

PROPOSED FAR NORTH DISTRICT PLAN

FINAL MINUTE 14 OF THE INDEPENDENT HEARINGS PANEL

Rezoning Criteria and Process

INTRODUCTION

1. The purpose of this minute is to set out the process and criteria to hear and consider 'rezoning' submissions on the Far North Proposed District Plan (**PDP**). The intent is to outline the information needed to support rezoning requests and also to provide submitters with clarity on the process leading up to the rezoning hearings. These hearings are scheduled to take place over four sub-hearings (Hearings 15A to 15D) from 25 August to 8 October 2025.
2. Council officers have advised that there are approximately 420 original submissions requesting rezoning ranging from requests to rezone individual properties through to requests for new special purpose zones. It is therefore important to have a clear and robust process for the exchange of information to support requested rezoning and a timeframe to evaluate these submissions to assist with an efficient and effective hearing process for all parties.
3. Minute 8 of the Hearing Panel confirmed a [revised hearing schedule](#) for the PDP hearings which includes the four separate rezoning hearings (Hearing 15A to 15D). The reporting topics and nature of the submissions allocated to each topic is provided in **Attachment 1** to this minute. Submitters are reminded that Council has also provided a [Summary of Decisions Requested tool](#) available on the '[Hearings Information tab](#)' at pdp.fndc.govt.nz. This allows submitters to see how original submissions have been summarised, what further submissions have been made on each submission point, and which reporting topic each submission point has been allocated to.

Revised Process for Hearings 15A-D

4. The nature of some of the rezoning requests means that additional time will be needed to prepare and review evidence, which may need to address a wide range of technical matters. Further, rezoning requests are site-specific and require site-specific assessments to be undertaken. We are also conscious of our obligations under section 32 of the RMA to examine the proposals for their appropriateness in achieving the purpose of the RMA and for their benefits, risks and effects on the community, the economy, and the environment. We consider that this is primarily the responsibility of submitters requesting the rezoning and not the Council. We therefore direct that the standard PDP process for information/evidence exchange is 'reversed' for the rezoning hearings which is an approach that has been adopted for rezoning hearings in other District Plans.

5. On 31 October 2024 we issued this minute as a draft and it included an initial process and timeframe for information/evidence exchange and we sought comment from those submitters that would be subject to the revised process. The Panel received seven responses that raised a number of issues including:

- Unfairness, prejudice and costs to submitters.
- The level of rigorous assessment proposed in the criteria for rezoning.
- Lack of existing available robust information on existing capacity and coverage of all 3 waters assets.
- A request for Council officers to provide an indicative position on rezoning submissions.

With regard to the suggested evaluation criteria the following issues were raised:

- A request to clarify expectations with regard to the strategic direction of the PDP.
- Clarification of the scope of assessment required for a hazard risk assessment.

Attachment 3 sets out each of these of these matters and the Council officers' response. We have included it with this minute to provide some additional guidance to submitters leading up to the rezoning hearings.

6. A number of responses from submitters stated that they did not want to be part of the process and Council officers have subsequently recommended that it be an "opt-in" process. We agree and direct as follows:

- a. Where submitters have chosen to "opt-in", officers are able to directly approach submitters and on a 'without prejudice' basis, or to other submitters to discuss engaging with the "opt in" process at their discretion;
- b. Submitters who wish to "opt in" provide expert evidence to be considered by the reporting officers during preparation of their S42A Reports shall:
 - i. indicate to the Council that they wish to "opt-in" to the "reverse timetable" process by advising the hearing administrator within 1 week of receipt of the Hearing Notice (21 weeks prior to the hearing).
 - ii. submit their evidence for their rezoning submission 16 weeks before the hearing (or earlier if possible) in accordance with the Evidence Exchange timetable included in **Attachment 2** to this Minute (Minute 14).
- c. The evaluation criteria are reframed to make it clear these criteria are to be used as a guideline to assist submitters seeking rezoning, who may address the evaluation criteria in their evidence to support their rezoning submission. This should also clarify that there is no obligation for submitters to address these criteria as part of their rezoning request or to provide technical evidence and that evidence provided need only be proportionate to the facts and circumstances of the request.
- d. The evaluation criteria is updated to provide further clarity on expectations as set out in Table 1 below.

Reporting officers are encouraged to engage in pre-hearing discussions with a number of submitters, where appropriate.

We strongly encourage submitters with substantial or complex rezoning requests to engage in the process as amended as a means of having a more collaborative, and overall efficient, approach to having their requests considered.

