

## RM reform legislation introduced to Parliament

### The long-awaited Natural and Built Environment Bill (NBE Bill) and Spatial Planning Bill (SP Bill) have been introduced to Parliament.

The two Bills are the first of three that make up the reform of the current resource management system, with the third being the anticipated Climate Change Adaptation Bill, to be released next year.

#### NBE Bill

The NBE Bill has been introduced as the replacement for the Resource Management Act 1991 (**RMA**), and addresses similar matters such as plan making, consenting, designations, and compliance and enforcement. The purpose of the NBE Bill is to enable use, development and protection of the environment in a way that recognises and upholds te Oranga o te Taiao, a te ao Māori concept on the health of the environment and interconnectedness, including with people. The purpose also includes:

- Supporting the well-being of present generations without compromising the well-being of future generations;
- Promoting outcomes for the benefit of the environment;
- Complying with environmental limits and targets; and
- Managing adverse effects

Where each district currently has a district plan and each region has a set of plans and a regional policy statement, the NBE Bill will instead require each region to have one Natural and Built Environment Plan. NBE plans will need to be consistent with the new National Planning Framework (**NPF**) (much of which initially will be a rollover of existing National Policy Statements),

which is intended to standardise the content of plans to a certain extent, and impose environmental limits and targets for use and development.

#### SP Bill

The SP Bill provides the requirements for developing Regional Spatial Strategies (**RSS**). Each RSS is to set strategic direction for use, development, protection, restoration, and enhancement of the environment for each region, for a period of at least 30 years. The intention is to provide for integrated management of the environment by identifying key issues and opportunities facing each region and developing strategies for responding to them, with a spatial focus – ie identifying where/which areas are important for urban and commercial development, infrastructure, significance to Māori, natural resources, in need of protection

#### Intended outcomes of the reform

The Ministry for the Environment's announcement of the NBE Bill and SP Bill states that the reform is intended to bring about the following changes to the current resource management system:

- planning for positive outcomes, not just managing adverse effects
- a more effective role for Māori, one that gives effect to the principles of Te Tiriti o Waitangi
- more integrated and strategic long-term planning for transport, infrastructure, housing, climate resilience and environmental protection
- a regional, collaborative approach to planning
- effective partnering of central and local government and iwi/hapū/Māori in planning and delivery
- stronger, more consistent national direction
- moving to equitable and efficient resource allocation within limits
- improved evidence, monitoring, feedback and

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## RM reform legislation introduced to Parliament (Continued)

oversight.

At a glance the new legislation introduces an array of new policies and processes, but also retains some existing provisions of the RMA scattered throughout. While the NBE Bill is extensive (over 800 sections), it is clear that some matters are yet to be resolved, such as conflict between existing national policy direction. We know that as an interim measure National Policy Statements will transfer to be part of the NPF, but it is not clear how any conflicts that arise between competing policies (such as the need to enable urban development and to also protect highly productive land) are to be managed; the NBE Bill requires this to be determined in the drafting of the next iteration of the NPF.

Implementation is also 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.

A challenging issue yet to be addressed is the management of property rights in the context of managed retreat and adaptation to climate change. Until some of the more complex issues such as these are resolved, it is not yet clear whether this resource management reform will reduce complexity and improve environmental outcomes as promised. We will need to wait for the NPF and the Climate Change Adaptation Bill to be released to see the full reform picture.

### Next steps

Public submissions on the Bills are now open until **30 January 2023**.

Submissions on the Bills are made to the Environment Select Committee, who will review all public submissions before recommending any changes to the Bills. The Select Committee must report back by **22 May 2023**.

Following this, the Bills will go through three further debates in the Second Reading, review by the Committee of the Whole House, and the Third Reading. We will provide further updates on the progress of the Bills.

### Want to know more?

You can read the NBE Bill [here](#) and the SP Bill [here](#), and the following press releases:

- [Environment Minister David Parker](#)
- [Finance Minister Grant Robertson](#)
- [Housing and Building and Construction Minister Megan Woods](#)
- [Agriculture Minister Damien O'Connor](#)

Submissions on the NBE Bill may be made [here](#) and on the SP Bill [here](#).

We will be undertaking a detailed review of the Bill and providing updates over the next few weeks – keep an eye out for upcoming articles about the key changes to the resource management system, and get in touch with our [Environments, Planning and Natural Resources Team](#) if you are interested in making a submission,