

**BEFORE THE INDEPENDENT HEARINGS COMMISSIONER AT NEW
PLYMOUTH**

IN THE MATTER of the Resource Management Act 1991
AND

IN THE MATTER of an application under s88 of the Act by
B, M R Sim to the New Plymouth District
Council to undertake a boundary change
and five-lot subdivision, at 6 & 42 Leith
Road, Okato (SUB21/47781)

AND

of an application under s88 of the Act by
B, M R Sim to the New Plymouth District
Council for a side boundary setback
breach for a proposed dwelling on Lot 5
of SUB21/47781 and earthworks within
200m of Site of Significance to Māori and
Archaeological Site ID 197 (under the
Proposed District Plan) (LUC22/48312)

STATEMENT OF EVIDENCE OF JAMES KENNETH ALLEN

Managing Director, AgFirst Taranaki

21 April 2023

INTRODUCTION

1. My name is James Kenneth Allen.

2. EXPERIENCE

2.1. My qualifications and experience are as detailed in my evidence dated 24 January 2023

3. In preparing this evidence I have reviewed:

- a. The NPDC Planners 42A Report for SUB21/47781 dated 16 May 2022;
- b. The 42A report for LUC22/48312 dated 6 December 2022; and,
- c. The expert evidence of Ms Hooper (planning witness for the applicant), dated 24 January 2023; and,
- d. The revised 42A report from Ms Buttimore dated 17 March 2023.

4. Although this is a Council level hearing, I again confirm that I have read the Code of Conduct for Expert Witnesses as contained in the Environment Court Practice Note 2023, and I agree to comply with it in giving this evidence. I confirm that the issues addressed in this brief of evidence are within my area of expertise.

Response to S42A Report LUC22/48312

5. My comments below relate to the revised proposal, which is based on:

	Size
Lot 1	2.924 ha
Lot 4	0.2130ha containing the existing dwelling near the corner of Leith Road and SH45
Lot 5	1.03ha containing existing dwelling in the centre of the site
Lot 6	32.93ha (to be amalgamated with Lot 2 DP 18489 for a combined area of 42.7ha)

- I refer to the NPS-HPL. Clause 3.8 (1)(a) states- *“Territorial authorities must avoid the subdivision of highly productive land unless one of the following applies to the subdivision, and the measures in subclause (2) are applied*
- *a) The applicant demonstrates that the proposed lots will retain the overall productive capacity of the subject land over the long term:*

6. The key issue is whether there has been a loss in productivity of the land. I have previously addressed this issue in my evidence of 24 January 2023, but will expand on my previous comments, focusing on the land that is classed as highly productive under the NPS-HPL.
7. The areas that contain highly productive land are suitable for a range of uses, including crops such as maize or wheat, or livestock farming such sheep, beef or deer. Dairy farming is not a viable option due to the small size of the property (and the other reasons noted in my evidence of 24 January 2023). Kiwifruit is not considered to be a viable crop for this location due to climatic suitability (lack of growing degree days)¹. Vegetable or other crops have not been considered as a viable option, given the lack of localized post-harvest infrastructure, but in terms of future productive capacity, if these markets were to mature in Taranaki, then the smaller blocks would certainly be suitable for this sort of enterprise. There may also be other cropping or livestock options that are not mentioned that could be undertaken in the future. Ms Hooper provides information on the Taranaki Branching Out project which is seeking to diversify land use in the region, and there are a range of uses being explored within this project which could occur on this land.
8. In my experience smaller block sizes reduce the total capital investment required for someone looking to diversify into alternative land uses. This reduced capital cost does allow for more opportunity for diversification into alternative production options
9. The guidance documents for the NPS-HPL highlight the importance of retaining potential productivity, regardless of current land use. Thus, in my opinion the key issue is whether productive capacity will be lost, over the long term, as a result of this subdivision proposal.
10. The following tables provide an illustration of potential productivity from the block – illustrating both the existing productive capacity of the subject land assessed and the proposed - so that an overall comparison between the existing and the proposed can be made.

¹ Taranaki-Land-Climate-Report-Nov-2020, p18

Table 1: Description of current productivity (for entire block, 46.6ha)

	Highly productive area	Non-highly productive area
Area	31.7 ha	14.9 ha
Description of potential land uses	Cropping (maize, wheat), vegetable cropping (noting current lack of post-harvest infrastructure in Taranaki)	Sheep & beef farming, forestry
Potential productivity (using current most likely scenarios)	<p>If maize silage, yielding 18t DM/ha and 30 ha cropped (allowing for ineffective areas): Total Maize silage yield of 540t DM (Note: DM = drymatter)</p> <p>OR</p> <p>If growing pasture for grazing cattle or sheep: 30 ha growing 12t DM/ha/year = Total of 360t DM per year</p>	<p>If growing pasture for grazing cattle or sheep: 14.9 ha growing 8t DM/ha/year, = total of 119t DM per year</p>
<p>Total productivity for block:</p> <p>540t DM maize + 119t DM pasture per year or 479 t DM per year (if all pasture),</p>		

Table 2: Description of future productivity should the proposed subdivision proceed.

