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RMA update



The Planning Act and the Natural Environment Act

On 30 September 2026, the Planning Act 2026 and the Natural Environment Act 2026 received Royal Assent, marking the formal beginning of a new planning and environmental management system in this country.

The reform is intended to address longstanding criticism of the Resource Management Act 1991 (RMA). It had become complex, costly and unpredictable, while at the same time failing to deliver either the development outcomes or environmental protection that it was intended to achieve.

The new system is based on a fundamental structural change. Rather than one statute dealing broadly with both land-use planning and environmental management, the two functions are separated. The Planning Act deals primarily with how land is used and developed, while the Natural Environment Act deals with the use, protection and enhancement of natural resources.

For the rural sector, developers and those working in the resource management area, however, the immediate message is more nuanced: the new Acts are law, but the RMA remains highly relevant during the transition.

Planning Act 2026

The Planning Act is intended to make the planning system in New Zealand more development-focused. Its stated purpose is to provide for the enjoyment of land through a framework for planning and regulating the use and development of land. Its goals include, without limitation: supporting and enabling economic growth and change by way of the use and development of land; creating well-functioning urban and rural areas; facilitating infrastructure and housing; and protecting specified environmental, landscape, heritage and Māori values.

One of the biggest changes from the RMA is a narrowing of what the planning system can regulate. The government's policy objective has been to move away from the RMA's broad effects-based approach and towards a more proportionate system in which only specified effects are capable of being regulated.

The intended result is fewer consents, more permitted activities and greater consistency. Conditions are also intended to be necessary and proportionate rather than becoming a vehicle for councils to impose increasingly broad requirements.

For developers, this offers clear advantages. Projects should face fewer issues capable of becoming consent hurdles, and national direction should make planning rules more consistent between regions. Housing, infrastructure and renewable energy projects are obvious potential beneficiaries.

The overhaul aims to support economic growth and well-functioning communities while reducing unnecessary regulatory burdens. By narrowing the scope of planning controls, the new framework is intended to make it easier for individuals, businesses and communities to undertake ordinary activities with limited effects, without being subject to unnecessary planning restrictions.

Tweaks to the finished product

The Planning Bill introduced in December 2025 already contained the basic structure that has now become law. Changes made during the Select Committee and parliamentary processes were tweaks rather than wholesale changes in direction.

The Environment Committee reported in July 2026 that it had proposed extensive amendments, many aimed at improving workability and consistency. These included, without limitation, changes to plan-making, regional spatial plans, transition arrangements, regulatory relief,

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consenting, notification and the relationship between the various planning instruments.

One particularly important area was regulatory relief. The original proposal would have required councils to consider the impact of specified planning restrictions on the reasonable use of privately owned land and, where the impact is significant, provide some form of relief. This could include financial payments, rates relief, development rights or other mechanisms.

The Select Committee retained the concept but refined the eligibility and operation of the regime, including clarifying that eligibility can arise from the cumulative effect of multiple specified rules. The Committee also responded to concerns that the regime could create substantial and uneven costs for councils.

For landowners, this is potentially one of the more consequential innovations in the new system. It recognises that environmental and heritage protections can impose real costs on individual property owners. For councils, however, it introduces a new financial and administrative consideration when imposing planning controls.

Natural Environment Act 2026

The Natural Environment Act takes on the other half of the RMA and establishes a framework for the use, protection and enhancement of the natural environment. Its goals include:

+ Enabling the use and development of natural resources, including food and fibre production
+ Safeguarding the life-supporting capacity of air, water, soil and ecosystems
+ Protecting human health
+ Enhancing the natural environment
+ Protecting significant indigenous biodiversity
+ Safeguarding against natural hazards, and
+ Providing for Māori interests.

Under the new system, national and regional decision-makers will establish limits relating to matters such as human health and ecosystem health. Activities must operate within those limits; action plans will be required where limits are breached or are expected to be breached.

