

# Background Working Document

## Research Findings: Unitary Plans Structure and Format

Draft Internal MfE Report

2015

This is one of a series of background working papers prepared by the Ministry for the Environment to help inform the development of national planning standards. A list of all the background papers is available on our website: [www.mfe.govt.nz/rma/legislative-tools/research-informing-development-of-first-set-of-national-planning-standards](http://www.mfe.govt.nz/rma/legislative-tools/research-informing-development-of-first-set-of-national-planning-standards)

Published in March 2017 by the  
Ministry for the Environment  
Manatū Mō Te Taiao  
PO Box 10362, Wellington 6143, New Zealand

ISBN Number: 978-0-908339-87-7

Publication number: ME 1290

© Crown copyright New Zealand 2017



*Making Aotearoa New Zealand*  
the most liveable place in the world

This document is available on the Ministry for the Environment website: [www.mfe.govt.nz](http://www.mfe.govt.nz).

# Research Findings: Unitary Plans Structure and Format

---

## Purpose

The purpose of this research is to report on the structure, format and high level content of unitary plans prepared under the Resource Management Act 1991. This will assist in determining whether a common structure and format for unitary planning documents should form part of the proposed National Planning Template. This research is not intended to draw conclusions on what a unitary plan structure should be, rather it provides insight into how unitary authorities have organised the content in their unitary plans. The report concludes with some suggestions for further research and analysis.

## Background/Problem Definition

There are five Unitary Authorities in New Zealand (Auckland, Gisborne, Nelson, Tasman and Marlborough) and essentially these councils combine the functions of territorial authorities and regional councils.

Unitary plans are combined documents produced by Unitary Authorities under section 80 of the Resource Management Act 1991. It is not compulsory for unitary authorities to have a combined unitary plan; however most unitary authorities have a combined plan of some kind. Section 80(2), provides for a combined regional and district document to include 2 or more of a regional policy statement, a regional plan (including a regional coastal plan), or a district plan. It is therefore not a requirement that the combined plan include the RPS provisions, although it is still compulsory to have an RPS which could be a separate document.

Further, Section 80(8) requires that the combined document must:

- clearly identify the provisions for the document that are the RPS, the regional plan, the regional coastal plan, or the district plan; and
- the objectives, policies and methods set out or described in the document that have the effect of being provisions of the regional policy statement (if the regional policy statement forms part of the combined plan).

## Objectives/key research questions

The research brief posed the following question to frame the research:

- Do all unitary authorities have a combined unitary plan?
- What topics do the combined plans include?
- What, if any, topics/plans sit outside of the combined unitary plan? How are these structured?
- Determine how unitary plans are structured and whether there are any similarities or differences between the councils
- How do the plans distinguish between provisions which are district and those that are regional? How are provisions which are district and regional identified?
- Are there any emerging trends in how unitary authorities are approaching their planning documents as they are reviewed?
- Observe any other trends or issues which may be relevant to the proposed National Planning Template.
- To summarise the key findings in a report.

## Research Findings

### **Do all unitary authorities have a combined unitary plan?**

All five unitary authorities have a combined planning document of some form, and in all cases this combines the district and at least some of the regional functions of the council.

Marlborough District is unique in that it has two area based unitary plans – one to cover the Marlborough Sounds and one covering the Wairau/Awatere area. While both plans were initially analysed at a high level, it became clear that they were both similar in structure and format, and it would be sufficient to focus on one plan – the Marlborough Sounds Resource Management Plan.

As such the analysis in this report is based on the following unitary plan documents:

<b>Plan</b>	<b>Plan Date(s)</b>
Proposed Auckland Unitary Plan	Notified September 2013
Gisborne District Plan	Operative 2006
Marlborough Sounds Resource Management Plan	Regional, District and Coastal Plans Operative 2003; Operative in full 2011
Nelson Resource Management Plan	Regional and District Plan sections Operative 2004; Regional Coastal Plan partly operative 2006; Port Noise provisions operative 2012
Tasman Resource Management Plan	Parts I and II operative November 2008; Parts V and VI operative 2011; Part III, parts of I, V and IV and the Coastal Plan 2011

### **What topics do the combined plans cover? What, if any, topics/plans sit outside of the combined unitary plan? How are these structured?**

The unitary plans cover a broad range of topics; however these are generally within the functions of unitary authorities outlined in the Act.

The Proposed Auckland Unitary Plan is the only unitary plan to include the Regional Policy Statement. All the other unitary authorities have a separate document for their RPS. The RPS documents have not formed part of this research as their structure and format was analysed as part of earlier research specific to the structure and format of RPS documents.

