



Ministry for the
Environment
Manatū Mo Te Taiao

2H SPATIAL LAYERS STANDARDS

Recommendations on Submissions Report for the first set of
National Planning Standards

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Context to this document

This document forms part of the suite of recommendations on submissions reports prepared for the National Planning Standards. This document should be read in conjunction with the Overall Introduction and is likely to reference the other recommendations on submission reports listed below. The recommendations on submissions reports are organised as follows:

1. **Overall introduction**

- Explanation of all of the recommendations on submissions reports
- High-level submissions analysis

Detailed recommendation reports

2A. **Regional Policy Statement Structure Standard report**

2B. **Regional Plan Structure Standard report**

2C. **District Plan Structure Standard**

2D. **Combined Plan Structure Standard**

2E. **Chapter Standards report** including

- Introduction and General Provisions Standard
- National Direction
- Tangata Whenua Standard
- Strategic Direction Standard
- District-wide Matters Standard
- Designations Standard
- Schedules, Appendices and Maps Standard

2F. **Format Standard** including

- Chapter Form Standard
- Status of Rules and Other Text and Numbering Form Standard

2G. **Zone Framework Standard**

2H. **Spatial Layers Standards** including

- Regional Spatial Layers Standard
- District Spatial Layers Standard

2I. **Definitions Standard**

2J. **Noise and Vibration Metrics Standard**

2K. **Electronic Accessibility and Functionality Standard** including

- Baseline electronic accessibility
- Online interactive plans

2L. **Mapping Standard**

2M. **Implementation of the Standards**

1 Background

1.1 Overview

The spatial layers standards establish a common understanding, terminology and function for how map layers apply to Resource Management Act 1991 (RMA) policy statements and plans. For ease of reference, spatial layers directions are separated into two standards: the Regional Spatial Layers Standard and the District Spatial Layers Standard. Regional spatial layers apply to regional policy statements and regional plans; district spatial layers apply to district plans. Combined plans use either or both, depending on the combination of policy statements and plans.

If a policy statement or plan uses a spatial layer, it must comply with the name, function and location of related provisions set out in the spatial layers standards. These standards do not include specific content for these spatial layers and they are not intended to affect the planning outcomes or legal effect of existing plan and policy statement provisions.

The spatial layers standards are closely connected to the Zone Framework Standard, the Mapping Standard, and the four plan and policy statement structure standards. A number of submissions on spatial layers requested changes to these other planning standards. Those submission points are addressed in the submissions reports on the other planning standards.

1.2 How this report is organised

While the spatial layers directions are split into two standards (regional and district), submission points on a particular spatial layers often affect directions in both the regional and district spatial layers standard. We have combined our recommendations on spatial layers into one report, grouped by spatial layers and common themes.

Spatial layers were called 'spatial planning tools' in the draft National Planning Standards. We recommend changing this name to 'spatial layers', to avoid confusion with the Government's current policy development on 'spatial planning' and because this was the term used earlier in the planning standards' policy development. This report uses the term 'spatial layers' for consistency with this recommendation.

Submission points on precincts and development areas in the draft Area Specific Matters Standard are also discussed here. This is because we recommend that the Area Specific Matters Standard should become the Zone Framework Standard, only addressing zones. Directions on precincts and development areas that were in the Area Specific Matters Standard are more conveniently located in the spatial layers standards.

Each discussion of submission topics ends with a recommendation on how to address these submissions. These recommendations are collated in section 3 of this report. Guidance recommended to support these standards is collated in section 4 of this report.

2 Submissions and analysis

2.1 Overview of submissions

Submitters generally supported the inclusion of the spatial layers standards. The submissions focused in particular on how they should work in policy statements and plans, and requesting changes to specific spatial layers. There were no noticeable trends of types of submission points from different groups, for example, local government or businesses. Submitters approached these standards as plan-makers and users.

The exception to this was Taranaki Regional Council, which opposed the spatial layers standards as unnecessarily constraining councils and increasing the risk of legal challenge. We agree with most submitters who take the opposite view: that the spatial layers standards will help councils understand how the various spatial layers work, will increase common understanding of spatial layers across New Zealand, and that the legal challenge risk will only increase when a policy statement or plan is clearly not applying the functions of spatial layers correctly.

