

## **Memorandum**

**To:**           **Manager Planning and Policy: Katherine Overwater**

**From:**       **District Planner: Paul Waanders**

**Date:**       **22 April 2025**

**Subject:**   **Clause 20A Correction of the District Plan in relation to Zoning of Lot 3 DP177136.**

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### **Background Context**

1. Lot 3 DP 177136 is shown on the Operative Kaipara District Plan as being part of the Reserve Management Unit, RMU 251 in ownership of Kaipara District Council.
2. This property is adjoining the RMU 251 but is a separate property in private ownership and should not have been shown as a Reserve Management Unit or as an Open space.
3. Although the correct zoning of General Rural is anticipated to be shown on the Proposed District Plan, this plan still needs to go through its notification, hearing and adoption stages and may have to be defended in the Environment Court which may take a long time before the correct zoning is allocated to the land in question.
4. Notwithstanding that the Operative District Plan zoning being a Reserve Management Unit will require approval for any development this property in terms of the present zoning and in terms of the requirements of the Reserves Act it should as of right be usable for Rural activities including the building of a dwelling without the requirements imposed by the Reserves Act.  
To avert the need for Resource Consent Applications for matters permitted under the Rural zone the correct zoning would be the preferred direction.

### **Legal Position**

Clause 20A enables the Council to amend its operative plan to correct any minor errors without the using the First Schedule of the RMA. Case law has determined what constitutes an 'error' and what a 'minor' error will be. An error can contain a clerical mistake of error from an accidental slip or omission, but the use of the slip rule is only applicable when it is used to correct the slip in the "expression" of the statement and not the "content."

In this case, the mapping of this property as a RMU was inaccurate due to the lack of clear mapping tools in the 2013 Operative District Plan

The final version was checked by the staff planners and the Rate staff as well as compared with the final maps for the District Plan Review and should be corrected immediately rather than waiting for the Proposed District Plan to be finalised, which could still take years to finalise through it statutory processes.

### **Delegation**

The authority to make minor amendments to correct minor errors on an Operative District

Plan has been delegated to inter alia the Manager Planning and Policy.

**Recommendation**

That the erroneous zoning of the Lot 3 DP 177136 as a Reserve Management Unit, should be corrected to be zoned for Rural in the Operative District Plan. Amended maps 24 and 20 are attached a Attachment C

Paul Waanders: District Planner



Date: 22 April 2025

Recommendation is approved.



Katherine Overwater

Manager Planning and Policy

Date: 22 April 2025

Attachments:

- A. Amended zoning Plan
- B. Three maps showing the wrong RMU Overlays
- C. Comments from Park Department
- D. Comments from Rates Team Including the Titles

undefined 2113A Cove Road,  
Mangawhai



- Property Specific Operative District Plan
- Chapters
- View Full Operative District Plan
- View Property Report (PDF)
- Zoom to selected property
- Clear selected property

Draft: 21 Mar 2025  
Revision: 21 Mar 2025  
The following information applies to this property

