

Submission from: Central Otago District Council

On: National Policy Statement – Highly Productive Land

Please find below our feedback (*in italics*) under each of the relevant questions raised in the discussion document.

3.1 Problem statement

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

Council agrees that the scale at which productive land is considered under an “effects based” regime does not always align with the intended outcomes of trying to maintain the productive land resource.

3.3 Fragmentation of highly productive land

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

Council’s current district plan provides for a Rural Residential Resource Area, which encourages rural life-style development.

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

The highly productive land should form a baseline whereby it limits the potential for more residential type developments.

3.5 These issues are being seen throughout New Zealand

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

Council agrees that the RMA framework creates a tension between development alternatives versus best value use for each land parcel. The s32 framework could be strengthened to place greater value on highly productive land.

Alignment with the Urban Growth Agenda

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)?

Council is cognisant of the tensions these will both create and would prefer that the use of sections 6 and 7 RMA help prioritise these. If the issue of HPL has become elevated enough for a NPS, then we suggest it should also be elevated to a Section 6 matter.

How can the proposed National Policy Statement for Highly Productive Land and the proposed National Policy Statement on Urban Development best work alongside each other to achieve housing objectives and better management of the highly productive land resource?

Regardless of trying to streamline planning process to accommodate these two matters, there will no doubt be winners and losers based on the “best argument” on the day as current plan review/changes and resource consent processed ultimately end up being fought out in hearings and decided on the basis of preferred evidence.

Specific/technical questions

5.3 The scope of the proposal

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?

Council agrees that the Schedule 1 process be avoided to assist with timely implementation and to avoid unnecessary further costs and litigation. Furthermore, the Schedule 1 process can result in changes to provisions through the hearing and appeal process that might undermine the intended outcomes.

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

Areas already identified in strategic planning documents that have been through community consultation and adopted by Council should be excluded from the scope of the NPS. The primary reason for this is that the time, effort and costs involved will be wasted if this work is undone by the NPS.

Council has some concern that small land parcels may be excluded from the NPS unless there is an established pattern of higher density land holdings that will preclude economic productive use as opposed to hobby farms. This also relates to the “size and cohesiveness” considerations outlined below.

Specific questions - Policy 1

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

At the national level – it is a National Policy Statement and most councils do not have the resource to identify it. The point of national direction is surely to provide some consistency across the country. Logically the science should be consistent across the country and any differences geographically can be addressed at a local level. It is therefore strongly recommended that the mapping of highly productive land be undertaken at a national level to ensure a consistent approach. National mapping will also assist with procurement and resourcing issues that will be faced with the 70+ councils. It is neither effective, or efficient to have all councils undertake this exercise when there is limited resource available to do it. We also consider that an inconsistent outcome is likely if it is tasked to all councils to do.

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

We are a large district geographically, with a small ratepayer base, which increases the cost per ratepayer, knowing this could cost in the tens of thousands of dollars.

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

Undertake a national study.

Specific questions - Appendix A

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

Mandatory considerations to include the size and cohesiveness of land in order to differentiate “hobby farms” from productive units.

The relevance of labour markets is questionable when some land uses rely on seasonal workers who are transient and move to where the work is.

The relevance of “supporting rural processing facilities and infrastructure” is also questionable as many rural products are processed remotely from the areas grown.

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 Essential Freshwater Programme?

This can be an unknown factor due to changes to water allocation through regional planning instrument as well as changes in water use technology and water requirements of various land uses.

Specific questions – Policy 3

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

Council supports a cost benefit analysis approach to considering urban development on HPL, but not when it is more heavily weighted towards economic factors.

Council considers that the requirement to consider alternative locations will easily be dismissed for feasibility reasons.

Specific questions – Policy 4

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?

Council does not consider a national minimum lot size to be helpful when the range of land uses on HPL can be undertaken across the country.

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?

Council has some 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, (i.e. creating satellite towns).

Specific questions – Policy 5

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

Council supports further mechanisms to address reverse sensitivity effects.

Specific questions – Policy 6 and Policy 7

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?

Council supports the consideration of relevant statutory and non-statutory plans in relation to private plan change requests.

Council supports the consideration of reverse sensitivity effects in relation to resource consent applications.

The requirement for a site-specific Land Use Capability Assessment appears to be a return to the “Economic unit” argument that used to be made for smaller rural lots. We have serious doubts about the validity of using this approach when spurious arguments can be made for land use activities that may not be economic. Councils are also not resourced to peer review these, let alone the decision makers. It would also appear to be easy to argue that the land use is better suited to non-productive uses because of the factors listed under Policy 7.

Specific questions - Interpretation

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

Council is concerned that the definition of “primary production” excludes further processing of those commodities into different products. Many primary production activities have a small component of niche products made on site and on-sold, often without a significant land area requirement. The definition also potentially excludes wine-making, which is of significant concern to Council. Appropriate exclusions can be made for processing of products produced on site so that these activities are not inadvertently caught, alternatively a maximum area threshold for buildings.

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