Ministry for the Environment
Manatū Mō Te Taiao

PROACTIVE RELEASE COVERSHEET

Minister	Hon Chris Bishop	**Portfolio**	Minister Responsible for RMA Reform
Name of package	Proactive release of Cabinet paper Planning Bill and Natural Environment Bill – Approval for Introduction	**Date to be published**	9 December 2025

List of documents that have been proactively released

Date	***Title***	***Author***
24/11/2025	Cabinet paper: Planning Bill and Natural Environment Bill – Approval for Introduction	Hon Chris Bishop, Minister Responsible for RMA Reform Simon Court, Parliamentary Under-Secretary to the Minister Responsible for RMA Reform
24/11/2025	CBC-25-MIN-0065 Cabinet Business Committee Minute of Decision	Cabinet Office
01/12/2025	CAB-25-MIN-0433 Cabinet Minute of Decision	Cabinet Office
07/11/2025	Supplementary Analysis Report: Replacing the Resource Management Act 1991 – Further Policy Decisions	Ministry for the Environment

Information redacted **YES** ~~**NO**~~

Any information redacted in this document is redacted in accordance with the Ministry for the Environment's 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.

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

- s9(2)(f)(iv) – information is under active consideration by ministers
- s9(2)(g)(i) – to maintain the effective conduct of public affairs through the free and frank expression of opinions between or to Ministers of the Crown, and
- s9(2)(h) – to maintain legal professional privilege.

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: Approval for Introduction

Proposal

1. This paper seeks agreement to:

    1.1 introduce the Planning Bill and the Natural Environment Bill (the Bills)

    1.2 the approach to Treaty of Waitangi clauses in the Bills

    1.3 approaches to preserve and uphold Crown commitments on rights and interests in freshwater and geothermal resources.

2. It should be considered alongside the accompanying Cabinet paper *Implementing the new resource management system: Programme Business Case*.

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, environment and climate change, and is fundamental to our drive for economic growth.

Executive Summary

4. The RMA is broken and a significant barrier to New Zealand's growth and productivity, costing the country an extra $550 million[1] to run each year and causing delays in the delivery of critical infrastructure, housing and development, while failing to adequately protect the environment. In March 2025, Cabinet agreed to replace the RMA with the Planning Bill and the Natural Environment Bill, drawing a line under more than three decades of failure [CAB-25-MIN-0080].

5. The Planning Bill and Natural Environment Bill will create a new, modern planning and environmental management system for New Zealand. This system will cut red tape, unlock growth and improve environmental outcomes by replacing complexity and uncertainty with clarity and consistency. It will put the focus on what really matters; reducing time and cost for New Zealanders and making it easier to build homes and infrastructure, and to grow the primary industries that underpin our economy.

[1] Supplementary Analysis Report: Replacing the Resource Management Act 1991 – Further Policy Decisions, 7 November 2025 – estimates a reduction in running costs from $1.7 billion to $1.2 billion.

6. The Planning Bill will give New Zealanders greater freedom to use their land, whether it is adding a deck, building homes, or delivering infrastructure. It will streamline processes and rules to make both everyday projects and large-scale development easier to get underway. The Natural Environment Bill will complement this by enabling development while securing environmental outcomes. It will do so by setting clear environmental limits and improving how shared natural resources are managed.

7. Cabinet previously determined that the RMA would be split into two Acts with clear and distinct purposes to separately manage the environmental effects arising from activities and enable urban development and infrastructure. This recognises that not all developments have environmental impacts and need not be concerned with the environmental regime.

8. Under delegated authority, we have made decisions on the detail of the Bills to ensure they deliver the transformation the Government wants. This includes:

    8.1 a simpler, clearer system providing greater certainty and less litigation

    8.2 a quicker, more streamlined and efficient planning process including new spatial planning requirements to plan for growth

    8.3 leaving New Zealanders free to do more with their land by

        8.3.1 defining a limited scope of the effects to be managed

        8.3.2 lifting the threshold of what is considered and who has standing

        8.3.3 using standardised rules and zones

    8.4 enabling development while achieving environmental outcomes

        8.4.1 requiring environmental limits

        8.4.2 applying a proportionate regulatory approach

        8.4.3 providing the ability to introduce new allocation tools

    8.5 access to regulatory relief

    8.6 fast, low-cost resolution of disputes through a new Planning Tribunal

    8.7 modern, fit for purpose system that embraces digital tools.

9. Consistent with the intent of the Government's review of Treaty clauses, we propose to include descriptive clauses in the Bills that clearly state how they provide for the Crown's responsibilities in relation to the Treaty of Waitangi. The Bills contain provisions to uphold Treaty settlements, including committing the Crown to work with post-settlement governance entities following enactment to agree on how settlements will operate within the new system.

10. Cabinet has previously noted our intent to report back on options to preserve and uphold Crown commitments on Māori rights and interests in freshwater and geothermal resources, including within the new allocation system [CAB-25-MIN-0080.01 refers]. To support this, we recommend inserting a preservation clause into the Natural Environment Bill. This clause will clarify, for the avoidance of doubt, that this Bill does not create or transfer any proprietary right or interest in freshwater or geothermal

resources, nor does it extinguish or determine any customary right or interest that may exist in freshwater or geothermal resources.

11. The new planning and environmental management system is projected to deliver significant economic gains. Cost benefit analysis estimates $13.26 billion[2] in savings, over a 30-year timeframe, through reduced administrative and compliance costs. More enabling planning settings for housing and infrastructure could boost GDP by an additional 0.56 per cent annually. This equates to about $3.1 billion in economic growth each year. Additional economic benefits, such as avoided costs from environmental clean-ups from overusing resources and savings from improved natural hazards management, have not been extensively modelled, but are expected to be significant.

12. We intend to have the new system fully operational by 2029. This includes developing the new regional combined plans through 2027 and 2028, putting in a transitional consenting regime from 2026 so the benefits of the reforms can be realised sooner, and rolling out nationwide e-plans and e-consenting. These digital tools will make the system more data-driven and largely automated, streamlining processes, reducing costs, and enabling faster, smarter decisions across the country. The Programme Business Case seeks your endorsement of a package of investment to support this transformation.

