

Guidance for Consent Holders on Consent Duration Extensions under the Planning Act 2026

October 2026

Disclaimer: This guidance note does not constitute legal advice and should not be relied on as such. Please seek specific legal advice if you have legal questions or issues.

Important Note: This guidance relates to expiry extensions that came into force on 1 October 2026. It does not discuss the details of previous extensions already applied under the RMA in 2024 and 2025.

Contents

1	Introduction.....	1
2	Consent Duration Extension Flow Chart.....	2
3	Background	3
4	Commencement of provisions.....	3
5	Definitions	3
6	Frequently Asked Questions	5
7	What the extension means for your consent.....	8
8	What this means for a replacement application in process	9
9	Still have questions?	9

1 Introduction

With the Planning Act 2026 (PA) and Natural Environment Act 2026 (NEA) coming into force on 1 October 2026, **the Planning Act introduces consent expiry extensions for almost all regional resource consents**. This guidance provides advice on which consents are extended and what we know about how long extensions will be.

While new expiry dates cannot be determined yet, we do know that except for consents related to a municipal and government department or defence force wastewater network (which are not extended), any consent due to expire in the period between at least 30 September 2026 to 31 December 2029 will have an extension until **at least 1 January 2030 or, for water related consents, a maximum of 35 years after the date the consent commenced, whichever is earlier**. It is expected that extensions will apply longer and to consents beyond that date by several years to at least 2032, but the detail on that won't be available for several years.

A flow chart is provided in Section 2 to assist you in determining if your consent is likely to qualify for an extension. Section 5 provides definitions and explanations for terms used in the flow chart. Section 6 addresses questions we think are likely to arise from the extensions and some of the uncertainties that arise by not being able to confirm new expiry dates. All the other Sections provide further background information and detail that may be useful to you to understand.

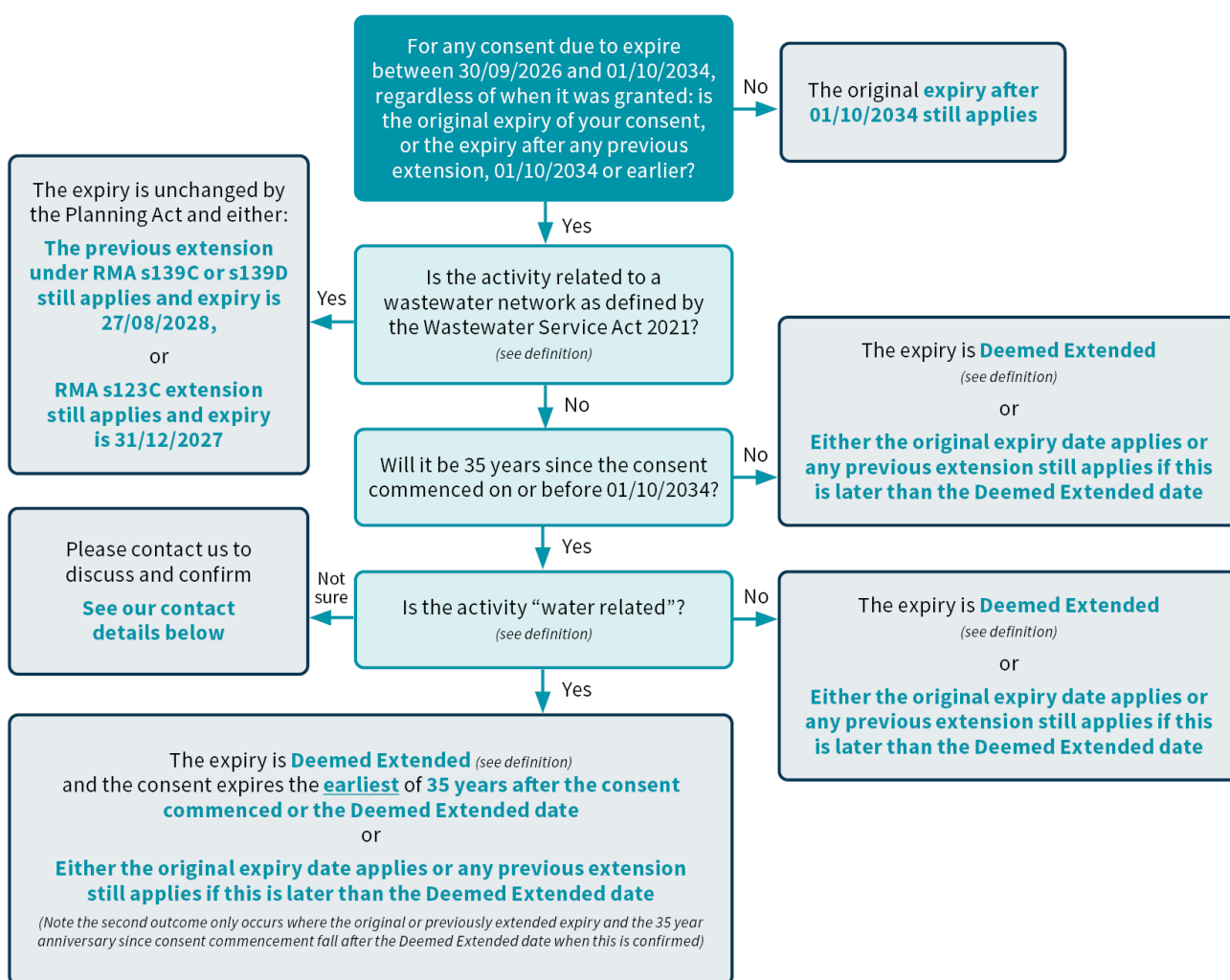
If you have questions or concerns about a specific consent and its extension or need for replacement, we encourage you to make contact with us to discuss your situation, especially if you are considering surrendering an existing consent or in-progress replacement application. For in-progress replacement applications you should contact the Officer processing your

