

# Your submission to Proposed National Policy Statement for Highly Productive Land

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### Clause

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

### Notes

The institutional knowledge of the wider farming community within food hub areas is valuable. Concentration of similar uses with similar effects makes reverse sensitivity effects easier to address and manage, food hubs create a critical mass with flow on benefits to communities and service industries, transport efficiencies and benefits, maybe location specific because of existing infrastructure (e.g. gas/power supplies for glasshouses).

### Clause

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

### Notes

The Upper Hutt City Council area accounts for 0.2% of New Zealand's total land area. Rural land makes up 96% of Upper Hutt's total land resource. 40% of this land is used for production forestry, 38% is in grassland or pastoral use and 20% is mature native bush or regenerating native bush. While there are no class 1 soils within the rural areas of the City, there are areas of highly productive Class 2 soils and Class 3 soils on the rural valley floors. All these and soils of lesser productive capacity can be used for a range of rural uses including food production. Overall the City's rural land makes a marginal contribution to New Zealand's overall agricultural and forestry production. However, this does not mean it is not important on a local or regional basis. Forestry particularly is a key industry for Upper Hutt with its proximity to the port of Wellington and wood processing operations in Wairarapa being important economic drivers. While forestry and pastoral farming are the two largest rural land use activities in the City, climate change is likely to have a long term impact on the types of rural activities that are undertaken in the future. Hence there is a need to review what is considered highly productive land over time as the changes in climate effect the productivity of the land. Retaining highly productive land for the purpose of primary production activities has significant benefits to the local and regional community. Particularly in terms of food production, direct employment, provision of markets for service industries, agricultural research and development opportunities, tourism opportunities as cottage industries grow. Primary production also has social and cultural benefits in terms of community identity.

### Clause

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

### Notes

The current wording in the Act's purpose (section 5) is too broad to give any specific direction or certainty of protection for HPL or versatile soils. However, it would not be appropriate to announce specifics on one environmental aspect within the purpose of the Act. Including matters of importance in Sections 6 and 7 is much more appropriate. Section 7 RMA requires particular regard to be had to the finite characteristics of natural resources but again it is considered that these existing statements within the RMA are not sufficiently directive to achieve the outcomes sought.

### Clause

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

### Notes

Providing for urban expansion is currently seen as more important in the context of this district where land in primary production is not a significant contributor to the economy.

### Clause

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

### Notes

An overall balance depending on its scarcity in the District or Region and the role of HPL in the local, regional and national economy coupled with urban growth pressures and the capacity and alternative options available for intensification and expansion.

### Clause

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

### Notes

In the context of UHCC it is currently not a significant factor for consideration but it is likely to become more of an issue in the future. Providing for a range of housing options is currently seen as far more important given that the City has a predicted undersupply of

housing now and in the future and there is comparatively very little class 1,2 or 3 land. The Council is however committed to ensuring that the District's supply of highly productive land is managed in a way that will provide opportunities for primary production for future generations.

**Clause**

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

**Notes**

Locate incompatible activities away from intensive primary production areas, use buffers and roads as much as possible to separate incompatible activities, cluster lifestyle development to reduce potential for impacts on primary production activities

**Clause**

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

**Notes**

An NPS given parts of this policy document can have immediate effect but combined with a commitment to considering including HPL as a section 6 matter or at least those areas that have concentrations of HPL that make the greatest contribution to the national economy. The Council supports the fundamental intent of the NPS-HPL but seeks more guidance on, and/or the provision of a level of differentiation between significant areas or concentrations of HPL that have the greatest contribution to regional and national economy and those areas of HPL that have a marginal contribution, in order to navigate the tensions between accommodating urban growth and protecting highly productive land.

**Clause**

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

**Notes**

The versatility of the soil is part of why the land is highly productive but it is not the only reason. All factors need to be taken into account and therefore should consider a board view of HPL.

**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**

A general definition of Primary production which can account for changes over time - new crops or production activities being developed.

**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**

Yes. If these areas have already been identified in plans or policy statements then they have been through a detailed assessment process which has set the expectation that these areas can develop for urban purposes. Therefore these areas should be excluded from 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**

We all have a responsibility to address the impacts of urban expansion and lifestyle subdivision on highly productive land and associated primary production activities. Primary production has been the lifeblood of the NZ economy - it is part of our culture as New Zealanders. It is important that all regions seek to protect these resources where possible. However, it would be beneficial if the NPS identified areas or regions with concentrations of HPL that make the greatest contribution to the national economy in order to distinguish areas such as Upper Hutt where there are only small areas of HPL and as such it is a marginal contributor to the regional or national economy.

