

STATEMENT OF EVIDENCE By Ingrid Kuindersma
(Senior Policy Planner) on behalf of Northland
Regional Council

IN THE MATTER OF

Submissions and further submissions

ON

Proposed Far North District Plan Hearing 9 - Rural,
Horticulture & Horticulture Processing

by email: alicia-kate.taihia@fndc.govt.nz

Introduction

1. My name is Ingrid Kuindersma. I have a Bachelor of Applied Science (Natural Resource Management) from Massey University and a Post Graduate Diploma in Resource Studies from Lincoln University. I have worked for Northland Regional Council (NRC) since May 2021. This has included preparing submissions, spatial planning in combination with Whangarei District and Far North District councils, a review of the Regional Policy Statement and managing NRC's response to the requirements of the National Policy Statement on Highly Productive Land (NPS-HPL) (among other things). Prior to that I worked for several councils in Auckland in regulatory planning roles and for Whangarei District Council in a mix of regulatory and policy planning roles. I have also worked for private consultancy undertaking land development projects.
2. I have prepared this evidence in accordance with the Environment Court Practice Note – Expert Witness and am familiar with the Code of Conduct. The evidence I present is within my area of expertise and I am not aware of any material facts which might alter or detract from the opinions I express. The opinions expressed in this evidence are based on my qualifications and experience. If I rely on the evidence or opinions of another, my evidence will acknowledge that position. In preparing this evidence I have considered and relied on the provisions of: the Resource Management Act [the RMA]; the Regional Policy Statement for Northland [the RPS] and the documents relating to Proposed Far North District Plan, including relevant submissions and the Council's s42A Report.
3. The NRC submission and further submissions on Proposed Far North District Plan (PFNDP) were lodged under delegated authority and my evidence supports the position taken in those submissions. The submissions were submitted in the interests of a robust approach to the management of land use activities the Far North district and ensuring direction in the RPS on safeguarding highly productive land and avoiding reverse sensitivity is given effect to. In addition, NRC is required to map areas of highly productive land in accordance with the requirements of the National Policy Statement - Highly Productive Land (NPS-HPL) and has an interest in ensuring these are appropriately protected in the district plan.

Purpose and Scope of Evidence

4. The scope of my evidence relates to resource management planning rather than technical aspects of mapping highly productive land and assessing land capability. The purpose of my evidence is to assist the Hearings Panel in considering the submissions and further submissions by NRC on PFNDP. The evidence also provides some background on the direction on safeguarding highly productive land and avoiding reverse sensitivity in the RPS.

NRC Position Summary

5. Northland Regional Council supports the inclusion of a separate Horticulture Zone as notified in the Proposed Far North District Plan and seeks that it be retained as a zone separate from the General Rural Zone.
6. Highly productive land is a valuable and limited resource within the northland region and the country, and the application of a Horticultural Zone allows for additional protection to ensure the most appropriate use of this land.
7. Development of non-primary production activities on highly productive soils reduces the area available for productive use and has the potential to introduce reverse sensitivity effects that can prevent the use of the remaining areas for primary production.
8. The significance of Highly Productive Land has been recognised at a national level by the introduction of the National Policy Statement on Highly Productive Land (NPS-HPL) which requires Regional and District council to identify and protect these areas. NRC supports the reporting planners proposed amendments to give effect to the requirements of the NPS-HPL.

Retention of Horticulture Zone

9. I support the retention of the Horticulture Zone as an appropriate means of managing the potential for development to impact the utilisation of highly productive soils. The boundaries appear logically related to the area of benefit of the Kerikeri irrigation scheme as access to reliable water supply is a significant determinant of productive capacity. The inclusion of areas of LUC 4 is supported as although this is outside the definition of HPL in the national policy statement, it is still considered to be productive for crops such as kiwifruit which are well suited to northland, especially where there is access to the irrigation scheme.

