

Ripping up the Resource Management Act

By Adrian Sharma

[The Resource Management Act 1991 \(RMA\)](#) is one of New Zealand's most important pieces of legislation. It governs what can be built where, when, and how. But more than 30 years on from its introduction, and after numerous amendments, the controversial RMA is on the way out.

It is being replaced by three laws that aim to provide better planning, better environmental protection and reduce the complexity of resource consents.

So what has led to this change? How will the new laws work?

Issues with the RMA

In 2019, the Government appointed an expert panel to review the RMA and consult on issues and options for reform. It was the most significant, broad-ranging and comprehensive review since the law's introduction. The panel's [review](#), published in 2020 identified significant challenges.

The review found that the system is broken and that the RMA no longer achieves what it was

set up to do. It found that the system does not adequately protect the natural environment or enable development where it is needed. Processes are too lengthy and costly, and fail to address new challenges, such as the impacts of climate change.

Complex processes were found to have held up the development of housing and major infrastructure. The absence of a deliberate, strategic and considered approach to resource allocation has led to inefficient and inequitable allocation of resources. The RMA also fails to recognise the interests of hapū, iwi and Māori.

The expert review recommended repealing the RMA and replacing it with laws that better address present and future needs.

The new laws

The Government has responded to the review by promising to deliver a new resource management system aimed at better protecting the environment while cutting red tape, lowering costs and shortening approval times for new homes and key infrastructure developments.

Three new bills are set to replace the RMA:

- The Natural and Built Environment Bill will be the primary replacement for the RMA. It will aim to protect and restore the environment while enabling development within environmental limits through a National Planning Framework, Natural and Built Environment Plans, and resource consents.
- The Spatial Planning Bill will deliver long-term plans through Regional Spatial Strategies



- to guide matters of long-term strategic importance for integrated spatial planning.
- The Climate Adaptation Bill will cover issues like how managed retreat from coastlines would work and who would pay for this.

The new legislative system seeks to introduce a new National Planning Framework – replacing more than 20 National Policy Statements.

15 Natural and Built Environment Plans and 15 Regional Spatial Strategies plans are intended to replace the more than 100 district and regional plans required by the current system.

The Government is expected to set up 15 Regional Planning Committees. The committees will have at least six members, including members from councils, central government and at least two appointed by local Māori. Each committee will be required to prepare a Regional Spatial Strategy, setting out development expectations.

Natural and Built Environment Plans will set out specific land use and resource allocation rules for each region. These plans are expected to allow more activities than the current rules, thereby reducing the need for some consents. The Natural and Built Environment Plans will be subject to public consultation, reviewed by an independent panel, and require engagement with mana whenua.

Under the new resource management system, Councils across the country will be expected to set their own long-term aspirations and visions, and decision-makers will be required to give effect to the principles of Te Tiriti o Waitangi.

When do the new laws come into action?

If passed by Parliament, the three new laws are expected to come into force next year, but with a staggered introduction and a lengthy transition period. Some of the changes may not be fully in force for at least another decade, with the existing RMA practices remaining in place in the interim.

You can find out more about the reform proposals and progress of the bills through the select committee and legislative process on the Ministry for the Environment's [website](#).

ABOUT THE AUTHOR



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Originally from Fiji, his previous role was as a State Counsel at the Fiji Independent Commission Against Corruption where he successfully prosecuted a wide range of complex fraud and corruption cases.

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