

The Governance of Land Use

Country fact sheet New Zealand

The planning system

Levels of government and their responsibilities

New Zealand has two tiers of subnational government (11 regions and 67 municipalities). The national government provides the framework legislation that structures the planning system and guides planning by lower levels of government. The Ministry for the Environment also acts as the responsible body for the publication of *National Environmental Standards* and *National Policy Statements* that give directions for specific environmental decisions.

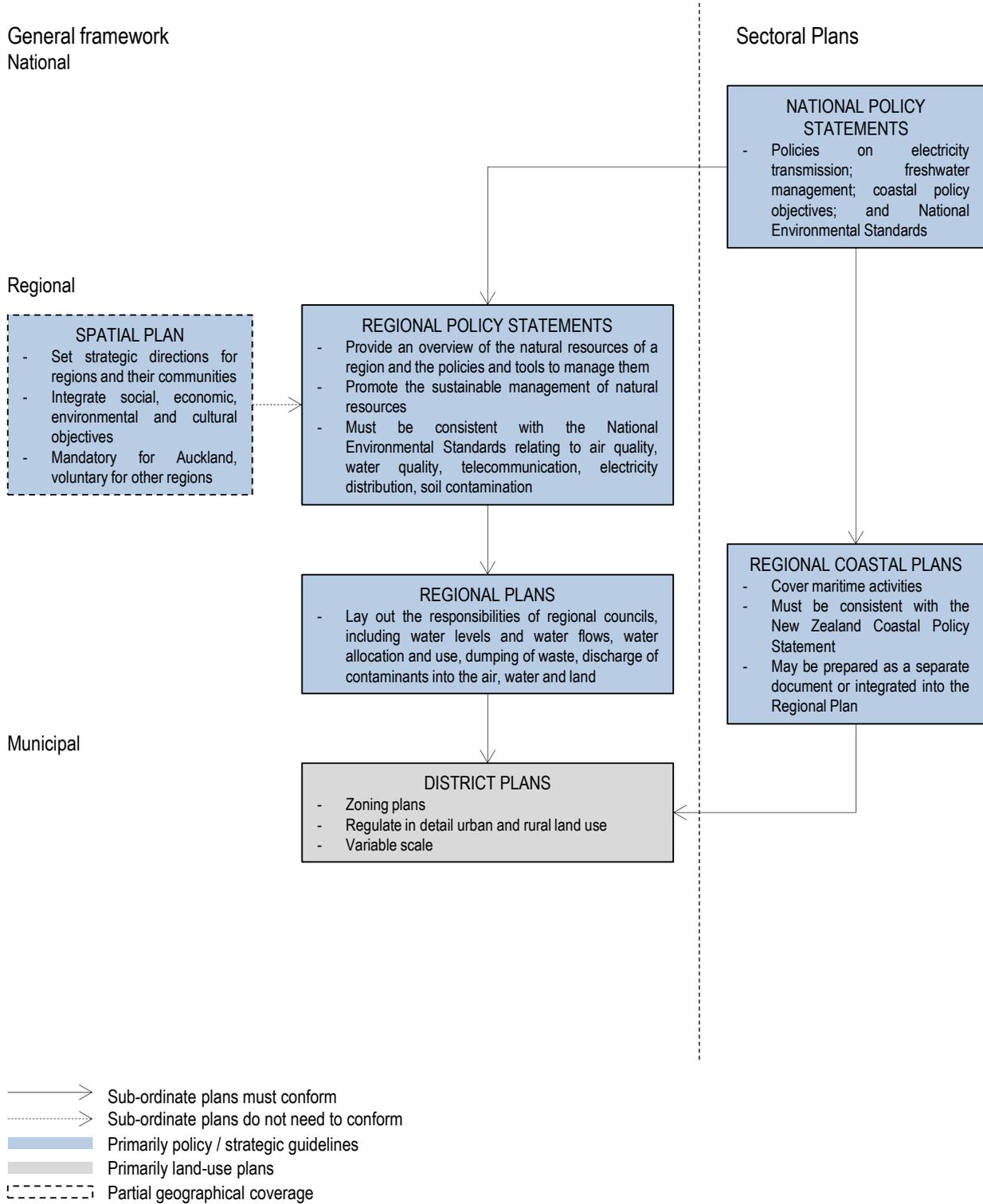
Regional councils prepare *Regional Policy Statements* to set out strategic policies for spatial development. The statements are implemented through *Regional Plans* containing strategic spatial guidelines and selected small-scale land-use regulations. Furthermore, regions develop *Regional Coastal Plans* to control all activities and uses of maritime coastal areas. In the Auckland region, an additional spatial plan gives strategic spatial directions to the subordinate regional plans.

