

Comparative Assessment of other Council processes - May 2023

Summary

Twelve Council district plans were assessed for comparative purposes. Summary of assessment below.

Assessment shows that:

1. Recent plans that adopt the National Planning Standard zones, also adopt the Future Urban zone as a method of transitioning rural land to urban. (Auckland, Christchurch, Marlborough (different name for zone), Whangarei).
2. Plans that do use a method of 'deferring' land zoned for urban use fall into two camps:
 - 2.1 Plan zoning is updated using Schedule 1 Plan Change, sometimes on the occurrence of certain trigger conditions (Selwyn, Waipa).
 - 2.2 Plan zoning is informally updated on the occurrence of certain trigger conditions and / or on resolution of Council (Dunedin, Hastings, Horowhenua, Invercargill).

Some of the trigger conditions are objectively ascertainable while other require subjective consideration.
- 3 A couple of plans use an overlay method with provisions applying to land within the overlay. The overlay is updated through a plan change (Nelson).

Plan	Method	Comment
Tasman Resource Management Plan (TRMP)	Plan has deferred zones shown on planning maps (introduced through Schedule 1 plan change). Usually zone deferred for services (stormwater, sewage and water) or for a period of time. Original zone (usually rural) applies until deferred zone uplifted. Deferral uplifted by resolution of Council when services have or are to be provided to satisfaction of Council (either by Council or a third party). On resolution of Council, plan is informally updated.	1.Trigger/s for uplift based on subjective assessment of Council.
Auckland Unitary Plan	Plan zones include Future Urban Zone.	
Christchurch City Plan, 2005	Plan zones include Future Urban Zone. Previous plans included deferred zones – but not carried through to current plan which has adopted National Planning Standard zones.	

Dunedin Second Generation Plan, 2015	Plan uses method similar to Tasman. Rules that trigger the release of a Transition Overlay Zone demonstrate a measure of objectiveness. When conditions fulfilled, the CEO signs off the release and plan informally updated.	Legal advice at time noted that method may not be legally robust.
Hastings District Plan, 2022	Plan uses method similar to Tasman. Rules that trigger the release of a 'deferred zone' demonstrate a measure of objectiveness. When conditions fulfilled, the Policy Manager signs off the release and plan informally updated.	HDP method has less formality than TRMP
Horowhenua District Plan, 2015	Plan uses method similar to Tasman.	HDP comment that method not yet used and trigger conditions may need to be more objective.
Invercargill City District Plan, 2019	Plan uses method similar to Tasman. Rules that trigger the uplift of the deferred zone demonstrate a measure of objectiveness. When trigger conditions are met, Council approval is required to uplift zone and then plan is informally updated.	
Proposed Marlborough Environment Plan, notified May 2016, Appeal Version, May 2023	PMEC has a zone for transitioning rural greenfields land to residential - Urban Residential 2 Greenfields Zone. This zone has its own specific policies and rules.	
Nelson Resource Management Plan (NRMP)	NRMP uses a service overlay to identify locations where services are lacking / needed for further development. Subdivision and building within a service overlay area are subject to a higher level of consent and/ or conditions to ensure servicing is provided. Schedule 1 plan change uplifts service overlay.	
Selwyn District Plan, 2023	The current operative Selwyn District Plan contains deferred zones. The current deferred zones are not being carried through into the proposed plan. Instead, currently deferred land is being rezoned. Proposed plan process is described below: 1. Schedule 1 Plan Change identifies areas subject to Urban Growth overlay. 2. Outline Development Plans incorporated into the new plan for new urban areas via Schedule 1 PC,	At least 3, possibly 4 plan changes may be required to transition land from rural to urban zoning.

	3. Not necessarily simultaneously, but the zone would also be changed from a rural zone with UG overlay to an urban zone (e.g. general residential) through a Schedule 1 PC, and 4. UG overlay would also be amended by Schedule 1 PC.	
Waipa District Plan, 2017	The Waipa plan contains deferred zones and previously used a method similar to tasman to uplift the deferral (via council approval). Following amendment to the plan to fix the 'unlawful process,' uplift of the deferment can only occur via a Schedule 1 PC process. Any PC must include a structure plan to demonstrate how the area is to be serviced.	
Whangarei District plan, 2022 – operative in part	In line with National Planning Standards, the Whangarei District plan has a Future Urban Zone, with a full set of provisions (objectives, policies and rules) that apply to land use and subdivision in circumstances where lots are to be serviced and where they are not.	

