



Proposed National Policy Statement for Highly Productive Land Submission Template

We would like to hear your views on the proposed National Policy Statement for Highly Productive Land (NPS-HPL).

Please feel free to use this template to prepare your submission. Once complete please email to soils@mpi.govt.nz.

You can also make a submission using the online submission tool. A link to the online submission tool is available at www.mpi.govt.nz/HighlyProductiveLand.

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Are you submitting on behalf of an organisation? Yes [☒] No [☐]

If yes, which organisation are you submitting on behalf of?

Criffel Deer Limited

Submissions are public information

All or part of any written submission (including names of submitters) may be published on the Ministry for Primary Industries' website, or the Ministry for the Environment's website. Unless you clearly specify otherwise in your submission, the ministries will consider that you have agreed to have your submission and your name posted on their websites.



Contents of submissions may be released to the public under the Official Information Act 1982, if requested. Tell us if you do not want some or all of your submission released, stating which part(s) you consider should be withheld and the reason(s) for withholding the information.

Under the Privacy Act 1993, people have access to information held by agencies about them. Any personal information you send with your submission will only be used in relation to matters covered by this document. In your submission, indicate if you prefer that we do not include your name in the published summary of submissions.

Questions for submitters

The questions for submitters that are included throughout the discussion document are provided below. We encourage you to provide comments to support your answers to the questions below. You do not have to answer all questions for your submission to be considered.

The page numbers mentioned below indicate where further information about the question is located in the discussion document.

Introduction to Submitter

Criffel Deer Limited (**Submitter**) owns land near Wanaka, which is currently zoned rural. The land is a mixture of working farm, lifestyle development, and farm / rural tourism operations. The land is classified as within LUC 1-3, however only part of the land is used for primary production; this is supplemented by other suitable activities which rely on the rural land resource, including lifestyle and tourism development. The use of this land as rural living, and rural tourism even if not part of a farming operation, is a legitimate activity in an area zone rural. Factors such as market constraints, access, location, and other suitable uses for the land mean it should not be classified as Highly Productive Land (HPL) through a default definition based upon LUC classification. The Submitter wishes to have more flexibility in the determination of what land is HPL, if the NPS comes into force, and considers this can only be completed through a Schedule 1 process involving landowners, councils, experts and other stakeholders. Any default or interim definition of HPL through the NPS, and before Councils have taken a more thorough analysis of landholdings / potential HPL according to local issues and factors, is not supported.

The potential for parts of this land to be automatically subject to a default national definition of HPL, which has not had landowner input, consideration of market economics, viability of primary production, or other alternative land uses, undermines work Criffel Deer Limited has invested in, including through resource consents and land development. It is an inefficient use of land and resources to subject these types landholdings with other development rights (e.g resource consents) to be restricted because of an LUC soil classification.



Section 2.3: Defining highly productive land [page 19]

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

Highly Productive Land (HPL) is a significant resource which is also finite and therefore recognised under s7(g) of the RMA. What makes land 'Highly Productive' in the primary production sense however is a multi-faceted issue, depending not just on technical soil, climatic, and other primary factors, but on broader external and human – influenced factors. Ensuring that a range of these primary and external factors are considered in identifying HPL, and also used to reassess these areas in the future, will be important to ensure that the NPS is achieving its intended purpose of protecting productive (food producing) land rather than unnecessarily sterilising rural (non-productive) land which could otherwise be used to deliver positive social, cultural, and economic outcomes for people and communities.

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

The viability of food growing hubs is dependent on a range of market, and human influenced decisions. These can be subject to change and variation over time, and therefore protection of hubs needs to be within a flexible regime that can adapt to such changes.

Section 3.1: Problem statement [page 23]

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

The current framework (including through s7(g) and 5(a) and (b)) is broad enough to allow regional and local councils to include provisions in their respective plans and policy statements to protect HPL. Examples of this already exist in the Otago Regional Policy Statement and the Queenstown Lakes District Plan, which identify Highly Productive Soils used for primary production and specific primary production areas such as the Gibbston Character Zone (principally wine growing and wine tourism). The issue of identifying and protecting HPL should be locally / regionally applied without the need for an NPS given local factors are important in determining what opportunities and constraints actually make land productive.

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

Yes – currently Part 2 of the Act provides a broad aspiration of the sustainable management of natural and physical resources, which in turn becomes more



particularised in lower order (local) planning instruments. HPL is not recognised as a matter of national importance, but would fall within finite resources recognised as a relevant 'other matter' to be had particular regard to in considering the management of resources. Local decision makers have the framework to determine how protection or priority is given to HPL and other competing resources which is appropriate given different districts face different development pressures and diverse economies.

