



AHM News

INTRODUCTION

What a busy year it has been! Hardly a month has gone by without another environmental law or policy review being announced. In this newsletter we provide an end of year wrap up with summaries of the most recent review programs, including a series of reforms in the resource management field, the Zero Carbon Bill and a review of the Crown Minerals Act.

We also look back on some of AHM's successes and celebrations including the recent grant of consents for an environmental reforestation and ecological restoration proposal in Queenstown, an Environment Court win for Kennedy Point marina, and the admission of Tom Gray to the bar.

RESOURCE MANAGEMENT REFORMS, PROPOSALS AND REVIEWS

The government has announced a suite of resource management reforms in the past year to tackle the environmental issues that we face. Stage One of the Resource Management Act 1991 (**RMA**) reform process is well underway and Stage Two is open for consultation, the Environmental Defense Society (**EDS**) also released its final paper on its Resource Management reform project. The consultation period for the freshwater policy reforms has closed and submissions are being considered by an Independent Hearing Panel. A new [National Policy Statement on Indigenous Biodiversity](#) has also been released for consultation.

There has been a massive social movement on the environmental front, and we have been able to watch and experience some of the Climate Change marches that happened through Auckland CBD this year from our office! The European Parliament recently declared a [Climate Change Emergency](#) and has urged all European Union countries to commit to net zero emissions by 2050. New Zealand has already committed to that target, as a step towards meeting its obligations under the Paris Agreement. Minister for Climate Change James Shaw announced on 4 December that major decisions made by the government will now be considered with a climate change lens. The [Zero Carbon Bill](#) (now live and incorporated into the [Climate Change Response Act 2002](#)) and the [review of the Crown Minerals Act](#) are further steps intended to address climatic and environmental issues.



RMA reform stage one

Stage one of the resource management reform process is well underway with the consultation period on the Resource Management Amendment Bill (**Amendment Bill**) having closed on 7 November. The Amendment Bill proposed to improve RMA processes, increase infringement fees, enable the Environmental Protection Authority to undertake enforcement action under the RMA and to establish a new freshwater planning process. The Amendment Bill is currently before the Select Committee.

RMA reform stage two



The Resource Management Review Panel (**Review Panel**) released its [Transforming the resource management system: opportunities for change – Issues and options paper](#) in November. The paper identifies a number of possible options for reform, with a focus on the RMA, but also considers the interface between the RMA, the Local Government Act, the Land Transport Management Act and the Climate Change Response Act. The paper poses a number of questions in relation to the twelve topics it covers and seeks public feedback. The consultation period closes on 3 February 2020.

EDS resource management reform project

Throughout 2018 and 2019 EDS undertook a review of the resource management system. The Phase 1 report was published in February 2019 and outlined three possible models for a reformed resource management system. [Phase 2 of the reform project](#), which was released on 11 December, analyses the three broad models suggested in Phase 1 and confirms EDS's preferred model.

EDS proposes to retain the RMA but introduce significant changes to it, including rewriting Part 2 and strengthening the requirement to give effect to the principles of the Treaty of Waitangi. The report also suggests amendments to other legislation, including integrating the Local Government Act 2002, the Land Transport Management Act 2003 and other infrastructure legislation into one Local Government and Infrastructure Act. Overall, EDS envisages the retention of an integrated and outcomes-based statute, like the RMA, which would continue to be the core of a future system and apply across the country in both urban and rural environments. EDS also suggest a new, targeted and integrated Oceans Act which would integrate most existing marine legislation and would aim to strengthen the policy and planning framework relating to the ocean. Regional councils would maintain jurisdiction to a three nautical mile boundary offshore which the RMA would still apply to.

Freshwater policy reform

Consultations on the [Action for Healthy Waterways discussion document](#) closed on 31 October. The Ministry for the Environment (**MfE**) has appointed an Independent Hearing Panel to review the submissions on the discussion document and provide recommendations to MfE regarding the proposals. The Minister will then consider these recommendations and make a decision on the proposed policies. The timing of this process has not yet been confirmed.

