

To the Ministry for Primary Industries

Submission by

Waimakariri District Council

In the matter of the

***Proposed National Policy Statement on Highly
Productive Land***

1 October 2019

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Introduction

The Waimakariri District Council considered the proposed National Policy Statement on Highly Productive Land (NPS) at a Council briefing session on 17 September 2019, and approved this submission to the draft NPS at a Council meeting on 1 October 2019.

The lack of clarity on how highly productive land should be managed under the *Resource Management Act 1991* is not improved through this proposed NPS. As a national direction instrument, this NPS does not provide very much direction for local governments. While there is no intention to have absolute protection of highly productive land (HPL), the proposed NPS still leaves the onus of responsibility for considering HPL on land use decision-makers. This proposed NPS has the stated objective of giving more weight to HPL, but is not helpful in outlining how that greater weight will be used in balancing competing land use priorities.

A key consideration of protecting HPL in this District is its proximity to Christchurch, a city that has significant demand for primary production that is produced on HPL. The important role that the agricultural sector has in this District in providing food to the community that live in Christchurch and the rest of New Zealand, has long been taken into account in planning and strategic documents.

In June 2019, this District adopted a Rural Residential Development Strategy, to inform the District Plan Review. This Rural Residential Development Strategy took into consideration highly versatile soils land (Land Use Classification (LUC) Class 1 and 2 soils) as part of a wider matrix of environmental constraints and opportunities that helped to identify growth locations for further rural residential development. This is an example of where this District has already accounted for the protection of highly productive land in setting its strategic direction. Since approximately 43% (91,810 ha) of the Waimakariri District's total land area is comprised of HPL, this valuable and finite resource is not under threat in this District.

Similarly, this District is a participant in the Urban Growth Agenda work programme, and have been focused on making room for cities to grow. The strategic partnership through this District's involvement in the Greater Christchurch Partnership provides a future development framework for urban growth that already gives weight to protecting HPL. In this regard, the NPS-HPL should recognise those areas that have been through the Future Development Strategy (FDS) process and are identified in an adopted FDS should be excluded from the scope of the NPS-HPL. This would require changes to the relevant draft objectives and policies and the draft definition of 'highly productive land'.

Objectives

The objectives of the NPS-HPL are supported, however Objective 3 of the proposed NPS - the "Protection from Inappropriate Subdivision, Use and Development" proposes to avoid subdivision and land fragmentation that impinges on HPL, but "inappropriate" is ill defined. In attempting to give more weight to HPL in land use planning decisions, this objective needs greater clarity. The word "inappropriate" is not helpful when balancing urban growth priorities, protection of freshwater management objectives, and HPL competing priorities.

Policies

1. Identification of HPL by Regional Councils through a mapping exercise is supported, but the time frame of within 3 years of gazettal of the NPS is too long. In the meantime, adopting classes 1 to 3 of the Land Use Classification as a default definition of HPL is too blunt and impractical of an instrument in this District, since the vast majority of urban areas and rural residential zones are surrounded by LUC Classes 1 to 3, leaving little opportunity for expansion if these are to be avoided.

This is coupled with the tension that this is a high growth District (as identified in the NPS for Urban Development) and planning for population growth is critical.

2. Proposed policy 2(c) once again uses the term “inappropriate”, this time referring to subdivisions, but does not provide clear direction about what inappropriate means.
3. In balancing competing priorities between urban expansion and protecting HPL, a cost-benefit analysis will almost always favour urban development. At a macro level, it is relatively easy to prove that providing for urban development is the highest and best use for each single parcel of land. It is important that the cost-benefit framework considers the development alternatives from a broad strategic perspective (Proposed Policy 3(b) refers).
4. The wording of Proposed Policy 4(c) – directing new rural lifestyle development away from areas of HPL – may be too strong when there has already been consideration of protecting HPL through other strategic planning processes. The Waimakariri Rural Residential Development Strategy (June 2019) for example has already given consideration to HPL, and has adopted a strategic direction through a publically consulted process. In fact one of the objectives of the strategy is to help protect the balance of rural land for primary production, by enabling clustered locations for rural residential development. This responds to growing anecdotal evidence that suggests a greater market demand for the more manageable size of rural residential lots (typically 0.5 to 1.0 ha), as the more traditional 4 ha small holding are increasingly considered too much work for those seeking a semi-rural lifestyle.

According to the Canterbury Regional Policy Statement, further rural residential lifestyle development is to be located with existing rural residential zones or small settlements, and there are very few existing rural residential zones in the District outside of LUC Class 1 to 3 soils. It would be more appropriate to separate genuine rural residential development (1 to 2 lots per hectare) from the definition of “rural lifestyle development” which is defined by lots sizes of between 0.2 ha and 8.0 ha.

Rules pertaining to rural residential development should then have similarities to those proposed under Policy 3 for urban expansion and allow encroachment of HPL where there is a shortage of development capacity to meet demand, and it is demonstrated that this is the most appropriate option based on considerations including the feasibility of alternative locations.

5. Reverse sensitivity provisions are supported, and these matters already contribute to the Council’s strategic planning considerations
6. Consideration of private plan changes and resource consent applications already give consideration to HPL as a matter of course.

Timing

Proposed time frames are for Regional Councils to identify highly productive land within three years of gazettal of the NPS, and territorial authorities are to implement the policies within five years of gazettal. This Council proposes a more truncated time frame, so that Regional Councils identify HPL within 12 months of gazettal of the NPS, and territorial authorities implement the policies within 2 years of gazettal. This truncated time frame would enable Regional Councils to incorporate the NPS-HPL into their reviews of their Regional Policy Statements.

Thank you for the opportunity to submit on the proposed NPS.