



PROACTIVE RELEASE COVERSHEET

Minister	Hon Chris Bishop Mr. Simon Court	Portfolio	Minister Responsible for RM Reform Under secretary to the Minister for RM Reform
Name of package	Resource Management (Duration of Consents) Amendment Bill	Date to be published	30 March 2026

List of documents that have been proactively released

Date	Title	Author
16 December 2025	Cabinet paper: Extending the expiry date of resource consents to align with the reform of the Resource Management Act 1991	Ministry for the Environment
16 December 2025	Cabinet Minute of Decision: [CAB-25-MIN-04 32] Extending the expiry date of resource consents to align with the reform of the Resource Management Act 1991	Ministry for the Environment

Information redacted **YES**

Any information redacted in this document is redacted in accordance with the Ministry for the Environment's policy on proactive release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Summary of reasons for redaction

Some information has been withheld from the Cabinet paper *Extending the expiry date of resource consents to align with the reform of the Resource Management Act 1991* under Section 9(2)(h) of the Official Information Act, to maintain legal professional privilege.

In-Confidence

Office of the Minister Responsible for RMA Reform

Office of the Under-Secretary to the Minister Responsible for RMA Reform

CAB - Cabinet

Extending the expiry date of resource consents to align with the reform of the Resource Management Act 1991

Proposal

1. We seek Cabinet’s agreement to introduce legislation, passed under urgency, to:
 - 1.1 automatically extend the expiry date of resource consents set to expire before legislation to replace the Resource Management Act 1991 (RMA) receives Royal Assent;
 - 1.2 and reinstate recently expired resource consents where an application for a replacement consent has been made.
2. In both cases the extension would be until 31 December 2027,¹ by which time it is intended that the new legislation to replace the RMA will have established longer-term arrangements for these consents (with the benefit of input from the Select Committee process).

Relation to government priorities

3. In March 2025, Cabinet agreed to replace the RMA with the Planning Bill and the Natural Environment Bill (the Bills), drawing a line under more than three decades of failure [CAB-25-MIN-0080]. The proposals in this paper will address a near-term issue that is unnecessarily imposing costs on consent holders by requiring them to apply for new resource consents before the new legislation is in place.

Background

4. The Bills to replace the RMA will create a new, modern planning and environmental management system for New Zealand.² This will cut red tape, unlock growth and improve environmental outcomes by replacing complexity and uncertainty with clarity and consistency.
5. Under-Secretary Simon Court and I, acting with delegated authority from Cabinet, have agreed that the Bills will contain the following transitional arrangements for all resource consents:

¹ Note that for consents that relate to freshwater I am proposing a maximum consent duration of 35 years would apply given the Crown law advice set out at paragraph 28.

² The new planning and environmental management system will comprise a Planning Act, a Natural Environment Act and new national policy direction and national standards.

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- 5.1 Consent expiry dates will be extended to one year after the end of the transition period for the new system (meaning we expect them to be extended to around 2030).³
- 5.2 New consent applications can still be made during the transition period and will be considered under an amended RMA process.
6. These transitional decisions will avoid money and time being wasted on replacing expiring consents before the new planning and environmental management system is fully implemented.

The problem and proposed solution

7. The decisions we've previously taken on transitional provisions for consents (outlined above) cannot address consents that expire before the Bills receive Royal Assent. Nor can they address replacement consent applications that are currently being processed by councils.
8. Concerns have been raised that significant costs and time will be spent applying for new resource consents between now and when the Bills are passed.⁴ There is also a concern that those who have already applied for replacement consents are being asked for significant information and are incurring costs (eg, in consultant and legal fees) even though a new system is coming that they consider may materially affect the process and outcome of those consent applications.
9. Around 4,600 consents are likely to expire next year, based on the limited data available.⁵ While we don't have exact data, officials estimate about half of those with expiring consents may apply for replacement consents.
10. We do not think it is reasonable that people in the situations described above should be faced with these costs, given we have already decided to extend the expiry date of resource consents expiring after the legislation passes.
11. Officials have considered non-legislative options to address this situation, including working with councils to find administrative solutions. Their advice is that such options are open to litigation, rely on councils' willingness to change policies and procedures, and lack certainty for those affected.
12. We are recommending therefore, that legislation should be introduced and passed under urgency, to avoid on-going and unnecessary uncertainty, stress, and costs.

³ The transition period commences one month after the legislation replacing the RMA receives Royal Assent and ends with an Order in Council to be made after new regional combined plans are made (around 2029).

⁴ Note that s124 of the RMA allows activities to continue under an old (expired) consent while a new consent is being considered, provided the application for the new consent was made no later than 6 months before the old consent expires or 3 months before the old consents expire with the permission of the relevant council.

⁵ Data was not available from: Horizons Regional Council, Wellington Regional Council, Marlborough Council, Waikato Regional Council. A precise breakdown of the types of consents that types of consents due to expire is not possible with the data available.

