



Te whakahaere i te whakamahinga me te whanaketanga o ngā whenua whai hua

Managing the use and development of highly productive land

Potential amendments to the NPS-HPL: Discussion document



Ministry for the
Environment
Manatū Mō Te Taiao

Ministry for Primary Industries
Manatū Ahu Matua



Te Kāwanatanga o Aotearoa
New Zealand Government

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Executive summary

The Government is seeking feedback from iwi, local government, interested organisations and individuals on potential amendments to the National Policy Statement for Highly Productive Land (NPS-HPL).

The objective of the NPS-HPL is to protect highly productive land (HPL) so it can be used for land-based primary production. To do this, the NPS-HPL restricts inappropriate use, development or subdivision of HPL.

The NPS-HPL came into effect in October 2022. Since then, stakeholders have raised two issues about its restrictions on non-land-based uses and development. These are:

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

The Ministry for the Environment (MfE) and the Ministry for Primary Industries (MPI) consider these two issues warrant further consideration and consultation.

The issues are considered separate policy matters so are discussed separately in this document.

Issue 1: no clear pathway for new specified infrastructure is provided

As worded, the NPS-HPL does not provide a clear consent pathway for any person, company or organisation wishing to undertake development of new specified infrastructure on HPL, if they are not a requiring authority under the Resource Management Act 1991 (RMA). This limits the ability to construct new specified infrastructure on HPL at pace. It also limits certain providers, such as renewable electricity generators or installers of fibre for broadband, who are not requiring authorities.

Preferred option to provide for the construction of new specified infrastructure

The preferred option for addressing the lack of clarity in clause 3.9(2)(j)(i) is to include the word 'construction'. This would provide a clear consent pathway for the construction of new specified infrastructure on HPL.

The pathway would be subject to the existing checks and balances in clause 3.9, to ensure the need to locate infrastructure on HPL is weighed up against the potential loss of available HPL. This amendment may result in further losses of HPL to infrastructure, in particular to solar farms.

Issue 2: no clear pathway for new intensive indoor primary production and greenhouses

This issue was raised by the primary sector. The NPS-HPL lacks a clear consent pathway for intensive indoor primary production and greenhouses to test their functional or operational need to be located on HPL. This type of production contributes to a diverse and resilient primary sector.

Options to provide for the development and relocation of intensive indoor primary production and greenhouses on HPL

An option to provide for intensive indoor primary production and greenhouses has been assessed against retaining the NPS-HPL as written (the status quo), but there is no preference for this option over keeping the status quo. Further evidence is required to justify a change from the status quo.

The issues raised by primary sector stakeholders warrant further consideration. Their concerns, however, must be balanced with the need to protect HPL for use in land-based primary production, both now and for future generations.

About the National Policy Statement for Highly Productive Land

The NPS-HPL came into effect on 17 October 2022. It states how highly productive land (HPL) should be managed under the Resource Management Act 1991 (RMA). The NPS-HPL addresses the incremental loss of HPL from urban rezoning, fragmentation of rural land for lifestyle purposes, development, and other uses that do not rely on the soil resource.

HPL is situated on some of the most inherently fertile soil and is suitable for a range of rural land use activities; it is located in areas with generally good climate and is flat or rolling. Soil is formed through a complex interaction of climate, underlying geological material, vegetation, animal grazing, management, microorganisms, topography and other factors. Land with an ideal mix of these characteristics is highly suitable for land-based primary production, as it is easier to cultivate and requires less irrigation and fertiliser.

HPL is a limited and non-renewable resource that is required for land-based primary production, both now and for future generations¹.

The NPS-HPL categorises land into eight classes based on its long-term potential for sustained primary production. It uses the Land Use Capability (LUC) classification system where class 1 land is the most versatile land, and is suitable for a wide range of primary-production activities. Class 8 land is the least versatile for primary production and is typically set aside for conservation. Land in classes 1, 2 and 3 is generally regarded as the most highly productive in Aotearoa New Zealand.

The NPS-HPL is agnostic as to the type of land-based primary production that is undertaken on HPL and has no requirement for HPL to be used to its maximum productive capacity.

