

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 – HEARINGS 6
AND 7 ‘GENERAL DISTRICT WIDE MATTERS – EARTHWORKS, LIGHT,
NOISE, SIGNS AND TEMPORARY ACTIVITIES AND GENTICALLY
MODIFIED ORGANISMS AND MINERAL EXTRACTION**

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

21 – 24 OCTOBER 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 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 environment 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 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 from this basis.

6. The purpose of this 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.
7. This evidence is focused on the following topics that have been grouped together for Far North Proposed District Plan (Proposed District Plan) – Hearings 6 and 7:
 - (a) Hearing 6 – General District Wide Matters – Earthworks, Light, Noise, Signs and Temporary Activities; and
 - (b) Hearing 7 – Genetically modified organisms and mineral extraction.

BACKGROUND AND CONTEXT

8. 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.
9. 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.
10. 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.
11. 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.
12. 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.

13. 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.
14. 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

15. 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.

Earthworks

Objectives

16. Federated Farmers made a submission on earthworks objectives EW-O1, EW-O2 and EW-O3 (S421.190, S421.191 and S421.192) that sought that the objectives were retained as notified or with similar wording that achieved a similar intent.
17. The objective read as follows:
 - EW-O1** *Earthworks are enabled where they are required to facilitate the efficient subdivision and development of land, while managing adverse effects on waterbodies, the coastal marine area, public safety, surrounding land and infrastructure.*
 - EW-O2** *Earthworks are appropriately designed, located and managed to protect historical and cultural values, natural environmental values, preserve amenity and safeguard the life-supporting capacity of soils.*
 - EW-O3** *Earthworks are undertaken in a manner which does not compromise the stability of land, infrastructure and public safety”.*
18. Mr Wyeth in his Section 42A report¹ recommends accepting in part the submissions made by Federated Farmers. He has proposed to amend objective EW-O1 as follows:

¹ Wyeth, J Section 42A Report Earthworks, p24.

“Earthworks are enabled where they are required to facilitate the efficient subdivision, use and development of land, while managing adverse effects on ~~waterbodies, the coastal marine area,~~ amenity values, public safety, surrounding land and infrastructure”.

19. No amendments to objectives EW-O2 and EW-O3 are proposed.
20. Federated Farmers supports the recommendations of Mr Wyeth in respect to the earthwork objectives.

Policies

21. Federated Farmers lodged a submission (S421.193) supporting the retention of policy EW-P1 as notified or with wording with similar intent.
22. The Section 42A report recommends accepting the submission in part and amending EW-P1 to also include restoration activities as well as conservation and recreation activities.
23. Federated Farmers supports the recommendation contained in the Section 42A report.

Rules

24. In respect of the earthwork rules, Federated Farmers lodged submissions to rules EW-R4 and EW-R5 (S421.194 and S421.195) that sort:
 - (a) the merging of the two rules into one; and
 - (b) the removal of site sizes from the rule or rules; and
 - (c) reference in the rule or rules to ancillary rural earthworks with the definition provided earlier in this submission; and
 - (d) any consequential amendments required as a result of the relief sought.
25. Federated Farmers supported in part these rules but queried why the rules were based on the size of lots rather than the potential effects of any earthworks undertaken on the environment.
26. The use of the 8 hectare lot size causes confusion and the distinction is arbitrary in respect of the effects of earthworks. There is also the potential for it to create unnecessary restrictions on smaller size lots.
27. The Section 42A reports recommends accepting in part Federated Farmers submission. It is proposed that rules EW-R1 to EW-R14 re

replaced by a single earthworks rules that requires compliance with all relevant earthworks standards.²

28. Federated Farmers supports Mr Wyeth's recommendation as set out in the Section 42A report.

Standards

29. Federated Farmers' submission (S421.196) sought the retention of the proposed maximum volume of 5000m³ and maximum area of 2500m² for the rural production zone as set out in standard EW-S1.
30. Appendix 2 to the Section 42A report recommends accepting in full Federated Farmers' submission.³ Federated Farmers supports the recommendation of Mr Wyeth.
31. In respect of standard EW-S3, Federated Farmers made a submission (S421.197) in support of the standard being retained. The Section 42A report recommending accepting the submission.⁴ Federated Farmers accepts this recommendation.

Definitions

32. Federated Farmers made a submission (S421.003) that requested the inclusion of a definition for 'ancillary rural earthworks'. The Section 42A report recommends that the submission is accepted in part.⁵
33. Federated Farmers agrees with the reasons given in the report and accepts the recommendation that has been made.

Noise

34. Federated Farmers supported in part rule NOISE-R7 which deals with helicopter landing areas (S421.198). Clarification was sought on how the Council intended to enforce the exemptions that it had provided for in the notified version of the rule.

² Section 42A report Earthworks, p46.

³ Appendix 2 to the Section 42A Report, p98.

⁴ Ibid at p106.

⁵ n at 2, p9.

35. The Section 42A report for lighting and noise recommends that the submission is accepted in part.⁶ No significance changes are proposed for the rule. Federated Farmers supports the recommendation.

Genetically modified organisms

36. Federated Farmers made a submission (S421.203) that sought the:
- (a) the retention of the precautionary approach and the use of adaptive response throughout this chapter of the proposed district plan; and
 - (b) the deletion of the restrictions in the proposed district plan on the control and management of genetically modified organisms and replace with reference to the processes and controls imposed by the Environmental Protection Agency (EPA).
37. Federated Farmers was not supportive of Councils dealing with genetically modified organisms through a restrictive process. The EPA is tasked with the control and management of genetically modified organisms and also controls the consent process which is strictly monitored and restricted to ensure that the trials are successful and do not cause damage to the environment and local communities. For Councils to then seek to restrict these organisms results in the doubling the consenting process and paperwork for a farmer as well as unnecessary duplication.
38. The Section 42A report for genetically modified organisms recommends that the submission is rejected.⁷ After reviewing the reasoning provided for not accepting Federated Farmers submission, we accept the recommendation in the Section 42A report.

⁶ Appendix 2 to the Section 42A Report Lighting and Noise, p74.

⁷ Baxter, K R O Section 42A Report Genetically Modified Organisms, p12.