



Briefing: Further advice on increasing development capacity in Auckland and options for RM Bill 2

Date submitted: 5 June 2025

Tracking number: BRF-6283 / HUD2025-007187

Security level: Classification

MfE priority: Urgent

| Actions sought from Ministers | | |
|---|---|--------------|
| Name and position | Action sought | Response by |
| To Hon Chris BISHOP Minister Responsible for RMA Reform and Minister of Housing | Record your decisions on the recommendations and sign the briefing. | 16 June 2025 |
| CC Hon Judith Collins Attorney-General | Note the contents of this briefing. | N/A |
| CC Hon Tama Potaka Minister for Māori Crown Relations | Note the contents of this briefing. | N/A |
| CC Hon Penny Simmonds Minister for the Environment | Note the contents of this briefing. | N/A |
| CC Hon Simeon Brown Minister for Auckland | Note the contents of this briefing. | N/A |

| Actions for Minister's office staff |
|--|
| Return the signed briefing to the Ministry for the Environment (advice@mfe.govt.nz and ema.pct@mfe.govt.nz). |

| Appendices and attachments |
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| 1. Appendix 1: OUT OF SCOPE [REDACTED] |
| 2. Appendix 2: OUT OF SCOPE [REDACTED] |

Please note pages 28-32 (Appendices 1 & 2) have been removed as they are out of scope of your request.

| Key contacts at Ministry for the Environment | | | |
|--|--------------------|--------------------|---------------|
| Position | Name | Cell phone | First contact |
| Responsible Manager, MfE (Part 1) | Stephanie Gard'ner | 9(2)(a) [REDACTED] | |
| Responsible Manager, HUD (Part 1) | Fiona McCarthy | 9(2)(a) [REDACTED] | |
| Responsible Manager, MfE (Part 2 and 3) | Pernelle Vari | 9(2)(a) [REDACTED] | |
| General Manager | Jessica Ranger | 9(2)(a) [REDACTED] | ✓ |

Minister's comments

Further advice on increasing development capacity in Auckland and options for RM Bill 2

Key messages

Part 1: Advice on a package of options to enable greater development capacity in Auckland

1. You have asked for advice on options to ensure that Auckland’s unitary plan:
 - a. enables sufficient development capacity to recognise the significance of Auckland’s city centre
 - b. OUT OF SCOPE [REDACTED]
 - c. OUT OF SCOPE [REDACTED]
2. OUT OF SCOPE [REDACTED]
3. 9(2)(g)(i) [REDACTED] It is therefore timely to consider a package of options to ensure greater housing and business capacity in Auckland, both to better optimise the city centre opportunities, and to ensure the upcoming plan changes meet your objectives.
4. This briefing proposes to do this in two ways:
 - a. Strengthen the provisions and related processes in the Bill relating to Auckland’s replacement plan change to:
 - i. OUT OF SCOPE [REDACTED]
 - ii. OUT OF SCOPE [REDACTED]
 - b. Use existing ministerial intervention powers or other options (such as the proposed new regulation making power) to revisit the City Centre provisions following notification of the replacement plan change.
5. There are some constraints on the council’s capacity to support both proposals at the same time. On balance, we consider the biggest gains for growing housing in Auckland in the short term will be from ensuring the replacement plan change is notified as directed in the Bill, including any strengthened requirements you agree to through this briefing. For

this reason, we recommend focusing on ensuring the replacement plan change is notified before taking next steps on intervention for the City Centre provisions.

6. OUT OF SCOPE



OUT OF SCOPE



Recommendations

We recommend that you:

- a. **note** you are seeking agreement from Cabinet to policy proposals to progress through an Amendment Paper to the Resource Management (Consenting and Other System Changes) Amendment Bill (the Bill).

