

Proposed Otago Regional Policy Statement 2021

**Addendum to the
Report and recommendations of the Non-Freshwater and
Freshwater Hearings Panels to the Otago Regional Council**

27 MARCH 2024

1. Errors in Hearing Panel report documents

1. The purpose of this addendum to the Panel’s reports is to outline errors that have been discovered subsequent to the Panel’s recommendations being sent to Council, to identify the corrections that are needed and to provide an explanation of those corrections.
2. In the course of finalising the ‘clean’ version of the Proposed Otago Regional Policy Statement (PORPS), we have identified a number of minor corrections that need to be made to the Hearing Report documents. These are listed in Tables 1 and 2 below. Where they relate to the tracked changes version of the PORPS, we have included them in the revised tracked changes version attached.

Table 1: Corrections to the Panel’s report

Report section	Correction needed
Table of contents	References to the following appendices to be added: Appendix Three: Hearing Panels’ Recommended Proposed Otago Regional Policy Statement 2021 (clean version) Appendix Four: Hearing Panels’ Recommended Proposed Otago Regional Policy Statement 2021 (tracked changes version) Appendix Five: Non-Freshwater Hearing Panel’s recommendations for decisions on submissions and reasons Appendix Six: Freshwater Hearing Panel’s recommendations for decisions on submissions and reasons
Prologue for the Non-Freshwater and Freshwater reports – reference to Appendix Five and Appendix 6	Add the following paragraphs after paragraph 47: Appendix Five is a series of tables setting out the Non-Freshwater Hearing Panel’s recommendations for decisions on submissions and reasons. We recommend that submissions on provisions and matters in the non-freshwater parts of the PORPS are accepted or rejected wholly or in part as set out in Appendix Five. Appendix Six is a series of tables setting out the Freshwater Hearing Panel’s recommendations for decisions on submissions and reasons. We recommend that submissions on provisions and matters in the non-freshwater parts of the PORPS are accepted or rejected wholly or in part as set out in Appendix Six.
Appendix One: Report by the Non-Freshwater Hearings Panel Section 9: Ecosystems and indigenous biodiversity (ECO)	Add the following two bullet-points (in alphabetical order) to the list in paragraph 71: <ul style="list-style-type: none"> • Highly mobile fauna area • Specified highly mobile fauna (with an amendment to refer to APP12 rather than Appendix 2 of the NPS IB)

Table 2: Corrections to Appendix Four (tracked changes version of PORPS)

Provision	Previous wording	Correction needed	Explanation
Definition of ecological district (page 25)	<u>has the same meaning as in the Interpretation section of the National Policy Statement for Indigenous Biodiversity 2023, adapted to apply to the Otago context (as set out in the box below): means; the ecological districts as shown in McEwan, W Mary (ed), 1987. Ecological regions and districts of New Zealand. Wellington: Department of Conservation. (a) in relation to geothermal ecosystems in the Taupō Volcanic Zone, the Taupō Volcanic Zone; and (b) for all other areas, the ecological districts as shown in McEwan, W Mary (ed), 1987. <i>Ecological regions and districts of New Zealand</i>. Wellington: Department of Conservation.</u>	<u>has the same meaning as in the Interpretation section of the National Policy Statement for Indigenous Biodiversity 2023, adapted to apply to the Otago context (as set out in the box below): means: the ecological districts as shown in McEwan, W Mary (ed), 1987. <i>Ecological regions and districts of New Zealand</i>. Wellington: Department of Conservation.</u>	The Panel intended for the definition to be adjusted to apply to the Otago context.
Definition of food and fibre production (page 29)	n/a	Add footnote citing submission 00235.008 OWRUG	New definition did not have a reference providing a reason for the change.
Definition of highly mobile fauna area (page 31)	n/a	Add definition of highly mobile fauna area: <u>has the same meaning as in the Interpretation in the National Policy Statement for Indigenous Biodiversity 2023 (as set out in the box below) means an area outside an SNA that is an area used intermittently by <i>specified highly mobile fauna</i></u>	Definition of highly mobile fauna area omitted from Panel report.
Definition of limit (page 36)	<u>n/a</u>	Add footnote citing submission 00230.125 Forest & Bird	New definition did not have a reference providing a reason for the change.
Definition of rural industry (page 49)	<u>has the same meaning as in Standard 14 of the National Planning Standards 2019 (as set out in the box below)</u>	<u>has the same meaning as in Standard 14 of the National Planning Standards 2019 (as set out in the box below)</u>	Spelling mistake in 'dependent', and last word of definition missing