application in the first instance. For general enquiries about other consents, email rudbusinesssupport@waikatoregion.govt.nz or call 0800 800 401.

2 Consent Duration Extension Flow Chart

Use the following flow chart to determine if your consent expiry is affected by the duration extension amendment. Further detail is provided in the sections that follow. Please note that this guidance is provided on the information available prior to the specified transition date being known, that is a date that will be provided by the government in some years. When further information is available that provides any greater certainty we will update our guidance.

Figure 1: Flow chart for consent duration extensions based on Planning Act, Sch 1, clause 39



#7742 - 9/26

For enquiries about WRC consents, contact: rudbusinesssupport@waikatoregion.govt.nz or call 0800 800 401.

Note: This flow chart is a summary of the application of Planning Act 2026 Schedule 1, clause 39 and is provided as a guide only, refer to the Attachment at the end of this document for the full wording of the provision.

3 Background

In 2026 the PA and NEA gained Royal assent on 30 September 2026 and came into force on 1 October 2026. These acts will replace the Resource Management Act 1991 (RMA); however the RMA continues to apply for a transition period of several years while instruments under the new acts are prepared. Once the transition period ends most regional consents granted under the RMA will become “natural resource permits” under the NEA, some will be “planning consents” under the PA¹. Where new or replacement permits are required under the NEA or PA these will be applied for in accordance with rules and regulations in National Standards and Natural Environment and Land Use Plans. The activities that require permits or consents versus those that are permitted activities under the NEA or PA will be different to the requirements under the RMA, Regional Plans and National Environmental Standards. Initial National Standards will be progressively introduced that apply under the RMA and will continue to have effect² under the NEA and PA.

To allow for this transition, and for RMA consent holders to determine the need, or otherwise, for replacement of their consents under the new planning and resource management system, the PA has extended most RMA consents which would otherwise expire during the transition period. The extensions also provide at least 24 months after the end of the transition period before replacements are required, and for some activities regulations may extend this further up to an additional 24 months, to give consent holders time to understand the new system and the rules that apply at that time.

This guidance document focuses on which consents are affected by extensions and what this means for affected consent holders.

4 Commencement of provisions

When the PA came into force on 1 October 2026 it introduced provisions in Schedule 1, clause 39 to extend consent expiry dates. Clause 39 applies to consents with a fixed expiry date, which is most consents granted by regional councils under the Resource Management Act (RMA). It applies to resource consents that had not yet expired by 30 September 2026 and are due to expire during the transition period and 2-4 years beyond the transition period. In the future under the new planning and resource management system these activities will be regulated under the NEA or PA.

