

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 12
HISTORIC HERITAGE, NOTABLE TREES, SITES OF SIGNIFICANCE TO
MĀORI AND KORORĀREKA RUSSELL TOWNSHIP**

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

26-29 MAY 2025



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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. 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 from the University of Waikato.
 - (b) Master of Social Sciences (Honours) from the University of Waikato.
 - (c) Bachelor of Laws (Honours) from the University of Waikato.
 - (d) Post graduate Certification in Business Proficiency (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. I have been admitted as a barrister and solicitor of the High Court of New Zealand. I specialise in environmental and resource management law. I have worked in private corporate law firms, the energy sector 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.
4. 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, national policy and proceedings in the Environment Court.
5. 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 as an advocate for the Northland Province of Federated Farmers and my statement of evidence was prepared on this basis.
6. The purpose of this evidence is to outline the position of Federated Farmers and the Northland Province on the Section 42A Report recommendations on our submissions and further submissions.

7. This evidence is focused on the following topics that have been grouped together for Far North Proposed District Plan (**Proposed District Plan**) – Hearing 12:
 - (a) Historic Heritage.
 - (b) Notable Trees.
 - (c) Sites of Significance to Māori.
 - (d) Kororareka Russell Township.
8. Federated Farmers will not be presenting evidence on notable trees and Kororareka Russell Township.

BACKGROUND AND 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. In 2022, dairy, beef and sheep farming collectively contributed \$497 million to Northland's gross domestic product (**GDP**) and employed around 3,700 people.¹ When combined, farming, forestry and horticulture contributed around 13.7 percent of the GDP for the Northland region in 2022.
12. In 2023, the primary and associated manufacturing sectors accounted for 80 percent of the Northern region's exports and generated \$1.1 billion in GDP. The sectors employed over 10,000 people which equals around 13 percent of the region's workforce.²
13. 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. In 2025, we have over 168 active members in the Far North district and approximately 509 members located across the Northland region.

¹ Accessed at <https://www.northlandnz.com/business/key-industry-sectors/agriculture-and-farming/> on 6 May 2025 at 1.20pm.

² (2023) Northland Inc *Tuputupu Grow Northland Initiative April 2023 Draft*, p5.

14. Federated Farmers' key strategic outcomes include the need for New Zealand to provide an economic and social environment within which our members may operate their business in a fair and flexible commercial environment; our members' families and their staff have access to services essential to the needs of the rural community; and members adopt responsible management and environmental practices.
15. 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.
16. 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.
17. 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.

SUBMISSIONS AND FURTHER SUBMISSIONS

18. Federated Farmers made submissions (S421) and further submissions (FS548) to the Proposed District Plan.

Heritage Area Overlays

Overview

19. Federated Farmers made a number of submissions³ that requested that the overviews for each of the heritage area overlays was amended to acknowledge and provide for existing and legally established rural activities as part of the rural environment.
20. Ms Pearson in her Section 42A report disagrees with what Federated Farmers has sought and notes:

³ Being S421.089, S421.090, S421.091, S421.092, S421.093, S421.094, S421.095, S421.096 and S421.097.

“The provisions of the HA chapter ... are not intended to constrain normal farming practices and do not affect existing and legally established rural activities. The only potential impact on farming activities is if changes are proposed to that activity, for example:

- a. If there are new or altered buildings or structures ...*
- b. If buildings, structures or earthworks are located within 20m of a scheduled Heritage Resource.*
- c. If earthworks are proposed below a depth of 500mm ...”⁴*

21. While the intention of Ms Pearson is supported, Federated Farmers remains concerned that everyday farming activities could be unintentionally impacted. It would not be difficult to insert the statement sought into overview of the Historic Area Overlay chapter to set out what the Council’s intention is (as outlined in the S42A report).

Objectives

22. Federated Farmers sought amendments to objective HA-01 (S421.098) so that it read:

The heritage values of Heritage Area Overlays, as derived from the sites, buildings and objects of historic significance, archaeological sites and landform, are identified and protected from inappropriate subdivision, use, and development.

23. Ms Pearson in her Section 42A Report⁵ has recommended that Federated Farmers’ submission is accepted. She agrees that the additional wording proposed better aligns with the wording of s6(f) of the Resource Management Act 1991 (**RMA**).
24. Federated Farmers supports the recommendation put forward in the Section 42A Report.

