Departmental Disclosure Statement

Resource Management (Auckland Housing) 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 of Housing and Urban Development (HUD) and the Ministry for the Environment (MfE).

HUD and MfE certify that, to the best of their knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

30 March 2026.

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Part One: General Policy Statement

Overview

The Resource Management (Auckland Housing) Amendment Bill (the Bill) amends the Resource Management Act 1991 (the principal Act) to reduce the minimum housing capacity requirement that the Auckland Unitary Plan (the AUP) must provide by 32.5%. In effect, this reduces the requirement from approximately 2 million dwellings to approximately 1.4 million dwellings.

The Bill makes targeted amendments to the Streamlined Planning Process (the SPP) for Plan Change 120 (PC120) to enable Auckland Council to respond to the reduced housing capacity requirement and to ensure opportunities for public input.

The Bill also provides a transitional arrangement by confirming developments that can continue if those developments complied with the Medium Density Residential Standards (MDRS) that were incorporated in the AUP between 18 August 2022 and 9 October 2025, before the partial withdrawal of Plan Change 78 (PC78).

The Bill also includes an exemption for Auckland Council to the requirements in the National Policy Statement on Urban Development (NPS-UD) to prepare a Housing and Business Development Capacity Assessment (HBA), or to review or prepare a Future Development Strategy (FDS), for the purposes of informing its 2027 Long-Term Plan (LTP). This exemption recognises that PC120 is still under way and that there is no stable development pattern or plan-enabled capacity on which to base those assessments at this time.

Overall, the Bill is intended to provide Auckland Council with greater flexibility in how housing capacity is allocated across the city, while ensuring that the AUP will provide a high level of housing capacity. The Bill does not change Auckland Council's obligation to comply with the intensification policies of the NPS-UD or requirements to enable intensification around key rail stations benefiting from investment in the City Rail Link.

Policy objectives

The policy objectives of this Bill are to-

- provide greater flexibility in how and where housing capacity is enabled across Auckland, while retaining a high level of development opportunity;
- enable Auckland Council to respond to the reduced housing capacity requirement through a timely process that provides opportunities for public input;
- provide a transitional arrangement following the removal of the MDRS; and
- support efficient implementation of the NPS-UD during the PC120 process by exempting Auckland Council from preparing an HBA and reviewing their FDS to inform the 2027 LTP.

PC120 capacity requirements and implementation process

The Bill amends the statutory housing capacity requirement applying to Auckland, which previously required Auckland Council to amend the AUP to provide for an equivalent level of housing capacity to that enabled by PC78 (as notified). The reduced requirement provides for a minimum housing capacity of 32.5% less than that requirement, representing approximately 1.4 million dwellings.

For the purpose of enabling Auckland Council to respond to the reduced requirement, the Bill makes targeted amendments to the SPP and requires Auckland Council to follow bespoke steps rather than initiating a formal variation to PC120. This approach avoids unnecessarily reopening earlier stages of PC120 and does not prescribe detailed zoning outcomes for the spatial distribution of housing capacity. Instead, this approach retains flexibility for Auckland Council and the SPP panel to determine how housing capacity is allocated across the city through the remaining plan-making and hearings processes, based on the evidence and submissions, while giving effect to the reduced housing capacity requirement.

The Bill requires Auckland Council to decide whether to propose amendments to PC120, and to publicly notify that decision. Following notification, to support public participation, the Bill provides for opportunities for new and amended submissions to be made on PC120 and Auckland Council's proposed amendments (if any), and enables Auckland Council to approve an alternative form for use.

Auckland Council and the SPP panel continue to exercise their respective statutory roles in considering evidence, making recommendations, and making decisions in accordance with the principal Act. The Bill does not change the fundamental roles, functions, or procedural responsibilities of the SPP panel or Auckland Council.

MDRS transitional issue

The removal of the MDRS created uncertainty for development projects that had already commenced, or were in the process of obtaining approvals, and that complied with the MDRS as incorporated in the AUP between 18 August 2022 and 9 October 2025.

