

Before the Far North District Council Hearings Committee

In the Matter of the Resource Management Act 1991 (**Act**)

And

In the Matter of the Proposed Far North District Plan.

**Rebuttal Evidence of Brett Lewis Hood on behalf of Doug's Opua Boatyard
(Submitter numbers S21 and S185)**

Dated 21 October 2025

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1. Introduction

- 1.1 My name is Brett Lewis Hood. I am a planning consultant working for Reyburn and Bryant in Whangarei. I hold a Bachelor of Social Science (Geography) from the University of Waikato and a Master of Philosophy (Resources and Environmental Planning) from Massey University. I am a full member of the New Zealand Planning Institute (MNZPI).
- 1.2 I have 27 years of experience as a planning consultant in the Northland region. My role has typically been to lead project teams through various resource consent, notice of requirement, and plan change processes, and to provide environmental and strategic planning advice for these projects.
- 1.3 Most of my work has been in the Northland Region, and so I am very familiar with the history, content, and structure of the Far North District Plan and the higher-level planning documents.

2. Code of conduct

- 2.1 I have read and agree to abide by the Environment Court's Code of Conduct for Expert Witnesses (2023). This evidence is within my area of expertise. I have not omitted to consider any material facts known to me that might alter or detract from the opinions expressed.

3. Scope of evidence

- 3.1 This rebuttal evidence responds to the Section 42 report.

4. General

- 4.1 There are two primary areas of concern for the submitter being:
 - (1) The zoning of the adjacent CMA; and
 - (2) The zoning of the esplanade reserve in front of the submitters land.
- 4.2 The submitter has raised wider concerns, including the zoning of the CMA elsewhere in the Far North District, and the completely inconsistent zoning of esplanade reserves across the district, including applying the Rural Production Zone to esplanade reserves that have been created since the legacy plan was promulgated. If the Council is content to advance a District Plan that knowingly contains fundamental mapping errors, that is a matter of its own professional and statutory accountability. The submitter's focus remains

on ensuring accuracy and consistency in zoning adjacent to their property, where the errors are most consequential.

5. District Plan Zones in the CMA

- 5.1 As indicated in my primary evidence, placing District Plan zones in the CMA is clearly wrong. This is acknowledged in Table 5 of the Section 42A report, but the relief is rejected because *“the cost of serving the coastline and moving zones inward of the surveyed MHWS would be high and disproportionate to the benefits of doing so”*.¹ So in effect what the officer is saying is that the Council has made multiple mapping areas across the district, but it is not worthwhile fixing those even when they have been brought to the Council’s attention. This represents a deliberate decision to disregard a known error, which in my view reflects poor planning practice and undermines the integrity of the District Plan as a statutory instrument. The officer’s justification that the cost of correcting these errors outweighs the benefit is not consistent with the Council’s duty to prepare a plan that accurately represents jurisdictional boundaries and complies with section 75(1) of the RMA. The law is clear that the CMA lies outside the scope of territorial authority zoning control.
- 5.2 As shown in Appendix 1 to this rebuttal evidence, the area of CMA proposed to be zoned Natural Open Space in front of the applicant’s site is harbour endowment land vested in the Crown under Section 5 of the Foreshore and Seabed Endowment Reinvesting Act 1991. No surveying is needed to confirm that this land is in the CMA. The reasoning advanced in the Section 42A report for not removing the District Plan zoning from the CMA does not stand scrutiny.
- 5.3 If this mapping anomaly is not corrected, the submitter will have no option but to appeal to ensure lawful outcomes are achieved. This would be an unnecessary cost to all parties given the legal position is well established.

6. Esplanade reserve zoning

- 6.1 The evidence filed by the applicant raised concerns over the inexplicably inconsistent application of the open space zones to esplanade reserves in the Proposed District Plan. In response to that, the Section 42A report states that:

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I do not recommend that the Open Space Zone is applied to esplanade reserves because this would result in an inconsistent approach, the intent is that esplanade reserves are zoned Natural Open Space (as stated in the Section 32 report for Open Spaces Section 5.2).

6.2 It goes on to say:

The original submission did not explicitly request that all esplanade reserves are rezoned to Open Space therefore the scope was unclear, and accepting this submission could result in procedural fairness issues.

6.3 My primary evidence provided multiple examples of esplanade reserves zoned 'Natural Open Space', 'Open Space' and 'Rural Production', and so the Council's approach to zoning esplanade reserves is demonstrably inconsistent across the district. Some reserves are zoned Natural Open Space, others Open Space, and others Rural Production. This inconsistency cannot be reconciled with the stated intent of the Open Space Section 32 report and undermines confidence in the plan's internal coherence.

6.4 As I see it there are two options:

- (1) Rezone the reserve 'Open Space Zone'; or
- (2) Remove the reference to potential treaty claims.

6.5 The officer's reliance on potential Treaty settlements as a rationale for retaining the Natural Open Space zoning is misplaced. Section 6(4A) of the Treaty of Waitangi Act 1975 makes it clear that most esplanade reserves are not capable of being returned to tangata whenua. The zoning framework cannot and should not pre-empt Treaty outcomes; rather, it should accurately reflect existing land tenure and use.

6.6 The Council has been keen to deflect the relief sought by questioning the scope of the original submission. This has been addressed comprehensively, and yet the questioning continues. In my view, the officer's continued reluctance to address these inconsistencies reflects a lack of professional rigour in plan preparation.

6.7 In summary, the issues raised are not matters of planning discretion or preference, but of statutory accuracy and procedural correctness. It is incumbent on Council to ensure that the Proposed District Plan reflects the lawful extent of its jurisdiction and applies zones consistently. Failure to do so risks undermining the credibility of the plan and

eroding public confidence in its administration.

7. Relief sought

7.1 The submitter seeks the following relief:

(1) Removal of all District Plan zoning from the CMA adjoining the submitter's land; and

(2) Either:

(a) Rezoning of the esplanade reserve in front of the submitter's land to Open Space Zone (preferred); or

(b) Deletion of the reference to Treaty claims from the Natural Open Space Zone description.



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Brett Hood (Planner)

21 October 2025