



# Proposed National Policy Statement for Highly Productive Land

## Submission Template

We would like to hear your views on the proposed National Policy Statement for Highly Productive Land (NPS-HPL).

Please feel free to use this template to prepare your submission. Once complete please email to [soils@mpi.govt.nz](mailto:soils@mpi.govt.nz).

You can also make a submission using the online submission tool. A link to the online submission tool is available at [www.mpi.govt.nz/HighlyProductiveLand](http://www.mpi.govt.nz/HighlyProductiveLand).

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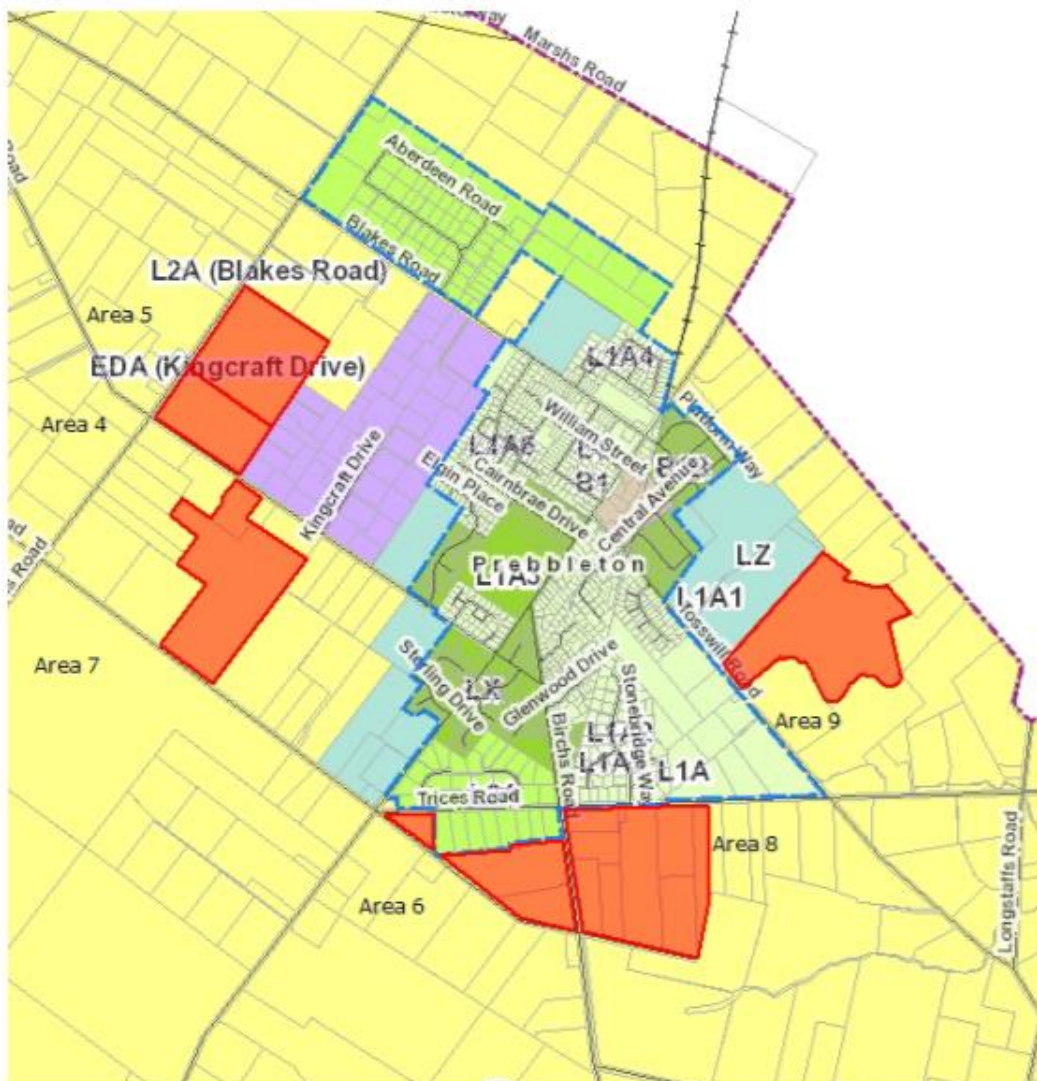
Are you submitting on behalf of an organisation/other parties? Yes [ x ] No [ ]

If yes, which organisation are you submitting on behalf of?



