



Mackenzie District Council

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Ministry for Primary Industries

Via email: soil@mpi.govt.nz

Feedback on the Discussion Document for proposed National Policy Statement for Highly Productive Land

Introduction

Mackenzie District Council welcomes the opportunity to provide feedback on the proposed *National Policy Statement for Highly Productive Land*.

The Mackenzie District is predominantly rural in character. Of the total area of 745,562ha, there is approximately 3,000ha of roading, urban settlement and other use. There is 132,000ha of lakes, riverbeds and mountain tops and the remainder is divided into five main systems which together, express the district's primary productive capacity, being:

- System 1 Unfarmed: Area 132,000ha;
- System 2 Gorge and Moraine Runs: Area 190,000ha;
- System 3 Semi-Arid Plains and Lower Hills: Area 210,000ha
- System 4 The Foothill Country: Area 130,000ha; and
- System 5 The Downlands: Area 80,000ha.¹

The unique systems contained within the Mackenzie District Council, coupled with high growth rates within the three main centres (Fairlie, Tekapo and Twizel) mean that the proposed *National Policy Statement for Highly Productive Land* will have implications on the growth of settlements and the management of land uses throughout the District Plan.

General Discussion

Mackenzie District Council in principal support the outcomes being sought by the *National Policy Statement for Highly Productive Land*. As a District that has traditionally relied on the farming sector to provide the economic backbone for the community, the importance of protecting highly productive land is not lost. This needs to be balanced against other priorities including the

¹ *Operative Mackenzie District Plan 2004.*

sustainable growth of the District, as well as protecting the landscape and ecological characteristics that make the Mackenzie District unique.

The proposed *National Policy Statement for Highly Productive Land* will provide clear direction to the Mackenzie District Council as they embark on their District Plan Review. The certainty provided by a National Policy Statement will allow Mackenzie District Council to protect highly productive land whilst balancing the need to provide for future growth of existing townships in a sustainable manner.

Whilst the Mackenzie District has not experienced the growth of urban centres such as Auckland, the demand for smaller rural-lifestyle blocks has been present. This is coupled with increased intensification of farming within areas that have historically not been suitable for such development, namely the Mackenzie Basin. Whilst the proposed *National Policy Statement for Highly Productive Land* will not capture many areas within the District that are not considered highly productive, it is important to note that , many of the areas within the District have access to water for irrigation.

Any national policy statement will need to ensure there is no unintended capture of land, due to the availability of water, especially in environments that contain significant landscape and ecological values. In support of this feedback please see attached Appendix One which addresses the general questions and specific/ technical questions raised in the discussion documents released by the Ministry for the Environment.

Conclusion

Mackenzie District Council appreciates the opportunity to provide feedback on the proposed *National Policy Statement for Highly Productive Land*. Mackenzie District Council supports the principals contained within the discussion document and would welcome the opportunity to provide further feedback as the drafting of the National Policy Statement progresses.

Yours sincerely



Ann Rodgers
Planning Manager

Appendix One

General Questions

| 2.3 Defining Highly Productive Land | |
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| <i>What are the values and benefits associated with highly productive land?</i> | Highly productive land provides for increased farming yields through traditional farming methods, often resulting in less need for fertilised and irrigation uses which can in some cases have negative environmental effects on water quality and flows. |
| <i>What are the values and benefits associated with existing food growing hubs and how can these be maximised?</i> | Food growing hubs provide benefits through having similar activities within the same locality. Through the utilisation of hubs, necessary ancillary activities can also be located within close proximity such as processing and transportation facilities. |

| 3.1 Problem Statement | |
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| <i>Does the RMA framework provide sufficient clarity and direction on how highly productive land should be managed? Why/why not?</i> | There is a lack of clear direction within the RMA surrounding the protection highly productive land. The protection provided is only one consideration, and without clear direction from a national level, competing land uses are often given a higher weighting. |
| <i>Does the RMA framework provide sufficient clarity and direction on how highly productive land should be considered alongside competing uses? Why/ why not?</i> | The assessment of highly productive land against competing land uses often falls to the Territorial Authority with no clear direction provided in relation how each aspect of Section 5 should be weighted. |
| <i>How are values and wider benefits of highly productive land being considered in planning and consenting processes?</i> | First generation plans often provide limited scope within objectives, policies and rules to protect highly productive land from inappropriate subdivision and land use. |

| 3.2 Urban expansion on to highly productive land | |
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| <i>How is highly productive land currently considered when providing urban expansion? Can you provide examples?</i> | Within the Mackenzie District context there is very limited scope to considered productive land when providing urban land use. There are no minimum rural allotment sizes meaning that subdivision is able to occur relatively freely. |

