



The New Planning System

Regulatory relief in the new planning system

New Zealand's new planning system will make it easier to build the houses and infrastructure our country needs, let farmers and growers get on with doing what they do best, and boost our primary sector while protecting the environment.

Two new Bills with clear roles

The new planning system is set out in two new Bills. Once passed, these will replace the current Resource Management Act 1991 (RMA):

- **The Planning Bill** lays out the framework for how land can be used and developed.
- **The Natural Environment Bill** is focused on managing the use of natural resources and protecting the environment.

The new planning system is made up of more than just new Bills. National instruments – including national policy directions and standards – will provide specific requirements for councils to develop their plans and make consenting decisions. The new planning system will include helpful changes made under recent changes to the RMA.

Regulatory relief will mean that when certain protections are placed on private property through a plan, councils must proactively contact landowners to offer relief.

What is regulatory relief?

The Bills provide new ways to balance planning controls, which benefit the wider community (eg, environmental protection), while managing the impacts to landowners who have these protections placed on their property. There are two ways this can happen:

1. **Mandatory regulatory relief** will require councils provide relief when new rules for certain protections impose significant burdens on landowners.

2. **Voluntary incentives** which will empower councils to encourage behaviour change by providing incentives for particular activities.

Mandatory regulatory relief

A council must provide for regulatory relief when a proposed plan includes certain kinds of rules that are likely to significantly impact a landowner's reasonable use of their land. Rules that trigger relief are limited to heritage, outstanding landscapes or features, sites of significance to Māori, and matters high in natural character.

Where such rules are proposed, councils must:

- justify the application of a protection to each property (including by referring to data and evidence)
- develop a relief framework as part of their plan-making. The relief framework sets out what relief affected landowners are entitled to based on the nature and level of impact on their land (eg, land value), and other procedural matters
- implement that relief framework once the plan becomes operative. Councils must identify and assess affected land, determine the appropriate relief, and inform the landowner of the outcome
- offer broad relief options that can include monetary payments, rate or fee reductions, extra development rights, land swaps, or targeted grants.

People have fewer appeal rights in the new planning system. However, they can appeal the application of a protection to a specific property, as well as the regulatory relief framework in the plan.

Voluntary incentives

Councils can also provide voluntary incentives to encourage landowners to achieve environmental objectives. The Bills provide that:

- councils can define voluntary 'methods' to guide landowners when undertaking an activity
- provide an incentive to a landowner that undertakes an activity according to the defined method.

Linking a method to an incentive is entirely discretionary unless required by a national policy direction or national standard.

For more information, visit environment.govt.nz.

