

First exposure draft of the Natural and Built Environments Bill released

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The Government today released the exposure draft of the Natural and Built Environments Bill (NBA), the core land use and environmental legislation replacing the Resource Management Act (RMA).

The exposure draft includes key elements of the legislation, including the replacement of Part 2 of the RMA and setting the high level framework for planning documents. In particular, the exposure draft includes:

- Preliminary provisions, including a series of definitions
- Part 2 of the Act, being the purpose and related provisions, which focus on:
 - Te Oranga o te Taiao: incorporating the health of the natural environment, the intrinsic relationship between iwi and hapū and te taiao, the interconnectedness of all parts of the natural environment, and the essential relationship between the health of the natural environment and its capacity to sustain all life
 - decision makers giving effect to the principles of Te Tiriti o Waitangi (a higher standard than under the RMA)
 - compliance with environmental limits, which are to be set by the Minister for the Environment through the new national planning framework (see below), or by regional planning committees through regional plans where authorised by the national planning framework
 - a diverse series of environmental outcomes that must be promoted in the new national planning framework and all plans. The outcomes range from the quality, mana and mauri of the natural environment through to the provision of housing supply and infrastructure
- Part 3 of the Act, which is to establish a new national planning framework. The national planning framework is to be prepared and maintained by the Minister for the Environment, to provide integrated direction on the use, protection and enhancement of the natural and built environment that is then reflected in plans
- Part 4 of the Act, which is to provide for natural and built environments plans. The scheme of the legislation is that there will be only one such plan per region, which will be a significant reduction compared to the position under the RMA (with multiple plans per region as well as one plan for every district).

The exposure draft will be presented to Parliament, and then referred to a select committee. The select committee process is expected to run for about three months, during which the public can make submissions.

This will be one of two opportunities for people to give feedback on the reforms. A second select committee process will be held when the full NBA is introduced to Parliament in early 2022. During this process, the public will again be able to make submissions.

The suite of legislation replacing the RMA also includes the Strategic Planning Act (SPA) and the Climate Change Adaptation Act (CCA). The drafts of the SPA and the CCA are expected later this year.

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