The Bill includes transitional and savings provisions to address this uncertainty by allowing those development activities to continue as permitted if the development complied with the MDRS on or before 9 October 2025.

The amendments are intended to provide certainty for affected landowners and developers so that development projects that have already commenced and that rely on the MDRS permitted activity rules can continue without delay.

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?	**YES**
The policy to be given effect by this Bill has been informed by, and is relevant to, the following publicly available evaluation reports prepared by Auckland Council in support of Plan Change 120 (PC120): • PC120 Section 32 Evaluation Report – Economy Matters (Auckland Council, 2025). Available at: https://www.aucklandcouncil.govt.nz/content/dam/ac/docs/plans/unitary/pc-120/74-pc120-s32-economy-matters.pdf • PC120 Section 32 Overview Evaluation Report (Auckland Council, 2025). Available at: https://www.aucklandcouncil.govt.nz/content/dam/ac/docs/plans/unitary/pc-120/71-pc120-s32-overview-evaluation-report.pdf • Housing Capacity Modelling Report: Housing Intensification and Resilience (Plan Change 120) (Auckland Council, October 2025). Available at: https://www.aucklandcouncil.govt.nz/content/dam/ac/docs/plans/unitary/pc-120/pc120-housing-capacity-modelling-report.pdf	

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	**NO**
This Bill does not seek to give effect to New Zealand action in relation to an international treaty.	

Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	YES

The policy decisions that led to this Bill were informed by the following Regulatory Impact Statements (RIS):

- Regulatory Impact Statement: Going for Housing Growth – Freeing up land for development and enabling well functioning urban environments (HUD and MfE, 12 June 2024). Available at: https://www.hud.govt.nz/assets/Uploads/Documents/Proactive-Releases/RIS-Going-for-Housing-Growth-Freeing-up-land-for-development-and-enabling-well-functioning-urban-environments.pdf
- Regulatory Impact Statement: Implementing changes to the National Policy Statement on Urban Development 2020 and making the Medium Density Residential Standards optional for councils (MfE and HUD, 12 September 2024). Available at: https://environment.govt.nz/assets/RIS-Implementing-changes-to-the-NPS-UD-2020-and-making-the-MDRS-optional-for-councils.pdf
- Supplementary Analysis Report: Increasing development capacity in Auckland (HUD and MfE, 18 July 2025).
  Available at: https://www.regulation.govt.nz/assets/RIS-Documents/Supplementary-Analysis-Report-Increasing-development-capacity-in-Auckland.pdf
- Addendum Regulatory Impact Statement: Changes to Auckland housing capacity requirements (HUD and MfE, 11 February 2026).
  The intention is to proactively release the Cabinet paper seeking policy decisions, together with the addendum RIS, once the Bill is introduced. The RIS will be available here: https://www.regulation.govt.nz/our-work/regulatory-impact-statements/.

A RIS exemption was granted for the MDRS transitional matter and the HBA and FDS exemption matter.

2.3.1. If so, did the Ministry for Regulation provide an independent opinion on the quality of any of these regulatory impact statements?	YES

The Ministry for Regulation advised that the first three regulatory impact statements did not meet the threshold for the Ministry for Regulation's assessment.

A combined RIA panel of Ministry of Housing and Urban Development, Ministry for the Environment and Ministry for Regulation officials have reviewed the Addendum RIS: Changes to Auckland housing capacity requirements and confirmed that it partially meets the requirements. Significant time constraints impacted the extent to which detailed analysis could occur. As a result, there was a lack of quantitative analysis, and insufficient engagement occurred. Despite this, the RIS uses qualitative analysis and overall is clear, concise and compelling.

2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?	YES

Both Option 1 and Option 2 in the Addendum Regulatory Impact Statement: Changes to Auckland housing capacity requirements (HUD and MfE, 11 February 2026) analysed an option to reduce the minimum housing capacity requirement to approximately 1.6 million. The Bill reduces the minimum housing capacity requirement to approximately 1.4 million.