13. The transitional consenting regime will be critical to ensuring a smooth shift to the new system. As part of this, most existing resource consents due to expire in the transition period will be automatically extended to 12-months after the system becomes fully operational. Consent holders will have the flexibility to apply under the transitional regime or wait for the full rollout.

The new Bills will provide greater clarity and certainty

14. Many of the poor outcomes under the RMA stem from its broad and open-ended purpose, lack of clear goals, and conflicting and overlapping national direction. This has made decision-making complex and confusing, triggered legal disputes and frivolous objections, and created churn that clogs the system. It has also added unnecessary cost and time to getting a consent.

15. The Bills directly address these issues, providing the clarity and certainty New Zealanders have been asking for. Each Bill will have:

    15.1 a clear purpose statement that describes what the Bill does, so everyone understands its intent from the start

    15.2 a set of goals that tightly define the scope of the system and keep the system focused on its intended outcomes of enabling development within limits

    15.3 procedural principles to drive disciplined and proportionate decision-making

    15.4 its own set of national policy direction and standards to provide simpler, clearer and more standardised direction for decision-making and plans.

16. We have designed the system to close the door on unnecessary re-litigation. The new planning and environmental management system will operate like a funnel, starting with clear goals that narrow what can be considered at the top and at each level of the

[2] Supplementary Analysis Report: Replacing the Resource Management Act 1991 – Further Policy Decisions, 7 November 2025

system. This makes it clearer up front what is allowed and ensures through legislation that fewer matters are up for debate at each level. This will simplify and standardise the system, saving time and money, reduce litigation risk, and give developers, infrastructure providers and investors greater certainty about outcomes.

17. Unlike the current system, which is burdened by overlapping and sometimes conflicting National Policy Statements and Environmental Standards, each Bill will have a single national policy direction instrument. This will clearly set the high-level intent for matters covered by the Bill, while accompanying standards will provide straightforward pathways for delivering on that intent.

18. We see national policy direction and standards as vital to delivering the Government's priorities. They will set clear expectations for councils and system users, defining what must be achieved and how that should be implemented through plans. They will also guide councils in how to resolve conflicts between competing priorities in line with the Government's intent.

19. For example, the new system is designed to increase competition in urban land markets, so housing and development can happen where it is needed. To achieve this:

    19.1 The Planning Bill will include a goal to ensure sufficient land is available for development, making this a core requirement of the new system.

    19.2 National policy direction will define what constitutes sufficient land for development and will set expectations for how councils should deliver this through both intensification and greenfield development.

    19.3 National standards will include standardised zones to support councils in planning more consistently and effectively for development. They will also provide clear direction on where intensification should occur to maximise infrastructure investment. In addition, national standards may further support competitive urban land markets by including price efficiency indicators and requirements for responding to private plan changes to support development, particularly in greenfield areas.

20. We expect national policy direction and the first suite of standards to be in place by the end of 2026 to inform regional spatial planning in 2027 and consenting in the transitional period.

21. Councils will retain some discretion to apply bespoke rules if justified by local circumstances. However, they must demonstrate the need for these bespoke rules through justification reports. This approach allows for a limited and necessary degree of flexibility in applying standardised provisions and rules, while ensuring there is a stickier pathway for deviation. This will ensure we still maximise the gains of standardisation across the new system.

22. A comprehensive monitoring and evaluation framework will ensure the system is meeting the Government's outcomes. Central government will lead oversight, backed by a system performance framework and mandatory reporting. Strategic and independent reviews will drive continuous improvement and avoid the stagnation seen under the RMA.

Plan-making will be quicker and support greater investment confidence

23. Under the RMA, most councils develop customised district and regional plans. These plans are costly, complex, inconsistent and difficult to use, while failing to deliver the outcomes communities need.

24. We are driving a fundamental shift in how plans are made across New Zealand through these Bills. To achieve this, we are introducing a more standardised and streamlined approach to planning how land and natural resources are used:

    24.1 Each region will have a single combined plan made up of three integrated components: a regional spatial chapter, a natural environment chapter and land use chapters for each district or city.

    24.2 The regional spatial plan will set out how the region is expected to grow over the next 30 years, and the infrastructure needed to support that growth. It will provide early certainty for central government, councils, infrastructure providers and developers, enabling better long-term planning and more informed investment decisions. It will be the place councils make strategic trade-offs about how land and natural resources are used across their region.

    24.3 The land use and natural environment plans must follow national policy direction and standards. Most of the content will be standardised, with some flexibility to include bespoke rules for local needs. This will make these plans quicker and cheaper to do, easier to use, and more consistent across the country.

25. We are setting clear timeframes to send a strong signal to councils: planning must accelerate. Once the system is operational, each region will have one year to complete its regional spatial plan, and one year to complete the land use and natural environment plans. This is compared to the status quo where it takes around five years to complete a new plan. Transitional timeframes are set out later in this paper.

The Planning Bill will leave New Zealanders to enjoy their property rights

26. The Planning Bill is central to accelerating housing and infrastructure delivery, electrifying New Zealand, and enabling mining. It supports land use and development that aligns with population and economic growth, while reducing risks from natural hazards.

27. We are proposing a major shift in what gets regulated to enable more activities without the need for a consent. This will reduce costs, increase certainty, and could cut consent volumes by up to 46 per cent.[3]

28. This shift will be delivered in three ways. First, by narrowing the range of effects councils can regulate. The system will focus on what matters like housing supply, infrastructure capacity, natural hazards risks, and neighbour to neighbour impacts (eg, noise, vibration and shading). Councils will no longer be able to set rules on internal site layout (eg, minimum floor areas and balconies), visual preferences, private views, or impacts on competing businesses. These rules can add costs without necessarily delivering any better outcomes.

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

29. Second, by lifting the threshold for when a consent is required. Activities with less than minor or no adverse effects will no longer trigger consents, benefitting New Zealanders undertaking everyday projects like building a deck or a garage. Public notification will also be limited to applications with more than minor effects where those who are materially affected cannot be identified.

