



MEMORANDUM

To: Fleur Matthews, Manager Policy and Planning
Through: Kerstin Strauss, Team Leader RPS, Air & Coast
From: Ify Ukonze, Policy Analyst, Policy and Planning
Date: 24 March 2025
Re: Recommended amendments to the Council’s decision on the proposed Otago Regional Policy Statement 2021, pursuant to Clause 16(2) of Schedule 1 to the Resource Management Act 1991

1.0 Introduction

Clause 16(2) of Schedule 1 to the Resource Management Act 1991 (RMA) states:

“A local authority may make an amendment, without using the process in this schedule, to its proposed policy statement or plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.”

2.0 Recommended Changes

The following corrections to minor errors and alterations of minor effect are recommended to the Council’s decision on the proposed Otago Regional Policy Statement 2021 (pORPS). Recommended deletions are shown with ~~strike through~~ and recommended insertions with underline.

Type of error	Location	Description of change	Reason
Minor correction	How the Policy statement works, Statutory Context, Resource Management Act 1991	Figure 2 <u>Figure 1</u>	The figure on page 10 is the first figure in the document (and always has been) and should be Figure 1.
Minor correction	Interpretation, Definitions – Commercial port activity	(b) Loading and unloading of goods and passengers carried by sea (expect <u>except</u> for loading and unloading of passengers at Ravensbourne);	Wording error.

Type of error	Location	Description of change	Reason
Alteration of minor effect	Interpretation, Definitions – Afforestation	(a) means planting and growing plantation <u>commercial</u> forestry trees on land where there is no plantation <u>commercial</u> forestry and where plantation <u>commercial</u> forestry harvesting has not occurred within the last 5 years; but	The definition of ‘afforestation’ in the pORPS was taken from regulation 3 (Interpretation) of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. The regulations were amended in 2023 and became the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (NESCF). The Amendment Regulations replaced the term ‘plantation forestry’ with ‘commercial forestry’ throughout the NESCF, including the definitions. This change needs to be reflected in the pORPS.
Alteration of minor effect	Interpretation, Definitions – Replanting	Means the planting and growing of plantation <u>commercial</u> forestry trees on land less than 5 years after plantation <u>commercial</u> forestry harvesting has occurred	As above, the definition of ‘replanting’ is from the NESCF, and the 2023 amendment replaced the term ‘plantation forestry’ with ‘commercial forestry’. This change needs to be reflected in the pORPS.
Alteration of minor effect	Interpretation, Definitions – Wilding conifer	means a self-established conifer species tree resulting from seed spread from plantation <u>commercial</u> forestry, shelter belts, amenity planting, or an already established wilding conifer species tree population	As above, the definition of ‘wilding conifer’ is from the NESCF, and the 2023 amendment replaced the term ‘plantation forestry’ with ‘commercial forestry’. This change needs to be reflected in the pORPS.
Alteration of minor effect	Abbreviations – NESPF	NESPF <u>NESCF</u> National Environmental Standards for Plantation <u>Commercial</u> Forestry 2017	As above, in 2023 the NES for Plantation Forestry was renamed the NES for Commercial Forestry.

