

Memo

Date 21 November 2023

To: Phill Reid, Auckland-wide Planning Manager
 From: Becks Greaves, Lead Planner

Subject: **Plan Modification: Clause 16 amendment to a proposed plan change
 Plan Change 78 Intensification Planning Instrument to Auckland Unitary Plan (Operative in Part 2016)**

I seek your approval to make an amendment pursuant to clause 16, schedule 1, Resource Management Act 1991 (RMA). Clause 16(2) provides that:
A local authority may make an amendment, without using the process in this schedule, to its proposed policy statement or plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.

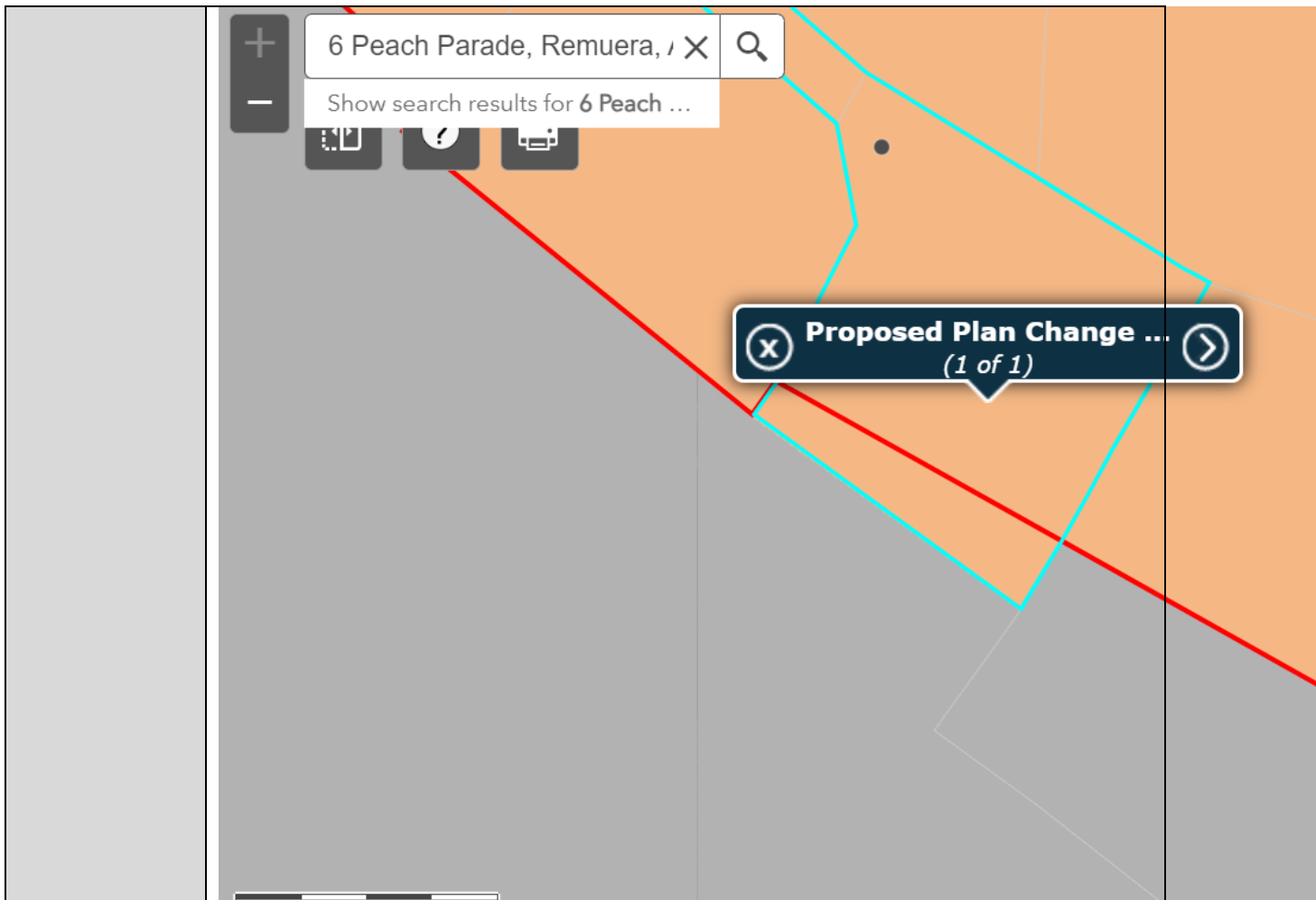
The RMA defines *proposed plan* at section 43AAC as follows:

- (1) *In this Act, unless the context otherwise requires, **proposed plan**—*
- (a) *means a proposed plan, a variation to a proposed plan or change, or a change to a plan proposed by a local authority that has been notified under [clause 5](#) of Schedule 1 or given limited notification under [clause 5A](#) of that schedule, but has not become operative in terms of [clause 20](#) of that schedule; and*
 - (b) *includes—*
 - (i) *a proposed plan or a change to a plan proposed by a person under [Part 2](#) of Schedule 1 that has been adopted by the local authority under [clause 25\(2\)\(a\)](#) of Schedule 1:*
 - (ii) *an IPI notified in accordance with [section 80F\(1\) or \(2\)](#).*

Plan Change 78 is a council-initiated plan change to the Auckland Unitary Plan that has been notified but has not become operative.

You have delegated authority, as a tier four manager, to make a decision to amend the plan change under clause 16 where the alteration is of minor effect or to correct any minor errors. Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register authorises all powers, functions, and duties under RMA’s first schedule (except clause 17 which cannot be delegated) to tier four positions.

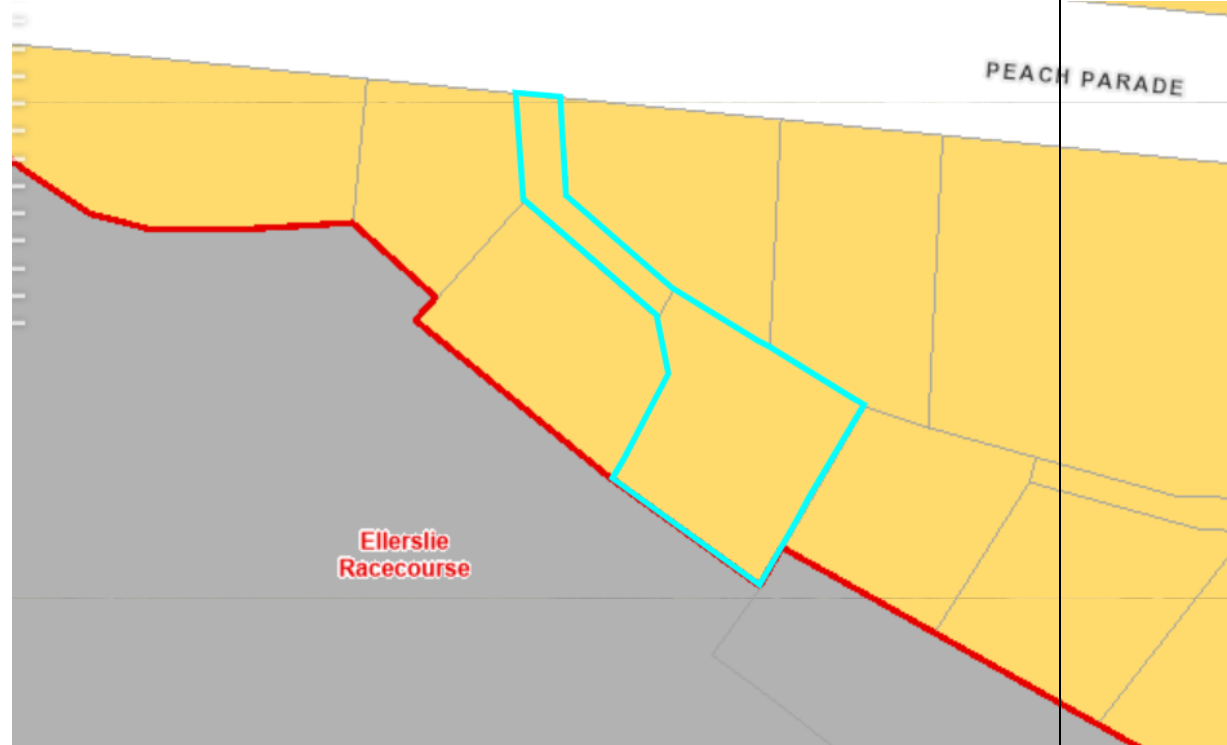
Provision in Plan Change	NA - the error is only in PC maps
Subject site and legal description	6 Peach Parade, Remuera Lot 1 DP 503879, one half share Lot 9 DP 164986
Nature of error	The boundary of the I313 Ellerslie Racecourse precinct is shown incorrectly in the map viewer for PC78 relative to the privately owned property at 6 Peach Parade, Remuera. Retrieved 20 November 2023:





I313 Ellerslie Racecourse Precinct does not include any part of the privately owned residential property at 6 Peach Parade, Remuera (or any residentially zoned land). The residential land mistakenly shown as part of the racecourse precinct is the private outdoor living area associated with the dwelling at 6 Peach Parade, and occupied by a swimming pool. The following aerial photograph with precinct layer is taken from the AUP maps:



The AUP maps correctly show the precinct boundary conforming to the property boundary between the racecourse and the residential site (retrieved 20 November 2023):



Effect of change	<p>The proposed correction is to reposition the precinct boundary to follow the cadastral boundary between 6 Peach Parade and the racecourse in the PC78 map viewer, excluding the segment of residentially zoned land at that address mistakenly shown as being within the racecourse precinct. The change:</p> <ul style="list-style-type: none"> • is to correct a minor error • is neutral (it would not affect the rights of some members of the public) <p>The precinct does not include any residential land. The precinct is included within PC78 as the map viewer for the plan change utilises property and precinct data layers from the AUP which was also the source of the error.</p> <p>The same error was corrected in the AUP by way of clause 20A, Schedule 1 RMA and published on 16 November 2023. The clause 20A was published at this link to the AUP modifications page. The same information that applied to the clause 20A error correction also applies to this request to correct a minor error utilising clause 16.</p> <p>The location of the racecourse precinct boundaries is not proposed to change in PC78.</p>
Changes required to be made (text and/or in-text diagrams)	Amend precinct plan 1 in Chapter I313 to exclude the southern portion of 6 Peach Parade from the precinct.
Changes required to be made (PC maps)	Amend the precinct boundary for I313 Ellerslie Racecourse to conform to the cadastral boundary in the PC78 map viewer thus excluding 6 Peach Parade, Remuera.
Attachments	Electronic attachment to clause 20A memo and decision. Clause 16 Precinct Plan 1 PDF

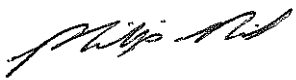
Maps prepared by: Rachel Joseph Geospatial Analyst	Text Entered by: N/A Planning Technician
Signature: 	Signature:
Prepared by: Becks Greaves Lead Planner	
Signature: 	

