



**ROTORUA
LAKES COUNCIL**
Te Kaunihera o ngā Roto o Rotorua

Kaupapataka Late Items

NOTICE OF A MEETING OF COUNCIL

Date: Wednesday 28 October 2026

Time: 9:30 am

Venue: Council Chamber

MEMBERSHIP

Chair

Mayor Tapsell

Members

Deputy Mayor Kai Fong (Deputy Chair)

Cr Barker

Cr Brown

Cr Lee

Cr Wang

Cr Maxwell

Cr Paterson

Cr Raukawa-Tait

Cr Sandford

Cr Temara-Benfell

Quorum

6

**Andrew Moraes
Chief Executive**

Order of Business

10	Pūrongo Kaimahi – Staff Reports	3
10.7	General RMA Delegations - additional delegation under transitional consenting framework	3

10 PŪRONGO KAIMAHI – STAFF REPORTS**10.7 GENERAL RMA DELEGATIONS - ADDITIONAL DELEGATION UNDER TRANSITIONAL CONSENTING FRAMEWORK**

Prepared by: Lorelle Barry, Manager – Consenting Services

Approved by: Jean-Paul Gaston, Group Manager, Destination Development

Attachments:

1. Existing RMA Delegations Manual (under separate cover)
2. Transitional Consenting Guidance from MCERT

**1. TE PŪTAKE
PURPOSE**

This report seeks approval for a delegation under section 104AA of the Resource Management Act 1991 (RMA) to ensure the continued exercise of this function during the RMA transition period.

**HE TŪTOHUNGA
RECOMMENDATION**

1. That the report 'General RMA Delegations - additional delegation under transitional consenting framework' be received.

2. That Council approves the inclusion of the new transitional section in the RMA Delegations Manual to authorise Council officers holding the specified positions to exercise the powers, duties, and functions under section 104AA of the Resource Management Act 1991.

**2. TE TĀHUHU
BACKGROUND**

Following the recent enactment of the Planning Act 2026, additional delegation is required under section 104AA an alternative permitted activity pathway. This section of the RMA will take effect from 30 October 2026. To ensure the continued exercise of Council's functions during the RMA transition period under Part 2 Schedule 12 of the Planning Act 2026, it is proposed that this new transitional section of the RMA is added to the RMA Delegations Manual.

This delegation will enable the efficient administration of relevant statutory responsibilities while the RMA remains operative.

3. TE MATAPAKI ME NGĀ KŌWHIRINGA DISCUSSION AND OPTIONS

Section 104AA establishes an alternative permitted activity pathway under the RMA. Where a district land-use activity is non-compliant only in relation to a rule or standard that addresses a matter identified in section 104(1A), “out of scope matters and effects”, the consent authority may issue a written notice determining that the activity is to be treated as a permitted activity. As the issuing of a section 104AA notice involves the exercise of a statutory decision-making power on behalf of a local authority, an appropriate delegation is required to enable staff to exercise this function.

Therefore, the following addition to the RMA delegations manual is proposed:

Section 104AA Duty as consent authority to consider the matters specified in section 104(1A) as permitted activities, and to give notice as prescribed.	GMgr.C&DD P&DSMgr TLPC PAdBP SCP IntCP CP PTech
---	--

The duties, powers and function proposed to be conferred on Council staff under s104AA are the same as for other duties, powers and functions under the RMA.

4. TE TINO AROMATAWAI ASSESSMENT OF SIGNIFICANCE

The decisions or matters of this report are not considered significant in accordance with the Council’s Significance and Engagement Policy.

5. NGĀ KŌRERA O TE HAPORI ME TE WHAKATAIRANGA COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY

No specific consultation is considered necessary with respect to this report.

6. HE WHAIWHAKAARO CONSIDERATIONS

6.1. Mahere Pūtea Financial/Budget Considerations

There are no direct costs associated with the decision in this report.

6.2. Kaupapa Here Me Ngā Hiraunga Whakariterite Policy and Planning Implications

Council’s existing delegations have been outlined in this report. No other implications of Council’s existing policies or plans have been identified.

**6.3. Te Aromatawai Whakapātanga Ki Te Tāngata Whenua
Tāngata Whenua Impact Assessment**

No tangata whenua impact is identified.

**6.4. Tūraru
Risks**

The only risk with not updating the delegations manual is that Council staff will not be able to carry out decision making responsibilities during the transitional consenting period in accordance with statutory requirements. No other risks are identified.

