

# Guidance for 12. District Spatial Layers Standard and 8. Zone Framework Standard

This guidance is intended to help you understand and interpret planning standard 12. District Spatial Layers and also standard 8. Zone Framework Standard so you can efficiently and effectively implement them.

Guidance for 12. District Spatial Layers Standard should be read alongside recommendations on submissions report 2G Zone Framework Standard for further context.

Guidance for 8. Zone Framework Standard should be read alongside recommendations on submissions report 2H Spatial Layers Standards for further context.

## Introduction to 12. District Spatial Layers standard

This standard establishes a common understanding, terminology and function for how map layers and associated plan provisions apply to Resource Management Act 1991 (RMA) district plans.

The standard doesn't include specific content for these spatial layers and it is not intended to affect the planning outcomes or legal effect of existing plan provisions.

The standard details the only types of spatial layers that can be used in a district plan. When a plan uses a spatial layer that has the functions of those described in the standard, it must use the name of that layer and the provisions of that layer must be located in the position specified by the standard. For example, this means layers that have the function of an overlay cannot be called 'policy areas' or any other alternatives. It also means the provisions of the overlay spatial layer must be located in relevant district-wide chapters (such as historic heritage).

This doesn't mean every reference in objectives, policies and rules to heritage buildings and their values must use a term such as 'heritage building overlay'. Instead, the plan simply needs to be clear about which provisions apply to a heritage building overlay.

The order of spatial layers below doesn't indicate a hierarchy. However, the Regional Plan Structure Standard and the District Plan and Combined Plan Structure Standard require that a *Relationships between spatial layers* chapter is included. In this chapter, councils must state how spatial layers relate to one another. Exceptions or nuances to this relationship can be stated in more specific chapters, such as precinct chapters. The guidance on specific spatial layers below explains how these layers typically relate to one another, but does not imply this is how it must work for all plans.

# Guidance on specific spatial layers

## Zones

The Zone Framework Standard states:

A zone spatially identifies and manages an area with common environmental characteristics or where environmental outcomes are sought, by bundling compatible activities or effects together, and controlling those that are incompatible.

The standard sets the range and types of land-use zones that can be used in district and combined plans with a district component. Councils must select the relevant zones for their district from this set.

In the absence of other unique environmental factors, risks or values, the zone provisions and any associated district-wide provisions form a complete management framework. Precincts, overlays and the other spatial layers are not required.

Existing zones in district plans that are already consistent with a zone description in the Zone Framework Standard only need a name change so they align with the standard. No RMA Schedule 1 process is needed.

If an existing zone needs to be split into two or more zones, we would expect the council to use a Schedule 1 process.

If multiple zones need to be combined into one zone, the council may find it more appropriate to move some plan provisions into other spatial layers, where these plan provisions comply with the spatial layers' functions. For example a 'residential 4B zone' and 'X suburb residential zone' which are mostly similar in policy approach and share some common policies and rules could use the precinct spatial layer to recognise the few areas where they are different.

In the above case, councils should consider whether the different provisions between the two former zones are actually needed, or whether they can be streamlined, clarified or removed.

If significant rezoning is required, councils may decide to combine implementation of the District Spatial Layers Standard and Zone Framework Standard with a review of the underlying plan provisions and locations of zones, using an RMA Schedule 1 process. In this case, the mandatory directions in the first set of national planning standards must be met when the proposed plan or plan change is notified for submissions. Only direction 5 in the Zone Framework Standard is implemented through the submissions and hearing process. When a council chooses this type of zoning review, regional and national policy statements and other national directions should be given effect to at the same time.

The District and Combined Plan Structure Standard also directs where the associated provisions of zones must be located within the plan, being the relevant zone chapter or section.

## Overlays

The District Spatial Layers Standard states:

An overlay spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions.

Overlays manage values, risks or other factors by introducing an additional layer of provisions. They are generally more restrictive than underlying zone provisions and general district wide provisions, but can be more enabling.

