New year, new RMA

Overview of the proposed new resource management framework

January 2026

Content in this publication is accurate as at January 2026.

MinterEllisonRuddWatts.

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Disclaimer: This guide is intended only to provide a summary and general overview of the proposed new resource management framework as at January 2026. While reasonable care has been taken in its preparation, it is not intended to constitute legal advice. For comprehensive professional legal advice on the new system, speak to our experts – contact details can be found at the back of this guide.

Introduction to what is proposed

On 9 December 2025, the New Zealand Government introduced two new bills to replace the Resource Management Act 1991 (RMA), which has been the foundation of resource management law for almost 35 years.

These bills include:

- The Natural Environment Bill – which is focused on environmental protection and enhancement.
- The Planning Bill – which is focused on the use, development and enjoyment of land.

The Government intends that the new legislation will enable development and economic growth while safeguarding the natural environment. You can find our previous reporting on the bills here.

When the RMA was first proposed, it was seen as ambitious and even world-leading to combine laws relating to the use of land, air and water into one primary piece of legislation. Thirty-five years later, many different stakeholders have reported dissatisfaction regarding its outcomes.

Since its enactment, the RMA has been extensively amended to address perceived inadequacies. It now has over 430 sections, totalling over 900 pages. These new bills aim to cut through the 'red tape' by the introduction of a simpler and more streamlined system. This guide provides a summary of the key components of these bills that are anticipated to shape the new land use and planning system in 2026, with full implementation anticipated by 2029.

The Environment and Planning team at MinterEllisonRuddWatts can assist you to make submissions on the bills, update you on changes proposed to the bills as they proceed through Parliament, and guide you through the transition and implementation of the new system.

In this guide, we have outlined and summarised the key features proposed in the new system, including:

- Split permitting system: Consenting frameworks are divided across the two bills to enable efficient management of activities based on the effects each bill regulates.
- Goals and limits: A focused approach with targeted goals and defined environmental limits to guide decision-making.
- New national instruments: These will provide detailed guidance for implementing National Policy Direction and offer more standardised direction for decision-making and plans.
- Fewer planning instruments: Mandatory combined regional plans will establish an integrated approach by consolidating planning instruments into one accessible plan.
- Standardising plans to speed up the planning process: Planning content will largely be drawn from national direction and standards, with bespoke provisions allowed where justified.
- Simplified consenting requirements: Activity categories are reduced to provide a streamlined, more certain, and less onerous consenting pathway.
- Managing material effects: A higher threshold for managing effects is introduced – only those that are "minor" or "more than minor" will be subject to controls.
- Greater ministerial oversight: Central government will have expanded oversight and a greater role in planning and decision-making.
- Relief for onerous planning controls: A new mechanism allows relief if a rule in a plan has a "significant impact" on the reasonable use of land.
- Compliance and enforcement: Key compliance and enforcement tools from the RMA which have been strengthened by recent reforms will be retained.
- New Planning Tribunal: A new tribunal will be established to review procedural and administrative decisions.
- Transition: A phased transition will involve utilising a modified RMA consenting regime, immediately considering new national instruments, automatically extending some consents to avoid disruption, and working towards full implementation by 2029.

Split permitting system

Under the RMA, a single consenting system applies to a broad range of activities. The bills introduce a new split approach.

The Planning Bill establishes a consenting framework for subdivision and land use activities that contravene national or regional planning rules.

The Natural Environment Bill introduces natural resource permits for activities involving specific land uses that breach planning rules, and for discharges, water takes, and coastal activities that contravene restrictions.