Council plan	Plan References	Summary Description	Comment
1. Auckland Unitary Plan	Auckland Unitary Plan, Zone - H18 - Future Urban Zone. The Zone 'Permits' activities that that would be permitted in a rural zone. Restricted discretionary rules assess the effects of activities on future urban development and on neighbours if a permitted standard is not met. The zone provisions contain no Controlled, Discretionary, or Non Complying activities.	National Planning Standards define the Future Urban Zone as areas suitable for urbanisation in the future and for activities that are compatible with and do not compromise potential future urban use. Auckland Unitary Plan (AUP) uses the FUZ to earmark land for future urban development. It is described as a transitional zone. Generally, land zoned for future urban use may be used for a range of general rural activities but cannot be used for urban activities until the site is rezoned for urban purposes. The provisions ensure that future urban development is not compromised by	Advantages the zone provisions are full, clear and align with NPstds. Disadvantage The particular type of urban use (residential vs business) is not specified until a plan change alters the zoning. At least 2 PCs required.

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		premature subdivision, use or development and not used for urban purposes until it is rezoned. Generally, structure planning (guideline provided) is used to assist the plan change process.	
2. Christchurch plans	<p>1. Christchurch City Plan (CCP) (Operative 2005)</p> <p>The CCP (now replaced by the Operative Christchurch District Plan) used the deferred method of zoning.</p> <p>“The Independent Hearings Panel ("IHP") considering the proposed Christchurch Replacement District Plan has recently observed that the deferred zoning technique is used reasonably extensively throughout New Zealand, and that there is nothing particularly unusual about it. (Note below) Deferred zonings are utilised in district plans throughout New Zealand, with examples including the Hastings District Plan, the Horowhenua District Plan, the Christchurch City Plan and the Selwyn District Plan” (<i>Buddle Findlay opinion for Selwyn District Council, 20 March 2017.</i>)</p> <p><i>Note: Decision 35 (Open Space – Stages 2 and 3) of the Independent Hearings Panel appointed to hear and decide on submissions to the Christchurch Replacement District Plan, dated 12 August 2016.</i></p> <p><u>How was the deferred zone removed?</u></p> <p>I can find no reference to how a deferred zone in the CCP was removed in the plan. However, a Court judgment indicates that an RMA Schedule 1 process was required to uplift the deferred zone (see below).</p> <p>Other than specific references to particular locations where zoning was deferred, my search of the district plan found no policy relating to deferred zones or explanation of how the deferred zone is uplifted from plan. (Volume 2 – Statement of Objectives, Policies and issues. Also “deferred” zones were not referred to in the Volume 3 rules or the zoning index listed on the “active” zone index of the CCP.</p> <p>An Environment Court decision on an appeal on a zoning decision made under the CCP allowed the applicant request to uplift the deferred zoning (from a rural to a living zone) by way of a plan change</p>	<p>1.The pre earthquake Christchurch City Plan (CCP) replaced by the Operative Christchurch District Plan) used the deferred method of zoning.</p> <p>Other than specific references to particular locations being deferred, I can find no plan provisions (policies, rules, methods) relating to the deferred zone. An Environment Court decision supporting the lifting of a deferred zone indicates that an RMA Schedule 1 process was required to uplift the deferred zone. (<i>Env Court Decision no C37 2001 Talbott & Bassett & Deavoll vs Christchurch CC</i>).</p> <p>2.The Proposed Christchurch Replacement Plan District plan (PCRP), November 2015 (now replaced by the Operative Christchurch District Plan) did not make use of deferred zones, rather New Neighbourhood zones and areas subject to an Outline Development Plan, with ODPs being included in the PCRP. Subdivision in an area subject to an ODP or in a New Neighbourhood zone, was a Restricted Discretionary activity. If an activity does not meet the requirements of the ODP it was Non-Complying. If an activity did not meet the density requirements of a New Neighbourhood zone it tripped to Discretionary activity.</p>	<p>ODPs that were included in the Proposed Christchurch Replacement District Plan, were then carried through into the CDP, but that looking forward the Future Urban Zone will be used.</p> <p>This will require 2 plan changes, first to FUZ, then to final end use zone.</p>

