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Media Release

EDS welcomes exposure draft of bill but says more work needed to protect environment

The Environmental Defence Society (EDS) has welcomed the release this morning of the exposure draft of the Natural and Built Environments Bill (NBB). EDS together with business partners has been a significant contributor to the early gestation of the resource management reforms through its extensive research that showed that the current law was not working for the environment or for economic development.

“The key parts of this new bill will now go through a novel and wide-ranging review process starting with a lengthy select committee hearing focused on the first draft of the core provisions. Further down the track, after the select committee has heard submissions and reported back to Parliament, a second, more refined and complete version will go through a similar process. That will give all interests a chance to provide constructive feedback,” said EDS CEO Gary Taylor.

“On a first reading of the draft, it is generally reflective of the Resource Management Review Panel’s recommendations. It is also broadly consistent with EDS’s own proposals. It provides a solid foundation to build upon. The government deserves credit for reaching this point. Reform of this nature is a challenging and complex task. The timeline has been heroic.

“However, there are important issues that will need further work for the new law to be fit for purpose. Chief amongst these are environmental bottom lines and targets. These are absolutely critical to get right in order to halt the continuing decline in environmental quality across multiple domains, including land, freshwater, marine and air,” said Mr Taylor.

EDS’s Senior Policy Researcher, Dr Greg Severinsen, who was the lead researcher for EDS’s multi-year resource management reform project pushing for change, is pleased to see that environmental limits form a core part of the proposed new legislative regime although refinements will be needed.

“The NBB proposes that the use of the environment will be required to *comply* with environmental limits, and these *must* be set – this should help drive a badly needed improvement in environmental performance.

“It is also good to see that limits are to be contained in natural and built environment plans as well as in the national planning framework, and that they will be able to include both regulatory and policy provisions. This will enable regional and local focus and application.

“However, a key issue will be how limits are set and what they look like for matters such as biodiversity, habitats, ecosystems and coastal waters. At the moment the topics for which limits must be set are left relatively vague in the legislation. It is also important that limits can protect unique local environments and valued species and taonga, not just overall measures of biodiversity.

“Further clarity is also needed on what the legal effect of a limit will be when it comes to making decisions on the ground and things like plan changes, consents and designations.

“Moreover, there is an absence of provision for mandatory targets. This is a significant departure from the Panel’s recommendations. Mandatory targets are critical when limits have already been overshoot to ensure that timely progress is made to reverse the situation.

“While EDS endorses the inclusion of positive environmental outcomes in the legislation, we are concerned that the list of outcomes lacks an internal hierarchy. It looks like achieving crucial positive outcomes for the natural environment can be balanced against economic development and other matters. The drafting needs to make clear that outcomes should be pursued in ways that also achieve other outcomes, so that we are pursuing synergies and not trade-offs where the environment always loses out.

“We also note the lack of outcomes for indigenous biodiversity and species which were included in the Panel’s recommendations. That is a concerning gap that will need fixing.

“Other matters that will require more thought in the second draft of the Bill include existing use rights, the use of offsetting, the contribution of the Act to climate change, and allocation issues.

“The bill does succeed in cutting unnecessary red tape out of the system. There will be fewer plans, more coherent and integrated national direction and faster plan-making processes. Overall it a welcome first draft and a good platform, although further improvements will need to be made. This is a generational change, so it is crucial we get it right for the next 30 years,” Dr Severinsen concluded.

EDS will be making detailed submissions on the Bill and will post guidance on its website prior to the closing date.