



10 October 2019

NPS-HPL Submission
Land and Water Policy Team
Ministry for Primary Industries
PO Box 2526
Wellington 6140

Via email: soils@mpi.govt.nz

Re : Submission on Proposed National Policy Statement on Highly Productive Land for Pine Valley Orchards Limited

Dear Sir / Madam,

Please see below and attached the submission on the Proposed National Policy Statement on Highly Productive Land (NPS-HPL), for and on behalf of Pine Valley Orchards Ltd.

Background

Pine Valley Orchards Ltd (PVOL) own approximately 30ha of land at Paengaroa in the Western Bay of Plenty sub-region.

This land is predominately Class 2 land that is Zoned Rural.

Pine Valley Orchards Ltd Submission

The detailed PVOL submission is attached.

Please forward all correspondence regarding this submission to:



Attention: Jeff Fletcher

Ph:

Email:

Yours faithfully,

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Jeff Fletcher

BConn Limited

Encl

Pine Valley Orchards Submission on the Proposed National Policy Statement on Highly Productive Land (NPS-HPL)

Intent of NPS-HPL

The intent of the NPS-HPL is supported for many of the reasons detailed within the Discussion Document.

Options Considered

We do not agree or support the proposal that management and protection of Highly Productive Land be implemented through its own NPS.

In our opinion this will lead to conflict between the NPS-HPL and NPS on Urban Development (NPS-UD) leading to un-necessary uncertainty, complexity and costly processes for both Local Government and the private sector.

An example of this is *Proposed Policy 6: Consideration of requests for plan changes* in the NPS-HPL this includes consideration of urban expansion which is at odds with the section in the NPS-UD *Providing for further greenfield development*.

We believe the overall objectives for the NPS-HPL should be included within the NPS-UD.

With the primary issue identified in the Discussion Document, being Urban Expansion into Highly Productive Land (HPL) and the main areas where this has and will continue to occur being the *Major Urban Centres*; this will enable more efficient and balanced assessments and decision making when assessing potentially competing objectives.

Concerns around land fragmentation can be included in the NPS-UD without significant change to the NPS-UD purpose and framework.

Implementation and Timeframes

We do not agree or support the Implementation or Timeframes for Implementation as set out in the Discussion Document for the following reasons:

1. A three year timeframe for Regional Councils to identify HPL followed by a further two years for Territorial Authorities to implement these outcomes via Policies 1.2, 2, 4 and 5 is far too ambitious taking into account:
 - a) The significant resourcing required to carry out this work by both Regional Councils and Territorial Authorities.
 - b) The likely contentious nature of the Policy implementation and lengthy and costly RMA processes for these policies to be implemented in District Plans.
 - c) The considerable work load Regional Councils and Territorial Authorities already have placed on them with regard to addressing other national direction instruments including:
 - i. The proposed National Policy Statement on Urban Development (NPS-UD).
 - ii. Amendments to the National Policy Statement for Freshwater Management (NPS-FM) and an accompanying proposed National Environmental Standards for Freshwater.
 - iii. A proposed National Policy Statement for Indigenous Biodiversity (NPS-IB).
 - iv. Amendments to the National Environmental Standards for Air Quality.

- d) Coordinating the national direction instruments above with the new National Planning Standards and the 10 year regulatory planning instrument review cycles is essential to ensure that the next generation of planning instruments for each Regional Council and Territorial Authority are properly coordinated and implemented as efficiently as possible.
Any Cost Benefit Analysis needs to consider this not only for Regional and Local Government but for the Private Sector.
2. Taking into account the issues raised in Item 1 above giving the objectives and remaining policies in the proposed NPS-HPL immediate effect will result in many landowners with Land Use Capability (LUC) Class 2 and Class 3 land being inadvertently penalised and, in many cases, left in a 'land use limbo' for the following reasons:
 - a) The lengthy timeframes in Item 1 would result in land use uncertainty and for this reason impact the land value.
 - b) Some LUC Class 2 and Class 3 land will also be impacted by the other proposed national direction instruments which combined with the NPS-HPL will likely 'sterilise' parts of land holdings impacting the primary production viability of the land and ability to finance and invest in further primary production on the land.
 - c) As demonstrated above (under *Options Considered*) the proposed national direction instruments are each looking to address land and water challenges independent of each other and as such are likely to contain conflicting policies, leading to regulatory and land use uncertainty that will impact the value of the land and in turn lead to increased costs to Regional Councils, Territorial Authorities and the Primary Production Sector.
Any Cost Benefit Analysis needs to consider the impact of land use uncertainty, lost land value and a loss of primary production investment.

3. The NPS-HPL applies a national policy framework and a high level LUC classification system that:
 - a) Is at a large scale that doesn't extend to cadastral boundaries.
 - b) Isn't at a scale to take into account detailed topography, land features, natural hazards and soils.
 - c) Doesn't fully consider local climate or likely climate change impacts.
 - d) Doesn't take into account recent land changes that may have occurred.

These issues combined with the issues raised in Item 1 above will create considerable uncertainty that will impact the value of the land and its viability for further primary production on the land.

Any Cost Benefit Analysis needs to consider the impact of land use uncertainty, lost land value and a loss of primary production investment.

Submission Requests

Our submission requests are:

1. The NPS-HPL is not progressed any further and the overall objectives for the NPS-HPL be included within the NPS-UD.
2. Timeframes for the implementation of the NPS-HPL objectives, within the NPS-UD are coordinated to take into account coordinating the national direction instruments above together with the new National Planning Standards and the 10 year regulatory planning instrument review cycles.

3. The objectives and (remaining) policies in the proposed NPS-HPL, within the NPS-UD are not given immediate effect and are only given effect:
 - a) Following the completion of the detailed LUC assessment work by the Regional Councils; and
 - b) The implementation of policies in City or District Plan that take into consideration local conditions.
4. Should the Ministry consider implementing the proposed NPS-HPL, we request they first carry out further Cost Benefit Analyses to include (as noted above):
 - a) The impact of uncoordinated implementation by Regional Councils and Territorial Authorities of:
 - i. The proposed national direction instruments;
 - ii. The new National Planning Standards; and
 - iii. The 10 year regulatory planning instrument review cycles.
 - b) The likely conflicting policies between the proposed national direction instruments, that will:
 - i. Lead to regulatory and land use uncertainty,
 - ii. Impact the value of the land; and
 - iii. Lead to increased costs to Regional Councils, Territorial Authorities and the Primary Production Sector.
 - c) The impact of land use uncertainty, lost land value and a loss of primary production investment should the NPS-HPL policies be given immediate effect while waiting for the Regional Councils and Territorial Authorities to carry out the considerable work required to identify HPL and in turn develop and implement policies to give effect to the NPS.