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	<p>or variation that considered matters. This suggests that an RMA Schedule 1 process was required to uplift the deferred zone. (<i>Env Court Decision no C37 2001 Talbott & Bassett & Deavoll vs Christchurch CC</i>).</p> <p>2. Proposed Christchurch Replacement District Plan (PCRP), November 2015</p> <p>The PCRP (now replaced by the Operative Christchurch District Plan) does not make use of deferred zones, rather New Neighbourhood zones and areas subject to an Outline Development Plan, with ODPs being included in the PCRP. Subdivision in an area subject to an ODP or in a New Neighbourhood zone, is a Restricted Discretionary activity. If an activity does not meet the requirements of the ODP it trips to Non-Complying. If an activity does not meet the density requirements in a New Neighbourhood zone it trips to Discretionary consent status.</p> <p>(ODP: means a plan (including any associated narrative description provided) which guides the form and staging, where applicable, of subdivision and development in the Residential New Neighbourhood Zone and/or Greenfield Priority Areas identified in the Canterbury Regional Policy Statement, Chapter 6, Map A).</p> <p>3. Christchurch District Plan (CDP) (Operative June 2021)</p> <p>The CDP map index shows no use of the Future Urban Zone or any deferred zonings.</p> <p><u>The recent Plan Change 14 notified on 17 March 2023 introduces the National Planning Standard zones into the CDP, including a Future Urban Zone.</u> The Future Urban zone has its own rule tables. It is not a direct replacement of the New Neighbourhood zone in the PCRP.</p> <p>Subdivision in the Future Urban zone or that is in an area subject to an Outline / Development Plan is a Controlled activity if it is in accordance with a development plan / outline development plan. Development Plans are included in the plan.</p>	<p>3. Christchurch District Plan (CDP) (Operative June 2021) shows no use of the Future Urban Zone or any deferred zonings.</p> <p><u>The recent Plan Change 14 notified on 17 March 2023 introduces the National Planning Standard zones, including a Future Urban Zone.</u> The Future Urban zone has its own rule tables and replaces the New Neighbourhood zone in the PCRP.</p> <p>Subdivision in the Future Urban zone or that is in an area subject to an Outline / Development Plan / is a Controlled activity if it is in accordance with a development plan / outline development plan. Development Plans are included in the CDP.</p>	

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<p>3. Dunedin Second Generation District Plan, notified Sept 2015, currently resolving appeals</p>	<p>Dunedin 2GP, using the Tasman framework as a template, uses a 'transition overlay zone' method. How the method works is described in the summary opposite.</p> <p>Chapter 12, New Urban land Provisions chapter has its own objectives, policies and rules, generally and specifically for every type of Transition Overlay zone (TOZ) , e.g. Residential and Industrial TOZ.</p> <p>Rule 12.3.1 applies to the release of land, see below. Rules that trigger the release of a TOZ demonstrate a measure of objectiveness. When conditions fulfilled, the CEO signs off the release.</p>	<p>Dunedin 2DP uses a 'transition overlay zone' method.</p> <p>It works by having an initial plan change to apply a transition overlay zone (e.g. over rural zoned land), where the zone that the land will transition to is stated in the plan (e.g. a residential zone). The rural (or other existing zone) provisions continue to apply until the land is 'released' to the zone stated in the plan (so that the new zone's provisions apply instead of the old zone's). This occurs when the infrastructure criteria stated in the release rule are met and does not require a plan change. Rule 12.3.1 in our 2GP for details: DCC 2GP (dunedin.govt.nz)</p>	<p>Transition overlay zone (TOZ) does use a rule framework rather than just a process method per TRMP.</p> <p>The trigger conditions are more objectively ascertainable than those we have proposed, so far and that are in TRMP.</p> <p>Advantages: -Only 1 PC required. -Works for developers as reduces holding costs. Disadvantages -May be legally questionable.</p>

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	<p>Rule 12.3.1 Release of Land in the Residential Transition Overlay Zone (RTZ)</p> <ol style="list-style-type: none"> 1. In a Residential Transition Overlay Zone (RTZ), other than the RTZ listed in Rule 12.3.4, the provisions of the specified future residential zone will apply to any part of that zone that is "released" by the Chief Executive Officer or their delegate certifying that the requirements in Rule 12.3.1.2 (b) and (c) are met. 2. The Chief Executive Officer or their delegate must certify to release land in a Residential Transition Overlay Zone (RTZ) following receipt of an application demonstrating that: <ol style="list-style-type: none"> a. NA b. the DCC has published a statement on its website that: <ol style="list-style-type: none"> i. further development within the Residential Transition Overlay Zone will meet the following criteria, demonstrated by modelling using accepted industry practice: <ol style="list-style-type: none"> 1. fire flows within the piped treated water network servicing the Residential Transition Overlay Zone meet the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ 4509:2008); 2. water pressure within the piped treated water network servicing the Residential Transition Overlay Zone is maintained between 300-900 kPa; and 3. surcharge of pipes and flooding out of manholes will not occur during a design rainfall event (10% AEP) within the wastewater network necessary for the servicing of potential development that is being released; or ii. a contract has been awarded that will ensure any necessary infrastructure upgrades required to meet the tests in Rule 12.3.1.2.b.i are completed within three years; and c. an agreement between the DCC and the developer on the method, timing and funding of any necessary transportation infrastructure is in place. 3. Areas that have a Residential Transition Overlay Zone may be released in whole or in part, and where more areas are requested to be released than can meet the criteria above, they will be released on a first come first served basis following an application to the Chief Executive Officer or their delegate that meets the criteria outlined in Rule 12.3.1. 4. NA 5. The statement on water supply and wastewater infrastructure capacity may specify the number of additional dwellings for which there is infrastructure capacity. <div data-bbox="322 1050 1527 1197"> <p>Note 12.3.1A - General Advice</p> <ol style="list-style-type: none"> 1. Stormwater management will be assessed at the time of building consent, subdivision consent or service connection application. </div>		
4. Hastings District Plan:	<p>Both the first and second generation Hastings District Plans include deferred zones.</p> <p>Both plans define "occurrences" or "criteria" that need to occur/be met for the deferred zone "to cease to have effect."</p>		<p>Queries</p> <p>1. After Council has approved a structure plan, is a Schedule 1 Plan change process followed</p>

