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**MARLBOROUGH
DISTRICT COUNCIL**



10 October 2019

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Ministry for Primary Industries
PO Box 2526
Wellington 6140
New Zealand.

To the Ministry for Primary Industries

Submission on Proposed National Policy Statement for Highly Productive land

Please find enclosed Marlborough District Council's submission on the proposed National Policy Statement for Highly Productive Land.

Thank you for the opportunity to provide feedback on the draft proposal.

Please contact me if you have any further questions relating to the submission.

Yours sincerely

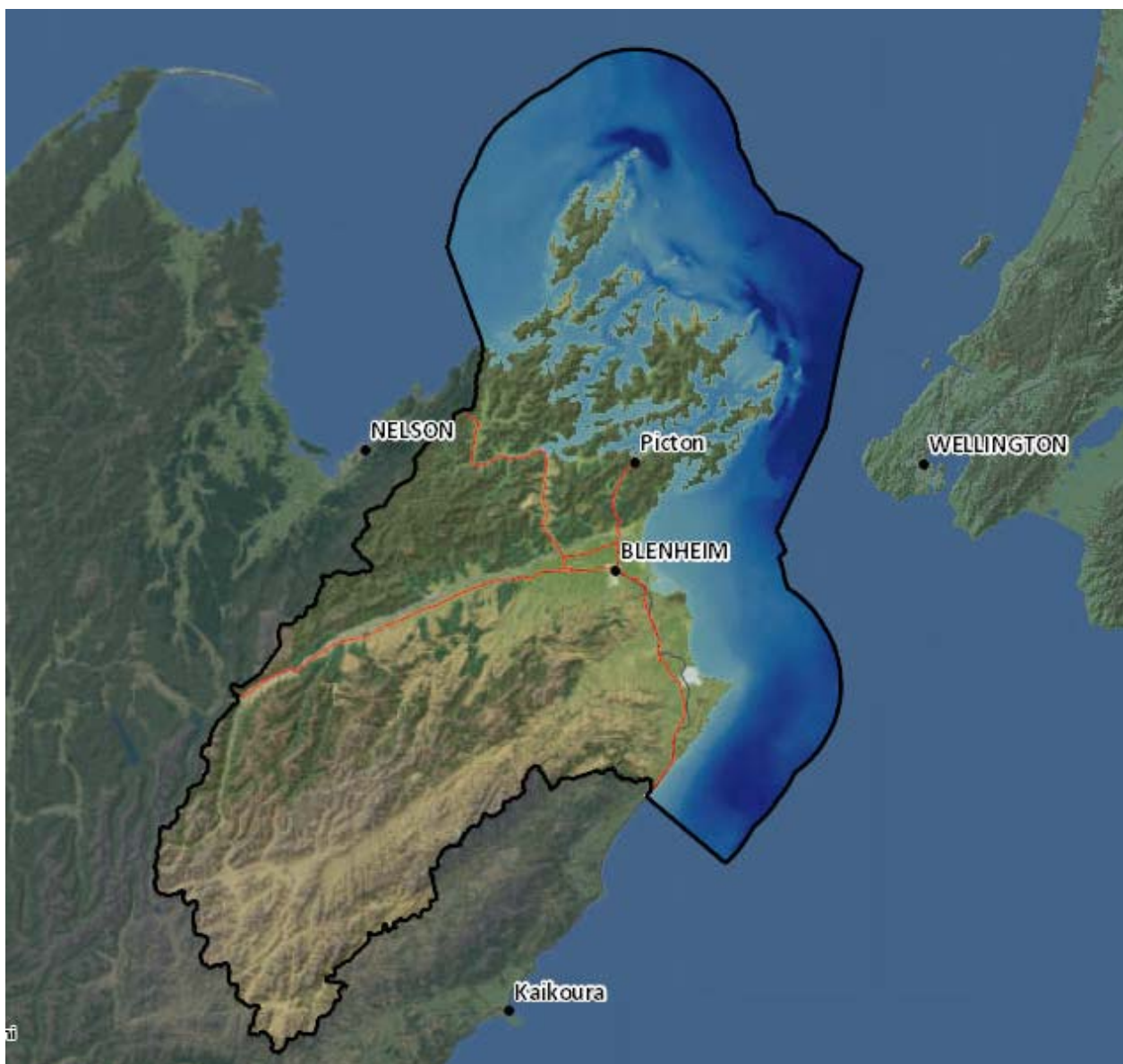
EMMA TOY
STRATEGIC PLANNER

Proposed National Policy Statement for Highly Productive Land

Submission from Marlborough District Council

Highly Productive Land in the Marlborough District

The Marlborough District, at the top of the South Island, spans 12,484 km². It has a diverse geography including the hill and high country of the Awatere Valley, a large network of rivers, and 1,800km of coastline from Cape Campbell to Croisilles Harbour, including the Marlborough Sounds and Durville Island. Between the Richmond Ranges to the north, and Kaikoura ranges to the south, lies the fertile Wairau Plain on which the township of Blenheim is located, and the Southern Valleys.

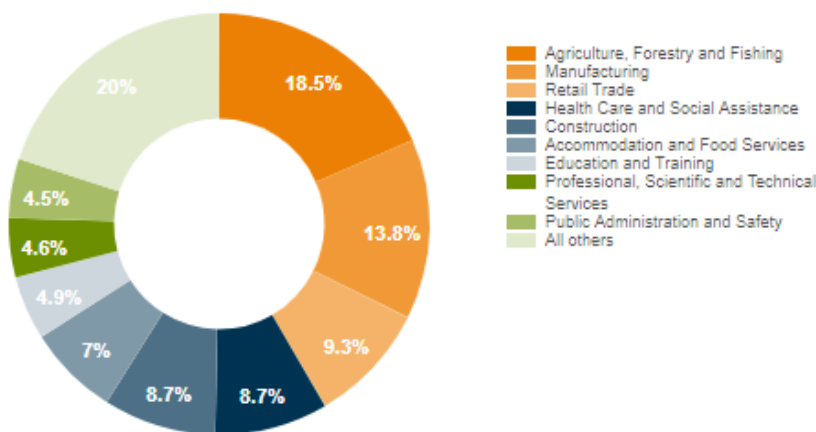


Marlborough's economy and wealth is underpinned by its natural resources. The health and resilience of our ecosystems provide the foundation for our livelihoods - tourism, aquaculture, forestry, farming, viticulture and horticulture - which all rely on the quality of the air, land and water.

With vineyard cover of over 27,000 hectares,¹ Marlborough produced 77% of the total volume of grapes harvested in New Zealand in 2019.² A map showing vineyard coverage at April 2018 is attached at Appendix 1.

Marlborough's usually resident population (as at March 2018) is 47,340, and its GDP (provisional) was \$2,547 million for the year to June 2019 (2010 prices). The annual average unemployment rate in Marlborough Region was 3.4% in June 2019, lower than the national average of 4.1%.³ Agriculture, forestry and fishing made up 18.5% of filled jobs in the district in 2018.

Proportion of filled jobs by ANZSIC 1-digit industries, 2018



Highly productive land

The Wairau Plain contains a considerably large area of LUC 1,2 and 3 soils, with the LUC 1 and 2 soils concentrated in the areas nearer to the township of Blenheim. There are also large areas of LUC 2 and 3 soils in the Southern Valleys and Awatere Valley. Maps which show the distribution of LUC 1,2 and 3 soils in these areas are included in Appendix 2.

