

**BEFORE THE HEARING PANEL**

**UNDER THE**

Resource Management Act 1991

**IN THE MATTER OF**

Proposed Far North District Plan

**BETWEEN**

**FAR NORTH DISTRICT COUNCIL**

Local Authority

**AND**

**NORTHLAND FEDERATED FARMERS OF  
NEW ZEALAND INC**

Submitter Number 421

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**HEARING OF FAR NORTH PROPOSED DISTRICT PLAN – HEARING 1  
'STRATEGIC DIRECTION', 'TANGATA WHENUA' AND 'PART 1 AND  
GENERAL / MISCELLANEOUS**

**HEARING STATEMENT OF JO-ANNE COOK-MUNRO ON BEHALF OF  
NORTHLAND FEDERATED FARMERS OF NEW ZEALAND  
(INCORPORATED)**

**27 – 30 MAY 2024**

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## INTRODUCTION

1. My name is Jo-Anne Cook-Munro. I work for Federated Farmers of New Zealand (Incorporated) (Federated Farmers). I am a Senior Resource Management Solicitor based in Hamilton, and I am authorised to speak on behalf of Federated Farmers, including Northland Federated Farmers of New Zealand (Incorporated) (the Northland Province).
2. I hold the following qualifications:
  - (a) A Bachelor of Social Sciences, majoring in Accountancy and Human Geography from the University of Waikato.
  - (b) Master of Social Sciences (Honours) majoring in Human Geography and the role music plays in achieving peace, University of Waikato.
  - (c) Bachelor of Laws (Honours) in Environmental and Resource Management Law, International Environmental and Human Rights Law, University of Waikato.
  - (d) Post graduate Certification in Business Proficiency – Employment Law and Sports Law from Massey University.
3. I have approximately ten years' experience working as a town planner for local authorities and in-house. I have over twenty years' experience in the field of environment policy and law and have worked as a Policy and Planning Manager for a local authority focusing on the delivery of policies and bylaws under the Local Government Act 2002 and plans and policies under the Resource Management Act 1991.
4. I have been admitted as a barrister and solicitor of the High Court of New Zealand. I specialise in environment and resource management law. I have worked in private corporate law firms as well as local authorities in a variety of roles ranging from a solicitor to managing a policy and strategy team for a local authority.
5. My role at Federated Farmers is to provide legal services for resource management and environmental planning, policy and legal matters such as district and regional plan views, plan changes and proceedings in the Environment Court.

6. I have read the code of conduct for expert witnesses which is set out in section 9 of the Environment Court Practice Note 2023. Please note that I am not putting myself forward as an expert witness presenting expert evidence. I am appearing in this hearing as an advocate for the Northland Province and my statement of evidence was prepared from this basis.
7. The purpose of evidence is to outline the position of Federated Farmers and the Northern Province on the Section 42A report recommendations on our submissions and further submissions.
8. This evidence is focused on the following topics that have been grouped together for Far North Proposed District Plan (Proposed District Plan) - Hearing 1:
  - (a) Strategic Direction; and
  - (b) Part 1 and General / Miscellaneous.
9. For completeness sake, I note that Hearing 1 also covers Tangata Whenua matters. Federated Farmers did not make a submission or further submissions on this topic.

## **CONTEXT**

10. Federated Farmers is a primary sector organisation with a long and proud history of representing the needs and interests of New Zealand farmers involved in a range of rural businesses.
11. Farming has a strong presence in the Northland region and contributes significantly to the region's economy. Primary production activities from our members make a significant contribution to the economic, social, and cultural well-being of New Zealand.
12. Federated Farmers represent a variety of dairy, dry stock and horticulture land users and seeks to uphold and enhance the value of farming to the region. We have over 147 members located within the Far North district and approximately 509 members located across the Northland region.
13. Federated Farmers key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:

- (a) our members may operate their business in a fair and flexible commercial environment;
  - (b) our members' families and their staff have access to services essential to the needs of the rural community; and
  - (c) our members adopt responsible management and environmental practices.
14. Our members want and need district plans that balances environmental, cultural, social, and economic values while ensuring rules are equitable, cost-effective, pragmatic and effects based.
15. They also want district plans that are written in plain English; are easy to use and understand; acknowledge and reward the positive effects farming has on conservation; and recognise the importance of collaborating with communities to achieve desired environmental outcomes.
16. A lot of regulation has come at a significant cost on financial and mental health within the primary sector. Many of the costs are unnecessary and place additional pressure on the primary industry. Decision making needs to occur with consideration of the impacts that Councils decisions have economically, culturally, socially, and environmentally.

## **SUBMISSION AND FURTHER SUBMISSIONS**

17. Federated Farmers made submissions (submitter number S421) and further submissions (further submitter number FS548) to the Proposed District Plan. Federated Farmers will now speak to each of its submission points and / or further submission points where considered relevant.

## **Strategic Direction**

18. Federated Farmers made a number of submissions and further submissions on the strategic directions proposed in Part 2 'District Wide Matters' of the Proposed District Plan.
19. The submissions were focused on the protection of the productive capabilities of the soils as well as the delivery of social, economic, environmental and cultural well-beings for the district as a whole rather than one group or community.

