

The Final Countdown for the Planning and Natural Environment Bills

The last of the Government's amendments to the Planning Bill (PB) and Natural Environment Bill (NEB) (together, the Bills) have been agreed through the House.

This article sets out some of the key changes to the Bills since the Select Committee stage and what these could mean for you ahead of the Bills' royal assent.

While the intent of the Bills have not changed since the Select Committee, there are some notable amendments that change how the new system will operate, as well as some key clarifications on new concepts and further clarity around the timeframe for when the new system comes online. See our article published last year [here](#) that describes the new system, and our article on the Select Committee recommendations [here](#).

This article explores the Government's amendments to the Bills, as reported to the House of the Whole Committee on 25 August 2026. The Resource Management Act 1991 (RMA) will not immediately be repealed by the commencement of the Bills, rather, a transition period will begin one month after Royal assent. During this period, the RMA will still apply with some significant amendments. Further detail on the changes during the transition period can be found [here](#).

Key changes to the Bills

Achieving goals is now instrument-led

A key change has been the shift from 'all persons' to 'key instruments'¹ that must seek to achieve the goals of the Bills. Prior to recent amendments, persons exercising functions or powers under the Act would have had to seek to achieve the goals. This has now been amended to shift the focus to key instruments instead, further showing that the planning "funnel" system is a hierarchy in itself, where goals are only intended to be considered directly by decision-makers under the Act when instruments are silent or are not in place.

Further amendments to section 104(1A) of the RMA

An important change for consenting is an amendment to the new section 104(1A)(a) RMA which will come into effect one month after Royal assent. The amendment further limits the effects that consent authorities may consider when assessing district land use activities.

For residential activities, other than for historic heritage reasons, consent authorities will not be able to consider the area of glazing, the presence or absence of balconies, outdoor living spaces, the internal layout or the size of residential units or the size of landscaped areas (except if this relates to permeability).

This change sits alongside the already tabled out-of-scope effects in the new RMA section 104(1A) which prevents consent authorities from considering any negative effects on trade competition, effects on retail distribution, if there is a lack of demand for a project or if it might not financially be viable, the types of residents to be housed in a new development, and any views from private property.

Consent authorities will also not be able to rely on plans or policy statements made under the RMA that may have guided them to consider those now out of scope effects.

¹ The hierarchy of key instruments are: national policy direction, national standards, regional spatial plans, land use and natural environment plans.

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Alongside this change to the RMA is a change to the Fast-track Approvals Act 2024 (**FTAA**). Now, substantive fast-track applications during the transition period do not need to include any of the excluded effects set out in section 104(1A) of the RMA

Iwi participation agreements

What hit the headlines after Select Committee reports was a Government press release that all Mana Whakahono ā Rohe (**MWāR**) agreements would not carry over into the new system. This position has now been reflected in the PB and NEB.

New clauses in both Bills recognise Te Ture Whaimana (the Vision and Strategy for the Waikato and Waipā Rivers). However, all initiated and agreed MWāR agreements are removed from the new system and have been replaced with iwi participation agreements (agreements). Additionally, the PB now makes it clear that all MWāR, whether in force or initiated but not in force, cease to have legal effect on the day after royal assent

These new agreements can be made between iwi authorities, hapū that choose to become parties, and local authorities. They can set out the consultation processes provided for in the Bills, such as consultation with iwi authorities on draft regional spatial plans, land use plans and natural environment plans. The agreements can also set out any relevant matters necessary to implement Treaty settlement redress. Iwi authorities may request that a local authority enter into an agreement, and the local authority may respond to that request at any time it considers appropriate.

Importantly, the Bills give different powers to local authorities and iwi authorities. Iwi authorities are given the power to withdraw from an agreement at any time with written notice and local authorities are given the power to renegotiate with written notice. This means that there is an inherent power difference, with local authorities only being able to remove themselves upon agreement with other parties. Conversely, iwi authorities

are not given an equivalent right of renegotiation. Instead, their only option is to remain in the agreement or withdraw entirely. The asymmetrical power imbalance may make it harder to resolve concerns collaboratively.

Lastly, a key consideration for both iwi and local authorities is that the Minister can set regulations on a wide range of matters, including what can be in the agreements, the process for entering into them, and any dispute resolution processes arising in the course of negotiating them. The practical effect is that the content and negotiation of these agreements may be largely shaped by regulations set by the Crown.

Easier offshore renewable energy generation?

The Government's amendments may make offshore renewable energy projects easier to progress.

Since the Select Committee stage, the Offshore Renewable Energy Act (**OREA**) has come into force. As a result, both Bills now include clauses addressing consents and permits relating to offshore renewable energy generation infrastructure activities. This requires a person applying for a natural resource permit under the NEB and a planning consent under the PB to also be a current holder of a feasibility or commercial permit under the OREA.

We also note that the PB has been amended so that, where an activity is located more than 3 nautical miles out from the landward boundary of the coastal marine area, a consent authority cannot assess its effects on outstanding natural landscapes and features or areas of high natural character.

