



Ministry for Cities, Environment, Regions & Transport

PROACTIVE RELEASE COVERSHEET

Minister	Hon Chris Bishop	Portfolio	Minister Responsible for RMA Reform
Name of package	Planning Bill and Natural Environment Bill - Proactively releasing Cabinet papers for RMA reform	Date to be published	30 October 2026

List of documents that have been proactively released

Date	Title	Author
20 April 2026	Cabinet Paper: Planning Bill and Natural Environment Bill: policy changes for departmental report	Ministry for the Environment
20 April 2026	CAB-26-MIN-0124.01	Cabinet Office
17 August 2026	Cabinet Paper: Further measures to support a smooth transition to the new planning system	Ministry for Cities, Environment, Regions and Transport
17 August 2026	CAB-26-MIN-0270	Cabinet Office

Information redacted **YES**

Any information redacted in this document is redacted in accordance with the Ministry for Cities, Environment, Regions and Transport policy on proactive release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Summary of reasons for redaction

Information in these documents has been withheld under the following grounds:

- S9(2)(h) – to maintain legal professional privilege
- S9(2)(g)(i) – to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown

In Confidence

Office of the Minister Responsible for RMA Reform

Office of the Under-Secretary to the Minister Responsible for RMA Reform

Cabinet Business Committee

Planning Bill and Natural Environment Bill: policy changes for departmental report

Proposal

- 1 This paper seeks agreement to policy changes to the Planning Bill and Natural Environment Bill (the Bills) for recommendation to the Environment Committee (the Committee) in the departmental reports.
- 2 It also seeks to inform Cabinet of several other changes to clarify and deliver on policy intent resulting from submissions.

Relation to government priorities

- 3 The Bills advance the Coalition Government's commitment as part of the coalition agreement between the National Party and the ACT party to replace the Resource Management Act 1991 (RMA) with resource management laws premised on the enjoyment of property rights as a guiding principle. Advancing the Bills will support significant Government priorities in housing, infrastructure, primary industries and the environment, and is fundamental to our drive for economic growth.

Executive Summary

- 4 The Bills were introduced in December 2025 and received around 3,500 submissions. Submitters broadly supported repealing the RMA and the overall direction of travel, with a significant proportion of feedback focused on workability.
- 5 We are seeking agreement to substantive policy changes to the Bills that will support Cabinet's objectives for the legislation, while addressing some of the principal concerns raised in submissions. If approved, these changes will be recommended to the Committee by officials in their departmental reports. The most significant relate to:
 - 5.1 changes to the consent categories to ensure not all permitted activities require registration, and to reinstate controlled activities under the Natural Environment Bill
 - 5.2 extending the timeframe for transition from 30 to 39 months
 - 5.3 providing greater certainty about which Māori interests will be recognised in the system
 - 5.4 removing provisions to enable market-based allocation methods and restricting natural resource levies to cost-recovery
- 6 There are also a range of other changes for workability being progressed through delegations, as well as further changes that will come back to Cabinet for inclusion in an amendment paper such as the Fisheries Act interface.

Background

- 7 It is widely accepted that the RMA is not fit for purpose. We are drawing a line under decades of failure by fundamentally transforming the way New Zealanders enjoy their land, plan and develop the built environment, manage resources and protect the natural environment.
- 8 In December 2025, Cabinet agreed to introduce the Planning Bill and the Natural Environment Bill to replace the RMA [CAB-25-MIN-0433]. The Bills propose a simpler, clearer, more proportionate system providing greater certainty and less litigation with the aim of providing for the enjoyment of property rights, unlocking growth and development. Their key features include a narrow scope with clearly articulated goals and excluded matters; a higher threshold for regulation; a 'funnel' design that provides direction to the system and narrows what can be re-litigated at each level; national standardisation; fewer plans that are faster to develop; more enabling settings for managing effects and consents; more focused public participation; environmental limits; and recourse for property owners, including through regulatory relief and fast, low-cost resolution of disputes through a new Planning Tribunal.
- 9 The Bills were referred to the Environment Committee on 16 December 2025, and the Committee is due to report back to the House by 26 June 2026.
- 10 Cabinet authorised us to make decisions on the detailed design of the new system consistent with Cabinet's decisions [CAB-25-MIN-008.01]. This paper seeks agreement to matters not covered by that delegation or that vary policy previously agreed by Cabinet.

Matters raised in submissions

- 11 The Committee received around 3,500 submissions on the Bills. There was widespread agreement that the RMA needs replacing, and strong support for reform to improve efficiency and clarity. Many submitters supported the overall direction of travel, with a significant proportion of feedback focused on workability.
- 12 The key matters raised by submitters were: legislative design and integration; drafting misalignment with policy intent; the balance between primary and secondary legislation; legislative guardrails on decision-makers; balancing competing goals and trade-offs; uncertainty around undefined terms; interaction between environmental limits and enhancing flexibility, enablement, and development; timeframes for, and public participation in, the development of key instruments; the role of Māori in the system; the regulatory relief framework; and additional time for implementation.

Retaining and refining the core architecture

- 13 The Bills address the root causes of the RMA's failings by clearly separating planning and natural environmental management and delivering a simpler, clearer system that provides greater certainty and less litigation. They do this through clear purposes and goals to define the system's scope; national instruments under each Bill specifying those goals; and procedural principles to support disciplined decision-making.
- 14 Many submitters commented on the need for integration between the two Acts, ministerial powers to set the system's direction through the 'funnel', and the balance between certainty in primary legislation versus responsiveness through secondary legislation.

- 15 The legislative design represents a deliberate choice to move away from the prescription and detail of the RMA. These design features, which were agreed by Cabinet [CAB-25-MIN-0080.01], are fundamental to ensuring the system is simpler, clearer, and supports New Zealand's aspirations to grow while achieving environmental outcomes.
- 16 Some matters raised by submitters can be addressed through clearer guardrails, but we do not propose fundamental change to the overarching 'funnel' legislative design and are confident that the system can deliver the intended outcomes.

Enjoyment of property rights

- 17 The enjoyment of property rights has been a guiding principle of reform. The purpose clause in the Planning Bill embeds "the enjoyment of land" at the top of the system, and we intend to rework the purpose statement to ensure this is addressed first.
- 18 The goals of the Planning Bill provide that the enjoyment of land requires both the ability to use and develop land with as few restrictions as possible, and a level of certainty that your enjoyment will not be unreasonably affected by other land uses. The goals are supported by the system design, including narrowing the effects regulated, a higher threshold for land-use consents and notification, greater use of standards to direct decision making, and the establishment of a regulatory relief framework and a Planning Tribunal.
- 19 We carefully considered whether to refer to private property rights in the purpose clauses rather than the enjoyment of land and decided that focusing on the enjoyment of land is a better approach.

- 20 s 9(2)(h)
- [REDACTED]

Goals

- 21 Submitters asked for additional goals on a wide range of issues (e.g., climate change, intergenerational wellbeing, outstanding natural landscapes, access to nature, and many activity-specific and sector-specific matters). Our priority is keeping the system focused. Too many goals will blur the focus an understanding of what is most important

¹ s9(2)(h)

[REDACTED]

within the system. We recommend Cabinet confirm this approach by agreeing not to include activity- or sector-specific goals in the new system.

- 22 We recommend adding a goal to the Natural Environment Bill to support and enable enhancement of the natural environment. Enhancement of the natural environment is in the purpose clause of the Bill, and its omission from the goals risks replicating the RMA's lack of clarity and coherence. As with all goals, this goal will be particularised and balanced with the other goals in National Policy Direction.
- 23 We intend to revise the goal in the Planning Bill about promoting competitive urban land markets. Rather than focusing on simply meeting current and projected demand based on forecasts, we aim to create an abundance of development opportunities for residential and business use, encouraging greater competition and increasing housing supply.

Enabling primary production

- 24 The Government has clear goals to support our world-leading farmers to continue to double the value of food and fibre exports by 2034, and the reform of the planning system provides the single biggest lever to help deliver this.
- 25 Farming industry groups are strongly aligned in both their agreement with the intent of these reforms, and on what must change in the Natural Environment Bill to deliver on this intent.
- 26 We have engaged with the sector and have directed officials to progress changes to environmental limits, resource allocation, natural resource levies, freshwater farm plans, and procedural principles.

Limits

- 27 Measurable environmental limits are central to protecting the natural environment and providing clear signals about how shared natural resources will be managed. They set the acceptable environmental state or maximum level of harm and can be used to drive toward a destination over time. We do not recommend changing their fundamental nature.
- 28 The primary sector raised concerns about how managing toward limits might work in practice and how it could interact with existing resource use. To address this, we have directed officials to progress changes that are still within Cabinet's intent, including:
 - 28.1 explicitly enabling the use of narrative or qualitative limits that focus on measurable improvements
 - 28.2 clarifying that limit setting is focused on reflecting the community's expectations of the acceptable state of the natural environment in light of their economic and social expectations, including through cost-benefit requirements
 - 28.3 providing more specificity on what factors are to be considered, including catchment context (e.g., existing land use, naturally-occurring processes and levels, relevant national standards, etc.)
 - 28.4 providing workable pathways in managing towards limits over a reasonable timeframe, including preserving the ability to enable both permits and application of national permitted activity standards in overallocated catchments

Methods for allocating natural resources

- 29 The Natural Environment Bill includes provisions enabling market-based allocation mechanisms and comparing the relative merit of applications to be turned on in the future. These proposals have caused considerable concern within the agriculture and horticulture sector and across other resource users. Much of the concern is based on uncertainty about future decisions, as well as concerns about limited tools to support market-based allocation mechanisms.
- 30 We recognise that introducing these alternatives in legislation now, with so much yet to be determined through regulations, is not supported. We need to take the time to get these mechanisms right.
- 31 The Bills will also be more enabling such that infrastructure solutions will be readily available to increase abundance reducing the need for tools that manage artificial resource scarcity (e.g., aquifer recharge, water storage, etc.).
- 32 However, the efficient use of natural resources is vital for a productive economy where scarcity remains. Relying solely on a first-in, first-served approach is not a long-term solution for New Zealand's prosperity in those critical areas where our resources remain under pressure. The immediate priority is to deliver improved bills and national instruments to direct the implementation of the new system, but further work on market-based mechanisms is something that can be picked up once these priorities are delivered.
- 33 We recommend you agree to direct officials to do further work on how these allocation methods could be applied in the future. We intend to revisit these methods once firmer proposals for their implementation are developed, along with improvements to tools and information systems.
- 34 Until that time the system will continue with the current RMA approach of first-in-first-served along with the ability to prioritise allocation by activity and secondary trading among consent holders.
- 35 We have heard that secondary trading among consent holders is a valuable existing market-based tool that provides for flexibility and we will ensure this is provided for in a way that limits councils' ability to restrict it.