Section 3.2: Urban expansion on to highly productive land [page 24]

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

Weighting of competing issues (protection of food / primary production resources) as against the need to provide for accommodation and a diverse economy needs to be undertaken at a district –wide level. Priority for protection of HPL from urban expansion should be afforded to those land areas which are actually currently proven / established food growing hubs, rather than theoretically productive rural land.

Section 3.3: Fragmentation of highly productive land [page 25]

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

As above for urban development; protection should be afforded to where land is currently an established food growing hub. Rural lifestyle development is an entirely valid use of the rural land resources, and also provides social, economic and cultural benefits. Other activities rely on their establishment within the rural land resource and are not included in the discussion document include rural tourism activities. These do not necessarily undermine the use of HPL, in particular where that HPL is not currently being used actively for food production.

Section 3.4: Reverse sensitivity [page 26]

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

It should not be assumed that effects from primary production can be (or should be) contained within the property undertaking that activity. There is potential for these issues to be managed externally, or through an interface between production activities and adjacent residential (and other urbanised) activities.



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

A range of mechanisms have been successful in managing these effects on developments in rural areas in the past, including consent notices and non-complaint covenants, residents associations, and noise attenuation / mitigation measures. Flexibility is needed through regulation (if any) to ensure these solutions can be explored.



Section 4.5 Preferred option – a National Policy Statement [page 31]

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

As discussed above, the RMA framework is already considered to be broad enough to give local authorities the tools to sufficiently manage HPL, and an NPS is not considered necessary. However, if national direction is to be developed, an NPS is preferable to an NES as it allows policy direction without the need for bottom line rules or regulation which would be expected through an NES. The range of localised factors which effect whether land is HPL means that a national set of rules would not be of assistance.

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

Should the NPS come into force, it is important that any 'interim' definition of HPL needs to be carefully considered. Councils and landholders need to be engaged and aware of this process to meaningfully identify which land is used, or would foreseeably be used, as primary production, rather than relying on a default LUC classification system only.



Section 5.2 Purpose of the proposed National Policy Statement [page 34]

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

The focus should be on HPL more broadly. As discussed above, versatile soils exist in a number of places where for other social, economic, market and external factors mean that this land is however very unlikely to ever be used for primary production, or that the land is (legitimately) used for other activities which rely on the rural land resource. Versatile soils is too narrow and will unnecessarily sterilise appropriate development of rural land which represents sustainable management of resources under section 5 of the Act.

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

Clarification is needed as to what is meant by primary production. Primary production could include sectors such as mining and forestry. It would be appropriate to limit the NPS to food production activities and the protection of those so as not to unintentionally and unnecessarily restrict other activities which may have an effect on or an interface with other general primary sector activities, and which do not justify national direction / protection.

Section 5.3 The scope of the proposal [page 35]

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

Recognition for activities which support the food production sector include rural tourism and worker accommodation; provision of these types of activities in appropriate areas can assist with viability of food production activities and provide a greater understanding of their importance.

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?

Yes – although the definition of urban area currently proposed needs to be looked at such that this includes rural lifestyle and rural residential zones, rural tourism and special zones, open space and recreation areas. These zones have been identified through planning processes as appropriate for development and should not subsequently be



sterilised by (theoretical or default defined) HPL. Areas within identified urban growth boundaries should also be excluded even where this land may not yet be urban zoned or future urban zoned. If these areas are not excluded, there will be inconsistencies and conflicts in areas which exhibit population growth pressures, such as the Queenstown Lakes District, which also needs to provide for a certain level of projected development in accordance with the NPS Urban Development Capacity.

Section 5.4 The proposed National Policy Statement [page 37]

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

That sufficient land resource is available for food production activities to support the population and its reasonably foreseeable future needs, while ensuring that adequate supply of residential, commercial and business land is available and competitive in the market.

Policy 1: Identification of highly productive land [page 41]

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

Initial or default classification of HPL according to LUC is not supported. This approach relies on a national scientific database of soil versatility and does not account for regional / district specific external factors such as market viability, landholding size, adverse environmental effects of food production activities as compared to other potential land uses which derive positive social, economic and cultural outcomes.

Discretion is required by councils to consider the definition within their own districts / regions once the NPS has come into force.

