

8 October 2019

Proposed National Policy Statement for Highly Productive Land
Ministry for Primary Industries

soils@mpi.govt.nz

[REDACTED]
[REDACTED]
[REDACTED]
PO Box 345
Christchurch 8140
www.ecan.govt.nz/contact

Dear Sir/Madam

**Environment Canterbury submission on the proposed National Policy Statement
for Highly Productive Land**

Thank you for the opportunity to comment on the proposed National Policy Statement for Highly Productive Land (NPS-HPL).

Environment Canterbury provides comment on the proposed NPS-HPL in the context of our roles and responsibilities as a regional council.

We wish to acknowledge the extensive work that has been undertaken by the Ministry for Primary Industries on the proposed NPS-HPL. Environment Canterbury supports the development of national legislation to ensure that highly productive land is managed consistently throughout the country and safeguarded for the use of future generations.

Our full submission on the proposed NPS-HPL, including specific feedback on some of the policies and methods contained in the proposal, is attached.

For all enquires please contact:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Yours sincerely



Steve Lowndes
Chair

Attached: *Environment Canterbury submission on the proposed National Policy Statement
for Highly Productive Land*

Environment Canterbury Submission to the Ministry of Primary Industries on:

The proposed National Policy Statement for Highly Productive Land

1. Environment Canterbury welcomes the opportunity to comment on the discussion document for a proposed national policy statement (NPS) on highly productive land. Environment Canterbury supports the development of national legislation to ensure that highly productive land is managed consistently throughout the country and safeguarded for the use of future generations.
2. Our responses to the questions posed in the discussion document most relevant to Environment Canterbury are captured in Appendix 1.

About Environment Canterbury

3. Environment Canterbury is the regional council for the largest geographical region and second most populous region in New Zealand. Primary production from Canterbury's rural areas is significant to the economic and social well-being of Canterbury's people and communities. It is foreseeable that the well-being of future generations will also be strongly influenced by the ability to continue to use highly productive land for primary production.
4. The reduction in the rural primary productive base of Canterbury is identified as an issue in the Canterbury Regional Policy Statement (CRPS). It is important that Canterbury's rural resources and rural activities are managed effectively so that the potential of the rural primary base of Canterbury is maintained. The CRPS requires urban development to be intensified and consolidated around existing urban and rural residential areas. The CRPS also requires that reverse sensitivity effects resulting from incompatible activities in the rural environment are avoided, remediated or mitigated.
5. Environment Canterbury also works in close collaboration with the ten territorial authorities in the region via the Canterbury Mayoral Forum and its sub-forums.

Our key submission points are summarised as follows:

6. Environment Canterbury supports the overall purpose of the proposed NPS to improve the way that highly productive land is managed under the RMA and create consistency throughout the country.

Identification of Highly Productive Land (Policy 1)

7. We recommend that the identification of highly productive land is carried out by central government at a national scale. This would be more efficient and more cost effective than putting the onus on regional councils to identify the land. This is particularly the case with regards to the mandatory identification criteria outlined in Policy 1, Appendix A. These criteria could be more consistently applied at a national level.
8. The optional criteria included in Policy 1 could be used by regional councils to justify any deviation from a centralised data set. The optional consideration factors that are listed in Policy 1 could be used as discretionary exemptions that regional councils could apply in limited circumstances where land should or shouldn't be identified as highly productive.
9. We question whether the criteria contained in Appendix A is broad enough to capture highly productive uses of rural land that do not directly relate to soil quality. There may be a distinction in some cases between high value crops and high value land. For example, 'low value' soil that might produce a high value crop such as a winery.