Levies

- 36 The agriculture and horticulture sector raised concerns about the proposed levy regime. We intend to retain natural resource levies, but with additional guardrails to ensure they can only be used to cover the costs of targeted, domain-specific activities, and expenditure within the management unit (e.g. catchment) the levies are collected in.

Freshwater farm plans

- 37 Freshwater farm plans (farm plans) identify environmental risks on a farm and set out practical actions to manage those risks. They provide a greater degree of flexibility to farmers in managing risks than national or regional rules can, and they will be an important component of the new system. For higher risk farms, farms plans are certified – which checks the farm plan content is fit for purpose. Currently, *all* farm plans also need to be audited – which checks the plan is being delivered.

- 38 To make the farm plan process more cost effective and risk-based, we recommend simplifying audit requirements by only requiring audit of farms that also meet the threshold for their farm plans to be certified.
- 39 Councils will still be able to inspect farm plans held by individual farmers and ensure that actions within those plans are being implemented. Additionally, where a farm plan is being used as a means of compliance (instead of a permit or in compliance with a permitted activity rule) that farm plan will need to be certified and audited.
- 40 As freshwater farm plans are expected to roll out under the RMA and then transition into the new system, we seek Cabinet agreement to mirror this change in the RMA.

Procedural principles

- 41 We are considering removing the precautionary principle and including a new principle about consent and permit conditions being no more onerous than necessary.

Changes to enable discharges to be consented under the RMA

- 42 In our engagement with the agriculture and horticulture sector, they requested a change to the RMA to address immediate consenting impacts through the transition period. We have directed officials, working with the sector, to provide advice on how the RMA can be amended through transitional provisions to address these concerns.

Effects, activity categories, and consenting and permitting

- 43 The new system will shift us away from the RMA's costly red tape towards greater freedom to enjoy property, driving investment and growth. Key levers of this shift received a lot of comment, particularly narrowing the effects that are managed by the system and lifting the thresholds for consents and their public notification. The size of the prize is significant - our changes could cut consent volumes by up to 46 per cent.² We do not recommend any significant changes to our approach.

Activity categories

- 44 To simplify the system, the Bills removed the RMA's 'controlled activity' consent category³ and introduced 'registered permitted activities'. There was widespread misunderstanding that our intent was that all permitted activities must be registered. This is not the case. We are firmly focused on reducing consenting requirements and have agreed to clarify the Bills to make this clear. The intent of registered permitted activities was to offer a simplified approach to some activities currently treated as controlled or restricted-discretionary.
- 45 We heard from the primary and other sectors that the 'controlled activity' category provides valuable certainty that supports investment financing. We propose to re-introduce 'controlled activities' in the Natural Environment Bill to respond to the concerns raised.

² Including errors: 46 (±2) per cent reduction under the Planning Bill. MfE - Resource Management consent data report, October 2025

³ There are six activity categories in the RMA and this is the least stringent consent category (closest to permitted) and are often catered for activities that are permitted in principle but they want to 'check' for monitoring reasons.

Climate change effects

- 46 Many submitters raised concerns about the lack of clarity concerning how climate change mitigation is dealt with in the new system. To provide certainty for users of the system and avoid extensive litigation, we have agreed to clarify that greenhouse gas emissions are not effects managed by the Bills. This means greenhouse gas effects from discharges or land use will not be actively managed by councils. This is on the basis that greenhouse gas emissions are more appropriately managed at a national level through the Climate Change Response Act. Our approach does however leave room for positive emission reduction effects to be considered through the planning system, such as from renewable energy infrastructure and EV charging.

47 s 9(2)(h)

Regulatory relief

- 48 Submitters raised concerns about the regulatory relief framework, including the potentially significant costs, local communities paying for implementing central government policy, the risk of councils paying twice through the transitional provisions, and a potential dampening effect on the use of specified protections (including biodiversity, heritage, sites and areas of significance to Māori, outstanding natural features and landscapes, and areas of high natural character).
- 49 The regulatory relief framework is intended to create tension in the system to ensure that rules about the specified topics are only used when they are needed. It is a core feature of our drive for a more proportionate, enabling system and we do not propose altering our approach.

Implementation

- 50 We set an ambitious timetable for implementation, aimed at quickly transforming the RMA's broken culture and rapidly securing results. Submitters from all sectors, including local government, infrastructure providers and iwi/Māori, expressed concerns about the pace of implementation.
- 51 We are committed to driving rapid system transformation and drawing a line under the RMA era. To ensure we get the transition's path-setting impact right, we recommend extending the transition period from 30 months to 39 months and applying the Bills' regular process for making national instruments to the first tranche rather than the expedited process currently in the Bills. This will provide more time for key steps in the

transition and more certainty for system users about the contents of national instruments that will set the system's direction.

Upholding Treaty settlements

- 52 The Bills include provisions to ensure they achieve the Government's decision to uphold Treaty settlements in the new system [CAB-24-MIN-0315 refers]. These provisions require the Crown to work with post-settlement governance entities (PSGEs) following enactment to agree how settlements will operate within the new system. This requirement will be repealed after two years.
- 53 Many PSGEs and councils expressed concern that these provisions are insufficient. The intent of the two-year period is to signal that this process is a priority for the Crown. Its repeal will not prevent the Crown from progressing work to uphold settlements after two years, and the Bills require that existing redress or arrangements are given the same or equivalent effect to the greatest extent possible until agreement is reached. We do not propose changing these provisions.
- 54 We do recommend one change related to Treaty redress arrangements. The Waikato River Treaty settlement arrangements intersect with the RMA in a significant and complex manner across multiple domains, including national direction. Waikato-Tainui, other relevant River iwi, and the Waikato River Authority have identified that specific provisions are needed to provide for key elements of this settlement, including the Vision and Strategy (Te Ture Whaimana). This is reviewed by the Waikato River Authority (which comprises members from the PSGEs, the councils and the Crown) and is the primary direction-setting document for the Waikato and Waipā Rivers and is provided for through various settlements.⁴ The Kiingitanga Accord requires the Crown to consider whether express recognition of Te Ture Whaimana is required in new legislation (clause 3.4). We recommend making specific provision in the Bills to state how Te Ture Whaimana will be given effect to in the new system and delegate authority to us to engage with relevant PSGEs on the details. We are seeking delegated authority to work with the Waikato and Waipā River iwi to confirm the details of a Te Ture Whaimana clause. We will then take decisions on the final form of the clause for each of the Bills.

Providing for Māori interests and the Treaty of Waitangi

- 55 Submissions from Māori groups generally expressed opposition to the Bills although many noted support for a more efficient and effective system. Many Māori submitters sought to retain provisions from Part 2 of the RMA including the requirement on all decision makers to "take into account" the Treaty principles (section 8), and "recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga" (section 6(e)).
- 56 Our priority is to ensure that the new system will provide all system users with certainty about how the Treaty and Māori interests are provided for. The current Māori interests goal could be further clarified and we propose to replace the broad term "Māori

⁴ The Deed of Settlement in relation to the Waikato River was signed with Waikato-Tainui in 2009 and given legislative effect through the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (the Waikato River arrangements). Elements of the Waikato River arrangements are also reflected in settlements of six other iwi/collectives: Ngāti Maniapoto, Te Arawa River Iwi, Ngāti Tūwharetoa, Raukawa, Ngāti Hauā, Ngāti Koroki Kahukura, and the proposed settlement negotiated with Pare Hauraki, as they relate to parts of the River. Under the Waikato River Settlement Act Te Ture Whaimana is also deemed to be part of the Waikato Regional Policy Statement.

interests” in the goal with a more specific list of relevant interests as listed in section 6(e) of the RMA. This specificity will provide assurance and clarity to local government, PSGEs, and other Māori groups. Officials anticipate this approach will not create the same broad obligations on decision makers as the RMA general Treaty provisions including section 6(e). Instead, Māori interests will be addressed within the new funnel system whereby clarity is intended to be provided through national instruments.

57 s 9(2)(h)

Heritage

58 Cabinet noted in December 2026 that we would explore the role of an interim heritage protection order mechanism in the Planning Bill if, following submissions, it was determined that further protections are needed for heritage.

59 We have considered this matter and do not consider any further protection mechanisms are necessary in the new system. Under the RMA, the Heritage Protection Order power was used 27 times and has not been used since 1992. We note that existing RMA heritage orders will be able to be transitioned into the new system via heritage schedules in land use plans under the Planning Bill.

Fisheries Act interface

60 The adverse effects of fishing on the environment are managed under both the Fisheries Act and the RMA. Use of the resource management system to regulate the localised environmental effects of fishing follows the Court of Appeal’s 2019 *Motiti* judgment. We decided to clarify and constrain council’s ability to control fishing in the Resource Management (Consenting and Other System Changes) Amendment Act 2025. These amendments have been carried into the Natural Environment Bill.

61 The interface between the new planning system and the Fisheries Act 1996 is contentious. Commercial and recreational fisheries stakeholders, Te Ohu Kaimoana and some iwi Māori sought to remove council’s ability to control fishing through planning instruments. By contrast, environmental interests, some iwi Māori, and some councils sought to retain council tools to manage environmental effects of fishing

62 We will direct officials to provide further advice on the option of removing or further constraining the ability for councils to control fishing from the Bills. A key consideration with this approach is whether removing the ability to control fishing would leave a gap around management of biodiversity in the coastal marine area. We will consider further advice on this approach, in consultation with the Minister for Oceans and Fisheries.

Wildlife authorisations

63 The Natural Environment Bill enables permitting authorities to grant wildlife authorisations, so applicants will no longer need to get separate wildlife authorisations from the Department of Conservation (DOC). Under delegation to us and the Minister of Conservation and Minister for Resources we have agreed the details of this framework. Decisions will be made by permitting authorities using the Natural

Environment Bill permitting process, with specific provisions designed to achieve coherent wildlife protection outcomes, consistent with the intent of the Wildlife Act 1953.