A significant amount of land in Marlborough is highly productive in viticulture, farming and forestry, but is not classified as either LUC 1, 2 or 3. This productivity is not necessarily connected to soil quality or characteristics. For example high yields, quality and profitability can be achieved in viticulture by growing sauvignon blanc on soil that would be considered poor for other farming uses.

Almost all of the urban areas on the Wairau Plains are surrounded by soils that meet the default definition of Highly Productive Land (i.e. LUC 1,2 and 3).

¹ Marlborough District Council, figures as at 30/04/2018

² New Zealand Winegrowers, Vintage Survey 2019

³ Infometrics Quarterly Economic Monitor, Marlborough Region June 2019

Overall Comment on the Proposed National Policy Statement

Policy objectives align with Council's resource management plan provisions

Overall, the intent of the National Policy Statement for Highly Productive Land (NPS HPL) as set out in the draft objectives is in line with Council's current policy and planning framework.

Policies 2, 4 and 5 require Council to make changes to its regional plans to give effect to the policy.

In requiring Council to comply with the NPS HPL there is an assumption in the NPS that we don't currently have adequate mechanisms in place to protect highly productive land in the region. In contrast, Council's resource management plans (both operative and pending) provide specifically for the safeguarding of Marlborough's highly productive land and other resources with the view to protecting their availability and use for primary production now and in the future. These plans mitigate the effects of reverse sensitivities in these areas, particularly in relation to residential activity in rural areas. Relevant plan provisions from the proposed Marlborough Environment Plan are included in Appendix 3.

Minimising financial and resourcing impacts

Implementing the NPS HPL will incur additional cost and time particularly in identifying and mapping areas of highly productive land.

Council recommends that due to the cost and additional staff resource to be incurred in implementing the NPS HPL, and the large amount of highly productive land relative to urban area particularly in Blenheim it would be prudent to only apply the policy to the areas facing the greatest pressure on HPL and urban development capacity – for example the 6 major centres identified in the NPS-UD.

Should the policy still apply to all regions, Council recommends that the objectives be more outcomes focussed to acknowledge that where a Council can demonstrate that plan provisions already seek to achieve the outcomes sought by the policy, no formal plan change process is required.

In particular, Council recommends the following action be added to the NPS HPL with respect to Policies 2, 4 and 5:

“To the extent that regional policy statements and plans already implement the objective and policies of this National Policy Statement, regional councils are not obliged to make changes to wording or terminology merely for consistency with it.”

This action is proposed as part of other national direction (i.e. the NPS for Freshwater), is common sense in order to avoid costly plan processes, and is effective none-the-less.

Recommendations:

1. the NPS HPL applies only to the areas facing the greatest pressure on HPL and urban development capacity – for example the 6 major centres identified in the NPS-UD.

2. **Should the NPS HPL apply to all local authorities, Council recommends that the objectives be more outcomes focussed to acknowledge that where a Council can demonstrate that plan provisions already seek to achieve the outcomes sought by the policy, no formal plan change process is required.**
3. **That the following action be added to the NPS HPL with respect to Policies 2, 4 and 5:**
“To the extent that regional policy statements and plans already implement the objective and policies of this National Policy Statement, regional councils are not obliged to make changes to wording or terminology merely for consistency with it.”

Alignment with NPS UD

Council agrees that there needs to be room for flexibility to accommodate growth - both residential and business - provided this is determined through appropriate strategic planning methods. However, where two pieces of national policy direction are at play, the policies should provide clear mechanisms for determining whether urban development or protection of highly productive land takes precedence in specific situations where there is uncertainty. Any resulting uncertainty between the two policies should not be left to individual Councils to reconcile.

If the example policy on page 39 of the NPS UD discussion document (Planning for successful cities⁴) is retained, then highly productive land would not be a consideration in a plan change request to re-zone land for urban development, and the criteria in the example policy would override the established plan change process. Council considers that this policy is inappropriate and inconsistent with the objectives of the NPS HPL. Council has made a recommendation that the example policy is deleted from the NPS UD. If it is to be retained, then Council has made a number of recommendations as to how it could be worded, and how it should be applied to ensure appropriateness and consistency with the NPS HPL. These recommendations are included as follows:

Recommendations:

1. **That Objective Three, bullet point two, be changed to: “Avoiding urban expansion on highly productive land unless that expansion has been subject to a strategic planning process”. The terms “urban expansion” and what qualifies as an acceptable “strategic planning process” need to be clearly defined.**

(In relation to the NPS UD):

2. **That the example policy on P39 of “Planning for successful cities” is deleted.**
3. **That if the example policy is retained, that the policy is reworded as follows:**
4. **“When considering a request for a private plan change for urban development not otherwise enabled in the plan, local authorities must have regard to:...”**

⁴ Planning for successful cities: A discussion document on a proposed National Policy Statement on Urban Development

5. That the example policy on providing for further greenfield development only apply to the six Major Urban Centres identified in the NPS where the greatest pressures on development capacity are being experienced.
6. That the example policy only apply where there is an identified shortage of capacity for residential and business development (for example in HBAs).
7. That the wording in the example policy be changed to reflect the intent that there would still be areas where it is not appropriate to locate urban development, and that plan change processes would still apply.
8. That the proposed example policy wording in point b) be amended to ensure alignment with the NPS for Highly Productive Land to - “Development enabled by the plan change would not have adverse effects on protected areas, areas identified as Highly Productive Land under the National Policy Statement for Highly Productive Land, or areas identified for restoration.”
9. That the statement in point d. of the example policy is re-worded to ensure that reverse sensitivities are managed by the new activity, rather than the existing activity so as not to have a negative impact on primary production and the maintenance of highly productive land for future productive uses.

What is “Highly Productive”

There is a lack of clarity in the proposed NPS HPL as to what it is the NPS is seeking to protect – is it versatile soils, high value production, or even low value, high volume production (such as large scale potato growing)?

In the Council’s opinion, it is crucial that the definition of “Highly Productive Land” uses consistent, objective, scientific criteria based on the inherent characteristics of the land and the soil - rather than production values or activities undertaken on the land.

The policy assumes that production needs to take place at a large scale in order to be profitable. While avoiding fragmentation is beneficial for maintaining options for large scale production and assists to manage reverse sensitivity effects, there are increasing examples of small scale market gardens becoming highly profitable endeavours. This challenges the fragmentation premise. Enabling intensive small scale production may be something that Councils want to provide for in the future in areas with highly versatile soils as an effective food production mechanism. It would require innovative use of subdivision policies and rules, but highlights the need for flexibility in the NPS to allow for future production methods.

Comment on Specific Provisions

Objective 3: “Protecting from inappropriate subdivision, use and development”

The wording of the objective is ambiguous where it refers to “uncoordinated urban expansion”. If this is referring to the re-zoning of land to rural-residential or urban-residential then this should be made clear. It would be clearer to change the wording in the second bullet point to: “Avoiding urban expansion on highly productive land unless that expansion has been subject to a strategic planning process”. The terms “urban expansion” and what qualifies as an acceptable “strategic planning process” need to be clearly defined.

Policy 1: Identification of highly productive land

Council agrees with limitations with the LUC system as set out in the discussion document:

- The scale of mapping (1:50,000 to 1:63,000) is not of sufficient resolution to accurately identify where mapped LUC areas sit in relation to property boundaries;
- There are discrepancies between, and sometimes within, regions in how the tool has been used to classify land; and
- The data is static, and has not been updated since it was mapped in the 1970's and 1980's.