Maintaining Highly Productive Land (Policy 2)

10. Environment Canterbury supports the intent of Policy 2 to maintain the availability and productive capacity of highly productive land to be used for primary production, but we question the value of identifying inappropriate subdivision, use and development.
11. The Canterbury regional Policy Statement (CRPS) currently protects productive land by requiring the avoidance of development or fragmentation that forecloses the ability to make appropriate use of productive land for primary production, as well as avoiding reverse sensitivity effects that would limit or preclude uses of that land for primary production. It would be unnecessary to exhaustively identify "inappropriate" uses given that the focus is already on protecting the productive land.
12. Identifying inappropriate uses is especially problematic in the face of uncertain climate change effects and what may or may not be a "productive" or "inappropriate" use of production land in the future. Guidance from central government on inappropriate uses of productive land would be useful in local government decision making but identifying them exhaustively in regional or district planning documents could lead to perverse outcomes in the future.
13. Environment Canterbury recommends that wider soil quality issues are included in the definition for "productive capacity". It may not be enough to simply protect productive land from other uses if the soil quality of the land is permitted to degrade over time. An unforeseen consequence may be the incentivisation to allow soil

quality to degrade over time, if that will lead to the land no longer being classified as highly productive in the future, meaning that the land could be used for other (potentially more profitable) land uses. The CRPS has strong direction to ensure that land use activities and land management practices do not cause significant long-term adverse effects on soil quality.

New Urban Development on Highly Productive Land (Policy 3)

14. We strongly support cross references to other national planning documents such as the National Policy Statement for Urban Development Capacity.

Rural Subdivision and Fragmentation (Policy 4)

15. We recommend that Policy 4 does set the minimum lot sizes for highly productive land. Strong national direction on this matter will provide consistency across the country and will mitigate a potentially costly and time-consuming processes to determine appropriate sizes locally. A national default for minimum lot size will provide district councils with a starting point. This could be subject to set of criteria that could be used to amend default minimum lot size in appropriate circumstances.

Reverse Sensitivity (Policy 5)

16. Environment Canterbury recommends that central government identifies the typical activities that should be anticipated and tolerated in rural areas. We agree that reverse sensitivity is appropriately managed at a regional level and implemented at a district level because reverse sensitivity will vary from region to region depending on the rural resources of the region and community expectations for how those resources will be managed. Strong national direction, however, will assist local authorities to manage the increasing pressures on the rural environment from urban and peri-urban activities.

Appendix 1

Discussion document consultation questions and responses.

3.1 Problem statement

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

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

The current framework does not give sufficient weight to protecting highly productive land. The RMA does not prevent councils from having provisions to protect highly productive land, but the lack of central government direction has left it open for councils to have 'neutral' policies on the issue or to lack the impetus to give effect to the provisions they do have, in the face of sustained pressures to urbanise or use land for rural lifestyles.

3.2 Urban expansion on to highly productive land

- How is highly productive land currently considered when providing urban expansion? Can you provide examples?
- How should highly productive land be considered when planning for future urban expansion?

The Canterbury Regional Policy Statement (CRPS) contains objectives and policies that promote the consolidation and intensification of urban areas whilst preventing unplanned and uncoordinated urban or rural residential expansion. See CRPS policies 5.3.1, 5.3.2, 5.3.12, and 6.3.9.

The Greater Christchurch Partnership processes (Urban Development Strategy and Our Space) also consider highly productive land in the context of urban planning. Where highly productive land is near an urban boundary, and not currently being used for intensive farming purposes, it can be difficult under the existing planning framework to give weight to a possible future use (e.g., horticulture) when urbanisation would provide an immediate financial benefit to the landowner.

A potential unintended consequence of identifying highly productive land on urban boundaries is that it could cause a 'leapfrog' effect and result in urban development further away from key urban activity centres.

Councils may need some guidance on how to quantify cost-benefit analysis in Policy 3.

3.3 Fragmentation of highly productive land

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

The CRPS has directive policies to ensure that rural-lifestyle development is limited outside of the Greater Christchurch area and occurs 'in a form that concentrates or

attaches to existing urban areas'. Within the Greater Christchurch area there are requirements for rural-lifestyle to be serviced with reticulated services, which has a similar effect of concentrating the development around existing nodes.

