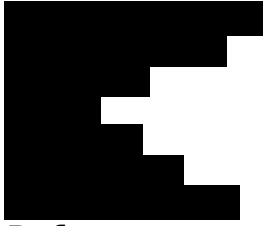


Your submission to Proposed National Policy Statement for Highly Productive Land



Reference no: 3

Clause

What are the values and benefits associated with existing food growing hubs and how can these be maximised?

Notes

No comment.

Clause

What are the values and benefits associated with highly productive land?

Notes

No comment.

Clause

Does the RMA framework provide sufficient clarity and direction on how highly productive land should be managed? Why/why not?

Notes

Section 5(2)(c) of the RMA sets out a clear requirement that sustainable development can only be provided for while the life-supporting capacity of soil is safeguarded. The word safeguard is commonly defined as undertaking to protect something or to prevent something undesirable. In this case, soils that provide for life - food - should be protected from undesirable development.

Clause

Does the RMA framework provide sufficient clarity on how highly productive land should be considered alongside competing uses? Why/why not?

Notes

As above, my reading of section 5 is that sustainable development in the context of the RMA can only be promoted where the life-supporting capacity of soil is protected. This in my view provides sufficient remit for national direction on how highly productive land should be protected.

Clause

How are values and wider benefits of highly productive land being considered in planning and consenting processes?

Notes

No comment.

Clause

How is highly productive land currently considered when providing urban expansion? Can you provide examples?

Notes

No comment.

Clause

How should highly productive land be considered when planning for future urban expansion?

Notes

The protection of highly productive land should be prioritised over any encroachment from vertical urban expansion. The existing urban areas for all New Zealand cities are capable of absorbing future population growth through intensification of existing land resources. This comes down to a debate between importance - protecting private amenity values in low density suburbs, or protecting New Zealand's ability to provide food domestically and internationally at a time where climate change is likely to result in many food production areas globally become less productive than they are now. Existing cities can go up, whereas once productive soils are lost, they are lost forever.

Clause

How is highly productive land currently considered when providing for rural-lifestyle development? Can you provide examples?

Notes

No comment.

Clause

How should highly productive land be considered when providing for rural-lifestyle development?

Notes

Rural-lifestyle development is a 'nice to have' and most certainly a privilege in New Zealand society, and should not be seen in any way as somehow needing to be balanced against providing protecting of our limited elite soil areas, which provide for food domestically and internationally in a world where such soils are become more and more scarce. Under the LUC classification system, there is a very small percentage of land in New Zealand that falls within categories 1-3. If land classification was done to show what percentage of the country would fall outside of this - and outside of other protections, such as Maori Land and conservation land - then it would be evidence that there is overwhelming abundance of land elsewhere to provide for rural-lifestyle development in areas that fall outside the LUC 1-3 classification.

Clause

How should the tensions between primary production activities and potentially incompatible activities best be managed?

Notes

Through elevating the status of primary production activities over those that are incompatible.

Clause

How can reverse sensitivity issues at the rural-urban interface best be managed?

Notes

NPS policy directives that require new sensitive land uses at the rural-urban interface to avoid, remedy or mitigate adverse reverse sensitivity effects on rural production land would flip the onus in terms of adverse effects management, rather than the status quo case law default that all activities should try to internalise their adverse effects. By requiring internalisation of adverse effects on production land, you potentially increase the cost of operations, making said operations less viable. 'Right to farm' policies are just as appropriate for New Zealand as they are for US states. The US is usually adverse to government intervention however if they consider that 'right to farm' is important, than we should most certainly enshrine something similar via an RMA mechanism in New Zealand to ensure the protection of our key agricultural areas.

Clause

Do you agree that there is a problem? Has it been accurately reflected in this document?

Notes

No comment.

Clause

Are you aware of other problems facing highly productive land?

Notes

No comment.

Clause

Which option do you think would be the most effective to address the problems identified in Chapter Three? Why?

Notes

A new NPS, together with enhancements to the NPS-UDC to provide cross-linkage (to ensure that while providing for urban capacity is a priority, it should not come at the expense of protecting our elite soils, and where there is a conflict between providing one of the other, the priority should be to up-zone land in existing serviced urban areas, as opposed to providing for future greenfield development in areas containing elite soils).