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<p>First generation - 2003, operative</p> <p>Second generation - Sept 2022, operative</p>	<p>In the 2003 plan, a specific occurrence is referred to, e.g.: “8.7.2.1 Deferred General Residential Zone will cease to have effect: (a) Over Lot 2 DP 19433 when the collector link road and structure utilities have been constructed from Brookvale Road to the site and are operational.”</p> <p>In the 2022 plan, the Residential policy zone method states that “All of these areas require specific criteria to be met before the deferred zoning is uplifted and the new residential zones can take effect.” (S2.4.4). Generally, the deferred zone rules specify the date and / or events on which the Deferred Residential zone provisions will cease to apply, e.g. “(a) For Stage 2 of Area A of the Brookvale Romanes Urban Development Area as shown on the Brookvale Structure Plan Appendix 13B, Figure 1 13 January 2021, or until such time as Council resolves to uplift the deferred zoning, whichever is sooner;” (Havelock North Deferred Zone s8.2.4.4). Staged uplifting of deferred zoning is included within Structure Plans.</p> <p>HDC planner advice confirms that deferred zoning is lifted through an informal process, i.e.: once the DP deferred requirements are met and the deferral is able to be uplifted, an internal memo is sent to the Policy Manager so there is a record explaining, advise internally and zone maps are informally amended.</p> <p>The deferred zone rules also specify that the rural zone rules apply to the deferred zone until the deferment is lifted (e.g. Plains Production zone for Havelock North Deferred zone rule Table 8.2.4.3).</p> <p>The 2022 plan defines and provides for structure plans for “urban development areas” to be included in the plan as appendices. HDC planner advice confirms that these have been introduced into the HDP via a schedule 1 process.</p> <p>Subdivision and Land Development policy requires development plans to “accommodate” or be in “general /accordance” the</p>		<p>to include the Structure Plan into the district plan or is the plan informally updated?</p> <p>2. When the “specific criteria” that enable the “deferred status” of the zone to be lifted – have occurred or the Council has resolved to uplift the deferred zone – what process is followed to update the plan? Is a Schedule 1 Plan change process followed to change the zone for ‘deferred Residential’ to ‘Residential’ or is the plan informally updated?</p> <p>Disadvantages After the approval of council, if a RMA Schedule 1 process is followed to: (i) include a structure plan into the district plan: (ii) Update the zoning from deferred to final end use zone (e.g. residential) - - then three (3) plan changes are needed to move from rural to urban land.</p>

