

Report No.	21-45
Information Only - No Decision Required	

## RESOURCE MANAGEMENT REFORM ANNOUNCEMENTS BY GOVERNMENT

### 1. PURPOSE

- 1.1. The purpose of this report is to present an overview of the Government's proposals for resource management reform and repeal of the Resource Management Act (RMA). The Government made some announcements on 10 February 2021.
- 1.2. At this time, no submissions for feedback is invited as Parliamentary bills have yet to be released.
- 1.3. This report is for information purposes only. No decision is required. Additional information can be found on the Ministry for the Environment (MFE) website <https://www.mfe.govt.nz/rma/resource-management-system-reform>

### 2. EXECUTIVE SUMMARY

- 2.1. The objectives of the resource management reform and the suit of legislation are to:
- 2.2. Protect and restore the environment and its capacity to provide for the well-being of present and future generations
- 2.3. Better enable development within natural environmental limits
- 2.4. Give proper recognition to the principles of Te Tiriti o Waitangi and provide greater recognition of tea o Māori including mātauranga Māori
- 2.5. Better prepare for adapting to climate change and risks from natural hazards, and better mitigate emissions contributing to climate change
- 2.6. Improve system efficiency and effectiveness, and reduce complexity while retaining appropriate Local democratic input.
- 2.7. The reform is based on the findings of the comprehensive review of the resource management system which were released last year. The review was carried out by the independent Resource Management Review Panel led by Hon Tony Randerson, QC. It is the most significant, broad-ranging and inclusive review of the resource management system since the RMA was enacted in 1991. The Panel released its report "New Directions for Resource Management in New Zealand" and extensive recommendations in July 2020. The report is available to review in full here: <https://www.mfe.govt.nz/rmreview>
- 2.8. The exposure draft of the NBA will be considered by a select committee inquiry in the second half of 2021 before the full Bill is formally introduced. The aim is the have the NBA being passed into law by the end of 2022.
- 2.9. The SPA will be developed in parallel to the NBA and will be closely aligned to the development of the CAA. The aim is to have the SPA and CAA passed into law in 2023.

### 3. RECOMMENDATION

That the Committee recommends that Council:

- a. receives the information contained in Report No. 21-45.

### 4. BACKGROUND

- 4.1. The Government plans to repeal the RMA and replace it with three new pieces of legislation. These are yet to be drafted and released.
- 4.2. The three new Acts will be the Natural and Built Environments Act, the Strategic Planning Act, and the Climate Change Adaptation Act.
- 4.3. **Natural and Built Environments Act (NBA)** - to provide for land use and environmental regulation. This Act will:
  - Replace the Resource Management Act 1991 (RMA)
  - Incorporate some of the key principles of the RMA that remain appropriate
  - Rewrite the statutory purpose - enhancing the quality of the environment to support the well-being of present and future generations
  - Focus on enhancing the quality of the environment and achieving positive outcomes such as restoration of waterways which have become degraded
  - Include a requirement to “give effect” to Te Tiriti o Waitangi/ the Treaty of Waitangi (vs take into account)
  - Include recognition of the concept of Te Mana o te Taiao
  - Include mandatory environmental limits specified including for freshwater, coastal water, air, soil and habitats
  - Greater use of mandatory national direction
  - Replace 100+ district and regional plans and regional policy statements into 14 combined plans.
- 4.4. **Strategic Planning Act (SPA)** - to integrate with other legislation relevant to development, and require long-term regional spatial strategies.
- 4.5. The SPA will provide a strategic and long-term approach to how we plan for using land and the coastal marine area.
- 4.6. Long-term spatial strategies in each region would apply a 30-year horizon and identify areas that:
  - Will be suitable for development
  - Need to be protected or improved
  - Will need new infrastructure and other social needs
  - Are vulnerable to climate change effects and natural hazards such as earthquakes.
- 4.7. The regional strategies would enable more efficient land and development markets to improve housing supply, affordability and choice, and climate change mitigation and adaptation. The strategies would promote joined-up strategic planning under other legislation such as the Local Government Act, Land Transport Act and the Climate Change Response Act.
- 4.8. **Climate Change Adaptation Act (CAA)** - to address complex issues associated with managed retreat and funding and financing adaptation.
- 4.9. This Act would support New Zealand’s response to the effects of climate change. It would address the complex legal and technical issues associated with managed retreat and funding and financing adaptation.