The Georges own 2 x adjoining 4 ha blocks [REDACTED] on the boundary with Prebbleton township, Greater Christchurch (Selwyn District). The land is within Preferred Rural Residential Area [REDACTED] in the Selwyn Rural Residential Strategy (adopted in 2014) as shown on the plan below. It is currently zoned Rural Inner Plains and a private plan change request is required prior to any rural residential development. The submitters have not proceeded with rural residential rezoning to date because they are aware that Prebbleton is running out of land for urban development, and they consider their land is well suited for future urban or rural residential development.

**Figure 31: Prebbleton – Rural Residential Areas 4 to 9**



Submissions are public information



All or part of any written submission (including names of submitters) may be published on the Ministry for Primary Industries' website, or the Ministry for the Environment's website. Unless you clearly specify otherwise in your submission, the ministries will consider that you have agreed to have your submission and your name posted on their websites.

Contents of submissions may be released to the public under the Official Information Act 1982, if requested. Tell us if you do not want some or all of your submission released, stating which part(s) you consider should be withheld and the reason(s) for withholding the information.

Under the Privacy Act 1993, people have access to information held by agencies about them. Any personal information you send with your submission will only be used in relation to matters covered by this document. In your submission, indicate if you prefer that we do not include your name in the published summary of submissions.

## Questions for submitters

The questions for submitters that are included throughout the discussion document are provided below. We encourage you to provide comments to support your answers to the questions below. You do not have to answer all questions for your submission to be considered.

The page numbers mentioned below indicate where further information about the question is located in the discussion document.

### Section 2.3: Defining highly productive land [page 19]

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What are the values and benefits associated with highly productive land?

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What are the values and benefits associated with existing food growing hubs and how can these be maximised?

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### Section 3.1: Problem statement [page 23]

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Does the RMA framework provide sufficient clarity and direction on how highly productive land should be managed? Why/why not?

See below.

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Does the RMA framework provide sufficient clarity on how highly productive land should be considered alongside competing uses? Why/why not?

If protection of HPL from inappropriate subdivision, use and development is considered to be a priority matter in terms of resource use, this could be added as an additional matter of national importance under s6 of the RMA – this would be much simpler than a detailed NPS-HPL which takes a ‘one size fits all’ approach, does not have the flexibility to respond to local circumstances and runs the risk of becoming a ‘straight jacket’ that hampers good planning outcomes. This can be addressed as part of the current RMA review including the just released RMA Amendment Bill.

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How are values and wider benefits of highly productive land being considered in planning and consenting processes?

Considered as part of cost benefit analysis (s32 assessment) and in Assessments of Environmental Effects (for resource consents and plan changes).

### Section 3.2: Urban expansion on to highly productive land [page 24]

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How is highly productive land currently considered when providing urban expansion? Can you provide examples?

See above

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How should highly productive land be considered when planning for future urban expansion?

Cost benefit analysis – weighed up against other values for land, taking into account the local context.

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### Section 3.3: Fragmentation of highly productive land [page 25]

How is highly productive land currently considered when providing for rural-lifestyle development? Can you provide examples?

Most peri-urban land which is the preferred location for rural lifestyle development is not highly productive even where Class 1-3 land due to combination of existing small land parcels, proximity to urban uses etc.

How should highly productive land be considered when providing for rural-lifestyle development?

Cost benefit analysis. Ensure definition of HPL only includes land which can realistically be highly productive e.g. there are no other constraints e.g. nitrate levels, proximity to urban areas, existing neighbouring land use, which limit productive potential notwithstanding soil type. See comments on definition of HPL below.

Assess status of land as HP on case by case basis and at district level which is contestable and can be the subject of private plan change requests.

