

## Natural and Built Environment Bill Reform Series: National and Built Environment Plans

### Planning through new Natural and Built Environment Plans

Part 4 of the Natural and Built Environment Bill (**NBE Bill**) addresses the Natural and Built Environment Plans (**NBE Plan** or **Plan**) and requires there to be at all times a Plan for each region (except for Nelson and Tasman where there must be one plan that applies to both). The purpose of a Plan is to further the purpose of the NBE Bill by providing for the integrated management of the natural and built environment in the region that the Plan relates to. A Plan must also give effect to the National Planning Framework (**NPF**) and be consistent with the relevant regional spatial strategy.

#### In summary:

- A Plan must be made or changed by that region's planning committee. Regional Planning Committees (**RPC**) must be appointed for each region as a statutory body that is a committee of all the local authorities in the region.
- Implementation is going to require substantial structural change at council level, with the primary decision making on plan making being effectively removed from each council and given to the new "Regional planning committees", which will include representatives from the councils, Māori and central government.
- When preparing and changing Plans, the regional planning committee must have regard to a statement of community outcomes, a statement of regional environmental outcomes and any relevant planning document recognised by an iwi authority or groups that represent hapū.
- A Plan must have strategic content that reflects the major policy issues of a region and

its districts and include content such as the management of the resources of the natural and built environment, and the effects of using and developing the environment (including increasing effects). Further, a Plan must achieve environmental limits and targets and ensure that there is sufficient development capacity of land for housing and business to meet the expected demands of the region.

- Plans will contain rules, the purpose of which is to enable a local authority to carry out its function under the NBE Bill, provide for the implementation of directions given by or under the NPF and achieve the outcomes and policies specified in the Plan. The NBE Bill provides that the categories of activities may be permitted, controlled, discretionary or prohibited. While the does not provide for restricted activity status, the NBE Bill does provide that rules for controlled activities must specify the matters over which the local authorities reserve its control in relation to that activity, effectively elevating the new version of controlled activity to one more equivalent to restricted discretionary activity under the Resource Management Act 1991.
- A regional planning committee may also make rules in a Plan requiring an environmental contribution for any class of activity (other than a prohibited activity).

The NBE Plans heavily rely on the content of the NPF. The NPF will provide direction, efficiency and clarity for how Plans are to work in practice.

General themes from submitters relating to NBE Plans include:

- The need to avoid a slow transition through tranching of implementation in groups of regions.

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(Continued)

- Concern at the lack of variety proposed in the make-up of the Regional Planning Committee (**RPC**) which may not consider a range of sector and commercial interests.
- Concern that District and Regional Councils will have limited say in plans and strategies but full responsibility to implement the provisions. Limited consultation with Councils may create an accountability challenge with additional monitoring, enforcement and compliance challenges that councils are not appropriately funded for.
- Submitters suggest allowing the preparation of NBE Plans alongside Regional Spatial Strategies, taking time to first prepare a complete NPF. Other submitters consider NBE plans should give effect to the Regional Spatial Strategies for cohesive integration of planning layers in the new resource management system.
- Should an incomplete NPF be promulgated submitters raise concerns that the regions first in line for transition will have the lion's share of resourcing creating inequality for regions timetabled for transition later.
- Concern at potential disruption to implementation through the appeals pathways in NBE Plans.
- Concern the SP Bills and NBE Bill will not work together to protect the environment. Spatial plans will focus on development with protection of natural values in NBE Plans currently scheduled to be developed later. Submitters are concerned this gap potentially leaves important places with a lack of planning protection until each territorial authority has notified their NBE Plan.
- Concern at the lack of accountability mechanism for Councils if they do not deliver on NBE plan requirements as drafted in the NBE Bill.
- Concern at the lack of transitional provisions. Submitters consider greater certainty is required around transition and implementation of new planning mechanisms and the various plan layers.

**Want to know more?**

Please contact a member of our [Environments, Planning and Natural Resources Team](#) if you would like to know more the Spatial Planning Bill and Natural and Built Environment Bill.