

Departmental Disclosure Statement

Resource Management (Duration of Consents) Amendment Bill

The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by The Ministry for the Environment.

The Ministry for the Environment certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

26 November 2025

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Part One: General Policy Statement

Objective

The Resource Management (Duration of Consents) Amendment Bill (the **Bill**) aims to make urgent, targeted amendments to the Resource Management Act 1991 (the **principal Act**) to address resource consents that will expire before the enactment of legislation that replaces the principal Act. The objective is to ensure certainty, and avoid unnecessary administrative burden and costs, for consent holders during the transition to new legislation.

The Bill seeks to do this by:

- automatically extending resource consents set to expire before the new legislation is in force:
- deeming resource consents that have recently expired to be reinstated and automatically extended if a replacement application has been made but not yet determined.

Key provisions

The Bill makes the following targeted amendments:

- resource consents that would otherwise expire before 31 December 2027 are automatically extended until that date
- recently expired resource consents (where an application for a replacement consent has been made under section 124 of the principal Act, but not yet determined) are deemed to be reinstated and extended until 31 December 2027
- consents related to freshwater are excluded from extension beyond a total duration of 35 years
- wastewater consents that have already been extended under section 139C or 139D of the principal Act are excluded from extension.

The proposed amendments will take effect the day after the Bill receives Royal Assent. Consent authorities will update their records to reflect the new expiry dates.

Separate to the provisions of the Bill, consent authorities will notify affected consent holders of these changes. No action is required from consent holders for any extension or deemed reinstatement and extension (as the case may be) to apply. Consent holders will be able to continue to progress (or withdraw) any application to replace a consent affected by an extension or deemed reinstatement and extension if they wish to do so.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	NO

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO

Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	NO
<p>Cabinet's impact analysis requirements apply to this proposal, but there is no accompanying Regulatory Impact Statement, and the Ministry for Regulation has not exempted the proposal from the impact analysis requirements. The urgency with which this legislation was prepared did not allow time for a RIS to be developed.</p> <p>Supplementary analysis on the implications of the Bill is expected to be addressed as part of impact analysis on the legislation to replace the Resource Management Act 1991 (RMA).</p>	

Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	NO
<p>Several thousand consents have recently expired or are likely to expire next year, based on the limited data available. While we don't have exact data, officials estimate about half of those with expiring consents may apply for replacement consents. The Resource Management (Duration of Consents) Amendment Bill aims to reduce the burden on councils and land users having to renew consents under the RMA which may not reflect future policy.</p> <p><i>Note that a precise breakdown of the types of consents that types of consents due to expire is not possible with the data available.</i></p>	

2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	NO
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO
<p>With respect to (a), the urgent timeframes for preparing this legislation have constrained the ability to undertake a broader analysis of the magnitude of costs and benefits.</p> <p>However, several factors are expected to minimise any adverse impacts. The legislation applies only to existing or recently expired consents—specifically, those set to expire before legislation to replace the RMA is in place, or those for which a replacement application has already been lodged. In these cases, activities could have continued under section 124 of the Resource Management Act 1991 while the application was being processed. The extension provided by the Bill is temporary, with affected consents extended only until December 2027, by which time longer-term arrangements under legislation replacing the principal Act are expected to be in place.</p> <p>This legislation does not impose any ‘new’ obligations, rather it maintains a consent holders’ ability to continue their activities. The benefits of this approach will broadly apply to all types of consent holders¹. These extensions and reinstatements will apply automatically and, for most consent holders, will largely represent a continuation of business as usual.</p> <p>With respect to (b), the legislation is not expected to result in substantial unavoidable loss of income or wealth.</p>	

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	NO
(b) the nature and level of regulator effort put into encouraging or securing compliance?	NO
<p>This legislation does not create new obligations or standards, nor does it materially impact on existing obligations and standards. Resource consents will be automatically reinstated and/or extended until 31 December 2027. Councils will update their databases and inform consent holders.</p>	

¹ Noting that water-related consents cannot be extended beyond a total duration of 35 years, and some wastewater consents are also excluded.

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?
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No relevant international obligations were identified during the development of the policy proposals in the Bill.

Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?

Officials have not been able to undertake comprehensive analysis of the potential impact of this proposal on Treaty settlements and other relevant arrangements in the time available.
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The Bill excludes extension of water-related consents beyond the maximum 35-year duration, as this limit is seen as an important protection for Māori interests in freshwater.
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Extending consents without engaging Māori raises Treaty implications, as the Crown is generally obliged to consult on proposals affecting Māori interests. To address this, the Minister intends to inform Māori groups about the proposal. This legislation is timebound in effect. The legislation to replace the RMA will provide longer-term transitional arrangements until the new system is implemented, which will also benefit from Select Committee scrutiny.

Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?	NO
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Advice provided to the Attorney-General by the Ministry of Justice, or a section 7 report of the Attorney-General, is generally expected to be available on the Ministry of Justice's website upon introduction of a Bill. Such advice, or reports, will be accessible on the Ministry's website at https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/the-bill-of-rights-act/advice/

Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:	
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(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?	NO
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(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	NO
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Privacy issues-

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?	NO

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?	NO
Given the time constraints, there has not been external consultation on the draft Bill or its underpinning policy. Post-settlement governance entities, Ngā hapū o Ngāti Porou, groups yet to settle their historical Treaty claims, Pou Taiao and Te Tai Kaha are being informed of the proposed legislation.	

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?	NO

Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO

Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO

Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	YES
<p>This Bill may be viewed by some as having retrospective effect in that it reinstates expired consents (where a renewal application has been lodged under section 124 of the Resource Management Act 1991) and gives those reinstated consents a new expiry date.</p> <p>This Bill will not impose any new obligations. It is intended to benefit affected consent holders by providing certainty regarding their consent status, while minimising potential administrative burden and cost.</p> <p>This reinstatement is also narrow, applying only to consents in relation to which a renewal application has been made (with no decisions made by councils or courts). This measure is timebound, with reinstatements granted for a short duration as a stop-gap solution until enduring arrangements are considered through forthcoming legislation replacing the RMA.</p>	

Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO

Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO

Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO

4.8. Does this Bill create or amend any other powers to make delegated legislation?	NO

Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	NO