

## **Submission from Waitomo District Council on the Proposed National Policy Statement for Highly Productive Land**

Thank you for the opportunity to make a submission on this Proposed National Policy Statement.

This submission represents the views of the Mayor and elected members of the Waitomo District Council.

Our submission is as follows:

1. There is increasing pressure on district councils in the Waikato region to allow subdivision and private plan changes which enable rural residential use of highly productive soils. As such, Waitomo District Council (WDC) supports national direction to protect highly productive soils and land from fragmentation and the cumulative, irreversible effects of uncontrolled urban expansion.
2. WDC is supportive of the approach to define highly productive soils (HPS) as land use capability classes 1-3 from the Land Resource Inventory dataset.
3. The current RMA framework does not provide sufficient clarity or direction on highly productive land. This resource is not specifically recognised in the RMA and as a result, district councils in the Waikato are reliant on the Waikato Regional Policy Statement to manage HPS. This results in a diversity of provisions in district plans whereby some councils with large areas of HPS have sought to protect these areas through stringent subdivision provisions, while others have not. Additionally, the district councils with the highest proportion of HPS appear to be under the greatest pressure for urban expansion and rural residential development.
4. WDC notes that the Waikato Regional Council and Futureproof have sought to oppose private plan changes in some districts but have often not been successful, largely because there is no underpinning framework in the RMA on HPS. Meanwhile, resource consent by resource consent, areas of highly versatile land are being subdivided.

5. As a result of increased levels of rural residential subdivision, farming activities are under pressure from reverse sensitivity issues and councils have little ability to account for the cumulative effects of land fragmentation.
6. WDC supports the inclusion of provisions to resolve potential conflicts between current and proposed National Policy Statements. This includes the National Planning Standards. Asking district councils to manage conflicts by balancing or weighing up issues between various competing national policy direction is futile. Many district councils do not have the resourcing capacity to consider the application of these high-level issues. WDC requests that national policy direction clearly states what provisions prevail over one another, and ensures that definitions are aligned across National Policy Statements and National Environmental Standards.
7. WDC suggests that some attention should be paid to either better aligning or combining the proposed National Policy Statement for Highly Productive Land and the proposed National Policy Statement on Urban Development.
8. WDC agrees that land already zoned for urban purposes or future urban purposes in a district plan should be excluded from the scope of this NPS. The same standard should apply to land that has been indicated in a statutory or non-statutory plans relating to urban growth as appropriate for rezoning prior to the gazetting of this National Policy Statement.
9. Proposed Policy 1 – WDC supports a nationally consistent approach to highly productive land identification and mapping. WDC has some concerns regarding regional councils identifying areas of highly productive land, mapping this and including the information in regional policy statements. While WDC does not oppose the provision, we consider that there needs to be a consistent approach and the mapping needs to be at a local scale in order for the provisions in this National Policy Statement to appropriately be enacted. The mapping and the application of the Appendix A Criteria are critical to the success of this policy document. We consider that the criteria should be set nationally and that regional differences (if they are to be accommodated), should be specified. WDC believes that criteria should either be included or not included. This means that WDC does not support the inclusion of optional criteria which are more subjective and might result in regional differences in

criteria application. WDC would support the addition of criteria where these have thresholds and can be subjectively applied.

10. Proposed Policy 2 - WDC notes that the National Planning Standards definition of primary production is quite extensive and includes forestry, mining and quarrying. WDC requests alignment of the National Planning Standards and the Proposed National Policy Statement for Highly Productive Land to ensure a consistent approach in national direction. WDC suggests that the word "consider" in clause (b) indicates that local authorities might have the ability to not consider giving greater protection to areas of HPS. This may be the intention? WDC also notes that clauses (c) and (d) are subjective and open to interpretation. WDC submits that there should be a clear separation of responsibilities between regional and district councils in respect of this policy.
11. Proposed Policy 3 - WDC suggests that developers will contest what comprises a "shortage of development capacity" and district councils may be ill-equipped to defend this policy without clearer definitions of time spans and development capacity.
12. Proposed Policy 4 - WDC supports this policy and notes the difficulties that might arise if the policy set a minimum lot size for rural zones. A minimum lot size may inadvertently exclude viable horticultural activities (for example orchards), from HPS areas. For example, if a minimum of 40 ha was set with pastoral farming in mind, this would exclude kiwifruit blocks which can be economically viable for some species at areas as small as 2.5 ha. WDC considers that an alternative approach might be to specify that rural residential subdivision cannot occur on HPS.
13. Proposed Policy 5 - WDC supports this policy and notes that a similar approach is taken in the Waikato Regional Policy Statement. We observe that the main reverse sensitivity issues result from rural residential development locating in the rural zone and people expecting an unrealistic level of amenity from a working rural environment. In respect of schools and community facilities locating in these environments, we disagree that they are sensitive activities and argue that they are in fact crucial community hubs supporting their rural hinterland.
14. Proposed Policies 6 and 7 - WDC submits that these policies need to more clearly align to policies 1 to 5 if they are to be retained as part of this national direction. While it is useful for district councils to have this level of guidance, it would be more useful if some activities were either excluded or provided for specifically. Another approach is

to consider the national planning standard definition of "functional need" which specifically defines why an activity might have to locate in that environment.

Thank you for the opportunity to make this submission.



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