



Resource management reform

The Government's resource management reform will replace the Resource Management Act 1991 (RMA) with two new pieces of legislation:

- A Natural Environment Act – focused on managing the natural environment
- A Planning Act – focused on planning to enable development and infrastructure.

The new legislation will narrow the scope of the resource management system and the effects it controls, with the enjoyment of private property rights as the guiding principle. A shift from a precautionary to a more permissive approach will unlock development, streamline processes, and enhance New Zealand's ability to meet its housing, infrastructure, and environmental objectives.

Expert Advisory Group

The Expert Advisory Group (EAG) was established in September 2024 and was tasked with preparing a blueprint to replace the RMA, based on ten objectives and principles set by Cabinet. The EAG provided a draft blueprint to Ministers on 20 December 2024.

The EAG's blueprint addresses the main failings of the RMA and provides 21 key recommendations that are ambitious and wide ranging. The Cabinet proposals, for the introduction of new legislation, are broadly in line with the EAG's recommendations.

A system based on the EAG blueprint will be simpler, faster, more effective, and provide proportionate and measured responses to land and resource use.

Narrower scope

The new legislation will narrow the scope of the resource management system and the effects it controls, with the enjoyment of property rights as the guiding principle. Compared to the RMA, the new legislation will more clearly define the types of adverse effects that can be considered and raise the threshold for when those adverse effects must be managed.

This will provide greater protection of and ability to use property as its owners see fit. It will set a higher bar for regulatory restrictions on property.

Change is needed to ensure the resource management system better supports growth and development in a market economy as well as respecting private property rights, while also improving environmental outcomes.

National policy direction

One set of national policy direction under each new act will simplify, streamline, and direct local government plans and decision-making. It will also provide guidance on how to resolve conflicts between competing priorities. This is expected to provide direction on the purpose of the primary legislation and declutter the existing set of RMA national policy statements.

Direction under the new Natural Environment Act will cover matters such as:

- freshwater
- indigenous biodiversity
- coastal policy.

Direction under the new Planning Act will cover matters such as:

- urban development
- infrastructure (including renewable energy)
- natural hazards.

The national policy directions for each act will be developed in parallel to ensure they are aligned.

Standardisation of the system

The new legislation will provide for greater standardisation, shifting the focus of policy setting to a national level, while maintaining local decision-making over things that matter. This approach will provide for genuinely novel issues to be given adequate consideration on a case-by-case basis.

The benefits include:

- Following international approaches, nationally set standards (including standardised land-use zones) will provide significant system benefits and efficiencies.
- Standardising best practice for councils and others reduces the financial burden on communities. It will assist councils to take a similar approach to the same issues faced in other parts of the country.

Environmental limits and natural resource allocation

There is agreement that the RMA's 'first in, first served' approach to allocating natural resources is inefficient and inequitable when resources are scarce. It lacks incentives for resources to be used efficiently and does not enable higher value uses. The EAG recommended a more deliberate framework for natural resource allocation and charging for use. A better legal framework for setting environmental limits will provide certainty around where development can and should occur, whilst protecting the natural environment.

Streamlining the system

Cabinet has agreed to reduce the number of plans and policies in the system. A combined plan will include a spatial planning chapter, an environment chapter and planning chapters (one per territorial authority district) and could be achieved via an 'e-plan'. Spatial plans will provide long-term, strategic direction to simplify and streamline the system. This will allow development within constraints, and better align land use, infrastructure planning, and investment.





A national compliance and enforcement regulator will be set up and will provide the opportunity to ensure more consistency as well as reduce the variability in compliance and enforcement activities across regions. A new planning tribunal will provide for faster and low-cost dispute resolution and lessen reliance on the courts.



Comparison: Expert Advisory Group Blueprint recommendations and Cabinet paper recommendations

Table 1: Summary and comparison of main recommendations of Expert Advisory Group Blueprint alongside Cabinet paper recommendations

Note this table sets out the Expert Advisory Group’s main recommendations (a)-(u) – these recommendations are described in full in each chapter of the blueprint.