### *Strategic Direction Overview*

20. Submission S421.012 sought the amendment of strategic direction 6 the productive capabilities of soils and location were recognised in respect of the management of urban growth.
21. Federated Farmers believes that it is important that the district plan recognises and acknowledges the productive capacity of land regardless of where that land is located. There could be circumstances where land is needed for housing, but that land contains productive soils. Common sense dictates that once productive land has been used for another purpose it is very unlikely that that land will ever be reverted back for use as productive land.
22. Ms Trinder's Section 42A report recommends rejecting any submissions that sought amendments to the overview section of the Strategic Direction chapter.<sup>1</sup>
23. With all due respect, Federated Farmers does not support the recommendation. The Council needs a framework in its district plan that provides for compromises to occur to protect the productive capacity of land. Whether this is through an amendment to strategic direction 4 or to some other strategic amendment, it is an issue that must be recognised and provided for.
24. Given that we find ourselves yet in another period of uncertainty as to what national direction will actually say and be focused on it, it would be prudent for the Council to start protecting productive land capability through its district plan.

### *Strategic Direction Historic and Cultural Wellbeing*

25. Federated Farmers supported in part the strategic direction for historic and cultural wellbeing (SD-CP-01) (submission number 421.013) . It sought the amendment of the direction so that it applied district wide and read as follows:

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<sup>1</sup> (2024), Trinder, S A Section 42A Report Part 1 and General / Miscellaneous for the Far North District Council's Proposed District Plan Hearings, (29 April 2024), p14.

*Te Tiriti o Waitangi partnerships support iwi and hapū to deliver on the social, economic, environmental and cultural wellbeing outcomes for tangata whenua and the district as a whole.*

as well as any consequential amendments required as a result of the relief sought.

26. The Section 42A report author does not support the proposed amendment sought on the basis that the strategic direction was deliberately intended to focus on delivering outcomes for tangata whenua.
27. Federated Farmers accepts the reasoning outlined by Ms Trinder on p15 of her report.

#### *Strategic Direction Economic and Social Wellbeing*

28. Federated Farmers made a submission (submission number S421.014) on key issue 4 'Economic and social wellbeing – Economic prosperity'. It sought to remove the phrase "*with the District's Maori economy making a significant contribution*".
29. The reasoning behind Federated Farmers was that it considered it more appropriate for the Council to recognise and provide for a high-earning diverse local economy which include enabling the Māori economy to make a significant contribution.
30. The relief sought by Federated Farmers is not supported by Council staff. Ms Trinder in her Section 42A report has advised that it is necessary to include the phrase in the objective as it has been a focus of the Proposed District Plan to introduce specific overlays, zones and provisions which seek to achieve the enablement of Māori land.<sup>2</sup>
31. Federated Farmers supports the position articulated by Ms Trinder in her Section 42A report on this matter.
32. Submission S421.015 by Federated Farmers sought the inclusion of a new objective which supports and enables initiatives and enterprises within the district's economy which are carried out by iwi and hapu.

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<sup>2</sup> Above at [1], p22.

33. The Section 42A report recommends amendments to policy SD-EP-02 to provide for new enterprises and initiatives as well as existing. Federated Farmers supports this recommendation.<sup>3</sup>

**Part 1 – Introduction and General Provisions – Significant Resource Management Issues**

34. Federated Farmers made a submission point (submission number S421.002) on significant resource management issues for the Far North district. These issues are located in Part 1 'Introduction and General Provisions' in the chapter titled 'Description of the District' of the Proposed District Plan.
35. While supporting the inclusion of a significant resource management issue addressing the rural environment, Federated Farmers' submission indicated that it did not support the issue as it has been notified.
36. While rural sustainability is a valid resource management issue, Federated Farmers strongly believes that it must be approached from a holistic perspective and not only focus on the adverse effects that can result from some land use activities in the rural environment.
37. Rural sustainability must include the protection of the existing land use activities such as primary production which have been present and operating in the rural environment for many years, if not decades. Primary production makes a substantial contribution to New Zealand's economy across national, regional and district levels.
38. The other important matter to note with primary production land is that once it is gone to be used for different purposes, it is very unlikely that it will ever be able to be returned to being productive land.
39. The current wording of the issue does not capture what rural sustainability actually is. It is about maintaining the sustainability of the rural environment while providing for appropriate subdivision, use, and development.
40. Federated Farmers sought the amendment of the issue so that it read:

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<sup>3</sup> Above at [1], p25.

*The Rural Environment contains a number of ~~There are~~ competing demands for a range of land use activities in the Rural Environment. A ~~The~~ previous permissive planning framework has resulted ~~led, in some areas,~~ ~~to~~ in incompatible land uses, land fragmentation and significant adverse effects on rural character, amenity and indigenous biodiversity. ~~In some cases,~~ Some highly productive land (which includes including versatile soils) have been used in such a way that compromises the future viability of primary production activities, such as horticulture and agriculture, has been compromised. These uses have also inappropriately ~~used~~ existing infrastructure and services. The current Rural Production Zone has ~~applied~~ a single set of provisions to the majority of the District. ~~This approach which does~~ has not addressed the specific issues faced by in the different rural areas and their communities. It is ~~also~~ important that the District Plan clearly reflects that rural settlements differ in their ability to access the infrastructure and services available in urban centres.*

as well as any consequential amendments required as a result of the relief sought.

41. Ms Trinder in her Section 42A report<sup>4</sup> states that the wording proposed by Federated Farmers helps to clarify the issue. Ms Trinder recommends that the submission is accepted in part and that the significant resource management issue is amended accordingly.<sup>5</sup>
42. Federated Farmers is supportive of the recommendation that has been made along with the proposed wording that is shown on p17 of the Section 42A Report.

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<sup>4</sup> Above at [1].

<sup>5</sup> At [1] above, p15-16.