

## **Ministerial direction to refer the Otago Regional Council's proposed Omnibus Plan Change to its Regional Plans to the Environment Court**

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 8<sup>th</sup> day of April 2020

A handwritten signature in blue ink, appearing to read 'David Parker', is positioned above the printed name.

Hon David Parker  
**Minister for the Environment**