Overlay provisions often seek to enable one type of activity and restrict others. They often apply across zones, or the values managed by the overlay are found in multiple zones.

Overlay provisions are independent of zones and other spatial layers. Other spatial layers should not be a determinant in choosing the underlying zoning.

To the extent of any conflict between provisions, overlay provisions would typically override zone and precinct provisions. Where no conflict exists, overlay provisions are to be considered in addition to zone and precinct provisions. They don't replace wholesale the zone and precinct provisions.

If a council doesn't want an overlay to override a specific zone provision, for example if a viewshaft doesn't affect commercial zone buildings on street corners, this should be included in the overlay provisions for certainty. This way the overlay remains higher in the spatial layers hierarchy, and the overlay provisions state how the underlying zone rules are applied in that instance.

The District Spatial Layers Standard also directs where the associated provisions of the overlay must be located within the plan, being the relevant district-wide chapter for district plans or domain and topic chapters for combined plans with a district component.

Overlays are usually independent of property boundaries because the identified value, risk or factor determines the extent of the overlay. Overlays sometimes might follow lot boundaries, for example if the extent of a heritage building overlay covers the entire lot, but this should be coincidental.

However, it is good practice to align overlay boundaries to lot boundaries where the margin of error is greater than the degree of overlay coverage in a lot. This process removes "slivers" that would result in a notation on a property's file but have little practical purpose. For example, say an overlay identifies an outstanding landscape with a mapping margin of error of +/- 20 metres. If the digital mapping of the overlay results in a sliver less than 5 metres wide on a property, this should be taken back to the property boundary in the plan maps.

### Examples of overlays include:

Outstanding natural landscapes and features	Earthquake fault
Māori cultural sites and wāhi tapu	Amenity landscapes
Protected tree	Heritage building
Significant natural character areas	Heritage item

## Precincts

The District Spatial Layers Standard states:

A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s).

Precincts apply to a defined area where the description(s) of the underlying zone(s) and majority of provisions (especially objectives and policies) are still applicable and are relevant. A precinct introduces a collection of new provisions. Precincts are therefore dependent on the underlying zone(s) and their policy frameworks.

Precincts will likely become one of the most commonly used tools to achieve area-specific planning responses, particularly to manage areas, activities and development that revises or modifies the policy framework and outcomes sought by the underlying zone(s).

Overlays may also apply to an area identified as a precinct, and should override provisions to the extent of any conflict, as mentioned above.

The provisions of a precinct may be more or less restrictive than the underlying zone provisions.

Precinct chapters may specify more detailed relationships between the precinct and the zone, for example, whether the precinct doesn't apply in certain times or circumstances.

Precincts may include reference to a design guide or other supporting material included by reference or as part of the plan.

Precincts could include detailed requirements for development such as the provision of infrastructure, or other requirements. An example of other requirements would be subdivision and ecological controls to provide an environmental baseline for growth, as long as these provisions are not time-bound or part of a high-level development plan for the area – that is a development area function.

As some councils start to move specialised zones into precincts as they implement the planning standards, they should consider reviewing whether these land-use controls are still needed, or if a simpler, streamlined set of zone provisions is more efficient and effective to achieve the plan's objectives. The timeframes for implementation of the District Spatial Layers Standard account for these discussions to happen within councils and with the community.

### Examples of precincts include:

- Precincts where established activities need to be recognised within the plan and managed in a more nuanced or specific way than underlying zone provisions (eg, a boat building precinct in a light industrial zone or a go-kart precinct in a sport and active recreation zone)
- Precincts where subdivision, development patterns or amenity factors (potentially introduced through private plan changes) require nuanced plan provisions to recognise difference (eg, a unique residential precinct in a large lot residential zone, an arts and crafts precinct in a town centre zone or a trade-related retail precinct in a large format retail zone).

## Specific controls

The District Spatial Layers Standard states:

A specific control spatially identifies where a site or area has provisions that are different from other spatial layers or district-wide provisions that apply to that site or area (for example where verandah requirements apply, or where a different maximum height on a particular site applies).

