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Media Release

Positive Select Committee report on Natural and Built Environments Bill, but more work needed

EDS has welcomed the release of Parliament’s Environment Select Committee report on the government’s proposed replacement for the Resource Management Act 1991 (RMA) – the Natural and Built Environments Bill. In a novel process, the Committee was presented with an exposure draft of key provisions of the proposed legislation, as well as a parliamentary paper, and asked to conduct an inquiry.

The full Bill is still undergoing development and is not due for introduction into the House until next year. EDS made a detailed submission to the Committee, which can be found [here](#).

“We have said for a long time that Aotearoa New Zealand’s resource management system, including the RMA, is in need of an overhaul because it hasn’t been delivering for people or the environment,” said CEO Gary Taylor.

“The drafting of some of the key front-end provisions of the Bill, including its purpose and principles, was an important milestone. It has allowed for bigger-picture discussions to happen before the process drills down into the minutiae of what will no doubt be a large and complex piece of legislation,” said Gary Taylor.

“The Select Committee’s report is the next step down that path, and it’s good to see a lot of positive signals and constructive advice coming out of it,” said senior policy advisor Dr Greg Severinsen.

“The independent Randerson Panel’s recommendations have been largely embraced by the majority of the Committee. That is a good thing. Although it’s not clear that the Committee’s efforts at actual legislative drafting have hit a home run, the policy intent of its recommendations are generally sound and would improve the Bill. In particular, the Committee should be commended for recommending that:

- Provisions for environmental limits should be strengthened, including by giving them a clearer place in the purpose of the legislation (to avoid the potential for balancing), introducing clearer principles for setting them, imposing a general duty to comply with them, and ensuring that “transitional” limits – a pathway towards meeting limits where they are not currently being met – are set.
- The new concept of ‘te oranga o te taiao’ in the Bill’s purpose should be defined to more closely resemble the carefully constructed hierarchy of ‘te mana o te wai’ in the National Policy Statement for Freshwater Management (where the needs of the environment come first).
- The long list of ‘outcomes’ that the Bill is seeking to achieve should be rationalised, that the language of ‘pursuing’ rather than ‘promoting’ should be used, and – perhaps most importantly – that decision-makers should be obliged to pursue synergies between environmental and other outcomes rather than jumping straight to trading them off against each other (which, we fear, would lead to a race to the bottom).

- ‘Offsetting’ and ‘compensation’ should be removed from the definition of ‘mitigation’, thereby removing any implied right to pollute if one ‘pays’ for it.
- A stronger emphasis should be placed specifically on *indigenous* biodiversity rather than *just* protecting biodiversity or ecosystems.
- A new principle of non-regression should be added, where measures taken to improve environmental wellbeing cannot be watered down later on.
- Further work should be done on a variety of matters, including the role of green infrastructure.
- Funding should be provided to support declaration proceedings, to ensure that the right voices are heard in the courtrooms when it comes to interpretation of the new legislation.

“Alongside a number of other good suggestions, there are some recommendations that warrant caution. For instance, there is talk of creating ‘exceptions’ where environmental limits do not have to be complied with. This is a potentially concerning loophole that we’ll be watching.

“Urban biodiversity, environmentally sensitive design and tree cover remain a bit undercooked, a point made by the Green Party minority view. And the legislation would benefit from a more hierarchical approach to its long list of outcomes, where fundamental elements of environmental wellbeing are prioritised in the event of intractable conflict.

“Overall, though, this is a positive milestone on the road to reform, and we hope that this generational change can happen with cross-party support,” concluded Dr Severinsen.