

Before the Far North District Council Hearings Committee

In the Matter of the Resource Management Act 1991

And

In the Matter of the Proposed Far North District Plan.

**Statement of rebuttal evidence of Joseph Brady Henehan on behalf of the Musson Family
Trust (Submitter number S404.001)**

Dated 15 September 2025

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1. Introduction

- 1.1 My name is Joseph Brady Henehan. My qualifications and experience are as set out in my statement of evidence in chief dated 9 June 2025.
- 1.2 I have read the Code of Conduct for Expert Witnesses and have complied with this Code in the preparation of my further evidence.

2. Summary

- 2.1 This statement of rebuttal evidence relates to the following topics:

- a. Transport infrastructure and intersection upgrade
- b. Lot sizes and zone consistency
- c. Natural hazards and geotechnical suitability
- d. Capacity and suitability of other settlement zone land
- e. Consultation with other landowners

3. Transport infrastructure and intersection upgrade

- 3.1 Council agrees that an upgrade to the SH1/Houhora Heads Road intersection may be required. The disagreement lies in the timing and mechanism for addressing this.
- 3.2 Both the planner (Melissa Pearson) and expert traffic planner (Mathew Collins) acknowledge that an upgrade may be necessary but consider that this should be addressed at plan change stage, to ensure that appropriate mechanisms are in place to require this. My original evidence recommended that this be addressed at the development stage, when the nature and scale of the activity is known and can be appropriately be addressed.
- 3.3 Firstly, it is important to note that traffic-related impacts of subdivision are already required to be considered under both Policy RSZ-O3 and RSZ-P5 of the Proposed Far North District Plan (PFNDP), which state¹:

RSZ-O3

Landuse and subdivision in the Settlement zone is appropriate for the physical and environmental attributes of the site and any infrastructure constraints.

RSZ-P5

Manage land use and subdivision to address the effects of the activity requiring resource consent,

¹ Underlining is my emphasis

including (but not limited to) consideration of the following matters where relevant to the application:

- a. the scale, character and amenity of the settlement, in particular impacts on existing residential activities;
- b. siting and design;
- c. cultural and social well-being, including health and safety;
- d. potential reverse sensitivity effects both within the settlement and on adjacent zones;
- e. its location within or adjoining to the settlement; and
- f. the vitality and viability of nearby urban environments.
- g. the capacity of the site to cater for on-site infrastructure associated with the proposed activity;
- h. the adequacy of roading infrastructure to service the proposed activity;
- i. managing natural hazards;
- j. any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and
- k. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

3.4 Notwithstanding the above, to further strengthen this framework, I recommend an additional matter of control be added to SUB-R3, as follows:

SUB-R3

...

Matters of control are limited to:

- a. the design and layout of allotments, and the ability to accommodate permitted and/or intended land uses;*
- b. the provision of easements or registration of an instrument for the purpose of public access and reserves;*
- c. the effects of development phase works on the surrounding area;*
- d. extent of potential effects on sites and areas of significance to Māori, ancestral lands, water, site, wāhi tapu and other taonga;*
- e. adverse effects on areas with historic heritage and cultural values, natural features and landscapes, wetland, lake and river margins, natural character or indigenous biodiversity values including indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification system lists;*
- f. natural hazards or geotechnical constraints;*
- g. where relevant compliance with Far North District Council Engineering Standards April 2022;*

and

h. adverse effects arising from land use incompatibility including but not limited to noise, vibration, smell, smoke, dust and spray.

i. The extent to which the proposed subdivision will affect the safety, efficiency, and capacity of nearby state highway intersections, and whether mitigation measures (including upgrades) are necessary.

- 3.5 The inclusion of this matter of control would ensure that any subdivision along Houhora Heads Road under SUB-R3 would be required to consider potential impacts on the nearby State Highway 1 intersection.
- 3.6 Deferring this consideration to the resource consent stage allows each future subdivision or development to be assessed on its merits. This avoids premature infrastructure investment based on hypothetical development scenarios and ensures that mitigation measures are proportionate to actual effects.