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	<p>structure plans (Subdivision and Land Development Policy (30.1.3, SLDP12) and Methods (30.1.4).</p> <p>Subdivision minimum site size rules for the Residential Deferred Zone discourage subdivision that may prejudice future urban development. Subdivision consent status is Non Complying if the minimum site size standard is not met, e.g. Plains Production zone is 12 ha. (Table 30.1.6A).</p>		
<p>5. Horowhenua District Plan, operative 2015</p>	<p>x</p> <div data-bbox="297 496 1113 1070" style="border: 1px solid black; padding: 10px;"> <p>15.9 RESIDENTIAL (DEFERRED) ZONE</p> <p>Areas of Residential (Deferred) Zone are identified on the Planning Maps.</p> <p>Until such time that deferred status is uplifted, the rules of the Rural Zone shall apply within any area identified as Residential (Deferred) Zone on the Planning Maps.</p> <p>Residential (Deferred) Zone will cease to have effect and the Residential Zone provisions will apply when either of the following occurs:</p> <ul style="list-style-type: none"> For an area not covered by a Structure Plan in the District Plan, a District Plan Change is approved incorporating a Structure Plan for the area; or For an area covered by a Structure Plan in the District Plan, the passing of a Council resolution that there is adequate capacity in a local-authority operated reticulated infrastructure to service the particular area of land subject to the Residential (Deferred) Zones. </div> <p>x</p>	<p>Horowhenua District plan has deferred zones shown on the planning maps - Greenbelt Residential Deferred, Residential deferred, Commercial deferred.</p> <p>Zone rules for the above three zones state (i) what zone will apply until the deferred status is uplifted, (ii) on what conditions / occurrences the deferred zone provisions will cease to apply and (iii) what end zone will apply, e.g. Rule 15.9 - Residential (deferred zone rules -opposite).</p> <p>In addition, the provisions provide for structure plans to be included in the plan via a Schedule One plan change process for the residential type zones.</p> <p>Horowhenua District Council planners comment that the method of uplifting a deferred zone through Council resolution, has not been used. Due to fast growth, a plan change has been needed. Planners also consider that the particular provision (e.g. 15.9 second bullet – opposite) may need to be reviewed as “adequate / suitable capacity” was open to interpretation.</p>	<p><u>Disadvantages</u></p> <p>(i) At least two plan changes are required: -one PC to include the deferred zone in the plan - a second PC to include a structure plan in the plan.</p> <p>(ii) The process of removing the deferral on resolution of council, according to Tasman legal advice is not legally robust.</p>

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<p>6. Invercargill City District Plan, Operative 2019</p>	<p>X</p> <div data-bbox="300 169 1019 1315"> <p>Policies</p> <p>RES4Z-PI Deferred Zoning:</p> <p>To retain the Rural Zone provisions for the land identified on the District Planning Maps as Rural Zone (Deferred Residential 4 Zone) until a Council resolution has been passed that it is satisfied that the footpaths and Council's reticulated sewerage system have been extended in accordance with the relevant Concept Plan in APP5 - Appendix 5 Concept Plans. The Council accepts no responsibility for the costs involved in the extension of these services.</p> <hr/> <p><i>Invercargill City District Plan August 2019</i> <i>Part Two Residential 4 (Residential Transition) Zone Page 110</i></p> <hr/> <p><i>Explanation:</i> <i>The intended future use of the land in the Residential 4 Zone includes low-density residential development. However, until the extension of the reticulated sewerage services is carried out in accordance with the relevant Concept Plan in APP5 - Appendix 5 Concept Plans, the Rural Zone provisions will continue to apply. Footpaths are also a prerequisite for the Residential 4 Zone provisions. The comprehensive development of the reticulated sewerage services and the footpaths are necessary to ensure that the services are put in place in an efficient and effective manner and that landowners and developers can spread the costs equitably between them. The Council accepts no responsibility for the costs of extending the services.</i></p> <p><i>On-site wastewater management is not appropriate within this area of the City on properties with an area of less than two hectares. Therefore, before low-density residential development can occur the services will need to be available. A footpath along Retreat Road will provide for the safety of all road users and will ensure connectivity of infrastructure, linking future development within the area with the existing footpath network. As there is no immediate expectation that the road traffic speed will be reduced as a result of this zoning, providing a safe environment for alternative modes of transport will be important within this area.</i></p> <p><i>The development, operation, maintenance, upgrading and replacement of infrastructure is provided for in the Invercargill City Council Bylaw 2016/1 Code of Practice for Land Development and Subdivision Infrastructure and require authorisation pursuant to that Bylaw. Infrastructure intended to be vested in Council ownership, unless otherwise approved, is required to be designed and constructed to meet the requirements of the Bylaw.</i></p> <p><i>The removal of the deferred status and commencement of the Residential 4 Zone is effected by resolution of the Council when the required services have been provided to the satisfaction of the Council. At the date of the Council resolution, the District Plan will be amended without formality and the Residential 4 Zone will become operative. The Council will advise landowners when it has made a resolution.</i></p> </div>	<p>Invercargill City District plan has a deferred zone shown on the planning maps as 'Deferred Residential 4 Zone'.</p> <p>Deferred Residential 4 Zone (Policy Res4Z-PI) describes the policy purpose of the zone – to retain rural zone provisions until a council resolution is passed that resolves that the trigger conditions specified in the plan are met.</p> <p>The Policy explanation clarifies that the rural zone provisions apply until the trigger conditions are satisfied (footpaths and sewage system as described in Concept plans that are annexed to the plan). Following the council resolution that the trigger conditions are satisfied – the plan is amended without formality.</p> <p>Subdivision</p> <p>Other than for subdivision for a utility, boundary adjustments and amendment to cross lease subdivision (Sub -R1), generally subdivision is a Discretionary activity. (Sub-R3).</p>	<p>Plan uses a rule framework rather than just a process method per TRMP.</p> <p>Currently, the plan appears to have only one location with a deferred zone notation.</p> <p>The trigger conditions are objectively ascertainable and require the approval of Council (LGA resolution).</p> <p>Advantages:</p> <ul style="list-style-type: none"> -Only 1 PC required. -Works for developers as reduces holding costs. <p>Disadvantages:</p> <ul style="list-style-type: none"> -May be legally questionable.

