

**BEFORE THE HEARING PANEL**

**UNDER THE**

Resource Management Act 1991

**IN THE MATTER OF**

Proposed Plan Change 38 Strategic Directions to  
the operative Taupō District Plan

**BETWEEN**

**TAUPŌ DISTRICT COUNCIL**

Local Authority

**AND**

**FEDERATED FARMERS OF NEW ZEALAND  
INC – ROTORUA / TAUPŌ**

Submitter Number 91

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**HEARING OF PROPOSED PLAN CHANGE 38 – STRATEGIC  
DIRECTIONS  
HEARING STATEMENT OF JO-ANNE COOK-MUNRO ON BEHALF OF  
FEDERATED FARMERS OF NEW ZEALAND INC – ROTORUA / TAUPŌ**

**17 AUGUST 2023**

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## INTRODUCTION

1. My name is Jo-Anne Cook-Munro. I am employed by Federated Farmers of New Zealand Inc (Federated Farmers) as a Resource Management Solicitor / Senior Policy Advisor – Regional. I am based in Hamilton, and I am authorised to speak on behalf of Federated Farmers.
2. I hold a Bachelor of Laws (Honours) in Environmental Law and a Master's degree in Social Sciences (Honors) in Human Geography, both from the University of Waikato. 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 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.
3. My role at Federated Farmers is to provide policy and 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.
4. Federated Farmers made submissions (submitter number 91) and further submissions (further submitter number FFS220) to Proposed Plan Change 38 Strategic Directions (PC 38) to the Taupō District Plan.
5. Federated Farmers' submission points to PC 38 focused on :
  - (a) the inclusion of a strategic direction in Chapter 2 Strategic Directions that recognised and provided for the rural economy and environment;
  - (b) the amendment of Strategic Direction 2 Freshwater Quality / Te Mana o te Wai so that it was consistent with the National Objectives Framework contained in the National Policy Statement for Freshwater Management 2020;
  - (c) the retention of Strategic Direction 3 Urban Form and Development as it was notified in PPC 38;

- (d) the amendment of Policy 2.4.3(2) in Strategic Direction 4 Climate Change so that the policy recognised that some land use activities will not be able to achieve a positive climate change outcome but their emissions into the environment will not be increased;
  - (e) the amendment of Strategic Direction 5 Significant and Local Infrastructure so that it is recognised that infrastructure can (and does) have reverse sensitivity effects on existing land use activities such as farming and primary production; and
  - (f) the amendment of Strategic Direction 6 Natural Environment Values to recognise the role that private landowners play in the preservation of natural environment values.
6. I have read the Section 42A RMA report dated 3 July 2023 that has been prepared by Mr Rowan Sapsford for PC 38. The 42A report proposes acceptable outcomes for the following issues:
- (a) the amendment of Strategic Direction Strategic Direction 2 Freshwater Quality / Te Mana o te Wai to refer to the protection of freshwater and the role that te Mana o te Wai has in the restoration and preservation of the balance between the water, wider environment and communities.<sup>1</sup>
  - (b) the amendments proposed to Strategic Direction 3 Urban Form and Development; and
  - (c) how Federated Farmers submission (OS91.5) on Policy 2.4.3(2) in Strategic Direction 4 Climate Change has been dealt with.
  - (d) the amendment of Strategic Direction 6 Natural Environment Values.
7. I will now address the outstanding issues below.

## **EXECUTIVE SUMMARY**

8. Chapter 2 Strategic Directions of the Proposed District Plan should set out all of the significant issues / directions / matters for the Taupō district.

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<sup>1</sup> Section 42A of the RMA Report by Rowan Sapsford, dated 3 July 2023 – Taupo District Plan Changes – Bundle One, at para [96] p21.

9. It is essential that there is a strategic direction that is focused on the rural environment and sets out the objective and policies to be complied with. The rural environment is home to the majority of highly productive land in the Taupō district.
10. The National Policy Statement for Highly Productive Land 2022 requires the protection of highly productive land for use in land-based primary production both now and in the future. As well the national policy statement recognises (amongst other matters) that:
  - (a) highly productive land is a finite resource;
  - (b) the use of highly productive land for land-based primary production is to be prioritised and supported;
  - (c) the rezoning and development of highly productive land as rural lifestyle is avoided, except as provided in the NPS;
  - (d) highly productive land is protected from inappropriate use and development; and
  - (e) reverse sensitivity effects are required to be managed so that land-based primary production activities on highly productive land are not constrained.
11. It is appropriate the reverse sensitivity effects from infrastructure on the rural environment are recognised and addressed.