10. NRC's original submission had sought discretionary activity status for subdivision below 10ha. However, the reporting planner's recommendation that 8ha be the discretionary activity standard is reasonable particularly with the removal of the controlled activity pathway. Subdivision below the 8ha threshold would become non-complying – this is supported on the basis that it ensures appropriate tests are applied before allowing further fragmentation (which is typically irreversible). Any such application would then be required to address the 'gateway' tests in Section 104D of the Resource Management Act 1991 giving additional scrutiny to any development at this scale.
11. Applications for subdivision below 8ha could still be considered where there are site specific reasons that justify such development, but the presumption is that in normal circumstances subdivision below this size is not provided for in order to prevent loss of productive capacity, the fragmentation of lots of a size suitable for productive activity and reverse sensitivity issues as discussed below.
12. There is also support for applying Horticulture zoning under section 7 of the Resource Management Act 1991 (RMA). Section 7 directs that particular regard be had to:
7(b): the efficient use and development of natural and physical resources
7(g): any finite characteristics of natural and physical resources
13. In my view, applying the Horticulture zone to areas of high-quality soils supported by good access to water and under significant development pressure is the most appropriate means to reflect the direction in sections 7(b) and 7(g) RMA. This is particularly the case given highly productive soils are a finite resource, and residential / lifestyle development is effectively irreversible.

Applying the Horticulture zone to other areas

14. The NRC submission sought that the Horticulture Zone be considered for other areas characterised by productive horticulture / cropping, such as areas that benefit from new water storage reservoirs and where significant areas of land have been converted to avocados. However, I acknowledge the reporting planner's argument that these areas are not subject to the same development / subdivision pressure and that the risk of fragmentation, reverse sensitivity and loss of productive capacity is therefore lower.
15. Along similar lines, the NRC submission also sought that the Horticulture Zone be considered for other areas of LUC Class 1-3 land. I agree with the reporting planner that this would not be practical in many cases given current development / fragmentation patterns and / or as noted above, the development pressure is not as significant. The identification of HPL once progressed would also serve to protect these areas as intended by the NPS-HPL – as noted below, the interim provisions of the NPS-HPL and definition of HPL also apply in the meantime and apply tests to ensure development is appropriate.

Recognition and Protection of Highly Productive Land

16. In 2022 the Government enacted the NPS-HPL. This included the requirement for regional councils to identify and map areas of HPL by October 2025. Once finalised these maps are to be included in the District Plans within the region and district councils are required to include provisions giving effect to the maps and the policy direction in the NPS-HPL. The NPS also includes an interim definition of HPL in order to protect these areas while maps are prepared and to prevent a 'gold rush' of development:

3.5 Identifying highly productive land in regional policy statements and district plans

- (7) *Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:*
- (a) *is*
- (i) zoned general rural or rural production; and*
 - (i) LUC 1, 2, or 3 land; but*
- (b) *is not:*
- (i) identified for future urban development; or*
 - (ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.*

17. To date NRC has not completed the mapping process as the current government has signalled the strong likelihood of significant changes to the NPS-HPL. This includes the potential to remove land use capability 3 from the definition which would have a significant impact on the mapping for northland. In February 2024, NRC passed a resolution that work would be paused for 12 months to allow for clarity on the amendments to the NPS. These proposed amendments are expected to be released early 2025.

18. In addition to the requirements of the NPS-HPL, Policy 5.1.1 (f) of The Regional Policy Statement for Northland addresses the potential for loss of productive land:

5.1.1 Policy – Planned and coordinated development Subdivision

- (f) *Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities*

Based on national and regional direction it is clear that safeguarding the productive capacity of the districts high quality soils is a significant issue to be addressed in the district planning process. The retention of the Horticulture Zone is seen as an important method in achieving this outcome with a clear intention that development in this zone

should be directed at primary production and away from fragmentation and residential lifestyle development, which are typically irreversible once established.

