

## **EDS Newsletter: August 2020**

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### **Freshwater reforms finally underway**



The long-awaited freshwater regulations have now been gazetted and will become law. A revised National Policy Statement; a new National Environmental Standard; and stock exclusion regulations have created a new platform for transforming the way we manage our rivers, lakes and streams. This is the culmination of many years work by environmental and sector groups and Māori. We acknowledge the commitment of Ministers Parker and O'Connor to what has proven a challenging set of reforms. We also appreciate the collegial approach taken by the Ministry for the Environment. Half the job is now well done.

The other half of course is the implementation phase which will bring its own challenges:

keeping regional councils honest; working at unprecedented pace to create new plans under

fast-track procedures; and transitioning out of polluting land uses in some sensitive catchments over time.

Still to come next year will be attributes for nitrogen (DIN) and phosphorus (DRP) to complete the panoply of environmental bottom-lines. Meantime regional councils still have to set DIN and DRP limits in their respective waterways and they must be set at a level that avoids periphyton growth and is consistent with achieving ecological health. Some commentators have been confused about that, assuming that those limits can be left out in the interregnum. Implementation is key and we'd like to see a dedicated Freshwater Commission to provide rigorous oversight of this crucial stage.

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## Political Seminar to explore environment policies

EDS and RMLA are jointly running an evening seminar to explore the main parties' environment, conservation and climate change policies. We now have a full house for in person registration. This will be hosted by Simpson Grierson in Auckland and available for unlimited numbers as a livestream. EDS CEO Gary Taylor will grill panel members who at this stage include **Hon David Parker** (Labour), **Hon James Shaw** (Greens), **Hon Scott Simpson** (National), **John Tamihere** (Māori Party) and **Dr David Wilson** (NZ First), **Simon Court** (ACT). This is a significant opportunity to nail down some commitments for the next term of government.

*Details: 5.00 – 7.30 pm Monday 17 August (with livestream likely from 5.20 – 7.00 pm)*

*To register: livestream access available [here](#)*

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## Randerson Panel's report very welcome but widely misunderstood

### NEW DIRECTIONS FOR RESOURCE MANAGEMENT IN NEW ZEALAND

Report of the Resource Management Review Panel  
June 2020



Several commentators have described the Randerson Panel's comprehensive recommendations about the future of the RMA incorrectly. They said that the Panel recommended splitting the RMA into separate laws for "planning" and "environment". This is not the case.

The Randerson Panel specifically recommended against that approach. The confusion, however, is understandable, given that the Panel proposes replacing the RMA with a **Natural and Built Environments Act** (NBEA) and also to enact a separate **Strategic Planning Act** (SPA). On the face of it (and if you don't actually read the report) it certainly looks like one act is becoming two, which is signalled by the names – one for the environment and one for planning. **However, the Panel's recommended model would not split the RMA into one statute for the environment and another for planning.**

The NBEA would remain an integrated act like the RMA, where land (including in cities), water, soil, air, and biodiversity continue to be managed in an integrated way under a single legal framework. It would have a different purpose and many different features to the RMA, hence a new name. But it would occupy the same basic space as the RMA used to. The SPA would be a new piece of legislation sitting across the NBEA and other legislation such as the Local Government Act and Land Transport Management Act in the broader resource management system. It would provide for strategic spatial planning at a regional level and plans developed under this other legislation would need to be consistent with those regional spatial strategies. In turn, those strategies would need to be consistent with the purposes of the NBEA and any national direction including environmental bottom lines developed under it, amongst other things.

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## Climate Change + Business Conference 2020

6 & 7 October, Aotea Centre, Auckland



EDS is hosting its annual **Climate Change + Business Conference** at the Aotea Centre in Auckland on 6 & 7 October. In keeping with the conference theme – **Redefining Our Future** – we have a busy line-up of sessions designed to seize the opportunity Covid-19 has provided to transform the way we live and work. These sessions include transport and travel; energy; building and construction; food systems; finance; carbon markets and the ETS; forestry; indigenous perspectives on climate action; and local government adaptation planning. See the programme and register at [www.climateandbusiness.com](http://www.climateandbusiness.com), and follow us on [LinkedIn](#) as we announce our excellent speaker line-up.

## Protected Landscapes project in final stages



EDS's protected landscapes project is nearing its final stages. The project is taking a fresh look at how we manage our landscapes in New Zealand with 5 case studies focused on the Mackenzie Basin, Banks Peninsula, Waitakere Ranges, Hauraki Gulf Islands and tourism. The Mackenzie Basin and tourism case studies have been published and are available on the EDS website. The other 3 case studies are well advanced and will be published in the next few weeks. They will be followed by a synthesis report bringing together the findings of the case studies and critically examining current case law and practice, Māori cultural approaches and international experience to explore whether current tools can be better deployed and whether new models are required.