Policies

25. Federated Farmers made a submission (S421.099) to policy HA-P1 so that the policy would be required to identify and protect heritage items within an overlay area from inappropriate subdivision, use and development.

⁴ Pearson, M L Section 42A Heritage Area Overlay and Historic Heritage Chapters, para [161], p45.

⁵ Ibid, p48.

26. A submission (S421.100) was also made to policy HA-P13 which supported the policy in part but sought clarification to the policy that landowners within the Pouerua overlay would still be able to continue to farm.
27. In respect of our submission to policy HA-P1, the S42A report recommends accepting the submission as the amendment will better align the wording of the policy with s6(f) of the RMA.⁶
28. In respect of policy HA-P13, it is recommended that Federated Farmers submission is rejected. Ms Pearson notes that the policy is an enabling policy and if a proposed land use (which includes farming), can be undertaken in a way that recognises and protects the cultural and heritage values of Pouerua, then it will not be inappropriate and should be either permitted or approved under the subsequent Pouerua Heritage Area Overlay rules.
29. Federated Farmers accepts the reasoning outlined by Ms Pearson in her S42A report.

Rules

30. Federated Farmers made a submission (S421.101) to rule HA-R2 that requested the deletion of PER-6 as it was considered that whether the addition or alteration is visible from a public place is not relevant to the protection of a HA Overlay, unless the addition or alteration is to a scheduled heritage resource
31. Ms Pearson recommends accepting this submission in full.⁷ She agreed with our submission that PER-6 was unclearing in respect to the purpose of the condition and on how it should be implemented.
32. It is proposed that PER-6 is deleted and replaced with a new PER-4 which will make it clear that an addition or alteration to a building or structure within a specified list of Heritage Area Overlays (the same list that PER-6 applied to as notified) is a permitted activity unless is it located in the part of the site between the street boundary and the street facing elevation of the principal building on the site.⁸

⁶ Above at n4, para [195], p 51.

⁷ Ibid, paras [259] and [260], p66.

⁸ Ibid at para [260].

33. Federated Farmers supports the recommendation outlined in the S42A report.
34. In its submission to rule HA-R5, Federated Farmers (S421.102) sought the inclusion of an additional clause under PER-1 for ancillary rural earthworks. The S42A report recommends rejecting this submission as it is felt that the permitted activity rule allows for a variety of activities provided the earthworks do not exceed a depth of 500mm.⁹ It is felt that if earthworks are to be deeper than 500mm then it is appropriate for a resource consent to be obtained.
35. It is recommended that our submission is accepted in part with a new clause being inserted into PER-1 that earthworks should not result in the disturbance of soils below 500mm. Federated Farmers accepts this recommendation.
36. Federated Farmers made submissions (S421.104 and S421.105 respectively) to rules HA-R8 and HA-R9. In respect of rule HA-R1 we sought that RDIS-1 of rule HA-R1 be amended to provide for farm buildings to be located where they are needed.
37. In respect of rule HA-09, we sought that the activity status be amended from discretionary to restricted discretionary.
38. Federated Farmers submission (S421.106) to rule HA-R11 also sought the change of the activity classification from discretionary to restricted discretionary.
39. The S42A report recommends accepting in part Federated Farmers submissions S421.104, S421.105 and S421.106. We support those recommendations.
40. Federated Farmers submission (S421.108) supported in part standard HA-S3 Accidental Discovery Protocols as notified. The S42A report recommends that the submission is accepted in full.¹⁰
41. The recommendation in the S42A report is supported by Federated Farmers.

⁹ Above n4, [para] 274], p71.

¹⁰ Ibid, para [337], p85.

42. Submission S421.107 queried why a 75m setback from the proposed te Waimate Heritage Area Overlay was needed. Federated Farmers sought the use of a consistent approach to setback rather than the use of several different distances.
43. The S42A report agrees with our submission and notes that the 75m setback should not be applied as it is more restrictive than current operative district plan rule as well as being inconsistent with how scheduled heritage resources are managed in every other heritage area overlay.¹¹ Ms Pearson has recommended that Federated Farmers submission is accepted in part. We support this recommendation.

