

**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 9  
RURAL, HORTICULTURE & HORTICULTURE PROCESSING**

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

**2-5 DECEMBER 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 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 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 outlined 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 9:
  - (a) Rural Wide Issues and the Rural Production Zone.
  - (b) Rural Lifestyle.
  - (c) Rural Residential.
  - (d) Settlement.
  - (e) Horticulture Processing Facilities.
  - (f) Horticulture.

## **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.

### **GENERAL COMMENTS ABOUT THE IMPORTANCE OF THE RURAL ENVIRONMENT**

15. The rural environment in New Zealand is crucial for both the economy and the country's cultural identity. Agriculture is a cornerstone of New Zealand's economy, with rural areas providing the land and resources for dairy farming, sheep grazing, horticulture, and forestry. These industries not only contribute significantly to export revenue but also help sustain local communities through employment and services.
16. Agriculture creates jobs directly on farms and in related sectors (such as processing, transportation, and retail). If rural land is lost to urban sprawl or industrial development, these local economies could be significantly weakened through job losses and less money spent in the local economies.
17. The rural environment plays a crucial role in maintaining the viability of farming. Rural areas are the primary locations for agriculture, which is essential for food production. It is vital to preserve rural areas for farming, as they provide not only the resources needed for daily life but also contribute to ecological balance, economic health, and local community resilience.
18. Farms produce the bulk of the food that sustain people and communities both locally and globally. If rural land is not preserved for farming, there could be serious consequences for food security, potentially leading to shortages or higher food prices due to a decrease in available farmland.
19. Beyond its economic value, the rural environment is an integral part of the New Zealand's heritage, shaping traditions, lifestyle, and values. Rural landscapes, with their vast farmlands, rolling hills, and waterways, hold

ecological importance in supporting biodiversity. The rural landscape provide habitats for various species of plants and animals that might not thrive in urban environments.

20. Many farmers work to integrate conservation efforts into their practices, such as pest control, native bush restoration, and riparian planting, all of which help protect New Zealand's unique flora and fauna.
21. The rural environment contains cultural and historical ties to farming traditions. Many communities have had agricultural practices passed down through generations, contributing to their identity and way of life. Preserving the rural environment helps maintain these traditions and cultural heritage, while also supporting local economies that depend on agriculture.
22. The aesthetic value of rural landscapes is a significant aspect of the rural environment. Farmland often provides beautiful views and open spaces that contribute to mental well-being and provide recreation opportunities. The loss of farmland to development could mean the loss of these natural and scenic areas that many people appreciate.
23. Farming is vital to New Zealand because it supports the economy, provides employment, contributes to the country's cultural fabric, and plays a role in global food security. Once the rural environment and the land that makes it up is lost, it is unlikely that it will ever be able to be regained.

## **SUBMISSIONS AND FURTHER SUBMISSIONS**

24. Federated Farmers made submissions (S421) and further submissions (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.

## **Rural Wide Issues and the Rural Production Zone**

### *General comments*

25. Federated Farmers' submissions (S421.001, S421.225, S421.226 and S421.227) requested that the zone framework for the suite of rural zones used in the Proposed District Plan enable existing primary production activities in the rural zones to occur with as few barriers as possible. We also sought that new primary production activities should be able to be established without unnecessary barriers being imposed.

26. Ms Pearson in her Section 42A Report<sup>1</sup> has recommended that Federated Farmers' submissions are accepted. She considers that the notified selection of rural zone along with the associated rules that enable and protect primary production activities (both existing and proposed) addresses the relief sought by Federated Farmers.
27. Federated Farmers supports the recommendation put forward in the Section 42A Report.

#### *Private Property Rights*

28. Federated Farmers made a submission (S421.215) that opposed policies RPZOZ-P2, RPZOZ-P3, RPZOZ-P4, RPZOZ-P5 and RPZOZ-P6 of the Rural Production Zone on the grounds that these policies have no regard to the private property rights of landowners and are promoting the absolute protection of the rural production zone and highly productive land through removing the ability of landowners to control the use of their land.
29. Our submission sought the amendment of these policies to ensure consistency with the National Policy Statement for Highly Productive Land (NPS-HPL) as well as recognising and providing for the right of private landowners.
30. Federated Farmers' submission specifically referenced the following provisions of the NPS-HPL:
  - (a) policy 8 which refers to highly productive land being protected from inappropriate use and development;
  - (b) clause 8 'Avoiding subdivision of highly productive land; and
  - (c) clause 11 'Continuation of existing activities'.
31. It has been recommended that this submission is rejected by the Hearings Panel.<sup>2</sup> Federated Farmers understands that the issue of private property rights is currently unable to be dealt with in the current resource management regime but remains concerned over the imposition of unnecessary regulation over private property.