Although submitters generally supported the spatial layers standards at a high level, they made a number of points on how these standards could be improved. These specific submission points are referenced below, together with our analysis and recommendations on these points.

Some submitters were unfamiliar with the spatial layers and their functions in the draft standards. These submitters asked questions about how the spatial layers were supposed to work with the plans they are familiar with, particularly where the spatial layers were used or named differently. We have not specifically addressed these submission points in the report. Instead, we have responded to these questions by recommending matters for guidance to address at the end of this report.

2.2 Interaction and hierarchy between different spatial layers

2.2.1 A hierarchy for when spatial layer provisions are in conflict

Many submitters were concerned that the draft planning standards did not include any direction on how the various spatial layers interact when provisions are in conflict. We agree it is important for plans to specify how spatial layers interact, but we do not recommend specifying a hierarchy of spatial layers in this first set of planning standards.

The summary of submissions, analysis and recommendation on this submission topic is included in the Introduction and General Provisions Standard report.

We recommend no change to this aspect of the spatial layers standards.

2.2.2 Spatial layer used for transport corridors

Waimakariri District Council, Tasman District Council and Auckland Council asked how roads and other transport corridors are meant to be identified spatially, for example, as a zone, an overlay or specific control. This is not a straightforward question, because councils apply different types of provisions in this area. The type of spatial layer used to define a transport corridor within which specific provisions apply should be based on the function of those provisions. The details on this topic are best elaborated in guidance.

We recommend no change to this aspect of the spatial layers standards.

2.3 Directions on planning outcomes in the spatial layer standards

Some submitters asked for the spatial layers standards to specifically provide for their issue of concern.

- Winstone Aggregates asked for the planning standards to protect existing quarries and known aggregate sources through a spatial layer or in the 'infrastructure and energy' chapter, to prevent incompatible development.
- Transpower asked for Auckland Council to be exempt from future content-based standards in relation to the National Policy Statement on Electricity Transmission.
- Morphem Environmental Limited stated that precincts should include water quality outcomes, to provide for bespoke stormwater solutions during subdivision and development.

The first set of planning standards is not intended to include specific content that influences planning outcomes. These requests, and others like it, will need to be considered as part of any future decisions on content-based planning standards.

We recommend no change to this aspect of the spatial layers standards.

2.4 Additional spatial layers requested

2.4.1 Ability to use spatial layers from matauranga Māori

Ngai Te Rangi and Te Rūnanga o Ngāti Ruanui Trust asked for the spatial layers standards to empower Māori planning innovations, initiatives and cultural spatial layers. Other categories of regional spatial layers can be used in RPSs and RPs, such as a Māori cultural values-based framework, or cultural mapping. This and more detailed advice can be included as guidance. The associated guidance noted that iwi and councils can use regional spatial layers from matauranga Māori.

As district plans only manage land use, noise and subdivision, we believe the district spatial layers are broad enough to accommodate innovations from Māori perspectives. For example, papakāinga can be provided for in zones and precincts, including the Māori purpose zone. Overlays can be used as setbacks from culturally significant areas.

We recommend no change to this aspect of the spatial layers standards.

2.4.2 Sufficient tools to manage the coastal environment

Manawatu District Council and Perception Planning Limited were concerned that the tools are not sufficient to illustrate the complexity of planning matters in coastal environments. We disagree, because there are no limits on how many overlays, areas, freshwater management units and specific controls can be used for coastal environments and few constraints on their form.

We recommend no change to this aspect of the spatial layers standards.

2.5 How spatial layers are represented (points, lines and polygons)

Horizons Regional Council asked if overlays can be presented as a line as well as a point, polygon or 3D polygon. Hutt City Council also questioned why overlays should be restricted only to polygons or point data, and not to lines. The New Zealand Defence Force asked for designations to be polygons only and not point data.

These submissions highlighted to us that specifying whether spatial layers are points, lines, polygons or 3D polygons is not necessary, as long as the Mapping Standard is complied with (eg, that designations are polygons). Spatial layers may vary, based on available data. With greater data accuracy, points may become polygons, which may in turn become 3D polygons. Mapping innovations may also improve the options for displaying spatial layers.