This has potential significant implications for primary producers. On the positive side, the Natural Environment Act expressly acknowledges food and fibre production as an important use of natural resources. It also provides greater clarity about the rules that will apply to resource use.

The likely downside for primary producers is that environmental limits can create hard constraints on future development or intensification. Where a catchment, water body or other environmental system is approaching a limit, the ability of farmers and other resource users to increase their use of that resource may become more constrained.

This makes resource allocation particularly important. The Natural Environment Act contains mechanisms for allocating scarce natural resources, including water and coastal resources. For farmers, horticulturalists and other resource users, future regional planning processes could therefore be at least as important as the legislation itself.

The Natural Environment Act also introduces a new natural resource permitting regime. While there are mechanisms intended to streamline activities that do not require a permit, the system retains significant regulatory powers where activities create material environmental risks. Existing activities receive transitional protections in certain circumstances, including where their effects remain similar in character, intensity and scale.

Updates from the Bill

As with the Planning Act, the core concept of the December 2025 Natural Environment Bill has remained consistent. It had already proposed separating natural resource management from land-use planning and introduced environmental limits, national instruments and natural environment plans.

The Select Committee nevertheless made substantial amendments to improve the operation of the framework. Amongst other things, it refined the plan-making process, the relationship between regional spatial plans and natural environment plans, transitional arrangements, regulatory relief and the treatment of environmental protections.

An important point is that the Select Committee heard criticism that the Natural Environment Bill might weaken environmental protection compared with the RMA. Submitters raised concerns about the narrower range of effects capable of being considered and the design of the environmental limits framework.

The Committee did not abandon the government's overall approach, meaning that the enacted Natural Environment Act still represents a significant shift in how environmental regulation is structured.

Breathing space

Although both Acts received Royal Assent in September 2026, their practical implementation will be phased. The transition period began on 30 October 2026, when a further range of targeted amendments to the RMA took effect. Certain amendments, including changes relating to the duration of resource consents, took effect earlier, on 1 October 2026. The RMA will otherwise continue to govern most consenting processes while the new planning framework is developed. The new system will ultimately replace the RMA, with implementation able to occur nationally or in individual regions once the statutory requirements have been met.

For the rural sector, developers and resource management professionals, the immediate task is therefore to understand the transitional provisions while preparing for the new framework.

The extent to which the reforms deliver greater certainty, efficiency and better environmental outcomes will depend substantially on how the Acts are implemented in practice.

If you need any guidance in interpreting the new legislation, please don't hesitate to contact us. We are here to help. +

Making guardianship provisions in wills

Decisions for parents



For parents, choosing who would care for your children if they cannot is one of the most critical decisions you will ever make. Naming a guardian in your will not only offers guidance and reassurance to your children, but it also requires careful thought beyond simply selecting a trusted relative or friend.

Types of guardian

There are several different types of guardianship: natural, legal and testamentary.

A natural guardian is a child's biological or adoptive parent who automatically holds guardianship rights and responsibilities from birth under New Zealand law.

A legal guardian is appointed by the court to make guardianship decisions for a specific child or children.

A testamentary guardian is a person who is nominated by the will of a deceased parent to make important, long-term decisions about their child's upbringing should they die before that child turns 18. If there is a surviving parent who is also a natural guardian, the testamentary guardian will act alongside them as joint guardians. All guardians are expected to consult and collaborate on major decisions.

While parents typically appoint a guardian to take over only if they both die, every situation is unique and a different approach may be needed. Depending on your needs, you may prefer naming someone who can step in right away to support your child's other parent with decision-making, just as you would have done.

Guardianship vs day-to-day care?

Under New Zealand law, guardianship and day-to-day care are two separate concepts, although a natural parent of a child often holds both.

Guardianship is the legal right and responsibility to make major, long-term life decisions for a child, whereas day-to-day care involves the practical, everyday responsibilities of housing, feeding and supervising a child.

For most people, the testamentary guardian will also be the preferred person to have day-to-day care of the child or children, which is usually determined by the court.

