

### **New Office Arrangements**

Consistent with Level 2 obligations, the EDS office has reopened – though some staff are choosing to still work from home. Our financial position is manageable in spite of losing some revenue from the cancelled EDS Conference. Support for specific projects and cases is more than usually welcome, however, with donations able to be made via our website. The team at EDS is pleased to be out of the Covid-19 woods, so far at least.

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### **Mackenzie High Court Appeal to be rescheduled**



Covid-19 interfered with the scheduled High Court proceedings regarding dairy conversions on Simons Pass Station in the Mackenzie Country. That appeal by Simons Pass Station relates to the planning activity status of the final consents required to enable the farm development to proceed. The issue is whether development consents are controlled (meaning they must be granted and likely non-notified) or discretionary (meaning they would likely be notified and could be refused). The hearing was deferred by the Christchurch High Court from 23-24 March to a date yet to be set. EDS is arguing that the remaining approvals before pivot irrigators can be turned on over 4500 hectares should be notified as discretionary.

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## EDS files extensive appeal on Marlborough Environment Plan



Marlborough District Council agreed with a number of EDS's first instance submissions but there are still a number of critically important issues that we have taken on appeal to the Environment Court. These relate to landscape, biodiversity (both land and sea), freshwater and forestry matters and are expected to take some time to resolve. Barrister Sally Gepp and in-house counsel Cordelia Woodhouse are acting for EDS and we are presently scoping the expert evidence that will be required. We expect the case will be a game of two halves: the first, an extensive period of mediation; the second, hearings on unresolved matters. Donations to support this case can be made [here](#).

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## Major Oceans project gets underway



EDS is doing for Oceans reform what we did for resource management: undertaking a first principles review of how we manage our marine environment. This project will be led by Raewyn Peart and our expanded team of researchers and external consultants. The project will proceed over 18 months and will include a number of case studies aimed at illuminating key areas of interest. We envisage that the final report will stimulate and inform Government-led reform of our Oceans management.

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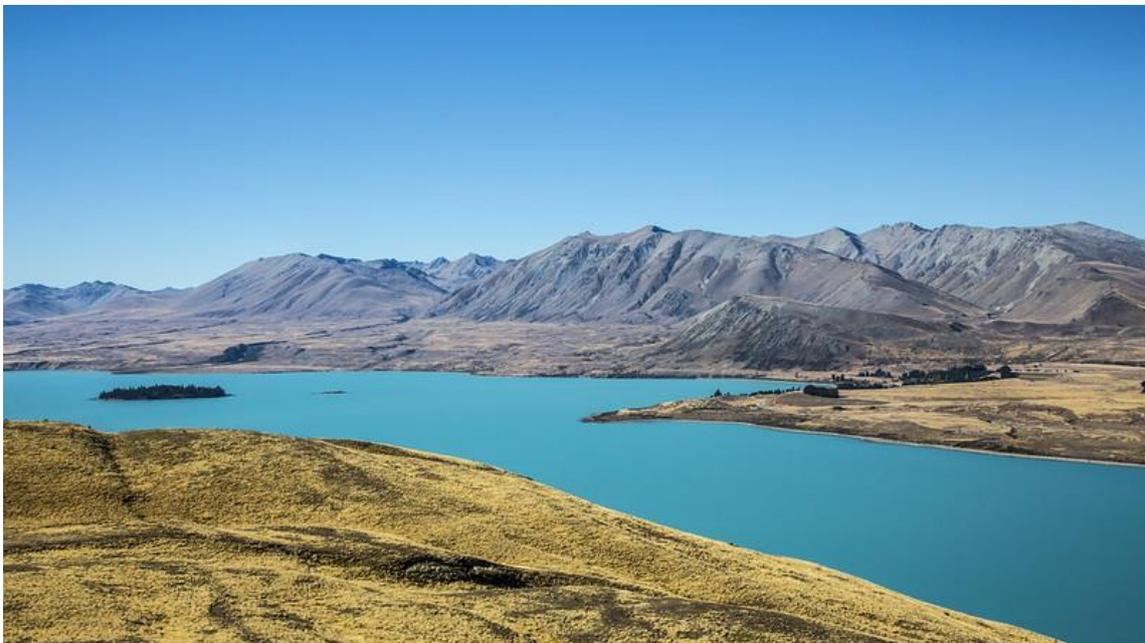
## EDS v Rio Tinto and NZ Aluminium Smelter Ltd



The EDS Board has approved filing declaration proceedings concerning the continuing unsafe storage of a hazardous substance called ouvea premix at a disused pulp mill at Mataura. This material is volatile when wet and produces chemical reactions that are arguably harmful to human health and aquatic life. The ouvea premix was generated at the Tiwai Point Aluminium Smelter and removed offsite by a separate company for further recycling. That company has gone into liquidation and the Smelter now denies any liability for the material. EDS disagrees and will argue that the Smelter retains responsibility for the safe removal and disposal of the ouvea premix. The community of Matuara must be kept safe from any escape of ammonia gas that may be emitted if the material becomes wet – which is a very real possibility as recent flooding of the town showed. Barrister Rob Enright is acting for EDS and we are planning to file proceedings shortly.

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### **Mackenzie Country report nears publication**



The much-awaited report on future management of the Mackenzie Country is with the designer and will be released shortly. The report forms one of the case studies in the larger Landscape review project, itself due for completion mid-year. Other case studies examine the Waitakere Ranges, the Hauraki Gulf, Banks Peninsula and tourism (see below) – all taking different approaches to management of outstanding landscapes. The report tells the story of the Mackenzie Country – its geological formation and its human and natural histories, and should be a useful resource for expected upturn in slow tourism there. The report also makes a number of recommendations aimed at better protecting the Mackenzie Basin's outstanding landscapes. It will be available online at no charge.

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## Tourism and landscape protection report released



EDS recently released a tourism and landscape protection report during the Covid-19 lockdown and has received positive feedback on its recommendations. The pandemic has been devastating for the tourism industry, but it provides an opportunity to recalibrate. We recommended supporting the development of 'slow' tourism experiences which enable tourists to have a much deeper engagement with New Zealand's landscapes. As the domestic market rejuvenates, slow tourism may form an important part of reconnecting New Zealanders to their landscapes and this could further serve to highlight the importance of protecting them. The report can be accessed [here](#) .

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## Freshwater reform announcements soon



EDS understands that the Government's Essential Freshwater reforms are on track. Announcements on changes to the National Policy Statement – Freshwater, the new National Environmental Standard and promulgation of new regulations are still expected to be made by Ministers Parker and O'Connor. Whether the final package meets expectations remains to be seen but certainly EDS has continued to lobby hard and persistently for a positive outcome.

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## Randerson RM Panel nearly done



The Government's review of the resource management system is reportedly nearing completion. Our understanding is that the Expert Panel, led by Hon Tony Randerson QC, will be reporting to Minister Hon David Parker mid-year. We are not aware of what will happen next. But an upside is that our Policy Director, Raewyn Peart, will be back fulltime with EDS. She had been seconded in her private capacity as a member of the Panel which has led to reduced capacity for EDS. That will soon change. And the Resource Management Amendment Bill, dealing with shorter-term matters, is expected to be passed into law before Parliament rises in August.

## Climate Change Conference likely to proceed



EDS is planning to run our annual Climate Change and Business Conference in October 2020 as planned, subject to Covid-19 exigencies allowing that to happen. We are currently engaging with supporters and sponsors in a review of how to shape the event, assuming we are free to do so. We expect to announce further details including a draft programme shortly.