

Natural and Built Environments Bill



Flourishing environment, thriving communities | Ka ora te Taiao, ka ora Tātou



Ministry for the
Environment
Manatū Mo Te Taiao

Presenters

Liz Moncrieff – Overview/Introduction

Joe Beaglehole - Purpose & related provisions of NBA

Tanya Sorrell – Te Oranga o te Taiao / Te Tiriti

Jessica Phillips – National Planning Framework

Chyi Sim – NBA Plans

Claire Gregory – Planning for transition / implementation

ALL - Questions

Overview

Liz Moncrieff, Director



Ministry for the
Environment
Manatū Mo Te Taiao

Purpose and related provisions of NBA

Joe Beaglehole

Reform objectives

To ensure current and future generations can thrive in a healthy environment

1. Protect and where necessary restore the natural environment, including its capacity to provide for the well-being of present and future generations
2. Better enable development within environmental biophysical limits including a significant improvement in housing supply, affordability and choice, and timely provision of appropriate infrastructure, including social infrastructure
3. Give effect to the principles of te Tiriti o Waitangi and provide greater recognition of te ao Māori, including mātauranga Māori
4. Better prepare for adapting to climate change and risks from natural hazards, and better mitigate emissions contributing to climate change
5. Improve system efficiency and effectiveness, and reduce complexity, while retaining appropriate local democratic input

OVERVIEW OF THE PROPOSED RESOURCE MANAGEMENT SYSTEM

NATURAL AND BUILT ENVIRONMENTS ACT

Purpose and Related Provisions

The purpose clause includes Te Oranga o te Taiao, and use of the environment for the well-being of present and future generations.

Related provisions cover the Treaty, environmental limits, and environmental outcomes



Purpose and related provisions translated through the development of NPF

National Planning Framework

Contains the environmental limits that are set nationally, targets, other provisions such as methods and rules, and a precautionary approach, to direct and guide those exercising functions and powers under the NBA in the implementation of the Act

Purpose and related provisions, and NPF translated into plan provisions

Natural and Built Environments Plan

Developed by local government, central government and mana whenua, replaces the existing regional policy statements, regional plans and district plans. Contain provisions (including rules) that determine whether a consent is required, whether it needs to be notified, and what an application will be assessed against in order to grant it. Includes designations (reserving land for infrastructure works etc)

Resource Consents

Implementation of Designations

STRATEGIC PLANNING ACT

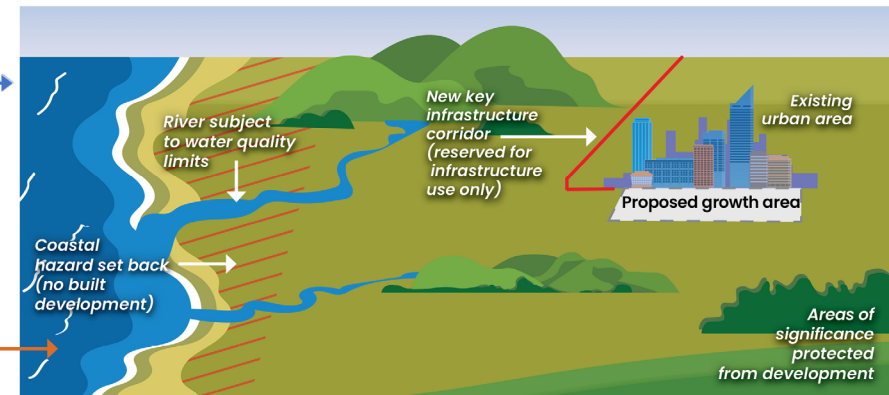
Climate Change Response Act

Local Government Act

Land Transport Management Act

Long-Term Regional Spatial Strategy

Jointly developed by local government, central government and mana whenua



Climate Adaptation Act

RSS translated into plan provisions

Local Government funding mechanisms

Long-term plans, Regional Land Transport Plans, Annual Plans

Implementation agreements

Central Government funding mechanisms

Implementation of plans

Purpose of the NBA

Overview

- Sets out the 'why' and the 'how' of the Natural and Built Environments Act
- The purpose of the NBA is to enable:
 - Te Oranga o te Taiao to be upheld, including by protecting and enhancing the natural environment
 - people and communities to use the environment in a way that supports the well-being of present generations without compromising the well-being of future generations.
- To achieve the purpose:
 - use of the environment must comply with environmental limits
 - outcomes for the benefit of the environment must be promoted
 - any adverse effects on the environment of its use must be avoided, remedied or mitigated.

