



Ministry for the  
**Environment**  
*Manatū Mō Te Taiao*

# 2G ZONE FRAMEWORK STANDARD

Recommendations on Submissions Report for the first set of  
National Planning Standards

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# Context to this document

This document forms part of the suite of recommendations on submissions reports prepared for the National Planning Standards. It should be read in conjunction with the Overall Introduction and is likely to reference other recommendations on submissions reports listed below. The recommendations on submissions reports are organised as follows:

1. **Overall introduction**

- Explanation of all of the recommendations on submissions reports
- High-level submissions analysis

**Detailed recommendation reports**

2A. **Regional Policy Statement Structure Standard report**

2B. **Regional Plan Structure Standard report**

2C. **District Plan Structure Standard**

2D. **Combined Plan Structure Standard**

2E. **Chapter Standards report** including

- Introduction and General Provisions Standard
- National Direction
- Tāngata Whenua Standard
- Strategic Direction Standard
- District-wide Matters Standard
- Designations Standard
- Schedules, Appendices and Maps Standard

2F. **Format Standard** including

- Chapter Form Standard
- Status of Rules and Other Text and Numbering Form Standard

2G. **Zone Framework Standard**

2H. **Spatial Layers Standards** including

- Regional Spatial Layers Standard
- District Spatial Layers Standard

2I. **Definitions Standard**

2J. **Noise and Vibration Metrics Standard**

2K. **Electronic Accessibility and Functionality Standard** including

- Baseline electronic accessibility
- Online interactive plans

2L. **Mapping Standard**

2M. **Implementation of the Standards**

# 1 Introduction

## **Please note while reading this report**

During the refinement process, we renamed the 'Area Specific Matters Standard S-ASM' as 'Zone Framework Standard'. We made this change for clarity and to reflect the decision to remove abbreviations in the titles of the planning standards. This report uses the name Zone Framework Standard throughout.

The Zone Framework Standard specifies the range of land-use zones that may be used in district plans and the district plan components of combined plans.

The draft standard as notified proposed that:

- each zone includes a purpose statement that if that zone is used, plan provisions must fulfil the statement
- there is an ability to create special purpose zones where specific criteria detailed in the standard are met
- provisions of the precinct and development area spatial layers are located within the Area Specific Matters (Zone Framework) chapter.

This report details the submissions received on this standard and the changes proposed to address submissions.

## 2 Overview of submissions

The draft Zone Framework Standard attracted 105 submissions, reflecting the high level of engagement observed during consultation. Overall, submissions indicate the standard has general support, as long as the flexibility to adapt zones to local contexts is retained, as detailed in table 1.

Most submissions were highly detailed. Many submitters suggested ways of amending the names of zones and the language of the purpose statements. Council submissions frequently included examples of how the standard would work in their local context, while environmental groups, and professional and industry organisations typically approached the range of zones from a nationwide operational perspective.

Only nine submitters were opposed or partially opposed to the standard. These submitters were mainly opposed to the development of standards at a philosophical level. Four of these submissions were from councils, and one each from an iwi group, private submitter and a non-governmental organisation. The other two submissions were from planning consultants.

Purpose statements for zones received a large number of submission points. Some submitters considered their scope to be too narrow, while others considered them to be too broad. The ability to add special purpose zones was supported by both councils and industry groups. Some submitters considered that the criteria to justify an additional zone were too restrictive and will result in overuse of the precinct spatial layer, increasing plan complexity. A number of submitters proposed including additional zones in the framework outright.

### 3 Approach to the analysis of submissions

Submissions ranged from general support for or opposition to the different components of the standard, to more specific requests to amend the detail of the standard. Recognising that this standard is above the minimum requirements of the Resource Management Act 1991 (RMA), the analysis section below first summarises and analyses the submissions supporting and opposing its inclusion outright. It then summarises and analyses submission points concerning the detail of the different components of the standard. We make recommendations at the end of the discussion of each of these components.

Where submission points relating to the different components of the standard can be more suitably addressed through changes to another standard, we identify and reference that alternative standard. Submission points requesting additional zones that could be analysed with other groupings (eg, residential zones) are addressed in the relevant sections of this report. Requests for additional zones that could not be grouped with others are addressed separately.

The Zone Framework Standard as notified included chapters for precincts, development areas and designations. Submissions made on those components are instead addressed in the 2H Spatial Layers Standards recommendations report.

## 4 Detailed submission analysis

### 4.1 A standard set of zones

#### 4.1.1 Submissions

Under section 58G of the RMA, the first set of planning standards must include at a minimum a structure and form for plans, definitions, and requirements for the electronic functionality and accessibility of plans. The Zone Framework Standard was proposed as an additional planning standard to complement these minimum requirements, to help the first set of planning standards be more effective in achieving meaningful consistency across plans and policy statements. The consultation document<sup>1</sup> asked for feedback on the value of this additional standard.

Almost all submitters requested changes to the detail of the zones in the framework, as discussed in the rest of this section. The New Zealand Airports Association supported the inclusion of a standard set of zones, considering that “this national direction will be useful in providing greater efficiency in the way councils and plan users interact with various plans across the country”. Over 20 submitters offered similar support, often qualified by the wish to keep the flexibility to apply the zones in a manner suitable to the local context. Ngāi Te Rangi considered that iwi require a parallel zone framework, while the Environment Court suggested avoiding defining zones as specifically residential or rural to help avoid difficulties in dealing with emerging mixed use zones.

Approximately 29 per cent of submitters did not specify a position on the standard, or appeared to be neutral on its inclusion. These submission points are detailed in discussing their corresponding components. Most of these submissions took one of the following approaches:

- they recommended amendments to the detail of the standard to ensure it is applicable across the country (such as the New Zealand Transport Agency and Tauranga City Council)
- they sought to ensure the standard did not limit the ability for their interest or operations to continue or develop (such as the oil companies and Fulton Hogan Ltd)
- they asked for further guidance and clarification on how the standard is intended to function (such as Heritage New Zealand Pouhere Taonga, Kāpiti Coast District Council and Hamilton City Council).

A smaller number of submitters opposed standardising the range of zones in plans. These submitters were also opposed to the development of planning standards more generally. Council submitters who opposed this standard<sup>2</sup> – in particular Christchurch City Council and Hastings District Council – believed that limiting the range of zones used in plans and introducing area-specific variation through other spatial layers, such as precincts and overlays, would not make plans easier to use. Palmerston North City Council felt that “standard names for zones is nothing more than promoting plan changes so we can judge a book by its cover”. Similarly Marlborough District Council considered the standard was “pre-determining plan

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<sup>1</sup> <http://www.mfe.govt.nz/sites/default/files/media/RMA/Final%20-%20Planning%20Standards%20Consultation%20Document%202018.pdf>

<sup>2</sup> Including Marlborough DC, Palmerston North City Council, Christchurch City Council, Dunedin City Council and Hastings DC.

content” and Dunedin City Council stated, “there is no compelling reason provided as to why a fixed number of pre-specified zones are allowed in the Standards”.

The Urban Design Forum (UDF) and planning consultancy Harrison Grierson submitted concerns that the planning standard was prescribing zones as a nationwide method of managing land use and not exploring other methods used internationally such as ‘form-based coding’. The focus of form-based coding is on how buildings relate to adjoining streets, rather than the uses that occur inside them. Form-based coding seeks to integrate the management of public space (eg, footpaths, streets and parks) and private space using a design-based placemaking approach.

One individual submitter opposed the standard outright as it would result in changes to the Auckland Unitary Plan (AUP). The New Zealand Planning Institute (NZPI) stated that it “strongly opposes” the standard. This contrasts with NZPI’s own membership survey in which 56 per cent of respondents strongly agree or agree, 30 per cent are neutral and only 14 per cent strongly disagree or disagree about the ‘appropriateness’ of the standard.

#### **4.1.2 Analysis of submissions**

Views differ on standardising the range of zones in plans through the standard. The standard is a change to how plans have been developed under the RMA. Although a small number of submitters are clearly opposed to the standard, most are neutral about or support its inclusion, if amendments are made to clarify some directions and ensure flexibility to adapt to different local contexts. These amendments are summarised and analysed as they relate to components covered later in this section. This standard functions in conjunction with the Spatial Layers Standards to incorporate local variation and content into plans in a structured way. Without this standard, the first set of planning standards is unlikely to achieve a balance of meaningful consistency and local variation.

Christchurch City Council and Hastings District Council’s particular concerns that limiting zones and introducing other spatial layers complicate plan use should be viewed in light of the broader focus of the planning standards on encouraging a transition to electronic plans (ePlans) and the benefits of increased use of such systems. These systems present users with only the relevant information about a particular property and reduce possible difficulties of having multiple layers applying to a property. We consider that standardisation of zones at a high level in the planning standards does not prevent ‘form-based coding’ and its design elements, as submitted by Harrison Grierson and the UDF. As discussed in relation to residential zones (section 4.3), elements of this practice have been adopted in the descriptive zone purpose statements.

#### **4.1.3 Recommendation: Continue to include a standard set of zones**

On balance and considering the information presented in submissions on the value of the standard, we recommend including the Zone Framework Standard in the first set of planning standards, subject to a number of amendments to its different components as detailed in the rest of this section. These amendments will help improve clarity and workability.

#### **4.1.4 Recommendation: Remove precincts and development areas directions from the Zone Framework Standard**

For ease of reference for users and to more accurately reflect the intent of the Zone Framework Standard we recommend that it only addresses the range of zones and their purpose/description. The draft Area Specific Matters Standard contained directions on precincts and development areas. We consider that these are more conveniently located in the District Spatial Layers standard (where these directions relate to the function of a layer) or the Structure standards (where these directions relate to the provisions of a layer), and should be moved accordingly.

## **4.2 Including zone purpose statements**

### **4.2.1 Submissions**

The focus here is on submissions on purpose statements at a high level. Submissions on the purpose statement for each zone are covered in relation to the discussion on that zone later in this section.

Submitters held contrasting views on whether purpose statements should be included in the standard or provided as guidance only. The purpose statements are intended to help interpretation and set high-level direction for what is likely to be found in each zone. A number of plans, including the AUP, use purpose statements/descriptions for zones.

#### **Support from some submitters**

The New Zealand Airports Association supported the use of purpose statements in the planning standards, considering “it is critical there is some level of consistency in how zones are applied across the country”. Christchurch International Airport Limited and Bunnings Ltd made the same submission point. Providing similar support, planning consultants Beca Ltd stated that “knowing that zones and their purposes are consistently applied, will assist in providing consistent advice across the country”. Other submitters who supported the inclusion of purpose statements were Federated Farmers, Wellington City Council, Joint Southland Councils and Dunedin City Council. Housing New Zealand Corporation supported purpose statements and suggested amendments to ensure they reflect future outcomes, rather being focused on the current state, as did New Plymouth District Council. Selwyn District Council also supported the statements, but had some concerns about its proposed wording and suggested amendments to address these concerns. Auckland Council supported limiting standardisation to zone name and purpose statement.

#### **Too broad or too narrow**

Some submitters considered the purpose statements to be too broad or too narrow in scope. Matamata-Piako District Council, while supportive of including purpose statements, identified that their broad and general scope makes them “predisposed to a considerable level of subjective interpretation”. Given the different makeup of towns and cities around the country, this council considered this will result in inconsistent outcomes. Hauraki District Council similarly identified that the local rules underneath purpose statements will still vary across the country. Gisborne District Council shared this opinion, believing submissions and appeals would be needed to resolve potential conflicts with their current range of zones.

Western Bay of Plenty District Council considered that the residential zone purpose statements did not clearly distinguish between those zones. Similarly Queenstown-Lakes District Council, Waimakariri District Council and Manawatu District Council submitted that the statements are overly brief. Queenstown-Lakes District Council noted the statements rely heavily on the use of 'primarily' to qualify the range of activities that could occur within the zone, which does not achieve the intent of the standards. Queenstown-Lakes District Council suggested that rewording the statements to explain in more detail the type, nature and scale of activities expected in the zone. Hutt City Council similarly requested that, if effects are appropriate, the statements make clear that other activities can be provided in the zone. Tauranga City Council asked for the qualifier 'primarily' to be removed, they considered that this word "indirectly implies that other uses not provided for in the zone can be undertaken...". Hamilton City Council and Queenstown-Lakes District Council requested clarification on whether the purpose statements can be amended.

