



**Future Proof**  
*Te Tau Tītoki*

Future Proof Submission on the proposed  
National Policy Statement for Highly Productive Land

October 2019

To: Ministry for Primary Industries

PO Box 2526

Wellington 6140

[soils@mpi.govt.nz](mailto:soils@mpi.govt.nz)

**Name of Submitter:**

Future Proof Implementation Committee

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

**Submission:**

This is a submission by the Future Proof Implementation Committee on the proposed National Policy Statement for Highly Productive Land (proposed NPS-HPL). The content of the submission follows overleaf. We appreciate the opportunity to provide comments on the document.

Other Future Proof partners will also be making submissions on the proposed NPS-HPL. These will be more detailed in nature than the Future Proof submission which provides a higher level, overarching view of the document.

**Signed:**



---

Bill Wasley

Independent Chair – Future Proof Implementation Committee

## 1. Introduction

This submission is presented on behalf of the Future Proof Implementation Committee (Future Proof), the governance group responsible for the implementation of the Future Proof Growth Strategy. The Committee is made up of two elected members from each partner council (Hamilton City Council, Waikato Regional Council, Waipa District Council, Waikato District Council) and three representatives nominated by tangata whenua - one from the Tainui Waka Alliance, one from Waikato-Tainui and one from the tangata whenua reference group Ngā Karu Atua o te Waka. The Committee has additional representation from the New Zealand Transport Agency and the Waikato District Health Board. The Committee also has an 'extended membership' for the purposes of developing the Hamilton to Auckland Corridor Plan programme. This membership includes Central Government, Auckland Council and Tāmaki Makaurau iwi representation from the Auckland Mana Whenua Kaitiaki Forum. This submission is made on behalf of the original membership of the Future Proof Implementation Committee and does not necessarily represent the views of the 'extended membership'.

The Future Proof Growth Strategy is a growth management and implementation plan for the Future Proof sub-region. The sub-region refers to the administrative areas of the territorial authorities of Hamilton City Council, Waipa District Council and Waikato District Council. Future Proof has been in an implementation phase of the Strategy which was originally signed off in 2009, and is now undergoing an update. A Phase One update of the Strategy has been completed and a second phase is currently underway. The Strategy has been successful in providing a strategic, integrated approach to long-term planning and growth management in the sub-region.

Future Proof is generally supportive of the principles of protecting highly productive land whilst allowing urban development to occur in areas identified in planning documents and growth strategies.

## 2. The proposed National Policy Statement for Highly Productive Land

### Overall comments:

Future Proof supports the principle of protecting highly productive land for primary production purposes. Future Proof acknowledges the importance of highly productive land to the health and wellbeing of New Zealanders and to New Zealand's economy.

The proposed NPS aligns with the Future Proof guiding principle to 'protect versatile and quality farmland for productive purposes through the provision of limited rural lifestyle development around existing towns and villages and encouraging a more compact urban footprint'. The Future Proof sub-region is characterised by an exceptionally productive rural sector, arising from the existence of high class soils. Thirty seven percent of the Waipa

District is classified as containing high class soils, representing over 9% of the high class soils nationally.

The protection of land for food production is an important sub-regional issue. The Future Proof Strategy contains strategies and actions to limit non-productive development outside urban limits. Likewise, the Waikato Regional Policy Statement provisions relating to the protection of high class soils from inappropriate subdivision, use and development. Future Proof councils have adopted district plan provisions that will limit further subdivision potential in rural areas and direct growth towards more compact development within defined urban limits.

Future Proof agrees that national direction would help councils consider highly productive land alongside their other priorities, and that a proposed NPS is the most appropriate mechanism by which to achieve this national direction.