5 Definitions

The flow chart in Section 2 contains a number of phrases you need to understand. Definitions and explanations for these are given below:

commencement

see section 116 of the RMA for detail

Explanation: For water related activities any extension is limited to 35 years from the commencement of the consent. Commencement means the time at which a consent is able to be lawfully exercised by the consent holder, even if they don't choose to exercise the consent straight away (carry out the activity the consent authorises). The commencement date is determined as follows, and the majority of consents will fall into one of the first two categories:
--

- | |
|--|
| <ul style="list-style-type: none">- For a non-notified application, or notified application with no submissions or all submissions withdrawn: The date the decision to grant a consent is notified to the consent holder or a later date stated in the resource consent, unless an appeal has been lodged on that decision, or |
|--|

¹ Planning Act, Schedule 1, clauses 36 and 37

² with changes required to reflect the new legislation

- For a notified application with submission(s): either when the date for lodging appeals has passed and no appeals have been lodged, or when the Environment Court determines any appeals or all appeals are withdrawn, or
- If an objection has been made under RMA s357A: when the objection and any appeals have been decided or withdrawn, or
- Other provisions apply where the Environment Court or Board of Enquiry grants a consent, or where a customary marine title order is in effect. For these cases refer to RMA s116.
- Where regional consents are decided via the Fast Track Approval Act 2024 (FTAA): under section 97 of that Act commencement is the date on which the panel's decision document is issued or a later date specified in the decision document. For aquaculture decisions refer to the FTAA, and
- In all cases above note that the lapse date (see RMA s125) is different to the commencement date for a consent.

deemed extended and deemed extended date

Explanation: These terms are not defined by legislation. For consents that will obtain an extension to their expiry date under the Planning Act we are using the term “deemed extended” to describe those consents until we know the actual date they will be extended to.

The new expiry (deemed extended date) of a deemed extended consent will be 24 months after the **specified transition date** at the earliest. Regulations may be developed that extend the expiry further up to 48 months after the **specified transition date** for some activities. We do not know yet what activities those additional extensions will apply to or how long they will be.

The actual date that consents are deemed to be extended to cannot be determined until the specified transition date is set via an Order in Council. Because we do not have this date yet we do not have certainty of which consents will be extended where their original or already extended expiry is 2030 or later, or exactly what date applicable consents will be extended to. However based on the implementation steps that have to occur to determine the specified transition date (see below) the current best guess is that extensions could be to some time in 2032, or longer for some activities, except water-related activities which are limited to 35 years maximum duration.

specified transition date

as defined in Schedule 1 of the Planning Act 2026 means—

- (a) the date specified in an order made under clause 4(1)(a) of the Planning Act on which the new legislation applies to the whole of New Zealand; or
- (b) the date specified in an order made under clause 4(1)(b) of the Planning Act on which the new legislation applies to 1 or more specified regions or areas

Explanation: This is a date that will not be determined until after all or most plans across NZ under the Planning and Natural Environment Acts have been notified. The Acts provide a timeline of 3 years and 3 months for this to occur after the Acts obtain Royal assent. However, the timeline could be shorter if plans are prepared more quickly (but is considered unlikely), or longer if legislated extensions occur or if the specified transition date occurs some time after plan notification – potentially until all plans across NZ are operative.

Schedule 1, Sections 4(1)(a) and (b) of the Planning Act require the Minister to make an Order in Council (OIC) to set this date, and Councils will be given at least 6 weeks notice of the date in the OIC. This means we may not know the date for over 3 years from when the Planning Act comes into force.

Schedule 1, Section 4(4)(a) does say that the specified transition date must be after 31/12/2027, so we do know that any qualifying activities that aren't currently due to expire until this date will be extended until at least 1/1/2030 (and could be longer under regulations). This includes all qualifying activities where expiries were extended to 31/12/2027 due to the extension in December 2025.

wastewater network

as defined in section 5 of the Water Services Act 2021 means:

wastewater network means the infrastructure and processes that—

- (a) are used to collect, store, transmit through reticulation, treat, or discharge wastewater; and
- (b) are operated by, for, or on behalf of one of the following:
 - (i) a local authority, water organisation, or subsidiary of a water organisation;
 - (ii) a department;
 - (iii) the New Zealand Defence Force