The oil companies and New Zealand Motor Caravan Association sought to ensure that the purpose statements are not overly narrow and do not give the impression that their particular interests should be constrained. The oil companies also considered the purpose statements were worded to be more descriptive than directive. Similarly Taupo District Council submitted that if the purpose statements are too narrow, appellants to plan provisions may use them to stop activities occurring that do not fit neatly within the purpose statement. Hastings District Council similarly considered that some purpose statements are too narrow in scope. Te Rūnanga o Ngāti Ruanui Trust considered the purpose statements were missing a reference to 'sustainable management' and this term should be included.

### **Make available as guidance instead**

Some submitters considered that purpose statements should not be part of the standard but should instead be guidance material. Christchurch City Council raised concerns that purpose statements with a directive tone could leave councils open to legal challenge if local provisions are not seen to be sufficiently enabling of the activities envisaged by the purpose statements. Tauranga City Council also requested that the purpose statements be made available as guidance material only.

The Resource Management Law Association (RMLA) raised concerns about the potential for conflict for councils between purpose statements in the planning standards and the requirement to give effect to other national direction and to implement council functions and Part 2 of the RMA. They referred particularly to the draft Rural production zone purpose statement, which included "prioritise primary production activities that rely on the productive nature of the soils, intensive primary production". RMLA considered that this brings about "potential for conflict with other matters that should be 'prioritised' such as natural hazard mitigation, maintenance of indigenous biological diversity, or implementation of national direction regarding electricity transmission". The zone was intended to reflect council approaches that signal some types of primary production activities may be more desirable than others. RMLA suggested reframing the purpose statements as descriptions and removing directive words such as 'prioritise', 'provide' and 'enable'. New Zealand Law Society (NZLS) identified that, while purpose statements would be potentially helpful, they could raise issues if the number of zones is restricted.

Forest and Bird supported the use of a general description of each zone but, similar to RMLA, noted the potential for conflict with other national direction, Part 2 of the RMA and local plan provisions, which may use different terms such as 'consider providing for'. Forest and Bird considered the requirement for plan provisions to 'fulfil the purpose statement' would make

them even more directive, and less able to be integrated with other plan provisions. Forest and Bird also commented on the use of the term 'primarily' in conjunction with 'provide', which it considers sets up a subjective overriding requirement for zone provisions. They further requested that the purpose statements be renamed as 'zone descriptions' and be made available as guidance only, removing reference to words such as 'provide for' and 'prioritise'.

#### **4.2.2 Analysis of submissions**

A mixture of submitter types supported including purpose statements in the planning standard, including business and industry, local government and central government. These submitters considered there is value in ensuring that zones are used consistently across the country. Particularly for business and industry submitters such as Bunnings Ltd, Beca Ltd and Federated Farmers, a more consistent zoning approach will bring about efficiencies to their nationwide operations.

We agree with Housing New Zealand Corporation's submission that purpose statements should be reworded to remove reference to 'character' (in particular, for the residential zones) in the context of wider changes made to the set of purpose statements to clarify the differences between each zone. The 'suburban' and 'urban' character approach explored through the draft planning standards reflected the interpretation and transition of 'density' from General residential through to Medium density zones across the country. This was also noted by the Joint Southland Councils, which identified that these terms were not defined. Raising similar concerns, Western Bay of Plenty District Council and Queenstown-Lakes District Council considered that the purpose statements are very similar for a number of zones.

It is evident from submissions on purpose statements generally, and those addressing specific zones, that this broad approach to purpose statements has caused more uncertainty and interpretation difficulties than would arise if the purpose statements were more specific in the first instance. Accordingly, we have recommended changes to all purpose statements to readjust the balance of specificity and flexibility for interpretation in local contexts. Some submitters were concerned that the phrase 'provide primarily for' is both vague and implies that other activities not provided for in the zone purpose statement may be undertaken.

To retain the same level of flexibility for councils to decide at a local level the appropriate range of activities in a zone we recommend removing the phrase 'primarily provide for' and using 'areas used predominantly for' instead. This recognises current practice that, while a number of zones fulfil similar purposes in plans they will vary in different local contexts for valid reasons, and there may be established existing uses that cannot be anticipated in a zone purpose statement. This phrase recognises this balance of local variation and national consistency. Not including it could have the effect of imposing greater restrictions on local context in plans. Using this phrase will also help avoid concerns that the purpose statements could be overly narrow, as noted by submitters such as Taupo District Council, oil companies and New Zealand Motor Caravan Association.

Te Rūnanga o Ngāti Ruanui Trust considered a reference to 'sustainable management' should be included in the purpose statements. We do not consider each zone purpose statement needs to include a reference to sustainable management. This submission point is addressed in a number of ways. We recommend including a mandatory direction that reiterates that zone provisions must manage the use, development, and protection of natural and physical resources in it in accordance with Part 2 of the RMA. Furthermore the Planning Standards have

a prescribed purpose in section 58B of the RMA, which is identified in the Foundation Standard.

We agree the requirement for zone provisions to ‘fulfil’ purpose statements can be made more general and less directive and to avoid unintended consequences. On balance, we consider that changing this requirement to be that zones must be used consistent with the purpose statement/description. This addresses some of Christchurch City Council’s concerns (as well as those of RMLA and Forest and Bird below). We agree with the RMLA’s concerns about the use of ‘prioritise’ in the purpose statements (specifically in the Rural production zone) and have removed this directive terminology.

We agree with submitters that the purpose statements should be renamed ‘zone descriptions’, though disagree they should be guidance only. Forest and Bird highlighted potential for conflict between the purpose statements and other national direction and Part 2 of the RMA. We consider that there is no potential for significant conflict between these different instruments, given the recommended revisions to zone purpose statements (recommended to be renamed ‘zone descriptions’) given our recommended changes. Specific concerns were also raised that purpose statements would make them less able to be integrated with other planning considerations. We do not consider this to be of substantial concern, given the use of zones in the manner outlined in the standard reflects current practice and the purpose statements are of a high-level nature. The range of zones also needs to be considered in the context of the other planning standards, particularly the District Spatial Layers Standard and the District Plan Structure Standard, which enable an integrated approach. Purpose statements cannot be amended at a local level.

#### **4.2.3 Recommendation: Continue to include purpose statements and rename them ‘zone descriptions’**

On balance, we consider it is necessary to include purpose statements within this planning standard to provide high-level direction for how each zone should be used. We also recommend changing the name of zone ‘purpose statements’ to ‘zone descriptions’. This will ensure a greater level of consistency in how zones will be used, while enabling local variation in the substantive provisions of each zone. If the purpose statements were to be made available as guidance instead, only zone names would be formally standardised, without any method for directing a high level of consistent application. This could result in the same zones being used in different ways across New Zealand. We agree with submitters that the purpose statements should be revisited to ensure they do not unreasonably constrain councils from tailoring provisions or providing for a mixture of activities as appropriate to the local context.

#### **4.2.4 Recommendation: Amend the requirement for zone provisions to ‘fulfil’ purpose statements**

We recommend amending the requirement for local zone provisions to ‘fulfil’ purpose statements, to instead require that zones must be used in way consistent with the description of the zone. This revised direction is a mandatory direction.

#### 4.2.5 Recommendation: Include a mandatory directing reiterating zone provisions must be in accordance with Part 2 of the RMA

We recommend including a mandatory direction reiterating that zone provisions must manage the use, development, and protection of natural and physical resources in it in accordance with Part 2 of the RMA.

##### **Mandatory direction**

Provisions developed for each zone must manage the use, development, and protection of natural and physical resources in it in accordance with Part 2 of the RMA.

Please note that throughout the remainder of this report, summaries and analyses of submissions will still reference zone 'purpose statements' as this was the terminology that submissions were made on. We will use the term 'zone descriptions' when referring to recommended changes.

### 4.3 Residential, Medium and High density residential zones

#### 4.3.1 Submissions

##### **How these zones are named**

Some submitters, such as Auckland Council, identified that naming zones using a density approach, but not specifying criteria or thresholds for their use (such as site sizes, dwellings per lot or building types expected) may be counterintuitive to achieving consistency. Both Auckland Council and Housing New Zealand Corporation noted that, in the case of the AUP, three residential zones have no density controls at all (in terms of dwellings per lot). These submitters considered that describing the building typologies anticipated within the zone "sends a very clear picture to plan users about the level of development that can be expected within the zone" (Auckland Council). These submitters believed that 'density' is a confusing term for the general public. Auckland Council also requested that another residential zone be added to the Zone Framework Standard to account for the zoning technique followed in the AUP. In particular, it requested a 'Single House' zone or equivalent.

Hastings District Council submitted that the residential zones in their district plan are named according to location, topography or community outcomes, rather than based on the density or types of buildings within a zone. They also submitted that this approach encourages the segregation of residential densities, where a variety of house types and site sizes may be desired. Allison Tindale considered that while the same level of regulatory control would be able to continue when the Zone Framework and Spatial Layers Standards are in place, introducing standard zone names will lead members of the public to request rezoning of their land based on the zone name or to make objections to rezoning because of a change of name. Concerns similar to Auckland Council's were that density-based names of zones are proposed to be introduced despite the absence of any universally understood definition for medium or high density. Submitters stated that it would result in confusion for the public and the varied use of zones that are supposed to be used in the same manner, contrary to the objectives of the planning standards.

## Purpose statements

A number of submitters<sup>3</sup> considered the use of 'suburban' and 'urban' character in the residential zone purpose statements did not help councils to determine when each of these zones should be used, particularly considering these terms are not defined. Christchurch City Council mentioned these terms specifically in their concerns that they could lead to legal challenge around the extent to which provisions fulfilled that statement. Housing New Zealand Corporation submitted that:

...zoning should not be a tool used to reflect existing land use patterns. As such, the zone purpose should not identify the existing environment of land as a means by which future land is to be zoned. Rather it should identify the built form outcomes that this zoning is seeking to generate.

They also requested changing the name of the residential zone to 'Mixed housing suburban' to align with the AUP equivalent. Similarly, Forest and Bird suggested changing the purpose statement of the residential zone to reflect a future-focused state.

### 4.3.2 Analysis of submissions

We explicitly asked for feedback on how residential zones should be named, knowing that plans use a variety of approaches, including:

- using 'density' as an indication of expected number and/or type of residential units per lot (eg, Hamilton District Plan – 'Medium density residential zone')
- describing the building typology expected (eg, Auckland Unitary Plan – 'Terrace housing and apartment building zone', 'Mixed housing – suburban zone')
- using an (alpha) numerical approach (eg, Invercargill District Plan – 'Residential 1' and 'Residential 1A' zones).

Almost all small or medium-sized councils in New Zealand use the concept of 'density' to distinguish residential zones from one another. This is also the approach that planning templates internationally follow. Accordingly, the draft planning standards followed a 'density' naming approach. The residential zone purpose statements were intentionally drafted to be broad and general, referencing the type of character that might be expected. This approach reflected that community expectations and plan provisions for different zone densities vary across the country. Plan provisions could interpret the concept of density in a local context.

We consider that we can resolve the concerns submitters raised about a lack of clarity over what each residential zone is seeking to achieve by using purpose statements to describe the types and general scale of buildings expected within the zone. In this way, the density-based naming approach can be retained, while what density means in practice becomes clearer. Describing building typologies will help councils to determine what the built form 'trigger' is to use the zone, increasing consistency of application. This would also assist public understanding of the potential land use opportunities and expectations of possible building types within each zone. Within the scope of the descriptive purpose statements, councils would still be responsible for making local policy decisions about which zones to use, the specific provisions within them and where they would apply. This approach picks up on some aspects of Harrison Grierson and UDF's submissions on form-based coding.

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<sup>3</sup> Wellington City Council, Queenstown-Lakes DC, Housing NZ, Christchurch City Council and Selwyn DC.

Hastings District Council detailed how zones in its plan are named locally based on geographic and community factors, among others. While naming residential zones based on local circumstances may be immediately obvious to local plan users where the zone applies, this approach does not lend itself to the national consistency that the planning standards are aiming for.

