

IN THE MATTER

of the Resource Management Act 1991 (RMA)

A N D

IN THE MATTER

of hearings on submissions on the Proposed Kaipara
District Plan

BEFORE

Hearing Panel appointed by the Kaipara District
Council.

EIGHTH DIRECTION OF THE HEARING PANEL: REZONING INFORMATION REQUIREMENTS

Introduction

1. The Panel issues this Eighth Direction in advance of the upcoming deadline for submitters seeking a rezoning to elect to 'opt in' to the reverse evidence exchange process, as set out paragraph 5 of the Third Direction dated 23 September 2025. The purpose of this Direction is to outline the information that is considered important to support rezoning requests. This information will be important for all submitters seeking a rezoning, regardless of whether they elect to 'opt in' and provide their evidence in advance of the section 42A recommendation report or follow the standard evidence exchange process. The rezoning hearings are scheduled to take place in October and November 2026 (Hearings 37A to Hearing 45) with exact hearing dates available on Council's web site.

The 'opt in' process

2. As set out in the Third Direction, rezoning submitters are not obliged to 'opt in' to the reverse evidence exchange process and may instead follow the standard evidence exchange timeframes set out in the Third Direction. However, the Panel and Council officers encourage submitters to elect to 'opt in' where possible. The date which rezoning submitters must inform Council that they will be 'opting-in' to the reverse evidence exchange process is **Wednesday 1 July 2026**.
3. Where submitters choose to 'opt in' and provide information and evidence in advance of the section 42A report, this may assist in the evaluation of rezoning request. More specifically, Council officers will be better placed to make a fully informed and considered recommendation in the rezoning request.

4. The onus to provide information to support a rezoning request is on the submitter making the request rather than the Council as it is the submitter who is seeking changes from the notified zoning. Submitters should be aware that Council does not have the resources to undertake site-specific technical investigations on behalf of submitters to support individual rezoning requests.
5. Accordingly, where adequate technical information has not been provided, Council officers may find it difficult to support a rezoning request, regardless of its apparent merits. If submitters choose to 'opt in', Council officers may directly approach submitters (or vice versa) to have discussions on a 'without prejudice' basis prior to officers completing their s42A report. Those discussions may include the nature and scope of any technical evidence required to support the rezoning request and other matters considered relevant to enable officers to make a well-informed recommendation.

Information to assist submitters prepare evidence

6. To assist all zoning submitters with the preparation of their evidence, this Direction contains **Attachment A: Guidance on matters to be addressed in rezoning evidence**. Attachment A sets out the matters that the Panel and Council officers consider relevant to supporting a rezoning request. This guidance is for information purposes only. Submitters **are not obliged to address these matters or to provide technical evidence on any point**. However, the Hearing Panel and Council officers anticipate submitters electing to "opt in" will engage with this guidance and address the matters in Attachment A as part of their evidence, where relevant. Providing information in accordance with Appendix A will enable Council officers and the Hearing Panel to properly evaluate it. Information and evidence should be proportionate to the scale and nature of the request. Not all matters will be relevant to every request.
7. To assist submitters in the preparation of their evidence, Council officers intend to release two further pieces of information:
 - a. Baseline information on Council infrastructure (reticulated water and wastewater networks and transport assets), together with information on infrastructure projects that are planned and/or funded to cater for growth in the Kaipara District. Submitters who elect to 'opt in' to the reverse evidence exchange process are encouraged to consider this baseline information when preparing their technical evidence, and to identify in their evidence any gaps or constraints in existing or planned infrastructure capacity that are relevant to their rezoning request.
 - b. A section 42A overarching rezoning report that Council officers will be releasing in advance of the rezoning hearings (the **Overview Rezoning**

Report). The Overview Rezoning Report will set out the statutory and policy framework within which Council officers will evaluate rezoning requests, including the relevant tests and requirements under applicable national policy statements and the Northland Regional Policy Statement. Submitters are encouraged to have regard to the Overview Report when preparing their evidence, as it will provide a comprehensive statement of the statutory tests and policy criteria that Council officers will apply when making their recommendations on rezoning requests.

8. This information is expected to be made available for submitters by the end of June before the individual section 42A recommendation reports for the relevant zones are completed and, for submitters who elect to 'opt in' to the reverse evidence exchange process, before the deadline by which their evidence is required to be filed.

Section 32AA evaluation

9. The Panel also expects that submitters will address the requirements of section 32AA of the RMA in their evidence. Section 32AA requires an evaluation of whether the proposed rezoning, and any associated plan provisions sought, is the most appropriate way to achieve the objectives of the Proposed Kaipara District Plan, having regard to the benefits and costs of the proposed change and the reasons why any alternatives (including retention of the notified zone or an alternative zone) were not considered to be appropriate. The detail of any section 32AA evaluation should be proportionate to the scale and nature of the rezoning request. This means for straightforward or smaller-scale rezoning requests, a concise statement that addresses the relevant section 32AA matters will generally be sufficient. For larger-scale or more complex rezoning requests, a more comprehensive section 32AA evaluation will be expected.