Explanation: Wastewater network generally refers to municipal wastewater, that is a wastewater system operated by or on behalf of a Council, or a system operated by the Department of Conservation, Department of Corrections, any other government Department, or the New Zealand Defence Force

water related

as defined in the Planning Act 2026 means:

- (a) a water permit within the meaning of section 87 of the RMA; or
- (b) a discharge permit (within the meaning of section 87 of the RMA) authorising—
 - (i) the discharge of a contaminant or water into water; or
 - (ii) the discharge of a contaminant onto or into land in the circumstances described in section 15(1)(b) of the RMA; or
- (c) a land use consent under section 9 of the RMA that includes associated discharges.

Explanation: Under the RMA those activities can be described as:

(a) means a resource consent for taking, using, damming, or diverting of water, heat or energy and does not apply to water in the coastal marine area. Note that some structures in the beds of rivers also dam or divert water and consent provides for both their construction/placement and the action of damming or diverting eg dams, weirs, culverts.

(b) means a resource consent for a discharge of contaminant or water into water, or a discharge onto or into land which may result in that contaminant entering water, and includes any contaminant emanating as a result of natural processes from the original contaminant. This does not include discharges to water in the coastal marine area.

(c) means a use of land that required resource consent where that use includes associated discharges. For example, this might include disturbances of plants or soil with associated discharges of suspended solids material in the same consent. Because this is restricted to s9 land use consents that include associated discharges, and does not include s13 land use consents, it does not apply generally to structures in the bed of a river (use, erection, reconstruction, placement, alteration, extension, removal or demolition of those structures) or the associated disturbance of the bed of a river. Note however the explanation under part (a) relating to structures that also act to dam or divert water. Refer to relevant sections of the RMA in making a detailed determination in any case that is not clear.

6 Frequently Asked Questions

When will I know the actual extended expiry date of my consent?

We don't know and it won't be for several years yet. Councils will get at least 6 weeks' notice when the specified transition date is set and will be able to work to determine actual expiries then. Councils have three months after the specified transition date to update their records and we will be working to notify you of your extended expiry date as soon as we can. From that date extended consents will have at least 24 months until their expiry which will provide consent holders time to determine whether replacement application is required under the new planning and natural resource system and its rules and regulations developed under the NEA and PA.

What certainty can I have now?

The minimum extension for qualifying consents is 24 months from the specified transition date. A clause in the PA says that the specified transition date cannot occur until after 31 December 2027. So, if your consent qualifies for extension (ie is not related to a municipal, government department or defence force wastewater network) then your consent will be extended until **at least 1 January 2030 or, for water related consents a maximum of 35 years after the consent commenced, whichever is earlier**. Unless your consent is capped at 35 years, this means that while the actual extension may be longer than the start of 2030 when the specified transition date is set, you have at least until the middle of 2029 before a replacement application (if needed) is required to be lodged to be able to carry on your activity while the new application is processed³.

We will be updating our guidance and advice as soon as we can when we know more about when the specified transition date might be or any regulations made related to consent expiry extensions.

Will my consent certificate be updated to show it's been extended?

We can't update our database or certificates until we know what the extension dates are and we won't know that for several years. If we update certificates to identify our best guess or minimum dates, we run the real risk of making errors, causing uncertainty and having to change certificates again. This is not helpful to consent holders or for Councils. The Planning Act reflects this with the requirement for Councils to update their records within three months after the specified transition date. Affected consent holders will be updated at that time and updated certificates available on request. As noted above, this is expected to be several years away.

What if I need to know the details of my consent expiry for business purposes or for activities related to a property for due diligence?

We suggest providing a copy of the consent with the original or previously extended expiry on it along with this advice about consent expiries under the Planning Act. We cannot provide advice on actual expiries until the specified transition date is set.

Can I apply for a replacement consent early?

You can apply for a replacement consent at any time even if your existing consent is deemed extended⁴. If the activity you are applying for is the same as for the existing consent you hold you can continue to operate under that consent until your new consent is granted. If you apply for new or expanded activities, you cannot undertake these until a new consent is granted but may continue to operate under any existing consent in the meantime. If you apply for consent before the specified transition date you must apply under the Resource Management Act requirements. If you apply after the specified transition date you must apply under the Planning Act and Natural Environment Act requirements including any rules in National Standards and Council plans made under those acts.

