



Ngā mahere me ngā tauākī kaupapahere RMA: Te neke ki te pūnaha hou

RMA plans and policy statements: Moving to the new system

New laws are being phased in that aim to help Aotearoa New Zealand protect and manage the environment and its resources. The Spatial Planning Act 2023 (SPA) and the Natural and Built Environment Act 2023 (NBEA) were enacted on 23 August 2023.¹

Each region will switch to the new system when its natural and built environment plan (NBE plan) comes into effect.² Many instruments made under the Resource Management Act 1991 (RMA) will remain in place until then, including councils' policy statements, regional and district plans.

Regions will move to the new system at different times. The process will be:

- any required Te Tiriti o Waitangi (Treaty of Waitangi) settlement transition arrangements are provided for
- a region establishes its regional planning committee (RPC)
- RPC develops its first regional spatial strategy (RSS)
- RPC develops its first NBE plan
- a region reaches its NBEA date and moves to the new resource management system. The NBEA date is 10 working days after the RPC has notified the decisions version of its first NBE plan.

¹ The Climate Adaptation Act is also planned, which will address managed retreat, and funding and financing climate adaptation. A date for introduction of the Bill is not yet confirmed.

² Schedule 1, clause 5 of the NBEA.

This fact sheet covers:

- how policy statements and plans commence, are saved or transitioned
- when the first NBE plans are ‘effectively operative’
- when NBE plan rules have legal effect.

How policy statements and plans commence, are saved or transitioned

RMA plans and policy statements continue to apply in full until the region’s NBEA date. However, there are changes to what is and isn’t allowed in reviewing and changing a policy statement or plan. The following table sets out what changes and when.

Date	Change
from enactment (Royal assent)³	<ul style="list-style-type: none">• any policy statement or plan review process begun under the RMA may be completed• any review not completed by the region’s NBEA date ceases to have effect
on notification of the regional spatial strategy⁴	any change or review of an RMA policy statement or plan must not be inconsistent with the notified (or adopted) regional spatial strategy
from the date a regional spatial strategy is adopted⁵	<p>the following are no longer permitted, unless required to fix an error, implement RMA national direction or address an emerging or urgent issue:</p> <ul style="list-style-type: none">• amendments to a policy statement or plan• requests for an RMA private plan change• applications for a streamlined planning process• proposal of national significance plan changes <p>Note: an RPC must begin developing an NBE plan within 40 working days of adopting the RSS (but can begin earlier)⁶</p>
from the date of notification of the NBE plan’s draft strategic content⁷	intensification planning instruments can no longer be notified
on the region’s NBEA date⁸	<ul style="list-style-type: none">• the NBE plan applies and is treated as operative• the applicable RMA policy statement and plans no longer apply• any change or review of an RMA policy statement or plan not completed by the region’s NBEA date ceases to have effect

³ Schedule 1, clause 12 of the NBA.

⁴ Schedule 1, clause 9 of the NBA.

⁵ Schedule 1, clause 10 of the NBA.

⁶ Schedule 6, clause 2(1)(b) of the NBA.

⁷ Schedule 1, clause 11 of the NBA.

⁸ Schedule 1, clause 7 of the NBA.

When the first NBE plans are ‘effectively operative’

Preparing the NBE plan

- Schedule 6 of the NBA sets out the process for preparing, changing or reviewing an NBE plan
- Schedule 1 describes how the information and science used to develop RMA plans and policy statements can support and inform an NBE plan⁹
- Part 5 of the NBA sets out the matters an NBE plan must and may contain.

An NBE plan is ‘effectively operative’ from the region’s NBEA date

RMA plans and policy statements continue to apply in full until a region’s NBEA date.

An NBE plan is treated as ‘effectively operative’ from the region’s NBEA date. This doesn’t affect appeal rights for eligible appeals.¹⁰

If a district plan covers two or more regions with different NBEA dates

For a short period a district may need to administer an ‘effectively operative’ NBE plan in one part of its district, and an operative RMA plan in another part.¹¹

When NBE plan rules have legal effect

Rules in the first proposed NBE plan

No rules in the first proposed NBE plan have immediate legal effect on notification.

Rules in the decisions version of the first NBE plan

Rules in the decisions version of the first NBE plan are ‘effectively operative’ from the region’s NBEA date, with the exception of any rule(s):¹²

- described in section 30(2) of the NBA that require an existing use of land to comply with that rule
- relating to the use of the affected application consenting process
- relating to the use of a market-based allocation method.

⁹ Schedule 1, clause 6(2) of the NBA.

¹⁰ Schedule 1, clause 6 of the NBA.

¹¹ Schedule 1, clause 5(2) of the NBA.

¹² Schedule 1, clause 6(9) of the NBA.

Rules in subsequent proposed NBE plans

Some rules in subsequent proposed NBE plans will have immediate legal effect on notification, including those:¹³

- managing the protection of water, air, soil, significant indigenous vegetation, significant habitats of indigenous animals, cultural heritage, identified significant trees and aquaculture activities
- identifying a place of national importance or highly vulnerable biodiversity.

Otherwise, a rule in a subsequent proposed NBE plan will only have legal effect when a decision is made on its submissions and it's publicly notified.¹⁴

¹³ Section 198(4) of the NBA.

¹⁴ Section 198(1) and Schedule 6, clauses 60 and 128 of the NBA.

Disclaimer

The information in this publication is, according to the Ministry for the Environment's best efforts, accurate at the time of publication. The Ministry will make every reasonable effort to keep it current and accurate. However, users of this publication are advised that:

- The information provided has no official status and so does not alter the laws of New Zealand, other official guidelines or requirements.
- It does not constitute legal advice, and users should take specific advice from qualified professionals before taking any action as a result of information obtained from this publication.
- The Ministry for the Environment does not accept any responsibility or liability whatsoever whether in contract, tort, equity or otherwise for any action taken as a result of reading, or reliance placed on this publication because of having read any part, or all, of the information in this publication or for any error, or inadequacy, deficiency, flaw in or omission from the information provided in this publication.
- All references to websites, organisations or people not within the Ministry for the Environment are provided for convenience only and should not be taken as endorsement of those websites or information contained in those websites nor of organisations or people referred to.