**Clause**

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

**Notes**

Suggest that significant areas of HPL or concentrated food hubs be identified within the NPS. Support keeping discretion for local councils to determine what HPL is in their context for areas that don't contribute significantly to the national economy. HPL should be identified in collaboration between regional and district councils, iwi and community but with more national direction in areas where major urban centres (under NPS-UD) and major food hubs cross over. Support the identification of HPL being done in conjunction with regional Future Development Strategies under the NPS-UD. While it is understood that there may be synergies with this work and tie ins with the national planning standards there is still a significant amount of work being generated by central government and the work program for many Councils is well in excess of existing resources. Funding from central government to assist with specialist research and reporting to spatially identify HPL would assist in meeting implementation timeframes. Central government has promised guidance and technical assistance to those regions facing the greatest pressures on the HPL resource. While this will be beneficial, perhaps resourcing / funding the technical elements of the spatial identification of HPL in conjunction with Councils would

have a greater benefit. Support HPL being identified in a Regional Policy Statement rather than at District Plan level given the certainty this provides. Support the application of a default definition of HPL as land use capability classifications 1-3 until Regional Councils have identified HPL within their region. This will ensure a level of protection and/or consideration for the most versatile productive land in the meantime. This will be especially important in regions/district where there are no existing controls, or zones in place to protect HPL from urban expansion, fragmentation and reverse sensitivity effects.

**Clause**

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

**Notes**

Yes the mandatory criteria set the bottom lines with scope to include the optional criteria where this is locally relevant.

**Clause**

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

**Notes**

Over time and with impacts of climate change the conditions that existed to create the identified HPL may reduce in some areas / regions and be transferred to other areas. Reviewing what is considered to be HPL in a regional / local context should occur within the RMA plan review requirements or more frequently if changes occur at a more rapid rate. Policy 2 provides the opportunity for regional and local councils to consider giving greater protection to areas of HPL that make a greater contribution to the economy or community. Such areas could also be highlighted at a national level which may also help to navigate the tensions between the two NPS's (NPS-HPL & NPS- UD) especially within major urban centres.

**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**

Yes the NPS - UD and how, when and under what circumstances it would be appropriate for urban development to occur on HPL. To assist in determining the balance between protecting HPL and allowing its use for urban expansion (ie what is an appropriate or inappropriate use of HPL in each region or district), it would be helpful if the NPS could identify which regions have concentrations of HPL or food hubs that make the greatest contribution nationally. While it is understood that all HPL across NZ is of importance and collectively makes a contribution nationally, there are regions and districts that have small pockets or areas of HPL (LUC 1-3 soils) and where primary production makes a marginal contribution to the regional or national economy. These areas should be distinguished from those that are significant hubs for primary production and contribute significantly to both the regional and national economy. These areas of national significance may also be those facing significant pressure to provide land for urban development. Hence greater guidance in terms of when and where it is appropriate to use HPL for urban development (particularly where Major Urban Centres (identified under the NPS-UD) cross over with areas of nationally significant HPL) should be identified within the NPS-HPL. In areas where HPL provides the greatest benefits or contribution to the national economy and is located within an identified major urban centre, intensification should be prioritised above urban expansion onto HPL. In these situations, urban expansion onto HPL should be avoided unless all other feasible options have been exhausted.

**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**

The NPS- HPL could identify regions and/or districts that have areas or concentrations of HPL that are significant contributors to the regional or national economy. Just as major urban centres have been identified for the NPS-UD, it would be beneficial for major food hubs / concentrations of HPL that have the greatest contribution to the national economy are also be identified. Elevated protection measures could then be considered or a hierarchy of protection measures could apply depending on whether HPL is of national, regional or local significance. The identification of regions/districts with HPL that is of national importance could also assist with the provision of additional guidance for regions where major urban centres overlap major food hub areas. Such guidance would be especially useful in order to assist decision-making around when, where and in what circumstances urban expansion on HPL is appropriate.

**Clause**

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

**Notes**

Seek clarification of whether considerations under Policy 3(b) are weighted, or whether it is intended that these be assessed on an overall even balance of all those considerations taken in the context of the region or district. Seek further clarification and explanation of what is meant by "feasible alternative locations and options". Perhaps considering a definition of term within the NPS or alternatively provide additional guidance of what "feasible" encompasses. An option to consider would be to link this to the concept of feasibility that is outlined within the NPS- Urban Development, if appropriate. It is noted that feasibility can change over time. When considering whether there are other feasible locations or options available for urban development - what does the word feasible mean? Land zoned and serviced for urban development at the time?, or identified as a future urban area in a District Plan with funding provision for infrastructure in the short term - ie 1-2 years or if funding is identified in the current long term plan whether this funding could be brought forward? In the case of a feasible intensification option do these alternatives need to be plan enabled (permitted or controlled activities) to be feasible? Or to be a feasible option does the area of land just need to be identified within a non-statutory

strategic document? Does the current landowner need to be willing to develop the land to be considered feasible? Some guidance around what constitutes a feasible alternative location or option would assist Councils in identifying these alternatives and ultimately in carrying out this assessment.

**Clause**

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

**Notes**

The mechanisms identified for management are supported. Incentivising amalgamation of land blocks to retain productive land units. Requiring lifestyle areas to be identified on non-HPL land as well as clustering lifestyle areas and making sure land is used as efficiently as possible while balancing what is appropriate in terms of character and amenity effects within the specific locality.

