
Auckland Council Submission to the Ministry for Primary Industry on the Proposed National Policy Statement on Highly Productive Land

Summary of submission

The main points of the Auckland Council submission are summarised below. While the council generally **supports** the National Policy Statement on Highly Productive Land, there are a number of matters where the council seeks the National Policy Statement to be more directive to give more certainty for the Highly Productive Land areas.

The Auckland Council:

- Supports the introduction of national direction to protect Highly Productive Land through the proposed National Policy Statement ('NPS') on Highly Productive Land. This is in light of the threats to Highly Productive Land in Auckland, the alignment of the NPS Highly Productive Land with council plans and policies, the benefits of national direction, and the importance of local food production.
- Supports the definition of Highly Productive Land to exclude urban areas and Future Urban zoned areas. This is because the urban areas are already compromised for primary production and significant planning and investment is already occurring in the Future Urban zoned area for future urban uses.
- Supports the definition of Highly Productive Land to include the Countryside Living zone as parts of this zone may not yet be compromised for primary production.
- Requests the strengthening of Policy 4 to essentially preclude rural lifestyle development or zoning on Highly Productive Land as it impacts negatively on primary production and is an inefficient form of development.
- Requests that the tests for urban expansion onto Highly Productive Land be significantly strengthened to recognise the value of this finite resource.
- Requests that stronger links are made between the NPS Highly Productive Land, the NPS Urban Development, and NPS Freshwater to recognise the inter-relationships between these national directions.
- Requests that the government actively consider a nationally coordinated approach to ensure that the Highly Productive Land identification exercise is carried out consistently across the country.
- Supports the first list of criteria to identify Highly Productive Land as these relate to the physical land resource itself.

- Opposes the second list of criteria to identify Highly Productive Land that relate to temporal matters that are subject to change over time (e.g. water availability, transport routes). The council also requests that additional criteria for identifying Highly Productive Land are added around Maori land and existing Countryside Living zones.
- Requests further clarification of what is meant by 'inappropriate' use and development on Highly Productive Land and the provision of clear direction on the issue of soil harvesting.
- Requests that further national direction be provided on the types of primary production activities and effects that should be anticipated and tolerated in rural areas and also in relation to methods to avoid reverse sensitivity effects.
- Request that a 'buffer area' be included in the Highly Productive Land identification exercise to protect Highly Productive Land from reverse sensitivity issues around its edges.
- Requests that the NPS contain wording to clarify that all rural land has value and potential for different types of rural production activities to prevent rural land outside Highly Productive Land areas being seen as only having low value.
- Requests that Policies 6 and 7 be reviewed to provide a consistent approach as to how the NPS Highly Productive Land applies to resource consents and private plan changes.
- Requests that as much of the NPS content as is reasonable be directed by the NPS to bypass the First Schedule process.
- Requests that the definition of primary production be amended so that Highly Productive Land is protected only for primary production that relies on the soil resource.

Further explanation and detail of the Auckland Council's submission is outlined in the sections below and additional supporting information is included in the appendices.



.....
Councillor Bill Cashmore

(Deputy Mayor of Auckland)

Date: 10 October 2019



.....
Councillor Chris Darby

(Chair of the Planning Committee)

Date: 10 October 2019

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Introduction

This is Auckland Council's submission in response to the Ministry for the Environment and Ministry for Primary Industry's discussion document entitled "Valuing Highly Productive Land" and the Proposed National Policy Statement on Highly Productive Land ('HPL') contained within that document.

This submission has been approved by the Deputy Mayor of Auckland and the Chair of the Planning Committee.

About Auckland

Auckland is New Zealand's most populous region with a current population of 1.57 million people (2018 Census), an increase of 11 per cent since 2013. Auckland accounted for 34 per cent of New Zealand's population increase between 2013 and 2018, according to latest Census data. Auckland is estimated to grow to around 2.4 million residents by 2050.

Auckland's urban area covers approximately 20 per cent of Auckland's land mass. It is home to over 90 per cent of its residents, many of whom live along a narrow axis stretching from Ōrewa in the north to Drury in the south. The urban area is surrounded by extensive rural areas, containing numerous towns and villages.

About the Auckland Council

Auckland Council is a unitary authority, and largest local government organisation in Australasia. The council has a governing body, which consists of the Mayor and 20 councillors, and 21 local boards. Auckland Council also has several council-controlled organisations, which it gives direction to through its statement of intent.

Comments on the NPS from the Franklin Local Board, Aotea Great Barrier Local Board, Manurewa Local Board, Maungakiekie-Tamaki Local Board, Papakura Local Board, Puketapapa Local Board, Waiheke Local Board, and the council's Rural Advisory Panel are appended to the end of this submission (Appendix 9).

Auckland's Highly Productive Land

The Auckland region contains around 126,000ha of Land Use Capability ('**LUC**') 1-3 land¹ which covers around a quarter of Auckland's land area. LUC 1 (21,500ha) is defined as 'elite' land in the Auckland Unitary Plan while LUC 2-3 (104,500ha) is defined as 'prime' land. The elite and prime land definitions in the Auckland Unitary Plan reflect the interim definition of HPL in the NPS which is for all LUC 1-3 land. A map showing all the mapped LUC1-3 land in Auckland is shown in Appendix 2.

The Auckland Council currently seeks to protect HPL from urban expansion, fragmentation, reverse sensitivity, and inappropriate uses through various methods. Further detail on these is included in Appendix 4.

Submission overview

Auckland Council welcomes the opportunity to submit on the proposed NPS-HPL. The Council generally **supports** the proposed NPS-HPL but has feedback on a number of detailed aspects of the proposal. The key issues for the Auckland Council are listed below and each is expanded further in the following sections of this submission.

1. General support for the National Policy Statement
2. Implications for Urban, Future Urban, and Countryside Living zoned land
3. Rural lifestyle development and fragmentation of Highly Productive Land
4. Urban expansion onto Highly Productive Land
5. Exercise to identify Highly Productive Land
6. Criteria to identify Highly Productive Land
7. Inappropriate use and development on Highly Productive Land
8. Reverse sensitivity
9. The value of rural land outside identified areas of Highly Productive Land
10. Application of the NPS to resource consents and private plan changes
11. Implementing the NPS into the Auckland Unitary Plan
12. Definitions
13. Integration with other national direction

¹ Based on the FARMLUC dataset – see Appendix 3 for further information on FARMLUC.

1. General support for the National Policy Statement

The Council generally supports the introduction of national direction to protect HPL through the proposed NPS-HPL. The council considers there is a need for the NPS-HPL based on the reasons under the below headings.

1.1 Threats to Highly Productive Land in Auckland

There are a number of ongoing threats to HPL in the Auckland area including urban expansion, lifestyle development, ad-hoc development, and climate change.

Urban expansion onto Auckland's HPL was set in train under previous land use planning regimes and also through the Auckland Unitary Plan. Using the New Zealand Land Resource Inventory ('NZLRI') as a baseline, 14% of LUC 1 land has been or will be encroached upon for various forms of urban development, as well as 31% of LUC 2 and 18% of LUC 3 land. While Auckland represents only 2% of New Zealand's land area, it has a disproportionate amount of HPL. Auckland has a highly productive outdoor vegetable sector, contributing over 20% of the nation's outdoor potato, onion, lettuce, broccoli, cabbage and cauliflower production primarily as a result of highly productive land and frost-free climate².

Development pressures not only exist in terms of urban expansion, but also through the subdivision of rural land for lifestyle properties. Small parcels of land occupy a significant proportion of the remaining versatile land in Auckland³ with the average site size being 10.2ha⁴. In Auckland 21% of all the lifestyle blocks are located on HPL. These lifestyle blocks cover 35% of all HPL in the region⁵.

In addition to urban expansion and lifestyle development, the HPL in Auckland is also under threat from ad-hoc, non-rural type developments such as self-storage sheds, industrial activities, schools, and churches. These developments take the HPL

² Fiona Curran-Cournane, Nancy Golubiewski & Laura Buckthought (2018): *The odds appear stacked against versatile land: can we change them?*, New Zealand Journal of Agricultural Research, DOI: 10.1080/00288233.2018.1430590

³ Ibid

⁴ Based on sites within Auckland in the five main Auckland Unitary Plan rural zones (H19) that fall within the definition of HPL in the NPS-HPL.

⁵ R Andrew and JR Dymond (2012): *Expansion of lifestyle blocks and urban areas onto high-class land: an update for planning and policy*, Journal of the Royal Society of New Zealand.

resource out of productive use and in some cases create the potential for reverse sensitivity.

Another threat to the availability of HPL for primary production is climate change with some HPL areas being substantially exposed to sea level rise. LUC 1-3 land is disproportionately affected; it is more exposed to sea level rise than non-arable soils (LUCs 5-7) in terms of both total area and proportion. Under various scenarios approximately 5% of Auckland's HPL is exposed to sea level rise by mid-century, more than 6% by end of the century, and more than 8% next century. This is an important consideration in the context of the other threats to HPL as identified above⁶ and places further value on the remaining HPL in Auckland.

1.2 Alignment with council plans and policies

The intent of the NPS is aligned with the Auckland Council's position on protecting HPL. As outlined in some detail in Appendix 4, Auckland Council has a number of plans and policies that recognise the value of HPL – seeking to protect it and retain it for productive uses. The council has developed several planning tools such as the Rural Urban Boundary and subdivision rules/incentives to safeguard HPL and prevent urban and lifestyle development on it.

1.3 Need for national direction

The NPS-HPL will elevate the importance of protecting HPL and it will bring the issue to the front of mind for RMA decision makers. The proposed NPS should result in more consistent decision making around development, use and subdivision proposals on HPL.

Auckland Council's recent experience is that despite the range of strong objectives and policies in the Auckland Unitary Plan seeking to protect HPL (outlined in Appendix 5), the issue of protecting HPL is generally just one of many issues an RMA decision maker considers – and it often is down the list of priorities. A range of resource consents have been granted on HPL in Auckland recent years and most

⁶ Golubiewski, N.E., K. Balderston, C. Hu, and J. Boyle. 2019. *Auckland's Exposure to Sea Level Rise: Part 1 - Regional Inventory*. Climate Change Risk Assessment series. Auckland Council Technical Report 2019/017.

resource consent decision reports do not specifically discuss HPL. Those that do demonstrate how the loss of HPL is balanced against other factors such as:

- the area of HPL being relatively small (in the context of the site or the wider area);
- the area of HPL being deemed unsuitable for primary production for various reasons including a 'lifestyle' size;
- offsetting the loss of HPL through improvements to primary production logistics (e.g. transport);
- mitigating the loss of HPL by using soil harvesting to transfer the soil to another area or site;
- the benefits of the proposed development on HPL to the rural community;
- the soils being only prime (LUC 2-3) and not elite (LUC 1);
- the land being able to be built on anyway as a permitted activity by a dwelling or accessory buildings; and
- the HPL not making a significant contribution to productive rural activities.

The creation of national direction on identifying and protecting HPL will give greater certainty to farmers, developers, and the general public as to areas of land that are specifically set aside for primary production.

The direction at the national level will assist councils by reducing the number of higher level debates around the value of HPL during resource consent, private plan change, and plan making processes (with an associated saving in compiling and presenting evidence in each case).

1.4 The importance of local food production

Taking a precautionary approach, the protection of Auckland's food supply areas is in the long term regional and national interests. New Zealand is currently a net exporter of locally produced food so there is no current food security issue. However, the world's population is growing and the demand for primary produce will significantly increase in the future.

"By 2050 a global population of 10 billion will demand 70% more food than is consumed today. With the focus moving toward a plant based protein economy, the focus is going to be squarely on vegetables and crops to meet this need. Feeding this expanded population nutritiously and sustainably will

require substantial improvements to the global food system – one that provides livelihoods for farmers as well as nutritious products for consumers.”⁷

A later section of this submission will raise issues with the economic cost-benefit approach. However, it is still relevant to acknowledge that Auckland’s rural production sector has economic value to the region and nation. Just the Pukekohe area (while only 3.8% of New Zealand’s land in vegetable and fruit production) contributes 26% of the country’s vegetable production by revenue. It is estimated that in 2043 the demand for fruit and vegetables in Auckland will be about 33% higher than today.⁸

While HPL areas can have a range of primary production activities it is noted that horticulture is often located on HPL and in 2017 the New Zealand horticulture industry generated \$5.68 billion in value. Export revenue has grown nearly 50% in five years, illustrating the trust the world places in New Zealand-grown food, and the country’s ability to meet that demand⁹.

A general trend in food consumption is that locally grown food is becoming more desirable for environmental and social reasons. In addition, the growing influence of food as a significant part of the tourism experience means that culinary tourism could provide increased tourism spending in Auckland. One of Auckland’s unique selling points for culinary tourism is the food grown locally around the fringes of the city¹⁰.

⁷ Eskesen, Alison. Abstract of *Grow Asia: a multi-stakeholder approach to food security*. The business of food security: profitability, sustainability and risk. The Crawford Fund, 2015 Annual Parliamentary Conference, Canberra (2015).

⁸ Page 3 from *New Zealand’s Food Story – The Pukekohe Hub*. Deloitte - prepared for Horticulture New Zealand. (August 2018).

⁹ Page 2 from *New Zealand’s Food Story – The Pukekohe Hub*. Deloitte - prepared for Horticulture New Zealand. (August 2018).

¹⁰ Recommendations for an Auckland Culinary Strategy Framework – Final Report. ESP Culinary Consulting – prepared for Auckland Tourism, Events and Economic Development (ATEED) (2019).

While the Auckland Council generally supports the proposed NPS-HPL, it is noted that further tools are necessary to achieve the desired outcome of successful primary production activities occurring on HPL.

The Auckland Council would support amendments to the RMA to include the protection of HPL as a matter of national importance to work in conjunction with the NPS-HPL. The council would also support investigations into possible 'right to farm' legislation to protect farmers from nearby landowners who try to stop or reduce farming operations that they perceive as a nuisance.

2. Implications for Urban, Future Urban, and Countryside Living zoned land

The Auckland Council supports the definition of HPL to exclude urban areas and Future Urban zoned areas, and to include Countryside Living zoned areas.

The definition of HPL specifically states that HPL excludes both urban areas and areas that have been identified as future urban zones in district plans. Countryside Living zones are not specifically excluded (and are therefore included within the definition).

It is noted that excluding the urban and Future Urban zones from the definition of HPL would remove around 18 per cent of the mapped LUC 1-3 areas of Auckland from receiving the protections under the NPS-HPL. Excluding these 'compromised' areas still leaves 82 per cent (around 103,000ha) of HPL in Auckland that is generally available for primary production and would be protected by the NPS-HPL.

2.1 Urban areas

As New Zealand's original NZLRI LUC mapping was carried out in the 1970s, around 13 per cent of the mapped LUC 1-3 land in Auckland (around 16,000ha) has since been consumed by urban expansion. Suburbs such as Albany, Mangere, Hobsonville, and Dannemora now sit on this land.

It is clear that urbanisation has now removed any potential for rural production activities to occur on this land through intensively fragmented land parcels, high capital investment in dwellings and commercial premises, and a large proportion of impermeable surfaces such as roads, driveways and buildings.

2.2 Future Urban zones

Auckland Council has identified around 15,000ha of land for future growth areas. Around 10,500ha of this is zoned Future Urban with the rest being 'live' zoned (and therefore covered under 'urban areas' in section 2.1 of this submission).

The submission of Auckland Council to support the exclusion of Future Urban zones from the definition of HPL has not been arrived at without serious debate and it is acknowledged that a significant amount of HPL (around 6,750ha) will be permanently lost as this land is urbanised. This decision flows through to the rest of the council's submission where generally more directive and tighter wording is sought to prevent further loss of the HPL resource.

Background to Future Urban zone

During the Proposed Auckland Unitary Plan process, the Independent Hearings Panel recommended that the Rural Urban Boundary be defined to avoid elite soils where they are significant for food production, but only to avoid 'where practicable' prime soils¹¹.

In light of this, the Future Urban zone within the Rural Urban Boundary includes large areas of prime soils (e.g. Pukekoke-Paerata, Whenuapai, Kumeu-Huapai, Opaheke-Drury, Takanini) as shown on the map in Appendix 2.

It is noted that the process to establish the Future Urban zone went through a statutory process that included extensive public consultation and enabled challenges to the zoning through submissions, further submissions, and hearings.

The HPL within the Future Urban zone makes up around five per cent of Auckland's mapped HPL. Within the Future Urban zone itself, close to two-thirds of it sits on HPL.

While the Future Urban zone is not yet urbanised (which would completely preclude rural production activities), there are significant implications for Auckland of including the Future Urban zoned areas within the definition of HPL.

The reasons why the Auckland Council supports the Future Urban zone being excluded from the definition of HPL are outlined under the headings below.

¹¹ Auckland Unitary Plan Independent Hearings Panel *Report to Auckland Council Hearing topic 11 Rural environment* July 2016

Auckland's housing capacity

As currently drafted, the NPS-HPL does not have any impact on Auckland's planned long term housing capacity. Auckland's future housing capacity is created through both urban intensification and planned greenfield expansion into identified Future Urban zones. As the definition of HPL excludes the Future Urban zone, the NPS will not have any impact on Auckland's planned long term housing capacity.

If the HPL definition did include the Future Urban zone then in the order of 62,000 future dwellings¹² could potentially be removed from Auckland's long term planned capacity. This would have significant implications for the Auckland Council's obligations under the NPS – Urban Development Capacity.

Public planning and investment in the Future Urban zone

Planning and investment for the urbanisation of the Future Urban zoned areas is already well advanced. The council has completed structure planning for Whenuapai, Drury-Opaheke, Warkworth, Pukekohe-Paerata, and a structure plan is underway for Silverdale West.

