

Submission

National Policy Statement on Highly Productive
Land

October 2019

Submission on the National Policy Statement on Highly Productive Land 2019

By: Waipa District Council

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Introduction

Waipa District Council (the Council) welcomes the opportunity to provide comment on the proposed National Policy Statement on Highly Productive Land (NPS-HPL).

General Comments

1. Waipa District Council supports the introduction of a National Policy Statement on Highly Productive Land (NPS-HPL) in providing what it considers is long overdue national guidance on protecting highly productive land for primary production.
2. The Council supports the vision of the proposed NPS-HPL for protecting the availability of highly productive land for future primary production. In this regard it is noted that although the Waipa district is not large¹, 53% of its land is considered having highly productive soils according to the cost benefit analysis report informing the NPS-HPL. The district's soil resource accounts for approximately 9% of all New Zealand's 'high class' soils.
3. The Council notes the use of the Waipa district as one of six local area case studies drawn from across New Zealand in the cost benefit analysis used to inform the proposed NPS-HPL. It also notes the case study findings found that the minimum rural zone lot size of 40ha in the Operative Waipa District Plan, was *'likely to have a substantial effect on curbing demand for lifestyle properties'*² in the district.
4. The Council recognises that the cost benefit analysis report for the NPS-HPL noted the good alignment between the objectives of the NPS-HPL and the existing priorities as set out in the Waipa District Plan in both its Strategic Management of Growth and Rural Zone chapters. The report states that the Council understands the "exceptionally productive rural sector" arises because of the existence of high class soils and that "maintaining this resource for rural production is of critical importance to the District".
5. The recognition of the importance of highly productive land and the need to safeguard it for primary production is further endorsed in the Council's Waipa 2050 Growth Strategy which has the aim of having at least 80% of population growth directed to the existing urban areas of the district and the deferred zone growth cells provided to accommodate urban growth. The rest is allocated to existing large lot residential area in the district's scattered village nodes (eg Karapiro, Ngahinapouri etc). These nodes tend to be small and are not provided with Council reticulated waste water services. The cost benefit analysis for the proposed NPS-HPL, noted that even with full take up of the deferred urban zone areas in Waipa to cater for anticipated future population growth over the next 30 years, the cumulative loss of highly productive land was estimated to be only 0.3% of the district.

¹ 147, 347ha

² Section 11.4.5 on Page 215 of the Proposed-National-Policy-Statement-Indicative-cost-benefit-analysis

More specific comment is provided below largely using questions listed in the discussion document. It should be noted that not all the questions have been answered, but rather focus has been on those with relevance to the Council and the Waipa District context. This more specific feedback reflects a collaborative contribution drawn from a small team of staff and councillors in the Council.

Specific Comments

Section 3: The Problem we want to solve

How well or not the RMA framework works.

- 3.1 The Council acknowledges the importance of the proposed NPS-HPL in helping address a long standing gap in the RMA and its current lack of direction with regard to valuing and protecting highly productive land. It should be noted that it is not by accident that much of historic and recent urban expansion has tended to occur on highly productive land. This land, as is generally well understood by planners and developers, tends to have geotechnical characteristics that make it very suitable for urban development. It will be mostly gently sloping or flat with well-structured, free draining soils that are free of waterlogging, expansion or slumping. These soils have good qualities for foundations. These attributes have a huge bearing on keeping land development costs down and manageable. In comparison any urban development proposed on land not classed as highly productive land will have restrictions that significantly raise land development costs. These land factors include steep slopes (Wellington), soils with a poor foundation characteristics (eg Peat soils around Hamilton) and/ or waterlogging (the Rotokauri urban growth cell north west of Hamilton).
- 3.2 The issue is really about first principles and needing to have national direction to safeguard highly productive land for primary production in the first instance. Secondly, in recognising that any anticipated urban expansion onto highly productive land needs to be carefully considered and planned for on a 'need and desirability' assessment basis. Any ad-hoc private plan change or consent driven process to place pockets of urban development on highly productive land should be guarded against through having appropriate development control provisions in local authority RMA plans that provide a high hurdle for any such proposal. Having the new NPS-HPL will be important in supporting and weighting decision making in hearings on such applications.

How highly productive land is considered in planning and consenting.