We agree with Auckland Council’s request to include an additional zone based on the Single house zone in the AUP. This zone seeks to retain a suburban residential character with one- or two-storey buildings of a low density nature. We accept Auckland Council’s position that combining the policy frameworks of two of the AUP residential zones into one, and then using a precinct approach to reintroduce desired variation, is a less practical outcome than including a zone in the first instance, particularly considering the significant debate that demonstrated the validity of this zoning response through the AUP process. While we expect this zone will primarily be used in the Auckland context, other councils may choose to include it. This zone has been included as the ‘Low density residential zone’ (different to that in the draft planning standard). Some submitters commented that the names of zone chapters were the same as zones within them. To address this we consider it appropriate to rename those zones which are the same as their respective chapters (Residential, Rural and Industrial) by adding the prefix ‘General’.

### 4.3.3 Recommendation: Modify purpose statements of the Residential, Medium and High density residential zones

We recommend modifying the purpose statements of the Residential, Medium density residential and High density residential zones in the following manner to increase clarity and consistency of application. We also recommend changing the name of the ‘Residential zone’ to ‘General residential zone’.

#### Residential zone

##### Draft purpose statement

|                  |  |
|------------------|--|
| Residential zone | The purpose of the Residential zone is to provide primarily for residential activities in areas of suburban character. |
|------------------|--|

##### Revised zone description

|                          |  |
|--------------------------|--|
| General residential zone | Areas used predominantly for residential activities with a mix of building types, and other compatible activities. |
|--------------------------|--|

#### Medium density residential zone

##### Draft purpose statement

|                                 |  |
|---------------------------------|--|
| Medium-density residential zone | The purpose of the Medium-density residential zone is to provide primarily for residential activities in areas of urban character. |
|---------------------------------|--|

##### Revised zone description

|                                 |  |
|---------------------------------|--|
| Medium density residential zone | Areas used predominantly for residential activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities. |
|---------------------------------|--|

## High density residential zone

### Draft purpose statement

|                               |  |
|-------------------------------|--|
| High-density residential zone | The purpose of the High-density residential zone is to provide primarily for residential activities in areas of high density, urban character. |
|-------------------------------|--|

### Revised zone description

|                               |   |
|-------------------------------|---|
| High density residential zone | Areas used predominantly for residential activities with high concentration and bulk of buildings, such as apartments, and other compatible activities. |
|-------------------------------|---|

### 4.3.4 Recommendation: Include a Low density residential zone

We recommend including a Low density residential zone. (See section 4.4 for details of subsequent decisions about the zone with the same name in the draft planning standards.)

#### Zone description

|                              |   |
|------------------------------|---|
| Low density residential zone | 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. |
|------------------------------|---|

## 4.4 Low density residential zone

### 4.4.1 Submissions

Housing New Zealand Corporation submitted that the zone purpose statement should make clear what the 'constraints' refer to. They also suggested the alternative name 'Single House zone' and an alternative purpose statement referencing land hazards. Auckland Council suggested renaming the zone as its equivalent of 'Large lot zone'. Queenstown-Lakes District Council similarly submitted it is unclear how the zone should be used based on 'constraints'. The NZLS considered the purpose statement to be 'circular' as zone provisions will be the source of constraints. Allison Tindale suggested that the purpose statement for the zone gives wide discretion for its use and that communities may consider some areas to be unsuitable for more dense housing because it is not currently there. Christchurch City Council submitted that different zones are needed for hilly terrain, such as on the Port Hills, and that while a low density residential zone and another spatial layer could be used to achieve this variation, consideration should be given to a 'Residential hills zone'. Hastings District Council envisaged the application of the zone within its district plan, but considered the scope of the purpose statement too narrow to accommodate some of the non-residential activities that occur in its local context.

### 4.4.2 Analysis of submissions

To accommodate an additional residential zone in the framework, we agree with Auckland Council that the zone should be renamed as 'Large lot residential zone'. We agree with submitters that what encompasses constraints on density should be clearer and have amended the purpose statements to detail this, while not providing an exhaustive list. We consider that an additional 'hills'-based residential zone is not required, and any area-specific variation can be accommodated through the use of other spatial layers. We consider that the

zone description will not constrain additional uses which Hastings District Council seeks to address if necessary in its local context.

### 4.4.3 Recommendation: Modify name and purpose statement of the Low density residential zone

We recommend modifying the name of this zone to ‘Large lot residential’ and making changes to its purpose statement to clarify ‘constraints’. We have also made changes to reflect the descriptive nature of the other residential zones.

#### Draft purpose statement

|                              |   |
|------------------------------|---|
| Low-density residential zone | The purpose of the Low-density residential zone is to provide primarily for residential activities where there may be constraints on urban density. |
|------------------------------|---|

#### Revised zone description

|                            |  |
|----------------------------|--|
| Large lot residential zone | Areas used predominantly for residential activities and buildings such as detached houses on lots larger than those of the Low density residential and General residential zones, and where there are particular landscape characteristics, physical limitations or other constraints to more intensive development. |
|----------------------------|--|

## 4.5 Rural and Rural production zones

### 4.5.1 Submissions

Submitters expressed a range of views on the purpose statements for Rural and Rural production zones.

Synlait Milk Ltd expressed concerns that the zone options provided were too broad. They noted for the Rural zone that “a *limited range* of activities which support rural production” is ambiguous. In particular, it is unclear whether the activities include rural industry activities which the Rural production zone purpose statement identifies, provided they are associated with primary production. Giving the example of dairy factories, Synlait Milk Ltd assumed that they would be enabled in the Rural zone as they support primary production, but stated the broad nature of the purpose statement did not give this certainty. The NZLS submitted that the reference to a limited range of activities that support rural production implies that no other activities (such as tourism activities) are provided for. They suggested deleting or rephrasing the reference to other activities in the zone.

Synlait Milk Ltd submitted that the difference between the two rural zones is not clear. They considered the ‘productive nature of soils’ is not enough to differentiate them, arguing all primary industry activities rely on the productive characteristics of the soil to some degree. Synlait Milk Ltd further expressed confusion that, while seeking to prioritise production activities, the Rural production zone also refers to rural industry and the scale of site to which the zone should apply is unclear. Synlait Milk Ltd, the New Zealand Planning Institute, Whanganui District Council and Fonterra Ltd all requested a ‘Rural industry’ zone be included in the Zone Framework Standard to provide for site-specific activities, such as dairy factories and meat works.

The Forest Owners Association (FOA) similarly considered the differences between these two zones was not clear and it was not obvious where plantation forestry would be accounted for

within the zones provided. FOA considered that the purpose statement for the Rural production zone unfairly did not favour forestry activities stating that “plantation forestry thrives on other soils and operational costs and effects are much lower when one operates on flattish land”. FOA further commented on the differences between ‘rural industry’ and ‘activities that support rural production’. They asked for the Rural production zone to be deleted and for the Rural zone to include both ‘rural industry’ and ‘activities that would support rural production’. Rural Contractors New Zealand Incorporated, similar to FOA, commented on the different variety of activities referenced in the two zones, noting that ‘*Intensive primary* production, rural industry and other activities which support rural production could have a functional need to locate throughout the rural area’ (where they are not currently referenced at all). In this submitter’s context, it was unclear whether ‘rural contractors’ depots’ would be classified as ‘associated rural industry’ or ‘a limited range of activities which support rural production’. They recommended that the statements should include activities that have a “functional need” to locate in rural areas and should omit the Rural production zone. Horticulture New Zealand stated the difference between the two zones was not clear and both needed to consider indoor production. Tegel Foods Ltd supported the Rural production zone, though requested that it be made clearer that ‘rural industry’ and ‘intensive primary production’ do not rely on the productive nature of the soils.

Straterra recommended that all the rural zones should incorporate ‘location of minerals’ to avoid the interpretation that these zones could exclude mining activities. Bathurst Resources shared this view. Hauraki District Council, Whanganui District Council, J Swap Contractors Limited, Winstone Aggregates, Atlas Concrete Limited and OceanaGold all considered that mineral extraction, mining and quarry zones should be added to the framework. Conversely, Fulton Hogan expressed caution over standardising a zoning response, warning while standardising can provide security for such activities, it can also “drive up land costs”. Fulton Hogan also expressed concern that a zoning response can restrict expansion. They recommended a more flexible approach to the management of such activities, such as by using overlays as well. They proposed keeping the discretion for plan makers to decide with industry whether to include quarry-related zones, and not including quarrying or mining zones in the Zone Framework Standard at this stage.

AgResearch Ltd submitted that it is not clear why both zones are needed. They recommended deleting the Rural production zone and replacing it with a broad Rural zone that provides for a full range of rural activities. Commenting on the differences between the zones, it noted, “it is not clear why it is considered appropriate to provide for ‘intensive primary production’ and ‘associated rural industry’ within the Rural Production Zone and not within the Rural Zone”. AgResearch Ltd considered the definition of primary production may not capture its research farms, which it sees as agricultural research activities. They submitted that, alongside intensive primary production, rural industry and other activities that support rural production, its research farms have a functional need to locate in rural areas.

Christchurch City Council raised concerns that the reference to rural industry in the Rural production zone purpose statement “could lead a range of industrial activities to anticipate that they would be able to locate in a rural environment even where councils have other strategic directions to manage urban sprawl”. They saw this as particularly problematic with the qualifier ‘associated’, which the council believed permitted a wide range of industrial activities because they have some (even vague) connection or association to primary production activities of the zone. Christchurch City Council considered the term should be ‘ancillary’, meaning subordinate. They further considered the term ‘rural production’ (which is not defined in the planning standards) in the Rural zone purpose statement is ambiguous as to whether tourism and conservation activities are captured. Christchurch City Council also

questioned whether rural industry activities are appropriate in a production zone if the intention is to retain soil qualities and values. They suggested the following revised purpose statement for the Rural production zone:

~~“The purpose of the Rural production zone is to prioritise primary production activities that rely on the productive nature of the soils, intensive primary production, and also providing for associated ancillary rural industry.”; or “The purpose of the Rural production zone is to prioritise primary production activities that rely on the productive nature of the soils, intensive primary production, and also providing for associated rural industry.”~~

Taupo District Council considered the purpose statement for the Rural zone to be overly narrow for activities beyond primary production activities because, in its context, many different types of activities are necessarily present in areas where poor-quality soils make primary production less viable. Examples of such activities included a motor sport park, pony clubs, tourist activities and power stations. Taupo District Council raised further concerns that “there is the potential that the purpose statements are used by appellants to prevent activities that do not fit neatly within the description from occurring”. The Canterbury Mayoral Forum, Dunedin City Council, Central Hawke’s Bay District Council and New Plymouth District Council all submitted that the difference between the zones was unclear. Waitomo District Council suggested the zone should provide for tourism activities, particularly where those activities rely on the rural environment.

Similar to Christchurch City Council, Central Hawke’s Bay District Council raised concerns that the Rural production zone purpose statement includes rural industry. In contrast, Western Bay of Plenty District Council considered it was incorrect to limit rural industry only to the Rural production zone as such activities are needed to service primary production activities. Western Bay of Plenty District Council believed that having more than one general rural zone is unnecessary and the two zones overlap to the extent they cause confusion. Like Western Bay of Plenty District Council, Buller District Council considered the qualifier ‘limited’ in the Rural zone purpose statement should be removed as it saw the Rural zone as a “productive working environment where a whole range of rural support activities can take place”.

Hastings District Council explained that the ‘Plains production zone’ in its plan functions as the ‘growing powerhouse’ for the district and retaining this land for production purposes is a key principle for the council. They submitted that the difference between the two zones is not clear enough, even when referring to the guidance material, which states “may discourage land fragmentation into small lots”. Federated Farmers supported the range of zones but submitted that rural industry zones, a scenario Gisborne District Council examined, could be considered.

Forest and Bird and the RMLA commented extensively on the effect of purpose statements generally, with specific reference to the Rural production zone and the ‘prioritising’ of primary production activities. Section 4.2.1 details this issue and that discussion should be read as a component of this section.

