



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 [X]

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

[REDACTED]

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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]

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

Economic self-sustainability of production, be that from agriculture, horticulture or other form of primary production.

As a scientist involved with the original LUC mapping project under MWD Water & Soil, Plant Material Div in the 1980s (and retaining a full set of the maps), I do think confining the proposed NPS to LUC Classes 1-3 is short-sighted, given that many lesser classes of soils can be (relatively) highly productive with selected inputs (irrigation, organic & inorganic fertilisers etc). Soil management is as important as soil structure.

As a Councillor on the Central Otago District Council my desire would be to allow TLA's to utilise existing mapping (the LUC maps, GrowOtago maps etc), with some refinement and ground truthing, to supplement their District Planning and Policy development, rather than re-inventing the wheel

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

Too many productive soils have already been lost to urbanisation and lifestyle development, both of which are still advancing rapidly in many communities – think Pukekohe, Mosgiel, Oamaru. As a nation we cannot afford to squander these soils, which are genuinely highly productive, nor can we afford to allow peri-urban development to overcome other valuable soils, no matter what of class. The true value of these soils lies in their ability to grow plants of economic & wellbeing benefit to our communities.



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?

The RMA works best at a national level, does not have the capability to make/guide meaningful decisions at a local/district level. The combination of an NPS and better TLA oversight via their district plans (DP's) and regional policies is preferred, however costs imposed at a regional/district level must be moderated by Central Govt to prevent undue burden on ratepayers.

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

*The dominant "competing" use of highly productive land appears to be mainly industrial / urban / lifestyle development which can be implemented under the current RMA framework and is ultimately detrimental as those higher quality soil types gradually disappear under concrete & bricks, or are broken up into smaller, uneconomic blocks. The RMA is clearly **NOT** capable of preventing this, so alternative policy is required to reverse the current erosion of productive soils, regardless of LUC class.*

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

These processes are essentially effects based, thus the values attributed to productive land when considered under such a regime do not always align with the intended outcome which should be to try and maintain a sustainable, productive land resource.

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?

Again I must stress that "highly productive" is a very relative term when referring to our valuable regolith. Whilst we do not have a preponderance of LUC Class 1-3 soils in Central Otago, nor do we have unfettered urban expansion (as yet, unlike Queenstown & Wanaka), local valley soils support valuable productive units, particularly under irrigation. However there constant is pressure on for urban expansion and "affordable" housing by developers, especially around Cromwell, so TLA's are under increasing pressure to provide for appropriate subdivisions, be they rural residential or urban. This simply encourages rural life-style and intensive urban development. Current immigration policies and population drift from large cities will only exacerbate that pressure. In effect, I believe we need a national policy that ring-fences urban/lifestyle expansion, encouraging smaller lots and multi-story developments so that communities go up rather than out.



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

ALL land capable of any form of primary production should be considered carefully in terms of its potential value to local communities for economic return prior to consideration for subdivision. This will also help take pressure off our transport infrastructure which is under increasing pressure as goods are moved over increasingly greater distances by larger vehicles. Highly productive land (LUC 1-3) in particular should form a baseline which can restrain the potential for residential development via Council DP's.

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?

Council's current district plan provides for a Rural Residential Resource Area, which encourages rural life-style development which can be an inappropriate use of the land.

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

ALL land capable of any form of primary production should be considered carefully in terms of its potential value to local communities for economic return prior to consideration for subdivision. This will also help take pressure off our transport infrastructure which is under increasing pressure as goods are moved over increasingly greater distances by larger vehicles. Highly productive land (LUC 1-3) in particular should form a baseline which can restrain the potential for residential development via Council DP's.

Section 3.4: Reverse sensitivity [page 26]

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

Best done via local negotiation at TLA level, but should be supported by national policies.

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

Again best done via local negotiation at TLA level, but should be supported by national policies.



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?
The RMA framework does create tension between development alternatives versus best value use for each land parcel. The s32 framework could be strengthened to place greater value on highly productive land.