The scale at which HPL needs to be identified and mapped needs to be specified in the policy. If mapping is required down to property level (which is the most useful for land-use planning) then there will be a significant cost involved. The discussion document acknowledges this and proposes that the Government provides guidance and technical assistance - but focusing on those regions with the greatest pressures on the highly productive land resource. This support is therefore unlikely to apply to regions like Marlborough, however Council and the community will still be required to meet the identification and mapping requirements of the policy in the same time frame – only three years. There would also be on-going costs involved in periodically updating the highly productive land layer for the region to capture any changes in some of the criteria over time.

Identifying what is highly productive land

The ability to be flexible and set our own criteria for what is considered 'Highly Productive Land' has its benefits, however, this leaves Council open to criticism on its criteria and resulting decisions. It will also result in inconsistent definitions of highly productive land nationally (however, this may be appropriate given the unique nature of each area) and therefore inconsistent identification.

Council seeks a collaborative approach between central government, local authorities, and the Land Monitoring Forum to further define highly productive land and develop a nationally consistent approach to the identification of highly productive land that uses an objective, scientific criteria, based on the inherent characteristics of the land and the soil, which can be further defined at the local level to account for the unique nature of each area.

There are a variety of ways to identify and classify highly productive land. For example setting a clear science based criteria for example based around slope, soil depth, uniformity, nutrient retention, water holding capacity etc. Scientific investigations of the soil for this purpose could be made a condition of resource consent for example. This will extend the time it takes to map all soils in the region. This kind of information could be provided via an expansion in the S-Map database but it would require CG funding

Another example is Tasman District Council's use of the Productive Land Classification which recognises the unique nature and productive uses of land within the region and is mapped at a broad scale in order to set zone rules, with detailed soil investigations of productive capacity at property level done at resource consent pre-app or subdivision stage.

In a Marlborough context an approach could be to define HPL using the current LUC 1, 2, and potentially 3 classifications and remove areas with known soil properties that impede versatile land use e.g. stone content. Areas that have historic versatile land uses such as market gardening could be retained, and water availability and/or soil water holding capacity could be considered.

Appendix A: Criteria to identify highly productive land

As mentioned above, there is a lack of clarity in the proposed NPS HPL as to what it is the NPS is seeking to protect.

Council recommends the use of an objective criteria that defines HPL in terms of the inherent characteristics of the land and the soil (as opposed to those relating to other factors that may change over human timescales – e.g. climate, labour markets, economic value of production etc.)

Council recommends that the NPS HPL be called the National Policy Statement for Versatile Soils as this would give a much clearer focus to the NPS.

Many of the other factors noted in Policy 1/Appendix A (a-f) don't apply in Marlborough. The way that the criteria in this list would apply in a local context is not clear.

For example access to appropriate labour markets is not such an issue in Marlborough. If the value is there, workers will come – as is the case with the viticulture industry here. RSE workers are housed in the urban area and travel long distances to work in vineyards. Distance is not a barrier to finding labour and really only becomes an issue for very remote regions (which are not under pressure from urban expansion).

Therefore we recommend that the criteria are either removed, guidance given to how they are applied, or further work is done to refine them.

Staged approach to identification and mapping

Mapping HPL at the property scale for the entire region would be time and cost prohibitive and well beyond local capacity and capability.

Council recommends that the NPS enables a staged approach to identification and mapping of HPL whereby the default definition is used initially, with specific locations then prioritised for more detailed classification (that takes into account the region's unique characteristics) over time. Alternatively a national mapping exercise at broad scale (1:50,000 say) based on the Tasman District Council Productive Land Classification with local fine-scale refinement based on the same criteria only as necessary when applications are made. Three years is not sufficient time to complete mapping for the entire region.

Prioritise land areas that are closest to the urban centres

Council recommends that the NPS enables Councils to prioritise the identification and mapping of areas of HPL that border the urban areas, and where the tensions between urban expansion and primary production are likely to be the greatest.

Default definition of Highly Productive Land

To make the exercise more manageable and relevant, Council recommends that the default definition of HPL includes land currently classified as LUC 1 and 2 (i.e. excluding LUC 3). Traditionally versatile soils have been identified using the LUC 1 and 2. Adding Class 3 significantly increases the amount of highly productive land in the region. Also, there is a considerable difference in the versatility of LUC3 land compared with LUC1-2 land.

Recommendations:

- 10. That there is a nationally consistent approach to the definition and identification of highly productive land using a consistent, objective, scientific criteria, based on the inherent characteristics of the land and the soil.**
- 11. That the approach enables a degree of flexibility at a local level to account for the unique nature of each area.**
- 12. It is essential that there is a collaborative approach between central government, local authorities and the Land Monitoring Forum to further define highly productive land and develop a consistent criteria which can be further defined at the local level.**
- 13. That the criteria listed in Appendix A (a-f) are either removed, guidance is given to how they are applied, or further work is done to refine them.**
- 14. That the NPS HPL enables a staged approach to identification and mapping of HPL**
- 15. That the NPS enables Councils to prioritise the identification and mapping of areas of HPL that border the urban areas, and where the tensions between urban expansion and primary production are likely to be the greatest.**
- 16. That the default definition of HPL includes land currently classified as LUC 1 and 2 (i.e. excluding LUC 3).**

Policy 2: Maintaining highly productive land for primary production

Once highly productive land has been identified, Council would be required to maintain the availability and productive capacity of that land for primary production.

The draft NPS HPL requires that Council specify what inappropriate subdivision, use and development on highly productive land would be in the context of Marlborough, and protect highly productive land from that inappropriate activity by making changes to the regional policy statement and MEP to set frameworks and regulatory methods.

Council's resource management plans already specify where residential activity is permitted in rural zones and what kinds of activities can take place on rural land with the specific intent of retaining rural amenity values including retaining land for primary production and avoiding reverse sensitivities through avoiding inappropriate subdivision, land use and development.

The inappropriate subdivision of Wairau Plains productive land has been avoided by the current plan provisions, particularly since the *Calapashi v MDC* (2005)⁵ appeal found in favour of Councils decision to decline a subdivision application to create a residential lot. A Landcare Research paper in 2013 commented that that the introduction of the rule to limit rural subdivision in Marlborough has been broadly considered as a successful example of managing the issue of land fragmentation.

⁵ *Calapashi Holdings Limited v Marlborough District Council*, HC BLE CIV-2004-485-1419 [22 March 2005]; *Adcock and Devir v Marlborough District Council*, HC BLE CIV 2010-406-203 [24 May 2011]

The proposed MEP rules now bring subdivision back to being a Discretionary Activity (as there are no non-complying activity statuses), however there are very strong policies to assist with controlling sub 8ha lots such as policy 14.4.15 (b) *“avoiding subdivision below eight hectares to help retain primary production options and retain a sense of openness within the Wairau Plain Area”*.

Council considers that it would be costly, time-consuming and an inefficient use of resources to go through a plan change process for mere wording and terminology type changes to give effect to the NPS HPL when its plans already seek, and are achieving, the same outcomes.

Council requests that a ‘policy audit’ process is established whereby Councils who already have provisions in their plans relating to the protection of highly productive land can test the sufficiency of their plans against the requirements of the NPS HPL and be exempt from policies within the NPS that they are already meeting. Council has already recommended that the following action is added to the NPS, especially with respect to Policies 2, 4 and 5:

“To the extent that regional policy statements and plans already implement the objective and policies of this National Policy Statement, regional councils are not obliged to make changes to wording or terminology merely for consistency with it.”