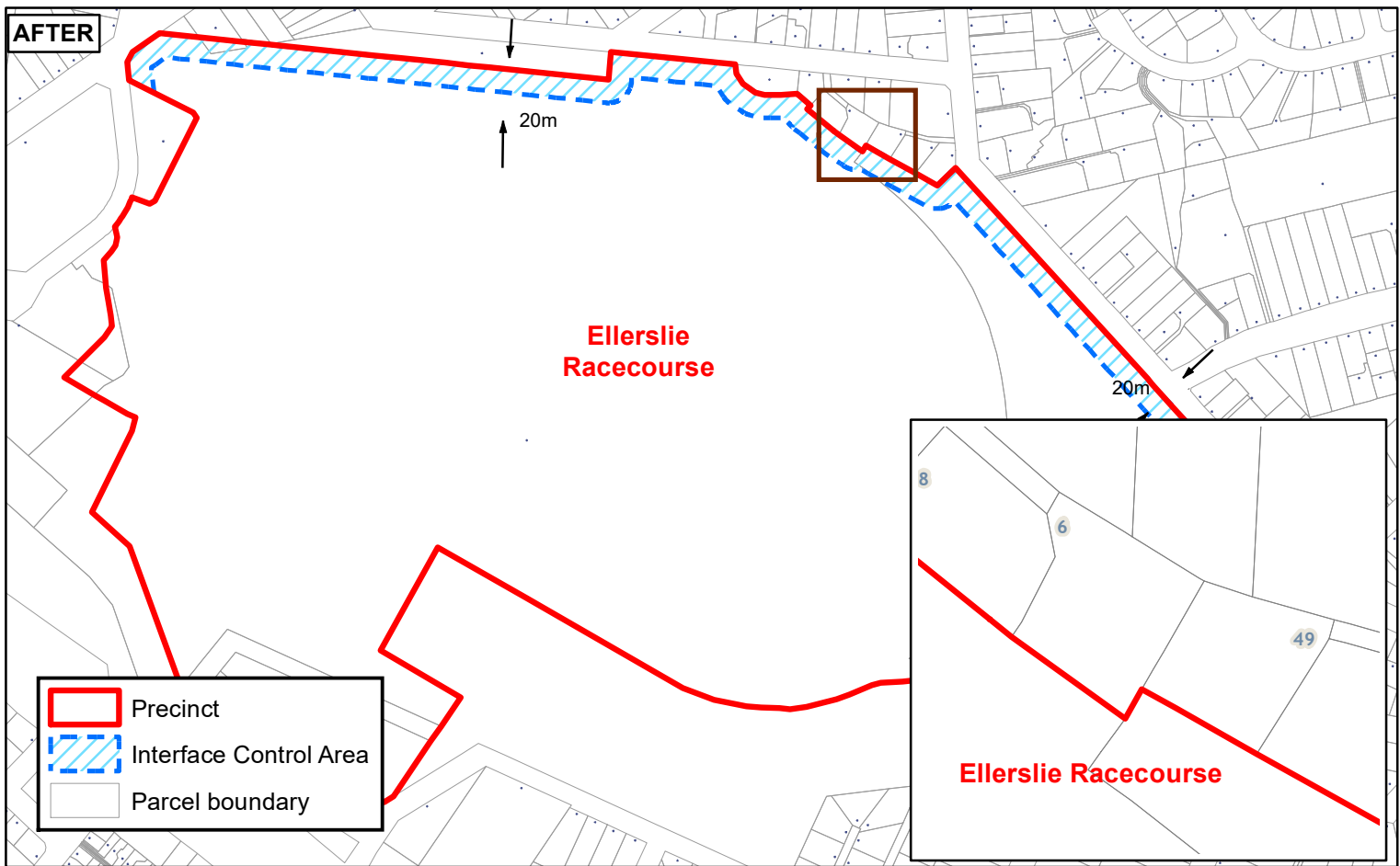
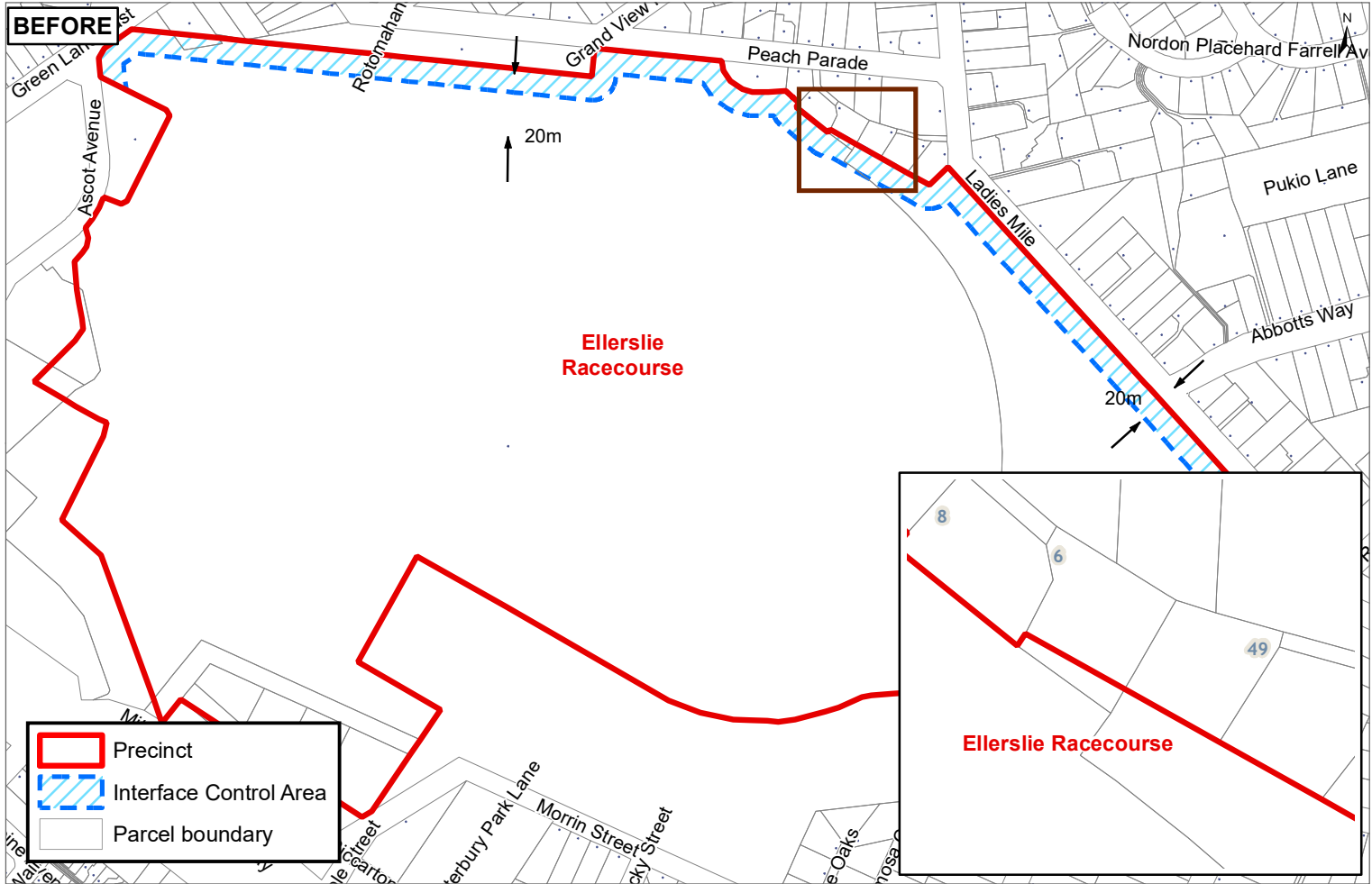
Decision:

I agree to make an amendment of minor effect or correct the error under clause 16, schedule 1, RMA 1991 using my delegated authority

Phill Reid,
Auckland-wide Planning Manager
Date: 29 November 2023

Signature:





Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

Date: 20/11/2023

Clause16 for Ellerslie Racecourse Precinct