



## National Planning Standards – Spatial layers and zone framework standards

 <p>Ministry for the <b>Environment</b> Manatū Mō Te Taiao</p>	 <p>Department of <b>Conservation</b> Te Papa Atawhai</p>	
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<b>Ministers:</b>	<b>Action sought:</b>	<b>Response by:</b>
To Hon David Parker, Minister for the Environment	Decisions	2 November 2018
To Hon Eugenie Sage, Minister of Conservation	Decisions	2 November 2018

Actions for Ministers' Office Staff	<b>Return</b> the signed briefing note to MfE and DOC
Note any feedback on the quality of the report	

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## National Planning Standards – Spatial layers and zone framework standards

### Key Messages

1. This briefing seeks in-principle agreement to retain spatial layers and a zone framework in the final first set of national planning standards (planning standards/standards). It also seeks your direction on some more substantive matters raised by submitters.
2. The consultation document released in June 2018 reflected your desire to seek feedback on the value of these three standards (F-3, F-4 and S-ASM). This recognised that they are additional to the minimum requirements of the Resource Management Act 1991 (RMA) and will result in a more substantive change to planning practice.
3. Our initial analysis of submissions shows there is general support for them to be retained.
4. We consider that we can resolve the majority of submission points through minor amendments that have no significant effect on functionality.
5. A smaller number of submitters have raised more substantive matters on which we need early direction to allow adequate time to refine the spatial layers and zone framework standards prior to their gazettal in April 2019. These matters include:
  - standardising the range and types of land use zones
  - including purpose statements for zones
  - the need for more zones
  - the naming approach for residential zones
  - the range and types of rural zones
  - standardising the name and function of spatial layers.
6. We recommend retaining the spatial layers and zone framework standards subject to minor amendments to clarify functionality and ensure flexibility to be adapted to local contexts. Retaining them will help to ensure that the first set achieves a balance of meaningful consistency across plans and policy statements, and local variation.
7. In response to submitter concerns we consider that three additional zones should be included within the zone framework, with consideration given to including more. We also consider that residential zone purpose statements should be reworded to describe the types of buildings expected within the zone, and that the rural production zone be retained.
8. To avoid the potential for confusion with the Urban Growth Agenda working definition of spatial planning, we recommended changing the names of standards F-3 and F-4 to district and regional 'spatial layers'.
9. Following your direction on the more substantive matters raised by submitters we will continue to refine the broader set of standards, seeking further agreement in December 2018.

## Recommendations

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### Minister for the Environment and Minister of Conservation

We recommend that you:

- a. **Agree** to change the names of standards F-3 and F-4 from 'spatial planning tools' to 'spatial layers' to avoid confusion with the 'spatial planning' concept in the Urban Growth Agenda

Yes/No

- b. **Note** that the majority of feedback received on these three standards (F-3, F-4 and S-ASM) was generally supportive, but some detailed technical changes were requested

Yes/No

- c. **Note** that we consider we can resolve the majority of submission points through minor amendments to increase clarity, or through providing guidance

Yes/No

- d. **Meet** with officials for further discussion

Yes/No

### Minister for the Environment

We recommend that you:

- e. **Agree** in principle to retain the S-ASM standard including a zone framework, and to continue its refinement

Yes/No

- i. **Agree** in principle to retain zone purpose statements within the S-ASM standard, rather than in guidance

Yes/No

- ii. **Agree** in principle to include a 'large format retail zone', an additional 'low density residential zone' and a 'metropolitan centre zone' in the zone framework in response to submitter feedback

Yes/No

- iii. **Note** that we may recommend more zones be included in the framework to address submitter feedback following detailed analysis of submissions

Yes/No

- iv. **Agree** in principle to use a density-based naming approach with descriptive purpose statements for residential zones in response to submitter feedback

Yes/No

- v. **Agree** to retain the 'rural production zone' in the zone framework

Yes/No

- f. **Agree** in principle to retain the district spatial layers standard (F-4) and to continue its refinement

Yes/No

- g. **Agree** in principle to retain the regional spatial layers standard (F-3) and to continue its refinement

Yes/No

#### Minister of Conservation

We recommend that you:

- h. **Note** that while no draft standards apply solely to the coastal marine area, the regional spatial layers (F-3) and area specific matters (S-ASM), standards are relevant to coastal marine area

Yes/No

- i. **Agree** in principle to retain the regional spatial layers standard (F-3) to the extent that it relates to the coastal marine area

Yes/No

- j. **Agree** in principle to retain the area specific matters standard (S-ASM) including a zone framework to the extent that the 'Port zone' relates to the coastal marine area

Yes/No

- k. **Agree** in principle to retain the purpose statement for the 'Port zone' within the S-ASM standard, rather than in guidance, to the extent that it relates to the coastal marine area.