This action is proposed as part of other national direction (i.e. the NPS for Freshwater), is common sense in order to avoid costly plan processes, and is effective none-the-less.

Granting greater protection to areas of higher production

Policy 2, b. encourages Council to give greater protection to areas of highly productive land that make a greater contribution to the economy and community. This does not make a lot of sense in a Marlborough context given the large amount of land of many classes currently producing highly in viticulture. Council’s plan provisions apply subdivision and reverse sensitivity rules to all rural areas – not just those with highly versatile and productive soils.

Recommendation:

17. That the following action be added to the NPS HPL with respect to Policies 2, 4 and 5:

“To the extent that regional policy statements and plans already implement the objective and policies of this National Policy Statement, regional councils are not obliged to make changes to wording or terminology merely for consistency with it.”

Alignment with National Policy Statement on Urban Development

The NPS-HPL cannot be considered without reference to the NPS-UD. It is essential that these two policy statements work in alignment with each other, rather than providing conflicting or ambiguous advice.

Marlborough was considered a ‘medium growth’ area under the existing National Policy Statement on Urban Development Capacity, however under the new NPS-UD would fall into the ‘all other urban centres’ definition (ie. not one of the six identified main urban centres). This means that Council would still need to regularly assess capacity for urban development within Blenheim, and ensure sufficient feasible capacity is available to accommodate residential and business growth for the next 30 years. It would also be encouraged, but not required, to complete a Future

Development Strategy – a high level plan that sets out where residential and business growth will be accommodated over the next 30 years, and how it will be serviced by infrastructure. This would be a similar process to the growth planning previously undertaken (Growing Marlborough)⁶.

Given that the NPS HPL is intended to mitigate tension between urban development and safeguarding of highly productive land, Council recommends (as in recommendation 9. above) that the NPS HPL prioritises areas that border land identified as urban now and in the future (e.g. already zoned for urban residential activity in Council's resource management plan). This will enable Council to focus its resources to give effect to both National Policy Statements in a more timely manner.

Policy 3: new urban development on highly productive land

Council agrees that the policy should require demonstration of consideration of the feasibility of alternative locations and options to provide for the required demand for urban development, including intensification of existing urban areas.

As already noted, the NPS UD proposed policy wording for providing for further greenfield development does not require the consideration of Highly Productive Land when considering a plan change for urban development that is not otherwise plan-enabled. This is in conflict with Policy 3 of the NPS HPL.

Recommendation:

- 18. That the example policy on page 39 of the NPS UD is deleted from the NPS UD to avoid conflict with the NPS HPL.**

Policy 4: Rural subdivision and fragmentation

Council's plans have provisions to manage rural subdivision and minimise fragmentation. See Appendix 3 for the relevant provisions. For example:

- Rural residential activity is directed to unproductive land or on the periphery of rural land to provide a buffer which although creates some fragmentation, it helps to manage reverse sensitivities.
- Minimum lot size standards for subdivision located on highly productive land in rural areas are for a minimum of either 8ha or 20 ha under the new MEP and in the operative plan.

Council considers that these provisions are effective in meeting the objectives of the draft NPS HPL and a plan change should not be required to give effect to the NPS HPL.

With regard to P4(c), if lifestyle properties are directed away from areas of highly productive land, this could lead to hard boundaries between urban and rural zones which may increase the potential for reverse sensitivity effects. Including the flexibility to utilize small areas of highly productive land on the boundaries of urban areas for lifestyle development may improve reverse sensitivity issues. The Council has not identified a remedy in the context of the NPS, but has sought additional policy in the NPS UD to address the potential for reverse sensitivity effects created by urban expansion into the rural environment.

⁶ The Growing Marlborough strategy indicated there was no further room for growth on the Wairau Plains outside of Blenheim and Renwick.

Lot Sizes

Economies of scale can mean that fragmenting land into smaller parcels reduces the productivity of the overall rural area depending on the type of production. The minimum lot sizes are therefore important to get right and enforce through strong rules and policies. Marlborough's standards are a minimum lot size of 8 hectares on the Wairau Plain in the MEP (and for the Rural 3 zone in the operative plan); and a minimum lot size of 20 hectares in all other rural areas in the MEP (and for Rural 4 zone in the operative plan).

It should be recognised, however, that the policy assumes that subdividing land to smaller areas reduces productivity however this is not necessarily always the case, and may not be case in the future. There are some examples of highly productive 1 or 2 hectare farms. The issue is not the size of the block, but the use and resulting productivity of that block. For example, a carefully thought out subdivision could maintain productivity of that land if building area was minimised and use stipulated. Council therefore supports the flexibility enabled in policy 7b to have regard to the extent to which the subdivision or development will impact on the existing and future use of the land for primary production.

[According to De Luca (2009), three surveys conducted in Western Bay of Plenty between 1996 and 2005 showed a consistent relationship between new lot sizes and primary production loss up to 66% of properties less than 4 ha and up to 82% of those less than 1.5 ha were not being used for any productive purpose at all].

Location of rural lifestyle zones

Council notes that concentrating rural lifestyle zones on non-HPL land (as in the Ashburton and Selwyn examples noted in the discussion document) may not always be effective. There are examples of such subdivisions in Marlborough, however much non-highly productive land is located well away from the town and is either not appropriate for residential development, or is not likely to be as desirable as a lifestyle location closer to the town due to reduced access to services, transport routes and other amenities.

Incentives

Policy 4 (b) references incentives and restrictions on subdivisions to help retain and increase the productive capacity of highly productive land. Clarification needs to be provided on what "incentives" means – are these Resource Management incentives or broader (for example non-regulatory)?

Recommendations:

19. That the following action be added to the NPS HPL with respect to Policies 2, 4 and 5:

"To the extent that regional policy statements and plans already implement the objective and policies of this National Policy Statement, regional councils are not obliged to make changes to wording or terminology merely for consistency with it."

11. That "incentives" is clearly defined in relation to Policy 4(b)

Policy 5: Reverse sensitivity

Council has strong plan provisions (see Appendix 3) which seek to minimise reverse sensitivity effects from rural subdivision, and residential activity in or bordering the rural environment. Council considers that these provisions effectively meet the objectives of the draft NPS HPL and should not require a plan change to give effect to the NPS HPL.

Council agrees that there are potential risks of reverse sensitivity conflicts, however these can be perceived risks and often reflect an unreasonable expectation of amenity (for example people moving to rural areas may expect it to be a quiet environment). Many of the complaints against farming activities are dismissed as the activities are usually within Plan rules and standards which are there to protect rural farming activities. The complaints that are upheld are usually because the farming activities were illegal (such as bird scarers too close to boundaries or being set off too often, discharges over boundaries, etc). The key is to ensure that the permitted rules and standards for rural activities are as enabling as possible to protect normal and essential farming activities – but balanced with protection of the natural environment (especially water and air quality and erosion).

Managing the interface between the rural environment is necessary but inherently complex. It is not just an issue for highly productive land and should be specifically addressed in the National Policy Statement for Urban Development.

Proposed Policy 5 (d)

Council recommends re-wording the statement in policy 5 (d) to: “establish methods to avoid, mitigate or remedy reverse sensitivity effects at the interface between areas of highly productive land and adjacent residential and rural lifestyle zones.”

Council requests that clear guidance is provided about what methods are available to achieve this outcome.