Action key:					
	Cabinet paper progresses broad Blueprint recommendation		Cabinet paper progresses in part or via delegated decisions on detail		Cabinet paper does not progress Blueprint recommendation
Expert Advisory Group Blueprint recommendation	Action	Cabinet paper recommendation			
<p>Develop new legislation in two separate Acts:</p> <p>i. A Planning Act focused on regulating the use, development and enjoyment of land.</p> <p>ii. A Natural Environment Act (NEA) focused on the use, protection and enhancement of the natural environment.</p>		2	agree that the RMA will be replaced by two Acts that separate land-use planning and natural resource management – a Planning Act and a Natural Environment Act		
		3	note that the significant debate over the meaning of the RMA’s ‘sustainable management’ purpose can be avoided in the new system by using descriptive purpose statements		
		4	note that the Planning Act will focus on establishing a framework for planning and regulating the use, development and enjoyment of land		
		5	note that the Natural Environment Act will focus on establishing a framework for the use, protection and enhancement of the natural environment, subject to further advice on ensuring the NEA purpose recognises that protection and enhancement must be proportionate as the act is intended to be enabling		

<p>The new Acts will have a smaller regulatory scope and not address matters adequately covered in other legislation. The effects regulated will be based on the economic concept of externalities. Matters such as financial effects and effects on trade competition will be excluded.</p>		<p>8 agree that the approach to effects management in the new system is based on the economic concept of externalities, meaning effects (relating to land use) borne solely by the party undertaking the activity would not be controlled</p> <p>38 agree that the EAG’s recommendations about overlaps between the RMA and other legislation will be staged to allow other legislation to be amended and avoid leaving gaps during the transitional period</p> <p>38A agree that further work will be done prior to introduction on where heritage sits in the system, particularly in the context of regulatory takings, heritage management and listing of historic heritage between Minister Responsible for RMA Reform, Minister for Arts, Culture and Heritage and Under-secretary Court.</p>
<p>Both Acts will be based on the enjoyment of property rights and require justification reports if departing from approaches to regulation standardised at the national level. Compensation may happen for regulatory takings in some circumstances.</p>		<p>10 agree that the legislation will include protection against regulatory takings, with the details to be decided under delegation</p> <p>15 agree that both Acts will require regulatory justification reports that outline the rationale for any regulatory plan rules that deviates from national standards</p>
<p>Each Act will contain national goals setting out the main objectives of the regulatory framework that provide a basis for monitoring its implementation. The Planning Act will include goals for infrastructure provision and well-functioning urban and rural areas. The NEA will include goals for protecting important natural values.</p>		<p>6 agree in principle that each act will have a set of legislated goals and decision-making principles which will be streamlined to focus on the essential functions of land use planning and natural resource management, subject to further advice on the value provided by legislated goals and decision-making principles</p> <p>7 agree in principle that each act will have a set of decision-making and procedural principles to embed good planning practice and environmental management practice</p>
<p>Each Act will require one mandatory national policy direction (NPD) that is succinct and resolves conflicts between environmental protection and development and, where that is not possible, provides direction on how conflicts can be reconciled through subsequent processes.</p>		<p>11 agree that the responsible Minister (to be decided under delegation) would be empowered to develop the following instruments:</p> <p>11.1 a single mandatory National Policy Direction (NPD) under each Act</p> <p>11.2 national standards under each act, including nationally standardised zones under the Planning Act</p> <p>11.3 environmental limits (under the NEA only)</p> <p>11.4 regulations under each Act, including but not limited to emergency or urgent response provisions, technical matters, matters requiring frequent updating and administrative matters</p> <p>12 agree that national standards will be for the purpose of implementing the NPD under each Act and providing a consistent approach to the regulation of activities</p>

<p>Regional policy statements (RPSs) will be eliminated and partially replaced by spatial plans made under the Planning Act. Spatial plans include the coastal marine area (CMA) and will have weight in the regulatory planning process.</p>		<p>22 agree that spatial planning requirements sit under the Planning Act but are designed to help integrate decisions under the Planning Act and NEA at a strategic level, resolving conflicts where possible</p> <p>23 agree that spatial planning will also promote integration of regulatory planning under the Planning Act and NEA with infrastructure planning and investment</p> <p>24 agree that the Planning Act will include mandatory and optional matters for spatial plans to address with a strong focus on enabling urban development and infrastructure within environmental constraints</p>
<p>Spatial plans will enable development and focus on mapping major constraints, identifying existing and future infrastructure (including future infrastructure corridors), future urban areas, and growth and development opportunities.</p>		<p>21 agree that the new system will include long-term, strategic spatial plans that will simplify and streamline the system, enable development within environmental constraints and have sufficient weight and reach to better align land use and infrastructure planning and investment</p>
<p>Each Act will require a single regulatory plan per region. The regional council will prepare a natural environment plan under the NEA. District councils will each prepare a chapter of a combined district plan.</p>		<p>25 agree that each Act will require one combined plan per region – plan chapters would be developed by each local authority, combined for each region, then presented as a national e-plan</p> <p>26 agree that each regional council would deliver plan chapters under the NEA and there would be no duplication across chapters</p> <p>27 agree that each territorial authority would deliver a plan chapter managing land use for their area under the Planning Act</p>
<p>The Planning Act will require the Minister for the Environment to create nationally standardised zones (NSZs) that councils select and apply in the combined district plan, with a ‘stickier’ exceptions pathway if bespoke requirements are needed to meet specific community needs or preferences. NSZs will include a zone with substantial flexibility in land use on Māori land.</p>		<p>13 agree that national standards and standardised zones will channel most of the administrative activity in the current system into “default” solutions set once at the national level, with “safety valves” available to allow genuinely novel issues to be given adequate consideration on a case-by-case basis</p>