The structure planning process is the first step in the urbanisation of the Future Urban zone and the structure plans establish the pattern of land use and supporting infrastructure networks for the area. The structure planning process for each of these areas has taken around 18-24 months of work including technical studies and a number of phases of public consultation.

Infrastructure providers are also well into planning for and investing in the Future Urban zone areas. For example:

- Te Tupu Ngātahi (the Supporting Growth Alliance) is a collaboration between the NZ Transport Agency and Auckland Transport. The alliance is around halfway into a five year project to identify and route protect the preferred transport networks required in the Future Urban zones across Auckland. The indicative strategic transport networks for these areas has been completed and the alliance is now preparing detailed business cases for the transport projects. It will then seek route protection for the transport network in a staged manner across all growth areas.

¹² Based on 64% of the Future Urban zone which was in total anticipated to accommodate 97,000 dwellings in the Future Urban Land Supply Strategy (Future Urban zone totals calculated by excluding the 'live' zoned "Actuals, contracted or planned" areas in the Future Urban Land Supply Strategy).

- Watercare has been involved in the council's Future Urban Land Supply Strategy and structure planning and the timing of their funding (via the Asset Management Plan) is aligned with these planning initiatives. Based on this Watercare has invested in various projects to service the Future Urban zone with water and wastewater such as:
 - Implementing the Warkworth-Snells Beach Conveyance Network which will enable the growth of Warkworth including the Future Urban zoned area (to be completed by 2022).
 - Bringing forward (under the Housing Infrastructure Fund) funding for the Northern Interceptor Phase 2 and the Brigham Creek Pump Station to cater for growth in the Whenuapai Future Urban zone and the Redhills area (which is 'live' zoned but relies on the infrastructure through the Whenuapai Future Urban zoned land) (to be completed by 2023).
 - Planning for a new transmission wastewater pump station to cater for growth in Pukekohe including the Future Urban zone area.
 - Investing to get bulk servicing into Silverdale West including upsizing the wastewater infrastructure in Milldale to cater for the Silverdale West Future Urban zone.

- The Ministry of Education is actively acquiring sites in the Future Urban zone for new schools.

If the Future Urban zone was included in the definition of HPL then the areas of Future Urban zoning may need to be revised and some of the above infrastructure projects would need to be reviewed and possibly stopped.

Land in the Future Urban zone

The Proposed Auckland Unitary Plan identified the proposed Future Urban zone in 2013 and the final area of the zone (some 10,500ha) was made operative in 2016. As noted above, there was extensive public consultation through the development of the Auckland Unitary Plan. Over 250 meetings and 21,000 pieces of written feedback were received on the draft Auckland Unitary Plan. 9,500 submissions were received through formal consultation on the Proposed Auckland Unitary Plan and 3,800 further

submissions were received. There were 249 days of hearings in front of an Independent Hearings Panel over a 20-month period.

The council also produced a Future Urban Land Supply Strategy (2015 and 2017 editions) showing the sequencing of the different areas of Future Urban zone. That is, when each Future Urban zoned area would be 'development ready' (structure planned, rezoned, and serviced by bulk infrastructure).

The purpose of the Rural Urban Boundary (and the associated Future Urban zone) was to provide certainty for landowners on both sides of the urban boundary, as well as to infrastructure providers and the wider public. The Future Urban Land Supply Strategy was to give further certainty around the sequencing of this land. Many investors and developers have made decisions to purchase land in the Future Urban zone during this time.

If the Future Urban zone was included in the definition of HPL, then a wide-scale review of the Future Urban zone could have immediate implications for the development of the areas of the Future Urban zone sequenced first. Plan Changes to rezone the Future Urban zone to 'live' zones are currently underway in Whenuapai and Warkworth North. If the NPS-HPL applies to this land it could add uncertainty, complexity, delay, and cost to these processes.

2.3 Countryside Living zones

The Auckland Council supports the Countryside Living zone being included in the definition of HPL.

Background to the Countryside Living zone

Due to the Independent Hearings Panel's recommended wording in the Auckland Unitary Plan to avoid Countryside Living zones on prime land only 'where practicable', some large areas of Auckland's prime land were rezoned to the Countryside Living zone during the Auckland Unitary Plan process (e.g. Taupaki, Riverhead, Coatesville).

The Countryside Living zone in Auckland includes many areas that are already highly fragmented (making it more difficult to use productively) and built on (taking land out of productive uses and creating reverse sensitivity impacts). However, there are also other areas in the Countryside Living zone that have not yet been overly fragmented

or developed and where productive rural activities are still occurring. Around 22% of the Countryside Living zone is being used for primary production purposes¹³.

Land not already compromised

In Auckland, some HPL in the Countryside Living zone may not be yet be compromised for primary production and most of the issues identified for the Future Urban zone in the above section are not applicable to the Countryside Living zone.

The council's HPL identification exercise should enable compromised areas of the Countryside Living zone to be excluded from the HPL areas and those still with the potential for primary production to be included (see section 6.4 of this submission). Those areas that are included in the HPL areas would then logically require a rezoning from Countryside Living to a productive rural zoning (e.g. Rural Production, Mixed Rural).

Potential consenting issues for Countryside Living zones

It is noted that the interim definition will create consenting uncertainty for Countryside Living landowners on HPL. If a landowner on HPL in the Countryside Living zone wishes to subdivide/develop their land for lifestyle purposes, then there will be some tension between the Auckland Unitary Plan zoning and the NPS-HPL. This is because the Countryside Living zone enables lifestyle block development whereas the NPS-HPL directs lifestyle blocks away from HPL.

This submission offers no solution to this issue but simply seeks to make the Ministry for the Environment aware of it. There is no easy solution as the interim definition is required to prevent a 'gold-rush' effect and the council supports the interim definition applying to the Countryside Living zone to enable the council's HPL identification exercise to consider areas of the zone suitable to be covered by the protections of the NPS-HPL.

Clustering of rural lifestyle development on Highly Productive Land

For Countryside Living areas that are on HPL but are determined through the council's HPL identification exercise to be already compromised, the NPS could consider some further guidance to require any further rural lifestyle subdivision in the

¹³ 21% in the entire Future Urban zone and 22% on the HPL in the Future Urban zone based on rates assessment data (combining Dairying, Forestry, Horticulture, and Pastoral uses) – See Appendix 6.

Countryside Living zone to be designed in such a way as to keep as much of the HPL out of development as possible (i.e. clustering of built development).

3. Rural lifestyle development and fragmentation of Highly Productive Land

The Auckland Council requests the strengthening of Policy 4 in the NPS-HPL to essentially preclude rural lifestyle development or zoning on HPL.

While the Auckland Council accepts that urban expansion onto HPL can be considered in some cases (see section 4 of this submission), the council does not support rural lifestyle blocks being developed on HPL.

3.1 Issues with rural lifestyle development

It is acknowledged that there is a generally high demand for lifestyle living around the fringes of Auckland, including on areas of HPL. However, lifestyle development is an inefficient growth pattern and has negative outcomes for HPL including taking land out of commercial production (for consumptive purposes at best), increasing land prices (making primary production activities less economically viable), and creating potential reverse sensitivity issues.

Assuming sensitive activities can be impacted by rural production activities to a distance of around 250m¹⁴, then just one lifestyle block of 1ha could have reverse sensitivity impacts on farm operations covering an area of 35ha. This is illustrated in Figure 1 below.

¹⁴ This distance needs to be refined and justified based on further evidence. The 250m distance is based on half of the minimum separation distance of 500m recommended for intensive farming from sensitive activities (Emission Impossible Ltd (2012a). Separation Distances for Industry, A discussion document prepared for Auckland Council, 9 July 2012, Auckland).

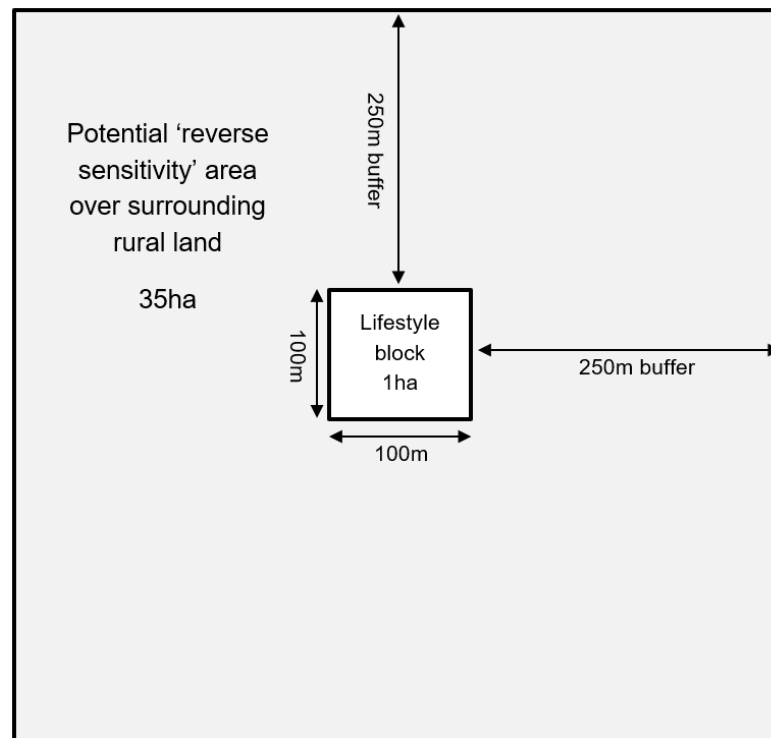


Figure 1: Area of potential impacts from a lifestyle block on surrounding farmland

Even using a buffer of just 100m could impact 8ha of neighbouring farmland. Nation-wide, rural lifestyle development has been reported to be a bigger threat to HPL than urban expansion.¹⁵

Any argument seeking to enable further fragmentation of HPL to accommodate families and workers needed for agriculture operations on HPL is weak considering that most district plans (including the Auckland Unitary Plan) already enable a level of development to accommodate farm workers¹⁶.

It is also noted that rural lifestyle development is a poor precursor to any possible future urbanisation as it highly fragments the land, raises land prices, and makes efficient infrastructure and good urban design outcomes difficult to achieve.

¹⁵ Andrew, R. and J. R. Dymond (2013). "Expansion of lifestyle blocks and urban areas onto high-class land: an update for planning and policy." *Journal of the Royal Society of New Zealand* **43**: 128-140.

¹⁶ The Auckland Unitary Plan enables workers' accommodation and minor household units in the productive rural zones. A second and third dwelling are also permitted on large sites (over 40 and over 100ha respectively).

The Auckland Council seeks that Policy 4 of the NPS should include very directive wording to essentially exclude the possibility of new rural lifestyle development or zoning being located on HPL.

The wording for Objective 3 should be amended as below (new text underlined) or to wording that achieves the same effect:

“ ...

- Avoiding new rural lifestyle subdivision, use and development and rural lifestyle zoning on or adjacent to highly productive land.
- avoiding other subdivision and land fragmentation that compromises the use of highly productive land for primary production.”

The wording for Policy 4(c) should be amended as below (new text underlined) or to wording that achieves the same effect:

“...Directing new rural lifestyle development and zonings away from areas of highly productive land to avoid any new rural lifestyle development on or adjacent to highly productive land.”

4. Urban expansion onto Highly Productive Land

The Auckland Council supports the intent of Policy 3 that urban expansion onto HPL should be able to be considered if certain tests are met. However, as HPL is a finite resource and Auckland has already lost (and will lose through zoning) a significant amount of this resource, the council considers that the tests for urban expansion onto HPL should be significantly strengthened.

It is noted that the Auckland Council currently has no plans to identify additional greenfield areas for urban expansion as there is still sufficient capacity in the Future Urban zone to provide for Auckland's long-term growth (out to 2050). Therefore, Policy 3 does not hinder the current growth plans of Auckland Council. However, despite this there are still significant development pressures for resource consents and private plan changes to expand Auckland's urban area onto rural land (beyond the Future Urban zone).

Comments on each of the 'tests' under Policy 3 are provided below.

4.1 Shortage of capacity

The council considers that the first test in Policy 3(a) around demonstrating a shortage of development capacity is appropriate. However, clarification is sought as to what timeframe this is referring to (e.g. a short-term shortage would seem to be most appropriate).

4.2 Cost-benefit analysis

Is it the right tool?

While a cost-benefit analysis generally provides a good framework for decision-making, it has shortcomings which mean it may not be suitable for this type of decision relating to a finite resource. These shortcomings include the challenges associated with irreversibility, the comparison of long- and short-term costs and benefits, and the non-substitutability of resources by providing a quantitative comparison in a common metric¹⁷. It is the recurring costs that highlight the real loss of the broader array of ecosystem services and the option value of this land where decisions are irreversible. Arguably it is these costs that should drive development decisions, not one-time costs, especially where decisions are irreversible.

The Auckland Council requests that the government investigate what other decision-making tools could be used for the analysis of urbanising HPL.

The NPS-HPL discussion document states that “marginal analysis based on comparison of land-use outcomes in financial terms at a single parcel level is heavily weighted toward favouring change away from primary production activities. This is because the financial returns from residential and business uses are, in almost all instances, greater than those from primary production activities using highly productive land. Similarly, the value of land for rural lifestyle development is usually several times that of land used for primary production activities¹⁸.”

The Auckland Council’s experience supports this finding. During the Auckland Unitary Plan process many rural landowners sought rezonings of their land to

¹⁷ Greenhalgh, S., Samarsinghe, O., Curran-Cournane, F., Wright, W., Brown, P (2017). "Using ecosystem services to underpin cost benefit analysis: Is it a way to protect finite soil resources?" Ecosystem Services 27: 1-14.

¹⁸ Page 23 of *Valuing highly productive land – a discussion document on a proposed national policy statement for highly productive land*, MPI and MfE, 2019.

Countryside Living and provided evidence to demonstrate that the land was unviable for continued productive use and/or that a greater economic benefit could be achieved through lifestyle blocks.

Amendments if retaining the cost-benefit approach

If a cost-benefit analysis is to be retained in the NPS it should also provide further clarification in the text to overcome the common criticism of cost-benefit analyses – that they do not try to quantify, proxy or even describe harder to measure benefits or costs (e.g. intangibles), and therefore do not fairly represent the true costs and benefits of different policies or decisions.

For example, in the case of protecting HPL one of the key arguments is retaining the option to use the HPL land for different purposes; once it is developed it is effectively never again going to be possible to undertake agricultural activity there at scale. This option value, as well as other factors such as changing preferences of people to retain agricultural landscapes and eat locally grown food, and the cultural and social values people place on connection to agricultural land, are all valid components of the benefits side of land being used for agriculture. These factors must be given adequate consideration and a fair weighting in any decision on whether to develop HPL.

Lifting an economic assessment to a macro level (as mentioned in the discussion document) can also assist in providing a fairer assessment of the trade-offs. The time period of any economic assessment should also be very long term (i.e. 100 years) so that short term benefits do not out-weigh the long term/permanent costs of losing HPL.

4.3 Environmental, economic, social and cultural benefits

It is not clear how the second bullet point of Policy 3(b) relates to the cost-benefit analysis. Based on the above discussion in section 4.2 of this submission, if a cost-benefit analysis is retained in the wording of the NPS, the types of matters mentioned in this second bullet point should be considered in such an assessment. Therefore, the Auckland Council requests that these two bullet points be under Policy be merged into one.

4.4 Feasibility of alternative locations

While the Auckland Council supports the intention of this test, the wording is relatively light and a more robust test around alternatives is considered necessary before urban expansion occurs on HPL. The Auckland Council seeks that strong direction is provided in the NPS wording to ensure that the full range of alternative options are considered.

This could be through a sequential test that guides urban development towards intensification locations first, then urban expansion into areas without HPL, and only when neither of these are feasible can urban expansion onto HPL be considered.

The wording of Objective 3 should be amended as below (new text underlined, deleted text struck-through) or to wording that achieves the same effect:

“...avoiding ~~uncoordinated~~ urban expansion on highly productive land where alternative options are feasible ~~that has not been subject to a strategic planning process~~; and...”

The wording of Policy 3(b) should be amended as below (new text underlined, deleted text struck-through) or to wording that achieves the same effect:

“b. its is demonstrated that this is the most appropriate option based on a consideration of:

...

- The feasibility of alternative locations and options to provide for the required demand, ~~including intensification of existing urban areas~~ shortage of development capacity as assessed through a sequential test as follows:
 - Urban intensification within the existing urban zoned area; then
 - Urban intensification within the existing urban zoned area of one or more other settlements within the region; then
 - Urban expansion outside HPL around the zoned urban area; then
 - Urban expansion outside HPL around one or more of the other settlements within the region; then
 - Development of new urban settlement(s) outside of HPL within the region.

Only after these alternatives are fully considered can urban expansion onto HPL within the region be considered.”

Diagrams that further illustrate the sequential test for urban expansion onto Highly Productive Land are included in Appendix 7.

5. Exercise to identify Highly Productive Land

The Auckland Council generally supports the exercise of identifying HPL. However, the council requests that the government actively consider a nationally coordinated approach to ensure that the Highly Productive Land identification exercise is carried out consistently across the country.

5.1 Areas of support

The Auckland Council supports the approach in Policy 1 of the NPS to enable regional councils to undertake an exercise to identify HPL for their regions. While this exercise is being carried out, the Auckland Council supports the interim approach of defining HPL as the LUC 1-3 areas. This interim approach will avoid the ‘gold-rush’ effect for rural subdivision etc which is a high likelihood in Auckland based on previous experience with changes to rural subdivision provisions¹⁹.