## **CONTEXT**

12. Federated Farmers are 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.
13. Farming has a strong presence in the Taupō district and contributes significantly to the wider Waikato and Bay of Plenty regions. Primary production activities from our members make a significant contribution to the economic, social, and cultural well-being of New Zealand.
14. Federated Farmers represents 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 200 members located within the Taupō district.

15. 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; have access to services essential to the needs of the rural community; and adopt responsible management and environmental practices.
16. Our members want district plans that balances environmental, cultural, social, and economic values while ensuring rules are equitable, cost-effective, pragmatic and effects based. They also want district plans that are easy to use and understand and 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, socially, and environmentally.

## **RECOGNITION OF THE RURAL ENVIRONMENT**

18. Federated Farmers sought the inclusion of a new strategic or significant resource management issue in Chapter 2 Strategic Directions focused on rural sustainability and the protection of the rural economy and environment within the Taupō district.<sup>2</sup>
19. Wording for the proposed new objectives was provided in our submission and read as follows:

*“2.X.X Objectives*

1. *The district’s general rural environment is managed in a way that promotes rural sustainability while protecting rural land from inappropriate subdivision, land use and development;*
2. *Existing, lawfully established rural land use activities are recognised and protected from incompatible activities.*

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<sup>2</sup> Submission point OS91.1.

3. *The value of the rural economy to the district and the wider region is acknowledged and provided for.*<sup>3</sup>

20. Federated Farmers also sought the inclusion of appropriate policies to implement the proposed objectives.

21. Further submissions in support were lodged to submissions made by the NZ Pork Industry Board (OS22.23), Horticulture New Zealand (OS26.59) and Angela Bell (OS90.1) who had all sought the inclusion of a new strategic direction or new objectives and policies that recognise of the importance of the Taupō District rural environment. Concerns were also raised about the rural environment being at risk from inappropriate subdivision and development as well as reverse sensitivity effects.

22. The Section 42A report acknowledges that the submitters are correct that there are no provisions in PC38 that specifically recognise the matters raised by Federated Farmers and the other submitters. The report also notes that:

*“Strategic Direction 3, Urban Form and Development, does address this matter however with reference to Taupō District 2050 which establishes land use patterns for the district. This includes identifying areas appropriate for urban development. PC42 (General Rural and Rural Lifestyle Environments) includes specific direction through objectives, policies, and rules. It also identifies and zones those areas which can be developed for rural residential land uses.*

*The protection of the rural environment from inappropriate subdivision, land use and development are a key focus of TD2050. The proposed provisions under Strategic Direction 3, support that outcome however they do so in an implicit fashion.”*<sup>4</sup>

23. The report’s author then goes on to state that the addition of a specific direction that supports this outcome would provide useful guidance to plan users and decision makers on the importance of this matter to the district. The addition of a specific direction would also provide additional support and direction to the provisions proposed in Proposed Plan Change 42 General Rural and Rural Lifestyle Environments.

24. It is then proposed that the objective and policy for Strategic Direction 3 Urban Form and Development should be amended to address the

<sup>3</sup> Federated Farmers Submission on Proposed Plan Change 38 Strategic Directions dated 9 December 2022, p4.

<sup>4</sup> At 1 above, paras [33] and [34], p9-10.

protection of the efficient functioning of the rural environment as shown below.

### 2.3.2 Objectives

...

2. *Subdivision, use and development of land will be consistent with TD2050 2018 to protect the effective functioning of the Rural Environment, maximise the efficient use of zoned and serviced urban land and is co-ordinated with the provision of cost effective infrastructure...*

### 2.3.3.3 Policy

...

*Avoid fragmented urban development that results in inefficiencies:*

- a. *Use of land in,*
- b. *~~the~~ provision and functioning of infrastructure, and*
- c. *~~land~~use functioning of the General Rural Environment ...<sup>5</sup>*

25. Federated Farmers does not support the amendments that have been proposed above. While the proposed amendments do go some way towards alleviating the concerns raised in our submission it needs to be acknowledged that Strategic Direction 3 deals with urban form and development. This is a very different issue to ensuring the effective and efficient functioning of a rural environment.
26. The Taupō district has a significant rural presence and a considerable amount of rural land which is used for primary production. The Council itself has acknowledged in Proposed Plan Change 42 notes that 70 percent of the Taupō district's land area is rural. It is essential that the protection of the values, character and resources of the general rural environment as it is defined in Proposed Plan Change 42 are recognised and provided for in the Strategic Directions chapter of the District Plan.
27. Federated Farmers believes that the implementation of a strong rural economy and environment strategic direction would support and enable the continued use of rural land for rural production. It would also provide the necessary support for the outcomes defined in Chapter 42 of the

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<sup>5</sup> At 1 above, paras [35] and [36], p10.