Highly productive land definition:

Future Proof undertakes monitoring of developments occurring on high class soils and for this purpose defines LUC soil classes 1, 2 and 3 as 'high quality soils'. This aligns with the proposed NPS which proposes to define highly productive soils as being those with a LUC soil class of 1, 2 or 3, along with a number of other attributes such as climate, water, transport and labour. The Waikato Regional Policy Statement uses the definition: *High class soils – those soils in Land Use Capability Classes I and II (excluding peat soils) and soils in Land Use Capability Class IIIe1 and IIIe5, classified as Allophanic Soils, using the New Zealand Soil Classification.*

Future Proof supports the proposal in the discussion document that, when undertaking the assessment of highly productive land, councils will be able to consider a number of other factors to exclude some of the land in classes 1,2 or 3, or to identify additional highly productive land that is not recognised under the LUC system. Future Proof would support a tiered approach to the classification of high quality soils, whereby a soil class of 1 could have a higher level of protection, and soils in classes 2 and 3 may have a lower level of protection if these areas are required to meet planned future development capacity.

Future Proof supports the policy intent to give councils and their communities the flexibility to identify highly productive land based on a range of considerations such as climate, water, and access to transport routes and appropriate labour markets.

Future Proof agrees that the additional considerations to be taken into account when councils identify highly productive land should be optional. This will allow councils to recognise the local context when undertaking assessments of highly productive land. However, Future Proof is concerned that many of the additional criteria are subjective and therefore it may be a long and costly process for each council to have to go through a process to identify high class soils (see comments on Policy 1 below).

### Objectives of the NPS:

The proposed objectives are:

*Objective 1: Recognising the benefits of highly productive land.*

*Objective 2: Maintaining the availability of highly productive land.*

*Objective 3: Protection from inappropriate subdivision, use and development.*

Whilst Future Proof supports the intent of the proposed NPS, and in particular the wording of Objectives 1 and 2, we would like to suggest that the wording of Objective 2 could be clarified to make the intent clearer. As written, it does not encapsulate the degree of local flexibility that the proposed NPS is seeking to achieve and would, on its own, seem to conflict with the Government's Urban Growth Agenda as there is no option to do other than maintain the availability of highly productive land (implying maintenance at the same level as current state).

Future Proof is of the view that objectives 2 and 3 could be combined to read similarly to the Waikato Regional Policy Statement Objective 3.26: *"The value of high class soils for primary production is recognised and high class soils are protected from inappropriate subdivision, use or development"*.

This wording would make the intent of protecting highly productive land for primary production clear, whilst also reflecting the policy mechanism by which this protection would be achieved.

### Policy 1 – Identification of highly productive land

Future Proof generally supports the intent of this policy, noting though that there will be a significant implementation burden on councils to map areas of highly productive land and amend policy statements and plans to identify these areas (see comments under 'Implementation' heading below).

The criteria to identify highly productive land are generally supported. The exclusion of urban areas and areas that have been identified as future urban zones in district plans is supported. Future Proof considers that urban areas identified in strategic plans or agreements (for example, the Future Proof Strategy or the Strategic Agreement on Future Urban Boundaries (Waikato DC and Hamilton City Council)), that have been through a statutory consultation process, should also be excluded from the definition. Future urban form set out in yet-to-be-developed spatial plans, such as the upcoming Hamilton to Auckland Corridor work, including the Metro Spatial Plan, should also be considered, provided proper regard is had to the issue of highly productive soil. Further urban expansion areas that have been identified in Regional Policy Statements should also be considered for inclusion in the definition of excluded areas. This is consistent with the approach taken in Policy 6 as drafted.

Future Proof also notes that exclusions should be considered, outside of areas for future urban expansion, for sand quarries. Sand is an important material for the construction industry and sand deposits are generally only found in class 1 and 2 soils. Once a quarry is established they are permanently lost, although can sometimes be rehabilitated back to class 2. There should be some ability retained for councils to approve sand quarries where appropriate.

Future Proof supports a default definition of highly productive land based on the LUC classification until councils identify this.

#### Policy 2 – Maintaining highly productive land for primary production

The use of the word ‘maintain’ in this policy is potentially problematic because it implies that all highly productive land must be maintained in that state, despite the policy intent of the draft NPS being to allow consideration of appropriate (i.e. planned) urban expansion. Additionally, the policy as worded would appear to preclude future infrastructure such as roading, rail, or other regionally significant infrastructure, from being able to locate on high quality soils. Policy 2 appears to be inconsistent with Policy 3.