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7. Marlborough - Wairau Awatere Resource Management Plan, part operative 2009		<p>The plan included a deferred Township Residential zone, limited to a single location, Rarangi. Deferred zone is in recognition that limited further residential development would be considered applicable once a permanent potable water supply has been installed.</p> <p>The 'deferred zone regime' has not been carried through to the Proposed Marlborough Environment Plan.</p>	<p>Deferred Township Residential zone limited to a single location.</p> <p>Was this developed and rezoned?</p>
Proposed Marlborough Environment Plan, notified May 2016, Appeal Version, May 2023		<p>PMEC has a zone for transitioning rural greenfields land to residential - Urban Residential 2 Greenfields Zone. This zone has its own specific policies and rules.</p> <p>Policy Chapter 12.2.4 - provides that farming activities are permitted to continue until residential development of the land occurs and that subdivision yield should aim for between 10 and 12 dwellings per hectare.</p> <p>Subdivision in Residential 2 Greenfields Zone is a Restricted Discretionary activity with a minimum (400m²) and maximum lot size (4000m²). Trips to Discretionary if standards not met.</p>	<p><u>Advantage</u> - Only 1 PC required.</p> <p><u>Disadvantage</u> Subdivision in Urban Residential 2 Greenfields Zone is Restricted Discretionary.</p>
8. Nelson Resource Management Plan	<p>Rules REr.108 Service Overlay – Residential zone - Subdivision REr.63 Service Overlay – Residential zone - Building INr.74 – Service Overlay –Industrial zone - Subdivision INr.55 – Service Overlay –Industrial zone – Building.</p> <p>AD11.3.3 provides description of overlay.</p> <p><u>Policy: Servicing Overlay</u></p>	<p>NRMP uses a service overlay to identify locations where services are lacking / needed for further development. Subdivision and building within a service overlay area are subject to a higher level of consent and/ or conditions to ensure servicing is provided.</p> <p>Plan change uplifts service overlay.</p> <p>Subdivision</p>	<p><u>Advantages</u> Method relates directly to most reasons for deferral – services.</p> <p>Use of spatial layer enables land to be zoned for the specific end purpose (e.g. general residential, light industrial)</p>

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	<p>Objective DO14.3: Servicing is addressed at time of subdivision or development.</p> <p>DO14.3 Services The provision of services to subdivided lots and developments in anticipation of the likely effects and needs of the future land use activities on those lots within the developments and the development potential of other land in the Services Overlay.</p> <p>DO14.3.1.i Subdivision and development of land is usually followed by intensification and changes in land use that increase the demands on the infrastructure of the City. It is appropriate for servicing requirements to be addressed at the time of subdivision or development to ensure that efficient and effective (including cost effective) systems are provided or enhanced and to ensure that the additional costs of servicing do not fall on the community generally.</p>	<p>in the Services Overlay is a restricted discretionary activity in Residential zone and Discretionary activity in Industrial zone subject to conditions. Resource consent will be considered without notification.</p> <p>Subdivision in the Service Overlay provides specific services related assessment matters in addition to those that would be applied to a subdivision consent application.</p> <p>Building in the Services Overlay is a Permitted activity if services are available and indicative roading no obstructed. If not, the activity trips to Restricted Discretionary.</p> <p>The areas defined as service overlays include areas where the provision of services to subdivisions is not straightforward. There may be constraints on the capacity of existing systems, or the area may need filling in order to get the necessary fall for stormwater or sewer drainage.</p>	<p>and to be developed when servicing is provided. Rezoning is not required but a plan change is required to lift the servicing overlay from the land.</p> <p>Disadvantages 2 plan changes required,</p>
9. Selwyn Operative District Plan, operative 2016	<p>“Deferred zones In the Living Z Deferred zones shown on the Planning Maps, the provisions of rural zone apply until an Outline Development Plan for the area has been made operative in the District Plan and sufficient infrastructure and servicing is available. Once the deferral is uplifted the provisions of living or medium density living zones apply. In the Living Z zones shown on the Planning Maps, any area shown within an Outline Development Plan as a Neighbourhood or Local Centre is subject to the provisions of the Business 1 zone.” (Part C, Rules, Introduction to rules, Selwyn Operative District Plan).</p>	<p>The current operative Selwyn District Plan contains deferred zones, and the plan describes what zone provisions apply before and after the deferral is lifted. The deferral is lifted via Schedule 1 plan change process (April 2023 e-conversation with Selwyn planners refers).</p>	<p>See below</p>

