

23<sup>rd</sup> September 2019

NPS Highly Productive Land  
Ministry for Primary Industries and the Ministry for the Environment  
PO Box 106483  
Auckland City 1143



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

Dear Sir / Madam

**FEEDBACK ON CONSULTATION DOCUMENT  
PROPOSED NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND**

**1.0 INTRODUCTION**

- 1.1 The Poultry Industry Association of New Zealand (PIANZ) and The Egg Producers Federation of New Zealand (EPFNZ) welcomes the opportunity to provide feedback on the consultation document for the Proposed National Policy Statement for Highly Productive Land (NPS-HPL).
- 1.2 The poultry industry is a very important part of New Zealand's food chain. Poultry meat is the most popular protein consumed in New Zealand with approximately 38 kilograms per person consumed per year. Additionally, New Zealanders on average consume approximately 230 eggs per person per year.
- 1.3 PIANZ is the organisation that represents the interests of most poultry meat producers in New Zealand. Being part of PIANZ means that producers have agreed to meet both regulatory and industry imposed standards around animal welfare, food safety, animal husbandry and the expectations of consumers. EPFNZ is the national body representing the interests of all commercial egg farmers, including free-range, barn, colony and cage egg farming systems.

**2.0 POULTRY OPERATIONS**

- 2.1 Poultry operations have a requirement to be located in or near rural areas to assist in the management of the potential environmental effects generated by poultry farms. There are also specific requirements for poultry operations to be located near the market for their product to avoid unnecessary travel for animal welfare reasons. The operations of the poultry industry can therefore be characterised by the need to be in rural areas within a reasonable distance to the urban population.
- 2.2 The operations of the poultry industry are vertically integrated. Hatcheries and feed mills need to be located within proximity to broiler, egg layer and free-range farms. Broiler meat producers need to be in close proximity to processing plants to reduce travel times.
- 2.3 PIANZ and EPFNZ support the proposal to develop the NPS-HPL in principle; however, they are concerned that intensive indoor primary production, and specifically poultry farming, is not included in the definition of primary production in the proposed NPS-HPL. This will create inconsistency in the management of poultry activities under the Resource Management Act framework and reduce the capacity of the poultry industry to provide food for New Zealand.



### 3.0 PROPOSAL FOR THE DEVELOPMENT OF THE NPS-HPL

- 3.1 The use of rural land for primary production is a key contributor to New Zealand's economy. In July 2016, PIANZ and EPFNZ made a submission regarding the Proposed National Policy Statement on Urban Development Capacity (NPS-UDC). The submission outlined their concerns that the NPS-UDC could have significant implications for the industry through the loss of rural productivity and rural land for primary production activities.
- 3.2 The Ministry for the Environment and Statistics New Zealand published Our Land 2018, which assessed the effect of human activities on the state of the land. The key issues identified in the report are urban land expanding on to productive land, fragmentation of rural land and reverse sensitivity issues where urban development occurs in close proximity to land being used for primary production purposes. PIANZ and EPFNZ emphasise that these issues need to be taken into account when planning for urban development.
- 3.3 The focus of the NPS-HPL is on maintaining the availability of highly productive land for future primary production. The proposed NPS-HPL requires councils to identify highly productive land and ensures that it is given appropriate weight when making decisions under the Resource Management Act 1991 (RMA) about competing land uses. As stated in the discussion document (page 27):

*"It would enable councils to better consider how they can manage the availability of the highly productive soil resource for primary production while continuing to allow councils to provide for urban capacity in an appropriate manner".*

- 3.4 PIANZ and EPFNZ support the development of the NPS-HPL in principle because it will ensure that appropriate weight is given to the effects of a proposal on highly productive land. It will help to address the concerns of PIANZ and EPFNZ about the potential loss of productive land through the prioritisation of urban development.

### 4.0 PRIMARY PRODUCTION ACTIVITIES

- 4.1 Although PIANZ and EPFNZ support the NPS-HPL in principle, they are concerned that intensive indoor primary production and specifically poultry activities are not included in the definition of primary production. This will have cascading implications for how poultry activities are managed throughout the Resource Management framework and the operation of the poultry industry. The proposed definition of primary production in Section 5.5 of the discussion document includes the following:

'...

*a. Any agricultural, pastoral, horticultural or forestry activities.*

...'

The poultry industry request that intensive indoor primary production activities, including poultry activities, are included in this definition.