Out of the five plans analysed, four incorporate the coastal planning functions within the unitary plan. The Gisborne District Plan is the only plan not to do so, having a separate Regional Coastal Plan document. Gisborne Council also has separate documents for freshwater matters, air quality and discharges. Nelson City Council also has a separate document to cover air quality. The general structure of these plans is as follows:

- The Gisborne Air Quality Plan has separate chapters for the issues, objectives, policies and rules, with definitions located at the end of the plan
- The Gisborne Proposed Freshwater Management Plan incorporates RPS provisions as they relate to freshwater. This is a standalone section of the plan and incorporates the freshwater issues. Policies are spread across the RPS section and the Regional Plan section. The Regional Plan section is split by activity/topic-based chapters which include the policies and rules. Rules are presented in table format.
- The Gisborne Regional Plan for Discharges to Land and Water is broken into topic/activity-based chapters which include the issues, objectives, policies and rules pertaining to that topic or activity.
- The Proposed Gisborne Coastal Environment Plan includes a chapter on 'Guiding Policy' which includes overarching issues, objectives and policies. A subsequent section of the plan is dedicated to 'Management Process' which is broken into management areas which contain specific issues, policies and rules for those areas.

- The Nelson Air Quality Plan has a standalone issues chapter, and the objectives and policies are contained within one chapter based on activity/topic. The air quality rules are within a standalone chapter of the plan.

**Determine how unitary plans are structured and whether there are any similarities or differences between the councils**

***High level structure***

The unitary plans all categorise their contents slightly differently, although three out of the five councils split the plan into parts or volumes which are based on the type of plan provision that part or volume addresses. For example, the Auckland Unitary Plan has seven parts, the first being the introduction/strategic direction, Part 2 being the Regional and District Objectives and Policies, Part 3 being the Regional and District Rules and so on. The Gisborne and Tasman plans are divided first by topic, with the issues, objectives, policies and rules located within sub-sections, or sub-chapters.

Diagrams showing the high level structure of the Unitary Plans analysed in this research are included in Appendix 1.

An interesting observation is that the three ‘top-of-the-south’ unitary authorities (being Tasman, Marlborough and Nelson) each have a different structure. An assumption of the researcher had been that these councils would have adopted a similar structure, but this was not found to be the case. The Nelson and Marlborough Plans are both split into two or more volumes, and both locate the objectives and policies in Volume 1. The Nelson Plan differs however by limiting Volume 1 to District-wide objectives and policies and then including objectives, policies and rules in zone-based chapters in Volume 2. The Marlborough Plan on the other hand locates all the objectives and policies in Volume one and retains volume two for the rules only.

The Tasman RRMP is quite different to its neighbouring council plans, taking a topic-based approach to the structure, and grouping the objectives and policies and rules in separate sub-chapters within the higher topic-based chapter.

***Objectives and Policies***

The research revealed that at a high level there is a trend in Unitary Plans to have the objectives and policies in a separate part or chapter of the plan from the rules to which they relate. Of the five councils, four took this approach, with Gisborne using topic-based chapters which contain all the provisions relating to that topic.

This trend can be distilled further, however, to reveal slight variations in how the four councils which separated the provisions group the objectives and policies.

As shown in Figure 1 below, the PAUP is first split into parts with the objectives and policies located within Part 2 ‘Regional and District Objectives and Policies’. This section is then broken down into chapters based on whether they are Auckland-wide, Zone, Overlay or Precinct objectives and policies. Further sub-chapters are topic/zone/precinct/area-based. The objectives are then grouped together followed by all the policies.

