

Central Otago Winegrowers Association

10 October 2019

Ministry for Primary Industries
PO Box 2526
Wellington 6140
New Zealand

Attention: NPS-HPL Submission, Land and Water Policy Team

Dear Sir/Madam,

Central Otago Winegrowers Association (COWA) Incorporated submission on the proposed National Policy Statement on Highly Productive Land (NPS HPL)

Thank you for the opportunity to submit on the proposed NPS HPL.

COWA is the member body for wine growers located in the catchment area covered by the Otago Regional Council and is part of New Zealand Winegrowers Incorporated (which we understand MPI has granted a time extension for). We represent over 95 growers, makers, brand owners and associated industry participants. From modest beginnings in 1987 with the first commercial release of table wine the industry has grown to over 2000 planted hectares. We contribute to approximately 600 full time equivalent jobs and inject a huge amount of money into the local industry, either directly through wages and the purchase of material but also via the rapidly growing wine tourism market.

When the Clyde Dam was built as part of the Think Big initiative the Cromwell Basin was mapped and a large amount of area that could be suitable for the production of grapes was identified. Over the last 30+ years we have watched the area that could be planted in grapes be consumed by residential development and so called lifestyle developments. As an industry we are concerned that this trend will continue and valuable viticultural land will become locked away in urban, peri-urban and lifestyle developments.

The Queenstown Lakes District Council has created what is called the Gibbston Character Zone which attempts to preserve the life supporting capacity for soil for viticulture. This protection (in their Proposed District Plan) has been recently tested and found to be lacking, mostly because the level of protection granted to the soil is generally lower than the right to subdivide when an effects based approach is taken, as demanded by the Resource Management Act (RMA). The will of the community expressed through the council (as required by Part 5 of the RMA) has become subservient to effects on landscape and the receiving environment. The use of a National Policy Statement which provides clear guidance on the relative importance of collective community will as expressed by the District Plan, as is recommended by the NPS HPL will be beneficial.

Outcome Sought: There is a clear and unequivocal expression in the NPS HPL of the relative weight accorded to the Highly Productive land compared to other competing needs in the RMA.

Conversely the Central Otago District Council (CODC) has no protection whatsoever for what would be classified as HPL beyond rural zoning. This has and continues to be challenged through private plan changes and resource consents. We have seen a large loss of area of HPL to peri-urban and lifestyle developments recently as pressure comes to bear on land for residential developments. It

has been proposed in the NPS HPL that interim protection for HPL which attracts a current Land Use Capability of 1-3 (under the LUC classification). A lot of land which is suitable and desirable for a range of reasons for viticulture attracts an LUC rating of 4-6 (as acknowledged in the LUC handbook). The NPS HPL is proposing interim protection for LUC 1-3 land which will mean prime viticultural land will be vulnerable until the Otago Regional Council has completed their mapping exercise.

Outcome Sought: Create a broad definition for viticultural land which can be utilised to provide interim protection in the NPS HPL until the mapping required to be completed by the ORC is complete. We have the Grow Otago resource which could be rapidly modified by NIWA to act as a tool (even if it is not ground truthed at a property level).

We have also noted that conversion into so called lifestyle residential tends to result in very dispersed residences.

Outcome Sought: These developments may be more appropriate if a clustering approach to housing deployed as it protects land from being chopped into unproductive units.

There is a lack of clarity at present how the various NPS are going to work together to create an integrated solution.

Outcome Sought: This NPS needs to be partnered with the NPS – UD to change in how houses are built to more effectively utilise urban and semi-urban land - densification, higher rise, semi attached, attached/terrace housing.

We have noted a large number of private plan changes seeking to convert rural land to lifestyle and full residential on urban boundaries.

Outcome Sought: One of the outcomes of the process should be to reduce the number of private plan changes by setting a higher bar and burden on the developer to prove that productive soils are not being affected. This particularly applied to the emphasis on Part 5 of the RMA if a community has engaged in a master planning process. In fact a master planning process should be part of the NPS framework that the regional authorities should be undertaking. As a consequence the NPS should require communities to designate "hard" urban boundaries (and provide a mechanism for how this is changed)

When dealing with both the ORC we have noted that the quality of the mapping data available from them and in relation to the current mapping of soils is either very old, out of date, is not accurate enough at a high enough resolution or does not have the other factors anticipated by the NPS HPL (e.g., access to workers, access to market, access to water, climate etc) available. The requirements on the ORC to have better data is going to be onerous and costly and there is a question of capability and capacity.