Questions

10. Any questions regarding this Eighth Direction should be directed to: Ms Meagan Walters, Hearings Administrator at mwalters@kaipara.govt.nz.

Mark C Farnsworth MNZM

Panel Chair

17 June 2026

Attachment A – Guidance on matters to be addressed in rezoning evidence

Guidance on matters to be addressed in rezoning evidence

Matter to be addressed	Comment
<i>Reason for the request and explanation of why the notified zone is not appropriate for the subject land</i>	Will be required for all requests for a notified PDP zone, regardless of the scale of the proposal. It may be beneficial to be supported by economic evidence (or other evidence on market demand) to demonstrate why additional land needs to be rezoned, particularly for requests for upzoning to a residential, commercial or industrial zone. For submissions requesting retention of a ODP zone or a less enabling zone, clear reasons for the request will be required.
<i>If the rezoning request relates to a notified PDP zone, an assessment of how the proposal is aligned with the objectives, policies and intended outcomes for the zone</i>	Will be required for all requests for a notified PDP zone, regardless of the scale of the proposal
<i>Consideration of any relevant ‘higher order documents’ i.e. any national policy statements, the national planning standards and the Northland Regional Policy Statement</i>	One example is the National Policy Statement for Highly Productive Land (NPS-HPL), which is relevant to rezoning requests of rural-zoned land. A request to rezone highly productive land to an urban zone will need to demonstrate how the tests in clause 3.6 of the NPS-HPL are met, while a request to rezone highly productive land to a rural lifestyle zone will need to demonstrate how the tests in clause 3.10 of the NPS-HPL are met.
<i>Assessment of site suitability and potential adverse effects of rezoning</i>	Examples of matters to consider include: • Is there a risk from natural hazards? • Will there be effects on any natural environment values, historic heritage, the coastal environment, cultural values or any other values protected by a PDP overlay? (refer Part 2 – District Wide Matters) • How will the rezoning affect surrounding sites, including is the rezoning compatible with surrounding land-uses and could it cause potential reverse sensitivity effects? • What is the anticipated yield from the rezoning request and are there any potential adverse effects associated with this increase in yield that need to

Matter to be addressed	Comment
	be managed? (not required for a submission requesting a less enabling zone than notified) Are there any encumbrances on the land (e.g. covenants, easements, consent notices) that could impact whether it is viable and/or practical to develop the land?
<i>How the rezoning request will be serviced by infrastructure (water supply, stormwater, wastewater and transport)</i>	All submitters should consider: - The baseline infrastructure information provided by Council - The infrastructure demands (including the subdivision and development potential enabled by the request) - The outcome of any discussions with infrastructure providers - Any assumptions about infrastructure servicing/ sequencing or capacity - Any plans for on-site provision of infrastructure - Whether any new or upgraded transport infrastructure is required - The outcome of any engagement with NZTA if access is from a state highway or is on a road that feeds directly to a state highway
<i>Any consultation with key stakeholders, further submitters, tangata whenua or adjacent landowners</i>	May not be required for smaller scale rezoning requests but will be necessary for any substantive requests
<i>Section 32AA evaluation</i>	Will need to evaluate 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 matters to be addressed for new special purpose zones, precincts, overlays or development areas

Matters to be addressed	Comment
<i>National planning standards criteria in Section 12: District Spatial Layers Standard and</i>	Table 18 in Section 12 outlines the different options for spatial layers in district plans. Evidence will need to consider why the requested spatial layer is the most appropriate when compared to the zoning as notified and compared to other spatial layer options in Table 18.

Matters to be addressed	Comment
Section 8: Zone Framework Standard <i>national-planning-standards-november-2019-updated-2022.pdf</i>	If an additional special purpose zone not listed in the National Planning Standards is being requested, evidence will also need to demonstrate how the request meets the three criteria for a new special purpose zone set out in Section 8.3, which states: <i>“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:</i> <i>a. are significant to the district, region or country</i> <i>b. are impractical to be managed through another zone</i> <i>c. are impractical to be managed through a combination of spatial layers.”</i>
<i>A draft of the requested new provisions for the proposed spatial layer, including an explanation of how the provisions work with the provisions in Part 2 – District wide matters and underlying zone provisions (if not proposing a special purpose zone)</i>	The drafting of any new spatial layer provisions should be consistent with the style, content and formatting of the other PDP chapters. If submitters choose to opt in, draft provisions can be discussed with the assigned Council officer before evidence is prepared and the section 42A report is complete.