### Section 3.4: Reverse sensitivity [page 26]

How should the tensions between primary production activities and potentially incompatible activities best be managed?

This is already considered as a matter of course in planning decision making.

How can reverse sensitivity issues at the rural-urban interface best be managed?

This is already considered as a matter of course in planning decision making.



### Section 3.5: These issues are being seen throughout New Zealand [page 26]

Do you agree that there is a problem? Has it been accurately reflected in this document?

No - We understand that the NPS-HPL has been prompted by concerns regarding loss of elite market gardening soils in South Auckland to urban development. We question whether a nationwide response is necessary to this 'local issue' given that the relationship between urban development, rural subdivision and the status of rural land as highly productive is so variable across NZ.

In the Greater Christchurch context the majority of land is Land Use Capability Class 1-3. Class 1-3 land is not a scarce resource. The majority is held in 4 ha parcels (the minimum lot size in the rural zones surrounding Christchurch) which is too small for economic farming. This land is not highly productive despite it's LUC status and is in effect used for rural lifestyle purposes (as reflected in the NPS-HPL definition of Rural Lifestyle – lots in 0.2 – 8 ha size range which we support).

Are you aware of other problems facing highly productive land?

Suggest rural producers will comment here.

### Section 4.5 Preferred option – a National Policy Statement [page 31]

Which option do you think would be the most effective to address the problems identified in Chapter Three? Why?

Combine NPS-UD and NPS-HPL into one NPS to ensure better integration. Ensure NPS is not overly prescriptive and maintains flexibility to respond to local circumstances.

Are there other pros and cons of a National Policy Statement that should be considered?



Are there other options not identified in this chapter that could be more effective?





### Section 5.2 Purpose of the proposed National Policy Statement [page 34]

Should the focus of the National Policy Statement be on versatile soils or highly productive land more broadly? Why/why not?

Should the focus of the National Policy Statement be on primary production generally or on certain types of food production activities? Why/why not?

### Section 5.3 The scope of the proposal [page 35]

Do you support the scope of the proposal to focus on land use planning issues affecting highly productive land? Why/why not?

What matters, if any, should be added to or excluded from the scope of the National Policy Statement? Why?

Should future urban zones and future urban areas be excluded from the scope of the National Policy Statement? What are the potential benefits and costs?

Yes – exclusion should include existing and preferred future rural lifestyle development zones and areas, including those identified in a non statutory plan adopted prior to gazettal of the NPS-HPL. Rural lifestyle development areas are not HPL. We support the NPS-HPL definition of Rural lifestyle development ie. Subdivision and development where the



primary purpose of rural residential or rural lifestyle use within a rural area with a lot smaller than those of the General Rural and Rural Production Zones, typically in the 0.2 – 8 ha range. Our properties are in this size range and are not HPL.

Should the National Policy Statement apply nationally or target areas where the pressures on highly productive land are greater?

#### Section 5.4 The proposed National Policy Statement [page 37]

What would an ideal outcome be for the management of highly productive land for current and future generations?

#### Policy 1: Identification of highly productive land [page 41]

If highly productive land is to be identified, how should this be done and by whom?

HPL should be defined in district plans, not at the regional level. This is critical to ensure that its status as HPL can be contested, there is flexibility for responding to changed circumstances, and to enable private plan change requests for developments on HPL.

Contestability is critical given that:-

- the definition of HPL is not absolute. It depends on many factors, which are location specific and 'subjective' requiring a judgement as to their relevance and importance – as evidenced by the complex criteria listed in the NPS-HPL which it acknowledges include more 'subjective' optional criteria (availability of water and water quality issues and constraints – which in some circumstances restricts or prohibits intensive production; access to labour and transport routes; availability of supporting infrastructure; current land cover and uses and associated benefits).



