Summary of Underpinning Analysis: Resource Management (New Plymouth District Plan Modification) Regulations 2026

Agency responsible	Ministry for Cities, Environment, Regions and Transport
Portfolio	RMA Reform
Date finalised	13 October 2026
Identification number	RIA Online ID-2391

Note: This Summary of Underpinning Analysis is accompanied by an exemption for a Regulatory Impact Statement (RIS) that was finalised in August 2026. The RIS exemption includes a more detailed assessment of the expected regulatory impacts.

Good law-making: 9(i)

The importance of consulting, to the extent that is reasonably practicable, the persons or representatives of the persons that the responsible agency considers will be directly and materially affected by the legislation	
Inconsistency identified?	NO

Summary of agency analysis

At the request of the mayor of New Plymouth, an investigation into specified provisions in the New Plymouth District Plan (the Plan) was initiated under s360 of the Resource Management Act 1991 (RMA). An investigation report was prepared which determined that certain specified provisions in the Plan were having a negative impact on economic growth, development capacity, or employment.

As required by s360L of the RMA, consultation on the investigation report was undertaken on parties that are likely to be affected by the changes. This consultation included physical letters sent out alongside the rates bills being sent by New Plymouth District Council (NPDC), as well as electronic letters for those who receive rates bills by email. Separate emails directly from MCERT were sent to other specified parties in New Plymouth who may be impacted by the changes. These letters allowed recipients to provide feedback through Citizen Space over a period of 10 working days. A total of 20 submissions were received during this period.

IN CONFIDENCE

As required under s360K of the RMA the investigation report was provided to NPDC who were given 20 working days to provide a written response. A response was provided which supported the proposed changes with minor amendments suggested. These amendments were adopted as part of the final decision on regulations.

Given the small scale of the proposed changes, we consider that the consultation was beyond sufficient to meet the standards of the Regulatory Standards Act 2025.

Good law-making: 9(j)

The importance of carefully evaluating—

- **the issue concerned; and**
- **the effectiveness of any relevant existing legislation and common law; and**
- **whether the public interest requires that the issue be addressed; and**
- **any options (including non-legislative options) that are reasonably available for addressing the issue; and**
- **who is likely to benefit, and who is likely to suffer a detriment, from the legislation**

Inconsistency identified?	NO

Summary of agency analysis

The issue of the existing provisions was initially raised by the Mayor of New Plymouth following input from the developer community in New Plymouth. Although the scope of the amendments is small, the request highlights the public interest that exists. Due to the small scope, it is not considered that there is any party who is likely to suffer any detriment due to the amendments.

Councils are being encouraged not to pursue any plan changes while the RMA is being replaced, with 'plan stop' being introduced into the RMA through s80P. For these reasons it is considered that the s360 pathway is the most reasonable option, particularly given the small scale of changes proposed.

Good law-making: 9(k)

The importance of the responsible agency identifying and developing effective arrangements for implementing the legislation

Inconsistency identified?	NOT APPLICABLE

Summary of agency analysis

Good law-making: 9(l)

Legislation should be expected to produce benefits that exceed the costs of the legislation to the public or persons

Inconsistency identified?	NO

Summary of agency analysis

As noted in the investigation report, amending the specified provisions is expected to save between $150,00 and $219,000 in consenting costs over the next three years. The investigation report on this investigation was prepared by MCERT officials, and the consultation was carried out alongside the NPDC rates mailout to save on mail delivery costs. The savings in consenting costs will be much higher than the cost of implementing the amended provisions.

Good law-making: 9(m)

Legislation should be the most effective, efficient, and proportionate response to the issue concerned that is available

Inconsistency identified?	NO

Summary of agency analysis

Due to the addition of s80P 'plan stop' to the RMA, as well as government direction to councils to stop undertaking plan changes during the transition period, there is currently no clear path (outside of an exemption to the plan stop provisions) to modifying district plan provisions. The proposed amendments meet the s360I criteria for regulation making. They are also discrete enough that all consultation and investigation undertaken by MCERT officials is considered proportionate to the scale of the amendments.