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

The criteria currently listed in Appendix A are supported; however as discussed above, it is considered appropriate for councils to employ this Appendix in the first instance to establish classification of HPL rather than allowing for a default nationally applicable definition. In addition to the criteria listed in appendix A, further consideration should be given to:

- the nature of surrounding and established land use activities to an area of HPL (given that if an area is of particularly high soil quality but is already surrounded by other incompatible land uses it is unlikely to be used for primary production);



- adverse effects of undertaking primary production activities as compared to proposed alternative uses (issues such as native vegetation, erosion and natural hazards may mean that retirement from primary production, e.g. grazing, could be more suitable than continuance of regarding the land as HPL);
- consideration of the potential social, economic, and cultural benefits of using that land other than for primary production.

Alignment with the Urban Growth Agenda [page 43]

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)?

Clearer direction is required as to the interface between these national instruments, particularly in high growth areas which are not high producers of food / primary production (such as the Queenstown Lakes District).

Policy 3: New urban development on highly productive land [page 45]

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

As above, if landowners and councils are involved in the initial classification of whether land is HPL, rather than a default classification, this will assist to determine where urban development can appropriately occur.

Policy 4: Rural subdivision and fragmentation [page 46]

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

Not all smaller lifestyle development is in conflict with the ability for primary production to be carried out. Small landholdings do not necessarily undermine production, and a one size fits all approach to managing density or lot sizes is not appropriate. For example small lot sizes within a larger balance lot can maintain productivity of an overall site as well as rural amenity while also allowing for lifestyle development to provide a range of accommodation/ housing options.



Policies 6 and 7: Consideration of private plan changes and resource consent applications on highly productive land [page 49]

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

Refer comments above regarding interim measures

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

Refer comments above regarding interim measures

Specific / technical questions

The questions below are included in the outline of the proposed NPS-HPL (Chapter Five of the discussion document) and may assist technical experts when providing a submission.

Specific questions

Section 5.3: The scope of the proposal [page 35]

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

By allowing for local decision making, through a Schedule 1 process to include landowners and councils, communities, and other stakeholders to be consulted on what land is truly productive and should be protected as the same.

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

Urban zoned land, future urban zoned land, or land within an urban growth boundary; rural lifestyle and rural residential land; special zones and rural tourism zones. It would undermine the purpose of these zones and the planning process from which they were derived to sterilise this land from development due to theoretical production potential which has not (and likely will not) occur.

Specific questions

Section 5.4: The proposed National Policy Statement [page 37]

What level of direction versus flexibility should the objectives provide to maintain the



availability of highly productive land for primary production?

As discussed above, more detail is needed on what constitutes primary production. Assuming this is food production activities, then the NPS should specifically seek to protect those areas which already are producing food or are likely to in the near future, rather than theoretical production.

Specific questions

Policy 1: Identification of highly productive land [page 41]

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

Robust evidence of the areas and nature of HPL will be essential to mapping HPL. This can only be undertaken through a consultative process informed by experts, landowners, and key stakeholders.



Specific questions

Appendix A: Criteria to identify highly productive land [page 41]

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

No – as above, a default definition will unnecessarily capture land which is not truly productive and desirable to be protected. This could also lead to inconsistencies with other national direction including the NPS UDC.

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

Both internal (scientific) and external (human) factors are important. As discussed above, a realistic assessment of possible alternative beneficial uses of land and adverse effects of primary production is important to assessing HPL. Economic viability and use of established surrounding activities are also relevant.

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 Essential Freshwater Programme?

This is essential to viability of primary production activities and needs to remain.

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?

No – affording protection or restrictions based solely on LUC is not supported, as discussed above, however there may be merit in subcategories of HPL once identified, and according to its overall productive value.



Specific questions

Policy 3: New urban development on highly productive land [page 45]

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

More flexibility is required in the policy to consider when development of HPL may be the most appropriate option. The determination of feasible development capacity under the NPS UDC is a complex matrix which also involves supply and demand market factors (which are often in flux). Additional competition through rezoning of greenfield land can be desirable to reduce house prices and force land to market. Reducing the ability to achieve this may be in contradiction of the NPS-UDC. Therefore requiring that urban expansion must not be located on HPL unless there is a 'shortage of development capacity...' is not an appropriate trigger for the NPS.

Specific questions

Policy 4: Rural subdivision and fragmentation [page 46]

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?

As discussed above, setting minimum lot sizes may not be an appropriate tool for control of undermining HPL. Averages and a range of densities / management controls can achieve this.

Specific questions

Section 5.5: Interpretation

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

The definition of an urban area should include rural lifestyle and rural residential land, as well as special and rural tourism zones in their own right (rather than requiring these be adjoining urban areas).