Timeframes for the proposed extension

13. We propose an extension date for affected resource consents of 31 December 2027.⁶
14. Because we cannot know the exact date the Bills will receive Royal Assent, I propose that this proposal applies to *all* consents that expire between the enactment of this legislation and December 2027. For consents that relate to freshwater I am proposing a maximum consent duration of 35 years would apply, for the reasons outlined below.
15. We do not recommend extending the affected consents all the way out to 2031 through urgent legislation. Any provisions to further extend the affected consents can be considered as part of work on the Bills (and benefit from Select Committee consideration). If the new RM system ultimately extends consents out to around 2031, then the consents extended under this urgent legislation would also benefit from that.

Consent durations for Wastewater network consents

16. The Department of Internal Affairs (DIA) has raised a concern that the extensions proposed in this paper could override recently legislated arrangements for Wastewater network consents. Consequently, DIA are recommending that consents subject to these arrangements be carved out of the general consent transition provisions of the new RM legislation.

Implementation

17. We are proposing an automatic, statutory extension of consent expiry dates. This will require no additional input from consent holders (noting those who choose to do so will still be able to ask councils to proceed with processing their replacement consent applications or could choose to withdraw their consent application).
18. Consent authorities will need to update their records to recognise the new expiry dates and contact affected consent applicants to inform them of these changes and the options they have regarding their consent applications. Officials advise me that this will impose minimal costs.
19. We expect that some groups will have concerns about the impacts these proposals could have on environmental outcomes. I note that the decisions I am seeking only extend consents out to December 2027. Any further extensions past this date would be progressed through work on the Bills (and so subject to a Select Committee process).
20. Additionally, these proposals do not prevent environmental gains through non-regulatory measures (like water storage, new efficiency technology and catchment groups) from being deployed. Nor do they prevent freshwater farm plans from identifying actions to reduce water use and nutrient discharges.

Cost-of-living Implications

21. The proposals are designed to avoid unnecessary uncertainty, stress, and costs associated with consent applications under the RMA as the new RM system is put in place around the middle of next year.

⁶ The affected resource consents will be those that will expire before the new RM system legislation is enacted AND those that have already expired and a replacement consent has been applied for under s124 of the RMA.

Financial Implications

22. There are no significant financial implications to this decision.

Impact Analysis

23. Cabinet’s impact analysis requirements apply to this proposal, but there is no accompanying Regulatory Impact Statement. The Ministry for Regulation has not exempted the proposal from the impact analysis requirements. Therefore, it does not meet Cabinet’s requirements for regulatory proposals.

24. The Ministry for Regulation and Ministry for the Environment have agreed that supplementary analysis will be included as part of the impact analysis on the legislation to replace the Resource Management Act 1991 (RMA) which will be provided to Cabinet as part of finalising that legislation.

Compliance

25. This Bill’s Treaty of Waitangi implications are noted below.

26. The Bill has retrospective application by reinstating expired consents (but only in circumstances in which a replacement consent application has been made, meaning that the activity in question could continue for some time under the RMA anyway while that application was being determined).

27. The Ministry of Justice is currently vetting the Bill for compliance with the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;

28. The Bill complies with:

28.1 the principles and guidelines set out in the Privacy Act 2020;

28.2 relevant international standards and obligations.

Legal Risks – Legally Privileged

OIA s9(2)(h) [Redacted]

[Redacted]


[Redacted]

[Redacted]

Treaty Implications

30. Given the maximum duration of 35 years in the RMA is seen as an important protective mechanism in respect of Māori interests for freshwater, I propose this legislation exclude water related consents from the extended consent duration - where extension would result in a consent duration longer than 35 years.
31. The proposal to extend the duration of resource consents without engagement with Māori has Treaty implications. The Crown's Treaty obligations ordinarily require engagement with Māori on significant policy or legislative proposals affecting, or potentially affecting, Māori interests.
32. In addition, several Treaty settlements contain redress which connects substantively with decision making on resource consents. For example, the Waikato River arrangements⁷ include requirements that decision makers on resource consents in their region have particular regard to Te Ture Whaimana (the vision and strategy for the Waikato River).

OIA s9(2)(h)



34. The Minister Responsible for RMA Reform intends to inform post-settlement governance entities and other Māori groups of the proposed legislation prior to its introduction. This will help to manage relationships with these groups and provide them with an understanding of the proposal and the process.
35. As the Bills to replace the RMA will essentially set out longer term transitional arrangements for expiring consents, I will consider whether mitigations to some of the risks outlined above could be explored as these Bills are finalised.

Population and Human Rights Implications

36. There are no identified population or human rights implications associated with the proposals in this paper.

Use of External Resources

37. No external resources were employed in the development of this paper.

Binding on the Crown

38. The proposed legislation will be binding on the Crown.

Consultation

39. The following agencies have been consulted on this paper: Department of Conservation, Department of Internal Affairs, Ministry of Business, Innovation and Employment, the Ministry for Culture and Heritage, Ministry of Housing and Urban

⁷ Including the Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Ngāti Tūwharetoa, Raukawa, Te Arawa River Iwi Waikato River Act 2010, and Ngā Wai o Maniapoto (Waipa River) Act 2012.

