

Your submission to Proposed National Policy Statement for Highly Productive Land

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Clause

How should the National Policy Statement best influence plan preparation and decision-making on resource consents and private plan changes?

Notes

Resource Consents and Private Plan Changes: Agree that it is efficient and effective to address this issue through immediate effect of objectives and policies of the NPS. Southland specific comment: It is questionable to direct immediate effect across the whole of New Zealand of the NPS policies and objectives. A staged effect of the NPS should be considered. Specific areas known to be under existing pressure should benefit from any new policy framework to guide processing and determination of applications that result in loss of highly productive land. NPSHPL disproportionately affects Southland because of the high proportion (nationally and regionally) of highly productive land located in this region. There is low development pressure currently being experienced in the region which results in a very low level of loss of highly productive land.

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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?

Notes

Including policies would be of benefit if it resulted in meaningful direction. i.e. If policies were clear and directive this would be easier to implement at the district plan level. Including policies would save time and money from Council's processing perspective.

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What areas of land, if any, should be excluded from the scope of the proposed National Policy Statement? Why?

Notes

Careful consideration of any rationalisation of land containing regionally significant infrastructure and social services, such as education and health facilities would be required. Agree land under 2-4ha would not be considered productive so should be exempt.

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What level of direction versus flexibility should the objectives provide to maintain the availability of highly productive land for primary production?

Notes

Clear direction is needed to ensure that the objectives are appropriately interpreted into the regional context and flow down from the RPS provisions in to the District Plan.

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Should the objectives provide more or less guidance on what is "inappropriate subdivision, use and development" on highly productive land? Why/why not?

Notes

Given the level of challenge that planners and the RMA process has faced since 1991 it will be important to support intervention with clear guidance on what is considered "inappropriate". The consent and zoning processes will be able to determine whether, on a case by case basis, a particular proposal can be considered appropriate. There should be further guidance on what types of development would be considered "compromising", and at what point would development meet that threshold in terms of cumulative effects.

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What are the pros and cons of requiring highly productive land to be spatially identified?

Notes

Spatial identification provides certainty for land owners, applicants and Council's when implementing the directive objectives and policies within the NPSHPL and future plan provisions.

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Is the identification of highly productive land best done at the regional or district level? Why?

Notes

Given the regional councils boundaries generally follow natural catchment and geological boundaries, identifying highly productive land at a regional level is the most appropriate. Identifying at a regional level will ensure a consistent approach between adjoining district plans when implementing the direction of the NPSHPL.

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What are the likely costs and effort involved in identifying highly productive land in your region?

Notes

It is our understanding that the regional council has sufficient in house capacity and data sets to enable mapping to be undertaken in a reasonably short time frame. The costs will predominately sit within the consultation / 1st schedule process for both the RPS and the District Plans. A joint process should be directed for the mapping so one round of consultation and notification process is able to be utilised. Or, enable the district councils to amend their plans without the 1st schedule process. Every effort should be made to reduce duplication within this process as it adds additional costs and time to bringing the NPSHPL into effect.

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What guidance and technical assistance do you think will be beneficial to help councils identify highly productive land?

Notes

Agree that the government should provide additional support to enable LUC mapping at a resolution where it relates to property boundaries. If this is not provided there is a significant risk that the maps will be misinterpreted, or add additional confusion and complexity to resource consent processes. The scale of mapping poses a risk to the effective and efficient implementation of the NPSHPL.

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Should there be a default definition of highly productive land based on the LUC until councils identify this? Why/why not?

Notes

Yes agree that there should be a default definition to enable the NPSHPL to be implemented immediately. Note: the scale of the mapping needs to be addressed as highlighted above.

Clause

What are the key considerations to consider when identifying highly productive land? What factors should be mandatory or optional to consider?

Notes

The range of criteria seems appropriate as set out. Water quality should be optional and would be reliant on the catchment limit setting process. Note that, clarity should be provided as to how to integrate the use of land into a catchment limit setting environment. It is likely that this sits better within the water package. Highly productive land should still be promoted for primary production as these soils and conditions are able to produce without the higher level of inputs.