We recommend deleting the 'Represented by' requirements for the vector types (point, line, polygon, 3D polygon) of spatial layers.

2.6 Spatial layers and other planning standards

2.6.1 Integration of spatial layers with the structure standards

GNS Science and Nelson City Council asked for the standards to show how spatial layers fit within the structure standards. Forest and Bird asked for the district-wide matters standard to provide for overlays use, in a similar manner as for precincts. The Resource Management Law Association asked for directions about overlays to be included in the Area Specific Matters Standard. The overall request is for the planning standards to be clear about where spatial layer provisions fit within the regional policy statement, regional plan and district plan structures.

The District Spatial Layers Standard already specifies the location of spatial layers provisions. The Regional Spatial Layers Standard does not do this, even though the benefits of specifying this are the same for both regional plans and district plans. This creates uncertainty about where spatial layer content should be located in regional policy statements and regional plans.

We recommend specifying the location of spatial layers provisions in policy statement and plan structures in the Regional Spatial Layers Standard.

2.6.2 Development area within only one zone should still be in its own chapter

Selwyn District Council proposed that, if a development area only relates to a specific zone, the development area provisions should be located within that zone. We disagree with this approach because, unlike precincts that modify a zone's policy approach or outcome, a development area is a spatial layer that usually overrides other spatial layers not just zones. Development areas may also give effect to a number of objectives and policies in district-wide chapters. This means the development area provisions are not bound to zone provisions but can affect a number of provisions throughout the plan.

We recommend no change to this aspect of the spatial layers standards.

2.6.3 Directions on precincts and development areas to be located in spatial layers standards and plan structure standards

Some submitters wanted clarification about the directions in the draft Area Specific Matters Standard for the 'precincts' and 'development areas' chapters. The specific points raised by submitters regarding precincts and development areas are addressed under those respective headings in this report.

Directions about precincts and development areas were in three places in the draft planning standards: plan structure standards, spatial layers standards and the Area Specific Matters Standard. This is confusing for councils and plan users.

We recommend that the directions in the Area Specific Matters Standard should be moved to the plan structure standards and the spatial layers standards, and amended in accordance with the recommendations in this report.

2.7 Overlays

2.7.1 Examples of overlays

Some submitters requested a particular risk, value or factor to be specifically named in the overlay function so they could be sure to use an overlay to manage it. Because the planning standards generally include directions, not examples, we prefer to place examples of spatial layers in guidance material. However, the Mapping Standard and structure standards do specifically list certain topic chapters and symbols as overlays. We also recommend in section 2.6.1 of this report that the spatial layers standards specify the location of spatial layers provisions in plans. These directions indirectly address the submitters' concerns. For example, provisions for overlays in district plans must be located in district-wide chapters. This means that an identified risk in the district-wide chapter, such as coastal erosion, is highly likely to be an overlay.

We recommend no change to this aspect of the spatial layers standards.

2.7.2 Region- and district-wide assessments for overlays not necessary

The draft spatial layers standards required overlays to have a region-wide (for regional overlays) or district-wide (for district overlays) assessment before spatially identifying the

overlay. The Resource Management Law Association, Hutt City Council and Forest and Bird pointed out that many areas, features and items with distinctive values or risks do not have these region- or district-wide assessments, for example, airport noise buffers and coastal hazard setbacks. We agree with the submitters.

Hutt City Council suggested rewording the function of overlays to remove references to region-wide and district-wide assessments: “An overlay identifies area(s) and/or feature(s) that, due to their common characteristics, require different management from that of the underlying zone(s)”.

We recommend removing this prerequisite from the overlay function, and simplifying the phrasing of the overlay function in a similar manner to Hutt City Council’s suggestion.

2.7.3 Definition and purpose for overlays not necessary

Whanganui District Council asked for a definition and purpose to support the use of overlays. We see the ‘Function’ column in the spatial layers standards as having the same role as a definition and a purpose in directing how overlays are used in policy statements and plans.

We recommend no change to this aspect of the spatial layers standards.