## **4.5.2 Analysis of submissions**

A wide range of views on how rural zones should function was evident from submissions on these two zones. The ‘Rural production zone’ was included in the Zone Framework Standard

following feedback from rural-based councils and the Rural Sector Group<sup>4</sup> that some councils use more than one general rural zone to manage the productive capability of the land resource. For example, the Hastings and Whakatāne district plans uses 'Rural plains' and 'Rural foothills' zones, while the AUP and Gisborne Tairāwhiti Resource Management Plan include 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 are applied to areas with elite, prime, high class, or versatile soils as 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. Similarly, 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.

Submissions showed that most submitters did not understand the intended difference between the two zones. Those submitters familiar with plans that manage the productive capability of land understood the different intent of the two rural zones, but considered the purpose statement for the Rural production zone did not communicate this difference adequately. The guidance material did not help to clarify the matter by reflecting that a wide range of activities (including production or farming, tourism and conservation), and a variety of buildings and structures (both large-scale and small-scale) are typically provided for in all rural zones. Similarly, unique values such as amenity, biodiversity and heritage are also likely in rural zones.

Forest and Bird and RMLA raised specific concerns about the Rural production zone's purpose statement. They considered it could result in councils prioritising production activities over other duties such as the protection of significant natural areas or waterways. This interpretation is not the intended outcome of the purpose statement. We agree that amendments should be made to better reflect councils' desire to manage the particular productive characteristics of the zone, and that reference to prioritisation should be removed, consistent with our recommendation to remove directive language. Within the planning standards structure and format, councils must still fulfil their obligations under Part 2 of the RMA, including those related to natural character, landscape, ecological and amenity values.

Submissions identified differences between the two zones where the Rural zone "may also provide for a limited range of activities which support *rural production*", while the Rural production zone provides for "intensive primary production, and also providing for associated rural industry". We agree that the draft purpose statement for the Rural zone overly limited the range of other activities that may occur within it, especially compared with the Rural production zone. It also created confusion by using some terms that weren't defined.

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<sup>4</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.

We consider that both zones should be retained, and that both purpose statements should describe an equally wide range activities. We consider this allows councils, communities and stakeholders the neutral ground to decide at a local level the extent of activities within these zones generally consistent with the description of the zone. Recognising that rural industrial activities may occur in these zones balances the views of Christchurch City Council and other submitters (who support these activities in rural areas), and recognises that these activities may be desirable in some local contexts. We do not consider that prefacing rural industry as an activity that ‘may’ also occur overly restricts these activities. Regarding submissions on mining/quarrying and the request for reference to ‘the location of minerals’, Mining/quarrying now falls within the definition of ‘primary production activity’ and adequately signals these types of activities.

Considering AgResearch’s submission, we note the submitter acknowledges different planning responses will be necessary for its different operations (research farms and research campus). We do not consider an additional ‘research, innovation and education facilities’ zone should be included outright in the zone framework. Instead we recommend broadening the zone descriptions for the Rural and Rural production zones to include ‘activities that support primary production activities’ and ‘other activities that require a rural location’. This broadened scope helps to more comfortably facilitate a precinct approach for some of these facilities. The submitter could also demonstrate how it meets the criteria for an additional special purpose in a given local context, flexibility which was supported in AgResearch’s submission.

Regarding submissions from Synlait Ltd, the New Zealand Planning Institute, Whanganui District Council and Fonterra Ltd in support of including a Rural industrial zone in the framework, we consider that these activities can be adequately managed through the use of other spatial layers, such as precincts. A precinct spatial layer would enable site-specific provisions to be included in the plan to manage the operation and development of such facilities. This is supported by the amended purpose statements for the Rural and Rural production zones that recognise that such rural industrial activities may located in rural zones. The planning standard does not preclude a special purpose zoning response for such facilities if the criteria to include an additional zone are met. We consider this same approach should be followed for quarry- or mining-related zones and agree with Fulton Hogan Ltd that flexibility to decide an approach at a local level is appropriate.

### 4.5.3 Recommendation: Modify purpose statements and names of the Rural and Rural production zones

We recommend modifying the name and purpose statement of the Rural zone, and the purpose statement of the Rural production zone.

#### Draft purpose statements

|                       |  |
|-----------------------|--|
| Rural zone            | The purpose of the Rural zone is to provide primarily for primary production activities. The zone may also provide for a limited range of activities which support rural production.                                     |
| Rural production zone | The purpose of the Rural production zone is to prioritise primary production activities that rely on the productive nature of the soils, intensive primary production, and also providing for associated rural industry. |

## Revised zone descriptions

|                       |   |
|-----------------------|---|
| General rural zone    | Areas used predominantly for primary production activities, including intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.   |
| Rural production zone | Areas used predominantly for primary production activities that rely on the productive nature of the land and intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location. |

## 4.6 Rural residential zone

### 4.6.1 Submissions

Straterra considered that the wording of the purpose statements for all rural zones (including the Rural residential zone) could exclude mining as a valid activity located within it. The NZPI stated that there was no Rural residential zone and that the Zone Framework Standard (which was incorrect) jumps between 4ha and suburban with no size difference in between, despite the draft standard making no mention of size. The NZLS considered that the purpose statement implies that houses are appropriate everywhere within the zone, and it suggested alternative wording.

The Dunedin City Council considered the Rural residential zone should not be grouped with rural zones, as the provisions within it can be fundamentally different and such grouping implies that this zone is rural rather than residential based. Conversely, New Plymouth District Council considered the 'residential' component of the zone name implies that such rural land can be used for intensive residential purposes and suggested renaming it as 'Rural lifestyle'. Selwyn District Council also noted that New Plymouth District Council's rural lifestyle better aligns to the purpose statement of the Rural residential zone. Matamata-Piako District Council requested the addition of a second rural residential zone differentiated by lot size.

Selwyn District Council commented that it is unlikely to use the Rural residential zone as in its context, rural residential includes land holdings integrated into existing townships that range in size from 0.3ha to 2ha at an average density of one to two households per hectare. They also noted its 'Inner plains' zone better fits with the proposed Rural residential zone, where the minimum lot size is 4ha and are often considered to be lifestyle blocks. They also noted that there appears to be a lot of variation as to what constitutes 'Rural residential' and further research could be useful. Waimakariri District Council noted that the Canterbury Regional Policy Statement (RPS) contains specific direction on rural residential land use in the greater Christchurch area. raised concerns that district plan provisions drafted in response to the zone in the planning standards may be inconsistent with the current RPS and alter the policy direction of the future RPS.

### 4.6.2 Analysis of submissions

We consider that the wording of the Rural residential zone purpose statement does not curtail mining/quarrying as an activity within the zone if local authorities manage this within the zone. Mining/quarrying falls within the definition of 'primary production activity'. A number of other aggregate and quarry submitters noted that other spatial layers such as overlays, precincts or special purpose zones will ultimately be better suited to manage such activities depending on the circumstances. In regard to Dunedin City Council's submission point, we consider that the

zone should be placed within the rural zone chapter. Councils can decide whether provisions common to all these zones should be grouped together or if they should be dealt with in a separate section of the respective zone chapters.

We agree with New Plymouth District Council’s submission point that the name should be changed to ‘Rural lifestyle zone’ to avoid misunderstanding in the community about the extent of development suitable where the zone is applied. Considering Selwyn District Council’s submission around how it will apply the Low density residential and Rural residential zones, we have no immediate concerns about this interpretation and agree that the Rural lifestyle zone should be applied where ‘lifestyle blocks’ are understood, a point contained in initial guidance material.

We consider that the zones contained in the Zone Framework Standard will not cause any greater inconsistency in the relationship between RPSs and district plans, given inconsistency can currently occur depending on the phasing of reviews between these documents, as well as the high-level nature of the purpose statements. We consider that Matamata-Piako District Council’s desire to have more than one rural residential zone differentiated by lot size can efficiently be accommodated through the use of specific controls showing where different minimum site sizes apply or, if a revised policy approach is adopted, through a precinct spatial layer.

### 4.6.3 Recommendation: Modify name and purpose statement of the Rural residential zone

We recommend modifying the name and purpose statement of the Rural residential zone.

#### Draft purpose statement

|                        |   |
|------------------------|---|
| Rural residential zone | The purpose of the Rural residential zone is to provide primarily for a residential lifestyle within a rural environment, while still enabling primary production to occur appropriate to the size of the lots. |
|------------------------|---|

#### Revised zone description

|                      |   |
|----------------------|---|
| Rural lifestyle zone | Areas used predominantly for a residential lifestyle within a rural environment on lots smaller than those of the General rural and Rural production zones, while still enabling primary production to occur. |
|----------------------|---|

## 4.7 Rural settlement zone

### 4.7.1 Submissions

Waitomo District Council supported the Rural settlement zone and its purpose statement outright. The NZLS suggested amendments to clarify the intention for the zone to be applied in rural areas. Christchurch City Council considered the purpose statement for the Rural settlement zone was too broad, noting that, in its context, commercial, light industry or community activities are not appropriate in some of these areas. Where these activities are appropriate, the council would use commercial and mixed-use zones instead. Selwyn District Council expressed a desire to use a ‘Small settlement’ zone in areas such as the Rakaia Huts, which are currently managed via the residential provisions of the plan but take the form of a small cluster or settlement. Selwyn District Council asked for the ‘rural’ component of the zone name to be dropped, enabling the zone to be grouped with residential zones. Western

Bay of Plenty District Council considered that, from a reverse sensitivity perspective, the mixture of activities within the zone is not compatible and should be restricted to residential activities only.

Auckland Council requested that a ‘Rural and coastal settlement’ zone be included in the framework. It explained that the zone has been applied to residential properties within unserviced rural and coastal settlements such as Muriwai, Leigh and Kaukapakapa that have a “village” residential character.

#### 4.7.2 Analysis of submissions

We agree with Selwyn District Council’s suggestion to remove the ‘rural’ component of the zone’s name and to allow it to be placed in the residential zone chapter. In addition, to reflect the mixture of activities anticipated, we consider the zone should be able to be placed in the ‘commercial and mixed use zones’ chapter as well. This is enabled through the District Plan and Combined Plan Structure Standards. We consider that making this change, along with the ability to have a mixture of these different activities within the zone, addresses the concerns of Christchurch City Council and Western Bay of Plenty District Council. Alternatively, as they suggest, they could use another zone if more appropriate.

Regarding Auckland Council’s request for an additional Rural and coastal settlement zone to be included in the Zone Framework Standard, we consider that other spatial layers such as precincts can be used to introduce the necessary variation and place-based responses desired. Furthermore, the ability to group the zone within the residential, rural or commercial and mixed use zones provides additional flexibility to use the zone in a residential context.

#### 4.7.3 Recommendation: Modify name and purpose statement of the Rural settlement zone and allow placement in different chapters

We recommend modifying the name and purpose statement of the Rural settlement zone.

We also recommended allowing this zone to be placed in the ‘residential zones’, ‘rural zones’ or ‘commercial and mixed use zones’ chapters as per the additional directions in the District Plan and Combined Plan Structure Standards.

##### Draft purpose statement

|                       |  |
|-----------------------|--|
| Rural settlement zone | The purpose of the Rural settlement zone is to provide primarily for a mixture of residential, commercial, light industrial activities and community activities located within rural areas that support a small settlement and surrounding rural area. |
|-----------------------|--|

##### Revised zone description

|                 |  |
|-----------------|--|
| Settlement zone | Areas used predominantly for a cluster of residential, commercial, light industrial and/or community activities that are located in rural areas or coastal environments. |
|-----------------|--|

## 4.8 Neighbourhood commercial and Local commercial zones

### 4.8.1 Submissions

Five submitters<sup>5</sup> considered that the names of the Neighbourhood commercial zone and Local commercial zone should be changed to Neighbourhood and Local ‘centres’ zones to reflect the hierarchy of established centres in many plans. They believed that the term ‘commercial’ does not accurately reflect the breadth of activities anticipated within the zones, which submitters noted include community activities. The NZLS suggested the Neighbourhood and Local commercial zone purpose statements may read more clearly by adding “within which the Neighbourhood Commercial/local commercial zone is located”.