Specific controls refer to provisions that manage activity or area-specific variation within zone or district-wide provisions that are different to other layers (eg, height, density, setbacks). These have commonly been known as notations or mapped areas in some plans.

Specific controls are used when the area to which the specific control applies and/or the matter it is controlling is not of a size or scale to warrant use of a precinct or overlay. They sometimes come from resolution of plan change submissions or appeals, or from court decisions.

The specific controls may be more or less restrictive than the underlying provisions.

Specific controls may be useful to help combine existing similar zones into one zone. For example, if the only difference between Rural lifestyle zone A and Rural lifestyle zone B is a minimum lot size standard, this can be one zone with a specific control amending the minimum lot size in one area.

### Examples of specific controls include:

Areas within the 'city centre zone' where buildings are subject to the requirement to provide a verandah for pedestrian shelter.	An area within the 'Rural lifestyle zone' where the minimum site size for subdivision is 4 ha, instead of the general zone provision of 2 ha.
A site with a maximum height limit greater than that permitted of the underlying zone (potentially arising through an appeal).	Napier Main Residential Elevation Line (where buildings or structures west of this line cannot exceed 10 metres in height).
A site where an activity is permitted that is not otherwise permitted in the underlying zone and is subject to additional performance standards.	A site with a maximum height limit lower than that of the underlying zone.

## Development areas

The District Spatial Layers Standard states:

A development area spatially identifies and manages areas where plans such as concept plans, structure plans, outline development plans, master plans or growth area plans apply to determine future land use or development. When the associated development is complete, the development areas spatial layer is generally removed from the plan either through a trigger in the development area provisions or at a later plan change.

A development area layer provides for variously named plans that seek to manage the effects and demands of development, or comprehensive redevelopment, of larger areas in an integrated, holistic and orderly way.

Development areas may show the anticipated development framework that reflects the expected land-use patterns, areas of open space, layout and nature of infrastructure (including transportation links) and other main features in different levels of detail.

Development area provisions may rely heavily on referenced documents (under Schedule 1 Part 3 of the RMA) to attach technical information and requirements to land use or subdivision consents.

### Examples of the variously named plans that could be classified as development areas:

Framework plans	Outline development plans
Area plans	Growth areas with detailed plans
Urban development areas	Structure plans

Only resource management issues under the RMA should be included in a development area. Not all of the above documents need to be included in the district plan as a development area, only if it is determined there is a need to have them in the district plan. Often a council will prepare a structure plan, growth plan, area plan and so on with other detail, for example about ecology, traffic patterns, earthquake hazards, infrastructure specifications. It is the council's choice about how much of this, if any, should be included as a land-use control within a development area in the district plan.

The zones that apply within a development area will vary between developments. A plan change to introduce a development area may also include a new set of zones to direct future activities, for

example, when land changes from rural to urban land uses. Alternatively, a development plan may control most land uses, with the underlying zone playing a small role.

Development area provisions tend to override other spatial layers to the extent of any conflict, as the development plan should take existing activities, values and risks into account when directing development. However, this hierarchy can vary to suit the needs of each plan and each development area.

Development areas may apply across multiple zones.

The planning standard directs that development area provisions are located in the development area chapter.

When the development is complete the council would prepare a plan change to remove the development and apply new zones, precincts and provisions to reflect the new land uses. Councils can remove development area provisions from plans in several ways, such as:

- removing a development area through a plan change that amends the underlying zones, precincts and overlays within the development area, so the area can be managed effectively into the future
- including a deadline in the plan when the plan change introduces the development plan, 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)
- removing development areas as part of a full plan review.

## Introduction to 8. Zone Framework Standard

This standard requires that a plan must only contain the zones listed in the standard.

Many of the zones within the Zone Framework Standard will correlate to those currently used in district plans, though may differ in name. Councils should consider the zone descriptions in the standard and how they relate to the outcomes sought and the provisions of zones of their district plan when deciding which zone to apply.

