

OVERHAUL OF RESOURCE MANAGEMENT SYSTEM

By Belinda Green

"Urban areas are struggling to keep pace with population growth and the need for affordable housing. Water quality is deteriorating, biodiversity is diminishing and there is an urgent need to reduce carbon emissions and adapt to climate change."

David Parker, Environment Minister. 11 February 2021.

On 11 February 2021, the Government confirmed plans to repeal the Resource Management Act 1991 (RMA) and replace it with a reform package of laws. The new laws are intended to give effect to recommendations made by the Resource Management Review Panel's 2020 report.

Repeal and replacement of the RMA

The Hon David Parker, Minister for the Environment, announced plans for three new Acts to take the place of the RMA. These three Acts reflect the advice contained in the Panel's 2020 report, and will address matters as follows:

- **A Natural and Built Environments Act (NBA)**

This Act will be the primary replacement for the RMA. It is intended to address land use and environmental regulation, with a focus on *enhancing the quality of the environment and on achieving positive outcomes to support the wellbeing of present and future generations.*

- **A Strategic Planning Act (SPA)**

This Act is intended to focus on decision-making and investment issues. It is anticipated that it will integrate functions under the RMA as well as the Local Government Act 2002, Land Transport

Management Act 2003, and the Climate Change Response Act 2002. Long-term regional spatial strategies will be required.

Minister Parker said the strategies *will enable more efficient land and development markets to improve housing supply, affordability and choice, and climate change mitigation and adaptation.*

- **Climate Change Adaptation Act (CAA)**

This Act will focus on addressing the effects of climate change and natural hazards, and is anticipated to deal with complex issues associated with how to plan for, fund, and finance a *managed retreat* from areas which will be significantly affected by climate change.

Why the change?

There is broad consensus that the RMA is not working as it was intended. However, to date there has been only limited tinkering to the Act.

Once of the forces behind the current reform package is the comprehensive review of the resource management system undertaken by the independent expert Resource Management Review Panel, headed by retired Court of Appeal judge Hon Tony Randerson QC. The Panel's report, released on 29 July 2020 and entitled *New Directions for Resource Management in New Zealand*, was broad ranging and recommend an overhaul to the legislation that would take a different approach, while still incorporating some of the key principles of the RMA.

The Ministry for the Environment's accompanying reform information¹ has identified four key issues of concern:

- Pressures on the natural environment, and unsustainable use of land, water, and other natural resources.
- Urban areas struggling to keep up with population growth.
- A need to reduce carbon emissions and adapt to climate change.
- The need to ensure Māori have an effective role in the system, consistent with Te Tiriti principles.

It is clear that one of the main concerns the

¹ Available at <https://www.mfe.govt.nz/rma/reforming-new-zealands-resource-management-system/supporting-information-reform>.

Government hopes to address through the reform package is housing affordability, supply, and choice.

When will the new legislation come into effect?

The Government has made a commitment to pass all three Bills in the current term. As currently conceived, the timetable is:

- May 2021: Cabinet to agree on a final exposure draft of the Natural and Built Environment Bill, present it to the House, who will then refer it to a special select committee inquiry.
- June to September 2021: The special select committee inquiry will consider the exposure

draft. This is where the bulk of consultation and engagement will occur.

- December 2021: The three Bills will be introduced to Parliament. They will be subject to a standard legislative and select committee process.
- December 2022: All three pieces of legislation are planned to pass by the end of 2022.

Until then, the Government is encouraging councils to continue with *business-as-usual*, with an emphasis on gathering evidence/data on the performance of their plans, and establishing implementation practices that could be carried over into a future system.

ABOUT THE AUTHOR

Belinda is a solicitor in NZDRC's KnowHow Team.*

She has over 16 years' experience, working in both private and government sectors.

Belinda has recently joined us from the Parliamentary Counsel Office where she drafted commercial legislation, and prior to that she practised as a commercial property lawyer.

* Building Disputes Tribunal is a part of the NZDRC Group.

