



# Talking points: Lodgement - Natural and Built Environment and Spatial Planning Repeal and Interim Arrangements Bill

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## Purpose

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1. Attached are talking points to assist you in discussion with you colleagues in Cabinet on 18 December 2023.
2. The focus of these talking points is the introduction and Lodgement of the *Natural and Built Environment and Spatial Planning Repeal and Interim Arrangements Bill* (the Bill) to the House.

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## The Bill to repeal the NBA and SPA

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1. In August 2023 the previous Government passed the Natural and Built Environment Act 2023 (NBA) and Spatial Planning Act 2023 (SPA) to replace the Resource Management Act 1991 (RMA).
2. I am lodging legislation repealing the NBA and the SPA by the end of this year. The legislation has a narrow scope that focuses on repealing the two Acts which, for the most part, have not yet started to be implemented.
3. This is the first step in our wider plans for the resource management system in this parliamentary term, as outlined in our coalition agreements.
4. Repealing the SPA is straightforward; no region has started a spatial planning process under the SPA, and no transitional arrangements are needed.
5. However, there are a limited number of NBA functions that have begun to be implemented. These are addressed in the repeal legislation so that everyone who uses the resource management system clearly understands how their interests are affected by the repeal.
6. The NBA and SPA also amended over 150 other Acts and secondary legislation, including the RMA. We have taken a simple approach here – where legislation references the NBA or SPA it has been reverted to the pre-NBA and SPA wording.
7. Amendments to legislation that do not explicitly reference the NBA or SPA have also been reversed, except for select exceptions. For example, minor process improvements to the Marine and Coastal (Takutai Moana) Act 2011 have been left in place.

## Retaining the fast-track consenting regime

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8. This Government committed to introducing legislation for a permanent fast-track consenting regime for infrastructure projects within the first 100 days of office. I have instructed agencies to work on options for a fit-for-purpose, permanent fast-track regime, which I will bring to Cabinet in early 2024 seeking decisions on its design.

9. As agreed by Cabinet, the fast-track regime from the NBA will be maintained until a permanent regime is developed, as a stop-gap to avoid a hiatus with no fast-track regime.
10. There may be some opportunities to incorporate more changes to the RM system alongside the permanent fast-track consenting regime, for instance to start addressing coalition commitments relating to freshwater.
11. The Bill carries over protections from the NBA that uphold existing rights and arrangements under historical Treaty settlements and other relevant arrangements, including the Marine and Coastal Area (Takutai Moana) Act 2011 and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.
12. This will allow us to work towards introducing a permanent fast-track regime, while providing assurance to Post Settlement Governance Entities (PSGEs) that their settlement arrangements will still be upheld until that legislation is passed.

## **Role of the Spatial Planning Board**

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13. Spatial planning requires coordination across a range of central government portfolios. The Spatial Planning Board (the Board) was established to ensure that Ministers are provided with joint cross-agency advice on spatial planning.
14. While repealing the SPA is straightforward, it raises the issue of the future role of the Board, as its current functions relate to the implementation of the SPA.
15. I have asked the Board to advise me early in the new year on options for this Government to progress spatial planning. On repeal, I will seek Cabinet decisions on any future role for the Board alongside decisions about the Government's priorities for resource management.

## **Extending the deadline for freshwater planning instruments**

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16. As agreed by Cabinet the Bill includes an extension to the notification date for planning instruments giving effect to the NPS-FM by three years, from 31 December 2024 to 31 December 2027.
17. Making the change before Christmas provides councils and communities with some relief and certainty over that period.

## **Repeal by Christmas has required fast decisions and an expedited process**

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18. We have had to work fast to repeal the NBA and SPA by Christmas 2023. It has required expedited drafting, engagement, and Parliamentary processes.

19. The tight timeframes have allowed time for only very targeted engagement with local government, Māori, and key sector stakeholders, focused on general messages about the repeal process.
20. The repeal bill will be passed through the House under urgency and the select committee phase will be bypassed.

## **Engagement with Local Government**

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21. Engagement with local government has indicated a desire from this sector for clear information about the repeal to help manage the transition, and to work closely with the Government as new policy is developed.

## **Engagement with Māori**

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22. I have written to relevant Māori groups notifying them of Cabinet's intention to repeal the NBA and SPA. Officials will support ongoing engagement with groups where necessary through the repeal process.
23. We have had limited targeted engagement with iwi and hapū at place. Their feedback highlighted that they need significant investment in building capability and capacity for Māori to participate effectively in the resource management system.
24. Iwi and hapū have also communicated a need to ensure that the repealed structure is more efficient and less complex than the current one, and nervousness about perceived winding back of gains made in the NBA.

## **Risks**

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25. There are risks associated with such a fast-paced process, including unresolved matters and errors in the bill, and concern from the public about their inability to input into the process.
26. I consider these risks are acceptable to progress the priorities of this Government.

## **Next steps**

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27. The Bill will be introduced by 19 December 2023, and progressed through Parliament under urgency between 19 and 21 December 2023.

28. I intend to bring a further paper to Cabinet in early 2024 seeking decisions on the design of the fast-track infrastructure consenting regime and authority to issue drafting instructions.