



NPS-HPL Submission
Land and Water Policy Team
Ministry for Primary Industries
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Via email to: soils@mpi.govt.nz

10 October 2019

Submission on the NPS for Highly Productive Land

1. The Hurunui District Council thanks the Ministry for Primary Industries for the opportunity to comment on the Draft National Policy Statement for Highly Productive Land (NPS-HPL). This submission has been prepared on behalf of the Hurunui District Council considering the merits of the proposal in relation to our wider District.
2. The Hurunui District is located in North Canterbury. We have approximately 12,500 residents and cover an area of 8,646km² of predominantly rural land. Our District spans from the east coast to the Main Divide. The Hurunui District is primarily a primary producer characterised by small service towns and vast distances to markets.
3. The Council supports the development of national legislation to protect highly productive land for future generations. Up until around 40 years ago the majority of fruit, vegetables, dairy, meat and eggs were produced on the perimeter of towns and cities on highly productive land. With urban growth food production has been pushed further from settlements onto less fertile land. These soils have lower water retention and require irrigation to sustain reliable food production contributing to nutrient losses.
4. We are generally supportive of the draft NPS-HPL and our concerns predominantly relate to the implementation of the document. Our key concerns are:
 - a. The limitations in using Land Use Capability (LUC) to identify highly productive land in the interim.
 - b. The limited resources and capability of the industry to identify highly productive land over the next three year period.
 - c. The conflicting requirements of the NPS-HPL, NPS for Freshwater Management, NPS for Urban Development and the Climate Change Response (Zero Carbon) Amendment Bill.

Policy 1: Identification of highly productive land

5. The Council supports the regional council's role in identifying highly productive land provided this is done in consultation with district councils. While establishing a national baseline is a useful starting point we note that nationally it is impossible to understand the nuances associated with individual areas.
6. The Council is generally supportive of the criteria set out in Appendix A but suggests a further criteria be introduced to enable regional councils to consider activities that are pivotal to local economies and well-being but do not require high class soils such as vineyards.

7. Given the notified Freshwater Package, it seems appropriate to consider the availability of water. We are supportive of this being included as something that may be considered as this gives local councils some flexibility in how it is treated. We are supportive of a nationally consistent method in identifying highly productive land with the requirement of local input.
8. We particularly note the importance of factor f: water quality issues or constraints that may limit the use of the land for primary production. While the availability of water is important this is irrelevant if the water is unable to be used due to water quality issues.
9. The Council does have concerns about the industry's capacity and capability to undertake this work in the required timeframes. We understand there are currently very few qualified practitioners who will be able to identify highly productive land for both individuals and for councils (discussed further below).

Interim definition

10. The Council generally supports having an interim definition of highly productive land based on LUC. This could help prevent any gold rush of development on highly productive land.
11. We note that the LUC has several limitations, particularly the limited scale of mapping and its ability to be used at a property boundary level. Given the scale of the mapping, calculating 4ha or 50% of a site will be rudimentary until such a time that more detailed mapping is available. Despite this challenge we support providing greater protection to this land in the interim.

Policy 2: Maintaining highly productive land for primary production

12. The Hurunui District is primarily a primary producer. This is important to our District's identity and the prosperity of our small service towns. We support the protection of land for primary production.
13. Amongst the NPS-HPL, Climate Change Response (Zero Carbon) Amendment Bill and the notified Freshwater Package there seems to be little consideration of the impact of tree planting. We note that the definition of primary production includes forestry activities. With the pressures to reduce emissions and to reduce nutrient leaching there is a risk that highly productive land near settlements currently used for food production will be turned into forestry blocks. This would have the adverse effect on food production pushing these activities further away from labour markets.

Policy 3: New urban development on highly productive land

14. Council generally supports locating new urban development on less productive land. We note that it is important to consider how new development will link to existing settlements and services, particularly in regards to low emission transportation options.

Policy 4: Rural subdivision and fragmentation

15. The Council acknowledges the importance of retaining productive land parcels and we are supportive of Policy 4 in its entirety.
16. We see merit in the NPS-HPL going as far as setting minimum lot sizes to protect this land from fragmentation, however we have concerns about how this minimum lot size will be determined and if the same lot size is appropriate at a national scale. For this reason our preference is that setting the minimum lot size is left to individual councils.
17. We have instances within our District where having a minimum lot size on rural land is not always desirable. For example we have a number of farmers who have lived on a particular property their entire life. When they come to retire they seek to subdivide off a small block of land so they can stay on the land but are no longer responsible for the farming of the land.

When the minimum lot size is 4ha they then need to subdivide off a 4 ha block of productive land for residential use.

18. Within our District Plan we set a minimum lot size of 4 ha however we have provision for sites as small as 5,000 m² with the requirement to have a larger balance allotment. This retains both the rural amenity and productive value of the larger block while providing the farmer the opportunity to retain their connection with the land.
19. If the NPS-HPL is going to set minimum lot sizes we have found balance allotments an effective way of protecting the productive capacity of the land.

Policy 5: Reverse sensitivity

20. As a predominantly rural district we are generally supportive of this policy.
21. We see some benefit in national guidance (not rules) regarding setbacks to prevent each council duplicating this work; however we note that appropriate setbacks vary significantly depending on the type of effects, topography of the land and local atmospheric conditions. Any guidance would need to be sufficiently flexible to enable local conditions to be considered.

Policies 6 and 7: Consideration of private plan changes and resource consent applications

22. The Council is supportive of these policies being inserted into the District Plan without going through the Schedule 1 process as transitional provisions. Without doing so there is a significant delay in implementing the NPS-HPL.

Implementation and timeframes

23. The Council is concerned about the timeframes for implementation. Regional councils are required to identify highly productive land no later than three years after the NPS-HPL is gazetted. District councils are then required to implement these policies not later than two years after the regional council identifies the land and no later than five years after the NPS-HPL is gazetted.
24. If a regional council fails to identify the land within three years as required the district council could have less than two years to run a Schedule 1 process (as required by the five year requirement). The implementation timeframes should be amended to give district councils a full two years for to run their process.
25. Alternatively the NPS-HPL should make it clear that district councils are not required to use the Schedule 1 process to insert the regional council's mapping and policies into district plans as these have already been debated at a regional level and we must give effect to the Regional Policy Statement. If Schedule 1 is to be used by district councils, thought should be given to running a joint process between the regional and district council.
26. Given the implementation of the National Planning Standards it would be more resource efficient to amend the timeframes specified in the NPS-HPL to line up with those in the National Planning Standards.

Development of document

27. Council has concerns with the significant haste in which this recent series of NPS documents seem to be have been prepared. Given the significant impact these documents will have on private property it is disappointing more effort was not made to ensure these documents work effectively together.
28. Some further consideration needs to be given to the overall impact of current government policy on private property. We note that both the Climate Change Response (Zero Carbon) Amendment Bill and the notified Freshwater Package will have significant impacts on farmers;

some of whom will also farm highly productive land. The policies need to integrate in a way that provides farmers with some flexibility in how they run their business.

Yours sincerely,



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