



Submission by
Western Bay of Plenty District
Council

Proposed National Policy Statement on Highly Productive Land



*Western Bay of Plenty
District Council*



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Introduction

Western Bay of Plenty District Council (the Council) welcomes the introduction of this NPS. Soil loss for a range of reasons is an international problem, and will have a significant impact on the world's ability to produce food and fibre in the future. New Zealand needs to decide what role it wishes to play. There is a difference between land that is used for feeding the domestic market and that for supplying the export market. New Zealand should be a food producer of choice for the world, and in that regard land management and the clean and green image is important.

The relationship with of this NPS with the NPSUD is important. People need somewhere to live and choices should be available, but they also need food to eat and the choices for growing food are far more restrictive than for housing. It is about kaitiakitanga, long term stewardship, as the land cannot be recreated once it is lost for whatever reason.

Specific Comments

This section addresses the discussion document and uses those references with regard to page numbers and questions.

P17 Support fragmentation as an issue. For our District there are 5,846 rural lots that are less than 2ha, and 2,012 between 2 and 4 ha. Of these there are 1829 lots that are less than 2 ha and are on LUC 2 and 3 covering 1400ha.

P19 Q. It is not just about direct benefits to landowners and employees, but also indirect, such as machinery sales and repairs, fertiliser, as well as others including urban businesses, service sector etc.

P19 Q. Growing hubs. There are 2 types of hubs: direct local e.g. everyday produce for the kitchen table such as market gardens; indirect – export focus e.g. kiwifruit.

P21 We agree it is difficult to provide strong provisions in plans without supporting national direction. Council has experienced strong opposition in the past when it has looked at tightening up on rural subdivision rules.

P23 Q.

- Current RMA framework does not provide sufficient direction.
- Alongside competing uses, HPL frequently loses. The winner is usually the highest valued use of the site/application with no consideration as to what is in the overall best interests of the wider community or the long term future and prosperity of the region.
- Relationship to consenting process? Depends on strength of Plans objectives and policies.

P24 Q.

- HPL is only considered lightly with regard to urban expansion in terms of using the land efficiently i.e. density of development.
- HPL should be considered more where there is a direct effect on the local food supply e.g. market gardens/vegetables.

P25 Q.

- Western Bay introduced new rules in its District Plan First Review (operative 2012). These restrict rural lifestyle subdivision in the Rural Zone. To cater for lifestyle demand, specific Lifestyle Zones have been provided that do not compromise HPL, but still provide what lifestylers seek, which is proximity to urban areas, views, and privacy.
- HPL should not be used for rural residential type living as that activity is the greatest waste of land. This is backed up by research that showed productivity dropped off below 4ha and significantly below 2ha.
- This research was undertaken in the late 1990's by MAF Policy, and the findings are just as relevant today.

P26 Q.

- Reverse sensitivity is an issue – keep lifestyle away from productive activities. Western Bay's experience is mostly around the issue of spray drift and frost fan noise. Horticulturists now frequently comment that they brought the problem on themselves by subdividing under the old rules (1990s to mid 2000s) and creating a wave of lifestyle neighbours. There can also be issues between lifestylers and pastoral farming.
- It is best to manage the interface by segregating uses, or providing large buffer/yards to mitigate – however this uses up more land.
- Attached is a statement we have previously included with LIMs to inform new residents what they could expect with living in the rural area.

P26 Q.

- Yes, there is a problem and it has been accurately reflected.
- Another problem is the management of land with regard to runoff/erosion/loss of topsoil.

P29 It is not about locking in a particular land use, but ensuring the land is available for a variety of soil-based uses for the long term

P30 On the issue of relationship with NPS UD, we question whether it is necessary to apply the NPS HPL to rural land around small towns where the urban expansion is relatively small/modest?

P31 Q.

- An NPS is preferred. It should have a clear focus, not be subservient (eg to the NPS UD), but should have flexibility for local proven circumstances. We agree the focus is on redirecting urban growth rather than constraining it.
- An NPS would back up Councils when endeavouring to take what are often tough calls. It is also good for Regional Councils to have oversight, but what about Unitary Authorities – game keeper and poacher in one! It also raises the question as to whether MfE should be involved, including through the statutory process, because it is a matter of national importance.

P34 Q.