### 4.8.2 Analysis of submissions

We agree with submitters that these zone names should be amended to more clearly enable, but not require, a hierarchy of centres. We consider that the additional text suggested by NZLS is unnecessary. We also recommend expanding the purpose statements to capture community activities.

### 4.8.3 Recommendation: Modify the names and purpose statements of the Neighbourhood commercial and Local commercial zones

We recommend modifying the names and purpose statements of the Neighbourhood and Local commercial zones.

#### Draft purpose statements

|                               |  |
|-------------------------------|--|
| Neighbourhood commercial zone | The purpose of the Neighbourhood commercial zone is to provide primarily for small-scale commercial activities that directly support the immediate residential neighbourhood.        |
| Local commercial zone         | The purpose of the Local commercial zone is to provide primarily for a range of commercial activities that provide for the daily/weekly shopping needs of the residential catchment. |

#### Revised zone descriptions

|                           |   |
|---------------------------|---|
| Neighbourhood centre zone | Areas used predominantly for small-scale commercial and community activities that service the needs of the immediate residential neighbourhood. |
| Local centre zone         | Areas used predominantly for a range of commercial and community activities that service the needs of the residential catchment.                |

<sup>5</sup> PSPIB/CPPIB Waiheke Inc, AMP Capital Shopping Centres Pty Limited, and Stride Property Limited, Christchurch City Council, Napier City Council, Hastings DC and New Plymouth DC.

## 4.9 Town centre and City centre zones

### 4.9.1 Submissions

Very few submissions were received on Town centre and City centre zones. Bunnings Ltd supported the inclusion of the purpose statement without amendment. Queenstown-Lakes District Council submitted that there was a tension between the two zones as the Town centre zone is applied in small urban areas, but there is no comparative scale given for the City centre zone. They accordingly suggested removing one of these zones, or expanding and clarifying the purpose statements. Christchurch City Council recommended that the City centre zone should include reference to entertainment, cultural and civic activities if they are not captured under the definition of community facilities.

Auckland Council requested the addition of a Metropolitan centre zone. They stated that “any change to the Unitary Plan that undermines the centres strategy has significant ramifications within the Auckland context” and “it is imperative that a Metropolitan Centre zone is added”. In support of this request, Auckland Council explained that it has applied the Metropolitan centre zone to signify areas of growth and intensification and, in the AUP centres hierarchy, this zone is secondary to the city centre. Auckland Council recognised that other cities may not need the zone but, because of Auckland’s polycentric nature and scale, these centres are different in function to a ‘Town centre’ zone, which would be inappropriate to apply:

“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”.

Auckland Council stated that creating a special purpose zone would not be a practicable option as it would be located at the bottom of the zone list, and a precinct layer would not reflect this specific policy focus.

### 4.9.2 Analysis of submissions

We agree with Queenstown-Lakes District Council that the purpose statements should be amended to clarify their application. We have modified the purpose statement for the City centre zone to clarify that the main centre in a district or region is intended to have the zone applied to it, depending on the local circumstances and in the context of any centres hierarchy that may be applicable.

We consider there is merit in Auckland Council’s request for a Metropolitan centre zone to be included in the framework. We agree, based on the evidence provided, that the requested zone serves a sufficiently different policy purpose and that a precinct layer would not appropriately manage such unique provisions and clusters of activities. For these reasons, we recommend including a Metropolitan centre zone in the Zone Framework Standard. Other councils will be able to use this zone.

### 4.9.3 Recommendation: Modify purpose statements of the Town centre and City centre zones

We recommend modifying the purpose statements of both zones to be consistent with amendments made in other centres zones and to more clearly communicate the scale and size of the area to which the zone would apply.

#### Draft purpose statements

|                  |   |
|------------------|---|
| Town centre zone | The purpose of the <i>Town centre zone</i> is to provide primarily: <ul style="list-style-type: none"> <li>in smaller urban areas, for a diverse range of commercial activities and associated community, recreation, and residential activities that support both residents and visitors</li> <li>in secondary centres in major cities, for community, recreational, commercial and residential activities which service the immediate and wider neighbourhood areas.</li> </ul> |
| City centre zone | The purpose of the City centre zone is to provide primarily for a diverse range of commercial, community, recreational, and residential activities.   |

#### Revised zone descriptions

|                  |  |
|------------------|--|
| Town centre zone | Areas used predominantly for: <ul style="list-style-type: none"> <li>in smaller urban areas, a range of commercial, community, recreational and residential activities.</li> <li>in larger urban areas, a range of commercial, community, recreational and residential activities that service the needs of the immediate and neighbouring suburbs.</li> </ul> |
| City centre zone | Areas used predominantly for a broad range of commercial, community, recreational and residential activities. The zone is the main centre for the district or region.  |

### 4.9.4 Recommendation: Include a Metropolitan centre zone

We recommending including a Metropolitan centre zone.

#### Zone description

|                          |  |
|--------------------------|--|
| Metropolitan centre zone | Areas used predominantly for a broad range of commercial, community, recreational and residential activities. The zone is a focal point for sub-regional urban catchments. |
|--------------------------|--|

## 4.10 Commercial zone

### 4.10.1 Submissions

Bunnings Ltd supported the inclusion of the Commercial zone purpose statement without amendment. PSPiB/CPPIB Waiheke Inc AMP Capital Shopping Centres Pty Limited and Stride Property Ltd considered the purpose statement was too broad and could potentially undermine centres hierarchies that other commercial or centres zones have established. They further suggested that, if the zone was intended to be similar to the 'General commercial zone' in the AUP, it could be renamed as such, or alternatively changed to a 'Large format retail zone'. New Plymouth District Council submitted the same suggestion as well as proposing alternative text for the purpose statement to narrow the zone "to primarily provide for specific, specialised or clustered commercial activities".

Regarding a Large format retail zone, the NZPI, Selwyn District Council, Napier City Council, Whangarei District Council, New Plymouth District Council and Dunedin City Council all considered that such a zone is necessary in the Zone Framework Standard. Submissions identified the flexibility given in the Commercial zone is not specific enough to capture the large format retail concept, which has become increasingly common in plans. Submitters considered there is a need to manage the effects of such activities as they produce specific effects that other types of commercial activities do not create.

Clutha District Council noted that it currently does not provide for commercial activities in such a way and uses a “service retail frontage instead”. Western Bay of Plenty District Council considered that, as a result of the reference to “providing for activities that are not sensitive to the effects generated from commercial activities”, commercial land would be lost to industrial and residential activities where it can be argued they are not sensitive to commercial activities. The council suggested deleting this reference. Conversely, Christchurch City Council contended that this reference could restrict residential activity within the zone, which they considered could successfully locate in almost all of the provided zones.

#### 4.10.2 Analysis of submissions

We consider that there is need for a Commercial zone that anticipates a variety of commercial activities, as well as community activities distinct from any retailing activities that require large floor areas. Such commercial zones are used in a number of plans. We consider that the purpose statement should be left broad and agree with both Western Bay of Plenty District Council and Christchurch City Council that the reference to ‘sensitive activities’ should be removed, given these two submitters essentially make opposite interpretations of how the purpose statement can be read. Removing this reference will allow councils to determine the extent to which other activities are provided for within the zone under the context of a broad purpose statement.

We agree with those submitters that request an additional zone for large format retail activities. We agree with submitters that using a combination of precincts to manage these types of activities within the context of a more general commercial zone does not accurately reflect the particular management approach councils commonly adopt for these zones. For these reasons, we agree that a Large format retail zone should be added to the Zone Framework Standard.

#### 4.10.3 Recommendation: Modify purpose statement of the Commercial zone

We recommend modifying the purpose statement for the Commercial zone.

##### Draft purpose statement

|                 |  |
|-----------------|--|
| Commercial zone | The purpose of the Commercial zone is to provide primarily for a broad range of commercial activities. It also provides for activities that are not sensitive to the effects generated from commercial activities. |
|-----------------|--|

##### Revised zone description

|                 |  |
|-----------------|--|
| Commercial zone | Areas used predominantly for a range of commercial and community activities. |
|-----------------|--|

#### 4.10.4 Recommendation: Include a Large format retail zone

We recommend including a Large format retail zone.

##### Zone description

|                          |   |
|--------------------------|---|
| Large format retail zone | Areas used predominantly for commercial activities which require large floor or yard areas. |
|--------------------------|---|

### 4.11 Mixed use zone

#### 4.11.1 Submissions

Bunnings Ltd supported the inclusion of the Mixed use zone purpose statement without amendment. New Plymouth District Council suggested scope changes to align with those recommended for the Commercial zone. NZLS, Rotorua Lakes District Council, Gisborne District Council and Hutt City Council all noted that the purpose statement requires all of the different activity types to be provided for within the zone, where it should be up to the council to determine a suitable mix depending on local circumstances and factors such as natural hazards. Western Bay of Plenty District Council commented that mixed use zones often have a strong residential focus, and that light industrial activities are generally incompatible and should be deleted from the purpose statement.

Christchurch City Council asked for another zone to be made available for 'sinking lid' provisions or for the Mixed use zone purpose statement to clarify that it can be used for such provisions. Such provisions are intended to help an area to transition to a different predominant land use, within an environment with a mix of uses. Christchurch City Council further elaborated that the Mixed use zone could create conflicts where it has been used to encourage a transition from primarily one type of activity to another, while still enabling the existing activity.

#### 4.11.2 Analysis of submissions

The Mixed use zone was intended to be for a mixture of these different activity types, with not all being required. We agree with submitters that the purpose statement should be amended to reflect this. Regarding Christchurch City Council's submission points, we consider that the purpose statement does not prevent the council from including 'sinking lid' type provisions. If the provisions of the zone are inconsistent with the purpose statement, a council should consider whether it is correct to use the zone or if an alternative zone combined with other spatial layers is more appropriate. We similarly consider that, in response to Western Bay of Plenty District Council's submission point, the compatibility of different activity types can be managed through plan provisions, as evidenced in a number of current plans where residential activity occurs alongside light industrial activity in mixed use types of zones.

#### 4.11.3 Recommendation: Modify purpose statement of the Mixed use zone

We recommend modifying the Mixed use zone description.

## Draft purpose statement

|                |   |
|----------------|---|
| Mixed-use zone | The purpose of the <i>Mixed-use zone</i> is to provide primarily for a mix of residential, commercial, light industrial, recreational and community activities. |
|----------------|---|

## Revised zone description

|                |   |
|----------------|---|
| Mixed use zone | Areas used predominantly for a compatible mixture of residential, commercial, light industrial, recreational and/or community activities. |
|----------------|---|

## 4.12 Light industrial, Industrial and Heavy industrial zones

### 4.12.1 Submissions

The oil companies considered that the purpose statements for these zones are more focused on describing activities, rather than on the actual purpose of the zones. They also suggested changes to the Heavy industrial zone purpose statement to emphasise that activities within the zone produce potentially significant adverse effects, and to help ensure such activities are not unreasonably constrained. Atlas Concrete Ltd supported these zones, considering they offered flexibility to councils to enable a wide range of industrial activities. They also suggested minor changes to the Light industrial zone purpose statement. Bunnings Ltd similarly supported the Light industrial and Industrial zone purpose statements.

ACI Operations NZ expressed concern over using 'sensitive activities' in the Light and Heavy industrial zones to help distinguish the three zones. They considered this reference created a 'negative framing' of the Heavy industrial zone. As an alternative approach, they proposed defining the purpose statement by referring to activities that are considered appropriate within that zone rather than by referring to sensitive activities to identify activities that are inappropriate. In its view, the focus should be on the activity itself and its effects, recognising that adverse effects are appropriate and to be accommodated in some contexts. ACI Operations NZ also gave the example of the AUP, which differentiates the Light and Heavy industrial zones based on whether the industrial activities may generate objectionable odour, dust or noise.

Christchurch City Council raised concerns over the reference to sensitive activities, noting that it may not just be because of sensitivity to effects that some activities are inappropriate to locate within an industrial zone (eg, because they could undermine centres strategies). They further recommended amending the purpose statement to recognise these additional factors.