- 64 We seek Cabinet’s direction on one outstanding issue: whether the provisions should apply on public conservation land.⁵ Officials advise that enabling permit authorities to issue wildlife authorisations on public conservation land would not deliver quicker or more cost-effective outcomes. Applicants would still need DOC approvals under other conservation legislation, such as the Reserves Act 1977, and most would also require a concession.
- 65 Excluding public conservation land would also support upholding existing Treaty settlement obligations as it would ensure existing arrangements covering consultation partnership, and joint-decision-making between PSGEs and DOC on public conservation land could continue.⁶ s 9(2)(h)
- 66 If Cabinet does not agree to exclude public conservation land from the Natural Environment Bill wildlife authorisation framework, we will seek further advice from officials on how to meet Treaty settlement obligations.

Environment Court can order a Council to take certain action

- 67 Under the Bills, a person with an interest in land can apply to the Environment Court to have them direct the local authority to take certain actions, if the planning controls “severely impairs the reasonable use of that land”; and they place an unfair or unreasonable burden on the applicant⁷. This Environment Court pathway is available, regardless of the ‘type’ of planning control (i.e. it is not limited to particular topics) and is open to all people with an interest in land, not just landowners.
- 68 This threshold is lower than is currently available under section 85 of the RMA, which is only available if the land is considered “incapable of reasonable use”; and the planning controls place an unreasonable burden on them. This could have the effect of shifting it from being a backstop provision to becoming a more central part of the system.
- 69 Some submitters through the select committee process expressed concern that this lower threshold could negatively impact the ability to use planning controls like easements that help to manage reverse sensitivity (e.g. for gravel extraction or airport noise) and planning controls to manage more severe natural hazard risk (e.g. restrictions on building additional dwellings).
- 70 The lower bar logically means the incidence of successful challenge is likely to increase and this new test does present reduced certainty compared to the “incapable of reasonable use” test under the RMA. However, there is inherent uncertainty with

⁵ Public conservation land is land owned by the Crown and managed by DOC. This includes national parks under the National Parks Acts 1980, reserves under the Reserves Act 1977, conservation areas under the Conservation Act 1987, and wildlife areas under the Wildlife Act 1953.

⁶ For example, the Ngāi Takoto Settlement Act 2015 requires that a permit or authorisation under the Wildlife Act concerning Te Rerenga Wairua Reserve (at Cape Reinga) may be granted only with the joint agreement of Ngāti Kuri, Te Aupouri and Ngāi Takoto and the Minister of Conservation (or Director-General of Conservation, as appropriate).

⁷ Planning Bill, cl 105; Natural Environment Bill, cl 122

any new system, including around the application of existing terms in their new context. We cannot avoid things being tested through the courts.

- 71 The intent of the reforms is also to protect against reverse sensitivity, including to ensure those who come to a nuisance cannot then complain about that existing use. This is expected to standardise the kinds of planning controls relied upon under the RMA to protect against reverse sensitivity complaints and reduce the need for some of the very restrictive planning controls that have been used under the RMA.
- 72 “Severe impairment” aligns with the existing threshold under the Regulatory Standards Act. There are some differences in the application of this test under these Bills and there is no strict requirement to apply the same threshold (e.g. the principles in the RSA are not directly enforceable through the courts). However, we made the policy decision to align the threshold to provide consistency and sufficient tension against restrictive planning rules over private property, the enjoyment of which is a guiding principle of this reform.
- 73 We are seeking Cabinet’s decision over whether to retain the threshold of “severely impair the reasonable use of land” for the Environment Court pathway or whether to revert to the RMA’s “incapable of reasonable use” threshold. The key trade-off is between providing enhanced tension against restrictive planning controls and the risk of undermining the efficiency of the system through increased use of this pathway.

Workability changes

- 74 In March 2025, Cabinet authorised us to make further detailed decisions on any matters required to give effect to Cabinet’s intent, in consultation with other Ministers on matters relevant to their portfolios [CAB-25-MIN-0080.01]. We have agreed a number of changes under this delegation. The most substantive changes include:
- 74.1 clarifying the directive role of National Policy Direction and reduce unnecessary overlap with national standards
 - 74.2 clarifying that there is no hierarchy between the goals of each Bill
 - 74.3 removing the reference to ‘within environmental limits’ in the use and development goal of the Natural Environment Bill (clause 11(a))
 - 74.4 clarifying the wording of out-of-scope effects in the Planning Bill
 - 74.5 ensuring effects managed under one Bill can, where appropriate, be considered under the other, to ensure coherence between the Bills including in relation to natural hazards
 - 74.6 reverting to “mitigate” from “minimise” in relation to effects management options
 - 74.7 ensuring aquaculture settlement areas are appropriately reflected in spatial plans

Cost-of-living Implications

- 75 An objective of reforming the resource management system is to better enable activities that support economic growth and productivity, reduce the need for resource consents, and streamline consent processes to avoid unnecessary cost being passed

on to system users. These benefits may flow through to reduced costs and improved economic well-being for families and households.

Financial Implications

76 All work to develop the Bills has been funded from existing agency baselines.

Legislative Implications

77 The proposals in this paper will inform the Select Committee process through the departmental report for the Bill.

Impact Analysis

Regulatory Impact Statement

78 The Ministry for the Environment provided a supplementary analysis report (SAR) when the Bill was considered for introduction by Cabinet in December 2025.

79 Cabinet's impact analysis requirements apply to this proposal, but there is no accompanying Regulatory Impact Statement and the Ministry for Regulation has not exempted the proposal from the impact analysis requirements. Therefore, it does not meet Cabinet's requirements for regulatory proposals. The Ministry for Regulation and the Ministry for the Environment have agreed that a post implementation review will be developed and provided to Cabinet [12 months] after implementation

Climate Implications of Policy Assessment

80 The Climate Implications of Policy team has been consulted and cannot confirm whether the CIPA requirements apply to this proposal in the time available.

Population Implications

81 A more efficient and effective planning system should benefit all New Zealanders. Implementation of this work programme will need to closely consider its potential impact on populations and communities, including Māori.

Human Rights

82 A human rights report was not prepared for this briefing. The policy changes recommended in this paper are not expected to alter the New Zealand Bill of Rights Act 1990 or Human Rights Act 1993 compliance reports provided by the Ministry of Justice on the Bills for introduction.

Use of external Resources

83 External resources were used to help officials analyse public submissions to the Committee.

Consultation

84 This paper was developed by the Ministry for the Environment. The following agencies were provided an early draft Cabinet paper to provide feedback: Department of Conservation, Department of Corrections, Department of Internal Affairs, Department

of the Prime Minister and Cabinet, Health NZ, Land Information New Zealand, Ministry for Culture and Heritage, Ministry for Primary Industries, Ministry for Regulation, Ministry of Business, Innovation and Employment, Ministry of Education, Ministry of Foreign Affairs and Trade, Ministry of Health, Ministry of Housing and Urban Development, Ministry of Justice, Ministry of Transport, New Zealand Defence Force, New Zealand Infrastructure Commission, Parliamentary Counsel Office, Te Puni Kōkiri, Te Tari Whakataua, and the Treasury.

Communications

- 85 We intend to issue communications about the changes after the Committee reports back on the Bills and releases the departmental report.

Proactive Release

- 86 We intend to release this paper proactively after the Committee reports back on the Bills and releases the departmental report, subject to redactions as appropriate under the Official Information Act 1982.

Recommendations

The Minister Responsible for RMA Reform and the Parliamentary Under-Secretary to the Minister Responsible for RMA Reform recommend that the Committee:

- 1 **note** that the Planning Bill and Natural Environment Bill (the Bills) were introduced to the House and referred to the Environment Committee (the Committee) on 16 December 2025
- 2 **note** that, following public submissions on the Bill, approval is sought for changes to the Bills that depart from previously agreed policy decisions made by Cabinet
- 3 **note** that, if approved, these changes will be recommended to the Committee in the departmental reports prepared by the Ministry for the Environment
- 4 **note** that there are a range of other changes we intend to progress under delegations
- 5 **note** that there are a range of other changes we intend to bring back to Cabinet for inclusion in an amendment paper, including on the Fisheries Act interface
- 6 **note** that Committee is due to report back to Parliament by 26 June 2026 and the intention is to pass the Bills before the end of the Parliamentary term

Policy changes

Core architecture

- 7 **note** that we are committed to delivering a planning system that is simpler, clearer, and more supportive of New Zealand's aspirations to grow and develop while achieving environmental outcomes and we do not recommend changing the system's fundamental design
- 8 **agree** not to include activity- or sector-specific goals in the new system
- 9 **agree** to add a goal to the Natural Environment Bill to support and enable enhancement of the natural environment

- 10 **note** we intend to revise the Planning Bill's competitive urban land markets goal to focus on creating an abundance of development opportunities for residential and business use

Limits, allocation and freshwater farm plans

- 11 **agree** to remove provisions enabling new market-based allocation mechanisms and comparing the relative merit of applications as alternatives to first-in first-served
- 12 **note** that the Bills will better enable infrastructure solutions that will help reduce the incidence of natural resource scarcity by providing abundance
- 13 **note** that the efficient use of scarce natural resources is vital for a productive economy, and that relying solely on first-in, first-served approach is not a long-term solution for New Zealand's prosperity in those critical areas where our resources are under pressure
- 14 **direct** officials to continue their work on the design of market-based allocation mechanisms as well as the data and tools required for their use
- 15 **note** we have directed officials to progress changes across environmental limits, allocation, natural resource levies, and procedural principles, to address feedback from the primary sector.
- 16 **note** that natural resource levies will be retained, but with additional safeguards to ensure they can only be used to cover costs and to require expenditure of money collected to be more directly linked to the resource/location of the user paying the levy
- 17 **note** that the framing around environmental limits will be clarified and additional guardrails added to reflect the intent that they reflect communities' expectations of the acceptable state of the natural environment in light of their economic and social expectations
- 18 **note** that we are making changes to the provisions for freshwater farm plans to make the process more cost effective and risk-based
- 19 **agree** to simplify audit requirements by only requiring audit of farms that meet the threshold for their farm plans to be certified and make equivalent changes to the RMA so this applies during the transition to the new planning system

Changes to the RMA

- 20 **note** we have directed officials to provide advice on how the RMA can be amended to address concerns from the agriculture and horticulture sector concerning immediate consenting impacts through the transition period.