- 4.2 It is considered that intensive farming, including poultry farming, is an agricultural activity because it is the practice of farming and the rearing of animals to provide food. Furthermore, the term primary products in the RMA includes agricultural products, of which the products created by intensive farming are a sub-set. By nature, intensive farming activities need to be located in rural areas and away from urban and residential activities to manage potential adverse effects, including odour, noise and reverse sensitivity.



- 4.3 Providing a clear definition is consistent with the Government's approach to achieve national consistency in resource management decisions through policies such as the National Planning Standards. Intensive indoor primary production is defined in the National Planning Standards as "primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry". Intensive indoor primary production is included as an anticipated activity in the General Rural Zone and the Rural Production Zone under the zone names and descriptions in the Zone Framework Standard (Chapter 8, Table 13, National Planning Standards).
- 4.4 The poultry industry is concerned that the proposed definition of primary production in the NPS-HPL focusses on activities which need to be located on highly productive land to use the soil for food production. It is not clear whether primary production, as defined in the NPS-HPL, applies to poultry activities or other forms of intensive indoor primary production. The lack of clarity is likely to lead to inconsistent approaches in the management of poultry activities between the 67 New Zealand councils under the NPS-HPL.
- 4.5 If intensive indoor primary production is not clearly included within the definition of primary production there is little policy basis for Councils to provide for poultry farming activities on highly productive land. If there is no policy basis to provide for intensive indoor primary production under the NPS-HPL, it is likely that some councils will exclude activities which are necessary for poultry activities from taking place on highly productive land. The reason this is important is that there is a risk that the capacity of the poultry industry to provide products will be reduced and the ability of people and communities to provide for their social, economic and cultural wellbeing will be diminished.
- 4.6 In summary, the submitters consider that intensive indoor primary production should be clearly recognised as a primary production activity and be included within the definition contained in the NPS-HPL. Poultry activities can only realistically occur in a rural setting, where highly productive land is located. This needs to be recognised in the NPS-HPL. The NPS-HPL also needs to be consistent with the approach taken in the National Planning Standards. It is therefore considered that *primary production* should refer to activities that rely on productive land to create food, not simply activities that extract or harvest products from the land.

#### **Definition of Primary Production**

- 4.7 Based on the above comments, the poultry industry recommends the following amendment to the definition of 'primary production' in the NPS-HPL (deletions in strikethrough and additions underlined).

*"Primary production means:*

- a. any agricultural, pastoral, horticultural, or forestry activities; and*
- b. any intensive indoor primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry; and*
- c. includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a); and*
- d. includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but*
- e. excludes further processing of those commodities into a different product."*



## 5.0 COMMENT ON PROPOSED OBJECTIVES AND POLICIES OF THE NPS-HPL

5.1 For the reasons outlined above, it is important the NPS-HPL contains provisions to clearly provide for intensive indoor primary production activities on highly productive land. Comments on the proposed objectives and policies of the NPS-HPL are provided in this section to that nature.

Suggested changes to the NPS-HPL are outlined where relevant (deletions in strikethrough and additions underlined).

5.2 The NPS-HPL proposes three primary objectives. Comments by the poultry industry on the objectives is provided below.

### Objectives

*O1: Recognising the benefits of highly productive land: To recognise and provide for the value and long-term benefits of using highly productive land for primary production.*

*O2: Maintaining the availability of highly productive land: To maintain the availability of highly productive land for primary production for future generations.*

*O3: Protecting from inappropriate subdivision, use and development: 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; and*
- *avoiding and mitigating reverse sensitivity effects from sensitive and incompatible activities within and adjacent to highly productive land.*

### Comment

As noted in the Discussion Document on a Proposed NPS-HPL (the discussion document), the values and benefits of the use of highly productive land include “*food production and supply, economic and employment benefits and social cohesion*”. The poultry industry consider that intensive indoor primary production activities, including poultry activities, is consistent with these objectives.

The objectives set up an overarching framework for how highly productive land will be managed in the resource management framework. Therefore, it is important that “intensive indoor primary production” is specifically included in the definition of primary production, so that there is clear and consistent national direction for councils to manage intensive primary production under Objectives 1-3. This will ensure that there is a high-level policy-basis for councils to effectively manage intensive indoor primary production activities on highly productive land.