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| <i>How should highly productive land be considered when planning for future urban expansion?</i> | The location of highly productive land should be assessed when carrying out spatial planning exercises, so as to identify the most suitable location for urban growth. |
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| 3.3 Fragmentation of highly productive land | |
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| <i>How is highly productive land currently considered when providing for rural-lifestyle development? Can you provide examples?</i> | There is limited scope within the Mackenzie District Plan to control rural-lifestyle development based on the location of highly productive land. |
| <i>How should highly productive land be considered when providing for rural-lifestyle development?</i> | Rural-lifestyle development has the potential erode the availability of highly productive land. |

| 3.4 Reverse sensitivity | |
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| <i>How should the tensions between primary production activities and potentially incompatible activities be managed?</i> | Reverse sensitivity is an existing issue. Plans need to provide clear direction surrounding the intended use of land and the resultant environment, including the environmental effects associated with rural production. |
| <i>How can reverse sensitivity issues at the rural-urban interface be managed?</i> | Through clear policy direction at a national level. |

| 3.5 These issues are being seen throughout New Zealand | |
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| <i>Do you agree that there is a problem? Has it been accurately reflected in this document?</i> | Mackenzie District Council acknowledge that highly productive land is often lost to competing land uses. |
| <i>Are you aware of other problems facing highly productive land?</i> | New technologies and an increase in the availability of land has meant that land often becomes more productive. This can often result in arguments supporting farming intensification resulting in the degradation of natural waterways and the loss of ecological and landscape values. |

| 4.5 Preferred option – a National Policy Statement | |
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| <i>Which option do you think would be the most effective to address the problems identified in Chapter Three? Why?</i> | Mackenzie District Council consider that a National Policy Statement will provide clear directions to Regional and Territorial Authorities. |
| <i>Are there other pros and cons of a National Policy Statement that should be considered?</i> | Any National Policy Statement will have to ensure that the identification of highly productive land does not result in the loss of other important environmental values such as ecological and landscape values, which are often supported by highly productive land. |

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| <i>Are there other options not identified in this chapter that could be more effective?</i> | Mackenzie District Council believe a National Policy Statement provides the clearest method to address the issue, whilst allowing for each location to assess the individual environment on its merits. |
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| 5.2 Purpose of the proposed National Policy Statement | |
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| <i>Should the focus of the National Policy Statement be on versatile soils or highly productive land more broadly? Why/ why not?</i> | Productive land more broadly. |
| <i>Should the focus of the National Policy Statement be on primary production generally or on certain types of food production activities? Why/ why not?</i> | A mixture. |

| 5.3 The scope of the proposal | |
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| <i>Do you support the scope of the proposal to focus on land use planning issues affecting highly productive land? Why/ why not?</i> | Yes. Land use planning proposals are the biggest threat. |
| <i>What matters, if any, should be added to or excluded from the scope of the National Policy Statement? Why?</i> | The acknowledgement of landscape and ecological values when assessing what land should be included, and whether any classification will result in competing land uses. |
| <i>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?</i> | Any such areas should be included within a District Plan, to ensure a robust process is followed to support their inclusion. |
| <i>Should the National Policy Statement apply nationally or target area where the pressures on highly productive land are greater?</i> | It should be applied consistently nationally. |

| 5.4 The proposed NPS | |
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| <i>What would an ideal outcome be for the management of highly productive land for current and future generations?</i> | The protection of such areas from inappropriate development to ensure future generations have the ability to continue traditional land uses, many of which have been the backbone of New Zealand's economic prosperity. |

| Policy 1: Identification of highly productive land | |
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| <i>Do you support the scope of the proposal to focus on land use planning issues affecting highly productive land? Why/ why not?</i> | Yes, land use planning is the best mechanism to offer protection. |
| <i>What matters, if any, should be added to or excluded from the scope of the National Policy Statement? Why?</i> | The presence of competing environment effects i.e. landscape and ecology. |