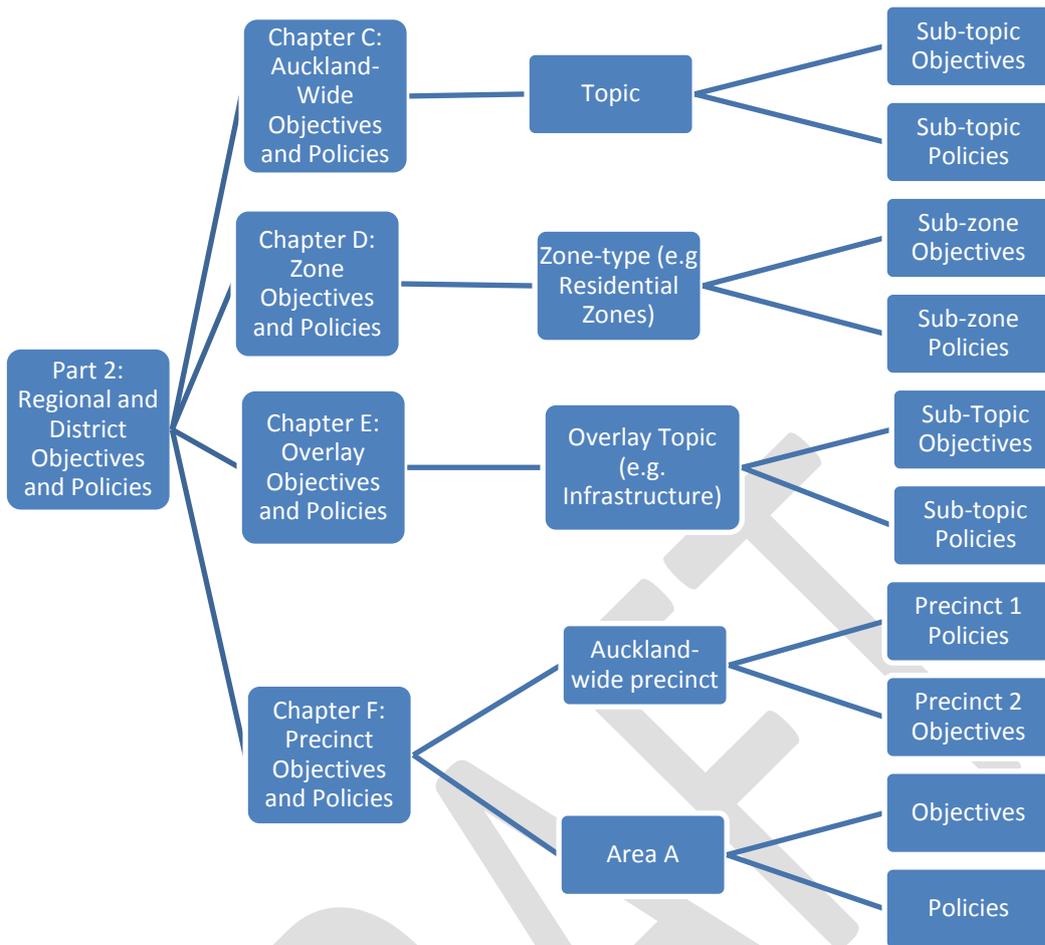


Figure 1: High-Level Structure of Proposed Auckland Unitary Plan Objectives and Policies

Marlborough also uses topic-based chapters but within the objectives and policies section of the plan (Volume 1), the policies are grouped with the objective to which they relate.

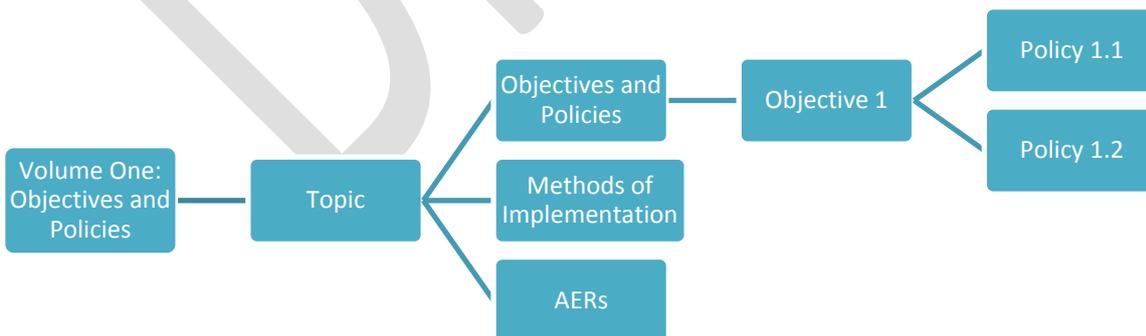


Figure 2: High-level Structure of the Objectives and Policies in the Marlborough Resource Management Plan

The Tasman RRMP is broken down first by theme-based chapters (rather than splitting the plan into parts or volumes), and within these chapters the issues, objectives and policies are grouped together in one section.

The Nelson RRMP is split into two volumes, and the objectives and policies of the plan are divided across these two volumes (see Figure 3). Volume 1 contains the district-wide objectives and policies. This chapter is then broken into topic-based subsections which are further split into themes within which the objectives and policies are located. Volume 2 of the plan then contains all the zones for the district, and each zone chapter is broken into a section of objectives and policies grouped by theme.

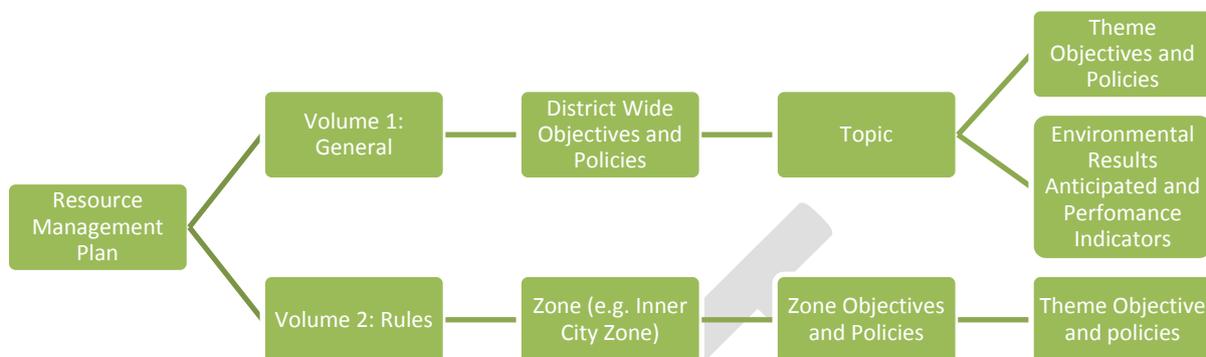


Figure 3: High-level structure of Objectives and Policies in the Nelson Resource Management Plan

