

Your submission to Proposed National Policy Statement for Highly Productive Land

Queenstown Lakes District Council (Queenstown Lakes District Council)
Otago
New Zealand

Reference no: 58

Clause

What are the values and benefits associated with existing food growing hubs and how can these be maximised?

Notes

Seasonal/working holiday workers Tourism – winery tours, award winning wines, farm tours/experiences

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What are the values and benefits associated with highly productive land?

Notes

Rural amenity and open space – Wakatipu basin, Hawea flat. Local production of food Tourism Exports – food and wine. This contributes a few million per year into the rural economy Our industrial economy has a much higher than normal representation of beverage production in the manufacturing category – i.e. this is an important part of our industrial economy. Further, industrial based employment is the fastest growing employment sector in our economy

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Does the RMA framework provide sufficient clarity and direction on how highly productive land should be managed? Why/why not?

Notes

No. The conflict between residential land uses and primary production uses is not well established. There is too much room for compromise with Rural Residential development. There is an expectation that rural amenity is needed for lifestyle properties. The existing efficient use of land argument presents problems in protecting highly productive land. It is argued by developers that using the land for other purposes is more efficient. i.e. the use of land for residential purposes is of greater value compared to that of growing produce.

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Does the RMA framework provide sufficient clarity on how highly productive land should be considered alongside competing uses? Why/why not?

Notes

No. While the NPS-UDC directs to undertake a constraints and opportunities model the guidance is very non-descriptive so open for variability and interpretation of what factors to include/exclude.

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How are values and wider benefits of highly productive land being considered in planning and consenting processes?

Notes

If land is within the QLDC Urban Growth Boundary the wider benefits of highly productive land is not currently considered. However, the objectives and policies that establish the Urban Growth Boundaries are strong. For the Future Development Strategy required by NPS-UDC LUC class was one of many factors considered, however, it was given an equal weighting to other factors. Gibbston character zone precludes development that doesn't rely on soil resource. The Objectives and Policies within our Proposed District Plan in relation to defining Urban Growth Boundaries and appropriate locations for urban development help to direct development to be inside the Urban Growth Boundaries. Examples from the QLDC Proposed District Plan are as follows: Chapter 3 – Strategic Development Policy 3.2.4.1 Development and land uses that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems, and maintain indigenous biodiversity Chapter 4 – Urban development Policy 4.2.1.4 g. minimising the loss of the productive potential and soil resource of rural land. Chapter 6 – Landscapes and Rural Character Policy 6.3.9 Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farm land. Chapter 21 – Rural Objective 21.2.2 The life supporting capacity of soils is sustained Policy 21.2.2.2 Maintain the productive potential and soil resource of Rural Zoned land and encourage land management practices and activities that benefit soil and vegetation cover

Clause

How is highly productive land currently considered when providing urban expansion? Can you provide examples?

Notes

Under the RMA in the Queenstown Lakes District the management of highly productive land is about balancing competing demands in and around Queenstown and Wanaka. The interface of productive land, a predominance of outstanding natural landscapes and the limited supply of easily developed (and therefore more affordable land) makes balancing these different drivers very complex. This is particularly relevant in Queenstown which does not have much land that is flat, serviceable, close to town and not within an

Outstanding Natural Landscape. Land along the Ladies Mile meets these criteria and as such is being looked at for urban expansion despite being outside the urban growth boundary shown in the Proposed District Plan. This area was previously part of Council's lead policy showing it as suitable for establishment as special housing area under HAASHA. Our Proposed District Plan includes Policy 4.2.1.4 g - Minimising the loss of the productive potential and soil resource of rural land. The use of the word minimise in this policy suggests that some loss could occur when establishing Urban Growth Boundaries. Coneburn SHA is on LUC class 2 land. As this land is within an Urban Growth Boundary highly productive land values were not considered. Shotover Country and Remarkables park developments have also been on LUC class 2.

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How should highly productive land be considered when planning for future urban expansion?

Notes

Identifying HPL should be included in guidance as a key component of preparing an FDS

Clause

How is highly productive land currently considered when providing for rural-lifestyle development? Can you provide examples?