**6.5. Te Whaimana
Authority**

The authority to confirm the exercise of delegation is provided for under section 34A of the RMA.

Transitional consenting

Technical guidance for councils and decision-makers

This guidance explains transitional consenting 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)

About this guidance

This guidance provides information to help councils and others understand and apply transitional consenting provisions.

Transitional consenting covers two main areas of change to the RMA:

- [additional procedural principles](#) (section 18B)
- [matters that are out-of-scope](#) during resource consent processing for district land-use activities (section 104(1A)).

These changes begin to apply one month after Royal assent of the new Planning and Natural Environment Acts.

This guidance is for those processing and making decisions on resource consents and notice of requirements, such as consent officers, commissioners and the courts.

How does the Planning Act change consenting under the RMA?

Additional procedural principles

Procedural principles guide decision-making across the resource consent system and support clear, timely, proportionate and evidence-based processes.

New section 18B adds further principles that apply alongside the existing requirements. Together, these principles are intended to make the resource consent system:

- easier for applicants and communities to understand
- more consistent and predictable
- more pragmatic and solutions focused.

These additional principles have been brought forward to achieve quick improvements to processes and outcomes, while maintaining certainty for councils, applicants and communities during the transition. They are intended to help drive good practice and support the efficient implementation and use of the system.

The Planning Act retains the RMA's focus on timely, efficient, consistent and cost-effective processes, but expands the procedural principles to place greater emphasis on proportionality, plain language, proportionate information requirements, and minimising unnecessary regulatory burden.

RMA procedural principles – existing and new

Existing – 18A Procedural principles

18A Every person exercising powers and performing functions under this Act must take all practicable steps to—

- (a) use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions or powers being performed or exercised; and
- (b) ensure that policy statements and plans—
 - (i) include only those matters relevant to the purpose of this Act; and
 - (ii) are worded in a way that is clear and concise; and
- (c) promote collaboration between or among local authorities on their common resource management issues.

New – 18B Additional procedural principles

(1) This section applies to a person exercising a power or performing a function—

- (a) during the transition period; and
- (b) that relates to a decision on a resource consent or a decision or recommendation on a notice of requirement.

(2) The person must take all practicable steps to—

- (a) ensure that all documents are succinct and use plain language that can be readily understood by the public;
- (b) ensure that they have sufficient and necessary information to understand the implications of their decision (if any), after considering—
 - (i) the cost and feasibility of obtaining the information; and
 - (ii) the scale and significance of the matter to which the decision relates;
- (c) act in a pragmatic way that supports practical solutions.

(2A) This section is additional to, and does not limit, the requirements of section 18A.

(3) In this section, **transition period** has the meaning given in **clause 1 of Schedule 1** of the Planning Act 2025.

Who needs to apply these principles?

The principles under section 18A continue to apply to every person exercising powers and performing functions under the RMA. The new principles in section 18B will only apply to those making, processing and deciding resource consent applications and notices of requirement during the transition period.

For councils and other decision-makers, this means checking whether current processes, templates and guidance support clear, proportionate and practical decision-making. In practice, councils and other decision-makers may need to:

- apply the new principles when preparing, processing and making decisions on applications
- update templates, checklists and standard correspondence so information requests and reports are focused on what is necessary and proportionate.

Matters that are out of scope

A new subsection 104(1A) of the RMA excludes certain matters from consideration if the resource consent application is for a district land-use activity or a designation. Even if these matters are currently controlled through a district plan, this new sub-section means they can no longer be considered in resource consent and designation processes during the transition period. Removing the consideration of these matters will simplify the assessment requirements for some resource consents, reducing time spent on processing applications and, in some cases, resource consent volumes.

The excluded matters are:

(1A) When considering the effects of a district land use activity, a consent authority must disregard:

(a) any of the following where they relate to residential activities (except in relation to the protection of historic heritage):

(i) the area of glazing:

(ii) the presence or absence of balconies:

(iii) the outdoor living space:

(iv) the internal layout:

(v) the size of a residential unit:

(vi) the size of landscaped areas (except in relation to permeability):

- (b) negative effects of development on trade competition, including on competing providers of input goods and services:
- (c) effects on retail distribution:
- (d) in relation to a project,—
 - (i) any lack of demand for the project; or
 - (ii) the fact that the project is not financially viable:
- (e) the type of residents to be housed in a new development:
- (f) views from private property.

Amendments have also been made to the Medium Density Residential Standards so that the above matters are also disregarded within those standards.