Consenting

- 21 **note** that we are making changes clarify that permitted activities can only be required to be registered where provided for in national instruments
- 22 **agree** to reinstate controlled activities under the Natural Environment Bill

Climate change effects

- 23 **agree** to provide in both Bills that greenhouse gas emissions are not an adverse effect that is regulated under the new system

Regulatory relief

- 24 **note** that the regulatory relief framework is a core feature of our drive for a more proportionate, enabling system and we do not propose altering our approach

Implementation

- 25 **agree** to extend the implementation timeframe from 30 to 39 months, to enable more time for the creation of national instruments and notification and decisions on regional spatial plans

Treaty settlements and Māori rights and interests

- 26 **agree** to include a clause in the Bills that states how Te Ture Whaimana (the Waikato River Vision and Strategy) is given effect in the new system
- 27 **agree** to delegate authority to us to work with the Waikato and Waipā River iwi to confirm the details of a Te Ture Whaimana clause in the Bills
- 28 **agree** to clarify in the Māori interests goal that the relevant Māori interests are 'the relationships of Māori and their culture and traditions with their ancestral land, water, sites, and other taonga'

Heritage

- 29 **note** we have considered whether an interim heritage protection order mechanism is required in the Planning Bill and have determined it is not required.

Fisheries Act interface

- 30 **note** that further work is needed to determine the interface between the new planning system and the Fisheries Act 1996. We will consider further advice on the option of removing the ability for councils to control fishing from the Bills, in consultation with the Minister for Oceans and Fisheries.

Wildlife authorisations

- 31 **note** officials' advice that enabling permit authorities to issue wildlife authorisations on public conservation land would not deliver quicker or more cost-effective outcomes and excluding public conservation land would support upholding existing Treaty settlement obligations
- 32 **agree** that councils cannot issue wildlife authorisations on public conservation land under the Natural Environment Bill
- 33 **note** we will seek further advice from officials on how to meet Treaty settlement obligations in relation to wildlife authorisations on public conservation land

Environment Court can order a Council to take certain action

- 34 **agree to either**
- 34.1 retain the "severe impairment" test for the Environment Court pathway to support enhanced tension against restrictive planning controls over private property; or

- 34.2 revert to the “incapable of reasonable use” test used under the Resource Management Act 1991 for the Environment Court pathway to support the efficient operation of the planning system

Further changes

- 35 **authorise** the Minister Responsible for RMA Reform and the Parliamentary Under-Secretary to the Minister Responsible for RMA Reform, in consultation with other relevant Ministers as necessary, to decide on any further changes to give effect to Cabinet’s policy decisions
- 36 **authorise** Parliamentary Counsel Office to work with officials make minor, technical or consequential changes that arise during drafting to ensure workability

Authorised for lodgement

Hon Chris Bishop
Minister Responsible for RMA Reform

Simon Court
Parliamentary Under-Secretary to the Minister Responsible for RMA Reform



Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Planning Bill and Natural Environment Bill: Policy Changes for Departmental Report

Portfolio **RMA Reform**

On 20 April 2026, following reference from the Cabinet Business Committee, Cabinet:

Background

- 1 **noted** that the Planning Bill and Natural Environment Bill (the Bills) were introduced to the House and referred to the Environment Committee (the Committee) on 16 December 2025;
- 2 **noted** that, following public submissions on the Bill, approval is sought for changes to the Bills that depart from previously agreed policy decisions made by Cabinet;
- 3 **noted** that, if approved, these changes will be recommended to the Committee in the departmental reports prepared by the Ministry for the Environment;
- 4 **noted** that there are a range of other changes that the Minister Responsible for RMA Reform and Parliamentary Under-Secretary to the Minister Responsible for RMA Reform (the Minister and the Parliamentary Under-Secretary) intend to progress under delegations;
- 5 **noted** that there are a range of other changes that the Minister and the Parliamentary Under-Secretary intend to bring back to Cabinet for inclusion in an amendment paper, including on the interface with the Fisheries Act 1996;
- 6 **noted** that the Committee is due to report back to Parliament by 26 June 2026, and the intention is to pass the Bills before the end of the Parliamentary term;

Policy changes

Core architecture

- 7 **noted** that the Minister and the Parliamentary Under-Secretary are committed to delivering a planning system that is simpler, clearer, and more supportive of New Zealand's aspirations to grow and develop while achieving environmental outcomes, and do not recommend changing the system's fundamental design;
- 8 **noted** that one of the intentions of the new system is the protection of private property rights, and that this has been embedded via the use of the term "the enjoyment of land" at the top of the system;

- 9 **noted** that officials will work with the Parliamentary Counsel Office (PCO) to ensure that the existing reference to the enjoyment of land in the purpose clause of the Planning Bill is revised to ensure the enjoyment of land is addressed first;
- 10 **agreed** not to include a standalone activity- or sector-specific goal in the new system;
- 11 **agreed** to ensure the importance of food and fibre production (including aquaculture) is explicitly captured in the drafting of the goals of the Natural Environment Bill;
- 12 **agreed** to add a goal to the Natural Environment Bill to support and enable enhancement of the natural environment;
- 13 **noted** that clause 11(a) of the Natural Environment Bill supports and enables economic growth;
- 14 **noted** that the Minister and the Parliamentary Under-Secretary intend to revise the Planning Bill's competitive urban land markets goal to focus on creating an abundance of development opportunities for residential and business use;

Limits, allocation and freshwater farmplans

- 15 **agreed** to remove provisions enabling new market-based allocation mechanisms and comparing the relative merit of applications as alternatives to first-in, first-served;
- 16 **noted** that the Bills will better enable infrastructure solutions that will help reduce the incidence of natural resource scarcity by providing abundance;
- 17 **noted** that the efficient use of scarce natural resources is vital for a productive economy, and that relying solely on a first-in, first-served approach is not a long-term solution for New Zealand's prosperity in those critical areas where New Zealand's resources are under pressure;
- 18 **directed** officials to continue their work on the design of market-based allocation mechanisms, as well as the data and tools required for their use;
- 19 **noted** that the Minister and the Parliamentary Under-Secretary have directed officials to progress changes across environmental limits, allocation, natural resource levies, and procedural principles, to address feedback from the primary sector;
- 20 **noted** that natural resource levies will be retained, but with additional safeguards to ensure they can only be used to cover costs and to require expenditure of money collected to be more directly linked to the resource/location of the user paying the levy;
- 21 **noted** that the framing around environmental limits will be clarified and additional guardrails added to reflect the intent that these reflect communities' expectations of the acceptable state of the natural environment in light of their economic and social expectations;
- 22 **noted** that the Minister and the Parliamentary Under-Secretary are making changes to the provisions for freshwater farm plans to make the process more cost-effective and risk-based;
- 23 **agreed** to simplify audit requirements by only requiring audit of farms that meet the threshold for their farm plans to be certified and make equivalent changes to the Resource Management Act 1991 (the RMA) so that this applies during the transition to the new planning system;

Changes to the RMA

- 24 **noted** that the Minister and the Parliamentary Under-Secretary have directed officials to provide advice on how the RMA can be amended to address concerns from the agriculture and horticulture sectors concerning immediate consenting impacts through the transition period;

Consenting

- 25 **noted** that the Minister and the Parliamentary Under-Secretary are making changes to clarify that permitted activities can only be required to be registered where provided for in national instruments;
- 26 **agreed** to reinstate controlled activities under the Natural Environment Bill;

Climate change effects

- 27 **agreed** to provide in both Bills that greenhouse gas emissions are not an adverse effect that is regulated under the new system;

Regulatory relief

- 28 **noted** that the regulatory relief framework is a core feature of the drive for a more proportionate, enabling system, and that the Minister and the Parliamentary Under-Secretary do not propose altering the approach;

Implementation

- 29 **agreed** to extend the implementation timeframe from 30 to 39 months, to enable more time for the creation of national instruments, and notification and decisions on regional spatial plans;
- 30 **agreed** that the first package of transitional national rules under the new planning system includes an enabling activity status for marine farms within aquaculture zones (including in Aquaculture Settlement Areas);

Treaty of Waitangi settlements and Māori rights and interests

- 31 **agreed** to include a clause in the Bills that states how Te Ture Whaimana (the Waikato River Vision and Strategy) is given effect in the new system;
- 32 **authorised** the Minister and the Parliamentary Under-Secretary to work with the Waikato and Waipā River iwi to confirm the details of a Te Ture Whaimana clause in the Bills;
- 33 **agreed** that further work is needed to define Māori interests within the new regime, and that officials will develop further advice for the Minister's consideration;

Heritage

- 34 **noted** that the Minister and the Parliamentary Under-Secretary have considered whether an interim heritage protection order mechanism is required in the Planning Bill, and have determined it is not required;

Fisheries Act interface

- 35 **agreed** to remove the ability of councils to control fishing or fisheries resources controlled under the Fisheries Act 1996 from both bills via an amendment paper;
- 36 **invited** the Minister for Oceans and Fisheries to report back to Cabinet on any regulatory gap created by removing councils' ability to control fishing or fisheries resources by July 2026;

Wildlife authorisations

- 37 **noted** officials' advice that enabling permit authorities to issue wildlife authorisations on public conservation land would not deliver quicker or more cost-effective outcomes, and excluding public conservation land would support upholding existing Treaty of Waitangi settlement obligations;
- 38 **agreed** that councils cannot issue wildlife authorisations on public conservation land under the Natural Environment Bill;
- 39 **noted** that the Minister and the Parliamentary Under-Secretary will seek further advice from officials on how to meet Treaty of Waitangi settlement obligations in relation to wildlife authorisations on public conservation land;

Environment Court can order a Council to take certain action

- 40 **agreed** to retain the "severe impairment" test for the Environment Court pathway to support enhanced tension against restrictive planning controls over private property;

Further changes

- 41 **authorised** the Minister and the Parliamentary Under-Secretary, in consultation with other relevant Ministers as necessary, to decide on any further changes to give effect to Cabinet's policy decisions, in line with the decisions under CBC-26-MIN-0017;
- 42 **authorised** PCO to work with officials to make minor, technical or consequential changes that arise during drafting to ensure workability.

Rachel Hayward
Secretary of the Cabinet

Secretary's Note: This minute replaces CBC-26-MIN-0017. Cabinet agreed to amend paragraphs 11 and 33, add paragraph 30, and replace paragraph 34 with new paragraphs 35 and 36.

