

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 Waitomo Papakainga
Development Society (Submitter numbers S418)**

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 rebuttal 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 and overview of Section 42A recommendations

- 3.1 This rebuttal evidence responds to the Section 42A report.
- 3.2 The Section 42A Report recommends that Submission S418 be rejected, based on two primary reasons:
 - (a) That the Māori Purpose Zone (MPZ) is intended to apply only to "Māori Freehold Land" and "Māori Customary Land"; and
 - (b) That the submission is out of scope to the extent it seeks amendments to definitions or provisions relating to "Māori Land" or "papakāinga".
- 3.3 Both points are misconceived. The first is inconsistent with both the National Planning Standards and the objectives, policies, and definitions of the Proposed District Plan (PDP) itself. The second misapplies the legal principles relating to "scope" and fails to recognise that the relief sought (including consequential amendments to definitions) is a natural and foreseeable extension of the original submission.

4. The purpose of the Māori Purpose Zone

- 4.1 The Section 42A report contention that the MPZ is “intended” to apply only to Māori Freehold or Customary Land is inconsistent with the definition of the MPZ in the National Planning Standards (NPS).
- 4.2 Firstly, as agreed by the reporting officer, the definition of ‘Māori Land’ in the PDP includes ‘General Land’. If, as the officer states, there is no scope to change definitions,¹ then ‘Māori Land’ must remain as defined in the PDP, and that includes ‘General Land’. In this case, there is no policy rationale for excluding ‘General Land’ from the MPZ, and the papakāinga provisions would be available in both the MPZ and the RPZ.
- 4.3 Notwithstanding the above, I reiterate that the ‘National Planning Standards’ definition of a ‘Māori Purpose Zone’ is unambiguous, and certainly not definitive in supporting the Council’s position:

Areas used predominantly for a range of activities that specifically meet Māori cultural needs including but not limited to residential and commercial activities.

- 4.4 Nothing in this definition confines the zone to particular land tenure classes. Rather, the emphasis is on use and purpose, not ownership type. The Proposed District Plan (PDP) should reflect this intent. The current approach of limiting the MPZ based on tenure status does not reflect the higher-level framework or the definitions in the PDP.
- 4.5 The proposed rezoning of 684 Kaitaia-Awaroa Road would directly support papakāinga, housing, and cultural activities, aligning perfectly with the MPZ purpose. That the land is classified as “General Land” does not diminish the cultural relationship tangata whenua have with it, nor their aspirations for its use.

5. The Definition of ‘Papakāinga’

- 5.1 If the definition of ‘Māori Land’ in the PRP is retained as is, then as stated earlier, there is no policy rationale for excluding ‘General Land’ from the MPZ, and the papakāinga provisions would be available in both the MPZ and the RPZ. However, if the definition is somehow changed to reflect the definition of ‘Māori Land’ in Te Ture Whenua Maori Act 1993 (notwithstanding the reporting officer says there is no scope for this), this would make it difficult for Waitomo Papakāinga to achieve the positive cultural outcomes it is

¹ Section 42A report – paragraph 72

mandated to achieve.

5.2 Papakāinga is a cultural activity, not a land ownership status matter. Restricting it based on tenure:

- Undermines the intent of the MPZ (as defined in the NPS);
- Disenfranchises Māori organisations like Waitomo Papakāinga;
- Creates internal inconsistency between the Plan's objectives/policies and its implementation provisions.

5.3 Importantly, nothing in the original submission or my evidence seeks to “extend” papakāinga beyond its cultural intent. Rather, the requested amendments are necessary to give practical effect to the MPZ purpose. Such consequential changes are squarely within scope (see section 6 below).

6. Scope

6.1 The Council's second rationale, that changes to definitions are “out of scope”, is in my view legally unsustainable.

6.2 It is well-established in RMA jurisprudence that consequential amendments are within scope where they are:

- A logical and foreseeable consequence of the original submission; and
- Necessary to give effect to the relief sought.