Notes

QLDC's Proposed District Plan contains Chapter 4 (Urban Development) which is a strategic chapter guiding our PDP. The purpose contains acknowledgement of the risks of uncontrolled urban development and sets direction for a number of objectives and policies within this strategic chapter. The PDP also caters for rural lifestyle uses within appropriate zones e.g. Large Lot Residential, Rural Residential and Rural Lifestyle zones. The issue is that rural lifestyle properties chase a perceived rural amenity created by primary production activities such as horticulture and viticulture, thereby, taking up land that could be used for productive purposes. There are a few rural productive areas within the Queenstown Lakes District that have specific pressure for rural lifestyle development. These are the Wakatipu Basin, Gibbston Valley and Hawea flat/Wanaka rural land. The Wakatipu Basin was a large part of Stage 2 of QLDC's plan review. This resulted in an extensive land use study and there are some areas which have resulted in having the minimum lot size increased to prevent subdivision for rural lifestyle development. In the Gibbston Zone the productive land is tied to the zone purpose and acknowledges the need to protect the life supporting capacity of soil against inappropriate subdivision. The Gibbston zone also acknowledges reverse sensitivity created by rural lifestyle uses. The Hawea Flats/ Wanaka Rural areas haven't yet had as much pressure as the Wakatipu side of the District, however, subdivision has begun to occur within the rural hillslopes and flats that have been used for primary production activities. There could be some kind of benchmark on what type of yields could be expected from productive land. The Gibbston zone goes as far as tying the economics of the zone to the rural use.

Clause

How should highly productive land be considered when providing for rural-lifestyle development?

Notes

We don't zone to meet demand as we have a lot of demand for rural lifestyle. We have zoned for rural lifestyle development in locations where a range of factors which make it suitable for this type of development. These are not in places where production would be viable due to factors such as previous land use patterns e.g. in the Wakatipu basin the triangle of land bound by Lower Shotover Road, Domain Road and Speargrass Flat Road subdivision and development had occurred to a level that it would no longer be suitable for primary production so rural lifestyle style development was deemed appropriate. Discussions on suitability of land for production should be based on expert evidence submitted from suitably qualified persons. Appropriate consideration of highly productive land when providing for rural-lifestyle development should mean that subdivision should not be allowed into fragments that cause the HPL to be unproductive. Perhaps there could be a requirement for a highly productive land overlay that adds additional subdivision restrictions on rural lifestyle properties. There are two different drivers for development in areas like Gibbston. Rural lifestyle properties have a very high market value on a per hectare basis because of the perceived opportunity to place a house on the land - this makes it attractive to developers. Once housing development happens the land cost is too expensive for the primary production activity. If they are looking to buy a paddock for primary production such as a vineyard they don't need nor can afford the house so there is a property value that essentially discourages grape growing. In the Queenstown Lakes District we have seen a number of subdivisions where the owner of a rural lifestyle property has re-subdivided their property to remove the house from the balance grape land. Then the balance without the house is sold to a farmer (with the decreased property value due to the house being taken out of the equation). While this exchange means that this land is available for primary production this causes further fragmentation of the highly productive land. There are increased reverse sensitivity issues associated with any increase in activity and results in a declining ability of rural activities to internalise their effects let alone control; effects at multiple boundaries.

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How should the tensions between primary production activities and potentially incompatible activities best be managed?

Notes

The NPS needs to focus on compatibility. The incompatible land use/developer who is proposing the new activity should have to apply a buffer which would be a suitable distance of green space where buildings are prohibited between the development and the primary production activity. Having a buffer between the two activities with the developer being required to put it into their development would mean the effect of the primary production activity would affect the new activity less. Larger distance from the primary production activity would mean less impact on the new residents from smells, noises, machinery required to dispense fertiliser and herbicide on primary production land which was present first. No complaint land covenants and consent notices are not the way to deal with it as they don't work sufficiently to remedy the conflict. Incompatible activities and therefore reverse sensitivity effects should be avoided in the first instance. No complaint covenants and consent notices are very difficult to manage, often impose additional costs and overly onerous requirements on future purchases of land and dwellings. For example, restricting the use of outdoor areas and requiring forms of mechanical ventilation.

Clause

How can reverse sensitivity issues at the rural-urban interface best be managed?

Notes

The NPS has to have strong language to be able to robustly stand up to the test of development pressure from developers adjacent and on highly productive land. There is a need for the NPS to focus on avoiding incompatible land uses adjacent to primary production activities. No complaint land covenants and consent notices are not the way to deal with it as they don't work sufficiently to remedy the conflict. The NPS could aid the management of the interface by providing some direction on processes and assessment criteria for ensuring a spatial buffer between an urban edge (such as an Urban Growth Boundary or other similar mechanism) and rural land or highly productive land specifically. Direction could ensure the buffer distance is large enough and has good policies in place to ensure the effects of the primary production activity on the new can be minimised/absorbed. Citing *Winstone Aggregates v Matamata-Piako DC* [2005] 11 ELRNZ, the discussion document states Only where established activities cannot internalise the adverse effects and the continued presence of that activity in the area is important locally, regionally or nationally, should this result in constraints on new sensitive and potentially incompatible activities. This approach therefore demonstrates that Council's will require evidence which demonstrates that the production activity is important locally, regionally or nationally in order to protect it from the adverse effects of reverse sensitivity. The NPS should look to ensure that any such necessary evidence is required to be collected to ensure it is ready to be applied in instances where HPL is likely to be at risk.

