

DESIGNING OUR FUTURE

THE RESOURCE MANAGEMENT ACT

Margo Perpick



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Engineering and Law – Applications of Logical Processes



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Resource Management Law is forward - looking



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Resource Management Law provides the legal framework.

The input is engineering/technical knowledge.

The answer is our future.



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The legal framework:

Resource Management Act 1991

+ judge-made law “the common law”

+ RM policy statements, environmental standards and plans



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Section 5(1) RMA

The purpose of this Act is to promote the sustainable management of natural and physical resources.



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Section 5(2) RMA

In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while -



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Section 5(2)(a) RMA

Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and



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Section 5(2)(b) RMA

Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and



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Section 5(2)(c) RMA

Avoiding, remedying, or mitigating any adverse effects of activities on the environment.



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SECTION 7 RMA

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to –

(b) The efficient use and development of natural and physical resources

(ba) the efficiency of the end use of energy



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SECTION 7 RMA

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to –

(c) The maintenance and enhancement of amenity values:

(f) the maintenance and enhancement of the quality of the environment.



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SECTION 7 RMA

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to –

(g) Any finite characteristics of natural and physical resources:



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SECTION 7 RMA

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to –

- (i) The effects of climate change
- (j) The benefits to be derived from the use and development of renewable energy



Section 32(1) RMA

Before a proposed plan, proposed policy statement, change, or variation is publicly notified, an evaluation must be carried out by the local authority or person requesting the change.



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Section 32(3)(b) RMA

An evaluation must examine ... whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.



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Section 32(4) RMA

... an evaluation must take into account –

- (a) The benefits and costs of policies, rules, or other methods; and
- (b) The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods



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Section 104(1)(a) RMA

When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to any actual and potential effects on the environment of allowing the activity.



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Expert witnesses are qualified by their expertise and experience to give opinion evidence.

Non-expert witnesses may only give direct evidence of what they have experienced.



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Opinion evidence is very important in
forward-looking RM Law



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An expert witness has an overriding duty to assist the decision-maker impartially on relevant matters within the expert's area of expertise.

An expert witness is not an advocate for the party who engages the witness.

Environment Code of Conduct, and High Court Rules



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Growing recognition of the need to provide for future urban growth to be integrated with
the provision of infrastructure.

RMA + Local Government Act + Land Transport Management Act



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A return to planning for our future, instead of leaving growth to be advanced by ad hoc,
developer-initiated
private plan changes.



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OUR VISION

To be the trusted legal advisers of choice

WE WILL

Do our utmost for you, applying the best legal knowledge, judgement, innovation and commercial insight to all tasks

Honour the highest ethical and professional standards – always!

Deliver results, on time and with value

Be here. Over 150 years of experience counts



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