

**Extracts of the Minutes of the Ordinary meeting of
Kaipara District Council**

Date: 11 December 2019
Time: 9:30a.m.
Location: Conference Room, Northern Wairoa Memorial Hall, Dargaville
Member Present Mayor Jason Smith
Deputy Mayor Anna Curnow
Cr Jonathan Larsen
Cr Karen Joyce-Paki
Cr Victoria del la Varis-Woodcock
Cr Mark Vincent
Cr Peter Wethey
Cr David Wills
Cr Eryn Wilson-Collins

**6.3 Clause 20A correction of the District Plan maps for the Chases Gorge
Camp at Baylys Beach**

Moved By: Cr Vincent
Seconded By: Cr Joyce-Paki

That Kaipara District Council:

- a) Note the decision made under delegation to correct Appendix 13.1 of the Operative District Plan with reference to the Chases Gorge Camp at Baylys Beach.

Carried

Clause 20A correction of the District Plan maps for the Chases Gorge Camp at Baylys Beach

Meeting: Kaipara District Council
Date of meeting: 11 December 2019
Reporting officer: Paul Waanders District Planner

Purpose/Ngā whāinga

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

Executive summary/Whakarāpopototanga

A correction was required to be made to a map in Appendix 13.1 of the Operative Kaipara District Plan with reference to the Chases Gorge Camp at Baylys Beach. This was an administrative error and the decision to correct the map was made under delegation by staff. This is required to be reported to Council for information.

Recommendation/Ngā tūtohunga

That Kaipara District Council:

- a) Note the decision made under delegation to correct Appendix 13.1 of the Operative District Plan with reference to the Chases Gorge Camp at Baylys Beach.

Context/Horopaki

Clause 20A of the First Schedule of the RMA provides the opportunity to correct cross-referencing issues in an operative district plan. In terms of delegations, decisions on Clause 20A of the First Schedule to the RMA has been delegated to the Policy Manager provided that these decisions are reported to a Council meeting. This report deals with the correction of Appendix 13.1 with reference to the Chases Gorge Camp at Baylys Beach.

The Policy Manager, under delegation, has made the decision. This is available at Attachment A.

Discussion/Ngā kōrerorero

A request was from the Chases Gorge Camp Trust, for the replacement of the wrong Appendix 13.1 Map (Attachment B) with the correct Appendix 13.1 Map (Attachment C). This map depicts the building sites on the property of Chases Gorge Camp at Baylys Beach.

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 Hearings Panel under delegated authority approved the new maps but that an administrative error was made by using the old map, to create Appendix 13.1.

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 map and developers informed of the approval of the correction of Appendix 13.1

Attachments/Ngā tapiritanga

| | Title |
|---|---|
| A | Clause 20A Correction of Maps for the Chases Gorge Camp at Baylys Beach |
| B | Previous Appendix 13.1 |
| C | New Appendix 13.1 |

Paul Waanders 5 December 2019

Memorandum

To: Policy Manger: Kathie Fletcher

From: District Planner: Paul Waanders

Date: 30 October 2019

Subject: Clause 20A Correction of Maps for the Chases Gorge Camp at Baylys Beach

Background.

1. A request has been received for the replacement of the wrong Appendix 13.1 Map with the correct Appendix 13.1 Map depicting the building sites on the property of Chases Gorge Camp at Baylys Beach. (Attachment A)
2. The Kaipara District Plan 2003 shows the layout Map as Map 79 (Attachment B) with the two additional Proposed Building sites clearly marked, one of which subsequently has been built on.
3. In the submissions on the following Proposed Kaipara District Plan the Chases Gorge Camp Club requested that the layout plan be recognised and incorporated into the Kaipara District Plan and attached a detailed layout plan for consideration identifying inter alia the one site which was not yet built on. (Attachment C and maps flagged)
4. In the Hearings Report (Extracts as Attachment D) in paragraph 4.1.4 *Consequential Amendments* on page 22 and 23 it is clearly decided to accept the submission and to attach the Map as Appendix 1.
5. The decision was sent to the submitter with half of Appendix 1 but they did not react accepting that not including the second map was an oversight. (Attachment E)
6. The Kaipara District Plan became operative in 2013 and included the Special Conditions in provision 13.10.29 (3) with reference to Appendix 13.1 (Extracts of the DP as Attachment F) but for some unexplained reason the old Map 79 was used to create Appendix 13.1 rather than the maps that were submitted.
7. The Clause 20A correction request now deals with the replacement of the Appendix 13.1 Operative version with the Approved submitted version. (Attachment G).

Legal position

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. An error is simply a mistake or inaccuracy which has crept into the plan. A correction can contain a clerical mistake or error arising from an accidental slip or omission but the use of the slip rule is

only applicable when it is used to correct a slip in the "expression" of the statement and not the "content"

In this case it is clear that the Hearings Panel under delegated authority approved the new Maps but that an administrative error was made by using the old, but previously legitimate Map, to create Appendix 13.1. The maps that were submitted during the hearing should have been used to create Appendix 13.1. From the decision version and the notice to the submitter it is clear that although only one map instead of two maps were sent, the intention was to include both maps into the Operative Kaipara District Plan.