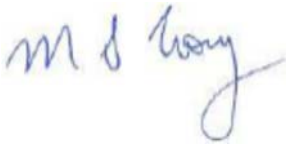
Yes/No

**Signature**

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Lesley Baddon  
Director, Natural and Built Systems  
Ministry for the Environment



Marie Long  
Director, Planning, Permissions and Land  
Department of Conservation

Proactively released

Hon David Parker  
**Minister for the Environment**

**Date**

Hon Eugenie Sage  
**Minister of Conservation**

**Date**

Proactively released

# National Planning Standards – Spatial layers and zone framework planning standards

## Supporting material

### Purpose

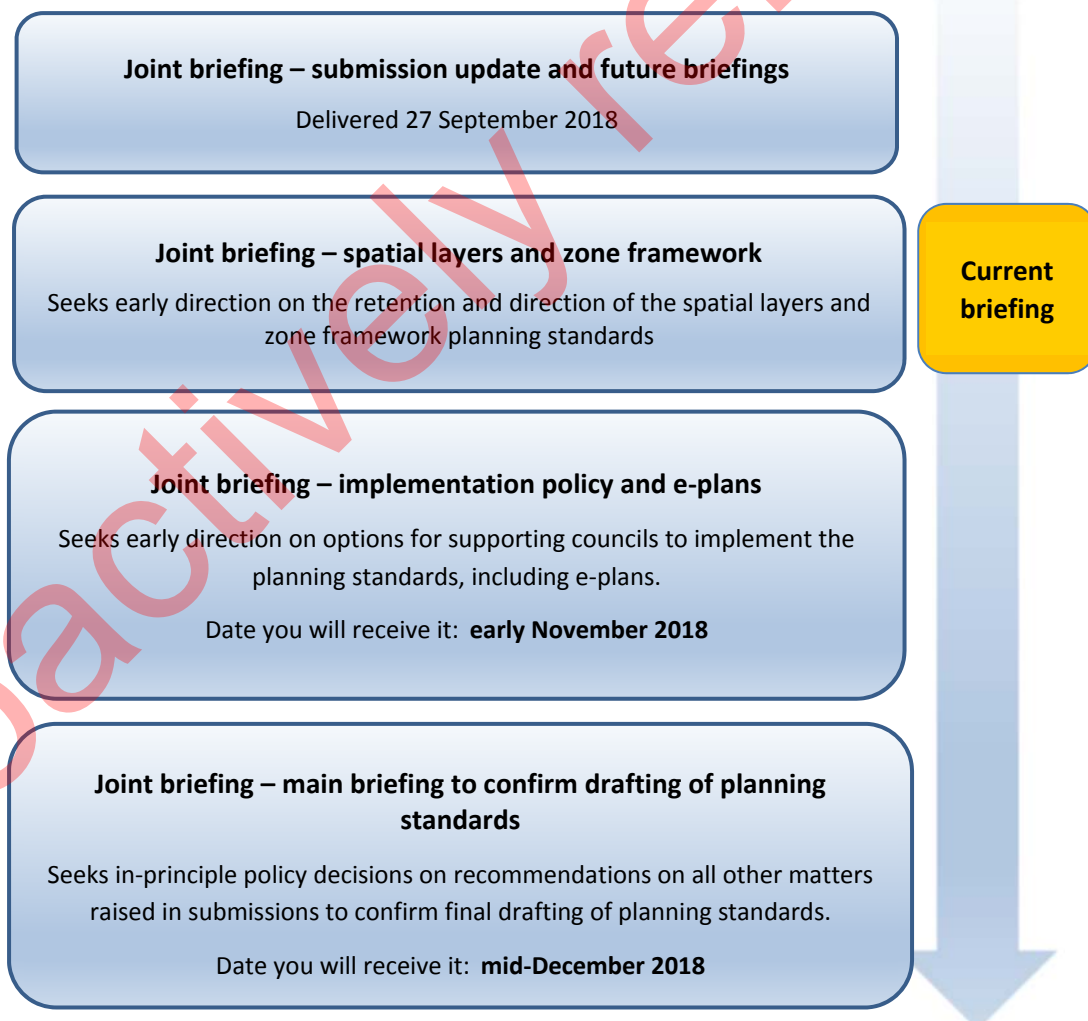
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10. We need in-principle agreement on the retention of the spatial layers and zone framework national planning standards (planning standards/standards). We also need direction where submitters have suggested alternatives, to allow adequate time to finalise these standards before gazettal in April 2019.

### Context

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11. This is the second in a series of briefings seeking your direction on the refinement of the standards.



