

Your submission to Proposed National Policy Statement for Highly Productive Land



Reference no: 44

Clause

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

Notes

Highly productive land is vital to enable horticultural activities which grow food (vegetables and other fresh produce) to feed people year-round. The loss of highly productive land limits New Zealand's ability to produce food for local and national consumption, potentially limiting New Zealand's ability to feed its people and to receive the economic benefits associated with producing and selling horticultural products.

Clause

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

Notes

A lack of explicit acknowledgement in the RMA can, and has, resulted in limited consideration and overall weighting being given to highly productive land when decision making includes competing land uses. This is particularly notable when other competing land uses are explicitly referenced in the RMA or by way of a national direction, such as urban development. While the RMA has not, to date, provided any specific direction in relation to the protection and management of highly productive land, it is acknowledged that some regional and district plan development under the RMA did contain provisions providing for the recognition of versatile or high-class soils. However, generally these provisions did not place absolute restrictions on the development of such areas and/or did not specifically include the identification of these areas on planning maps.

Clause

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

Notes

A lack of explicit recognition of highly productive land under the RMA, as is currently the case, can lead to competing considerations (that are explicitly referenced) taking precedence in decision making over the protection and long-term retention of highly productive land for primary production activities, including food production.

Clause

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

Notes

The value of productive land used to grow food is often overlooked as there is no consideration of the value of this land as a limited resource which underpins New Zealand's food system.

Clause

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

Notes

While there are many existing provisions in various planning documents (including regional and district), that seek to protect highly productive land, competing interests and existing hierarchies often mean that little weighting is given to the importance of providing productive land for growing food.

Clause

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

Notes

Recognition of the significance of this land, in terms of the value it provides in relation to New Zealand's ability to produce and supply food (fruit and vegetables) year-round needs to be provided for. As the area of highly productive land which is suitable for food growing is limited in New Zealand, the protection of this land from development pressures is very important. Key trade-offs of prioritising competing land uses if New Zealand's highly productive land includes increased import costs to meet New Zealand's food needs and potentially a vulnerable food supply system.

Clause

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

Notes

There is often a disconnect between the need for highly productive land to produce food to feed people, and the implications of losing productive land to competing land uses (i.e. rural lifestyle development). When the value of productive land is not well considered, particularly in terms of land value, and competing interests receives greater weighting, it reduces New Zealand's ability to support horticulture and secure year-round supply of fruit and vegetables.

Clause

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

Notes

New Zealand's ability to produce fruit and vegetables year-round to supply the local (national) market needs to be considered. To be able to do this there is an immediate need to protect highly productive land to continue feeding New Zealanders into the future, noting that New Zealand's population is predicted to grow to over five million by 2020.

Clause

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

Notes

Potential methods could include setback requirements (between any new urban development and productive rural areas) and identifying highly productive land that should be excluded from any future urban development plans. In order to best the highly productive land, setbacks should be contained within the envelope of the urban development, and not restrict use of the highly productive land.

Clause

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

Notes

Firstly, it will be necessary to clearly identify, through mapping systems, the location of the highly productive land. Having identified the actual areas, plan provisions will need to clearly articulate the nature of activities that will occur on the land, the effects on amenity particularly for more sensitive activities from these activities and the restrictions that apply to manage reverse sensitivity issues. In this context, the key controls will be to ensure that new sensitive activities cannot establish on or close to the identified highly productive land.

Clause

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

Notes

The current lack of recognition of the value and importance of highly productive land under the RMA is a concern, particularly when other competing land uses such as urban development is often prioritised. It is noted that urban expansion in New Zealand tends to occur outwards rather than upwards, causing a sprawl effect into rural greenfield areas. Over time, this has reduced the availability of some highly productive land, for example at Pukekohe, as urban areas continued to expand.

Clause

Are you aware of other problems facing highly productive land?

Notes

It is understood that limited information is available in regard to measuring the impact of rural lifestyle development on primary production, which makes it difficult to determine the true impact. Given such uncertainty, further research into the effects of rural lifestyle activities may provide greater clarity on the cumulative impact on highly productive land. However, there is plenty of anecdotal evidence about well-established activities being adversely affected, often as a result of complaints (i.e., about noise, dust, use of agrichemicals and fertilisers etc), as a result of the expansion of residential development into rural greenfield areas.

Clause

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

Notes

A National Policy Statement is broadly supported as it will provide direction at a national level which should elevate the status of highly productive land. An NPS also allows for interpretation/implementation at a local level.

Clause

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

Notes

There is a real risk that potential urban development may be accelerated in identified rural areas, to avoid any perceived restrictions imposed through an NPS-HPL, noting that it will take time for any changes to be made at a local level

Clause

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

Notes

The focus on highly productive land is appropriate, as the response under the RMA will be management of land use activities on the

identified land resource. However, in saying this, it is considered that the identified highly productive land will be closely correlated to areas characterised by versatile soils.