6.3 The original submission was explicit that the land should be zoned Māori Purpose Zone - Rural *“to align with the vision and mandate of Waitomo Papakāinga and better enable Te Warawa to realise the social, cultural, and economic aspirations for the whenua”*. It follows inevitably that enabling papakāinga on the land is essential to achieving that purpose. If the Plan's definitions prevent that, then amending those definitions is a direct and consequential step in giving effect to the relief sought. There is therefore no jurisdictional impediment to considering and recommending those changes.

7. Policy alignment and strategic direction

- 7.1 As outlined in my evidence, the relief sought is consistent with the Strategic Direction and Māori Purpose Zone objectives and policies of the Plan, and the objectives and policies of the Regional Policy Statement.

8. Site characteristics and effects

- 8.1 The Section 42A report does not identify any site-specific constraints that would preclude the rezoning. The site is:

- Large enough to accommodate on-site infrastructure;
- Free from natural hazards and sensitive overlays; and
- Adjacent to existing Māori Purpose Zoned land, ensuring contextual compatibility.

- 8.2 Furthermore, the report does not suggest any significant adverse effects. On the contrary, the rezoning will:

- Enable culturally appropriate housing and economic activity;
- Support intergenerational living and connection to marae;
- Make efficient use of under-utilised land currently unsuited to primary production.

9. Part 2 RMA

- 9.1 The proposal remains consistent with the purpose and principles of the RMA, specifically:

- Section 5: Promotes sustainable management by enabling land to meet present and future Māori housing and cultural needs.
- Section 6(e): Recognises and provides for Māori relationships with ancestral land.
- Section 7: Gives effect to kaitiakitanga, stewardship, and efficient resource use.
- Section 8: Takes into account the Treaty principles of partnership, active protection, and rangatiratanga.

10. Relief sought

- 10.1 Waitomo Papakāinga maintains its original and supplementary relief being:

- (a) Rezone 684 Kaitaia-Awaroa Road, Pukepoto (Lot 1 DP 434436) Māori Purpose Zone – Rural (MPZ) or equivalent Special Purpose Zone – Rural.

10.2 Consequential relief includes:

- (b) Amending the Māori Purpose Zone provisions to align with the National Planning Standards definition, which does not preclude the Māori Purpose Zone applying to 'General Land'.²
- (c) Either retain the existing PDP definition of 'Māori land' which includes 'General Land' and therefore enables papakāinga, or if there is a consequential amendment to the definition of 'Māori land' that excludes 'General Land' (albeit this is something the reporting officer says there is no scope for), then amend the definition of "papakāinga" to ensure that it includes an activity undertaken to support traditional Māori cultural living for tangata whenua residing in the Far North District on 'General Land' (not necessarily owned by Māori) but where there is an ancestral link identified for those who will reside in and benefit from the activity.

11. Conclusion

11.1 The Section 42A Report underestimates both the scope and merits of the submission. It adopts an unnecessarily narrow and, based on the definition of 'Māori Land' in the PDP, a flawed interpretation of the applicability of the 'Māori Purpose Zone', and it misconstrues the scope of the relief sought.

11.2 Rezoning the land MPZ and addressing the definitional anomalies are essential to achieving the objectives of the Proposed Plan, the RPS, the NPS, and the RMA. They will enable Waitomo Papakāinga to fulfil its kaupapa, address significant Māori housing needs, and give practical effect to Te Tiriti obligations.

11.3 For these reasons, I respectfully request that the Hearings Panel reject the Section 42A recommendations and grant the relief sought in Submission S418.

11.4 Alternatively, the applicant is willing to work with the panel and the council to achieve alternative relief with similar effect.

² **Māori Purpose Zone** Areas used predominantly for a range of activities that specifically meet Māori cultural needs including but not limited to residential and commercial activities.

A handwritten signature in black ink, appearing to read 'Brett Hood', with a large, stylized 'B' and 'H'.

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Brett Hood (Planner)

21 October 2025