The Auckland Council supports the interim approach in the NPS of classifying all LUC 1-3 land as HPL, rather than the Auckland Unitary Plan approach of differentiating between LUC 1 and LUC 2-3 with lesser protection of the latter. There is very little physical difference between LUC 1 and LUC 2 land which is also realised where farm profitability is considered²⁰. It is also noted that ‘cohesive’ areas of HPL

¹⁹ There was a spike in rural subdivision applications in Auckland in August/September 2013 from an average of twelve per month over the previous year to 32 in August and 64 in September. This spike was likely related to the Auckland Unitary Plan being notified on 30 September 2013 and landowners being concerned about tighter subdivision controls in the Auckland Unitary Plan that had been signalled in the draft version of the plan earlier that year. There was another spike in rural subdivision applications from May to August 2016 where the monthly totals were 30, 36, 57 and 55. This spike was likely related to the impending council decisions on the Auckland Unitary Plan in August 2016 and landowners being concerned that the final plan would result in tighter rural subdivision rules (as the council’s evidence to the Independent Hearings Panel sought).

²⁰ Vogeler, I., et al. (2014). *“Modelling pastoral farm systems — Scaling from farm to region.”* Science of the Total Environment **482-483**: 305-317.

will need to contain a range of LUC classes (as the soil types can vary within a few metres).

The Auckland Council supports the identification of HPL areas to be mapped in the Regional Policy Statement where it will not be subject to private plan changes.

5.2 Undertaking the exercise to identify Highly Productive Land

The Auckland Council requests that the government actively consider a nationally coordinated exercise to map the HPL areas across the country. This will ensure consistency across the different councils and assist smaller councils where the costs would be prohibitive. It is noted that the Land Monitoring Forum Special Interest Group would be well placed to help establish a national framework for the consistent application of the criteria and mapping of HPL at appropriate scales.

While the costs to the government of a national exercise are acknowledged²¹, the aggregate costs to each council of undertaking this exercise along with the challenges by landowners to it would be very significant.

If a national exercise is not carried out the Auckland Council requests that further detailed guidance (scale of mapping and ground-truthing), assistance (expertise from government departments), and funding be provided to councils for this exercise. An extended timeframe of 5 years is requested to carry out this exercise. The 3 year timeframe would be insufficient for councils to do a mapping exercise at scales in and around 1:10,000 (if this is what is required).

It is also noted that through the NPS Essential Freshwater there are requirements to produce Farm Plans and submit these to the council. The Auckland Council requests that the government investigate whether it would be fair, reasonable, and efficient for a LUC assessment to be part of each Farm Plan and the outcome of this assessment given to the council for peer review and approval. This would supply a detailed source of data to the council on LUC in the region and would assist in a HPL identification exercise.

²¹ In 2006, Manderson and Palmer reported that a stratified programme at scales of 1:10,000 for versatile land; 1:25,000 for other agricultural land etc would cost \$280 million
Manderson, A. and A. Palmer (2006). "Soil information for agricultural decision making: a New Zealand perspective." Soil Use and Management 22: 393-400.

If the identification exercise is done at a regional level, it is requested that wording be included in Policy 1 to require neighbouring regional councils to work together in determining the HPL close to the regional boundaries (to ensure a consistent approach across regional borders).

6. Criteria to identify Highly Productive Land

The Auckland Council supports the criteria to identify HPL that relate to the physical land resource in Policy 1 Appendix A ((a) and (b)). The council seeks clarification as to the intent of criteria (c) around the size and cohesiveness of the area.

The council opposes the second list of criteria that relate to temporal matters that are subject to change over time (e.g. water availability, transport routes). The council requests that additional criteria are added around Maori land and existing Countryside Living zones.

6.1 Size and cohesiveness

The third criterion under Policy 1(c) is interpreted by the Auckland Council as relating not to the specific site sizes of parcels, but rather the higher-level size of the HPL area. This criterion is assumed to encourage larger areas of HPL to be identified rather than small, remote areas of LUC 1-3 being identified as HPL. It is also assumed to enable the boundaries of a HPL area to be taken to logical geographic boundaries (i.e. the coast, roads, topographical features). This could thereby include some areas of lower quality land in exchange for the benefits of identifying cohesive areas of HPL. The Auckland Council supports this approach and requests that the wording of criterion (c) be amended to make this interpretation more explicit. It is noted that developers seeking to rezone HPL areas in Auckland have recently contacted the council and have interpreted this criterion differently to council – they have interpreted it as being related to the parcel size.

The wording of Policy 1(c) should be amended as below (new text underlined) or to wording that achieves the same effect:

“c. the size and cohesiveness of the area of land to support primary production (using logical geographic boundaries that may result in some lower classes of land being included within the wider area of highly productive land)...”

6.2 Temporal factors

The Auckland Council does not support the second list of criteria to identify HPL under Policy 1. This list contains temporal factors that have the ability to change through further investigation, technology, new infrastructure etc over a 50-100-year timescale. The land itself is the finite resource and the NPS is intended to enable its long-term protection. The NPS should be recognising the potential of this resource, even if it is not currently able to be used to its full potential.

It is acknowledged that this second list of criteria is not a requirement as it is headed with the words “may consider”. However, the Auckland Council sees a high risk in landowners and developers using the second list of criteria to attempt to exclude areas of land from HPL during the council’s HPL identification exercise.

As an example, at the publication of the NPS-HPL the council was contacted by the proponent of a potential private plan change (to rezone areas of LUC 1-3 to Countryside Living) highlighting the criterion on water availability (currently limited in the locality) and seeking to push forward with the Countryside Living rezoning based on the current lack of water availability.

The wording of these criteria is also likely to create issues with phrases such as “access to appropriate labour markets” in criterion (c). In an area with HPL and high incomes such as Omaha Flats in the Rodney Local Board area, arguments are likely to be put forward that this area does not have an ‘appropriate’ labour market as the wages for agricultural workers are significantly lower²² than the average in the wider area²³.

Criterion (e) is broad and not entirely clear while criterion (f) could potentially disqualify significant areas of HPL based on the standards in the Proposed NPS Essential Freshwater.

The Auckland Council would prefer that the second set of criteria either be removed entirely or changed to relate the list only to the assessment of lower classes of land. If retained, the wording of Policy 1 Appendix A should be amended as below (new text underlined) or to wording that achieves the same effect:

²² \$34,000 based on median personal income in the Agriculture, Forestry and Fishing industry in Auckland (Census 2013).

²³ \$51,700 based on the median personal income in the Rodney Local Board for full-time employees (Census 2013)

“...When identifying areas of highly productive land, local authorities may also consider the following factors for lower classes of land not in LUC 1-3:...”

6.3 Maori land

The NPS-HPL discussion document mentions the constraints related to Maori land but the wording of the NPS does not pick up on these issues. The Auckland Council supports additional wording in Policy 1 that enables the constraints on Maori land to be considered when identifying HPL.

The wording of Policy 1 Appendix A should be amended as below to add text to the first list of criteria (new text underlined) or to wording that achieves the same effect:

“...d. the constraints that already apply to Maori land in multiple ownership.”

6.4 Existing Countryside Living zoned land

The council exercise to identify HPL will look at existing Countryside Living zones (as they are not excluded from the HPL definition). As discussed in section 3 of this submission, there are some areas of Auckland’s Countryside Living zones that are still being productively used and could be identified as HPL (with likely rezoning following). However, there are also significant areas of Auckland’s Countryside Living zones that have already been largely compromised for primary production through fragmentation down to small lots, significant built development, and high land values.

Policy 1 Appendix A requires the addition of a criterion to be able to specifically exclude these compromised Countryside Living zoned areas during the identification exercise, while not enabling this criterion to be used in rural areas outside the Countryside Living zone. It is critical that this criterion is not able to be applied to the wider rural areas as it would create a very broad avenue to argue for much of the HPL in Auckland to be excluded.

The wording of Policy 1 Appendix A should be amended as below to add text to the first list of criteria (new text underlined) or amended to wording that achieves the same effect:

“...e. the current land use, level of fragmentation, and amount of built residential development and other sensitive uses within rural lifestyle zones only.”

6.5 The potential of Highly Productive Land

The Auckland Council considers that HPL should not only apply to land that is highly productive at present, but also to land that has the potential to be highly productive in the future.

The wording of Policy 1 Appendix A should be amended as below to add text to the first list of criteria (new text underlined) or to wording that achieves the same effect:

“...a. the capability, ~~and~~ versatility, and future potential of the land to support primary production based on the Land Use Capability classification system;...”

7. Inappropriate use and development on Highly Productive Land

The Auckland Council requests further clarification in the NPS-HPL of what is meant by ‘inappropriate’ use and development on HPL. The council specifically seeks that additional wording be added to Policy 2 to identify examples of inappropriate use and development, address the issue of rural industries and services, and provide clear direction on soil harvesting. The council also seeks that Policy 2(b) provides clearer direction to protect HPL.

7.1 Identifying inappropriate use and development

Policy 2(c) of the NPS requires councils to identify inappropriate subdivision, use and development of HPL and (d) requires HPL to be protected from this. The Auckland Council requests that the NPS contains further wording to explain what is meant by inappropriate use and development in Policy 2(c) (noting that subdivision is specifically covered in Policy 4).

While there may be some regional differences in determining what is inappropriate on HPL, there are also a range of activities that would not be appropriate on HPL anywhere in New Zealand. Having specific and directive wording on this in the NPS gives greater weight for councils to be able to exclude such activities from HPL through their district plans.

There is pressure in the rural zones around Auckland for ad-hoc rural sites to be converted into urban activities such as industrial and yard activities, trucking depots, contractors' yards, trade supply depots, commercial storage facilities, retail plant nurseries, churches, and schools. These activities remove HPL production on a site by site basis and can potentially create reverse sensitivity issues. Such developments would be difficult to define as 'urban expansion' so would not come under Policy 3 and most do not involve subdivision so are not covered by Policy 4. Therefore, they need to be covered under Policy 2.

Even with the strong objective and policy framework for elite and prime land in the Auckland Unitary Plan, resource consents have been granted on HPL land in Auckland recently (see section 1.3 of this submission) for activities including self-storage units, transport depots, vehicle storage facilities, a church and school, and a large childcare centre. Therefore, the Auckland Council seeks that the NPS is more specific and directive on what is 'inappropriate' use and development.

The wording of Policy 2(c) should be amended as below to include specific examples of inappropriate use and development (new text underlined) or to wording that achieves the same effect:

“...c. identify inappropriate subdivision, use and development of highly productive land (including but not limited to rural lifestyle development, activities sensitive to agriculture, and activities that would normally locate in urban zones (e.g. industrial activities); and...”

7.2 Rural industries and services

The Auckland Unitary Plan recognises that some 'industrial' or 'commercial' type activities can be located in the rural zones where their principal function is to provide services to rural production activities²⁴. These are defined as Rural Industries and Rural Commercial Services in the Auckland Unitary Plan and include activities such as freight or transportation services, meat processing, dairy factories, servicing of farm machinery, and fencing contractors. Many district plans across New Zealand will have similar definitions and the National Planning Standards also includes a definition of Rural Industry²⁵. It is noted that the definition in the National Planning

²⁴ Through the definitions of Rural Industries and Rural Commercial Services.

²⁵ Rural industry means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.

Standards is likely to enable a wider range of activities than the Auckland Unitary Plan definitions.

These activities in the Auckland Unitary Plan can be used as an avenue to locate commercial or industrial activities in the rural zones when the activities are in fact far better suited to an urban zone. Examples of recent resource consent applications in Auckland seeking that industrial activities be classified as 'Rural industries' or 'Rural commercial services' include a concrete batching plant and a directional drilling service²⁶. There is often no compelling reason why these activities need to be located in the rural area (except that the land is cheaper for the business owner and the sites can be large enough to manage effects onsite). Due to the size of Auckland's metropolitan area and the number of towns and villages throughout the district there are very few places in Auckland that are not close to urban zones.

The Auckland Council requests that the NPS gives strong direction that general industrial, commercial activities (as noted in section 7.1 above) cannot locate in HPL areas and that Rural Industries and Rural Commercial Services must go through a sequential test before they can locate on HPL.

The wording of Policy 2 should be amended as below to include specific examples of inappropriate use and development (new text underlined) or to wording that achieves the same effect:

"...e. Require any new Rural Industry on highly productive land to firstly assess the feasibility of alternative locations and options through a sequential test as follows:

- An urban zone in the vicinity; then
- An urban zone further away; then
- A rural zone outside an HPL area.

Only after these alternatives are fully considered can a Rural Industry be considered on HPL."

²⁶ LUC60066560, 63 Richards Rd and LUC60339009, 41 Eden Road

7.3 Soil harvesting

Soil harvesting is where a landowner acknowledges their land is HPL but seeks to mitigate the effects of a development by scraping the topsoil off the site and transporting it to another site – and thereby ‘saving’ the resource.

This approach has been seen in resource consent applications to the Auckland Council²⁷. The soil harvesting approach is not scientifically supported as a mitigation method because the site characteristics (e.g. easy contour, good drainage, favourable climate) cannot be scraped up and transported to another site. Additionally, the soil ecosystem services at the site where the soil is to be redeposited are unknown and uncertain so not only is the soil at the excavated site being destructed but the destruction of the soil at the receiving site will also ensue resulting in the net loss of soil ecosystem services of HPL²⁸.

To prevent the soil harvesting approach being used in HPL areas the Auckland Council seeks that the NPS include some specific wording that sends down a national direction on this matter.

The wording of Policy 2 should be amended as below (new text underlined) or to wording that achieves the same effect:

“...d. protect highly productive land from the identified inappropriate subdivision, use and development (soil harvesting is precluded from being a protection method under this policy).”

7.4 Direction to protect Highly Productive Land

Policy 2(b) provides a high level of discretion as to whether councils should give greater protection to areas of HPL. Firstly, greater protection must only be “considered” and only then for the “land that makes a greater contribution to the economy and community.”

The Auckland Council is concerned that such wording will enable landowners and developers to successfully argue against protection of HPL areas if they are currently under-utilised for primary production. The council considers that it is the productive potential of HPL that should be protected, not just any current productive use.

²⁷ BUN60302486, 166 Waiuku Road and LUC60307744, 167 Riverhead Road

²⁸ Clothier, B. (2009). "Evidence in Chief before the Environment Court in the matter of the Resource Management Act 1991 and the matter of an Appeal under Section 120 of the Resource Management Act 1991 between Bunnings Limited (appellant) and Hastings District Council (respondent) APPEAL: ENV-2009-WLG-0182."

The wording of Policy 2(b) should be amended as below (new text underlined) or to wording that achieves the same effect:

~~“...b. consider giving~~ give greater protection to areas of highly productive land ~~that make a greater contribution to the economy and community.”~~

8. Reverse sensitivity

The Auckland Council requests that further national direction be provided on the types of primary production activities and effects that should be anticipated and tolerated in rural areas. The council also requests that more directive wording be included in Policy 5 around new sensitive activities on HPL. Further national direction is also sought in relation to methods to avoid reverse sensitivity effects. The council also request that a ‘buffer area’ be included in the HPL identification exercise.

8.1 Types of activities sensitive to primary production

Policy 5(a) tasks local councils with determining the typical activities and effects associated with primary production. While there may be some regional variation, there is generally a commonly accepted list of effects that are associated with primary production including odour, noise, truck movements, etc. The council requests that the NPS include further details on these so that more directive guidance is given to councils. The alternative is that each council determines these activities and effects which can then be challenged through the plan making process across the country.

8.2 New sensitive activities on Highly Productive Land

Policy 5(b) requires councils to only “restrict” new sensitive uses and incompatible activities on HPL. It is not clear why the NPS-HPL would be developed to still anticipate allowing sensitive activities on HPL that may compromise the efficient operation of primary production activities. The council requests that the wording should be made more directive (i.e. “avoid”).

The wording of Policy 5(b) should be amended as below (deleted text struck through, new text underlined) or to wording that achieves the same effect:

“...b. ~~restrict~~ avoid new sensitive and potentially incompatible activities on or adjacent to highly productive land to ensure these do not compromise the efficient operation of primary production activities;”

8.3 Methods to avoid reverse sensitivity effects

Further national direction is sought under Policy 5 (c) and (d) around appropriate setback distances between sensitive uses and primary production. The council also requests that the onus on the setback should generally be on the land that is not part of the HPL area. Clear direction is also sought that avoiding sensitive uses locating on or adjacent to HPL in the first and best tool to address potential reverse sensitivity.

8.4 'Buffer areas' around Highly Productive Land

The Auckland Council requests that Policy 1 include some wording to require that a buffer area (e.g. around 250m²⁹) be included around the landwards edge of each HPL area. Some text should then be added to state what the purpose of the buffer area is (e.g. to avoid reverse sensitivity effects around the edge of HPL) and what the NPS controls in the buffer areas (i.e. setbacks and the establishment of new sensitive activities).

The wording of Policy 1 should be amended as below (new text underlined, deleted text struck-through) or to wording that achieves the same effect:

“...map each area of highly productive land and also map a XXXm buffer around each area; and...”

Consequential changes should be made to Policy 5 so that the reverse sensitivity matters are also applied to the buffer areas.

²⁹ This distance needs to be refined and justified based on further evidence. The 250m distance is based on half of the minimum separation distance of 500m recommended for intensive farming from sensitive activities (Emission Impossible Ltd (2012a). Separation Distances for Industry, A discussion document prepared for Auckland Council, 9 July 2012, Auckland).

9. The value of rural land outside identified areas of Highly Productive Land

The Auckland Council requests that the NPS contain wording to clarify that all rural land has value and potential for different types of rural production activities.