These out-of-scope matters bring forward a new concept from the Planning Act, but in a narrower and modified form for resource consents and designations during the transition period. The matters out of scope in the transition are specific and relate to broader out-of-scope effects that will apply in the new planning system.

How do the changes apply in practice?

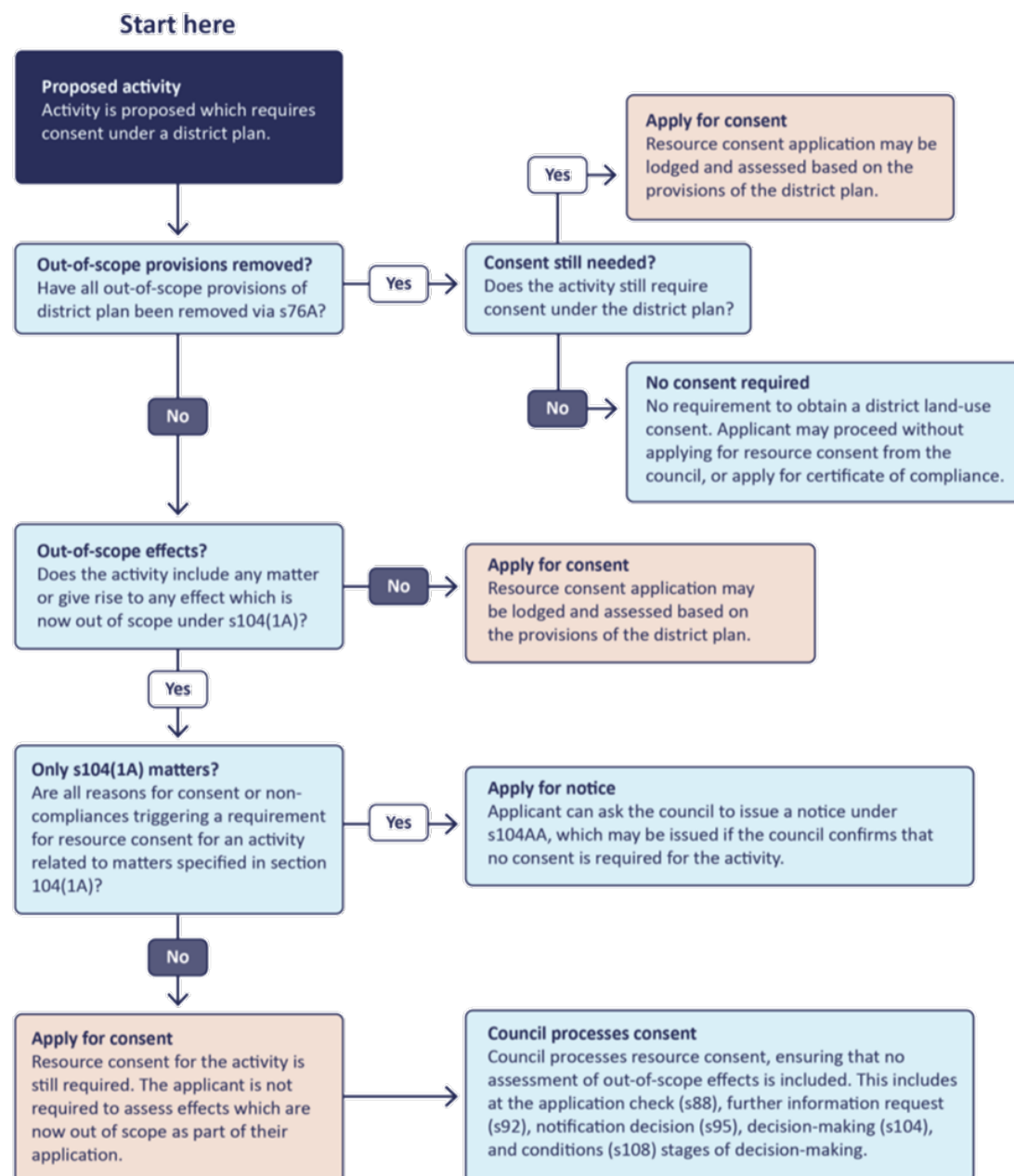
During the transition period, councils will no longer consider the out-of-scope matters listed in section 104(1A) when assessing relevant resource consent applications. Two new RMA provisions help councils apply these changes by allowing some activities to be treated as permitted and by enabling councils to update related district plan provisions.

The new out-of-scope matters can be put into practice in the consenting process by:

- disregarding out-of-scope matters when processing resource consent applications
- using the alternative permitted activity pathway under section 104AA
- removing or modifying district plan provisions to align with section 104(1A) under section 76A.

