



MEMORANDUM

To: Fleur Matthews, Manager Policy and Planning
Through: Kerstin Strauss, Team Leader RPS, Air & Coast
From: Tanith Robb, Senior Policy Advisor, Policy and Planning
Date: 5 December 2024
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 ~~striketrough~~ and recommended insertions with underline.

Type of error	Location	Description of change	Reason
Minor correction	Description of the region, Water bodies	Wanaka <u>Wānaka</u> Whakatipu-wai-māori <u>Waimāori</u> <u>Te Wairere/Dunstan</u>	Corrected te reo names from the Hearing Panel’s Report have not been carried through to the decisions version.
Minor correction	SRMR-I2, Statement	...the potential for renewable energy <u>electricity</u> generation.	The Decisions version of the pORPS mistakenly refers to ‘renewable energy generation’ – the hearings Panel Report refers to ‘renewable electricity generation’.

Type of error	Location	Description of change	Reason
Minor correction	SRMR-I3, Statement	contaminant <u>containment</u> zone	Error in wording
Minor correction	SRMR-I10A, Context, para 2	can have an adverse socioeconomic consequences.	Superfluous word
Minor correction	IM-O4, IM-P10, IM-P12 (title), UFD-O1	Italicise the term “climate change adaptation”	The term is defined in the pORPS and therefore the reference should be italicised.
Minor correction	IM-O4, IM-P10 (title), IM-P12 (title), LF-VM-O2, UFD-O1	Italicise the term “climate change mitigation”	The term is defined in the pORPS and therefore the reference should be italicised.
Minor correction	AIR-P2(2)	(2) prioritising actions to reduce PM10 and PM2.5 concentrations in polluted airsheds, including: (a) phasing out existing domestic solid fuel burning appliances, and (b) preventing any discharges from new domestic solid fuel burning appliances ____ that do not comply with the standards set in the NESAQ.	The final line of the Policy, which applies to both (a) and (b), was incorrectly added to the end of (b) in the decisions version.
Minor correction	CE-P9(7)	(7) enabling mana whenua to provide for their cultural and social needs for papakāinga <u>papakāika</u> , marae and associated developments and make appropriate provision for them.	Dialectal spelling of ‘k’ for ‘ng’ – for consistency with the rest of the pORPS.
Alteration of minor effect	CE-M5(9)	(a) encourages the natural regeneration of indigenous species, <u>or</u> (b) buffers or links ecosystems, habitats and areas of significance that contribute to ecological corridors, <u>or</u> (c) maintains or enhances the provision of indigenous ecosystem services, <u>or</u> (d) benefits mahika kai and kaimoana species or customary fisheries areas, or (e) will lead to the improvement of areas of deteriorated water quality, and	(a) to (e) are not inclusive and therefore ‘or’ is required after each clause
Alteration of minor effect	LF-VM-O3	(1A) the national significance of the Waitaki hydroelectricity generation scheme is recognised, <u>and</u> (3) healthy riparian margins, wetlands, estuaries and lagoons support the health of downstream coastal ecosystems ₂ .	Missing conjunction and grammatical error

Type of error	Location	Description of change	Reason
Alteration of minor effect	LF-VM-O5(3)	(3) healthy riparian margins, wetlands, estuaries and lagoons support the health of downstream coastal ecosystems, <u>and</u>	Missing conjunction
Minor correction	LF-FW-P6A(1)	over_time	Space missing between 'over' and 'time'
Minor correction	LF-FW-P8(3)	{i} (a) {ii} (b)	Sub-clause numbering not consistent with Planning Standards
Minor correction	LF-LS-O11	The availability and <u>productive capacity</u> of <u>highly productive land</u> for <u>primary production</u> is protected now and for future generations.	'productive capacity' and 'highly productive land' are not italicised and should be, because they are terms defined in the RPS
Minor correction	LF-LS-P19	<u>productive capacity</u> <u>highly productive land</u>	'productive capacity' and 'highly productive land' are not italicised throughout this policy and should be, because they are terms defined in the RPS
Minor correction	UFD-P8(3) (in LF-LS chapter)	(3) it minimises impacts on existing or anticipates <u>d</u> primary production, rural industry and other rural activities and the potential for reverse sensitivity effects.	Grammatical error
Minor correction	LF-LS-M11A(2)	(2) Otago Regional Council must include maps of the highly productive land identified in accordance with (1) in the Regional Policy Statement by the date specified in the NPSHPL National Policy Statement for Highly Productive Land .	Title used rather than the acronym
Alteration of minor effect	ECO-M2(5)(e)	(e) limestone habitats, <u>and</u>	Grammatical error, delete full stop and add comma and 'and'
Alteration of minor effect	EIT-INF-P13(2)(a)(iv)(I) and (II)	(I) remedied or mitigated to the extent practicable, <u>and</u> (II) where they cannot be practicably remedied or mitigated, regard shall be had to offsetting and/or compensation of more than minor residual adverse effects, <u>and</u>	Grammatical errors, delete full stop and add comma and 'and'
Alteration of minor effect	EIT-INF-AER7	<u>Nationally significant infrastructure</u> and <u>regionally significant infrastructure</u> is protected from adverse effects, including reverse sensitivity effects caused by incompatible activities	"Nationally" is italicised but not defined. The defined term is "nationally significant infrastructure" and therefore 'significant infrastructure' has been added.