The primary objective of the NPS-HPL is to protect the soil resource for use in land-based primary production. This is achieved by advising councils on how to identify and map HPL, and what restrictions should be placed on its subdivision, use and development.

The NPS-HPL does, however, give councils some flexibility to allow for certain activities that are not land-based primary production to occur on HPL in certain circumstances. These activities may deliver wider cultural, social, environmental and economic benefits. Consent pathways in the NPS-HPL are provided for non-land-based activities to occur on HPL, subject to specific requirements being met. These include functional or operational tests².

¹ Land-based primary production means production from agricultural, pastoral, horticultural or forestry activities, that is reliant on the soil resource of the land.

² These tests are defined in the National Planning Standards. Functional need is the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment. Operational need is the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.

Subclause 3.9(2) outlines the circumstances where activities would be 'not inappropriate'. These include maintaining, operating, upgrading and expanding specified infrastructure, providing public access and activities that support land-based primary production. Providing for these activities should be balanced against the objective of the NPS-HPL.

Purpose of this document

This discussion document guides public consultation on potential amendments to the NPS-HPL. It is accompanied by an [interim regulatory impact statement](#).

The potential amendments relate to implementation issues about the NPS-HPL raised by stakeholders. The Ministry for the Environment (MfE) and the Ministry for Primary Industries (MPI) consider these issues need further consideration and consultation.

This document is intended to provide background information on the issues and implications of options for amending the NPS-HPL. MfE and MPI are carrying out this public consultation to solicit further information from a wider range of stakeholders, including iwi partners, interested organisations and the public. This is to help determine whether the issues warrant amendments to the NPS-HPL or whether the current drafting and consent pathways are fit for purpose.

Implementation of the NPS-HPL

Two issues about the implementation of the NPS-HPL have been raised by stakeholders, including councils and the renewable electricity and primary production industries:

1. The omission of a clear consent pathway for the construction of new specified infrastructure³ in clause 3.9(2)(j)(i). This could limit the ability to provide for necessary new specified infrastructure on HPL.
2. The absence of a clear consent pathway for intensive indoor primary production and greenhouses to develop or relocate on HPL. This may make climate change adaptation more challenging for these industries⁴.

This discussion document explores the issues and sets out potential amendment options to the NPS-HPL to address them. The status quo is also an option if the current drafting and consent pathways are deemed fit for purpose.

³ Specified infrastructure means any of the following:

- a) infrastructure that delivers a service operated by a lifeline utility
- b) infrastructure that is recognised as regionally or nationally significant in a National Policy Statement, New Zealand Coastal Policy Statement, regional policy statement or regional plan
- c) any public flood control, flood protection, or drainage works carried out:
 - i. by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1941; or
 - ii. for the purpose of drainage, by drainage districts under the Land Drainage Act 1908

⁴ Intensive indoor primary production is defined as primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing poultry or livestock (excluding calf-rearing for a specified time period) (see National Planning Standards). 'Greenhouses' is a broad term that is used to refer to structures erected to house cropping systems and for indoor growing. They include glasshouses, plastic houses, shade houses and tunnel houses. The use of a greenhouse is a rural activity but does not typically require the use of soil.

Issue 1: Providing for new specified infrastructure

About this issue

The current wording of the NPS-HPL means it is unclear if new specified infrastructure is ‘not inappropriate’ on HPL. Specified infrastructure is defined in clause 1.3. While the ongoing maintenance, operation, upgrade or expansion of specified infrastructure is provided for under clause 3.9(2)(j)(i), the construction of new specified infrastructure is not explicitly provided for.

Clause 3.9(2)(j)(i) of the NPS-HPL

The gazetted text of clause 3.9(2)(j)(i) of the NPS-HPL reads:

(2) A use or development of highly productive land is inappropriate except where at least one of the following applies to the use or development, and the measures in subclause (3) are applied:

(j) it is associated with one of the following, and there is a functional or operational need for the use or development to be on the highly productive land

(i) the maintenance, operation, upgrade, or expansion of specified infrastructure

Drafters intended for a consent pathway for new specified infrastructure on HPL to be provided in the NPS-HPL. The exposure draft of the NPS-HPL provided this pathway, as long as it did not represent inappropriate development. During redrafting the word ‘development’ was removed from the clause, restricting it to the ‘maintenance, operation, upgrade, or expansion of specified infrastructure’.