The Gisborne plan is first broken down by topic within which sub-sections include a set of general objectives, general policies, issues, them-based objectives and policies and then the rules. Figure 4 illustrates how the plan structures the objectives and policies within the topic-based chapters.

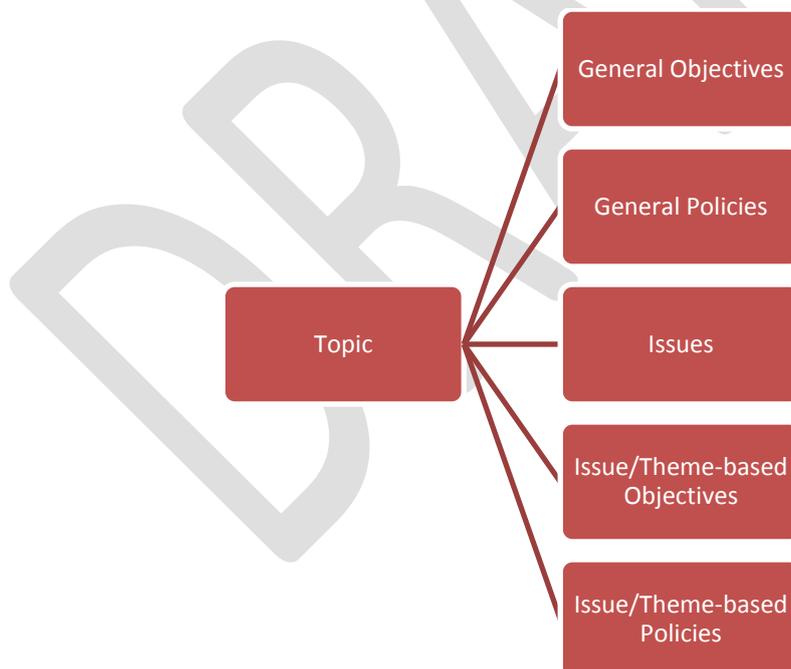


Figure 4: High-level Structure of the Objectives and Policies in the Gisborne District Plan

### **Rules and standards**

*Location and grouping of rules in unitary plans*

In all the plans, rules are typically contained within distinct chapters or sub-sections of a broader topic-based chapter. There also appears to be a trend to locate rules in a separate volume or part of the plan entirely, with three of the unitary plans taking this approach.

The PAUP groups the rules by type – General, Auckland-wide, Zone, Overlay or Precinct and therefore to an extent the structure is linked to the spatial extent of the rules. These chapters are then divided by general topic (e.g. infrastructure), and then by sub-topic (e.g. network utilities). Activity tables then set out the rules by activity, followed by notification requirements.