Type of error	Location	Description of change	Reason
Alteration of minor effect	EIT-EN-P16(6)	(6) in rural areas, seeking to avoid adverse effects in areas of high natural character and areas of high recreation value and amenity, and, where this is not practicable, applying EIT-INF-P13(2)(a)(iv), and	Grammatical error
Alteration of minor effect	EIT-TRAN-M8	(7) require the design of transport infrastructure to provide for multi-modal transport options in urban areas, and in rural lifestyle locations where there is a practical opportunity to connect with an existing transport infrastructure network.	Remove duplication - (7) is the same as (3A)
Alteration of minor effect	HAZ-NH-P2	Within areas identified under HAZ-NH-P1 as being <u>subject</u> to natural hazards, assess natural hazard risk as significant, tolerable, or acceptable by determining a range of natural hazard event scenarios and their potential consequences in accordance with the criteria set out within APP6.	Missing word
Alteration of minor effect	HAZ-NH-P9	Protect the <i>functional needs</i> and <i>operational needs</i> of hazard mitigation measures, lifeline utilities, and essential or emergency services, including by:	Missing word
Minor correction	HAZ-NH-M1(2)(d)	(d) continually monitoring natural hazard risk to understand how levels of natural hazard risk change <u>over time</u> , and where required, update the natural hazard mapping areas identified in 2(b) and (c) above,	Space missing between 'over' and 'time'
Alteration of minor effect	HAZ-NH-M2(1)(a)	(a) consulting with communities, stakeholders and Kāi Tahu, including with local authorities in neighbouring regions partners regarding risk levels thresholds,	Superfluous word
Alteration of minor effect	HCV-HH-O3	Otago's unique historic heritage contributes to the region's character, sense of identity, and social, cultural and economic well-being, and people's understanding and appreciation of it is enhanced, and that it is protected for future generations against inappropriate subdivision, use and development.	Superfluous word

Type of error	Location	Description of change	Reason
Alteration of minor effect	UFD-P3(3) and (5)	(3) enables heights and densities that meets the greater of demonstrated demand for housing and/or business use or the level of accessibility provided for by existing or planned active transport or public transport, <u>and</u> (5) addresses issues of concern to iwi and hapū, including those identified in any relevant iwi planning documents ₂	Missing word – ‘and’ and grammatical error (comma rather than a full stop).
Alteration of minor effect	UFD-P4	Expansion of existing urban areas may occur where ₂ at a minimum ₂ the expansion: (5) manages adverse effects on other values or resources identified by this RPS that require specific management or protection, <u>and</u>	Grammatical error (a comma is missing) and missing word ‘and’
Alteration of minor effect	APP2 title	APP2 – Criteria for identifying areas that qualify as indigenous <u>significant</u> natural areas (SNAs)	Wrong terminology used
Alteration of minor effect	AIR-P1(2)	(2) where limits, including ambient air quality standards and guidelines, have not been set, only allowing discharges to air if the adverse effects on ambient air quality are avoided, remedied or mitigated no more than minor .	Superfluous wording – The Hearings Panel added “avoided, remedied or mitigated” and deleted “no more than minor” but this change is not reflected in the Decisions version.

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. These changes do not materially alter the substance, intent or application of these provisions; 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:

A handwritten signature in blue ink that reads "J. Matthews". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Date: 5 December 2024