The process and timeframe for information/evidence exchange is as follows:

- **16 weeks before hearing (earlier if possible)** – submitters file their evidence for their rezoning submission, addressing the criteria below as applicable and providing supporting section 32AA evaluation.
- **12 weeks before hearing** – further submitters supporting or opposing the rezoning submission file their evidence.
- **4 weeks before hearing** - reporting officers provide section 42A report for the rezoning sub-topic.
- **2 weeks before hearing** – submitters requesting rezoning can file rebuttal evidence.

For specific dates associated with the scheduled rezoning hearings please see **Attachment 2**.

7. The tables below set out the evaluation criteria both for general rezoning requests and for special purpose zone requests. The purpose of these criteria is two-fold:

- For submitters to address and demonstrate in their pre-circulated evidence and hearing statements
- For reporting officers to use in their assessment of the rezoning requests and section 32 evaluation reporting.

General guidance criteria for rezoning submissions

Criteria	Matters to be addressed
Strategic direction	<ul style="list-style-type: none"> • How the rezoning request is consistent with the PDP strategic direction (refer Hearing 1)
Alignment with zone outcomes	<ul style="list-style-type: none"> • When rezoning request relates to existing PDP zone, an assessment of how the proposal is aligned with the objectives, policies and intended outcomes for the zone
Higher order direction	<ul style="list-style-type: none"> • How the request “gives effect to” higher order documents in accordance with section 75(3) of the RMA? • Consideration of all relevant national policy statements, the national planning standards, and the Northland Regional Policy Statement.
Reasons for the request	<ul style="list-style-type: none"> • The reasons for the rezoning request, including an assessment of why the notified zoning is not appropriate for the subject land.
Assessment of site suitability and potential effects of rezoning	<ul style="list-style-type: none"> • Assessment of the suitability of the land for rezoning, including an assessment of: <ul style="list-style-type: none"> ○ The risks from natural hazards (refer Part 2 – District Wide Matters and the Northland Regional Policy Statement)

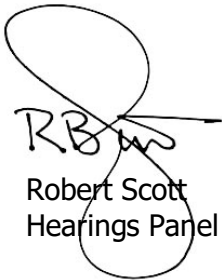
	<ul style="list-style-type: none"> ○ Effects on any natural environment values, historic heritage, coastal environment, or other PDP overlay (refer Part 2 – District Wide Matters) ○ Effects on surrounding sites, including compatibility of the rezoning with surrounding land-uses and potential reverse sensitivity effects.
Infrastructure (three waters) servicing	<ul style="list-style-type: none"> ● How the rezoning request (including subdivision and development potential enabled by the request) will be supported by adequate infrastructure servicing. This assessment should set out, as applicable: <ul style="list-style-type: none"> ○ Any proposed connections to existing infrastructure systems. <ul style="list-style-type: none"> ▪ Any outcomes of discussions with infrastructure providers and any assumptions about infrastructure servicing/sequencing or capacity, including demands from other plan-enabled development. ▪ Any on-site provision of infrastructure. <p>Note: if the rezoning request would result in any substantive demand on Council’s infrastructure or alternative bulk infrastructure solutions, we encourage submitters to engage with Council’s Infrastructure representative/consultant via the PDP generic email address.</p>
Transport infrastructure	<ul style="list-style-type: none"> ● How the rezoning request will be supported by existing or proposed transport infrastructure, including how new or upgraded transport infrastructure is required. <p>Note: if the rezoning request includes any access to a State Highway, engagement with Waka Kotahi is strongly encouraged, and the outcomes of this engagement should be recorded in evidence.</p>
Consultation and further submissions	<ul style="list-style-type: none"> ● Any consultation undertaken with key stakeholders or tangata whenua in relation to the rezoning request. ● A list of any further submissions on the rezoning request and a response to those further submissions
Section 32AA evaluation	<ul style="list-style-type: none"> ● How the rezoning request is a more appropriate, effective and efficient way to achieve the PDP objectives (compared to the notified zoning) in accordance with section 32AA of the RMA

Additional guidance criteria for special purpose zone (SPZ) requests

Criteria/information	Matters to be addressed
National planning standards criteria	<ul style="list-style-type: none"> ● How the SPZ meets all of the following three criteria for additional special purpose zones in the national planning standards (8.3), i.e. the activities or outcomes sought from the SPZ are: <ul style="list-style-type: none"> ○ Significant to the district, region or country; and ○ Impractical to be managed through another zone; and ○ Impractical to be managed through a combination of spatial layers.
Relationship with Part 2 – District Wide Matters	<ul style="list-style-type: none"> ● How the SPZ is intended to interact with the provisions in Part 2 – District Wide Matters, including more stringent rules for overlay areas (e.g. coastal environment, natural features and landscape etc.)