Environmental limits

Compulsory biophysical bottom lines

- List of mandatory matters on which environmental limits must be set
 - Limits set through the NPF and NBA plans
 - Framed as a either:
 - minimum/maximum acceptable state of an aspect of the environment
- OR**
- maximum amount of harm that can be caused to that state
- A **precautionary approach** will be required in setting environmental limits

Environmental outcomes

A framework for maintaining and improving the environment

- Outcome focused – a shift from an effects-based system
- Outcomes cover the natural and built environments, heritage, climate change and natural hazards, te ao Māori



Te Oranga o te Taiao / Te Tiriti

Tanya Sorrell

Te Oranga o te Taiao

The purpose of the Bill is (in part) to “enable te Oranga o te Taiao to be upheld”

- Te Oranga o te Taiao is a concept that draws on te ao Māori to define the purpose
- Four aspects give it substance:
 - The health of the natural environment
 - The intrinsic relationship between iwi and hapū and te Taiao
 - The interconnectedness of the natural environment
 - The essential relationship between the health of the natural environment and its capacity to sustain all life



Te Tiriti o Waitangi

All persons exercising powers and performing functions and duties under this Act must *give effect to the principles of te Tiriti o Waitangi*

- This is a “general effect” clause, not limited by any further caveats
- The impact of Te Oranga o te Taiao and the Tiriti clause will cascade through the Bill in many important ways, including
 - Outcomes (clause 8)
 - Implementation Principles (clause 18)
 - The parameters of the National Planning Framework and NBA Plans
- The Panel recommended the SPA have the same Tiriti clause as the NBA, and Regional Spatial Strategies are intended to give effect to the NPF as well, including any measures that are intended to give effect to te Tiriti and uphold Te Oranga o te Taiao.

National Planning Framework

Jess Phillips

National Planning Framework

- A **single regulation-making power** combining the functions of existing national direction instruments
- The NPF will further the purpose of the NBA by providing **integrated direction** on matters of national significance or matters for which national or sub-national consistency is desirable
- The NPF will have **mandatory content**, including limits, outcomes, certain topics, conflict resolution provisions, and strategic content
- The NPF will also provide for other **discretionary content** to be added
- Flexibility in the **implementation** of NPF provisions through NBA plans
- What else is still to come?

NBA Plans

Chyi Sim

NBA Plans

A single plan to cover resource use, allocation and land-use management for each region

