

RMA Reform Refined? The Environment Select Committee Weighs In

On 20 July, the Environment Select Committee reported back to the House on the Natural Environment Bill and the Planning Bill; the two pieces of legislation that will ultimately replace the Resource Management Act 1991 (RMA).

The Committee has recommended that both Bills are passed. The Bills will now proceed to Second Reading. The Committee's recommendations focus primarily on refinements or clarifications to the drafting of the Bills, rather than large scale amendments to the system itself. That said, the Government has already indicated that further amendments will be made to the Bills by way of Amendment Papers; perhaps an indication that not all of the Committee's changes have been well received by the Government, or that more is required to address the 3,000+ public submissions received on the Bills. Progress through the House will need to be swift in order for the Bills to be passed before the election.

The Labour Party, Green Party and Te Pāti Māori, have each offered differing views on the Bills, with Labour now opposing the two-Bill system and calling the Bills "an embarrassment", despite voting for the Bills when they were first introduced. The Green Party has also cited concerns with the two-Bill approach, describing an "illogical split" between the two, and Te Pāti Māori has suggested that the Bills would weaken environmental outcomes as a result of "watering-down" environmental limits. All three political parties have expressed concerns about the approach to Te Tiriti o Waitangi obligations and Māori rights and interests under the Bills.

Anderson Lloyd previously examined the proposed changes across the local

government, primary, infrastructure, and development (including coastal development) sectors, as well as issues of particular relevance for Māori.

Over the coming weeks, our team will be closely reviewing both Bills and any subsequent Amendment Papers. For now, this article highlights some of the key changes to the Bills arising from the Select Committee process.

Goals

The high-level 'goals' in each Bill have been retained, albeit with changes.

- In the Natural Environment Bill:
 - the use and development of natural resources is no longer required to be "within environmental limits" and now includes "for the production of food and fibre (including aquaculture)".
 - a new goal has also been added, intended to support and enable the enhancement of the natural environment.
 - for natural hazards, the goal has changed from "proportionate and risk-based planning" to safeguarding against "risks that arise from or affect (i) the use of natural resources; or (ii) the protection of natural resources".
- Under the Planning Bill:
 - the competitive urban land market goal has been amended to "create abundant development opportunities for residential and business use"

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- instead of meeting “current and expected demand” for those uses.
- for infrastructure, the goal is now “to enable infrastructure to be provided to meet and respond to current and future demand.”
- for natural hazards, the goal has changed from “proportionate and risk-based planning” to safeguarding against “risks that arise from or affect the use or development of land”.

Additional changes have been made to both Bills to clarify that not all goals will need to be achieved in all places and at all times, and that the order in which the goals appear in the Bills is not intended to assign any order of importance to the goals. It is understood that any potential conflict between the goals is intended to be resolved through National Policy Direction, still to come.

In addition to changes to the goals, the purpose of the Planning Bill has also been amended and now reads “to provide for the enjoyment of land by establishing a framework for planning and regulating the use and development of land”.

Transition Period

Ultimately, it will take several years while Regional Spatial Plans are developed, National Policy Direction is released, and other new planning instruments are prepared, before the RMA is fully replaced. The Committee has recommended that the overall transition period to the new system be extended by 9 months, during which time the RMA will remain in place, subject to certain amendments.

During the transition period, resource consents will still be processed under the RMA as

amended, so that certain ‘out of scope’ effects cannot be considered. However, it now appears that landscape effects are back on the table for consideration during the transition period, and once the new system is in place, such effects will only be able to be considered within outstanding natural landscapes or high natural character areas.

The Committee has also recommended that district plans be amended during the transition period without using the standard Schedule 1 process to remove effects that would otherwise be ‘out of scope’ under the new system.

Finally, during the transition period, the Committee has recommended that no new private plan change requests can be lodged or processed unless an exemption is obtained from the Minister.

Climate Change

To avoid duplication with the Climate Change Response Act 2002, the Committee has recommended that the Bills explicitly state that they do not regulate adverse effects of greenhouse gas emissions. However, consideration of the positive effects of activities that avoid, reduce, remove or displace greenhouse gas emissions remain in scope under the Bills.

Iwi/Māori

The Bills introduce a spatial planning committee appointed by councils that will be responsible for preparing joint spatial plans for each region to guide growth and development over a 30-year period. The Committee recommended that each spatial planning committee must include at least one member with the “knowledge, skill, and experience relating to te ao Māori and Māori development” to ensure Māori interests are

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appropriately considered. This approach aligns with the requirements for expert panels under the Fast-track Approvals Act 2024. However, this recommendation is a capability requirement and there is still no decision-making role for Māori in spatial planning, and no obligation for Councils to adopt Māori views or cultural assessments.

Despite the Committee recommending that existing Mana Whakahono ā Rohe agreements should stay under the new system, the Government has indicated that further amendments will be made to prevent those agreements from transferring across, to enable local authorities to negotiate new, more narrowly scoped iwi participation agreements focused on statutory planning processes and Treaty settlement obligations.

Local Government sector

The programme of reform for local authorities to contend with is significant. In addition to the reorganisation of local authorities that is currently underway, with 'headstart proposals' for reorganisation due in the next couple of months, Regional Spatial Plans will need to be notified 21 months after the new Bills receive Royal Assent (i.e., mid-2028), by which time, the reorganisation of local authorities that are subject to the 'backstop process' will not yet have occurred.

The proposed regulatory relief system for landowners whose reasonable use of their land is significantly affected by specified planning rules remains largely unchanged. Except for one amendment, the specified topics that trigger regulatory relief considerations have been retained. The Committee recommended combining the terrestrial indigenous biodiversity and significant natural area topics into a single category: "terrestrial indigenous biodiversity to the extent it relates to an identified area". This

change followed concerns that the regulatory relief regime could deter recognition and protection of indigenous biodiversity.

Want to know more?

If you have any questions about RMA Reform and the new Bills, please contact our specialist [Environment & Planning Team](#).