30. Third, by introducing a set of standardised zones with standard rules to cut complexity and improve consistency nationwide. With over 1,100 zones currently in use with different rules for similar land uses, this change will make it easier for New Zealanders to understand what they can do with their property, and for developers to use the same designs across multiple locations. For example, a business wanting to build homes in Wellington, Lower Hutt, Upper Hutt, Porirua and Kāpiti will no longer need to navigate five different sets of planning rules. Instead, it can rely on consistent zoning across the region, reducing design costs, speeding up consenting, and improving certainty.

31. Other key elements of the Planning Bill include:

    31.1 Improving the designations process to identify and protect infrastructure needs earlier, with faster and less onerous pathways and a new option through regional spatial planning. This will reduce development conflicts and increase investment certainty.

    31.2 Introducing a flexible land release mechanism so land zoned with a trigger is rezoned once conditions are met, avoiding costly plan changes and delays. This will make it easier for our urban areas to expand through greenfield development.

    31.3 Only significant historic heritage will be regulated to focus protections where they matter most. This responds to concerns from building owners who have faced difficulties revitalising or demolishing buildings that lack genuine historic value.

The Natural Environment Bill will enable development while achieving environmental outcomes

32. The Natural Environment Bill will manage the access and use of common pool resources. It responds directly to longstanding challenges identified with the RMA, which has often been described as making it too difficult to build essential infrastructure and housing, too restrictive in enabling the use of the abundant natural resources of New Zealand and ultimately failing to deliver better environmental outcomes.

33. In addition to narrowing the range of effects that can be considered and lifting the threshold for when consent is required, the Natural Environment Bill has three key features to enable development while achieving environmental outcomes: compulsory environmental limits to protect human health and ecosystem health; proportionate regulation; and the availability of new allocation approaches to support the management of natural resources when they are becoming scarce.

34. First, requiring central and local government decision-makers to proactively decide on limits to safeguard human health and the life-supporting capacity of the environment will provide clarity to landowners on resource availability. Setting environmental limits and constraints is not a barrier to efficiency, but a precondition for it. The clarity they provide prevents false economies – short-term gains that lead to long-term losses through environmental degradation, remediation costs, or stranded assets. Limits will

be required for the following domains: air, water (fresh and coastal), land and soils, and indigenous biodiversity[4].

35. Second, the Natural Environment Bill will require decision makers to take a proportionate regulatory approach. Where a resource is abundant and well-managed, activities are expected to be permitted with minimal restrictions. As a resource approaches scarcity, regulatory responses can become more stringent, introducing greater controls and restrictions to prevent limit breaches or remedy them. This ensures that regulatory effort is focused where it is most needed, reducing unnecessary compliance costs for low-risk activities and/or in areas not facing pressure on resources.

36. Third, enabling the introduction of new approaches to allocate resources and charges on resource use will enable councils to more effectively manage resources in areas facing scarcity. Ministers will be able to introduce, through an Order in Council, market-based mechanisms and the ability for councils to compare applications on their merits. These will facilitate allocation of natural resources to their best value use within environmental limits. Charges that enable the management costs for resources to be recovered from resource users, and funding for initiatives to address over-allocation will also be able to be introduced by Order in Council.

Whether to enable bottom lines for ecosystem health to be set nationally

37. Cabinet previously agreed the Natural Environment Bill would require the responsible Minister to prescribe limits nationally or set default methods for limits to be developed at the regional level, or both. It also agreed that limits to protect human health would be set nationally, while limits to protect the natural environment would be set by regional councils following a set methodology [CAB-25-MIN-0080.01 refers].

38. We now seek Cabinet's decision on whether the methodology for setting limits to protect the natural environment should also include the power to specify minimum levels for those limits.

39. Including this power would enable the responsible Minister to set bottom lines, which councils must set limits at or above. This reflects that many environmental protection issues, such as meeting international obligations or safeguarding ecosystem services, could be more easily delivered through a consistent national approach.

40. However, there are concerns that national bottom lines are too inflexible to meet community desires in different parts of the country. An alternative approach could be that these are left at the discretion of councils.

41. This matter also relates to decisions yet to be made on the freshwater national direction changes under the RMA.

Relief will be accessible when certain land use is restricted

42. We are introducing a new regulatory relief regime through both Bills to better recognise and respond to the impacts that certain planning controls can have on landowners. This regime is designed to encourage councils to use these controls in a more targeted and proportionate way, while giving landowners faster, more flexible access to compensation when they face a significant cost or restriction on the use and enjoyment

[4] Indigenous biodiversity will only have limits for ecosystem health, not to protect human health

of their private property rights from regulation for the purpose of providing a public benefit.

43. Councils will be required to assess the impacts of specific planning controls when developing plans and must offer relief to landowners where those impacts would be likely to have a significant impact on the reasonable use of land. Relief will apply to the following controls where they are applied on private property:

    43.1 land-based indigenous biodiversity and significant natural areas

    43.2 significant historic heritage

    43.3 sites of significance to Māori

    43.4 areas of high natural character in the coastal environment, wetlands, lakes and rivers and their margins

    43.5 outstanding natural features and landscapes.

44. Councils will have access to a range of tools to provide relief, including cash payments, rates relief, bonus development rights, no-fees consents, land swaps, and access to grants.

45. In addition, landowners will continue to have a pathway to challenge planning controls where they face severe or unforeseen impacts, even if those controls fall outside the regulatory relief regime. This pathway will have a higher threshold than the new regime and any remedy will be determined by the Environment Court.

A Planning Tribunal will enable quicker and cheaper disputes resolution

46. Resolving disputes today is often expensive, slow and complex, whether between neighbours or between landowners and councils. To address this, we propose establishing a new Planning Tribunal through the Bills. The Tribunal will provide a fast, low-cost resolution of disputes, with a primary focus on challenges to council decisions around consents and permits. It will also help resolve disputes related to regulatory relief. To ensure rapid and cost-effective implementation, the Tribunal will operate as a judicially independent division of the Environment Court, leveraging existing systems and expertise.