Testamentary guardianship decisions

A testamentary guardian's role is to focus on guiding a child's life and ensuring their overall welfare until they are old enough to do that for themselves. Key responsibilities of a testamentary guardian include making major decisions regarding a child's:

+ Education and schooling
+ Medical treatment
+ Religious, cultural and spiritual upbringing
+ Place of residence, and
+ Changes to their legal name or registered sex.

Choosing a testamentary guardian

You may need to weigh a potential guardian's values, circumstances, relationship with the children and willingness to take on the responsibility, as well as considering how the appointment could affect family dynamics.

Some things to consider, particularly if it is intended that the testamentary guardian will also have day-to-day care of your child or children, include:

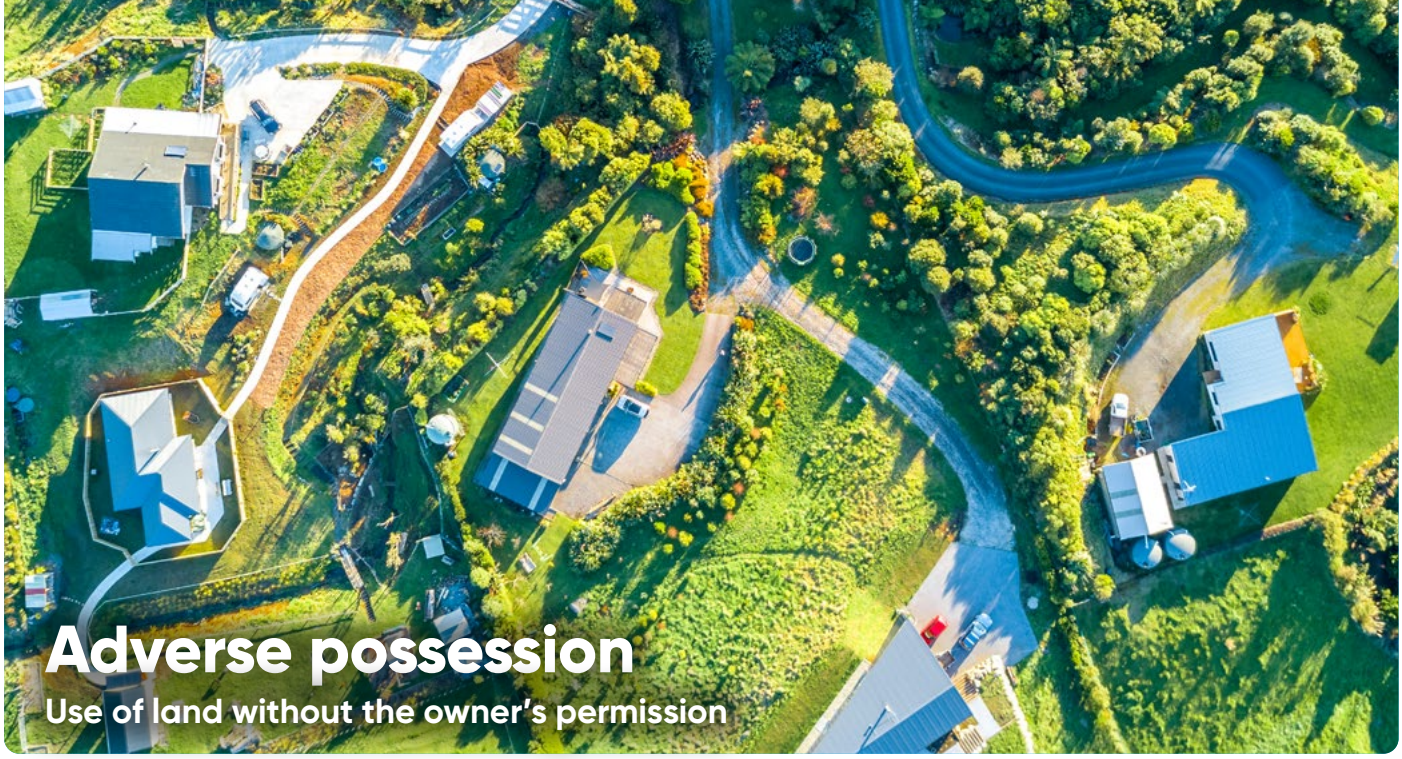
+ **Values and beliefs**: Do their personal, religious and spiritual values align with yours?
+ **Parenting ability**: Do they possess the skills needed to raise your child? Are they able to raise the child in the same manner that you would have?
+ **Financial stability**: Are they financially secure and able to provide for the child?
+ **Availability**: Do their work or family commitments allow for this responsibility?
+ **Location and health**: Where do they live, and are they in good health?

