried forward into the AUPOP. (This must have robust commentary to support the change. If debateable in any way, a plan change will be required);
- Correcting numbering;
- Correcting cross referencing to the intended provisions.

## Process to complete a Clause 20A update

- Contact the Planning Technicians via the Unitary Plan inbox to request the Clause 20A memo template;
- Fill in the Clause 20A template and get it signed off by your Team Leader and T4 Manager;
- Send the signed off memo to the Unitary Plan inbox for the Planning Technicians to complete the work;
- Planner and Manager to sign off changes made by the GIS/Planning Technician before changes go live;
- Once signed off, the Plan is updated by the Planning Technicians.

## Examples of true typographical and minor errors that can be a clause 20a.

Accepted Clause 20a errors	Example
Spelling mistakes	Charater and change to chara <u>ct</u> er
Punctuation mistakes	The Prescribed Time Frames for the purpose of assessment according to NZS6802:2008 shall be the timeframe for which any particular noise limit applies.; (removing the full stop in place for a semi-colom)
Correcting plurals (case by case basis) <ul style="list-style-type: none"> <li>- Only where the intent of the provision STAY the same and cannot be debated</li> </ul>	The objectives and policies of the underlying Major Recreation Facility zones apply in the following precinct  OR

	...vegetation removal or <del>modification</del> <u>modifications</u>
Correcting grammatical mistakes (case by case basis) - Only where the intent of the provisions STAY the same and cannot be debated	Require any proposal; for <u>the</u> demolition or removal of a special character defining or supporting building; to...
Incorrect cross-reference of area name in the precinct plan. - only where it cannot be debated. i.e. if the text says sub precinct A but the map say area then it can be a clause 20a.	Area <u>Sub-precinct</u> A Area <u>Sub-precinct</u> B Area <u>Sub-precinct</u> C
Clear cross reference mistakes - Only correcting reference to a wrong paragraph number where there can be no doubt what number is intended.	Correct reference to precinct plan 2 to precinct plan <u>1</u> when there is NO precinct plan 2 for the particular precinct.
Correct the zone for a tiny piece of a site	Only accepted where there will be NO argument possible for this piece of land i.e. a sliver of land that has been incorrectly zoned.  The zone selected is that of the adjacent property where there is NO debate.
Correcting the boundary of an overlay	Only accepted where there will be NO argument possible for the boundary of the overlay.
Correcting the zoning on a diagram or the planning map ONLY - Where the area in question relates to one map zoning an area as x when ALL other applicable provisions (maps, figures, AUP objectives, policies and rules ) refer to that area as being zoned y (or vice versa)	For example, in precinct X, the map zoned a parcel as Mixed Housing Urban but the text and all other map diagrams refer to that parcel being Mixed Housing Suburban – the rezoning as MHS will be considered as a clause 20a.
Deleting reference to non-existent scheduled items	Either 1. Delete the spatial content for a scheduled item that has been included in the schedule by mistake 2. Delete the item from the text schedule where the spatial content for the item has been included by mistake