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Sir William Birch, **Sir William Birch on behalf of Mark Wheeler and 6 other property owners in the Karaka Area**



Reference no: 53

### Clause

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

### Notes

There is no clear definition of Highly Productive Soils in the RMA or the draft NPS (Appendix A in Policy 1 suggests criteria that is very subjective and could lead to a wide range of interpretations)

### Clause

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

### Notes

Food growing hubs are identified by the Horticultural Industries based on their experience of the characteristics of the soils and other factors such as availability of water and market considerations - the existing LUC maps are only a very crude guide to productive capability

### Clause

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

### Notes

In the Auckland Region under the new Unitary Plan careful regard was given by Commissioners to avoid urban expansion on versatile soils.

### Clause

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

### Notes

The Land Use Classification (LUC) Maps published by the Lands and Survey Dept. in 1984 and based on field work undertaken by the Ministry of Works and Development in 1981 have been used as a guide to the location of highly productive soils by Councils assessing the merits of Plan Changes and

Resource consents up to the present day but they are only a rough guide as to the location of these soils. The RMA has a strong focus on avoiding adverse effects on the environment and already provides wide powers to Regional Councils and District Councils under Part 2 as well as Sections 59 to 71 of the Act. Some clarification around the preservation of highly productive land may be helpful to achieve nation wide consistency

Clause

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

Notes

It is logical to minimise the encroachment on highly productive land (HPL) that are best suitable for food production based on the underlying factors

Clause

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

Notes

The most recent example of District plans respecting HPS is the Auckland Unitary Plan (AUP) when it deliberately avoided zoning the cropping soils around Pukekohe for Urban use. The AUP also restricts subdivision of rural land where the minimum lot size for subdivision in the Rural Production Zone is now 80has.

Clause

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

Notes

The productive capability of land is one factor which should be taken into account when considering urban expansion

Clause

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

Notes

Neither the AUP nor the Waikato Proposed Dist Plan (WPDP) which is currently subject of a Hearing provide for significant subdivision in the rural zones. Any lifestyle development that takes place today is generally on the basis of legacy plans.

Clause

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

Notes

It should be one of the key factors to be taken into account in any plan change public or private

Clause

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

Notes

Reverse sensitivity in my view is not a major issue in the Auckland and Waikato regions but can best be dealt with by providing buffer areas and or reverse sensitivity covenants.

Clause

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

Notes

See above

Clause

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

Notes

The problem of encroachment on HPL has been always seen as an issue and has been managed with various degrees of success. In recent years more careful regard has been given by the consenting authorities to the protection of HPL. In the lead up to the issuing of this discussion document, the

problem has been somewhat overstated.e.g. The recent Belmont development in Pukekohe which took place on HPL had its genesis in a private plan change some 15 years ago under the previous Franklin District Council

Clause

Are you aware of other problems facing highly productive land?

Notes

No

Clause

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

Notes

The preferred option by these submitter's would be to use the NPS on Urban Development Capacity as a vehicle to address this issue. I note that it meets 3 of the desired criteria and partially meets the other 2 in table 1 on p.31 of the Discussion paper and would be much less disruptive than option 1.

Clause

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

Notes

The serious objection to option 1 is that it would impose a whole new layer of regulatory requirements on Regional and District Councils

Clause

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

Notes

No

Clause

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

Notes

It should be on land areas identified by the relevant food and wine producing industries as being valuable for the production of food in the long term

Clause

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

Notes

See above

Clause

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

Notes

The submitter's would prefer a more focused and collaborative approach with industry to identify the HPL areas important to the future of their industries and to food production from a regional and national point of view

Clause

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

Notes

The major issue that I expect with this process will be in determining a consistent approach to identify the areas to be protected. The report by Market Economics suggest that one approach worth looking at is the way SNA's are currently identified in the District Plans. However, in the case of HPL it would be very important to collaborate with relevant industris in identifying HPL areas

Clause

Should future urban zones and future urban areas be excluded from the scope of the National Policy Statement? What are the potential benefits and costs?

## Notes

Yes to avoid major disruption in the Planning processes

## Clause

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

## Notes

The submitter's believe that it is best to target the ares where the pressures are the greatest and to the extent where those areas are identified by the relevant food producing industry. In some cases growers are supporting protection from urban encroachment and would support protection of their land.

## Clause

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

## Notes

The ideal out come would be the identification of the specific areas of HPL by the industry and property owners concerned and then create a planning mechanism for that land to be protected,

## Clause

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

## Notes

By the Regional and TA's in association with the relevant industries and the property owners concerned. I note that Market Economics in their CBA refer to the identification of SNA's as a possible precedent.

## Clause

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

## Notes

They probably are but the deciding factor is the food producing industries assessment of the area as to the importance of the area for food production.

## Clause

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

## Notes

The issuing of a NPS of this nature is high risk in creating tensions with other objectives such as Housing and meeting planning objectives for compact city development. Refer to Treasuries comments in the Cabinet Paper which are attached.. These risks are mitigated if these polices are folded into the NPS - UDC

## Clause

Do you think there are potential areas of tension or confusion between this proposed National Policy Statement and other national direction (either proposed or existing)?