Further, the poultry industry consider that subdivision and development which enables intensive indoor primary production activities to take place should not be considered as “inappropriate” subdivision, use and development. Adding intensive indoor primary production into the definition of primary production will avoid this because the “land and buildings” used for production will be considered as part of the primary production activity. This will ensure that poultry activities can continue to take place in rural environments and on highly productive land to meet food supply demands under the NPS-HPL.

5.3 The NPS-HPL proposes 7 main policies. Comments by the poultry industry on each of these policies is provided below (deletions in strikethrough and additions underlined).

### Proposed Policy 1

*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:

- map each area of highly productive land; and
- amend their regional policy statements to identify areas of highly productive land within the region.

1.2 Territorial authorities must amend their district plans to identify highly productive land identified by the relevant regional council under policy 1.1.

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

a. the capability and versatility of the land to support primary production based on the Land Use Capability classification system;

b. the suitability of the climate for **all** primary production activities, ~~particularly crop production~~; and

c. the size and cohesiveness of the area of land to support primary production.

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

a. [the current or potential availability of water – see question below];

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 environmental, economic, social, and cultural benefits it provides; and

f. water quality issues or constraints that may limit the use of the land for primary production.

#### Comment

PIANZ and EPFNZ support this policy in principle because identifying highly productive land will better enable it to be managed efficiently and effectively for primary production activities.

However, the poultry industry are concerned that the wording of criteria (b) for identifying highly productive land in Appendix A skews the identification process towards land that is suitable for horticultural activities. It is of equal importance to provide for intensive indoor primary production activities which need to be located in a rural environment (as outlined in Section 2). The suggested change to criteria (b) will ensure that the wording of the criteria captures all primary production activities and is consistent with the proposed definition in the NPS-HPL.

## **Proposed Policy 2**

*Policy 2: Maintaining highly productive land for primary production*

*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. identify inappropriate subdivision, use and development of highly productive land; and

d. protect highly productive land from the identified inappropriate subdivision, use and development.

### Comment

As outlined in Section 4 of this submission, it is crucial that intensive indoor primary production is clearly identified as a primary production activity to provide councils with clear direction and a policy-basis for managing such activities under the NPS-HPL. Otherwise, the subsequent changes to regional and district plans under Policy 2 may restrict where intensive indoor primary production activities can be located and diminish the associated social, economic and cultural benefits associated with these activities.

### **Proposed Policy 3**

*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 a shortage of development capacity to meet demand (in accordance with the NPS-UDC methodologies and definitions); and*

*b. it is demonstrated that this is the most appropriate option based on a consideration of:*

- a cost-benefit analysis that explicitly considers the long-term costs associated with the irreversible loss of highly productive land for primary production;*
- 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*
- the feasibility of alternative locations and options to provide for the required demand, including intensification of existing urban areas.*

### Comment

The submitters support Proposed Policy 3. As outlined in Section 3 of this submission, the NPS-HPL plays a critical role in ensuring that urban development is not prioritised over protecting high productivity land in resource management decisions. This is particularly important in light of recent national policies, including the NPS-UDC. The criteria in Policy 3(b) provide a comprehensive balancing test. The submitters also note that the NPS-UDC is proposed to be replaced with the NPS on Urban Development.

### **Proposed Policy 4**

*Proposed Policy 4: Rural subdivision and fragmentation*

*Territorial authorities must amend their district plans to manage rural subdivision to avoid fragmentation 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;*

*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.*

### Comment

The submitters support Policy 4 in the respect that it will direct rural lifestyle development away from areas of highly productive land. However, it is important that flexibility in this approach is adopted for primary production on small lots, as outlined in the discussion document. The situations where this will benefit primary production activities include where a lot of a small size may be created for poultry farming on a lot of a large size used for dairy farming purposes, in a co-farming arrangement.

## Proposed Policy 5

### *Proposed Policy 5: Reverse Sensitivity*

*Territorial authorities must recognise the potential for sensitive and incompatible activities within and adjacent to areas of highly productive land to result in reverse sensitivity effects and amend their district plans to:*

- a. identify the typical activities and effects associated with primary production activities on highly productive land that should be anticipated and tolerated in rural areas;*
- b. restrict new sensitive and potentially incompatible activities on highly productive land to ensure these do not compromise the efficient operation of primary production activities;*
- c. establish methods to avoid or mitigate reverse sensitivity effects including through setbacks and the design of developments; and*
- d. establish methods to avoid or mitigate reverse sensitivity effects at the interface between areas of highly productive land and adjacent residential and rural lifestyle zones.*

### Comment

The poultry industry support Policy 5. Managing reverse sensitivity effects is important for intensive indoor primary production activities because they are associated with potential noise and odour effects. This is the very reason why the effective operation of poultry farms is reliant on being located in a rural environment. It is suggested that the definition of sensitive activity should be expanded to include "any activity which is likely to be incompatible with effects associated with primary production activities". This will provide a wider policy-basis for councils to manage sensitive activities under the NPS-HPL than the proposed wording.

