



The Law Between Laws

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A faster transition, but not an immediate repeal of the RMA

There are two new Acts that will replace the Resource Management Act 1991 (RMA): the Planning Bill, which regulates land use and development, and the Natural

Environment Bill, which regulates the use, protection and enhancement of natural resources. Royal Assent was the final legislative step and the Acts have been signed into law today (30 September 2026).

The new system will not take effect all at once. Most day-to-day consenting, plan administration and enforcement will continue under the RMA during a transition period (commencing 1 month after Royal Assent), but the RMA will be amended from 30 October 2026 to move towards selected features of the new system. Over the next few years, national instruments, regional spatial plans, land use plans and natural environment plans will be prepared under the new legislation.

The result is a genuine hybrid period: the governing statute for most applications remains the RMA, while the content and context of RMA decisions progressively changes. Plan-making occurs under the new system.

When does the transition period start and finish?

The transitional consenting period commences on 30 October with targeted amendments to the RMA.

The transition period ends on the day before the specified transition date (not yet known). The specified transition date will be set by Order in Council after the required new land use and natural environment plans have been “notified”. The Planning Act allows the transition to occur nationally or region by region. On the applicable specified transition date, the notified plans take legal effect, the remaining provisions of the new Acts commence, and the RMA and existing RMA planning instruments cease to apply in the relevant regions.

A (newly inserted) four-year commencement backstop means any remaining provisions not already commenced will commence four years after Royal Assent (i.e. by 30 September 2030). The RMA will effectively be repealed at that time (other than, for example, existing consent applications and enforcement matters that will continue to progress through under the RMA).

The new Ministry website provides details of the key milestones in the transition:
Key milestones in the transition – [Planning.govt.nz](https://planning.govt.nz)

Application lodgment date is the marker

The Planning Act draws a clear line between applications lodged before and during the transition period:

Applications lodged before the transition period starts. If they are not determined before the transition period begins, they continue to be processed and determined under the RMA as it stood immediately before Royal Assent. This is the common approach when there have been amendments to the RMA.

Applications lodged during the transition period (on or after 30 October). These are processed and determined under the RMA as amended when the application is lodged. Because the RMA may be amended in stages, two applications lodged at different points in the transition may be subject to different statutory settings.

What changes on 30 October 2026?

The changes to the RMA for the transitional consenting regime are targeted and not a wholesale “turning on” of the new system.

1. A narrower scope for district land use effects

Schedule 11 of the Planning Act inserts a new section 104(1A) into the RMA. For district land use consent applications, consent authorities must disregard specified matters when considering effects. The wording of this clause has changed several times since the Bill was first introduced to Parliament, and the final version is narrower and more specific than the exclusions originally proposed. The matters to disregard are:

- for residential activities, the area of glazing, the presence or absence of balconies, outdoor living space, internal layout, the size of a residential unit, and the size of landscaped areas other than for permeability, except where historic heritage protection is engaged;
- negative effects of development on trade competition, including on competing providers of input goods and services;
- retail distribution effects;
- lack of demand for a project or the fact that it is not financially viable;
- the type of residents to be housed in a new development; and
- views from private property.

These out of scope matters also flow into notification decisions and assessments of environmental effects for district land use applications. The Act permits a consent authority to disregard provisions in an environmental standard, plan, proposed plan, national policy statement or regional policy statement to the extent that they regulate, or purport to regulate, an excluded matter.

2. Two pathways for out-of-scope matters

A new section 104AA RMA allows a council to treat a district land use activity as permitted, despite non-compliance with a rule or standard relating to a matter specified in section 104(1A). The council may issue a permitted activity notice on request or on its own initiative. The notice lapses after five years unless the activity is given effect to.

A new section 76A RMA allows a council, during the transition period, to amend provisions in a district plan without using the process in Schedule 1 of the Planning Act. This includes removing provisions relating to matters specified in section 104(1A) or modifying them to the extent necessary to ensure those matters specified no longer apply or are no longer considered.