Council plan	Plan References	Summary Description	Comment
<p>Selwyn DC – Proposed DP, notified 5 Oct 2020. Decisions expected August 2023</p>	<p>Locations for future urban development are provided by Urban Growth Overlay. The urban growth overlay maps are spatially identified through Development Plans adopted by the Council.</p> <p>There is a specific set of plan provisions for the areas identified within the Urban Growth Overlays which are supported by a Development Plan. Generally, the general rural zone provisions apply with some additional provisions that ensure land is not compromised for future urban development.</p> <p>Development Plans are defined as “spatial plans that have been adopted by Council where urban growth has been identified.” An Outline Development Plan is defined as: “A plan (including any associated narrative description provided) which guides the form and staging, where applicable, of <u>subdivision</u> and development in the area identified on that plan.”</p> <p>An Outline Development Plan (ODP) is required to be prepared for each new residential growth area and incorporated into the District Plan. The ODP must identify integrated water, stormwater etc, minimum densities etc. The plan contains a schedule of criteria that must be included in an outline development plan.</p> <p>ODP must be prepared and incorporated into plan prior to any subdivision.</p> <p>“Any urban development or subdivision of land outside of the existing township boundaries is precluded unless the urban growth</p>	<p>The current operative Selwyn District Plan contains deferred zones.</p> <p>Following legal and staff advice, Council decided not to carry through the current deferred zones from the current operative plan into the proposed plan. Instead, currently deferred land is being rezoned.</p> <p>The following provisions are proposed for earmarking rural land for future urban development.</p> <p>In the Selwyn proposed plan, Urban Growth Overlay maps show the spatial locations identified for development (from development plans approved by Council.)</p> <p>The General Rural Zone activity-based rules apply to the land that is subject to the Urban Growth Overlay to enable the majority of rural land uses to continue. Additional rules apply to ensure that land use and subdivision development does not undermine the future zoning or development of the land that will assist in meeting the growth needs of the district.</p> <p>All other site-specific rules to achieve the urban growth outcomes are determined through the zoning process.</p> <p>An Outline Development Plan (ODP) is required to be prepared for each new residential growth area and</p>	<p>Disadvantages</p> <p>It seems that at least 3, possibly 4 plan changes may be required to change land from rural to urban zoning.</p> <ol style="list-style-type: none"> 1. PC to identify areas subject to Urban Growth overlay. 2. Any new ODPs, would be incorporated into the new plan via Schedule 1 process, 3. Not necessarily simultaneously, but the zone would also be changed from a rural zone with UG overlay to an urban zone (e.g. general residential) through a Schedule 1 plan change, and 4. UG overlay would also be amended by Schedule 1 plan change.

Council plan	Plan References	Summary Description	Comment
	<p>policies have been <u>fulfilled through the zoning process under Schedule 1 of the RMA.</u>" (author underline).</p> <p>"Any activity that establishes and operates on land that is located in the Urban Growth Overlay is to be subject to the rules and requirements of the General Rural Zone, unless specifically managed by a rule listed in UG-Rules List.</p> <p>The subdivision of any land that is located in the Urban Growth Overlay is managed as a restricted discretionary activity. under SUB-REQ13 of the Subdivision chapter of this Plan" Sub 13 relates to creation of sites for access, reserves and infrastructure.</p>	<p>incorporated into the District Plan, via Schedule 1 process prior to any subdivision. The ODP must identify integrated water, stormwater etc, minimum densities etc.</p>	
10. Waimate District Plan, 2014, operative		<p>District Plan does not have a deferred or future urban zone.</p> <p>The district has plenty of zoned land that is serviceable. (Anna, TDC policy planner, previously policy manager at Waimate District Council).</p>	
11. Waipa District Plan, 2017 operative	<p>Waipa district plan, made operative in 2017, was reviewed due to legal advice that plan deferral uplift procedure was unlawful. 'In essence the 2017 plan provided for:</p> <p>a. structure plans to be approved via a resource consent process; and then,</p> <p>b. deferred zones to be uplifted by way of a council resolution.' (rule 14.4.1.10)</p> <p>The Waipa plan 'contains deferred residential, large lot, reserve, commercial and industrial zones – called 'Growth Cells' linking back to Waipa 2050 Growth Strategy.</p> <p>Following Plan Change 13, in 2021, to 'fix' the unlawful issue described above, the uplift of the deferment can only occur via a Plan Change process, any Plan Change must include a structure plan to demonstrate how the area is to be serviced (S1.1.3).</p> <p>Refer to s14 Deferred zones – decisions version.</p>	<p>The Waipa plan contains deferred residential, large lot, reserve, commercial and industrial zones – called 'Growth Cells' linking back to Waipa 2050 Growth Strategy.</p> <p>Following amendment to the plan to fix the unlawful process of uplifting deferred zoned without a plan change, uplift of the deferment can only occur via a PC process. Any PC must include a structure plan to demonstrate how the area is to be serviced.</p> <p>In deferred zoning the future intended zoning and its objective, policy and rule framework is introduced through a PC process, a structure plan is introduced through the PC process. Structure Plans are appended to District Plan.</p>	<p>Advantages: Legally robust</p> <p>Disadvantages: At least 2PCs required: First to change land to 'deferred'. Second to uplift deferment, with PC including a structure plan to demonstrate servicing provided.</p>