Part 1 Housing capacity in Auckland

- b. **note** you can undertake an investigation under section 24A of the RMA as a first step to using further intervention powers to address the city centre decisions by Auckland Council, but we recommend this investigation commences once the replacement plan has been notified so Auckland Council can enable the potential development uplift in the replacement plan change first
- c. **agree** we will provide you with further advice on undertaking an investigation under section 24A of the RMA on the city centre decisions, which could lead to use of Ministerial intervention powers

Yes | No

d. **OUT OF SCOPE** [Redacted]

- [Redacted]

- [Redacted]

Yes | No

e. **OUT OF SCOPE** [Redacted]

f. [Redacted]

g. [Redacted]

Please note pages 6-8 of this document have been removed as they are out of scope of your request.

x. OUT OF SCOPE

OUT OF SCOPE

Signatures



Jessica Ranger
**General Manager, Urban and
Infrastructure
Ministry for the Environment
5 June 2025**



Fiona McCarthy [Part 1 advice only]
**Manager, Land Use and Land Markets
Ministry of Housing and Urban
Development
5 June 2025**

Hon Chris BISHOP
**Minister Responsible for RMA Reform
Minister of Housing
Date:**

Further advice on increasing development capacity in Auckland and options for RM Bill 2

Purpose

1. This briefing provides three sets of advice:
 - a. Part 1: advice on a package of options to enable greater development capacity in Auckland
 - b. OUT OF SCOPE
 - c.

Part 1: Increasing development capacity in Auckland

Background

The Bill as currently drafted provides for Auckland to withdraw Plan Change 78 (PC78) and notify a new plan change before local body elections

2. Auckland Council notified decisions on the parts of Plan Change 78 (PC78) that implement the NPS-UD in Auckland’s city centre on 29 May 2025. You have agreed the Bill will enable Auckland Council to withdraw the rest of PC78, and that if it does, it will need to notify a new replacement plan by 10 October 2025.
3. In the Bill as currently drafted, the replacement plan must enable at least as much housing capacity as PC78 as notified. It must respond to the greater demand and accessibility created in the walkable catchments around Maungawhau, Kingsland and Morningside stations by enabling commensurate heights and densities and no less than six stories. It must give effect to the intensification policies of the NPS-UD.¹
4. You are seeking Cabinet agreement to strengthen the replacement plan change and related processes to better enable development capacity and intensification via the replacement plan change. This includes delegation to make further policy decisions.
5. OUT OF SCOPE

¹ OUT OF SCOPE

6. This advice is premised on Auckland Council being required, and being able to notify, a plan change before the local government election. This should result in a significant and timely uplift in development capacity, particularly around the CRL stations.

City Centre

You could use ministerial powers to revisit city centre decisions

7. You have raised concerns about the level of development uplift in the city centre, and the lack of robust information on the impacts of recent decisions by Auckland Council on the IHP's recommendations. To address these concerns, you can use ministerial powers to investigate and direct the council to revisit the city centre.
8. If you would like to use ministerial powers, the first step is to undertake an investigation under section 24A of the RMA. This would include seeking modelling from the council on the capacity enabled by the city centre. Instigating an investigation would provide a strong signal about your expectations in relation to eventual decisions on the replacement plan change.
9. Pending the recommendations following an investigation, you could:
 - a. *use further ministerial intervention powers* under section 24A and section 25A such as directing Auckland Council to prepare a plan change or variation to the replacement plan change. This could be focussed on the city centre and the walkable catchments of the city centre rail stations (Waitemata (Britomart), Te Waihorotiu (Aotea) and Karanga-a-hape); or
 - b. *amend the Auckland Unitary Plan through a proposed new regulation making power* to remove provisions in district plans which disproportionately impact development capacity or housing cost.
10. The Bill does not currently provide for variations to the replacement plan change once it has been notified. To enable you to direct a variation (or a variation to the plan for another reason) to the replacement plan change to address city centre provisions, we recommend you amend the Bill to enable this. The Bill provisions should direct that any variation to the plan change must be notified to the Minister, to enable the direction on the plan change to be updated, and to ensure the variation complies with the requirements of the plan change.
11. There will be some complexities involved in exercising ministerial powers to intervene in the city centre, given how the RMA provides for matters (such as amenity) in sections 6 and 7. It will be important any investigation is appropriately scoped, and we can provide you with further advice on this.
12. There are also options for non-regulatory means to re-visit city centre provisions. For example, officials could work with the council on a variation to the plan change through other processes (such as a City/Regional Deal, or spatial planning process ahead of phase 3 implementation). However, these processes will not be as timely or directive.

We recommend you pursue any use of intervention powers once the replacement plan change has been notified

13. Auckland Council has advised it would need to divert technical planning and modelling resources from the replacement plan change to accommodate additional work on the

9(2)(f)(iv)
[Redacted]
[Redacted]

- 14. On balance, we consider that the biggest housing gains in Auckland in the short term will be from ensuring the replacement plan change enables development capacity as will be directed in the strengthened Bill. We therefore recommend that you take further action on revisiting the city centre provisions once the replacement plan change has been notified. 9(2)(f)(iv)
[Redacted]

- 15. OUT OF SCOPE
[Redacted]

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OUT OF SCOPE



24. OUT OF SCOPE



25.



