



SUBMISSION PROPOSED NPS Highly Productive Land

TO: NPS-HPL Submission
Land and Water Policy Team
Ministry for Primary Industries
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BY EMAIL:

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- 1 EIANZ is a professional association for environmental practitioners from across Australia and New Zealand. We provide opportunities for professional and academic dialogue across all sectors of the environmental industry. EIANZ was founded in 1987.
- 2 A significant initiative of EIANZ is the Certified Environmental Practitioner (CEnvP) Scheme, which is Australasia's first accreditation scheme designed exclusively for environmental practitioners, and recognises environmental professionals (including ecology, climate change, impact assessment and land contamination) in line with their professional counterparts from engineering, accounting, planning and architecture.
- 3 EIANZ welcomes the opportunity to comment on the consultation document proposed National Policy Statement for Highly Productive Land (NPS-HPL).
- 4 Submission prepared by Dr Mark Bellingham on behalf of the New Zealand Chapter of the Environment Institute of Australia and New Zealand.
- 5 Research on the identification of Highly Productive Land (Class 1-3) in the Auckland Unitary Plan has identified the following anomalies:
 - a. Prime land (Class 2 & 3) in the Auckland Region can be used for rural subdivision if there is no practicable alternative. The AUP promotes restoration of biodiversity in exchange for rural-residential subdivision but prevents this happening on Class 1-3 soils.

- b. Indigenous ecosystems on flood plains are critically endangered in the Auckland Region (and most of NZ). there is less than 1% of indigenous forests remaining on Class 2 & 3 soils on flood plains in the region.
- c. Indigenous ecosystems on flood plains play a significant role in restoring freshwater quality (NPS Freshwater Management & Action Plan). And the inclusion of the 1% AEP within the 'protected' land in the NPS-HPL would undermine the objectives and policies of the Freshwater Management reforms.
- d. In northern Auckland less than 1% of Class 2 & 3 soils are used for arable cropping and horticulture and none of this is within the 1% AEP flood plain.
- e. Throughout all of Auckland Region and the northern Waikato there is almost no arable cropping and horticulture within the 1% AEP flood plain (only the edges of some properties, but we suspect the flood mapping is inaccurate).
- f. Effectively growers (and investors) avoid locating on land where there is a high risk of flooding, and any Class 1-3 soils on flood plains have minimal productive potential and should be excluded from the NPS-HPL.
- g. A proposal to restore flood plain forest is currently being opposed by Auckland Council, on account of the loss of productive potential from Class 3 land in the flood plain!

Objectives

- 6 EIANZ supports the proposed Objectives 1 & 2.
- 7 EIANZ seeks the following changes to Objective 3 (underlined):

To protect highly productive land from inappropriate subdivision, use and development, including by:

- Avoiding subdivision and land fragmentation that compromises the use of highly productive land for primary production;
- Avoiding uncoordinated urban expansion on highly productive land that has not been subject to a strategic planning process;
- Avoiding and mitigating reverse sensitivity effects from sensitive and incompatible activities within and adjacent to highly productive land;
- Providing for protection and restoration of threatened ecosystems on highly productive land; and
- Reviewing inappropriate future urban zoning on highly productive land.

8. Proposed Policy 1: Identification of highly productive land

1.1 Regional councils must identify areas of highly productive land using the criteria set out in Appendix A and:

- a. map each area of highly productive land; and
- b. amend their regional policy statements to identify areas of highly productive land within the region.
- c. Undertake 20-50 year forward planning for the use and associated infrastructure of Highly Productive Land.

1.2 Territorial authorities must amend their district plans to identify highly productive land identified by the relevant regional council under policy 1.1. and the forward planning outcomes of Policy 1.1(c).

9. Appendix A: Criteria to identify highly productive land based on the key factors

In accordance with Policy 1, regional councils must use the following criteria to assess and identify areas of highly productive land:

1. The capability and versatility of the land to support primary production (based on the LUC classification);
2. The suitability of the climate to support primary production, particularly crop production (e.g. a frost-free climate); and
3. The size and cohesiveness of the area to support primary production
4. Excluding flood plains within the 1% AEP¹ from land identified as highly productive.

Note: The proposed NPS as it stands would require regional and district plans to have maps identifying where Class 1-3 land is located and most plans already have 1%AEP flood plains on regional and district plan maps.

When identifying areas of highly productive land, local authorities may also consider the following factors:

- a. The current or future potential availability of water;
- b. Access to transport routes;
- c. Access to appropriate labour markets;
- d. Supporting rural processing facilities and infrastructure;
- e. The current land cover and use and the economic, social, environmental and cultural benefits it provides; and
- f. Water quality issues or constraints that may limit the use of the land for primary production; and
- g. Potential for the protection and restoration of threatened ecosystems and their role in enhancing freshwater quality.