- 3.3 Regardless of the current limitations of the RMA for highly productive land, local authorities are not powerless to create a planning and development control framework using non-statutory strategic plans that are given effect through provisions embedded in the RMA development control plans. In this regard and by way of example, the links between our Waipa 2050 Growth Strategy and the Waipa District Plan are crucial in successfully aligning the strategic intent of the former in guiding future growth, to the development control muscle in managing that growth of the latter.
- 3.4 The Council considers it essential for all local authorities facing growth pressures to 'front-foot' their approach and have a strategic spatial plan that sets out an agreed (consultation) plan on where new and future urban growth is to occur. Such a plan, may not suit everyone but will provide much needed certainty as to where development is to be located and how and when it is likely to occur. It is this Council's experience that the majority of developers are accepting of such a plan as it not only provides certainty as to future development areas but also flags those areas for Councils where supporting infrastructure and services are required. It aids the preparation of Council's Infrastructure Strategy and Long Term Plans.
- 3.5 Most of the highly productive land in rural Waipa is currently developed for pastoral farming and is dominated by dairy. The majority of the land holdings in the district are fairly large and generally

there is little land fragmentation. The notable exception is the belt of highly productive land between Cambridge and Hamilton between the old State Highway 1 and State Highway 1B. This area has long been fragmented into smaller blocks, providing a mix of rural land uses and large lot lifestyle residential use. With the Council's introduction of a minimum lot size of 40ha in the Rural Zone in 2010, the risk of further subdivision in this area³ or anywhere in the rural parts of the district became very limited. Through the rest of the district, large lot residential (lifestyle) is largely contained in defined village nodes. The potential future growth of these villages is effectively managed through the Waipa 2050 Growth Strategy and the Waipa District Plan.

Reverse sensitivity

3.6 Intensive farming (such as horticulture) and suburban residential on small lots generally make for unhappy neighbours. Having a sensible environmental buffer is considered helpful in separating these largely incompatible land uses. Current interzone difficulties have often been compounded by the common planning practice of using roads as zone edges between these incompatible land uses particularly when managing greenfield urban growth. A better edge would generally be a blue-green space such as a riparian area. The consideration and inclusion of suitable land buffers should be part of any new greenfield development planning. The issue is generally considered to be less of a problem between horticultural areas and large lot residential or between extensive pastoral farming areas and the suburban residential areas of the district's towns.

Section 4: Options for Solving the Problem

4.1 The Council supports the proposed option of having an NPS-HPL rather than having a NES or simply including provisions in the NPS-UD. The preferred option is regarded as being the most direct mechanism for providing clear intention and requires all local authorities to give effect to it without specifying in an inflexible way and in ignorance of the local context, exactly how that is done. An NES is considered to be too rigid and inflexible and would fail to account for the diversity of contexts across the country. It is not like setting a standard for drinking water quality.

Section 5: How a National Policy Statement would work

5.1 Highly productive land and soils

The Council agrees with the view in the Waikato Regional Council submission that it is the soils in the sub-regional context that largely drive the value of our highly productive land. In this regard it is recognised that Pukekohe and Pukekawa in the northern Waikato, are special cases and their highly productive land status is not only due to their rich volcanic based soils but is aided by climatic advantages (frost free) and proximity to the Auckland airport for freight export. In the Future Proof sub-region, probably the biggest factor other than soils affecting highly productive land, is land fragmentation.

5.2 Focus on land use planning

The Council supports the focus on land use planning as it is land uses that district plans control.

5.3 Future urban zones and areas

The Council supports the exclusion of future urban areas and deferred urban zone areas as these have already been through a full formal consultation process and are earmarked for urban development. These areas provide valued certainty to communities and developers as to where future urban development is intended to locate.

³ Note however that much of this land belt is under the jurisdiction of the Waikato District Council and not in the Waipa district.

5.4 **Applying the NPS-HPL nationally or for specific areas**

The Council is of the view that it should apply nationally as it is a broad issue which applies generally across the country. Over time and with the availability of more detailed information, more specific provisions may be developed to apply regionally or locally.

5.5 **Proposed NPS Objectives**

The Council suggests a possible rewording to strengthen the first objective as follows:

‘To recognise and protect the value and long-term benefits of using highly productive land for primary production’.

As proposed in the Future Proof submission, there may be value in combining the first two objectives and using similar wording to the Waikato Regional Policy Statement Objective 3.26: *“The value of high class soils for primary production is recognised and high class soils are protected from inappropriate subdivision, use or development”*.

