

# Public Notice

6 July 2020

## OTAGO REGIONAL COUNCIL WATER PERMITS PLAN CHANGE

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 proposed Water Permits Plan Change - Plan Change 7 (WPPC) 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 change.

### The Water Permits Plan Change – Plan Change 7 (WPPC)

The plan change proposes an objective, policies and rules that manage the replacement of deemed permits (also known as mining privileges) expiring in 2021 and any other water permits expiring prior to 31 December 2025 (the date by which a new Regional Land and Water Plan is expected to be operative). The plan change also introduces a new policy regarding the duration of new water permits.

NB: Prior to the Minister's direction, the Otago Regional Council notified this plan change on 18 March 2020 and, under section 86B(3) of the RMA, the plan change provisions have legal effect from 18 March 2020. Any submissions previously made remain valid and will be considered by the Environment Court.

### Where the information can be viewed

The Minister's direction and documents describing the plan change can be viewed on the EPA website: [www.epa.govt.nz/ORCplanchanges](http://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 Monday 17 August 2020**.

You can make your submission online at [www.epa.govt.nz/ORCplanchanges](http://www.epa.govt.nz/ORCplanchanges). Alternatively, you can print a submission form from the EPA website. Written submissions to the EPA can be made by:

- **Email:** to [ORCplanchanges@epa.govt.nz](mailto:ORCplanchanges@epa.govt.nz) (if smaller than 10MB)  
Subject line: Submission: [your name], ORC Plan Change (WPPC);
- **Hard copy:**
  - via post to: EPA (attention ORC WPPC), Private Bag 63002, Waterloo Quay, Wellington 6140; or
  - in person to: EPA (attention ORC WPPC), 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](mailto:policy@orc.govt.nz)  
Subject line: Submission: [your name], ORC Plan Change (WPPC); 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 further questions about the process and/or the proposed Water Permits Plan Change please contact the EPA at [ORCplanchanges@epa.govt.nz](mailto:ORCplanchanges@epa.govt.nz) or call 0800 401 673.

## Minister's Direction on the Matter

Having had regard to all the relevant factors, I consider that the matter requested to be called in by Otago Regional Council (ORC), being proposed Plan Change 7 – Water Permits to its regional plan, is part of a proposal of national significance. Under section 142(2) of the Resource Management Act 1991 (RMA), I direct this matter to be referred to the Environment Court for decision.

My reasons are as follows:

### **National Significance**

I consider the matter is 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 change aims 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 change involves or is likely to involve the significant use of natural and physical resources while managing the impact of that use on the environment;
- c) The plan change affects or is 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 change is part of the ORC's programme to give effect to the National Policy Statement on Freshwater Management;
- e) There is also a relationship between the matter and the National Policy Statement – Renewable Energy Generation (NPS-REG) given that that Trustpower, Contract Energy and Pioneer Energy hold either deemed permits or other water permits in relation to renewable energy generation;
- f) Failure to implement the plan change has the potential to result in significant and irreversible changes to the environment;
- g) The plan change is or is likely to be significant in terms of section 8 of the RMA given it is likely to be of high interest to Iwi because of the significance of freshwater management to Māori; and
- h) The plan change will affect more than one district given that it will apply across the whole Otago region.

### **Direction to the Environment Court**

I direct that proposed Plan Change 7 – Water Permits be referred to the Environment Court for decision because:

- a) Calling in the plan change as part of a proposal of national significance 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 matter.

**In reaching my decision I considered:**

- a) The Environmental Protection Authority recommendation that I refer the matter 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 matter if I had not directed that it be referred to the Environment Court for decision; and
- c) The capacity of the Otago Regional Council to process the matter.

Dated at Auckland this 8<sup>th</sup> 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**