Local authorities are in charge of zoning decisions through the *District Plans* and the granting of building permits. In New Zealand, there are 12 city councils and 55 district councils (6 of them are unitary councils with regional and territorial responsibilities). With an average of 64 550 inhabitants they are among the largest local authorities in the OECD. Unitary councils prepare *Unitary Plans* combining *Regional Plans* and *District Plans*. Local authorities may also establish local or community boards in order to represent the interests of the community and take charge of some non-regulatory functions.

Spatial and land-use plans

New Zealand's planning system follows a two-tier hierarchical structure. Regional and territorial councils are responsible for the development of spatial plans. At the national level, a general plan for the entire country does not exist, but *National Environmental Standards*, and *National Policy Statements* (including a *New Zealand Coastal Policy Statement*) must be given effect in regional and district plans. Every region adopts its own strategic framework, the *Regional Policy Statement*. The purpose of the Statement is to carry out an integrated management of the natural and physical resources of a region. *Regional Plans* must give effect to the *Policy Statement*. They are implementation plans to achieve the goals established by the statement. *Regional Plans* also have to include *Regional Coastal Plans* to regulate activities in the maritime coastal areas. The *Regional Coastal Plan* may be integrated into the *Regional Plan* or prepared as separate document.

Organisation of spatial and land-use planning in New Zealand



Territorial authorities have detailed control of land zoning through the adoption of *District Plans*. Such plans set out the requirements for public infrastructure, roads and footpaths and establish the permitted activities for each area. They also give directions for the protection of the landscape and architectural heritage. They must be consistent with the *Regional Policy Statement*, the *Regional Plan* and any national environmental standard. Once the plans are approved, they obtain the binding status of legal documents. Plans are replaced approximately every 10 years and are updated when needed.

Auckland is the only region required to have a spatial plan that provides long-term high-level strategic policies – the *Auckland Plan*. A number of other areas have however developed them voluntarily (e.g. Bay of Plenty and Dunedin). Spatial Plans guide the development of regional policies and development plans such as the *Regional Policy Statement* and the *Unitary Plan*. The main objectives of the *Auckland Plan* are the integration of social, economic, environmental and cultural policies and the definition of the role of the Auckland region for New Zealand.

Major laws and regulations

The *Resource Management Act*, adopted in 1991 and amended in 2015, is the law that governs the planning system of New Zealand. The act aims to promote the sustainable management of natural and physical resources. It also provides directions for heritage protection and the planning of public works and infrastructure. Another important law is the *Environment Act* of 1986 that established the Ministry for the Environment and the Parliamentary Commissioner for the Environment. The *Local Government Act* of 2002 is the law that gives to the local governments the power to set out land-use policies. The *Land Transport Management Act* (2003) designated the New Zealand Transport Agency as the body in charge of the planning of national transport infrastructure.

Co-ordination mechanisms

The hierarchical structure of the planning system provides the vertical co-ordination between plans. Plans must be consistent with any higher level plan or water conservation order and must give effect to any national policy statement, the New Zealand coastal policy statement and any national environmental standard. Before approving a plan, horizontal co-ordination is assured by preliminary consultations between councils, ministries, adjacent local authorities, public bodies and utility providers who may be affected by the plan.

Expropriations

Private land can be expropriated for public works and infrastructure. The national government, local authorities and authorised utility providers, such as energy authorities and telecommunications providers, are the subjects with land acquisition rights. The latter bodies may be private in a legal sense; in this case the expropriation is allowed for interventions guaranteeing a public or community benefit.

Recent and planned reforms to the system of land-use planning

The current planning system in New Zealand was established in 1991 with the *Resource Management Act*. Several amendments have occurred since then; most importantly a reform in 2015 aimed to improve the efficiency of the planning system and reduce the costs of compliance and delays in the preparation of plans and in the permitting process. In 2013 the *Housing Accords and Special Housing Areas Act* was approved as a supplement to the *Resource Management Act*. The aim of the act is to simplify approval procedures for some housing projects in the Auckland area that meet the criteria outlined in the Act.