It is not clear why the new maps were not used and why the 2003 map was adapted to become Appendix 13.1 but that was a mistake and therefore an error which can be corrected through the provisions of Clause 20A of the First Schedule to the RMA.

Delegation

The authority to make minor amendments to correct minor errors on an Operative District Plan has been delegated to inter alia the Policy Manager subject to the condition that this decision has to be reported to the next Council meeting.

Recommendation.

That the erroneous map in Appendix 13.1 of the Operative Kaipara District Plan be replaced with a new Appendix 13.1 as depicted in Attachment G.

That this change be conveyed to the submitter and

That the report be submitted to Council for information.

As amended.

Paul Waanders District Planner

Recommendation is approved/ not approved/ approved as amended

Kathie Fletcher

Policy Manager

Date:

26/11/19

Attachments

[Attachment A: Request for Correction](#)

[Attachment B: Map 79 Kaipara District Plan 2003](#)

[Attachment C: Submissions and Maps](#)

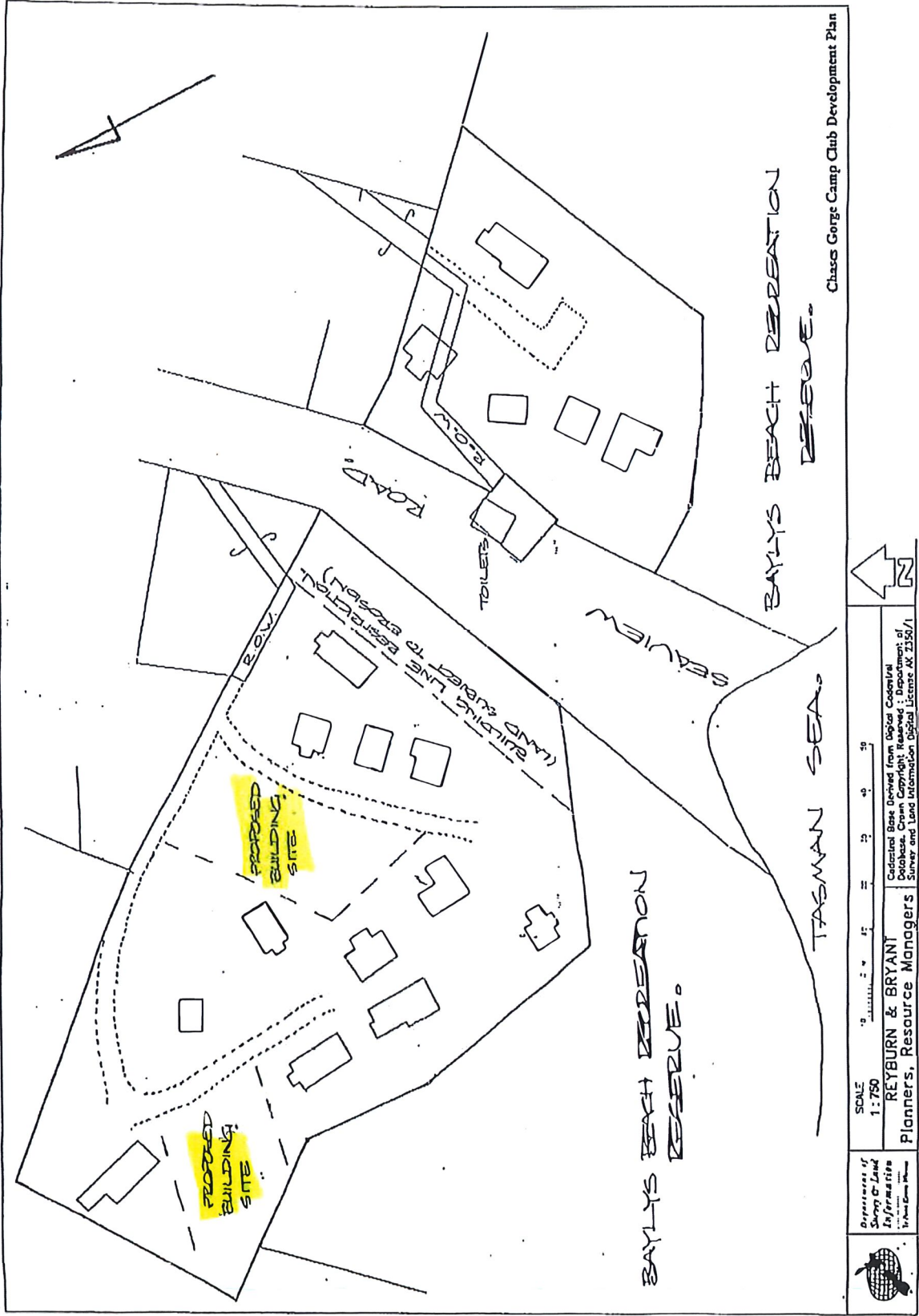
[Attachment D: Extracts from Hearings Report](#)

[Attachment E: Decision Letter plus half the Maps](#)



[Attachment F: Extract from the Operative Kaipara District Plan 2013](#)

[Attachment G: New version of Appendix 13.1](#)

Appendix 13.1 Chases Gorge Camp Club Proposed Building Site



Chases Gorge Camp Club Development Plan

| | | | |
|---|---|---|---|
|  | Depositors of Survey & Land Information Tasmania | SCALE 1:750 |  |
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