#### Policy 3 – New urban development and growth on highly productive land

Future Proof generally supports the policy intent of Policy 3 which seeks to ensure there is a pathway by which urban expansion could locate on highly productive soils, provided an appropriate assessment and cost-benefit analysis has been undertaken. Future Proof agrees that highly productive land should be considered when identifying areas for urban expansion. Well-designed, compact urban development that makes efficient use of the urban land resource, should be considered as ‘appropriate’ development.

#### Policy 4 – Rural subdivision and fragmentation

Future Proof generally supports the intent of this policy. As noted above, Future Proof councils have already undertaken plan changes/plan reviews to manage rural subdivision, avoid fragmentation and maintain the productive capacity of highly productive soils. The case study of Waipa District included in the NPS discussion document at page 69 shows that Waipa has limited potential for further subdivision in the rural zone, including in areas with significant LUC Class 1, 2 or 3 land, under current plan provisions. Policy 14.2 of the Waikato RPS seeks to “avoid a decline in the availability of high class soils for primary production due to inappropriate subdivision, use and development” and the methods to do so include restricting urban and rural-residential development on high class soils, directing rural-residential development onto soils of lesser versatility where there is an option do to so and recognising and allowing for growth when identified in a growth strategy.

#### Policy 5 – Reverse sensitivity

Future Proof generally supports the intent of this policy which seeks to recognise the issues associated with reverse sensitivity in relation to urban and rural uses. Future Proof councils already address this issue within their planning documents and this should be acknowledged in the policy – there may not be a need to amend district plans if these issues are already addressed.

#### Policy 6 – Consideration of requests for plan changes

Future Proof agrees that private plan changes for urban expansion on highly productive land should be subject to a vigorous assessment. Future Proof agrees that alignment with local authority statutory and non-statutory plans and policies is an essential consideration. Future Proof is also of the view that where there are development opportunities that have not yet been identified in a statutory or non-statutory plan or strategy, there should be a policy pathway to allow an evaluation of the appropriateness of the proposal. Future Proof considers that these policies should extend beyond rural lifestyle subdivision and urban development to consider large scale rural industries on highly productive land, particularly in circumstances where these industries could appropriately locate within urban areas.

On a technical note, consideration should be given to the wording ‘have regard to’ in this Policy and in Policy 7 – this does not necessarily denote the relative priority of the NPS. For example, councils must ‘give effect to’ an RPS, which is a stronger test. Stronger wording in policies 6 and 7 may assist councils in the prioritisation of various competing requirements.

Further, Future Proof notes that there is an inconsistency with the current drafting of Policy 6 (a) which requires alignment with statutory and non-statutory plans, and the drafting of the proposed National Policy Statement on Urban Development which enables consideration of greenfield development which is not aligned with local authority statutory and non-statutory plans and policies.

#### Policy 7 – Consideration of resource consent applications for subdivision and urban expansion on highly productive land

Future Proof agrees that resource consent applications should consider highly productive land where relevant, and that a site-specific LUC assessment may be appropriate. However, Future Proof is of the view that where development is occurring as a controlled or restricted discretionary activity, the assessment should be limited to the matters within the existing statutory plan and should not have to consider matters outside of this until such time as a plan change, variation or plan review has occurred to implement the NPS. Otherwise, there is too much uncertainty for activities that are already contemplated under an existing statutory plan which has been through public consultation.

#### Implementation:

Future Proof commends the Ministries’ intention to provide guidance, targeted training and monitoring to assist in implementation but considers that this may not go far enough. The devolution of responsibilities to regional and district councils should be accompanied by

substantial resourcing to assist councils. The timeframe for Councils to implement the NPS will be challenging for regional and district councils. Given the proposed interim effect of the NPS, it is considered that a longer timeframe may be allowable in circumstances where an RPS or district plan had only recently been adopted.

The document would benefit from further clarity around the respective roles of regional and district authorities in the implementation of the proposed NPS.

Future Proof considers that much of the baseline information, tools and methodology required could be provided at a national level, rather than being undertaken region-by-region. For example, the Government could procure the baseline LUC mapping across New Zealand to ensure consistency.