District Plan Zone

- ☒ Rural
- ☐ View section
- ☒ Overlay - Harbour
- ☐ View section

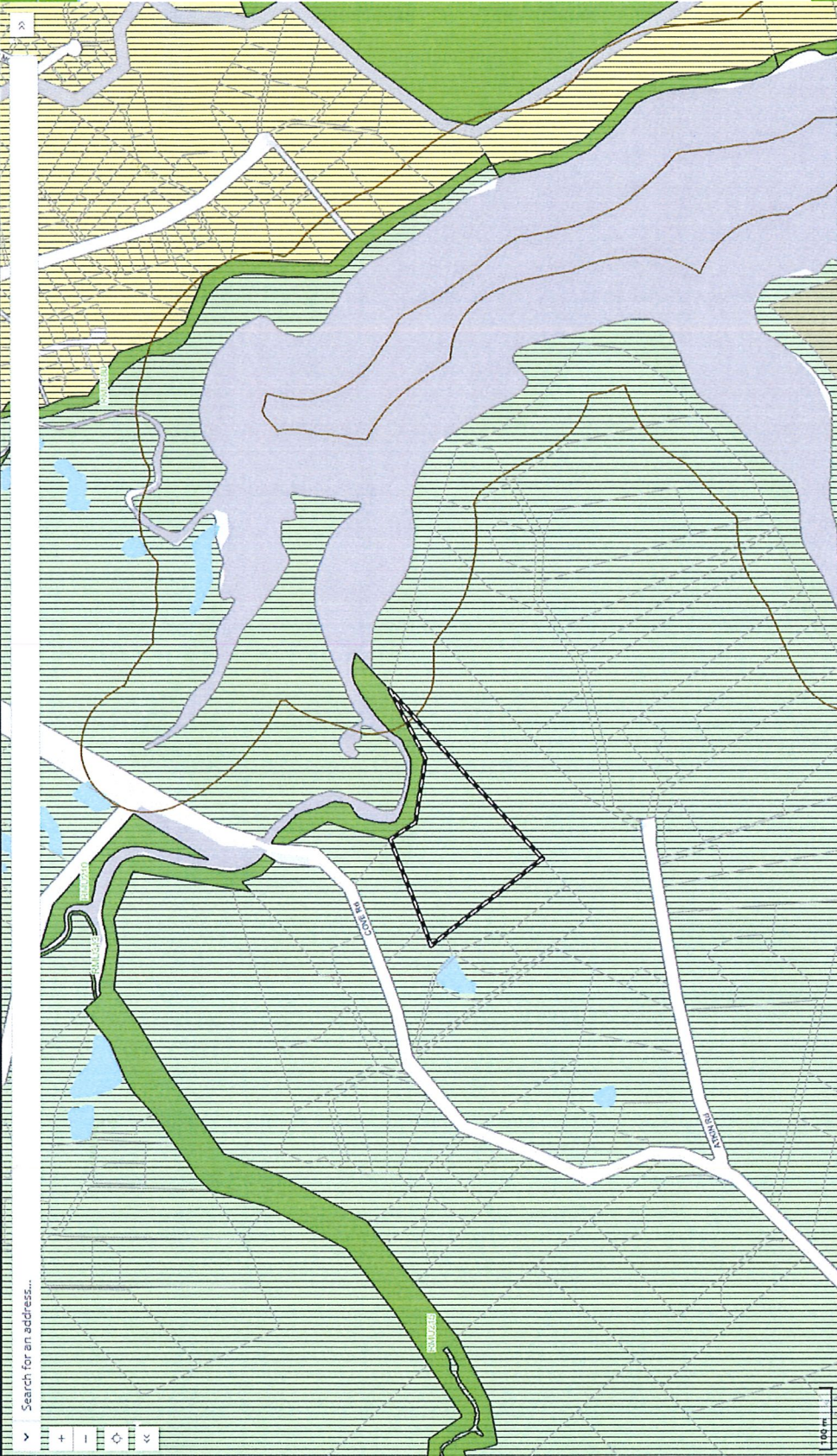
District Plan Layers

- ☐ Map Index - 17
- ☐ Map Index - 21
- ☐ Indicative Growth Area - Greater
- ☐ Growth Area Catchment
- ☐ View section

Areas of Significance to Maori

- ☒ Areas of Significance to Maori
- ☐ View section
- ID: SW04
- Wai: Te Uti o Hau

Search for an address...



