

PCE Note: Initial briefing on the Planning Bill and Natural Environment Bill

19 February 2026

Introduction

The initial briefing from the Ministry on the Planning and Natural Environment Bills has been conducted on 29 January and 12 February, with a further session scheduled for 19 February. I have identified a number of matters on which the committee might consider requesting further advice or information from officials. The remainder of the initial briefing may give rise to further questions.

Regulatory relief

Current RMA controls, that are transitioned to the new planning system, will give rise to retrospective eligibility for regulatory relief.

Given that existing RMA controls will have been known to purchasers since their introduction and therefore internalised in land values, what is the justification for allowing retrospective application for the relief regime?

What analysis has been undertaken to indicate the potential liability that could accrue to councils if current RMA controls were all to transition? What analysis has been undertaken of the potential scale of loss in respect of heritage, Māori sites of significance and indigenous biodiversity if the potential liability causes local authorities to remove the controls?

Planning Tribunal

The proposed Planning Tribunal has been described as a key feature to de-clutter the dispute resolution system and reduce costs. Officials mentioned that their confidence that this would be the case was based on guesswork.

What is the volume of past issues and consent disputes that would under the Bills have access to the Tribunal, and what magnitude of reduced litigation costs might this represent?

Notification

The adverse effects threshold for public notification in the Planning Bill is 'more than minor', while for the Natural Environment Bill it is the higher standard of 'significant' effects. Given that the NEB deals with more public resources, it would have been reasonable to expect greater scope for participation in the process.

What is the justification for the difference in thresholds between the two bills?

System certainty

The proposed framework of both bills relies heavily on national instruments to define the goals and describe how they are to be achieved. The ease with which national instruments can be promulgated could translate into significant changes in policy direction and standards at the national level. Given that one charge levelled at the RMA was the difficulty of implementing constantly changing national direction, it is important to understand how the proposed legislation will increase stability of direction.

What information is being relied on to demonstrate that the new system will provide better stability and certainty, and that the risk of drastic shifts in policy direction will be managed better than under the RMA?

Implementation

The initial briefing made it clear that the development of national direction will occur in sequence. Spatial plans will be implemented first before environmental plans (and limits) are created.

How will the system ensure that the plans drawn up at different times will be consistent? For example, once environmental limits are set, will spatial plans be required to be reviewed to ensure they are consistent with limits? Or will the setting of environmental limits be constrained by what has already been decided on in spatial plans?

Cumulative effects:

The briefing noted that the bills raise the effects threshold under the new system so that “less than minor effects” must not be considered. But if multiple effects (that are less than minor) accumulate, so they together add up to exceed the less than minor threshold, the effects would need to be managed.

What are some examples of effects that will come within the category of cumulative effects? How is the system expected to identify cumulative effects to ensure the activities that create the effects, which cumulatively may exceed the less than minor threshold, are regulated (especially if they arise from permitted activities)?

Permitted activities:

The system is being designed to provide for many more permitted activities. These are established by permitted activity rules in a key instrument, with the requirement that permitted activities are registered with the relevant authority, which will then need to monitor the activity to ensure the rule is met.

How will the system ensure that the bureaucracy of registration and related monitoring is manageable? Or is the intention that most permitted activities will not have rules or conditions?

Ministerial intervention.

Officials have responded to various questions with reference to the ability of the Minister responsible to issue national instruments. It appears that there may generally be a greater degree of opportunity for Ministers to intervene than is currently the case under the RMA.

It may be useful to request a consolidated list of matters in the bills, which sets out each instance where a Minister may participate in the process, and the justification for doing so.



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