

Your submission to Proposed National Policy Statement for Highly Productive Land

Environment Southland

Southland
New Zealand

Reference no: 62

Clause

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

Notes

The values and benefits of highly productive land are addressed well in the proposed NPS document.

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

Notes

As noted in the discussion document, the RMA is silent on the specific concept of highly productive land. Some of the characteristics of highly productive land can be inferred from sections 6 and 7 of the RMA – notably the requirement to have regard to the any finite characteristic of natural and physical resources under Part 7 (g) of the RMA. A broad interpretation of those sections would indicate that considerations around the finite availability of highly productive or versatile land should be considered as part of planning decisions. Environment Southland protects land and soils with productive use values through provisions in Chapter 5 its RPS that aim to avoid: - degradation or loss of soils through poor management, for example by avoiding heavy stocking of soils vulnerable to structural compaction during wet periods; - soil erosion, sedimentation, landscape impacts, and loss of biodiversity during land development activities. The lack of clarity and specific direction relating to HPL appears to be why the NPS is proposed, as NZ has experienced issues of loss of HPL via encroachment, fragmentation and pressures of reverse sensitivity. Environment Southland's existing planning framework does provide guidance on highly productive land and soils in the absence of specific RMA direction.

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

Notes

The NPS will allow for HPL to have equal weighting amongst recognised competing priorities.

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

Notes

Protection of HPL is considered in the Southland's RPS Chapter 5: Rural Land / Soils; Issues, Objectives and Policies, specifically Policy RURAL.4. Environment Southland has not spatially defined these areas.

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

Notes

Southland's RPS Method RURAL6 provides directive to Territorial Authorities on managing and considering HPL (referred to as high value soils and rural productive land use) in development.

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

Notes

Broadly, HPL should be considered unfavourable for urban expansion. The NPS should not preclude the ability of urban expansion to occur on HPL where local circumstances may require it.

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

Notes

Environment Southland's RPS Method RURAL6 provides directive instruction to Territorial Authorities on managing and considering HPL.

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

Notes

Subdivision of HPL should be generally discouraged.

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

Notes

Environment Southland agrees that unacceptable practices in primary production actions should be questioned and rectified and acknowledges the inherent tension between some primary production activities and other activities. There may be options to apply a caveat on land titles or otherwise work with real estate agents to convey appropriate message that could ensure potential reverse sensitivity issues are acknowledged by purchasers prior to the point of sale. A planning and zoning approach could prevent undesirable spread of incompatible activities into these areas and may give councils some strength when dealing with complaints.

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

Notes

Buffer zones may be required but these should ideally be outside of the HPL rather than HPL having to sacrifice some of its perimeter.

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

Notes

Environment Southland acknowledges the issues and agrees with the description of the problem in the discussion document. Environment Southland also notes that while the scale of problem is not as large in Southland, the proposals should provide opportunity to pre-empt escalation experienced in other areas and direct expansion appropriately.

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Are you aware of other problems facing highly productive land?

Notes

Problems referred to in this document can occur unintentionally with primary producers either: - providing onsite housing to their workers; or - successional farm plan by subdividing for retirement on farm. These subdivided properties are then on-sold to occupants unrelated to the surrounding activities.

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

Notes

Environment Southland generally support a NPS that provides a nationally consistent approach that requires action on an acknowledged issue. The proposals will increase current pressure on resources for local councils.

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

Notes

An option to combine urban development NPS with the HPL-NPS may be worth considering, especially if the intent is that they work in partnership.

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

Notes

The document acknowledges the scope may be variable across regions and that some primary production does not require the most fertile land (viticulture for example). Environment Southland supports an NPS that provides flexibility for local definitions of HPL and opportunities to change land use over time whilst protecting the most productive soils for future primary production uses. Environment Southland supports a non-subjective definition of HPL to provide clarity.

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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

Environment Southland prefers protection of versatile soils and highly productive land without limiting to current market trends or certain types of food production. We acknowledge that innovative uses for less productive land may occur but high versatility has the greatest potential.

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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

Including planned future urban zones and existing urban zones in the HPL definition would give an indication of the existing extent of problem and assist in future decision making. For example, if urban zones are already extensively covering a large portion of a region's HPL then further expansion in the direction of most versatile soils should be more strictly discouraged. Recognition of conservation and protected land being excluded from HPL classification should also occur.

