

Ask a Professional article 19 February 2021 – RMA Reform

Despite COVID-19 having an effect on various aspects of our lives, it seems RMA matters have not slowed down. 2020 has seen the Randerson report, a new National Environmental Standard, a new National Policy Statement, processes to bring in new resource management plans in various regions taking off, and steady media attention on what the environment might look like in the future.

Finally, after years of foreshadowing, there is now a timeline for repealing and replacing the Resource Management Act 1991.

On 10 February the Government issued a press release confirming that it will replace the RMA with three new pieces of legislation (as recommended by the Panel headed by Judge Tony Randerson, hence the report being known as ‘the Randerson Report’).

The nature of managing resources, development, people and community interests, is such that Dr Elizabeth Fisher is quite right to describe environmental problems as being a “hot” topic.¹ Reforming this area of law is no easy feat. Many competing needs and interests must be balanced. As Environment Minister David Parker said in the 10 February Press Release, “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.”

In short there is a lot going on. The RMA has had to keep pace with changes in our society since its inception; it is possibly one of the most amended pieces of legislation New Zealand has ever had.

Hence the proposal to repeal it completely is a significant step.

To summarise, the new resource management regime will look like this:

- Natural and Built Environments Act (NBA). This will provide for land use and environmental regulation. This is the primary new legislation, and expected to be in force by the end of 2022.
- Strategic Planning Act (SPA). This will integrate with other legislation relevant to development, and require long-term regional spatial strategies. Timeline is also to be in force by end of 2022.
- Climate Change Adaptation Act (CAA) to address complex issues associated with managed retreat and funding and financing adaptation.

So what will this change exactly look like? Minister Parker says that “planning processes will be simplified and costs and times reduced ... the existing 100-plus RMA council planning documents will be reduced to about 14”.

The reform is likely to give tikanga Māori and Te Tiriti o Waitangi (Treaty of Waitangi) more recognition.

There will be the opportunity to have your say on this legislation as it works its way through the process. More information can be found in the Randerson report online. This is definitely something to watch with interest.

¹ E Fisher, “Towards Environmental Constitutionalism: A Different Vision of the Resource Management Act 1991” (2015) Resource Management Theory and Practice 63.
<https://www.rmla.org.nz/wp-content/uploads/2016/09/lfisher.pdf>