Unlocking the digital potential of the Bills

47. To realise the benefits of this reform, the new planning and environmental management system must embrace digitisation. The Bills lay the foundation for a modern, fit for purpose system, and e-plans and e-consenting is key to making that happen. Investment in data and digital infrastructure will streamline how plans are created, accessed, and updated. It will also support faster, more consistent consenting, and improve access to the data and national instruments needed for informed, timely decision-making by councils and those using the system.

48. The accompanying Cabinet paper *Implementing the new resource management system: Programme Business Case* seeks your endorsement of a package of investment in digital infrastructure and data that can better leverage technology such as AI and deliver an additional $1 billion each year in GDP.

Accelerating implementation of the new system

49. We are committed to getting the new system up and running as quickly as possible. An implementation approach is being developed to enable rapid rollout and ensure early impact.

Time Horizon	Deliverable
Late 2025	Planning Bill and Natural Environment Bill introduced in Parliament.
Mid-2026	The Bills are passed into law, 2.5-year period begins for making new national instruments and plans.
Mid-late 2026	Transitional consenting regime begins one month after Royal assent; allows benefits of the new system to be realised sooner.
Late 2026	First core suite of national instruments finalised. Includes national policy direction and first round of mandatory national standards aligned with councils' spatial planning needs.
2027	Remaining core national instruments aligned to councils' land use and natural environment planning needs.
2027 to 2028	Councils notify regional spatial plans within 15 months of the bills becoming law. Regional spatial plans decided within six months of notification.
2028 to 2029	Natural environment plan chapters and land-use plan chapters notified within nine months of regional spatial plan decisions. Transition period ends and the full new system is 'switched on' via an Order in Council once all plans have been notified. At this point all notified plans will have legal effect and consenting begins under the new system. Councils decide land-use and natural environment plans within 12 months of notification.

A transitional consenting regime will fast-track benefits and smooth the shift to the new system

50. We want to support a smooth transition for those operating under existing consents. These consents will automatically transfer into the new system with their current conditions, and consent holders will have the opportunity to seek a review (eg, to remove conditions that are no longer necessary).

51. To provide certainty during the transition, any consents due to expire during the transition period will be automatically extended[5] to 12-months after the date the new system becomes fully operational. This will give consent holders flexibility to either apply under the transitional regime or wait for the new system.

52. Concerns have also been raised about consents expiring before enactment of the Bills. The Minister Responsible for RMA Reform intends to come back to Cabinet shortly with a proposed approach for addressing those consents.

53. The transitional consenting regime will also allow parts of the new system to take effect immediately, ahead of new plans being developed. This includes the application of national rules and changes to what can be considered in consent decisions, such as

[5] With the exception of water consents where the extension would mean they were for longer than 35 years and wastewater consents that are already extended

excluding internal layouts and balconies. This enables early benefits to be realised while maintaining momentum toward full implementation.

Providing for Māori interests and the Treaty of Waitangi/Treaty clauses

54. Māori are to be involved early and meaningfully in the new system. The Bills will enable Māori to be involved in setting the direction of the new system through participation in developing national instruments. Councils will be required to consult iwi authorities in making spatial, land use and natural resource plans.

55. In line with Cabinet's direction, the Bills uphold Treaty of Waitangi settlements and related arrangements[6]. This is achieved through specific provisions, including a requirement for decision-makers under the Acts to maintain, to the greatest extent possible under the new Bills, Treaty settlement redress with the same, or an equivalent effect, to the effect the redress had under the RMA.

56. The Bills also commit the Crown to working with post-settlement governance entities, following enactment, to agree on how settlements will operate within the new system. These transitional provisions are subject to a two-year timeframe to support timely resolution, but this does not preclude agreements being reached outside this period.

We are proposing a descriptive Treaty clause

57. Cabinet directed us to report back to finalise an approach to a Treaty of Waitangi clause in the Bills [CAB-25-MIN-0080.01 refers]. Cabinet ruled out the use of a general Treaty principles clause, like that in section 8 of the RMA, and noted the need for the approach to appropriately consider the objectives of resource management reform, the wider review of Treaty clauses in legislation and be explicit about how Māori groups interact with the planning system [CAB-25-MIN-0080.01 refers].

58. We now seek agreement to include a descriptive Treaty clause in each Bill that sets out how the Treaty is to be provided for under the Act through listed provisions, as below:

"To recognise the Crown's responsibilities in relation to the Treaty of Waitangi/te Tiriti o Waitangi, this Act provides— ..."

- a system goal which provides for Māori interests, including through: involvement in national instruments, spatial and regulatory plans; the identification and protection of sites of significance; and the protection and development of Māori land
- a requirement for responsible Ministers to pre-notify iwi authorities of draft National Policy Direction and National Standards and consider their views
- spatial planning committees must consult with iwi authorities when preparing draft spatial plans and have regard to feedback and iwi management plans when preparing/changing spatial plans
- local authorities to consult with iwi authorities in regulatory plan preparation and have regard to feedback and iwi management plans in plan preparation

[6] The Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 and rights under the Marine and Coastal Area (Takutai Moana) Act 2011.

- persons exercising functions, powers and duties in relation to designations, and spatial planning committees when identifying designations, to act in a manner that recognises the rights and interests of owners of certain classes of Māori land.

59. The clause provides a clear statement to decision makers as to how the Bills provide for the Crown's responsibilities in relation to the Treaty of Waitangi, supporting clarity and better compliance. This is consistent with the intent of the Government's review of references to the Treaty principles in legislation and the Ministerial Advisory Group's report [SOU-24-MIN-0105 refers]. If the review results in standardised drafting for Treaty clauses that differs from the proposed wording, alignment could be considered during the select committee process. The Ministry of Justice and the Treaty Provision Oversight Group have been consulted on this approach.

Preserving and upholding Crown commitments on rights and interests in freshwater and geothermal resources

60. Cabinet previously noted our intent to report back on possible approaches to preserve and uphold Crown commitments in regard to rights and interests in freshwater and geothermal resources within the new allocation system [CAB-25-MIN-0080.01 refers].