Clause

Are there other pros and cons of a National Policy Statement that should be considered?

Notes

No comment.

Clause

Are there other options not identified in this chapter that could be more effective?

Notes

No comment,

Clause

Should the focus of the National Policy Statement be on versatile soils or highly productive land more broadly? Why/why not?

Notes

Versatile soils. Keep it on the issue that can be scientifically backed up with national and international evidence. Minimises debate. Links in with the climate change outcomes sought by this current government.

Clause

Should the focus of the National Policy Statement be on primary production generally or on certain types of food production activities? Why/why not?

Notes

Primary production generally. The NPS should not pick winners/losers.

Clause

Do you support the scope of the proposal to focus on land use planning issues affecting highly productive land? Why/why not?

Notes

Yes, I do.

Clause

What matters, if any, should be added to or excluded from the scope of the National Policy Statement? Why?

Notes

No comment.

Clause

Should future urban zones and future urban areas be excluded from the scope of the National Policy Statement? What are the potential benefits and costs?

Notes

Future urban zones should be excluded from the scope of the NPS, as there have likely been infrastructure and investment decisions made around said zoning. However future urban growth that is at scope stage, and/or has not been zoned or otherwise strategically planned for, and/or is not referenced in an RMA document should be included within the scope of the NPS.

Clause

Should the National Policy Statement apply nationally or target areas where the pressures on highly productive land are greater?

Notes

Should apply nationally.

Clause

What would an ideal outcome be for the management of highly productive land for current and future generations?

Notes

No net loss of land containing elite soils, unless the use of said land cannot be used for production purposes, and this can be backed up with hard evidence - e.g. no water source. The NPS should set out the only 'excluded' circumstances where said land can be developed for non rural production purposes (e.g. 'avoid development of land containing elite soils except in the following circumstances: (a) XXX)). Smaller landholdings can still be used for food production, however this may require use of more innovative methods. Having very tight protections and clear 'avoid except' policies will assist to reduce economic and land value pressures at the periphery of urban areas (by making it very clear that said land cannot be used for other purposes, unless meeting criteria XYZ), will address issues regarding use for rural-lifestyle and resultant reverse sensitivity effects, and could potentially encourage amalgamation of smaller land holdings with larger land holdings to increase the economic potential of said land.

Clause

If highly productive land is to be identified, how should this be done and by whom?

Notes

The criteria for identifying highly productive land should be as objective as possible, and backed up scientifically where possible. The criteria must be established in the NPS. The system for classification should be made as easy for local authorities as possible, and the tools to undertake such identification should be developed and rolled out by MfE including with training.

Clause

Are the proposed criteria all relevant and important considerations for identifying highly productive land? Why/why not?

Notes

Yes.

Clause

What are the pros and cons associated with prioritising highly productive land for primary production?

Notes

I believe that the pros are properly understood by MfE. The cons are that urban growth must be absorbed elsewhere. As has been seen in cities like Auckland, when upzoning occurs, significant growth pressure is taken away from the urban periphery. Protection of land on a classification basis (e.g. containing elite soils in the LJC 1-3 category) could mean that existing urban growth boundaries become less important to maintain, as they can then be seen as arbitrary.

Clause

Do you think there are potential areas of tension or confusion between this proposed National Policy Statement and other national direction (either proposed or existing)?

Notes

No. Protection of primary production land, and/or land containing elite soils relates very well to the urban growth agenda. Where elite soils are to be maintained, urban growth should not be provided for and/or required, and should instead be absorbed through intensification. Areas containing elite soils are more often less serviced. Urban growth in these areas is costly and can burden ratepayers/taxpayers over hundreds of years (developers do not pay for these long term costs that occur over numerous electoral cycles), versus upzoning in areas where there is existing infrastructure that can be relied upon or simply upgraded.

Clause

How can the proposed National Policy Statement for Highly Productive Land and the proposed National Policy Statement on Urban Development best work alongside each other to achieve housing objectives and better management of the highly productive land resource?