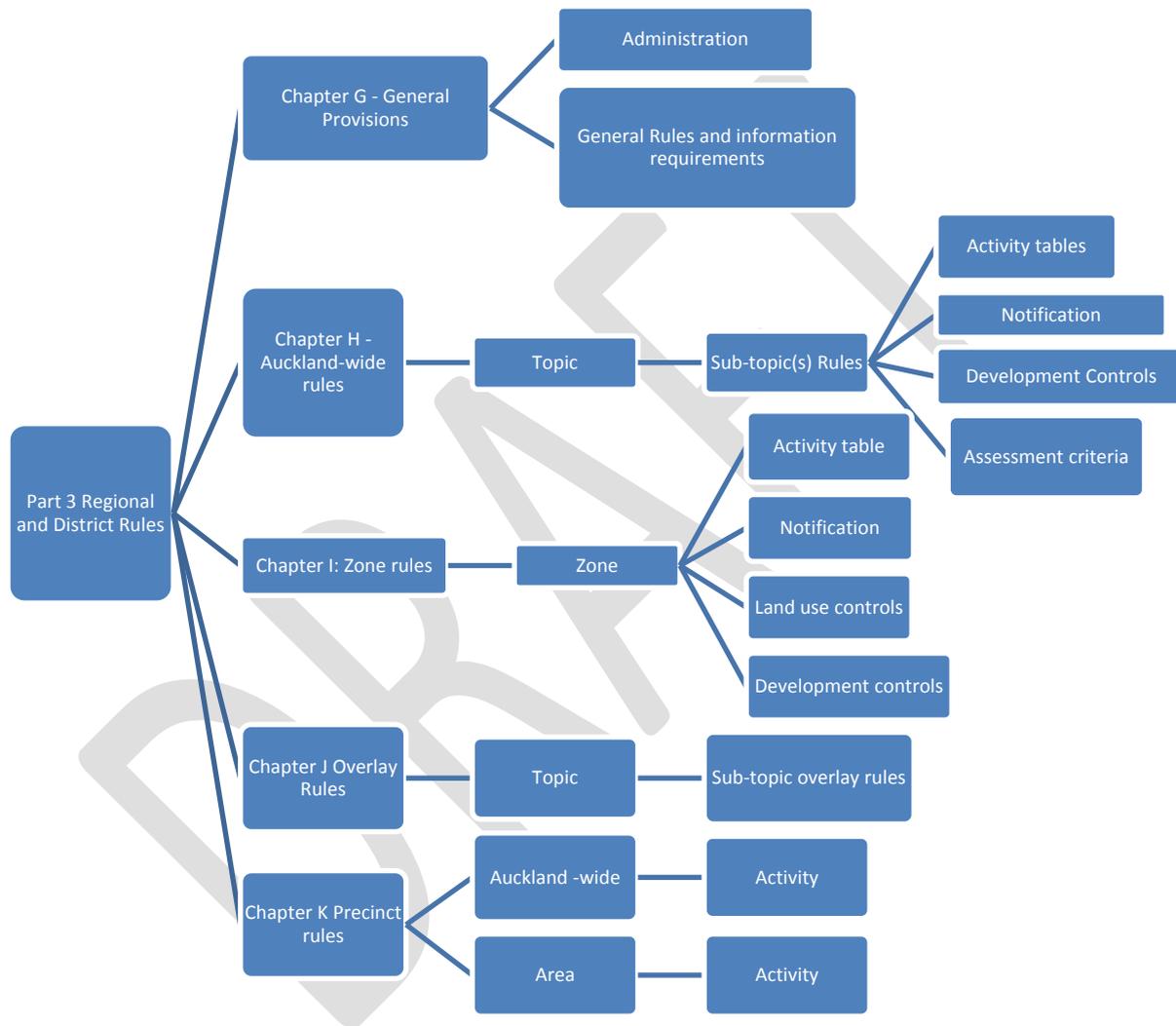


Figure 5: High-level Structure of the PAUP Rules

In the Nelson RRMP, the rules are all contained within Volume 2: Rules. Each zone has its own chapter, within which there is a section for objectives and policies and a separate rules section. As shown in Figure 6, below, within the 'Zone Rules' section, tables are used to set out the rules pertaining to that zone. A 'contents' page is included directly before the table listing the rules with their number and title. The list first sets out the general rules for the zone, followed by the list of rules where overlays apply. The tables are typically arranged by activity or environmental effect (e.g.

maximum building height), and the user can then identify what the activity status may be based on compliance with the conditions stated under each activity status.

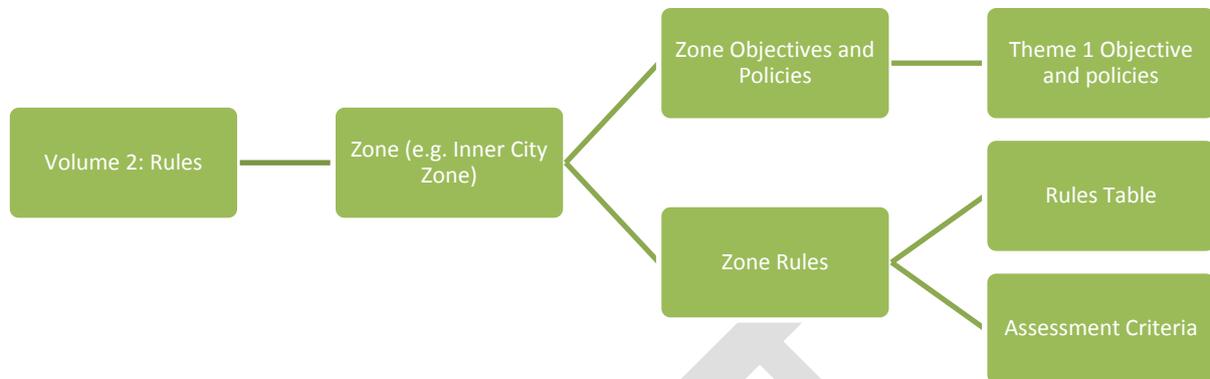


Figure 6: High-level Structure of the Nelson RMP Rules

The Marlborough RRMP similarly locates the rules within a separate volume (Volume 2 – Rules). It is interesting to note that the title of this volume is ‘Rules’ yet it also includes the definitions, appendices and a standalone chapter for the subdivision rules. As shown in Figure 7, the rules are divided within Volume 2 between a ‘General Rules’ chapter, the subdivision chapter and a series of zone-based chapters. The zone and subdivision rules are then divided by activity status. The General rules chapter is first divided by activity/topic and then by activity status (with a corresponding list of activities that fall into this consent class).

