

Public Notice

6 July 2020

OTAGO REGIONAL COUNCIL OMNIBUS PLAN CHANGE

Plan Change 8 (Water Quality) to the Regional Plan: Water for Otago

Plan Change 1 (Dust Suppressants and Landfills) to the Regional Plan: Waste for Otago

On 8 April 2020, the Minister for the Environment issued a direction under section 142(2) of the Resource Management Act 1991 (RMA) to refer the Otago Regional Council's Omnibus Plan Change to the Environment Court for decision.

In accordance with section 149C of the RMA, the Environmental Protection Authority (EPA) gives notice of the Minister's Direction and the plan changes.

The Omnibus Plan Change

The Omnibus Plan Change, also known as the Water Quality Plan Change, comprises:

- Plan Change 8 (Discharge Management) to the Regional Plan: Water for Otago; and
- Plan Change 1 (Dust Suppressants and Landfills) to the Regional Plan: Waste for Otago.

The Omnibus Plan Change introduces a range of amendments targeting specific issues or activities known to be contributing to water quality issues in parts of Otago.

Among other things, the plan changes will improve water quality provisions relating to discharges in various situations including landfill management and on farm storage of farm dairy effluent (for the first time in Otago), and will prohibit the use of waste oil as a dust suppressant.

NB: These plan changes will have legal effect from 6 July 2020 in accordance with section 86B(3) of the RMA.

Where the information can be viewed

The Minister's direction and documents describing the Omnibus Plan Change can be viewed on the EPA website: www.epa.govt.nz/ORCplanchanges. The information can also be viewed at the following premises – note that the opening hours of these premises may change in response to the COVID-19 pandemic response alert levels:

- the EPA Office Reception;
- all Otago Regional Council offices (Alexandra, Dunedin, Queenstown);
- most of the public libraries in the Otago Region; and,
- the main offices of all territorial authorities in the Otago Region.

How to make a submission

Anyone can make a submission on the matters provided it is in writing and in the prescribed form. Submissions must be received by the EPA no later than **5pm on Monday 17 August 2020**. There are separate submission forms for **each of the plan changes** associated with the Omnibus Plan Change. Please make sure you select the right form for the plan change you wish to submit on (i.e. Water Plan Change 8 or Waste Plan Change 1).

You can make your submission online at www.epa.govt.nz/ORCplanchanges. Alternatively, you can print a submission form from the EPA website and follow the directions for sending it to the EPA. Written submissions to the EPA can be made by:

- **Email:** to ORCplanchanges@epa.govt.nz (if smaller than 10MB)
Subject line: Submission: [your name], ORC Plan Change (Omnibus);
- **Hard copy:**
 - via post to: EPA (attention ORC Omnibus Plan Change), Private Bag 63002, Waterloo Quay, Wellington 6140; or
 - in person to: EPA (attention ORC Omnibus Plan Change), Level 10, 215 Lambton Quay, Wellington.

You must also send a copy of your submission to the Otago Regional Council (as soon as practicable after sending your submission to the EPA), via the details below. This will occur automatically if you make an online submission.

- **Email:** policy@orc.govt.nz
Subject line: Submission: [your name], ORC Plan Change (Omnibus); or
- **Hard copy:**
 - via post to: Otago Regional Council (attention: Rachel Currie), Private Bag 1954, Dunedin 9054
 - in person to: Otago Regional Council (attention: Rachel Currie), at any of the Otago Regional Council offices:
 - William Fraser Building, Dunorling Street, Alexandra
 - 70 Stafford Street, Dunedin
 - 1092 Frankton Road, Queenstown

Further questions

If you have any queries about the notification and submission process or the plan change please contact the EPA by phone on 0800 401 673 or by email at ORCplanchanges@epa.govt.nz.

Minister's Direction on the Matter

Having had regard to all the relevant factors, I consider that the matters requested to be called in by Otago Regional Council (ORC), being the proposed Omnibus Plan Change (comprised of Water Plan Change 8 – Discharge Management, and Waste Plan Change 1 – Dust Suppressants and Landfills) to its relevant regional plans are part of a proposal of national significance. Under section 142(2) of the Resource Management Act 1991 (RMA), I direct those matters to be referred to the Environment Court for decision.

My reasons are as follows:

National Significance

I consider the matters are part of a proposal of national significance having given regard to the following relevant factors in section 142(3) of the RMA:

- a) The issues the plan changes aim to address have aroused widespread public concern or interest regarding their actual or likely effect on the environment, as indicated by the Skelton Investigation;
- b) The plan changes involve or are likely to involve the significant use of natural and physical resources while managing the impact of that use on the environment;
- c) The plan changes affect or are likely to affect areas of national significance noting that Otago freshwater catchments provide a habitat for a suite of nationally important non-migratory Galaxias taxas;
- d) The plan changes are part of the ORC's programme to give effect to the National Policy Statement on Freshwater Management;
- e) Failure to implement the plan changes has the potential to result in significant and irreversible changes to the environment;
- f) The plan changes are or are likely to be significant in terms of section 8 of the RMA given they are likely to be of high interest to Iwi because of the significance of freshwater management to Māori; and
- g) The plan changes will affect more than one district given that they will apply across the whole Otago region.

Direction to the Environment Court

I direct that the proposed Omnibus Plan Change be referred to the Environment Court for decision because:

- a) Calling in the related plan changes as parts of a proposal of national significance for a decision at the same time would:
- i. assist the Otago Regional Council by allowing its staff to focus on developing a new Land and Water Regional Plan; and
 - ii. avoid potential delays associated with the Schedule 1 process of the RMA that could complicate the development of a new Land and Water Regional Plan.
- b) The current COVID-19 situation would make the appointment of suitable members to a board of inquiry difficult in a short timeframe whereas the Environment Court process would provide surety in terms of progressing a decision on the matters.

In reaching my decision I considered:

- a) The Environmental Protection Authority recommendation that I refer the matters to the Environment Court;
- b) The views of the Otago Regional Council, being the applicant and the relevant local authority that would have processed and decided the matters if I had not directed that they be referred to the Environment Court for decision; and
- c) The capacity of the Otago Regional Council to process the matters.

Dated at Auckland this 8th day of April 2020

Hon David Parker

Minister for the Environment

Sandra Balcombe
Acting Manager - Land & Oceans Applications
Environmental Protection Authority

Monday 6 July 2020