

# SUBMISSION

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Via email: [RPSChange6@boprc.govt.nz](mailto:RPSChange6@boprc.govt.nz)

Date: 6<sup>th</sup> of September 2022

Submission on: **Change 6 (NPS-UD) to the Regional Policy Statement**

Submission by: Bay of Plenty (BOP) Federated Farmers of New Zealand  
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## 1. INTRODUCTION

- 1.1 Federated Farmers appreciates this opportunity to submit to the Bay of Plenty Regional Council (**BOPRC** or **Council**) on change 6 to the Regional Policy Statement (**RPS**). The change relates to the National Policy Statement for Urban Development (**NPS-UD**) which introduced requirements for regional councils to amend their RPS to be more responsive to urban development proposals, and provide support to intensification of urban areas.
- 1.2 We acknowledge any submissions from individual members of Federated Farmers. We note that we have over 540 members active within the Bay of Plenty region.
- 1.3 Federated Farmers is conscious that there may be significant 'consultation fatigue' out in the community, following the LTP consultation process and 18 months' worth of significant central government proposals.
- 1.4 Our members do not want their busy silence to be misconstrued as disinterest in rates or the proposed changes. Given the challenging regulatory and economic environment we are currently in, we acknowledge this may result in a low response rate to the consultation process.
- 1.5 Our submission provides general comments, and specific comments in relation to the national policy statement for highly productive land, and reverse sensitivity.

## 2. GENERAL COMMENTS

- 2.1 Our understanding is that the NPS-UD is aimed at ensuring there is adequate development capacity for business and housing, and it centres primarily around the impact that ensuring that such adequate capacity exists is likely to have on areas of land that are in rural production, and on the people that rely on making their living from such land.

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- 2.2 In this context, it is important to note that growth in urban areas does impact nearby rural areas, which is a reason why Federated Farmers takes an active interest in the NPS-UD.
- 2.3 Federated Farmers often highlights in submissions that one of the main issues that rural areas have with urban development is at the interface between urban areas and rural areas.
- 2.4 Rural production activities are major industries in the rural areas that surround urban areas, and those rural production activities rely on a dynamic and enabling regulatory environment if they are to thrive. Whilst we generally support a permissive regulatory regime being applied to rural production activities in those rural areas, a permissive regulatory setting does not always result in good outcomes with the expansion of urban development either at a local or national interest perspective.
- 2.5 The term 'urban development' is used frequently throughout the proposed changes. Our submission to the NPS-UD stated that urban development needed to be clearly defined and to not include un-serviced large lot residential on the fringe of a city or town that results in inefficient use of the land resource and land use conflict. We request that BOPRC consider definition urban development for the purposes of implementing the NPS-UD.

### 3. NPS-UD AND NPS-HPL

- 3.1 Federated Farmers notes that there is a lack of clarity on how highly productive land should be managed under the RMA, and that the value of this land for primary production is often given inadequate consideration. It is agreed that this absence of considered decision-making is resulting in uncoordinated urban expansion over, and fragmentation of, highly productive land when less productive land is both usually available and better suited for urban use.
- 3.2 While not yet adopted, the National Policy Statement for Highly Productive Land (**NPS-HPL**) will require local authorities to identify highly productive land through the Land Use Capability system, which considers factors such as soil, erosion, and climate. Land would be categorised from Class 1 (high production) to Class 8 (low production) based on its versatility and ability to sustain productive uses. While it is accepted that the Land Use Classes I to III are considered the most versatile (and the RPS uses this as the basis for the definition of 'versatile land'), it does not mean that the lower classes are unproductive land but are limited in some way. In fact, the land identified in the lower classes may be more suitable for growing some crops due to the limitations. We also note that LUC classes IV – VII land types tend to be less suitable for residential dwellings due to being more prone to erosion, land instability and inundation.
- 3.3 We believe that consideration of the NPS-UD must dovetail neatly alongside the proposed NPS-HPL. It is imperative that development and housing growth must also:
  - Recognise the full range of values and benefits associated with the use of high-class soils for primary production.
  - Maintain the availability of high-class soils for primary production for future generations, and
  - Protect high class soils from inappropriate subdivision, use and development.
- 3.4 We would appreciate a response from Council as to how the NPS-HPL may be incorporated into the RPS in the future and what implications this may have on the proposed changes.
- 3.5 We note that the terminology used in the RPS is confusing. The term 'productive land' is used as well as 'versatile land', however only versatile land is defined for the purposes of the RPS. While the NPS-HPL will ultimately provide guidance on such matters in due course, we believe there is merit in defining the term 'productive land' for interpretation purposes.

## 4. REVERSE SENSITIVITY

- 4.1 A key concern our members face is the expansion of the peri-urban boundary into land used for primary production and commercial activities associated with the primary sector. Reverse sensitivity issues such as odour, aural or visual amenity concerns have the potential to affect the viability of some rural-based businesses.
- 4.2 An example could be new (and typically urban) development in (or into) rural areas adversely affect the ability of existing and legitimately established primary production activities to operate (i.e., horticulture, dairy farming, silage making). This is because new-comers to the rural environment who are not directly involved in primary production activities hold unrealistic expectations regarding this environment and the nature of activities that occur within it, especially in terms of odour, noise and dust. Consequently, those landowners engaged in these existing, anticipated and lawfully established activities become the subject of newcomer's complaints.
- 4.3 It is Federated Farmers' experience that reverse sensitivity issues inevitably arise when urban uses of land displace rural uses of that same land.
- 4.4 Federated Farmers is particularly concerned to see that areas of productive land adjacent to areas that are designated to become urbanised, wherever they may be, are protected from the reverse sensitivity effects that might arise from new activities taking place in those areas. Reverse sensitivity effects can restrict how primary sector enterprises can operate, and that this compromises the productivity of the land. This is no more evident than with urban expansion around horticultural food hubs, creating tension between new ventures and established producing communities.
- 4.5 We note that there are no fundamental changes (apart from the deletion and modification of some terms) are proposed to the provisions that relate to the protection of rural areas, including reverse sensitivity provisions. We wish to ensure that Council considers and implements these provisions appropriately.
- 4.6 Policy UG 7A provides criteria for unanticipated or out-of-sequence urban growth – urban environments. This policy and any reference to it in other provisions, has the potential to threaten land otherwise protected for rural production activities. We acknowledge that urban development is necessary in some instances, and as such the criteria proposed is supported by Federated Farmers.

Federated Farmers thanks Bay of Plenty Regional Council for considering our submission.

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Federated Farmers is a not-for-profit primary sector policy and advocacy organisation that represents the majority of farming businesses in New Zealand. Federated Farmers has a long and proud history of representing the interests of New Zealand's farmers.

The Federation aims to add value to its members' farming businesses. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:

- Our members may operate their business in a fair and flexible commercial environment.
- Our members' families and their staff have access to services essential to the needs of the rural community; and
- Our members adopt responsible management and environmental practices.

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This submission is representative of member views and reflect the fact that local government rating and spending policies impact on our member's daily lives as farmers and members of local communities.

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