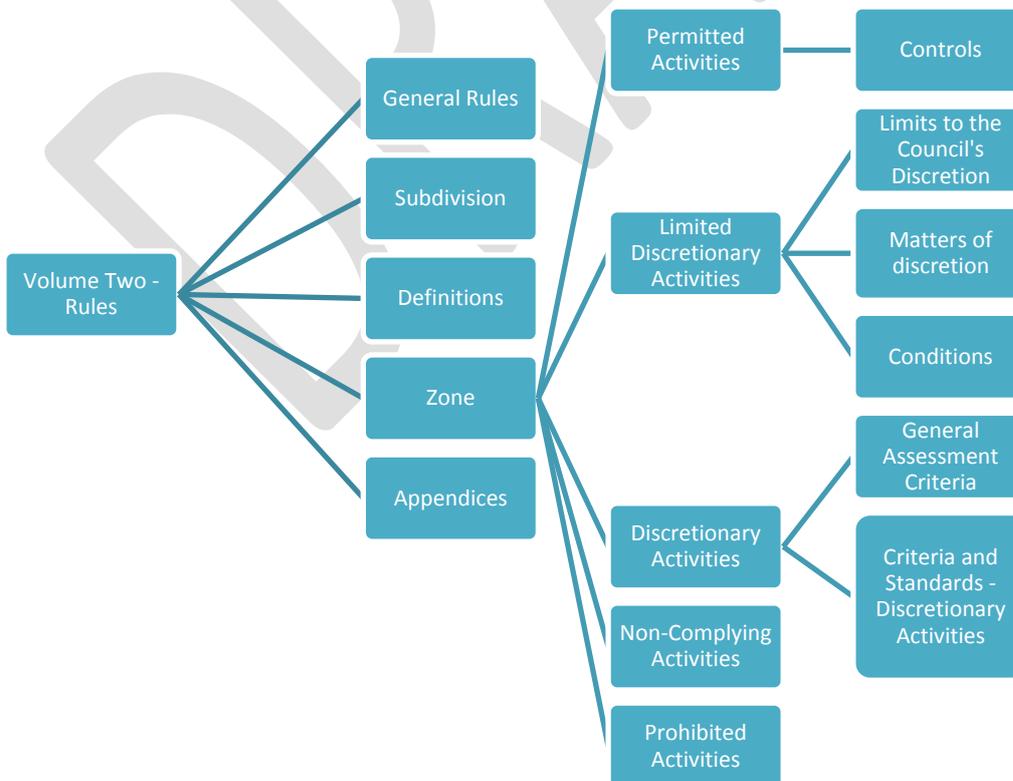
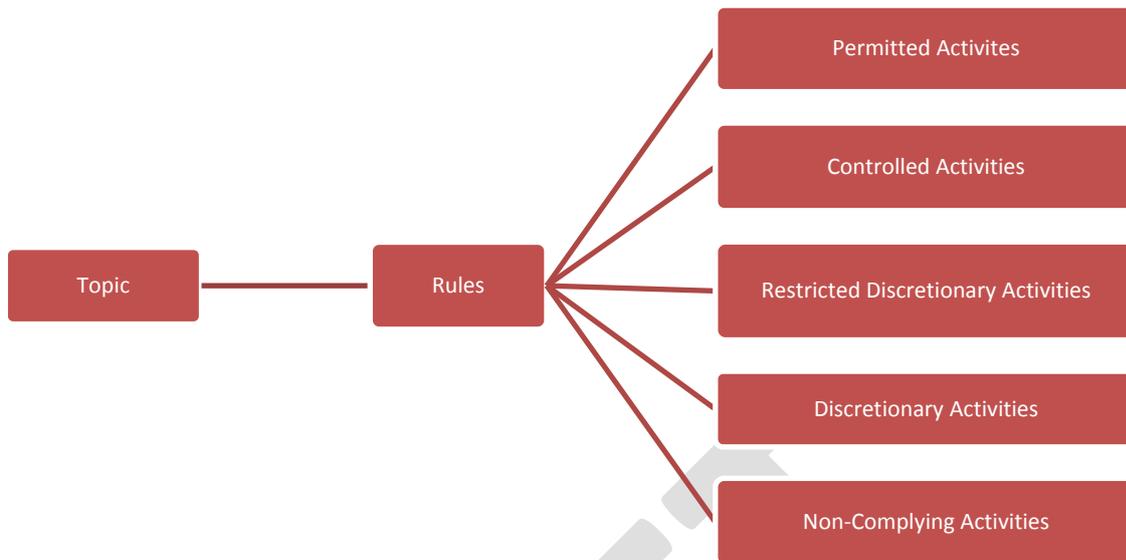


