

Housing – Auckland Council Bespoke Process

Changes introduced by the Resource Management (Consenting and Other System Changes) Amendment Act 2025

These changes, which passed into law on 20 August 2025, belong to a wider programme of resource management reform. Visit the Ministry for the Environment's [webpage about the new Amendment Act](#) for more information.

Context

What is the bespoke process for Auckland Council?

The bespoke process for Auckland Council will enable it to withdraw its intensification planning instrument (IPI) also known as Plan Change 78 (PC78). If the Auckland Council withdraws PC78, it will need to use the Streamlined Planning Process (SPP) to prepare and notify an Auckland Housing Planning Instrument (AHPI).

The AHPI will be required to provide at least the same housing capacity as PC78, enable certain heights and densities around stations that benefit from City Rail Link investment, and give effect to the intensification policies of the National Policy Statement on Urban Development (NPS-UD).

The bespoke process requires that Auckland Council must notify the responsible Minister to use the SPP by 10 October 2025.

Previous system

Changes to the Resource Management Act 1991 (RMA) in 2021 required specified territorial authorities to introduce the Medium Density Residential Standards (MDRS). These standards support the development of three homes up to three storeys on each site, without the need for resource consent.

The MDRS changes sought to increase development opportunities in existing urban areas. However, some concerns have been raised that the MDRS provides insufficient flexibility for councils and communities. As a result, the MDRS will not be a feature of the new resource management system that will replace the RMA.

Most councils have given effect to the MDRS and NPS-UD under the existing system. There are two councils still progressing plan changes to give effect to both the MDRS and NPS-UD, one of which is Auckland Council.

Auckland Council is yet to complete its IPI. PC78 became complicated with scope constraints and the inability to downzone sites subject to natural hazard risk in the Intensification Streamlined Planning Process. Auckland Council requested the ability to withdraw PC78 and prepare a new plan change to allow it to reset and maintain plan enabled development capacity without needing to implement the MDRS in all areas, while addressing natural hazard risk.

A bespoke process has been provided for Auckland Council to withdraw its IPI on the basis that they prepare and notify a new replacement plan change using the SPP.

Key changes

- Section 18A of the Amendment Act adds new section 77G to the RMA.
- Section 21A of the Amendment Act adds new section 80DA to the RMA.
- Section 23 of the Amendment Act amends section 80G of the RMA.
- Section 19 of the Amendment Act amends section 80B of the RMA.
- Sections 70(4) of the Amendment Act adds new clause 75A of Schedule 1 to the RMA.
- Section 70(12)(3A) and (13) of the Amendment Act amends clause 78 of Schedule 1 of the RMA.
- Section 70A of Schedule 1 of the Amendment Act inserts new Schedule 3C into the RMA.
- Schedule 1 of the Amendment Act adds new clauses 1 to 9A of Schedule 3C to the RMA.

AHPI requirements

The Resource Management (Consenting and Other System Changes) Amendment Act 2025 (the Amendment Act) enables Auckland Council to withdraw PC78, and if it does so it must seek a direction for the AHPI by 10 October 2025. The AHPI must amend the AUP to:

- provide at least the same amount of housing capacity that would have been enabled if PC78 (as notified) were made operative
- enable at least 15 storeys around Maungawhau (Mt Eden), Kingsland and Morningside stations, and at least 10 storeys around Mount Albert and Baldwin Ave stations
- give effect to policy 3 of the NPS-UD.

Qualifying matters

Higher density may be inappropriate in an area, and Auckland Council may modify the higher density requirements of the AHPI. Matters that make higher density inappropriate in an area are called qualifying matters. These are listed in section 77I(a-i) and include RMA section 6 matters of national importance. Any other matter may also be made a qualifying matter as per section 77I(j), but additional evidence must be provided to justify why it makes higher density inappropriate.

Intensification should not necessarily be excluded from an area where a qualifying matter applies. Instead, the level of intensification should be modified only to the extent necessary to accommodate the qualifying matter. Accommodating a qualifying matter may mean:

- reduced building heights
- lower densities
- no intensification (although this is expected to be an exception).

Variation to the AHPI

The Amendment Act enables the AHPI to be varied, noting that the RMA does not currently provide for the variation of a planning instrument that uses the SPP. Enabling a variation to the replacement plan change will provide greater flexibility if the Council sought or was directed to vary the plan change. It will also allow the Council to respond to unforeseen circumstances.

SPP and the AHPI

Auckland Council is required to prepare an AHPI if it withdraws PC78. Therefore, how the Council enters into the SPP has been varied for an AHPI. The Act requires the Council to write to the responsible Minister seeking a direction to use the SPP. The Minister can request further information to inform the direction but ultimately has to accept the notification for a direction.

The Minister's direction may provide for the composition of the SPP panel, or the expertise required of the panel, and the Minister appoint up to half the members to ensure panels have the right skills, expertise and independence, and are capable of delivering quality, evidence-based recommendations.

At their discretion, the Minister may choose not to exercise the power to appoint the panel members.

Councils must now have "particular regard" to the Minister's Statement of Expectations which may be included in the direction. These provide clear expectation on national priorities and policy intent, ensuring planning processes align with broader government objectives, while preserving local decision-making.

The Amendment Act amends the SPP for all planning instruments, removing the requirement for the Minister to approve the plan change at the end of the process. The Amendment Act introduces additional appeal rights for some council decisions on plan changes.

[You can find out more about the changes to SPP here.](#)

Implementation considerations

Auckland Council must decide whether to withdraw PC78 or continue with it. If it decides to withdraw it will be required to enter into the SPP and prepare and notify an AHPI.

For the public this will mean that, once the new plan change has been notified, they will be able to participate in the process through submissions and hearings.

