

FILE NOTE

Our reference:	Mapping - Highly Productive Land – General rural Zone – District Plan Review
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SUBJECT: MAPPING HIGHLY PRODUCTIVE LAND IN THE DISTRICT PLAN

1. SUMMARY

Council is introducing provisions managing highly productive land. The maps, objectives, policies and rules give effect to the National Policy Statement for Highly Productive Land 2022.

The NPS-HPL requires regional Councils to map highly productive land for inclusion in a regional policy statement. Greater Wellington Regional Council has not initiated mapping for the Hutt District. The NPS-HPL requires Council to use Land Use Capability Class 1, 2 and 3 in the New Zealand Land Resource Inventory in the interim.

Maps of highly productive land based on the Land Use Capability Class 1, 2 and 3 in the New Zealand Land Resource Inventory must be included in the District Plan and become legal when the proposed plan is notified.

2. BACKGROUND

Hutt City Council is currently reviewing its Operative District Plan. Council must amend the District Plan as directed by the National Policy Statement for Highly Productive Land 2022 (NPS-HPL). This involves including maps of highly productive land, as well as objectives, policies and rules that give effect to the objective and policies of the NPS-HPL.

This file note considers the mapping of Highly Productive Land:

2.1 RESOURCE MANAGEMENT 1991 (RMA)

When rules are given effect to is determined by the RMA. The timing of this is largely dependent on

- the National Policy statement, and
- 1st schedule of the RMA

2.1.1 Recognition of national policy statements (s55 of the RMA)

The review and change of district plans to give effect to national policy statements is subject to in section 55. There are two processes relevant to highly productive land:

- Amendments directed by the NPS-HPL,

- Other amendments required to give effect to the NPLS-HPL.

Changes to the District Plan directed by the NPS-HPL

Council must amend the District Plan, if directed by a national policy statement in accordance with s55

(2) The District Plan must:

1. Include specific objectives and policies specified in the NPS-HPL,
2. Include specified objectives and policies that give effect to objectives and policies in the NPS-HPL
3. If necessary, make the document consistent with the any constraint or limit set out in the NPS-HPL.

Council must make these amendments without using schedule 1 of the RMA; and give public notice within 5 working days of making them.

2.2 NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND 2022

The NPS sets out the process of identifying and mapping highly productive land, and the inclusion of maps in regional policy statements and district plans.

2.2.1 Definitions

The following definitions are relevant

highly productive land means land that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land)

LUC 1, 2, or 3 land means land identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification

2.2.2 Objectives and Policies in the NPS-HPL

Policy 3 of the NPS-HPL states that Highly productive land is mapped and included in regional policy statements and plans.: Additional guidance is given in section 3.4. of the NPS-HPL.

3. MAPPING BY THE WELLINGTON REGIONAL COUNCIL

The NPS-HPL prescribes the identification mapping of Highly Productive Land is function of Greater Wellington Regional Council (GWRC). The process must involve collaboration with Hutt City Council and consultation with tangata whenua and must be completed within 3 years of the NPS-HPL

GWRC is required to map as highly productive land:

- Land that is in the general rural zone or rural production zone; and
- is predominantly LUC 1, 2 ,3 land; and
- forms a large geographically cohesive area,

Land ceases to be highly productive land if it is the subject of an approved plan change from general rural or rural production zone from the date the plan change becomes operative.

GWRC must not include any land that is identified for future urban development at the commencement date as highly productive land.

GWRC can include additional land in the general rural or rural production zones if the land based on the current use of similar land for highly productive land based primary production in the region.

GWRC has not initiated any mapping of highly productive land in the Hutt City District. I have contacted the planners at GWRC and via Nathan and Tim. I have had no update, on their process.

4. MAPPING BY HUTT CITY COUNCIL

Council must include maps of highly productive land in district plans within 6 months of the maps in the regional policy statement becoming operative. This a section 55(2) process and is not subject to Schedule 1.

All maps of highly productive land in s must be updated at the next appropriate plan review to reflect relevant changes to zoning, land use capability classification, or any other matter affecting the classification of land as highly productive land.

Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:

- a. is
 - i. zoned general rural or rural production; and
 - ii. LUC 1, 2, or 3 land; but
- b. is not:
 - i. identified for future urban development; or
 - ii. subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

The general rural activity area in the Operative District Plan is the equivalent of the General Rural Zone. LUC 1,2 and 3 land located in this zone can be found in isolated pockets in the upper parts of Moores Valley and Wainuiomata Valley (see Figure 1 below) and in Wainuiomata River Valley south of the Wainuiomata (see Figures 2 and 3 below).

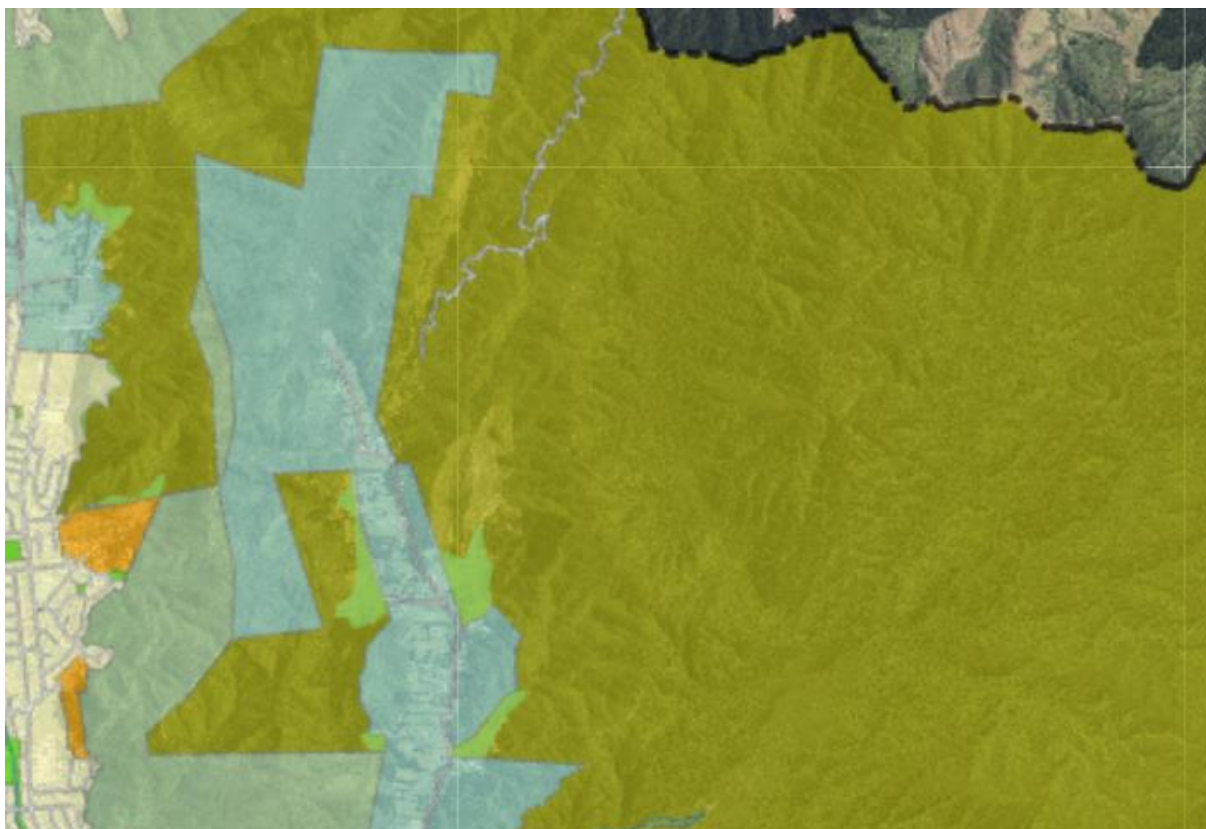


Figure 1: LUC 1, 2 and 3 land located in the General Rural Activity Area in North Eastern Wainuiomata and Moores Valley.