Notes

There needs to be acknowledge and linkage between both. You will receive submissions from those who think that this proposed NPS will aggravate the 'housing crisis'. However housing objectives can always be provided for within existing urban areas, and this is the exact science based tool that you can use to push an intensification agenda. While the existing residential amenity of some may suffer, this private amenity should never come at the expense of new people being housed in existing suburbs close to transport and jobs. The ability to develop highly productive land for housing should also not be protected, as food and agricultural economic growth should again be prioritised over protecting the few who do not want more houses in their backyard.

Clause

How should highly productive land be considered when identifying areas for urban expansion?

Notes

Areas proposed for urban expansion should naturally preclude any areas containing highly productive land. Some buffer could also be provided for as a way to avoid the creation of reverse sensitivity effects.

Clause

How should the National Policy Statement direct the management of rural subdivision and fragmentation on highly productive land?

Notes

Amalgamation of existing fragmented land should be incentivised, but in a way that does not result in perverse unexpected outcomes (as is something that sometimes occurs as part of transferrable development rights systems enshrined in some districts, i.e. people 'gaming' the system). Further rural subdivision should be avoided, unless in set circumstances (e.g. creation of a new lot for an existing house, where it maintains a production lot of a predetermined size).

Clause

How should the National Policy Statement direct the management of reverse sensitivity effects on and adjacent to highly productive land?

Notes

See my earlier comments.

Clause

How should the National Policy Statement guide decision-making on private plan changes to rezone highly productive land for urban or rural lifestyle use?

Notes

If the NPS directs that use and/or rezoning of highly productive land for urban or rural lifestyle uses is to be avoided, and this is enshrined at an RPS level, this should be sufficient to avoid private plan changes to rezone said land at a district level.

Clause

How should the National Policy Statement guide decision-making on resource consent applications for subdivision and urban expansion on highly productive land?

Notes

Clear directives in objectives and policies that leave little room for subjective interpretation/application.

Clause

What guidance would be useful to support the implementation of the National Policy Statement?

Notes

No comment.

Clause

How should the National Policy Statement best influence plan preparation and decision-making on resource consents and private

plan changes?

Notes

Clear directives in objectives and policies that leave little room for subjective interpretation/application.

Clause

Should the National Policy Statement include policies that must be inserted into policy statements and plans without going through the Schedule 1 process? What are the potential benefits and risks?

Notes

Yes. Central Government should use the RMA tools available to it to enable the NPS to be implemented nation wide as quickly as possible. A risk of councils needing to go through the Schedule 1 process is that further local consultation will occur, potentially relitigating matters already resolved at a national level through this proposed NPS engagement.

Clause

What areas of land, if any, should be excluded from the scope of the proposed National Policy Statement? Why?

Notes

Existing urban areas and those areas with existing future urban zoning (or otherwise recorded/enshrined in an RMA document). Rural lifestyle areas/zones should not be precluded from the proposed NPS, but existing residential uses should be protected, but not urbanised further.

Clause

What level of direction versus flexibility should the objectives provide to maintain the availability of highly productive land for primary production?

Notes

Increased direction is always preferred, as opposed to flexibility, as with increased flexibility you run the risk of some political hijacking across the country at time of these objectives being interpreted, and applied/adopted at a local level.

Clause

Should the objectives provide more or less guidance on what is "inappropriate subdivision, use and development" on highly productive land? Why/why not?

Notes

The 'includes' matters already proposed are helpful. Less guidance would not be helpful to those looking to understand the objective.

Clause

What are the pros and cons of requiring highly productive land to be spatially identified?

Notes

The pro is that it is easy for the community to visually identify what is/is not considered by an authority to be highly productive land. However while spatial mapping should occur, it should be 'non-statutory' much the same as the elite soil definitions are in Auckland, e.g. the definition of 'highly productive land' is the primary lead, rather than the mapping, which is more of a guide. Whether land is/is not within the ambit of that definition can then be refuted through further technical reporting.

Clause

Is the identification of highly productive land best done at the regional or district level? Why?

Notes

Regional level.

Clause

What are the likely costs and effort involved in identifying highly productive land in your region?

Notes

No comment.

Clause

What guidance and technical assistance do you think will be beneficial to help councils identify highly productive land?

Notes

No comment.

Clause

Should there be a default definition of highly productive land based on the LJC until councils identify this? Why/why not?