19. In addition, NRC Economist Mr Darryl Jones has provided the following commentary on the economic value of Horticulture to the northland economy:

“According to the results of the 2022 Agricultural Production Census, 5,977 hectares of land in Northland was used for the growing of horticultural products (fruits and vegetables).^[1] More than 50% of this area, 3,194 hectares, was located in the Far North District. This represents just 1.3% of land area used for agricultural and forestry production in the Far North District. At the regional level, the Gross Domestic Product (GDP)^[2] contribution of the horticultural sector (encompassing the growing, processing and wholesaling of fruit and vegetables) is estimated to be \$123 million in the year ended March 2023, 1.3% of Northland’s total GDP.^{[3][4]} Almost 1,700 people (employed and self-employed) work in the horticultural sector In Northland, 2% of total filled jobs (82,200). Furthermore, it is estimated that the horticultural sector generated \$253 million in export earnings for Northland in the year ended March 2023, almost 12% of total goods and services exported from the region. The importance of the horticultural sector is even greater in the Far North District. In 2023, the horticultural sector accounted for 2% of GDP (\$63 million of \$3.12 billion), 3% of filled jobs (860 of 27,570) and 18% of export earnings (\$127 million of \$711 million) in the Far North District.”

^[1] <https://www.stats.govt.nz/information-releases/agricultural-production-statistics-year-to-june-2022-final/>

^[2] *Gross Domestic Product (GDP) measures the value added by businesses to their inputs. It should not be confused with revenue or turnover which is a higher value.*

^[3] <https://rep.infometrics.co.nz/northland-region>

^[4] *This does not include the indirect effect associated with the purchase of goods and services by the horticultural sector (down the supply chain) nor the induced effect associated with the spending of household income received by those working in the sector.*

Reverse sensitivity

20. Policy 5.1.1 (e) of The Regional Policy Statement for Northland addresses the potential for reverse sensitivity:

5.1.1 Policy – Planned and coordinated development Subdivision

(e) Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity

21. The importance of managing reverse sensitivity in areas characterised by primary production is reinforced further in Policy 5.1.3 of the RPS:

5.1.3 Policy – Avoiding the adverse effects of new use(s) and development

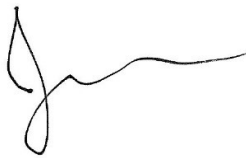
Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following:

(a) Primary production activities in primary production zones (including within the coastal marine area);

22. Reverse sensitivity has the potential to significantly impact on the utilisation of productive land. Where residents move into an area of primary production for the purpose of largely residential activities, they can be unfamiliar with the types of effects associated with existing productive activities. This is of particular concern for horticulture and the use of spray treatments for crops. Complaints / incidents regarding spray drift are a common compliance issue with 43 incidents raised with NRC since 1 January 2023. Even when activities comply with the relevant rules the perception of effects from neighbouring properties can lead to conflict and difficulties for the primary production activity continuing to operate.
23. I support the inclusion of properties within the Horticulture Zone that do not currently contain primary production activities. Maintaining a cohesive boundary for the zone based on access to water and land capability is more appropriate than allowing specific carve outs for sites not currently utilised for primary production.
24. I consider the intention to apply the controls of the Horticulture Zone to limit further intensification or subdivision and therefore avoid the potential for increased reverse sensitivity impacts is appropriate. The Horticulture Zone does not prohibit further development in these areas but instead requires applicants to justify why the development would be appropriate in particular circumstances. I consider this case-by-case approach for assessing further development is more appropriate than excluding properties based on current activities and aligns with the RPS direction.

Conclusion

25. In summary, I consider the Proposed Plan as notified with regard to the Rural, Horticultural and Horticultural Processing Zones and the changes recommended in the s42A report to be reasonably well-aligned with the overall direction in the RPS for the reasons discussed above. It also reflects policy direction in the NPS-HPL and sections 7(b) and 7(g) of the RMA.



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Dated 18 November 2024

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