Recommendations:

20. That the following action be added to the NPS HPL with respect to Policies 2, 4 and 5:

“To the extent that regional policy statements and plans already implement the objective and policies of this National Policy Statement, regional councils are not obliged to make changes to wording or terminology merely for consistency with it.”

12. That the statement in Policy 5 (d) is changed to: “establish methods to avoid, mitigate or remedy reverse sensitivity effects at the interface between areas of highly productive land and adjacent residential and rural lifestyle zones.”

13. That clear guidance is provided about what methods are available to achieve Policy 5 (d).

Policy 6: Consideration of requests for plan changes, and

Policy 7: Consideration of resource consent applications for subdivision and urban expansion on highly productive land

Council considers that Policies 6 and 7 are useful in that they provide interim protection until plans are changed.

However, Council requests more guidance about how to assess applications against the criteria in Policies 6 and 7.

Council supports the statement that Resource consent applications must include a site specific assessment consistent with the NPS HPL criteria prepared by a suitably qualified expert.

Recommendation:

- 14. That clear guidance is provided about how to assess applications against the criteria in Policies 6 and 7.**

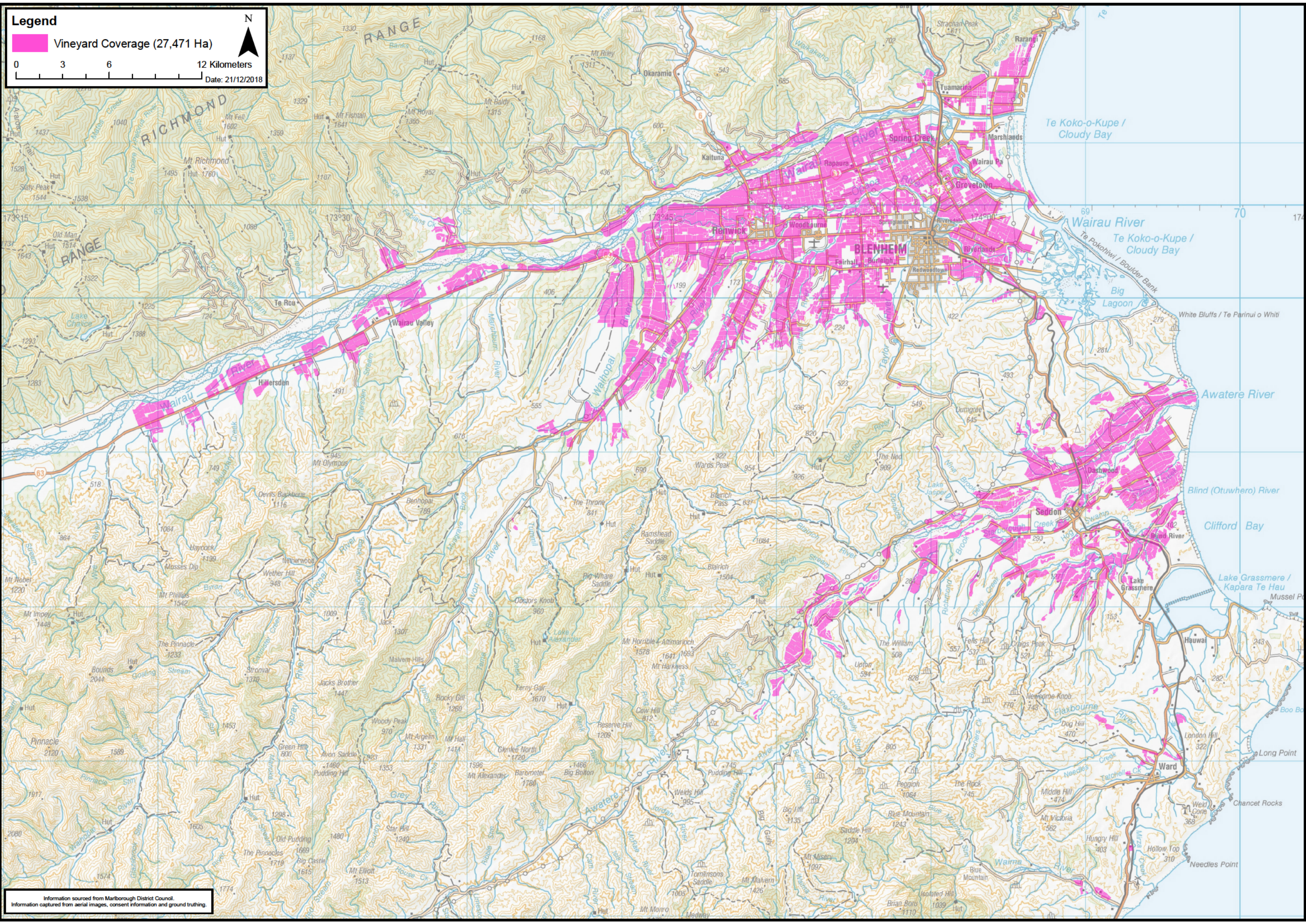
5.5 – interpretation

Sensitive activity is noted to include marae. Council recommends that Papakainga be included in this definition.

Recommendation:

- 15. That Papakainga be included in the definition of Sensitive Activity.**

APPENDIX ONE – VINEYARD COVERAGE IN MARLBOROUGH



Legend

Vineyard Coverage (27,471 Ha)

03612 Kilometers

Date: 21/12/2018

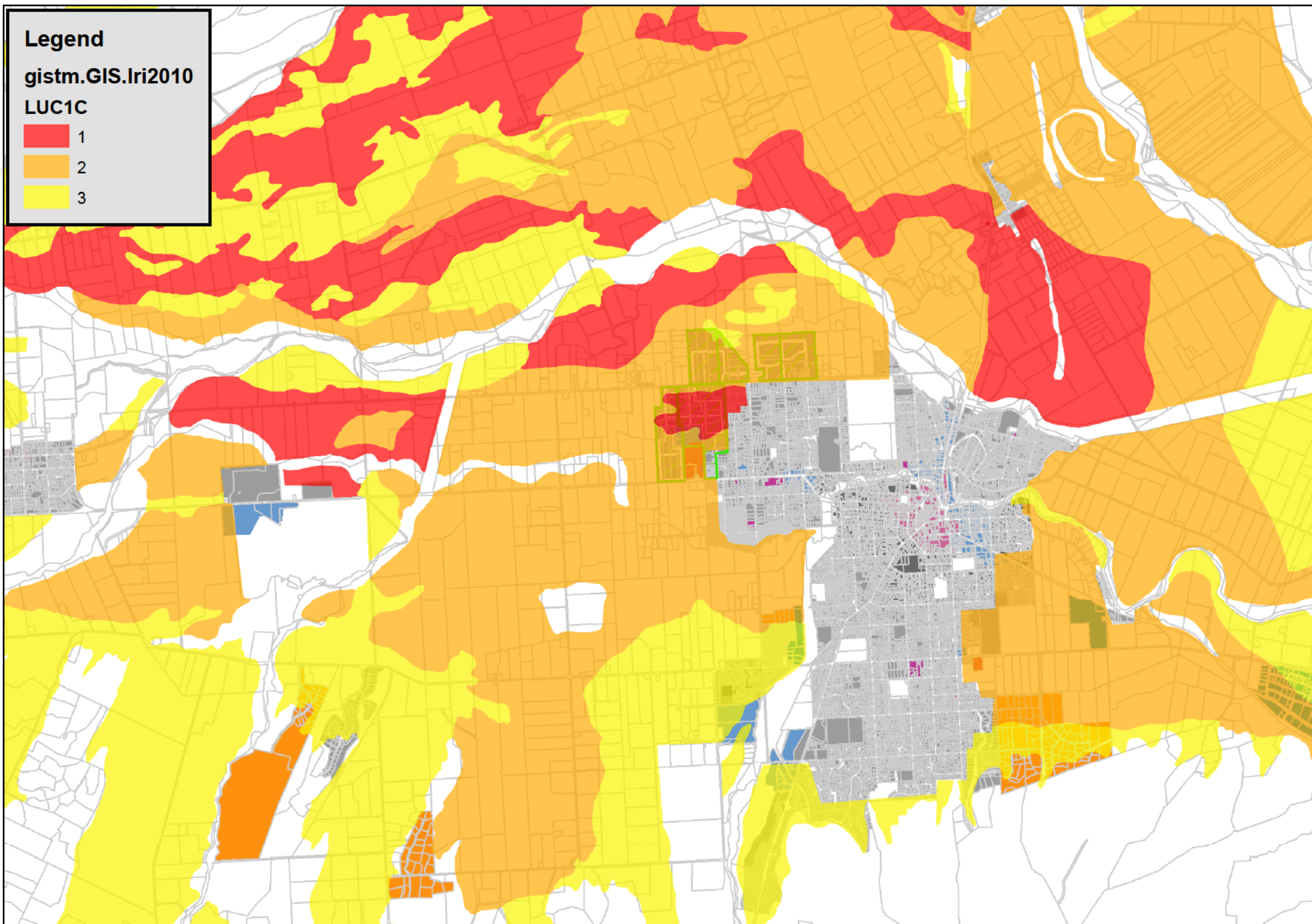
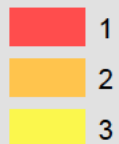
Information sourced from Marlborough District Council.
Information captured from aerial images, consent information and ground truthing.