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<sup>1</sup> Pearson, M L Section 42A Report Rural Wide Issues and the Rural Production Zone, p22-23.

<sup>2</sup> Appendix 2 Proposed Far North District Plan Rural Production s42A Report Table, p296.

*Definition of Highly Productive Land, Land-based production, Farm Quarry and Farming*

32. Federated Farmers' submission (S421.006) sought the inclusion of a definition for 'highly productive land' that was consistent with the NPS-HPL. Another submission point (S421.007) sought the inclusion of a definition for 'land-based production' as defined in the NPS-HPL.
33. It was felt that as there was now national direction on how to deal with highly productive land, it was appropriate to use the definitions contained in the NPS-HPL for consistency.
34. The Section 42A Report recommends the amendment of the current definition in the Proposed District Plan to be consistent with the definition set out in the NPS-HPL.<sup>3</sup> This path is preferred as it will avoid the introduction of a new definition and associated land use rule that duplicate existing definitions. Specific amendments to align land use activities in the rural zones with the direction of the NPS-HPL is considered to be more appropriate.
35. Federated Farmers supports this recommendation as it will ensure the Proposed District Plan is consistent with the higher national direction document being the NPS-HPL.
36. Federated Farmers also made submissions (S421.004 and S421.005) that sought the retention of the definitions of 'farm quarry' and 'farming' as notified in the Proposed District Plan. It was also sought that the definition of 'farming' was amended to encompass the include aircraft and helicopter movements where these were being used for farming operations on rural airstrips and landing areas (S421.199).<sup>4</sup>
37. The Section 42A Report author recommends that no amendments occur to the definition of farming as the issue has been addressed in hearing 6 on General District-Wide Matters - Earthworks, Light, Noise, Signs & Temporary Activities.<sup>5</sup>

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<sup>3</sup> Above n 1 at p45.

<sup>4</sup> Refer to p86-7 of the Section 42A Report, n 1 above.

<sup>5</sup> Above n 1 at p92.

38. The Section 42A Report for Hearing 6 recommended deleting the notified performance standards to rule NOISE-R7 and introducing a new performance standard that was generic in its approach and read:

*“PER-X*

*The helicopter landing site complies with standard:*

*NOISE-S4 Helicopter landing areas”.*<sup>6</sup>

39. In its evidence for Hearing 6, Federated Farmers indicated that it supported the proposed new performance standard.<sup>7</sup>

#### *Land based production*

40. Federated Farmers sought the inclusion of a definition for land-based primary production’ as defined in the NPS-HPL (submission S421.007).
41. The Section 42A Report considers that there are opportunities to align the definitions in the Proposed District Plan with the definitions in the NPS-HPL and that it is practicable to make these amendments through the Proposed District Plan process.<sup>8</sup> It was considered that there was scope in the submissions made to the Proposed District Plan to make the amendments.
42. Federated Farmers supports the recommendation of the Section 42A author on this matter.

#### *Location specific submissions – Rural Production Zone (RPZOZ)*

43. In its submissions (S421.2.04 to S421.208) Federated Farmers supported in part the provisions for the RPZOZ. The submissions focused on the provisions that differentiate the zone and its focus on rural production from other zones that enable rural lifestyle and residential development.
44. While understanding that the RMA does not currently allow for private property rights to be addressed, Federated Farmers does not support the extent to which the Proposed District Plan seeks to dictate what can and cannot be done on rural production land. It should be possible to provide for landowners to subdivide land in the RPZOZ for specific purposes.

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<sup>6</sup> Baxter, K R O, Section 42A Report Noise and Lighting, p55.

<sup>7</sup> Cook-Munro, J A M Hearing Statement for Hearings 6 and 7 – Earthworks, Light, Noise, Signs and Temporary Activities and Genetically Modified Organisms, 21-24 October 2024, p5-6.

<sup>8</sup> Above n at p43.