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**
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?	**YES**
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	**NO**
The most up to date analysis on potential costs and benefits is available in the addendum RIS listed under question 2.3.	

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?	**YES**
(b) the nature and level of regulator effort put into encouraging or securing compliance?	**YES**
The addendum RIS identifies that outcomes depend on how the revised requirements are implemented through Auckland Council's plan change process and how affected parties respond while PC120 is finalised.	

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?
Officials have considered whether the policy proposals relate to New Zealand's international obligations, and no specific international obligations have been identified that apply.

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 considered the implications of the policy proposals for Māori interests and the Crown's obligations under the Treaty of Waitangi. The proposals relate to planning processes and housing capacity requirements applying to PC120 under the RMA. Treaty obligations continue to be given effect through existing statutory mechanisms in the RMA and Auckland Council's plan change processes. In response to the changed housing capacity requirement, Māori, including iwi, will have an opportunity to make a new submission or amend an existing submission on PC120 and participate in the hearings process. This provides an opportunity to participate in the plan change process in light of the revised legislative settings. Officials consider that, taken together, these arrangements are consistent with the principles of the Treaty of Waitangi.

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?	**YES**
Advice provided to the Attorney-General by the Ministry of Justice is expected to be available on the Ministry of Justice's website when the Bill is introduced, and can be accessed 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:	
(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?	**NO**
(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	**NO**

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?	YES
The Bill provides for Auckland Council to create an approved form for new/amended submissions on PC120. The minimum information for the form includes the name of the submitter and their contact details.	

3.5.1. Was the Privacy Commissioner consulted about these provisions?	NO
This minimum information required for the approved form is consistent with the minimum information contained in form 5 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.	

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?	YES
The addendum RIS records engagement with Auckland Council officers on the detail of the policy proposals and states that no other consultation was undertaken by officials on these proposals, in line with Ministerial direction and timing constraints. In order to advise the Minister on delegated decisions, officials subsequently engaged with Auckland Council officers on the process steps for Plan Change 120 to be included in the legislation. This included testing the workability of the proposals and how a revised housing capacity requirement could be implemented within an active plan change process. The process steps included in the Bill are intended to minimise rework and reduce risk of procedural unfairness while enabling public participation once legislative changes are in force. An exposure draft of the Bill was also shared with a small number of named individual officers at Auckland Council. Officials also engaged with Auckland Council officers on issues arising from the requirement under the NPS-UD for Auckland Council to prepare a HBA and review its FDS to inform the 2027 LTP. Auckland Council raised concerns that, given Plan Change 120 is still under way and the future development pattern has not yet been settled, undertaking those requirements at this stage would be impractical and risk producing inaccurate or confusing information.	

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
On 16 February 2026, Cabinet agreed that the revised minimum housing capacity requirement for PC120 would apply retrospectively. The Cabinet paper stated that this was "so the panel and Council can incorporate it into their consideration of PC120 without revisiting earlier steps." In drafting the Bill, officials have found a way to give effect to this intent without the provisions needing to apply retrospectively - by instead including provisions which provide that final decisions on PC120 must comply with the revised capacity requirement, that submissions made prior to the amendment remain valid, and that nothing in the Amendment Bill affects the validity of anything done prior. The Bill makes prospective changes to a process which has already been commenced. The changes will apply to persons who are already part way through the process, however, these are not retrospective provisions. The Bill provides transitional provisions to enable development activities to continue as a permitted activity if the development complied with the MDRS on or before 9 October 2025. These transitional provisions are intended to validate matters generally understood and intended to be lawful, but that are, in fact, unlawful as a result of a technical error. This aligns with guidance on when legislation with retrospective effect might be appropriate, as per the Legislation Design and Advisory Committee's Legislation Guidelines: 2021 edition.	

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?	YES
The Bill changes the legislative framework applying to an active plan change process (PC120), including prescribing process steps to support public input in light of the changed housing capacity requirement.	