Notes

Yes, there should be. This is the most objective form of classification currently available, and will at least 'fill the gap' in those areas where similar definitions/rules do not already existing in district plans.

Clause

What are the key considerations to consider when identifying highly productive land? What factors should be mandatory or optional to consider?

Notes

No comment.

Clause

What are the benefits and risks associated with allowing councils to consider the current and future availability of water when identifying highly productive land? How should this be aligned with the Essential Freshwater Programme?

Notes

Main benefit is alignment of 'reality' between the NPS Freshwater and this proposed NPS. There is little value in protecting elite soils if they are unable to be used in any meaningful economic way without potentially leading to other adverse environmental effects. Obviously there would need to be some clear parameters around this.

Clause

Should there be a tiered approach to identify and protect highly productive land based on the LUC class (e.g. higher levels of protection to LUC 1 and 2 land compared to LUC 3 land)? Why/why not?

Notes

Only LUC 1 & 2 should be protected. LUC 3 & 4 is at the lower 50 percentile in terms of productivity for arable production / vegetable growing. I would prefer to see much stronger protections for LUC 1 & 2 (i.e. no net loss) rather than watered down protections for LUC 1-3.

Clause

How can this policy best encourage proactive and transparent consideration of highly productive land when identifying areas for new urban development and growth?

Notes

No comment.

Clause

How can the proposed National Policy Statement for Highly Productive Land best align and complement the requirements of the proposed National Policy Statement on Urban Development?

Notes

See earlier comments. There does not need to be a trade off or any competition between providing for urban growth. There are infinitely more means of providing for housing either on non-elite soil land, or within existing urban areas, without resorting to destroying a finite resource.

Clause

Should the National Policy Statement provide greater direction on how to manage subdivision on highly productive land (e.g. setting minimum lot size standards for subdivisions)? If so, how can this best be done?

Notes

See earlier comments.

Clause

Should the proposed National Policy Statement encourage incentives and mechanisms to increase the productive capacity of highly productive land (e.g. amalgamation of small titles)? Why/why not?

Notes

Yes. See earlier comments.

Clause

How can the National Policy Statement best manage reverse sensitivity effects within and adjacent to highly productive land?

Notes

See earlier comments.

Clause

Should these policies be directly inserted into plans without going through the Schedule 1 process (i.e. as a transitional policy until each council gives effect to the National Policy Statement)? What are the potential benefits and risks?

Notes

Yes. See earlier comments.

Clause

How can these policies best assist decision-makers consider trade-offs, benefits, costs and alternatives when urban development

and subdivision is proposed on highly productive land?

Notes

See earlier comments.

Clause

Should the policies extend beyond rural lifestyle subdivision and urban development to large scale rural industries operations on highly productive land? Why/why not?

Notes

Yes. Large scale rural industries should locate on non elite soil land, unless not otherwise practicable. Some guidance/parameters around practicability would need to be established.

Clause

Do any of the draft definitions in the National Policy Statement need further clarification? If so, how?

Notes

No comment.

Clause

Are there other key terms in the National Policy Statement that should be defined? If so, how?

Notes

No comment.

Clause

Should there be minimum threshold for highly productive land (i.e. as a percentage of site or minimum hectares)? Why/why not?

Notes

No. This would conflict with aims to encourage/incentivise innovation, smaller scale operations, and/or amalgamation of land holdings.

Clause

Do you think a planning standard is needed to support the consistent implementation of some proposals in this document?

Notes

Yes. More intervention / national consistency is needed, not less. Otherwise we run the risk of inconsistent implementation and not achieving the outcomes desired by the NPS. Particularly helpful for smaller councils with less resourcing.

Clause

If yes, what specific provisions do you consider are effectively delivered via a planning standard tool?

Notes

I have not considered.

Clause

What is the most appropriate and workable approach for highly productive land to be identified by councils? Should this be sequenced as proposed?

Notes

A methodology for identification could be provided for in an NPS policy, much the same as many RPSs across New Zealand include an overarching methodology for the identification of historic heritage, outstanding natural features etc.

Clause

What is an appropriate and workable timeframe to allow councils to identify highly productive land and amend their policy statements and plans to identify that land?

Notes

No comment.

You have elected to withhold your personal details from publication.