3.4 Reverse sensitivity

- How should the tensions between primary production activities and potentially incompatible activities best be managed?
- How can reverse sensitivity issues at the rural/urban interface best be managed?

District Plans are the appropriate place to prevent reverse sensitivity effects from occurring. Zoning in district plans provides both controls and signals for how land is intended to be used and managed. The CRPS includes objectives and policies that require District Plans in Canterbury to manage reverse sensitivity effects. The draft NPS would support and strengthen this approach.

5.2 Purpose of the proposed National Policy Statement

- 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?

Support the concept of 'highly productive land' and the protection of this land from irreversible land use change. Whilst the broad definition of primary production provides an element of 'future proofing' for types of food production that are likely to change over time, it doesn't necessarily protect land for the most appropriate or most suitable use.

Some of the activities included in the primary production definition are much more dependent on high quality soils than others. For example, horticultural activities are much more dependent on soil quality than forestry or pastoral activities. National direction on the use of highly productive land will be necessary for land use to respond to changing demands and competing interests over this valuable resource. Even though productive uses are not irreversible they can still lock up large pieces of land for one use or another, with the added protection of existing use rights under the RMA.

5.3 The scope of the proposal

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

Support the application of the NPS nationally, which provides an element of future proofing.

It is appropriate to exclude future urban zones and future urban areas that have already been identified through a long-term spatial planning processes, especially those that councils have undertaken with their communities (such as future development strategies in response to the NPS-UD) that could otherwise be potentially undermined. References in the NPS to Urban Growth Strategies which inform District Plan zoning would be helpful.

Policy 1: Identification of highly productive land

- If highly productive land is to be identified, how should this be done and by whom?
- Are the proposed criteria all relevant and important considerations for identifying highly productive land? Why/why not?

The most efficient and cost-effective method for identifying highly productive land would be by a centralised mapping exercise funded at a national level. This would create consistency for the whole country and speed up implementation timeframes. Regional differences could be accounted for using a set of optional criteria (exceptions) which could be applied in limited circumstances where the centralised data set isn't appropriate.

For example, the criteria in Appendix A which councils "must" use to identify highly productive land could be identified by central government, whereas the criteria that councils "may also consider" could be the optional criteria that councils could use to deviate from the centralised data set.

This approach would enable smaller, under resourced, or time pressured councils to implement a ready-made data set, whilst still providing an avenue to amend the data set (or maps) according to regional circumstances, within the bounds of appropriate exemption criteria and a methodology for applying them.

Alignment with the Urban Growth Agenda

- 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)?
- 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?

There is a potential tension between the NPS-HPL and NPS-UD approach for unplanned greenfield urban expansion to be less constrained. This could result in possible fragmentation or increase reverse sensitivity issues.

Policy 4: Rural subdivision and fragmentation

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

Central government could set baseline minimum lot sizes for highly productive land based on current consensus. The Land Monitoring Forum Special Interest Group might be able to contribute to a consensus. Territorial authorities could have the option to deviate from these baselines (with good reasons, i.e., applying a set of exemption criteria) but at least the bar would be set. This would provide much greater consistency across the country, without the need for councils to independently resource a consultation processes to determine appropriate sizes for their districts.

This approach would enable smaller, under resourced, or time pressured councils to implement a ready-made standard, whilst still providing an avenue to amend the standard according to regional circumstances, within the bounds of appropriate exemption criteria and a methodology for applying them.

Policy 5: Reverse sensitivity

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

Most councils with rural land already have provisions to deal with reverse sensitivity issues. The NPS could be used to clarify or strengthen existing plan provisions, particularly if central government can identify the land and provide strong direction on management tools like minimum lot sizes.

5.6 Implementation

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

Guidance at the implementation stage of national direction has often come too late or has been too general to support the implementation of planning provisions that manage competing values and land uses. Strong and specific direction within the NPS should mean that implementation guidance is unnecessary. Direction within statutory documents is much more valuable to local government implementation than non-statutory implementation guides.

Central government resources would be more effectively invested into the development of national databases and tools.