



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.

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.

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Are you submitting on behalf of an organisation? Yes [☒] No [☐]

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

Waitaki District Council

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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]

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

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



Section 3.1: Problem statement [page 23]

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

Our Regional Councils (Otago Regional Council and Canterbury Regional Council) require the Waitaki District Council to include objectives, policies and methods in our district plan to manage the urban growth and development and the subdivision of land to protect significant soils, restricting urban growth to areas that avoid reverse sensitivity effects, and providing for rural production activities. Despite this clarity at our regional level we do support the specific inclusion of the protection of highly productive land to a section 6 or 7 matter to ensure greater clarity in the RMA framework.

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?

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

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

The Waitaki District Plan recognizes that high class soils are important for primary production and these areas are mapped with policies aimed at continuing productive use of these soils and ensuring this land is not subdivided into smaller lots nor developed into intensive residential activity.

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

Future urban expansion should be zoned appropriately to avoid encroachment onto highly productive land.



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?

The Waitaki District Plan allows for rural residential lots of a 1 hectare minimum. None of these rural residential zones occupy high class soils areas. The Plan is under review and we are considering reducing the minimum lot size to intensify the rural residential zones without extending the extent of the zones. We are also proposing to increase the rural general zone from the current minimum of 4 hectares to reduce the amount of productive farm land being subdivided into 4 hectare blocks.

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

Section 3.4: Reverse sensitivity [page 26]

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

Setbacks for any sensitive activities need to be included in district plans, for example any new dwelling in a zone adjoining a primary production activity should be set back a minimum distance from the property boundary at least 50 metres and appropriate noise attenuation measures installed.

Potential reverse sensitivity issues could be stated in Land Information Memoranda.

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



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?

With population growth and a ready market for rural lifestyle blocks this is and will continue to be an issue. The main issue our Council has to deal with is rural residential block owners lodging complaints about farming operations and pressures to subdivide land identified with high class soils.

Are you aware of other problems facing highly productive land?

A potential issue is the conversion of highly productive land to plantation forestry as a result of the government's billion trees programme. We believe that plantation forestry should be prohibited from highly productive land and submit that the NES for Plantation Forestry is reviewed to ensure consistency with the NPS for Highly Productive Land.

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?

We prefer the National Policy Statement approach and agree that flexibility at a local level is paramount. We also reiterate our earlier comment that the protection of highly productive land should be considered a section 6 or 7 matter in the RMA.

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?

We support the focus on highly productive land. Highly productive land can include vineyards or irrigation command areas where the soils are not necessarily considered high class.

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

We support the focus on primary production generally as focusing on certain types of food production is too narrow but highlight that plantation forestry should be excluded from highly productive land.

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?

We support the scope of the proposed NPS to focus on land use affecting highly productive land.

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?

We agree that future urban areas be excluded from the scope of the NPS.

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

For consistency the proposed NPS should apply nationally, not just on where pressures 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?

For consistency the identification of highly productive land should be done at a national level.



Are the proposed criteria all relevant and important considerations for identifying highly productive land? Why/why not?
We agree with the proposed criteria are relevant considerations.

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

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

Alignment with the Urban Growth Agenda [page 43]

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)?

There will be tension if priority is not given to either highly productive land or urban development over the other. We agree with the policy intent that the retention of highly productive land for primary production be given priority.

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?

It is important that all **three** NPS are well aligned. We do not consider that the three give much guidance on the alignment of the three.



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

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

Urban expansion onto highly productive land should be avoided. This can be signaled in District Plans by including future urban zones and strengthening the rule framework to discourage subdivision on highly productive land.

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 do not support a nation-wide minimum lot size. This should be determined at a regional/local level.



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?

We support the intent of proposed Policy number 5 to allow territorial authorities the discretion through the district plan process.

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?

We agree with the policy intent of proposed policies 6 and 7 and agree with the matters that consent authorities must have regard to when considering plan changes and resource consent applications.

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

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?

To achieve a consistent approach across local authorities we believe it would be beneficial for the NPS to include policies that must be inserted into policy statements and plans without going through the Schedule 1 process.

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

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?

The more guidance given on what is inappropriate subdivision, use and development will help national consistency.



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?
The mapping of highly productive land is essential to assist district plan users.

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

If the only two options are regional or district identification then we advocate for this to be done at the regional level in conjunction with the relevant local authorities. We are a large district geographically with a small ratepayer base and with the expense likely to be high this warrants a monetary input from central government. Given the potential costs across the country we see a benefit in this exercise being done at a national level.

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?

Yes. A consistent approach across the country is essential until highly productive land is identified at a regional and district level.

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

Consideration should be given to highly productive land including irrigation command areas or where irrigation water is available for primary production.

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?

Direction on how to manage subdivision on highly productive land would be supportive. However, we do not support a nation-wide minimum lot size. This should be determined at a regional/local level.

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?

Incentives and mechanisms are considered beneficial to encourage the use of highly productive land for primary production particularly where there is pressure for development.



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?

We support encouraging setbacks and buffer strips along boundaries and the inclusion of requirements such as planting strips to avoid potential reverse sensitivity effects

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?

Yes, to achieve a consistent approach across local authorities we believe it would be beneficial for the NPS to include policies that must be inserted into policy statements and plans without going through the Schedule 1 process

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?

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?

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?

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?

Consideration needs to be given to the significant impact that the release of multiple National Policy Statements has on the resourcing and costs of small councils with a small rate base.



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

We are currently reviewing the Waitaki District Plan and as a result have been considering what protection we give to our high class soils. The views expressed in this submission reflect not only a Waitaki District Council perspective but also feedback from our community arising from consultation on our Waitaki District Plan review discussion documents. Common themes from the feedback were the need to protect “high class soils” from subdivision and buildings, and the need to have controls in place to address reverse sensitivity effects from primary production activities.

High class soils are identified in the Waitaki District Planning maps and are an “assessment matter” when considering resource consent applications however the Waitaki District Plan does not contain a rule framework relating to these soils. We believe high class soils have a critical role in supporting food production and the provision of ecosystem services such as reducing nutrient loss, filtering water, breaking down pollutants, regulating greenhouse gas emissions and are a fundamental part of the water cycle. As part of the District Plan review we propose to introduce new provisions in our Waitaki District Plan to protect high class soil areas and stronger provisions to manage the effects of intensive rural activities such as increased setbacks from sensitive areas and activities.

We are of the view that highly productive land should be protected from inappropriate subdivision and land use, that a National Policy Statement will strengthen the resource management framework around the protection of highly productive land, and that highly productive land be included in either section 6 or 7 matters in the Resource Management Act.

As the proposed definition for primary production includes forestry we are concerned that highly productive land could be used for plantation forestry. We do not consider this an appropriate use of this land and would like the proposed NPS to signal this.