- the availability and feasibility of alternative options for enabling urban or rural lifestyle growth, including intensification is not absolute and requires value judgements – in the Greater Christchurch context, greenfield growth is restricted in the recently approved Our Space growth strategy in favour of CBD and inner city intensification notwithstanding slow uptake, lack of demand (especially for CBD residential), questionable development feasibility and resistance from existing communities concerned with adverse amenity effects.
- In the context of the above, whether or not there is a shortage of development capacity to meet demand, which therefore justifies use of HPL, is not absolute (as required by proposed Policy 3).
- The status of land as HPL may change over time e.g. in response to technological changes, market demands, land improvements (or degradation). Flexibility for timely response is critical.

If HPL is defined at the regional level, any changes can only be initiated by regional councils, at their initiative or in response to territorial authority requests which they support. The ten yearly review of regional plans and regional policy statements is simply too slow to respond to changed circumstances including market needs, or other meritorious proposals. This can only be effectively achieved if private plan changes to district plans are possible.

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Are the proposed criteria all relevant and important considerations for identifying highly productive land? Why/why not?

We strongly oppose part b. of the proposed definition of HPL. This is the 'interim' definition of HPL which will apply until HPL is defined by regional councils within 3 years of the NPS-HPL being gazetted (in our opinion HPL should be defined by district councils in accordance with criteria and overall policy guidance set at regional level).

We request that b. be deleted in its entirety. The productivity of land is influenced by a wide range of factors not just soil type - the proposed interim definition will result in land being protected as HPL where it clearly is not and cannot function as such. The definition will include, for example a 2 ha parcel which contains 50% i.e. 1 ha of Class 1, 2 or 3 soils.

The definition is inconsistent with the proposed definition of 'rural lifestyle development' (which we support) which includes land in parcels up to 8 ha in area regardless of soil type.

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There is no need for an interim definition of HPL given that the NPS-HPL objectives are to be implemented from the date when the NPS-HPL is gazetted. This gives a clear directive that HPL is to be protected from inappropriate subdivision, use and development.

The exclusion from the definition of HPL under c. should also include rural lifestyle development areas that have been identified as a future rural lifestyle zone in a district plan or proposed district plan; and preferred future urban and rural lifestyle development areas identified in an adopted non statutory planning document approved under the Local Government Act prior to the NPS-HPL being gazetted. This is necessary given that significant investment decisions have been made in reliance on such documents, and productive potential has already been considered as a factor in determining their suitability for urban or rural lifestyle use.

We support the definition of Rural Lifestyle as lots in the 0.2 – 8ha size range. Lots within this size range are well below the minimums necessary for economic farming, even where comprising LUC Class 1-3 land.

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## Policy 2: Maintaining highly productive land for primary production [page 42]

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What are the pros and cons associated with prioritising highly productive land for primary production?

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## Alignment with the Urban Growth Agenda [page 43]

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Do you think there are potential areas of tension or confusion between this proposed National Policy Statement and other national direction (either proposed or existing)?

Yes – there is a high risk that the NPS-HPL will have perverse adverse outcomes, contrary to the purpose of the NPS-HPL and NPS-UD. **It must not result in areas being protected where there is no need to protect and/or the cost of protection is higher than the benefits of enabling development. A blanket protection could lead to a further restriction in land supply for urban growth and an increase in land prices, directly contradicting the government’s affordability policy.** In the Greater Christchurch context, it could ‘push’ development well beyond the edge of existing townships which are for the



most part surrounded by LUC 1-3 land, contrary to existing urban consolidation objectives.

How can the proposed National Policy Statement for Highly Productive Land and the proposed National Policy Statement on Urban Development best work alongside each other to achieve housing objectives and better management of the highly productive land resource?

Combine the two NPSs into one – NPS- UD & HPL. This will help ensure proper integration.

### Policy 3: New urban development on highly productive land [page 45]

How should highly productive land be considered when identifying areas for urban expansion?

We seek the following amendments to the Objectives and Policies:-

Objective 3:

Delete:-

- ~~Avoiding uncoordinated urban expansion on highly productive land that has not been subject to a strategic planning process.~~

This is in direct conflict with the NPS-UD proposal to direct local authorities to consider private plan change requests for out of sequence locations and locations outside areas identified for urban development (in FDSs) where particular conditions are met – which we strongly support.

