

RMA Overhaul: What New Planning and Environmental Laws Mean For You

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Parliament has just passed New Zealand’s most significant shake-up of resource management law in 35 years. The new Planning Act and Natural Environment Act will replace the Resource Management Act and reshape how we manage land use, development and environmental protection.

The reforms now enter a four-year transition. Elements of the old and new systems will operate together while National Policy Direction and new planning documents are developed. The RMA will likely be repealed by late 2030.

The new legislation provides the architecture, but many of the decisions that will determine how the system works in practice are still to be made. That creates opportunities for some, significant work for others and uncertainty for almost everyone involved.

A new structure from the top down

The Planning Act governs the use, development and enjoyment of land, while the Natural Environment Act focuses on the use, protection and enhancement of the natural environment.

One doesn't trump the other but how the inherent tensions between development and environmental protection are resolved will depend heavily on National Policy Direction and National Standards that have yet to be finalised.

The new system can best be described as a "funnel". Central government will make more of the important policy decisions at the top. These will flow into new 30-year Regional Spatial Plans, prepared jointly by councils, and then into regional land-use and natural-environment plans. Individual consents and permits will emerge at the bottom of the funnel and, in theory, there should be less consents and permits required.

The aim is to make the big policy decisions once, at the top, rather than revisit them each time a council develops a plan or considers an individual consent application.

Regional Spatial Plans will identify where growth and significant infrastructure should go, where development may be constrained and which areas are vulnerable to natural hazards and need long-term planning to adapt to climate change.

Other major changes include fewer consent requirements, a narrower range of effects councils can consider, more flexible ways to change zoning, new environmental limits and levies, "regulatory relief" and a new Planning Tribunal.

What does it mean for developers, businesses and landowners?

The new framework aims to make it easier to get things done and deliver housing, infrastructure, primary production and other development.

Over time, some matters will fall outside councils' decision-making role on consent or permit applications. These include aspects of a residential development's layout, such as unit sizes, balconies and outdoor living spaces, as well as its character or appearance and the type of residents who may live there. Some of these matters will be "out" by late October.

There will also be more flexible ways to change planning rules. For example, someone applying to develop rural land for housing could ask for it to be rezoned from rural to residential as part of the same consent application, rather than going through a separate plan-change process first.

The hybrid transition from the RMA to the new system is expected to begin in late October (one month after Royal Assent of the Bills), making the timing of applications critical. Applications lodged before the transition begins will be assessed under the current RMA as we know it. Those lodged afterwards will enter a modified RMA system, with further National Standards and planning documents progressively introduced to RMA decision-making.

Applicants will also need to budget for new planning-consent and natural-resource levies. These will be on top of existing financial contributions and development contributions, but we do not yet know how much they will cost or exactly how they will work.

What does it mean for the public?

Under the new system, people will have fewer grounds on which to object to individual developments because the range of effects councils can consider will be narrower. There will also generally be less notification and public participation at the consent stage.

The reasoning is that more decisions about where development should go will be

made earlier, through national direction and regional spatial planning, rather than on an application-by-application basis. This makes public involvement at the top of the system more important.

Regional Spatial Plans will shape how our communities grow, where major infrastructure is located and where development should be limited. They are expected to be publicly notified by June 2028 and will involve public participation and an independent hearings process. Anyone wanting a say in their region's long-term future should watch for opportunities to participate through their local councils.

Environmental limits are intended to provide another safeguard. Ministers will set limits relating to human health, while regional councils will set ecosystem-health limits. We have not yet seen what these limits will be. Some existing national environmental standards under the RMA may be carried into the new system, but that detail has yet to be developed.

The Minister will also be able to override an environmental limit where the public benefit of allowing an activity is considered to outweigh the harm. How this discretion is used will be closely watched.

What does it mean for councils?

The new "regulatory relief" provisions create a substantial and largely unknown responsibility for councils. The concept is untested, and consultancy firm Martin Jenkins has estimated potential council liabilities of between $7 million and $1.99 billion nationwide.

Councils must develop their own frameworks for providing relief when rules protecting specified public values significantly restrict the reasonable use of private land. These relate to significant historic heritage, sites of significance to Māori, outstanding natural landscapes or features, areas of high natural character or significant indigenous biodiversity. Relief could include payments, rates reductions, fee waivers or additional development rights, but the detail will depend on the framework developed by each council through the plan making process.

Councils must also continue administering the RMA while applying new

amendments and Transitional National Standards, preparing Regional Spatial Plans and developing new land-use and natural-environment plans.

A new Planning Tribunal is designed to provide a more efficient way to resolve lower-level disputes. At present, the only way to challenge a council's notification decision is through judicial review in the High Court. The Tribunal will provide a new avenue for challenging disputed council decisions involving notification, requests for further information, timeframe extensions, regulatory relief and the interpretation of consent conditions.

Work is underway to establish the Tribunal, which could be up and running as soon as mid-2027. It could remove considerable frustration from the system, although care will be needed to prevent it becoming overwhelmed.

What does it mean for the next Government?

Unfortunately this new legislation does not have bipartisan support. Opposition parties have raised concerns about its purposes, environmental limits, regulatory relief, climate change, Māori rights and interests, and the level of decision-making powers left to Ministers.

Whoever takes office after November's general election will inherit an enormous implementation programme. They must turn the framework contained in the two new Acts into National Policy Directions, Standards, regulations and working planning processes.

If the government changes, further legislative amendments are highly likely. Even if it does not, there is still a substantial amount of policy development, consultation and plan-making ahead.

Where to from here?

The legislation may be settled, but the practical rules are not.

An illustrative draft of the first National Policy Direction is open for feedback until 16 October. This initial, non-statutory process is testing the proposed approach, with

formal consultation on the next version expected in 2027.

We encourage developers, councils, iwi, infrastructure providers, businesses, farmers, landowners and community organisations to test the emerging direction against real situations and explain the practical consequences in their feedback to central government. There will also be important opportunities to make submissions and participate locally as Regional Spatial Plans are developed, followed by the land use and natural environment plans.

We are fully engaged with these reforms and are already helping clients understand what the changes mean, make informed decisions and take action at the right time. If the new legislation could affect your project, property or organisation, talk to us. Cooney Lees Morgan’s resource management team is well equipped to guide you through the transition and help you move forward with confidence.