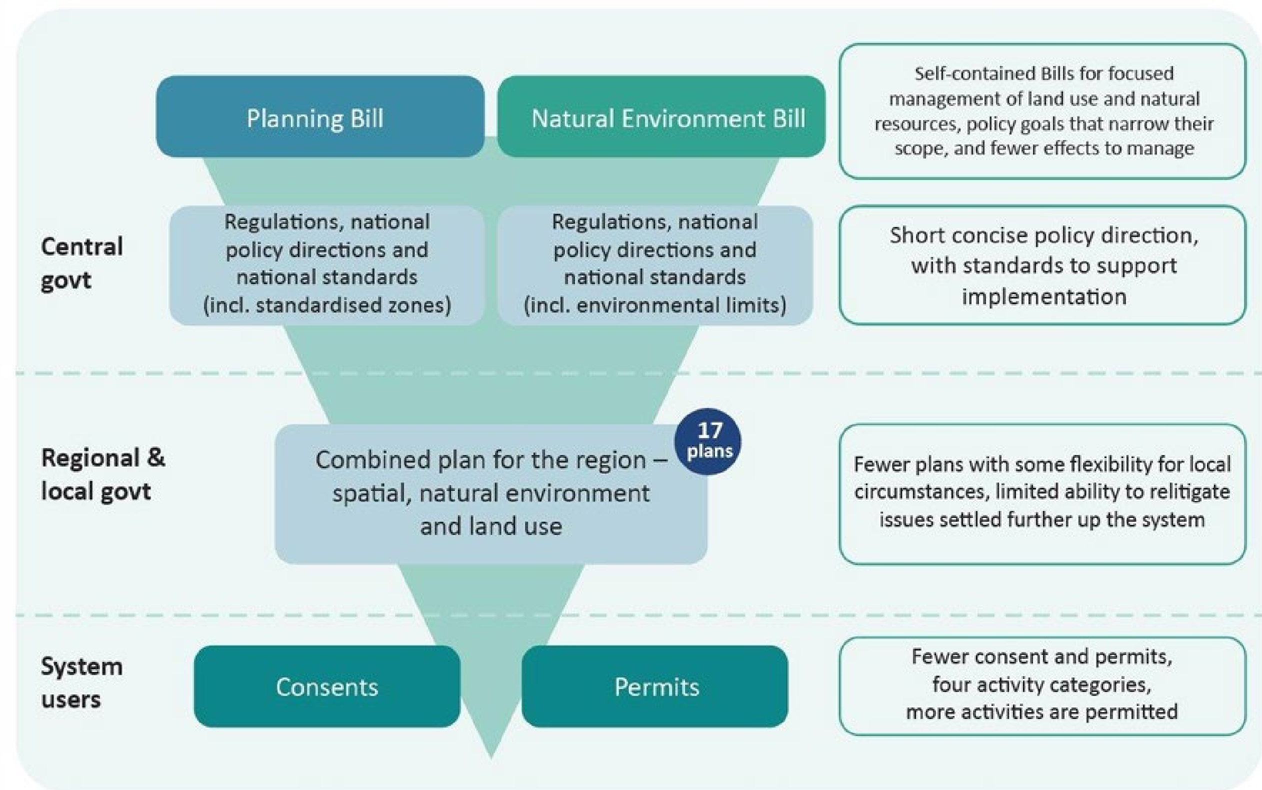
These changes align with the overall purposes of the reform, which include greater emphasis on property rights and shifting public participation to the planning stage rather than the consenting stage.

Fewer activities will require approval. However, applicants will need to check which Act (if not both) is engaged when seeking consents or permits.

Several other comparable jurisdictions operate split permitting systems that distinguish between land use planning approvals and environmental or resource-specific permits. This includes Australia where projects may require planning consent from a local or state authority, alongside environmental approvals for matters such as threatened species, water extraction, or pollution discharges.

In our view, the practical success of the system will likely turn on how clearly the boundaries between the bills are drawn and how easily applicants can navigate situations where both permits and consents are required.

Proposed new system



Source: Ministry for the Environment

Goals and limits

The bills take a different approach to environmental management and land use planning compared to the RMA. Their purposes are narrower and unlike the RMA, do not provide bottom-lines or a hierarchy of priorities.

The bills rely on targeted goals and defined environmental limits to guide decision-making.

Planning Bill

The goals of the Planning Bill include to enable responsible economic growth by supporting land use and development, creating well-functioning urban and rural areas, and ensuring competitive land markets while maintaining public access to natural spaces. The Bill also prioritises protecting areas of high natural and cultural value, safeguarding communities from natural hazards, and upholding Māori interests through participation, protection, and development.