| Alignment with the Urban Growth Agenda | |
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| <i>Do you think there are potential areas of tension or confusion between the proposed National Policy Statement and other national direction (either proposed or existing)?</i> | The need to provide for growth of larger urban centres, to ensure cost efficient housing will be problematic in some regions. |
| <i>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 highly productive land resource?</i> | Ensure that there is clear cross-over and clarification as to what needs to be considered when there are competing priorities. |

| Policy 3: New urban development | |
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| <i>How should highly productive land be considered when identifying areas for urban expansion?</i> | Need to identify all alternatives and provide a clear case as to why urban expansion areas are most suitable. |

| Policy 4: Rural subdivision and fragmentation | |
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| <i>How should the National Policy Statement direct the management of rural subdivision and fragmentation on highly productive land?</i> | Provide for the recognition of such areas, and requirement of minimum lot sizes which are supported by clear reasoning for each context. |

| Policy 5: Reverse sensitivity | |
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| <i>How should the National Policy Statement direct the management of reverse sensitivity effects on and adjacent to highly productive land?</i> | There needs to be an acknowledgement that highly productive land uses do have associated effects, which in some instances cannot be internalised. This is of increased importance when competing land uses are allowed to develop adjacent to rural land uses. |
| Policies 6 and 7: Consideration of private plan changes and resource consent applications on highly productive land | |
| <i>How should the National Policy Statement guide decision-making on private plan changes to rezone highly productive land for urban or rural lifestyle use?</i> | Provide assessment criteria and policy direction for those making the decision. |
| <i>How should the National Policy Statement guide decision-making on resource consent application for subdivision and urban expansion on highly productive land?</i> | Provide direction for what provisions need to be included in a plan, in-turn ensuring each district plan has a robust process to follow in assessing any application. |

| 5.6 Implementation | |
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| <i>What guidance would be useful to support the implementation of the National Policy Statement?</i> | A best practice guide for objectives, and policies to address the National Policy Statement within plans. |

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| | <p>Clear guidelines for considering what land needs to be mapped.</p> <p>Specific support for Councils in assessing land.</p> <p>The cost associated with such assessments will be onerous on small Council's and this could be somewhat mitigated if Central Government was to have clear guidelines for experts to follow.</p> |
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Specific/ Technical Questions

| 5.3 The scope of the proposal | |
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| <i>How should the National policy Statement best influence plan preparation and decision-making on resource consents and private plan changes?</i> | Provide clear guidelines for how highly productive land is managed, and gateway tests for Council's to utilise when assessing the protection of land against competing land uses. |
| <i>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?</i> | Dependant on how such policies align with existing plan provisions and the implications on where each Council is at in regards to a District Plan Review. |
| <i>What areas of land, if any should be excluded from the scope of the proposed National Policy Statement? Why?</i> | Consideration needs to be given to areas of ecological and landscape significance that has already been mapped within District Plans. |

| 5.4 The proposed NPS | |
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| <i>What level of direction versus flexibility should the objectives provide to maintain the availability of highly productive land for primary production?</i> | Provide clear guidance as to when it is acceptable for a competing land use to be prioritised over the protection of highly productive land. |
| <i>Should the objectives provide more or less guidance on what is inappropriate subdivision, use and development" on highly productive land? Why/why not?</i> | Details need to be provided so Council can clearly assess each application in a comprehensive manner. A gateway type test may be beneficial. |

| Specific questions – Policy 1 | |
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| <i>What are the pros and cons of requiring highly productive land to be spatially identified?</i> | Pros: Clearly identifies the land. Cons: Makes it difficult to change mapping if new land was to be identified. There is also a lack of expertise in terms of mapping of highly productive land which may |
| <i>Is the identification of highly productive land best done at the regional or district level? Why?</i> | It likely needs to be done collaboratively at a regional level rather than a District level, with co-ordination between regions. |
| <i>What are the likely costs and effort involved in identifying highly productive land in your region?</i> | Costs in employing a suitably qualified expert are likely to be high, especially for smaller districts with small ratepayer bases. There is also a significant shortage of suitably qualified persons to undertake work. Regional councils are more likely to have access to skilled staff. |