61. To support this, we recommend inserting a preservation clause into the Natural Environment Bill. For the avoidance of doubt, this clause would clarify that this Bill does not:

    61.1 create or transfer any proprietary right or interest in freshwater or geothermal resources

    61.2 extinguish or determine any customary right or interest (for example, one founded on, or arising from, aboriginal title or customary law) that may exist in freshwater or geothermal resources.

62. This clause would effectively 'mirror' the approach taken in the RMA (section 354).

s 9(2)(h) [redacted]

64. Officials will continue to engage with Māori groups on preserving and upholding Crown commitments on rights and interests in freshwater and geothermal resources in line with parameters set by Cabinet in late 2024.

Enabling granting of Wildlife Act authorisations

65. To reduce the burden on developers and other operators, we have included a provision in the Natural Environment Bill that will enable permit authorities to authorise activities that would otherwise be unlawful under the Wildlife Act. This will streamline approvals by removing the need to seek permissions from permit authorities and the Department of Conservation for the same activities. Further detailed policy work is needed to make the changes work.

66. We recommend Cabinet delegate authority to us and the Minister of Conservation to make further policy decisions on the wildlife authorisation changes, and to determine whether to publicly release information about the changes and their intended purpose,

beyond what will be contained in the Bill. The changes may attract significant public interest, including from Māori. There may be benefit in publicly releasing policy detail before the select committee process to enable informed public submissions. We will return to Cabinet to seek final policy decisions on what is included in the Bill following any policy development and public engagement.

Impact analysis

67. A combined SAR and Regulatory Impact Statement was provided by the Ministry for the Environment to Cabinet on 24 March 2025 [Cab-Min-0080.01], which analysed the impacts of both Cabinet's previous work programme decisions and the proposals for the reform.

68. Further impact analysis is provided in the SAR attached to this paper. A quality assurance panel with members from the Ministry for the Environment reviewed the "Replacing the Resource Management Act 1991 – Further Policy Decisions" SAR prepared by the Ministry for the Environment. The panel considers that *it **partially meets** the Quality Assurance criteria. Given the complexity of the policy area, the time constraints, and the number of delegated decisions covered by the SAR, the document is complete, clear and concise. However, the SAR does not consistently or clearly set out the trade-offs inherent in the policy decisions, which affects its ability to meet the 'balanced' aspect of the 'convincing' criteria. The SAR acknowledges that consultation to date has been limited, but there has been targeted engagement. The panel notes that opportunities for public input will arise through the select committee process and secondary legislation.*

69. The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this policy proposal, as the emissions impact is indirect and difficult to quantify.

"Replacing the Resource Management Act is expected to have indirect emissions reductions because of implementing the new resource management system. A key reform objective is to streamline infrastructure delivery, including doubling renewable energy capacity, through faster consenting and designation processes. Improvements in spatial planning are also expected to reduce emissions by aligning land use with low-emissions infrastructure."

Legal Proceedings

s 9(2)(h) [redacted]

Compliance

The principles of the Treaty of Waitangi

s 9(2)(h) [redacted]

s 9(2)(h) [redacted]

Treaty of Waitangi provisions

72. The Treaty provisions oversight group (TPOG) has provided feedback on the proposed Treaty provisions which has informed their development. s 9(2)(g)(i) [redacted]

Bill of rights and Human rights Acts

73. The Ministry of Justice is vetting the Bills against New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993 and will produce a compliance report ahead of the Bills being introduced.

Disclosure statement

74. Disclosure statements have been prepared for each Bill and are attached. We recommend the Ministry for the Environment is authorised to refine the disclosure statements prior to their publication to ensure they accurately reflect changes to the Bills.

75. The disclosure statements note that:

    75.1 the ability to create national policy direction is a significant delegation of legislative power. It is expected to have legislative effect in determining how the goals in the Bills are implemented, and how potential conflicts between the goals of the Bills are addressed.

    75.2 some aspects of the Bills' offence and penalty provisions, while consistent with those in the Resource Management Act 1991 and the now-repealed Natural and Built Environment Act 2023, appear to be inconsistent with the Legislation Design and Advisory Committee's Guidelines. The approaches taken are common in environmental legislation both in New Zealand and foreign jurisdictions.

Privacy Act

76. The Office of Privacy Commissioner was provided an early copy of the Bill with a list of relevant provisions and raised no issues of significant concern on the Bills' compliance with the principles and guidelines set out in the Privacy Act 2020.

International standards and obligations

s 9(2)(h) [redacted]

s 9(2)(h) [redacted]

Legislation guidelines

78. The Bills were drafted in adherence with the Legislation Guidelines (2021) Edition.

Consultation

Central Government engagement

s 9(2)(f)(iv) [redacted]

80. The Minister for Culture and Heritage has raised concerns about not including an interim heritage order protection mechanism and relying on national instruments, standards and combined plans to protect places of special interest. We propose to explore this matter further if, following Select Committee feedback, it is determined further protections are needed.

81. The following agencies were provided the draft Bills and a draft Cabinet paper to provide feedback: Department of Corrections, Department of Internal Affairs, Department of Conservation , Environmental Protection Authority, Ministry of Health, Health New Zealand, Ministry of Housing and Urban Development, the Infrastructure Commission – Te Waihanga, Ministry of Justice, Kāinga Ora – Housing New Zealand, Land Information New Zealand, Ministry of Business Innovation and Employment, Ministry for Culture and Heritage, Ministry of Foreign Affairs and Trade, Ministry for Primary Industries, New Zealand Transport Authority – Waka Kōtahi, Te Puni Kōkiri, Ministry of Transport, the Treasury, Te Tari Whakatau, and the New Zealand Defence Force. Parliamentary Counsel Office were provided a copy of the Cabinet paper and supplementary analysis report. Department of Prime Minister and Cabinet has been informed.

82. Some agencies have raised concerns that the new system will not contain a general requirement for decision makers to take into account the Treaty principles (per s8 of the RMA) and that it narrows the recognition of Māori interests provided for in Part Two of the RMA. Agencies have also expressed concern about certain provisions for Māori involvement not being continued in the new system.

s 9(2)(j) [redacted]

Engagement with stakeholders and partners

84. The Ministry for the Environment undertook high level engagement during policy development with some PSGEs, Pou Taio and Te Tai Kaha. However, the pace of policy development has limited the engagement to date. The select committee process will provide a further opportunity for these groups to have input on these proposals.

