

**Auckland City District Plan  
(Hauraki Gulf Islands Section – Operative 1996)**

**Plan modification no 52 - erratum**  
under Clause 20A of the Resource Management Act 1991

Effective Date: 17/6/2010

File No. 314/229052

**Amendments as a result of changes to the Resource Management Act 1991**

Text with underlining is to be inserted, text with strike through is to be deleted.

**Part A: Amendments to Part 2 General Provisions and Procedures**

1. Amend the first paragraph of 2.2.5 Notification Procedures as follows:

The matter of whether a resource consent application will be notified will be determined in accordance with the provisions of Sections ~~93, 94, 95~~ 95A – 95F of the Act. ~~Pursuant to section 94 (1A) of the Resource Management Act 1991, an application shall be non-notified except where there may be more than minor effects arising from the application. In that event it may be necessary to notify the application pursuant to section 93 of the Act.~~

The notification procedure involves the Council preparing a notice in the form set out in the Resource Management (Forms) Regulations 1991 (Form 6) and serving copies of it on the following people as appropriate:

- Owners and occupiers of the subject land
- Minister of Conservation
- Historic Places Trust
- Persons likely to be directly affected
- Iwi authorities
- Other persons and authorities

The Council is also required to ~~fix the notice to a conspicuous place on the subject site, and to publish the notice in an appropriate newspaper.~~

2. Amend 2.2.8(b) and 2.2.8(d) as follows:

- b) where a resource consent is due to expire, the continuation of operation while applying for a new resource consent (Section ~~124(b)~~ 124(3)).

...

- d) the cancellation of a resource consent not exercised for a continuous period of ~~2 years~~ 5 years (Section 126).

### 3. Amend the paragraphs 5 and 6 of clause 2.4.1 as follows:

The information to accompany a notice of requirement is set out in ~~Section 168~~ Section 168A(3) of the Act. In addition to this the Council will require the information set out in Part 6D to be included in any notice of requirement.

When a requirement for a work has been received by the Council, any work or change of use or subdivision which would prevent or hinder the work may not be carried out without the consent of the authority responsible for the work concerned. Once the designation becomes operative, ~~Section 175~~ Section 176 of the Act prohibits the carrying out of any work on the land or its subdivision without the requiring authority's consent.

## **Part B: Amendments to Part 6A Land units**

1. Amend 6.2.4.3(B)(b), 6.3.4.3(B)(b), 6.5.4.3(B)(b), 6.6.4.3(B)(b), 6.7.4.2(B)(b), 6.8.4.3(B)(b), 6.9.4.2(B)(b), 6.10.4.3(B)(b), 6.11.4.3(B)(b), 6.12.4.3(B)(b), 6.20.4.3(B)(b), 6.21.4.3(B)(b) and 6.22.4.3(B)(b) as follows:

- b) Except as provided for by Section ~~94(5)~~ 95A(4) of the Act, any application made under (a) above shall be considered a non-notified restricted discretionary activity and the written approval of affected persons shall not be required where the proposal complies with the Standards in Part 6B for Permitted Activities or the Standards in Part 6C for Restricted Discretionary Activities;

### 2. Amend the last paragraph of 6.26.4.3, under the sub-heading Non-Notification of Resericted Discretionary Activities, as follows:

Except as provided for by section ~~94(5)~~ 95A(4) of the Act, restricted discretionary activities will be considered without notification or the need to obtain the written approval of affected persons. The Council will restrict the exercise of its discretion to the matters specified in the Plan.

### 3. Amend 6.27.4.3(F) Controlled Activity Notification as follows:

Pursuant to Section ~~94D(3)~~ 95B(2) of the Act, an application for resource consent for a controlled activity is not required to be served on adversely affected persons and written approvals are not required.

### 4. Amend 6.27.4.4(E) Restricted Discretionary Notification as follows:

Pursuant to section ~~94D(2)~~ 95A(3) of the Act, notification of an application for resource consent for a restricted discretionary activity is not required. ~~Pursuant to section 94D(3) of the Act a~~ An application for resource consent for a restricted discretionary activity is not required to be served on adversely affected persons and written approvals are not required.