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

The characteristics of the highly productive land will determine the nature of primary production activities that should and can establish on the land. On this basis, it is considered that the maintenance of highly production land for primary production purposes under the NPS is appropriate, even if in reality much of the use of this land is for food production activities.

Clause

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

Notes

██████████ is supportive of the focus of the proposal given that we need highly productive land to produce food to feed people. This proposal is seen as a positive first step in recognising the importance of highly productive land for primary production purposes, particularly horticultural purposes.

Clause

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

Notes

The NPS should focus on the protection of highly productive land to sustain New Zealand's food system, including food grown for local and national supply as well exports.

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

No. The key issue, in terms of adverse effects which the NPS is aiming to address, is urban expansion onto and near highly productive land which impacts on the primary sector being able to use the land efficiently and effectively.

Clause

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

Notes

Highly productive land is protected so that it can be used to produce food to sustain our future generations and avoid the need to rely on importing food products that could otherwise be produced to a high-quality standard in New Zealand.

Clause

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

Notes

Input from agricultural scientists, local farmers growing food and those undertaking horticultural activities would assist in better understanding the productive qualities and potential constraints of certain areas.

Clause

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

Notes

Yes. The policy refers to the Land Use Capability classification system which is a well known and established system in New Zealand, and a sound starting point for identifying highly productive land. The policy then refers to the range of other criteria that is relevant to identifying highly productive land (and associated use of that land), including climate, size and cohesiveness of the land area, access to transportation networks, a labour force and other infrastructure and the current land cover (i.e., already modified for primary production purposes). It is important to note that the divisions between LUC classes are not black and white. While some criteria eg, slope, cannot easily be modified, other criteria eg, water availability, can be more easily modified through investment in irrigation infrastructure, and there will be land areas where this has successfully occurred. Ravensdown does not support optional consideration (f) that relates to "water quality issues or constraints that may limit the use of land for primary production (particularly for more intensive forms of primary production)." Ravensdown prefers that the land is recognised and protected for its productive capability and that effects of any primary production activities (intensive or otherwise) are managed appropriately to minimise adverse effects on the environment, including water quality

Clause

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

Notes

A positive is the ability to continue producing food to feed people (including New Zealanders) while maintaining New Zealand's role as a major food producer so that we do not become reliant on importing food and do not view primary production in isolation from other

land uses.

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 proposed amendments to the NPS-UD seeks to provide direction for the growth of cities, including removal of unnecessary restrictions on development and enabling urban growth, including 'in' and 'out'. As the NPS-HPL and NPS-UD sit at the same level in the planning hierarchy, neither takes precedent over the other in terms of establishing appropriate national direction. Given the relatively limited availability of available land, it is important that the NPS-HPL clearly identifies that in these areas the national need for land for urban development does not override the need to protect highly productive land for the purpose of primary productive activities.

Clause

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

Notes

Avoid urban expansion from encroaching on existing horticultural/food production activities to ensure that our food supply is protected for future generations.

Clause

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

Notes

Rural subdivision, primarily for residential development, has the potential to fragment land for economic primary production activities and to also give rise to reverse sensitivity issues. For this reason, similar restrictions as those applied to urban expansion should be applied to rural subdivision where the purpose of the subdivision is not for primary production purposes.

Clause

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

Notes

Priority should be given to protecting existing food producing activities/areas and avoiding urban and residential encroachment to minimise potential reverse sensitivity effects.

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

The NPS-HPL should require robust assessment of the value of highly productive land, including the values associated with New Zealand's food system and potential consequences of losing productive land to competing land uses. Private plan changes should also investigate the feasibility of alternative locations for rezoning (non-highly productive land).

Clause

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

Notes

It is considered that the proposed NPS-HPL is appropriately balanced in relation to these matters.

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

Potential risk of not going through the Schedule 1 process is that natural justice does not occur, and this includes a lack of/limited consultation with tangata whenua or iwi authorities, local authorities and the general public. A potential benefit is that the site-specific protections and/recognition of highly productive land could be in place quicker.

Clause

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

Notes

None. It is considered that a full and robust assessment in accordance with the requirements of proposed Policy 1 should be carried out.

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 as currently drafted provide appropriate guidance on the importance of protecting highly productive land for primary production, including horticultural activities

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

It is considered that the proposed objectives clearly articulate the intent of the NPS-HPL, which includes ensuring that the ability to use highly productive land for primary production is not compromised.