While the Auckland Council generally supports the NPS-HPL, there is a concern that it may inadvertently promote a 'two-tiered' approach to the rural area. That is, the HPL land is given such special status that it casts a shadow over the remaining rural areas and they are subtly viewed as 'second-rate' and not being useful for rural production. They could then be viewed as an appropriate location for lifestyle subdivision and/or urban type activities that are restricted from being located on HPL.

This would likely be evidenced in applications to councils for lifestyle subdivision and urban type activities where applicants will state that they 'tick the box' of avoiding HPL and therefore have satisfied the issue the government and council are seemingly focussed on.

The Auckland Council requests that wording be added to the NPS to state that all rural land has value and potential for different types of rural production activities. This could be done in a similar way that the Auckland Unitary Plan addresses this issue in the sections around protecting elite and prime land. While these sections obviously include objectives and policies around elite and prime land, they also include some objectives and policies relating to other rural land. These policies are included in Appendix 8.

The wording of the NPS-HPL should be amended to include an additional objective and policy as below (new text underlined) or to wording that achieves the same effect:

"...Objective 4: To recognise the productive potential of rural land that is not identified as highly productive land."

"Policy X: Territorial authorities must recognise the productive potential of rural land that is not identified as highly productive land through appropriate methods."

10. Application of the NPS to resource consents and private plan changes

The Auckland Council requests that Policies 6 and 7 be reviewed to provide a consistent approach as to how the NPS-HPL applies to resource consents and private plan changes.

Policies 6 and 7 appear to be inconsistent in their wording and criteria. However, it is not clear why the NPS-HPL should be applied differently to resource consents and private plan changes.

Policies 6 and 7 only mention requests or applications for subdivision and urban expansion. This means that the array of other 'inappropriate' use and development activities in Policy 2 would not be captured. Policy 7 for private plan changes uses the wording "have regard to" whereas s55 of the RMA requires council plans to 'give effect' to national policy statements. Policy 7 requires a LUC assessment while Policy 6 does not.

Overall, the Auckland Council requests that these two sections be reviewed with a view to potentially combining them and simplifying the text to relate back consistently to the other sections of the NPS-HPL.

11. Implementing the NPS into the Auckland Unitary Plan

The Auckland Council requests that the NPS give clear direction as to what parts of the NPS-HPL can be inserted into the Auckland Unitary Plan without using the First Schedule of the RMA.

The Auckland Council considers that the council exercise to identify HPL in the region should go through the First Schedule to enable public feedback and submissions as to the location of the HPL areas.

However, aside from this the Auckland Council seeks that as much of the NPS content as is reasonable be directed by the NPS to bypass the First Schedule process (e.g. Policy 1.2, Policy 2, Policy 4, Policy 5). This is due to the ability for the public to be involved through this NPS consultation, the ability for the public to be involved in the HPL area identification exercise, the national importance of this matter, and the mandate³⁰ that the government has on this issue to take action.

³⁰ Ministry for the Environment & Stats NZ (2018). *New Zealand's Environmental Reporting Series: Our land 2018*. Retrieved from www.mfe.govt.nz and www.stats.govt.nz.

12. Definitions

The Auckland Council requests that the definition of primary production be amended so that HPL is protected only for primary production that relies on the soil resource. The council requests that the definition of Highly Productive Land be amended to enable Auckland Council to utilise the FARMLUC system. The council also supports the exclusion of urban areas and the Future Urban zone from the definition of HPL as outlined in section 2 of this submission.

12.1 Primary production relying on the soil resource

The purpose of the NPS-HPL is to protect HPL from urban expansion, lifestyle development and other inappropriate uses so that it can be used for primary production. The definition of primary production used in the NPS-HPL is nearly the same as that in the National Planning Standards (but excludes mining and quarrying activities).

The NPS does not use the term 'intensive indoor primary production' from the National Planning Standards so it can be assumed that the NPS-HPL does not anticipate activities such as intensive pig, chicken, or mushroom farms being suitable in HPL areas. Clarification on this matter would be useful.

However, it is not entirely clear which definition would cover an activity such as a glasshouse that grows plants without using the soil of the site. The definition of primary production does not specifically exclude activities that do not rely on the productive capacity of the underlying soil (e.g. growing in soilless media). It is therefore assumed that a horticulture operation not utilising the soil of the site would fall under the definition of primary production.

It does not seem logical to protect the HPL soil resource from being paved over from urban expansion, but then allow it to be paved over for a horticulture operation that uses soilless media. Such an activity does not rely on the productive capacity of the soil and therefore does not need to be located on HPL. The NPS-HPL should be protecting the full HPL resource including the soil. The purpose of the NPS-HPL is not to protect areas of flat land for large scale, industrial-type growing, but rather to protect the land resource which includes the soil.

As the NPS-HPL has already slightly altered the definition of primary production from the one used in the National Planning Standards, it is appropriate to further refine this definition for the purposes of the NPS-HPL.

The wording of the definition of primary production should be amended to exclude activities that do not rely on the underlying soil resource (new text underlined) or to wording that achieves the same effect:

“Primary production means:

a. any agricultural, pastoral, horticultural, or forestry activities that rely on the productive capacity of the soil of the site; and...”

12.2 NZLRI and FARMLUC

The definition of highly productive land specifically refers to the NZLRI whereas the Auckland Council now uses the FARMLUC database (see Appendix 3). It is requested that the definition be amended to enable the FARMLUC database to be used in determining LUC 1-3 land in Auckland. There are other councils (e.g. Tasman District Council) that also have their own, more refined systems.

The wording of the definition of Highly Productive Land should be amended to enable Auckland Council’s FARMLUC database to be used (new text underlined) or to wording that achieves the same effect:

“...b. where a local authority has not identified highly productive land...as mapped by the New Zealand Land Resource Inventory, a more refined regional or district database, or by more detailed site mapping; but...”

13. **Integration with other national direction**

The Auckland Council requests that stronger links are made between the NPS-HPL, the NPS Urban Development, and NPS Freshwater to recognise the inter-relationships between these national directions.

13.1 NPS Urban Development

The key link between the NPS-HPL and NPS Urban Development is through the NPS Urban Development's requirement for councils to prepare a Future Development Strategy and through that process identify "areas where evidence shows that urban development must be avoided" (P1D(a)).

However, it is suggested that this linkage should be made more explicit and the NPS Urban Development policy should provide examples of the types of land to be avoided for greenfield development including HPL. This matter is covered in further detail in the Auckland Council's submission on the NPS Urban Development.

Notwithstanding Auckland Council's request to amend Objective 3 (see section 4 of this submission), another more direct linkage could be provided to the NPS Urban Development by referring specifically to a Future Development Strategy rather than a generic 'strategic planning process' in the second bullet point under Objective 3.

There is some tension between the NPS-HPL and the NPS Urban Development regarding the price differential of urban and rural land. The NPS Urban Development seeks that this differential must be reduced. However, it needs to be recognised that in identifying HPL and placing appropriate restrictions on its use outside of primary production, the value of this land will be significantly lower than urban land. This is because the value of this land for speculative future urban or lifestyle development will be significantly reduced. This tension should be resolved in the two NPS's.

13.2 NPS Essential Freshwater

There are clear tensions between the NPS-HPL and the NPS Essential Freshwater. On one hand the NPS-HPL directs that areas of HPL must be maintained for their productive potential now and for future generations by protecting them from inappropriate land use, subdivision and development.

On the other hand, the NPS Essential Freshwater requires current and future land managers to meet significantly higher standards for sediment and nutrient run-off. Achieving these standards could restrict the ability/viability for primary production activities to occur on this land.

The Auckland Council suggests recognising these inherent conflicts with the NPS Essential Freshwater and that flexibility and support is provided in how the higher standards are achieved and in the timeframes.

Appendix 1 - Acronyms and shortenings used in this submission

LUC – Land Use Capability

RMA – Resource Management Act (1991)

NPS – (Proposed) National Policy Statement

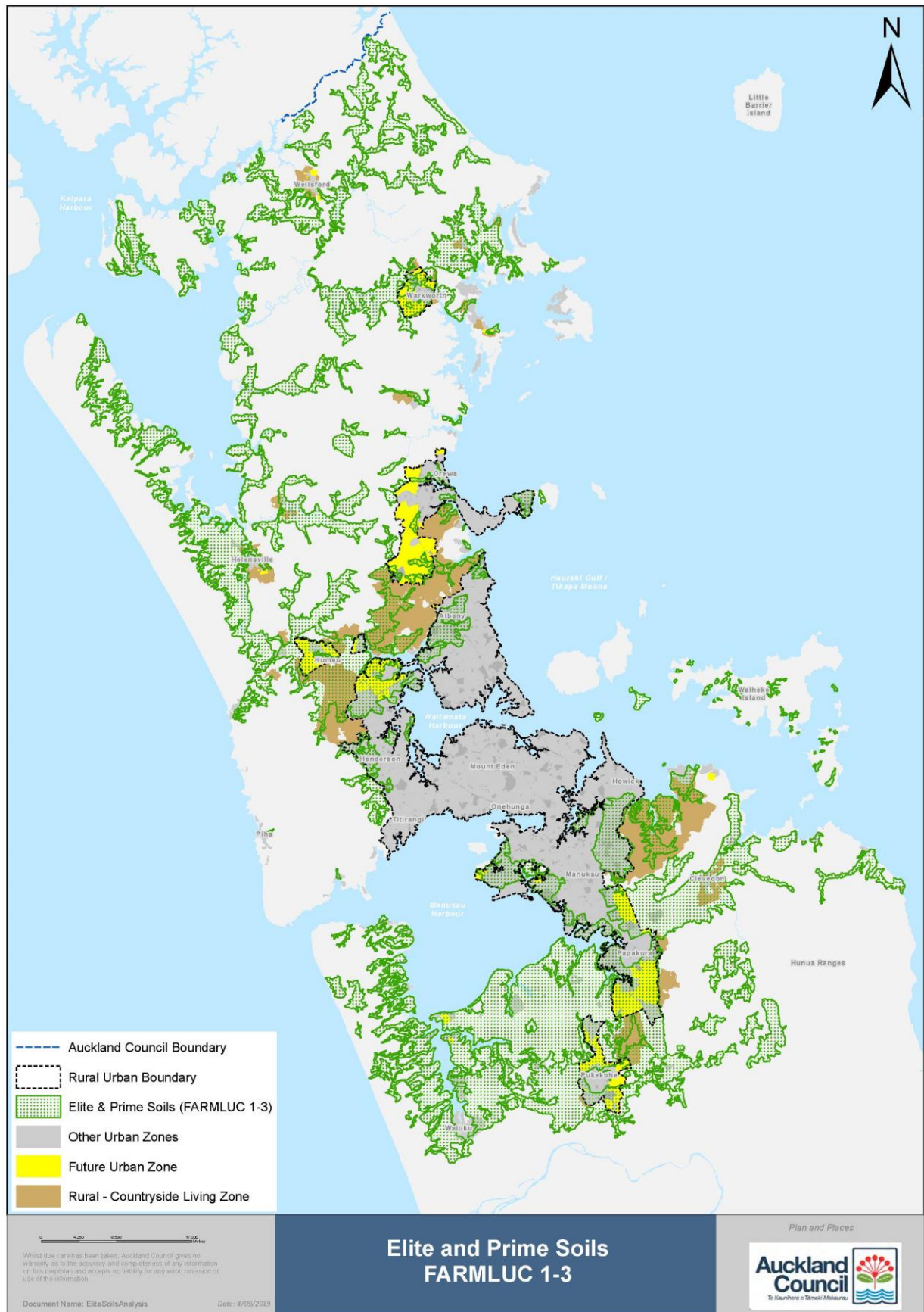
HPL – Highly Productive Land

NPS-HPL – The proposed National Policy Statement on Highly Productive Land

NZLRI – New Zealand Land Resource Inventory

Auckland Unitary Plan – Auckland Unitary Plan Operative in Part (2016)

Appendix 2 – Map of Auckland's Highly Productive Land



Appendix 3 - New Zealand Land Resource Inventory and Auckland's FARMLUC

The land use capability ('**LUC**') classification system describes eight classes of land across New Zealand. The versatility of the land decreases as you move from LUC class 1 through the scale towards class 8. LUC class 1 land is defined as being highly versatile with negligible physical limitations for arable or rural farming use, whereas LUC class 8 is classified as land which has very severe to extreme physical limitations making it unsuited to agricultural, horticultural or plantation forestry use.

The New Zealand Land Resource Inventory ('**NZLRI**') system represents the national LUC unit coverage and comprises mapping from between 1973 and 1979. A new LUC classification for Auckland has been developed known as FARMLUC and provides a regionally consistent, robust and more detailed LUC classification for the region than the NZLRI system.

Auckland's new FARMLUC classification system has revealed that some classes of land are not as they initially appeared to be at the NZLRI regional scale with large increases of LUC 1 and LUC 5 land and corresponding decreases in LUC 2 and LUC 6 land.

Further information on the FARMLUC system can be found at

<http://www.knowledgeauckland.org.nz/assets/publications/ARPB-004-05May-21-2018-FARMLUC-classification.pdf>

Appendix 4 – Auckland Council’s current approach to protecting Highly Productive Land

Auckland Plan 2050 (2018):

The Auckland Plan is the long-term spatial plan for Auckland that looks ahead to 2050. It considers how to address Auckland’s key challenges of high population growth, shared prosperity, and environmental degradation.

Rural Auckland

The Auckland Plan recognises that Auckland's rural areas are a mix of cultivated, natural and built environments that contribute significantly to Auckland's identity and character. Rural Auckland is home to a diverse range of economic activities including agriculture, forestry, horticulture, quarrying and the services that support them.

Auckland’s rural area has a unique combination of temperate climate and frost-free fertile land. The southern rural area has natural fertile land which enables a wider range of vegetables to be grown for longer periods than other areas of the country. This makes a significant contribution to Auckland's and New Zealand's food supply. The north and north-west have an increasing focus on rural tourism, vineyards and niche food production.

The challenges in rural Auckland include population growth, increased demand for rural living, stressed natural systems, and changing land values create pressures and tensions between different activities. Conversely, the commercial production of locally-grown food, as well as tourism, recreation and productive activities are made possible by the proximity of urban Auckland.

Population growth has resulted in a decrease in the number of commercial rural production properties, and an increase in the number of lifestyle properties across rural Auckland. For example, from 1996 to 2016, the number of rural production properties decreased by around 40 per cent, which represents a 25 per cent loss in area, while the number of lifestyle properties increased by around 50 per cent (35 per cent in area).

Auckland's horticultural production

Over 7,000 hectares of land in Auckland is used for horticultural production. Auckland's main horticultural produce includes onions, potatoes, kiwifruit, lettuce, broccoli, wine grapes, cabbage, olives, cauliflower, pumpkin, carrots, avocados and strawberries. Horticultural production relies on access to fresh water, versatile land, labour, and other supporting services (i.e. packhouses).

Franklin in the south has a large proportion of Auckland's HPL and a significant proportion of Auckland's horticultural produce is grown here. Vineyards are becoming a feature of Auckland horticulture – there are now over 100 vineyards in Auckland, including notable activity in Matakana, Kumeū, Clevedon and Waiheke Island. Due to the nature of the crop they tend to locate on less versatile land.

Technological change, such as enhanced harvesting efficiency, packaging and sorting, has resulted in productivity gains in the horticultural industry. In the medium to long-term, more technological change is expected. This will impact on how food is grown and processed, and will meet a growing demand for safe, fresh and healthy foods. It will also enable the production of larger volumes of food at a lower price.

Quality compact city

Direction 1 of the Auckland Plan is to 'Develop a quality compact urban form to accommodate Auckland's growth'. A compact Auckland means future development will be focused in existing and new urban areas within Auckland's urban footprint.

Around 62 per cent of development over the next 30 years is anticipated to be within the existing urban area. The remaining development is anticipated to occur largely within future urban areas (32 per cent) with a small amount allocated to rural areas – including towns and villages (6 per cent).

One of the key benefits of the quality compact city approach is that it helps to maintain Auckland's rural productivity by limiting urban sprawl. Encouraging growth within urban areas helps to protect rural environments from urban encroachment and maintains the productive capability of the land and its rural character.

Growth in rural Auckland

The Auckland Plan's approach to rural growth is to focus residential growth mainly in the towns which provide services for the wider rural area, particularly the rural nodes of Pukekohe and Warkworth. Less residential growth is anticipated in the smaller towns and villages.

Rural lifestyle growth will be focused into those areas already zoned as 'Countryside Living', and only a small amount of growth is anticipated in the wider rural area. This growth is likely to relate to incentive based subdivision for environmental enhancement and/or the amalgamation of existing vacant lots.

To ensure that rural production can continue and develop, land fragmentation and reverse sensitivity must be minimised to safeguard Auckland's land and soil resources, particularly elite soils and prime soils.

Draft Auckland Climate Action Framework (2019):

The draft Auckland Climate Action Framework sets a pathway to net zero emissions by 2050 and to build resilience across the region to the ongoing impacts of climate change.

Core to the framework are 11 Key Moves that in addition to driving climate action will deliver a range of important benefits including healthier people and environment, and stronger communities and economy.

The framework prioritises the protection and health of soils through land use planning and land management practices to: ensure food security for future generations; support a local, low carbon food system for Auckland; protect and enhance the natural environment; and protect and enhance the carbon sequestering potential of the land.

- Key Move 2 – Enhance, restore and connect our natural environments
- Action 5. Apply circular economic principles to land use and land use changes
- Action 6. Change to a land management approach that creates, preserves and enhances healthy, viable soils
- Key Move 11 – Grow a low-carbon and resilient food system
- Action 2. Protect our productive soils and use regenerative management to increase food security and carbon sequestration.