- Overlays**
- East Coast
  - Harbour
  - Kai Iwi Lakes
  - West Coast
- Areas of Significance to Maori**
- Green
  - Rural
  - Business: Commercial
  - Business: Industrial
  - Residential
  - Maori Purpose: Maori Land
  - Maori Purpose: Treaty Settlement Land
  - Estuary Estates
  - Tri-Track Development Area
  - Mangawhai Hills Development Area
  - Unformed Roads
  - Primary Land Parcels
  - Road Addressing
  - Territorial Authority Boundaries 2023
  - Reserve Management Units
  - Heritage Resource
  - Notable Tree
  - Electricity Transmission Lines
  - 110-220 kV Electricity
  - Transmission Line
  - 50 kV Electricity
- Help**

A



- Zones**
- Rural
  - Business: Commercial
  - Business: Industrial
  - Residential
  - Marine Purpose: Major Land
  - Marine Purpose: Treaty Settlement Land
  - Estuary Estates
  - Trifecta Development Area
  - Mangawhai Hills
  - Development Area
- Overlays**
- East Coast
  - Harbour
  - Kai Iwi Lakes
  - West Coast
  - Unformed Roads
  - Primary Land Parcels
  - Road Addressing
- Territorial Authority Boundaries - 2023**
- Reserve Management Units
  - Designation Areas
  - Estuary Estates Structure Plan
  - Awakino Precinct Plan
  - Cove Road North Precinct Plan



B2



## Paul Waanders

**From:** Andrew Mardon  
**Sent:** Tuesday, 22 April 2025 2:18 pm  
**To:** Paul Waanders; Lani Leiataua; Shannon Price  
**Cc:** Kyle Middleton; Revenue@kaipara.govt.nz  
**Subject:** RE: Lot 3 DP177136 2113A Cove Road No 0122012924

Hello Paul,

As far as I'm aware 0122012924 is a private property owned by Wharfe -it is adjacent to the esplanade reserve but is not part of it. I do note it seems linked in the GIS view..

Andrew

**From:** Paul Waanders <pwaanders@kaipara.govt.nz>  
**Sent:** Tuesday, 22 April 2025 12:42 pm  
**To:** Lani Leiataua <lleiataua@kaipara.govt.nz>; Shannon Price <sprice@kaipara.govt.nz>; Andrew Mardon <amardon@kaipara.govt.nz>  
**Subject:** Lot 3 DP177136 2113A Cove Road No 0122012924  
**Importance:** High

Rates,  
This property is shown to be part of RMU215 and owned by KDC.  
That is in dispute with Lot 3 DP177136 being privately owned.  
Can you please confirm that Lot 3 DP 177136 is not KDC owned.

Parks,  
Can you confirm that Lot 3 DP 177136 is or is not supposed to be part of RMU 215.

I suspect this was a mapping error.

Note that in the Proposed District Plan to be notified on 28 April 2025 this land is not shown as open space.  
I need to correct this as soon as possible before submissions are made.



**Paul Waanders | District Planner**  
Kaipara te Oranganui | Kaipara District Council, Private Bag 1001, Dargaville 0340  
**Freephone:** 0800 727 059 | **09** 439 3123 | **Mob:** 027 335 5924  
[pwaanders@kaipara.govt.nz](mailto:pwaanders@kaipara.govt.nz) | [council@kaipara.govt.nz](mailto:council@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)

My core working hours are: 7am-5pm Mon - Fri  
For urgent emails outside of my hours: [districtplanreview@kaipara.govt.nz](mailto:districtplanreview@kaipara.govt.nz)

In the Office = ✓		Working from home = 🏠		
Rāhina Monday	Rātū Tuesday	Rāapa Wednesday	Rāpare Thursday	Rāmere Friday
✓	✓	✓	🏠	🏠

