

24 January 2018

MEMORANDUM

File Reference: C18C/10200

FROM: Olivia Cook

TO: Andrew Parrish

SUBJECT: Recommended changes to the Canterbury Land and Water Regional Plan pursuant to Clause 20A of Schedule 1 to the Resource Management Act 1991 (RMA)

Clause 20A of Schedule 1 to the RMA states:

“A local authority may amend, without using the process in this schedule, an operative policy statement or plan to correct any minor errors”

The following amendments are recommended to correct minor errors in the Canterbury Land and Water Regional Plan (LWRP). Recommended deletions are shown in ~~strikethrough~~ and recommended insertions are shown in underline.

Location in Plan	Recommended correction	Reason for Correction
Definitions	<p>Wetlands includes:</p> <ol style="list-style-type: none"> 1. wetlands which are part... 2. natural ponds, swamps... 3. coastal wetlands above mean high water springs; but excludes: <u>but excludes:</u> <ol style="list-style-type: none"> (a) wet pasture or where... (b) artificial wetlands used... (c) artificial farm dams... (d) reservoirs for firefighting... 	<p>The definition of ‘wetland’ in the operative version of the LWRP contains a formatting error with respect to the location of the phrase ‘but excludes:’</p> <p>In the operative version of the LWRP, the phrase ‘but excludes’ has been incorrectly positioned at the end of point 3 of the definition. The effect of the error is it incorrectly constrains the circumstances under which the exceptions¹ referred to in the definition apply.</p> <p>The correct location of the phrase ‘but excludes:’ is after point 3 of the definition, as set out in the Council’s decisions on the LWRP which were approved and adopted by the Council on 13 August 2015.</p>

¹ Set out in clauses (a) to (d) of the definition

		The recommended correction will align the definition in the operative LWRP with the Council's decision.
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It is considered appropriate to use Clause 20A to Schedule 1 to the RMA to amend the Canterbury Land and Water Regional Plan for the following reasons:

- The Council has received legal advice which states that use Clause 20A of Schedule 1 to the RMA is appropriate.
- The recommended correction aligns the wording in the operative LWRP with the Council's decision on the LWRP
- The change will ensure the definition is interpreted in accordance with the principles of interpretation.²

Recommendation

The above changes as recommended by Environment Canterbury staff, are approved as corrections of a minor error under Clause 20A, and a copy of these changes is displayed on the Environment Canterbury Website.

Delegated Authority: Andrew Parrish, Regional Planning Manager

Signature:



Date: 24 January 2018

² Section 5 of the Interpretations Act (1999)