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| <i>What guidance and technical assistance do you think will be beneficial to help councils identify highly productive land?</i> | A clear schedule/methodology for assessing land. |
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| Specific questions – Appendix A | |
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| <i>Should there be a default definition of highly productive land based on the LUC until councils identify this? Why/ why not?</i> | In part yes, as this will mean that the implementation of the National Policy Statement is immediate, however the LUC is not reliable for some districts. Access to accurate data will be a barrier to effective outcomes. |
| <i>What are they key consideration to consider when identifying highly productive land? What factors should be mandatory or optional to consider?</i> | What type of soil characteristics are present is an important consideration. It would be beneficial to include an evaluation of what level of human interaction occurs with the land, which may have resulted in a change of classification. It should be mandatory to consider the location of site and any outcomes on the environment, perverse or otherwise. |
| <i>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?</i> | Water is a limited resource and changes in climate will impact on its availability. The risk is that access to water will change, impacting on the future productivity of a site. |
| <i>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?</i> | A tiered approach may be beneficial as it would provide Council's with the ability to manage land uses differently, depending on the soil characteristics. |

| Specific questions – Policy 2 | |
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| <i>What are the pros and cons associated with prioritising highly productive land for primary production?</i> | Pros: Ensures the land is retained for productive uses. Cons: May limit the ability of urban centres to grow in an efficient and sustainable manner. Forestry should not be included in the definition of primary production. Primary production should be reserved for the production of food. |

| Specific questions – Policy 3 | |
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| <i>How can this policy best encourage the proactive and transparent consideration of highly productive land when identifying areas for new urban development and growth?</i> | Provide commentary on how each aspect should be weighted, and what aspects take priority in making a decision. Similar to a gateway test. |
| <i>How can the proposed National Policy Statement for Highly Productive Land best align and compliment the requirements of the</i> | Ensure that the competing elements are well addressed and a clear framework for making decisions is identified. |

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| <i>proposed National Policy Statement on Urban Development?</i> | |
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| Specific questions – Policy 4 | |
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| <i>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?</i> | No. Each Council needs to assess this within the context of their District, with other competing elements needing to be considered. |
| <i>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?</i> | No. This can be addressed as a form of mitigation during a consent process, and does not need to be directed. |

| Specific questions – Policy 5 | |
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| <i>How can the National Policy Statement best manage reverse sensitivity effects within and adjacent to highly productive land?</i> | Include clear direction for Council's on how this is to be managed. |

| Specific questions – Policy 6 and Policy 7 | |
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| <i>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?</i> | Yes. There needs to be consistency across the country in how to assess any application that effects highly productive land. |
| <i>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?</i> | Provide a clear set of tests that need to be passed for subdivision to occur. |
| <i>Should the policies extend beyond rural lifestyle subdivision and urban development to large scale rural industries operation on highly productive land? Why/ why not?</i> | Yes. Intensive uses have the potential to degrade high values soil, resulting in a loss of values. |

| Specific questions - Interpretation | |
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| <i>Do any of the draft definitions in the National Policy Statement need further clarification? If so, how?</i> | Eight hectares seems to be large for a rural lifestyle subdivision and would be inconsistent with many District Plans. |
| <i>Are there other key terms in the National Policy Statement that should be defined and, if so, how?</i> | None are noted at this time. |
| <i>Should there be a minimum threshold for highly productive land (i.e. as a percentage of site or minimum hectares)? Why/ why not?</i> | No. This would make mapping challenging as it would have to address existing land uses. A broad brush approach would allow for any further land use to be considered on its merits. |

| Specific questions - Implementation | |
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| <i>Do you think a planning standard is needed to support the consistent implementation of some proposals in this document?</i> | This would potentially remove inconsistencies between districts. However, the prescriptive nature of such an approach would result in Council's losing the ability to carry out thorough assessments of their own district and how to best implement the requirements of the policy statement. |
| <i>If yes, what specific provisions do you consider are effectively delivered via a planning standard tool?</i> | The matters for consideration surrounding incompatible land uses. |

| Specific questions - Timeframes | |
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| <i>What is the most appropriate and workable approach for highly productive land to be identified by council? Should this be sequenced as proposed?</i> | Clear guidance surrounding the mapping and identification process. |
| <i>What is an appropriate and workable timeframe to allow council to identify highly productive land and amend their policy statements and plans to identify that land?</i> | Needs to be considered in conjunction with what stages a District Plan is at or whether a plan has recently been made operative. |