## Paul Waanders

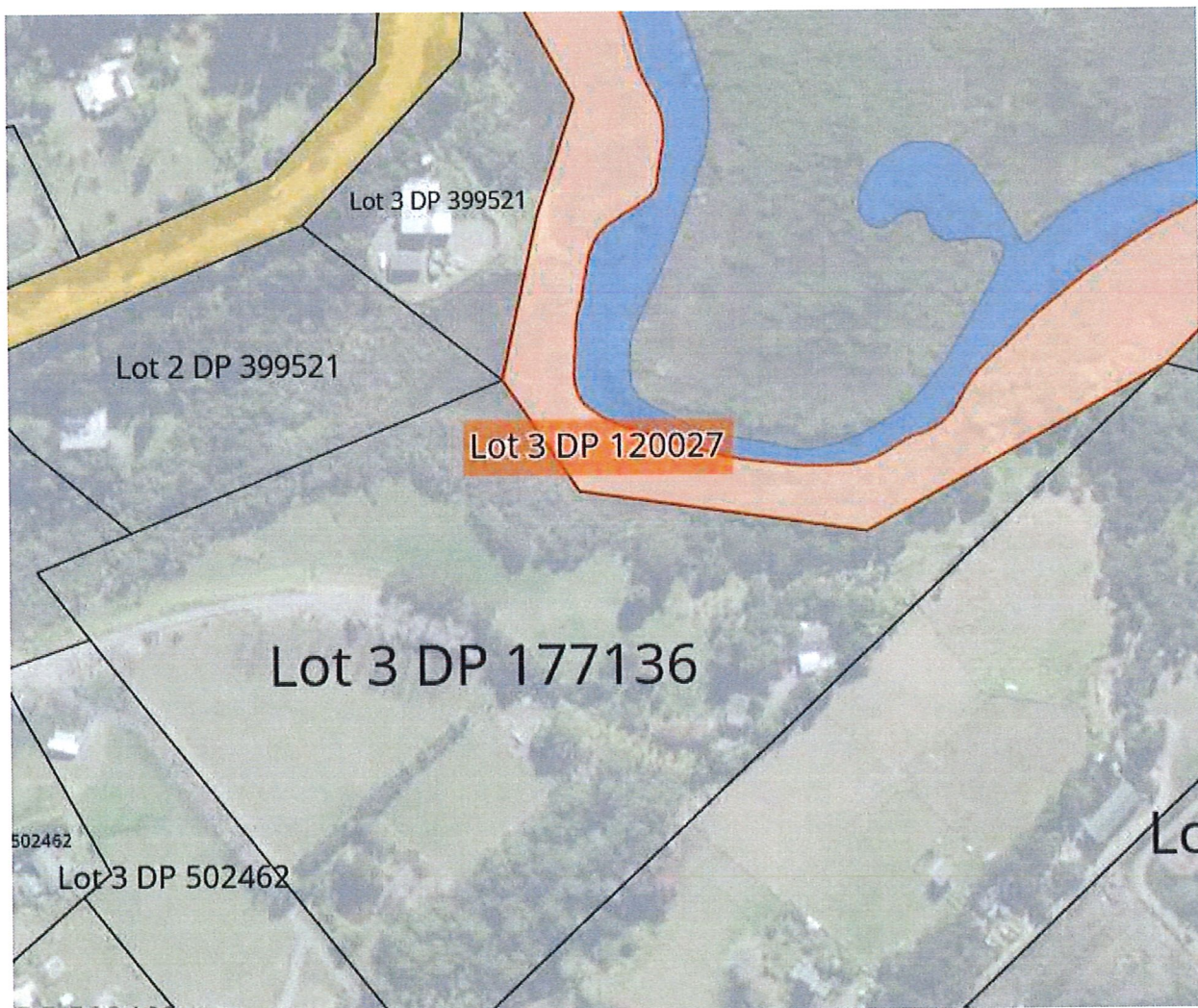
**From:** Shannon Price  
**Sent:** Monday, 28 April 2025 9:49 am  
**To:** Paul Waanders; Lani Leiataua  
**Cc:** Kyle Middleton; Revenue@kaipara.govt.nz; Andrew Mardon  
**Subject:** RE: Lot 3 DP177136 2113A Cove Road No 0122012924  
**Attachments:** NA109A\_998\_Title\_Historic\_View.pdf

D

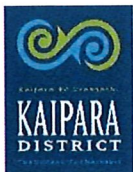
Good morning,

0122012924 being Lot 3 DP 177136 is privately owned by Westcove Properties Limited as per the attached Title. ( I will update the ownership in rates)