Type of error	Location	Description of change	Reason
Alteration of minor effect	Interpretation, Definition – loss of values	<p><u>Loss of values has the same meaning as in clause 3.21(1) of the National Policy Statement for Freshwater Management 2020 (as set out in the box below)</u></p> <div style="border: 1px solid black; padding: 5px;"> <p><u>in relation to a natural inland wetland or river, means the wetland or river is less able to provide for the following existing or potential values:</u></p> <p><u>(a) any value identified for it under the NOF process; or</u></p> <p><u>(b) any of the following, whether or not they are identified under the NOF process:</u></p> <p><u>(i) ecosystem health</u></p> <p><u>(ii) indigenous biodiversity</u></p> <p><u>(iii) hydrological functioning</u></p> <p><u>(iv) Māori freshwater values</u></p> <p><u>(v) amenity values</u></p> </div>	<p>The definition is shown as recommended for deletion by the Panel as a consequential amendment, however the primary submission is not identified and elsewhere the Panel recommended accepting submissions seeking to retain the definition.</p> <p>The definition is used in LF-FW-P13 so should be retained.</p>
Alteration of minor effect	SRMR-I10A, Context, para 2	Socioeconomic socio-economic	The term is not consistent with national planning standards.
Minor correction	IM-M1	(1) establish, by December 2030, policy frameworks designed to achieve the objectives for Otago set out in IM-O1 to IM-O4,	The Hearings Panel recommended removing dates from the methods under clause 16(2) to mitigate the risk of being outdated or non-compliant.
Alteration of minor effect	IM-AER2	<i>Resilience</i> in the natural envrionment environment is resulting in sustainable social,	Spelling error.
Minor correction	CE-P9 (2A)	(2A) recognising and providing for the <i>functional needs and operational needs of infrastructure</i>	‘Functional needs’ and ‘operational needs’ are defined terms but are not italicised in the Decisions version.
Minor correction	CE-P12	(1A)(c) there are no practicable alternative methods of providing for the activity, <u>and</u>	Missing word.
Minor correction	CE-M3	Otago Regional Council must prepare or amend and maintain its regional plans no later than 31 December 2028 to:	The Hearings Panel recommended removing dates from the methods under clause 16(2) to mitigate the risk of being outdated or non-compliant.

Type of error	Location	Description of change	Reason
Minor correction	CE-M3(4)(d)(ii)	(ii) controlling the impacts of vegetation removal on sedimentation including the impacts of harvesting plantation <u>commercial</u> forestry, and	'Commercial forestry' is the term used in the NESCF as a result of a 2023 amendment to the regulations, instead of 'plantation forestry'.
Minor correction	CE-PR1, paragraph 2	A number of activities occur within or affect the coastal environment including urban development, recreational activities, transport infrastructure, port activities, <i>infrastructure</i> , energy generation and transmission, food production and other farming activities, plantation <u>commercial</u> forestry, rural industry and <i>mineral</i> extraction....	'Commercial forestry' is the term used in the NESCF as a result of a 2023 amendment to the regulations, instead of 'plantation forestry'.
Alteration of minor effect	LF-FW-08	In Otago's <i>water bodies</i> and their catchments; (5) The significant and outstanding values of Otago's <i>outstanding water bodies</i> are identified and protected.	Remove the colon (:) and numbering (5) and insert a comma.
Alteration of minor effect	LF-FW-P13	(2) (d) if aquatic offsetting or aquatic compensation is applied, any consent granted is subject to conditions that will ensure that the offsetting <u>offsetting</u> or compensation will be maintained and managed over time to achieve the conservation outcomes,	Spelling mistake.
Alteration of minor effect	LF-FW-P16	LF-FW-P16 – Discharges containing of wastewater, animal effluent, sewage, greywater and industrial and trade waste Minimise the adverse <i>effects</i> of direct and indirect <i>discharges</i> of wastewater, animal effluent, <i>sewage</i> , <i>greywater</i> and <i>industrial and trade waste</i> to <i>fresh water</i> by: (1) phasing out existing <i>discharges</i> of <i>wastewater</i> , <i>sewage</i> or <i>industrial and trade waste</i> directly to fresh water to the extent practicable, (2) requiring: (a) new <i>discharges</i> of <i>wastewater</i> , <i>sewage</i> or <i>industrial and trade waste</i> to be to land, unless: ...	Minor correction to policy title so that it mirrors the scope of the policy described in the chapeau. Italicising 'discharges', 'wastewater', 'sewage' and 'industrial and trade waste' in clauses (1) and (2)(a) because they are defined in the pORPS.
Minor correction	LF-LS-M12	Territorial authorities must prepare or amend and maintain their district plans no later than 31 December 2026 to:	The Hearings Panel recommended removing dates from the methods under clause 16(2) to mitigate the risk of being outdated or non-compliant.
Minor correction	ECO-M4A	<u>(1)</u> Otago Regional Council must: (1a) assess the percentage of indigenous vegetation cover in: (a) each of its urban	Structure of method is inconsistent with the rest of the RPS and does not comply with the formatting