An existing zone in a plan that is consistent with the description of a zone in this standard must use the name of the zone in this standard and its associated zone colour in the Mapping Standard. Being a mandatory direction, this cannot use an RMA Schedule 1 process. The table below gives some hypothetical examples.

<b>Local district plan zones</b>	<b>Planning standards zones</b>
Living Zone	General Residential Zone
Business Area	General Industrial Zone
Central Business District zone	City Centre Zone
General Recreation Zone	Open Space Zone
Major Facilities Hospital Zone	Special Purpose Hospital Zone

The descriptions are intentionally broad, generally activity based and intended to allow councils to populate zone chapters or sections with provisions that fit the local context, so long as they are

consistent with the description for that zone. Beyond the zone description, no content is currently provided in this standard.

Zones in a combined plan that includes a district plan and regional plan can apply in the coastal marine area and on land eg, a Port Zone.

## **Additional special purpose zones**

The range of zones within the Zone Framework Standard is broad and flexible enough to manage a large variety of land uses across the country. However, there may be instances where a planning response needs its own special purpose zone.

These are likely to be for local, site-specific exceptional uses that cannot be managed through any of the framework zones or spatial planning tools. For example, 'Mystery Creek Events Zone' (Waipa District Plan) and 'Macraes Mining Zone' (Waitaki District Plan).

Additional special purpose zones should not be used to provide for variations of zones already contained with the framework (eg, additional residential or commercial and mixed-use zones). In these cases, other spatial layers, such as precincts, should be used.

New special purpose zones can only be created when all the criteria are met. The Zone Framework Standard states:

An additional special purpose zone must only be created when the proposed land use activities or anticipated outcomes of the additional zone meet all of the following criteria:

- a) are significant to the district, region or country
- b) are impractical to be managed through another zone
- c) are impractical to be managed through a combination of spatial layers.

Below are some questions to help you consider whether each criterion is met.

### **Criterion (a)**

- Are the activities within the zone significant because of their scale and expanse, or their social, economic, cultural or environmental benefits?
- Are the activities located in a specific area and not found elsewhere in the district?

### **Criterion (b)**

- Are the provisions required to manage the effects or operation of the activities so highly specific that a zone in the Zone Framework cannot practically enable or manage this?

### **Criterion (c)**

- Are you satisfied that none of the other spatial planning tools, either individually or as a package, provide a practical management approach for the activities?

## **Precinct or additional special purpose zone?**

Precincts are likely to be the main way that exceptional land uses or outcomes are provided for. However, there may be instances where using a precinct or creating an additional special purpose zone may both seem like viable options.

The questions below are intended to help you choose which spatial layer is most appropriate.

- To what extent are the underlying zone provisions relevant?

- If they remain relevant, the high-level policy intent of the zone remains the same or similar, and the introduction of complementary provisions would then enable/restrict the activities of interest, then a precinct is most suitable.
- If the existing zone’s high-level policy intent is contrary to how the activities should be managed, and few or none of the existing zone provisions would apply, and no other spatial layers can apply, then a new special purpose zone is most suitable.
- What would be the most appropriate zone if the activity was removed, shut down or relocated from the site? For example, if a large rural industry in the middle of a rural environment were to close, or a museum in a commercial area were to relocate, what would be the most appropriate zone to manage the area into the future?
  - If the underlying zone would be the same as the adjacent land, and existing use rights and resource consents are not sufficient to manage the activity, then a precinct is most suitable.

## Guidance on specific zones

Guidance is set out below on four of the zones set out in the Zone Framework Standard as these zones have generated a higher level of queries in submissions and subsequently on how they are intended to operate.

### General rural zone and rural production zone

Plans that only have one rural zone should use the general rural zone.

The ‘Rural production zone’ was included in the Zone Framework Standard following feedback from rural-based councils and the Rural Sector Group<sup>1</sup> that some councils use more than one general rural zone to manage the productive capability of the land resource. For example, the Hastings and Whakatāne district plans use ‘rural plains’ and ‘rural foothills’ zones, and the Auckland Unitary Plan and the Gisborne Tairāwhiti Resource Management Plan use a ‘rural production zone’ as well as general or mixed rural zones.

