

Transitional consenting

Practitioner checklists for the resource consent process

This factsheet expands on [guidance for transitional consenting](#) that explains provisions of the Resource Management Act 1991 (RMA) that were introduced by the Planning Act 2026.

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)

These checklists provide points for a decision-maker to consider at different stages of a consenting or notice of requirement process following the additions/amendments of section 18B, section 104(1A), section 168, and section 171 of the RMA. These checklists do not form a comprehensive overview of all areas where the RMA changes may be considered but aim to highlight questions which may be considered by decision-makers at key stages.

Checklist 1:

Considering out-of-scope matters in resource consent applications

This checklist relates to the effects which are now out of scope for consideration under section 104(1A), and instances where they may apply at stages of a standard consenting process.

Narrowing scope of effects (section 104(1A))	
Pre-application	- Have I discussed with the applicant whether any matters may be out of scope and reached a shared understanding of the matters that remain capable of consideration. If not, is further advice required? - Have discussions otherwise remained focused on matters that can still be considered? - Have I limited any advice or guidance to the scope of matters that may lawfully be considered, and avoided advising on how to manage matters that are excluded from consideration? - Have I considered whether any aspect of the proposal may be able to proceed through an alternative permitted pathway, and raised this with the applicant where relevant?
Completeness check (section 88)	- Have I ensured the application is not treated as incomplete because it does not address an out-of-scope matter? - Are any information gaps relevant to matters that remain in scope for assessment?

Narrowing scope of effects (section 104(1A))	
Initial assessment	- Have I identified which actual and potential effects are relevant for assessment, and screened out any effects or matters that are excluded from consideration under section 104(1A)? - Have I considered whether the application seeks consent only because of matters that are excluded from consideration under section 104(1A), and if so, whether to issue a notice under section 104AA(3) instead?
Further information requests (section 92)	- Is any further information request limited to matters that remain within scope? - Am I avoiding requests for information relating to excluded matters?
Notification (section 95)	- Have I considered notification based only on matters that can lawfully be considered? - Have excluded matters been disregarded when identifying affected persons?
Decisions (section 104)	- Have I excluded out-of-scope matters from my assessment and recommendation? - Have I identified and disregarded any submissions or evidence relating to excluded matters? - Have I disregarded any plan or proposed plan provisions or national direction that relates solely to excluded matters?
Conditions (section 108)	- Does each proposed condition relate to a matter that can lawfully be considered? - Have I avoided imposing conditions that seek to manage excluded matters?

Checklist 2:

Applying the procedural principles to resource consent decisions

This checklist highlights areas of the consenting process where the procedural principles which have been introduced through section 18B, as well as the existing procedural principles under section 18A may be considered by decision-makers.

Procedural principles (existing section 18A and new section 18B)	
Completeness check (s88)	- Do I have sufficient information to understand the implications of accepting the application? - Am I focusing on information that is genuinely relevant to processing and assessment?
Initial assessment	- Have I focused my assessment on the key issues relevant to the proposal and decision? - Have I taken a proportionate approach to assessing each issue, having regard to its scale, significance and complexity?
Further information requests (section 92)	- Is the request targeted, relevant and necessary? - Have I considered the cost, effort and feasibility of obtaining the information? - Is there a simpler way of obtaining the information needed? - Is the scope of the request proportionate to the significance of the issue it seeks to address?

Procedural principles (existing section 18A and new section 18B)	
Notification (section 95)	- Have I focused my notification assessment on the matters relevant to determining notification under section 95? - Have I relied on sufficient information to support the notification decision?
Decisions (section 104)	- Is my analysis focused on matters relevant to the decision? - Have I relied on sufficient information to support the decision? - Have I taken a pragmatic approach that supports practical solutions? - Does the decision clearly focus on the key issues and effects?
Conditions (section 108)	- Are the proposed conditions clear, proportionate and practical? - Is each condition necessary to address an identified effect or achieve a legitimate resource management outcome? - Have I avoided conditions that impose unnecessary cost or complexity?

Checklist 3:

Considering out-of-scope matters in notices of requirement

This checklist relates to the effects which are now out of scope for consideration under section 104(1A), and instances where they may apply at stages of a notice of requirement process.

Designations (section 168 and section 171)	
Pre-lodgement	Have pre-lodgement discussions focused on matters that remain within the scope of consideration?
Preparation of the notice of requirement	- When reviewing the notice of requirement (NoR) and supporting information, have I focused on matters that can lawfully be considered? - Have I identified whether sufficient information has been provided to assess the matters that remain within scope of consideration?
Initial assessment	- Have I identified the matters that are relevant to the assessment of the notice of requirement? - Have I identified any matters that need to be excluded from consideration and then excluded them from my assessment?
Further information requests (section 92)	Is any request for further information limited to what is needed to assess matters that can legally be considered for the NoR?
Notification (section 95)	- Have I based my notification assessment only on matters that remain within the scope of consideration for a NoR? - Have I disregarded matters that the legislation says are not to be considered when undertaking the notification assessment?
Recommendations and decisions (section 168A and section 171)	- Have I ensured that matters that are excluded from consideration have not been relied upon in any recommendation or decision relating to the NoR? - Are the findings, recommendations and decisions focused only on matters that remain capable of consideration?
Conditions (section 108)	- Is each recommended condition linked to a matter that can lawfully be considered in relation to the NoR? - Have I ensured that recommended conditions do not address matters that are excluded from consideration?

Designations (section 168 and section 171)

- Is there a clear connection between each recommended condition and effects or matters it is intended to address?