Council plan	Plan References	Summary Description	Comment
	Plan Change 13 - Uplifting Deferred Zones - Waipa District Council (waipadc.govt.nz)		
<p>12. Whangarei District plan, 2022 – operative in part</p>	<p>Whangarei District plan was made operative in part in 2022. Recent amendments to the plan (Dec 22) incorporated the National Planning Standard zones, including the Future Urban Zone (FUZ)</p> <p>WDP has a ‘District Growth and Development’ policy chapter. The policies describe how growth is to be managed in the district.</p> <p>In line with National Planning Standards, the plan has a Future Urban Zone, with full provisions (objectives, policies and rules).</p> <p>The FUZ provides for a density of rural residential development that lies between the densities of the Rural Lifestyle Zones and Residential Zones. It provides capacity for the future urban expansion of the City and accordingly must be managed for this purpose. It is anticipated that most Future Urban Zone locations will be considered for rezoning to a Residential Zone once reticulated services are available.</p> <p>When services are provided – a plan change rezones the land to Residential or other urban use.</p> <p>There are specific subdivision provisions that apply to the Future Urban Zone.</p> <p>Land use rules for FUZ provide:</p> <p>(1) that any land use activity that is undertaken on an allotment created through subdivision provisions for FUZ will be assessed by applying the objectives, policies and rules of land use in the General Residential Zone. (FUZ-R1)</p> <p>Subdivision rules for FUZ provide:</p>	<p>In line with National Planning Standards, the Whangarei District plan has a Future Urban Zone, with a full set of provisions (objectives, policies and rules) that apply to land use and subdivision in circumstances where lots are to be serviced and where they are not.</p> <p>The FUZ provides for a density of rural residential development that lies between the densities of the Rural Lifestyle Zones and Residential Zones. It provides capacity for the future urban expansion of the City and accordingly must be managed for this purpose. It is anticipated that most Future Urban Zone locations will be considered for rezoning to a Residential Zone once reticulated services are available.</p> <p>When services are provided – a plan change rezones the land to Residential (no other urban use is mentioned in the plan).</p> <p>There are specific land use and subdivision provisions that apply to the Future Urban Zone.</p> <p>Land use rules for FUZ provide:</p> <ul style="list-style-type: none"> - that any land use activity that is undertaken on an allotment created through subdivision provisions for FUZ will be assessed by applying the objectives, policies and rules of land use in the General Residential Zone. (FUZ-R1) 	

Council plan	Plan References	Summary Description	Comment
	<p>(1) Subdivision, where the proposed allotments will be connected to Council reticulated water, wastewater and stormwater services and have a net site area of at least 500m²: shall be addressed using the objectives, policies and rules that apply to the serviced allotments in the General Residential Zone. (SUB-R13.1, R1).</p> <p>(2) Subdivision is a <u>Controlled</u> activity if every proposed allotment contains an identified building area of at least 100m² within which a residential unit can be built so that there is compliance as a permitted activity with the relevant rules in this Plan. When compliance not achieved, subdivision activity status trips to Discretionary. (SUB-R13.1, R2).</p>	<p>Subdivision rules for FUZ provide:</p> <p>1.Subdivision, where the proposed allotments will be connected to Council reticulated water, wastewater and stormwater services and have a net site area of at least 500m²: shall be addressed using the objectives, policies and rules that apply to the serviced allotments in the General Residential Zone. (SUB-R13.1, R1).</p> <p>2.Subdivision is a <u>Controlled</u> activity if every proposed allotment contains an identified building area of at least 100m² within which a residential unit can be built so that there is compliance as a permitted activity with the relevant rules in this Plan. When compliance not achieved, subdivision activity status trips to Discretionary. (SUB-R13.1, R2).</p>	