12. The draft first set of standards, notified in June 2018, included three which were additional to the minimum requirements of the Resource Management Act 1991 (RMA)<sup>1</sup>:
- **Standards F-3 and F-4** set out the functions of spatial layers such as zones, overlays and precincts and how they are to be used in district plans and regional plans (and policy statements)
  - **Standard S-ASM** specifies the range and types of land use zones that may be used in district plans and combined plans.
13. Meeting the minimum requirements of the RMA alone would only achieve superficial alignment of common chapter and section headings in plans. On that basis we recommended pursuing a more comprehensive scope, including these three additional standards to help achieve a balance of meaningful consistency and local content across plans and policy statements (2018-B-04385 refers). Such a scope would also make more efficient use of council and submitter resources, and improve the accessibility of plan content.
14. The consultation document sought feedback on the value of these additional standards, recognising they are above the minimum requirements of the RMA and would result in a greater change to planning practice.

## Analysis and Advice

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### ***Replacing the term 'spatial planning tools' with 'spatial layers' will limit confusion with the Urban Growth Agenda (UGA) 'spatial planning' concept***

15. We note that the concept of 'spatial planning' has been identified as a key vehicle to achieve the objectives of the UGA and policy development is currently underway within the Spatial Planning Pillar and Urban Planning Pillar. Spatial planning in this context is strategic and future focused, involves collaboration between central and local government, iwi and others, and seeks to direct and integrate land use regulation and infrastructure planning and investment (2018-B-04390 refers).
16. The term 'spatial layers' is not new, and was originally used in the discussion paper<sup>2</sup> released in May 2017. This paper sought initial views on the proposal to standardise the use of zones and other spatial layers in plans. This change also more accurately reflects how the spatial layers function together to form a package of controls applying to a site, area or resource.

### ***Standards on spatial layers and a zone framework are generally supported***

17. We received 199 submissions in total (2018-B-04923 refers), of which 27 commented on the regional spatial layers, 43 on the district spatial layers and 105 on the zone framework standard. Initial analysis of the position of submitters shows general support as detailed in Table 1 below.

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<sup>1</sup> Section 58G (2) of the Resource Management Act 1991 requires that the first set of National Planning Standards include, at a minimum, requirements for the structure and form for policy statements and plans; definitions; and requirements for the electronic functionality and accessibility of policy statements and plans.

<sup>2</sup> National Planning Standards: Zones and overlays – spatial layers in plans: Discussion paper C.



Table 1: Support/opposition statistics for F-3, F-4 and S-ASM standards

Standard	Support/Support in part	Neutral/Not stated	Oppose/Oppose in part
<b>F-3 Regional spatial layers</b> n=27	70% n=19	22% n=6	7% n=2
<b>F-4 District spatial layers</b> n=43	74% n=32	21% n=9	5% n=2
<b>S-ASM Zone framework</b> n=105	62% n=65	30% n=31	9% n=9

18. Most submissions were very detailed. Council submissions frequently included examples of how these standards would work in local contexts, while environmental groups, professional and industry organisations typically used a nation-wide operational perspective.

19. Most submitters in opposition did so at a philosophical level.

**Your direction is needed on more substantive submission points**

20. We consider we can resolve the majority of submission points through minor amendments to increase clarity and certainty for users. While we released initial guidance alongside the draft standards, it is evident that some submitters did not engage with this material which could have addressed many submission points. Further and more detailed guidance will accompany the final standards.

21. Some submitters have raised more substantive matters and suggested alternatives for how these three standards could proceed. We need your early direction on these more substantive matters to allow adequate time to finalise the standards. These matters include:

- standardising the range and types of land use zones
- including purpose statements for zones
- the need for more zones
- the naming approach for residential zones
- the range and types of rural zones
- standardising the name and function of spatial layers.

**Standardising the range and types of zones in district plans**

22. We recommend that the first set of standards retains a zone framework for district and combined plans. This balances the opportunity to achieve a meaningful level of consistency across plans with the desire for councils and communities to manage unique local variation.

23. We are connecting recommendations on the standards with our advice on UGA topics, including proposed national direction on quality urban intensification. The proposed zone framework and spatial layers will help standardise their use in UGA policy, as well as in local RMA plans.

24. Overall, submissions indicate there is general support for standardising the range and types of land use zones in plans, so long as the flexibility to adapt zones to

local contexts is retained. Most submitters suggested ways the names of zones and the language of the purpose statements could be amended.

25. The ability to add special purpose zones was supported by both councils and industry groups (such as the *'Mystery Creek events zone'* – Waipa District Plan). Some submitters considered the criteria to justify an additional zone too restrictive and would result in overuse of precincts. They considered this would create more plan complexity compared to using a special purpose zone.
26. The low level of outright opposition to this standard likely reflects that standardised zones have been discussed as part of a planning template since the 2013 RMA reforms. Many planning systems internationally have also adopted a more template-based approach to zoning.