2.7.4 Distinction between overlays and precincts, such as historic heritage

Wellington City Council sought a clearer distinction between overlays and precincts. For example, it questioned which spatial layer should be used for heritage areas. Heritage New Zealand Pouhere Taonga also sought clarification on how scheduled historic sites and historic precincts will be dealt with. Hutt City Council also asked for the difference between precincts and overlays to be clarified, including removing the requirement for precincts to include ‘two or more’ additional provisions. Housing New Zealand also asked for ‘two or more’ to be removed.

We agree that clarifying the difference between precincts and overlays is needed, but, we note that ultimately, it will be council choice to consider what the driving factors are in determining whether the overlay or precinct spatial layer should be used. A precinct only modifies or refines the policy approach or outcomes anticipated in the underlying zone, whereas, the overlay has much broader scope for different provisions needed to manage the value, risk or factor it identifies.

We acknowledge that a precinct can in theory be applied even if the precinct has only one provision, although this is unlikely. What differentiates a precinct from a specific control is that the precinct provision is place-based and modifies or refines aspects of the policy approach or outcomes anticipated in an underlying zone. A specific control is more general in scope and usually smaller in scale in how it identifies sites and areas where a plan provision is altered.

We recommend clarifying that an overlay identifies a value, risk or other factor, while a precinct identifies an area where additional place-based provisions apply (not necessarily two or more).

Heritage areas are an interesting test case because these may be identified through overlays or precincts, depending on the plan’s objectives. If the plan wants to identify an area of historic heritage and protect it from inappropriate subdivision, use and development (required

by RMA section 6(a)), this fits with the overlay function. The 'heritage area overlay' symbol in the Mapping Standard would be used. However, if the plan wants new buildings in a Mixed use zone to have facades that reflect a particular 'heritage' theme, but the area otherwise will use the Mixed use zone provisions, this fits with the precinct function. Heritage orders are different again, and are discussed in section 2.12 below.

2.8 Zones

2.8.1 Zones only in the coastal marine area (except for some combined plans)

The draft Regional Spatial Layers Standard specified that zones in regional plans only apply in the coastal marine area. The reasons for this are as follows.

- Zones work best when only one zone applies at any point. Plan users may get confused if they find that two zones apply to an area (one regional and one district). This has not historically been an issue with separate paper plans, but as plans become more integrated and accessible by a single ePlan viewer, the risk of confusion increases.
- Zones bundle compatible activities and restrict incompatible activities. District plans have this role on land through management of land use activities and noise. Regional plans have this role in the coastal marine area with controls on coastal activities and structures, coastal noise and coastal occupation. However, these types of regional controls are more limited on land, with land use controls only for the purpose of soil conservation, water quality and quantity, water-based ecosystems and natural hazards.
- Land-based regional plan controls (discharges, water takes and so on) better meet the functions of the other spatial layers: overlays, specific controls, freshwater management units and so on.

Nelson City Council asked for a coastal marine area zone to be added. The Southland councils noted that restricting regional zones to the coastal marine area precludes the development of a 'coastal environment zone'. This is correct, because the coastal environment, which includes the coastal marine area, does not effectively have a typical 'zone' function. The discussion about how the coastal environment should be identified and applied in plans is addressed in our recommendations report on the regional policy statement and regional plan structure standards.

Taranaki Regional Council said that zones are a well understood spatial layer within some regional plans. While zones are used in some regional plans now, we see this as a reflection of varying interpretations of what zones are and what they do. These 'zones' are more accurately named 'overlays', 'areas' or a more specific descriptive term.

GNS Science would like zones to be available for regional plans to use for hazard management. As for other regional land use controls, this function is likely to better meet the function of an 'overlay' (identifying a risk that requires management). However, councils may consider hazard management implications along with other factors when selecting the most appropriate zone for an area.

Auckland Council asked for clarity on whether a combined plan can have a zone that covers both the land and coastal marine area. A combined plan that includes a district plan and a

regional plan can have zones either side of mean high water springs,¹ so it is efficient to allow a zone in the coastal marine area to also apply on land. Examples may include a port zone, a marina zone, and a navy zone.

