

A new environmental and planning regime: what the Natural Environment Act and Planning Act mean for iwi Māori

What has changed, and what does the new system mean in practice for iwi and hapū?

Ka pū te ruha, ka hao te rangatahi

The old net is cast aside, the new net goes fishing.

Introduction

Earlier this year, we reported on the Natural Environment Bill (**NEB**) and Planning Bill (**PB**) (together, the **Bills**) and the relevance to Māori. Our article considered the core differences between the proposed regime and the Resource Management Act 1991 (**RMA**), to help understand the implications of what was proposed. You can find our previous article [here](#).

The Natural Environment Act 2026 and the Planning Act 2026 (together, the **Acts**) were enacted on 30 September 2026 and will replace the RMA through a staged transition extending to around 2030. This article explains the final legislative framework and the key practical implications for Māori interests.

A new approach to Māori interests

Under the RMA, Māori interests were recognised by requiring decision-makers to consider Māori relationships with land, water, wāhi tapu, and other taonga, as well as kaitiakitanga and the principles of the Treaty of Waitangi. Despite these provisions, the RMA was subject to longstanding criticism that Māori interests were not adequately recognised or protected.

Under the new Acts, Māori interests are provided for primarily through specified statutory mechanisms and defined participation processes. This approach is reflected in the Māori interests goal in section 13 of each Act, which identifies the specific statutory mechanisms through which Māori interests are to be provided for, rather than an overarching requirement for consistency with Treaty principles.

Participation under the new system

National level

At the national level, the key opportunity for Māori participation arises before a proposed national instrument is publicly notified. Section 57 of the Planning Act 2026 requires the responsible Minister, when developing a national instrument proposal, to engage with iwi authorities, groups representing hapū, and other groups representing Māori.

That engagement is mandatory, but section 57 does not prescribe its form or duration, require the Minister to provide a draft or summary, or require Māori views to be adopted. Māori participation at this early stage will be important.

Where a national instrument proposal sets or includes environmental limits, sections 58 and 59 of the Planning Act require the Minister to appoint a limits review panel and seek its advice. Collectively, the panel must have knowledge and expertise in specified areas, including mātauranga Māori. This provides for Māori knowledge within the technical review of proposed limits, but it is an advisory mechanism rather than a right to Māori representation or shared decision-making.

These national-level participation opportunities are especially important because many matters affecting environmental management, cultural values and development outcomes will be determined through national direction rather than in the primary legislation itself. Consultation on the illustrative National Policy Direction is currently open until 16 October 2026, and a submission can be lodged [here](#).

Existing RMA national direction will continue to be relevant during the phased transition.

Local level

At the local level, the Acts provide several defined mechanisms for Māori participation. These include participation in the development of regional spatial

Key changes for Māori under the Natural Environment Act 2026 and Planning Act 2026

plans, natural environment plans and land use plans, as well as iwi participation agreements. However, the extent of Māori influence differs between mechanisms.

Regional spatial plans set the long-term strategic direction for growth and change within a region. The regional spatial planning provisions in Schedule 2 of the Planning Act require consultation with iwi authorities before a draft regional spatial plan is notified. They also require a regional spatial plan committee to collectively have the knowledge, skills and experience specified in the Act, including expertise relating to te ao Māori and Māori development. These requirements provide for Māori perspectives to inform spatial planning, but they do not themselves guarantee an iwi or hapū representative on the committee or require the committee to adopt the views or assessments provided through consultation.

Natural environment and land use plans will translate national instruments and regional spatial plans into regional objectives, policies, rules and methods. Section 13 of each Act expressly includes Māori participation in the development of the relevant plans within the Māori interests goal, while clause 3 of Schedule 3 of the Planning Act governs the preparation and amendment of land use and natural environment plans, including compliance with applicable iwi participation legislation and agreements. The detailed nature and extent of participation will, however, depend on the applicable plan-making provisions, national policy direction and any iwi participation agreements. Participation in plan development does not require Māori views to be adopted. Early involvement will therefore be important, particularly where plans identify sites of significance to Māori, provide for Māori land, set environmental limits, or regulate resources and areas of cultural significance.

