



Appendix 2: Rezoning Guidance Criteria and Evaluation Frameworks



Table 1 General guidance criteria for rezoning submissions (as per Final Panel Minute 14)

Criteria	Matters to be addressed and considered
Strategic direction	How the rezoning request is consistent with the PDP strategic direction.
Alignment with zone outcomes	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	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	The reasons for the rezoning request, including as assessment of why the notified zoning is not appropriate for the subject land.
Assessment of site suitability and potential effects of rezoning	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); • Effects on any natural environmental values, historic heritage, coastal environment, or other PDP overlay (refer Part 2 – District Wide Matters); and • Effects on surrounding sites, including compatibility of the rezoning with surrounding land-uses and potential reverse sensitivity effects.



Criteria	Matters to be addressed and considered
Infrastructure (three waters) servicing	<p>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:</p> <ul style="list-style-type: none"> a) Any proposed connections to existing infrastructure systems. b) Any outcomes of discussions with infrastructure providers and any assumptions about infrastructure servicing/sequencing or capacity, including demands from other plan-enabled development. c) Any on-site provision of infrastructure.
Transport infrastructure	<p>How the rezoning request will be supported by existing or proposed transport infrastructure, including how new or upgraded transport infrastructure is required.</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	<p>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.</p>



Table 2 Additional guidance criteria for special purpose zone (SPZ) requests

Criteria	Matters to be addressed
National planning standards criteria	<p>How the SPZ meets all of the following three criteria for additional special purpose zones in the national planning standards (8.3), i.e.</p> <p>the activities or outcomes sought from the SPZ are:</p> <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	<p>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).</p>
SPZ provisions	<p>The requested SPZ provisions (objectives, policies, rules, matters of control/discretion and standards), which should be consistent with other PDP zone chapters.</p>
Section 32AA evaluation	<p>A section 32AA evaluation that assesses (compared to the PDP provisions):</p> <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



Table 3 Spatial Layers Evaluation Framework (based on Table 18¹ of the National Planning Standards unless otherwise stated)

Layer	National Planning Standard description	Commentary	Location in the PDP
Overlays	<i>An overlay spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions.</i>	An overlay is generally used when there is a need to be more restrictive with activities compared to underlying zone provisions e.g. overlays to manage the coastal environment or natural hazards.	In Part 2 – District Wide Matters, under an existing category (if the theme of the overlay matched, e.g. Natural Environment Values), otherwise in the General District Wide sub-heading.
Precincts	<i>A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s).</i>	This description indicates that a precinct should generally be used when there is a specific spatial area to be managed and where several provisions of a zone chapter need to be amended to result in more permissive or restrictive objectives, policies, rules or standards compared to the underlying zone. However, the use of the phrase ' <i>modify or refine aspects</i> ' signals that the anticipated outcome in a precinct should still be somewhat	In Part 3 – Area Specific Matters. Either: <ul style="list-style-type: none"> • There are enough precinct specific provisions to warrant the creation of a new stand-alone precinct chapter, which would then need to sit in a new 'precinct' category (between special purpose zones and designations); or • The precinct provisions are limited in number and can be worked into the underlying zone chapter (e.g. one extra objective and policy and 2-4 varied rules/standards).

¹ Have not considered designations or heritage orders (being the two other types of spatial layers in Table 18) as they are not suitable as alternatives for the rezoning requests being considered.



Layer	National Planning Standard description	Commentary	Location in the PDP
		compatible with the direction of the underlying zone. A precinct is also is different from a development area (see below) in that it does not necessarily need a map or plan, it does not have to enable a particular form of growth or development (as it might be more restrictive) and the precinct provisions would apply in perpetuity for the life of the district plan, not be removed from the district plan at the point where the 'development' had been achieved.	If a precinct is intended to apply to land that has more than one underlying zone, it should be in a stand-alone precinct chapter rather than amending two underlying zone chapters.
Development areas	<i>A development area spatially identifies and manages areas where plans such as concept plans, structure plans, outline development plans, master plans or growth area plans apply to determine future land use or development. When the associated development is complete, the development areas spatial layer is generally removed from the plan</i>	A development area should generally be used where there is an associated spatial plan or map directing specific growth or development outcomes for an area and that, once the growth or development outcome has been achieved, the development plan could be removed from the PDP. This is the most common spatial layer used in district plans	A new category of chapter called 'Development Areas' in Part 3 – Area Specific Matters.