Highly productive land excludes:

- a. urban areas; and
- ~~b. areas that have been identified as future urban zones in district plans~~

10. Proposed Policy 2: Maintaining highly productive land for primary production

¹ 1 % AEP (Annual Exceedance Probability) is the land that has a 1 in 100 year risk of flooding; more than 95% of intensive horticulture and agriculture in New Zealand is located above the 1% AEP flood plains.

Local authorities must maintain the availability and productive capacity* of highly productive land for primary production by making changes to their regional policy statements and district plans to:

- a. prioritise the use of highly productive land for primary production
- b. consider giving greater protection to areas of highly productive land that make a greater contribution to the economy and community;
- c. Zone highly productive land to encourage better use of its productive potential.
- d. identify inappropriate subdivision, use and development of highly productive land; and
- e. protect highly productive land from the identified inappropriate subdivision, use and development.
- f. Consider financial incentives to retain and enhance the productive potential of highly productive land (i.e. deferred rating for sustainable intensive use of HPL).

11. Proposed Policy 3: New urban development and growth on highly productive land

Urban expansion must not be located on highly productive land unless:

- a. there is evidence of a shortage of development capacity to meet demand (in accordance with the NPS-UDC methodologies and definitions); and
- b. urban development on Class 1 land is avoided;
- c. it is demonstrated that this is the most appropriate option based on a consideration of:
 - I. A cost-benefit analysis that explicitly considers the long-term costs associated with the irreversible loss of highly productive land for primary production;
 - II. Whether the benefits (environmental, economic, social and cultural) from allowing urban expansion on highly productive land outweigh the benefits of the continued use of that land for primary production; and
 - III. The feasibility of alternative locations and options to provide for the required demand, including intensification of existing urban areas.

12. Proposed Policy 4: Rural subdivision and fragmentation

Territorial authorities must amend their district plans to avoid fragmentation for rural subdivision and maintain the productive capacity of highly productive land, including by:

- a. setting minimum lot size standards for subdivision located on highly productive land to retain the productive capacity of that land, with lot sizes greater than 5ha;
- b. incentives and restrictions on subdivisions to help retain and increase the productive capacity of highly productive land; and
- c. directing new rural lifestyle development away from areas of highly productive land.

Note: Terra Nova Planning's research has shown there is a market niche for part-time growers on smaller blocks down to about 5ha in the Auckland Region. This may be higher in other regions where land prices are lower on HPL.

13. Proposed Policy 5: Reverse sensitivity

EIANZ supports this policy.

14. Proposed Policy 6: Consideration of requests for plan changes

When considering a request for a private plan change for urban expansion or countryside living on highly productive land, or to rezone an area of highly productive land to rural lifestyle use, local authorities must have regard to:

- a. The alignment of the request with relevant local authority statutory and non-statutory plans and policies relating to urban growth and highly productive land;
- b. The benefits (environmental, economic, social and cultural) from the proposed use of land compared to benefits from the continued use of that land for primary production; and
- c. Whether there are alternative options for the proposed use on land that has less value for primary production.

Note; Rezoning of Rural Production land in Auckland Region to Countryside Living (e.g Kumeu-Huapai) has displaced all contract growers from this locality close to central Auckland. These growers have mostly relocated to the northern Waikato.

15. Proposed Policy 7: Consideration of resource consent applications for subdivision and urban expansion on highly productive land

When considering an application for subdivision or urban expansion on highly productive land, consent authorities must have regard to:

- a. The alignment of the application with relevant local authority statutory and non-statutory plans and policies relating to urban growth and highly productive land;
- b. The extent to which the subdivision or development will impact on the existing and future use of the land for primary production;
- c. The practical and functional need for the subdivision or urban expansion to occur at that location;
- d. The potential for reverse sensitivity effects and proposed methods to avoid or mitigate potential adverse effects on, and conflicts with, lawfully established activities; and
- e. The benefits (environmental, economic, social and cultural) from the proposed activity compared to the long-term benefits that would occur from the continued or potential use of the land for primary production.

Resource consent applications must include a site-specific Land Use Capability Assessment prepared by a suitably qualified expert.

Note: Rezoning Rural Production land at Whenuapai (NW Auckland) to Future Urban has displaced most of New Zealand's largest export flower growing area to the Waikato, Bay of Plenty, King Country and further south.

16. EIANZ seeks the following changes to the interpretation section following the changes we have proposed above:

5.5 Interpretation

Excluding 1% AEP flood zones from HPL protection

Highly productive land means:

- a. land that has been identified as highly productive by a local authority in accordance with Policy 1 and Appendix A of this national policy statement; or
- b. where a local authority has not identified highly productive land in accordance with Policy 1 and Appendix A, a land parcel in a rural area that contains at least 50% or 4 hectares of land (whichever is the lesser) defined as Land Use Capability 1, 2 and 3 as mapped by the New Zealand Land Resource Inventory or by more detailed site mapping; but
- c. does not include urban areas or areas that have been identified as a future urban zone in a district plan or proposed district plan.