### 5. Amend 6.27.6(D) Controlled Subdivision Notification and 6.27.6(E) Restricted Discretionary Subdivision Notification as follows:

#### **D. Controlled Subdivision Notification**

Pursuant to section ~~94D(3)~~ 95B(2) of the Act, an application for a controlled activity subdivision consent is not required to be served on adversely affected persons and written approvals are not required.

#### **E. Restricted Discretionary Subdivision Notification**

Pursuant to section ~~94D(2)~~ 95A(3)(a) of the Act, notification of an application for a restricted discretionary activity subdivision consent is not required. Pursuant to section ~~94D(3)~~ 95B(2) of the Act an application for a restricted discretionary activity subdivision consent is not required to be served on adversely affected persons and written approvals are not required.

## **Part C: Amendments to Part 6C Standards for discretionary activities**

### **1. Amend the first paragraph of 6C.1.1.2(C) Non-Notified Applications as follows:**

Pursuant to ~~S94(1A)~~ Section 95A(3)(a) consent may be sought to vary or dispense with the standards specified in 6B.1.1.2 for a non notified discretionary activity, and the consent of any affected parties shall not be required but only where;

...

### **2. Amend the first paragraph of 6C.1.3.2(C) as follows:**

C. For Outer Islands Site of Ecological Significance 37 pursuant to ~~S.94(1A)~~ Section 95A(3)(a) an application shall be non-notified and the written consent of affected parties shall not be required but only where:

...

### **3. Amend the last paragraph of 6C.1.3.3(A) as follows:**

Except as provided for by section ~~94(5)~~ 94A(4) of the Act, restricted discretionary activities will be considered without notification or the need to obtain the written approval of affected persons. The Council will restrict the exercise of its discretion to the matters specified in the Plan.

### **4. Amend 6C.1.3.3(B), under the sub-heading Non-Notified Discretionary Applications, as follows:**

Pursuant to Section ~~94C(2)~~ 95A(4) of the Act, any application for the following clearance of indigenous vegetation activities shall be considered without public notification or the need to serve notice on affected persons:

...

### **5. Amend 6C.1.3.3(B), under the sub-heading All other Discretionary Applications, as follows:**

Any discretionary activity application shall be assessed in accordance with ~~S94~~ Sections 95A - 95F of the Act.

### **6. Amend 6C.1.3.6, under the sub-heading Non-Notification Tests for Restricted Discretionary Activities, as follows:**

#### **1 Great Barrier and other outer islands**

The normal tests for non-notification under Sections 93 and 94 of the Act shall apply to restricted discretionary activities where more than 5000m<sup>3</sup> of cleanfill is transported by public road to the area subject to earthworks.

Except as provided for by Section ~~94C(2)~~ 95A(4) of the Act, other restricted discretionary activities will be considered without public notification or the need to obtain the written approval of or serve notice on affected persons.

For all restricted discretionary activities, the Council will restrict the exercise of its discretion to the matters specified in the Plan.

#### **2 Waiheke and other inner islands**

The normal tests for non-notification under Sections ~~93 and 94~~ 95A - 95F of the Act shall apply to applications for earthworks as a restricted discretionary activity. The Council will restrict the exercise of its discretion to the matters specified in the Plan.

## **Part D: Amendments to Part 6D Notification and Information requirements**

1. Amend 6D.1.0 Notification as follows:

The matter of whether a resource consent application will be notified will be determined in accordance with the provisions of Sections ~~93, 94, 95~~ 95A – 95F of the Act notwithstanding any other provision in the Plan.

## **Part E: Amendments to Part 6F Particular assessment criteria for listed discretionary activities**

1. Amend 6F.1.1.2(B)(j) and 6F.1.1.7(B)(j) as follows:

- j) Without limiting the scope of section ~~88(4)(b)~~ 88(2)(b) and the Fourth Schedule of the Act, the matters to be assessed shall also include;  
...