APPENDIX TWO – HIGHLY PRODUCTIVE LAND IN MARLBOROUGH

Legend

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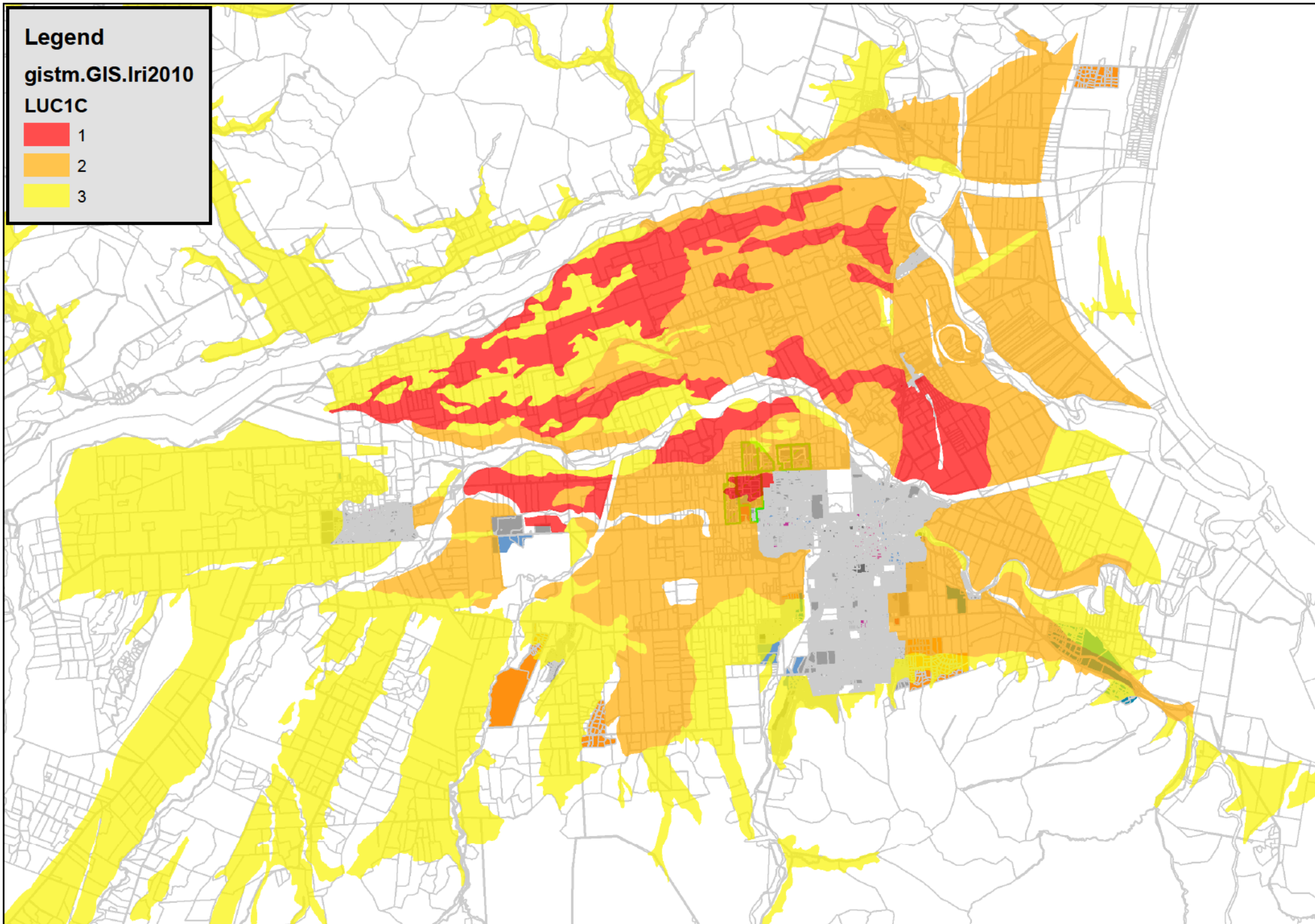
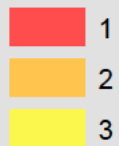
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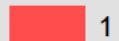
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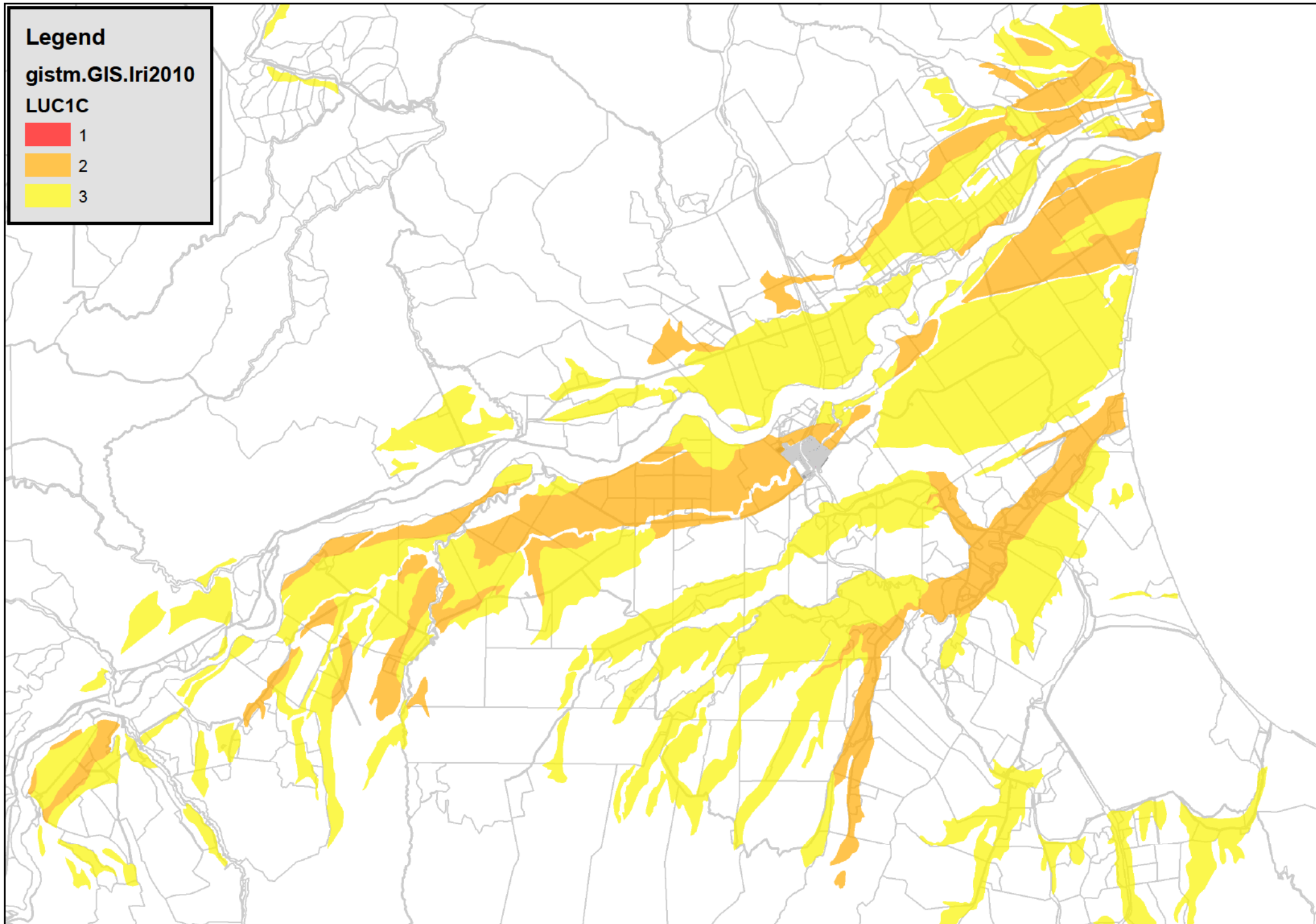
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APPENDIX THREE – PLAN PROVISIONS