#### ***Issues raised with zone purpose statements***

27. Purpose statements for zones are used in a number of plans, including the Auckland Unitary Plan (AUP). Purpose statements are intended to aid interpretation and set high level direction for what is likely to be expected in each zone.
28. We consider it is necessary to retain purpose statements within the standard to provide high-level direction for how each zone should be used. This will ensure a greater level of consistency in the use of zones, while enabling local variation in the substantive provisions of each zone.
29. If the purpose statements were to be made available as guidance, only zone names would be standardised, without any method for directing a high-level consistent application. This could result in the same zones being used in different ways across the country.
30. We agree with submitters that the purpose statements should be revisited to ensure they do not unreasonably constrain councils from tailoring provisions or providing for a mixture of activities as appropriate to the local context.

#### **Include within the standard, or provide as guidance**

31. Contrasting views were held on whether purpose statements should be included in the standard or provided as guidance only.
32. The New Zealand Airports Association supported the use of purpose statements in the standards considering *'it is critical there is some level of consistency in how zones are applied across the country'*. Housing New Zealand Corporation also supported purpose statements and suggested amendments to ensure they reflect future outcomes, rather than focussing on the current state.
33. Conversely, the Resource Management Law Association (RMLA) and Forest and Bird requested purpose statements be guidance only. They considered that requiring local provisions to 'enable', 'provide', or 'prioritise' particular activities (eg, provide for residential activities in the residential zone) is too directive towards the content of plans. Taupo District Council and Christchurch City Council similarly raised concerns that purpose statements worded this way could leave councils be open to legal challenge whether local provisions are sufficiently fulfilling of the purpose statement.

#### **Too broad or too narrow in scope**

34. Some submitters including Matamata-Piako District Council, while supportive of purpose statements, identified that the broad and general scope *'predisposed [them] to a considerable level of subjective interpretation'*. Given the different

makeup of towns and cities around the country they considered this will result in inconsistent outcomes. Industry group submissions typically sought to ensure that the purpose statements do not inadvertently curtail current and future operation of their specific industry activities, such service stations.

35. Conversely, some submitters such as Hastings District Council considered that some purpose statements are too narrow in scope.

#### **More zones are needed in the zone framework**

36. We consider that three additional zones should be added to the framework to ensure workability, particularly those needed to resolve Auckland Council's concerns. These are a 'large format retail' zone, an additional residential zone and a 'metropolitan centre zone'.
37. Our preliminary analysis indicates that some zones suggested may be more aligned with other spatial layers. We will continue to analyse submissions and test whether suggested zones are more aligned to other spatial layers.
38. Industry groups such as Winstone Aggregates requested an additional zone for 'mineral extraction/quarrying', while Synlait Milk Ltd requested a 'Rural industry' zone for dairy factories and processing plants.
39. Small to medium sized councils including Wellington City Council were largely satisfied with the range of zones provided. Auckland Council submitted that they need a greater number of residential and commercial zones to provide for Auckland's large and complex metropolitan area. Officials have met with Council officers to discuss which additional zones are needed.
40. The Department of Corrections requested a 'Corrections zone' and a number of definitions<sup>3</sup> to help improve planning and operation of the facilities the Department is responsible for. We are continuing to discuss these requests with them alongside their wider work on a strategy for the prison network.

#### **How residential zones are named**

41. We consider that the names of residential zones should retain a 'density' based naming approach, but their purpose statements should be changed to describe the various types of buildings expected within the zone. Being more specific about density by describing building typologies would help councils to determine what the built form 'trigger' is to use the zone. This would increase consistency of application and assist public understanding of the potential land use opportunities within each zone. Appendix 1 compares the draft standards proposal with the recommended approach.
42. Using descriptive purpose statements would still mean that councils are responsible for local policy decisions about which zones to use, the provisions within them, and where they apply.
43. Throughout consultation we explicitly sought feedback on how residential zones should be named, knowing that councils use different approaches including:
- using 'density' as an indication of expected number or type of residential units per lot (eg, Hamilton District Plan - *Medium density residential zone*)
  - describing the building typology expected, (eg, Auckland Unitary Plan – *Terrace housing and apartment building zone*, *Mixed housing – suburban zone*)

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<sup>3</sup> Such as 'Community corrections activity', and 'social infrastructure'