Consultation on the SPZ proposal	<ul style="list-style-type: none"> • An assessment of parties directly affected by the SPZ proposal, any consultation undertaken, and any further consultation proposed
SPZ provisions	<ul style="list-style-type: none"> • The requested SPZ provisions (objectives, policies, rules, matters of control/discretion and standards), which should be consistent with other PDP zone chapters
Section 32AA evaluation	<ul style="list-style-type: none"> • A section 32AA evaluation that assesses (compared to the PDP provisions): <ul style="list-style-type: none"> ○ How the SPZ objectives are the most appropriate way to achieve the purpose of the RMA ○ How the SPZ provisions are the most appropriate to achieve the SPZ objectives

8. If you have any questions regarding this Minute, please contact the Hearings Administrator Alicia-Kate (AK) Taihia - Submissions & Hearings Administrator District Plan: alicia-kate.taihia@fndc.govt.nz or (09)4015247.



Robert Scott
Hearings Panel Chairperson

2 December 2024

ATTACHMENT 1: REZONING HEARING SCHEDULE AND TOPIC ALLOCATION

Hearing Stream	Reporting Topics	Nature of submissions allocated to this topic	Hearing Dates
Hearing 15A: Rezoning General & Kauri Cliffs	Kauri Cliffs Special Purpose Zone & Rezoning Requests – Māori Purpose, Open Space, Existing Special Purpose Zones (except Horticulture & Horticulture Processing)	General Rezoning Requests - Māori Purpose (outside of Kerikeri-Waipapa Spatial Area) General Rezoning Requests - Open Space (outside of Kerikeri-Waipapa Spatial Area) General Rezoning Requests - Existing Special Purpose except Horticulture (outside of Kerikeri-Waipapa Spatial Area)	Monday 25 August – Tuesday 26 August 2025 (2 days)
Hearing 15B: Rezoning – New Special Purpose Zones	Rezoning requests for new Special Purpose Zones	Waitangi Estate Mataka Station, The Landing Precinct, Wiroa Station, Omaniro SPZ and Henderson Bay SPZ Bay of Islands Marina Ngawha Springs Motukiekie Island	Monday 1 September – Thursday 4 September 2025 (4 days)
Hearing 15C: Rezoning General	Rezoning Requests – Urban and Rural (outside of Kerikeri-Waipapa Spatial Plan Study Area)	General Rezoning Requests - Urban (outside of Kerikeri-Waipapa Spatial Area) General Rezoning Requests - Rural (outside of Kerikeri-Waipapa Spatial Area)	Monday 29 September – Thursday 2 October 2025 (4 days)
Hearing 15D: Rezoning Kerikeri-Waipapa	Rezoning Requests for land within Kerikeri-Waipapa Spatial Plan Study Area	Rezoning requests for land within or partially within the Kerikeri - Waipapa Spatial Plan Study Area (all zones)	Monday 6 October – Wednesday 8 October 2025 (3 days)

ATTACHMENT 2: REZONING HEARING EVIDENCE EXCHANGE TIMETABLE

Far North District Council's Proposed District Plan – Hearing and Reporting Schedule for Rezoning Hearings (as at October 2024)

Hearing Stream	Reporting Topic	Hearing Notice out	Submitters file their evidence for their rezoning submission	Further submitters supporting or opposing the rezoning submission file their evidence	S42 online	Submitters can file rebuttal evidence	Hearing timetable responses dues	Hearing timetable online	Hearing dates	S42A report back
		Twenty-two weeks before hearing starts	Sixteen weeks before hearing starts	Twelve weeks before hearing starts	Four weeks before hearing starts	Two weeks before hearing starts	Two weeks before hearing starts	One week before hearing starts		10 working days after close of hearing (<i>or alternative date agreed to by Panel Chair</i>)
Hearing 15A: Rezoning General & Kauri Cliffs	Kauri Cliffs Special Purpose Zone & Rezoning Requests – Māori Purpose, Open Space, Existing Special Purpose Zones	Tuesday 25 March 2025	Monday 5 May 2025	Tuesday 3 June 2025	Monday 28 July 2025	Monday 11 August 2025	Monday 11 August 2025	Monday 18 August 2025	Monday 25 August – Tuesday 26 August 2025 (2 days)	Wednesday 10 September 2025
Hearing 15B: Rezoning – New Special Purpose Zones	Rezoning requests for new Special Purpose Zones	Tuesday 1 April 2025	Monday 12 May 2025	Monday 9 June 2025	Monday 4 August 2025	Monday 18 August 2025	Monday 18 August 2025	Monday 25 August 2025	Monday 1 September – Thursday 4 September 2025 (4 days)	Friday 19 September 2025
Hearing 15C: Rezoning General	Rezoning Requests – Urban and Rural (outside of Kerikeri-Waipapa Spatial Plan Study Area)	Tuesday 29 April 2025	Monday 9 June 2025	Monday 7 July 2025	Monday 1 September 2025	Monday 15 September 2025	Monday 15 September 2025	Monday 22 September 2025	Monday 29 September – Thursday 2 October 2025 (4 days)	Friday 17 October 2025
Hearing 15D: Rezoning Kerikeri-Waipapa	Rezoning Requests for land within Kerikeri-Waipapa Spatial Plan Study Area	Tuesday 6 May 2025	Monday 16 June 2025	Monday 14 July 2025	Monday 8 September 2025	Monday 22 September 2025	Monday 22 September 2025	Monday 29 September 2025	Monday 6 October – Wednesday 8 October 2025 (3 days)	Thursday 23 October 2025