The evaluation under section 32 of the RMA⁵ that supported the NPS-HPL anticipated that new specified infrastructure could be constructed on HPL via designation or notice of requirement, as provided for under subclause 3.9(2)(h).

However, specified infrastructure providers that do not have designation rights under the RMA have no apparent consent pathway to develop on HPL. This restriction is also problematic when infrastructure needs to be developed at pace. One recent example is developing the infrastructure needed to support clean-up and repairs in the aftermath of Cyclone Gabrielle.

There is also a significant demand for additional renewable electricity in Aotearoa. Infrastructure to meet this demand is needed to cater for a growing population and support a low-emissions economy. The demand for solar farms is growing, and HPL is often the most suitable for these developments because it is flat, has a northern aspect and receives high solar radiation.

⁵ Ministry for the Environment. 2022. *National Policy Statement for Highly Productive Land: Evaluation under section 32 of the Resource Management Act*. Wellington: Ministry for the Environment.

Stakeholders in the renewable electricity generation (REG) sector, especially solar farms, have indicated that the NPS-HPL has the potential to prevent the progress of such projects, even where a functional or operational need to be located on HPL can be shown. This issue becomes apparent at the due-diligence planning stage of a development.

The lack of clarity about the consent pathway for new specified infrastructure could also lead to this clause being applied inconsistently in district plans and decision-making across the country. The clause relating to specified infrastructure in the NPS-HPL is not consistent with the way other recent national direction has provided consent pathways for new specified infrastructure⁶. An amendment is also needed to align with work that is ongoing to amend national guidance to provide a consistent straightforward consent pathway for REG and associated electricity transmission⁷.

As currently worded, Clause 3.9(2)(j)(i) could inadvertently constrain or prevent new specified infrastructure from being established where it is needed.

Proposed options

The current drafting of clause 3.9(2)(j)(i) could be clearer with respect to the pathway for new specified infrastructure. Two options for addressing this issue are being consulted on.

- Option 1: Retain the NPS-HPL as currently written (status quo).
- Option 2: Amend clause 3.9(2)(j)(i) to include the word 'construction', to make it clear that there is a potential consent pathway for new specified infrastructure on HPL, subject to the stated tests.

About option 1

Option 1, the status quo, retains the NPS-HPL as currently worded for specified infrastructure.

This option **would**:

- allow time for the NPS-HPL to be given effect to in plans, policy statements and consent decisions.
- allow time to identify and address any issues in a later review of the NPS-HPL or through the development of the proposed National Planning Framework
- prevent further losses of HPL, in particular, to solar farms.

This option **would not**:

- provide a clear consent pathway for new specified infrastructure in 3.9(2)(j)(i)
- resolve the issues for infrastructure providers, especially those that are not requiring authorities.

⁶ Ministry for the Environment. 2023. *National Policy Statement for Freshwater Management*. Wellington: Ministry for the Environment. And Ministry for the Environment. 2023. *National Policy Statement for Indigenous Biodiversity*. Wellington: Ministry for the Environment.

⁷ Ministry of Business, Innovation & Employment. *Consenting improvements for renewable electricity generation and transmission*. Retrieved 29 August 2023.

About option 2

Option 2, include the word 'construction' in the NPS-HPL, provides a clear consent pathway for constructing new specified infrastructure on HPL.

This option aligns with the original intent of the NPS-HPL. It does not, however, mean that new specified infrastructure is now permitted on HPL. Being listed as an activity that is 'not inappropriate' means that councils are able to provide a consent pathway for new specified infrastructure on HPL through their district plans. This allows decision-makers to consider the merits of proposals through the consent process.

Under clause 3.9(2)(j) applicants would still be required to demonstrate that the construction of new specified infrastructure:

1. meets the definition of specified infrastructure (clause 1.3)
2. demonstrates a functional or operational need to be located on HPL (clause 3.9(2)(j))
3. minimises or mitigates any actual loss or potential cumulative loss of the availability and productive capacity of HPL in their district (clause 3.9(3)(a)).

These three tests ensure that proposals for new specified infrastructure on HPL would still be subject to a robust consideration of the need to use HPL. The tests also determine whether the proposal is consistent with the objective and policy framework of the NPS-HPL.