3. Initial national standards

The terminology has changed from the introduced Bill from transitional national

rules to initial national rules, but has landed on initial national standards (INS). An initial national standard is a national standard under either new Act that is introduced during the transition period and is identified as intended to apply to RMA consenting. A council must have regard to an INS under section 104, and rules in an INS are integrated throughout the RMA notification, consenting and enforcement provisions. New section 43AC RMA states that where there is conflict or duplication with any RMA planning documents (including the NZCPS, NPSs, RPSs etc) the INS is intended to prevail over that document.

There are not yet any INSs. They will be important because they can change the practical consenting framework after the transition has begun. Applicants and councils will need to be aware of any INSs at the time of lodgment.

4. Procedural principles

The RMA will gain additional procedural principles modelled on those in the new system (new s18A RMA). Decision-makers must take practicable steps to ensure all documents are succinct, using plain language that can be readily understood by the public; obtain sufficient and necessary information having regard to cost, feasibility, scale and significance; and act pragmatically in support of practical solutions. These principles are likely to influence information requests, processing choices and condition drafting, although they do not displace the substantive requirements of the RMA and it is unclear whether they have any “teeth” on their own. We anticipate these new principles (in addition to those already in s18A RMA) will be used as part of any requests for review to the new Planning Tribunal (in due course, see below).

5. Notification and spatial planning

The RMA amendments remove the residual ability to publicly notify because of special circumstances. Notably, the ability to limited notify based on special circumstances has not been changed. Decision-makers must also disregard section 104(1A) effects when assessing notification for district land use consents.

Regional spatial planning will become directly relevant to RMA consenting when those plans are finalised. As a general rule, instruments made under the new Acts

must not be considered in RMA consenting during the transition unless Schedule 1 provides otherwise. However, a council must consider whether its decision is consistent with a relevant future development strategy now, or with a decided regional spatial plan in the future. Spatial plans will therefore be relevant before the full new consenting regime switches on, but they do not simply override existing RMA plans.

6. Private plan changes

From 1 January 2028 until the specified transition date, a local authority must not notify a draft private plan change unless the Minister grants an exemption. The current restriction or “plan stop” for council plan changes will continue past the original cut-off date of 31 December 2027 to the specified transition date.

The Planning Tribunal will arrive

A new Planning Tribunal will be established as a division of the Environment Court, but it will commence on a date set by Order in Council. Once operating, it is intended to have a role during the transitional consenting period and provide a lower-level review pathway for specified procedural and consenting decisions, including further information requests, interpretation of consent conditions and process disputes. Further details on the establishment of the new Planning Tribunal will be available in the future.

What happens to existing consents?

The Resource Management (Duration of Consents) Amendment Act 2025 already extended certain consents that were due to expire during the reform period, until 31 December 2027. It also reinstated certain recently expired consents operating under section 124. The Planning Act provides the longer-term bridge from RMA approvals into the new system. There are exceptions including for water, discharge and wastewater consents.

Many existing consents will simply be extended to a date that could be around 2031. This depends on the type of consent, its current status and the relevant

Schedule 1 provisions. Councils are required to notify consent holders affected by this automatic statutory extension.

On the specified transition date, current RMA district land use and subdivision consents are generally treated as consents under the Planning Act, while current regional permits transition under the Natural Environment Act. Their existing terms and conditions continue, subject to the detailed transitional provisions.

Final words

The law between laws will be complex. The RMA will remain the principal consenting statute for several years (until circa 2030 under the current timeframes). During that time parts of the new system will turn on (e.g. INSS, Regional Spatial Plans, the Planning Tribunal) and the new planning architecture will be developed around NZ (under ambitious timeframes).

The transition is intended to deliver benefits from the new system early. It will also create timing choices and the potential for different legal settings to apply to neighbouring projects.

If you would like any advice on the transitional period, or the reform generally, please contact a member of our Planning and Environment team.