85. There has been high level engagement on the policy proposals with a broad range of stakeholders including local government, business, development, energy and infrastructure providers, primary sector, resource management practitioners, and non-government organisations. This engagement has indicated general support for the direction of the reforms. We expect many of these stakeholders will provide further feedback during the select committee process, alongside the public.

Binding on the Crown

86. The Acts bind the Crown, with the following exceptions:

86.1 The Bills do not apply to any work of the Crown if the work falls within clause 1.4 of the Planning Bill or 1.7 of the Natural Environment Bill, and the Minister of Defence has certified the work is necessary for reasons of national security

86.2 The Bills do not apply to any work of the Crown if it is carried out within land held or managed under the Conservation Act 1987 and does not have a significant adverse effect beyond the boundary of the land

86.3 The Bills do not apply to the detention of prisoners in a court cell block that is declared by notice in the *Gazette* to be a part of a corrections prison.

86.4 Under the Bills an abatement notice or excessive noise direction may be served or issued against an instrument of the Crown, only if it is a Crown organisation, and the notice or direction is served or issued against the Crown organisation in its own name.

86.5 Under the Bills an enforcement order may be made against an instrument of the Crown, only if it is a Crown organisation, and a local authority or the EPA applies for the order, and the order is made against the Crown organisation in its own name. This applies despite section 17(1) of the Crown Proceedings Act

86.6 Under the Bills an instrument of the Crown may be served with an infringement notice, only if it is liable to be proceeded against for the alleged offence and it has been served under its own name. Under both Bills an instrument of the Crown may be prosecuted for an offence if it is a Crown organisation, if the offence is alleged to have been committed by the Crown organisation the proceedings are commenced against the Crown organisation in its own name, and the proceedings do not cite the Crown as a defendant; and in accordance with the Crown Organisations (Criminal Liability) Act 2002. Both the instance in this paragraph and the paragraph above are subject to section 8(4) of the Crown Organisations (Criminal Liability) Act 2002.

86.7 Under the Bills, if the crown organisation is not a body corporate, it must be treated as having a separate legal personality for the purpose of If a Crown organisation is not a body corporate, it is to be treated as if it were a separate legal personality for the purposes of serving or issuing an abatement notice or excessive noise direction against it, making an enforcement order against it;

serving an infringement notice on it; and enforcing an abatement notice, excessive noise direction, enforcement order, or infringement notice in relation to it.

86.8 Under the Bills, the Crown may not be served or issued with an abatement notice or excessive noise direction, have an enforcement order made against it, be served with an infringement notice, or be prosecuted for an offence against this Act.

Creating new agencies or amending law relating to existing agencies.

87. The new legislation will create a new Planning Tribunal. The Tribunal will be a judicially independent division of the Environment Court.

Allocation of decision-making powers

88. Decision-making powers under the new system will be allocated as follows:

88.1 Councils will retain responsibility for plan-making and consent decisions

88.2 Independent Hearing Panels will hear submissions and make recommendations on all component parts of the combined plan (regional spatial plan, natural environment plan and land-use plan), with final decisions sitting with councils

88.3 The Environment Court's decision-making powers will remain unchanged under the new system and will apply equally to both Bills. Appeal rights to the Environment Court on plans will be limited to:

88.3.1 merits based appeals where the plan outcome is a bespoke provision or relates to a regulatory relief matter

88.3.2 appeals on points of law where the plan outcome is a standardised provision (from a national instrument)

88.4 Appeal rights to higher Courts in matters of law remain largely unchanged from the RMA

88.5 The Planning Tribunal will handle lower-level disputes related to consent and permit processing but will not hear appeals on plans or notified consents, or enforcement matters

88.6 The Secretary for the Environment will have powers to assess compliance of bespoke rules with national policy direction and standards.

89. The Bills will have procedural principles to embed good practice and set clear expectations for the new system. Decision-making criteria is set out in the legislation where necessary to support decision-makers.

Associated regulations

90. To give effect to the Bills, a significant volume of secondary legislation is required. National policy direction will provide direction on system goals. These will be implemented through national standards, which will drive consistency across zones, activities, effects, and administrative processes. Two core suites are planned: the first

by the end of 2026, and the second by mid-2027. National policy direction and standards will be made by Order in Council, however, they will not be drafted or published by the Parliamentary Counsel Office (PCO). Alternative allocation approaches and resource use charges (limited to cost recovery only) can only be introduced if they have been enabled, or required by national standards or regulations.

91. The Bills include regulation-making powers for a range of administrative, process, emergency response, cost recovery and technical matters.

Other instruments

92. Rules within plans will have the status of secondary legislation. City and district councils will be responsible for land use plan chapters under the Planning Bill while regional councils will be responsible for natural environment plan chapters under the Natural Environment Bill. Regional spatial plan chapters will be jointly developed by city, district and regional councils. These will form one combined plan per region.

93. The Bills set out requirements for engagement, submissions, and publication of plans. Plans will not be drafted or published by PCO.

Definition of Minister/department

94. The Bills do not create new definitions of Minister or department and rely on definitions in the Legislation Act 2019.

Commencement of legislation

95. The Bills provide for a staggered commencement of provisions to support a phased transition to the new system:

Phase	Time horizon	Details
Initial commencement	One day after Royal assent	Many provisions will commence the day after Royal assent, including those that provide for the making of instruments – such as national policy direction, national standards, combined plans, and regulations – under the new system.
Further provisions	One month after Royal assent	Marks the start of the 'transition period' and introduces the transitional consenting regime amending the RMA. This one-month delay allows local authorities time to prepare for changes to their consenting processes.
Remaining provisions – first set	Approximately six to nine months after Royal assent (once Planning Tribunal is established)	Commences further amendments to the RMA, transferring the hearing of certain objections from consent authorities to the new Planning Tribunal. First set of national instruments anticipated to be in place to support plan-making processes.
Remaining provisions – second set	On the 'specified transition date' (estimated to be in 2029)	Ends the transition period and commences all remaining provisions. Combined plans (which will have been notified) will have legal effect, all regulatory functions (including consenting and compliance) will move to the new system, and the RMA will cease to apply.

