



Proposed National Policy Statement for Highly Productive Land

Submission Template

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

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

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

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

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

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Submissions are public information

All or part of any written submission (including names of submitters) may be published on the Ministry for Primary Industries' website, or the Ministry for the Environment's website.



Unless you clearly specify otherwise in your submission, the ministries will consider that you have agreed to have your submission and your name posted on their websites.

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

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

Questions for submitters

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

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

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

No it does not. The purpose of the RMA is to achieve sustainable management of natural and physical resources (including productive land) whilst avoiding, remedying or mitigating adverse effects. The key is to consider the competing uses for the resources.

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

On a case by case basis and in an effects based manner.



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

Using an effects based judgement and depending on the circumstances that are relevant for particular areas.

Section 3.5: These issues are being seen throughout New Zealand [page 26]

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

No. There is a lack of assessment of the potential effect the blanket protection of productive land has on other values such as enhancement of biodiversity and ecology. This could be inconsistent with section 6 of the RMA and other national guidance on biodiversity.

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

Yes. The impact on potential improvements in biodiversity.

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

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

Versatile soils. Current land use in context to other economic settings should also be considered. The current definition of productive land would see many parts of New Zealand's rural land 'locked up' even though realistically some areas would not be used for the types of uses Government wants to preserve the land for.

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

Neither. The NPS should focus on economic and environmental outcomes and generally without a narrow directive towards just primary production and/or food production. The assumption that all lifestyle development is a problem is not balanced.



Section 5.3 The scope of the proposal [page 35]

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

No. The narrow focus on housing and land fragmentation is not balanced. There could be biodiversity improvements that are foregone with the narrow focus.

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

Target areas. The NPS captures vast parts of the country where the problems do not present.

Policy 4: Rural subdivision and fragmentation [page 46]

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

It should not direct. It should guide and provide for a balanced approach where the process considers competing values but the overall purposes of the Act is paramount. For example the submitter has areas of its farm that are potentially captured by the narrow definition of productive land. It also has areas that are water catchments and fragmented significant natural areas that would benefit from enhancement activities. Under the current regulatory framework (District Plan) there is support for enhancing the biodiversity and ecological values through the subdivision process. However the draft NPS is likely to make that process risky and forego the enhancement activities (at the expense of the environment). The point here is 'a one size fits all' approach is not appropriate across the vast rural areas of New Zealand.

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

Using a balanced approach without firm direction. Other considerations (biodiversity) need to be considered.



Specific / technical questions

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

Specific questions

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

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

"Have regard to" rather than "give effect to".

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?

No. That 'cuts out' specific consideration at a local level. Although it would be efficient to do it this way (benefit of administration), there would be a risk to sensible land use decisions and potential inconsistency with other sections of the Act (s6).

Specific questions

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

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

Flexible approach, apart from targeted areas where the Government has visibility to the issues (Auckland/Hamilton for example).

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

More guidance. In particular where other environmental enhancements are part of proposals.



Specific questions

Policy 4: Rural subdivision and fragmentation [page 46]

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

No, 'management' through minimum lot size is not 'management'. The 'management' should not be through prohibition or non-complying activity status.

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?

Yes, because without incentives landowners are unlikely to act on this NPS and achieve what it seeks. Regulation is one blunt method and incentives at least offer options.