Historic Heritage

Overview

44. Federated Farmers submission (S421.109) sought the amendment of the overview to the historic heritage chapter so that it promoted the use of non-regulatory methods as well as regulatory.
45. The S42A report recommends accepting our submission in part through the inclusion of a sentence into the overview which states that the Council will consider the use of non-statutory methods to identify and protect more heritage resources and support opportunities for people to learn about these resources.¹²
46. Federated Farmers supports this recommendation.

Objectives

47. Submissions (S421.110 and S421.111) were made by Federated Farmers to objectives HH-01 and HH-03 seeking that the objectives be retained as notified or with wording with similar intent.
48. The S42A report recommends that these submissions are accepted.¹³ Federated Farmers supports this recommendation.

¹¹ Above at n4, para [343], p86.

¹² Ibid, para [378], p95.

¹³ Appendix 2: Officer's recommended decisions on heritage (Historic Heritage), p133.

49. In respect of objective HH-02, Federated Farmers submission (S421.112) sought the amendment of that the objective to be consistent with s6(f) of the RMA. We sought that recognition is made in the objectives to only capture what is considered to be inappropriate subdivision, use and development for that specific heritage area.
50. It has been recommended that our submission is accepted and that the objective is amended to read as follows:

~~Land use and subdivision does not result~~ Historic heritage is protected from inappropriate subdivision, use, and development that results in the loss or degradation of Heritage Resources.¹⁴

Policies

51. Federated Farmers made a number of submissions¹⁵ to the policies in the Historic Heritage chapter. We sought the retention of the policies as they had been notified (or with wording with similar intent) with the exception of the policies we had sought amendment to.
52. The S42A report recommends accepting these submissions in full.¹⁶ Federated Farmers supports this recommendation.
53. In respect of policy HH-P2, Federated Farmers in its submission (S421.124) sought the amendment of the policy so that it was consistent with s6(f) of the RMA.
54. The S42A report has recommended accepting our submission and amend the policy to read:¹⁷

HH-P2	<p>Protect scheduled Heritage Resources <u>from inappropriate subdivision, use and development</u> ⁵by:</p> <ul style="list-style-type: none"> a. avoiding significant adverse effects and avoiding, remedying or mitigating any other adverse effects on the recognised heritage values of scheduled Heritage Resources; b. undertaking land use and subdivision in accordance with: <ul style="list-style-type: none"> i. any recognised heritage guidelines for that the scheduled Heritage Resource⁶; ii. any iwi / hapū management plan lodged with Council; c. retaining buildings, structures or any other scheduled Heritage Resources that contribute to the values of the <u>scheduled</u>⁷ Heritage Resource; and d. restricting activities that compromise important spiritual, heritage or cultural values held by tangata whenua and/or the wider community.
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55. Federated Farmers supports the recommendation that has been made and the proposed amendments to the policy.

¹⁴ Appendix 1.2: Officer's recommended amendments (Historic Heritage), p2.

¹⁵ Submissions S421.113, S421.114, S421.115, S421.116, S421.117, S421.118, S421.119, S421.120, S421.121, S421.122 and S421.123.

¹⁶ Above n13, p140.

¹⁷ Above n14, p2.

56. In respect of policy HH-P6, Federated Farmers submission (S421.125) sought that a new clause be inserted into the policy that in HH-P6 to recognise that, in some circumstances, there may be positive benefits from the relocation of certain historic heritage sites, for example, relocating a site away from an extreme flood hazard area to enable its ongoing protection.
57. The S42A report recommends that the submission is rejected.¹⁸ Ms Pearson states that while there may be a rare circumstance where there is a benefit associated with relocating a scheduled Heritage Resource, in her experience, for the vast majority of cases the best outcome is for the scheduled Heritage Resource to remain in situ.
58. It was not considered appropriate to frame moving a scheduled Heritage Resource in a positive light in HH-P6, when the remainder of the policy is focused on investigating every alternative available to avoid having to move the resource. It was considered that clause (e) of the policy as notified provided for the situation Federated Farmers had presented in its submission and would be sufficient to allow the necessity of the relocation to be properly assessed.
59. After reviewing the S42A report and its supporting documents, Federated Farmers accepts the recommendation and reasons set out by Ms Pearson.
60. Federated Farmers submission (S421.126) sought an amendment to policy HH-P8 to remove the requirement to demonstrate how the heritage values of the heritage resource will be protected.
61. The S42A report recommends accepting the submission¹⁹ which is supported by Federated Farmers.
62. Our submission (S1421.127) opposed the wording of policy HH-P11 as it has been notified. Federated Farmers believes that the use of the term 'reasonable cause' introduces significant uncertainty for applicants as it is not clear what the term is intended to mean and how it is to be determined and by whom. We sought the deletion of the policy or, alternatively, the removal of the term from the policy.