*Objectives RPZOZ-01, RPZOZ-02, RPZOZ-03 and RPZOZ-04*

45. Federated Farmers submission (S421.209) opposed Objectives RPZOZ-01 and RPZOZ-03 as notified in the Proposed District Plan on the grounds that they were promoting the absolute protection of highly productive land. It was felt that the objectives, as written did not provide for the on-going operation of existing farming activities.
46. The Section 42A Report disagrees with our submission on Objective RPZOZ-01 noting that:
  - (a) there was no drafting in Objective RPZOZ-01 that required the complete production of land located in the RPZOZ zone; and
  - (b) the definition of 'primary production' was very broad and captured the majority of activities that should be enabled in the RPZOZ.<sup>9</sup>
47. On further reflection of this submission point, Federated Farmers has decided not to pursue it further at this time.
48. Federated Farmers accepts the recommendation in the Section 42A Report to amend Objective RPZOZ-02 to give effect to the clause 11 of the NPS-HPL. The author has agreed with Federated Farmers that there is a gap in the RPZOZ provisions in terms of giving effect to the clause 11.<sup>10</sup>
49. The recommendation to accept in part the submission made to Objective RPZOZ-03 is accepted by Federated Farmers.<sup>11</sup>
50. Federated Farmers lodged a submission (S421.211) which supported the retention of Objectives RPZOZ-02 and RPZOZ-04 as notified or with wording that achieved similar intent.
51. The Section 42A Report agrees with the submission and seeks a minor amendment to the objective so that it achieves consistency with clause 11 of the NPS-HPL.<sup>12</sup>
52. Both the Section 42A Report author and Federated Farmers agree that existing activities in the RPZOZ should be able to continue to operate,

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<sup>9</sup> Above n 1, p109.

<sup>10</sup> Ibid.

<sup>11</sup> Above n 2, p341.

<sup>12</sup> Above n 1, 9112-113.

undertake maintenance and upgrade (with some limitations on the scale and extent of upgrades) on both highly productive land and the balance of the RPZOZ in recognition of the investment of existing businesses into developing their sites.

53. The Section 42A Report recommends accepting the submission on these objectives made by Federated Farmers.<sup>13</sup> The recommendation is supported by Federated Farmers.

*Policies RPZOZ-P1 and RPZOZ-P7*

54. Federated Farmers submissions (S421.215 and S421.090) supported these policies as notified in the Proposed District Plan. The Section 42A Report author recommends accepting this submission.<sup>14</sup> Federated Farmers supports the recommendation that has been made.

*Policies RPZOZ-P2 to RPZOZ-P6*

55. Federated Farmers made submissions (S421.213, S421.214, S421.215, S421.216 and S421.217) that opposed these policies as notified in the Proposed District Plan. The submissions sought that the policies should be amended to recognise and provide for private property rights as well as achieving consistency with the NPS-HPL.
56. At various pages in the Section 42A Report, it has been recommended to either accept in part the submissions (S421.213, S421.214, S421.216 and S421.217) or reject (S421.215).<sup>15</sup>
57. Federated Farmers supports the recommendations made in respect of the above submissions.

*Rule RPZOZ-R3*

58. Federated Farmers made a submission (S421.220) that opposed performance standard PER-1 of this rule. It was felt that the requirement of a minimum of 40 hectares site area per residential unit was excessive. As well, Federated Farmers felt that it was inappropriate to imply that the impact

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<sup>13</sup> Above n 2, p334.

<sup>14</sup> Ibid at p394.

<sup>15</sup> Ibid at p397, 404, 407, 418,

of a residential activity on the environment will be greater simply because the site is less than 40 hectares in size.

59. Federated Farmers did support the permitted activity classification for residential activities in the rural production zone but requested the removal of the min site area requirements.
60. The Section 42A Report author has recommended rejecting Federated Farmers submission and to amend PER-1 so that it excludes minor residential units constructed in accordance with rule RPZOZ-R19.<sup>16</sup>
61. Federated Farmers supports the recommendation as it provides for a minor dwelling to be established with a smaller site area and close to the principal residential unit.

*Rule RPZOZ-R1*

62. Federated Farmers lodged a submission (S421.221) that sought the retention of rule RPZOZ-R7 as notified in the Proposed District Plan. we particularly supported farming activity being classified as a permitted activity in the rural production zone.
63. Rule RPZOZ-R7 deals with farming activity in the rural production zone and classifies this activity as being permitted.
64. It has been recommended by the Section 42A Report author that no amendments should be made to the rule.<sup>17</sup> Federated Farmers supports this recommendation.