Most infrastructure operators or providers have designation powers under the RMA, so already have a pathway to establish on HPL under clause 3.9(2)(h). However, this route is not readily available to all infrastructure providers, especially REG and broadband developers. The amendment would mainly provide a development pathway for REG development on HPL and infrastructure that is needed at pace.

Solar farming on HPL

Option 2 would make it easier to establish infrastructure, especially solar farms or other REG, on HPL rather than on lower-grade rural land (LUC > 3), industrial or urban areas. Rural land is generally cheaper and more readily available and HPL is easier to develop for solar panels given its flat topography and proximity to transmission networks and energy demand (urban centres). Although solar farming does not significantly affect the soil resource, it does decrease the potential land-based primary production of HPL by limiting it to activities such as grazing sheep under and around the panels.

Given the high value of electricity generation infrastructure and the demand for renewable electricity, it is unlikely that land used for solar farming will be returned to solely land-based primary productive use in the foreseeable future. However, calculations based on available published data suggest that the amount of HPL needed for solar farms is likely to be less than 1 per cent⁸ of the total HPL in Aotearoa. Territorial authorities are also required by the NPS-HPL to ensure that the loss or potential cumulative loss of the availability and productive capacity of HPL in their district from specified infrastructure development is minimised or mitigated.

⁸ Ministry for the Environment and Ministry for Primary Industries. 2023. *Interim regulatory impact statement: Potential amendments to the National Policy Statement for Highly Productive Land*. Wellington: Ministry for the Environment, p 32.

Option 2 is recommended

The change outlined in option 2 is considered necessary because it:

- provides a pathway for new specified infrastructure to establish on HPL, especially for construction of new infrastructure that cannot be designated or is needed at pace
- achieves a balance between a nationally consistent approach to managing and protecting HPL, and providing for local needs and context to be considered and incorporated into policy and decision-making
- will improve alignment with other national direction
- provides scope for councils to address the increased demand for REG on HPL
- only relates to specified infrastructure in subclause 3.9(2)(j)(i), and does not require any consequential amendments to other sub-clauses
- is the simplest method to address the issue.

This amendment may result in a greater loss of HPL or less HPL being available for land-based primary production, than if the NPS-HPL is retained as currently written.

Potential amendment of the NPS-HPL to provide for the development of new specified infrastructure

The preferred option is to amend the NPS-HPL to clarify how new specified infrastructure should be provided for on HPL. Feedback is sought on the proposed option 2:

Amend clause 3.9(2)(j)(i) to provide a consent pathway for the use and development of new specified infrastructure by including the word 'construction'.

Consultation questions: Specified infrastructure

1	Are you aware of any other issues that could impede the development of new specified infrastructure on HPL?
2	Do you think the NPS-HPL requires an amendment to provide for the construction of new specified infrastructure on HPL?
3	Do you think the proposed amendment to clause 3.9(2)(j)(i) – adding 'construction' – will resolve the issues?
4	Which option do you prefer? Why?

Issue 2: Intensive indoor primary production and greenhouses

About this issue

The development of new intensive indoor primary production and greenhouses on HPL does not have a clear consent pathway, even if there may be functional or operational need to be located on HPL.

The definition of land-based primary production in the NPS-HPL has been drafted to prioritise HPL for use in land-based primary production, activities that use and rely on the soil. The National Planning Standards, however, provide a wider scope for activities defined as 'primary production'⁹.

The NPS-HPL's narrower definition recognises that activities that do not rely on the soil could be located on non-HPL. Some of these activities (excluded in the NPS-HPL) are provided for in the National Planning Standards¹⁰.

The NPS-HPL does provide consent pathways for some non-land-based activities to be located on HPL, subject to tests.

Some primary industry stakeholders have argued that the NPS-HPL should specifically provide for their activities because they are identified in National Planning Standards as operations that ought to occur in the rural environment. This is largely to address climate change risks, biosecurity issues, reverse sensitivity considerations¹¹, and the need for proximity to ancillary activities. Furthermore, for districts where rural zones are predominantly HPL, such as Matamata-Piako and Horowhenua, some primary sector bodies have argued that they would find it difficult to establish new sites

Intensive indoor primary production and greenhouse operations could potentially result in the permanent loss of HPL. This was a key consideration for these activities not being provided with a consent pathway in the development of the NPS-HPL.

