

Reforming the Resource Management System

2 June 2021



Resource Management Act 1991

Public Act 1991 No 69
Date of assent 22 July 1991
Commencement see section 1(2)

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Overview

1. Reform process, timing and engagement
2. Initial legislative and policy directions
 - Purpose of NBA (equivalent of Part 2 RMA)
 - National Planning Framework – replacing NPSs
 - Single Planning Document for each region

What is proposed?

- Repealing and replacing RMA with three new Acts
- Three new Acts will be:
 - **Natural and Built Environments Act (NBA)** to provide for land use and environmental regulation (primary replacement for the RMA)
 - **Strategic Planning Act (SPA)** to integrate with other legislation relevant to development, and require long-term regional spatial strategies
 - **Climate Change Adaptation Act (CAA)** to address complex issues associated with managed retreat and funding and financing adaptation

Reform Process

May – Sept
2021

- Exposure draft of **Natural and Built Environments Bill**
- Special select committee inquiry
- **Strategic Planning Bill** and **Climate Change Adaptation Bill** developed in parallel process

Dec 2021

- **Natural and Built Environments Bill** and **Strategic Planning Bill** introduced to Parliament
- Standard select committee process follows
- **Climate Change Adaptation Act** will be developed in a similar timeframe

Dec 2022

- All three pieces of legislation are passed

Natural and Built Environments Act

Section 5: Purpose

- (1) Promote the quality of the environment to support the wellbeing of present and future generations to recognise the concept of Te Mana o te Taiao.
- (2) Achieved by ensuring that:
 - (a) Use, development and protection of natural and built environments is within biophysical limits;
 - (b) Positive outcomes for the environment are identified and promoted; and
 - (c) Subject to (a) and (b), the adverse effects of activities on the environment are avoided, remedied or mitigated.
- (3) Environment includes-
 - (a) Ecosystems and their constituent parts;
 - (b) People and communities; and
 - (c) Natural and built environments whether in urban or rural areas.
- (4) Wellbeing includes the social, economic, environmental and cultural wellbeing of people and communities and their health and safety.

Natural and Built Environments Act

Section 6: Te Tiriti o Waitangi

In achieving the purpose of this Act, those exercising functions and powers under it must give effect to the principles of Te Tiriti o Waitangi.

Section 7: Biophysical limits

- (1) Biophysical limits are the minimum standards prescribed through the National Planning Framework to achieve the purpose of this Act.
- (2) Biophysical limits-
 - (a) Must provide a margin of safety above the conditions in which significant and irreversible damage may occur to the natural environment;
 - (b) Must be prescribed for, but not limited to: quality, level and flow of freshwater; quality of coastal water; quality of air; quality of soil; quality and extent of terrestrial and aquatic habitats for indigenous species;
 - (c) May be quantitative or qualitative.
- (3) Local authorities are not precluded from setting standards that are more stringent.

Natural and Built Environments Act

Section 8: Outcomes

(1) In exercising functions and powers under the Act, must provide for the following outcomes:

- *Natural environment*
- *Built environment*
- *Tikanga Maori*
- *Rural*
- *Historic Heritage*
- *Natural hazards and climate change*

Natural and Built Environments Act

Section 9: Implementation

Principles

- Public and iwi participation
- Cumulative effects
- Precautionary approach

Ministerial duties - outcomes and biophysical limits

- Implemented through National Planning Framework
- Any other matter

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National Planning Framework

- Single document
- Matters of national significance
- Matters where national consistency would be desirable
- Replaces NPSs, NESs, Regulations and National Planning Standards submissions received
- Note, current national direction will continue to be developed and implemented (freshwater and urban development)

Natural and Built Environments Plans

- One combined plan per region
- Further work on membership, roles, functions and powers of future regional planning arrangements
 - Role for central government agencies
 - Retain some level of subsidiarity for local communities (i.e. delegating decisions to the lowest practicable local level) – retain a voice in plan-making processes
 - Based on strong national direction and integrated planning within regions, but not every detailed rule needs to be decided regionally
- Resource consenting and heritage protection yet to be determined

Potential Impacts

An aerial photograph of a suburban town, showing a mix of residential houses, green fields, and roads. The town is spread out, with a central road intersection and various buildings scattered throughout. The background shows a hazy horizon under a cloudy sky.

- Greater national influence/control
- Greater regional influence/control
- More focus on outcomes
- More focus on consensus between stakeholders
- Lesser role for elected councillors
- Uncertain transition process and timeframe
- Cost and resourcing of change

Future Announcements

An aerial photograph of a suburban town, showing a mix of residential houses, green fields, and roads. The town is spread out, with a central road intersection and various sized buildings. The background shows a hazy horizon under a cloudy sky.

1. Strategic Planning Act
2. Climate Change Adaptation Act
3. More detail on NBA, NPF and NBEPS