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Potential changes to the Whangarei District Plan under section 76A of the Resource Management Act 1991

The Planning Act 2026 (Planning Act) and Natural Environment Act 2026 are now law. The Planning Act has introduced transitional amendments to the Resource Management Act (RMA) that take effect from 30 October 2026.

Legislation links

Planning Act 2026
https://www.legislation.govt.nz/act/public/2026/70/en/latest/

Natural Environment Act 2026
https://www.legislation.govt.nz/act/public/2026/71/en/latest/

One of the transitional amendments introduces a new Section 104(1A) to the RMA that lists specific matters that a consent authority must disregard when considering the effects of a land use activity during the transition period.

Alongside this a new Section 104AA provides for a consent authority to 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.

These changes have implications for Whangārei District Plan provisions.

We have commenced work to identify affected provisions with a focus on impacted rules. An initial list of the rules that may potentially be impacted have been identified in the table below.

We intend to make amendments to the District Plan under newly introduced section 76A by the end of 2026 to remove or modify the impacted rules. In the meantime, this initial list of rules can be used to determine if your activity may qualify as a permitted activity under section 104AA.

Until the District Plan is formally amended, all rules continue to apply.

If you are unsure whether your proposal requires resource consent or have questions about the transitional consenting provisions, please contact us by email at PlanningAct@wdc.govt.nz or by phone at 09 430 4200.

Rules potentially impacted by the changes

Chapter	Rule number	Potentially removed or modified
City Centre Zone	CCZ-R5.1	Modified
	CCZ-R6.1	Modified
	CCZ-R6.2	Modified
	CCZ-R12.1	Removed
	CCZ-R12.2	Removed
	CCZ-R12.3	Removed
Commercial Zone	COMZ-R6.1	Modified
General Residential Zone	GRZ-R6	Removed
	GRZ-R15.2	Removed
	GRZ-R15.5	Removed
Local Centre Zone	LCZ-R5.1	Modified
	LCZ-R7.1	Modified
	LCZ-R13.1	Removed

Chapter	Rule number	Potentially removed or modified
	LCZ-R13.2	Removed
	LCZ-R13.3	Removed
	PREC3-R2.1(a)	Modified
Low Density Residential Zone	PREC12-R3	Removed
	PREC12-R7.4	Removed
Medium Density Residential Zone	MRZ-R6	Removed
	MRZ-R14.2	Removed
	MRZ-R14.3	Removed
Mixed Use Zone	MUZ-R6.1	Modified
	MUZ-R6.2	Modified
	MUZ-R11.1	Removed
	MUZ-R11.2	Removed
	MUZ-R11.3	Removed
	PREC4-R1.1	Removed
	PREC4-R1.2	Removed
	PREC4-R1.3	Removed
Natural Open Space Zone	NOSZ-R11.2(a)	Removed
Neighbourhood Centre Zone	NCZ-R6.1	Modified
	NCZ-R12.3	Modified
	NCZ-R12.4	Removed
	NCZ-R12.5	Removed
	NCZ-R19.3	Removed
	NCZ-R20.3	Removed
Port Nikau Development Area	PNDA-R8.1	Modified
	PNDA-R9.1	Modified
	PNDA-R9.1(a)	Modified
	PNDA-R9.1(b)(ii)	Removed
	PNDA-R13	Removed
	PNDA-R15.1	Modified
	PNDA-R18.1	Removed
	PNDA-R18.2	Removed
	PNDA-R19.1	Removed
	PNDA-R19.2	Removed
	PNDA-R66.1	Modified
	PNDA-R72.1	Removed
	PNDA-R72.2	Removed

Chapter	Rule number	Potentially removed or modified
	PNDA-R72.3	Removed
	PNDA-R73.1	Removed
	PNDA-R73.2	Removed
	PNDA-R73.3	Removed
Precincts	PREC23-R3	Modified
	PREC23-R19	Modified
	PREC23-R23	Modified
Settlement Zone	SETZ-SZ2-R4.3	Removed
Town Centre Zone	TCZ-R6	Modified
	TCZ-R13.1	Removed
	TCZ-R13.2	Removed
	TCZ-R13.3	Removed
Transport	TRA-R3.1(a)	Modified
	TRA-R11	Modified
	TRA-R12	Modified
Waterfront Zone	WZ-R6	Modified
	WZ-R7.1	Modified
	WZ-R7.2	Modified
	WZ-R13.1(a)	Removed
	WZ-R13.1(b)	Removed
	WZ-R13.1(c)	Removed