Provision	Previous wording	Correction needed	Explanation
	means an industry or business undertaken in a rural <u>environment</u> that directly supports, services, or is dependant on <u>primary</u>	means an industry or business undertaken in a rural <u>environment</u> that directly supports, services, or is dependent on <u>primary production</u>	
Definition of specified highly mobile fauna (page 50)	n/a	Add definition of specified highly mobile fauna: <u>has the same meaning as in the Interpretation in the National Policy Statement for Indigenous Biodiversity 2023, except that reference to Appendix 2 is amended to APP12 (as set out in the box below):</u> <u>means the <i>Threatened or At Risk species</i> of highly mobile fauna that are identified in APP12.</u>	Definition of specified highly mobile fauna omitted from Panel report.
MW-P2 (page 84)	(8A) <u>recognising and providing for mātauraka and tikaka in environmental and resource management</u> (9) <u>regional plans recognising and providing for aquaculture settlement outcomes identified under the Māori Commercial Aquaculture Claims Settlement Act 2004.</u>	(8A) <u>regional plans and district plans recognising and providing for aquaculture settlement outcomes identified under the Māori Commercial Aquaculture Claims Settlement Act 2004, and</u> (8B) <u>recognising and providing for mātauraka and tikaka in environmental and resource management.</u>	Errors in transcribing from Panel report and Reply report. Provisions swapped and numbering adjusted.
MW-P4 (page 84)	MW-P4 – Sustainable use of Māori land <u>Native Reserves and Māori land</u>	MW-P4 – Sustainable use of Māori land <u>Native Reserves and Māori land</u>	Title has crossed out 'of' which should be retained.
MW-M5 (page 87)	(3) incorporate active protection of areas and resources recognised in the NTCSA 1998 , and natural (4) <u>provide for the outcomes of settlements under the Māori Commercial Claims Aquaculture Settlement Act 2004.</u>	(3) incorporate active protection of areas and resources recognised in the NTCSA 1998 , and (4) <u>provide for the outcomes of settlements under the Māori Commercial Claims Aquaculture Settlement Act 2004.</u>	Word 'natural' between (3) and (4) not meant to be there.