³ Like the RMA, under the NEA and PA applications are required to be made 6 months before expiry to be certain of having rights of continuation while the replacement application is processed.

⁴ RMA section 124 still applies to expiring consents and is important for those consents that are not deemed extended, or whose extension is limited to 35 years from commencement. Section 124 requires an application for replacement consent for the same activity to be made 6 months prior to the expiry of the existing consent to ensure the right to continue the activity

What activities might get further extended up to 48 months after the specified transition date?

We don't know and no detail is available until the government makes regulations for this. There is provision for a regulation to be made but it isn't mandatory. Until or unless there is a regulation for further expiries, we know consents qualifying for extension get extended a minimum of 24 months after the specified transition date.

How do I know if my activity is “water related”?

The definition requires reference to several sections of the RMA. A general guide is that if your consent is related to any of the following activities it will be “water related”:

(a) means a resource consent for taking, using, damming, or diverting of water, heat or energy and does not apply to water in the coastal marine area. Note that some structures in the beds of rivers also dam or divert water and consent provides for both their construction/placement and the action of damming or diverting eg dams, weirs, culverts.

(b) means a resource consent for a discharge of contaminant or water into water, or a discharge onto or into land which may result in that contaminant entering water, and includes any contaminant emanating as a result of natural processes from the original contaminant. Does not include discharges to water in the coastal marine area.

(c) means a use of land that required resource consent where that use includes associated discharges. For example, the land use might include disturbances of plants or soil with associated discharges of suspended solids material in the same consent. Some Regional Councils, including Waikato Regional Council, will grant this as a single consent for some activities. Other Councils have a practice of always separating out associated discharges. Because this subclause is restricted to s9 land use consents that include associated discharges, and does not include s13 land use consents, it does not apply generally to structures in the bed of a river (use, erection, reconstruction, placement, alteration, extension, removal or demolition) or the disturbance of the bed of a river, where there is an associated discharge in an individual consent. Note however the explanation under part (a) relating to structures that also dam or divert. If you have a separate discharge consent, part (b) above means that this is automatically ‘water related’.

If you are not sure if your consent is “water related” or not **and** it was granted in 1999 or earlier, we encourage you to get advice or contact us to confirm.

Will I still be charged annual charges for my consent?

Yes, if your consent currently attracts annual charges, these will continue for the duration of the consent.

under the expiring consent while the replacement application is being processed. The Natural Environment Act contains similar provisions for replacement applications. Where consents are deemed extended the new expiry date will be able to be confirmed with more than a year to prepare an application so that it is able to be lodged 6 months before expiry, if replacement consent is required under the new system.

What if I don't need my consent anymore?

Your consent is still extended automatically if the activity qualifies for an extension. We cannot choose to retain your original or previously extended expiry date, even if that is your preference. You can surrender your consent at any time if you don't intend to carry out or continue the activity, or it was a short term or temporary activity, and you no longer need the consent. Note that Council does not have to accept some types of surrender. If the activities are still continuing or you still require consent to undertake some actions (such as site rehabilitation, ongoing mitigation measures etc) you remain liable under the RMA for any breach of conditions prior to surrender or for any work required to complete any work to give effect to the consent. A link to information on how to surrender is provided in the section below and we recommend you talk to us before surrendering your consent as we can't just reinstate it if you change your mind.

7 What the extension means for your consent

For consents where the extension applies, the existing consent has been automatically deemed to be extended but we don't know the date it will be extended to except that it cannot be earlier than 1 January 2030 unless your consent is "water related" then the maximum is 35 years since your consent commenced.

As a consent holder you can choose to rely on your extended consent until it expires, noting that you:

- a) Can only do the activity covered by the consent.
- b) Will need to continue following the existing consent conditions.
- c) Will continue to receive annual charges for applicable activities.
- d) May need to apply for a new replacement application before the existing consent expires at its extended expiry date (once that date is confirmed in several years) if you wish to continue the activity⁵. The need for replacement consent (which will be then called a permit) under the NEA, or planning consent under the PA, will be determined by National Standards and Natural Environment and Land Use Plans made under that Acts for specific activities.
- e) Can surrender the consent if it is no longer required (see [Surrenders and transfers - resource consents | Waikato Regional Council](#)).