We recommend that combined plans with a regional plan and district plan component can have zones that cover both the land and coastal marine area.

We recommend clarifying in the regional plan and combined plan structure standards that one zone cannot apply to the entire coastal marine area within a region.

2.8.2 Zones and other spatial layers specific to the coast

Some submitters sought the inclusion of a coastal zone and spatial layer tools specific to the coast. We do not support the use of one zone for the whole coastal marine area, because this is contrary to the function of a 'zone' described in this standard. The spatial layers in this standard can be used effectively within the coastal environment; the coastal marine area and the wider coastal environment do not need specific spatial layers.

Tasman District Council suggested that the standards specify some common regional zones, such as 'Coastal marine zone' and 'Marina zone'. The first set of planning standards includes detail and specification on zones on land, as set out in the zone framework report. Zones seaward of high tide do not have the same detail. This is because zones are less common in coastal areas and tend only to be used for structures and activities fixed in one location, such as around urban areas and for aquaculture. The proliferation of zones seen on land is not happening over the sea.

Planning standards may in the future contain common coastal zones, for example, a Marina zone or a Mussel farming zone. However, specific coastal zones were not included in the draft first set of draft planning standards because of the low level of unnecessary variation in this domain.

We recommend no change to this aspect of the spatial layers standards.

2.9 Precincts

Refer to section 2.7.4 of this report for the analysis on the distinction between overlays and precincts.

2.9.1 Use of precincts and development areas in a rural environment

A number of submitters stated that 'precincts' are an urban construct that do not fit a rural environment, and so are not useful to provide for rural activities. Selwyn District Council suggested using 'area' in place of 'precinct' for rural areas. The Canterbury Mayoral Forum requested that 'sub-zone' can be used instead of 'precinct' for rural areas. The New Zealand Planning Institute also sees 'development areas' as too urban in their application.

We agree that, in New Zealand and British planning tradition, a 'precinct' is generally in an urban area, and that 'development areas' are focused on urban outcomes and urban growth.

¹ Mean high water springs is the high tide mark that is the jurisdictional boundary in the RMA between land managed by district plans and the coastal marine area.

We expect most precincts and development areas will continue to be used in this way. However, we see merit in allowing these spatial layers to be used for variations on rural zones as well, for example, identifying and managing suitable areas for rural industrial development. Functionally, a precinct and a development area operate the same in a rural area as in an urban area. Horticulture New Zealand asks for the use of this tool for rural production growth to be explicit in the standard, however, we believe this is best explained through guidance.

With the adoption of the spatial layers standards in the New Zealand planning system, we do not think it will be long before previously held perceptions about spatial layer terms are replaced by everyday practice.

We recommend no change to this aspect of the spatial layers standards.

2.9.2 Provisions for precincts within only one zone should be located with that zone

Some submitters sought that precincts that are a ‘subset’ of one zone do not have a separate chapter but are located within that zone. We agree that, when a precinct only modifies one zone, plan users will find it easiest to have the information about the zone and the precinct in one place. However, precincts can apply to more than one zone. Replicating precinct provisions within each of these zones would be unnecessary duplication.

We recommend that precinct provisions that only apply within one zone be located within that zone chapter or section.

2.9.3 Precincts as a regional spatial layer

Horticulture New Zealand and Auckland Council asked for ‘precinct’ to be included as a regional spatial layer, as in the district spatial layers. We agree. Precincts modify the policy approach of an underlying zone. Regional plans can have zones (in the coastal marine area), so precincts should also be available. In the same way zones in combined plans (regional plan–district plan) should be able to cross the land–sea boundary, precincts should also apply both over the land and the coastal marine area.

We recommend that precincts be included as a regional spatial layer with similar functions as for zones.

2.9.4 Naming of precincts

Auckland Council asked that precinct names relate only to a geographical location and not to company names. Companies change, and plan users want a quick reference to where the precinct is located. We understand this request. One of the reasons for standardising the names of zones was to avoid new zones being created and named by developers. However, a selected search of plans found that almost all precincts, and sub-zones that may become precincts, already relate to a geographical location. Areas that are named after a development end up using that name for the development itself. Once the development is complete, the name is a geographical location.

