

The new RMA

Updates on Planning and Natural Environment Bills

What the new system looks like after the Select Committee report



Two Bills – separate but interrelated. Likely to be passed into law Q4 2026.



Shift away from “sustainable management” purpose to “goals” and environmental limits.



“Funnel” approach: top-down national direction, fewer plans, more standardisation.



National Policy Direction critical: will be set by the Minister, give effect to goals, resolve conflicts, set limits.



Transition: timeframe is ambitious and process likely to be complex, fast track retained as standalone pathway.

Topic	What's changed	Why it matters
System structure	The replacement will be split across two interrelated Acts: the Planning Act and the Natural Environment Act. Different purposes, different goals, different remits (use of land versus use of resources) but linked through national policy direction, regional spatial plans, and shared procedural and administrative provisions.	The rationale for the two-Act model remains unclear, given the Acts will need to operate closely together, will be administered and enforced together and contain a lot of overlap. There may be practical implementation challenges despite the intended separation of land use and environmental regulation.
Purpose and goals	The Bills move away from the RMA's single “sustainable management” purpose and principles to a framework setting purposes and goals. Each Bill has its own purpose (to set a framework), supported by a list of goals that decision-makers must “seek to achieve”. The goals cover a wide range of matters and there is no hierarchy within the goals.	We expect the goals will become a focus for interpretation. In practice, National Policy Direction will be critical in resolving tensions between competing goals and giving them operational meaning.
Treaty and Māori participation	The Bills replace the RMA's general Treaty-principles obligation with more specific Treaty-related provisions, including relevant goals and consultation requirements for iwi authorities. Existing Mana Whakahono ā Rohe agreements will not carry over, although councils may enter iwi participation agreements.	The new framework appears more prescribed and narrower than the RMA. Councils may have less discretion to provide for iwi and hapū interests, and existing participation mechanisms will not simply carry over.
Fast-track pathway	The FTAA is retained as a parallel regime and will operate within the new system. Fast-track approvals will be assessed and granted under the new legislation and will have effect as if granted under the new Acts.	The FTAA remains available, but transition timing is uncertain. Its long-term appeal may depend on whether the new system itself proves sufficiently streamlined.
Environmental limits	The Natural Environment Bill requires environmental limits to be set to protect human health and the life-supporting capacity of the natural environment. The limits have considerable weight within the new system. Consenting pathways allowing limits to be breached by activities with ‘public benefit’ are to be established.	The devil will be in the detail, which won't come until the national standards and plans are set. The practical effect will depend on where limits are set and how exceptions are managed.
National direction	The Bills replace the current suite of national instruments with national policy direction and national standards. National policy direction gives content to the goals and may address conflicts between them, while national standards provide regulatory and procedural consistency.	National instruments will sit at the top of the new system and do much of the heavy lifting. This leaves significant policy discretion with Ministers and could be subject to political whim.

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Planning and effects	The Bills remove various effects from consideration, many of which have plagued processes and decision making under the RMA. They retain the RMA activity categories and the 'avoid, remedy, mitigate' approach, bringing in offsetting and compensation as management options. They include limits on condition setting, including the 'no more onerous than necessary' (pulled from the FTAA).	A big shift from RMA. Expect a lot of opposition and support for these from both ends of the spectrum. There is a double edged sword to keep in mind. Changes should significantly help in getting approvals processed quickly and efficiently and limiting unnecessary and complex conditions, but could have unintended consequences in terms of effects.
Transition	The RMA remains in force during transition, with amendments, while a transitional consenting framework introduces elements of the new system. Transition will be staggered, starting with National Policy Direction, within 12 months of the Bills becoming law and moving on from then. Full transition will occur on a specified date set by Order in Council, either nationally or region by region. Could be switched on late 2029.	Transition remains complex and the timeframes are ambitious. Running the old and new systems in parallel is likely to create real implementation pressure
Plans	Each region will have a regional spatial plan, a land use plan, and a natural environment plan, replacing the current mix of regional and district planning documents.	The new structure is more integrated and standardised, with the potential for better long-term coordination. However, it will require substantial inter-council alignment and may leave less room for tailored local provisions.
Designations	The Bills broaden the pathways for obtaining designations and change the decision-making framework. There is no express requirement to consider alternatives, and outline plans of work are replaced with Construction Project Plans.	The designation regime is more enabling for infrastructure providers, although some of the new tests may need judicial clarification.
Regulatory relief	Councils must provide relief where new protections would have significant adverse impacts on the reasonable use of land. Relief may include compensation, rates or fee relief, development rights elsewhere, land exchange, or other measures.	This is a significant new feature. It strengthens property-rights protections, but may expose councils to substantial cost and discourage more restrictive planning controls.
Contaminated land	The Bills introduce a dedicated contaminated land framework based on a polluter pays approach, including cost-recovery powers, notification obligations, public record requirements, and potential financial assurance requirements.	This fills a gap in the current regime, but much will depend on the detail still to come through national instruments and regulations.
Enforcement	The Bills establish a Planning Tribunal for administrative and lower-level matters, while the Environment Court retains a role in more significant cases. The enforcement toolkit is also expanded.	The model will be familiar in many respects, but with a new two-tier structure and additional tools. If properly resourced, the Tribunal could improve speed and efficiency.

If you have any questions about the Bills or their implications, please contact us.



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