



Tirohanga whānui – Te Whakawhiti ki te Ture Taiao Tūturu me te Hanga mai i te Ture Whakahaere Rawa Overview – Transitioning to the Natural and Built Environment Act from the Resource Management Act

New laws are being phased in that aim to help Aotearoa New Zealand protect and manage the environment and its resources. The Spatial Planning Act 2023 (SPA) and the Natural and Built Environment Act 2023 (NBA) were enacted on 23 August 2023. This new legislation changes the way we manage the environment, natural resources and land.

How we transition from the RMA to the SPA and NBA will occur sequentially and region by region.

This factsheet covers:

- timing of SPA and NBA
- a region-by-region approach and a region's NBEA date
- transitioning to the NBA
- changes that apply immediately.

Timing of SPA and NBA

There will be sequential development of each part of the new system beginning with the National Planning Framework (NPF), which is drafted by central government, followed by Regional Spatial Strategies (RSS) under the SPA, and then Natural and Built Environment plans (NBE plans) under the NBA.

The timing of the new system is sequenced to:

- ensure the transitional NPF is in place in time to inform the development of the first RSS and is then updated to include additional direction in time to inform the first NBE plans
- uphold te Tiriti o Waitangi | Treaty of Waitangi settlements and other arrangements,¹ as agreed with the relevant post-settlement governance entities, iwi or hapū
- enable the formation of regional planning committees
- enable regional planning committees to develop RSS and NBE plans.

A region-by-region approach

The NBA (apart from the matters that apply on or after Royal assent), will turn on region by region as regional planning committees develop NBE plans. Many parts of the NBA will not apply until there is an NBE plan in place.

The RMA will not be repealed immediately. Instead, the provisions of the RMA (with some exceptions), RMA national direction, RMA plans and RMA consenting continue to be in force until an NBE plan applies on the region's NBEA date.²

A region's NBEA date

This is the date 10 working days after a regional planning committee has notified the decisions version of its first NBE plan. From this date an NBE plan is treated as operative (with exceptions).

From a region's NBEA date, most consenting, designations and other processes and provisions in the NBA 'turn on' in a region.³

While the RMA will not apply in a region after its NBEA date, it will remain in place until all the regions in Aotearoa New Zealand have reached their NBEA dates. Once that is achieved, the RMA will be repealed.

Transitioning to the NBA

Through the transition period, only the provisions of either the RMA or the NBA will apply to any individual resource management matters (such as plan changes, lodged resource consent applications, objections and appeals).

The NPF and regional spatial strategies will not apply to RMA decision-making, except in the specific circumstances outlined in schedule 1 of the NBA. For example:

- consideration will need to be given to the desirability of consistency with the NBA when developing new or amended RMA national direction during the transition⁴

¹ Joint Management Agreements and Mana Whakahono ā Rohe.

² Schedule 1 clause 6 of the NBA.

³ Schedule 1 clause 5 of the NBA.

⁴ Schedule 1 clause 13(3)(a) of the NBA.

- after the RSS notification date, any change to an RMA plan or policy statement must not be inconsistent with the RSS⁵
- RMA designations must consider an adopted RSS.⁶

As a general rule, existing process commenced under the RMA can be completed under the RMA including any objections and appeals.

Existing RMA consents and other authorisations that are in place in a region at the time of a region's NBEA date will be recognised and deemed as authorisations under the NBA. They will be subject to the same terms and expiry dates as they had under the RMA. This includes those commenced under the RMA but completed after a region's NBEA date.

Changes that apply immediately

Some changes start the day after Royal assent:

- 10-year reviews of plans are no longer mandatory
- some freshwater-related resource consents under the RMA are subject to maximum duration controls
- a fast-track consenting process is available for specified applications
- some compliance and enforcement provisions are applied
- some provisions relating to contaminated land and aquaculture are applied.

⁵ Schedule 1 clause 9 of the NBA.

⁶ Schedule 1 clause 41 of the NBA.

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