Are you aware of other problems facing highly productive land?
Landowners and lessees are finding it increasingly difficult to comprehend and comply with the plethora of rules and policies emanating from Central Govt (and needing to be interpreted and enforced by TLA's). Water contamination issues, biodiversity, climate change & C-sequestration are just a few of the significant items impinging on land managers at present in addition to this current Productive Soils survey.

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?
Option 1 – not perfect but offers the best outcomes and flexibility

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?
As explained earlier, it should not be restricted to LUC 1-3 class soils, but all soils that, with appropriate amendments, can contribute positively to local economies.

Should the focus of the National Policy Statement be on primary production generally or on certain types of food production activities? Why/why not?
It should focus on integrating all forms of primary production, not excluding issues like biodiversity and indigenous flora regeneration, all of which are relevant to economic well being in one form or another. Essentially it must focus on preservation of a valuable national resource (the soil) which has taken millenia to develop and cannot be replaced overnight once compromised.



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?

Support – TLA's will need direction to successfully implement the proposed NPS.

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

Integration with all the other policies emanating from central govt will pose the greatest difficulty. You risk obfuscation and ignoring the outcomes if this is not handled well.

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?

Why would they be? That would simply confound the outcomes of this as a working NPS.

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

It has to apply nationally if it is to provide inclusive direction to TLA's, but specific areas of HPL (LUC Classes 1-3) may need to be ring-fenced in terms of policy direction.

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?

That all productive land is identified, preserved and sustainably managed for the future

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?

*As already noted, the groundwork was done via the LUC mapping process back in the 1970-80's. That needs to be refined and developments in remote sensing can probably assist, plus further ground truthing where required. **DON'T reinvent the wheel!!!***

TLA's do not want to be faced with the huge task and cost of re-mapping their



districts/regions which would inevitably be passed on to ratepayers. Proposed Policy 1 (Pg 40) therefore needs to be carefully reconsidered.

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

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?

Outcomes identified in Proposed Policy 2 seem reasonable, coordinating them nationally may be an issue.

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)?

That will inevitably occur – it is Central Govt's job to ensure this is minimised

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?

Regardless of trying to streamline planning processes to accommodate these two matters, there will no doubt be winners and losers based on the "best argument" on the day as current plan review/changes and resource consents processed ultimately end up being fought out in hearings and decided on the basis of preferred evidence. However preservation of productive land should be a priority of unfettered urban spread.

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

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

It should be protected at all cost. I do not see any reference to global issues that might arise to restrict importation of primary produce into this country, and if/when such an issue arises, the value of that land to support the national economy and citizens well-being



will escalate. NZ does not have extensive reserves of productive land, therefore will always struggle to be self-sustaining and avoid being a nett-importer of most primary produce, and the current drive for increasing immigration and foreign ownership of land will exacerbate that effect.

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?

Am in general agreement with Proposed Policy 4. Re-integration of current rural residential lifestyle blocks may be required as a means of restoring some areas to their full potential productivity.

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?

Additional mechanisms to address such issues would be advantageous, particularly things like noise, use of chemicals etc.

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?

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

Via specific reference to appropriate RMA objectives



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?

By making precise and clear objectives available without delay. This is a issue at present which is delaying the review of some DP's whilst councils await the outcome of NPS's under consideration at present.

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?

As the Schedule 1 process can result in changes to provisions through the hearing and appeal process that might undermine the intended outcomes, the Schedule 1 process is best avoided to assist with timely implementation and to avoid unnecessary further costs and litigation.

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

Areas already identified in strategic planning documents that have been through community consultation and adopted by Council should be excluded from the scope of the NPS. The time, effort and costs involved will be wasted if this work is undone by the NPS. Differentiation must be made between small land-holdings on HP Soils that are economically viable vs those lifestyle properties that may not be.



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?

As an NPS, it must provide enforceable direction otherwise the status quo will remain and further areas of HPS will be utilised for non-productive purposes, primarily lining the pockets of developers.

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

The only guidance should be that such development is inappropriate!!

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?

Already discussed – historic LUC Mapping is already available but requires updating and refining at a national level to meet current standards.