2. Amend 6F.1.1.14(A) Non-Notified Applications as follows:

Pursuant to section ~~94(1A)~~ 95A(3)(a) of the Act a Rural Property Management Plan shall be non-notified and the consent of any affected parties shall not be required, but only in the following circumstances:  
...

## **Part F: Amendments to Part 7 Policy Areas**

1. Amend the first paragraphs of 7.2.3.6, 7.3.3.6, 7.4.3.6, 7.5.3.6, 7.6.3.6 and 7.7.3.6 as follows:

Any subdivision to create lots which conform to the minimum area standards in Rule 8.5.2, and the financial consideration requirements in Part 9 will be considered as a non-notified discretionary activity unless pursuant to Section ~~94-95D~~ of the Act, the Council determines that ~~there may be more than minor effects arising from the proposal and that it should be notified pursuant to Section 93 of the Act.~~ the activity will have, or is likely to have, adverse effects on the environment that are more than minor and that it should be notified pursuant to Section 95A of the Act.

2. Amend 7.8.3.2(G) as follows:

G. In the Recreation Amenity Area buildings and structures which contribute to the use and enjoyment of the area for recreation and sporting purposes, e.g. clubrooms, grandstands, and which exceed the controlled activities criteria in 7.8.3.3 are restricted discretionary activities ~~in terms of Section 94 (1A)(a) of the Act.~~ In general circumstances such applications will not be required to be notified unless the Council chooses to exercise its discretion in that respect.

## **Part G: Amendments to Part 8 Subdivision**

1. Amend 8.5.4(A) as follows:

- A. Pursuant to Section ~~94(D)(3)~~ 95B(2) of the Act, the Council is not required to serve notice of any application nor does it require the written approval of affected persons for those activities identified as controlled activities in Table 8.1 of the Plan.

2. Amend 8.5.5(A) and 8.5.5(C) as follows:

- A. Pursuant to Section ~~94(D)~~ 95A(3)A of the Act the Council is not required to serve notice of any application, nor is it required to notify an application or require the written approval of affected persons for those activities identified as restricted discretionary activities in Table 8.1 of the Plan.

...

- C. With regard to restricted discretionary activities the Council reserves its control under ~~section 104 (C)(a)~~ Section 104C(1) to the following matters in addition to those set out in 8.6.1:

...

3. Amend the first paragraph of 8.12.3 Notification as follows:

The matter of whether a resource consent application will be notified will be determined in accordance with the provisions of Sections ~~93, 94, 95-95A – 95F~~ of the Act except where any particular rules specifically provide for non-notification pursuant to Section ~~94 (1.A)~~ 95A(3)(a) of the Act.

4. Amend 8.12.3(B) Discretionary Activities and Non-complying Activities as follows:

Any application for resource consent under the Subdivision Rules for discretionary activities and non-complying activities may require notification. The Council will consider the circumstances under section ~~94-95A – 95F~~ of the Act, in terms of the potential adverse effects of the proposed subdivision on neighbouring properties, other properties in the subject street or road, and on the wider community.

5. Amend 8.12.4 Review of Consent Conditions as follows:

The Council may impose a condition of consent on any subdivision providing for review of the conditions of consent for the purposes laid down in Section ~~128(a)(i) and (iii)~~ 128(1)(a) of the Act. The Council may, in accordance with the circumstances and procedures outlined in Sections 128 and 129 of the Act, review the conditions of a resource consent at any time up until the survey plan has been deposited with the District Land Registrar or Registrar of Deeds in accordance with Part X of the Act.

6. Amend the first paragraph of 8.12.8 Legal and Physical Access as follows:

Section ~~106(e)~~ 106(1)(c) of the Resource Management Act shall apply to all subdivisions. This section requires that sufficient provision has been made for legal and physical access to each allotment to be created by the subdivision.