

In brief: RMA reform – Natural and Built Environments Bill

The process to replace the Resource Management Act 1991 (**RMA**) has begun. Key provisions of the Natural and Built Environments Bill have been released in an exposure draft, and reviewed by the Environment Select Committee.

The Committee has recommended the Government proceed with development of the National and Built Environments Bill and generally supported the direction of the draft, while making limited recommendations for amendments to drafting and more general comment on matters to be addressed in the full Bill.

We provide below an overview of what we know so far, and how we might expect the new approach to be different to the RMA.

Natural and Built Environments Bill

A key policy change sought through the reform is a move away from managing effects and towards protecting, and achieving positive outcomes for, the quality of the environment. This is to be achieved through:

- the Bill's proposed purpose of enabling Te Oranga o te Taiao to be upheld, including by protecting and enhancing the natural environment, and enabling people and communities to use the environment in a way that supports the well-being of present and future generations;
- requirements for setting of environmental limits, to protect the ecological integrity of the environment or human health. Limits are to be set for air, indigenous biodiversity, coastal waters, estuaries, freshwater, and soil; and
- promoting specified environmental outcomes, which the Select Committee recommended fall under the headings of natural environment, cultural values, climate change and natural hazards, and well-functioning urban and rural areas.

The framework for national, regional and district planning documents will be revised, with the exposure draft proposing a National Planning Framework (**NPF**) and combined Natural and Built Environment plans (**NBE plans**).

The NPF will provide direction on the integrated management of matters of national significance, and matters for which national or sub-national consistency is desirable. This would include strategic direction on:

- how the environmental outcomes are to be achieved, including how conflict between the outcomes is to be resolved;
- how the well-being of present and future generations is to be provided for within the environmental limits; and
- identification of key long-term environmental issues and priorities and how they are to be dealt with.

The NPF will also set environmental limits, or provide for limits to be set through NBE plans, with direction as to how this should occur.

NBE plans will replace current regional and district plans, with one consolidated plan for each region (approximately 14 NBE plans for the entire country). NBE plans would be developed by joint planning committees, including representatives of regional and district councils, mana whenua and the Minister for Conservation. Hearings on the proposed plans will be conducted by an independent hearing panel, which will make recommendations to the joint planning committee before the final combined plan is adopted. Appeal rights are likely to be limited.

Next steps

Introduction of the full Natural and Built Environments Bill is programmed for later in 2022. The full Bill will be referred again to the Environment Select Committee, with another opportunity for public submissions.

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Once enacted, the transitional programme for development of the NPF and NBE plans is likely to take around 10 years.