- using an (alpha) numerical approach (eg, Invercargill District Plan – *Residential 1 and Residential 1A zones*)
44. Almost all small or medium sized councils in New Zealand use the concept of density to distinguish residential zones from one another. This is also the approach used in the majority of planning templates internationally.
  45. The residential zone purpose statements were intentionally drafted to be broad and general, referencing the type of character that might be expected. This approach reflected that community expectations and plan provisions for different zone densities vary across the country.
  46. Some submitters, such as Auckland Council, identified that naming zones using a density principle, but not specifying criteria or thresholds for their use (such as site sizes, dwellings per lot, or building types expected) may be counterintuitive to achieving consistency.
  47. Both Auckland Council and Housing New Zealand Corporation noted that in the case of the AUP, three residential zones have no density controls at all (in terms of dwellings per lot). These submitters considered that instead describing the building typologies anticipated within the zone '*sends a very clear picture to plan users about the level of development that can be expected within the zone*' (Auckland Council). They believe 'density' is a confusing term to the general public.

#### ***The range of rural zones within the zone framework***

48. We consider that the Rural production zone should be retained as it is an understood technique for those councils who manage the productive capability of land.
49. We note that if this zone is not included, this could create uncertainties for councils and stakeholders regarding the Government's priorities for national direction on versatile soils. Retaining this zone allows councils to continue to effectively manage the productive capability of land using this technique. We will continue to work with the Ministry for Primary Industries to ensure the purpose statement is consistent with the developing approach of national direction on versatile soils.

#### **Submissions on the Rural and Rural production zones**

50. Both a Rural zone and Rural production zone were included in the zone framework for consultation as detailed in Table 2.

*Table 2: Rural and rural production zones in the draft standards*

<b><i>Zone name</i></b>	<b><i>Purpose statement</i></b>
Rural zone	The purpose of the <i>Rural zone</i> is to provide primarily for primary production activities. The zone may also provide for a limited range of activities which support rural production.
Rural production zone	The purpose of the <i>Rural production zone</i> is to prioritise primary production activities that rely on the productive nature of the soils, intensive primary production, and also providing for associated rural industry.

51. The Rural production zone was included following feedback from rural based councils and the Rural Sector Group<sup>4</sup> that some councils use more than one general rural zone to manage productive capability. For example, the Hastings and Whakatāne District Plans use 'Rural Plains' and 'Rural Foothills' zones, while the AUP and Gisborne Tairāwhiti Resource Management Plan include a 'Rural Production zone' as well as 'general/mixed rural zones'.
52. These types of zones enable a range of compatible activities while ensuring productive capability is retained and land fragmentation avoided. This is typically achieved through specific policies and rules managing minimum site sizes and residential activities. For example, in Hasting's 'Rural plains zone', viticulture is encouraged as it is particularly well suited to the type of soils within the zone. Similarly, Gisborne's 'Rural Production zone' seeks to manage land use on the horticulturally productive soils of the Poverty Bay flats through different subdivision and land use rules.
53. Production-type zones are not used by councils to explicitly provide for large scale processing operations or industrial activities, nor are they more permissive towards industrial and commercial activities.
54. Submitters familiar with plans that manage the productive capability of land understood the intended difference between the two rural zones. However, the majority of submitters did not. This is likely because the guidance reflected that a wide range of activities (including production/farming, tourism and conservation), are typically provided for in both rural zones. Similarly, unique values such as amenity, biodiversity, and heritage are also likely to be found in both rural zones.
55. Forest and Bird and RMLA raised specific concerns regarding the Rural production zone purpose statement. They considered it could result in councils prioritising production activities over other responsibilities such as the protection of significant natural areas or waterways. This interpretation is not what was intended. We agree that amendments should be made to better reflect the desire of councils to manage productive capability, and remove reference to prioritisation.

#### Earlier concerns regarding rural character and biodiversity values

56. Minister Sage raised concerns prior to public consultation the loss of rural character and biodiversity values in rural zones due to permissive provisions in district plans.
57. The first set of standards is intended to provide a common framework for plans, by specifying the types and names of zones. They are not intended to provide substantive policy direction on how zones must be used, or on RMA Part 2 matters. Any substantive new policy direction would require detailed analysis of the outcomes sought, and need to be made in national policy statements.
58. Councils are still required to fulfil their obligations under Part 2 of the RMA, including those related to natural character, landscape, ecological and amenity values under the structure and format of the standards.
59. Councils and communities determine the level of control appropriate to manage rural character in plans. Typically, this is through zone provisions to control the size and bulk of buildings and structures. The management of environmental

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<sup>4</sup> A group established by MfE to advise on rural-based matters in the planning standards. Included representatives from Federated Farmers, Horticulture New Zealand, Dairy NZ, Forestry Owners Association and NZ Beef and Lamb.

effects of these activities is guided by the specific policy outcomes set out in the district plan.