Clause

Do you agree that there is a problem? Has it been accurately reflected in this document?

Notes

Agree that there is a problem. There is a land use efficiency argument that the RMA requires which sets up a difficult situation for the protection of HPL. We have constant issues managing development proposals in highly productive areas, particularly in Gibbston Valley. The cost of losing HPL is not well understood and developers do not look at HPL when they put an application in. The NPS reporting should look to expand on this issue and assess methods that can be applied at a local level.

Clause

Are you aware of other problems facing highly productive land?

Notes

Trees – NES-PF, SHA's, primary production based tourism (farm visits/tours and wineries) Tourist activities occurring on/in/around productive land – the activity becomes more of a token use/tourist activity overtime. Natural hazards can effect productive land and the variability of hazard events which are effected by climate change. Fragmentation by infrastructure i.e. roads/SHs etc. Competing pressure for general urban development as promoted by other national instruments i.e. the NPS UD. Government agencies need to ensure there is clear and direct alignment between these documents to ensure they complement one another rather than compete with another. Currently there is nothing in the RMA that requires the opportunity cost to be considered of one use against another. If the NPS-HPL does assess that it will be a large change from the current system. In the Gibbston Valley there are examples where land owners could not get approval for rural lifestyle development but did not have any interest in using the land for another purpose and so the land lays fallow rather than using it for productive purposes.

Clause

Which option do you think would be the most effective to address the problems identified in Chapter Three? Why?

Notes

A NPS is the best option. NES would be too prescriptive and difficult to achieve the objective of the document. However, there should also be a very clear level of alignment with other pieces of national direction, in particular the NPS UD. This could extend to references to relevant corresponding/complementary NPS policies.

Clause

Are there other pros and cons of a National Policy Statement that should be considered?

Notes

The intent of the RMA as a devolved system of resource management should look to be upheld by all pieces of national direction. This direction should seek to enable flexibility where it is necessary to ensure good environmental outcomes that are sought by local communities.

Clause

Are there other options not identified in this chapter that could be more effective?

Notes

The National Planning Standards could be used to ensure particular outcomes for HPL are sought at a national level.

Clause

Should the focus of the National Policy Statement be on versatile soils or highly productive land more broadly? Why/why not?

Notes

Should be on highly productive land as soil isn't the only thing that makes it a good area for primary production.

Clause

Should the focus of the National Policy Statement be on primary production generally or on certain types of food production activities? Why/why not?

Notes

The focus of the NPS should be on primary food production regardless of whether it is for export or local markets. This would then exclude forestry as well as mining and quarrying already excluded from the definition. It would result in the marine being included but could narrow to “land based primary food production” for export or local markets.

Clause

Do you support the scope of the proposal to focus on land use planning issues affecting highly productive land? Why/why not?

Notes

Yes. Built development (rural res and urban subdivision) is the biggest threat to highly productive land in the Queenstown Lakes District. While change in productive use can alter the land versatility the most important thing I to keep land available (i.e. not under concrete) and in land holdings of productive size.

Clause

What matters, if any, should be added to or excluded from the scope of the National Policy Statement? Why?

Notes

Planation forestry. Plantation forestry have fewer limitations on where they can be productive when compared to activities such as horticulture and viticulture. The NES on plantation forestry also creates a document that they can operate under on top of usual RMA processes where as highly productive land for food production does not.

Clause

Should future urban zones and future urban areas be excluded from the scope of the National Policy Statement? What are the potential benefits and costs?

Notes

Areas in statutory plans should be excluded from the NPS-HPL. Would need to be specific about what this means, however, this is currently too narrow. Appendix A specifically excludes “areas that have been identified as future urban zones in district plans”. We do not have areas specifically identified as “future urban zones” in our district plan. We have Urban Growth Boundaries which encompass our urban development and have undeveloped land within them. This type of notation should be included under “future urban zones”. QLDC would also like acknowledgement of growth areas identified in important strategic growth documents such as our Strategic Plan which is not yet finalised. Areas identified in this plan should be excluded from the NPS-HPL also. One area of particular interest in relation to this is the Ladies Mile, this area is outside of the Urban Growth Boundary and was previously part of Council’s lead policy showing it as suitable for establishment as special housing area under HAASHA, this is an area of LUC 2. Need to have alignment at a high level between the NPS HPL and NPS UD –there would be benefits to having complimentary objectives and policies between the two NPS documents.