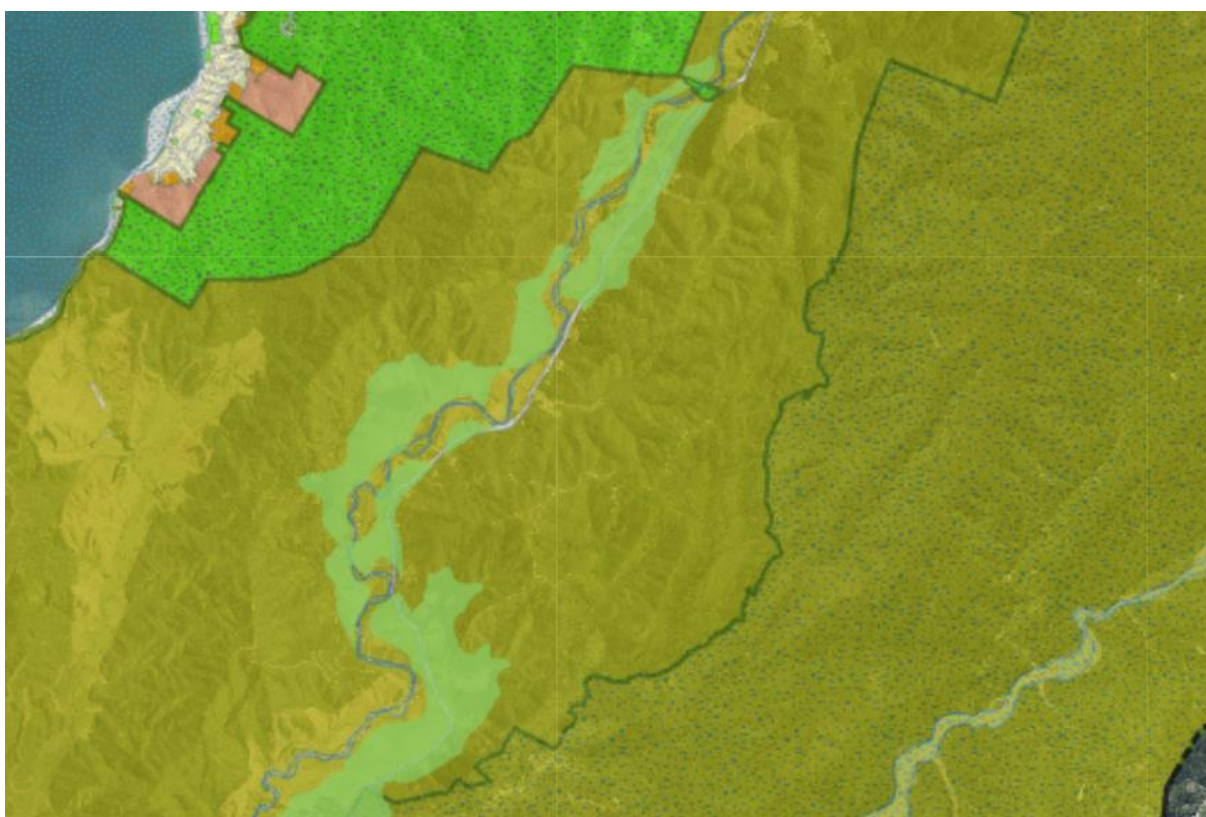


Figure 2 LUC 1, 2 and 3 land located in the General Rural Activity Area in Wainuiomata River Valley just to the south of Wainuimata



Figure 3: LUC 1, 2 and 3 land located in the General Rural Activity Area in the southern part of the Wainuiomata River Valley.

5. DISCUSSION

Council is required to treat land that is mapped as LUC 1, 2 and 3 in the New Zealand Land inventory. This is an interim measure until the Regional Council maps highly productive land.

The NPS-HPL doesn't provide for mapping of highly productive land by Hutt City Council. This is a function for Wellington Regional Council.

The NPS-HPL does provide for exceptions when it comes to landuse, subdivision and rezoning. This provides for the applicant to provide evidence and arguments through the relevant RMA process.