*Rule RPZOZ-R10*

65. Federated Farmers submission (S421.222) supported this rule in part and sought that the setback from internal boundaries be reduced from 30 metres to 5 metres. The rule deals with rural produce retail and as notified, performance standard PER-1 requires a minimum setback of 30 metres from any internal boundary.

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<sup>16</sup> Above n 1, p147.

<sup>17</sup> Above n 1, p155.

66. Federated Famers is of the opinion that PER-1 is too restrictive and unrealistic. Stands and stalls for farm produce retail need to be located where they are visible from the road. In addition, it is felt that the use of the term 'internal boundary' makes it unclear as to what is meant by this performance standard.
67. The Section 42A Report author agrees with Federated Famers and other submitters who raised the same issue that a 30m setback from a road boundary was overly onerous given the need for stands/stalls to be visible from a road.<sup>18</sup>
68. The Section 42A author notes that that they considered the use of the words 'internal boundary' setback was intended to exclude road boundaries. Amendments to the rule have been recommended to make the intent of the rule clearer.
69. The amendment rule would result in buildings / structures associated with rural produce retail activities needing to be set back 10m from road boundaries as per RPROZ-R3. It is still considered that a 30m setback from boundaries with other neighbouring properties is appropriate given the potential additional noise and traffic movements associated with customers visiting a rural produce retail activity.
70. Federated Farmers supports the recommendations of the Section 42A Report writer.

*Rule RPZOZ-R11*

71. Federated Farmers submission (S421.223) supported this rule in part but requested that the gross floor area be increased from 100m<sup>2</sup> (as notified) to 250m<sup>2</sup>.
72. It is agreed in the Section42A Report that many rural produce manufacturing activities that are essential support activities and need to locate in the RPROZ will not be able to fit into a 100m<sup>2</sup> building. However, there is also a need to have fit for purpose buildings that should be balanced with managing what scale of buildings can be established in the RPROZ without going

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<sup>18</sup> Ibid at p158.

through the consent process to manage issues like screening, visual impacts, built dominance, privacy, associated traffic movements etc.<sup>19</sup>

73. The Section 42A Report author supports a small increase in the permitted GFA to 150m<sup>2</sup> to accommodate a wider range of rural produce manufacturing activities. They do not agree that 250m<sup>2</sup> is the correct permitted threshold as sought by Federated Farmers. It is felt that a 150m<sup>2</sup> building is similar in scale to an average sized residential unit or farm shed/barn and so is an appropriate scale to be managed as a permitted activity.<sup>20</sup>
74. Federated Farmers supports the recommendation of the Section 42A Report author.

#### *Rule RPZOZ-R12*

75. Federated Farmers sought the retention of this rule as it supported farm quarries being classified as a permitted activity in the rural production zone (S421.224).
76. The Section 42A Report recommends accepting this submission<sup>21</sup> which is supported by Federated Farmers.

#### *Subdivision and the Rural Production Zone*

77. Federated Farmers (S421.177) sought the minimum lot size for subdivision in the rural production zone was reduced from 40 hectares to 20 hectares. The Section 42A Report recommends rejecting this submission on the grounds that 40 hectares has been found to be the minimum lot size required to retain productivity of land.
78. Federated Farmers reserves the right to address this matter at a later stage in the Proposed District Plan process.

### **Rural Lifestyle**

79. Federated Farmers generally supported the rural lifestyle chapter of the Proposed District Plan as it was notified (submission S421.225). While this submission does not appear to have been directly dealt with in the Section

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<sup>19</sup> Above n 1 at p158.

<sup>20</sup> Ibid.

<sup>21</sup> Above n 1, p159.

42A Report, Federated Farmers supports the recommended amendments to the chapter arising from other submissions.

### **Rural Residential and Settlement**

80. Federated Farmers made submissions (S421.226 and S421.227 respectively) generally supported these chapters as notified in the Proposed District Plan.
81. These submissions have been recommended to be accepted by the Section 42A Report author.<sup>22</sup> Federated Farmers supports these recommendations.

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<sup>22</sup> Above n 1 at p30 and p31.