¹⁸ Above n3, para [408], p102.

¹⁹ Ibid.

63. The S42A report recommends accepting this submission in part.²⁰ Federated Farmers supports the recommendation.
64. Federated Farmers made a submission (S421.128) to policy HH-P15 which supported the policy in part. We raised the issue that the intent of the policy appeared to be inconsistent with s6 of the RMA in that it had not provided for appropriate subdivision, land use and development.
65. The S42A report recommends that this submission is rejected as it is considered to be appropriate that clause (a) of the policy refers to the values and significance of scheduled heritage resources as a consideration.²¹
66. Based on the proposed amendments shown to the policy,²² Federated Farmers accepts the recommendation outline in the S42A report.

Rules

67. Federated Farmers lodged a submission (S421.129) in support of rule HH-R5 and sought the retention of the rule as notified. Rule HH-R5 addresses earthworks outside of heritage area overlays.
68. The S42A report recommends accepting this submission in part as amendments are proposed to the rule to add clarification.²³ Federated Farmers accepts the recommendation.

Sites and Areas of Significance to Māori

Overview

69. Federated Farmers made a submission (S421.132) which supported in part the wording of the Overview as it had been notified. The submission sought amendments to include appropriate wording to recognise the role that landowners of private property play in the identification and protection of sites and areas of significance to Māori.
70. Wording was also sought that indicated that the council would have a major role to play in facilitating a partnership and promoting effective engagement between tangata whenua and landowners.

²⁰ Ibid, paras [412] and [413], p103.

²¹ Above at n3, para [418], p105.

²² Above n14, p5.

²³ Ibid, p10.

71. The S42A report indicates that there is no need for additional working to be added to the Overview as the matter raised by Federated Farmers is already addressed.²⁴ The overview currently contains a sentence that reads:

...The identification of sites and areas of significance to Māori enables developers and landowners to plan and undertake development activities in a way that minimises or avoids disturbance.²⁵

72. As well, it is considered that proposed policy SASM-P6 is considered to promotes the provision or development of access for tangata whenua to sites and areas of significance to Māori through informal arrangements or understandings between landowners and tangata whenua.²⁶

73. The S42A report author then goes on to state that as no specific provisions have been requested, no amendments have been made.²⁷ It has been recommended that Federated Farmers submission is accepted in part.²⁸

74. Federated Farmers still has concerns that the overview does not fully recognise the role that private landowners play in the identification and protection of sites and areas of significance to Māori. It is not enough that the identification of such sites will enable development to occur in a way minimises or avoids disturbance.

75. Federated Farmers strongly believes that the Council has a role to play in facilitating discussions and relationships between landowners and tangata whenua. The Council has existing relationships with tangata whenua where landowners may not.

76. The addition of a sentence to the Overview is sought by Federated Farmers. It could be added to the end of paragraph 5 and read as follows:

...The identification of sites and areas of significance to Māori enables developers and landowners to plan and undertake development activities in a way that minimises or avoids disturbance. Where possible, the Council will assist and facilitate discussions between tangata whenua and private landowners to enable effective engagement to occur over how sites and areas of significance to Māori can be cared for.

²⁴ Section 42A Report Sites and Areas of Significance to Māori, para [48], p15.

²⁵ Appendix 1A: Officers recommended amendments to Sites and Areas of Significance to Māori, p1.

²⁶ Above n24, para [49], p15.

²⁷ Ibid.

²⁸ Appendix 2: Officer's recommended decisions on submissions (Sites and Areas of Significance to Māori), p21-22.