In-Confidence

Office of the Minister Responsible for RMA Reform

Cabinet

Further measures to support a smooth transition to the new planning system

Proposal

1. This paper proposes targeted measures to smooth the transition to the new planning system for farmers and growers affected by Waikato Regional Council's Plan Change 1 (PC1), and Horizon Regional Council's Plan Change 2 (PC2).
2. For PC1, I propose to prevent the restrictive elements of this plan from becoming operative, whilst requiring it to form the base of the region's new plan when the new planning system, with a narrower scope and focus on a risk-based approach, comes into effect.
3. For PC2, I propose to remove its quantified nitrogen reduction requirements (and associated OVERSEER modelling) for existing farms.
4. This would mean that during the transition to the new system:
 - 4.1. The changes in PC1 which allow farms to operate as permitted activities would remain, but requirements to prepare and implement Farm Environment Plans (FEPs) and/or obtain new resource consents would not apply.
 - 4.2. PC2's controlled activity consent pathway (which must be granted) would remain in place (allowing existing farmers to get a consent and therefore operate lawfully), but requirements to achieve specified nitrogen reductions would not apply to that pathway.
5. I also propose requiring the responsible local authority to have particular regard to PC1 when it develops its first Natural Environment Plan (NEP) under the new planning system. This would help ensure that PC1's outcomes developed to give effect to Te Ture Whaimana (TTW) are recognised in the development of the new plan without predetermining its outcome.

Relation to government priorities

6. The Government's manifesto and coalition agreements committed to reforming New Zealand's resource management system. This includes replacing the Resource Management Act 1991 (RMA) with a new planning regime centred on property rights.

7. The Government is also committed to upholding Treaty settlements. TTW, which is the Vision and Strategy for the Waikato and Waipā Rivers, is a key component of the Waikato and Waipā River Treaty settlement legislation.

Executive Summary

8. PC1 and PC2 are likely to become operative during the transition to the new resource management system. This will mean that some farmers will need to prepare and implement FEPs, obtain resource consents, or comply with quantified nitrogen reduction requirements before the new planning system is in place. I am concerned this could impose unnecessary costs, uncertainty, and administrative burden if new national instruments and plans take a different approach.
9. I propose that PC1's FEP and consenting requirements, and PC2's quantified nitrogen reduction requirements (for the controlled activity consent pathway in PC2) do not apply during the transition to the new system. This would support a smoother transition to the new planning system while preserving key elements of both plans that provide regulatory certainty for farmers during the transition period.
10. For PC1, existing farmers would continue to operate under PC1's permitted activity rules. For PC2, existing farms would continue to have access to a controlled activity consent pathway (that must be granted) but would not be required to achieve quantified nitrogen reductions or prepare OVERSEER modelling during the transition period.
11. This proposal for PC1 is likely to delay giving effect to TTW, which is the vision and strategy for the Waipā and Waikato Rivers, developed under Waikato River Treaty settlement arrangements. However, the proposal does not reduce the Crown's commitment to give equivalent effect to TTW through the new planning system, and this will be provided for in the legislation replacing the RMA.
12. Further, PC1 was developed to give effect to TTW, meaning my proposal to require the responsible local authority to have particular regard to PC1 when developing a new natural environment plan will help preserve much of the work that went into PC1 that gives effect to TTW (to the extent that the details of PC1 can be carried forward to or made consistent with the new planning system).
13. I have also agreed to further amendments to section 107 of the RMA to ensure that it does not prevent consents from being granted during the transition period. This will further support a smooth transition to the new system.

Analysis

Plan Change 1

PC1 has been in development for more than 10 years

14. PC1 was developed by Waikato Regional Council to address significant degradation of waterbodies in the Waikato and Waipā River catchments¹ and to give effect to Te Ture Whaimana (TTW), discussed below.
15. PC1 was notified in September 2016. Over 1,000 submissions were received, which were considered by an Independent Hearings Panel (IHP). Following the IHP process, 24 appeals were filed in the Environment Court (the Court). Hearings and judicial conferences have occurred since then to resolve the appeals. I understand that all sides have been flexible and made compromises to find solutions to conflicting interests.
16. The Environment Court issued its final substantive decision in June 2026. A further decision confirming the wording in PC1 is expected once the resulting provisions have been finalised and reviewed by the Court (likely to be issued around September). However, PC1 cannot become fully operative until all appeals have been determined. There is currently a High Court appeal on a point of law, and further appeals remain possible. This means the timing of PC1 becoming fully operative is uncertain.
17. Most of PC1's rules had legal effect under the RMA at notification in 2016 and through the 2020 decisions version following the hearings. However, the main provisions affecting existing farmers are requirements for FEPs and consents, and these do not apply until PC1 becomes operative. Until then, farmers are operating under PC1's interim permitted activity rule framework.

PC1 is the first stage of giving effect to Te Ture Whaimana - a key part of the Waikato River Treaty settlement arrangements

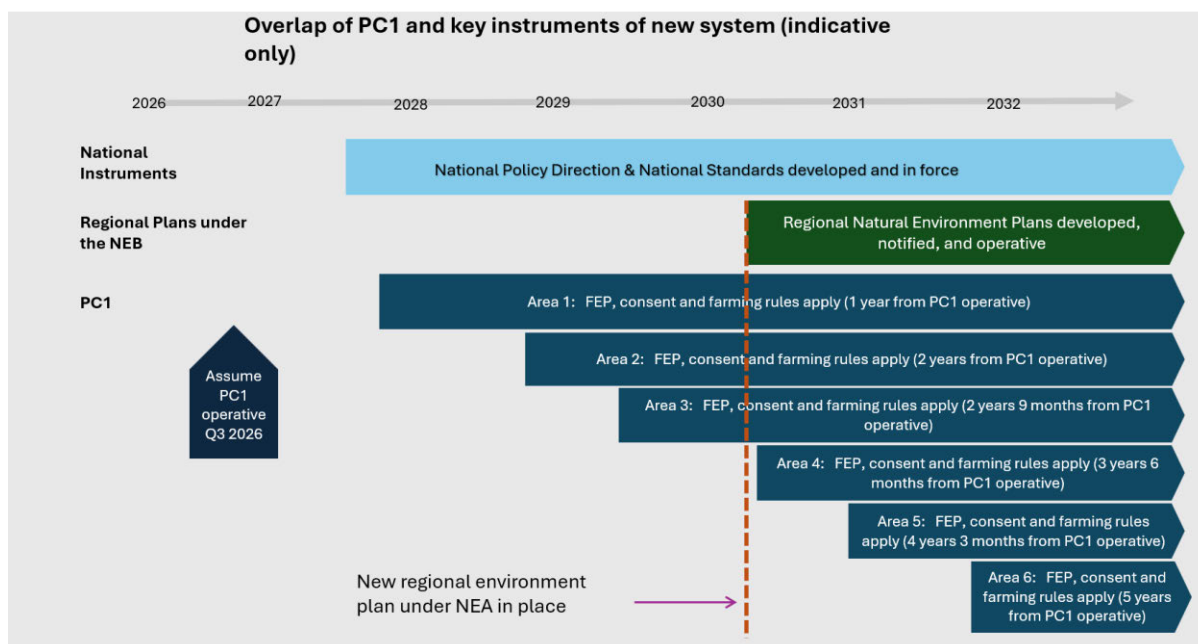
18. The Waikato and Waipā River Treaty settlement legislation provides that TTW is the primary direction setting document for the Waikato and Waipā Rivers. There are specific statutory interactions between TTW and the Resource Management Act 1991 (RMA) including:
 - 18.1. TTW prevails over any inconsistent provision in a national policy statement, the New Zealand Coastal Policy Statement, national planning standards, environmental performance standards or an infrastructure design solution

¹ It focusses on diffuse discharges of nitrogen, phosphorus, sediment and biological pathogens, mostly from farming

- 18.2. TTW, in its entirety, is deemed to be part of the Waikato Regional Policy Statement
 - 18.3. regional and district plans must give effect to TTW
 - 18.4. rules included in regional or district plans for the purpose of giving effect to TTW that are more stringent than a national instrument prevail over that instrument.
19. A key driver for PC1 is to give effect to TTW. Waikato and Waipā River iwi have invested significant resources into the development of PC1. The River iwi have stated clearly that they would consider deferring PC1 to be a breach of their Treaty settlement legislation.
20. The Government has committed to upholding Treaty settlements in the new system. Provisions are included in the legislation replacing the RMA to this effect. Cabinet has agreed there will be clauses in the Bills that state how TTW will be given effect in the new system [CBC-26-MIN-0017 refers]. These clauses will be included in the Bills at the Committee of the Whole House stage.

Some farmers may need to comply with PC1 before the new planning system is in place

21. PC1 would require all farms over a minimum size to have a certified FEP, developed under a bespoke system prescribed in PC1.
22. Low intensity farming would be a permitted activity. However, a significant proportion of farms (potentially up to 2,500) would need to apply for resource consents (most of which are controlled activities that must be granted). In the Whangamarino catchment, farming would be a restricted discretionary activity, meaning farmers and growers can have their consents declined, adding uncertainty for those affected. Up to 400 consents are required in this catchment.
23. PC1 also includes additional requirements for some farming activities that apply through FEPs, such as mandatory stock exclusion, restrictions on stock grazing in some circumstances, and limits on fertiliser application rates and timing.
24. These requirements would be phased in geographically over five years after PC1 becomes operative, with the first FEPs and consents required within one year.
25. The timing of the Environment Court's final decisions and potential for PC1 to become operative during the transition period may clash with the development and coming into force of the new planning system under the NEA (see diagram below).



26. As the diagram¹ shows, if PC1 becomes operative before replacement planning instruments are in effect, some farmers would need to apply for resource consents, comply with new farming rules and/or develop individual council-directed farm plans, only to then change to a new regional planning system. For around half the areas covered by PC1, the new rules would not even be triggered before PC1 is replaced by a new plan. For one area, PC1 rules would trigger the need for consents and FEPs for less than 12 months before farmers needed to change to the new planning system.

Plan Change 2

Why PC2 was developed

27. Plan Change 2 (PC2) was publicly notified in July 2019. It was developed by Horizons Regional Council to address problems with the regulation of existing intensive farming under the operative One Plan.
28. The One Plan was intended to enable most farms using good management practices to meet specified nitrogen leaching limits and obtain controlled activity resource consents (which must be granted). Changes to OVERSEER (the tool used in the One Plan to estimate nitrogen leaching from farming activities and determine compliance with leaching limits) meant that this did not occur as intended.
29. As a result, a significant number of existing intensive farming activities require discretionary resource consents (which can be declined), but restrictive policies in the plan mean many do not have a viable pathway to obtain them. PC2 was developed to address this issue in specified catchments in the Manawatū-Whanganui region and support improved freshwater outcomes under the One Plan.