**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**

Policies on whether private plan changes can be accepted / rejected need to be much stronger and clearer in order to reject such applications where these are not aligned with an FDS or identified in an RPS or are located on HPL. Currently the links to clause 25(4) are too tentative. Policy 6 could be reworded to ensure that it doesn't open the door to uncoordinated urban expansion that is not aligned with an FDS or relevant growth strategy. Without strengthening Policy 6 regarding the alignment of any request with existing statutory and non-statutory documents regarding urban development and/or highly productive land there is the potential for this policy to be at odds with objective 3 which seeks the avoidance of uncoordinated expansion over highly productive land. The policy as written appears to allow private plan changes to be considered even if these relate to proposals that do not align with relevant statutory and non-statutory plans. Policy 6 states that "local authorities must have regard to the alignment of the request" with these documents but it does not explicitly state that proposals should align with the Future Development Strategy for example in order to be considered and therefore could potentially open the gates for uncoordinated urban development. Is the word 'feasible' deliberately missing from part (c) of this policy? Or should this refer to 'feasible alternative locations and options' as in Policy 3(b)?

**Clause**

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

**Notes**

While the RMA requires consent authorities, subject to Part 2, to 'have regard to' any relevant provisions of a national policy statement it is considered that strengthening the requirement by listing the protection of HPL from inappropriate subdivision, use and development as a section 6 matter of national importance would be beneficial in the long term and would assist with retaining the availability of HPL for future generations.

**Clause**

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

**Notes**

Guidance of the instances when and where it is appropriate for urban expansion to take up HPL should be provided in respect of the hierarchy of significance of HPL - ie for major food hubs that have the greatest significance to the national economy. Guidance should be provided where major urban centres and major food hubs overlap. Guidance on what is considered a feasible alternative location or option.

**Clause**

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

**Notes**

The objectives should be more directive or specific in terms of outcomes sought for areas / regions where HPL provides the greatest benefits nationally. As significance lessens then flexibility should increase i.e. for HPL that is more locally significant.

**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**

Where Major urban centres overlap the boundaries of major food hub areas and/or regions or districts that incorporate major food hubs or HPL that is of greatest significance nationally, objectives and policies should provide more guidance and direction on where and under what circumstances any urban expansion can occur on HPL.

**Clause**

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

**Notes**

As for major urban centres, major food hubs or nationally significant HPL should be identified at a national level. Where HPL is of a lesser significance, identification is best done on a regional basis to ensure a consistent approach. Local rule frameworks can be

developed to take account of local circumstances and what is appropriate / inappropriate following this.

**Clause**

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

**Notes**

Likely to exacerbate issues of providing capacity for urban expansion as the default definition of HPL covers some of the areas identified in strategies for urban growth but these areas are not zoned for future urban expansion within the current operative district plan.

**Clause**

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

**Notes**

The LUC classification tool is currently not fit for purpose and needs updating in order to identify HPL. Central government should develop an appropriate tool or methodology for the identification of HPL to ensure a consistent approach in identifying HPL. This work should be funded by central government.

**Clause**

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

**Notes**

Yes, this will be useful given many Councils are currently undertaking full or rolling plan reviews and having this as a starting point will ensure policy making can continue in the meantime until HPL is identified by Regional Councils. The default definition is particularly important to guide decision-making in the interim and where there are currently few existing controls over the use and subdivision of HPL.

**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**

Yes, this should be considered and would help the assessment of identifying the circumstances in which it is appropriate and inappropriate for urban expansion or development to occur over HPL.

**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**

By identifying major food hubs which would be the equivalent of major urban centres

**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**

Perhaps only in areas where major urban centres and major food hubs overlap and where it is necessary to use HPL for urban expansion to ensure land is used as efficiently as possible. This should be confined to major food hubs and should take into account local context.

**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 perhaps in areas where HPL is provides the greatest benefits or contribution to the regional / national economy otherwise leave to the discretion of local councils

**Clause**

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

**Notes**

Provide guidance on management techniques such as minimum buffer areas (that could incorporate reserve areas or roads) but leave to local councils to determine what is appropriate in their specific circumstances. . Historically reverse sensitivity effects between primary production and rural residential or urban edge residential activities have not been a significant issue for Upper Hutt City Council and are generally addressed on a case by case basis. Plan provisions do currently address activity specific issues.

**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 if policy 6 is re-worded to ensure that proposals align with the relevant statutory and non-statutory growth strategies so that it is clear that Councils can reject private plan change applications that don't align with these documents.

**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**

By identifying regions / areas where there are concentrations of HPL or that are food hubs that have significant benefits to the regional or national economy

**Clause**

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

**Notes**

Consider providing a definition of or more guidance around what constitutes feasible alternative locations / options or link this to the concept of feasibility under the NPS-UD if appropriate.