RMA Speaking

Allen, Needham & Co. Ltd.
Barristers, Solicitors and Notary Public
ESTABLISHED 1907

52 Canada Street , PO Box 12, Morrinsville 3300
T 07 889 5062 | law@anco.co.nz | www.allen-needham.co.nz

Summer **2026**

Welcome to this e-newsletter summarising the government's proposed changes to the more than 30-year old Resource Management Act 1991.

RMA Speaking outlines the proposed two pieces of legislation, and discusses the pros and cons of the main provisions.

Submissions to the select committee close at 4.30pm on Friday, 13 February 2026. There is a link on page 3 with more information on this.

If you would like to discuss how any of these proposed changes may affect you, please don't hesitate to contact us, our details are on the right.

NZ LAW
Stronger Together.

New Zealand's Resource Management Act overhaul

What's changing and why It matters?

For more than three decades, the Resource Management Act 1991 (RMA) has shaped how New Zealand uses land, builds homes and infrastructure, and protects its natural environment. It has been one of the country's most influential, and controversial, pieces of legislation.

Now, the RMA is on its way out, set to be replaced by an entirely new resource management system that the government has described as a 'once-in-a-generation' reform.

The changes underway are not incremental tweaks, they constitute a severing of ties with a piece of legislation that has mutated since its inception. Supporters argue the reforms will unlock housing supply, speed up infrastructure delivery and reduce red tape. Critics warn there are risks of weakening environmental protections and local democratic input. Either way, the new system will reshape development and environmental decision-making for the foreseeable future.

Why the RMA is on the way out?

The case for RMA reform has been building for years. While the RMA was originally intended to promote sustainable management of natural and physical resources, over time it accumulated multiple objectives, layers of regulation and complex case law. Critics argued it became slow, costly and unpredictable.

Housing shortages, rising infrastructure costs and delays to major projects have all been linked, fairly or not, to RMA processes. Developers and councils alike have complained of lengthy consent timeframes, inconsistent planning rules between regions and an over-reliance on litigation. Environmental advocates, meanwhile, argue that despite its complexity, the RMA has not always delivered strong environmental outcomes.

Successive governments have attempted to fix these problems – real or perceived – through amendments. These new reforms, however, can be seen as an acknowledgement that the RMA is no longer fit for purpose

CONTINUE TO PAGE 2

RETURN TO FRONT PAGE

and further attempts to band aid growing problems would likely add to the complexity of an already convoluted statute.

The new proposals

The government has proposed an entirely new approach to development and environmental protection. Rather than one catch-all statute, the RMA will be replaced by two core pieces of legislation: the Planning Bill and the Natural Environment Bill. These proposed pieces of legislation had their first reading in Parliament on 16 December 2025.

The underlying philosophy behind the changes is separation. Under the RMA, development and environmental protection were weighed together within a single decision-making framework. The new system aims to separate those functions more clearly.

The Planning Bill will concentrate on land use, development and infrastructure.

The Natural Environment Bill will focus on protecting ecosystems, freshwater, biodiversity, air quality and the coastal environment. Proponents argue this makes trade-offs more transparent and avoids environmental protection being negotiated away on a case-by-case basis during consenting processes.

Planning Bill

The Planning Bill is designed to make it easier and faster to build. The emphasis is on providing certainty about what can be developed and where, particularly for housing and infrastructure.

Under the RMA, councils have developed their own bespoke planning rules, meaning similar activities can be treated very differently across the country. The Planning Bill seeks to reduce this inconsistency.

Greater standardisation

A key feature is greater standardisation. Nationally consistent zones, rules and definitions are intended to reduce the 'postcode lottery' that currently exists, where the same activity can be treated very differently depending on the district council rules and plans that apply. This should make development rights clearer, and reduce the need for costly planning advice and litigation.

Reducing reliance on resource consents

A core objective of the Planning Bill is to reduce reliance on resource consents altogether. More activities will be classified as permitted, provided they meet plan standards.

Where consents are still required, their scope will be narrower. Applications will focus only on specific matters identified in plans, rather than open-ended assessments of effects. This represents a deliberate move to resolve disputes during plan-making, rather than through individual consent hearings.

Streamlining consenting processes

The Planning Bill also streamlines consenting processes. Notification and appeal rights are reduced in some circumstances, particularly where developments comply with established standards.

The intention is to reduce delays for housing developments, infrastructure projects, and other forms of growth that governments at both local and national level see as critical.

More centralised decision-making

Another major feature of the Planning Bill is a shift away from local government in favour of empowering central government to make decisions as to planning. More than 100 existing plans will be reduced to 17 regional combined plans. The aim of these regional combined plans is to bring together spatial, land use and natural environment planning in one place. Councils will be required to collaborate on these plans, rather than operating independently.

