

ENVIRONMENTAL LAW & REGULATION CONFERENCE

30 April - 1 May 2012, Wellington

Special 2 for 1*
See registration page for details

An update on legislative change to balance
the use and protection of the environment



Keynote sessions from:

- The Minister for the Environment
- The Parliamentary Commissioner for the Environment

Keep up to date with the latest regulatory changes:

- The RMA Phase II and future government direction
- Resource consents processing and new constraints
- The National Environmental Standard for managing contaminants in soil
- Water care issues and updates for Freshwater Management and Aquaculture

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DAY 1 - 30 April 2012

8.30 Registration and coffee

9.00 Opening remarks from the Chair

Mark Sly, *Partner, Chancery Green*

9.10 Ministerial Address: Analysis of environmental reform and future changes

The RMA has had many amendments recently, so hear how these have made an impact on New Zealand's environment, and the strategic vision from the Minister for the future.

Hon Dr Nick Smith, *Minister for the Environment, Climate Change Issues and Local Government*

9.40 The Parliamentary Commissioner for the Environment – Annual Report

It is 25 years since the role of the Parliamentary Commissioner was established. As an independent Officer of Parliament the Commissioner is in a unique position to provide advice to MPs and the wider public about environmental matters of concern. The Commissioner will provide an overview of work she has underway, and look ahead to environmental reporting in the future.

- Role of the PCE
- Effectiveness of environmental planning and management

Dr Jan Wright, *Commissioner,*

Parliamentary Commissioner for the Environment

10.30 Morning Tea

10.50 The implications of the National Environment Standard for assessing and managing contaminants in soil to protect human health

Part 1 – A summary of the process and implications for developments and changes in land use

In effect from 1 January 2012, this NES affects any development or land-use changes on land which is likely to be contaminated, is, has been, or is more than likely to have been on the Hazardous Activities and Industries List (HAIL), as well as specific application to fuel storage systems and subdivisions. Understand the purpose of the NES and how its operation will affect your site or development plans.

- The powers of the Minister
- The purpose and objectives of the NES
- Activity status thresholds
- Reporting and assessment requirements
- Potential concerns and additional costs for potentially contaminated and/or HAIL-listed sites
- Implications for property acquisition and development

Marija Batistich, *Senior Associate, Bell Gully*

11.40 Part 2 – How to comply with the requirements of the NES

Councils have an explicit responsibility to monitor and enforce this NES, while applicants must provide investigation reports, and where required, remedial action plans and/or management and monitoring plans. Learn how to work with and meet the requirements of the standard.

- The requirements for preparing a site investigation report
- The process of evaluating land contaminants and preparing the report
- Understanding the assessment and recommendations
- Determining whether there is likely to be an adverse effect on public health
- Uncertainties and next steps
- Meeting compliance requirements

Paul Walker, *Principal Environmental Scientist, Environmental Resources Management*

12.30 Lunch

1.30 Recommendations on sections 6 and 7 of the RMA

Sections 6 and 7 of the RMA are being reviewed by a Technical Advisory Group (TAG), who will present their recommendations to the Ministry for the Environment in February. Hear a TAG member's view of the report and the implications it has for the future of environmental governance.

- Overview of recommendations
- The issue of natural hazards
- Relationship to an urban and infrastructure context
- Incorporating historical acts
- Consistency of interpretation

Phil Gurnsey, *Associate – Planning, Beca*

2.30 Exploring unitary plans and their effect on environmental regulation

The confidence and supply agreement between National and Act states they will "ensure that there is only one plan (a "unitary" plan) for each district". There are divided opinions about the value of unitary plans, and understanding what they mean for environmental regulation is necessary for successfully implementing change. Hear how this Auckland Council is changing to a unitary body and their lessons learned so far.

- Scope – what does a unitary plan mean?
- Unitary plans vs. Regional and District plans
- Resource consent changes
- Unitary plans and spatial planning: what about infrastructure?
- Organisational culture and unification issues

John Duguid, *Manager Plan Development, Auckland Council*

3.20 Afternoon Tea

3.40 Examining interaction between the RMA and the Heritage Bill

Part of the phase II reforms is the update of many peripheral Acts which often slow the resource consent process. The recent changes to the Heritage Act will streamline the regulatory framework, making the consenting process simpler.

- Heritage New Zealand Pouhere Taonga Bill
- Simplifying archaeological matters
- Alignment of heritage listing in District Plans and New Zealand Historic Places Register

Geraldine Baumann, *Senior legal advisor, Historic Places Trust*

4.30 Conservation law update

Hear about developments in the law and practice relating to the use of public conservation land and other conservation matters. This session will include:

- Discussion of concessions to use public conservation land
- Proposed alignment of the resource consent and concessions processes
- Issues relating to protected wildlife
- Proposed progression of the Marine Reserves Bill.

Paul Beverley, *Partner, Buddle Findlay*

5.20 Networking drinks

DAY 2 - 1 May 2012

9.00 Welcome back from the Chair

Mark Sly, *Partner, Chancery Green*

9.05 Latest environmental case law update

The latest rulings from the Environment Court impact the way the RMA is applied in practice. Knowing about recent cases will inform your decision making process and enable you to approach resource management issues appropriately.