Natural Environment Bill

The goals of the Natural Environment Bill are to enable resource use within environmental limits, to protect ecosystem and human health, achieve no net loss of indigenous biodiversity, and manage natural hazard risks through proportionate planning. Like the Planning Bill, the Natural Environment Bill also aims to provide for Māori interests through participation, protection, and development.

The environmental limits framework will cover air, water, land, soils and indigenous biodiversity, to protect human health and the life supporting capacity of the natural environment. These limits will apply to defined management units and require resource use to be capped or managed through action plans.

The Minister will set the human health limits in the national standards and the regional council will set the ecosystem health limits in its natural environment plan.

The framework aims to increase certainty by acting as a gatekeeper of what activities can and cannot proceed, however, the Minister may establish a consenting pathway for significant infrastructure activities that breach or are anticipated to breach environmental limits.

New national instruments

National instruments, in the form of National Policy Direction and Standards, will set the detailed objectives, policies and standardised approaches for addressing national and regional priorities. National instruments will be set by central government and implemented by local government in the plans we address on page 7.

The Government has recently amended and introduced new national policy direction and environmental standards and is proposing to further streamline these directions and standards. There will be one set of National Policy Direction under each Bill – which is intended to contain targeted objectives, policies and directives to meet the goals in the bills (such as economic growth, housing, infrastructure and environmental protection), how the goals will be achieved, and to help resolve any conflicts between the goals.

The National Policy Direction will be implemented by Standards under each Bill. Standards can cover a range of matters, including setting standardised zones, housing targets, and environmental limits.

National instruments will be subject to public notification, with an opportunity for submissions, before the national instrument is approved. We understand that the first round of national direction will be based on existing direction under the RMA.

The first suite of national instruments (to inform spatial planning and transitional consenting) are proposed to be introduced and come into effect late 2026, with the second suite, including standardised zones and limits, to follow in 2027.

It will be critical for stakeholders to be involved in the national instrument process as they will set the direction for the lower order plans.

Planning Act	Natural Environment Act
National Policy Direction One document providing high level direction for council plan-making.	**National Policy Direction** One document providing high level direction for council plan making.
Potential standards ▪ Standardised zones ▪ How to identify and respond to natural hazards ▪ Housing growth targets ▪ Regulatory relief ▪ Identifying historic heritage	**Potential standards** ▪ Environmental limits ▪ Permitting commercial vegetable growing ▪ Constructing water storage ▪ Constructing wetlands ▪ Monitoring requirements ▪ Freshwater standards ▪ Indigenous biodiversity standards

Source: Ministry for the Environment

Combined regional and district plans

Under the Planning Bill each region must prepare a single combined regional plan, replacing the numerous district and regional plans currently in place.

This marks a significant shift from the fragmented approach under the RMA to a more standardised system which aims to deliver consistency across New Zealand's planning landscape.

Each combined regional plan must consist of three components:

1. Regional spatial plans: A strategic blueprint for growth and development over at least 30 years, including outlining environmental constraints on the development of land.
2. Regional natural environment plans: Implementing the spatial plan through standardised overlays, rules, and methodologies to manage environmental outcomes.
3. District land use plans: Prepared by each territorial authority within the region, applying nationally standardised zones and provisions to give effect to the regional spatial plan.

The regional spatial plan will sit at the top of the planning hierarchy, providing direction for urban development and infrastructure investment (within environmental constraints). It must be implemented by the regional natural environment plan and land use plan.

Spatial plans will carry significant weight, informing transport strategies and funding decisions.

Wide discretion given to local authorities under the current RMA system has led to significant variation between regions, creating uncertainty for developers and communities.

Consolidating regional and district plans into a single framework is intended to improve accessibility, reduce duplication, and align planning with national priorities.

Integrating spatial planning with infrastructure strategies is intended to better align development with infrastructure provision.

The Government expects this to enable coordinated growth and deliver a more predictable, efficient, and outcome-focused system.

We anticipate that this approach will be relatively non-contentious – it was also proposed by the previous Government in its replacement for the RMA, before that legislation was repealed by the current Government.

Standardising plans to speed up the planning process

The new system introduces a high level of standardisation across all plans by requiring their content to be drawn from national directions and standards.

