



## RMA Reform: coming full circle

### Appendix 1: Indicative drafting of replacement Part 2

#### 1 Purpose

The purpose of this Act is to:

- (1) Ensure that the use, development and protection of the natural environment and the built environment is managed in a way that will—
  - (a) sustain the potential of the natural environment to meet the reasonably foreseeable needs of future generations; and
  - (b) safeguard the life-supporting capacity of air, water, soil, and ecosystems (including restoring life-supporting capacity where it has been lost); and
  - (c) avoid, remedy, or mitigate any adverse effects of activities on the natural environment.
- (2) Subject to subclause (1), enable people and communities to determine how the natural environment and the built environment may be used to promote their social, economic and cultural wellbeing and their health and safety.
- (3) Provide for the allocation of public freshwater resources, air and coastal space in a manner which is consistent with subsection (1).
- (4) Provide for spatial planning.
- (5) In this section:
  - (a) The natural environment means natural resources including land, water, air, soil, minerals, and all forms of plants and animals (except humans) and other living organisms (whether native to New Zealand or introduced) and their habitats, and includes ecosystems.
  - (b) The built environment includes human-made buildings, structures, places, facilities, infrastructure and their interactions which collectively form parts of urban and rural areas in which people live, work and recreate.

## 2 Environmental limits

- (1) The purpose of environmental limits is to assist decision makers to achieve section 1(1), by specifying detailed requirements that must be met in using, developing and protecting natural resources.
- (2) The responsible Minister must prescribe environmental limits consistent with meeting the purpose set out in section 1(1), including for:
  - (a) fresh water
  - (b) the water in estuaries
  - (c) coastal water
  - (d) air
  - (e) land and soil
  - (f) the terrestrial and aquatic habitats of indigenous species:
- (3) The Minister may also prescribe environmental limits in relation to the state of any other natural resource.
- (4) Environmental limits must provide a margin of safety above the conditions in which the potential of the natural resource to meet the reasonably foreseeable needs of future generations, or its life-supporting capacity, would be at risk.
- (5) Where the life-supporting capacity of a natural resource has already been compromised, the responsible Minister must prescribe targets and timeframes that will restore the margin of safety required by subsection (4).
- (6) An environmental limit may be quantitative or qualitative.

## 3 Te Tiriti o Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it must [take into account / give effect to] the principles of Te Tiriti o Waitangi / the Treaty of Waitangi.

## 4 Matters of national importance in relation to Te Ao Māori

In achieving the purpose of this Act, all persons exercising functions and powers under it must recognise and provide for the following matters of national importance:

- (a) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, taonga species and other taonga
- (b) the protection of protected customary rights
- (c) kaitiakitanga
- (d) mātauranga Māori

## **5 Matters of national importance in relation to the use, development and protection of the natural environment**

In achieving the purpose of this Act, all persons exercising functions and powers under it must recognise and provide for the following matters of national importance:

- (a) the maintenance of indigenous biodiversity and ecosystems in a healthy functioning state (including the restoration of degraded ecosystems and species that do not have viable populations)
- (b) the maintenance and enhancement of public access to and along the coastal marine area, estuaries, wetlands, lakes, rivers and their margins
- (c) the protection of highly productive soils
- (d) the protection of freshwater, estuaries, and coastal water.

## **6 Matters of national importance in relation to the use, development and protection of the built environment**

In achieving the purpose of this Act, all persons exercising functions and powers under it must have particular regard to the following matters of national importance:

- (a) Making spatial provision for infrastructure and other use, development and protection of the built environment.
- (b) the benefits of a built environment that makes efficient use of space and minimises waste, pollution and energy consumption
- (c) the reduction of greenhouse gas emissions
- (d) the reduction of risks from natural hazards
- (e) adaptation to the effects of climate change
- (f) facilitating land use change that will improve environmental outcomes.

## 7 Protection of certain places

- (1) In achieving the purpose of this Act, all persons exercising functions and powers under it must ensure that the following places are protected from inappropriate subdivision, use and development:
  - (a) the coastal environment, wetlands, estuaries, lakes and rivers and their margins
  - (b) specified outstanding natural features and specified outstanding natural landscapes
  - (c) specified areas of significant indigenous vegetation and specified significant habitats of indigenous fauna
  - (d) waahi tapu and other taonga
  - (e) specified historic heritage
  - (f) land that has been specified in national direction or a combined plan as subject to high risk from particular natural hazards, including sea level rise.
  
- (2) In this section subdivision, use and development is inappropriate unless:
  - (a) It is identified as a nationally significant activity in national direction or as a regionally significant activity in a combined plan and it is functionally necessary for it to be located in the place; or
  - (b) It will not significantly detract from or destroy:
    - (i) the natural character of any place described in paragraph (1)(a); or
    - (ii) the qualities which contributed to the decision to specify any place described in paragraphs (1)(b),(c) (e) or (f); or
    - (iii) the qualities that mana whenua value about any place described in paragraph (1)(d); or
  - (c) It will not significantly increase the risk of loss of life, injury or damage to property arising from the natural hazard for any place described in paragraph (f).