Provision	Previous wording	Correction needed	Explanation
SRMR-I3 Economic, 2nd paragraph (page 98)	Pests also adversely affect tourism through loss of landscape values (e.g. wilding <u>consifers</u> pin es)	Pests also adversely affect tourism through loss of landscape values (e.g. <i>wilding <u>conifers</u></i> pin es)	Correct spelling mistake in 'conifers'.
RMIA-WTU, Context, last bullet point (page 122)	Mauka (mountains), <u>awa (rviers)</u> , <u>roto (lakes)</u> , <u>tai (coasts)</u> and moana (seas)	Mauka (mountains), <u>awa (rivers)</u> , <u>roto (lakes)</u> , <u>tai (coasts)</u> and moana (seas)	Correct spelling mistake in 'rivers'.
RMIA-CE-I2 (page 127)	<ul style="list-style-type: none"> Oil and chemical spills negatively affecting the natural environment Indiscriminate Inappropriate disposal of human wastes, including indiscriminate <u>discharge of human ashes in sensitive areas such as kaimoana areas, or without the knowledge of <i>takata whenua</i>, and discharge of washdown wastes from mortuaries and funeral homes to coastal waters through stormwater drains.</u> 	<ul style="list-style-type: none"> Oil and chemical spills negatively affecting the natural environment. Indiscriminate Inappropriate disposal of human wastes, including indiscriminate <u>discharge of human ashes in sensitive areas such as kaimoana areas, or without the knowledge of <i>takata whenua</i>, and discharge of washdown wastes from mortuaries and funeral homes to coastal waters through stormwater drains.</u> 	Full-stop missing in second to last bullet point. Correct spelling mistake in 'coastal'.
CE-O1A (page 147)	The mauri, health and well-being of Otago's <u>coastal water is:</u>	<u>The health of Otago's coastal water is:</u>	As a new provision, the strike-through is not required in the tracked changes version.
CE-P13 (5) (page 156)	(5) incorporating mātauraka Maōri in the management and monitoring of activities in the coastal environment.	(5) incorporating mātauraka Māori in the management and monitoring of activities in the coastal environment.	Correct spelling of 'Māori'.
UFD-P7 (page 198)	(3) prioritises land-based primary production particularly on land or soils identified as on highly productive land in accordance with LF-LS-P19, except as provided for in (5) below,	(3) <u>prioritises land-based primary production particularly on land or soils identified as highly productive land in accordance with LF-LS-P19 the NPS-HPL, except as provided for in (5) below,</u>	Errors in transcribing from Panel report and Reply report.

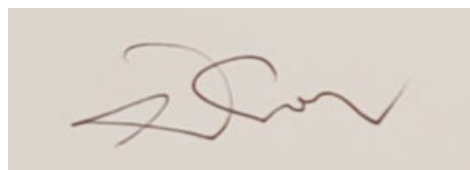
Provision	Previous wording	Correction needed	Explanation
UFD-P8 (page 199)	The establishment, development or expansion of rural lifestyle and rural residential zones development	The establishment, development or expansion of rural lifestyle and rural residential zones development only occurs where:	Words omitted during transcription.
ECO-M7A (page 221)	<p><u>Local authorities must partner with Kāi Tahu in the management of indigenous biodiversity to the extent desired by mana whenua, including by:</u></p> <p>(1A) <u>ensuring that engagement with mana whenua is early, meaningful, and in accordance with tikanga Māori,</u></p> <p>(1) <u>actively supporting the role of mana whenua as kaitiaki,</u></p> <p>(2) <u>facilitating opportunities for mana whenua to be involved in resource management (including decision-making),</u></p> <p>(3) <u>enabling the mahika kai practices of mana whenua in accordance with tikaka, including the customary use of identified taoka,</u></p> <p>(4) <u>supporting mana whenua initiatives that contribute to restoring or enhancing te hauora o te kaiora (the health of indigenous biodiversity),</u></p> <p>(5) <u>where appropriate, incorporating Kāi Tahu mātauraka and tikaka in indigenous biodiversity management and monitoring, and</u></p>	<p><i>Local authorities</i> must partner with Kāi Tahu in the management of <i>indigenous biodiversity</i> to the extent desired by <i>mana whenua</i>, including by:</p> <p>(1) ensuring that engagement with mana whenua is early, meaningful, and in accordance with tikanga Māori,</p> <p>(2) actively supporting the role of <i>mana whenua</i> as kaitiaki,</p> <p>(3) facilitating opportunities for <i>mana whenua</i> to be involved in resource management (including decision-making),</p> <p>(4) enabling the <i>mahika kai</i> practices of <i>mana whenua</i> in accordance with tikaka, including the customary use of identified taoka,</p> <p>(5) supporting <i>mana whenua</i> initiatives that contribute to restoring or enhancing te hauora o te kaiora (the health of <i>indigenous biodiversity</i>),</p> <p>(6) where appropriate, incorporating Kāi Tahu mātauraka and tikaka in <i>indigenous</i></p>	Correct numbering of new method (no change to text), italicise 'local authorities'.