More information on offshore renewable energy changes can be found in our article [here](#).

Fisheries no longer regulated by planning system

Amendments have been made to both Bills clarifying that rules which control fishing in the coastal marine

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area are not to be included in any instrument under the PB and NEB,

Other key changes to the PB

Private plan change requests

Private plan change requests under the new regime have been given a boost. An amendment removing a local authority's ability to reject plan change requests on the basis that the substance of the request had already been considered in the past 12 months or the plan itself had only been operating for 12 months has been introduced. The removal of this ability essentially means that Councils will be required to adopt all or part of the change request as its own plan change or process the entire request private plan change with no grounds for rejection.

If the requester disagrees with decisions relating to the processing of the plan change request, they can apply to the Planning Tribunal for a review of those decisions. This is a change from the original provision where requesters would have had a right to appeal to the Environment Court.

Standardised provisions and Regional Spatial Plans

A new clause explains how Regional Spatial Plans (RSPs) will contain standardised plan provisions as directed by national instruments. National instruments can either direct certain provisions to be in RSPs or leave it up to spatial plan committees or local authorities to decide, but either way, spatial plan committees and local authorities will be constrained by what the relevant national instruments provide.

National instruments could confer the power of working out how to apply provisions spatially, which provision to choose if national rules provide alternative provisions, determine any content or choose not to include any provisions. Furthermore, spatial plan committees, local authorities and Ministers cannot amend a standardised plan provision.

If spatial plan committees decide to review their RSP, they will be required to publicly notify the review and publish a report explaining the review and whether any changes to the plan are recommended. If there are any recommended changes, local authorities are then directed to initiate a change to the RSP as soon as reasonably practicable.

Urban Land Market Officer

Another change introduced by the Government is the creation of a statutory officer with functions, powers and duties relative to competitive urban land markets.

This Urban Land Market Officer will be independent and determine whether urban land markets are competitive, will monitor and report on market performance, and advise central government and local authorities on how to increase competitiveness.

The Officer will develop and publish a framework for assessing urban land market competitiveness. Using this framework, the Officer will make formal determinations on whether a land market is competitive and will publish those determinations. Local authorities will then be required to respond.

Specific plan change processes

Specific amendments have been made to the PB in relation to Manawātū -Whanganui Regional Council One Plan and Waikato Regional Council's Plan Change 1. These amendments push out compliance of key rules to 31 December 2031.

Other changes to the NEB

Goal of "no net loss in indigenous biodiversity" changed to "protect significant biodiversity"

One of the key changes to the NEB is a revision to the biodiversity goal which may have an impact on our international biodiversity commitments.

New Zealand is a party to the United Nations Convention on Biological Diversity. One of the

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Convention's objectives is the conservation of biological diversity.

The biodiversity goal in the NEB now requires decisionmakers to "protect significant biodiversity", which represents a narrower and less ambitious objective than the earlier requirement of "no net loss in indigenous biodiversity" that appeared in the Select Committee version of the NEB. The change shifts the focus from safeguarding indigenous biodiversity generally to protecting only those areas or values already recognised as "significant". As a result, the provision risks overlooking the loss and degradation of indigenous biodiversity that falls below significance thresholds and may raise questions about how New Zealand's international commitments will be implemented in practice.

Further guidance on how indigenous biodiversity might be managed through this goal in the new system is provided in the [Illustrative National Policy Direction](#). This was recently released for feedback, which is due by 16 October 2026.

Resource use caps removed and changes to freshwater farm plans

Two changes to the NEB are likely to be welcomed by parts of the primary sector.

The environmental limits section of the Bill has been substantially restructured since the Select Committee stage, with the cap on resource use provision removed. This may be particularly important for the primary sector, where the natural environment is complex and dynamic, and flexibility is often needed to respond to unforeseen circumstances.

Since the Select Committee stage, the concept of a limited certified freshwater farm plan has been introduced. This allows certification to be confined to those aspects of a freshwater farm plan that relate to prescribed activities requiring certification, rather than the plan in its entirety. This will hopefully mean that farm plans will be more cost effective and practical.

So, what's coming next?

Amendments to the commencement provisions in the PB now clearly set out when different parts of the Bills come into effect. One month after Royal assent, there are amendments to the RMA and the FTAA which we have set out in this article. This also marks the beginning of the transition period where parts of the new system work alongside the RMA. During this time, the Minister can make initial national standards that identify national standards and other matters relevant to decision-making.

The initial national standards will prevail where there is a conflict with any RMA instrument including national environmental standards, plans and proposed plans.

[Illustrative National Policy Direction](#) was launched for public consultation on 25 August 2026, with feedback sought until 16 October 2026, and gives us an idea on what they might look like.

Want to know more?

We expect the Bills to receive royal assent and become law shortly. If you have any questions about the amendments to the Bills, please contact our specialist [Environment and Planning team](#).