We recommend no change to this aspect of the spatial layers standards.

2.9.5 Function of precincts to be clarified

A number of submitters did not support the use of precincts to compensate for a lack of appropriate zones to choose from. They were concerned that multiple complex precincts could end up applying over an underlying zone, leading to interpretation issues or the policy approach of the zone being subverted. Auckland Council noted that the Auckland Unitary Plan's Independent Hearing Panel's interim guidance stated "When the proposal changes most of the underlying zone, a new zone should be created instead of a precinct". Auckland Council requested additional core zones to address this concern. Councils asked us to consider imposing restrictions on precincts to limit their use, and to revise the definition of 'precinct' so it cannot completely modify a zone's policy approach.

The request for additional zones is addressed in the Area Specific Matters Standards recommendation report. We agree with the Auckland Unitary Plan's Independent Hearing Panel's interim guidance about how zones and precincts should be used. The Zone Framework Standard allows for additional zones to be created when they are significant to the district, region or country, are impractical to be managed through another zone, and are impractical to be managed through a combination of spatial layers. We do not support limiting the use of precincts, because each new precinct proposed within a plan will be first evaluated for its efficiency and effectiveness, and whether it aligns with the planning standards. Guidance and examples will help councils understand when a precinct is no longer sufficient and a new special-purpose zone is needed.

We recommend clarifying that the function of a precinct is to only modify or refine 'aspects of' the policy approach or outcomes anticipated in the underlying zone.

2.9.6 Design guides are optional for all spatial layers, not just precincts

Wellington City Council asked for design guides to be referenced under zones as well as under precincts. We agree that design guides may be used within zones and also in development areas, overlays, specific controls, and possibly others. This can be clarified in guidance.

We recommend removing the reference to design guides from the district spatial layers standard, to avoid the implication that it can only be used in one type of spatial layer.

2.10 Specific controls

2.10.1 More differentiation for directions on specific controls

New Plymouth District Council stated it was not clear how a specific control differs from an overlay or precinct, and asked for more direction. Auckland Council asked that specific controls can be used within district- and region-wide chapters, for example, identifying arterial roads, not just in zones. The Southland councils asked for specific controls to be enabling, as well as restrictive, by removing or reducing the controls in base provisions.

We agree with these submission points. Specific controls that are spatially identified can be different from underlying provisions within district-wide chapters and region-wide chapters, for example in subdivision, transport and biodiversity chapters. Specific control provisions are just 'different' from provisions in underlying chapters, and may be enabling or restrictive.

We recommend amending the direction on specific controls to have provisions that are different from provisions in region-wide and district-wide chapters.

2.10.2 Specific controls used for variability within a precinct

Manawatu District Council and Perception Planning Limited considered that a smaller spatial layer is required after ‘precinct’, for example, ‘area’. We expect the existing ‘specific control’ spatial layer should be sufficient as the third level of detail within a zone, these levels being: zone – precinct – specific controls.

We recommend no change to this aspect of the spatial layers standards.

2.11 Development areas

2.11.1 Development areas are useful, but should be clarified

Some submitters sought deletion of the development area spatial layer. Auckland Council, PSPIB/CPPIB Waiheke, AMP Capital Shopping Centres and Stride Property believed that precincts, spatial plans and local government strategies are sufficient to address coordination of development, and a development area spatial layer would add complexity and demand for extra development. These property companies also believed that development area layers will result in delays in plan development through relitigation of guiding documents developed under the Local Government Act 2002. The property companies and Rafael Krzanich also thought reference to ‘framework plans’ in the development area function may give rise to legal challenge.

If development areas are retained, Auckland Council requested that the following points be addressed:

- clarify the difference between development area and precinct
- remove ambiguity from the definition of development area
- ensure this definition does not conflict with how ‘development area’ is used in the Auckland Plan 2050
- simplify the process for incorporating development areas into plans.