Franklin Local Board Plan (2017)

The Franklin Local Board Plan is a strategic document reflecting community priorities and preferences. It guides the local board activity, funding and investment decisions and influences local board input into regional strategies and plans.

A common theme during feedback on the draft plan was support for the protection of productive soils. This is reflected in the final plan through 'Outcome 4: Growth is dealt with effectively'. It states that "protecting our fertile soils used for local horticulture and agriculture is a key priority" and a key initiative in the plan is to "Plan for growth in the right places, centred on local and town centres, to protect productive soils used for local agriculture and horticulture."

Auckland Unitary Plan Operative in Part (2016):

The Auckland Unitary Plan will help implement the Auckland Plan 2050 by determining what can be built and where, how to create a higher quality and more compact Auckland, how to provide for rural activities, and how to maintain the marine environment.

Most of the Auckland region's land is rural and contains extensive, productive and valuable areas used for farming (agriculture, horticulture and grazing), rural service industries, forestry and rural recreation. HPL is addressed in the Unitary Plan through the following definitions:

'Land containing elite soil' – "Land classified as Land Use Capability Class 1..."

'Land containing prime soil' – "Land identified as land use capability classes two and three..."

The Regional Policy Statement (B9) within the Auckland Unitary Plan recognises that specific issues in the Auckland region are:

- protecting the finite resource of elite quality soils from urban expansion;
- managing subdivision to prevent undue fragmentation of large sites in ways that restrict rural production activities;
- addressing reverse sensitivity effects which rural-residential development can have on rural production activities; and
- managing the opportunities for countryside living in rural areas in ways that provide for rural-residential development in close proximity to urban areas and the larger rural and coastal towns and villages while minimising the loss of rural production land.

The Auckland Unitary Plan seeks to protect HPL from urban expansion, fragmentation, reverse sensitivity, inappropriate uses, and also seeks to enable increased rural production in HPL areas through incentivised title amalgamation subdivision.

Protecting Highly Productive Land from urban expansion

The Auckland Unitary Plan tool of the Rural Urban Boundary provides protection of HPL by containing urban expansion into identified areas of Future Urban zoned land. The Rural Urban Boundary provides certainty as to the long term urban expansion areas of Auckland so that rural landowners can invest in their farming operations in the knowledge that they are not in the pathway of urban expansion.

However, it is noted that the Rural Urban Boundary is a district plan level provision and therefore subject to potential shifts through private plan changes. The Regional Policy Statement section of the Auckland Unitary Plan contains a number of objectives and policies³¹ that seek to protect HPL when the Rural Urban Boundary is relocated, rural and coastal settlements are expanded, or new settlements are created.

The wording of the provisions is to “avoid elite soils and avoid where practicable prime soils which are significant for their ability to sustain food production”. The council had interpreted this to mean ‘avoid’ for elite soils and ‘avoid where practicable for prime soils which are significant’. However, this provision has been challenged in the High Court³² and the court’s interpretation is weaker than council’s with both elite and prime soils needing to be ‘significant for their ability to sustain food production’. The council has accepted the court’s interpretation and the matter is to go back to the Environment Court for further hearings to determine whether the elite and prime land subject to the appeal (Pukaki Peninsula) is ‘significant’.

The wording ‘significant for their ability to sustain food production’ is problematic as it is not clear what ‘significant’ means; significant to whom (locally, regionally, nationally) and based on what (size, output, location, other factors, or a combination)? In any case, relatively small areas of land (such as that subject to the appeal) will likely put up an argument that they are

³¹ B2.2.2(2)(j), B2.6.1(1)(b), B2.6.2(1)(d), B9.2.1(2)

³² CIV2018-404-866 Joe Gock & Anor v Auckland Council

not significant when viewed against all the HPL across Auckland and New Zealand and this could result in an incremental loss of the resource.

Protecting Highly Productive Land from fragmentation

The Auckland Unitary Plan contains a number of objectives and policies³³ that seek to avoid the fragmentation of HPL, particularly in relation to lifestyle blocks. There is two-tiered approach with the term 'avoid' being used for elite land and 'avoid where practicable' used for prime land.

The rural zones also direct smaller lots to be established in the Countryside Living zone rather than the productive rural zones. The average minimum site size in the Countryside Living zone is generally 2ha with the ability to subdivide down to 8,000m² if transferable rural site subdivision is used to bring in titles from other rural zones.

The standard subdivision rules in the Rural Subdivision section (E39) of the plan specify large minimum average site sizes for the productive rural zones (Rural Production 100ha, Mixed Rural and Rural Coastal 50ha). This is not specifically related to HPL but applies across the zones irrespective of their LUC class. The large minimum site size is intended to prevent standard subdivision from fragmenting the productive rural areas.

It is noted that there are environmental enhancement subdivision provisions in the Auckland Unitary Plan that do enable small (1-2ha) lifestyle blocks to be created in the rural production areas. In these cases, the plan relies on the objectives and policies to direct those new lots away from HPL.

Protecting Highly Productive Land from reverse sensitivity

There are no provisions in the Auckland Unitary Plan on reverse sensitivity that are specific to HPL. However, there are a number of objectives and policies³⁴ throughout the plan around preventing or managing reverse sensitivity in the rural area generally.

The plan also seeks to separate out potential sensitive land uses from rural production areas through the use of the Countryside Living zone³⁵. The Countryside Living zone incorporates

³³ B9.2.1(2), B9.3.2(1), B9.4.1(2), B9.4.2(4)(c) and (d), E39.2(10)(a) and (b), E39.3(8)

³⁴ B9.2.1(2), B9.2.2(2)(a) and (b), H19.2.4(2)(a), (b) and (d), H19.4.3(2), E39.2(11), E39.2(13), E39.2(18)(f)

³⁵ Although note that the Countryside Living also contains areas of HPL (LUC 1-3)

a range of rural lifestyle developments characterised as low density residential development on rural land. The zone is intended as the main location for lifestyle block development in the rural area and is the only 'receiver' area for transferable rural site subdivision from other rural zones.

The plan also contains a minimum yard setback requirement³⁶ and a minimum separation distance for buildings housing animals³⁷. The purpose of these standards is to ensure adequate and appropriate separation distance between buildings and site boundaries to minimise the opportunities for reverse sensitivity effects to arise.

Protecting Highly Productive Land from inappropriate uses

The Auckland Unitary Plan contains a number of objectives and policies³⁸ that seek to protect HPL from inappropriate uses. These mostly relate to encouraging activities that do not depend on the HPL to locate outside these areas so that it is retained for rural production activities. Rural enterprises that are not dependent on the soil can locate on HPL where there are economic and operational benefits from being in specific rural localities.

The plan relies on these objectives and policies being considered during resource consent applications as the rural activity tables (H19.8) do not differentiate any activity status based on HPL locations.

Enabling increased rural production in Highly Productive Land areas through incentives

The Auckland Unitary Plan contains a subdivision incentive³⁹ targeting latent titles (existing vacant titles that can have a house as a permitted activity) on HPL to specifically encourage HPL land to be preserved for rural production. This tool is intended to prevent new lifestyle development and create larger, more economically viable sites for agriculture. This subdivision incentive is important as there are hundreds of latent titles around the region where development (e.g. dwellings) are permitted to occur on HPL due to historical land subdivision.

³⁶ H19.10.3

³⁷ H19.10.4

³⁸ B9.2.1(2), B9.3.1(1) and (2), B9.3.2(2) and (4), H19.2.1(3), H19.2.2(3)

³⁹ E39.6.4.7

The subdivision incentive works by allowing landowners on HPL with latent titles to amalgamate their vacant title with a neighbouring title. Both titles must be between 1ha and 20ha and contain at least 90% HPL.

The landowner can then sell their forgone development rights from the extinguished site to a landowner in the Countryside Living zone. These rights are sold on the open market and are attractive for Countryside Living zone landowners as it allows them to subdivide down smaller than the standard minimum site size (2ha down to 1ha average or 8,000m² minimum), resulting in a greater financial return for them.

The importance of the Pukekohe area for rural production is recognised through a “Land Amalgamation Incentivised Area”⁴⁰ (see Figure 2) where landowners get a bonus title when they amalgamate sites within this area. This means if they extinguish one title on HPL within the incentive area, they receive two transferable titles to sell.

⁴⁰ Appendix 14 of the Auckland Unitary Plan

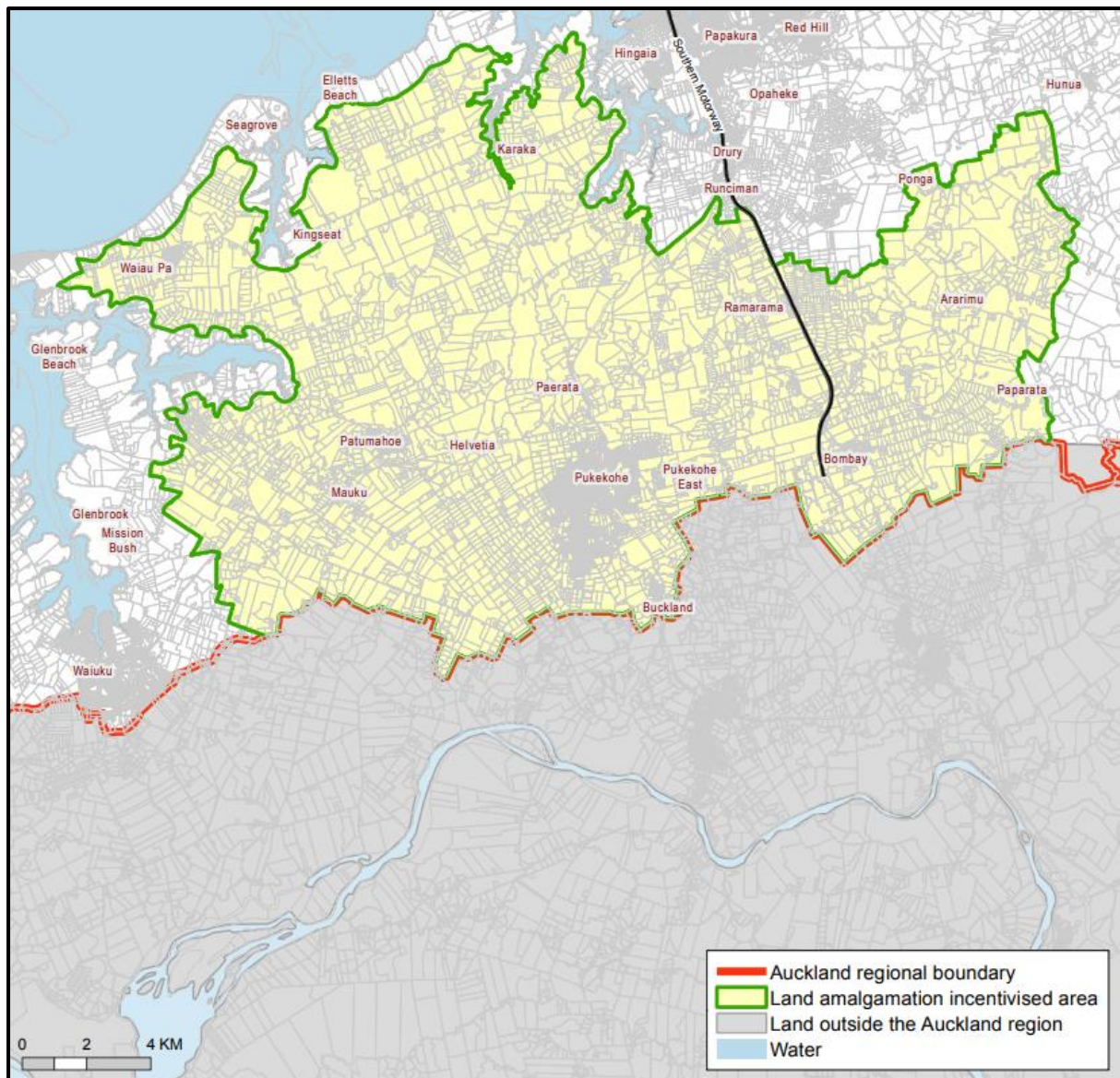


Figure 2 - Land amalgamation incentivised area

Appendix 5 – Relevant objectives and policies from the Auckland Unitary Plan

Protecting Highly Productive Land from urban expansion

B2.2.2. Policies

Development capacity and supply of land for urban development

- (2) Ensure the location or any relocation of the Rural Urban Boundary identifies land suitable for urbanisation in locations that:

...

while:

- (j) avoiding elite soils and avoiding where practicable prime soils which are significant for their ability to sustain food production;

B2.6. Rural and coastal towns and villages

B2.6.1. Objectives

- (1) Growth and development of existing or new rural and coastal towns and villages is enabled in ways that:
- (b) avoid elite soils and avoid where practicable prime soils which are significant for their ability to sustain food production; and

B2.6.2. Policies

- (1) Require the establishment of new or expansion of existing rural and coastal towns and villages to be undertaken in a manner that does all of the following:
- (d) avoids elite soils and avoids where practicable prime soils which are significant for their ability to sustain food production;

Protecting Highly Productive Land from fragmentation

B9.3.2. Policies

- (1) Avoid new countryside living subdivision, use and development on land containing elite soil and discourage them on land containing prime soil.

B9.4. Rural subdivision

B9.4.1. Objectives

- (2) Subdivision does not undermine the productive potential of land containing elite soils.

B9.4.2. Policies

- (4) Provide for new rural lifestyle subdivision in locations and at scales and densities so as to:

...

- (c) avoid land containing elite soil;

- (d) avoid where practicable land containing prime soil;...

E39.2. Objectives

- (10) Fragmentation of rural production land by:

- (a) subdivision of land containing elite soil is avoided;

- (b) subdivision of land containing prime soil is avoided where practicable;

E39.3. Policies

- (8) Avoid the fragmentation by subdivision of land containing elite soil and avoid where practicable fragmentation by subdivision of land containing prime soil

Protecting Highly Productive Land from reverse sensitivity

B9.2.2. Policies

(2) Minimise the potential for reverse sensitivity effects by:

- (a) preventing sensitive activities (such as countryside living) from establishing in areas where rural production activities could be adversely affected; or
- (b) requiring sensitive activities (such as new countryside living) to adopt onsite methods to avoid reverse sensitivity effects on rural production activities; and...

H19.2.4. Policies – rural character, amenity and biodiversity values

(2) Recognise the following are typical features of the Rural – Rural Production Zone, Rural – Mixed Rural Zone and Rural – Rural Coastal Zone and will generally not give rise to issues of reverse sensitivity in these zones:

- (a) the presence of large numbers of farmed animals and extensive areas of plant, vine or fruit crops, plantation forests and farm forests;
- (b) noise, odour, dust, traffic and visual effects associated with use of the land for farming, horticulture, forestry, mineral extraction and cleanfills;
- ...
- (d) accessory buildings dot the landscape, particularly where farming activities are the dominant activity; and...

H19.4.3. Policies

(2) Manage reverse sensitivity effects by:

- (a) limiting the size, scale and type of non-rural production activities;
- (b) retaining the larger site sizes within this zone;
- (c) limiting further subdivision for new rural lifestyle sites; and

(d) acknowledging a level of amenity that reflects the presence of:

(i) rural production and processing activities that generate rural odours, noise from stock and the use of machinery, and the movement of commercial vehicles on the local road network; and

E39.2. Objectives

(11) Subdivision avoids or minimises the opportunity for reverse sensitivity effects between agriculture, horticulture, mineral extraction activities, rural industry, infrastructure and rural lifestyle living opportunities.

E39.3. Policies

(10) Require any proposal for rural lifestyle subdivision to demonstrate that any development will avoid or mitigate potential reverse sensitivity effects between it and any rural production activities, mineral extraction activities, rural industries and infrastructure.

(13) Manage reverse sensitivity conflicts between rural lifestyle living and countryside living and rural production activities by the design and layout of subdivisions and locations of identified building areas and house sites.

(18) Provide limited opportunities for in-situ subdivision in rural areas while ensuring that:

(f) reverse sensitivity effects are managed in a way that does not compromise the viability of rural sites for continued production.

Protecting Highly Productive Land from inappropriate uses

B9.2. Rural activities

B9.2.1. Objectives

- (2) Areas of land containing elite soil are protected for the purpose of food supply from inappropriate subdivision, urban use and development.

B9.3. Land with high productive potential

B9.3.1. Objectives

- (1) Land containing elite soils is protected through land management practices to maintain its capability, flexibility and accessibility for primary production.
- (2) Land containing prime soil is managed to enable its capability, flexibility and accessibility for primary production.

B9.3.2. Policies

- (2) Encourage activities that do not depend on using land containing elite and prime soil to locate outside these areas.
- (4) Provide for non-soil dependent rural enterprises (including post-harvest facilities) on land containing elite or prime soil where there are economic and operational benefits associated with concentrating such enterprises in specific rural localities.