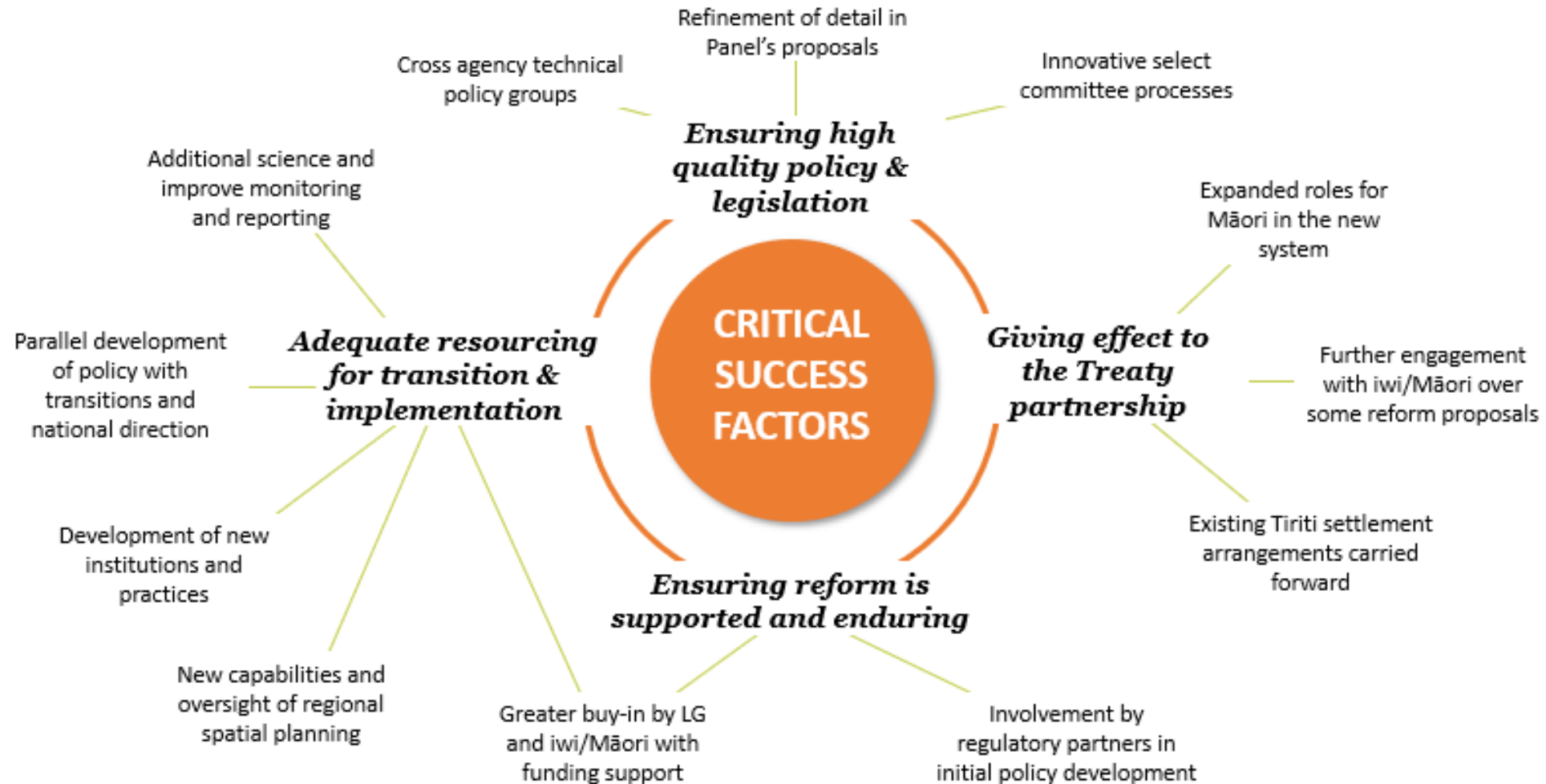
- Prepared by planning committees, including councils, mana whenua and a representative for the Minister of Conservation
- Gives effect to the NPF including where directed to set environmental limits
- Provides for matters that are significant to both the region and its districts
- Promotes defined environmental outcomes
- Helps to resolve conflict relating to the environment in the region



Transition & Implementation

Claire Gregory

Starting point – Establishing the new system





Draft objectives for establishing the new system

- Have **necessary measures** in place to ensure **transformational change** in the system
- Provide **as much certainty as possible** through transition for system users and implementers
- Provide **opportunities for iwi/hapū to effectively participate** and have the capacity and capability to **recognise te ao Māori** including **mātauranga Māori** in the establishment and implementation of the new system
- **Maintain system integrity and stewardship** (for both new and current system), including maintaining momentum for key Government priorities (such as freshwater management and urban development)
- Transition the system in an **efficient and effective** way, focused on reducing complexity and partnering for success



Implementation Framework

<i>Components</i>	<i>Central Government leadership</i>	<i>Implementation with iwi & hapu</i>	<i>Implementation through local government</i>	<i>Reforming system culture</i>	<i>Digital transformation</i>	<i>Capacity capability & training</i>
The role of Government in the new system	*	*	*		*	
Initial content of the NPF	*	*		*		*
Prototypes/models of RSS and NBA plans	*	*	*	*	*	*
Partnerships with iwi/hapu	*	*		*	*	*
Partnerships with councils	*	*	*	*	*	*
Extent of continued implements of current RMA	*	*	*			
Reforming systems culture	*	*	*	*	*	*
Elements of digital innovation	*	*	*		*	*

 Primary component
  Secondary component

Questions...