Once you have someone in mind, discuss the role with them to gauge their willingness. They may have important questions, such as whether your estate will financially provide for the children or if they will share that burden. You must ensure that your chosen guardian is at least 20 years old.

Inform your wider family

After making your decision, consider informing your wider family to explain your reasoning. While this isn't always feasible, preventing surprises during a difficult time helps loved ones focus entirely on your children's best interests. It also goes without saying that you would let your children know what may happen if the worst happens to you; it's likely they will need reassurance that they will be looked after kindly and appropriately.

Remember, your choices aren't permanent — you can update your guardian selection at any time by revising your will as circumstances change. +



Adverse possession

Use of land without the owner's permission

Could you end up owning land that isn't yours – or losing land that is?

Most of us think of land ownership as simple: your name is on the title, so it's your land. But New Zealand law contains an unusual exception: in rare circumstances, someone else may have the right to apply for your title to become theirs. It's called 'adverse possession,' and it's worth understanding as you might benefit from it or be affected by it.

A person in adverse possession of land can apply to become its registered owner – even though someone else's name is on the title.

What is adverse possession?

Adverse possession is a legal term that describes when a person has taken possession of land registered in someone else's name as if it were their own, in a way that is open and obvious, continuous and exclusive.

A person in adverse possession of land can apply to become its registered owner – even though someone else's name is on the title. The application is made to the Registrar-General of Land, who oversees New Zealand's land title system.

It's a high bar. The applicant must show that they currently have adverse possession of the land, and that they have had such possession, continuously, for at least 20 years. They also need a surveyor's certificate or survey plan to support their application.

Once satisfied the criteria are met, the Registrar-General will advertise the application and anyone with an interest in the land has the opportunity to object before the application can succeed.

Why does this rule exist?

It might seem strange that the law would ever let someone 'win' land this way. If a registered owner has, in practical terms, abandoned or ignored a piece of land for two decades, while someone else has treated it as their own, the law eventually recognises that reality.

Where does adverse possession arise?

This isn't a rule about small boundary discrepancies. It won't be triggered by a fence a metre out of place or a hedge that's crept over a line. In fact, the law specifically excludes applications based on a mistaken boundary marking between neighbours. Genuine cases tend to involve something more significant, for example: an entire section or block occupied for decades by someone with no connection at all to the registered owner, where that owner has effectively walked away and left the land unused and unclaimed.

The rule also has firm limits: you cannot apply for a title to Crown land, Māori land, land owned by local authorities or land held in trust for a public purpose.

Why this might matter to you

If you own land that you rarely visit or use – a rural block, a vacant section or land you inherited some years ago that you haven't actively managed – it's worth knowing that long-term, unchallenged occupation by someone else could put your ownership at risk.

Simple steps, such as checking on the land periodically, or formally documenting anyone else's use of it, can go a long way to protect your position. If you're happy to let a neighbour use the land, give them formal written permission to do so. Possession of the land can't be 'adverse' if it's done with permission.

On the other hand, if you've used and looked after land for many years in a certain way, and you're not entirely sure who legally owns it, it's worth finding out where things actually stand. You may have rights you're not aware of, particularly if you've fenced the land or paid rates for it.