- The focus should be on HPL, not just soils. Other factors are important such as climate, slope, aspect, access to market, labour and transport.
- Focus should be on primary production generally, not certain production activities. If one activity becomes uneconomic, something else will take its place.
- Related to these is the move to precision agriculture where particular soil types are being targeted for specific crops, coupled with characteristics of climate, altitude, and water availability. Of increasing importance is the use of technology to micro-manage inputs to minimise effects on the environment.

P34

- 5.3 talks about constraints on horticultural production for water quality purposes. What about water quantity necessary for horticultural production?
- Policies need to have immediate effect otherwise there will be a mad rush to avoid the new rules as per our experience – we got a years worth of rural subdivision applications in 1 month when the market knew we were going to change the rules.

P35 Reference is made to small land parcels not being productive and the implication is that they could be further subdivided. A matter that needs to be considered here is that these areas frequently adjoin existing urban areas and are potential new urban growth areas. They should not be allowed to further subdivide for lifestyle purposes, otherwise the land becomes very difficult and expensive to turn into full urban development at a later time.

P35 Q.

- Future urban zones and urban areas should be included from the NPS where they have gone through an appropriate planning process and urban development has been committed by way of infrastructure already built.
- We agree to direct insertion without using Schedule 1. It provides certainty and consistency, and will avoid significant litigation.

P37 Q.

- An ideal outcome would be the ability for future generations to provide for their food needs locally, and use of the land is also retained as an economic resource to produce valuable export crops.
- With regard to flexibility versus direction, the proposal is about right, but like all things the proof will be in the implementation.
- "inappropriate subdivision, use and development" is about right, but more detailed guidance is needed for interpretation and implementation.

P40 Proposed Policy 1

1.1 & 1.2 Identification of HPL. How accurate does this need to be? Is this by lines on a map, or by criteria? The Western Bay topography where LUC 2 and 3 are found (there is no LUC 1) is not homogenous. Much of it is characterised by flat plateaux dissected by waterways in deep gullies. Our District Plan manages rural subdivision for "Productive Lots" using the following criteria:

Existing rural *lots* may be subdivided to create one or more Rural Production Lots subject to the following standards and criteria relating to either productive land or land containing a *productive crop*:

Productive Land:

- (i) Shall contain a minimum of 6ha.
- (ii) Shall be located less than 200m above *MHWS*.
- (iii) Each Rural Production Lot shall be suitable for the successful growing of permanent horticulture crops in the prevailing climatic conditions.
- (iv) Shall have the following characteristics:
 - Soil texture; silt loam, sandy loam, loam, loamy sand (in the topsoil 15cm)
 - Potential rooting depth: minimum one metre
 - Drainage Class: well-drained
 - Profile readily available water (0 – 100cm): moderate (greater or equal to 50mm)
 - Topsoil (top 15 cm) bulk density: less than or equal to 0.90 g/cm³
 - Subsoil (below 15 cm) bulk density: less than or equal to 1.00 g/cm³
 - Topsoil (top 15cm) organic matter: minimum 5%
 - No point exceeding 15 degree slope
 - No more than 20% of the *productive land* shall be facing 45 degrees either side of South (south east to south west).

Reference is made to a frost-free climate. This is not supported as it would exclude much of New Zealand. It would certainly exclude all of our District.

Appendix A factors are more appropriate at the Regional Council level, rather than TLA. Specific comments are:

d. "Supporting" will lead to perverse outcomes. For example, it will be used to put large industrial scale activities such as packhouses, coolstores and other "infrastructure" on HPL. The preferred wording is "Availability of..." as this allows any assessment to consider the location of such infrastructure in nearby towns, for example.

f. The issue is not so much the use of land by crops, but how is the land managed in terms of fertiliser, sediment runoff etc. This is more appropriately covered in the NPS FM.

P41 Q. See comments above. The regional level should be broad scale, with a finer grain for TLAs using criteria such as ours in P40 above.

- Spatial identification gives certainty to the community, but accuracy becomes an issue. On working through these issues with our community we settled on the criteria above which is working well. It is also cost effective as accurate mapping would be expensive.
- One matter that is not contained in our criteria but may need consideration for some locations is availability of water for irrigation and, in our case, frost protection.
- Agree to a tiered approach to LUC 1,2 and 3. Higher levels of protection should be given to the more valuable land from a productive point of view.