Iwi participation agreements with a local authority can be requested by iwi and joined by hapū, in place of Mana Whakahono ā Rohe under the RMA. The permitted content of an agreement is confined to participation processes provided for under the Acts, the

implementation of Treaty settlement redress or arrangements, and any further matters prescribed by regulations. The legislation therefore provides a formal mechanism for agreeing how participation will occur, but it does not create a general power to negotiate wider decision-making arrangements. The provisions governing requests, responses, renegotiation and withdrawal also give local authorities significant flexibility. For iwi authorities and hapū, early engagement will therefore be important to ensure that an agreement is in place before key planning processes begin.

Māori participation in consenting processes

Once the transition from the RMA to the new system is complete, opportunities for iwi, hapū and the wider community to participate in consent processes will be more confined than under the RMA. Although an application may be publicly notified in specified circumstances, public notification will not necessarily allow every person to make a submission. The Acts limit submission rights to the persons or groups identified in the relevant provisions. Limited notification may also be required where a person is treated as affected.

For iwi and hapū, participation will therefore depend significantly on whether the relevant statutory notification criteria are met and whether they fall within a specified category of submitter or affected person, which is geared towards land ownership and occupation and therefore may not provide for enduring cultural, historical or whakapapa relationships.

There is also a risk that cultural effects will not be accurately identified if the relevant iwi or hapū is not involved when notification is determined. Although plans may recognise concepts from te ao Māori and identify sites and areas of significance to Māori, those provisions may not operate effectively unless the relevant cultural effects are identified and understood by decision-makers.

Key changes for Māori under the Natural Environment Act 2026 and Planning Act 2026

This is particularly important where effects extend beyond property or district boundaries or affect interconnected resources, such as waterways, catchments and cultural landscapes. Statutory acknowledgements and Treaty settlement provisions may provide additional recognition in some cases, but they may not ensure that all relevant cultural effects are identified.

In the meantime, consenting and notification will continue largely under the RMA during the phased transition, with the full new system expected to be fully implemented by around 2030.

Treaty settlement redress and statutory acknowledgements

Many Treaty settlements were negotiated against the RMA framework and contain mechanisms that rely on its terminology, institutions and decision-making requirements. For example, the Ngāi Tahu Claims Settlement Act 1998 refers expressly to the responsibilities of local authorities and the Environment Court under Part 2 of the RMA.

Replacing that framework therefore raises questions about how existing settlement mechanisms will operate under the new system. Sections 9 and 10 of each Act require the Crown to seek agreements to uphold Treaty settlement redress or arrangements and require that redress or arrangements be given the same or equivalent effect as under the RMA, to the greatest extent possible. The effectiveness of that protection will depend on the content of those agreements and how the new statutory processes operate in practice. Care will be needed to ensure that the transition preserves not only the formal terms of settlement redress, but also the practical outcomes those mechanisms were intended to secure.

Regulatory relief and Sites and Areas of Significance to Māori

Under the new system, Sites and Areas of Significance to Māori (**SASMs**) will remain an important mechanism

for recognising and protecting Māori relationships with the environment. Where a SASM is located on private property, the associated planning provisions may engage the regulatory relief framework in Part 4 of Schedule 3 of the Planning Act, which addresses specified plan rules that are reasonably likely to have a significant impact on the reasonable use of private land. This introduces an additional consideration for local authorities when determining how SASMs should be identified and protected, including the potential costs of regulatory relief and the implications for land use and development.

The regulatory relief framework may require local authorities to consider the costs of protecting SASMs on private property alongside the cultural values those provisions seek to recognise. In developing a relief framework, local authorities will need to assess the potential fiscal implications of different forms of relief, the effect of the 4% rates cap, and the possibility of appeals. The practical outcome may vary between regions depending on the location and extent of SASMs, the form of protection proposed, and the relief options available.

Key implications

Overall, the new framework concentrates Māori participation in defined statutory processes. Early engagement will be important, but participation will not ensure representation or decision-making outcomes. Iwi authorities, hapū, applicants and local authorities will also need to track the phased transition carefully and map existing Treaty settlement mechanisms into the new system.

Want to know more?

For further detail on other aspects of the reforms that may be relevant, please refer to our related articles.

If you have any questions about the Planning Act or the Natural Environment Act, please contact our specialist [Environment and Planning team](#).