### 4.12.2 Analysis of submissions

We agree with submitters that the reference to 'sensitive activities' as one of the differentiating points between the zones should be removed from the purpose statements, and that the purpose statements should be more specific about the types of effects produced in these zones. Taking an approach that is similar to the suggestions from Atlas Concrete and ACI Operations, we have amended the Light industrial zone purpose statement to clarify the types of adverse effects that industrial activities produce within the zone. We have also amended the Heavy industrial zone purpose statement to recognise the potentially significant adverse effects within this zone.

### 4.12.3 Recommendation: Modify purpose statements of the Light industrial, Industrial and Heavy industrial zones and the name of the Industrial zone

We recommend amending the descriptions of the three industrial zones, as well as amending the name of the Industrial zone.

#### Draft purpose statements

|                       |   |
|-----------------------|---|
| Light industrial zone | The purpose of the Light industrial zone is to provide primarily for a limited range of industrial activities that are more compatible with sensitive activities.   |
| Industrial zone       | The purpose of the Industrial zone is to provide primarily for a range of industrial activities. It also provides for associated activities that are not sensitive to the effects generated from industrial activities. |
| Heavy industrial zone | The purpose of the Heavy industrial zone is to provide primarily for industrial activities that may be incompatible with sensitive activities.  |

#### Revised zone descriptions

|                         |  |
|-------------------------|--|
| Light industrial zone   | Areas used predominantly for a range of industrial activities, and associated activities, with adverse effects (such as noise, odour, dust, fumes and smoke) that are reasonable to residential activities sensitive to these effects.                                   |
| General industrial zone | Areas used predominantly for a range of industrial activities and may also be used for activities that are compatible with the adverse effects generated from industrial activities.   |
| Heavy industrial zone   | Areas used predominantly for industrial activities that generate potentially significant adverse effects. The zone may also be used for associated activities that are compatible with the potentially significant adverse effects generated from industrial activities. |

## 4.13 Conservation, Open space and Sport and active recreation zones

### 4.13.1 Submissions

Submitters held opposing views on how open space and recreation spaces should be managed. Hastings District Council, Nelson City Council and Napier City Council all submitted that the planning standards should adopt the New Zealand Recreation Association 'Parks Categories Framework', which provides for seven open space zones. They considered that adopting this recreation framework would increase national consistency, avoid the need to vary provisions through the use of other spatial layers and increase consistency across different legislation. Christchurch City Council did not support the limiting of open space zones, stating it:

... do not account for the range of conservation values which different open space zones may be seeking to achieve (eg, for zones managing appropriate activities for the coastal environment as opposed to Banks Peninsula or the Waimakariri floodplains). It would potentially be inefficient to try to manage the provisions for such diverse zones through overlays.

Christchurch City Council considered the purpose statement for the Conservation zone was confusing and unclear about what land it was supposed to apply to, and whether this also included land with heritage and cultural values. Conversely, Western Bay of Plenty District

Council submitted that only one open space zone should be included, and proposed using reserve management plans prepared under the Reserves Act 1977 for the specific management of parks activities.

Hastings District Council queried whether its recently reviewed 'Nature preservation zone' would be equivalent to the Conservation zone. It determined the Conservation zone was largely compatible, but the purpose statement and the initial guidance material did not state explicitly whether the zone anticipated commercial activities, which occur within the 'Nature preservation zone'. Hastings District Council further submitted that "the use of the word 'Conservation' has quite different connotations to that where a mixture of values and sometimes competing activities (albeit restricted) might be appropriate". Similarly, in regard to the name of the zone, New Plymouth District Council considered the zone should be renamed as 'Natural open space' to avoid confusion with Department of Conservation land.

Wellington City Council considered that the range of open space zones was too limited to reflect its current practice because a 'Conservation site' equivalent zone was not included. It suggested broadening the Open space zone or including an additional zone for areas where landscape and ecological values are significant as well as where recreation occurs (eg, a scenic reserve). Western Bay of Plenty District Council considered that the Conservation zone should be deleted as it duplicates controls within ecosystem and biological diversity feature overlay.

Queenstown-Lakes District Council considered that the reference to "relaxing and socialising" in the Open space zone purpose statement introduced ambiguity as to the types of activities that may occur within the zone and could imply that the operation of a licensed premise is anticipated within the zone. It also considered the Open space zone overlaps with the Sport and active recreation zone as both refer to active recreation.

#### **4.13.2 Analysis of submissions**

We disagree that the range of open space zones in the planning standards should align with those of the New Zealand Recreation Association 'Parks Categories Framework'. Instead, we agree in part with Western Bay of Plenty District Council that the specific management of parks activities be managed through reserve management plans prepared under the Reserves Act 1977. However, we do not agree to the extent that only one zone is needed as submissions and current practice in plans demonstrate the need for more than one zone.

We agree with New Plymouth District Council that the Conservation zone should be renamed as 'Natural open space zone' to avoid confusion that the zone can only be applied to Department of Conservation-owned land. In practice, it could be applied to land of all types of ownership. We consider that use of these zones with other spatial layers will still allow Wellington City Council to manage the values in its context. The Wellington town belt is also subject to a unique piece of legislation and management plan, which has a role in its regulatory approach. Despite this, other spatial layers such as precincts or overlays could be used if there is a need for additional management under the RMA, or for consideration of the need for an additional special purpose zone.

To remove the ambiguity that Queenstown-Lakes District Council identified, we agree that reference to "relaxing and socialising" should be removed from the Open space zone purpose statement.

We also consider that the Natural open space zone should be able to be placed in either the ‘open space and recreation’ or the ‘rural’ zone chapter. Accordingly we have added this direction to the District Plan and Combined Plan Structure Standards.

### 4.13.3 Recommendation: Modify purpose statements of all the open space zones and the name of the Conservation zone and allow placement in different chapters

We recommend amending the purpose statements of all the open space zones and the name of the Conservation zone.

We also recommended allowing the natural open space zone to be placed in the ‘Open space and recreation zones’ or the ‘rural zones’ chapters as per additional directions in the District Plan and Combined Plan Structure Standards.

#### Draft purpose statements

|                                  |   |
|----------------------------------|---|
| Conservation zone                | The purpose of the Conservation zone is to provide primarily for the ongoing management of land that has a particular conservation focus.   |
| Open space zone                  | The purpose of the Open space zone is to provide primarily for a range of passive and active recreational activities, along with limited facilities and structures, and opportunities for relaxing and socializing. |
| Sport and active recreation zone | The purpose of the Sport and active recreation zone is to provide primarily for indoor and outdoor active recreation and sports and associated facilities, including large scale buildings and structures.          |

#### Revised zone descriptions

|                                  |   |
|----------------------------------|---|
| Natural open space zone          | Areas where the natural environment is retained and activities, buildings and other structures are compatible with the characteristics of the zone. |
| Open space zone                  | Areas used predominantly for a range of passive and active recreational activities, along with limited associated facilities and structures.        |
| Sport and active recreation zone | Areas used predominantly for a range of indoor and outdoor sport and active recreational activities and associated facilities and structures.       |

## 4.14 Airport zone

### 4.14.1 Submissions

The New Zealand Airports Association supported the inclusion of the special purpose Airport zone in the Zone Framework Standard and its proposed purpose statement. The association considered, “It is critical that Airport Zone provisions, which are intended to provide for the operation of airports, are not conflated with provisions that are intended to manage the surrounding effects areas.” Christchurch International Airport Limited (CIAL) generally supported the inclusion of the zone but considered that the purpose statement was not broad enough as it would not cover activities that occur or are anticipated to occur at Christchurch Airport. The submitter also referenced case law on activities captured by the meaning of ‘airport’. CIAL requested that the purpose statement:

...make it clear that given airports represent substantial employment, business and transport hubs there often needs to be commercial and industrial development to

make airports economically efficient and those activities often have no obvious link to aeronautical activities. Such activities simply represent sustainable management through enabling activities, or connections and integration with transport infrastructure, logistics or freight.

CIAL considered these activities are not accommodated within the draft purpose statement, which “incorrectly implies that the only activities enabled in the Airport Zone are those with a link to/or association with aeronautical activities”. Presenting a contradictory view, Christchurch City Council was concerned about the reference to non-operational activities ‘associated’ with airports, considering it to be extremely broad and far-reaching. It also considered the purpose statement to be “wordy and repetitive” in comparison to other purpose statements. Forest and Bird, consistent with its submission on the language of purpose statements, suggested removing the words ‘enable’ and ‘provide for’.

#### 4.14.2 Analysis of submissions

On balance, we consider that the scope of the purpose statement is broad enough to account for the range of activities reasonably expected to occur within an Airport zone. CIAL considered that the zone should not qualify activities within it as being related to aeronautical activities. We disagree, considering that the zone’s purpose statement should have a scope qualified by association to airport activities. If local circumstances determine that a revised policy approach is needed, other spatial layers such as precincts can be used to refine desired land use outcomes within the zone. We agree with Christchurch City Council that the purpose statement is particularly wordy and repetitive compared with all others and should be revised to be more concise.

#### 4.14.3 Recommendation: Modify purpose statement of the Airport zone

We recommend modifying the Airport zone purpose statement.

##### Draft purpose statement

|              |  |
|--------------|--|
| Airport zone | <p>The purpose of the <i>Airport zone</i> is to:</p> <ul style="list-style-type: none"> <li>• enable the ongoing operation and future development of airports and the surrounding airfield and aerodrome</li> <li>• enable associated operational areas and facilities</li> <li>• enable operations relating to the transportation of people and freight</li> <li>• provide for aeronautical (or aviation) activities of airports, as well as operational, administrative, commercial and industrial activities associated with airports.</li> </ul> |
|--------------|--|

##### Revised zone description

|              |  |
|--------------|--|
| Airport zone | Areas used predominantly for the operation and development of airports and other aerodromes as well as operational areas and facilities, administrative, commercial and industrial activities associated with airports and other aerodromes. |
|--------------|--|

## 4.15 Port zone

### 4.15.1 Submissions

The purpose statement for the Port zone received few submissions. Selwyn District Council supported the purpose statement. The Lyttelton Port Company Ltd did not consider that the purpose statement was broad enough to cover the range of activities that occur at ports, such as quarries, container terminals, public waterfront and marina, which are often some distance from the operational area. Tasman District Council and Auckland Council asked for clarification on how the planning standards will address matters within the coastal environment that straddle the coastal marine area.

### 4.15.2 Analysis of submissions

On balance, we consider that the scope of the purpose statement is broad enough to account for the range of activities reasonably expected to occur within a Port zone. In view of Lyttelton Port Company Ltd's concern that the zone does not provide for activities such as public wharves and marinas, we consider that the zone's purpose statement should have a scope qualified by association to Port activities. This approach is consistent with the scope of the Airport zone. If local circumstances determine that a revised policy approach is needed, other spatial layers such as precincts can be used to refine desired land use outcomes within the zone. We also consider that the purpose statement should be revised to be more concise, consistent with those for the other special purpose zones. The Port zone can apply to both the seaward and landward sides of the coastal marine area in a combined plan that includes a district and regional plan.

### 4.15.3 Recommendation: Modify purpose statement of the Port zone

We recommend modifying the Port zone purpose statement.

#### Draft purpose statement

|           |  |
|-----------|--|
| Port zone | The purpose of the <i>Port zone</i> is to enable: <ul style="list-style-type: none"><li>• the ongoing operation and future development of ports and associated operational areas and facilities</li><li>• operations relating to the transportation of people and freight.</li></ul> |
|-----------|--|

#### Revised zone description

|           |  |
|-----------|--|
| Port zone | Areas used predominantly for the operation and development of ports as well as operational areas and facilities, administrative, commercial and industrial activities associated with ports. |
|-----------|--|

### 4.15.4 Recommendation: Add direction to enable zones that cross the coastal marine area to be included where regional and district plans are combined

To reflect the flexibility enabled in the combined plan structure and to better enable integrated management, we recommend including a mandatory direction allowing local authorities the ability to include zones that cross the coastal marine area without needing to meet the test for an additional special purpose zone, for example, a 'Marina zone'.