We have discussed this topic with Auckland Council staff and understand that development in Auckland is happening so rapidly that a combination of rezoning, precincts, developer agreements and the Auckland Plan direction is sufficient for them. However, many other councils around New Zealand use a mix of structure plans, outline plans, master plans, growth area plans and other ‘development area’ tools to coordinate and stage urban growth across multiple land parcels to create new communities and align with public infrastructure. It is not mandatory to use development areas in district plans. We do not want to deny councils the option to use development areas because other councils do not use them.

We understand that other documents may use the term ‘development area’. However, we have found this to be the best ‘umbrella’ term to cover the wide range of names that councils use for this type of spatial layer within RMA plans.

Legal challenges on development areas have tended to arise when a plan uses development areas incorrectly, for example, by requiring a resource consent to establish a development

area within an RMA plan. Many councils include development areas as spatial layers within plans through a Schedule 1 RMA process as a standard planning approach, without legal challenge to this planning method.

PSPIB/CPPIB Waiheke, AMP Capital Shopping Centres and Stride Property also stated that the Future urban zone can be used along with structure plans made under the Local Government Act 2002 (LGA), instead of development areas. We agree this is an option for councils, though it is limited because LGA structure plans have limited legal weight, unless it is also a 'development area' spatial layer within the RMA plan, either as an official referenced document or within the plan text.

Auckland Council and Waitomo District Council point out that it may be difficult to determine when a development area is 'complete' as stated in the draft planning standards. New Plymouth District Council asked for confirmation that this can be done without a Schedule 1 RMA process. The New Zealand Law Society queried whether it is always desirable to remove a development area after the development is completed.

This uncertainty could prompt legal challenges. Also it is inefficient to require councils to initiate a plan change simply to remove one development plan. We agree that this requirement is too onerous. Councils can remove development area provisions from plans in several ways, such as:

- combining the removal with a future plan change or plan review
- combining the removal with a plan change to amend the underlying zones, precincts and overlays within the development area, so the area can be managed well into the future
- including a deadline with the development area, so that it ceases to have legal effect at a set date or specified event (eg, once a new connector road has been certified as completed or when the last landowner lodges a subdivision application).

We recommend deleting the requirement for development areas to be removed once the development is complete, and adding an explanation of how development areas are generally removed once complete.

2.11.2 'Master plans' are a type of development area

Wellington City Council asked for 'master plans' to be added to the list of examples of development areas. When these master plans as used by Wellington City Council are included in the district plan, they are a type of development area because they meet the function of this spatial layer.

We recommend adding 'master plans' as an example in the 'development areas' function description.

2.11.3 The development area chapter does not have a chapter structure

Hutt City Council prefers conceptual plans to be located at the end of the Development area chapter, and asked for the planning standards to clarify where conceptual plans for developments areas would be located. The term 'conceptual plan' is used in the planning standards as a descriptor of what development area plans are generally like. However some plans include 'concept plans', so this may be a confusing descriptor. The order of development

plan chapters is up to the council, as they may be ordered alphabetically, by geographic location, by type of development plan, or another order.

We recommend deleting reference to ‘conceptual plans’ and adding ‘concept plans’ as another example of a type of plan that can apply to a development area.

2.12 Heritage orders

2.12.1 Heritage orders are a separate tool under the Resource Management Act 1991

Wellington City Council considered the ‘heritage order’ an unnecessary separate spatial layer, believing it can be covered by an overlay. We view overlays and heritage orders as having different functions and roles. A heritage order is similar to a designation, which also has its own spatial layer.

A building may have a heritage overlay on it that identifies the heritage values that need consideration through resource consents. The same building may also have a heritage order on it issued under sections 187–198 of the RMA. This heritage order applies, regardless of any plan provisions or resource consent, requiring the relevant protection authority’s written consent before anything can be done that would wholly or partly nullify the effect of the heritage order.

We recommend no change to this aspect of the spatial layers standards.