Rule of Law: 9(a)(i)

The law should be clear and accessible

Inconsistency identified?	NO

Summary of agency analysis

The amendments will be notified in the Gazette. The provisions will also be shared with NPDC prior to implementation to ensure that the provisions are clear and consistent with the remainder of the existing District Plan.

Rule of Law: 9(a)(ii)

The law should not adversely affect rights and liberties, or impose obligations, retrospectively

Inconsistency identified?	NO

Summary of agency analysis

The amended provisions do not apply retrospectively. They are being implemented to improve clarity of rules and ease unnecessarily restrictive provisions. They do not impact the rights or liberties of any landowner or resident.

Rule of Law: 9(a)(iii)

Every person is equal before the law	
Inconsistency identified?	NO
Summary of agency analysis	

The proposed amendments to provisions will apply equally to any person who intends to undertake works in the specified zones. None of the amendments will introduce a provision which may be unequally applied to certain people or parties.

Rule of Law: 9(a)(iv)

There should be an independent impartial judiciary	
Inconsistency identified?	NOT APPLICABLE
Summary of agency analysis	

Rule of Law: 9(a)(v)

Issues of legal right and liability should be resolved by the application of law, rather than the exercise of administrative discretion	
Inconsistency identified?	NOT APPLICABLE
Summary of agency analysis	

Liberties: 9(b)

Legislation should not unduly diminish a person's liberty, personal security, freedom of choice or action, or rights to own, use, and dispose of property, except as is necessary to provide for, or protect, any such liberty, freedom, or right of another person	
Inconsistency identified?	NOT APPLICABLE
Summary of agency analysis	

Taking of property: 9(c)

Legislation should not take or severely impair, or authorise the taking or severe impairment of, property without the consent of the owner unless-

- **there is a good justification for the taking or severe impairment; and**
- **fair compensation for the taking or severe impairment is provided to the owner; and**
- **the compensation is provided, to the extent practicable, by or on behalf of the persons who obtain the benefit of the taking or severe impairment**

IN CONFIDENCE

Inconsistency identified?	NOT APPLICABLE
Summary of agency analysis	

Taxes, fees and levies: 9(d)

The importance of maintaining consistency with section 22(a) of the Constitution Act 1996 (Parliamentary control of taxation)	
Inconsistency identified?	NOT APPLICABLE
Summary of agency analysis	

Taxes, fees and levies: 9(e)

Legislation should impose, or authorise the imposition of, a fee for goods or services only if the amount of the fee bears a proper relation to the cost of providing the good or service to which it relates	
Inconsistency identified?	NOT APPLICABLE
Summary of agency analysis	

Taxes, fees and levies: 9(f)

Legislation should impose, or authorise the imposition of, a levy to fund an objective or a function only if the amount of the levy is reasonable in relation to both— • **the benefits that the class of payers is likely to derive, or the risks attributable to the class, in connection with the objective or function; and** • **the costs of efficiently achieving the objective or providing the function**	
Inconsistency identified?	NOT APPLICABLE
Summary of agency analysis	

Role of courts: 9(g)

Legislation should preserve the courts' constitutional role of ascertaining the meaning of legislation	
Inconsistency identified?	NOT APPLICABLE
Summary of agency analysis	

Role of courts: 9(h)

Legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review	
Inconsistency identified?	NOT APPLICABLE
Summary of agency analysis	

Additional information

Relevant publicly available inquiry, review, or evaluation reports

Investigation Report - Report of investigation of New Plymouth District Plan provisions: RMA Sections 360I – 360L | Ministry for the Environment

Relevant international treaties, standards and obligations

N/A

Departures from the Legislation Guidelines

N/A

Other unusual provisions or features

N/A