Supporters have argued that this will reduce duplication and inconsistency between councils. Critics point to the significant governance and logistical challenges that a more standardised regional combined plan would entail.

The Planning Bill represents a substantial loss of autonomy for councils. National direction will carry greater weight, limiting councils' ability to impose local variations. While this shift no doubt promotes consistency, it also reduces local democratic control.

Communities, especially rural communities, have long complained about district councils 'running wild' and are often flummoxed by the unchecked decision-making power of local government. These changes will limit this to a degree, but communities may also see fewer opportunities to object to individual developments as decisions are made through plans rather than consents.

As with anything, there will be trade-offs.

The Natural Environment Bill

The Natural Environment Bill is the environmental counterpart to the Planning Bill. Its purpose is to protect ecosystems, freshwater, biodiversity, air quality and coastal environments through clearer environmental limits and outcomes.

Environmental limits to define impact

Rather than assessing environmental effects on a project-by-project basis, the Natural Environment Bill aims to set environmental bottom lines in advance. This lines up with the greater level of standardisation that the Planning Bill is intended to bring.

Under the new framework provided by the Natural Environment Bill, environmental limits will define the acceptable level of impact on natural systems. Development must occur within those limits, rather than negotiating trade-offs during individual consent processes as is often the case under the RMA.

Supporters argue this approach strengthens environmental protection by removing pressure on decision-makers to compromise standards in the face of economic or political pressure.

The environmental bottom lines that the Natural Environment Bill will impose should provide clarity for decision-makers and allow them to evaluate planning decisions with a greater degree of certainty.

Environmental effects separated from development planning

A defining feature of the Natural Environment Bill is its separation from

CONTINUE TO PAGE 3

development planning. Environmental protection is no longer balanced directly against development benefits in each decision. Instead, environmental rules are set first, and development is enabled within those constraints.

This separation is intended to provide clarity, but it also raises concerns. Critics have questioned whether environmental limits will be set conservatively enough to provide genuine protection, or whether they will be adjusted to accommodate growth objectives.

By clarifying environmental limits upfront, the government hopes to reduce litigation and uncertainty. Fewer arguments about environmental effects should arise at the consenting stage if limits are clear and enforceable.

The effectiveness of this approach, however, depends heavily on monitoring, enforcement and political willingness to maintain robust limits over time. Historically, enforcement under the RMA has been uneven, with councils facing resource constraints and political pressures.

The use of environmental limits within a planning framework will require significant investment in monitoring and enforcement resources. Without such investment, the Natural Environment Act risks becoming aspirational rather than productive.

Treaty considerations

Treaty of Waitangi considerations are intended to be more clearly embedded in the Natural Environment Bill than they were under the RMA. The new legislation is expected to acknowledge the principles of Te Tiriti o Waitangi, the relationship of Māori with land, water and taonga, and the role of mātauranga Māori in environmental management.

The shift toward national and regional decision-making, however, may complicate engagement for mana whenua. As processes become more centralised and streamlined, ensuring meaningful Māori participation will be a critical test of the new framework.

Public input will be earlier

Public participation under the Natural Environment Bill is also expected to change. As environmental limits and outcomes are set through policy and plan-making processes rather than individual consent decisions, opportunities for public input are likely to be concentrated earlier in the process.

This front-loaded approach is intended not only to encourage more strategic engagement, but it also means fewer opportunities to challenge specific developments once limits are in place. Whether this leads to better environmental outcomes or reduced community influence remains to be seen.

Lack of flexibility in planning?

A main criticism of the Natural Environment Bill is that the separation of environmental protection from development planning could reduce the ability to respond flexibly to complex, site-specific environmental issues.

A one-size-fits-all approach to environmental protection could, in certain instances, inhibit decisions that best reflect the needs of particular sites.

What does it all mean?

The replacement of the RMA marks one of the most significant shifts in New Zealand's planning and environmental framework in a generation. After more than 30 years at the centre of land use and environmental decision-making, the RMA is being set aside in favour of two new statutes that deliberately separate development from environmental protection.

Together, these proposed laws represent a decisive move away from the RMA's balancing model, which often left environmental standards and development outcomes to be negotiated through individual consent processes.

Instead, the new system aims to resolve trade-offs upfront through national direction, regional planning and predetermined environmental boundaries.

Ultimately, the success of the reforms will not be judged by legislative intent alone. It will depend on how robust environmental limits are set under the Natural Environment Bill, how consistently development is enabled under the Planning Bill, and whether key stakeholders are given the resources and influence needed to make the system work.

Change was necessary. It is to be determined whether said change brings about positive development, or further headaches.

Have your say

Submissions on the Planning Bill and the Natural Environment Bill close at 4.30pm on Friday, 13 February 2026. To make a submission, click **here**.

If you would like some guidance with a submission and/or want to know more about how these two new statutes may affect your circumstances, please don't hesitate to contact us. We are here to help. +