Policy 2: Maintaining highly productive land for primary production

Wairau/Awatere Resource Management Plan

Volume 1: Chapter 12 - Rural Environments

Objective 1: To maintain or enhance the life supporting capacity of the versatile soils of the Rural 3 Zone (Wairau Plain).

Policy 1.1 To sustainably manage the versatile soils of the lower Wairau Plain and recognise their life supporting and productive capacity.

Policy 1.2 To enable intensive rural activities to utilise the range of soil types and micro-climates available within the lower Wairau Plain.

Policy 1.3 Limit the scale and range of activities that can be established in rural areas to those that require a rural location, and discourage, as far as practicable, activities which do not rely on the productive capacity of the land of the Rural 3 Zone.

Policy 1.4 To encourage the long-term retention of the capabilities of the area's soils, through research and dissemination of relevant information to the community.

Objective 1 Maintenance or enhancement of the life supporting capacity of the soils and the retention of primary production options for rural land.

Policy 1.6 Ensure that subdivision/development does not compromise existing primary production options.

Objective 2 To provide for a range of activities which do not create an unacceptable working environment while avoiding, remedying or mitigating adverse effects on the environment.

Policy 2.1 To limit the scale of subdivision and dwellings for rural purposes to the creation of lots which retain the amenity values of openness, and minimise the potential conflicts between residential and neighbouring rural activities.

Policy 2.2 To enable rural activities which might generate adverse effects such as noise or smell, to operate in rural areas in accordance with accepted practices, without being significantly compromised by other activities demanding higher levels of amenity.

Proposed Marlborough Environment Plan

Volume 1: Chapter 14 – Use of the Rural Environment

Objective 14.1 – Rural environments are maintained as a resource for primary production activities, enabling these activities to continue contributing to economic wellbeing whilst ensuring the adverse effects of these activities are appropriately managed.

Policy 14.1.1 – Enable the efficient use and development of rural environments for primary production.

Policy 14.1.2 – Parcel size in rural environments shall ensure there is adequate choice for primary production and avoids the fragmentation of land for primary productive use.

Policy 14.1.3 – Activities and buildings in rural environments should be linked to land based primary production of Marlborough's rural resources and require a rural location.

Objective 14.3 – Activities that are not related to primary production are appropriate to be located within rural environments.

Policy 14.3.2 – Where an activity is not related to primary production and is not otherwise provided for as a permitted activity, a resource consent will be required and the following matters must be determined by decision makers in assessing the impacts on primary production before any assessment of other effects is undertaken:

- (a) the extent to which the activity is related to primary production activities occurring at the site;
- (b) the functional need for the activity to be located within a rural zone and why it is not more appropriately located within another zone;
- (c) whether the proposed activity will result in a loss of land with primary production potential and the extent of this loss when considered in combination with other non-rural based activities; and
- (d) the extent to which the proposed activity supports primary production activities, including the processing of agricultural, viticultural or horticultural produce.

Objective 14.4 – Rural character and amenity values are maintained and enhanced and reverse sensitivity effects are avoided.

Policy 14.4.1 – Subdivision, use and development of Marlborough's rural environments should be of a density, scale, intensity and location that individually and cumulatively recognises the following elements:

- (a) a lack of buildings and structures;
- (b) a very high ratio of open space in relation to areas covered by buildings;
- (c) open space areas in pasture, trees, vineyards, crops or indigenous vegetation;
- (d) areas with regenerating indigenous vegetation, particularly in the Marlborough Sounds;
- (e) tracts of unmodified natural features, indigenous vegetation, streams, rivers and wetlands;
- (f) farm animals and wildlife;
- (g) noises, smells and sights of agriculture, viticulture, horticulture and forestry;
- (h) post and wire fences, purpose-built farm buildings and scattered dwellings;

- (i) low population density; (j) the presence of Blenheim, Omaka and Koromiko airports;
- (k) generally narrow carriageways within wide road reserves, often unsealed with open drains, low-speed geometry and low traffic volumes; and
- (l) a general absence of urban-scale and urban-type infrastructure, such as roads with kerb and channel, footpaths, mown berms, street lights or advertising signs.

Policy 14.4.4 – Ensure subdivision in rural areas:

- (a) does not lead to a pattern of land uses that will adversely affect rural character and/or amenity values; and
- (b) creates allotments of sufficient size for rural activities to predominate in rural areas.

Policy 14.4.10 – Control the establishment of residential activity within rural environments as a means of avoiding conflict between rural and residential amenity expectations.

Policy 14.4.11 – The cumulative adverse effects of subdivision and/or development on rural character and amenity values are to be avoided.

