

Natural and Built Environments Act exposure draft – Kaipara District Council draft submission

Meeting: Kaipara District Council
Date of meeting: 28 July, 2021
Reporting officer: Michael Day, Strategy, Policy and Governance Manager

Purpose | Ngā whāinga

To present a draft submission on the exposure draft to the Natural and Built Environments Act and seek approval for the submission to be lodged with Parliament.

Executive summary | Whakarāpopototanga

The exposure draft of the Natural and Built Environments Bill was released by the Minister for the Environment on 29 June 2021. The bill has been referred by Parliament to a select committee inquiry and public submissions are now being called for the inquiry. The closing date for submissions is Wednesday, 04 August 2021.

Staff have prepared a draft submission and Council is now being asked to either approve the draft submission or decline to make a submission to the process before the 04 August 2021 submission closing date.

Recommendation | Ngā tūtohunga

That the Kaipara District Council:

- a) Approves the draft submission on the Natural and Built Environments Act exposure draft (subject to any amendments directed by council), as provided in Attachment A.
- b) Delegates the Mayor and Chief Executive the authority to approve a final version of the submission before being lodged with Parliament.

Context | Horopaki

An 'exposure draft' of the Natural and Built Environments Act was released by the Minister for the Environment on 29 June 2021. This is the first major milestone since the Government announced in February 2021 that it would repeal the Resource Management Act 1991(RMA) and enact three new laws to reform New Zealand's resource management system.

These proposed new laws are:

- **Natural and Built Environments Act (NBA)** which is the primary replacement for the RMA
- **Strategic Planning Act (SPA)** which will help coordinate and integrate decisions made under relevant legislation, and require the development of long-term regional spatial strategies
- **Climate Adaptation Act (CAA)** which will address complex issues associated with managed retreat and funding and financing climate adaptation.

Discussion | Ngā kōrerorero

The exposure draft of the NBA is a partial draft of the legislation that has not yet been formally introduced into Parliament and is being shared with the public for initial feedback to test the core elements of the Bill. It does not cover the full Bill, instead it provides an early look at key aspects of this legislation including:

- the purpose of the NBA (including Te Tiriti o Waitangi clause) and related provisions;
- the National Planning Framework (NPF);
- the Natural and Built Environments plans (NBA plans).

Matters which are not included in the exposure draft, and which will come later, include:

- a. the process to develop the NPF and NBA plans;
- b. consenting;
- c. existing use rights;
- d. allocation of resources, and economic instruments;
- e. compliance, monitoring and enforcement;
- f. water conservation orders;
- g. designations and heritage orders;
- h. subdivision;
- i. the function and roles of Ministers and agencies, as well as regional councils and territorial authorities in the system.

The exposure draft of the NBA and explanatory material can be accessed [here](#) (Ministry for the Environment website) and the Government is calling for submissions until 04 August 2021.

Whilst the exposure draft lacks substantial detail, staff have prepared a draft submission, which is attached to this paper (**Attachment A**).

Options

The following options are identified as reasonably practicable options for Council's consideration.

Option 1: Council lodges a submission on the exposure draft.

Option 2: Council does not lodge a submission on the exposure draft.

Option 3: Council does not lodge a submission on the exposure draft but expresses support for other submitters (such as Taituarā)

The advantages and disadvantages of each option are described below:

Option	Advantages	Disadvantages
1 – Council lodges a submission	<ul style="list-style-type: none"> ▪ The council will be seen to have an active interest in the reform process ▪ Government will have council's view on the matter and this provides an opportunity to influence Government policy 	<ul style="list-style-type: none"> ▪ None identified
2 - Council does not lodge a submission	<ul style="list-style-type: none"> ▪ None identified 	<ul style="list-style-type: none"> ▪ Government does not have Council's views on the matter ▪ The community/sector may perceive that Council has no interests in the matter
3 – Council does not lodge a submission but expresses support for other submitters	<ul style="list-style-type: none"> ▪ The council will be seen as having an active interest in the matter 	<ul style="list-style-type: none"> ▪ Submissions by others may not adequately reflect

		Kaipara's specific circumstances or interests.
--	--	------------------------------------------------

The recommended option is **Option 1**: To lodge a submission on the exposure draft.

Policy and planning implications

There is currently a high level of uncertainty regarding exactly when the Natural and Built Environments Act will be passed into legislation and what the subsequent time period for developing natural and built environment plans will be. It is hoped that this will become clearer when the full Bill is introduced to Parliament next year.

Significance and engagement | Hirahira me ngā whakapāpā

The decisions or matters of this report are considered to have a low degree of significance in accordance with Council's Significance and Engagement Policy. No feedback is required, and the public will be informed of Council's decision via the agenda and minutes publication of this meeting, on the website and through other channels if appropriate.

Next steps | E whaiake nei

Depending on the decisions made at this meeting, staff will provide a submission (to the select committee) on the exposure draft prior to the 04 August 2021 closing date.

The select committee inquiry is expected to take around three months to examine the draft legislation. Findings will be reported back to Parliament and these will inform further policy development on the reform.

Staff understand that the next opportunity to provide feedback into the process will be when the full NBA Bill is introduced to Parliament, along with the Strategic Planning Act bill, in early 2022.

Attachments | Ngā tapiritanga

	Title
A	Draft Kaipara District Council submission on the Natural and Built Environments Act exposure draft