	Highly productive area	Non-highly productive area	Productivity
Lot 1	2.9 ha	-	Assuming a dwelling is situated on the property, occupying 0.25ha: Maize 2.65ha x 18tDM/ha/yr = 48tDM Or Pasture: 2.65ha x 12tDM/ha/yr = 32tDM
Lot 4	0.2130 ha	-	Nil (already covered by an existing building and surrounds.)
Lot 5	1.03 ha	-	There is an existing dwelling and curtilage on this site; it is proposed to enlarge this lot area from 0.2459ha to 1.01ha. Thus approx. 0.75ha available for productive use. Maize: 0.75ha x 18t DM/ha/yr = 14tDM Or Pasture: 0.75ha x 12tDM/ha/yr = 9t DM
Lot 6	27.557	14.9 ha	If cropping plus pasture on non-cropping areas: Maize: 26 ha (allowing for some ineffective area) x 18tDM/ha/yr = 468tDM plus pasture:14.9 ha x 8tDM/ha/yr = 119 tDM Or If all pasture: 26 ha x 12t DM/ha/yr = 312tDM plus 14.9 ha x 8tDm/ha/yr =119 t DM Total pasture = 431t DM per year
<p>Total productivity for blocks: If maize + pasture on non-cropping areas: 530 tDM plus 119t DM pasture per year OR If all pasture: 472 t DM per year</p>			

11. To summarise the productivity under ‘pre’ and ‘post’ subdivision scenarios from the previous tables:

Table 3: Productivity comparison pre & post subdivision

Current	Proposed	Change in productivity
If Maize + pasture on non-cropping areas: 540t DM maize plus 119t DM pasture or 479 t DM per year (if all pasture),	If Maize + pasture on non-cropping areas: 530t DM maize plus 119t DM pasture or If all pasture: 472 t DM per year	10t DM Maize per year or 7t DM pasture per year

12. The above table demonstrates there is a small loss in productive capacity as a result of the subdivision, which is due to the impact of provision for a house and curtilage on Lot 1. If a new house and curtilage is required on the balance of the land (Lot 6), there will be a similar loss in productivity.

13. Ms Hooper has addressed the issue of the house sites in her evidence from a planning perspective. I agree with Ms Hooper that a dwelling on a productive block is to be expected, it is consistent with primary land-based enterprises where there are significant efficiencies and benefits to be gained from living on the land that is being worked. Work on land-based industries, whether agricultural or horticultural, is often dictated by the weather, and often occurs beyond the usual hours of nine to five. The ability to ‘live on your worksite’ can thus create significant benefits in the ability to respond to and work to the conditions at hand, for example, and aids productive capacity.

14. I do not believe the intent of the NPS-HPL was to stop our primary producers living on their land or to stop all dwellings. In some cases, productive land holdings have a number of dwellings located on them, to provide for accommodation for workers and owners. This is a crucial part of our rural infrastructure - and such activities are reasonably necessary to support land-based primary production on rural land.

15. I do agree that the position of any dwelling on proposed lot 1 could impact the efficiency of productive use of this lot, and agree with Ms Hoopers condition restricting the dwelling to a small area of the site.

Productive Capacity

16. Ms. Buttimore has indicated that the issues of economics should not be taken into account, and this is clarified by the MfE Guidance note that says, on page 23, that, ‘*Note that economic viability is not a consideration in an assessment of productive capacity*’

under clause 3.8². This appears to reflect the fact that there are potential future land uses that may not be economic now, but which, in the future, could be - and that the important thing now is not to compromise the long-term capacity of the land to be able to be used productively.

17. My response to this is that firstly, it is far easier to demonstrate that a block has potential productive capacity than it is to demonstrate economic viability.

The definition of productive capacity from section 1.3 of the NPS HPL is as follows;
Productive capacity, in relation to land, means the ability of the land to support land-based primary production over the long term, based on an assessment of:

- (a) physical characteristics (such as soil type, properties, and versatility); and*
- (b) legal constraints (such as consent notices, local authority covenants and easements); and*
- (c) the size and shape of existing and proposed land parcels.*

18. I can confirm that based on the physical characteristics of the land and the size and shape of the existing lots means that the lots are able to support land based primary production over the long term. There are no legal constraints.

19. The issue is, therefore, whether the subdivision of the land will lead to decreased productive capacity (using the definition above), considered both now and over the long term (at least 30 years). In my opinion:

- Lot 1: (2.9ha) is large enough to sustain an arable, cropping, or pastoral enterprise - and thus is able to support land based primary production and retain its long-term productive capacity.
- Lot 4: has no productive capacity at present - therefore none is lost. I also note that in terms of soil properties and versatility, the soils in and around the dwelling on lot 4 will be modified and affected by the activities that occur there (compaction, excavation, gardens/weeds, septic tanks, potential contamination from lead-based paints and asbestos).
- Lot 5: is large enough to sustain an arable or pastoral enterprise and, therefore, the long-term productive capacity of the land within lot 5 is retained.
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20. At paragraph 87 and 88 of the revised 42A report, Ms Buttimore states that;

"87.....Mr Allen does acknowledge that some of the land would be lost for house and curtilage area but that wouldn't impact on the overall productive capacity of HPL.