Parliamentary stages

96. We propose the Bills should be introduced on 9 December 2025 with first reading and referral to Select Committee on 16 December 2025.

97. We intend for the Bills to be passed before the general election in 2026.

98. We propose a full Select Committee process is undertaken, and that the Bills be referred to the Environment Committee.

99. We intend to seek agreement from the Select Committee to enable continued engagement with PSGEs and Māori groups on:

    99.1 options relating to freshwater and geothermal rights and interests, in line with the parameters set by Cabinet in October 2024

    99.2 the approach to upholding Treaty settlements and other arrangements through resource management reform.

Proactive Release

100. We propose to release the paper proactively, subject to redaction as appropriate under the Official Information Act 1982.

Recommendations

We recommend that the Committee:

1. **note** that the Planning Bill and Natural Environment Bill hold a category 5 priority on the 2025 Legislation Programme. This category is for legislation which, for reasons of size, complexity, timing, or priority, is intended to be referred to a select committee in 2025, but not be enacted within the year

2. **note** that the Bills will create new planning and environmental management systems and repeal and replace the Resource Management Act 1991 to unlock development in infrastructure, housing, and primary industries, and drive more efficient and effective economic outcomes

3. **note** that the Planning Bill and Natural Environment Bill will create clear and distinct planning and environmental management systems which replace the RMA. This includes:

    3.1. a simpler, clearer system providing greater certainty and less litigation

    3.2. a quicker, more streamlined and efficient planning process including new spatial planning requirements to plan for growth

    3.3. leaving New Zealanders free to do more with their land

    3.4. defining a limited scope of effects to be managed,

    3.5. lifting the threshold of what is considered and who has standing

    3.6. using standardised rules and zones

    3.7. enabling development while achieving environmental outcomes

3.7.1. requiring environmental limits

3.7.2. applying a proportionate regulatory approach

3.7.3. providing the ability to introduce new allocation tools

3.8. access to regulatory relief

3.9. fast, low-cost resolution of disputes through a new Planning Tribunal

3.10. modern, fit for purpose system that embraces digital tools

4. **note** that existing consents expiring during transition to the new system will be automatically extended to a date that is 12-months after the new system comes fully into effect (the new expiry date is estimated to be sometime in 2030)

5. **note** that the Minister Responsible for RMA Reform intends to bring a paper to Cabinet shortly to address concerns related to consents that are due to expire prior to enactment of the Bills

6. **note** that Cabinet previously agreed "that limits to protect human health would be set nationally, and limits to protect the natural environment would be set by regional councils following a set methodology" [CAB-25-MIN-0080.01 refers]

7. **note** that including a power for the responsible Minister to specify minimum levels for natural environment limits would enable a nationally-consistent approach and would support the new system to be implemented quickly, however, there are concerns they are too inflexible to meet community desires in different parts of the country

8. **agree** that:

EITHER

8.1. the responsible Minister can specify minimum levels for natural environment limits (a new provision to be included in the Bill)

OR

8.2. the responsible Minister cannot specify the minimum levels for natural environment limits (current drafting)

9. **agree** the Bills include descriptive Treaty clauses that state "to recognise the Crown's responsibilities in relation to the Treaty of Waitangi / te Tiriti o Waitangi, this Act provides as follows..." and lists the clauses in relation to Māori provisions agreed to under our delegation, as set out in the report-back included in this paper

10. **agree** to insert a preservation clause into the Natural Environment Bill that clarifies, for the avoidance of doubt, this Bill does not create or transfer any proprietary right or interest in freshwater or geothermal resources or extinguish or determine any customary right or interest that may exist in freshwater or geothermal resources

11. **note** that the Natural Environment Bill includes a provision to enable permit authorities to authorise, through the permit process, activities that are unlawful under the Wildlife Act

12. **agree** to authorise the Minister Responsible for RMA Reform, the Under-Secretary to the Minister Responsible for RMA Reform, and the Minister of Conservation to make further

policy decisions on Wildlife Act authorisation changes, and to determine whether to publicly release information about the changes to inform submissions to Select Committee

s 9(2)(f)(iv) [redacted]

14. **note** that the potential role of an interim heritage protection order mechanism in the Planning Bill will be explored following Select Committee feedback, if it is determined further protections are needed for heritage

15. **agree** to authorise the Parliamentary Counsel Office to make any adjustments required to the Bills before introduction

16. **agree** to authorise the Minister Responsible for RMA Reform and Under-Secretary to the Minister Responsible for RMA Reform to make changes to the Bills before introduction that are consistent with Cabinet policy decisions

17. **agree** to authorise the Ministry for the Environment to amend the disclosure statements prior to their publication to ensure they accurately reflect changes to the Bills

18. **approve** the Planning Bill and Natural Environment Bill for introduction, subject to the final approval of the government caucus and sufficient support in the House of Representatives

19. **agree** that the Bills be introduced on 9 December 2025

20. **agree** that the Government propose that the Bill be:

    20.1. referred to the Environment Committee for consideration

    20.2. enacted before the general election in 2026.

Authorised for lodgement

Hon Chris Bishop

Minister Responsible for RMA Reform

Simon Court

Parliamentary Under-Secretary to the Minister Responsible for RMA Reform

Cabinet Business Committee

Minute of Decision

Planning Bill and Natural Environment Bill: Approval for Introduction

Portfolio **RMA Reform**

On 24 November 2025, the Cabinet Business Committee:

1 **noted** the contents of the submission *Planning Bill and Natural Environment Bill: Approval for Introduction* [CBC-25-MIN-0065], and the advice of the Minister Responsible for RMA Reform (the Minister) and the Parliamentary Under-Secretary to the Minister Responsible for RMA Reform;

2 **invited** the Minister to update the submission in light of the discussion at the meeting;

3 **referred** the submission to Cabinet for further consideration.