Provision	Previous wording	Correction needed	Explanation
	(6) <u>providing relevant information to <i>mana whenua</i> for the purposes of <i>indigenous biodiversity</i> management and monitoring.</u>	<u><i>biodiversity</i> management and monitoring,</u> <u>and</u> (7) <u>providing relevant information to <i>mana whenua</i> for the purposes of <i>indigenous biodiversity</i> management and monitoring.</u>	
ECO-M7B(2) (page 222)	(g) <u>if <i>biodiversity offsetting</i> is proposed, set out:</u> (i) <u>a detailed plan of what is proposed, including a quantified loss and gain calculation, the currency used in the calculation, and the data that informs the calculation and plan; and</u> (ii) <u>a description of how the relevant principles in APP4 have been addressed; and</u> (iii) <u>an assessment of the likely success of the plan in achieving a net gain in biodiversity values; and</u> (h) <u>if <i>biodiversity compensation</i> is proposed, set out:</u> (i) <u>a detailed plan of what is proposed; and</u> (ii) <u>a description of how the relevant principles in Appendix 4 of this National Policy Statement have been addressed; and</u> (iii) <u>an assessment of the likely success of the plan in achieving its outcomes.</u>	(g) <u>if <i>biodiversity offsetting</i> is proposed, set out:</u> (i) <u>a detailed plan of what is proposed, including a quantified loss and gain calculation, the currency used in the calculation, and the data that informs the calculation and plan; and</u> (ii) <u>a description of how the relevant principles in APP3 have been addressed; and</u> (iii) <u>an assessment of the likely success of the plan in achieving a net gain in biodiversity values; and</u> (h) <u>if <i>biodiversity compensation</i> is proposed, set out:</u> (i) <u>a detailed plan of what is proposed; and</u> (ii) <u>a description of how the relevant principles in APP4 have been addressed; and</u> (iii) <u>an assessment of the likely success of the plan in achieving its outcomes.</u>	Correct referencing to appendices in g(ii) [from APP4 to APP3] and (h) (ii) [from Appendix 4 of NPSIB to APP4].
ECO-E1 paragraph 3 (page 224)	n/a	Footnote added: Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00411.006 Wayfare, 00137.084 DOC (insertion of new LF-LS-P16A)	Deletion did not have a reference providing a reason for the change.
EIT-INF-PR2, paragraph 2 (page 232)	The scale and type of activities involved in the development, operation, maintenance, and upgrading of <i>infrastructure</i> are such that	The scale and type of activities involved in the development, operation, maintenance, and upgrading of <i>infrastructure</i> are such that	The change had been made but without underlining. Underlining

Provision	Previous wording	Correction needed	Explanation
	adverse <i>effects</i> on the <i>environment</i> are likely and, at times, significant. Efforts are required to reduce impacts from <i>infrastructure</i> , by avoiding its location in areas that are important to Otago, where this is practicable, particularly where alternatives are available.	adverse <i>effects</i> on the <i>environment</i> are likely and, at times, significant. Efforts are required to reduce impacts from <i>infrastructure</i> , by avoiding its location in areas that are important to Otago, <u>where this is practicable</u> , particularly where alternatives are available.	required for ' <u>where this is practicable</u> '.
APP4A (page 309)	n/a	Add APP4A	APP4A missing from tracked changes version.
APP4B (page 311)	n/a	Add APP4B	APP4B missing from tracked changes version.
APP11 (page 322)	n/a	Add APP11	APP11 missing from tracked changes version.
APP12 (page 327)	n/a	Add APP12	Reference to APP12 and definition of highly mobile fauna omitted from Panel report.
MAP0 (page 330)	n/a	Add MAP0 series	MAP0 missing from tracked changes version
MAP1 (page 355)	n/a	Add footnote citing Clause 49(2)(b), Schedule 1, RMA	Change to MAP1 did not have a reference providing a reason for the change.

3. The Panel recommends that you accept these additional changes and update the relevant reports accordingly.

For the Hearing Panels:



Ron Crosby
Chair

Proposed Otago Regional Policy Statement Hearings Panel, and Freshwater Hearings Panel

Dated 27 March 2024