4. Lot sizes and zone consistency

- 4.1 Council claims that the existing land uses and development patterns are more consistent with the Rural Lifestyle Zone (RLZ) than the Settlement Zone (RSZ). While this may appear to be the case when reviewing the current cadastral layout in isolation, this approach is fundamentally flawed.
- 4.2 The appropriate comparison is not between the Proposed Far North District Plan (PDP) and the existing cadastral pattern, but rather between the minimum lot sizes enabled under the Operative Far North District Plan (ODP) and those proposed under the PDP.
- 4.3 Under the ODP, the Coastal Living Zone allows for allotments as small as 5,000m² (discretionary) and 8,000m² (restricted discretionary). This aligns more closely with the Settlement Zone provisions in the PDP, which provide for 4,000m² allotments as a controlled activity and 1,500m² lots as a discretionary activity.
- 4.4 In contrast, the notified RLZ provides for 4ha allotments as a controlled activity and 2ha allotments as a discretionary activity – a significant departure from the development potential currently enabled under the ODP.
- 4.5 Even if the Hearing 9 recommendation to reduce minimum lot sizes in the Rural Lifestyle Zone is adopted, the rezoning would still represent a downzoning relative to the ODP. This would reduce development potential and constrain housing supply in an area where demand is evident.

5. Natural hazards and geotechnical suitability

- 5.1 Council raises concerns about natural hazards and the applicability of geotechnical reports provided with the original evidence.

- 5.2 In this case, any identified flood hazards across the land are limited to low lying land adjacent to existing drains only, see **Figure 1** below:



Figure 1: NRC flood maps excerpt

- 5.3 Future development can be directed to hazard-free locations, with site specific hazard assessments required at the subdivision or building consent stage to enable appropriate avoidance or mitigation. The natural hazard overlay provisions in the PDP will also continue to apply regardless of zoning, ensuring that risks are identified and managed through future consenting processes.
- 5.4 Engineering investigations are best undertaken at the development stage, when the nature of the activity is known. This is standard practice and avoids unnecessary cost and duplication and avoids unnecessary cost.

6. Capacity and suitability of other settlement zone land

- 6.1 Council argues that there is no need for additional RSZ land.
- 6.2 Letters from local agents confirmed at the time of writing my original evidence that only five vacant sections are available in the Pukenui/Houhora area, with strong demand from permanent and seasonal residents. This evidence confirms that there is currently a strong demand for sections in the area, despite the downturn in the property market.
- 6.3 Council have proposed to address this demand by rezoning land along Waterfront Road RSZ. Investigations have determined that this land zoned RSZ is constrained by wetlands, archaeological sites, and roading limitations. These limitations are shown in **Figures 2, 3 and 4** below:



Figure 2: Potential wetland locations



Figure 3: Known archaeological sites in the Pukenui area



Figure 4: Existing coastal erosion evident on Waterfront Road

- 6.4 Since preparation of my original evidence, it has also become apparent that one of the large landholdings on Waterfront Road contains Bradley's T&T Towing – a vehicle towing and wrecking company (Lots 2 and 3 DP 350647, 123 Waterfront Road). See **Figure 5** below:



Figure 5: Aerial photograph showing extent of towing/wrecking business on Lots 2 and 3 DP 350647

- 6.5 This activity is specifically listed on the Hazardous Activities and Industries List (HAIL) as an activity likely to cause contamination of soils (HAIL category G4). Any future subdivision of this site will likely trigger the need for resource consent approval under the National Environmental Standard for Assessing and Managing Contaminants in Soil (NES-CS) as well as potential soil remediation, stockpiling, or exclusion from development.
- 6.6 These constraints reduce the effective yield of existing RSZ land, reinforcing the need to rezone less constrained, serviceable land like the Musson submission area.

7. Consultation with other landowners

- 7.1 Council's assertion that there has been insufficient engagement with other landowners is not supported by statutory requirements.
- 7.2 The Resource Management Act 1991 does not require consultation with other landowners when lodging a submission on a proposed plan. This is confirmed in the Ministry for the Environment's guidance document Making a Submission about a Proposed Plan or Resource Consent (2021), which states:

"There is no legal obligation under the RMA for submitters to consult with other parties before making a submission."

- 7.3 The absence of further submissions opposing the Musson Family Trust's rezoning request is a relevant and material consideration.

8. Conclusion

- 8.1 The proposed rezoning from RLZ to RSZ is appropriate and justified. It better reflects the existing land use and development pattern, responds to local housing needs and land capability, and aligns with the objectives of the PFNDP, RPS, and NZCPS, while being consistent with Part 2 of the RMA.
- 8.2 This change promotes sustainable management, supports housing supply and affordability, and ensures environmental and cultural values continue to be protected through existing overlay provisions.



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Joseph Henehan (Planner)

15 September 2025