Layer	National Planning Standard description	Commentary	Location in the PDP
	<i>either through a trigger in the development area provisions or at a later plan change.</i>	nationally that have been developed since the National Planning Standards were released (based on the FNDC policy team's review of other district plans prepared since the National Planning Standards were released).	
Specific controls	<i>A specific control spatially identifies where a site or area has provisions that are different from other spatial layers or district-wide provisions that apply to that site or area (for example where verandah requirements apply, or where a different maximum height on a particular site applies).</i>	This description and the examples given indicate that a specific control layer could be used when there is a need to deviate from zone or district wide provisions for a limited number (one or potentially two) very specific issues e.g. a maximum height control or a noise control for a particular area.	Specific control layer provisions should be incorporated into the chapter that is most relevant to the discrete issue being managed and can be included in both Part 2 and Part 3 chapters. E.g. a noise control layer would sit in the noise chapter, but a specific max height standard for a particular area would sit in the relevant zone chapter(s).
Special Purpose Zones	The Zone Framework Standard in Section 8 of the National Planning Standards states as a mandatory direction in clause 3 that <i>"an additional special purpose zone must only be created when the proposed land use activities or anticipated outcomes of the</i>	Refer to "additional guidance criteria for Special Purpose Zone requests" (from Minute 14)	Part 3 – Area-Specific Matters, under Special Purpose Zones.



Layer	National Planning Standard description	Commentary	Location in the PDP
	<p><i>additional zone meet all of the following criteria:</i></p> <ul style="list-style-type: none"> <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> 		

Table 4 Urban Zoning Evaluation Framework

Category	Guiding Principles / Criteria	Staff Recommendation
Category 1: Certain / suitable (Live Urban Zoning) Suitable for urban development and 'live' upzoning, achieves appropriate urban outcomes	A. Location: Within existing urban areas or adjacent to existing urban areas (consistent with a defensible urban boundary and achieves a well-functioning urban environment (Policy 1 of the NPS-UD), including good accessibility, and resilience to current and future effects of climate change); and B. Land use: Existing land uses are consistent with the purpose of the zone (aligned with the objectives, policies and intended outcomes for the zone); and C. Site suitability: No identified significant natural hazard risks, effects on natural environment values, and the rezoning is generally compatible with surrounding land uses; and D. Infrastructure: the land (and development enabled by the rezoning) is or will be supported by adequate development infrastructure ² servicing and existing transport infrastructure (for example funding and delivery of the infrastructure e.g. the 30-year infrastructure strategy adopted as part of the Long-Term Plan). E. Growth demand: Clear evidence of growth pressure or need to provide for sufficient development capacity. In the case of land within or near Kerikeri- Waipapa the rezoning would not undermine the growth objectives and outcomes of the Kerikeri-Waipapa Spatial Plan being met.	Accept for live 'urban' zoning
Category 2: Suitable with some pre-requisites for live zoning (Future Urban Zone)	A. Location: Within existing urban areas or adjacent to existing urban areas (consistent with a defensible urban boundary, and achieves a well-functioning urban environment (Policy 1 of the NPS-UD, including	Accept in part and recommend either:

² Development infrastructure means...



Category	Guiding Principles / Criteria	Staff Recommendation
<p>Suitable for urban development with some uncertainty (limitations / constraints to be resolved prior to 'live' zoning)</p>	<p>good accessibility, and resilience to current and future effects of climate change)); and</p> <p>B. Land use: Existing land uses are consistent with the purpose of the zone (aligned with the objectives, policies and intended outcomes for the zone); and</p> <p>C. Site suitability: No identified significant natural hazard risks, effects on natural environment values, and the rezoning is generally compatible with surrounding land uses; and</p> <p>D. Infrastructure:</p> <ul style="list-style-type: none"> i. the land is not currently serviced by adequate development infrastructure servicing or transport infrastructure; and ii. there are certain requirements that need to be met before the land is "live zoned" for urban development (for example development infrastructure (e.g. water and wastewater) or transport upgrades); and iii. the funding and provision of infrastructure has been properly assessed and understood (including a reasonable consideration of the mechanisms available and anticipated to fund the necessary infrastructure). <p>E. Growth demand: Clear evidence of growth pressure or need to provide for sufficient development capacity. In the case of land within or near Kerikeri- Waipapa the rezoning would not undermine the growth objectives and outcomes of the Kerikeri-Waipapa Spatial Plan being met.</p>	<p>"Future Urban Zoning" (which requires a Schedule 1 process to rezoning the land to urban zoning in future)</p> <p><u>OR</u></p> <p>Live urban zoning with a spatial layer and trigger rules as to the pre-requisites that need to occur prior to urban development on the land but only if there is sufficient certainty on the trigger rules³.</p>

³ Noting that any 'trigger rules' need to be certain and cannot be related to Council discretion / resolutions that sit outside of the PDP (as such an approach would be unlawful).