Regional spatial plans must be consistent with environmental limits, national instruments, and any applicable water conservation orders. Natural environment plans and land use plans will then implement the regional spatial plan primarily through nationally standardised zones and rules, with 'bespoke provisions' permitted only where expressly authorised or not precluded by national instruments.

Councils will have two options when determining the provisions for their plans:

- Selecting from nationally standardised provisions, including standardised zones, overlays, and rules to efficiently assemble plan content. Council decisions will largely focus on applying the appropriate zoning provisions in line with the regional spatial plan; or
- Including 'bespoke provisions', provided these are supported by a report explaining why a departure from the national approach is necessary.

Under the bills, submissions and appeal rights on plan changes will be significantly limited. Only 'bespoke provisions' are subject to submissions and appeals. Submissions seeking changes to standardised provisions are prohibited, and appeal rights are limited to decisions on whether a local authority includes or excludes a standardised matter or provision in a proposed plan. Private plan change applications remain possible but may be declined if inconsistent with the regional spatial plan.

The high degree of standardisation, combined with limited submission and appeal rights, is intended to significantly accelerate the preparation of planning instruments. However, this streamlined process also means that opportunities to influence plan content will be far more restricted once higher-order plans are made.

It will therefore be critical to engage early in the development of national directions and regional spatial plans, as these documents will set the framework for all subsequent planning instruments.

Simplifying consent requirements

The Planning Bill aims to simplify consenting by reducing activity categories, reducing the number of consents required, and requiring consent conditions to be necessary and proportionate.

Key consenting changes:

- Controlled and non-complying activity categories have been removed, and lower impact activities are intended to be permitted, including activities with "less than minor" effects.
- Public participation will now primarily occur earlier in the planning system hierarchy, at national and plan-making stages, with public notification at consent stage expected to be rare.
- The notification threshold has increased, with effects needing to be "more than minor" to be notified (rather than "minor") and the special circumstances test has been removed. Submitters on publicly notified consents are limited to those residing in the district/region.
- These changes are intended to deliver a streamlined, more certain, less onerous consenting pathway for system users, including developers and consent holders.
- The intention is fewer consents to be required, clearer expectations, earlier policy certainty, and less participation at consent stage.
- The details for coordination between the split consenting functions in the bills when both are invoked will be important, particularly for large scale projects and infrastructure where multiple consents and permits will be required.
- In addition, as consultation has been of increasing importance in consenting processes, it will be interesting to see how public consultation earlier in the planning process will achieve the goal of faster and more streamlined consenting and whether stakeholders will feel that their participation at earlier stages results in better and more consistent planning outcomes.

Managing material effects

Under the bills, a material (adverse) effects threshold will be introduced:

- Effects are only proposed to be regulated if they are "minor" or "more than minor", which includes cumulative effects. This means that even if individual environmental effects are "less than minor", if two or more combine to produce an effect that exceeds the minor threshold, such cumulative effects become subject to regulation.
- A "less than minor" effect means an adverse effect that is acceptable and reasonable in the receiving environment with any change being slight or barely noticeable.
- In addition, there are fewer effects that can be regulated. Effects that will be out of scope of the Planning Bill include matters internal to a site (like building layout or balconies), visual amenity, private views, retail distribution effects, and the effect of setting a precedent.
- Landscape and amenity effects that preserve character will also be excluded, except to protect outstanding natural landscapes and features, areas of high natural character in the coastal environment, wetlands, land and rivers and their margins, and significant historic heritage.
- This represents a significant shift from the RMA's more discretionary approach, which allowed local authorities to consider a wider range of effects (including socio-economic effects), including effects that are "minor" or "less than minor".
- The purpose behind the change in effects threshold is to reduce consenting and notification requirements and hasten development. Projects which cumulatively have "less than minor" effects can expect that resource consents will not be required.

Minister will have more powers and more oversight under the new system

The bills propose an active and directive role for central government and the Minister.
While councils remain responsible for local planning, the Minister's ability to intervene and set detailed requirements means local discretion may be significantly reduced in some instances, and particularly where national priorities will drive decision-making.