District Plan which address the general rural and rural lifestyle environments.

28. It is important that recognition is given in the District Plan to the fact that farming and other activities located within the general rural environment contribute significantly to the district as well as the wider region. There is a need to ensure that good planning occurs for the rural environment and that it is not seen as land that has not been marked for commercial, industrial or residential development.
29. 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.
30. The suggested approach of using an existing strategic direction and amending it to give protection to the rural environment does not appear to support the actions listed in the Taupō District 2050 District Growth Management Strategy for the management of rural land. Of particular relevance is action 11 which reads:

*“11. Ensure the District Plan provisions support rural industries and innovative uses for rural land such as agribusiness, tourism and recreation opportunities that do not lead to an urbanisation of the rural environment.”<sup>6</sup>*
31. As well the Strategy states that its aims to:
  - (a) prevent the urbanisation of the rural environment;
  - (b) protect functional activities within the rural environment;
  - (c) consolidate rural lifestyle opportunities within existing areas; and
  - (d) ensure that the District Plan allows for appropriate and sustainable alternatives.
32. At present the District Plan only tells part of the story of the rural environment in the Taupō District. For the story to be fully

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<sup>6</sup> Taupo District Council (2018) *Taupo District 2050 District Growth Management Strategy*, p12.



comprehensive it needs to start at the beginning which, in this case, is the chapter that outlines the strategic directions for the district.

33. The Council has acknowledged that the Taupō district has less productive land than many other areas in New Zealand. What needs to be recognised is that once productive land is allowed to be used for non-rural purposes that land is essentially lost. In turn, this puts pressure on remaining rural land to allow existing activities to continue.
34. The inclusion of a new strategic direction for the rural environment should be a simple consideration for the Council, given the direction of the National Policy Statement for Highly Productive Land (NPS-HPL) is to protect that land for use in land-based primary production both now and in the future.<sup>7</sup> The identification of highly productive land as a finite resource is recognised in Policy 1 of the NPS-HPL while the use of highly productive land for land-based primary production is prioritised and supported in Policy 4.
35. The NPS-HPL also states that the urban rezoning of highly productive land is avoided, except as provided in the NPS (Policy 5) and that the rezoning and development of highly productive land as rural lifestyle is avoided, except as provided in the NPS.
36. Under the NPS-HPL, there is also a requirement that highly productive land is protected from inappropriate use and development (Policy 8). Reverse sensitivity effects are also required to be managed so that land-based primary production activities on highly productive land are not constrained (Policy 9).
37. Given that highly productive land and its retention has been recognised as important and the fact that it forms an essential part of the rural environment, Federated Farmers still believes that it is necessary for there to be a strategic direction that focuses solely on the rural environment and its characteristics. It is essential that the importance of the rural environment is recognised and that the objectives and policies relating to it are located in one strategic direction rather than amending other provisions in an attempt to protect the rural

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<sup>7</sup> National Policy Statement for Highly Productive Land (2022), Objective, p7.

environment from urban sprawl and other activities that could cause significant reverse sensitivity issues.

## **INFRASTRUCTURE EFFECTS**

38. Federated Farmers made a submission (OS91.6) that sought the amendment of the policies under Strategic Direction 5 Significant and Local Infrastructure. The inclusion of a new policy that recognised the reverse sensitivity effects that occur from infrastructure on an existing activity was sought along with the requirement to avoid, remedy or mitigate those effects where possible.
39. The Section 42A report states that:
- “Including the policy requested by Federated Farmers would not be consistent with the statutory direction in national policy statements relating to renewable electricity generation and electricity generation. This direction recognises the importance of such infrastructure to the wider country and elevates it above other activities which may not have the same level of national importance.”<sup>8</sup>*
40. Given the reference to national policy statements it has been assumed that the author of the Section 42A report meant to refer to the National Policy Statement for Electricity Transmission (NPS-ET) alongside the National Policy Statement for Renewable Electricity Generation (NPS-REG) rather than electricity generation as has been done.
41. The author of the Section 42A report has stated that the infrastructure referred to in the two national policy statements means that the importance of such infrastructure for the country as a whole has elevated it above other activities which may not have the same level of national importance.
42. It is important that both of the National Policy Statements referred to are read as whole, rather than as parts. The preamble to the NPS-ET states that the NPS sets out the objectives and policies to enable the management of the effects of the electricity transmission network under the Resource Management Act 1991.

