



Attorney-General

Associate Minister of Finance

Minister for the Environment

Minister for Trade and Export Growth

13 NOV 2019

Professor Peter Skelton
skeltonp@xtra.co.nz

Dear Professor Skelton

Section 24A investigation, Otago Regional Council

Thank you for your report setting out the findings and recommendations from your investigation under section 24A of the Resource Management Act 1991 (RMA). This was on whether Otago Regional Council (ORC) is adequately carrying out its functions under the RMA in relation to freshwater management and allocation of resources.

Your report makes clear that the Otago region does not have a fit for purpose planning framework in place to appropriately manage applications for new water permits before 1 October 2021, when all deemed permits and a number of other water permits expire.

I support the recommendation in your report that ORC needs to develop a fit for purpose freshwater management planning regime that gives effect to the relevant national instruments and sets a coherent framework for assessing all water consent applications, including those that are to replace any deemed permits. Achieving this will require ORC to complete a review of the current Regional Policy Statement, and a new Land and Water Regional Plan.

I also support your recommendation that I recommend (under section 24A of the RMA) that ORC prepare a plan change by 31 March 2020 that will provide an adequate interim framework until new discharge and allocation limits are set.

I am not sure that I should ask Parliament to amend the RMA to extend the date for expiry of the deemed permits after a 30-year transition period has already been provided to manage this issue. There is no guarantee that changing the RMA will solve the underlying problem. I am inclined to prefer that ORC implement an interim solution by enabling via plan change the granting of short-term consents to address the issue.

I have attached a draft letter that I propose to send to ORC alongside your report. As you now have a detailed understanding of the context, and the capability of ORC, to deliver on your recommendations, I would appreciate your feedback on the draft letter before it is sent.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David Parker'.

Hon David Parker

Minister for the Environment