

**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.

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**Summary statement of Brett Lewis Hood on behalf of Doug's Opua Boatyard  
(Submitter number S21)**

**Dated 5 November 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 appear on behalf of Doug Schmuck, owner and operator of Doug's Opua Boat Yard (DOBY). DOBY is a long-established marine servicing facility at 1 Richardson Street, Opua, operating adjacent to a Local Purpose (Esplanade) Reserve and the Coastal Marine Area (CMA).
- 1.2 This summary outlines the key planning and legal points supporting the relief sought, which is limited and site-specific but important to the integrity and legality of the Proposed Far North District Plan (PFNDP).

## **2. Key issues and relief sought**

1. Remove District Plan zoning from the CMA (at least in front of DOBY).
2. Rezone the adjoining esplanade reserve Open Space Zone, not 'Natural Open Space Zone'.
3. Delete the Treaty-settlement reference from the 'Natural Open Space Zone' description.
4. These refinements ensure the Plan is both lawful and internally consistent.

## **3. District Plan zones in the Coastal Marine Area - jurisdictional error**

- 3.1 District Plan zones cannot extend into the CMA. The RMA ss 30 and 75 assign responsibility for this area to regional councils, not territorial authorities. Nevertheless, PFNDP maps show zoning below Mean High Water Springs, including directly seaward of DOBY.
- 3.2 The Council's s42A report accepts these are mapping errors but declines to correct them on cost grounds. That is not a lawful basis to maintain jurisdictional inaccuracies. The Henderson Reeves legal opinion confirms FNDC lacks authority to zone the CMA and that doing so would be ultra vires. Zoning below MHWS also causes confusion where district and regional rules overlap.

Relief: Remove zoning from the CMA adjoining DOBY (and preferably district-wide).

## **4. Esplanade reserve zoning – inconsistency and misapplication**

- 4.1 The adjoining esplanade reserve is zoned 'Natural Open Space', yet similar reserves across the district are variably zoned 'Rural Production', 'Open Space', or 'Natural Open

Space' with no clear rationale. Council acknowledges these inconsistencies but has not addressed them.

- 4.2 The 'Open Space Zone' aligns with the functional role of the reserve in front of DOBY, being public access, recreation, and maintenance of the Opua–Paihia Walkway, while 'Natural Open Space' is intended for conservation land with limited use. Also, applying 'Rural Production Zone' to reserves is plainly illogical.

Relief: Zone the reserve in front of DOBY 'Open Space Zone' and audit all reserves for consistency.

## **5. Natural Open Space Zone – treaty reference**

- 5.1 The Natural Open Space Zone description uniquely states that “some land may be subject to Treaty settlement claims and may be returned to tangata whenua.” No other zone contains such language, and it has no legal effect.
- 5.2 Under s 6(4A) Treaty of Waitangi Act 1975, the Waitangi Tribunal cannot recommend return of land held by a local authority. The Henderson Reeves opinion confirms the adjoining reserve is vested in FNDC, not the Crown, so it cannot form part of any Treaty settlement.
- 5.3 The reference therefore creates uncertainty and should be deleted.

## **6. Scope and procedural fairness**

- 6.1 The evidence and relief sought fall squarely within the scope of Submission S21. The original submission opposed zoning within the CMA, raised concerns over the esplanade reserve zoning, and challenged the Open Space framework. The evidence simply provides detail and justification, a lawful elaboration, not new relief.

## **7. Relief sought – summary**

- 7.1 Primary relief sought is as follows:

1. Remove District Plan zoning from the CMA in front of DOBY.
2. Rezone the esplanade reserve in front of DOBY Open Space Zone.
3. Delete the reference to treaty settlement from the 'Natural Open Space Zone' especially if the relief in (b) above is not granted.

- 7.2 Secondary relief sought is as follows:

1. Remove all District Plan zoning from the CMA across the district.
2. Ensure that no esplanade reserves are zoned 'Rural Production Zone'.
3. Rezone all esplanade reserves 'Open Space Zone'

4. Delete the Treaty settlement reference from the 'Natural Open Space Zone' description.

## **8. Closing remarks**

- 8.1 Mr Schmuck is not seeking to expand his operations or alter land status. He simply seeks a lawful, accurate and coherent Plan.
- 8.2 The requested corrections uphold jurisdictional integrity and clarity of administration, benefitting both Council and the community.
- 8.3 Thank you for the opportunity to present this summary. I'm happy to answer any questions.



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Brett Hood (Planner)

5 November 2025