

In reply please quote WDC Submission on NPS Highly Productive Land

Or ask for [REDACTED]

Ministry for Primary Industries
PO Box 2526
Wellington 6140
New Zealand

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Tēnā koe

Whangarei District Council Submission to the National Policy Statement on Highly Productive Land.

Introduction

Whangarei District Council (WDC) welcomes the opportunity to provide feedback on the proposed National Policy Statement on Highly Productive Land (NPS-HPL). In general, WDC is supportive of the approach taken in NPS-HPL and we also welcome the efforts made to engage with our local community and hapū partners on this NPS as well as the proposed policies on Freshwater and Urban Development.

The following submission is structured around the key issues identified in the NPS-HPL.

1. Consistency with other National Policy Statements

WDC notes that the National Policy Statement on Urban Development (NPS-UD) has a relatively high level of specificity and detail compared to the NPS-HPL. This includes specific policies for District Plan, resource consent decision making and strategic documents. WDC recommends that the NPS-HPL would benefit from greater specificity on how the outcomes would be achieved and the expectations for RMA documents and decision making.

WDC see a tension between the outcomes sought by the NPS-UD and the NPS-HPL. WDC acknowledges that as part of the urban growth agenda there are other policy statement being proposed including the National Policy Statement on Highly Productive Land (NPS-HPL) and National Policy Statement on Freshwater Management (NPS-FM).

WDC recommends that it is essential that this policy framework is aligned, and we acknowledge that this aim is stated in the consultation documents. However, WDC considers that there is insufficient direction which set out how the three National Policy Statements should be considered through decision making at a local government level.

WDC considers that the risk is that this could fall to local authorities to balance these outcomes, and even more concerning that this may fall to decisions on resource consents and ultimately the Environment Court. WDC recommends that clear guidance and policies are included which set out how the National Policy Statements are to be balanced and reconciled, rather than it being left to individual councils to determine.

2. What land should be considered Highly Productive Land

WDC recommends that land already identified for urban expansion through Council planning documents that have been through community consultation and adopted by Council should be excluded from the scope of the NPS-HPL.

WDC support the proposed Policy 3 and Policy 6. WDC agrees that requiring a planning process (such as a Plan Change) before allowing new urban expansion onto highly productive land is a reasonable approach.

WDC seek clarity on certain matters included in the definition of primary production in the proposed NPS-HPL:

- forestry falls within the definition, but this activity has the potential to lock up highly productive land for many decades.
- the definition of “primary production” excludes further processing into different products. Many primary production activities have a small component of niche products made on site and on-sold. Appropriate exclusions could be made for processing of products on site so that these activities are not inadvertently caught.

WDC seek clarity on certain matters included in the criteria and definition of highly productive land:

- Water availability is not a matter for consideration when identifying HPL, access to water will limit the viable use of HPL for primary production.
- Clause b within the definition will supercede recent WDC District Plan provisions which provide district specific rules protecting highly versatile soils (WDC Rural Plan Change Operative January 2019). Our definition refers to Land Use Capability Classes as mapped in the New Zealand Land Resource Inventory.

3. Who should identify highly productive land

WDC considers that highly productive land should be identified, mapped and included regional policy statements by regional councils based on policy/criteria set in the NPS-HPL. This will help to achieve better consistency across the region rather than individual District Councils undertaking their own mapping exercises and planning processes.

A further option to consider is that the identification of highly productive land could be undertaken at a national level. This again would help deliver national consistency for the identification of highly productive land.

To support this process of the identification of land, WDC recommends that greater guidance is given to how the identification and mapping should take place. For example, some of the matters identified in Appendix A of the NPS-HPL require further consideration:

- 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.

Given that identification and mapping of highly productive land and amendments to Regional Policy Statements and District Plans will take time (3 and 5 years provided for respectively), WDC consider that it is appropriate that “highly productive land” is taken into account immediately for the consideration of private plan changes and resource consent applications before this planning work is complete.

4. Purpose of the NPS-HPL

WDC considers that issues relating to productive soils is not just about protection. It should be broader to also include enabling the efficient and effective use of highly productive soils. WDC considers that the NPS-HPL could also provide direction on enabling the productive use of high

class soils (not just protecting these soils) through land use controls, with some level of flexibility.

Whangarei District Council welcomes further opportunity to provide feedback on the NPS-HPL. If there are any questions or points of clarification needed on our submission please contact

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Whangarei District Council