APPENDIX 3 COUNCIL STAFF RESPONSE TO KEY MATTERS RAISED IN SUBMITTER FEEDBACK

Key theme raised by submitter(s)	Council staff response
Reverse Timetable Process	
<p>Unfairness, prejudice and costs to submitters.</p> <p>Submitters consider the process should provide a step for the Council to give an initial position on submissions (and information already contained within submissions), so that submitters can understand where they sit before commissioning technical work.</p>	<ul style="list-style-type: none"> • The key reasons the process was suggested was because: <ul style="list-style-type: none"> - Many submissions are site-specific requests that need site-specific assessments, and many submissions were not supported by the technical information needed. - Council cannot be expected to provide the site-specific assessments, which is the responsibility of the submitters seeking the rezoning. - Council staff cannot provide a position or recommendation on substantive rezoning submissions without the technical information needed. The suggested process is intended to improve consistency and efficiency. - The reversed timetable for rezoning submissions has been used effectively by other Councils in District Plan review processes (e.g. Waikato District, Selwyn District Council, Waimakariri District Council). • The criteria was intended to be used as a guideline (where applicable) to assist submitters to understand the key matters Council staff will consider when assessing rezoning submissions (so evidence can be prepared in an efficient and consistent manner) • The reverse timetable process need only apply to substantive rezoning requests where the submissions did not include the complete relevant technical information to support the rezoning submission. It would not apply to small scale site-specific rezoning requests, or larger-scale rezoning requests where all supporting technical information has already been provided in the submission.
<p>Level of rigorous assessment proposed in criteria for rezoning (for submitters to respond to) is not synonymous with Councils s32 evaluation for the PDP</p>	<ul style="list-style-type: none"> • The level of assessment should be proportionate to the scale and significance of the rezoning submission. Substantive rezoning submissions seeking to “up zone” a large portion of land may require expert assessments on a range of matters, though a small-scale site-specific submission would not.
<p>Lack of existing available robust information on existing capacity and coverage of all 3 waters assets. Suggestion that Council should provide baseline information to all submitters on infrastructure and transport servicing for each township to provide some level of understanding of the status quo (including LTP proposals).</p>	<ul style="list-style-type: none"> • Existing 3-waters infrastructure information for the Kerikeri-Waipapa area is available here: Kerikeri-Waipapa 3 Waters Capacity and Modelling • Council staff are working on an assessment that provides a summary of <u>available</u> baseline information on the existing capacity and coverage of the 3-waters network in the areas where there are substantive urban rezoning submissions outside of the Kerikeri-Waipapa area. Council will endeavour to make this information available to all submitters by March 2025 (at least 10 weeks in advance of the submitters evidence being due for Hearing 15C). • Submitters will need to provide sufficient certainty regarding the adequacy and suitability of any alternative servicing provisions that are proposed for large scale intensification.
<p>Indicative positions on submissions – Submitters asked if Council could provide indicative positions on rezoning requests, this will allow submitters to avoid unreasonable costs</p>	<ul style="list-style-type: none"> • Officers have not formed positions on requests at this time. In many instances this would require the type of information being provided to Council that is being sought as part of Minute 14.

Evaluation Criteria	
PDP Strategic direction – please clarify expectations	<ul style="list-style-type: none"> The submitters should consider how the rezoning request is consistent with PDP Strategic Direction as recommended to be amended in Hearing 1 S42A reports and officer's written reply.
Please clarify the scope of natural hazard risk assessment	<ul style="list-style-type: none"> The scope of the natural hazard risk assessment should include an assessment against RMA clause 6(h), considering the risk of natural hazards, the likelihood of natural hazards occurring and whether the land use enabled by the new zone would accelerate, exacerbate or worsen natural hazard risk, as applicable to the land subject to the rezoning submission. Objective 3.13 and section 7 of the Northland Regional Policy Statement also provides direction on land use in areas affected by natural hazard and should be referred to.