<p>The NEA will require environmental limits to protect the life-supporting capacity of the natural environment. It will also require environmental controls to protect significant natural values, such as outstanding natural features and landscapes (ONFLs) and significant natural areas (SNAs) – applying similarly to NSZ provisions – with nationally set default pathways to select from and a ‘stickier’ process if bespoke solutions are required to meet local variations.</p>		<p>16 agree that the responsible Minister would be required by the NEA to prescribe limits nationally or set default methods for limits to be developed at the regional level, or both</p> <p>17 agree 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</p> <p>18 agree that the NEA would include the following framework for setting limits:</p> <p>18.1 mandatory domains for which limits must be set - subject to further advice, these could include air, water (freshwater and coastal), soil, and ecosystems</p> <p>18.2 criteria for setting management units</p> <p>18.3 a process for setting limits nationally to protect human health</p> <p>18.4 a process and methodology for regional councils to follow to set limits to protect the natural environment</p> <p>37 agree that the following EAG recommendations will not be included in the bills for introduction and will be progressed in parallel but on a longer timeline:</p> <p>37.2 consideration of institutional arrangements for limit-setting</p>
<p>To support a faster transition, the regulatory plans made under each Act will initially be notified and considered by an independent hearings panel (IHP) together in each region, but determined by each individual council.</p>		<p>Cabinet previously agreed that reform proposals will be developed in a way that builds on the Phase 2 work programme, minimises uncertainty and economic disruption, and enables a rapid transition to the new system [CAB-24-MIN-0315 refers]</p> <p>Delegated decisions will further consider the plan-making process</p>
<p>The form and structure of spatial and regulatory plans will be highly standardised, enabling them to be collated and accessed as one national e-plan for New Zealand.</p>		<p>28 note that the one plan per region approach would be achieved through a national e-planning portal, and investment would be required to establish and maintain this portal</p>
<p>A common platform for presenting information spatially – combined with a focus on collecting better environmental reporting data in a form that can be aggregated nationally – will enable significantly better monitoring of system performance and, from there, adaptive management.</p>		<p>56 note that improving the data, technology, and tools that underpin and support the resource management system are critical to better decision-making, the efficient allocation of resources, monitoring and improving system performance and efficiency, unlocking economic growth, and delivering upon the Government’s strategic objectives</p> <p>57 agree that the Minister Responsible for RMA Reform and Parliamentary Under-Secretary for RMA Reform will investigate the economic case for improving data and technology to support a more efficient and effective resource management system, including potential cost recovery mechanisms</p>

<p>Consenting activity classes under both Acts will be rationalised and simplified by:</p> <ul style="list-style-type: none"> i. Making greater use of permitted activities. ii. Removing controlled activities. iii. Having a greater focus on the use of restricted discretionary activities. iv. Removing the non-complying activity category. v. Retaining prohibited activities, but with a narrower scope and direction on how they can be used. 		<p>9 agree that the new legislation will raise the threshold for the level of adverse effects on people and the environment that can be considered in setting rules and determining who may be affected by a resource consent, with detailed decisions about reverse sensitivity, materiality threshold for effects management and how it applies through the system to be made under delegation</p> <p>14 agree that the new legislation has fewer consent activity classes than the RMA, including greater use of permitted activities</p>
<p>Reverse sensitivity concerns will be addressed in the Planning Act by specifying that:</p> <ul style="list-style-type: none"> i. Those that ‘come to the nuisance’ should not be able to complain about it. ii. Reasonable expansion of existing activity will be permitted where the site is ‘zoned or owned’. 		<p>9 agree that the new legislation will raise the threshold for the level of adverse effects on people and the environment that can be considered in setting rules and determining who may be affected by a resource consent, with detailed decisions about reverse sensitivity, materiality threshold for effects management and how it applies through the system to be made under delegation</p>