The bills will expand the role of central government under the new planning system. The Minister will be responsible for, and have powers to:

- Direct councils to prepare a plan, plan change, or variation to address an identified issue.
- Develop and approve national instruments and monitor their implementation and effect.
- Set methodologies for councils when preparing natural environment plans and specify minimum ecosystem health limits.
- Investigate and make recommendations on the performance of councils under the bills, appoint persons to exercise or perform any functions, duties or powers of a council, and direct councils to achieve a specified outcome set by the Minister.
- Recommend making of new regulations on matters such as compliance and monitoring, freshwater management, and prescribing long-lived infrastructure.
- Monitor the overall "system performance" and the effect of the bills.

Relief for onerous planning controls

The Planning Bill contains a mechanism for relief to be granted to a landowner if a rule in a plan has a "significant impact" on the reasonable use of land.

Relief is payable if the rule:

- restricts or removes development potential;
- imposes obligations for the protection, restoration or non-use of land;
- creates compliance costs or regulatory constraints that affect the reasonable use or enjoyment of land;
- affects land value; or
- gives rise to any other matters prescribed in any future national direction or regulations.

Therefore, it is anticipated that rules such as those imposing significant land use controls like heritage protections or protection of significant natural areas may trigger a right to relief in accordance with a "relief framework" that is included in the relevant plan.

A person will be eligible for relief if they own land affected by a new rule at the time that the plan is made operative. The bill also provides for transitional arrangements so that a person who is already affected by a rule in an operative RMA plan may, in certain circumstances, be entitled to relief if the rule is carried over into the first proposed plan under the new legislation.

The types of relief potentially available are unlimited, and may include:

- a monetary payment;
- waiving or reducing local government rates or fees for planning consent applications;
- additional development rights elsewhere on the property or on another site;
- offering alternative land parcels in exchange for the affected site; or
- providing access to targeted grant programmes, restoration, fencing, planting or other mitigation activities.

Once the new plan is made operative, the local authority is required to carry out a relief assessment in accordance with its relief framework and must proactively notify all affected persons of the results. There is a right to apply for review of the assessment, and a further right of objection to the new Planning Tribunal against the local authority's review decision.

These provisions are among the most contentious in the bill, particularly having regard to the Government's recent announcements on capping rates increases.

The provisions will give rise to difficult decisions for local authorities about whether to pursue land use controls and the likely cost of doing so in terms of relief payable to affected landowners.

Compliance and enforcement

The Planning Bill largely retains the RMA approach to compliance, monitoring and enforcement by retaining existing enforcement tools including abatement notices, enforcement orders, declarations, and environment offences and penalties on prosecution. The strengthened penalties introduced through the 2025 RMA amendments have been retained.

The bill retains the ban against contracts of insurance against fines, with clarification that this prohibition applies to contracts of insurance only, not broader contractual indemnities.

A range of new compliance and enforcement tools are introduced that markedly broaden the enforcement toolbox available to regulators and system users, including adverse publicity orders, a monetary benefit orders, or pecuniary penalty orders, the ability of regulators to require financial assurances (which can also be imposed as a consent condition), and the option for local authorities or the EPA to accept enforceable undertakings.

Local authorities will also now be required to develop compliance and enforcement strategies in consultation with iwi authorities and hapū groups.

In our view, the general retention of RMA mechanisms is positive. These mechanisms have been strengthened through earlier reform and are well understood by system users. The enhanced compliance toolbox gives regulators more flexibility, more options, and more teeth – encouraging compliance through fines, reputational risk, and financial guarantees. For developers, clarity around required financial assurances will be critical.

The requirement for local authorities to prepare enforcement strategies has the potential to provide transparency for system users regarding each local authority's approach to compliance and enforcement. However, it remains to be seen whether local authorities will undertake broader consultation beyond iwi authorities and hapū groups in developing enforcement strategies, what these will look like, and how they will be implemented.

New Planning Tribunal

A new Planning Tribunal will be established as a streamlined avenue for reviewing procedural and administrative decisions (primarily on the papers) made in the processing of permits and consents.

