

19 December 2017

MEMORANDUM

FROM: Lisa Jenkins

TO: Andrew Parrish

SUBJECT: Changes to be made to the Canterbury Air Regional Plan – Te mahere ā-rohe mō te hau o Waitaha pursuant to Clause 20A of Schedule 1 to the Resource Management Act 1991 (RMA)

The Canterbury Air Regional Plan – Te mahere ā-rohe mō te hau Waitaha (the Air Plan) was made operative on 31 October 2017. It has since been identified that the operative Plan contains an error.

Rules 7.63 and 7.64 are drop-out rules that apply where conditions of a number of preceding permitted activity rules are not met. The decisions version of the Air Plan made reference to a condition that is common amongst the permitted activity rules that was numbered condition 1A in all relevant rules in the decisions version.

In preparing the Air Plan to be made operative, all numbering was made consistent and condition 1A was renumbered condition 1 in the relevant rules. As a result, Rules 7.63 and 7.64 inadvertently refer to condition 1 of some rules that the decisions never intended those rules to reference.

This is not consistent with the Council decisions, and was an unintended error that occurred as a result of provision re-numbering in the preparation of the operative document.

The authority to correct minor errors or make alterations of minor effect to an operative plan without using the process described in Schedule 1 to the Resource Management Act 1991 is provided in Clause 20A) of Schedule 1.

Clause 20A of Schedule 1 of the 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 recommendation below identifies those alterations of minor effect and corrections that are to be made to the Air Plan prior to the plan being made operative. Deletions are shown in strikethrough and insertions in underline.

It is considered appropriate to use Clause 20A to Schedule 1 to the RMA to amend the Canterbury Air Regional Plan – Te mahere ā-rohe mō te hau o Waitaha for the following reasons:

- **The alterations are of minor effect. The alterations reflect the Council decisions, and do not prejudice the rights of any person that made a submission on these provisions.**

Recommendation

The following corrections (deletions shown in ~~striketrough~~ and additions shown in underline), are approved as changes of minor effect under Clause 20A, and a copy of these changes is displayed on the Environment Canterbury Website:

7.63 The discharge of contaminants into air:

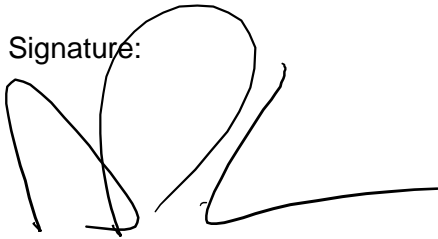
1. that does not comply with one or more of the conditions of Rules 7.47 to 7.62, excluding condition 1 of Rules 7.47, 7.48, 7.49, 7.50 7.51, 7.55, 7.59 and 7.62; or
2. that is from an industrial or trade premise and is not managed by Rules 7.47 -7.62;

and is not a prohibited activity, is a discretionary activity.

7.64 The discharge of contaminants into air that does not comply with condition 1 of Rules ~~7.47 -7.62~~ 7.47, 7.48, 7.49, 7.50 7.51, 7.55, 7.59 and 7.62 is a non-complying activity.

Delegated Authority: Andrew Parrish, Regional Planning Manager

Signature:

A handwritten signature in black ink, appearing to be 'AP', written over a horizontal line.

Date: 19 December 2017