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## Litigation



EDS has filed comprehensive appeals on the **Marlborough District Council's new unitary plan**. Barrister Sally Gepp and in-house counsel Cordelia Woodhouse are leading the case and we have focused on improved landscape, freshwater, marine and biodiversity outcomes.

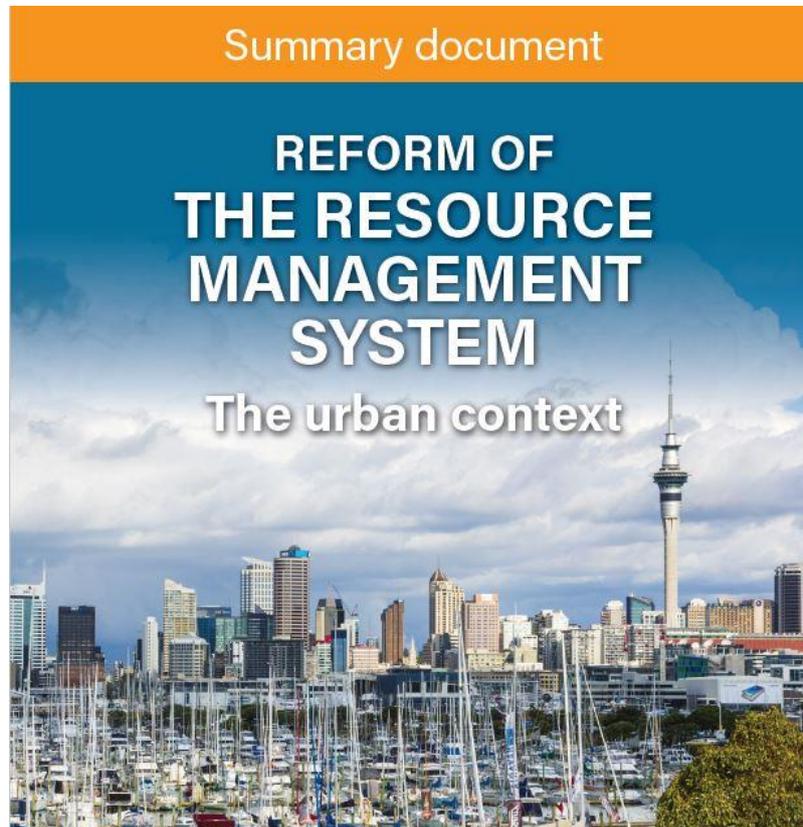
We are in the High Court in Christchurch (finally) on 18 August concerning **Simons Pass Station's** resource consents for the Mackenzie Basin's dairy conversion.

Court assisted mediation with **New Zealand Aluminium Smelters Ltd** regarding the storage of ouvea premix at Maitua is set down in Invercargill on 7-8 September.

And EDS is considering possible legal action targeting the continuing problems with **forestry slash** on the east coast North Island. Donations to support any or all our cases is welcome and can be made [here](#).

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## RM3 Urban Report available



EDS has released a summary version of Dr Greg Severinsen's report on resource management reform through an urban lens. The main report – which is a substantial piece of analysis and runs to over 300 pages – will be available shortly on our website. The summary report is available now in hard copy (postage costs only) and an online PDF (free) while the main report will only be available as a downloadable PDF (also free). The conclusions in ***Reform of the Resource Management System: the Urban Context*** are aligned pretty closely to those of the Randerson Panel (or should we say, the Randerson Panel is aligned with the EDS work!).

Click [here](#) to order hard copies of the following:

Reform of the RM System: the Urban Context (Summary Report)

Reform of the RM System: A model for the future (Summary of Proposals)

Reform of the RM System: A model for the future (Synthesis Report)

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# Environment Guide Updates

The Environment Guide website ([www.environment.guide.org.nz](http://www.environment.guide.org.nz)) is undergoing a makeover over the next few months to bring it up to date with the flurry of recent law changes. EDS is coordinating this work and is being assisted by a modest grant from the Ministry for Environment. We are keen to engage *pro bono* help from experts to contribute to the review and to peer review draft content. The purpose of the site is to provide a plain language community guide to how the wider resource management system works. If you are interested in assisting with this work please contact [cordelia@eds.org.nz](mailto:cordelia@eds.org.nz)

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## Office relocation

EDS has shifted office (or more accurately offices because we have had 2 premises at Victoria Park Market which was an expensive and inefficient way to operate). Our new combined space is at **26B Williamson Avenue, Grey Lynn**. Postal address and phone number remain the same: PO Box 91-736 Victoria Street West Auckland 1142 and (09) 302 2972.

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