⁹ Primary production in the National Planning Standards means:

- (a) any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and
- (b) includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a);
- (c) includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but
- (d) excludes further processing of those commodities into a different product.

¹⁰ Primary industry stakeholders have raised that the definition of intensive indoor primary production in the National Planning Standards excludes greenhouses, thus, the matter is included as separate potential amendment.

¹¹ Reverse sensitivity is when a lawfully established existing activity risks receiving complaints from occupants of a new activity because of its proximity. For example, occupants of a new urban development may raise complaints about noise, dust, or smell from existing farming operations. This could result in economic and operational limitations on the farming operation.

Location of intensive indoor primary production and greenhouses

Under the status quo, new intensive indoor primary production and greenhouses are directed away from HPL. Primary sector stakeholders have indicated that viable options for these activities are now limited to rural-zoned areas that are not HPL. These activities are perceived to be limited, especially in districts where rural zones are predominantly HPL. Stakeholders also noted that locating intensive indoor primary production and greenhouses on land that is not LUC class 1–3 is unlikely to be economically viable.

Historically, intensive indoor primary production and greenhouses have been located on flat land with a suitable climate. This has often been LUC 1–3 land because:

- Flat land is cost-effective as minimal earthworks are required for cut and fill. It is also less prone to erosion and nutrient runoff.
- LUC class 1–3 land is near labour markets, transport routes, nutrient solution management and discharge infrastructure.
- Land in non-rural areas may be less available and subject to biosecurity risks or reverse sensitivity effects, including noise, light pollution, odour or truck movements.
- There are limited alternatives for these activities in rural areas surrounded by HPL.

The National Planning Standards provide for primary production activities including intensive indoor primary production in the general rural zone and the rural production zone. Locating these activities in these zones recognises the need to be close to infrastructure for effective and efficient operation, as well as the need for labour and proximity to markets. Locating activities like piggeries or poultry farms in other zones (like a special purpose zone) carries biosecurity risks because of the requirements to separate farms¹². Also, locating these activities in an industrial zone would require a significant area of surrounding land to mitigate the impacts of an operation on neighbouring properties¹³.

These industries have set up ancillary activities to ensure their operations are safe and work well. Non-land-based primary production is often synergistic but not supportive of land-based primary production.

¹² Operations are expected to manage biosecurity risks by ensuring separation between activities, this could be through proper disposal of effluent and ensuring this does not impact surrounding farms.

¹³ The high nitrogen concentration in pig effluent means that ample land is needed to spread effluent. This depends on the size of the pig farm, its composition (breeding versus fattening), the farm's effluent treatment system, and the regional council rules for maximum nitrogen loading per year.

Impacts of climate change on the primary production sector

The Food and Fibre sector reached record export revenue in 2023, with an estimated value of \$55 billion.¹⁴ This sector, however, relies on climate-sensitive natural resources, and is particularly vulnerable to changing climatic conditions. In the national adaptation plan published in 2022, the land-based primary sector was identified as one of the most vulnerable to the impacts of climate change.

The national adaptation plan also noted that climate change is projected to cause flow-on effects to this sector. Besides loss of productivity, the sector's large workforce may be affected. More than 350,000 people work in primary production industries, including Māori who are heavily involved in different capacities. Māori are at risk of being disproportionately affected by the effects of climate change.

The National Climate Change Risk Assessment 2020 (NCCRA) highlighted the impacts that climate change is expected to have on land-based food production. It noted that land-based primary production faced many interacting challenges. These include water scarcity, changes in seasonality and weather extremes, changes in productivity and output due to changes in mean rainfall and temperature, and changes in the distribution of invasive species.

A resilient food system provides New Zealanders with diverse, affordable and accessible food. The system, however, depends on the ability of different industries to adapt to climate change. Balancing productivity and environmental impacts is essential, as is as having the capacity to withstand sudden shocks or disruptions. The national adaptation plan and NCCRA noted the need for the primary production sector to build its resilience by proactively adapting to the impacts of climate change. For intensive indoor primary production and greenhouse activities, adaptation could be achieved by moving out of high-risk areas, such as those damaged by recent weather events (eg, flood plains).

