

Update Environmental and Resource Management Law

Service 58 — September 2022

Commentary

Chapter 1 — Environmental law — Sources, legislation and governance

- Chapter 1 has been reviewed and updated by Dr Kenneth Palmer with reference to *Otago Regional Council v Royal Forest and Bird Society of New Zealand* [2022] NZHC 1777 in relation to appeals under the freshwater planning process.

Chapter 2 — Resource Management Act 1991 — Purpose and national direction

- Chapter 2 has been reviewed and updated by Dr Kenneth Palmer with reference to *Woolworths New Zealand Ltd v Christchurch City Council* [2022] NZEnvC 79 in relation to award of costs against a trade competitor.

Chapter 3 — Resource Management Act 1991 — Regional and District policy and plans

- Chapter 3 has been reviewed and updated by Dr Kenneth Palmer with reference to *Otago Regional Council v Royal Forest and Bird Protection Society of New Zealand Inc* [2022] NZHC 1777, *Clutha District Council v Otago Regional Council* [2022] NZHC 510, *Aotearoa Water Action Inc v Canterbury Regional Council* [2022] NZCA 325 and *Woolworths New Zealand Ltd v Christchurch City Council* [2022] NZEnvC 79.

Chapter 5 — Coastal Environment

- Chapter 5 has been reviewed and updated by Derek Nolan QC to include reference to Ministry for the Environment consultation on the application of the NES-F to wetlands located in the coastal marine area.

Chapter 7 — Minerals and petroleum

- Chapter 7 has been reviewed and updated by Daniel Minninnick and James Winchester to include reference to the interface between the Coal Mines Act 1979 and the Wildlife Act 1953.

Chapter 8 — Water

- Chapter 8 has been reviewed and updated by Bal Matheson and Daniel Minninnick with reference to *Federated Farmers of New Zealand v Northland Regional Council* [2022] NZEnvC 104 in relation to the application of stock exclusion provisions in the NES-FW, and *Otago Regional Council v Royal Forest and Bird Protection Society of New Zealand Inc* [2022] NZHC 1777 in relation to the planning process for freshwater instruments.

Chapter 15 — Heritage

- Chapter 15 has been reviewed and updated by Dr Kenneth Palmer to include reference to the implementation of Medium Density Residential Standards under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

Chapter 17 — Climate change

- Chapter 17 has been reviewed and updated by Allison Arthur-Young to include reference to the Emissions Reduction Plan, and the national adaptation plan published by He Pou a Rangi Climate Change Commission in August 2022.

Chapter 19 — Environmental litigation and dispute resolution

- Chapter 19 has been reviewed and updated by Justice Christian Whata and Dr Claire Kirman to include discussion of rights to participate in proceedings under legislation such as the COVID-19 Recovery (Fast-track Consenting) Act 2020 and the Urban Development Act 2020.