



27 October 2023

Attn: Water and Land Use Policy  
Ministry for the Environment  
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Submitted via [highlyproductiveland@mfe.govt.nz](mailto:highlyproductiveland@mfe.govt.nz)

Tēnā Koutou,

**Rangitikei District Council feedback on the proposed amendments to the National Policy Statement for Highly Productive Land**

Rangitikei District Council (Council) thanks the Ministry for the Environment (MfE) for the opportunity to provide feedback on the proposed amendments to the National Policy Statement for Highly Productive Land (NPS-HPL).

Council acknowledges that the proposed changes are limited to two 'issues' that have come to the MfE's attention since the NPS-HPL took effect in October 2022. These issues are identified as being:

- 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.*

Council submits the following feedback on the proposed changes.

**Feedback on Issue 1: No clear pathway for new specified infrastructure**

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', has been identified by the MfE as the "preferred option" for this issue.

Council acknowledges that there is a target for New Zealand to have 100% renewable electricity generation and that solar electricity generation activities will play an important part in achieving this target. Council also recognises that solar electricity generation activities have preferred site attributes that closely align with that of HPL.

For local context Council is aware that there are currently three (3) applications to establish solar 'farms' within the Rangitikei District, which if approved will occupy approximately 312 hectares of HPL (primarily LUC Class II land). Council is also aware that there is substantial interest in more land locally being utilised for this purpose.

Solar electricity generation activities reduce the versatility of the land they occupy as they restrict the types of primary production activities that can occur on this land. The impact of this loss is not well understood.

Council notes that the *"Managing the use and development of highly productive land: Potential amendments to the NPS-HPL: Discussion document"* indicates that it is anticipated that only a very small portion of HPL will be required for solar electricity generation activities. However, there is not a clear understanding of how these activities will be distributed across the country. In addition, there is not currently a complete picture of how the total loss of HPL to non-primary production activities will evolve in the future - even with the NPS-HPL in place.

Council recognises that the MfE is committed to option 2 as it will ensure councils are implementing the NPS-HPL in a more consistent manner and provide a clearer pathway for new specified infrastructure to be constructed on HPL, in line with the government's targets. However, Council does not want to see further changes beyond this proposed amendment as the NPS-HPL is still new and the establishment of solar electricity generation activities is also only in its early stages as well.

Council suggests that the MfE takes steps to monitor the establishment of new specified infrastructure on HPL going forward to measure the impact of these activities on New Zealand's HPL resource.

## **Feedback on Issue 2: Intensive indoor primary production and greenhouses**

No preferred option has been identified for this issue by MfE.

Council recognises the general need for greenhouses and intensive farming to establish in the rural environment and that often HPL is a desirable location for these activities to establish for various reasons (e.g. topography, reverse sensitivity, and proximity to ancillary primary production activities).

Council further notes that with the predicted increase in the impacts of climate change (i.e. increased frequency and intensity of extreme weather events) there will be an increase in greenhouse and indoor intensive farming activities to provide a greater level of security and resilience to extreme weather events.

However, there does not appear to be a good understanding of how much land will be required for these types of activities in the future and as such there is a risk of there being a substantial loss of HPL to these activities if appropriate checks and balances are not in place.

Council notes clause 3.9(3) of the NPS-HPL requires that:

*“Territorial authorities must take measures to ensure that any use or development on highly productive land:*

*(a) minimises or mitigates any actual loss or potential cumulative loss of the availability and productive capacity of highly productive land in their district; and*

*(b) avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on land-based primary production activities from the use or development.”*

In terms of tests under the Resource Management Act 1991 framework “minimises or mitigates” and “avoids if possible, or otherwise mitigates” implies a level of flexibility for the decision maker. This sets a higher bar to decline a resource consent for activities exempt under 3.9(2) of the NPS-HPL and as such can still facilitate a substantial loss of HPL overtime.

Taking the above into consideration Council considers it most appropriate to maintain the status quo for this issue until the NPS-HPL has properly been tested and/or a more robust assessment of this issue is provided.

#### **General feedback on the above issues**

Council recommends that the MfE reconsider the policy direction in the NPS-HPL to provide stronger protection for LUC Class I and II land (highly versatile land), compared with LUC Class III.

The NPS-HPL could be amended to provide a clear pathway for the establishment of new renewable energy generation activities and intensive indoor primary production / greenhouses on LUC Class III land, while providing greater protection for highly versatile land (LUC Class I and II). This would enable the development of activities that require land with certain characteristics which align with HPL (e.g. topography), while protecting the rarest and most versatile soils for a range of primary production activities.

Ngā mihi



Andy Watson  
**Mayor of the Rangitikei**