

To: Far North District Council

And: Independent Hearing Panel

Re: Proposed District Plan – Submission 530 (Lot 1 DP 53506, Haruru Falls Development Ltd)

Submitters: *Victoria Yorke & André Galvin*

Date: 10 November 2025

This written statement records and reinforces the key matters presented in our spoken evidence at Hearing 17 and is submitted in support of that evidence.

The High Natural Character (HNC) overlay is intended to apply to landscapes where natural patterns remain largely intact. However, as demonstrated in our spoken evidence, **we believe there may have been an historic mapping generalisation**, which we are currently investigating, that has resulted in the overlay being extended from the mangrove and estuarine margin into the upper portion of the property, where the landform, history of use, and surrounding residential context are materially different.

Key Evidence and Considerations

- **Official Information Act (OIA) requests** have been lodged with FNDC, NRC, and DOC seeking the assessment methodology and mapping basis underpinning the HNC overlay. **These records are part of our investigation and have not yet been provided.**
- Historic aerial photography (lodged with Submission 530) confirms that **approximately 3.9 ha** of the site was historically quarried. The vegetation present today is **regenerating over modified land**, not original intact natural character.
- The natural character currently present in the upper and central portions of the site is the result of **deliberate long-term stewardship**, not an inherent natural state. Therefore, **the majority of the site does not meet the defining criteria for High Natural Character.**
- **Comparable coastal properties** with the **same vegetation pattern and landform characteristics** do **not** have the HNC overlay, regardless of whether they are zoned Residential, Rural Production, Rural Residential, or Rural Living. This represents **inconsistent application** of the overlay and produces **inequitable planning outcomes**. Comparative parcel evidence is available to the Panel on request.
- FNDC's recent growth capacity reporting for Haruru–Paihia includes **land outside the Haruru SA2 boundary**, inflating capacity estimates and masking

the **shortfall of zoned and feasible residential land** within the SA2. Lot 1 DP 53506 forms part of the **functional Haruru urban area** and should be zoned accordingly.

- Under the **National Policy Statement on Urban Development (NPS-UD)**, planning controls must not unnecessarily limit development capacity in well-located urban environments. Retaining both the HNC overlay and Rural Production zoning here is **not consistent** with national direction.

Principle Position

We are **not opposed to conservation**.

We are opposed to **private land being required to perform a public conservation function without fair compensation**.

Relief Sought

Primary Relief Sought

We respectfully request that the Panel:

1. **Remove the High Natural Character (HNC) overlay from the entire site; and**
2. **Rezone Lot 1 DP 53506 to General Residential**, consistent with the site's characteristics and urban context.

Reasonable Alternative Relief (If the Panel Does Not Grant Primary Relief)

If the Panel determines that the HNC overlay should be **retained in whole or in part**, then the appropriate alternative is:

- **Rezone the modified upper area (~3.9 ha) to General Residential**, and
- **Retain the HNC overlay only over the ~3 ha portion that remains in a natural state.**

However, where land is retained for **public environmental or landscape benefit**, the correct and lawful outcome is:

DOC and/or FNDC must acquire the area where the HNC overlay is retained and hold it as public reserve, as these agencies are the appropriate and mandated stewards of conservation land.

Acquisition must occur with **fair compensation**, in accordance with standard public land acquisition processes.

Underlying Principle

It is **not reasonable**, nor consistent with the **RMA**, to place **public conservation obligations** on private landowners while simultaneously **removing reasonable and practical use** of the land.

We appreciate the Panel's consideration of this submission and **look forward to a fair and balanced outcome**.

Ngā mihi nui,

Victoria Yorke & André Galvin

Haruru Falls Development Ltd