National Policy Statement on Indigenous Biodiversity

MfE is currently seeking feedback on the [proposed National Policy Statement for Indigenous Biodiversity \(NPSIB\)](#) which was released on 26 November 2019. The proposed NPSIB has Hutia te Rito as a fundamental concept which recognizes that the health and wellbeing of our environment, its ecosystems and unique indigenous plants and animals, has intrinsic value. The

proposed NPSIB will be implemented across both private and Crown owned land and will include provisions relating to both Significant Natural Areas and the effects of activities on indigenous biodiversity outside of Significant Natural Areas. Particular land use activities which impact on indigenous biodiversity, like farming, will also be managed under the NPSIB. These provisions allow existing farms to continue, provided impacts on indigenous biodiversity do not increase. Plantation forestry will continue to be managed under the National Policy Statement and [National Environmental Standards for Plantation Forestry](#). Consultation on the draft NPSIB closes on 14 March 2020.

ZERO CARBON BILL

The [Zero Carbon Bill](#) received royal assent in November as an amendment to the Climate Change Response Act 2002. The amendment provides a framework by which New Zealand can develop and implement clear and stable climate change policies to meet its' obligations under the [Paris Agreement](#) (whereby countries are aiming to limit the global average temperature increase to 1.5° Celsius above pre-industrial levels) and to reach New Zealand's target of net zero emissions by 2050.

A series of emissions budgets were developed to act as stepping-stones towards the long-term target, with a new independent [Climate Change Commission](#) established to monitor progress and provide expert advice on how to achieve these goals. The government will be required to develop and implement policies to mitigate and adapt to climate change.

The Climate Change Commission is expected to be operational from mid-December 2019 with Minister James Shaw announcing the appointment of Dr. Rod Carr to the position of Chairperson Designate for the Climate Change Commission. In the interim, [an establishment committee](#) has been set up by the MfE to begin preparatory work, including identifying potential commission members and proposing potential organisational structures and processes for the commission.

REVIEW OF THE CROWN MINERALS ACT

On 19 November 2019 the Ministry of Business, Innovation and Employment (MBIE) announced a [review of the Crown Minerals Act 1991](#) (CMA) and the associated Minerals Programs. The purpose of the review is to address concerns which were raised by submitters to the Crown Minerals (Petroleum) Amendment Act 2018 and the Minerals and Petroleum Strategy for Aotearoa New Zealand: 2019-2029. These issues included the need to protect existing rights and security of supply while balancing the transition to a carbon neutral economy. The review of the CMA addresses these issues to ensure the regulatory regime under the CMA is fit for purpose and is appropriately geared towards Government priorities, including a just transition to a low emissions economy that is productive, sustainable and inclusive. Consultation on the discussion document closes on 27 January 2020.



TREESPACE, QUEENSTOWN

The trees are coming! Recently Mike Holm and Tom Gray were successful in assisting Treespace to obtain resource consents for its reforestation and ecological restoration development. The development involves the creation of a 400 hectare native beech forest, 43 cabins, 10 chalets, and a lodge on Mt Dewar, in Queenstown.

Construction is yet to begin as the decision to grant consent is currently subject to appeal.

KENNEDY POINT MARINA, WAIHEKE ISLAND

The Kennedy Point marina is one step closer with the dismissal of an application for rehearing and associated recusal, adjournment and waiver applications. The applications were heard in mid-September with a decision on the substantive rehearing application being released in mid-December. Vicki Morrison-Shaw and Paul Majurey advised and represented the marina developer in relation to these applications.

CELEBRATIONS

We would like to congratulate Tom Gray who was admitted as a Barrister and Solicitor of the High Court on October 18. Helen Atkins supported his admission as moving counsel.



As noted in September's newsletter, Louise Ford joined AHM as a solicitor in August of this year. Her contact details are now available on the AHM website – feel free to get in touch with Louise with any queries that you may have.



CHRISTMAS SHUTDOWN

Our office will close at 1:00 pm on Friday 20 December 2019 and reopen at 8.30am on Monday 6 January 2020.

For any urgent matters that arise during the close down period, please call, text or email Vicki Morrison-Shaw (vicki.morrison-shaw@ahmlaw.nz or 0275 720 883).

We wish you all a safe and happy holiday and we look forward to working with you again in 2020, from all the team at Atkins Holm Majurey.

Questions, comments and further information

If you have any questions, comments or would like any further information on any of the matters in this newsletter, please contact the authors:

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