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

Neither. *It should be done at a national level – it is a National Policy Statement and councils do not have the resources to identify it, nor can ratepayers absorb the additional costs. The whole point of national direction is surely to provide some consistency across the country. Logically the science should be consistent across the country and any differences geographically can be addressed at a local level.*

It is therefore strongly recommended that the mapping of highly productive land (already initiated through the earlier LUC Mapping project) be undertaken at a national level to ensure a consistent approach. National mapping will also assist with procurement and resourcing issues that will be faced with the 70+ councils. It is neither effective or efficient to have all councils undertake this exercise when there is limited resource available to do it. A totally inconsistent and un-coordinated outcome is likely if it is tasked to all TLA's to do this.

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

*Considerable – Central Otago is one of the most eographically extensive districts, but has a low ratepayer base so could not sustain any such HPS work at a local level. To reiterate, this is a **NATIONAL** priority that should be supported at a regional/district level, not the reverse.*



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

This is totally the wrong objective – smacks of Central Govt pushing policy and offloading the work and cost on to local govt. *It is a job for one of Crown Research Institutes or a private research facility to re-instate the original LUC Mapping database and improve on it, adding in parameters from eg. GrowOtago, the DoC PNA survey and local govt etc as appropriate. That information would then be disseminated to TLA's in a format that could be integrated into their RPS's and DP's.*

Councils should not be involved with identification and mapping of HPL, then supplying this information to govt organisations that then set rules/policies that ultimately control the council's own destiny.

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 – councils should not be involved in this

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

Mandatory considerations should include the size and cohesiveness of land in order to differentiate "hobby farms" from small but productive units.

The relevance of labour markets is questionable when some land uses rely on seasonal workers who are transient and move to where the work is.

The relevance of "supporting rural processing facilities and infrastructure" is also questionable as many rural products are processed remotely from the areas grown.

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?

This is an unknown factor due to changes to water allocation through regional and national planning policies as well as changes in water use technology, water quality decisions and water requirements of various land uses.



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?

This will be relevant in some locations, but probably not universally. Do not ignore lower LUC classes which will have significant economic value to certain regions when managed correctly and within local resource management constraints.

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?

A cost benefit analysis approach to considering urban development on HPL is probably appropriate, but not when it is more heavily weighted towards economic factors. The requirement to consider alternative locations will easily be dismissed for feasibility reasons unless measures are in place to prevent this.

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?

It is not considered that a national minimum lot size will be helpful when the range of land uses possible on HPL varies markedly across the country. How do you compare a small market garden (<1.0 ha) vs an orchard (5-10 ha) vs a vineyard (20+ ha), all of which may be economic units but on varying soil types (which may or may not equate to LUC 1-3). A degree of flexibility is required at a local scale for decision making.



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?

There is concern with the suggestion of transferable development rights as these may put pressure on other land that may be more removed from existing settlements and infrastructure, (i.e. creating satellite towns and ribbon 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?

Additional mechanisms to address such issues would be advantageous, particularly things like noise, use of chemicals etc.

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?

This a repeat of a question above.

As the Schedule 1 process can result in changes to provisions through the hearing and appeal process that might undermine the intended outcomes, the Schedule 1 process is best avoided to assist with timely implementation and to avoid unnecessary further costs and litigation.

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?

The consideration of relevant statutory and non-statutory plans in relation to private plan change requests is supported, as is the consideration of reverse sensitivity effects in relation to resource consent applications.



The requirement for a site-specific Land Use Capability Assessment appears to be a return to the “Economic unit” argument that used to be made for smaller rural lots.

The validity of using this approach is questionable when spurious arguments can be made for land use activities that may not be economic. Councils are not resourced to peer review these. It would also appear to be easy to argue that the land use is better suited to non-productive uses because of the factors listed under Policy 7.

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?

There is a concern that the definition of “primary production” excludes further processing of those commodities into different products. Many primary production activities have a small component of niche products made on site and on-sold, often without a significant land area requirement. The definition also potentially excludes wine-making, which is of significant concern regionally. Appropriate exclusions can be made for processing of products produced on site so that these activities are not inadvertently caught, alternatively a maximum area threshold might be specified for associated buildings.

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?

No, as explained above

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?

Not their job – responsibility for this is at a national level

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?

Not their job – responsibility for this is at a national level

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