Whether and how councils use these processes is a matter for each council, taking into account the structure of their plan, the provisions affected, and local priorities and circumstances.

Figure 1: Resource consent decision process for out-of-scope matters



Out-of-scope matters are disregarded

During the transition period, a consent authority must disregard a matter specified in section 104(1A) when it is processing a resource consent application for a district land-use activity, including when it makes decisions on notification.

An assessment of environmental effects does not need to cover matters described in section 104(1A).

Councils must not request further information or commission reports about those matters.

When considering a district land-use activity application, councils must disregard effects arising from the listed out-of-scope matters, and may disregard any national environmental standard, plan, proposed plan or national policy statement to the extent it regulates or purports to regulate those matters.

Similar directions apply to notices of requirement under sections 168A and 171, where councils must disregard matters specified in section 104(1A) when considering effects on the environment.

New alternative permitted activity pathway – section 104AA notice

A new sub-section 104AA, alternative permitted activity pathway, provides for an activity to be treated as a permitted activity if it only fails to comply with a rule or standard relating to a matter specified in section 104(1A). Councils may issue notice confirming that a district land-use activity is a permitted activity either before or after someone applies for resource consent.

This pathway allows councils to provide notice that a land-use activity is a permitted activity despite non-compliance with a rule or standard. This notice would need to include:

- a description of the activity
- details of the site at which the activity is to occur
- the consent authority's reasons for its decision, and the information relied on in making that decision.

This pathway functions in a similar way to the existing section 87BB pathway. The key difference is that there is no need for the adverse effects to be considered less than minor, and therefore no effects assessment is required either by the applicant or councils. Any notice given under this section will lapse five years from the date of the notice unless the activity permitted by the notice is given effect to.

If an activity includes other matters that remain within scope, a resource consent may still be required.

104AA Alternative permitted activity pathway

(1) A consent authority may give a notice that a district land use activity, that despite non-compliance with a rule or standard relating to a matter specified in section 104(1A), is a permitted activity-

- (a) after receiving an application for a resource consent for the activity; or
- (b) on its own initiative.

(2) The notice must be in writing and must include—

- (a) a description of the activity; and

- (b) details of the site at which the activity is to occur; and
- (c) the consent authority's reasons for its decision, and the information relied on in making that decision.
- (3) If a person has submitted an application for a resource consent for an activity that is a permitted activity under this section, the application need not be further processed, considered, or decided and must be returned to the applicant.
- (4) A notice given under subsection (1) lapses 5 years after the date of the notice unless the activity permitted by the notice is given effect to.

Removing or modifying district plan provisions to align with section 104(1A)

New section 76A gives councils an optional way to align district plans with the new out-of-scope matters during the transition period, without using the standard Schedule 1 plan change process.

Councils may use this pathway to remove district plan provisions that relate to matters specified in section 104(1A), or to modify provisions so those matters no longer apply or are no longer considered. This can help make plans clearer for applicants, potentially affected people and decision-makers, and may reduce the need for resource consent applications where consent would otherwise be required only because of an out-of-scope matter.

76A Amendments to plans during transition period to remove or modify out-of-scope matters

A territorial authority may, during the transition period, amend provisions in a district plan, without using the process in Schedule 1, to—

- (a) remove provisions relating to matters specified in section 104(1A):
- (b) modify provisions to the extent necessary to ensure that matters specified in section 104(1A) no longer apply or are no longer considered.

This optional pathway allows a council to:

- remove provisions relating to matters specified in section 104(1A)
- modify provisions to the extent necessary to ensure that matters specified in section 104(1A) no longer apply or are no longer considered.

Having a district plan that reflects section 104(1A) may help ensure consistent decision-making by the council.

Further guidance

[Transitional consenting: Worked scenarios for the resource consent process](#)

These consenting scenarios provide examples of how an applicant and decision-maker may implement changes at different stages of the consenting process following changes to section 104(1A) of the RMA.

[Transitional consenting: Practitioner checklists for the resource consent process](#)

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.

What happens next and when will more information be available?

Councils should apply the two areas of transitional consenting changes — additional procedural principles under section 18B, and matters that are out-of-scope during resource consent processing under section 104(1A) — from one month after Royal assent of the Planning Act.

Webinars and workshops will be held to support implementation in conjunction with sector partners. Further information on these will be published on the [Planning.govt.nz](https://planning.govt.nz) website.

For further queries, email planning@mcert.govt.nz.