Once we know the specified transition date (in several years), we will be contacting consent holders whose consents have been automatically extended to let them know their actual extended expiry date. Councils have until three months after the specified transition date to update their records to reflect the automatic extension.

⁵ Like the RMA, under the NEA and PA applications are required to be made 6 months before expiry to be certain of having rights of continuation while the replacement application is processed.

8 What this means for a replacement application in process

Where an existing consent has not yet expired, has been extended, and a replacement application is in progress but not yet decided, applicants can decide what to do with their replacement application. Applicants have the option to withdraw the consent application currently in process to rely on their extended consent, to continue with the processing of it, or to suspend the application⁶.

Unless you tell us otherwise, we will continue to process your application and standard RMA processing steps still apply. Replacement applications made under the RMA must be processed and decided under the RMA, in the version of the RMA in force at the time the application was lodged (either before or during the transition period)⁷.

If you decide to withdraw an application, **we suggest you contact us before taking this action to be clear on what this may mean for you.** If contacting us, talk to the officer processing your replacement application or send your enquiry to: rudbusinesssupport@waikatoregion.govt.nz

When considering withdrawal of your application it's important to note that if you do:

- a) You must continue to operate within the scope of activity authorised by the existing or reinstated consent - any activities beyond the scope of the existing or reinstated consent will still require a new consent application.
- b) Compliance with current consent conditions and any outstanding enforcement actions remains mandatory.
- c) If the replacement application relates to a limited resource (eg a water take from a river close to its allocation limit), it may lose any processing priority it may have had based on its lodgement date or application progress.
- d) Applicants must formally let us know if they wish to withdraw an application, and we will continue to process the application until that time.
- e) The costs of processing the application up to the date an application is withdrawn will be invoiced to you.
- f) A new replacement application may still be required before the extended consent expires once the expiry date is confirmed (in several years). The need for replacement consent (which will be then called a permit) under the Natural Environment Act will be determined by national standards and Natural Environment Plans made under that Act for specific activities.

9 Still have questions?

We encourage you to contact us if you are not sure if the consent duration extension applies to your specific consent, or what the implications are for that consent or an associated application. We particularly suggest you do this before considering withdrawing any application that is currently in progress.

For in-progress replacement applications you should contact the Officer processing your application in the first instance. For general enquiries about other consents, these can be sent to: rudbusinesssupport@waikatoregion.govt.nz or call 0800 800 401.

⁶ PA Schedule 1, clause 43

⁷ PA Schedule 1, clauses 18 and 19

Attachment 1 – Planning Act 2026, Schedule 1, Section 39

39 Duration of certain existing resource consents extended

- (1) This clause applies to a resource consent that is due to expire during the period—
- (a) commencing on the date on which this Act receives Royal assent; and
 - (b) ending 24 months after the specified transition date or on a date not later than 48 months after the specified transition date that is specified in regulations made under **section 327**.
- (2) The duration of the resource consent is extended to the date that is 24 months after the specified transition date or the later date specified in the regulations.
- (3) However, if the resource consent relates to water, the consent expires on the earlier of the date that—
- (a) applies under **subclause (1)(b)**:
 - (b) is 35 years after the date the consent commenced.
- (4) Any conditions applying to the resource consent continue to apply unless a change to a condition is required as a consequence of extending the duration of the consent.
- (5) No later than 3 months after the specified transition date, the consent authority must update the resource consent to record the extended expiry date under this clause.
- (6) In **subclause (3)**, a resource consent **relates to water** if it is—
- (a) a water permit within the meaning of section 87 of the RMA; or
 - (b) a discharge permit (within the meaning of section 87 of the RMA) authorising—
 - (i) the discharge of a contaminant or water into water; or
 - (ii) the discharge of a contaminant onto or into land in the circumstances described in section 15(1)(b) of the RMA; or
 - (c) a land use consent under section 9 of the RMA that includes associated discharges.
- (7) This clause does not apply to a resource consent that is for an activity associated with constructing or operating a wastewater network, as defined in section 5 of the Water Services Act 2021.