Figure 7: High level structure of the Marlborough RMP Rules



*Figure 8: High-Level Structure of the Rules in the Gisborne District Plan*

The Gisborne and Tasman plans both locate the rules within the topic-based chapters to which they relate, however they are structured differently. The Gisborne rules are grouped as either general rules for the zone/topic, and then by activity status. In the Tasman RRMP the rules are split into 'general rules', 'zone rules' and 'special area rules' (for the Land chapter) or by activity (for the activity based chapters which do not have zones). The effects-based nature of the plan means that the activity is stated as being permitted, provided it meets the conditions that are listed immediately following the rule.

Broadly, it can be concluded that there is a correlation between the spatial application of the plan and how the plan text is structured. Most of the plans group the rules by zone or some other form of spatial tool, be it overlays or precincts or district-wide rules.

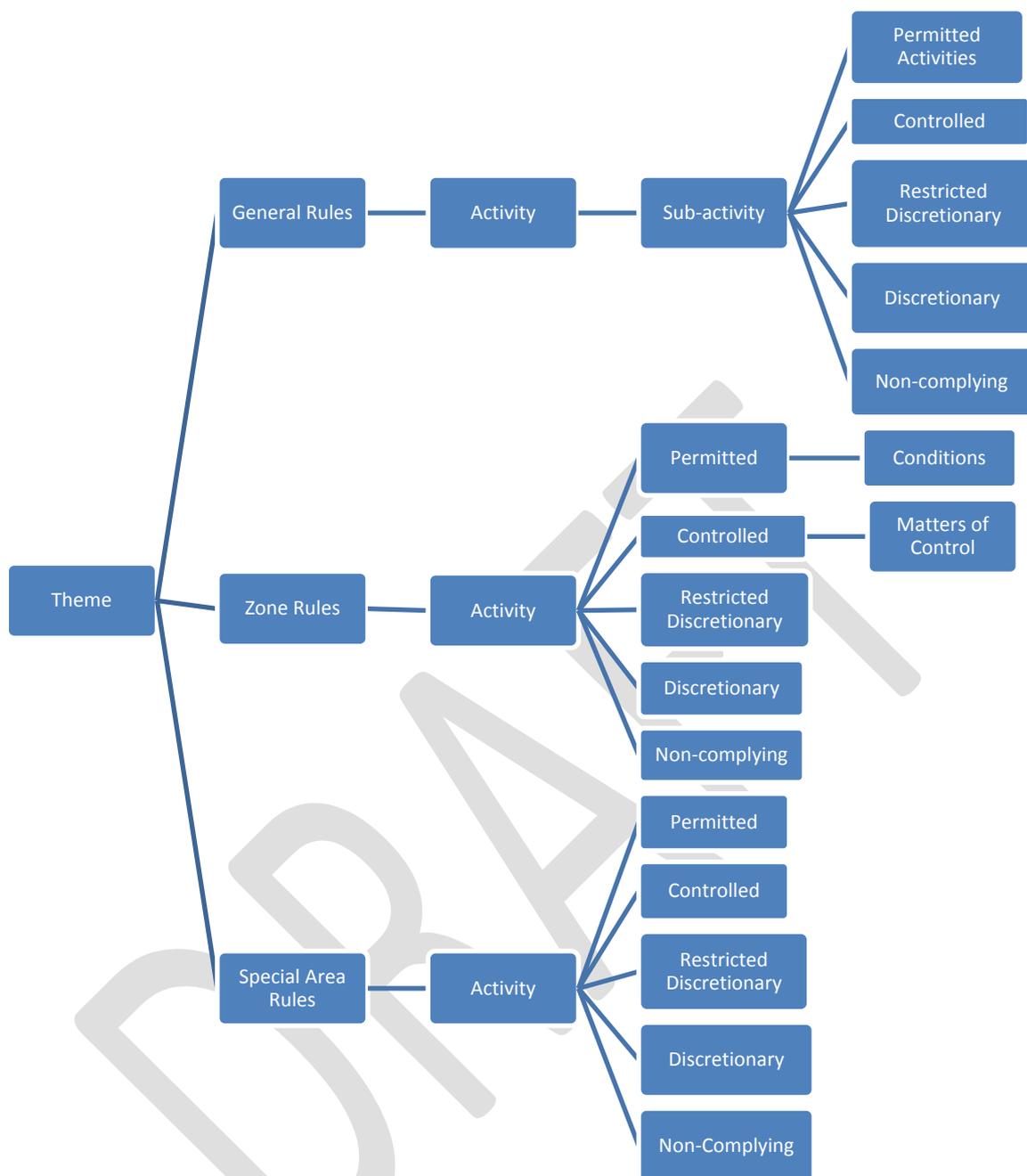


Figure 9: High-level structure of the rules within the Tasman Resource Management Plan

### General provisions

All the plans include general or district-wide rules and standards which apply regardless of the zoning or any overlays which apply. These rules are typically located separate from the zone or activity specific rules, and the plan includes a note that the plan user must refer to that section in addition to the specific rules. In most of the plans, these rules are located in a section before the more specific activity or zone rules.