Category	Guiding Principles / Criteria	Staff Recommendation
<p>Category 3: May be suitable but some uncertainty</p> <p>Suitable for upzoning and urban development, and appears to achieve appropriate urban outcomes but more information required to confirm if guiding principles / criteria are met</p>	<p>Guiding principles / criteria A to E above are likely to be met, however further information and evidence is required to confirm if upzoning would achieve appropriate urban outcomes, which may include properly assessing the funding and provision of development infrastructure.</p>	<p>Reject submission noting the information gaps and ability to reconsider through the evidence exchange and hearings process if the information confirms the rezoning request meets criteria for Category 1 or 2.</p>
<p>Category 4: Uncertain / unsuitable (No Urban Zoning)</p> <p>Not suitable for upzoning or urban development, does not achieve appropriate urban outcomes.</p>	<ul style="list-style-type: none"> A. Location: Not within existing urban areas or adjacent to existing urban areas (inconsistent with a defensible urban boundary, and/or does not achieve a well-functioning urban environment (Policy 1 of the NPS-UD,); or B. Land use: Rezoning request (and land use activities it would permit) are not consistent with existing activities on site or inconsistent with the purpose of the zone (misalignment with the objectives, policies and intended outcomes for the zone); or C. Site suitability: Identified significant natural hazard risks, effects on natural environment values, or the rezoning is not compatible with surrounding land uses; or D. Infrastructure: the land (and development enabled by the rezoning) is not supported by adequate development infrastructure, or transport infrastructure and there are no certain plans for future development infrastructure servicing. E. Growth demand: No clear evidence of growth pressure or need to provide for sufficient development capacity and/or would undermine the growth objectives of the KKWSP. 	<p>Reject rezoning submission</p>



Table 5 Rural Zoning Evaluation Framework

Category	Guiding Principles / Criteria	Staff Recommendation
<p>Category 1: Certain / suitable for a change in rural zoning</p> <p>Suitable for RLZ, RRZ or RSZ development and 'live' upzoning, achieves appropriate rural outcomes</p>	<p>A. Location: Does not contain land that is highly productive under the NPS-HPL, is not located in an area recommended to be Horticulture Precinct, would create a logical and defensible zone boundary and:</p> <ul style="list-style-type: none"> i. For RLZ – adjoins an existing area of RLZ, RRZ or RSZ or an urban zone, is close to key transport routes, has good access to services in nearby urban areas or settlements, <u>is not</u> in a location that is intended to transition to an urban or settlement zone over time; ii. For RRZ – same as for RLZ except the location <u>is</u> intended to transition to an urban or settlement zone over time; iii. For RSZ - Must have at least 15 houses clustered around a central point (not ribbon development), must not have reticulated wastewater servicing, may have existing commercial activities or existing community infrastructure; and <p>B. Land use and subdivision pattern: Existing land uses and subdivision pattern are consistent with the purpose of the zone (aligned with the objectives, policies and intended outcomes for the zone); and</p> <p>C. Site suitability: No identified significant natural hazard risks, no effects on natural environment values, is resilient to the current and future effects of climate change, the rezoning is generally compatible with surrounding land uses and reverse sensitivity effects can be appropriately managed; and</p> <p>D. Growth demand: Clear evidence of growth pressure/insufficient development capacity that the requested rezoning would address. In</p>	<p>Accept for live RLZ, RRZ or RSZ zoning</p>



Category	Guiding Principles / Criteria	Staff Recommendation
	the case of land within or near the Kerikeri Waipapa, the rezoning would not undermine the growth objectives of the KKWSP being met.	
Category 2: May be suitable but some uncertainty May be suitable for upzoning to enable more intensive rural development, and appears to achieve appropriate rural outcomes but more information required to confirm if guiding principles / criteria are met	Guiding principles / criteria A to D above may be met, however further information and evidence is required to confirm that they will be met with more certainty.	Reject submission noting the information gaps and ability to reconsider through the hearings process if the information confirms the rezoning request meets criteria for Category 1.
Category 3: Unsuitable for a change in rural zoning Not suitable for upzoning to a more enabling rural zone, does not achieve appropriate rural outcomes.	A. Location: Contains land that is highly productive under the NPS-HPL, is located within the recommended boundary of the Horticulture Precinct, does not result in a logical or defensible zone boundary and: <ol style="list-style-type: none"> For RLZ – does not adjoining an existing RLZ, RRZ or RSZ or an urban zone, not close to key transport routes, too far away from services in nearby urban areas or settlements; For RRZ – same as for RLZ plus <u>is not</u> in a location that is intended to transition to an urban or settlement zone over time; For RSZ – Insufficient cluster of houses or not adjoining an existing RSZ; or B. Land use: Rezoning request (and land use activities and density of subdivision that it would permit) are not consistent with existing activities on site or inconsistent with the purpose of the zone	Reject rezoning submission



Category	Guiding Principles / Criteria	Staff Recommendation
	<p>(misalignment with the objectives, policies and intended outcomes for the zone); or</p> <p>C. Site suitability: Identified significant natural hazard and/or climate change risks, adverse effects on natural environment values, the rezoning is not compatible with surrounding land uses or is likely to create or exacerbate reverse sensitivity effects; or</p> <p>D. Growth demand: No clear evidence of growth pressure or need to provide for sufficient development capacity and/or would undermine the growth objectives of the KKWSP.</p>	