Clause

Should the National Policy Statement apply nationally or target areas where the pressures on highly productive land are greater?

Notes

There should be strong direction in terms of the intent, goal and objectives of the NPS while being flexible and high level enough that it can be appropriately applied nationally.

Clause

What would an ideal outcome be for the management of highly productive land for current and future generations?

Notes

That there is sufficient HPL that is viably available for primary production activities to meet the reasonably foreseeable needs of future generation and take into account climate change effects of land use and the effect that land use has on climate change.

Clause

If highly productive land is to be identified, how should this be done and by whom?

Notes

In order to create consistency, national identification would be useful. Or national co-ordination/procurement of local studies to be undertaken as many councils will struggle with resourcing to undertake the HPL assessment. If HPL were to be broadly identified at the national level, it would be important for local councils to have input into other specific local characteristics which make some areas more highly productive than things such as the LUC suggest they should be. Alongside a national level mapping of HPL Regional councils and District councils both have expertise within to assist in identification/management of land that has value as HPL. However the role of Regional Councils and District level councils needs to be explicitly explained so it is clear what the expectations are of the Regional Council and the District Council. The outcomes will also need to be explicit in order to measure achievement of the effectiveness of identification of HPL.

Clause

What are the pros and cons associated with prioritising highly productive land for primary production?

Notes

Pro- retain ability to produce locally. Primary production has a tourism component in areas like Gibbston Con – developers want to

develop these areas for housing/tourism

Clause

Do you think there are potential areas of tension or confusion between this proposed National Policy Statement and other national direction (either proposed or existing)?

Notes

Yes NES-PF – already provides extra permissively for plantation forestry so not needed in the NPS-HPL. NPSUD – alignment is critical between this and the NPS-HPL as they are trying to achieve competing goals.

Clause

How should highly productive land be considered when identifying areas for urban expansion?

Notes

Disagree with limb a of Policy 3 – we have a significant shortage of business urban land so a. could be used as a strong argument for locating business land on our best HPL.

Clause

How should the National Policy Statement direct the management of reverse sensitivity effects on and adjacent to highly productive land?

Notes

Should focus on limiting incompatible activities from being placed adjacent to one another rather than reducing reverse sensitivity. Clarification is needed on the definition of sensitive activities. It is not defined in the national planning standards so could be included within them so the two documents are complimentary. In addition, it is considered that the definition is unnecessarily narrow and prescriptive. It should be open to variation for particular circumstances. For example, other tourist related commercial activities should be included in our district where there are many which are located in rural environments. Limb d should be less prescriptive in terms of the type of zones that should be considered. There may be others which are relevant.

Clause

How should the National Policy Statement guide decision-making on private plan changes to rezone highly productive land for urban or rural lifestyle use?

Notes

Policy 6 intro should be less prescriptive in terms of the type of zones that should be considered. There may be others which are relevant. Limb b should be about costs and well as just benefits. Otherwise this would provide additional weight to the development proposal rather than the HPL. There should be mention of the benefits to the local and national environments (economic, social, cultural). This is where more we may see more added value placed on the primary production activity rather than the urban development.

Clause

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

Notes

Strong, descriptive language to reduce ambiguity. Clear direction so that when it is tested in the court it will be clear of the intention and will be “water-tight”.

Clause

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

Avoiding the schedule 1 process would reduce the time and costs for council to implement it, however, it would lose flexibility for local authorities. If the NPS has policies that get inserted into the RPS then district plans have to give effect to it and would allow for some flexibility for local application and interpretation. If there were direct insertions into District Plans then it should only be the key objectives so there is flexibility for councils to create local policies etc. in their plans.

Clause

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

Notes

There should be strong direction in terms of the intent, goal and objectives of the NPS while being flexible and high level enough that it can be appropriately applied nationally. The policies and methods should be flexible to enable specific application in different locations. It should not be focused on the needs or issues of specific cities or regions as this should be undertaken locally.

Clause

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

Notes

No. Objectives are meant to be clear goals and not too descriptive on how to achieve it otherwise they become more like policies. Objective 3 is already looking more like a policy as it has ways to achieve the objective within it.

Clause

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

Notes

Pro – easily for people to identify whether their property is affected or not Con – potentially another layer to the DP maps, we already have a lot of different district wide overlays e.g. ONL/F, Wahi tupuna, BRAs. This can be managed as we move to more prescribed and digital planning through the planning standards requirements. If it was to be identified spatially on District Plan maps would like to see it as part of the mapping standards in the National Planning Standards.