60. Regardless of the range of zones and the local provisions within them, councils can manage particular character values through the use of 'overlays', as set out in the district spatial layers standard. For example, the Waitaki District Plan contains a 'Rural scenic zone'. This zone has the same policy framework as the 'General rural zone' but has a specific additional focus on scenic values, managed through bespoke rules requiring larger lots.
61. Using the spatial layers approach, an 'overlay' would be used to identify those unique values and where they apply. This achieves the same level of control the community and council want to reflect in the plan, but is clearer for users what unique values are managed within the broader environment.
62. Similarly for biodiversity values, councils are able to use a combination of zones and overlays to fulfil their obligations under s6(c) of the RMA. Further policy direction on how councils should identify and manage these values should come through any national policy statement on indigenous biodiversity. It is noted that the New Zealand Coastal Policy Statement 2010 already provides direction on biodiversity matters within the coastal environment.

#### ***Standardising the names and functions of spatial layers in district plans***

63. We recommend that the district spatial layers standard is retained. We agree with submitters that the functions and differences between each spatial layer should be clarified through minor amendments.
64. A common zone framework is dependent on a consistent methodology for structuring plan content through spatial layers. Not pursuing both would only achieve a superficial level of alignment in plans, and the cumulative inefficiencies identified in Appendix 2 will continue.
65. Submissions largely considered that the range and types of spatial layers are broad enough to cover the range of controls in district plans. Most submitters were able to identify how spatial layers in the plans they use relate to those within the standard, as many only differ in name.
66. A range of council submitters including Hauraki District Council, Wellington City Council and Selwyn District Council, industry groups such as Horticulture NZ, and resource management consultants Beca Ltd support the standard and selection of spatial layers available.
67. No submissions disagreed with the use of spatial layers to manage the environment, but some support was subject to further clarification of the function and differences between them.
68. Some submitters, particularly rural based councils such as Waimakariri District Council and Rotorua Lakes District Council noted that the 'precinct' spatial layer carries an urban connotation, despite its potential use in rural environments too. These submitters requested the tool be renamed.
69. A number of submissions noted that while the flexibility of both the S-ASM and F-4 standards was supported, there are risks that using a combination of spatial layers to refine policy outcomes increases plan complexity, compared to using a unique local zone (Kāpiti Coast District Council). Auckland Council and Christchurch City Council questioned whether limiting zones and using more spatial layers will make plans easier to use.

### **Standardising the names and functions of spatial layers in regional plans**

70. We recommend that the regional spatial layers standard is retained. We agree with submitters that the functions and differences between each spatial layer should be clarified through minor amendments.
71. A smaller number of submissions were received on this standard specifically. Many of these submission points were applicable to both the regional and district spatial layers standards.
72. The range and types of spatial layers were largely considered appropriate for regional plans. The flexibility for regional councils to use them in a catchment or theme-based approach was supported by submitters, such as Horizons Regional Council.
73. Given the degree of flexibility enabled by the standard, some submitters requested further clarification and guidance on how it works in practice.
74. Those opposed, such as Taranaki Regional Council (TRC), consistent with their broader submission, were philosophically opposed to plan standardisation and consider that specifying a set range of spatial layers:

*'necessarily constrains councils in the range of techniques they may want to use to manage local environmental effects. They create yet another opportunity for legal challenge, added cost and further delay to the process of getting an operative plan in place. They may also discourage fresh approaches and new ideas in managing environmental effects that may hold back proposals to use, develop or protect resources.'*

75. TRC did, however, suggest possible amendments to ensure it is workable if adopted.

### **Submissions relating to the CMA**

76. The Minister of Conservation is required to prepare and approve standards 'if and to the extent that a matter relates to the coastal marine area' (RMA s58B(2)). While no standards were prepared to solely apply to the CMA we identified that some standards including the Port zone (within S-ASM) and regional spatial layers standard (F-3) are relevant to the CMA (2018-B-04385 refers).
77. Other than requests for clarification and the provision of additional guidance, submissions on these standards raised no substantive CMA-specific issues.
78. Only three submissions were received on the Port zone. These submissions either supported its inclusion, or sought clarification whether it applies to both the seaward and landward sides of the CMA. These submitters also requested clarification where Port zone provisions would be located within the structure of regional and combined plans.
79. Some submitters such as the Joint Southland Councils requested clarification how coastal environments would be managed in an integrated manner under the standard. We consider that providing common spatial layers for both regional councils and territorial authorities to use, including across the CMA boundary, will assist councils to better manage resources in an integrated manner.
80. Auckland Council noted that precincts, which are policy variations based on an underlying zone, were available for land-based zones but not for CMA zones. We consider we can address this concern by enabling the use of precincts in the CMA.

