Resource management reform enacted: What the new laws mean for the primary sector

The key changes under the Natural Environment Act 2026 and Planning Act 2026 – and their implications for primary producers.

Now that the new legislation has passed, this article explores how the Natural Environment Act (**NEA**) and Planning Act (**PA**) (together, the **Acts**) changed during the legislative process, what the final Acts mean in practice for rural landowners and primary producers and dives into whether the Acts are likely to deliver on the Coalition Government's promises to the sector.

Has the primary sector been heard?

The Bills originally failed to recognise the importance of the primary sector in the overarching 'goals'. In response to clear feedback across the sector, one of the goals in the NEA has been amended *"to enable the use and development of natural resources, including for the production of food and fibre (including aquaculture)"*.

This important recognition *should* flow through to the national and regional planning instruments that will be prepared during the transition period.

Reduced transitional uncertainty

The transition to the new system will begin on 30 October and is expected to extend for four years, until approximately 2030. During this period, the RMA, PA and NEA will operate concurrently until the PA and NEA are fully implemented.

Most resource consents due to expire during this period will be automatically extended until at least two years after the transition period. However, permits relating to water (including discharges) cannot be extended beyond a total term of 35 years. This automatic extension is likely to be highly relevant to many primary producers.

After the transition period, existing consents and permits will be rolled over, automatically becoming consents under the PA and permits under the NEA.

We anticipate that the primary sector will need to be heavily involved in the preparation of national and regional planning instruments, including the Initial National Standards which will guide decision-making and consent processes during the transition period to the full implementation of the Acts.

Environmental limits

Under the new legislation, environmental limits must be in place for five domains: air, land and soil, freshwater, coastal water, and indigenous biodiversity. Environmental limits are divided into human health limits and ecosystem health limits. Human health limits will be set by the Government through national direction, while ecosystem health limits will be set by regional councils through Natural Environment Plans (**NEPs**).

When setting human health limits, the Minister must consider environmental, social, and economic factors to determine whether the limit is acceptable. There is no hierarchy between these considerations. For ecosystem health limits, regional councils are similarly directed to have regard to environmental, social and economic matters.

These limits were initially proposed to apply strictly, including through a requirement to cap resource use. Resource caps have now been removed, with regional *'action plans'* becoming the primary mechanism for managing resource use. Regional councils are directed to *"take all reasonable steps to avoid"* breaching environmental limits and may propose *"controls on land use or inputs"* in action plans. The Minister can also authorise breaches of environmental limits through national standards if satisfied that authorising the activities would provide a net public benefit.

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Resource management reform: What do the Acts mean for the primary sector? (Continued)

These changes shift environmental limits from hard lines to planning tools to be balanced against broader social and economic objectives.

Freshwater Farm Plans

Initially, freshwater farm plan (**FFP**) requirements were largely carried over from the Minister Parker-era amendments to the RMA. However, through an amendment paper to the NEA, the Government has announced a suite of changes to these FFP requirements.

FFPs will be required for farming and horticultural operations that meet the following increased thresholds:

- farms with at least 50 ha of pastoral, arable, viticultural, or orcharding land;
- farms with at least 5 ha of horticultural land;
- farms that meet any prescribed threshold in regulations for other agricultural land uses; and
- farms where a combination of those land uses covers 50 ha or more;
- any farm that holds a Dairy Supply Number.

An FFP must identify adverse effects on freshwater and any relevant human health or environmental limits.

The certification requirements have also changed. Certification and audits will be required only for 'higher-risk' activities, including dairy farming, intensive winter grazing over 50 ha and commercial vegetable growing. Industry organisations may also be approved to provide certification and audit services to their members.

Other changes

Market-based allocation

The Natural Environment Bill proposed to unlock market-based allocation, which we were concerned would be highly political and difficult to implement in practice. Market-based allocation has now been removed and does not feature within the NEA.

Compliance and enforcement

We remain concerned that the compliance and enforcement changes could lead to harsh penalties for primary producers, particularly in rural contexts, where breaches may arise unintentionally or may sometimes be unavoidable. Maximum fines include $1 million for a natural person and $10 million for a person other than a natural person. New compliance provisions provide for:

- adverse publicity orders, under which the Environment Court or District Court can require an offender to publicise their non-compliance, its impacts and the penalties imposed;
- enforceable undertakings to pay compensation or take action to avoid, minimise or remedy an effect; and
- monetary benefit orders requiring payment of an amount representing the monetary benefit acquired by a person as a result of an offence.

Regulatory relief

Despite significant opposition throughout the Acts' development, regulatory relief has been retained.

This framework may provide more checks and balances for identification of areas protected by planning controls, including Significant Natural Areas; Sites of Significance to Māori and Outstanding Natural Landscapes / Outstanding Natural Features, providing the sector with options for relief.

Definition of long-lived infrastructure

The definition of "long-lived infrastructure" has been amended to include structures, facilities, or infrastructure for water storage and distribution, meaning a minimum 35-year duration will apply to permits for water infrastructure.

Want to know more?

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

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If you have any questions about the new Planning Act or the Natural Environment Act, please contact our specialist Environment and Planning team.

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