H19.2 Objectives and policies – all rural zones

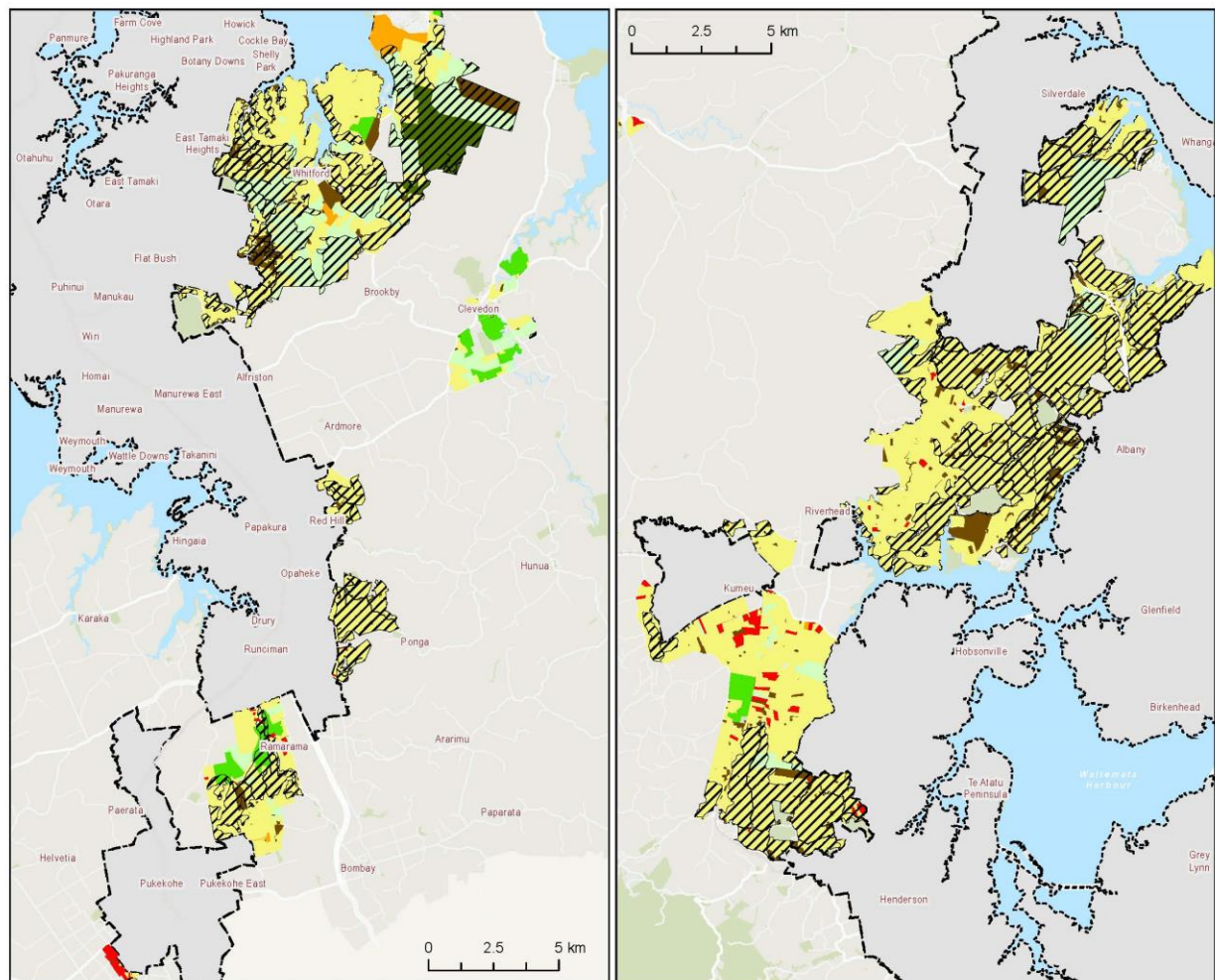
H19.2.1. Objectives – general rural

- (3) Elite soil is protected, and prime soil is managed, for potential rural production.

H19.2.2. Policies – general rural

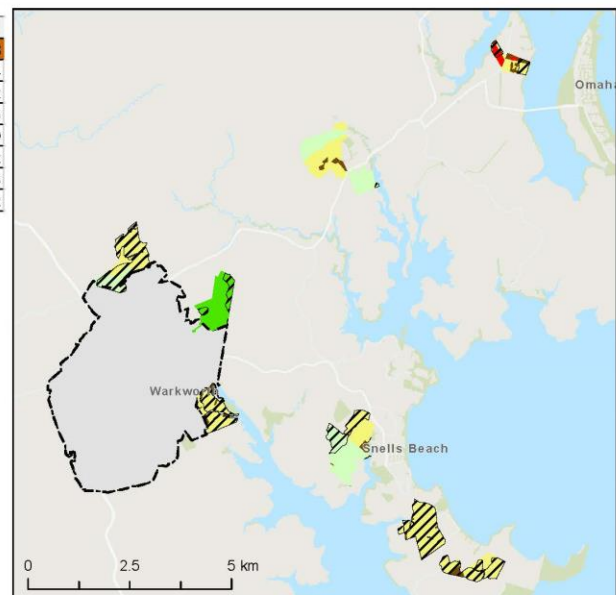
- (3) Enable rural production activities on elite and prime soil and avoid land-use activities and development not based on, or related to, rural production from locating on elite soil and avoid where practicable such activities and development from locating on prime soil.

Appendix 6 – Map showing current land uses in the Countryside Living zone



Current Property Use (ALL)	Area (Ha)	Current Property Use (LUC 1-3)	Area (Ha)
Rural - Countryside Living Zone	22426.96	Rural - Countryside Living Zone	9463.98
Dairying	742.14	Dairying	620.74
Forestry	588.51	Forestry	0.02
Horticulture	270.67	Horticulture	242.95
Lifestyle (Vacant and Improved)	15969.94	Lifestyle (Vacant and Improved)	6715.89
Multi Use (within Rural)	201.68	Multi Use (within Rural)	185.32
Not Rural Use in Rural Zone	1510.53	Not Rural Use in Rural Zone	590.43
Pastoral	3143.49	Pastoral	1108.62

- Land Outside LUC1-3
Current Property Use (Elite Soils)
(Countryside Living Zone)
 Horticulture
 Dairy
 Pastoral
 Forestry
 Lifestyle (Vacant and Improved)
 Multi Use
 Not Rural Use in Rural Zone
 Rural Urban Boundary



Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map and accepts no liability for any error, omission or use of the information.

Document Name: NPS - Elite Soils Maps Countryside Living: 5/10/2019

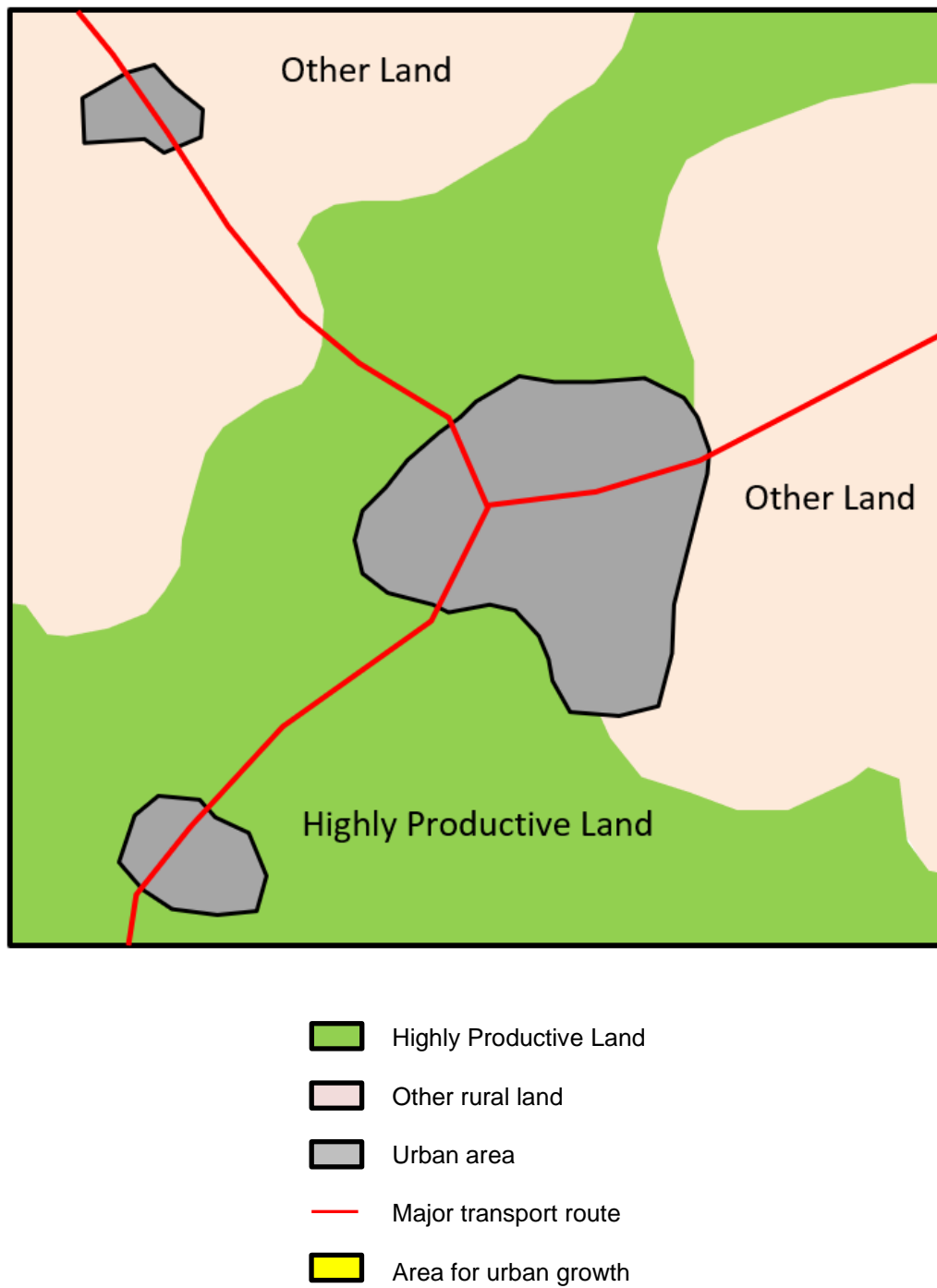
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Current Property Use (Rates Assessment)
Elite & Prime Soils (LUC1-3)
Countryside Living Zone

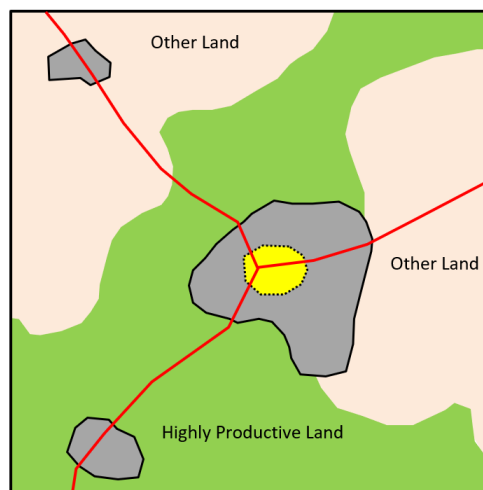
Plan and Places



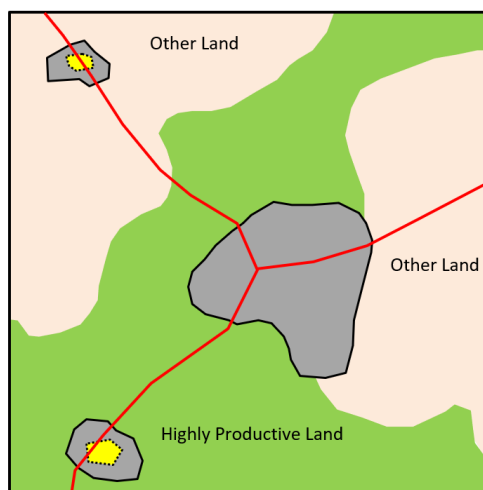
Appendix 7 – Diagrams illustrating the sequential test for urban expansion onto Highly Productive Land



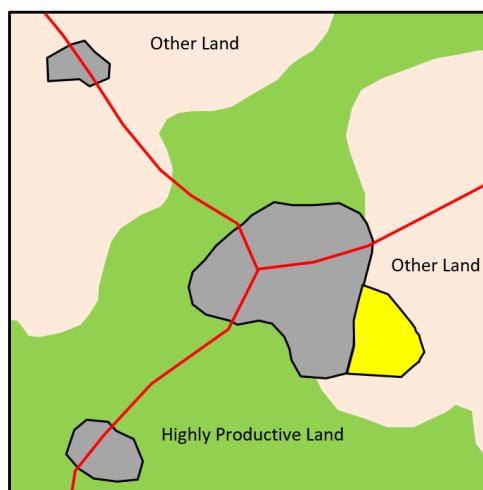
1. Urban intensification within the existing urban zoned area



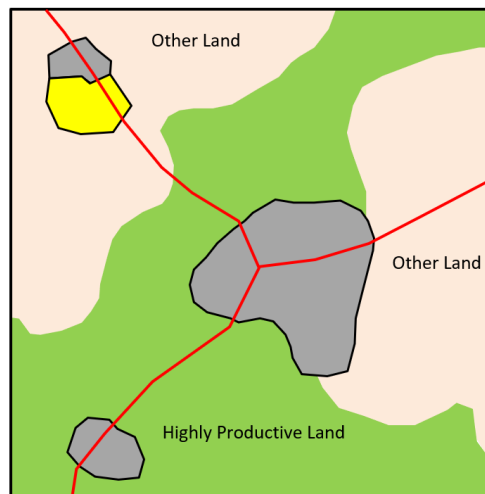
2. Urban intensification within the existing urban zoned area of one or more other settlements within the region



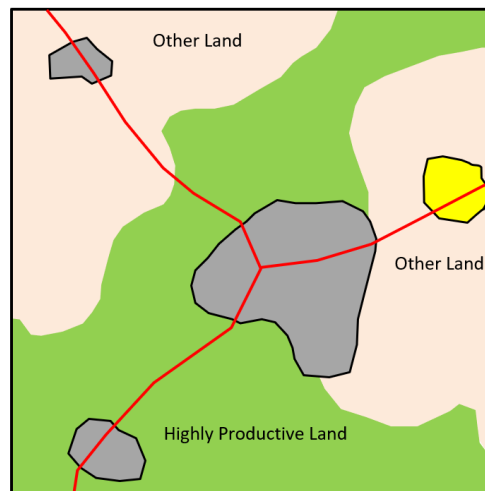
3. Urban expansion outside HPL around the zoned urban area



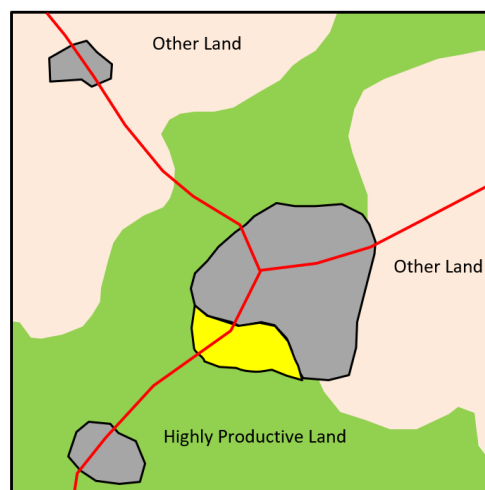
4. Urban expansion outside HPL around one or more of the other settlements within the region



5. Development of new urban settlement(s) outside of HPL within the region



6. Only after these alternatives are fully considered can urban expansion onto HPL within the region be considered



Appendix 8 – Auckland Unitary Plan objectives and policies on the value of rural land that is outside LUC 1-3

B9.3. Land with high productive potential

B9.3.1. Objectives

- (3) The productive potential of land that does not contain elite or prime soil is recognised

B9.3.2. Policies

- (3) Recognise the productive potential of land that does not contain elite or prime soil and encourage the continued use of this land for rural production.

H19.2.2. Policies – general rural

- (4) Enable and maintain the productive potential of land that is not elite or prime soil but which has productive potential for rural production purposes, and avoid its use for other activities including rural lifestyle living except where these are provided for or enabled by Policy H19.2.2(5).

Appendix 9 – Feedback from the Franklin Local Board, Aotea Great Barrier Local Board, Manurewa Local Board, Maungakiekie-Tamaki Local Board, Papakura Local Board, Puketapapa Local Board, Waiheke Local Board, and the council’s Rural Advisory Panel

Franklin Local Board urgent decision on feedback for inclusion in the Auckland Council submission on the Proposed National Policy Statement on Highly Productive Land

Te take mō te pūrongo

Purpose

1. To seek an urgent decision from the chair and deputy chair to provide formal local board feedback for inclusion in the Auckland Council submission on the Proposed National Policy Statement on Highly Productive Land (Proposed NPS).

Te tikanga whakatau-kaupapa wawe

Urgent decision-making process

2. At its meeting on 22 November 2016 the Franklin Local Board resolved (FR/2016/1) the following in relation to urgent decision-making:
That the Franklin Local Board:
 - a) *delegate authority to the Chair and Deputy Chair or any person acting in these roles to make an urgent decision on behalf of the local board.*
 - b) *adopt the following urgent decision process for matters that require a decision where it is not practical to call the full board together and meet the requirement of a quorum:*
 - *Confirmation that the local board has the delegation to make the decision.*
 - *Consideration of advice provided that meets the quality advice standards, including the significance of the decision and whether the urgent decision process is appropriate.*
 - *Authorisation by the Relationship Manager to commence the process.*
 - *Joint approval of the decision by the Chair and Deputy Chair, or any person acting in these roles.*
 - *The urgent decision is reported to the next ordinary meeting of the local board for information.*
3. The relationship manager has signed off the authorisation memo, authorising the use of the urgent decision-making process on this matter on Thursday 29 August 2019.

Te take me whakawawe

Reason for urgency

4. The board has expressed interest at its workshop on 27 August 2019 to provide formal local board feedback for inclusion in the Auckland Council submission on the Proposed NPS.
5. The deadline for providing feedback is Thursday 12 September 2019.
6. The board's next scheduled business meeting is Tuesday 17 September 2019.
7. An urgent decision is required because the deadline for providing feedback to be considered for inclusion in the Auckland Council submission is prior to the next scheduled business meeting.