The Planning Tribunal will be able to confirm, vary or set aside a decision and direct the authority to reconsider.

Under the bills, an applicant will be able to apply to the Planning Tribunal to review a range of decisions, including a decision:

- by a consent authority to publicly notify or not an application for a consent, permit or proposed designation on the basis of a legal or procedural error.
- by the permit authority to return a permit application within 10 working days of it being lodged on the basis it was determined to be incomplete.
- by the permit authority not to proceed with the notification and hearing of an application if the permit authority considers that other permits are also required and should be made before proceeding.
- by a consent authority to strike out a submission on a consent application.
- by a consent authority to extend or waive the lapse date of a consent.
- on regulatory relief.
- to issue or revoke an existing use certificate.

Notably the Planning Tribunal will be established before all the provisions of the bills come into force. The exact date, known as the appointment date, will be set out in an Order in Council.

The Planning Tribunal will be involved in reviewing decisions under the RMA including, for example, a decision that a consent application is incomplete, a decision not to allow reliance on section 124 of the RMA, a decision that a designation has not been given effect to and a decision to decline to remove part of a designation from a district plan.

The shift is happening:
Expect a rapid transition to the new Natural Environment and Planning regime

It is anticipated that the bills will be enacted by mid-2026 and will fully commence by 2029 (this is subject to any major change of government in the 2026 election, and whether a new government decides to amend the legislation).

The exact date that the RMA will become 'extinct' will depend on when the last land use and natural environment plans are finalised.

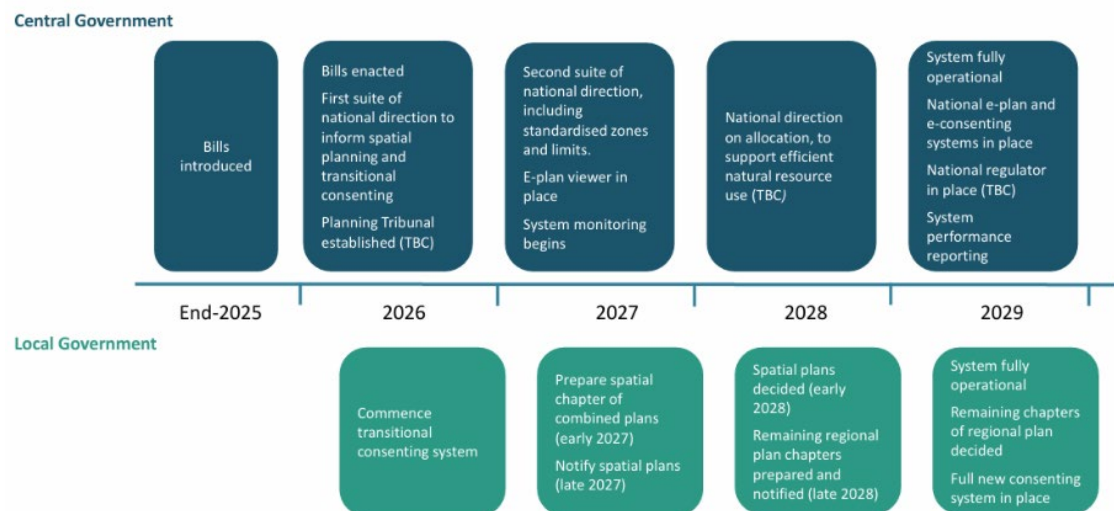
This will inevitably mean a busy few years – national instruments will be prepared first (within 9 months of enactment) and then spatial plans, regional combined plans with land use and natural environment plans to follow.

In the meantime, changes are proposed to the RMA which will come into force one month after enactment. These are intended to bridge the gap between the current RMA and new planning framework and include amendments that will:

- Narrow the scope of relevant effects that can be considered under RMA consents;
- Narrow notification requirements by removing the ability to publicly notify consents where special circumstances apply; and
- Authorise the Environment Court and District Court to order the publication of the details of non-compliances.

