

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

**HEARING OF FAR NORTH PROPOSED DISTRICT PLAN – HEARING 5
'ACTIVITIES ON THE SURFACE OF WATER' AND 'PUBLIC ACCESS'**

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

12-13 AUGUST 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 Law 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 outlined 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 5:
 - (a) Activities on the surface of water; and
 - (b) Public Access.

CONTEXT

9. Federated Farmers is a primary sector organisation with a long and proud history of representing the needs and interests of New Zealand farmers who are involved in a range of rural businesses.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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

16. 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.

Activities on the surface of water

17. Federated Farmers did not make a submission on any of the provisions in the chapter dealing with activities on the surface of water.

Public Access

18. Federated Farmers sought the amendment of the overview of the public access chapter (S421.160).
19. The District Plan needs to be clear that access is not available across private land unless it is with permission from the landowner. The District Plan should not compel the landowner to always provide access across what is essentially their business and home.

20. Many rural landowners, particularly coastal or riparian margin landowners, have encounters with unwelcome trespassers, some with dogs, which are disruptive to their farming operations, create security issues for themselves and their stock, have put themselves into dangerous situations, or created nuisance effects like littering or human waste.
21. It is appropriate and legal to limit access across private property when this access will be unsafe or will disrupt farming activities, such as when tree felling or earthmoving is occurring, during harvest or mating, lambing, and calving activities.
22. The section 42A report recommends rejecting Federated Farmers submission on the grounds that the maintenance and enhancement of public access to and along the CMA and waterbodies is a matter of national importance under s6(d) of the Resource Management Act 1991 (RMA).¹ In addition, the S42A reports states that the Council has a responsibility under the RMA (and other higher order documents including the New Zealand Coastal Policy Statement (NZCPS) and Regional Policy Statement (RPS) to recognise and provide for public access to and along the coastal marine area and waterbodies.
23. Council also expressed the view that provision for public access is also in the public interest and enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.
24. Federated Farmers opposes the recommendation given in the S42A report. We are not asking for no public access to be provided. Rather, we are seeking an acknowledgement in some form that not all public access will occur on Council owned or other public land.
25. Federated Farmers has sought a similar acknowledgement in other proposed district plans which has been accepted through the provision of an advice note that not all public access is on public land and landowners permission should be sought when accessing private land.

¹ Cannon, J on behalf of the Far North District Council, Section 42A Report Public Access (15 July 2024), p36.

26. Federated Farmers supports objectives PA-O1 and PA-O2 as they are currently drafted in the proposed district plan. We also sought an additional objective to be included that provides recognition for private property rights as well as the additional impacts public access may also have on the amenity value of selected landscapes and areas.
27. The landowner's private property rights are a key area of focus which needs to be considered within this chapter.
28. In summary, the relief sought by Federated Farmers was:
- (a) the retention of objectives PA-O1 and PA-O2 as currently drafted with wording to similar effect; and
 - (b) the addition of a new objective PA-O3 that reads as follows:
- Practical and safe public access to and along the margins of lakes and rivers and the coastal environment is provided in a way that respects private property and does not result in adverse effects on natural character, landscape, indigenous biodiversity, historical heritage, or cultural values.*
29. The section 42A report recommends the rejection of Federated Farmers' submission (S421.163) on the grounds that it is not appropriate to introduce for a new objective recognising private property rights in the Public Access chapter.²
30. Again, Federated Farmers opposes the recommendation for the reasons outlined above.
31. Federated Farmers supported policies PA-P1 to PA-5 as they were drafted in the proposed district plan. However, the policy section needs to include private property as a consideration when providing public access to ensure that it does not cause damage or create security risks.
32. As a group, farmers provide more public access across their private property than other landowners (such as residential or industrial). Farmers are familiar with the adverse effects that result from public access such as rubbish, weed incursions and nuisance effects on their homes and places

² Cannon, J (n1), p35-36.

of work. The provision of public access also provides for weed incursions which are of particular concern with Chilean Needle Grass and Yellow Bristle Grass now in the region, which can create significant damage to livestock welfare and pasture quality.

33. Further, biosecurity is also a concern for farmers. The spread of diseases can occur through the movement of contaminated material and equipment. Therefore, farmers are careful about who enters their property, cleaning requirements, and making sure visitors obey and respect signs and biosecurity requirements.
34. Federated Farmers sought the following relief:
- (a) the retention of policies PA-P1 to PA-P5 as currently drafted with wording to similar effect; and
 - (b) the addition of a new policy PA-P6 that reads as follows:

To provide information and education to the public regarding where public access is available, and that access over private land is only by the permission of the landowner.

35. The section 42A report recommends rejecting Federated Farmers' submission (S421.169) for the same reasons outlined above. In addition, the view is expressed that the proposed and recommended policy wording within the Public Access chapter is appropriate and consistent with the outcomes sought by the higher order direction (e.g. RMA, NZCPS, RPS), which enables provision of public access to be determined on a case-by-case basis through the subdivision process.
36. In particular, RPS Objective 3.15 Active Management and Policy 5.1.2 which provide specific direction on public access do not recognise private property rights. As well, other chapters in the PDP also restrict private property rights for public benefit in order to recognise and provide for matters of public importance in s6 of the RMA.³
37. Federated Farmers opposes the recommendation for the reasons outlined above. Federated Farmers are asking for some form of recognition in the PDP (whether as a note or advice note) that public access may not be

³ Cannon, J (n1), p36.

available over all land. The purpose of this note is to act as a 'flag' for plan users, so they are aware that some forms of public access will not be available for use.

38. We noted that the section 42A report refers to the provision of information and education on public access outside of the PDP. It would make sense if there was provision made in the public access chapter of the PDP that signalled where the additional information is available from outside of the plan.