Te horopaki

Context

8. The Ministry for Primary Industries (MPI) and the Ministry for the Environment have released a discussion document on national direction for protecting Highly Productive Land, including proposed wording for a National Policy Statement (NPS). The need for the national direction

has arisen from concerns over the loss of New Zealand's elite soils through urban encroachment and rural lifestyle development.

9. On 21 August 2019 all local boards were notified that Auckland Council is proposing to make a submission on the Proposed NPS.
10. The Franklin Local Board subsequently requested a workshop from staff developing the submission on the basis that protection of elite soils in the Pukekohe area is of significant local interest noting that a number of communities are experiencing and anticipating significant local development.
11. The board support the protection of elite soils and have advocated for national direction on this issue, which is aligned with current local board plan outcomes developed in consultation with communities within the Franklin Local Board area;

Outcome 4: Growth is dealt with effectively

Objective: Well-planned growth areas

Initiative: Plan for growth in the right places, centred on local and town centres, to protect productive soil used for local agriculture and horticulture.

12. Local boards are invited to provide feedback to be considered for the Auckland Council submission.
13. The proposed council submission, including local board feedback, will be considered and workshopped by the Planning Committee in mid-September. The final submission will be signed off by delegated councillors (resolution GB/2019/75) by 7 October 2019.
14. Public may also make direct submissions on the Proposed National Policy Statement on Highly Productive Land from 14 August to 10 October 2019, with information on the process available at <https://www.mpi.govt.nz/news-and-resources/consultations/proposed-national-policy-statement-forhighly-productive-land>.

Tātaritanga me nga tohutohu

Analysis and advice

15. The government has identified the loss of New Zealand's elite soils through urban encroachment and rural lifestyle development as a matter of national importance, and is most notably an issue in Pukekohe where highly productive land has been, and is being, urbanised.
16. The proposed NPS will direct councils to protect Highly Productive Land from inappropriate subdivision use and development and maintain their availability for primary production.
17. Highly Productive Land will need to be defined by councils for their regions. In the interim, the NPS will use the Land Use Classification (LUC) system classes 1-3 as a 'placeholder' for Highly Productive Land.
18. The proposed wording of the NPS states that Highly Productive Land does not include existing urban areas or areas zoned Future Urban in a District Plan.
19. In Auckland, the Future Urban Zone's have already excluded highly productive land for the next 30 years of planned urban expansion (into the Future Urban zone).
20. The NPS direction will not therefore generate changes to the existing framework, however will inform any challenges to the the planning framework e.g. plan change applications.

21. The board considered the advice at a workshop on 27 August 2019 and provided their feedback to ensure the rural perspective was adequately represented, and agreed that they would formalise their position through this urgent decision.

Ngā mahi ā-muri

Next steps

22. If the recommendations are adopted the next steps are:

- a) for the recommendations to be forwarded as feedback to Ryan Bradley, Principal Planner for incorporation into or attachment to the Auckland Council submission.
- b) to report to the next business meeting for information the associated authorisation memo and this urgent decision.

Ngā tūtohunga

Recommendation/s

That the Franklin Local Board:

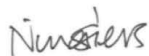
- a) support a NPS on Highly Productive Land as the best tool to protect highly productive land
- b) suggest a review mechanism is established, as farming and land use may change over time
- c) recognise the NPS is solely focused on protecting primary production in soil; and suggest a complimentary legislation that acknowledges the 'right to farm', which is similar to recent legislation passed in New South Wales, Australia.

Ohiatanga

Approval

The chair and deputy chair acting under delegated authority (FR/2016/2) confirm they have made this urgent decision of behalf of the Franklin Local Board.

Authorised for release:



05/09/2019

Signed by Nina Siers
Relationship Manager, Franklin Local Board

Date

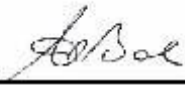
Signatories



06/09/2019

Angela Fulljames
Chair, Franklin Local Board

Date



Andrew Baker

Deputy Chair, Franklin Local Board

06/09/2019

Date

Aotea / Great Barrier Local Board feedback on the proposed National Policy Statement on Highly Productive Land

Context

- Aotea Great Barrier Island lies 90km east of Auckland City in the Hauraki Gulf and is Auckland Council's most remote and isolated area.
- Over 60% of the island is Department of Conservation (DoC) estate; 43% of which is the Aotea Conservation Park.
- The island has a permanent population of 950 residents (2013 Census).
- Almost half (44%) of households are one-person households (2013 Census).
- The island has no reticulated power nor water.
- Transport and freight to and from the island is by either plane, a 35-minute flight one way, or by ferry a four-and-a-half-hour trip one way.

Feedback

1. Aotea / Great Barrier Local Board supports the intent of the proposed National Policy Statement to protect Highly Productive Land from inappropriate subdivision, use and development and maintain their availability for primary production.
2. Aotea is a resilient island community. We need to safeguard our highly productive land to ensure food production is produced on the island so we don't rely on freight from the mainland. This assists in meeting our biosecurity and low carbon initiatives.
3. We are currently working on an Area Plan for the island to assist in its transition from the Hauraki Gulf Island District Plan to the Unitary Plan. Seeking ideas for what could be determined as highly productive land for Aotea / Great Barrier Island will be part of this process.
4. There is potential that much of our highly productive land will be low lying and affected by climate change. We support the priority and protection of highly productive land, not just from subdivision and infrastructure, but from climate change impacts as well.
5. While we support the intent to protect highly productive land, we note that landowners may not consider it worthwhile to produce food on their land. We request that central government and council look into ways that food producers can be incentivised to continue to produce food on our highly productive land.

Resolution number MR/2019/1

MOVED by Chairperson A Dalton, seconded by Member J Allan:

That the Manurewa Local Board:

- a) provide the following feedback on the discussion document on the proposed National Policy Statement on Highly Productive Land.
 - i) support the view that protection for highly productive land and soil is a matter of national significance.
 - ii) support a National Policy Statement on Highly Productive Land as the best option to protect highly productive land and soil and maintain its availability for future generations.
 - iii) support the using soil capability, climate, and the size and cohesiveness of the area as criteria for councils to identify highly productive land.
 - iv) support the requirement to restrict new urban development on highly productive land unless it can be shown to be the most appropriate option.
 - v) recommend that the restriction on urban development on highly productive land be strengthened by requiring a sequential test to show that no other options is available.
 - vi) support restrictions on rural subdivision to prevent fragmentation of highly productive land.
 - vii) support encouraging the creation of setback and buffers between areas of highly productive land and adjacent residential and rural residential areas to manage reverse sensitivity issues.

CARRIED

Feedback on:

**The Ministry for Primary Industries and the Ministry for the Environment
proposed National Policy Statement on Highly Productive Land**

10 September 2019

For clarifications and questions, please contact:

Mal Ahmu

Local Board Advisor – Maungakiekie-Tāmaki Local Board

Context

1. The Ministry for Primary Industries (MPI) and the Ministry for the Environment have released a discussion document on national direction for protecting Highly Productive Land, including proposed wording for a National Policy Statement (NPS).
2. The need for the national direction has arisen from concerns over the loss of New Zealand's elite soils through urban encroachment and rural lifestyle development.
3. The Proposed NPS will direct councils to protect Highly Productive Land from inappropriate subdivision, use and development and maintain their availability for primary production. Highly Productive Land will need to be defined by councils for their regions. In the interim, the NPS will use the Land Use Classification (LUC) system classes 1-3 as a 'placeholder' for Highly Productive Land. A map of the Auckland region showing the areas of 'Elite' and 'Prime' land as defined by the Unitary Plan (Land Use Capability classes 1-3)
4. The proposed wording of the NPS states that Highly Productive Land does not include existing urban areas or areas zoned Future Urban in a District Plan. This means that for Auckland, the next 30 years of planned urban expansion (into the Future Urban zone) is not impacted by this NPS.
5. At the Maungakiekie-Tāmaki Local Board's 27 August 2019 business meeting, it delegated authority to Chairperson, Chris Makoare and Deputy Chairperson, Debbie Burrows to input into Auckland Council's submission on the Ministry for Primary Industries and the Ministry for the Environment proposed National Policy Statement on Highly Productive Land (resolution: MT/2019/134).
6. Local board feedback is due on 12 September 2019.

Relevance to the local board

7. Local boards are responsible for decision-making on local issues, activities and services and providing input into regional strategies, policies and plans. Local boards also have a role in representing the views of their communities on issues of local importance.
8. Every three years local boards set their strategic direction through a local board plan. The proposed National Policy Statement on Highly Productive Land has relevance to the following outcomes and objectives the 2017 Maungakiekie-Tāmaki Local Board Plan:

Outcomes	Objectives
Maungakiekie-Tāmaki is a community that cares about its environment	Demonstrate environmental leadership and support community sustainability initiatives.
	Clean, beautiful waters and waterside areas.

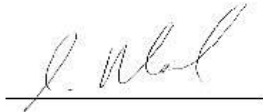
Maungakiekie-Tāmaki is the place to be

Our businesses, town centres and industry flourish and provide high quality jobs.

Maungakiekie-Tāmaki Local Board feedback on the Ministry for Primary Industries and the Ministry for the Environment proposed National Policy Statement on Highly Productive Land:

The Maungakiekie-Tāmaki Local Board provides the following input:

- a) note that the Maungakiekie-Tāmaki Local Board area is homes to five volcanic cones covering the local board area in fertile soil, that was historically used to grow fresh produce
- b) note that the Unitary Plan does not identify any highly productive land identified in the Maungakiekie-Tāmaki Local Board area
- c) endorse in principle the national direction on highly productive land as it will strengthen local governments ability to protect highly productive land from inappropriate use and development.



Chris Makoare
Chair
Maungakiekie-Tāmaki Local Board



Debbie Burrows
Deputy Chair
Maungakiekie-Tāmaki Local Board

End.

Papakura Local Board Feedback on the Proposed National Policy Statement on Highly Productive Land

Background

The Ministry for Primary Industries (MPI) and the Ministry for the Environment have released a discussion document on national direction for protecting Highly Productive Land, including proposed wording for a National Policy Statement (NPS). The need for the national direction has arisen from concerns over the loss of New Zealand's elite soils through urban encroachment and rural lifestyle development.

The Proposed NPS will direct councils to protect highly productive land from inappropriate subdivision, use and development and maintain their availability for primary production. Highly productive land will need to be defined by councils for their regions. In the interim, the NPS will use the Land Use Classification (LUC) system classes 1-3 as a 'placeholder' for highly productive land.

The proposed wording of the NPS states that highly productive land does not include existing urban areas or areas zoned Future Urban in a District Plan. This means that for Auckland, the next 30 years of planned urban expansion (into the Future Urban zone) is not impacted by this NPS.

Public submissions are open from 14 August to 10 October 2019. Local Board input is required by 12 September 2019 to be included with the Auckland Council submission that will be signed off by delegated councillors (resolution GB/2019/75).

Papakura Local Board feedback

1. The board support a National Policy Statement on Highly Productive Land as the best tool to protect highly productive land and soil.
2. The board believe the National Policy Statement should not apply to land already zoned for development.
3. The board believe the productivity of the land and soil should be taken into account when planning for lifestyle block subdivisions.
4. The board suggest a review mechanism is established, as farming and land use may change over time.
5. The board support a tiered approach to identifying and protecting highly productive land based on land use classification (e.g.: higher levels of protection to Land Use Classification (LUC) 1 and 2 land compared to LUC 3 land). This would give a clear indication of expectations in terms of land use and potentially allow for different types of development on different types of land.

.../2

6. The board recognise the NPS is solely focused on protecting primary production in soil; and suggest a complimentary legislation that acknowledges the 'right to farm', similar to the recently developed New South Wales, Australia 'right to farm policy" which brings together a collection of actions including:
- reinforcing rights and responsibilities
 - establishing a baseline and ongoing monitoring and evaluation of land use conflicts
 - strengthening land use planning
 - ensuring ongoing reviews of relevant environmental planning instruments include consideration of options to ensure best land use outcomes and to minimise conflicts
 - improving education and awareness on management of land use conflicts
 - considering potential future legislative options, should additional Government intervention be required.
7. The board believe that green space buffers should be required between urban development and productive land to minimise reverse sensitivity conflicts.



Brent Catchpole
Chairperson
Papakura Local Board



Felicity Auva'a
Deputy Chairperson
Papakura Local Board

Date: 11 SEPT 2019

23 Feedback on Proposed National Policy Statement on Highly Productive Land

Ben Moimoi – Local Board Advisor was in attendance to speak to the report
Resolution number PKTPP/2019/203

MOVED by Chairperson H Doig, seconded by Member S Kaushal:

That the Puketāpapa Local Board:

- a) support the need for a national policy statement for highly productive land, noting that highly productive land:
 - i) is a valuable and limited resource
 - ii) should be maintained for future generations
 - iii) needs protection from inappropriate subdivision, use and development.
- b) note that highly productive land allows New Zealand to grow its own food, which is important in reducing ‘food miles.’
- c) request that councils be required to review their designations of highly productive land at set times in response to changes due to climate change and technology, both of which may change what is considered highly productive land in the future.’
- d) note that a national policy statement on highly productive land must be considered along with current and future policy and legislation that aims to protect fresh water. Riparian planting and waterway margins are important ways of protecting water and intercepting run off which may carry agricultural chemicals and waste from highly productive land.
- e) note that highly productive land should be utilised for the production of essential produce rather than for luxury products.
- f) support a process for Auckland Council to identify highly productive land for Auckland (based on criteria), rather than making the interim Land Use Capability 1-3 (LUC 1-3) method permanent, recognising that there are other factors which are not considered under the LUC system, including:
 - i. the size of the property
 - ii. water availability
 - iii. access to transport routes and appropriate labour markets.
- g) support a degree of development on highly productive land if it has negligible effect on the ability (size and cohesiveness) of that land to support primary production or where such development increases the productivity of the land.
- h) note g) potentially provides loopholes that will need to be carefully managed
- i) support retaining the countryside living zone in the definition of highly productive land
- j) thank Ben Moimoi for his attendance.

CARRIED

Waiheke Local Board Feedback on a proposed national policy statement (NPS) on highly productive land

The proposed NPS is focused on maintaining highly productive land for “primary production” into the future to ensure that the NPS does not favour a particular primary sector at the expense of others. It is primarily directed at regional policy statements (RPS) and district plans and sets out the considerations and requirements to be included in these policies to manage urban development and subdivision on highly productive land. The issue is relevant to Waiheke as there are a number of highly productive lots on the rural side of the Rural Urban Boundary which in particular support the island’s hill country farms and world-renowned wine industry.

According the 2017 Local Board Plan (p.15), the board recognises “Essentially Waiheke as our community voice and as a guide for future planning and development. We expect it to be at the forefront of decision-making for our islands, and we are committed to ensuring its values and principles are considered and central to the Hauraki Gulf Islands District Plan and succeeding planning documents.”

Adopted in 2000, and refreshed in 2016, the Essentially Waiheke strategy sets out a community-approved framework for achieving sustainable development and environmental outcomes.

The Essentially Waiheke 2016 Refresh states the Waiheke community wishes to maintain the existing land use pattern of discrete villages surrounded by areas of rural land and a clear distinction between urban and rural environments. Activities aimed at protecting the environment and reducing the impact of development are encouraged including sustainable farming, local crop production systems which will improve island food security.

The previous Essentially Waiheke 2000/2005 documents included a goal to maintain minimum lot sizes for subdivision to preserve rural character.

Themes for feedback

Is there support in principle for national direction on highly productive land?

Agreed, the Waiheke Local Board supports the principle of preserving highly productive land for primary production, which is consistent with community feedback through progressive Essentially Waiheke consultations. Highly productive land needs to be protected for the future food security of the island and to ensure the ongoing sustainability of the wine industry and other land-based activities with economic potential.

The protection of productive land on Waiheke will result in the retention of local jobs in primary production, additional prosperity in associated support industries and spin-off effects for tourism though brand recognition internationally.

Is a National Policy Statement the best tool?

Agreed, the NPS is the best overarching tool as it can provide clear direction on preservation of productive land whilst giving council the flexibility to respond to local conditions.

However, this must be followed up with changes to the Resource Management Act in due course, which should introduce stronger protections for productive land. Vine grape production should be specifically mentioned in a national policy statement to recognise that the wine industry, and certain other primary industries such as olives, do not require the most fertile land.

Should any National Policy Statement apply to existing urban zoned land / Future Urban zoned land / Countryside Living zoned land?

No comment on this question.

Is there support for some scope for the council to enable urban and/or lifestyle development on highly productive land or do you prefer an absolute protection of it?

No comment on this question.

Is there support for the process of Auckland Council identifying highly productive land for Auckland (based on criteria) or do you prefer the approach of using the interim LUC1-3 method being made permanent?

The board believes that Auckland Council should identify highly productive land using the Land Use Classification System as one input but should include other regionally relevant criteria such as lot size, availability of water, soil type, access to transport routes and labour, and any special environmental attributes which require protection. Note that Waiheke Island vineyard soils are not classified as LUC 1, 2, or 3 and so the classification system does not recognise the unique considerations of quality soils when related to wine grape production.

What other areas outside LUC1-3 would you consider might be worthy of being covered by the National Policy Statement (i.e. what criteria would you use to define highly productive land)?

For Waiheke, the board would define highly productive land as any land which has the potential to grow crops which would improve the food security of the island and land which has soil and fertility profiles which make it suitable for other types of primary production.

What sort of buffers might be necessary around identified highly productive land?

In order to mitigate the effects of spraying and other horticultural or agricultural impacts, the board recommends that buffer zones be required which will be made up of fast-growing native species to support reforestation.