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		<p>environments; and (b)j its non-urban environments (2b) the assessment may be done by a desktop analysis, by ground truthing, or both, and must be done in collaboration with relevant territorial authorities, and <i>mana whenua</i> (to the extent they wish to be involved), (3c) set a target of at least 10% indigenous vegetation cover for any urban or non-urban environment that has less than 10% cover of indigenous vegetation, and (a)j consider, in consultation with <i>mana whenua</i> and territorial authorities, setting higher targets for urban and non-urban environments that already have at least 10% coverage of indigenous vegetation, and (b)j include any indigenous vegetation cover targets in their regional policy statements, and (2) Local authorities must: (1a) promote the increase of indigenous vegetation cover in their regions and districts through objectives, policies, and methods in their policy statements and plans: (a)j having regard to any targets set under ECO-M4A(3); and (b)j giving priority to all the following: (1)j areas referred to in ECO-P8(4): (1)j ensuring <i>indigenous species</i> richness appropriate to the ecosystem: (1)j restoration at a landscape scale across the region; and (1)j using species, and seed from species,</p>	<p>standards in the National Planning Standards.</p>

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		that are local to the area.	
Minor correction	Description of the region EIT-EN-O1 EIT-EN-O2A EIT-EN-P5 EIT-EN-AER1 EIT-EN-AER3	Renewable energy <u>electricity generation</u>	The Decisions version of the pORPS mistakenly refers to 'renewable energy generation' – the Hearings Panel Report refers to 'renewable electricity generation'. It has been corrected in some areas but yet to be corrected in these provisions.
Minor correction	EIT-EN-P16(1)	providing for the effective operation, maintenance, upgrading and development of the <i>National Grid</i> development of, and upgrades to, the electricity transmission network and requiring, as far as reasonably practicable, its integration with <i>land</i> use,	The Hearings Panel removed the additional text but this change is not reflected in the Decisions version.
Minor correction	HAZ-NH-P9	Protect the <i>functional needs</i> and <i>operational needs</i> of hazard mitigation measures, <i>lifeline utilities</i> , and essential or emergency services, including by:	Missing word.
Minor correction	HCV-WT-M2(1)	(1) control <u>manage</u> activities in, or adjacent to <u>affecting</u> , wāhi tūpuna sites and areas,	The hearings panel accepted the changes as recommended in the S.42A report but it was not carried through to the Decisions version.
Minor correction	APP2	The assessment must be done using the assessment criteria in <u>this</u> Appendix 1 and in accordance with the following principles: ... (e) consistency: the criteria in <u>this</u> Appendix 1 are applied consistently, regardless of who owns the land:	APP2 was copied from the NPSIB, where it is Appendix 1, but the cross-references were not updated.
Minor correction	APP2 (f)	significant <i>habitat</i> # <u>of</u> indigenous fauna	Correcting wording error. Note this wording is from NPSIB clause 3.8(2)(f)
Minor correction	APP2(1)(2)	If an area would quality <u>qualify</u> as an SNA solely on the grounds that it provides <i>habitat</i> for a single indigenous fauna species that is At Risk (declining), and that the species is widespread in at least three other regions, the area does not quality <u>qualify</u> as an SNA unless:	Correcting wording error. Note this wording is from NPSIB Appendix 1(1)(2)
Minor correction	APP2(2)	(1) The context for an assessment of an area is:	Correcting a misspelled term and formatting (so that

