

## Appendix B: Officer's Recommended Amendments to Relationship Between Spatial Layers

Note the below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with red underline used for new text and ~~red strikethrough~~ for deleted text).

### Overview

This plan uses spatial layers (zones and other defined areas) to manage areas of the district appropriately in terms of their expected type and level of activities and development. These spatial layers are shown on the Planning Maps, except for some sites identified by legal descriptions or street addresses in specific controls.

### Spatial layers

#### Zones

The district is divided into zones according to the intended character and use of the area. The zones are:

1. General residential zone
2. General rural zone
3. Rural lifestyle zone
4. Commercial zone
5. Light industrial zone
6. Heavy industrial zone
7. Natural open space zone
8. Open space zone
9. Sport and active recreation zone
10. Māori purpose zone
11. Hospital zone
12. Estuary Estates zone (Mangawhai Central)
13. Trifecta development area
14. Mangawhai Hills development area

The zone determines the provisions that will apply to an activity ~~Activities within different zones are subject to different zone provisions,~~ including objectives, policies, rules and standards. Activities are subject to more permissive or restrictive controls, depending on the purpose of the zone in which they are located. Where a site has more than one zone applying to it, the provisions for each identified zone will apply to the relevant part of the site.<sup>1</sup> All land in the district is in a zone, ~~except roads, which are not zoned.~~<sup>2</sup>

#### Overlays

The Plan includes overlays in areas with a particular characteristic, risk or value that needs to be managed at a District-wide scale. Overlays shown on the Planning Maps include:

1. Historic Heritage;
2. Notable Trees;
3. Sites and Areas of Significance to Māori;

<sup>1</sup> S Cullen [231.9], C & R Williamson [245.1], McRobbie Dowling Limited [253.4], P Ryan [256.8], The Rise Ltd [260.3], Mangawhai Hills Ltd [277.2], Moonlight Heights Ltd [281.2], Murphy Property Development Ltd [282.14]

<sup>2</sup> BTRA [300.3] Chorus, Spark, Fortysouth, OneNZ & Connexa [FS42.63]

4. Coastal Environment;
5. High Natural Character and Outstanding Natural Character Area;
6. Outstanding Natural Features (ONFs) and Outstanding Natural Landscapes (ONLs);
7. Coastal Flood Hazard Area, Coastal Erosion Hazard Area and River Flood Hazard Areas; and
8. Esplanade Priority Area.
9. [The State Highway or Rail Corridor Noise Control Boundary](#)
10. [Maungaturoto Dairy Factory Wastewater Pipeline and Maungaturoto Dairy Factory Noise Sensitive Area](#)
11. [Airport Runway, Airport Height Restrictions – Transitional Surface and Airport Height Restrictions – Approach and Take-Off Surface](#)
11. [National Grid and Gas or Petroleum Pipelines](#)
12. [Mangawhai Hakaru Managed Growth Area](#) <sup>3</sup>

These overlays are in addition to zones, so land within an overlay is subject to zone rules as well as overlay rules relating to the characteristic, risk, or value of interest. Not all land is subject to an overlay. Some land is subject to two or more overlays.

[Activities within Infrastructure corridors - Structures, activities, earthworks and subdivision near the National Grid or the Gas or Petroleum Pipeline Corridor are addressed in the Infrastructure section.](#)<sup>4</sup>

### Specific controls

Specific controls may identify a site or area by its address or legal description in the plan text, instead of showing it on the planning maps. These sites have controls that differ from the general zone or overlay provisions. Specific controls tend to apply to smaller, localised and more easily defined sites, such as a single property.

### [Zoning of Roads, Railways and Rivers](#)

[All public roads, including state highways, railways and rivers are zoned, although they are not coloured on the planning maps to avoid confusion. The zoning of the road, rail corridor and rivers will be the same zone as that of the adjoining land \(as shown on the District Plan maps\). Where the zoning of the land that adjoins one side of the road, railway or river is different to that of the land that adjoins the other side, then the zoning of the adjoining land shall apply up to the centreline of the road, railway or river.](#) <sup>5</sup>

### Designations

Designations apply to land associated with a public work, project, or utility operation carried out by a Requiring Authority, such as the Crown, council or utility operator. Designated land is shown on the planning maps. Under a designation, the requiring authority may carry out works for the purpose of the designation without needing to obtain resource consents otherwise required by the district plan. Other people may not, without the prior written consent of the requiring authority, do anything in relation to the designated land that would impede the public work or activity identified in the designation.

<sup>3</sup> Transpower [292.3], S Cullen [231.8], P Ryan [256.7], The Rise Ltd [260.2], Mangawhai Hills Ltd [277.1], Moonlight Heights Ltd [281.1], Murphy Property Development Ltd [282.13], Vermont Street Partners Ltd [293.9], Northland Holdings 2016 Ltd [331.1]

<sup>4</sup> Transpower [292.3]

<sup>5</sup> BTRA [300.3] Chorus, Spark, Fortysouth, OneNZ & Connexa [FS42.63]

## Determining the relationship between rules for different spatial layers

Rules for one spatial layer may ~~be stricter more restrictive~~ than rules in another spatial layer. ~~The strictest rule will apply in these cases. When conflict exists between rules, the most restrictive rule shall apply.~~<sup>6</sup>

For example, in the General rural zone, the permitted building height is 10m. However, if a site in the General rural zone is also in the High Natural Character Area, there is a more stringent rule in the HNCA that means the maximum permitted height is reduced to 5.5m. See General Approach chapter for Step-by-step process for identifying activity status.

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<sup>6</sup> Daytona Trust [263.2], BTRA [FS35.52], Tappenden Holdings Limited [289.2], BTRA [300.2]