## 4.16 Hospital zone

### 4.16.1 Submissions

Submitters generally supported the inclusion of a special purpose Hospital zone, while asking for amendments to its purpose statement. Southern Cross Hospitals Ltd requested amendment to ensure the zone applies to both public and private facilities, includes surgical facilities and recognises the need for development of hospital facilities. It also asked for the word 'primary' to be deleted. Nelson Marlborough Health similarly asked for the deletion of 'primary', noting the term is used to describe health services that occur in the community outside of a hospital setting such as general practices. It also explained that the term 'medical' can be seen as exclusive of surgical procedures or psychiatric care in the broader health sector, and should be added to the purpose statement. The Southern District Health Board made the same requests. The Canterbury District Health Board submitted that the purpose statement should be broad enough to account for the range of activities present in the definition of 'hospital' in the Christchurch District Plan, such as supported residential care, accessory offices and retail activities and accessory commercial services.

### 4.16.2 Analysis of submissions

After further research, we agree with submitters that 'surgical and psychiatric care' should be added to the purpose statement for the Hospital zone as further research showed these forms of care are commonly defined as distinct from 'medical'. We also agree with submitters that the purpose statement should reference 'development' of these facilities as well as 'operation'. Rules, standards and limits on development will be set through local plan provisions. Regarding the Canterbury District Health Board's submission, we have added a reference to associated administrative and commercial activities, which is consistent with the other special purpose zones.

### 4.16.3 Recommendation: Modify purpose statement of the Hospital zone

We recommend modifying the Hospital zone purpose statement.

#### Draft purpose statement

|               |  |
|---------------|--|
| Hospital zone | The purpose of the Hospital zone is to provide primarily for the ongoing operation of a locally or regionally important primary medical facility, and associated health care services and healthcare facilities. |
|---------------|--|

#### Revised zone description

|               |  |
|---------------|--|
| Hospital zone | Areas used predominantly for the operation and development of locally or regionally important medical, surgical or psychiatric care facilities, as well as health care services and facilities, administrative and commercial activities associated with these facilities. |
|---------------|--|

## 4.17 Education zone

### 4.17.1 Submissions

Synlait Milk Ltd noted that the Education zone purpose statement was to primarily provide for educational facilities but this excludes industrial activities through the draft Definitions Standard. They considered that the combined effect of the definition and purpose statement was to fail to account for the research and development components of tertiary education institutions. They requested that the purpose statement is amended to capture “activities associated with tertiary education providers, and in particular include research and development for industry and commercial purposes”. Christchurch City Council noted that its plan has two education zones, one for primary and secondary schools and one for tertiary education. They further noted that the University of Canterbury and Ara Institute specifically submitted against being subject to the same provisions as schools during the Christchurch District Plan process.

### 4.17.2 Analysis of submissions

We consulted the Ministry of Education over its preferred approach to the use of spatial layers for state and state-integrated schools that it has a role in managing. The Ministry of Education advised that it generally does not seek a specific zoning response for schools. Instead they prefer councils to follow their general zoning strategy (often with the result that schools are zoned as residential), as they prefer to manage its operations through the designations regime. This position is informed by the practical reality that the location of schools can change over time as communities change.

We initially considered that precinct spatial layers could be used to differentiate specific facilities (eg, private schools and tertiary education facilities) within the broader Education zone. Following submissions, we now consider that the Education zone should focus specifically on tertiary education facilities. If private schools require a planning response in a district plan, other spatial layers such as precincts, or the tests for creating an additional special purpose zone, can be considered. To prevent the scope of the purpose statement from being overly narrow and to reflect current practice of tertiary education zones, we have included the broad reference to ‘associated activities’ in the purpose statement. We consider this addresses Synlait Milk Ltd’s concerns.

### 4.17.3 Recommendation: Modify the name and purpose statement of the Education zone

We recommend changing the name and purpose statement of the Education zone to focus on tertiary education facilities.

#### Draft purpose statement

|                |   |
|----------------|---|
| Education zone | The purpose of the Education zone is to provide primarily for educational facilities. |
|----------------|---|

#### Revised zone description

|                         |  |
|-------------------------|--|
| Tertiary education zone | Areas used predominantly for the operation and development of tertiary education facilities and associated activities. |
|-------------------------|--|

## 4.18 Stadium zone

### 4.18.1 Submissions

No submissions were received specifically on the Stadium zone purpose statement. Christchurch City Council considered that the Stadium zone should be grouped with the open space zones as it would share similar provisions to those zones.

### 4.18.2 Analysis of submissions

We consider that the Stadium zone should not be grouped with open space zones as, given the size and scale of the buildings and structures, the zone would apply to necessitate a different management approach to open space zones.

### 4.18.3 Recommendation: Confirm the purpose statement of the Stadium zone

We recommend confirming the purpose statement for the Stadium zone.

#### Draft purpose statement

|              |   |
|--------------|---|
| Stadium zone | The purpose of the Stadium zone is to provide primarily for the ongoing operation of large scale sports and recreation facilities, buildings and structures. It may accommodate a range of large-scale sports, leisure, entertainment, art, recreation, or event and cultural activities. |
|--------------|---|

#### Revised zone description

|              |  |
|--------------|--|
| Stadium zone | Areas used predominantly for the operation and development of large-scale sports and recreation facilities, buildings and structures. It may accommodate a range of large-scale sports, leisure, entertainment, art, recreation, and/or event and cultural activities. |
|--------------|--|

## 4.19 Future urban zone

### 4.19.1 Submissions

Submitters generally supported the intent of the Future urban zone, but differed in their views on how plans should capture it. Tauranga City Council and Christchurch City Council both supported the provision of a Future urban zone in the framework, though Christchurch City Council recommended amending the purpose statement so that it is time based. We understand this to mean including reference to a time period. Christchurch City Council considered its phrasing might lead to an interpretation that the land is suitable for urbanisation at present. It suggested adding the words “at some point in the future”.

Waitomo District Council submitted that plans often need to have future rural residential, open space or rural settlement zones and are not necessarily urban in nature. They recommended changing the zone name to ‘Future zones’. New Plymouth District Council recommended removing the Future urban zone and using overlays instead, submitting that:

... catering for growth in a Future Urban Zone in the National Planning Standards it creates expectation that the land is able to be urbanised and places immediate pressure on territorial authorities to enable development, even if the planning parameters and infrastructure requirements are not yet in place.

New Plymouth District Council strongly opposed the statement, “The future urban zone is a transitional zone”, as they considered this will “encourage unplanned urban sprawl”.

#### 4.19.2 Analysis of submissions

Future urban zones (or an overlay equivalent) are commonly used in plans, including the AUP and Christchurch District Plan (where it is known as ‘Residential new neighbourhood zone’) to ensure that the development potential of land is retained. Typically rural uses continue until a more comprehensive development process has taken place.

We consider that adopting Christchurch City Council’s suggestion to note that land is suitable for urbanisation “in the future” balances New Plymouth District Council’s concerns about unplanned urban sprawl and communicates Christchurch City Council’s submission point that land may not currently be suitable for urbanisation. Considering whether the zone should be removed and overlays used instead, we understand New Plymouth District Council’s concerns to be that this approach creates an expectation within the community that development is immediately possible, when in reality the provision of infrastructure and planning considerations have not yet taken place. While the use of overlays instead of a zone could achieve the same function, we doubt that this will create a lower expectation within communities. Instead of a zoning response (which we agree that lay plan users commonly look at first), the identification of potential development would be slightly more obscure located within a district-wide chapter with the associated overlay. Only a small amount of due diligence would be necessary to work out the effect of the overlay (particularly with the use of an ePlan system). We consider that the Future urban zone should be retained in the Zone Framework Standard as it will signal a zoning response can be considered as a valid technique for managing future development and growth in the first instance. Despite this, the District Spatial Layers Standard and District Plan Structure Standard still enable an overlay approach to be followed (and associated district-wide chapter to be created) where a council considers this technique is more appropriate for its particular local context.

We accept Waitomo District Council’s submission that a ‘Future zone’ could in theory be used for transitioning land to other land uses such as those outlined in its submission, rather than just for urban expansion. However, this zoning approach is less common in current plans. The rationale for focusing on a Future urban zone in the current set of planning standards is that it is a tool a number of councils currently use and, with the requirements of the National Policy Statement on Urban Development Capacity, even more councils will need it as part of any required planning response to capacity shortfalls.

#### 4.19.3 Recommendation: Modify purpose statement of the Future urban zone

We recommend modifying the Future zone purpose statement.

##### Draft purpose statement

|                   |   |
|-------------------|---|
| Future urban zone | The purpose of the Future urban zone is to identify land as suitable for urbanisation.<br>The Future Urban Zone is a transitional zone. |
|-------------------|---|

##### Revised zone description

|                   |   |
|-------------------|---|
| Future urban zone | Areas suitable for urbanisation in the future and for activities that are compatible with and do not compromise potential future urban use. |
|-------------------|---|

## 4.20 Māori cultural zone

### 4.20.1 Submissions

Waikato Tainui supported generally how the planning standards accounted for Māori interests, as well as the proposal to include a standard zone. Te Rūnanga o Ngāi Tahu supported the purpose statement for the Māori cultural zone but did not consider the 'cultural' component of the name to be appropriate, submitting that it "carries connotations that don't reflect the true nature of the zone and the activities anticipated to occur within it". As an alternative, they suggested 'Māori purpose zone'. Selwyn District Council recommended allowing council and mana whenua to decide on the name of the zone in collaboration.

Te Rūnanga o Ngāti Ruanui Trust recommended amending the purpose statement to include reference to protecting the cultural significance of the area and taonga. Western Bay of Plenty District Council questioned the commercial activity component of the purpose statement and requested that it be deleted. Conversely, Te Rūnanga o Ngāi Tahu expressly supported this component. Western Bay of Plenty District Council considered the component "will be used for economic rather cultural reasons to justify centres such as shopping precincts and industrial parks".

Napier City Council recognised the zone may be an appropriate method for the ongoing operation and growth of marae and papakāinga and considered that the zone should be retained. However, they questioned the zone's applicability in its local context. Napier City Council considered that a zone does not easily provide for land subject to the Te Ture Whenua Māori Act 1993 and treaty settlements. They suggested that enabling marae and papakāinga through district-wide rules would avoid the need to follow a plan change process to rezone land to the Māori cultural zone and would allow for different management approaches for ancestral and treaty settlement land.

### 4.20.2 Analysis of submissions

Following further discussion with the planning standards Māori advisory group, we agree with Te Rūnanga o Ngāi Tahu that the name of the zone should be changed from 'Māori cultural' to 'Māori purpose' zone. If the name were to be locally decided, this would not result in a consistent approach to identifying these zones across plans. Determining the name of the zone at a national level will help these parties to focus on the substantive provisions that have an effect on local outcomes.

We disagree with Western Bay of Plenty District Council that the reference to 'commercial activities' should be removed. Our reason is that these are a common component of these types of zones in plans and it is generally agreed that some commercial activity is an integral input helping to meet Māori cultural needs.

Regarding Napier City Council's concerns that the zone does not provide flexibility to manage different forms of land tenure and outcomes arising from treaty settlements, nothing in the planning standards prevents councils from using district-wide rules in the manner described. Councils are also not required to use the zone if it is not appropriate in a given local context. We consider that the zone purpose statement does not need to be amended to include the purpose "to protect the cultural significance of the area and taonga" as well as enabling a range of activities, because this sets up a two-part test for its use where both components must be met. Both components may not apply if the zone is used, for example, for papakāinga in an area that is not culturally significant. Furthermore, cultural values and sites of significance

are identified and managed in the planning standards structure (with the requirement to integrate Māori values throughout plans generally) and through the use of overlay spatial layers.

### 4.20.3 Recommendation: Modify name of the Māori cultural zone

We recommend modifying the name of the Māori cultural zone.

#### Draft purpose statement

|                     |   |
|---------------------|---|
| Māori cultural zone | The purpose of the <i>Māori cultural zone</i> is to enable a range of activities which specifically meet Māori cultural needs including but not limited to residential and commercial activities. |
|---------------------|---|

#### Revised zone description

|                    |  |
|--------------------|--|
| Māori purpose zone | Areas used predominantly for a range of activities that specifically meet Māori cultural needs including but not limited to residential and commercial activities. |
|--------------------|--|

## 4.21 Requests for additional zones

A number of submitters requested additional zones be included in the framework that are considered to be ‘special purpose’ type zones or do not fall obviously into the zone groupings established in the District Plan Structure Standard. Table 2 lists these zone requests and our response. Refer to the original submission for the detail of each request at [www.mfe.govt.nz](http://www.mfe.govt.nz).

