

Attachment 1: Reform of the Resource Management Act 1991

Overview

The Government is consulting on two new Acts which will replace the Resource Management Act 1991, the Natural and Built Environments Bill (NBE Bill) and the Spatial Planning Bill (SP Bill). The NBE Bill will become the substantive replacement of the RMA. It sets out the processes, plans and rules to manage environmental outcomes. The SP Bill establishes a statutory framework for spatial planning nationwide. A new Regional Planning Committee (RPC) is proposed to oversee development of plans under both statutes.

Background

In 2019, the Ardern-led Government appointed Tony Randerson QC to chair a panel to review the resource management system. The principal drivers for the review were that the RMA based system was not delivering good environmental outcomes nor good urban outcomes, and was not appropriately serving Māori. The panel reported back in June 2020, recommending substantive reform including the repeal and replacement of the Resource Management Act 1991 (RMA) with three new Acts:

- A Natural and Built Environments Act (NBA) to provide for land use and environmental regulation.
- A Strategic Planning Act (SPA) to integrate with other key legislation relevant to development and require statutory long-term regional spatial strategies.
- A Managed Retreat and Climate Change Adaptation Act (CAA) to support New Zealand's response to the effects of climate change.

Since 2020, Ministry of Environment officials have been working across central and local government to implement the reforms, broadly as set out by the Panel. An Exposure draft of the NBA was released in 2021. Auckland Council submitted with input from AT, noting the need for reform but also acknowledging the lack of detail available at that time.

In November 2022, the Government released the first two Bills – the Natural and Built Environment Bill (NBE Bill) and the renamed Spatial Planning Bill (SP Bill). The Climate Change Adaptation Bill is anticipated in 2023.

The NBA Bill

The NBA will become the primary replacement for the RMA. Like the RMA, it will combine provisions for land use planning as well as environmental protection. In contrast to the RMA, it will have a much more explicit commitment to promoting outcomes and will include a series of environmental limits (although these have not yet been published).

National direction will be strengthened through the NBA with the establishment of a National Planning Framework (NPF). The NPF will consolidate national policy statements and national environmental standards, and work is underway to develop new national direction, including a section on infrastructure. The NPF is not yet available for comment, but the first iteration is expected in 2023 (for completion by 2025).

All regions across New Zealand will now be required to develop a single NBA plan, similar to Auckland's Unitary Plan model. The regional NBA plan will have to "give effect" to the NPF, and will have to "have regard" to the regional spatial strategy developed under the SPA. NBA plans will not be implemented until after the NPF is released and regional spatial strategies are approved (post 2025 and likely around 2030).

NBA plans will be developed by Regional Planning Committees (RPC). Each RPC will be comprised of representatives from each local authority in the region as well as at least two

mana whenua representatives. An Independent Hearings Panel will hear submissions on the NBA plan and make recommendations to the RPC.

The SP Bill

The SPA provides for the development and implementation of long-term, strategic spatial planning through the development of regional spatial strategies (RSS). The Auckland RSS will set out a vision and objectives for the region's development and change over a 30-year-plus time span and integrate planning across different legislative frameworks associated with the management of the natural and built environment.

The RSS will be expected to identify, among other things, areas appropriate for development and areas which are not, infrastructure corridors, and indicative locations for residential and potential business activities. The RSS must "give effect" to relevant NPF provisions, and otherwise "be consistent" with the NPF.

The same Regional Planning Committee which is responsible for developing a region's single NBA plan will also oversee development of its RSS, with the addition of a central government representative. The process for developing each RSS will, however, be less prescribed. Regions will enjoy considerable flexibility over how the RSS is developed, including whether hearings are held. This will allow engagement processes to be suited to the local context.

In addition to producing the RSS, the RPC will also have to develop an implementation plan. Implementation plans will identify priority actions and set out the steps necessary to deliver on the action, including the party responsible.

Key timeframes

Auckland Council has secured an extension of the submission deadline and will submit the group's response by 19 February 2023.

It is anticipated that the Government will pass the two Bills into legislation before the 2023 General Election.