3 Recommendations

We make the following recommendations for changes to the Regional Spatial Layers Standard and the District Spatial Layers Standard:

- remove the 'Represented by' column from both the regional and district spatial layers standards
- specify the location of spatial layers provisions within policy statements and plans in the Regional Spatial Layers Standard
- delete the requirement for overlays to be a result of region- or district-wide assessments
- clarify the difference between precincts and overlays, including that precincts have additional place-based provisions to modify or refine aspects of a policy approach or outcomes of an underlying zone (not necessarily two or more provisions)
- provide for zones in combined plans with a regional plan and district plan component to apply to both the land and coastal marine area
- amend the location of precinct provisions to be within the relevant zone chapter or section where the precinct is only relevant to one zone, and retain separate precincts chapters for precincts that are relevant to multiple zones
- include 'precinct' as a spatial layer in the Regional Spatial Layers Standard with similar functions as for zones
- clarify that the function of a precinct is to only modify or refine 'aspects of' the policy approach or outcomes anticipated in the underlying zone.
- remove reference to 'design guides' for precincts
- specify that specific controls can be for provisions that are different from provisions in region-wide and district-wide chapters
- delete the requirement for development areas to be removed once the development is complete, and add an explanation that the development area spatial layer is generally removed, once the development is complete, through an internal plan trigger (such as a deadline) or plan change
- add 'master plans' and 'concept plans' as examples in the 'development areas' function description
- incorporate consequential changes from other reports on submissions
- reword directions and the spatial layers tables for clarity.

In the Introduction and General Provisions Standard report we have a recommendation for requiring a new chapter on the relationship between spatial layers.

In the Regional Plan Structure Standard and the Combined Plan Structure Standard, we recommend clarifying that one zone cannot apply to the entire coastal marine area within a region.

The changes recommended in this report can be seen in the recommended planning standards version. Given the number of changes being made, preparing a track changed version would have been too cumbersome, especially when the function of columns change and new rows

are added. Please refer to the Regional Spatial Layers Standard and the District Spatial Layers Standard for the final changes recommended.

4 Guidance to accompany these standards

The following guidance to accompany the spatial layers standards is recommended as a result of these matters raised by submitters:

- provide further explanation on what a spatial layer is (Christchurch City Council)
- explain that additional spatial planning tools cannot be used in a district plan (Far North District Council)
- provide examples to guide how to use spatial layers in plans (New Plymouth District Council, Forest and Bird New Zealand)
- give examples of how spatial layers can illustrate the complexities in the coastal environment (Manawatu District Council and Perception Planning Limited)
- give options on the transition into the new spatial layers (Manawatu District Council and Perception Planning Limited)
- explain how existing and additional regional spatial layers standard can be used for planning innovations, initiatives and cultural spatial layers from matauranga Māori (Ngai Te Rangi and Te Rūnanga o Ngāti Ruanui Trust)
- explain how district spatial layers can be used for planning innovations, initiatives and cultural spatial layers from matauranga Māori (Ngai Te Rangi and Te Rūnanga o Ngāti Ruanui Trust)
- explain how noise from airports will be managed using noise management overlays (New Zealand Airports Association)
- illustrate how natural hazards are identified using overlays (GNS Science)
- explain how development areas apply over zones and are not necessarily tied to just one zone (Kapiti Coast District Council)
- explain how spatial layer can be used to identify roads and other transport corridors, and where land use provisions within these corridors should be located (Waimakariri District Council, Auckland Council, Tasman District Council)
- explain that provisions for papakāinga and marae are generally included within zones (Hastings District Council)
- give further detail and examples about when a precinct, a special-purpose zone or a development area should be used (CivilPlan Consultants, Matamata–Piako District Council, Queenstown Lakes District Council)
- explain at what point precincts should become a new ‘special-purpose’ zone (Taupō District Council, Auckland Council, Hastings District Council, Matamata–Piako District Council, New Plymouth District Council)
- explain how to address scenarios where only one provision differs from underlying zoning (Taupō District Council, New Plymouth District Council)
- provide examples how overlays apply to rules for district-wide matters (Dunedin City Council)

- explain how precincts and development areas may be used in rural areas, for example, for future expansion of post-harvest facilities, indoor production facilities, rural production changes (many submitters)
- explain what happens to plan provisions after a development area is completed, and how development areas can be removed from the plan (Wellington City Council, Taupō District Council, Kapiti Coast District Council, Tauranga City Council)
- explain where catchments sit within the regional spatial planning tools (Beca Ltd)
- explain how design guides and appendices can be attached to spatial layers (Wellington City Council).