P42

- Policy 2. Clauses 'c' and 'd' are repetitive. To give effect to 'd' means you have to identify, therefore 'c' is redundant.
- Q. There are only advantages associated with prioritising HPL for primary production. This should not just be seen from a local perspective but also national and international. Commentators have been saying for a number of years that NZ should be positioning itself as a food basket for the world.

P43 Q. Tension with the NPS UD should be addressed at the regional level as they give effect to both NPSs. This would address the allowance for flexibility for local situations.

P44 Policy 3. This Policy is a bit weak and should be more absolute.

- 'a' is not supported. "shortage of development capacity" will be used as an 'easy out' to justify continued greenfield development.
- 'b' is weak.
 - Cost benefit analyses are very difficult and subject to much debate.
 - Regarding benefits of urban development, developers will always argue that housing is the top priority because people must have somewhere to live. But they also need food to eat.
 - From a feasibility perspective, it is always cheaper for a developer to undertake greenfield development. This because the land is usually flat, and the nature of greenfield development vs infill.
 - A matter that should be included is that if HPL is to be used for urban development, it must be used efficiently e.g. minimum 20-30 dwellings per ha.

P45 Q. HPL should be prioritised in identifying areas for urban expansion. The two NPSs need to be addressed together. Consideration of alternatives must be seen as a priority, such as intensification of existing urban and greenfield areas, and brownfield development. Minimum densities also must be applied.

P45 Reference is made to "some forms of primary production can be highly productive on small lots". This is correct but is a small minority. In the 1990s Western Bay and a number

of other Councils had rules whereby the landowner could subdivide based on intensive production. This became a rort whereby landowners would either obtain an economic report and never plant, or plant and pull out when title was issued (and frequently move the plants to another subdivision and repeat).

P45 Policy 4 is supported.

P46 Q. The NPS should reduce the ability to subdivide HPL. Associated with this is to provide for lifestyle development in particular zones – see comments on P25 above.

- As an interim measure the NPS could include a mandatory minimum lot size that Councils have to insert into their district plans until they have gone through a plan change process to develop a new subdivision regime.
- Incentives will be welcome but are likely to have minimal effect.

P47 Policy 5 is supported.

P49

- Policy 6. Clause 'a' should be adequate, as it relates to the rest of the NPS and the RPS etc. Clause 'b' is dangerous. Land converted to residential sections will invariably outweigh crop sales.
- Policy 7 should be deleted. It will lead to ad-hoc planning and development. It will also encourage such development because the argument will be used that "it is provided for in the NPS".

P49 Q.

- Private plan changes should be treated the same as a Council plan change or District Plan reviews.
- Resource consents should be treated as any resource consent and be subject to the District Plan rule framework as provided for in the hierarchy of RMA, NPSs, and RPS.
- As stated in P46 above, a minimum lot size should be mandated and inserted without the Schedule 1 process.
- Regarding activities other than primary production, useful criteria could be a 'functional need' to be in that location. This need must be genuine to manage the likes of horticultural packhouses/coolstores and other activities that can locate in industrial zones.

P50 5.5 Interpretation

- Primary production 'b' should not include "initial processing". This includes the likes of kiwifruit packhouses. Refine to refer to "initial processing of produce from the site". This allows for the activities such as washing, sorting and packing of produce on-site.
- Productive capacity should not refer to "generating the most economic output". This is up to the land manager and their style or system e.g. organic versus non-organic.
- Sensitive activity should include licensed early childhood centre, place of worship.

- Rural lifestyle development. The upper limit of 8ha is too high for a lifestyle lot. Western Bay has two measures. One is the minimum lot size for rural production which is 6ha. The other is the maximum lot size for a lifestyle lot created in the Rural Zone (using the protection lot rule for example) is 1ha.
- Rural production zone. Exclude reference to intensive indoor primary production. The reason is that these activities are not reliant on the quality of the underlying soils, and therefore are not appropriate on HPL (no functional need).

P52 Timeframes

- The timing for TLAs should be tied to the regional timing in that TLAs cannot respond until the Regional Council plan has been made operative. The issues around HPL are substantial for a rural authority and it is preferable to make such changes in a more holistic way as part of a district plan review, rather than a plan change.