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		(a) its ecological district; and (b) for the rarity <u>rarity</u> assessment only, its ecological district, its region and the national context.	(a) and (b) appear on new lines rather than as a single sentence attached to (1)).
Minor correction	APP2(A)(7)	under this criterion has at lea <u>least</u> one of the following attributes:	Correcting an error.
Minor correction	APP2(B)(1)	expected range of diversity and patter <u>pattern</u> of biological	Correcting an error.
Minor correction	APP2(B)(5)(a)	at least a moderate diversity of indigenous species-, vegetation, <i>habitats</i> of indigenous fauna or communities in the context of the <i>ecological district</i> :	Deleting space between 'species' and the comma.
Minor correction	APP2(C)(1)	Rarity and distinctiveness is the presence of rare or distinctive indigenous taxa, <i>habitats</i> of indigenous fauna, indigenous vegetation or ecosystems.	Add missing full stop at the end of the sentence.
Minor correction	APP2(C)(2)	indigenous elements: species, habits <u>habitats</u> , vegetation	Correcting an error. Note this wording is from NPSIB Appendix 1(C)(2)
Minor correction	APP2(C)(5)	relict distributions and species <u>special</u> ecological or scientific features.	Correcting an error. Note this wording is from NPSIB Appendix 1(C)(5)
Minor correction	APP3 chapeau	<i>An applicant is to comply with principles 1 to 6 and have regard to the remaining principles as appropriate.</i> <u>An applicant is to comply with principles 1 to 6 and have regard to the remaining principles as appropriate.</u>	Italics in error.
Minor correction	APP3	5. Leakage: Aquatic offset design and implementation avoids displacing <u>harm</u> hard to other locations (including harm to existing biodiversity at the offset site).	Correcting an error.
Minor correction	APP4 chapeau	<i>An applicant is to comply with principles 1 to 6 and have regard to the remaining principles as appropriate.</i> <u>An applicant is to comply with principles 1 to 6 and have regard to the remaining principles as appropriate.</u>	Italics in error.
Minor correction	APP4(2)(b)	effects on <i>indigenous biodiversity</i> are uncertain, unknown, or a-little understood,	Correcting an error. Note the wording is from NPSIB appendix 4(2)(b)
Minor correction	APP4(2)(c)-(f)	(c) there are no technically feasible options by which to secure a proposed net gain within acceptable timeframes-; (d) the loss from an ecological district of Threatened taxa, other than kanuka (<i>Kunzea robusta</i> and <i>Kunzea serotina</i>), under the New Zealand Threat	Incorrect punctuation at end of each item, replace with semicolon.

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		Classification System (Townsend et al, 2008); or , (e) removal or loss of viability of the <i>habitat</i> of a Threatened <i>indigenous species</i> of fauna or flora under the New Zealand Threat Classification System (Townsend et al, 2008); i (f) removal or loss of health and <i>resilience</i> of a naturally uncommon ecosystem type that is associated with <i>indigenous vegetation</i> or <i>habitat</i> of indigenous fauna; i	
Minor correction	APP4(6)	<i>Biodiversity compensation</i> is managed <u>managed</u>	Correcting an error.
Minor correction	APP4(7)	<i>habitats</i> , and ecosystems,	Removal of comma. Note the wording is from NPSIB appendix 4(7)
Minor correction	APP4(9)	When trading up forms part of <i>biodiversity compensation</i> ,	Italics missing for this defined term.
Minor correction	APP4(13)	The design and implementation of <i>biodiversity compensation</i> ,	Italics missing for this defined term.

3.0 Rationale

It is considered appropriate to use Clause 16(2) of Schedule 1 to the RMA to amend the pORPS for the following reasons:

- The recommended amendments are made for the purpose of correcting minor errors, or for the purposes of clarity where that alteration is of minor effect. These changes do not alter the substance, intent or application of these provisions in any material way; and
- The recommended amendments are of neutral effect and do not prejudice the rights of any person that made a submission on these provisions.

4.0 Recommendation

Approve the changes in the table above as minor corrections under Clause 16(2) of Schedule 1 of the RMA, and direct staff to display a copy of these changes on the Otago Regional Council's website.

Delegated Authority: Fleur Matthews, Manager Policy and Planning

Signature:



Date: 24 March 2025