Outcome Sought: Engage NIWA to expand the GrowOtago resource for the other dimensions anticipated by the NPS HPL and ensure it is ground truthed and sufficiently robust to withstand challenge. This resource should be rolled out across all NZ viticultural regions.

We believe that the NPS HPL currently has too much focus on solely highly productive soils (which is a loaded term) – it's the intersection of soil and other factors that makes it valuable when considering LUC 4-6.

Outcome Sought: Develop a new singular term and definition of what is trying to be protected. Perhaps a 2 stage definition - productivity and intersection of the other factors which makes it

explicit how important these other factors are and the quantum anticipated (i.e., work with the local industry group to help create a relevant local definition).

We note that there is room in the NS HPL for the ORC to have a lot of discretion with regards to the relative priority of the other factors when classifying soils.

Outcome Sought: We believe that the NPS needs to direct councils to consider other factors (e.g., population/water/size) rather than making it optional for them to consider. The way the proposal is currently drafted it looks like it is an optional consideration at the discretion of the ORC.

The current version of the NPS HPL will require the ORC to undertake a huge amount of work of map soils. The current climate change models indicate that this is likely to change over time (both water and other climatic factors).

Outcome Sought: Require NIWA to model national (New Zealand wide) effects of climate change and require councils to consider a mid-model when setting classifications. Without these models and assumptions being made available to the regional authorities it will result in very different interpretations of the impact of climate change. An alternative to consider is whether short form high level consultation with regional representation bodies such as the Central Otago Winegrowers Association could be conducted to rapid achieve the same outcome.

The level of work to be undertaken to adequately map soils at the required level of resolution (property level) will be large. There is a question where there are adequate numbers of suitably qualified and experienced soil scientists to enable the NPS HPL to be implemented in time.

Outcome Sought: Enable the interim protection for LUC 1-6 soils (as recommended elsewhere in this submission) to be extended beyond the proposed three years in case adequate resources are not available.

We support the use of a NPS rather than NES to address the challenges identified by the consultation document. However, ensuring that there is consistent interpretation and implementation by each of the authorities will be challenging without sufficient supplementary interpretation and guidance on how key terms should be assessed while still allowing flexibility to adapt the NPS for local needs.

Outcome Sought: Deploy a template approach with a model interpretation would be particularly useful to ensure consistency across the country. This will enable national bodies such as HortNZ and NZ Winegrowers to provide guidance to members on a national basis which is a more efficient use of resources.

Reverse sensitivity is an ongoing issue between residential and rural land.

Outcome sought: In relation to reverse sensitivity consideration should be given to the creation of buffer zones around urban zones to mitigate the effects of rural activities. Internalising the effects of rural activities sounds good in theory but in practise provides significant additional cost to the viability of farming activities. Additionally, the lack of ability to completely internalise effects will result in the loss of social license to operate a rural farming operation. Examples include spray drift where the NZ standard (8409) anticipates drift but adjudges effects based in harm – there may be no harm but the perceived risk from under informed urban dwellers amplifies the impact of the harm to an extent that the level of complaint and impact on the farming operation forces the closure of the rural activity meaning the land becomes vulnerable to urban development and the increase in the urban footprint.

As governments can change often there needs to be a slow re-alignment as resource management priorities change otherwise this gives to much uncertainty to both land developers and to farmers (as well as regional authorities) where the priorities lie.

Outcome sought: The consistency of approach requires the decision making to be balanced between both political agendas as well as based on science and fact and a balanced approach between these is required.

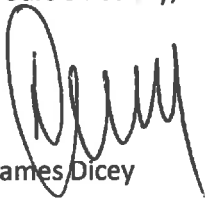
The exclusion of land already classified as urban but as yet undeveloped may mean land that in the future would not be reclassified would be lost to urban development.

Outcome Sought: Consideration should be made to identify this land and determine whether the land is worth reclassifying as rural. The same applies to land already identified as future urban zones in spatial planning frameworks – if it is valuable for rural uses then the NPS should apply to it as part of the decision making process. Ring fencing land now, unless a stringent assessment process is undertaken which results in the outcome that no practical alternative (e.g., intensification or densification of urban development or the redevelopment of brown fields), will aid the protection of productive land.

Exclusion based on minimum lot sizes should be indicative for regional authorities to consider dependant on crop types but not prescriptive.

Outcome Sought: Typically, this depends on the soil type and relation to the crop type (and the intensity of the farming practise), and should be left to the councils to have some flexibility depending on local circumstances.

Yours Sincerely,



James Dicey

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On behalf of the Central Otago Winegrowers Association Incorporated.