The Esplanade Reserve being Lot 3 DP 120027 is included in valuation 0122010208 (KDC)



Ngā mihi,  
Shannon Price



Shannon Price | Revenue Officer - Property

Kaipara District Council, Private Bag 1001, Dargaville 0340  
DDI: 09 439 1130 Freephone: 0800 727 059 | 09 439 3123  
[sprice@kaipara.govt.nz](mailto:sprice@kaipara.govt.nz) | [council@kaipara.govt.nz](mailto:council@kaipara.govt.nz) | [www.kaipara.govt.nz](http://www.kaipara.govt.nz)

My core working hours are: 8:30am-5:00pm  
For urgent emails outside of my hours: [revenue@kaipara.govt.nz](mailto:revenue@kaipara.govt.nz)

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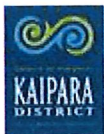
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**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Historical Search Copy**



  
R.W. Muir  
Registrar-General  
of Land

Constituted as a Record of Title pursuant to Sections 7 and 12 of the Land Transfer Act 2017 - 12 November 2018

**Identifier** NA109A/998  
**Land Registration District** North Auckland  
**Date Issued** 24 February 1997  
**Prior References**  
NA69C/95

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**Estate** Fee Simple  
**Area** 4.0000 hectares more or less  
**Legal Description** Lot 3 Deposited Plan 177136  
**Original Registered Owners**  
Michael Henry Wharfe and Gillian Margaret Etheridge

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**Interests**

D111797.2 Resolution pursuant to Section 321(3) (c) Local Government Act 1974 - 24.2.1997 at 3.35 pm  
Appurtenant hereto is a right of way and telecommunications and electricity rights specified in Easement Certificate D111797.4 - 24.2.1997 at 3.35 pm  
The easements specified in Easement Certificate D111797.4 are subject to Section 243 (a) Resource Management Act 1991  
D147501.2 Mortgage to ASB Bank Limited - 23.5.1997 at 9.03 am  
8692518.1 Discharge of Mortgage D147501.2 - 11.2.2011 at 12:14 pm  
8692518.2 Transfer to Westcove Properties Limited - 11.2.2011 at 12:14 pm  
8692518.3 Mortgage to ASB Bank Limited - 11.2.2011 at 12:14 pm

References:  
Prior C/T 69C/95  
Document No. D.111797.3



## REGISTER

No. 109A  
998

## CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate dated the 24th day of February one thousand nine hundred and ninety seven under the seal of the District Land Registrar of the Land Registration District of NORTH AUCKLAND

WITNESSETH that RONALD THOMAS CAMERON of Wellsford, farmer and MARY ELLEN CAMERON his wife are seised of an estate in fee simple as tenants in common in equal shares

~~is seised of an estate in fee simple~~ (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon, be the several admeasurements a little more or less, that is to say: All that parcel of land containing 4.0000 hectares more or less being Lot 3 Deposited Plan 177136



D.111797.2 Resolution pursuant to Section 321(3)(c) Local Government Act 1974 - 24.2.1997 at 3.35 o'clock

A.L.R.

D.111797.4 Easement Certificate affecting lots on Plan 177136

Nature	Servient	Dominant
Right of Way	part Lot 2 (109A/997) marked 'A'	Herein
Electricity and Tele-communications	part Lot 2 (109A/997) marked 'A'	Herein
- 24.2.1997 at 3.35 o'clock		

The above right of way easement when created will be subject to Section 243(a) Resource Management Act 1991

A.L.R.

D.147501.1 Transfer to Michael Henry Wharfe carpenter and Gillian Margaret Etheridge school teacher both of Mangawhai - 23.5.1997 at 9.03 o'clock

A.L.R.

D.147501.2 Mortgage to ASB Bank Limited - 23.5.1997 at 9.03 o'clock

A.L.R.

No. 109A  
998

Historical Search Copy Dated 28/04/25 9:40 am, Page 3 of 3