

The New Planning System

What it means for Māori interests and Treaty settlements

Clearer role for Māori interests in planning

The Government is building a modern planning system designed to unlock growth and protect what matters while giving more certainty about how Māori interests, the Treaty of Waitangi and places of significance are recognised and provided for throughout the system.

Two 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 on how Māori interests are considered in the new planning system. The new planning system will include helpful changes made under recent changes to the RMA.

A more consistent approach

The new planning system sets clearer ways for how Māori interests and Treaty of Waitangi obligations must be considered, compared with the RMA. The aim is for Māori interests and Treaty obligations to be considered in a consistent way in planning and environmental decisions.

- Iwi will be involved in making national instruments, plans and protecting important places.
- The new planning system aims to make it easier to develop and protect Māori land.

- The new planning system will include provisions to support upholding Treaty settlements and rights under the Marine and Coastal Area (Takutai Moana) and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Acts.
- The new planning system also adds new tools for monitoring and using digital information, so decision-makers can respond to environmental issues more quickly and with better data.

How it is different from the RMA

The RMA recognised and provided for Māori interests and the Treaty but this was often confusing and not always done in a consistent way. The new planning system will be different by having:

- **Clearer requirements**

Through national instruments, the new planning system will spell out more clearly how Māori interests and Treaty obligations must be considered when making planning and environmental decisions.

- **Treaty clauses in the law**

The new Bills will have descriptive Treaty clauses that list the specific ways the Crown's obligations under the Treaty are recognised in the legislation.

- **National instruments and goals**

Each Bill includes a goal to provide for Māori interests in the ways identified. National instruments will give effect to the goal through setting objectives and policies on matters relating to these Māori interests including, for example, how sites of significance are identified and protected. This approach supports greater consistency than under the RMA, where each council could do things differently.

- **Māori participation**

Councils must consult iwi authorities when developing spatial and other plans and must have regard to iwi management plans and statutory acknowledgements. The new planning system is designed for Māori to be more involved upfront in the planning process and less involved in consenting, with strong pathways for Māori participation in national instruments, regional plans and decisions that affect their interests.

Existing and initiated Mana Whakahono ā Rohe, joint management agreements, and transfers of power to iwi authorities will be maintained, but new ones can't be started under the new planning system unless provided for in a Treaty settlement.

- **Consents and permits**

Under the new planning system, the thresholds for public and targeted notification of permits will be changed. Public notification of natural environment permits will only occur where the effects of an activity on the environment or people are 'significant,' and notification of land use permits will only occur where the effects on the built environment are 'more than minor'. Public notification will be used where all affected persons cannot be identified, and targeted notification will be used where affected persons can all be identified.

Iwi and hapū will be notified of permits where the threshold for notification is met and they are affected by the consent. However, the threshold for notification of permits will be higher than under the RMA, meaning less consents will be notified. Groups with

statutory acknowledgements will also be notified where they are affected by a consent, provided the threshold for notification is met.

- **Māori land development and protection**

The new planning system will provide better protection for sites of significance and better support for developing and protecting Māori land, with national rules and plans to enable this. The RMA system allowed for Māori land development, but the new planning system is intended to be more directive and supportive.

Upholding Treaty settlements

The Government has committed to upholding Treaty settlements and related arrangements in the new planning system. The Bills will reflect this by providing for specific elements of Treaty settlements such as statutory acknowledgements, rights under the Marine and Coastal Area (Takutai Moana) Act 2011, and arrangements with Ngā Hapū o Ngāti Porou.

The Bills will require anyone exercising powers under the new planning system to give equivalent effect to Treaty settlements and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 where those arrangements interact with the RMA.

The Crown will work with post-settlement governance entities and ngā hapū o Ngāti Porou on how these arrangements will operate in the new planning system as the Bills go through Parliament and after enactment, if agreement has not already been reached by then.

What happens next?

Before they become law, the public gets to have a say about the new Bills through select committee hearings in early 2026 – this is an opportunity to make improvements.

Once the Bills are in place, the next step is to confirm the national instruments needed to guide spatial planning. People will also get a chance to submit on this. There will be transitional arrangements for existing resource consent holders:

1. All consents under the RMA will be extended until at least mid-2031.
2. You can obtain a new consent under the transitional system from mid-2026.
3. A new National Policy Statement – Freshwater will be introduced by mid-2026, which will assist anyone who wishes to obtain a new consent early.

The first spatial plans are expected within a set period after the law is enacted. Government hopes to have the transitional system up and running in the middle of 2026, and the full system working by 2029.

For more information, visit environment.govt.nz.