¹ Note: Timing of operative status is illustrative only and remains subject to ongoing appeal processes.

30. PC2 has been the subject of Environment Court appeals. The Court issued its final decisions in June 2026. They confirm the final provisions of PC2, subject to some technical changes which are yet to be incorporated. Once this has occurred, PC2 will be made operative. No further appeals have been lodged.

Farmers will need to comply with PC2 before the new planning system is in place

31. PC2 will provide existing intensive farming activities an alternative controlled activity pathway where they cannot meet the One Plan's specified nitrogen leaching limits.
32. Under this pathway, farmers can meet a nitrogen reduction target instead of complying with those limits. Most farmers must reduce nitrogen losses by 20 percent from a specified baseline. Commercial vegetable growers must achieve a 35 percent reduction.
33. Farmers will be required to apply for resource consents within 12 months of PC2 becoming operative and achieve the required nitrogen reductions within two years of consent being granted.
34. They will also be required to prepare a Nutrient Management Plan (NMP) (which includes an Environmental Action Plan) as part of the consent application. NMPs are broadly similar to FW-FPs under the new system. They identify nutrient sources and set out the land management practices and mitigation measures to manage nutrient losses on farm. They also require the use of OVERSEER to determine compliance with PC2's nitrogen loss reductions.
35. I understand that farmers and growers have concerns about preparing and implementing NMPs, and the commercial viability of achieving the quantified nitrogen percent reductions.
36. Where nitrogen reductions cannot be complied with, a discretionary consent pathway is available (which can be declined). This is also causing concern in the primary sector.

Supporting a smooth transition to the new planning system in the areas covered by PC1 and PC2

37. I have concerns about the potential costs and administrative burden of implementing new regulatory requirements under PC1 and PC2 while the new resource management system is being developed and implemented, which may take a different approach to the matters covered by each plan change.
38. While these concerns apply across both plan changes, it is important to acknowledge that PC1 and PC2 are very different in their scope, history, intent and implications.

39. PC1 is a major new regulatory plan affecting many thousands of farmers and imposing new farm planning and consenting requirements across very large catchments. It was developed as a first major step to achieve a long-term vision and strategy for New Zealand's largest river system and gives effect to the arrangements and obligations established through Treaty settlements.
40. PC2 on the other hand is a highly targeted plan change intended to provide a viable consenting pathway for a relatively small number of affected farmers and growers who otherwise would not have such a pathway available to them.

Transition in the PC1 area

41. I am concerned that failing to provide for a smooth transition to the new planning system in the Waikato and Waipā catchments could undermine the credibility of the new system and encourage resistance and resentment of critical new environmental management tools such as FW-FPs and new National Standards.
42. When the Government's new planning system is fully in place, I expect to see fewer consents, less prescribed farming rules and more flexible farm planning arrangements (though as indicated below, these planning rules are yet to be developed). This is a core design intention of the new planning system.
43. For example, a nationally consistent Freshwater Farm Plan (FW-FP) system will replace the ad hoc farm environment plans developed by individual councils. FW-FPs will allow fewer consents and reduce 'one-size-fits-all' prescription while providing for continued environmental improvement.
44. While these concerns are significant, they need to be considered against the reality that:
 - 44.1. some waterbodies in the PC1 area are significantly degraded and need improvement, and PC1 is a regulatory response to improve freshwater in these areas
 - 44.2. PC1 is the first stage in giving effect to TTW as required by the Waikato and Waipā River settlement legislation. Changing the implementation of PC1 is likely to generate significant concerns over the operation of the settlement, and the Crown's commitments to settlements more broadly
 - 44.3. many parties, including tangata whenua, have put in substantial investment and time in getting PC1 to this point
 - 44.4. some aspects of PC1 are consistent with what I would expect to see under the new planning system, including the inclusion of long-term and near-term environmental limits, and the reliance on farm plans to achieve environmental improvement

- 44.5. the new system will place greater reliance on secondary instruments (which have not yet been developed), so the extent to which PC1 aligns with, or differs from, the new system is uncertain.
- 44.6. the new system will continue to require TTW to be given effect to. So, in the Waikato and Waipā catchments, the instruments developed under the new system will need to reflect and operate consistently with those requirements.
- 45. I have weighed these matters and consider that targeted measures are warranted to support a smooth transition to the new planning system for affected farmers in the PC1 area.

Options – PC1

- 46. I have considered three options:
 - 46.1. Option 1: do nothing
 - 46.2. Option 2 (**recommended**): legislate to prevent PC1's FEP and consent requirements from applying during the transition to the new system
 - 46.3. Option 3: allow PC1 to proceed, but smooth the transition through targeted measures
- 47. **Option 1** would not address the risk that farmers and growers may need to comply with PC1 requirements during the transition period, only to transition shortly afterwards to a different regulatory framework. I do not consider this outcome acceptable.
- 48. I do not consider that **Option 3** is practicable within the timeframes we want to achieve for implementation of the new system. Under this option PC1 would proceed, and the transition would be smoothed through targeted support, such as bringing the Government's FW-FP system online in the Waikato region and developing Initial National Rules that would apply instead of some PC1 requirements. I am not satisfied that any of these measures would provide a sufficiently certain and smooth transition without pausing aspects of PC1.
- 49. Therefore, I recommend **Option 2**. Under this option farmers and growers would continue operating under PC1's permitted activity rules during the transition to the new resource management system (including lawful commercial vegetable growing expansion). FEP and consent requirements would not apply until 2032 (which is after the date when replacement plans are expected to be in place).
- 50. Compared to option 1, this option prioritises certainty and stability until new planning instruments are in place under the new system.
- 51. There are a number of ways this option could be achieved legislatively. I propose that officials work with the Parliamentary Counsel Office (PCO) to determine the most appropriate legislative mechanisms to give effect to this

policy intent.

52. Controls in PC1 would remain on intensification, including through land use change (e.g. changing use from forestry to dairying). These controls have applied since 2016 when PC1 was notified and are designed to prevent further degradation of waterbodies through increases in nitrogen discharges associated with land use intensification. This is consistent with TTW. FEP requirements would still apply to these consents.
53. Given that large parts of Waikato and Waipā catchments are significantly degraded, I consider it appropriate to retain these controls during the transition period as a safeguard for freshwater. The longer-term role of such controls is more appropriately considered through the development of national instruments and plans under the new system.
54. Retaining these controls also helps prevent further overallocation of nitrogen discharges and avoids existing farmers from eventually having to 'make up for' such increased overallocation through reducing their discharges by more than they otherwise would have to.
55. This option does not prevent initiatives to improve environmental outcomes outside of regulation, such as enhancing catchment groups and encouraging early action by farmers and industry bodies. Several initiatives are already underway, and I propose exploring enhancing such initiatives with relevant agricultural portfolio Ministers.
56. Through the Environment Court process, PC1 was amended to include a restricted discretionary activity pathway for land use change on tangata whenua ancestral land. This rule currently has no legal effect. I recommend that this rule apply during the transition period as providing for the development of Māori ancestral land is aligned with the new system and provided for through the Māori interest goal.
57. If agreed, the necessary provisions to enable option 2 would be included in the Planning Bill or Natural Environment Bill (NEB) through an Amendment Paper at the Committee of the Whole House stage (determined by the Parliamentary Counsel Office (PCO)).
58. I propose that Cabinet delegate me authority to make final detailed policy and drafting decisions consistent with the decisions in this paper before the Amendment Paper is finalised, if necessary.

Engagement on alternative transition pathways for PC1

59. Before finalising the options in this paper, I met with iwi leaders to discuss the implications of intervening in PC1. They also wrote to me, as attached as Appendix 1. Following that meeting and receipt of their letter, I directed officials to work closely with the relevant Waikato and Waipā river settlement iwi to explore whether an alternative pathway could be developed. A range of issues and potential options were considered, both individually and in combination, with the aim of identifying an approach that could smooth the

transition.

60. The issues and options explored are set out in Table 1.

Table 1:

Issue	Summary	Potential response explored
1. Farm plans	Concern that farmers may need to prepare a PC1 FEP and a FW-FP, creating duplication and additional cost.	Prioritise FW-FP implementation in the Waikato and integrate it with PC1 requirements so farmers prepare a single plan.
2. Consenting (generally)	Concern that a large number of existing farming activities (around 2,000) will require controlled activity consents (that must be granted).	Use Initial National Rules to provide a permitted activity pathway and reduce reliance on consents.
3. Consenting (Whangamarino catchment)	Concern that around 400 farmers in the Whangamarino catchment will require a restricted discretionary consent (that can be declined).	Use Initial National Rules to provide a controlled activity pathway to remove prospect of decline and provide certainty.
4. Commercial vegetable production	Concerns that current rules constrain expansion and rely on historical base years that do not reflect recent activities.	Extend the base year to reflect current activities.
5. Section 107 of the RMA	Concern that statutory restrictions under section 107 may prevent farmers obtaining the consents needed to continue existing activities.	Make further changes to section 107 so that it does not prevent the granting of consents during transition (I have already agreed to this).
6. PC1's environmental limits	Concern that environmental limits agreed through PC1 won't be retained in new Natural Environment Plans.	Legislatively recognise PC1's limits.
7. Effort of PC1 not recognised in the new system	PC1 has been developed over approximately 14 years, and there is concern that this work may not be adequately recognised under the new system.	Legislate to require the responsible local authority to consider PC1 when developing a new Natural Environment Plan.

61. While there was some agreement that bringing the Government's FW-FP system online in the Waikato region could reduce duplication of effort with farm plans, I am not satisfied that any of the options explored would provide a sufficiently certain and smooth transition without pausing aspects of PC1.
62. In these engagements, iwi advisors emphasised that PC1 gives effect to TTW and that the unique statutory status of TTW as the primary direction setting document for the Waikato and Waipā Rivers warrants a different approach in

those catchments.