## Notes

Yes- see above

## Clause

How can the proposed National Policy Statement for Highly Productive Land and the proposed National Policy Statement on Urban Development best work alongside each other to achieve housing objectives and better management of the highly productive land resource?

## Notes

The protection of HPL is closely related to the issue of accommodating population growth by Urban Development and needs to be considered in the one NPS. There is a need to avoid the type of conflicting policy created by the Waikato Regional Council with its restriction on the use of HPL in PC1.

## Clause

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

Notes

As suggested earlier - HLP should be identified in collaboration with the relevant industries and agreement reached on the level of protection needed for the long term.

Clause

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

Notes

As above

Clause

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

Notes

This is not a big issue in my view at least not in the Auckland and Northern Waikato areas

Clause

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

Notes

Areas to be protected identified in collaboration with the relevant industry and property owners and then protected by the RPS and District Plan.

Clause

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

Notes

As above

Clause

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

Notes

As above

Clause

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

Notes

As above

Clause

Should the National Policy Statement include policies that must be inserted into policy statements and plans without going through the Schedule 1 process? What are the potential benefits and risks?

Notes

As above. This is a low risk approach and should be supported by the relevant industries and by some if not all property owners.

Clause

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

Notes

Areas that currently or proposed in District Plans for Urban Development to avoid serious disruption

Clause

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

Notes

As suggested above

## Clause

Should the objectives provide more or less guidance on what is “inappropriate subdivision, use and development” on highly productive land? Why/why not?

## Notes

No. This is getting into a level of detail that is not appropriate in a NPS

## Clause

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

## Notes

This would be useful if undertaken in association with the industries likely to produce food or wine from the defined areas.

## Clause

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

## Notes

Both need to be involved.

## Clause

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

## Notes

There will be significant costs in identifying and justifying the areas to be protected. These costs will fall on the local community through increased rates and charges by the Regional and Territorial authorities. There will also be further costs to the industries in collaborating with Councils in the process.

## Clause

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

## Notes

A direct involvement by relevant industries is essential

## Clause

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

## Notes

No. The suggestion that the LUC be used as a default is a bad idea as the plans are not intended for this purpose and are not sufficiently robust to be used as a determiner of land to be protected. I note that the Land use map of Auckland published by Market Economics shows that a lot of HLP throughout the Karaka whereas a close scrutiny of Map N47 shows that the majority of that land is class iv or less.

## Clause

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

## Notes

Soil versatility, water availability and all of the physical, commercial and market factors that are reflected in successful food production

## Clause

What are the benefits and risks associated with allowing councils to consider the current and future availability of water when identifying highly productive land? How should this be aligned with the Essential Freshwater Programme?

## Notes

The availability of Water is critical to food production. There are current examples of Kiwi fruit growers cutting back production in Franklin as a result of insufficient water availability. Water must be a consideration

## Clause

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

## Notes

No. It is too complicated

## Clause

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

## Notes

If combined with the NPS - UDC it should be a trigger for the identification of long term food producing areas NZ wide

## Clause

How can the proposed National Policy Statement for Highly Productive Land best align and complement the requirements of the proposed National Policy Statement on Urban Development?

## Notes

The HPL should be folded into the NPS - UDC

## Clause

Should the National Policy Statement provide greater direction on how to manage subdivision on highly productive land (e.g. setting minimum lot size standards for subdivisions)? If so, how can this best be done?

## Notes

No. The point is that the HPL should be protected once identified. The policy should be sufficiently flexible to allow boundary adjustments between properties for whatever reason.

## Clause

Should the proposed National Policy Statement encourage incentives and mechanisms to increase the productive capacity of highly productive land (e.g. amalgamation of small titles)? Why/why not?

## Notes

Incentives to protect wet lands and remnant bush areas should apply to HPL to encourage property owners to consolidate holdings and produce transferable development rights, These are proven tools to encourage consolidation of titles.

## Clause

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

## Notes

This is best achieved through master planning of urban development

## Clause

Should these policies be directly inserted into plans without going through the Schedule 1 process (i.e. as a transitional policy until each council gives effect to the National Policy Statement)? What are the potential benefits and risks?

## Notes

No they should be inserted through a Schedule 1 process and using the Regional Policy Statements

## Clause

How can these policies best assist decision-makers consider trade-offs, benefits, costs and alternatives when urban development and subdivision is proposed on highly productive land?

## Notes

The process of protecting HLP for food production is complex and should not be rushed. The key issue is to carefully identify the land in collaboration with the private sector industries.

## Clause

Should the policies extend beyond rural lifestyle subdivision and urban development to large scale rural industries operations on highly productive land? Why/why not?

## Notes

The process of protecting land for food production should be a careful and consultative process because it is complex and may have unintended consequences.

Clause

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

Notes

refer to the above comments

Clause

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

Notes

Flexibility in administration is necessary for success.

Clause

Should there be minimum threshold for highly productive land (i.e. as a percentage of site or minimum hectares)? Why/why not?

Notes

No - small isolated pockets of HPL would not be helpful in the overall planning

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