<p>The NEA will require councils to charge for using natural resources to recover costs of operating the system and, in the case of overallocated resources, to enable them to be managed back to within environmental limits over time.</p> <p>Where a resource approaches overallocation, or an environmental limit will soon be breached, the relevant community must agree a timeframe and approach for making improvements, and must settle on an alternative allocation method to ‘first-in-first-served’.</p>		<p>19 agree that the NEA require use to be capped to ensure a limit is not breached.</p> <p>20 agree the NEA include procedures for some existing over allocated resources to achieve limits over time</p> <p>40 agree to a staged approach where the new allocation system is enabled in primary legislation with the following features only being ‘switched on’ through secondary legislation:</p> <p>40.1 the ability of councils to use new allocation methods that are not enabled under the RMA</p> <p>40.2 the ability to compel councils to plan for and implement new methods by resource and/or by region</p> <p>41 agree to carry over existing RMA allocation methods in the NEA and enable the following new methods: market-based approaches (eg, trading, auctions, or tenders) and administrative approaches requiring comparison of the merits of applications</p> <p>42 agree to carry over existing RMA charging provisions in the NEA, including for cost recovery, and enable charges to be imposed on resource users to enable allocation methods to be operationalised, address overallocation, and provide for efficient use</p> <p>43 note that the interests of existing resource consent holders will be considered through delegated decisions to enable transition to new allocation methods in a reasonable timeframe where resources are already scarce (eg, 10 years)</p>
<p>A new Planning Tribunal will be established to offer quick, low-cost conciliation and administrative review of council functions (eg, notification, requests for further information), and determination of the meaning of consent conditions.</p>		<p>36 agree in principle, the institutional design for the new planning tribunal be established by the time of the commencement of the legislation, subject to further advice from Ministry of Justice and Ministry for the Environment on the role of the tribunal, and the tribunal’s role in transitioning to a new planning system</p>
<p>A new national compliance and enforcement regulator with a regional presence will be established to build a centre of excellence that will strengthen compliance performance and provide confidence that the system can shift its focus away from ex ante consenting.</p>		<p>37 agree that the following EAG recommendations will not be included in the bills for introduction and will be progressed in parallel but on a longer timeline:</p> <p>37.1 establishment of a national compliance regulator</p>

<p>The extent of the CMA managed under the replacement legislation should be reduced to the area of interest to regional communities, with the Environmental Protection Authority (EPA) responsible for planning and consenting beyond that.</p>		<p>39 agree to retain the existing geographical extent of the resource management system, including the coastal marine area</p>
<p>The new Acts will each include a section on how the Treaty of Waitangi should be reflected in the exercise of their respective functions.</p>		<p>29 note the EAG has recommended that the new legislation carry forward an equivalent of section 8 of the RMA</p> <p>30 note further work is needed to ensure the approach taken to an overarching Treaty of Waitangi clause appropriately considers the objectives of resource management reform and the wider review of Treaty clauses in legislation</p> <p>31 direct the Minister Responsible for RMA Reform and Parliamentary Under-Secretary for RMA Reform to report back to Cabinet Economic Development Committee before the introduction of legislation to finalise an approach to a Treaty of Waitangi clause, noting the report-back will:</p> <p>31.1 seek agreement to a clause that recognises the Treaty of Waitangi and the uniqueness of settlements entered into by the Crown with Iwi/Māori; and</p> <p>31.2 rule out the use of a general Treaty principles clause, as recommended by the EAG report, and as is currently expressed in section 8 of the RMA</p> <p>32 note we will work with officials to ensure the system is explicit about how Māori groups interact with the planning system, while also ensuring that any Treaty settlements are upheld</p> <p>33 note Cabinet has agreed that upholding Treaty settlements and related agreements is a principle of the reform of the RMA</p> <p>34 note the scope and objectives of reform will require changes to be made to settlement redress, which require the agreement of relevant PSGEs or groups</p> <p>35 agree further decisions on the appropriate process and legislative drafting required to enable a process for Treaty settlements and related agreements to be upheld will be made under delegation</p> <p>44 note that possible approaches to preserve and uphold Crown commitments on rights and interests in freshwater and geothermal resources, including in a new allocation system, will be explored through engagement with Māori (consistent with CAB-24-MIN-0413.01) and options will be brought back to Cabinet for decisions</p> <p>55 note officials will work with key iwi/Māori groups such as the National Iwi Chairs Forum’s Pou Taiao advisory group and Te Tai Kaha, as well as engaging with the relevant PSGEs and other entities to ensure Treaty settlements and other legislative arrangements are upheld appropriately</p>