Policy 14.4.14 – The Wairau Plain is characterised by the following:

- (a) a highly productive land resource and the most intensively developed and farmed rural area in Marlborough;
- (b) an extensive area of flat land available for primary production;
- (c) an extensive floodplain and drainage network; (d) the large, braided Wairau River and its tributaries, floodplain terraces, associated backswamp wetlands, streams, coastal swamp deposits and minor inland sand dunes;
- (e) ground-fed springs in the lower plain;
- (f) viticulture as a dominant land use; 14. Use of the Rural Environment Volume One 14 – 14
- (g) open character across the plain;
- (h) encompassing Marlborough's main urban centre of Blenheim; (i) the arterial road network traversing the plain; and
- (j) a centrally located regional airport and New Zealand Defence Force airbase.

Policy 14.4.15 – The Wairau Plain has been recognised as having particular amenity and rural character values that are to be maintained and enhanced by:

- (a) enabling primary production activities as provided for in the underlying Rural Environment Zone;
- (b) avoiding subdivision below eight hectares to help retain primary production options and retain a sense of openness within the Wairau Plain Area;

- (c) controlling residential activity, other than that associated with primary production, to avoid conflict between rural and residential amenity expectations;
- (d) managing the establishment of subdivision, use and development to avoid, remedy or mitigate effects on the safety, functioning and efficiency of the arterial road network; and
- (e) ensuring that other than as provided for in Policies 14.3.1, 14.5.3 and 14.5.4, activities not related to primary production in the Wairau Plain Area are to be avoided.

Objective 14.5 – Residential activity takes place within appropriate locations and limits within rural environments.

Policy 14.5.1 – Identify areas within rural environments where residential activity is appropriate.

Policy 14.5.2 – Residential activity and subdivision for residential purposes within rural environments should take place within land zoned Rural Living, Coastal Living, Urban Residential 2 at Marlborough Ridge and Urban Residential 3, to:

- (a) protect primary production options;
- (b) protect rural character and amenity values;
- (c) avoid sprawling or sporadic patterns of residential development;
- (d) avoid any further over-allocation of water resources;
- (e) avoid adverse effects on water quality and soil quality;
- (f) reduce the potential for the spread of pest organisms;
- (g) reduce impacts on the land transport network;
- (h) protect landscape, natural character and indigenous biodiversity values; and
- (i) provide a transition from urban to rural environments.

Policy 4: Avoiding fragmentation

Wairau/Awatere Resource Management Plan

Volume 1: Chapter 12 - Rural Environments

Objective 1 To adequately provide within the rural zones for a range of persons wishing to live in the rural areas without placing undue demands on existing facilities in the rural areas and without inhibiting or diminishing the life supporting capacity of the soil or the primary productive capacity of the land.

Policy 1.1 To prevent the establishment of rural residential development which exacerbates conflicts between rural uses and residential activity.

Policy 1.2 Where proposals are received for rural residential developments, preference will be given to locations that minimise the loss of productive soils.

Objective 2 To provide for a range of activities which do not create an unacceptable working environment while avoiding, remedying or mitigating adverse effects on the environment.

Policy 2.1 To limit the scale of subdivision and dwellings for rural purposes to the creation of lots which retain the amenity values of openness, and minimise the potential conflicts between residential and neighbouring rural activities.

Policy 2.2 To enable rural activities which might generate adverse effects such as noise or smell, to operate in rural areas in accordance with accepted practices, without being significantly compromised by other activities demanding higher levels of amenity.

Proposed Marlborough Environment Plan

Volume 1: Chapter 14 – Use of the Rural Environment

Objective 14.1 – Rural environments are maintained as a resource for primary production activities, enabling these activities to continue contributing to economic wellbeing whilst ensuring the adverse effects of these activities are appropriately managed.

Policy 14.1.2 – Parcel size in rural environments shall ensure there is adequate choice for primary production and avoids the fragmentation of land for primary productive use.

Policy 14.1.3 – Activities and buildings in rural environments should be linked to land based primary production of Marlborough's rural resources and require a rural location.

Objective 14.4 – Rural character and amenity values are maintained and enhanced and reverse sensitivity effects are avoided.

Policy 14.4.1 – Subdivision, use and development of Marlborough's rural environments should be of a density, scale, intensity and location that individually and cumulatively recognises the following elements:

- (a) a lack of buildings and structures;
- (b) a very high ratio of open space in relation to areas covered by buildings;
- (c) open space areas in pasture, trees, vineyards, crops or indigenous vegetation;
- (d) areas with regenerating indigenous vegetation, particularly in the Marlborough Sounds;
- (e) tracts of unmodified natural features, indigenous vegetation, streams, rivers and wetlands;
- (f) farm animals and wildlife;
- (g) noises, smells and sights of agriculture, viticulture, horticulture and forestry;
- (h) post and wire fences, purpose-built farm buildings and scattered dwellings;
- (i) low population density; (j) the presence of Blenheim, Omaka and Koromiko airports;

(k) generally narrow carriageways within wide road reserves, often unsealed with open drains, low-speed geometry and low traffic volumes; and

(l) a general absence of urban-scale and urban-type infrastructure, such as roads with kerb and channel, footpaths, mown berms, street lights or advertising signs.

Policy 14.4.4 – Ensure subdivision in rural areas:

(a) does not lead to a pattern of land uses that will adversely affect rural character and/or amenity values; and

(b) creates allotments of sufficient size for rural activities to predominate in rural areas.

Policy 5: Managing reverse sensitivity

Wairau/Awatere Resource Management Plan

Volume 1: Chapter 12 - Rural Environments

Objective 2 To protect rural amenity values of the Rural 3 Zone by encouraging the establishment of a range of activities which do not create unacceptably unpleasant living or working conditions for residents and visitors, nor a significant deterioration of the quality of the rural environment.

Policy 2.1 To recognise that activities permitted or provided for in rural areas may result in effects such as noise, dust, smell, and traffic generation but that these will require mitigation where they have a significant adverse effect on the rural environment.

Policy 2.2 To ensure that a wide range of rural land uses and land management practices can be undertaken in the rural areas without increased potential for the loss of rural amenity values or for conflict.

Policy 2.3 To limit the scale of rural subdivision and dwellings in order to retain the rural amenity values of openness, to reduce conflicts between residential and neighbouring rural activities, and to assist in protecting the quality of the water resources.

Policy 2.7 Ensure that the patterns of small-scale rural subdivision and related residential development are not located where:

- Rural amenity values of openness will be adversely affected; or
- The potential for conflict between residential and neighbouring rural activities will be created, or where they already exist, be exacerbated.

Policy 2.8 To enable rural activities which might generate adverse effects such as noise or smell, to operate in rural areas in accordance with accepted practices, without being significantly compromised by other activities demanding higher levels of amenity.

Proposed Marlborough Environment Plan

Volume 1: Chapter 14 – Use of the Rural Environment

Objective 14.4 – Rural character and amenity values are maintained and enhanced and reverse sensitivity effects are avoided.

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(e) ground-fed springs in the lower plain;

(f) viticulture as a dominant land use; 14. Use of the Rural Environment Volume One 14 – 14

(g) open character across the plain;

(h) encompassing Marlborough's main urban centre of Blenheim; (i) the arterial roading network traversing the plain; and

(j) a centrally located regional airport and New Zealand Defence Force airbase.

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(c) controlling residential activity, other than that associated with primary production, to avoid conflict between rural and residential amenity expectations;

(d) managing the establishment of subdivision, use and development to avoid, remedy or mitigate effects on the safety, functioning and efficiency of the arterial road network; and

(e) ensuring that other than as provided for in Policies 14.3.1, 14.5.3 and 14.5.4, activities not related to primary production in the Wairau Plain Area are to be avoided.