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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 the Essential Freshwater Programme?

Notes

It would be helpful if guidance was produced to ensure that water quality matters are appropriately balanced within the assessment of whether land is considered highly productive or not. There is the potential for water quality concerns to drive what is considered highly productive i.e. this land is constrained because of water quality issues and therefore not highly productive. Effectively, this could have perverse outcomes with land not being protected from urban expansion or fragmentation which is the main purpose of the NPSHPL. Arguably urban and rural residential development also has potential negative effects on water quality.

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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?

Notes

This would depend on an assessment of the scarcity of the land resource, the pressure it is under and the risks of not acting to promote a greater level of protection. This would involve a regionalised assessment for example; as for primary production the location of that production to a local market or regional transport hub would be essential. For example Auckland should have a greater level of intervention around loss of highly productive land given the strategic importance of the location and markets. This would apply to other major cities like Tauranga with transport hubs. It is hard to comment on this without that information. Policy 2: Maintaining highly productive land for primary production What are the pros and cons associated with prioritising highly productive land for primary production? Currently the definition encompasses forestry which prioritises forestry above other activities not considered primary production. In essence it and promotes the use of highly productive land for forestry and the implications of this need to be considered. This policy uses terms that will require clear guidance on how they are meant to be implemented. They indicate value judgements will need to be made (for example around determining areas that make a greater contribution to the economy and community) – greater than what? Also Identifying “inappropriate” and protecting land from those activities – the use of the word protect denotes a non-complying activity status for that matter. This would need to be carefully applied given recently case law development. Other necessary rural based activities – such as gravel extraction occur within areas identified as highly productive –

are these considered inappropriate also?

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How can this policy best encourage proactive and transparent consideration of highly productive land when identifying areas for new urban development and growth?

Notes

This policy sets out a clear analysis process and provides appropriate direction to Council's and their planning documents.

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How can the proposed National Policy Statement for Highly Productive Land best align and complement the requirements of the proposed National Policy Statement on Urban Development?

Notes

Clear cross referencing to the NPS-UD and its goals would be helpful.

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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?

Notes

If this is the main tool the NPS wishes to use to manage the issue then clear direction and guidance on minimum lot sizes will be needed. Consideration should be given to whether the national planning standards would be the best tool to achieve this national consistency. Care would need to be taken to ensure that any essential subdivisions below that minimum lot size were still able to be provided for through a level of exception ie boundary adjustments, succession planning for farm ownership, infrastructure and utilities.

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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?

Notes

It is questionable as to how effective this would be in achieving the outcomes outlined by the NPS.

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How can the National Policy Statement best manage reverse sensitivity effects within and adjacent to highly productive land?

Notes

Policy direction as outlined in policy 5 would be necessary to support any additional restrictions to manage reverse sensitivity. This would need to carefully consider the fact that for areas like Southland there are a range of activities located within the rural area. We have a number of schools located in our rural zone, these may require adjustment and expansion, as schools amalgamate and change with the changing dynamics of the rural community. While most plans do have policies relating to reverse sensitivity, this policy needs to be supported by clear guidance and example provisions to ensure that it is implemented consistently.

Clause

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?

Notes

It would be appropriate for these policies to be directly inserted into plans to ensure that they are implemented and applied to all applications. This would raise the profile of the particular policies for applicants and their consultants who can sometimes underplay or miss the directions provided in National Policy Statements. This would also assist assessment of applications and decision making. It would be helpful if clear definitions were provided to support the use of the words "urban expansion". The policy for rural residential and fragmentation will not yet have been given effect to, so these policies that are to have immediate effect need to ensure that they cover rural residential style development.

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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?

