

# Clause 20A Correction of the District Plan in relation to Rule 12.10.18 Traffic Intensity

Meeting: Kaipara District Council  
Date of meeting: 26 August 2020  
Reporting officer: Paul Waanders, District Planner

## Purpose/Ngā whāinga

To inform Council about the approval of a correction to the Operative Kaipara District Plan.

## Executive summary/Whakarāpopototanga

A correction was required to Note 4 of Rule 12.10.18 of the Operative Kaipara District Plan, in order to give effect to an Environment Court's Consent Order. This note is in reference to Traffic Intensity relating to forestry activities.

This correction was to an administrative error whereby wording was not correctly copied into the District Plan as per the Consent Order. The decision to correct the provision was made under delegation by staff. This is required to be reported to Council for information.

## Recommendation/Ngā tūtohunga

That the Kaipara District Council:

- a) Notes the decision made under delegation to correct Note 4 in Rule 12.10.18: Traffic Intensity of the Operative Kaipara District Plan.

## Context/Horopaki

Clause 20A of the First Schedule of the RMA provides the opportunity to correct minor errors in an operative district plan. In terms of delegations, decisions on Clause 20A of the First Schedule to the RMA has been delegated inter alia to the Policy Manager provided that these decisions are reported to a Council meeting. This report deals with the correction of Note 4 of Rule 12.10.18 Traffic Intensity to bring it in line with the Environment Court's Consent Order.

The Acting Policy Manager, under delegation, has made the decision which is available in Attachment A.

## Discussion/Ngā kōrerorero

A request was received for an investigation and possible correction to Note 4 in Rule 12.10.18 Traffic Intensity. This was the result of a resolution of an appeal from Hancock Forest Management NZ Ltd on the Kaipara District Plan as amended by Council resolution. The agreement reached amongst the parties was that the controls on Traffic Intensity under Rule 12.10.18 be amended to exempt existing forestry activities, including harvesting and replanting within five years, while it would apply to any new activities.

The Court Consent Order was issued on 19 July 2012 and contained the following provision.

**Note 4:** For clarification the replanting (within 5 years) and harvesting of a production forest is not considered a 'new activity' under this rule.

For some unexplainable reason the following Note was entered into the District Plan

**Note 4:** For clarification the replanting (within 5 years) and not harvesting of a production forest is not considered a 'new activity' under this rule.

This note with a double negative negates the agreement reached and ordered by the Court. The Clause 20A amendment therefore seeks to correct this by removing the word 'not' which is underlined above.

Clause 20A enables a council to amend its operative plan to correct any minor errors without using the First Schedule of the Resource Management Act. Case law has determined what constitutes an 'error' and what a 'minor' error will be.

In this case, it is clear that the Consent Memorandum and subsequent Environment Court Consent Order was not given effect to and an administrative error was made resulting in the need to correct the wording.

### **Significance and engagement/Hirahira me ngā whakapāpā**

The decisions or matters of this report do not trigger the significance criteria outlined in council's Significance and Engagement Policy, and the public will be informed via agenda on the website.

### **Next steps/E whaiake nei**

The Operative District plan will be updated with the correct wording and the forestry companies will be informed of the correction of Note 4 to Rule 12.10.18 Traffic Intensity.

### **Attachments/Ngā tapiritanga**

	Title
A	Memo and attachments approving the Correction of the District Plan in relation to Rule 12.10.18 Traffic Intensity