

Lay evidence in regards to Submission 530 - Far North District Council Hearing Panel, Hearing 17

5th November 2025

Re: Lot 1 DP 53506 — Request for Rezoning to General Residential and Removal of High Natural Character (HNC) Overlay

Submitters: *Victoria Yorke and André Galvin, on behalf of Haruru Falls Development Ltd*

1. Introduction

We respectfully submit that **Lot 1 DP 53506 (Title NA4C/1310, Puketona Road, Haruru)** has been incorrectly zoned and overlaid in the Proposed District Plan. We request that the **Rural Production Zone** and **Highly Natural Character (HNC)** overlay be **removed**, and the land **rezoned to General Residential**, consistent with its location, history, and the National Policy Statement on Urban Development (NPS-UD).

The site lies within the functional **Haruru–Paihia urban environment (Tier 3)**, directly adjoining existing serviced residential areas.

2. Key Issues

a. Parcels outside the SA2 boundary

The FNDC growth capacity report includes **parcels outside the Haruru SA2 boundary**, inflating housing capacity figures and **concealing the true shortage of zoned residential land** within the SA2 itself.

Under the **NPS-UD**, capacity assessments must be **accurate and spatially consistent**.

Lot 1 DP 53506 sits **within the functional Haruru urban area** and must be recognised accordingly for future residential capacity.

b. Natural hazard overlays

The same report concedes that **natural hazards were not fully assessed** in the capacity report.

Lot 1 DP 53506 has **very low** hazard risk, as per the engineering report.

c. Rural Production zoning and HNC overlay

The site has been **rezoned Rural Production and overlaid with HNC**, despite:

- Immediate **proximity to existing residential zoning**;
- **Manageable topography** and accessibility;
- **Its LUC rating 6**. Non arable.

These restrictive layers **unfairly limit development potential, reduce feasible housing supply, and contradict NPS-UD Objectives 1 and 2**, which require councils to enable **well-located urban growth**.

3. Planning and Policy Context

- **Resource Management Act 1991 (RMA)**: Sections 9 and 85 uphold the principle of **reasonable use of private land**. Restrictions must be **necessary and proportionate** to proven environmental effects.
- **NPS-UD (2020, amended 2023)**:
 - *Policy 1*: Urban environments must enable communities to meet their wellbeing needs.
 - *Policy 2*: Councils must provide **sufficient development capacity** in Tier 1–3 urban areas.
 - *Policy 8*: Unnecessary constraints on development should be removed.
- **Section 32 RMA**: Any overlay or zoning control must be **evidence-based** and demonstrably the **most efficient and effective means** of achieving the Act's purpose.
- In this case, the **HNC and Rural Production classifications lack evidence of necessity** and are therefore inconsistent with both the RMA and NPS-UD.

4. Equity and Fairness

Neighbouring and nearby properties with **similar physical and ecological attributes** retain residential zoning **without** an HNC overlay.

Applying these restrictions only to Lot 1 DP 53506 creates **inequitable treatment** and undermines consistent, **fair planning** practice.

This property has the same natural character as adjacent residential land and should be treated accordingly.

5. Positive Outcomes of Rezoning

Reinstating a **General Residential** zoning and removing the HNC overlay would:

- Enable a **residential subdivision** within an existing serviced growth area;
- Support **local housing supply and affordability** for Paihia and Haruru;
- Promote **compact, efficient urban form**, reducing pressure on rural land elsewhere;
- Make **best use of existing infrastructure and services**;
- Achieve **balanced development**, supporting both environmental integrity and social wellbeing.

6. Relief Sought

That the Hearing Panel:

1. **Remove the Highly Natural Character overlay** from Lot 1 DP 53506, on the grounds of equity and fairness; and
2. **Rezone the land from Rural Production to General Residential**, consistent with:
 - a. Its historical proposed residential zoning;
 - b. The surrounding urban context;
 - c. Its accessibility to Urban nodes like Paihia and Kerikeri;
 - d. The objectives and policies of the NPS-UD and RMA.

7. Conclusion

Lot 1 DP 53506 represents a **logical, well-located, and low-impact opportunity for residential development**.

Maintaining the HNC overlay and Rural Production zoning is **unjustified, inequitable, and inconsistent with national direction** on enabling growth in Tier 3 urban environments.

We therefore request that the Hearing Panel **rezone the site to General Residential and remove the HNC overlay**, restoring fairness, evidence-based planning, and alignment with both local and national policy objectives.

