

# Private Plan Change 82 Moonlight Heights – Final Decision

**Meeting:** Kaipara District Council  
**Date of meeting:** 29 May 2024  
**Reporting officer:** Taiawhio Wati-Kaipo, Graduate Planner  
Michael Day, General Manager Engagement & Transformation

## Purpose | Ngā whāinga

To seek approval to incorporate Private Plan Change 82 Moonlight Heights into the Operative Kaipara District Plan and publicly notify its operative date.

## Executive summary | Whakarāpopototanga

PPC82 Moonlight Heights is a private plan change application being processed by Council. This plan change proposes to change 39.2 hectares of land from Rural zone to Residential zone at Awakino Road, Dargaville.

Private Plan Change 82 Moonlight Heights has been processed by Council in accordance with Schedule 1 of the Resource Management Act 1991 (RMA). At the Council Meeting held 28 February 2024, Council approved and adopted the recommendations of the Hearing Panel to approve the plan change. The next part of the process was the appeals stage where any submitter on the plan change was able to lodge an appeal on the decision with the Environment Court. No appeals were lodged within the timeframe.

The final stage of the process is for Council to approve the plan change and incorporate it into the Operative Kaipara District Plan pursuant to Clause 17, Schedule 1 of the RMA. This report recommends that Council approves Private Plan Change 82 Moonlights Heights and that Mayor and Chief Executive affix the seal of the local authority to the plan. The report also recommends that Council delegates the Chief Executive to publicly notify the approval.

## Recommendation | Ngā tūtohunga

That the Kaipara District Council:

- a) Approves Private Plan Change 82 Moonlight Heights, including the provisions outlined at **Attachment A** and the maps at **Attachment B**, pursuant to Schedule One, Clause 17, Resource Management Act 1991.
- b) Delegates authority to the Mayor and Chief Executive to affix the seal of the Kaipara District Council to the plan change.
- c) Delegates authority to the Chief Executive to publicly notify in accordance with Schedule One, Clause 20, Resource Management Act 1991 that the 'operative date' will be 25 June 2024.

## Context | Horopaki

Council accepted to process Private Plan Change 82 Moonlight Heights (PPC82) on 14 December 2022. Council is processing this application in accordance with Part 2, Schedule One, RMA.

The plan change proposes to change 39.2 hectares of land from Rural zone to Residential zone at Awakino Road, Dargaville. This land-use change may enable the development of up to 384 dwellings within the plan change area. PPC82 proposed to add a new section into Chapter 13:

Residential of the Operative Kaipara District Plan 2013 (District Plan) between chapter 13.9 and 13.10.

At the 28 February 2024 Council meeting, Council approved and adopted the recommendations of the Hearing panel, the recommended Awakino Precinct provisions (see **Attachment A**) and the amended maps for the Awakino Precinct Area (see **Attachment B**). Submitters were notified directly on 11 March 2024 about the decision and informed about their ability to lodge an appeal with the Environment Court against the decision. The decision was also publicly notified in the Kaipara Lifestyler on 12 March 2024. Submitters were able to lodge an appeal within 30 days of receiving the notification. No appeals were lodged for PPC82 within this timeframe and PPC82 has entered the final stage of processing.

At this final procedural stage, Council needs to approve the plan change and notify its operative date in accordance with Clause 17 and Clause 20 of Schedule 1 to the RMA.

## Discussion | Ngā kōrerorero

PPC82 has been processed in accordance with all statutory processes under the RMA. This final stage of the plan change process is for Council to fulfil its statutory responsibilities as prescribed by Clause 17 and Clause 20, Schedule 1 of the RMA. For these obligations to be fulfilled, the Council must perform the following in accordance with Schedule 1 of the RMA:

- Approve the private plan change - Clause (17)(1) prescribes that Council shall approve the plan change. This approval requires a Council resolution.
- Affix the seal of the local authority - Clause (17)(3) prescribes that every approval under Clause 17 shall be effected by affixing the seal of the local authority to the plan.
- Publicly notify the private plan change – Clause 20 (1) prescribes an approved plan shall become an operative plan on a date which is to be publicly notified. Clause 20(2) prescribes that Council shall publicly notify the date which the policy statement or plan becomes operative at least 5 working days beforehand. Council is required to set a date for the plan to become operative and delegate the Chief Executive to notify the plan accordingly.

This report and the provided recommendations are based on the need for Council to fulfil these procedural obligations.

### Options

**Option 1:** Fulfil Council's obligations by approving the private plan change, affixing the seal of the local authority and publicly notifying the private plan change.

This **is** the recommended option.

#### Advantages:

- The private plan change becomes operative, and development can progress.
- Finalises the process for all parties involved.

#### Disadvantages

- No apparent disadvantages.

**Option 2:** Do not fulfil Council's obligations.

This **is not** the recommended option.

#### Advantages:

- No apparent advantages.

#### Disadvantages

- There is a possibility of receiving late appeals and Council would then need to participate in the Environment Court process delaying PPC82 becoming operative.

## Policy and planning implications

Following approval, staff will incorporate PPC82 into the District Plan. PPC82 will be incorporated in Chapter 13 between 13.9 and 13.10 and Awakino Precinct Area. Maps will be added as well as any consequential amendments to Chapter 13.

Awakino Precinct Area will be the first example of a precinct area in the District Plan and resource users will need to navigate the plan with the new provisions. The resource consent team will also need to process any applications in the area by using the new provisions of Awakino Precinct Area.

## Financial implications

PPC82 may enable up to 384 dwellings to be built across the plan change site. This is expected to bring much needed growth and development (residential dwellings) to Dargaville and lead to positive economic impacts for the wider district.

## Impacts on Māori

No impacts to Māori have been identified regarding Council fulfilling its statutory obligations to approve PPC82.

## Significance and engagement | Hirahira me ngā whakapāpā

The decisions or matters of this report are considered to have a low degree of significance in accordance with Council's Significance and Engagement Policy. No feedback is required, and the public will be informed of Council's decision via the agenda and minutes publication of this meeting, on the website and through other channels if appropriate.

PPC82 has followed all statutory processes under the RMA, including public notification of the application and a hearing. This report and its recommendations are therefore the conclusion of a long and robust public participatory process.

## Next steps | E whaiake nei

Should the recommendations be accepted, staff will notify PPC82's operative date and incorporate the Awakino Precinct Area in the District Plan. There is no further input required from Council with respect to approving this private plan change.

## Attachments | Ngā tapiritanga

|   | Title   |
|---|---|
| A | Awakino Precinct Area Provisions  |
| B | Awakino Precinct Area maps (including noise plan and street cross sections) |