

Transitional consenting

Applying for resource consent during the transition to the new planning system

This factsheet explains changes introduced by the Planning Act 2026 that limit what councils can consider when assessing certain resource consent applications and notices of requirement.

Visit our website for further information on transitional consenting and the latest updates on New Zealand's new planning system.

[Planning.govt.nz](https://planning.govt.nz)

What is transitional consenting?

Transitional consenting is a term used to describe the way resource consent applications and notices of requirement are processed and decided while the current resource management system shifts to the new planning framework, and the Resource Management Act 1991 (RMA) remains in force.

If you need a resource consent or designation, you will continue to apply through your local council during the transition period. Existing RMA plans will remain in place during the transition, and councils will continue to process consent applications and notices of requirement under the RMA.

How does the Planning Act change consenting under the RMA?

The Planning Act 2026 adds new out-of-scope matters to the Resource Management Act 1991 (RMA). These changes limit what a council can consider when assessing relevant district land-use activity applications and notices of requirement. These changes apply to applications lodged from one month after Royal assent of the Planning Act. They are intended to apply under the RMA until consenting under the new planning system begins, which is currently expected in 2030.

Councils must disregard some matters that are now out of scope, when deciding relevant applications or making recommendations.

The table below lists the matters councils must disregard when accepting, assessing and deciding the application or making a recommendation. The matters out of scope during transition are specific and relate to broader out-of-scope effects that will apply in the new planning system.

Table 1: Matters councils must disregard

For all district land-use activities and notices of requirement	For residential activities (unless it's protecting historic heritage)
Negative effects on trade competition, including effects on competing suppliers of goods and services	The area of glazing
Effects on retail distribution	The presence or absence of balconies
Any lack of demand for a project	The outdoor living space
That the project is not financially viable	The internal layout
The type of residents to be housed in a new development	The size of a residential unit
Views from private property	The size of landscaped areas (except in relation to permeability)

How will councils apply the changes?

Talk to your local council early, before you submit your application, to understand how it is applying the new out-of-scope provisions.

Councils may choose to update their plans to remove out-of-scope matters, but they do not have to. Even if out-of-scope matters still appear in a district plan, the council must disregard them when accepting, assessing and deciding applications or making a recommendation.

In some cases, your local council may be able to issue an 'alternative permitted activity' notice. This can confirm whether your activity can proceed without resource consent because the only relevant consent requirements relate to out-of-scope matters that are still in a plan. You will need to describe the activity and provide details of the site where it will take place for this assessment to be undertaken by the council.

Before you submit your application

Use this checklist to help keep your proposal focused on matters the council can legally consider:

- talk to your local council about whether any parts of your proposal are out of scope and ask what the council can still consider
- seek advice if you are not sure what the council can still consider
- keep your discussions with the council focused on matters it can still legally consider
- make sure any advice or guidance you use only covers matters the council can legally consider
- check whether any part of your proposal could use an alternative permitted activity pathway and discuss this with the council.

What happens when your application is assessed

If your application includes both in-scope and out-of-scope matters, the council will continue to assess and decide the parts of your application that still require resource consent.

If the council has not removed or amended the relevant district plan provisions for the out-of-scope matters, it may issue a notice or explain in its decision which parts of the application were out-of-scope.

The council should not impose conditions that address only out-of-scope matters, but it may impose conditions for effects it can still legally consider.