A key concern raised by these industries is that flexibility in how crops and goods are produced is required to adapt to climate change. Restricting intensive indoor primary production and greenhouses on HPL reduces the flexibility to site new activities or relocate existing activities to more appropriate, future-proofed locations.

These industries, like many others, will need to transition to renewable energy sources as part of the Government's vision to be a low-emissions economy by 2050 and to support climate change response and emissions reduction targets.

Reducing options for intensive indoor primary production activities and greenhouses on HPL could make reducing emissions more difficult. Currently, many operations use coal or gas to heat animal sheds and greenhouses¹⁵. These operations may need to relocate to close to a source of geothermal electricity, a relatively inexpensive source of renewable energy. Not being allowed to develop on HPL may make this transition more difficult.

¹⁴ Ministry for Primary Industries. 2022. *Situation and Outlook for Primary Industries (SOPI) December 2022*. Wellington: Ministry for Primary Industries.

¹⁵ Energy Efficiency & Conservation Authority. *Covered Cropping Decarbonisation Pathway*. Retrieved 30 August 2023.

Consent pathways under the status quo

The NPS-HPL has several potential consent pathways that could be used when considering the development of new intensive indoor primary production and greenhouses on HPL, including:

- Clause 3.9(2)(a) provides for supporting activities that are reasonably necessary to support land-based primary production on that land (eg, equipment storage, animal housing and on-site processing and packing).
- Clause 3.9(2)(g) covers small-scale or temporary land-use activity that has no impact on the productive capacity of the land. The intention is to provide for short-term activities with a defined start and end date to be considered as appropriate on HPL provided they have no impact on the productive capacity of the land. Home businesses and visitor accommodation (eg, bed and breakfasts) are examples of small-scale activities. Temporary activities are likely to be short-term activities with a defined start and end date such as festivals, events and markets.
- Clause 3.11 provides for the continuation of existing activities. It gives direction to territorial authorities on how they are required to provide for the continuation of existing activities on HPL through objectives, policies and rules in district plans.

Previous feedback from primary sector groups found that in most circumstances, the above options did not provide a clear consent pathway for the development of new intensive indoor primary production and greenhouses on HPL.

Proposed options

There is limited evidence of the extent of this issue given the short time since the NPS-HPL came into effect. MfE and MPI have no preference for the option presented (option 2) over maintaining the status quo (option 1) at this time.¹⁶ The issues raised by stakeholders may have merit, but climate change resilience and supporting the food production sector need to be balanced against the need to protect HPL (a finite non-renewable resource). Two options for addressing this issue are being consulted on:

Option 1: Retain the NPS-HPL as currently drafted (status quo).

Option 2: Provide a consent pathway for both intensive indoor primary production and greenhouses in clause 3.9 of the NPS-HPL.

About option 1

Option 1, the status quo, retains the NPS-HPL as currently worded.

HPL brings significant economic benefits, including employment, for the communities that surround them, and collectively adds significant value to Aotearoa New Zealand's primary sector. In recognising the finite nature of highly productive land, keeping the status quo would:

¹⁶ MPI and MfE are currently aware of two resource consents that are relevant to intensive indoor primary production and greenhouse development and relocation. 1. New Zealand Hothouse has three greenhouses in the South Auckland area. Their 10-hectare greenhouse in Drury is on a site that has been rezoned urban and acquired by a developer for industrial land use. The company is seeking to relocate to a new site. 2. Rohe Produce has a resource consent to build two 9-hectare greenhouses north of Ohaaki. This site they are developing is leased from Māori. As the site is on specified Māori land, the NPS-HPL may provide a pathway. Future developments may not be able to be located on specified Māori land.

- retain the policy objective of the NPS-HPL
- allow for evidence on the impacts of the NPS-HPL on intensive indoor primary production and greenhouses (if any) to be collected; this could be through gathering relevant case law and resource consent outcomes
- prevent intensive indoor primary production and greenhouses being developed on HPL in some or most circumstances
- mean a possibility of the NPS-HPL being amended in the future to provide for the development or relocation of intensive indoor primary production and greenhouses on HPL. This possibility is driven by the forecasted growth of both industries to accommodate a growing population. It also recognises the primary sector’s particular vulnerability to the impacts of climate change.