Clause

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

Notes

It allows for identification of specific areas of highly productive land. This provides clarity for all resource users and ensures that the information is generally easy to view/interpret. It will also assist in identifying potential issues/conflict with competing land uses (i.e., urban encroachment and fragmentation associated with inappropriate subdivision and land use). However, there is a risk that identifying specific spatial locations could essentially limit consideration of other locations that may also be suitable for primary production activities.

Clause

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

Notes

Managing the identification of highly productive land at a regional level may be viewed as being better aligned with the responsibilities of regional authorities to identify and address regional issues. However, in terms of the specific rules, it is considered that the inclusion of the regionally identified areas, and the rules that support the recognition and protection of highly production land, are best accommodated within district plans. This is because district councils generally have a greater awareness of local issues and more fully understand the issues associated with regulatory land use activities, particularly in the context of urban growth and potential reverse sensitivity issues.

Clause

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

Notes

The proposed ‘default’ definition provided in part (b) of the ‘highly productive land’ definition is considered appropriate.

Clause

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

Notes

Suitability of land (including versatility of soil) taking into consideration important factors such as availability of water, transport, climate and people (i.e. a sufficient labour force) to undertake horticultural activities (as outlined in Policy 1).

Clause

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

Notes

██████████ supports the concept of a tiered approach because it allows for some flexibility to recognise the particular values of the land in relation to the primary production activities it supports. ██████████ accepts the proposed approach to use the LJC classification (Class 1, 2 or 3) as the default definition with the ability for regional councils, in consultation with their communities, to further identify where land should be excluded or included as highly productive land. This approach recognises that not all horticultural activities require high class soils (eg viticulture) and similarly where other factors (eg water availability or transport links) may constrain production capability of higher LJC class land.

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

Require councils to thoroughly investigate all feasible options when considering new urban development areas and to avoid highly productive land in the first instance. Require that decision making is based on a comprehensive assessment of benefits and costs associated with the loss of productive land for urban development. Considerations should include potential unintended consequences of the loss of food producing land where possible.

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

No. The inclusion of such direction may infer that subdivision on or near highly productive land is feasible or appropriate.

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

Incentivising the protection of highly productive land should be further considered. This could include providing grants and access to expert knowledge and support. A recent example of successful outcomes from offering incentives includes biodiversity restoration efforts in Gisborne, whereby positive outcomes have been achieved by offering incentives (i.e. funding, easy access to experts and tailored support and information) to private landowners (Gisborne District Council, incentivising private landowners to restore biodiversity in Tairāwhiti (July 2017))

Clause

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

Notes

Restrict urban growth from encroaching into rural productive areas, this could include imposing minimum setback requirements on new urban developments. Recognise and manage potential conflict/tensions between the NPS-HPL and the proposed NPS-UD. The NPS-UD aims to enable urban growth and requires Councils to provide development capacity which could cause inappropriate subdivision activities and associated land use particularly given the potentially conflicting timeframes for each NPS.

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

A potential risk is that a lack of proper process, including consultation provided through the Schedule 1 process, could result in deficiencies that may have otherwise been identified through greater collaboration, including with those involved in primary production activities as well as the broader public. A potential benefit is that the policy requirements of the NPS-HPL are clearly identified within plans for all resource users thus identifying the need to maintain and protect an area's highly productive land. However, in the absence of clearly identified highly productive land within plan maps, the usefulness of the policies may be questionable. It is also noted, that while the some of the general public may not be aware of obligations of the NPS-HPL when considering land use and development activities, RMA professionals, including at councils, will be.

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

Rural industries have a functional need to be located in rural environments. Such industries support primary production activities and generally do not give rise to reverse sensitivity issues. However, while recognising the locational needs of such activities, the establishment of large-scale rural industries on highly productive land may be an inappropriate land use activity. It is considered that proposed Objective 3 recognises this.

Clause

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

Notes

A planning standard has the potential to complicate and slow down the implementation of the NPS-HPL. The gazetted National Planning Standard identifies the mapping and overlay requirements for plans (and it is assumed that identified 'highly productive land' would be an overlay) and plan structure. High productive land provisions can be accommodated within these existing structures.

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

Setting the five-year timeframe, as proposed, will ensure that implementation occurs sooner as it can take up to 10 years for an NPS to be fully implemented. However, it is noted that while regional councils are required to identify highly productive land as a matter of regional significance, it will be important that district councils are consulted and have input into this process. It is therefore recommended that the NPS-HPL is amended to identify that district councils also have a role in implementing proposed Policy 1.1 and 2.

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

Given the significance of the issue and the need to halt the loss of New Zealand's highly productive land as soon as possible, five years, as currently proposed, is appropriate. The LUC and climatic information is readily available. The additional information, as outlined in Policy 1, should also be accessible provided the district and regional councils work together to collate the information.

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