## **Consultation and Collaboration**

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81. This briefing was prepared by the Ministry for the Environment and the Department of Conservation.
82. The Ministry of Housing and Urban Development (MHUD), Ministry of Health (MOH), Ministry for Primary Industries (MPI), Ministry of Social Development (MSD) and the Department of Corrections (Corrections) have reviewed this briefing.
83. MPI suggested changes to clarify the relationship of the standards with the developing approach to national direction on versatile soils.

## **Risks and mitigations**

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84. There are no risks or mitigations associated with the content of this briefing.

## **Legal issues**

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85. No legal issues have yet been identified in relation to the draft standards discussed in this briefing. However, we note that the RMLA raised a legal issue in relation to the directive language used and the possibility of conflict with other national direction/Part 2 of the RMA.
86. Crown Law will be conducting a vires review of the standards prior to gazettal and we will raise these concerns at this time.

## **Financial, regulatory and legislative implications**

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87. There are no financial, regulatory or legislative implications.

## **Next Steps**

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88. We will refine the draft first of standards subject to your direction on the matters outlined in this briefing. You will receive further advice in early November and a revised set of standards in December 2018 as detailed below.



**Joint briefing – submission update and future briefings**

Delivered 27 September 2018

**Joint briefing – spatial layers and zone framework**

**Current  
briefing**

**Joint briefing – implementation policy and e-plans**

Seeks early direction on options for supporting councils to implement the Planning Standards, including e-plans.

Date you will receive it: **early November 2018**

**Joint briefing – main briefing to confirm drafting of Planning Standards**

Seeks in-principle policy decisions on recommendations on all other matters raised in submissions to confirm final drafting of Planning Standards.

Date you will receive it: **mid-December 2018**

Proactively released

**Appendices**

Proactively released

## Appendix 1

### *Draft planning standards vs combination naming approach*

Draft planning standards approach		Revised combination approach	
Zone	Purpose statement	Zone	Purpose statement
Low-density residential zone	The purpose of the Low-density residential zone is to provide primarily for residential activities where there may be constraints on urban density.	Large lot residential zone	The purpose of the Residential—Large Lot Zone is to provide primarily for residential activities on larger lots than the Residential Zone to address landscape qualities, lack of reticulated water services, or physical limitations to more intensive development. Residential buildings typically include detached housing
Residential zone	The purpose of the Residential zone is to provide primarily for residential activities in areas of suburban character.	Residential zone	The purpose of the Residential Zone is to provide primarily for residential activities and other compatible activities, with a mix of housing types.
Medium-density residential zone	The purpose of the Medium-density residential zone is to provide primarily for residential activities in areas of urban character.	Medium-density residential zone	The purpose of the Residential—Medium Density Zone is to provide primarily for residential activities and other compatible activities, with moderate concentration and bulk of buildings such as detached, semi-detached and terraced housing, and low-rise apartments.
High-density residential zone	The purpose of the High-density residential zone is to provide primarily for residential activities in areas of high density, urban character.	High-density residential zone	The purpose of the Residential—High Density Zone is to provide primarily for residential activities and other compatible activities, with high concentration and bulk of buildings, such as terraced houses and apartments.

## Appendix 2

### *Variation in spatial layers and zoning in district plans*

#### Spatial layers

- Plans use different methods to introduce provisions (e.g. objectives, policies and rules) to manage environmental issues and reflect community values. The areas to which these provisions apply in a district may be spatially mapped and apply only to a single site or over larger areas.
- These methods can collectively be termed spatial layers. Examples of spatial layers in plans include zones, overlays, precincts, subzones, mapped areas, appended areas and policy areas among many others.
- The package of controls applying a site may be formed from multiple spatial layers recognising different values, risks or features. For example, a suburban house directly next to a fault line may be within the 'residential zone' (with provisions enabling residential dwellings and activities), and also subject to a 'fault line overlay' (with provisions restricting further intensification of the site, or unique requirements for building materials). Houses away from the fault line may not be subject to the overlay.
- Presently, there is no consistent approach to naming these different types of spatial layers, or how they should work in isolation or together and accordingly have been used differently across the country. For example, some plans may manage an issue or value in an area through the use of an 'overlay' with relevant provisions located in a 'district-wide chapter'. Another plan may manage the same issue or value, but call these provisions a 'policy area' and have the relevant provisions located in the respective 'zone chapter'.
- While these different spatial layers may work well for a single plan in and of itself, the variation in the way that spatial layers are named and contained within plans creates inefficiency, confusion and hence unnecessary costs for plan users. Furthermore, each council has to spend time and resources developing and implementing bespoke local solutions to common spatial layers, and they often have to litigate their choice of spatial layers through the courts.

