

Regulation-making Power to Alter Local Authority Plans and Policy Statements

Changes introduced by the Resource Management (Consenting and Other System Changes) Amendment Act 2025

These changes, which passed into law on 20 August 2025, belong to a wider programme of resource management reform. Visit the Ministry for the Environment's [webpage about the new Amendment Act](#) for more information.

Context

Local planning is led by councils. However, sometimes local planning rules can affect nationally important outcomes like housing supply, economic growth or job creation.

Before this change, the Resource Management Act 1991 (RMA) had limited mechanisms for the Minister for the Environment (the Minister) to directly change or remove specific provisions in an operative plan or policy statement.

The Minister could use the normal Schedule 1 plan change process or use existing ministerial powers (such as intervention powers under sections 24A through 25B), which still required a full plan change. These processes can be slow and costly.

Key changes

- Section 69A of the Amendment Act added new sections 360I to 360O to the RMA.

The Resource Management (Consenting and Other System Changes) Amendment Act 2025 (the Amendment Act) introduces a new, time-limited regulation-making power.

Under this power, the Minister can recommend regulations to modify or remove provisions in operative plans or policy statements where an investigation has shown they have negative impacts on economic growth, development capacity or employment.

This is intended to be a targeted tool to bolster central government's ability to take proportionate action when plans are affecting nationally important outcomes.

The regulation-making power expires at the end of 2027, to align with the Government's intention to repeal and replace the RMA.

If regulations are made under this power, councils must amend or remove the specified provisions in line with the regulations, without using a Schedule 1 plan change process.

Why it is needed

Some local rules may be out of step with national priorities and slowing growth in housing, jobs and the economy. This power is for limited use when local processes aren't delivering on national priorities, and councils haven't acted through other tools. It allows the Government to act quickly where the issues are clear and urgent, and supported by evidence.

Safeguards and limits

There are safeguards proposed to ensure regulations are made responsibly and only when needed:

- Evidence first – the Minister must investigate and produce a public report that supports their decision that the statutory criteria of a negative impact on economic growth, development capacity or employment is met.
- Consultation – affected councils and parties must be consulted.
- Treaty protections – the power cannot be used to change provisions in plans or policy statements that have been included in recognition of an obligation or right under a Treaty of Waitangi settlement, the Marine and Coastal (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, or a mana whakahono ā rohe or joint management agreement under the RMA.
- National direction – changes cannot be inconsistent with national direction under the RMA.
- All actions must comply with the purpose and principles in Part 2 of the RMA.

This approach ensures the Minister has sufficient discretion to make an informed judgement about whether the scale and significance of the impact on economic growth, development capacity or employment justifies intervention.

The Governor-General makes a regulation under this power by Order in Council, on the recommendation of the Minister.

Implementation considerations

Councils will need to respond within 20 working days to any investigation report recommending regulations to amend their plans or policy statements. Consultation with the Minister is offered but is not an obligation for councils.

Affected parties will be notified and offered an opportunity to consult on any proposed changes.

The Minister is required to consider any outcomes of consultation with relevant councils and affected parties before recommending regulations.

If regulations are recommended, councils will need to promptly notify the changes, and update their plans or policy statements accordingly, without using Schedule 1 plan change processes.