Policy 3:

Amend as follows:-

Policy 3: New urban **and rural lifestyle** development on highly productive land

Urban **and rural lifestyle** expansion must not be located on highly productive land unless:

- ~~a. There is a shortage of development capacity to meet demand (in accordance with NPS-UDC methodologies and definitions);~~



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

Rationale:

- a. is not necessary if the cost:benefit analysis required under b. establishes that this is the most appropriate option.

**Policy 4: Rural subdivision and fragmentation [page 46]**

How should the National Policy Statement direct the management of rural subdivision and fragmentation on highly productive land?

We seek the following amendments:-

Delete

- c. ~~directing new rural lifestyle development away from areas of highly productive land.~~

And replace with:-

- a. **Making ample provision for large lot residential (0.1-0.3 ha) and rural residential living opportunities (in 0.3 – 1 ha size range) to meet demand**

Rationale:

Criteria for consideration of rural lifestyle development is better addressed under Policy 3 as above. In the Greater Christchurch context, smart growth planning (urban consolidation and intensification along transport routes) has resulted in no provision for large lot residential and very limited provision for rural residential opportunities. Needs of families and others wanting more open space, including intergenerational families, are simply not being met. They often have no option but to purchase 4 ha blocks, which are hard to manage and maintain (given the scarcity of large residential and rural residential lots which are highly priced). Further rural fragmentation will be reduced if realistic provision is made for large lot residential and rural residential living opportunities.



**Policy 5: Reverse sensitivity [page 47]**

How should the National Policy Statement direct the management of reverse sensitivity effects on and adjacent to highly productive land?

No need for direction, – already addressed as a matter of course in planning decisions.

**Policies 6 and 7: Consideration of private plan changes and resource consent applications on highly productive land [page 49]**

How should the National Policy Statement guide decision-making on private plan changes to rezone highly productive land for urban or rural lifestyle use?

No need for direction – already addressed as a matter of course in planning decisions

How should the National Policy Statement guide decision-making on resource consent applications for subdivision and urban expansion on highly productive land?

No need for direction – already addressed as a matter of course in planning decisions

**Section 5.6 Implementation [page 52]**

What guidance would be useful to support the implementation of the National Policy Statement?



## Specific / technical questions

The questions below are included in the outline of the proposed NPS-HPL (Chapter Five of the discussion document) and may assist technical experts when providing a submission.

### Specific questions

#### Section 5.3: The scope of the proposal [page 35]

How should the National Policy Statement best influence plan preparation and decision-making on resource consents and private plan changes?

Should the National Policy Statement include policies that must be inserted into policy statements and plans without going through the Schedule 1 process? What are the potential benefits and risks?

No – the Schedule 1 process is essential to ensure the policies which are very prescriptive are subject to rigorous testing through a contestable process. We are aware that knowledgeable and significant stakeholders have elected to not participate in the NPS consultation process because it is a non contestable process and there is no recourse if their input is largely 'ignored', set aside or not understood. There is no process for review of NPS policies once gazetted – the high risk is that they will result in adverse planning outcomes.

What areas of land, if any, should be excluded from the scope of the proposed National Policy Statement? Why?

Existing and future urban and rural lifestyle development areas and zones.

### Specific questions

#### Section 5.4: The proposed National Policy Statement [page 37]





What level of direction versus flexibility should the objectives provide to maintain the availability of highly productive land for primary production?

Maximum flexibility required given that the definition and value of HPL is not an exact science but requires value judgements and is likely to change potentially quite quickly in response to changed circumstances, including market conditions and physical factors.

Should the objectives provide more or less guidance on what is “inappropriate subdivision, use and development” on highly productive land? Why/why not?

### Specific questions

#### Policy 1: Identification of highly productive land [page 41]

What are the pros and cons of requiring highly productive land to be spatially identified?

Is the identification of highly productive land best done at the regional or district level? Why?

Critical that HPL is identified at the district level not regional level. Criteria and policy direction can be provided at regional level. This is critical to ensure that site’s status as HPL can be contested, there is flexibility for responding to changed circumstances, and to enable private plan change requests for developments on HPL. For full reasoning see comments under Policy 1.