13 April 2021

---

- 4.10. The Government's intention is to complete this reform within the current term of government i.e. by 2023.
- 4.11. The reform proposals are based on recommendations published in July 2020 from the Resource Management Review Panel led by former Appeal Court Judge Tony Randerson.
- 4.12. The Government is instigating a special process to progress the reforms at pace.
- 4.13. A special select committee inquiry will consider an exposure draft of the NBA Bill from mid-2021. This will include the most important elements of the legislation, including the replacement of Part 2 of the RMA.
- 4.14. The reforms would reduce the 100+ RMA council planning documents down to around 14, one covering each region.
- 4.15. Central government, councils and mana whenua would work together to prepare that single combined plan.
- 4.16. Publicly released Cabinet papers indicate that the Government will work with a collective of pan Māori entities on key elements of the NBA including the strengthened recognition of tikanga Māori and Te Tiriti o Waitangi.  
<https://www.mfe.govt.nz/more/briefings-cabinet-papers-and-related-material-search/cabinet-papers/reforming-resource>  
<https://www.mfe.govt.nz/more/briefings-cabinet-papers-and-related-material-search/cabinet-papers/adaptation-legislation>
- 4.17. Ministers and Cabinet agree, continued engagement with Local Government will also be crucial.

## 5. THE REFORM PROCESS

- 5.1. May-Sept 2021: An exposure draft of the National and Built Environment Bill will be agreed by Cabinet and then referred to a special select committee inquiry. The exposure draft is an uncommon method, but is intended to 'test' key features of the Bill prior to further drafting.
- 5.2. Dec 2021: The Natural and Built Environments Bill will be introduced to Parliament in late 2021. The Spatial Planning Act will be developed in parallel to the NBA.
- 5.3. Dec 2022: Standard legislative and select committee processes will be followed to pass the NBA into law by the end of 2022. This will include the opportunity for public submissions.
- 5.4. 2023: The SPA and CAA will be passed into law in 2023.

## 6. IMPLICATIONS FOR HORIZONS

- 6.1. Given the legislation has not yet been passed into law by Parliament, it is difficult to say with any certainty what the impacts may be for Horizons Regional Council. However, assuming the draft legislation follows the recommendations of the review report, these are some of the impacts that could be expected.
- 6.2. There is no express intention that the resource management reform be associated with structural change of local government. MFE's website says this about the proposals and role of local government in the future:
- 6.3. *"Reform of local government was outside of the terms of reference of the resource management review and is not covered in the Panel's recommendations. There are no*

13 April 2021

---

*plans for institutional changes to local government in the reform of the resource management system”.*

- 6.4. Further, the same MFE webpage records that:
- 6.5. *“To ensure [the reform both avoids unintended consequences for, and upholds the integrity of natural resource arrangements agreed by Māori and Crown], the Crown will engage with affected Post-Settlement Governance Entities to discuss how their settlement arrangements will be carried over into a new system”.*
- 6.6. However, the nature of the proposals is such that it is possible that the question of sector reform will arise at a later date as a consequence of the RMA reform and the ‘three waters’ reform proposals.
- 6.7. Nonetheless, rationalization of regional and district planning documents under the RMA to just one for the Horizons region will certainly have implications for roles that the Regional Council has in preparing the Regional Plan and Regional Policy Statement. A fully autonomous joint committee would be responsible for preparation of that single combined plan. Representatives might include Department of Conservation, the Regional Council, Territorial Authorities and mana whenua. As currently indicated, it will largely remove council’s from the policy making/approving role.
- 6.8. Local authorities will have the duty of partnership with Iwi/Māori. Resourcing will be required to ensure Iwi/Māori are enabled to engage.
- 6.9. Clear guidance on what “give effect” to the Treaty principles, will mean for Local Government will be required.
- 6.10. It is also unclear whether or how regional scale joint committees can deliver the localised engagement with, and recognition of, mana whenua.
- 6.11. Likewise, clear guidance on council’s obligations to give effect to GHG emission reductions will also be required.
- 6.12. The reform’s intent of these new outcome-focused combined single plans for each region is intended to lift the focus of decision-making up and away from resource consents. By this, there would be fewer consents needed overall and a clearer basis for deciding consents.
- 6.13. There is also a risk that if Regional Spatial Strategies are prepared and approved by joint (multi-party) committees, there could be a lack of local planning and input.
- 6.14. In addition to this reform package, there is also the requirement for Regional Policy Statements to be reformatted by the end of 2022 to comply with National Planning Standards; and
- 6.15. Regional Councils are to notify plans by the end of 2024 to meet the National Policy Statement Freshwater Management.
- 6.16. The transition to combined plans for the region will require careful transition provisions to minimise unintended consequences and unreasonable transaction costs.

## 7. SIGNIFICANCE

- 7.1. This is not a significant decision according to the Council’s Policy on Significance and Engagement.

Charlotte Almond  
**MANAGER POLICY & STRATEGY**

Nic Peet  
**GROUP MANAGER STRATEGY & REGULATION**

**ANNEXES**

There are no attachments for this report.