Further, the transitional provisions propose a 24-month extension for existing resource consents that expire after Royal assent and within 24 months of the (yet-to-be-set) transition date. This is intended to defer replacement consent applications until the new resource management system is fully implemented and is additional to the extension already introduced by the Resource Management (Duration of Consents) Amendment Act 2025 (addressed further on the following page). The extension may apply to water related consents, provided the total duration does not exceed the 35-year maximum term, but it will not apply to extant wastewater consents.

Key milestones in delivering the RMA reform



Source: Ministry for the Environment

Resource Management (Duration of Consents) Amendment Act 2025

With the sweeping changes to the resource management system underway, the Government has also passed the Resource Management (Duration of Consents) Amendment Act 2025 (Duration of Consents Act) under urgency.

This Act provides temporary certainty for consent holders during the transition to the system, by reinstating and/or extending applicable consents until 31 December 2027.

This extension applies to:

- active consents that are due to expire before 31 December 2027; and
- expired consents where the consent-holder applied for a replacement consent and is awaiting an outcome.

Water-related consents will be managed differently. Water-related consents will expire on whichever date comes first: 31 December 2027 or 35 years after the consent originally commenced.

Despite this rule, water-related consents that are deemed to be granted under the RMA (by way of being pre-existing permissions specified within the RMA) will expire on 1 October 2026.

The Duration of Consents Act provides breathing space for consent holders, with no actions needed to trigger the reinstatement/extensions.

Consent holders may continue to apply for new consents, or progress ongoing consent applications under the RMA process. They can also withdraw any replacement consent applications and continue to rely on expiring consents until 31 December 2027. However, it will be crucial that consent holders check whether their consents are 'water-related' and therefore subject to shorter extensions.

Now is the time for consent holders to review their consenting portfolios, confirm applicability, and plan ahead for renewals where water-related exclusions apply.

What's next?

The bills underwent their first reading on 16 December 2025.

They have now been referred to the select committee, and submissions are open until 13 February 2026.

The bills are intended to be passed in mid-2026.

Please reach out if you have any questions, would like more information on the bills, or assistance with preparing a submission.

Introducing our experts

Our Environment, Planning and Resource Management team are helping to shape New Zealand's future

The legal, regulatory and political landscape associated with New Zealand's environment and planning system is changing. Businesses are under increasing pressure to navigate these changes to ensure their organisations are proactive, resilient, compliant, and best able to manage and adapt to environmental and social challenges. Our environment team, ranked Tier 1 by The Legal 500 Asia Pacific, is well-equipped to assist you to navigate the resource management system. We advise both public and private sector entities on their environmental obligations and opportunities across retail, commercial, industrial, infrastructure, aquaculture, forestry, agriculture, energy, and other sectors.

Our breadth of experience means we can work with you across the entire spectrum of environmental and planning issues, providing you with the social and environmental licence to operate. Some of our environmental lawyers have worked in the industry and have backgrounds in science so we can give you first-hand advice on both the commercial and technical challenges. Also, we regularly appear before local authorities and the Environment Court, or lead Fast-track applications, so we can offer you comprehensive practical advice before you start any project.

Our multi-disciplinary team advises clients with strategic planning concerns impacting their industries, commercial developments as well as Māori interests. We also provide realistic and pragmatic response strategies to minimise the risks associated with environment and planning litigation, investigations and prosecutions.

Our expertise includes:

- The application of district and regional plans and national direction under the RMA
- Submissions on plan changes and the preparation and processing of private plan change requests
- Obtaining all types of consents, permits and licences to operate, including resource consents and alcohol licences
- Environmental liability issues such as remediation of contaminated land
- All aspects of compliance, monitoring and enforcement of environmental law and regulation, including criminal prosecutions
- Environmental litigation and advocacy
- Environmental due diligence for mergers and acquisitions and when buying or selling land
- Negotiating development agreements and advising on development contributions
- Applications under the Fast-Track Approvals Act 2024
- Acquisition and compensation claims under the Public Works Act 1981
- Environmental policy development and advice, including in relation to climate change
- The operation of New Zealand's Emissions Trading Scheme
- Risks and opportunities associated with climate change and approaches to climate-related disclosures (CRD)
- Sustainability and ESG policies and initiatives, including stakeholder engagement, corporate governance, corporate social responsibility and sustainability

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