63. On 11 August 2026, the Waikato River Authority wrote to me regarding possible intervention in PC1. The Authority emphasised its longstanding involvement in the development of PC1 and noted that the plan was developed through an extensive collaborative process to give effect to TTW. The Authority urged me not to intervene in PC1's implementation.
64. In light of these discussions, and recognising that the proposal in this paper would intervene in the implementation of PC1, I propose requiring the responsible local authority to have particular regard to PC1 when preparing the Natural Environment Plan for the Waikato region under the new system. This would help ensure that outcomes developed to give effect to TTW are recognised in the development of the new plan without predetermining the outcome.
65. The requirement to have particular regard to PC1 when preparing the first Waikato Natural Environment Plan is intended to operate in addition to the obligations in clauses 9, 10 and 10A of the Natural Environment Bill relating to Treaty settlements and TTW. These provisions relate to the broader role of TTW and Treaty settlement arrangements in the new resource management system. My proposal to have particular regard to PC1 is intended to ensure that the specific planning approach and outcomes developed through the PC1 process are considered when preparing the first Waikato Natural Environment Plan. It is not intended to limit, qualify or otherwise affect clauses 9, 10 and 10A. I propose that the legislation make this clear.

Options – PC2

66. I have considered three options:
 - 66.1. Option 1: take no action, and allow PC2 to proceed
 - 66.2. Option 2: prevent PC2 from becoming operative
 - 66.3. Option 3: prevent the quantified nitrogen reduction requirements from applying during the transition period
67. **Option 1** would not address the risk that farmers and growers may need to comply PC2 requirements during the transition period, only to transition shortly afterwards to a different regulatory framework. I do not consider this outcome acceptable.
68. My concerns cannot be addressed by preventing PC2 from becoming operative under **option 2**. PC2 is a targeted plan change to address implementation issues with the broader One Plan and provides existing farming activities with a viable consenting pathway. Preventing it from becoming operative would leave the underlying problem PC2 addresses unresolved.
69. I recommend **Option 3**. This would prevent the requirement for achieving

quantified nitrogen reductions from applying during the transition period and retain the new viable consenting pathway developed through the PC2 process. This would allow existing farms to operate lawfully with certainty during the transition period without needing to achieve quantified nitrogen reductions.

70. Consistent with the proposed approach for PC1, I recommend that this requirement is deferred until 31 December 2032 (which is after when new replacement plans are expected to be in place). At which point, these farms would be regulated under the new planning system.
71. I consider that NMPs should continue to be required through PC2 consents. Given that this proposal would defer quantified nitrogen reductions requirements (which are linked to water quality outcomes) from applying during the transition period, and these plans perform a function similar to FW-FPs, I consider their retention is an appropriate safeguard for freshwater.
72. However, NMPs require modelling to assess compliance with the nitrogen loss reductions. As these would not apply under this proposal, I also recommend that the modelling component of these plans does not apply during the transition period. This would significantly simplify the information required in consent applications.
73. The costs of preparing these plans will also be offset by the relief provided from not having to comply with nitrogen reductions or produce modelling. I understand that PC2 also provides for these plans to transition into FW-FPs, which addresses duplication of effort for farmers preparing these plans.
74. I recommend that option 3 is agreed to in principle, and that Cabinet delegate me authority to make final detailed policy and drafting decisions to give effect to the proposal. This would allow officials to engage with Horizons Regional Council to ensure the proposal integrates appropriately with the final drafting of PC2. It would also allow engagement with relevant sector groups as needed.
75. If agreed, the necessary provisions to enable option 3 will also be included in the Planning Bill or Natural Environment Bill through an Amendment Paper at the Committee of the Whole House stage as determined by PCO.

Cost-of-living Implications

76. The proposals in this paper do not have cost-of-living implications.

Financial Implications

77. This paper does not have financial implications.

Legislative Implications

78. The proposal in this paper will be included in an Amendment Paper to the Planning Bill or Natural Environment Bill at the Committee of the Whole stage.

Impact Analysis

Regulatory Analysis Summary

79. Regulatory Analysis Summaries are required for the proposals in this paper. Officials have not had time to prepare these in the time available.

Climate Implications of Policy Assessment

80. A Climate Implications of Policy Assessment is not required for this paper.

s 9(2)(h)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

s 9(2)(h)

- [REDACTED]
- [REDACTED]

Te Tiriti o Waitangi Implications

PC1

84. A key driver for PC1 was to give effect to TTW. TTW is the Vision and Strategy for the Waikato and Waipā Rivers, and is provided for in Treaty settlements/arrangements with Waikato-Tainui, Ngāti Maniapoto, Te Arawa River Iwi, Ngāti Tūwharetoa, Raukawa, Ngāti Hauā, Ngāti Koroki Kahukura, and the proposed settlement negotiated with Pare Hauraki.
85. Deferring PC1 requirements as proposed is likely to be viewed by Waikato and Waipā River iwi as a significant breach of their settlements and as undermining the significant work they have undertaken with the Waikato Regional Council to give effect to TTW. River iwi were a key part of the PC1 process well before PC1 was notified in 2016 and have worked actively to see TTW given effect to through the council and Court processes.
86. The proposal poses a risk to the work programme to uphold Treaty settlements in the resource management reform. Officials are engaging with Waikato and Waipā River iwi on work to give equivalent effect to their Treaty settlements in the new resource management system. There has been considerable work to build relationships with relevant iwi and foster confidence in the Government's commitment to uphold Treaty settlements in the resource management reform. This proposal will likely erode trust built to date and impact this engagement. There is also a broader risk to the durability of the work to uphold Treaty settlements, particularly given the significant role that Waikato-Tainui play in Pou Taiao, the National Iwi Chairs Forum.

Engagement with Waikato and Waipā River iwi

87. The Kiingitanga Accord – an agreement between the Crown and Waikato-Tainui – sets out that the Crown should engage early and effectively on any proposals that may impact the health of the Waikato River. I have met with Waikato-Tainui and the broader River iwi groups to discuss this proposal. Following that meeting, I directed officials to work closely with River iwi technicians on the details to transition PC1 into the new system, as noted above.

PC2

88. There are a number of Treaty settlements in the Manawatū-Whanganui region that include obligations in relation to planning processes. The PC2 provisions that are proposed to be deferred may have implications for the health and wellbeing of freshwater bodies.
89. s 9(2)(g)(i) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Due to the time available, officials have not yet completed a fulsome assessment of Treaty settlement arrangements that may be affected by this proposal.
90. No engagement has been undertaken on the proposed deferral with potentially affected settlement groups. Officials recommend engaging with relevant settlement groups. However, this would occur following Cabinet decisions.

Population Implications

91. The proposals in this paper do not have population implications.

Human Rights

92. Proposals in this paper are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Use of External Resources

93. No external resources were used in preparing the advice reflected in this paper.

Consultation

Agency consultation

94. The Ministry for Primary Industries was consulted on this paper. Other

agencies were provided an opportunity to provide comment. No substantive feedback was received.

Communications

95. My office will coordinate the development of a communication plan to outline the Government's decisions and intent. Communications will be consulted with and include relevant portfolio Ministers from across the coalition partners.

Proactive Release

96. I intend to proactively release this paper on the Ministry for Cities, Environment, Regions and Transport's website subject to redaction as appropriate under the Official Information Act 1982.

Recommendations

Plan Change 1 to the Waikato Regional Plan

1. **note** that Plan Change 1 is likely to become operative during the transition to the new planning system and will require some farmers to prepare Farm Environment Plans and/or obtain resource consents
2. **agree** to prevent Plan Change 1's Farm Environment Plan and consenting requirements from applying before 31 December 2032 (after which, replacement plans are expected to be in place) for farming activities currently operating under Plan Change 1's permitted activity framework through an Amendment Paper to the Planning Bill or Natural Environment Bill
3. **agree** that the rule included in PC1 through the Environment Court process that provides for land use change on tangata whenua ancestral land applies during the transition period
4. **agree** that, when preparing the first Natural Environment Plan for the Waikato region under the new resource management system, the responsible local authority will be required to have particular regard to Waikato Regional Council's Plan Change 1
5. **note** that the requirement to have particular regard to Plan Change 1 described in paragraph 4 operates in addition to the obligations in clauses 9, 10 and 10A of the Natural Environment Bill relating to Treaty settlements and Te Ture Whaimana, and that the legislation will clarify this
6. **note** that the proposal outlined in paragraph 2 above (the proposal) will allow existing farmers to continue operating under Plan Change 1's permitted activity rules during the transition period, including lawful commercial vegetable growing expansion, without requirements to prepare FEPs and/or obtain consents
7. **agree** that PC1 will continue to control land use intensification through requiring consent, and that this has been in place since 2016 when PC1 was first notified
8. **note** that the proposal is likely to delay giving effect to Te Ture Whaimana

(the vision and strategy for the Waikato and Waipā Rivers)

9. **note** that the proposal does not alter the Crown's commitment to implementing Te Ture Whaimana through the new planning system, which will be provided for through the Planning Bill and Natural Environment Bill

Plan Change 2 to Horizons One Plan

10. **note** that Plan Change 2 is likely to become operative during the transition to the new system, and will allow farmers to apply for controlled activity consents within 12 months with the condition that they comply with minimum quantified nitrogen reductions within two years of consent being granted
11. **agree** in principle to prevent the quantified nitrogen reductions for existing farms specified in Plan Change 2 (and associated OVERSEER modelling requirements) from applying before 31 December 2032 (after which, replacement plans are expected to be in place) through an Amendment Paper to the Planning Bill or Natural Environment Bill
12. **note** that this proposal would allow existing farms to operate lawfully through a controlled activity consent pathway (which must be granted) during the transition period without needing to achieve quantified nitrogen reductions or prepare OVERSEER modelling

Authorisations

13. **authorise** the Minister Responsible for RMA reform to:
 - 13.1. make final detailed policy and drafting decisions consistent with the decisions in this paper before the Amendment Paper is finalised
 - 13.2. issue drafting instructions to the Parliamentary Counsel Office to give effect to the proposals in this paper

Authorised for lodgement

Hon Chris Bishop

Minister Responsible for RMA Reform

Appendices

1. Letter from Waikato River concerning PC1, dated 22 July 2026



22 July 2026

Honourable Chris Bishop
Minister Responsible for RM Reform
Parliament Buildings
WELLINGTON

