

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

~~VERSATILE SOIL~~ HIGHLY PRODUCTIVE LAND

Introduction

~~Versatile soils are~~ Highly productive land is¹ an important natural resource within the District. Sustainable management under the RMA includes managing the use, development, and protection of natural resources in a way that sustains the potential of these resources to meet the needs of future generations and safeguards the life-supporting capacity of soil.

This chapter provides provisions for managing subdivision, land use and development within the areas of the eDistrict that meet the definition of highly productive land² ~~Versatile Soils Overlay~~, to ensure that the ongoing ability to use the land productively for land based³ primary production (~~except intensive primary production~~)⁴ is not compromised. ~~The focus within this chapter is on non-intensive primary production, as intensive primary production activities may compromise the productive potential of the soil.~~⁵

Objectives

HPLVS-O1 Protection of versatile soils highly productive land⁶

~~Versatile soils~~ Highly productive land⁷ remains⁸ available for ~~non-intensive~~ land-based⁹ primary production and are is¹⁰ protected from inappropriate subdivision, use and development.

Policies

HPLVS -P1 Identification of versatile soils highly productive land

~~Identify~~ Recognise land in the General Rural Zone and the Rural Lifestyle Zone classified as Class 1 or 2 under the land use capability classification system as versatile soil as highly productive land if it meets the definition of highly productive land.¹¹

HPLVS -P2 Maintaining availability of versatile soils highly productive land

Maintain the availability of highly productive land ~~versatile soils~~ for ~~non-intensive~~ land-based¹² primary production ~~within the Versatile Soils Overlay~~¹³ by:

1. limiting areas covered by buildings or other impervious surfaces; and
2. encouraging opportunities that maintain or increase the productive capacity of highly productive land, such as¹⁴ land use practices that reduce the potential for erosion; and

¹ Hort NZ [245.62]

² Hort NZ [245.62]

³ NZ Pork [247.10]

⁴ NZ Pork [247.10]

⁵ NZ Pork [247.10]

⁶ Hort NZ [245.62]

⁷ Hort NZ [245.62]

⁸ Consequential amendment to Hort NZ [245.62]

⁹ NZ Pork [247.11] and Silver Fern Farms [172.69]

¹⁰ Consequential amendment to Hort NZ [245.62]

¹¹ Hort NZ [245.62]

¹² NZ Pork [247.11] and Silver Fern Farms [172.69]

¹³ Hort NZ [245.62]

¹⁴ Fonterra [165.80]

3. requiring earthworks be undertaken in a manner that restores the productive¹⁵ properties of the soil to the levels they were prior to the earthworks being undertaken; and
- ~~4.~~ ensuring any subdivision results in allotment sizes which retain the productive capacity for ~~non-intensive land-based~~¹⁶ primary production; and
- ~~5.~~ ~~only allowing activities that foreclose the ability to use versatile soils for non-intensive primary production where:~~
 - ~~a.~~ ~~the activity is necessary to support non-intensive primary production; or~~
 - ~~b.~~ ~~or~~
 - ~~c.~~ ~~it is provided for by VS-P3~~
5. prioritising the use of highly productive land for land-based primary production over other uses; and¹⁷
6. avoiding inappropriate subdivision, use and development of highly productive land, except as provided for by the National Policy Statement for Highly Productive Land 2022 (NPSHPL).¹⁸

~~HPLVS -P3~~ Expansion of urban areas

Avoid the expansion of urban areas into areas of highly productive land ~~the Versatile Soils Overlay~~ unless ~~a~~ it is demonstrated through a Future Development Area plan process that:

- ~~1.~~ ~~there is a shortage of capacity within existing urban area to meet projected demand; and~~
- ~~2.~~ ~~the irreversible loss of versatile soils for non-intensive primary production is outweighed by the wider public benefits of the proposal; and~~
- ~~3.~~ ~~alternative locations and options, including intensification of existing urban areas, to meet the required demand, are less feasible.~~
1. the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the ~~a~~District; and
2. there are no other reasonably practicable and feasible options for providing the required development capacity; and
3. the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values; and
4. the spatial extent of any urban zone covering highly productive land is the minimum necessary to provide the required development capacity while achieving a well-functioning urban environment.¹⁹

Except that this policy does not apply to urban rezoning of LUC 3 land.²⁰

~~HPLVS -P4~~ Rural Lifestyle Zone expansion

Avoid the expansion of the Rural Lifestyle Zone into ~~the Versatile Soils Overlay~~ areas of highly productive land.²¹

~~HPLVS -P5~~ Existing activities

Enable the maintenance, operation or upgrade of ~~any~~ existing activities, on highly productive land, while minimising the loss of highly productive land.²²

Rules

¹⁵ Silver Fern Farms [172.71]

¹⁶ NZ Pork [247.11] and Silver Fern Farms [172.69]

¹⁷ Fonterra [165.80]

¹⁸ Fonterra [165.80]

¹⁹ Fonterra [165.80]

²⁰ Panel Decision Report Part 7, Section 9.8.2

²¹ Hort NZ [245.62]

²² Hort NZ [245.62]

Note: Activities not listed in the rules of this chapter are classified as a permitted under this chapter. For certain activities, consent may be required by rules in more than one chapter in the District Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

HPLVS - R1	Buildings and impervious surfaces	
<p>Highly Productive Land Versatile Soil Overlay²³</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The maximum area covered by buildings and impervious surfaces must not exceed 10% of that portion of the site within the defined as highly productive land overlay or 2,000m² within the overlay, whichever is the lesser. Except this does not apply to buildings and impervious surfaces for the widening or upgrading (including sealing) <u>of an existing road within a the existing road reserve.</u></p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent to which the buildings or impervious surfaces are necessary to support non-intensive land-based²⁴ <u>primary production</u>; <u>and</u> 2. the extent to which alternate locations outside the Versatile soil highly productive land²⁵ <u>overlay</u> are available on the site and have been considered; <u>and</u> 3. the extent to which the activity will result in adverse effects on the versatility of the soils which are irreversible; <u>and</u> 4. <u>the extent to which the buildings or impervious surfaces will achieve the requirements of the NPSHPL</u>.²⁶

²³ Hort NZ [245.62]
²⁴ Hort NZ [245.62]
²⁵ Hort NZ [245.62]
²⁶ Fonterra [165.80]