Zones of this type have been applied to areas with environmental characteristics (such as soil type, sunlight hours and other climatic factors) that are particularly supportive of primary production activities. Provisions of these zones seek to avoid loss or degradation of these environmental characteristics to other uses such as countryside residential urban development. Subdivision and land fragmentation are closely managed to avoid urban encroachment onto this land, and have stricter standards than more general rural zones, particularly on non-production activities.

These zones are not tied to specific Land Use Classifications (LUCs) and can apply to areas with elite, prime, high class, or versatile soils, because different primary production activities are suited to different environmental characteristics. For example, Hastings District Council’s ‘rural plains zone’ encourages viticulture as this activity is particularly well suited to the type of soils within the zone. Gisborne District Council’s ‘rural production zone’ seeks to manage land use on the horticulturally productive soils of the Poverty Bay flats through subdivision and land-use rules that differ from those that apply in other rural zones.

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<sup>1</sup> The Ministry for the Environment established this group to advise on rural-based matters in the planning standards. Its members included representatives from Federated Farmers, Horticulture New Zealand, DairyNZ, Forest Owners Association and NZ Beef and Lamb.

Both zone descriptions describe an equally wide range of activities. This allows councils, communities and stakeholders to decide the extent of activities within these zones that are generally consistent with the description of the zone. For example, rural production zone provisions could accommodate specific types of rural industry or certain primary production activities, and not others.

## Metropolitan centre zone

The metropolitan centre zone is intended to be predominantly for a broad range of commercial, community, recreational and residential activities. It is also a focal point for sub-regional urban catchments. It is intended to be secondary to the city centre zone in terms of scale and function, and above that of the town centre zone. Auckland Council, in its submission on the draft first set of planning standards, provided the following examples:

“Metropolitan centres differ from town centres in that they:

- generally contain medium-high density, vs medium density
- are sub-regional destinations, rather than serving local needs (eg, cultural and civic facilities and tertiary education)
- support high quality public transport with high trip generation
- serve an important economic function (eg, provide for head/regional offices vs local offices); have an evening and night economy
- provide high quality public spaces vs local spaces that are smaller in scale
- have a strong emphasis on employment with a higher employment-residential ratio than town centres”.

The main centre in a district or region is likely to have the ‘city centre zone’ applied to it. Depending on the local circumstances of the district or region, metropolitan or town centre zones should be applied to secondary commercial and mixed-use areas. This could be in a neighbouring city. District plans should recognise and manage the real-world functions and hierarchy of metropolitan areas, and not just the administrative boundaries of a district or city.

## Low density residential zone

The low density residential zone was included following consideration of Auckland Council’s submission with regard to the ‘single house zone’. The Council explained in its submission:

The single house zone reflects a more traditional residential zoning pattern with a density limit of one dwelling per 600m<sup>2</sup>. There was significant debate through the hearings on the Unitary Plan over the role and purpose of the SHZ. The Panel found that the Residential - Single House Zone is an important zone and contributes to the range of living options and choices available. The Panel’s view was that the zone does not only provide for “low density suburban housing” but it also complements the amenity values based on special character informed by the past, spacious sites with large trees, a coastal setting or other factors such as neighbourhood character. Additionally the SHZ is applied in some coastal settlements e.g. Kawakawa Bay which although serviced, have significant infrastructure constraints.

We agreed with Auckland Council’s request to include an additional residential zone based on the single house zone in the Auckland Unitary Plan. This zone seeks to retain a suburban residential character with one-or two-storey buildings of a low-density nature (compared to other residential zones in the zone framework). The resulting zone description reflects this.

Areas used predominantly for residential activities and buildings consistent with a suburban scale and subdivision pattern, such as one- to two-storey houses with yards and landscaping, and other compatible activities.

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