Clause

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

Notes

In order to create consistency, national identification would be useful. Or national co-ordination/procurement of local studies to be undertaken as many councils will struggle with resourcing to undertake the HPL assessment. If HPL were to be broadly identified at the national level, it would be important for local councils to have input into other specific local characteristics which make some areas more highly productive than things such as the LUC suggest they should be. Alongside a national level mapping of HPL Regional councils and District councils both have expertise within to assist in identification/management of land that has value as HPL. However the role of Regional Councils and District level councils needs to be explicitly explained so it is clear what the expectations are of the Regional Council and the District Council. The outcomes will also need to be explicit in order to measure achievement of the effectiveness of identification of HPL.

Clause

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

Notes

The cost of this would likely be high, QLDC has limited information and spatial data on highly productive land within the district. Having a small ratepayer base and large land area would be a limiting factor to how effectively we would be able to undertake identification of highly productive land.

Clause

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

Notes

National land survey to identify the highly productive land then Regional Councils and District Councils interpret and put into statutory plans.

Clause

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

Notes

Yes, if it is a default it should include LUC 1,2 and 3. This will still miss some areas of productive land such as Rural Wanaka and Hawea/Hawea flat and around the Wakatipu Basin and base of the Remarkables but will capture a lot of our highly productive areas that we would envisage being given further protection under the NPS-HPL when additional assessment of values is undertaken locally.

Clause

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

Notes

Key considerations would be: - Current land use - likelihood of urban development and/or incompatible activities encroaching - Biodiversity values – it might be productive but if it is a key piece of biodiverse land then it should be excluded from being HPL. Other factors would be: • Current land use • Soil texture • Soil structure • Soil water holding capacity • Soil organic matter stability • Site's slope • Site's drainage • Temperature of the site • Aspect of the site • Availability of irrigation water • Transport, both ease and distance • Effect of the use on neighbours • Effects of the neighbours on the use • Access from the road • Proximity to airport or to port • Supply of labour and Quality of that labour • Sunlight hours • Electricity supply • Economic and resale factors

Clause

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

Largely the role of the regional council, however, concern would be that pivot irrigators would take over the rural landscape to secure water supply. Supply of naturally delivered/available water is more important than water supply generally. Climate change will change how naturally delivered water is available in the future too. If the availability of water afforded greater protection to some areas over others it could create extra clarity and be beneficial when processing consents and plan changes.

Clause

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

No. LUC 1, 2 and 3 should be treated the same otherwise it will be too confusing for council to implement and plan users to understand. Places like Gibbston is LUC 3 and has higher productive values than a lot of our LUC 2 land. We wouldn't like to see LUC 3 treated as less when the point of using the LUCs is until a proper local assessment is undertaken.

Clause

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

FDS process could also be used to incorporate and identify HPL.

Clause

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

The Queenstown Lakes District Proposed District Plan already has large minimum lot sizes for some zones including the Wakatipu Basin and Rural zone. A nationalised minimal lot size would not be effective as a range of land uses can be undertaken on highly productive land. Different primary production activities require different amounts of land to be efficient.

Clause

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

There is a concern with the suggestion of transferable development rights as these may put pressure on other land that may be more removed from existing settlements and infrastructure. We would not want to see this result in satellite towns as this would go against the strategic direction of our Proposed District Plan. Government should provide clear guidance on what these 'incentives and mechanisms' might be

Clause

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

Notes

Require the new land use to have spatial buffers in place to mitigate effects.

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

Benefit- will happen quicker if not through schedule 1 process. Risks – less flexible for local context.

Clause

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

6b might be an issue here? Balance of enviro, economic, social and cultural – guessing economic will be argued pretty strongly? Requiring mechanisms like a well-directed and balanced FDS and having national direction that strongly discourages rural residential development is the way to go. If HPL is going to be used for urban development then only high density will come out on top from a cost benefit angle. An economic argument is sometimes no use, we had a lengthy economic argument for the Gibbston Vines case due to the subjective nature of economic evidence it was difficult to effectively demonstrate.

Clause

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

It is important to note in this NPS that HPL is different from other rural land. Some activities that are dependent on space need to locate in the rural area (e.g. rifle range) they should be able to do so but not on HPL, unless there is no permanent effect on the HPL and no other more suitable location for the activity.

Clause

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

Notes

Yes – as per comments above re sensitive activities There are definitions here which are not in the national planning standards. The NPS-HPL needs to ensure alignment exists between it and the national planning standards. If alignment is not possible, explanation needs to be given as to how these two sets of differing direction are to be implemented by Regional and District councils.

You have elected to withhold your personal details from publication.