#### Zoning

- Zoning is the most basic and commonly understood spatial layer and has been the foundation of planning systems in many developed countries. It has been used in New Zealand since the Town Planning Act 1926. Despite not being required by the RMA, every district plan uses zoning to identify and manage areas with common environmental characteristics, or to achieve similar or new environmental outcomes. Zones also group compatible activities or effects together and restrict those that are incompatible through their provisions.
- All land managed by a district plan is zoned, recognising that different environmental outcomes and groupings of activities are desirable in different areas. For example, areas of residential living will have residential zoning, and areas better suited to industrial activity will be zoned as such.
- Presently, councils determine the number, nature and names of zones that are

contained within the district. There are no restrictions on the number or type of zones and are often called by different names between plans, for example, 'living areas', 'resource areas' and 'management areas'. They are also cartographically represented in different ways. For example residential zones could be yellow in one plan, which means industrial in the adjacent plan.

- Despite being the most basic spatial layer where a general level consistency would be expected, the number and variety of zones in plans varies greatly, often but not always correlated to the size of the urban or rural area the plan manages. For example, the Christchurch City District Plan contains 11 residential zones, while the Wellington City District Plan contains only three.<sup>5</sup> Similarly, the Hamilton District Plan contains 11 commercial zones while the Tauranga City Plan contains seven.<sup>6</sup>
- A large number of zones in a plan could indicate that:
  - a large number of zones are needed to manage different locally specific land use clusters
  - zones have been chosen as the spatial layer to prescribe a high degree of control over activities and effects
  - zoning is being used as a collective spatial layer to manage collective groups of issues (for example, residential activity and special character) instead of addressing exceptional or additional issues through other spatial layers.
- Research commissioned by the Ministry<sup>7</sup> confirmed that there is significant face-value variation in the number and variety of zones within plans. However, when terminology differences and naming conventions are set aside, there is a high degree of underlying commonality in their intent and purpose. While the specific provisions of each of these zones in different plans may vary (for example, site sizes, setbacks, maximum heights), their general intent remains similar.

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<sup>5</sup> 4Sight Consulting. 2015. *Urban zone research*. Wellington: Ministry for the Environment. Retrieved from [www.mfe.govt.nz/sites/default/files/media/RMA/Urban\\_Zone\\_Research.pdf](http://www.mfe.govt.nz/sites/default/files/media/RMA/Urban_Zone_Research.pdf)

<sup>6</sup> Ibid.

<sup>7</sup> See the Ministry for the Environment website at [www.mfe.govt.nz/rma/legislative-tools/national-planning-standards/developing-first-set-of-national-planning-2](http://www.mfe.govt.nz/rma/legislative-tools/national-planning-standards/developing-first-set-of-national-planning-2)

<b>Title:</b>	2018-B-04860 National Planning Standards – spatial layers and zone framework standards		<b>Te Puna Number</b>	10810103
<b>Commissioned by:</b>	Liz Moncrieff	<b>Date</b>	27/08/2018	<b>Author</b> Adam McCutcheon
<b>Type of Advice</b> (delete options that don't apply)	Seeking decisions			
<b>Supporting Documents (links or Te Puna numbers)</b>	In confidence			
<b>To be delivered to Minister by:</b>	19 October 2018. To allow adequate time to refine the first set of planning standards prior to their gazettal in April 2019			
<b>Ministerial Decision needed by:</b>	26 October 2018.			

### Consultation

**External** (MPI, DIA, MBIE, Statistics, Iwi, local Government, others) **Internal** (Legal, procurement, finance, NSSRU, directorates with policy interest, others). *Analysts should discuss with legal early to ensure compliance with any legal requirements, and that legal issues are adequately considered.*

<b>Who was consulted?</b>	<b>When?</b>	<b>Is joint sign-out required with other agencies? Who?</b>
The Ministry of Housing and Urban Development Ministry of Health Ministry for Primary Industries Department of Corrections Minsitry of Social Development	9/10/2018	Yes, DOC

### Quality Control

	<b>Name</b>	<b>Date Due</b>	<b>Date Signed Off</b>
<b>QUIP discussion</b>		6 <sup>th</sup> September	
<b>Author</b>	Adam McCutcheon		11/10/2018
<b>Peer Reviewer</b>	Natalie Pike	6 October	11/10/2018
<b>Proof Reader</b>	Kathleen Haylock	11/10/2018	11/10/2018
<b>Manager</b>	Liz Moncrieff pp Andrew Wharton/Rebecca Lloyd	15/10/2018	15/10/2018
<b>Director (if applicable)</b>	Lesley Baddon		
<b>Deputy Secretary (if applicable)</b>	N/A	N/A	N/A