

National Policy Statement for Highly Productive Land

Potential amendments to the NPS-HPL

October 2023



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Environment
Manatū Mō Te Taiao

Ministry for Primary Industries
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General housekeeping



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Discussion / Q&A time is allocated at the end of the presentation.

- Please use the 'Q&A' chat box to ask questions and a member of the team will respond.
- Email feedback and questions to highlyproductiveland@mfe.govt.nz

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Purpose of today's webinar



1. Introduce the two issues and potential amendments being considered
2. Provide some examples through scenarios
3. Gather feedback on the potential amendments to the NPS-HPL.

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What are the issues?

Since the NPS-HPL came into force in October 2022, two issues have been raised about its restrictions on non-land-based uses and development:

1. The clarity of the consent pathway for construction of new specified infrastructure on HPL in clause 3.9(2)(j)(i).
2. The absence of a clear consent pathway for developing and relocating intensive indoor primary production and greenhouses on HPL.

Relevant sections of the NPS-HPL



- The **objective** of the NPS-HPL is to protect highly productive land (HPL) for use in land based primary production now and for future generations
- The **intent** of **Clause 3.9** is to ensure inappropriate use or development of HPL is avoided, and lists a range of other activities that may not be inappropriate
- **Clause 3.9(2)(j)(i)** provides for the maintenance, operation upgrade or expansion of specified infrastructure on HPL subject to specific requirements
- Definition of **Specified Infrastructure**

Relevant sections of the NPS-HPL contd



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- Definition of **Land-Based Primary Production**
- **Clause 3.11** – Existing activities

3.11 Continuation of existing activities

- (1) Territorial authorities must include objectives, policies, and rules in their district plans to:
 - (a) enable the maintenance, operation, or upgrade of any existing activities on highly productive land; and
 - (b) ensure that any loss of highly productive land from those activities is minimised.
- (2) In this clause, **existing activity** means an activity that, at the commencement date:
 - (a) is a consented activity, designated activity, or an activity covered by a notice of requirement; or
 - (b) has an existing use of land or activity protected or allowed by section 10 or section 20A of the Act.

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New specified infrastructure

Issue for new specified infrastructure



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- It is unclear in clause 3.9(2)(j)(i) whether **‘new’ specified infrastructure** is provided a pathway on HPL or not
- Other national direction (e.g NPSFM and NPSIB) provides an exception pathway for the development of **‘new’ specified infrastructure** to occur
- Leaving this subclause **‘as is’** could lead to inconsistent application in plans and decision making
- It may limit new infrastructure needed in the wake of extreme weather events and to support rural and urban communities and government priorities

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Options

Option 1 (preferred): Amend clause 3.9(2)(j)(i) to include the word ‘construction’;

OR

Option 2 (status quo): Retain the NPS-HPL as currently written.

Implications of option 1?

- Greater clarity that ‘new’ specified infrastructure could be located on HPL
- Consistent with the approach taken in other national guidance
- Could include solar farms and infrastructure needed at pace (e.g. for cyclone recovery)
- Applicants would still need to demonstrate:
 - a) the definition of specified infrastructure is met; and
 - b) there is a functional or operational need to locate on HPL; and
 - c) any actual loss or potential cumulative loss of productive capacity of highly productive land in their district is minimised or mitigated.
- Applications could still be declined

Examples of new specified infrastructure



Source: <https://www.agritecture.com/blog/2022/2/3/largest-farm-to-grow-crops-under-solar-panels-proves-to-be-a-bumper-crop-for-agrivoltaic-land-use>

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Source: <https://www.enelgreenpower.com/media/news/2022/12/agrivoltaics-benefits-world-agriculture>

Providing specified infrastructure at pace



Source: <https://www.nzherald.co.nz/nz/cyclone-gabrielle-clean-up-tears-and-sweat-shed-as-homeowners-and-volunteers-dig-in/>

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Intensive indoor primary production and greenhouses

The issues

- **Policy intent** - *to protect the soil resource that is continually lost due to urban re-zoning and land fragmentation.*
- **Definition of land-based primary production** - *activities that do not rely on the soil are directed to non-HPL.*

Concerns from industry stakeholders

- Difficult to establish these activities on HPL even if they may have a functional and operational need to do so.
- These activities are identified in National Planning Standards as operations that ought to occur in the rural environment.
- Difficult to establish or expand in districts that are predominantly HPL.

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Options

Option 1: Status Quo

OR

Option 2: Consent pathway for intensive indoor primary production and greenhouses in clause 3.9(2)

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Greenhouses / intensive indoor primary production and soil use



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- Greenhouses that directly utilise the soil resource have a clearer consent pathway under the status quo.
- Most greenhouses, however, do not rely on the soil.
- Intensive indoor primary production (e.g. poultry and piggeries) have a combination of indoor and outdoor components.



Source: [LeaderBrand's first mega greenhouse is nearing completion - LeaderBrand](#)



Source: [Poultry Industry Association New Zealand | PIANZ](#)



Source: [641a541aa635f8ed01ff2cf0_Annual Report 2022 \(final master\).pdf \(webflow.com\)](#)

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Key considerations

Climate change

- Ability to adapt to climate-induced challenges
- Climate resiliency of the primary sector – food production
- Will provide options for industries to decarbonise

Changes to animal welfare legislation and practices that require the expansion of intensive indoor primary production

- Uncertainty for animal farmers to meet the requirements necessary to remain operational.
- The poultry sector for instance may not be able to expand their building footprint through clause 3.11

Key considerations (continued)



Functional and operational needs:

- Climate change risks
- Biosecurity issues
- The need for proximity to ancillary activities
- Reverse sensitivity

Lack of alternative locations vs. permanent loss of HPL

- Identified in Planning Standards as operations that ought to occur in the rural environment.
- How might a consent pathway undermine the policy intent of the NPS-HPL?

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Public consultation



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- Make your submission **by 11:59pm on 31 October**
- Information on how to make a submission can be found here: [Managing the use and development of highly productive land - Te whakahaere i te whakamahinga me te whanaketanga o ngā whenua whai hua - Ministry for the Environment - Citizen Space](#)
- Our discussion today and your feedback will inform final policy advice



Pātai | Questions?



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Ngā mihi

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