5.6 **Policy 1 – Identification of highly productive land**

The Council supports the Waikato Regional Council submission that since this is a national issue, central government should lead a nationally consistent approach to the identification and mapping of highly productive land.

5.7 **Policy 2 – Maintaining highly productive land for primary production**

The Council supports the intent of this proposed policy and believes that current provisions in the Waipa District Plan go much of the way in terms of achieving this protection. The proposed NPS-HPL and more specifically this proposed policy, will add national weight and direction to this intention. It is however also noted that there is a level of tension with the proposed NPS-UD in that requires sufficient land for future greenfield urban growth to be provided.

It is also noted that there needs to be some provision made in the policy for local authorities to have the capability of approving sand quarries to supply the construction industry. Generally sand deposits are only found in the class 1 and 2 soils, and they’re mostly permanently lost with the establishment of a quarry. Some good quarry operators are able to mitigate this situation at quarry closure and rehabilitate the land back to a LUC class 2.

5.8 **Alignment with the Urban Growth Agenda**

There is a dynamic balance that will need to be reached with regard to the areas that are not yet zoned but have been identified or flagged for future urban growth in non-statutory planning and strategy documents and have not been yet assessed in detail/zoned. There are areas around Hamilton for example that are subject to discussion and agreement that may well be transferred from Waipa District to the city to allow for urban growth south of the current city boundary towards the Hamilton airport.

There are similar agreements and plans for similar areas to the north of the city to be transferred from Waikato District to the city. There have already been instances of such land transfers to allow for current urban expansion of the city. It is acknowledged that Hamilton City is very conservative in its greenfield expansion with more than 50% of its urban growth being achieved through intensification within its existing urban boundary during the past five years.

5.9 **Policy 3 - New urban development on highly productive land**

The Council supports the intent of the proposed policy and considers it provides sufficient direction and flexibility to fit with the realities of our local context. It should help ensure that a robust assessment is done of urban development capacity before considering using and fragmenting highly

productive land. One of the studies not commonly done that should be considered in this regard is having an agricultural impact assessment undertaken when considering using highly productive land for urban development. It is well known, as pointed out in the discussion document, that any marginal financial analysis carried out when considering urban expansion onto highly productive land finds in favour of urban development when comparing the financial returns of farming and residential land uses.

The Council supports the Hamilton City submission view that that Policies 3 and 6 of the proposed NPS-HPL and the NPS-UD proposal on providing for out-of-sequence greenfield development need to be aligned to enable consideration of anticipated growth that may not be consistent with a council's statutory and non-statutory plans and policies for growth management and planning.

5.10 Policy 4 – Rural subdivision and fragmentation

The Council supports the intent of this proposed policy and considers that its District Plan already contains provisions well aligned with the wording of this policy. It is however noted that no minimum lot size is specified but rather, guidance on appropriate minimum lot size will be developed to support the implementation of this policy. Mention is made of the need for some flexibility to allow for varying circumstances at a local level.

5.11 Policy- Reverse sensitivity

See the earlier response in 3.6

5.12 Policies 6 & 7 – Considerations of private plan changes and resource consent applications on highly productive land

The Council supports the intent of these two policies and notes the strong link back to the earlier proposed policies 3 & 4. Proposed policies 6 & 7 are considered subsidiary policies to the former. It is noted that these policies also need to be carefully aligned with the proposed NPS-UD. While the NPS-UD enables consideration of greenfield development which is not aligned with local authority statutory and non-statutory plans and policies, proposed Policy 6 doesn't.

Depending on local context and the nature of the application, some of the proposed information requirements for a consent application (eg b. and e.) may well be disproportionately onerous.

The Council supports the Future Proof submission suggestion that consideration be given to the strengthening of the 'have regard to' wording in these two policies. It is more helpful to local authorities having more specificity on aspects they have to give effect to.

5.13 Implementation

The Council supports the intention of the Government to establish an implementation programme that includes guidance, targeted training and monitoring. It is noted that the timeframe for Councils to implement the NPS will be challenging to meet. With the proposed interim effect of the NPS, consideration of a longer timeframe in circumstances where an RPS or district plan has only recently been adopted, may be appropriate.

Much of the baseline information, tools and methodology required could be provided at a national level, rather than being undertaken region-by region. The Government could procure the baseline LUC mapping across New Zealand to ensure a national level of consistency that would also provide for alignment with National Planning Standards.



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