By email: C.Bishop@ministers.govt.nz

E te Minita, tēnā koe,

RESOURCE MANAGEMENT REFORMS AND PC1 – TE TURE WHAIMANA AND UPHOLDING THE WAIKATO AND WAIPĀ RIVER TREATY SETTLEMENTS

1. We refer to your letter of 13 July 2026.
2. Thank you for the confirmation that you and Under-Secretary Court have agreed to the inclusion of the key elements of a Te Ture Whaimana clause in the Natural Environment and Planning Bills, which will be the subject of an Amendment Paper now that the Environment Committee has reported back to the House on those Bills. Our team will continue to work closely with your officials, and in turn PCO, as that Amendment Paper is being prepared and progressed.
3. The balance of your letter related to Waikato Regional Council's Plan Change 1 (**PC1**) and we are scheduled to meet with you this evening in order to discuss that issue. In advance of our meeting, we wish to confirm our collective position in relation to your indication that Ministers are considering deferring PC1 implementation in view of the impending new legislation, acknowledging that you have earlier discussed this issue with Waikato-Tainui.
4. The Waikato and Waipā River Iwi (**River Iwi**) are united in our vehement opposition to any deferral of the implementation of PC1. In our view, there is no compelling reason, nor any legal basis, to defer PC1 on account of the prospective transition to a new resource management and planning system or otherwise.
5. Importantly, PC1 is interconnected, both intrinsically and expressly, with the fulfilment of the agreements reached, and legal obligations arising from, the Waikato and Waipā River settlement legislation, and the related deeds between each of the River Iwi and the Crown.
6. As you know, and specifically acknowledge in your letter, PC1 is related to the vision and strategy for the Waikato and Waipā Rivers, Te Ture Whaimana. More particularly,

we confirm that:

- (a) the overarching purpose of the Waikato and Waipā River legislation, supported by the commitments and mechanisms in the associated Deeds, is to restore and protect the health and wellbeing of the Waikato and Waipā Rivers for future generations;
- (b) the legal recognition and effect of Te Ture Whaimana is central to the commitments and mechanisms in relation to the Waikato and Waipā Rivers agreed between the River Iwi and the Crown;
- (c) as the Waikato and Waipā River legislation¹ states, Te Ture Whaimana is intended by Parliament to be the primary direction-setting document for the Waikato and Waipā Rivers and activities within their catchments affecting those Rivers; and
- (d) PC1 was developed in accordance with the commitments in the Waikato and Waipā River settlement legislation (and in the associated Deeds) relating to Te Ture Whaimana, including that:
 - (i) Te Ture Whaimana is deemed to be part of the Waikato Regional Policy Statement;
 - (ii) Te Ture Whaimana prevails over inconsistent provisions in national planning documents;
 - (iii) affected regional and district plans must give effect to Te Ture Whaimana; and
 - (iv) rules included in a regional or district plan for the purpose of giving effect to Te Ture Whaimana that are more stringent than a national planning document prevail over that document.

7. Within this context:

- (a) PC1 was developed and has been advanced as a plan change to the Waikato Regional Plan as part of the discharge of the legal obligation to give effect to Te Ture Whaimana;
- (b) the primary focus of PC1 is the restoration of water quality and reflects the first 10-year step in a staged intergenerational approach towards the full achievement of Te Ture Whaimana by 2096;
- (c) PC1 is the product of 14 years of collaborative work across iwi, local government, primary industries and other stakeholders, and lengthy hearing and deliberation processes before both the Regional Council Hearing Committee and the Environment Court;
- (d) significant resources and cost have been expended by the Regional Council,

¹ This is expressly recognised in section 5(1) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, section 5(1) of the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, and section 4(1) of Nga Wai o Maniapoto (Waipa River) Act 2012.

the River Iwi, primary industry groups and other stakeholders;²

- (e) the provisions within PC1 have been significantly modified over the course of its development to address concerns raised, and those changes were developed collaboratively between River Iwi, Waikato Regional Council and primary industry groups, including:
 - (i) reducing the number of properties potentially requiring consent from more than 5,700 to approximately 2,000;
 - (ii) removing moderate-risk and high-risk consent pathways;
 - (iii) making most farming activities either permitted or controlled activities;
 - (iv) extending stock-exclusion implementation periods; and
 - (v) introducing staged implementation over five years;
 - (f) the substantive framework of PC1 was largely determined in the Environment Court's first interim decision in May 2025, and the Court's recent final decision addressed certain remaining matters only; and
 - (g) none of the primary industry groups have appealed the Court's PC1 decision and only one appeal in respect of a discrete aspect of PC1 (relating to a land use change rule) has been filed by a private farm company.
8. We are aware of issues that have been raised by certain primary industry farming groups in relation to the implications of PC1. The River Iwi respectfully consider that the matters reflect:
- (a) a misunderstanding of the legal framework in which PC1 has been developed, including the legal effect of Te Ture Whaimana as the direction-setting document for the Waikato and Waipā Rivers and their catchments, which will remain the position for the development of Regional Spatial Plans and Natural Environment Plans under the new system;
 - (b) a misunderstanding of the prevailing effect of Te Ture Whaimana within the Waikato and Waipā River catchments over national policy directions and standards under the new system (to the extent that those directions and standards might be inconsistent with Te Ture Whaimana);
 - (c) a consequent misstatement of the implications of PC1 (in terms of costs, certainty of transition, duplication and timing) relative to what certain primary industry groups may apprehend will be the effect of plans developed under the new system; and
 - (d) other technical matters that apply generally to the transition of all regional and district plans from the RMA to the new system, which are not unique to PC1, and can be addressed through implementation guidance and practical support (and our technicians are available to work with your officials to ensure the

² Waikato Regional Council has indicated that approximately \$30 million has been invested in the PC1 process since 2012, and the resourcing and costs invested by River Iwi have been approximately \$5 million over that period.

effect and implementation of PC1 is better understood and supported).

9. In relation to the concern expressed in your letter about implementing PC1 while councils are transitioning to a new system (and developing Regional Spatial Plans and Natural Environment Plans under that system), the River Iwi respectfully considers that this again misunderstands the status of, and obligations relating to, Te Ture Whaimana. In particular:
- (a) Te Ture Whaimana remains the primary direction-setting document regardless of what resource management or planning legislation is in place;
 - (b) plans under the new system will still be required to give effect to Te Ture Whaimana;
 - (c) PC1, as the primary element in the Waikato Regional Plan giving effect to Te Ture Whaimana, is therefore foundational to the development of plans for the Waikato under the new system, rather than being a competing matter; and
 - (d) a deferral would not remove the requirement to give effect to Te Ture Whaimana, but would inevitably result in a substantial duplication of the work that PC1 represents in the context of the development of the new plans.
10. For these reasons, we consider that any unilateral decision by Ministers to defer the implementation of PC1 would not only constitute an unwarranted intervention in the effect and implementation of a decision of the Courts, but would be:
- (a) inconsistent with the Crown's express commitment to uphold Treaty settlements in the new system;
 - (b) an eleventh-hour reversal of the Crown's Plan Stop decision at the outset of the reform process which expressly confirmed that plan changes giving effect to Treaty settlement obligations would continue; and
 - (c) a direct breach of the Crown's commitments in, and the legal obligations arising from, our Treaty settlements relating to the Waikato and Waipā Rivers and their catchments.
11. We look forward to discussing these matters further with you in our meeting later today.

I roto i ngā mihi,



Tukoroirangi Morgan
Chair
Te Arataura, Waikato-Tainui



Kataraina Hodge
Chair
Raukawa Settlement Trust



John Bishara
Chair
Tūwharetoa Māori Trust Board



Evelyn Forrest
Chair
Te Arawa River Iwi Trust



Peter Douglas
Chair
Te Nehenehenui



Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Further Measures to Support a Smooth Transition to the New Resource Management System

Portfolio RMA Reform

On 17 August 2026, Cabinet:

Plan Change 1 to the Waikato Regional Plan

- 1 **noted** that Waikato Regional Council's Plan Change 1 (PC1) is likely to become operative during the transition to the new planning system and will require some farmers to prepare Farm Environment Plans and/or obtain resource consents;
- 2 **agreed** to prevent PC1's Farm Environment Plan and consenting requirements from applying before 31 December 2032 (after which, replacement plans are expected to be in place) for farming activities currently operating under PC1's permitted activity framework, through an Amendment Paper to the Planning Bill or Natural Environment Bill;
- 3 **agreed** that the rule included in PC1 through the Environment Court process that provides for land use change on tangata whenua ancestral land will apply during the transition period;
- 4 **agreed** that, when preparing the first Natural Environment Plan for the Waikato region under the new resource management system, the responsible local authority will be required to have particular regard to PC1;
- 5 **noted** that the requirement to have particular regard to PC1 described in paragraph 4 above operates in addition to the obligations in clauses 9, 10 and 10A of the Natural Environment Bill relating to Treaty settlements and Te Ture Whaimana, and that the legislation will clarify this;
- 6 **noted** that the proposal outlined in paragraph 2 above (the proposal) will allow existing farmers to continue operating under PC1's permitted activity rules during the transition period, including lawful commercial vegetable growing expansion, without requirements to prepare Farm Environment Plans and/or obtain consents;
- 7 **agreed** that PC1 will continue to control land use intensification through requiring consent, and note that this has been in place since 2016 when PC1 was first notified;
- 8 **noted** that the proposal is likely to delay giving effect to Te Ture Whaimana (the vision and strategy for the Waikato and Waipā Rivers);

- 9 **noted** that the proposal does not alter the Crown's commitment to implementing Te Ture Whaimana through the new planning system, which will be provided for through the Planning Bill and Natural Environment Bill;

Plan Change 2 to the Horizons One Plan

- 10 **noted** that Horizon Regional Council's Plan Change 2 (PC2) is likely to become operative during the transition to the new system, and will allow farmers to apply for controlled activity consents within 12 months, with the condition that they comply with minimum quantified nitrogen reductions within two years of consent being granted;
- 11 **agreed in principle**, subject to paragraph 13.1 below, to prevent the quantified nitrogen reductions for existing farms specified in PC2 (and associated OVERSEER modelling requirements) from applying before 31 December 2032 (after which, replacement plans are expected to be in place) through an Amendment Paper to the Planning Bill or Natural Environment Bill;
- 12 **noted** that the above proposal would allow existing farms to operate lawfully through a controlled activity consent pathway (which must be granted) during the transition period without needing to achieve quantified nitrogen reductions or prepare OVERSEER modelling;

Legislative implications

- 13 **authorised** the Minister Responsible for RMA reform to:
- 13.1 make final detailed policy and drafting decisions consistent with the above decisions before the Amendment Paper is finalised;
 - 13.2 issue drafting instructions to the Parliamentary Counsel Office to give effect to the above decisions.

Rachel Hayward
Secretary of the Cabinet