**Table 2: Submissions on additional zones and analysis**

| Zone                                    | Submitter                                      | Analysis  |
|---|--|---|
| Electricity generation zone             | Contact Energy Ltd<br>Meridian Energy Limited  | We consider that a number of these requested zones are better accounted for in plans through the use of other spatial layers, such as overlays and precincts. In some cases the criteria to create a special purpose zone may be met. Special purpose zone provisions are located in the Special Purpose Zones chapter of the plan.                         |
| Post-harvest zone                       | Horticulture New Zealand                       |   |
| Research zone                           | AgResearch Limited<br>Horticulture New Zealand |   |
| Rail zone                               | KiwiRail                                       | A zoning response may not be appropriate or practicable for every activity of these types in all circumstances (eg, it is unlikely that every post-harvest facility would require a zone applied to it). Therefore, councils and communities will determine at a local level what the appropriate planning response is.                                     |
| RMA s(6)(e)<br>Ancestral lands zone     | Ngāti Toa ki Whakatū                           |   |
| Waitakere Ranges                        | Auckland Council                               | If they decide a zoning response is the most appropriate and practicable option, special purpose zones can be created provided they meet the criteria in the planning standard. Changes made to these criteria (detailed in section 4.24) focus on what is the most practical option for councils to manage the activities or achieve the desired outcomes. |
| Buffer zone<br>Reverse sensitivity zone | Te Rūnanga o Ngāti Ruanui Trust                |   |
| Forestry zone                           | Whanganui District Council                     | With regard to requests for special purpose road zones and rail zones, the energy and   |
| Historic heritage zone                  | Whanganui District Council                     |   |
| Transport zone                          | New Zealand Law Society                        |   |
| Road zone                               | Tauranga City Council                          |   |
| Waterfront or tourism zone              | Whangarei District Council                     |   |
| Hazard or Hazard avoidance zone         | Morphum Environmental Ltd<br>GNS Science       |   |

| Zone                                | Submitter  | Analysis   |
|-------------------------------------|--|--|
| Coastal or Coastal environment zone | Christchurch City Council<br>Horticulture New Zealand<br>Whanganui District Council<br>Tasman District Council<br>Auckland Council<br>Waikato Regional Council | <p>infrastructure chapter provides a location for councils to make a statement to determine what zoning applies to these forms of infrastructure.</p> <p>Considering roads, research showed differing approaches to how roads are managed in plans and concluded the more common practice was to apply the adjoining underlying zone to the centreline of the road. However, some roads were also subject to designations. Accordingly, the standards are effectively 'silent' on this issue and we expect councils will continue with whatever current practice they follow.</p> <p>Considering rail, we understand approaches to zoning vary similar to the approaches to road zoning. There is also a relationship between designations and zones, particularly for rail networks.</p> <p>A consistent approach to management of land transport corridors generally could be explored in future sets of planning standards.</p> |
| Corrections zone                    | Department of Corrections  | See analysis in section 4.22.  |

## 4.22 Corrections zone

### 4.22.1 Submissions

In its submission on the draft first set of planning standards, the Department of Corrections asked for a listing of a Corrections special purpose zone along with a selection of definitions related to its operations.

The Department's prison sites are currently designated. They wanted to have a Corrections special purpose zone to address difficulties they have experienced in attempting to increase capacity at prisons and also when seeking to introduce new forms of prisoner rehabilitation and reintegration services and activities within the sometimes constraining scope of existing designations.

The Department has identified that its operations are highly specific and, by their nature, usually sit outside the framework of the underlying zone.

The Department requests a Corrections zone to enable them to have a policy base for the activities that occur in the designation or in association with activities already designated for. The zone would provide a basis for assessing the appropriateness of alterations to designations and for activities not provided for by the designation.

The Department anticipates the Corrections zone would consist of objectives, policies and rules (where a designation does not already cover certain activities) enabling existing and future Corrections activities, while also allowing councils to manage effects associated with such activities. These objectives and policies could be tailored to the particular locality and the relevant resource management issues.

## 4.22.2 Analysis of submissions

The Department’s custodial correctional facilities are commonly designated. However, activities that are associated with the operation of prisons may not necessarily be provided for within the designation purpose. Moreover, underlying zoning does not necessarily makes specific policy provision for prison facilities.

At present, no single zone applies to prison sites nationally, though most are located in rural areas. The Upper Hutt City District Plan contains a ‘Special activity zone’ that applies to Rimutaka Prison. If that approach is accepted as a National Planning Standard method, the Department could seek special purpose zones on its existing prison sites, as well as any future sites acquired for establishing a new prison facility.

We met with staff from the Department of Corrections to better understand the problems they had identified with their designations and how those problems relate to underlying zones. Following these discussions, we agreed to test the concept of a Corrections special purpose zone with the pilot council group. We did so in late November 2018.

The feedback was mixed. Some councils saw merit in the approach, while others queried what this means for existing designations and considered the potential for confusion and overlap between designations and plan provisions introduced by a zone.

We acknowledge the potential issues in having a dual planning regime for these sites (ie, designations and a zone), mostly because this has not been the common approach to date. However, we also accept the issues that the Department of Corrections raised are legitimate in light of recent case law. These issues are triggered by the requirement to consider the underlying zone policy framework<sup>6</sup>and then exacerbated by the change in practice over the past 20 years resulting in plans that have adopted highly specific designations with multiple conditions.

On balance, we consider that any concerns about a dual planning framework for Corrections facilities (ie, designations and zones) will be mitigated by the requirement for the Department of Corrections to go through a publicly notified plan change process to implement such a zone. We consider there will be benefit in applying a nationally consistent policy framework to prisons that operate as part of a national network of facilities, with similar operational requirements, and that by their nature do not fit well with standard zones.

## 4.22.3 Recommendation: Include a Corrections zone in the Zone Framework Standard

We recommend including a Corrections zone.

### Zone description

|                  |  |
|------------------|--|
| Corrections zone | Areas used predominantly for the efficient operation and development of prisons and associated facilities and activities and the security requirements of prisons. The zone may also be used for new and changing approaches to prisoner reintegration and rehabilitation. |
|------------------|--|

<sup>6</sup> We note most Corrections facilities are located in rural areas. Most rural zones do not provide any policy foundation for Corrections activities occurring on designated land.

## 4.23 Changing zone names without a Schedule 1 process

### 4.23.1 Submissions

Queenstown-Lakes District Council, South Taranaki District Council and Marlborough District Council all commented on the significant costs involved in carrying out an RMA Schedule 1 process. South Taranaki District Council identified that, while the choice of at least one of the listed zone options is a discretionary direction and must follow a Schedule 1 process, many of the zones in their plan clearly correlate to those in the planning standard, differing only in name. South Taranaki District Council questioned the benefits of requiring, what would be for them, a simple change of zone name to progress through a Schedule 1 process. They suggested including a direction with the ability to avoid this process where zone intent is clearly aligned.

### 4.23.2 Analysis and recommendations

We agree with South Taranaki District Council. It is not pragmatic to require a council to follow a Schedule 1 process to implement the standard where it clearly involves only a simple change in zone name. In practice, this would relate to whether the purpose statement for the zone is clearly aligned with a zone in the current plan. We recommend including such a direction to help local authorities save money and time in transitioning to the Zone Framework Standard.

We therefore recommend that an additional direction is included in the planning standard to enable councils to transition zone names to those in the planning standards without a Schedule 1 process if an existing zone is consistent with that of a zone in the Zone Framework Standard. This direction will also require that the associated zone colour must be used.

## 4.24 Test for adding a special purpose zone

### 4.24.1 Submissions

A number of submissions commented on the criteria specifying circumstances when additional special purpose zones can be included in a plan.

#### Not clear if all three criteria must be met

Gisborne District Council and Genesis Energy Ltd submitted the mandatory direction was not clear about whether only one or all three of the criteria specified must be met in order to include an additional special purpose zone. RMLA, Upper Hutt City Council and Porirua City Council similarly submitted this was unclear.

#### Suggestions for new criteria

Genesis Energy, Trustpower Ltd and Contact Energy suggested including an additional criterion of “involves cross-boundary issues with another district or region” and recommended requiring only one of the criteria to be met. Contact Energy and Mercury NZ suggested including “nationally” significant alongside district and regionally significant.

### Criteria could result in less clear plan drafting

Oceania Gold submitted that the test “could not be enabled by any other zone” was not pragmatic as an activity can always be enabled within a zone, though through a number of potentially conflicting spatial layers, as a solution to zone provisions. Christchurch City Council similarly considered it would be difficult to say that an activity could not be provided for in a zone. Instead they believed a council should be able to make a judgement based on “the extent to which the proposed provisions duplicate what is already contained in another zone” and what is most readable. Auckland Council considered that the tests will result in the use of more precincts and less clear plan drafting. Selwyn District Council considered the tests were too tough.

### Support for the criteria approach

AgResearch supported the criteria approach as they considered this approach would support a zoning response for their facilities, though in the first instance they requested a zone be added. Tauranga City Council, New Plymouth District Council and Far North District Council similarly supported this approach.

### Remove reference to designations and significance

Hutt City Council suggested removing reference to designations in criterion (c) as “councils usually have no control over whether a designation is included in their district plans (other than when the council is the requiring authority for a designation)”. They also recommended removing reference to “significance” in criterion (a). Meridian similarly submitted that “the designation tool should not be included as a limiting criteria as to when a special purpose zone should be created”. They noted that “including designations as a limiting criteria as to when a special purpose zone can be created would have the effect of elevating its status to a mandatory tool in lieu of creating a zone”.

### Concerns use could be precluded

GNS Science was concerned that the current wording of mandatory direction 7 would prevent a council from using a special purpose zone for hazard avoidance as it does not appear to contemplate use of a zone to restrict or prohibit development.

### Use more neutral language

Forest and Bird identified that the purpose statements for additional zones had been set up as “manage ...” which is different to “primarily provide for” or “enable”. They recommend using a term that “describes expected zone composition is better again than a verb that carries an implication of a particular outcome” and that is better enabling of integration management.

## 4.24.2 Analysis

The intent of the three criteria was that they must all be met to create an additional special purpose zone. This will help ensure that other spatial layers are considered before the creation of an additional zone and that a zone is a commensurate response for an activity of significance. We have clarified the requirement to meet all three tests in the revised wording. On balance, we agree with submitters that requiring extensive overlays or precincts could result in less clear planning outcomes. We agree the criteria should focus more on a plan’s clarity and usability. Similarly we agree with the electricity generators that significance

on a national scale should be added as the criteria may not have captured some activities of national importance. Regarding Hutt City Council and Meridian’s submission points on including designations in the criteria to add a special purpose zone, designations are a spatial layer set out in the District Spatial Layers Standard. We consider that the criteria should include an assessment of the practicality of managing activities through all types of spatial layers. There may be some instances where requiring authorities with existing designations require additional provisions in the district plan. In those instances, assessment for creating another special purpose zone should consider if it is impractical or less usable to manage the activity through other spatial layers (such as overlays and precincts) as well as existing designations.

### **4.24.3 Recommendation: Revise criteria for adding a special purpose zone**

We recommend revising the criteria for adding special purpose zones.

#### **Draft criteria**

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An additional special purpose zone must only be created when the proposed land use activities and anticipated development within the defined area:

- a. are significant to the district or region
  - b. could not be enabled by any other zone
  - c. could not be enabled by the introduction of an overlay, precinct, designation, development area, or specific control.
- 

#### **Revised criteria**

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.

## 5 Guidance to accompany this standard

Initial guidance was released alongside the draft of this planning standard. A number of submissions commented on the content of this guidance material and suggested possible revisions. Some submissions commented that any guidance material will be used in legal processes and such a level of detail in guidance is inappropriate as local circumstances will result in slightly different implementation of each zone. Other submitters were satisfied with the guidance as long as an explicit reference to their particular activity was included in each zone.

We will consider these submission points as the planning standards are finalised and seek feedback from councils as the planning standards are implemented.