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Development, Ministry of Justice, Ministry of Regulation, Ministry of Transport, Te Puni Kōkiri, and the Treasury. The Department of the Prime Minister and Cabinet has been informed.

Commencement of legislation

40. The legislation will commence on Royal Assent.

Parliamentary stages

41. The decisions in this paper are intended to complement the transitional provisions in the Bills. They address a transitional issue that cannot be resolved through that legislation, since they aim to address impacts that will occur before the Bills can be passed.

42. The Bills are already on the Legislation Programme and have a planned introduction date of 8 December 2025. I propose that the complementary transitional legislation that is the subject of this paper be introduced at the same time as the Bills then passed under urgency before the end of 2025.

Communications

43. The Minister Responsible for RMA Reform, Minister for Agriculture and Under-Secretary Court will prepare communication material and announce these decisions, in consultation with relevant Ministers and Associate Ministers.

Proactive Release

44. We propose to release this paper proactively, subject to redaction as appropriate under the Official Information Act 1982.

Recommendations

We recommend that the Committee:

1. **agree** to introduce legislation, to be passed under urgency this year, to:
 - 1.1 automatically extend the expiry date of resource consents that are set to expire before 31 December 2027 (subject to the exclusions at recs 4 and 5), and
 - 1.2 automatically reinstate and extend recently expired resource consents where an application for a replacement consent has been made;
2. **agree** that in both cases referred to above, the extension would be until 31 December 2027, after which the new legislation to replace the RMA will have established longer-term arrangements for the affected consents;
3. **note** this legislation will have retrospective effect, insofar as it relates to resource consents that have already expired at the time it commences;
4. **agree** that the proposed legislation provide that no water permit (or related consent affecting freshwater) should be extended beyond a total duration of 35 years;
5. **agree** that, under urgent legislation, no changes should apply to wastewater consents subject to sections 139B-F of the Resource Management Act 1991;

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6. **note** the Attorney-General authorised the Parliamentary Counsel Office to draft a Bill to give effect to the above recommendations ahead of Cabinet decisions;
7. **authorise** the Minister Responsible for RMA Reform to undertake targeted engagement to test technical workability of the Bill ahead of introduction;
8. **note** that I intend to inform post-settlement governance entities and other Māori groups of the proposals in the Bill ahead of introduction;
9. **authorise** the Minister Responsible for RMA Reform to make changes to the Bill before introduction that are consistent with Cabinet policy decisions;
10. **authorise** the Parliamentary Counsel Office to make any adjustments required to the Bill before introduction;
11. **approve** the Resource Management (Duration of Consents) Amendment Bill for introduction, subject to the final approval of the government caucus and sufficient support in the House of Representatives;
12. **agree** that this Bill be introduced, under urgency, on 8 December 2025 and be enacted before the end of 2025.

Authorised for lodgement

Hon Chris Bishop
Minister Responsible for RMA Reform

Simon Court
Parliamentary Under-Secretary to the Minister Responsible for RMA Reform



Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Extending the Expiry Date of Resource Consents to Align with the Reform of the Resource Management Act 1991

Portfolio RMA Reform

On 1 December 2025, Cabinet:

- 1 **agreed** to introduce legislation, to be passed under urgency in 2025, to:
 - 1.1 automatically extend the expiry date of resource consents that are set to expire before 31 December 2027 (subject to the exclusions in paragraphs 4 and 5 below); and
 - 1.2 automatically reinstate and extend recently expired resource consents where an application for a replacement consent has been made;
- 2 **agreed** that in both cases referred to above, the extension will be until 31 December 2027, after which the new legislation to replace the RMA will have established longer-term arrangements for the affected consents;
- 3 **noted** that the above legislation will have retrospective effect, insofar as it relates to resource consents that have already expired at the time it commences;
- 4 **agreed** that the legislation provide that no water permit (or related consent affecting freshwater) should be extended beyond a total duration of 35 years;
- 5 **agreed** that, under urgent legislation, no changes should apply to wastewater consents subject to sections 139B-F of the Resource Management Act 1991;
- 6 **noted** that the Attorney-General authorised the Parliamentary Counsel Office to draft a Bill to give effect to the decisions above ahead of Cabinet decisions;
- 7 **authorised** the Minister Responsible for RMA Reform to undertake targeted engagement to test technical workability of the Bill ahead of introduction;
- 8 **noted** that the Minister Responsible for RMA Reform intends to inform post-settlement governance entities and other Māori groups of the proposals in the Bill ahead of introduction;
- 9 **authorised** the Minister Responsible for RMA Reform to make changes to the Bill before introduction that are consistent with Cabinet policy decisions;
- 10 **authorised** the Parliamentary Counsel Office to make any adjustments required to the Bill before introduction;

- 11 **approved** the Resource Management (Duration of Consents) Amendment Bill [PCO 28507/7.0] for introduction;
- 12 **agreed** that the Bill be introduced, under urgency, on 8 December 2025 and enacted before the end of 2025.

Rachel Hayward
Secretary of the Cabinet