88. I believe the acknowledgement here of Mr Allen that some land would be lost for rural lifestyle purposes clearly demonstrates that there would be reduction in the overall productive capacity of HPL....."

² NPS-Highly-Productive-Land-Guide-to-implementation, p23

21. This is incorrect. I do not acknowledge that 'some land would be lost to lifestyle purposes'. My only mention of 'lifestyle' in my evidence is in relation to the original lots 2 and 3, where I state these are clearly lifestyle and support their removal from the proposal.

22. I have clarified my position on dwellings on HPL at paragraphs 13 and 14 above.

Conclusion

23. In this way the overall productive capacity of the subject land is retained over the long term, consistent with the NPS HPL.

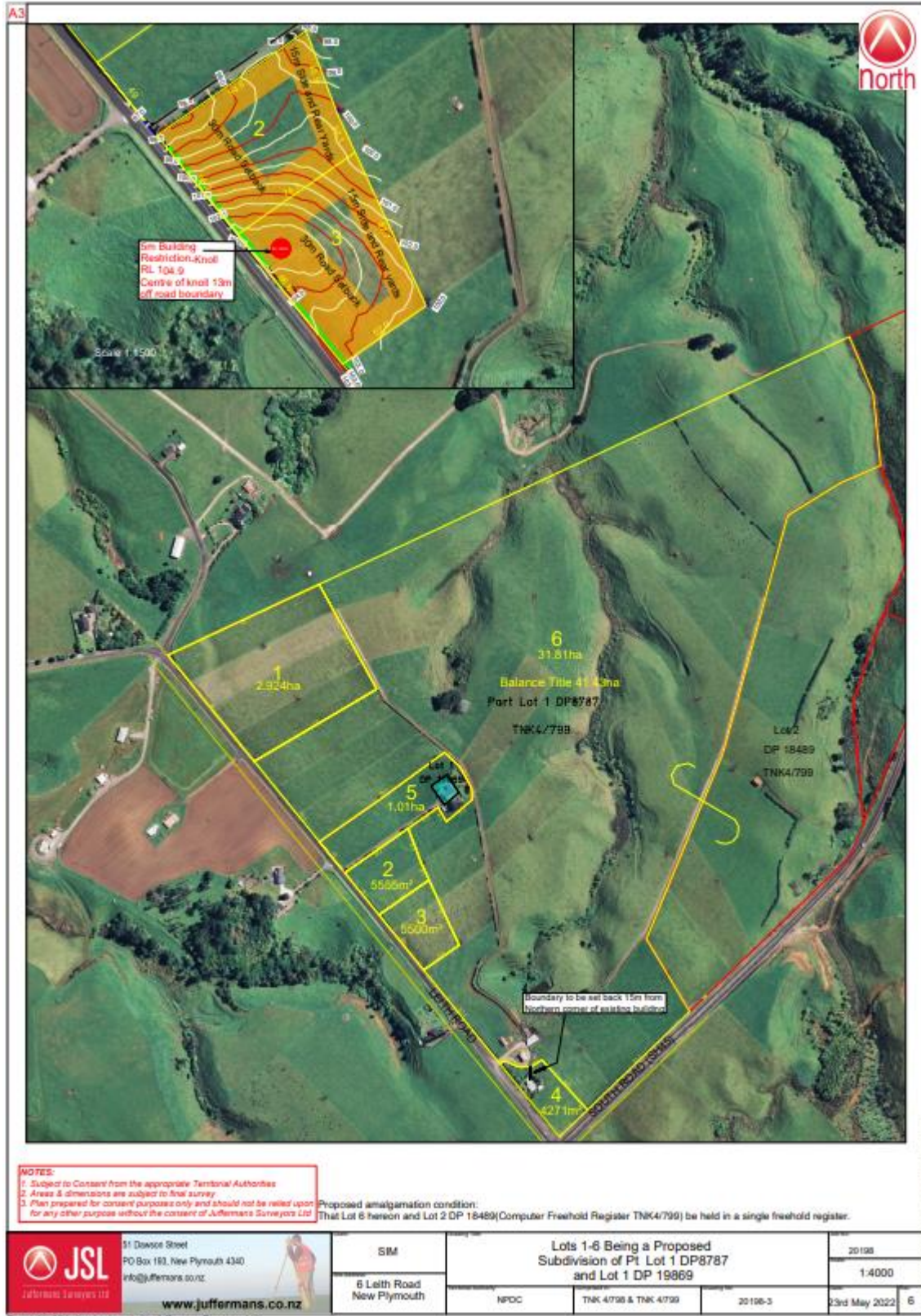
Signed this 21st day of April 2023



JAMES KENNETH ALLEN

APPENDICES

Appendix 1 Original Scheme Plan

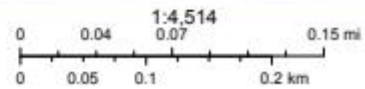


Appendix 2

LocalMaps Print



December 7, 2022



- Addresses
-  Taranaki Regional boundary
- Road Names
-  Railway
-  PropertyRating

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