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<sup>8</sup> At 1, para [225], p44.

43. The preamble<sup>9</sup> then goes on to recognise that electricity transmission facilities:

*“...can create environmental effects of a local, regional and national scale. Some of these effects can be significant.”*

as well as:

*“The adverse environmental effects of the transmission network are often local – while the benefits may be in a different locality and/or extend beyond the local to the regional and national – making it important that those exercising powers and functions under the Act balance local, regional and national environmental effects (positive and negative).”*

44. It is specifically stated that the NPS-ET is intended to provide guidance to decision-makers but is not meant to be a substitute for or prevail over the Resource Management Act 1991’s statutory purpose or the statutory tests already in existence.
45. Furthermore, the objective for the NPS-ET specifically states that the recognition of the national significance of the electricity transmission network includes the management of the adverse environment effects of the network.
46. The NPS-REG notes that development that increases renewable electricity generation capacity can have environmental effects that span local, regional and national scales, often with adverse effects showing locally and positive effects nationally.<sup>10</sup>
47. The approach taken in the Section 42A Report does not recognise the need for a balance to occur between enabling electricity transmission and renewable electricity generation and the rights of landowners to be able to utilise their land effectively and efficiently.
48. The existence of the two national policy statements should not be used to override the ability of lawfully established activities to continue to operate. For example, Transpower’s on-going insistence that a 12-metre buffer corridor each side of the National Grid Yard has resulted in farmers having a non-usable corridor running through their farms where they are unable to do the simplest things such as establishing farm tracks, storing machinery or stock feed or fencing.

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<sup>9</sup> National Policy Statement on Electricity Transmission, Preamble, p2.

<sup>10</sup> National Policy Statement for Renewable Electricity Generation, Preamble, p3.

49. It feels inappropriate for certain activities to be elevated over others simply because they have a national policy statement related to them. If this logic is to be followed, then the National Policy Statement for Highly Productive Land 2022 (NPS-HPL) also needs to be considered.
50. The direction in the NPS-HPL is to protect that land for use in land-based primary production both now and in the future. Policy 1 of the NPS-HPL recognises that highly productive land is a finite resource while Policy 4 requires that the use of highly productive land for land-based primary production is prioritised and supported.
51. Policy 9 of the NPS-HPL requires that reverse sensitivity effects be also required to be managed so that land-based primary production activities on highly productive land are not constrained.
52. The majority of highly productive land is located in the rural environment. It is important that the issue of reverse sensitivity on the rural environment is addressed in the strategic direction for significant and local infrastructure so that a balanced picture is given. It should not be about the use of national policy statements to elevate one land use or activity over others. It should be about the sustainable management of natural and physical resources.
53. As well, Chapter 2 sets the tone and background for how resources and activities will be treated in the rest of the District Plan. The chapter needs to be comprehensive and needs to address all relevant matters rather than trying to group a number of activities under one strategic heading (as discussed in the section above for the recognition of the rural environment). This will enable plan users to understand all of the major issues for the district as they will be outlined in one place.

## **CONCLUSION**

54. Federated Farmers seeks the following in respect of Chapter 2 Strategic Directions as part of PC 38:
  - (a) the inclusion of a new strategic or significant resource management issue in Chapter 2 Strategic Directions focused on rural sustainability and the protection of the rural economy and environment within the Taupō district; and

- (b) the inclusion of the following objectives for the strategic direction rural sustainability or wording with similar intent:

**2.X.X Objectives**

1. *The district's general rural environment is managed in a way that promotes rural sustainability while protecting rural land from inappropriate subdivision, land use and development;*
2. *Existing, lawfully established rural land use activities are recognised and protected from incompatible activities.*
3. *The value of the rural economy to the district and the wider region is acknowledged and provided for.*

- (c) the inclusion of appropriate policies which will implement the proposed objectives outlined in (b) above; and

- (d) the addition to Policy 2.5.3 of Strategic Direction 5 Significant and local infrastructure, a new clause to read:

6. *To recognise the reverse sensitivity effects infrastructure may have on existing land use activities and to avoid, remedy or mitigate these effects where possible.*