What are the likely costs and effort involved in identifying highly productive land in your region?



What guidance and technical assistance do you think will be beneficial to help councils identify highly productive land?



## Specific questions

### Appendix A: Criteria to identify highly productive land [page 41]

Should there be a default definition of highly productive land based on the LUC until councils identify this? Why/why not?

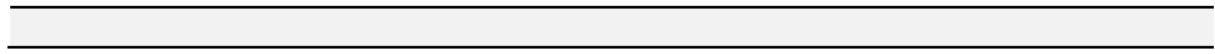
No absolutely not. See comments under Policy 1. The productivity of land is influenced by a wide range of factors not just soil type - the proposed interim definition will result in land being protected as HPL where it clearly is not and cannot function as such. The definition will include, for example a 2 ha parcel which contains 50% i.e. 1 ha of Class 1, 2 or 3 soils.

The definition is inconsistent with the proposed definition of 'rural lifestyle development' (which we support) which includes land in parcels up to 8 ha in area regardless of soil type.

What are the key considerations to consider when identifying highly productive land? What factors should be mandatory or optional to consider?

What are the benefits and risks associated with allowing councils to consider the current and future availability of water when identifying highly productive land? How should this be aligned with Essential Freshwater Programme?

Should there be a tiered approach to identify and protect highly productive land based on the LUC class (e.g. higher levels of protection to LUC 1 and 2 land compared to LUC 3 land)? Why/why not?





### Specific questions

#### Policy 3: New urban development on highly productive land [page 45]

How can this policy best encourage proactive and transparent consideration of highly productive land when identifying areas for new urban development and growth?

How can the proposed National Policy Statement for Highly Productive Land best align and complement the requirements of the proposed National Policy Statement on Urban Development?

### Specific questions

#### Policy 4: Rural subdivision and fragmentation [page 46]

Should the National Policy Statement provide greater direction on how to manage subdivision on highly productive land (e.g. setting minimum lot size standards for subdivisions)? If so, how can this best be done?

Should the proposed National Policy Statement encourage incentives and mechanisms to increase the productive capacity of highly productive land (e.g. amalgamation of small titles)? Why/why not?

### Specific questions



**Policy 5: Reverse sensitivity [page 47]**

How can the National Policy Statement best manage reverse sensitivity effects within and adjacent to highly productive land?

**Specific questions**

**Policy 6 and Policy 7: Consideration of private plan changes and resource consent applications on highly productive land [page 49]**

Should these policies be directly inserted into plans without going through the Schedule 1 process (i.e. as a transitional policy until each council gives effect to the National Policy Statement)? What are the potential benefits and risks?

These policies are not necessary. See comments re Policies 6&& above

How can these policies best assist decision-makers consider trade-offs, benefits, costs and alternatives when urban development and subdivision is proposed on highly productive land?

Should the policies extend beyond rural lifestyle subdivision and urban development to large scale rural industries operations on highly productive land? Why/why not?



## Specific questions

### Section 5.5: Interpretation

Do any of the draft definitions in the National Policy Statement need further clarification? If so, how?

Yes – definition of HPL. See above.

Are there other key terms in the National Policy Statement that should be defined and, if so, how?

Should there be minimum threshold for highly productive land (i.e. as a percentage of site or minimum hectares)? Why/why not?

Yes – exclude rural lifestyle development areas as defined in NPS-HPL

## Specific questions

### Section 5.6: Implementation [page 52]

Do you think a planning standard is needed to support the consistent implementation of some proposals in this document?

No

If yes, what specific provisions do you consider are effectively delivered via a planning standard tool?



## Specific questions

### Section 5.7: Timeframes [page 52]

What is the most appropriate and workable approach for highly productive land to be identified by council? Should this be sequenced as proposed?

What is an appropriate and workable timeframe to allow councils to identify highly productive land and amend their policy statements and plans to identify that land?





**Please use the space below to provide any additional comments you may have.**