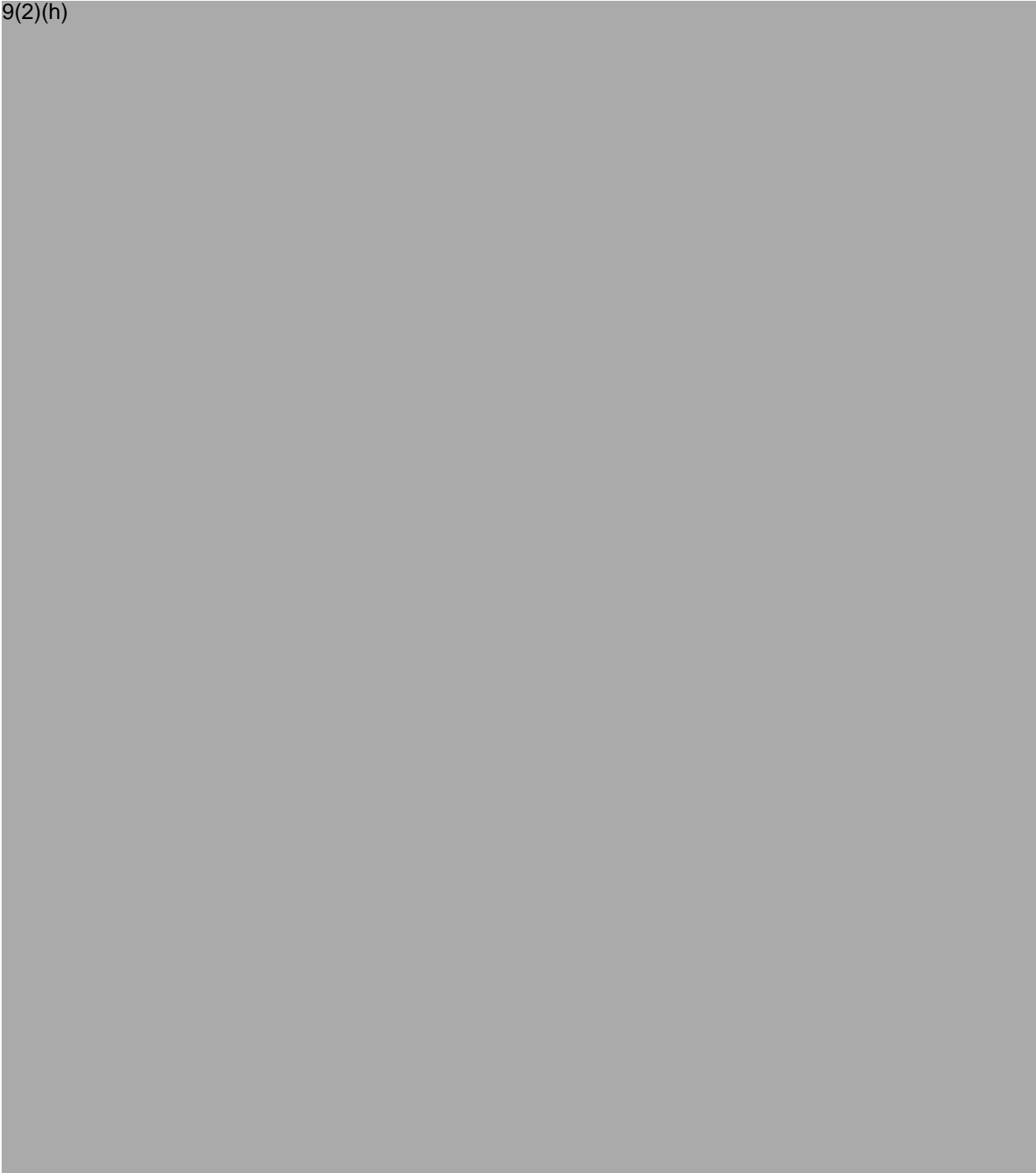
Please note pages 14-24 have been removed as they are out of scope of your request.

Other considerations

9(2)(h)



9(2)(h)



OUT OF SCOPE



OUT OF SCOPE



OUT OF SCOPE



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