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

Notes

Prevention of issues from occurring is preferable to treating issues once they have occurred. If an NPS applies it should apply nationally.

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

Notes

Sufficient productive land is retained to sustainably feed the population while also providing for quality urban living environments and for natural ecosystems and biodiversity.

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

Notes

There is a lot of good science, technology advances and historic records that can help assess this. Environment Southland is positioned well to coordinate locally appropriate identification. This work is not currently budgeted and will require resource diversion from an already constrained sector. There is an opportunity to nationally coordinate and fund the mapping with input from relevant regional and local authorities.

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

Notes

The HPL definition need not be based on the LUC classification system but can certainly be referenced or supported by. Environment Southland generally supports criteria that are well defined, not subjective in their implementation or likely to change over time.

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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

Areas available for expansion are becoming increasingly restrictive. In Southland many areas outside of LUC 1, 2 or 3 (for urban development would be restricted under the proposed NPS) have greater hazardous risk for flooding and sea level rise.

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

Notes

The NPS could assist in determining (or guidance for developing) minimum lot sizes for HPL to avoid over-fragmentation.

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

Notes

The NPS could provide for adequate buffer zones which do not encroach or reduce the availability of the HPL resource.

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

Notes

Environment Southland supports the inclusion of a site-specific Land Use Capability Assessment prepared by a suitably qualified expert.

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

Notes

Environment Southland already has provisions in its RPS that apply to HPL which, aside from the spatial element, we consider largely achieve the intent of the NPS. Environment Southland seeks clarity on how a direct insertion of provisions is expected to operate in circumstances where existing RPS provisions directly relate to the protection of highly productive/versatile land and soils.

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

Notes

Exclusions are assumed to include existing urban and industrial zoned land, conservation land, and other protected areas already identified such as QEII trust and reserves.

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

Notes

Spatial identification fits well with the national planning standards requirements for digitally accessible spatial records making the information highly accessible for users. Spatial definition will inevitably create controversy regarding the exact locations of boundaries. Developing spatial resources takes time and money that may not be currently budgeted for. Locking spatial data about HPL into a planning framework removes some flexibility if corrections are required or if new information can refine the mapping.

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

Notes

While Environment Southland believes the development of HPL is possible in house (notwithstanding potential resourcing and budgeting constraints) there are benefits to a nationally consistent approach that allows for regional input variability. These benefits include avoiding the duplication of effort, providing a coherent and consistent approach to identifying HPL across NZ.

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

Notes

If regional councils are required under the NPS to identify and map HPL, Environment Southland anticipates an analysis of existing soil, physiographic and spatial datasets. The costs associated with this work are currently unknown and unbudgeted but are likely related to the interpretation of existing data rather than a need to collect additional information. Additional ongoing costs will be associated with the maintenance and continual improvement of this spatial data and potentially significant costs for ground-truthing.

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

Notes

Environment Southland has the data to define HPL at a finer scale and to more accurately reflect HPL. However, we support a temporary measure to prevent 'gold-rushing' and add urgency to the local definition being completed.

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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

Environment Southland questions the utility of providing for a tiered approach to the temporary HPL criteria.

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

Notes

Increase / strengthen the consideration of buffer requirements.

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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

If the NPS requires modifications to a planning instrument, Environment Southland supports the direction to insert those modifications into plans without a Schedule 1 process. However, Environment Southland already has provisions in its RPS that apply to HPL which, aside from the spatial element and the terminology used, we consider largely achieve the intent of the NPS. Environment Southland seeks clarity on how a direct insertion of provisions is expected to operate in circumstances where existing provisions directly relate to the protection of highly productive/versatile land and soils.

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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

Only if this involves large scale infrastructure which is unlikely to be removed and cause a permanent loss of HPL for primary

production. In our experience, a sawmill, freezing works or dairy factory for instance, located in a rural setting will attract small settlements. Fragmentation will occur and infrastructure will develop initially for worker convenience and latterly for lifestyle choices. This will often result in high reverse sensitivity issues, permanent loss of greater areas of productive land and locally intensive poor infrastructure.

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

The proposed timeframe is acceptable to Environment Southland but we recognise we are in a good position with existing soil and physiographic data for our region. The local TLA's feel they have less time (2 years) to implement plans once HPL is mapped and defined in the RPS. Consideration should also be given to allowing a combined planning process to occur (TAs and Regional Council's 'getting it all done at once') in addition to the staged approach proposed.

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