- Tree protection
- Trade competitors
- Oil spills
- Notifications

John Hassan, *Partner, Chapman Tripp*



An update on legislative change to balance the use and protection of the environment

9.40 Case study: ECAN and stakeholder involvement in water care

In the two years since the inception of Environment Canterbury, the process of enforcing water care legislation has become a collaboration between key stakeholders and commissioners. This has influenced decision making and created a culture where achieving compliance has become a community goal.

- Water issues in Canterbury
- Responding to stakeholder opinion
- Merging legal and community requirements

Professor Peter Skelton, Commissioner, Environment Canterbury

10.30 Morning Tea

10.50 Clarifying the role of the Environmental Protection Authority

The EPA has streamlined decision making and filled a gap in the administration of environmental law. Confusion around the EPA's role and responsibilities will be clarified in this session as their position in the governance of the RMA is discussed.

- Enforcement and the HSNO Act
- The EEZ/ECS and ETS
- Latest decisions and case studies

Rachel Brooking, Associate – Resource Management, Anderson Lloyd

11.40 Issues with cutting the resource consent timeframe

Explore the pros and cons of faster consent processes and discuss practical tips that can be applied to help the consent process run smoothly.

- Stopping the clock and further information requests
- Use of new processes: request for independent hearing commissioners, direct referral and call in
- Practical measures to avoid delay during the consenting process and the Environment Court Practice Note 2011
- Security for costs and cost applications
- Managing relationships

David Allen, Special Counsel, Buddle Findlay

12.30 Lunch

1.20 When to notify consents

Councils now have discretion as to whether or not they will publicly notify an application, but this decision is not always easy. See how to identify affected parties and include the right people in the consent process.

- Notification requirements
- Evaluating the level of environmental effects
- Disregarding the effects on people

Michael Campbell, Director, Campbell Brown

2.00 Effectively implement the National Policy Statement for Freshwater Management

The new guidance for freshwater management means that local bodies must manage applications for water consents more carefully than ever. Deciding which applicant takes priority while balancing allocation limits and the interests of various stakeholders, including Māori, makes this a complex NPS to manage.

- Understanding a limits-based regime
- Implementing the NPSFM
- Involving iwi and hapu

2.50 Afternoon Tea

3.10 Applying the Aquaculture Legislation Amendment Act

To provide further guidance on the amendment, the Aquaculture Unit is putting together a National Aquaculture Strategy and Action Plan which is due to be released in early 2012. This will assist local authorities with aquaculture planning and consenting. Until then, hear how to implement the amendment using the new legislation.

- Allocating space effectively
- Alternative allocation tools
- Suspending applications
- Processing and hearing applications together

Dan Lees, Director - Aquaculture Unit, Ministry of Agriculture and Forestry

3.50 Ocean governance and jurisdictional boundaries

The EPA is responsible for the day to day enforcement of the EEZ, while regional councils still control the territorial sea under their jurisdiction. Governing the ocean effectively will require collaboration between these stakeholders.

- An overview of the EEZ
- The gaps between EEZ and the Territorial Sea
- Improving the interface between stakeholders

**Robert Makgill, Director, NorthSouth Environmental Law
James Gardner-Hopkins, Partner, Russell McVeagh**

4.30 Closing remarks from Chair



1 The National Environmental Standard for assessing and managing contaminants in soil to protect human health – practical implementation, experience, and case studies

9:00am – 12:30pm

The NES for assessing and managing contaminants in soil to protect human health has now been in force for a few months. This workshop provides an opportunity to work through specific examples of applying the NES and to share valuable insights regarding practical implementation issues with other consenting authorities. The workshop will cover:

- Shared experience from the first few months of implementation: methods used for implementation, what's working and what's not
- Case studies illustrating application of the NES
- Council obligations in applying the NES and the process of deriving credible alternative values using the NES approach
- Raising awareness of NES within Council staff
- Managing contaminated site information
- Recognising the difference between good and weak information
- Suitably qualified practitioners

**Penny Kneebone, Principal Environmental Scientist, Tonkin & Taylor
Chris Hillman, Contaminated Land Team Leader, Tonkin & Taylor**

2 Applying the National Policy Statement for freshwater management

1:30pm – 5:00pm

There have been many changes to freshwater management recently, with the Fresh Start for Fresh Water reforms eliciting a positive response from the Government, including a freshwater clean-up fund, an irrigation fund, the National Policy Statement for Freshwater Management and an extended work programme to continue improving our freshwater management systems.

This workshop will deliver practical methods of reviewing and effectively administering Freshwater management in your organisation, covering the following issues:

- The Land and Water Forum's recommendations
- Responsibilities of central government, local government, and water users
- Reviewing and amending current policies and plans
- Setting limits
- Allocating water effectively and dealing with over-allocation
- Modifying water permit transfer criteria
- Developing better processes and governance
- Involving iwi and hapu as key contributors

Facilitator to be confirmed

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CONFERENCE

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WORKSHOPS

2 May 2012, Wellington



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