However, it was observed that the plans have slightly different ways of structuring the general rules in relation to the more specific provisions. PAUP has a whole chapter for 'general rules' and another for 'Auckland-wide rules'. The 'general rules' cover administrative matters such as how to determine the activity status of an activity and notification information. So there are no substantive rules in this

section. The 'Auckland-wide rules' are matters such as infrastructure, mana whenua and natural heritage.

Similarly, the Marlborough Plan has a separate chapter for 'general rules' being rules that apply across all zones, rivers, riverbeds and lakes. So in both plans plan users will need to refer to the general rules chapter in addition to the zone or overlay rules, and will need to know that these exist. On the other hand, the Gisborne and Tasman plans include the general rules within the same topic or zone-based chapter to which they relate which may improve usability to a degree, although could result in repetition through the plan, where rules are the same across different zones.

The Nelson RRMP does not include a standalone chapter for 'general' rules, and these are not included within the zone-based chapters either. Instead the plan notes that the reader may need to refer to the appendices (Volume 3 of the plan) for such rules. An example of this is the parking standards. One observation of this approach is that the list of appendices includes a range of matters such as the heritage schedules and guidance material and it is not immediately obvious that these may include rules. However, it is noted that cross-referencing from the rules section would likely refer the plan user to the appropriate appendix. The scope of this research did not extend to an examination of the detailed text of the plans.

### ***Regional and District Provisions***

The high level research revealed that there is no clear labelling 'upfront' (i.e. the contents page) of which provisions are regional and which are district in any of the unitary plans. However, in some cases the structure is such that the plan is divided up based on the regional and territorial functions. For example, the Tasman RRMP uses a topic-based structure, and therefore has a chapter on Land, another on the Coastal Marine Area, and another on Rivers and Lakes. The plan introduction also explains the structure and states what chapters form the District Plan, the Regional Plan and the Regional Coastal Plan.

The PAUP takes a different approach by 'tagging' provisions to identify whether they are regional, district or regional coastal provisions this includes the activity tables in the rules section. The introduction also outlines the parts of the plan that are regional or district provisions, and where there may be exceptions to this. It also clarifies that controls and assessment criteria underpinning the rules have the same status as the corresponding rule.

Some plans (e.g. Nelson) state that the provisions indicate whether or not they are regional provisions. The Gisborne Plan states within the introduction that all rules should be treated as district rules, unless stated otherwise and then specifies which chapters contain regional rules (e.g. Natural Hazards). So there is no 'tagging' of regional or district provisions in these plans.

Overall, there is an extra level of plan knowledge required or a prompt required to look within the 'upfront' section to see how the plan deals with the regional and district provisions.

### **Overall Conclusions on Unitary Plans Structure and Format**

Some overall conclusions about the structure and format of Unitary Plans can be made based on the above analysis:

- All the unitary authorities have a combined planning document of some form, and in all cases this combines the district and at least some of the regional functions of the Council.
- There is generally no clear labelling or tagging of provisions which are regional and those which are district in any of the unitary plans. This information is included in less obvious parts of the plan (that is, not in the contents page) either in the 'introductory' section of a plan or within the detailed provisions themselves (e.g. the rules table).

- The unitary plans cover a broad range of topics, however there is a consistent theme to exclude the RPS from the unitary plan, and have this as a separate document.
- There is a common theme to incorporate the coastal plan with the unitary plan
- Between the unitary plans there is variation in terms of how the content is divided up into chapters, although it was a common theme to split the plan into volumes or parts based on the type of plan provision that part or volume addresses.
- Objectives and policies are typically located in a separate chapter to the rules to which they relate
- There is a mix in terms of how the rules of the plan are set out. Some plans use a simple list format linked to the activity status; others use a rules table.
- In general, there appears to be a correlation between the spatial application of the plan and how the plan text is structured. Most of the plans group the rules by zone or some other form of spatial tool, through overlays or precincts.
- All the unitary plans include a set of 'general provisions or rules which apply regardless of the zoning. Often these provisions are in a separate chapter or section from the zone or activity specific rules.

DRAFT

Appendix 1: Diagrams showing Overall Structure of Unitary Plans

Proposed Auckland Unitary Plan