Jenny Vickers
Committee Secretary

Present:
Rt Hon Christopher Luxon (Chair)
Hon David Seymour
Rt Hon Winston Peters
Hon Nicola Willis
Hon Chris Bishop
Hon Simeon Brown
Hon Brooke van Velden
Hon Shane Jones
Hon Erica Stanford
Hon Louise Upston
Hon Judith Collins KC
Hon Todd McClay
Hon Simon Watts
Simon Court MP

Officials present from:
Ministry for the Environment
Office of the Minister Responsible for RMA Reform
Office of the Parliamentary Under-Secretary to the Minister Responsible for RMA Reform

CAB-25-MIN-0433

Cabinet

Minute of Decision

Planning Bill and Natural Environment Bill: Approval for Introduction

Portfolio **RMA Reform**

On 1 December 2025, following reference from the Cabinet Business Committee, Cabinet:

1 **noted** that the Planning Bill and Natural Environment Bill (together, the Bills) hold a category 5 priority on the 2025 Legislation Programme (to proceed to select committee by the end of 2025);

2 **noted** that the Bills will create new planning and environmental management systems and repeal and replace the Resource Management Act 1991 (RMA) to unlock development in infrastructure, housing, and primary industries, and drive more efficient and effective economic outcomes;

3 **noted** that Bills will create clear and distinct planning and environmental management systems which replace the RMA, including:

3.1 a simpler, clearer system providing greater certainty and less litigation;

3.2 a quicker, more streamlined and efficient planning process, including new spatial planning requirements to plan for growth;

3.3 leaving New Zealanders free to do more with their land;

3.4 defining a limited scope of effects to be managed;

3.5 lifting the threshold of what is considered and who has standing;

3.6 using standardised rules and zones;

3.7 enabling development while achieving environmental outcomes;

3.8 requiring environmental limits;

3.9 applying a proportionate regulatory approach;

3.10 providing the ability to introduce new allocation tools;

3.11 access to regulatory relief;

3.12 fast, low-cost resolution of disputes through a new Planning Tribunal;

3.13 a modern, fit for purpose system that embraces digital tools;

4 **noted** that existing consents expiring during transition to the new system will be automatically extended to a date that is 24-months after the new system comes fully into effect (the new expiry date is estimated to be sometime in 2030/31), noting that the Government has the ability to turn the system on at an appropriate time;

5 **noted** that the Minister Responsible for RMA Reform has also submitted a paper to Cabinet to address concerns related to consents that are due to expire prior to enactment of the Bills [CAB-25-SUB-0432];

6 **noted** that in March 2025, Cabinet agreed that limits to protect human health would be set nationally, and limits to protect the natural environment would be set by regional councils following a set methodology [CAB-25-MIN-0080.01];

7 **noted** that including a power for the responsible Minister to specify minimum levels for natural environment limits would enable a nationally-consistent approach and would support the new system to be implemented quickly, however, there are concerns that they are too inflexible to meet community desires in different parts of the country;

8 **agreed** that the responsible Minister can specify minimum levels for ecosystem health limits, however councils may set less stringent limits provided they produce a justification report;

9 **noted** that to provide clarity on how property rights are provided for in the Planning Bill, "to ensure that land use does not unreasonably affect others, including by separating incompatible land uses" will become the first goal listed in the Planning Bill;

10 **noted** that the threshold of adverse effects for public notification in the Natural Environment Bill is raised from more than minor, to significant;

11 **noted** that for targeted notification, permit authorities can treat everyone in a management unit as affected persons;

12 **noted** that hearings for notified consents and permits are only required when the applicant requests it; or the relevant commissioner considers it the most effective and efficient way for the issues and information to be tested;

13 **agreed** to amend the goal for Māori interests in the Planning Bill and Natural Environment Bill, to remove the word "including";

14 **noted** that further specificity regarding consultation with Māori representation groups, including the Federation of Māori Authorities, will be detailed as part of the development of national instruments under the new system and is subject to further scoping;

15 **agreed** that the Bills include descriptive Treaty of Waitangi clauses that state "to recognise the Crown's responsibilities in relation to the Treaty of Waitangi / te Tiriti o Waitangi, this Act provides as follows..." and lists the clauses in relation to Māori provisions agreed to under the Minister Responsible for RMA Reform and Parliamentary Under-Secretary to the Minister Responsible for RMA Reform's delegation, as set out in the report-back included in the paper under CAB-25-SUB-0433;

16 **agreed** to insert a preservation clause into the Natural Environment Bill that clarifies, for the avoidance of doubt, that this Bill does not create or transfer any proprietary right or interest in freshwater or geothermal resources, or extinguish or determine any customary right or interest that may exist in freshwater or geothermal resources;

17 **noted** that the Natural Environment Bill includes a provision to enable permit authorities to authorise, through the permit process, activities that are unlawful under the Wildlife Act 1953 (Wildlife Act);

18 **authorised** the Minister Responsible for RMA Reform, the Parliamentary Under-Secretary to the Minister Responsible for RMA Reform, the Minister of Conservation, and the Minister for Resources to make further policy decisions on Wildlife Act authorisation changes, and to determine whether to publicly release information about the changes to inform submissions to Select Committee;

19 s 9(2)(f)(iv) [redacted]

20 **noted** that the potential role of an interim heritage protection order mechanism in the Planning Bill will be explored following Select Committee feedback, if it is determined that further protections are needed for heritage;

21 **authorised** the Parliamentary Counsel Office to make any adjustments required to the Bills before introduction;

22 **authorised** the Minister Responsible for RMA Reform and Parliamentary Under-Secretary to the Minister Responsible for RMA Reform to make changes to the Bills before introduction that are consistent with Cabinet policy decisions;

23 **authorised** the Ministry for the Environment to amend the disclosure statements prior to their publication to ensure they accurately reflect changes to the Bills;

24 **approved** the Planning Bill [PCO 27110/7.0] and Natural Environment Bill [PCO 26094/7.0] for introduction;

25 **agreed** that the Bills be introduced by 9 December 2025;

26 **agreed** that the Government propose that the Bills be:

26.1 referred to the Environment Committee for consideration;

26.2 enacted in this parliamentary term.

Rachel Hayward
Secretary of the Cabinet