Notes

Additional guidance regarding these matters would be useful. Private plan changes: Not all areas that will be subject to proposals for rural residential or urban development will have been identified as "growth" areas. For example in Southland there is sporadic and spread development, with few areas having been identified as likely to grow significantly. However, very little additional urban zoned land has been released over the last 20 years (with the exception of Te Anau) and so it is likely that the incremental increase in new dwellings will have absorbed latent capacity to a point that additional land may need to be considered for rezoning. Resource consents: Given the high proportion of Southland considered highly productive land the majority of developments will trigger the additional criteria having immediate effect under these policies. Development is sporadic and spread across a significant geographical area with little clear development trends outside of major urban areas (Invercargill, Gore and to a lesser extent Winton, Te Anua and Riverton). This makes it difficult to assess costs, benefits and alternatives. At what point does the balance tip from being acceptable loss of highly productive land or fragmentation from "inappropriate" activity to a cumulative effect that is unacceptable? –

considering the interplay of these policies with policy 2?

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Should the policies extend beyond rural lifestyle subdivision and urban development to large scale rural industries operations on highly productive land? Why/why not?

Notes

There needs to be a stronger element within policy 7(b) regarding rural residential development and the irreversibility of that style of development. Stronger guidance would be necessary to unpack what is meant by benefits verses loss of land for primary production with regard to rural residential development. With regard to rural industry - the most appropriate place for rural industry is within the rural environment given the need for large scale sites and separation from other more sensitive activities. Potentially an additional consideration matter could be added to the policy directing a more detailed consideration of alternatives be demonstrated to address this concern.

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Do any of the draft definitions in the National Policy Statement need further clarification? If so, how?

Notes

It is questionable that forestry is to provided for within the primary production definition. Forestry is able to be planted and grown on a wide range of LUC areas. These areas would not be suitable for the remaining activities within the definition of primary production. It is recommended that forestry be removed from the definition of primary production. A cross check as to how ALL terms are used between various other national directions is needed to ensure consistency or clarity regarding exceptions. (for example "sensitive activities" and the relationship to national grid provisions that have been inserted via submissions to many district plans throughout the country.) Ideally the national planning standards should be the source of truth from which all interpretation or implementation into plans should flow. However the NPSHPL overrides this by providing an altered definition of primary production. Careful consideration of how these will work together is needed.

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Should there be minimum threshold for highly productive land (i.e. as a percentage of site or minimum hectares)? Why/why not?

Notes

Guidance regarding how to identify this at an RPS level assessment would be helpful. This could support a regional context to be developed through the regional policy statement process which could be implemented through the district plan process. As discussed above it would be helpful if there could be encouragement for regions to work together towards one 1st Schedule process so that the complete package is rolled out with clear linkages and consistency across all resource management plans.

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Do you think a planning standard is needed to support the consistent implementation of some proposals in this document?

Notes

The NPSHPL highlights the confusing aspects of the various rural zones used in the current National Planning Standards. A planning standard providing more guidance on the use of these various rural zones, in the context of giving effect to the NPSHPL, would be helpful. A standard to support the definition of rural residential or rural lifestyle development and a lot size range would be helpful. It is agreed that different regions experience different pressures or opportunities in managing the release of land via regulatory controls such as zoning. As commented before there may be a case for rolling out provisions relating to those areas known to be under high pressure initially. With regard to other regions it could be directed that work is undertaken at an RPS level within a certain timeframe with the district plan provisions delayed for those areas not "under immediate" pressure. It is considered however, that to support the one off sporadic applications that those who are not under pressure receive, there still needs to be additional support within a NPS as the RMA does not provide sufficient guidance in itself.

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If yes, what specific provisions do you consider are effectively delivered via a planning standard tool?

Notes

see comments above

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What is the most appropriate and workable approach for highly productive land to be identified by councils? Should this be sequenced as proposed?

Notes

The timeframe is supported. A sequential process is necessary as outlined - however as mentioned earlier an integrated planning process could be promoted to enable a single 1st schedule process to be undertaken. This may necessitate amendments to the RPS timeframe, which also may be appropriate given the implications on resourcing for regional councils of the water package.

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What is an appropriate and workable timeframe to allow councils to identify highly productive land and amend their policy statements and plans to identify that land?

Notes

As above. Please note this is a staff prepared submission and has not been reviewed or endorsed by Council governance.