Waiheke Winegrowers Association Feedback

The Waiheke Winegrowers Association offered the attached feedback on the NPS which the board supports.

20 September 2019

Auckland Council's Rural Advisory Panel feedback

Question

1 - Is there support in principle from the panel for National Direction on Highly Productive Land?

Comment

Yes. Note that these responses represent a minor change to Auckland Federated Farmers' position on rural subdivision, from saying that all rural land should be protected from urban development to the greatest extent practicable, to saying that additional, greater, protection should be provided for the better quality land.

Yes

Yes there is.

I agree there should be a clear direction on the use of highly productive land, and that should include or be in conjunction with a national direction on Food Security.

Yes, we are in danger of losing too much and regional/local authorities need direction and support to protect against further expansion into productive land

Yes there is.

Yes. However a Maori kaupapa person is also needed on the panel especially one from a Primary Industry Focus/ Not just academics!

There is a unanimous support in principle for the development of a NPS on highly productive land.

Summary Comments

2 - Is a National Policy Statement the best tool?

Yes. The alternative, a set of National Environmental Standards, would be overly prescriptive. Note that these responses represent a minor change to Auckland Federated Farmers' position on rural subdivision, from saying that all rural land should be protected from urban development to the greatest extent practicable, to saying that additional, greater, protection should be provided for the better quality land.

Yes, allows for cross boundary spatial planning. Provides national framework, but allows for some regional variation

Yes as this means that cross council boundary issues for protecting the land resource can be spatially planned. In areas where highly productive land lie across council boundaries or are close to boundaries different rules for protection measures can lead to inappropriate/ad hoc development pressures on the area not subject to protection measures

I am neither qualified nor experienced enough to know what other options there might be. In the absence of any other options I can only agree with the statement at item 8, para 12, on page 16 of the agenda papers which noted such a statement would provide Councils with greater clarity... and address the reduction in the availability of the resource.

This seems to be the favoured approach by politicians, whether it is the best option not able to say but in the absence of anything better, we support it

Yes it is. National consistency in the criteria of identification and management of Highly Productive Land is required. This is best provided through a NPS which is then able to be applied in its local context and after consultation with local communities, as the NPS is applied through Regional Plans.

Yes this allows for Local Government to tailor for unique soil types in the region as opposed to a ponderous national legislative/regulative regime. Councils will need support to enact rules however as nothing comes free.

NPS is the best tool available to have consistency in special planning.

Summary Comments

3 - Should any National Policy Statement apply to existing urban zoned land / Future Urban zoned land / Countryside Living zoned land?

Yes, it is apparent from the background information that some highly productive land in Auckland has been inappropriately zoned. The NPS should apply to existing Future Urban zoned land and Countryside Living zoned land, so that the relative protection between different types of land can be better balanced. The NPS should apply to existing urban zoned land that has not yet been developed into urban use, in that such land is clearly still available for primary production purposes. Note that these responses represent a minor change to Auckland Federated Farmers' position on rural subdivision, from saying that all rural land should be protected from urban development to the greatest extent practicable, to saying that additional, greater, protection should be provided for the better quality land.

The NPS should focus on future decision making.

No to existing urban land and countryside living land. This would be retrospective legislation and would be a change to a long-term provision of planning law for district council existing use rights. The cost benefit of such an approach would probably not be able to be met as such an approach would lead to loss in property values, potential mortgage sales, difficulties to on-sell existing urban properties, major costs to restore the land for productive purposes. With regard to Future zoning there would need to be careful consideration as usually such zoning has been based on major studies of need and location for such zonings.

Ideally yes. However, unless there has been plenty of warning and comprehensive briefing and consultation, especially with those affected, then I do not see it as fair on those who will be directly affected. They should not be punished because of a failure of Councils to comprehend the consequences of their willingness to cover our elite soils in tarmac, concrete and houses. They have clearly not been well advised, or have chosen to ignore such advice.

Would support this covering the above land, we have to draw a line in the soil somewhere

Yes. The loss of highly productive land to urban development is a significant national risk. Highly productive and versatile soils are finite. The provisions of their services into the future will be essential to provide for current and future generations.

Yes. A rethink as to the development of these areas may be required.

Summary Comments

4 - Is there support for some scope for the council to enable urban/lifestyle development on highly productive land or do you prefer an absolute protection of it?

The NPS could apply to other Future Urban Zoned land where urban development would be a negative impact on the real productive wealth of that land.

Yes, there should be scope for the council to enable development on highly productive land, but for urban purposes only, and not lifestyle purposes. Certain types of urban development require large amounts of relatively flat land, which is likely to also qualify as highly productive land. **Note that these responses represent a minor change to Auckland Federated Farmers' position on rural subdivision, from saying that all rural land should be protected from urban development to the greatest extent practicable, to saying that additional, greater, protection should be provided for the better quality land.**

We don't think there should be absolute protection. We think the focus should be on avoiding inappropriate subdivision. The decisions around whether subdivision, use and development are inappropriate on these soils would also be related to the values, and these values would include domestic food supply and food production. The consideration of these values should result in the greatest protection for land that is the most productive, and most productive now should be valued above future productive potential. Some high class soils will be subject to unsustainable levels of reverse sensitivity levels currently and/or the size and shape of parcels may limit their productive capacity. However, the values based policy decision making, should enable assessment of this soil and if it can't be reasonably used for productive uses, then its subdivision or development is unlikely to be inappropriate. We believe that the key values should be defined, similarly to the structure of the NPSFM. Compulsory National Values will include domestic food supply, Other National Values could include things such as land that is highly productive for food supply more generally and Maori values. With domestic food supply, its important the value is considered as part of a national food network, subject to seasonality and natural risk, that is managed through multiple growing areas. It's essential that the assessment method, doesn't justify the loss of highly productive land for domestic food supply, that includes all elements eg, soil, climate, labour infrastructure because soils of a similar class are protected. For example, the winter greens grown in Levin, can't be grown easily on LUC 1 soils elsewhere in the Manawatu because the climate is not comparable. Similarly, loss of domestic food supply land in North Island, impacts food supply in the South Island because South Island climate makes is dependent on north island for some parts of winter. We think the policy should look to prevent activities that will compete with or degrade rural resources required to support primary production activities. It shouldn't include buildings that are used as part of primary production – e.g. packhouses or glass houses, it should include "out of zone" activities that result in the reverse sensitivity risk.

Do not support an absolute protection. There is public pressure for rural productive land uses to invest in value added products. For forestry to be profitable large sites would be needed to provide the appropriate mill facilities. It is preferable for such sites to be flat and in variably such sites fall within LUC 1-III. Most districts do not have appropriate industrially zoned land and there has been a reliance in the past for a greenfield approach to new mill developments taking into account transportation (road and rail) routes, location near log supply, power and water supply and distance from neighbours for reserve sensitivity issues for mills operating 24/7.

Start making exceptions to the clear statement on the use of productive land and food security, then all that will happen is that a whole tangled and slow moving bureaucratic/legal infrastructure will be required to deal with applications, and claims for exemptions. However, when I first looked at land in Franklin many blocks were tagged with a requirement to have some economic use. Much has changed since then and there are many options available for micro farming, and or examples like Alpacas, where working collectively now means that a reasonable income can be made on 10 acres from a valuable and sustainable fibre. There may also be an opportunity to have lifestyle blocks as perimeters around the commercial farms as something of a barrier between them and residential – also helping to mitigate reverse sensitivity. In summary, I don't think exceptions should be made and opportunities should be explored for economic lifestyle options to also help provide a buffer between commercial farming and residential.

Any exceptions merely opens the gates to many exceptions. Would prefer absolute protection

Highly productive and versatile land/soils should be protected from urbanisation to maintain their current and future use in providing essential food producing services. This is particularly important given anticipated changes in climate / weather patterns particular to catchments and regions.

Yes. Lifestyle and urban development does not necessarily mean the land cannot be productive. Support/incentives will be required for landowners as they won't take to kindly to restrictions on use that reduce short term gains over long term sustainability of food production

There is a requirement and real need for pragmatism in the application of and NP. However the tests for loss of productive land must be set high.

Summary Comments

5 - Is there support for the process of Auckland Council identifying highly productive land for Auckland (based on criteria) or do you prefer the approach of using the interim LUC1-3 method being made permanent?

The Auckland Council should identify what is highly productive land in the Auckland context. LUC is a very blunt tool, and some LUC 3 land is not particularly productive (eg it is erosion prone or wet), and might be better suited for urban development rather than retained for primary production. **Note that these responses represent a minor change to Auckland Federated Farmers' position on rural subdivision, from saying that all rural land should be protected from urban development to the greatest extent practicable, to saying that additional, greater, protection should be provided for the better quality land.**

LUC criteria are a useful for a spatial extent. We think it would be good to set a minimum mapping, e.g., LUC I, II and III, but also to enable Councils to map other highly productive soils or to improve the resolution of the LUC mapping with better information. For example, around Whangarei LUC IV is highly productive, because of the climate (and uncontrolled development has resulted in loss of higher-class soils from primary production), or gravel soils supporting vineyards. In addition, for private plan changes, there should be an opportunity for site specific soils information to be used in place of regional or national soils data sets.

Do not support the interim LUC1-3 method being permanent. LUC is mapped at 1:50000 and is a coarse method when applied to land boundaries. There needs to be a time period for Auckland Council to undertake on the ground verification of the mapping.

Whichever approach will achieve the prime imperatives of a clear direction on the use of highly productive land and Food Security.

Happy for the Council to identify the land as long as the criteria is sufficient tight to prevent slippage. Using interim LUC1-3 permanently may be a better option, I am not qualified to judge but the tightest rules should be applied.

Identification of highly productive land should be undertaken at a higher spatial resolution (such as catchment or land parcel scale such as 1:10,000), rather than the national LUC scale mapping which is at 1:50,000. LUC mapped at 1:50000 while useful in indicating the likely presence of specific land use classes, is a coarse method when applied to land boundaries. There needs to be a time period for Auckland Council to undertake on the ground verification of highly productive land and associated mapping.

I SUPPORT THE COUNCIL USING ITS OWN CRITERIA BUT IT will need to prove how it is superior to a national based system, also the criteria and determination will need to be decided quickly.

The use of LUC in the start in the identification of productive land and the grading of that land from highly productive to less so. The degree of granularity needs needs to be assessed for accuracy of any land designated. A multi layered criteria would be the most pragmatic.

Summary Comments

6 - What other areas outside LUC1-3 would you consider might be worthy of being covered by the National Policy Statement (i.e. what criteria would you use to define highly productive land)?

Some LUC 4, 5 and 6 land can be highly productive, particularly where it is in a specialist use, for example vineyards. On the other hand, there may be a good quantity of the land available, in which case no particular protection will be necessary. The criteria should probably be a balance of the availability of a particular type of land for primary productive use, and the demand for that land for non-primary productive use. **Note that these responses represent a minor change to Auckland Federated Farmers' position on rural subdivision, from saying that all rural land should be protected from urban development to the greatest extent practicable, to saying that additional, greater, protection should be provided for the better quality land.**

LUC criteria are a useful for a spatial extent. We think it would be good to set a minimum mapping, e.g., LUC I, II and III, but also to enable Councils to map other highly productive soils or to improve the resolution of the LUC mapping with better information. For example, around Whangarei LUC IV is highly productive, because of the climate (and uncontrolled development has resulted in loss of higher-class soils from primary production), or gravel soils supporting vineyards. Generally, in the past HortNZ have tried to steer councils away from just focussing on soils through relying too heavily on LUC to define land with high production potential. Limiting specific consideration to 'versatile soils' (Classes 1, 2 and 3) may mean that high value productive land is not recognised. For instance, Class 4 land can be used for high value horticulture production. We have previously sought that this should be acknowledged and provided for in plans. However, the majority of horticultural activity occurs on the most versatile soils; and with other factors being equal, the higher class the soil the broader the range of potential horticultural uses. We see soils as being the fundamental factor in defining land as being highly productive. Highly productive land represents those areas that in addition to soils have suitable climate, infrastructure, labour etc. Land that is currently highly productive for horticulture is likely to have all of these factors present, and is very important for providing for New Zealand's current domestic food supply and horticulture industry more broadly. It should be recognised that loss of this highly productive land cannot be offset by protecting versatile soils that do not have all the same factors present, and therefore highly productive land is of much greater value than versatile soils and should be provided a greater degree of protection, but we think the protection of land can be achieved through the NPS values and policy. Using soils to provide a spatial extent of the NPS as useful. Highly productive land will generally be a sub-set of versatile soil. Versatile soil is also useful for future planning. Some land will not currently be suitable for horticulture because of lack of infrastructure or in the longer term climate, but if the soil versatility can be maintained, future generations will retain the ability to develop this land in future to realise its full productive potential. We don't support activities that will negatively impact the production potential of the land. This NPS should be focussed on preventing inappropriate urban encroachment and preventing reverse sensitivity on land used for highly productive uses now and not degraded to enable it to be used for future highly productive uses.

Any criteria should not be restricted to food production. It should include rural production activities which would include planting of trees. With regard to climate change and water quality measures trees will become increasingly important for minimising and off-setting the impacts of discharges such as nitrogen. Short term rotation trees could in the future be an option.

I do not have enough information nor am I qualified enough to answer this question. I would suggest whatever it takes to provide a clear direction on the use of highly productive land and Food Security.

Not sure I can comment on this as productivity has different meanings in different sectors.

Criteria should consider versatility, and resilience to productive land uses. This should be based on the natural capital of the land and its long term sustainable use for primary productive land uses. Natural Capital is defined as - A rapidly emerging, multidisciplinary approach to assess the multi functionality of natural resources is based on the concepts of natural capital and ecosystem services. Natural capital is defined as the 'stocks of natural assets that yield a flow of ecosystem goods or services into the future'. The notion of natural capital comes from trying to frame the contribution of natural resources alongside manufactured capital (factories, buildings, tools), human capital (labour, skills) and social capital (education, culture, knowledge) to the economy. Ecosystem services are defined as "the benefits people obtain from ecosystems". The 'ecosystems' approach has its origins in ecological economics, recognising that the economy is a subsystem of the ecological system, and that sustainable economic activity needs to be performed within the biophysical limits of the natural environment. Natural resources scarcity is nowadays the limiting factor to economic development.

Land that is already being used for Primary Production now. Eg orchards, vineyards forests etc.

LUC I, II + III are sound start for the protection of productive land but Councils need the ability to add additional areas of productive merit. Eg. - Glass house productivity, wine, Tree crops, specialist soil types

Summary Comments

7 - What sort of buffers might be necessary around identified highly productive land?

Buffers of at least 100m protecting all land in primary production from reverse sensitivity from adjacent urban activity should be provided. The buffers should be provided on the urban land, for example by way of open space, parkland or road corridor. **Note that these responses represent a minor change to Auckland Federated Farmers' position on rural subdivision, from saying that all rural land should be protected from urban development to the greatest extent practicable, to saying that additional, greater, protection should be provided for the better quality land.**

HortNZ believes providing setbacks for new residential activity in the rural production zone (or other applicable zone/s) and setbacks on the boundaries of this zone are useful mechanisms to address reverse sensitivity issues. HortNZ does not currently have a position on a standard setback size that should be imposed, however examples set out below show a range of plans where we believe the setbacks in and adjacent to rural zones have been satisfactory for our purposes. The following distinct plans have significant setbacks for dwellings in rural areas. Tasman and Hastings also have requirements where rural residential is adjacent to a rural zone - in particular, Hastings includes requirements where residential is adjacent to a rural zone. Also need to consider setbacks and buffers at the rural urban interface, particularly in future urban zones and structure planning and use the alignment of parks and roads as buffers with adjoining high production land.

	Setback from boundary for dwellings in rural zone	Setback between dwellings on separate lot	Setback in other zones adjacent to rural
Whakatane Rural	25m from boundary	None	
Western BOP	30m		
Tasman	30m		30m from Rural Residential to rural zones
Hurunui	25m for sensitive activities	100m	
Central Otago	25m	30m in rural residential	
Hastings	15m residential on Plains lifestyle		30m from Proposed New Urban Development Areas to Rural Zones

Reverse sensitivity for noise and sprays etc is an issue and the set backs from residential dwellings should be imposed. The requirement to fence by the urban use between boundaries could also be required.

Start making exceptions to the clear statement on the use of productive land and food security, then all that will happen is that a whole tangled and slow moving bureaucratic/legal infrastructure will be required to deal with applications, and claims for exemptions. However, when I first looked at land in Franklin many blocks were tagged with a requirement to have some economic use. Much has changed since then and there are many options available for micro farming, and or examples like Alpacos, where working collectively now means that a reasonable income can be made on 10 acres from a valuable and sustainable fibre. There may also be an opportunity to have lifestyle blocks as penimeters around the commercial farms as something of a barrier between them and residential – also helping to mitigate reverse sensitivity. In summary, I don't think exceptions should be made and opportunities should be explored for economic lifestyle options to also help provide a buffer between commercial farming and residential.

Sufficient to avoid the ongoing reverse sensitivity issues that are continually being raised.

Buffers would depend on the scale and magnitude of the actual or perceived impacts of urban land development on agricultural activities as well as the actual or perceived impacts of agricultural activities on urban dwellings. Concerns include noise, air pollution, use of chemicals and sprays, as well as presence of animals, and reverse sensitivity. The requirement to fence by the urban use between boundaries could also be required.

None for organic farming but a non reverse sensitivity covenant for adjoining properties and for non organic a 500m non reverse sensitivity covenant.

Summary Comments

Reverse sensitivity is a very real threat to rural production and especially in areas of high quality soils. Buffers of a suitable size and diameter would be advantageous in minimising reverse sensitivity effects on production.