Based on the above comments, the poultry industry recommends the following amendment to the definition of 'sensitive activity' in the NPS-HPL (deletions in strikethrough and additions underlined).

*Sensitive activity means an education facility, community facility, residential activity, visitor accommodation, retirement village, health facility or hospital, marae, or any activity which is likely to be incompatible with effects associated with primary production activities.*

## Proposed Policy 6 and Policy 7

### *Proposed Policy 6: Consideration of requests for plan changes*

*When considering a request for a private plan change for urban expansion 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; and*

### *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.

#### Comment

The submitters support Policies 6 and 7 because they ensure that the value of highly productive land is appropriately taken into account when considering plan change and resource consent proposals for urban expansion activities. As stated in this submission, this is important so that primary production activities can continue to be located in Rural environments to continue their role as an important source of food supply for New Zealand.

## 6.0 SUMMARY

PIANZ and EPFNZ generally support the Proposed National Policy Statement for Highly Productive Land (the 'NPS-HPL'). However, the NPS-HPL needs to clearly identify intensive indoor primary production as a form of primary production, to enable the full use of high productivity land and to provide clear policy guidance for territorial authorities. The suggested amendments to the definition of 'primary production' and 'sensitive activities' and to Policy 1, Appendix A are outlined in Appendix 1.

PIANZ and EPFNZ appreciate this opportunity to provide feedback and would welcome the opportunity to be involved in further consultation on the NPS-HPL.

#### **Address for service:**

<b>Name</b>	The Poultry Industry Association of New Zealand (PIANZ); and The Egg Producers Federation of New Zealand (EPFNZ)
<b>Address</b>	C/- Harrison Grierson Consultants Limited PO BOX 2313, Corporate Mail Centre WELLINGTON 6140 Attention: Poul Israelson
<b>Telephone</b>	04 385 0005
<b>Email</b>	[REDACTED]

Yours faithfully  
Harrison Grierson



Hannah Payne-Harker  
Planner



Poul Israelson  
Technical Director



## Appendix 1: Recommended Amendments

The poultry industry recommends the following amendment to the definition of ‘primary production’ in the NPS-HPL (deletions in strikethrough and additions underlined).

“Primary production means:

- f.* any agricultural, pastoral, horticultural, or forestry activities; and
- g.* any intensive indoor primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry; and
- h.* includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a); and
- i.* includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but
- j.* excludes further processing of those commodities into a different product.”

The poultry industry recommends the following amendment to Proposed Policy 1, Appendix A in the NPS-HPL (deletions in strikethrough and additions underlined).

### Proposed Policy 1

*Proposed Policy 1: Identification of highly productive land*

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

- map each area of highly productive land; and
- amend their regional policy statements to identify areas of highly productive land within the region.

1.4 Territorial authorities must amend their district plans to identify highly productive land identified by the relevant regional council under policy 1.1.

*Appendix A: Criteria to identify highly productive land in accordance with Policy 1, regional councils must use the following criteria to assess and identify areas of highly productive land:*

- a. the capability and versatility of the land to support primary production based on the Land Use Capability classification system;*
- b. the suitability of the climate for all primary production activities, ~~particularly crop production~~; and*
- c. the size and cohesiveness of the area of land to support primary production.*

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

- a. [the current or potential availability of water – see question below];*
- 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 environmental, economic, social, and cultural benefits it provides; and*
- f. water quality issues or constraints that may limit the use of the land for primary production.*

The poultry industry recommends the following amendment to the definition of 'sensitive activity' in the NPS-HPL (deletions in strikethrough and additions underlined).

*Sensitive activity means an education facility, community facility, residential activity, visitor accommodation, retirement village, health facility or hospital, marae, or any activity which is likely to be incompatible with effects associated with primary production activities.*