About option 2

Option 2 provides a consent pathway for both intensive indoor primary production and greenhouses in clause 3.9(2)

This option would provide a bespoke pathway for developing and relocating intensive indoor primary production and greenhouses on HPL. It would be subject to specific tests being met, such as functional or operational tests. These are similar to tests required for other non-land-based primary production activities in the NPS-HPL.

However, this option is misaligned with the original intent of the NPS-HPL, which was for intensive indoor primary production and greenhouses (primary production that is not reliant on soil) to be excluded from being considered appropriate use and development of HPL.

Consultation questions: Intensive indoor primary production and greenhouses

1	Do you think the NPS-HPL requires an amendment to provide a consent pathway for intensive indoor primary production and greenhouses to be developed on HPL? Why?
2	What do you think are the risks with amending the NPS-HPL to provide for intensive indoor primary production and greenhouses on HPL?
3	Do you support option 1 (retaining the status quo)? Why?
4	Do you support option 2 (a pathway under clause 3.9)? Why?
5	Are there any other options we should consider?

Making a submission

How to provide feedback

Submissions close at 11.59pm on Tuesday 31 October 2023

The Government welcomes your feedback on this discussion document. The questions posed are a guide only and all comments are welcome. You do not have to answer all of the questions.

To ensure your point of view is clearly understood, you should explain your rationale and provide supporting evidence, where appropriate.

You can provide a submission through [Citizen Space](#), our consultation hub, by either filling out the feedback form or by uploading your own written submission.

We would prefer you use the online system for making your submission. However, if you need to, mail your written submission to Water and Land Use Policy, Ministry for the Environment, PO Box 10362, Wellington 6143.

If you are emailing your submission, send it to highlyproductiveland@mfe.govt.nz as a:

- PDF
- Microsoft Word document (2003 or later version).

Please ensure you include in your submission:

- your name or name of the organisation you represent
- postal address
- telephone number
- email address.

Feedback sought

One main area we would like your feedback on is the balancing of different national priorities. The issues raised by renewable energy and primary production industries may have merit, but need to be considered alongside the protection of HPL for use in land-based primary production. This use has historically been given less weight in decision-making compared to issues such as residential or urban development.

Discussion questions are included throughout the document, including specific questions about the proposed options as listed above.

Through the public consultation process, we aim to:

- gather evidence on how the NPS-HPL may be restricting activities that may have a functional or operational need to be located on HPL
- identify any other potential issues in relation to new specified infrastructure, intensive indoor primary production and greenhouses

- understand the views and perspectives of a range of stakeholders to help determine whether the identified issues warrant amendments to the NPS-HPL
- test the scope, scale, and nature of the proposed options to address the issues outlined and compare them to the option of retaining the status quo.

When the consultation period has ended, officials will report back to the Minister for the Environment and the Minister of Agriculture on submissions received, consider the submissions and develop final policy advice.

Publishing and releasing submissions

All or part of any written comments (including names of submitters), may be published on the Ministry for the Environment's website, environment.govt.nz. Unless you clearly specify otherwise in your submission, the Ministry will consider that you have consented to online posting of both your submission and your name.

Contents of submissions may be released to the public under the [Official Information Act 1982](#) following requests to the Ministry for the Environment (including via email). Please advise if you have any objection to the release of any information contained in a submission and, in particular, which part(s) you consider should be withheld, together with the reason(s) for withholding the information. We will take into account all such objections when responding to requests for copies of, and information on, submissions to this document under the Official Information Act.

The Privacy Act 2020 applies certain principles about the collection, use and disclosure of information about individuals by various agencies, including by the Ministry for the Environment. It governs access by individuals to information about themselves held by agencies. Any personal information you supply to the Ministry in the course of making a submission will be used by the Ministry only in relation to the matters covered by this document. Please clearly indicate in your submission if you do not wish your name to be included in any summary of submissions that the Ministry may publish.

If you have any questions or want more information about the proposed changes or the submission process, please email highlyproductiveland@mfe.govt.nz.