Looking ahead

Adverse possession is a reminder that ownership isn't always as settled as a title document suggests, and land can be lost through inattention. It's a narrow, carefully controlled rule, but it can have serious consequences for the people involved. If you think this might apply to land you own, or land you've long occupied, it's worth raising with us to understand exactly where you stand. +

Managing conflicts of interest in a small, connected business community



As most of us know, there are two degrees of separation in New Zealand. Business and community life in this country can feel close and personal. You may know the person on the other side of a deal, sit on the same board, support the same charity or have worked with the same professionals before. Those connections are great, but they can also create conflicts of interest.

Conflicts are not rare or merely technical. They can affect trust, delay decisions, increase costs and undermine confidence if they are not identified and managed early.

Professional services

A conflict can arise when a professional (such as a lawyer or accountant) owes duties to one person that clash with duties owed to someone else, or with the professional's own interests. Sometimes the conflict is obvious, such as acting for both sides of a transaction. It can also arise from past dealings, family links, social connections or professional relationships.

If a conflict is not identified early, it can lead to delays, additional legal costs, stress or the need to engage a different firm. That is why we check for conflicts at the outset. Clear client records, open discussion and early disclosure help reduce disruption.

Boards

Conflicts are also common at board level, especially in startups and closely-held companies where founders may be directors, shareholders, employees or involved in other businesses. A conflict can arise where a director's own interests could influence, or appear to influence, their decision-making.

Good practice starts with early disclosure. Boards should record disclosed interests in minutes or an interests register, and conflicted directors may need to step aside from certain discussions or decisions. This ensures decisions are made independently and in the best interests of the company.

It is also important to keep the interests register current and make conflicts a standing agenda item at board meetings. If conflicts are not properly disclosed or managed, they can affect the integrity of board decisions and create personal risk for directors.

Governance roles

Similar issues arise in governance roles across charities, incorporated societies, schools, clubs and other community organisations. In smaller communities, overlap is common. A committee member may know a supplier, be related, or be involved in another connected organisation.

That does not always mean the person cannot stay involved, but the situation should be disclosed and managed carefully. Good governance depends on transparency, proper records and, where appropriate, stepping back from discussion or decision-making.

Careful management essential

In a closely-connected community such as New Zealand, conflicts of interest are an everyday issue for lawyers, accountants, directors, trustees and committee members alike. The best protection is early disclosure, clear records and careful management from the start. +

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Postscript

New holidays legislation comes into force in August 2028

The long-awaited new holidays legislation, the Employment Leave Act 2026, was passed on 6 August 2026 to replace the much-maligned Holidays Act 2003.

Employers will have plenty of time to prepare, as the new Act will not come into force until 6 August 2028.

The fundamental change to be introduced is annual leave being calculated on an hourly basis, rather than the current entitlement under the Holidays Act of four weeks' annual leave.

The new Act also distinguishes between 'standard hours,' 'additional hours' and 'casual hours.' The general rule will be that annual leave will accrue at the rate of 0.0769 hours for each standard hour worked. Sick leave will accrue at the rate of 0.0385 hours for each standard hour worked.

In practice, full-time employees should still accrue approximately four weeks of annual leave, and up to 20 days of sick leave, but on an hourly basis, with sick leave being capped at 160 hours.

In preparation, as an employer you should ensure your payroll software will be able to handle the changes when they come into effect. Your software provider will no doubt be in touch with you well before August 2028. Most importantly, you will need to update the leave provisions in your staff's employment agreements and policies.

To find out more about how these changes will affect your organisation, go to **www.employment.govt.nz** and search for Employment Leave Act 2026. +



Merry Christmas and a Happy New Year

As this edition of *Fineprint* is the final issue for 2026, we wish you all a very Merry Christmas and happy, safe and healthy 2027.

We will publish the Autumn 2027 edition around the Easter break.

Meri Kirihimete me te Hape Nū la. +

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