

31 October 2023

Water and Land Use Policy
Ministry for the Environment
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Tēnā koe,

Submission on potential amendment to:

- **The National Policy Statement for Highly Productive Land 2022 (NPS-HPL)**

Thank you for the opportunity to submit on the potential amendment to the NPS-HPL regarding the following two issues identified in Managing the use and development of highly productive land: Potential amendments to the NPS-HPL, Discussion document¹:

1. The omission of a clear consent pathway for the construction of new specified infrastructure in clause 3.9 (2)(j)(i);
2. The absence of a clear consent pathway for intensive indoor primary production and greenhouses to develop or relocate on HPL.

The Kapiti Coast District Council is generally supportive of an amendment to the NPS-HPL to the extent that it does not significantly undermine the objective of the NPS-HPL: to protect highly productive land (HPL). This position aligns with our previous submission in 2019 on (the then proposed draft of) the NPS-HPL². In that submission Council supported the protection of highly productive land, acknowledging that HPL is a finite resource and in need of protection now and for future generations.

We support the policies of the NPS-HPL where major threats to the HPL are identified and dealt with. We particularly support Policy 2 of the NPS, which asserts an integrated management approach for HPL and freshwater (as well as urban development), and Policy 8 which stresses protecting HPL from inappropriate use and development. Therefore, Council generally supports amending the NPS-HPL to clarify a consent pathway for developing new specified infrastructure on HPL as it deals with lifeline utilities and hazard protection tools which are essential tools for sustainable planning.

¹ <https://environment.govt.nz/assets/publications/land/Potential-amendments-to-the-NPS-HPL-discussion-document.pdf>

² <https://www.kapiticoast.govt.nz/media/kenfjc2p/kcdc-submission-on-the-proposed-national-policy-statement-for-highly-productive-land.pdf>

However, we support the status quo of the NPS-HPL in relation to intensive indoor primary production as it has irreversible consequences of losing the HPL soil health and quality.

Accordingly, the following feedback is provided in response to the specific questions:

A. Consultation Questions for identified issue 1: Specified infrastructure:

1. Are you aware of any other issues that could impede the development of new specified infrastructure on HPL?

Not at this stage. The NPS-HPL is a new national direction that came into force a year ago in October 2022. New impediments may emerge in future.

2. Do you think the NPS-HPL requires an amendment to provide for the construction of new specified infrastructure on HPL?

Yes, with discretionary space for planning judgement at district level. Constructing new infrastructure for lifeline utilities and for hazard protection is a necessity and it might be needed in HPL areas as well.

However, for other specified infrastructure like solar farms there should a mechanism to analyse the impact of the activity on soil health and to control the activity accordingly. The discussion document (MfE September 2023) asserts that the total amount of land for solar farm will be less than 1 percent of the HPL, and that soil quality will not necessarily be lost as that same HPL can be used for some kinds of primary production, such as sheep grazing. We believe that development of solar farms on HPL is not a temporary or movable activity, meaning that HPL would be unavailable for these proposed primary production purposes. Another consideration in this regard is the scale of HPL and the local characteristics of each district will need to be accounted for; and a 'one size fits all' approach won't work. For instance, where HPL is small but demand for renewable energy is increasing alongside urban growth, the best use of HPL may be more highly contested.

We support clarifying consent pathways for new specified infrastructure on HPL that does not automatically mean permitting the new infrastructure on HPL is acceptable. Adding the word 'construction' to clause 3.9(2)(j)(i) might help the consent pathways for creating different types of new infrastructure, but there will be a need for clarification from further guidance in this regard. We agree that more clarification of supporting guidance for clause 3.9(2)(j)(i) is need to support discretionary planning judgements for each district's determination on the scale and extension of new infrastructure on HPL according to the needs and characteristics of districts.

3. Do you think the proposed amendment to clause 3.9(2)(j)(i) - adding 'construction' – will resolve the issues?

Not completely. Please refer to answer to question 2 for further explanation.

4. Which option do you prefer? Why?

Option 2 is preferred.

We agree with the reasons provided in the discussion document (MfE September 2023) to clarify consent pathway for new specified infrastructure on HPL. In addition, we support further clarification as explained under response to question 2.

B. 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?

No, we prefer the status quo of the NPS-HPL in relation to developing new intensive indoor primary production and greenhouses. We consider the status quo better achieves the stated objective of the NPS-HPL that *Highly productive land is protected for use in land-based primary production, both now and for future generations*. We do not support amending the NPS-HPL in relation to intensive indoor primary production for the following reasons:

- i. Such development severely damages the health and quality of the HPL soil. Such damage is irreversible and will reduce the amount of HPL for future generations.
 - ii. Rural zones which are outside HPL areas can still be utilised for intensive indoor primary production.
 - iii. Keeping the status quo provides the opportunity for local councils (where necessary) to develop provisions during the HPL plan change that deal with indoor primary production.
2. What do you think are the risks with amending the NPS-HPL to provide for intensive indoor primary production and greenhouses?

The main risk of allowing new intensive indoor primary production is a permanent and irreversible loss of HPL soil quality. This is inconsistent with the stated objective of the NPS-HPL. This potential change is also at odds with Policy 8 which aims to protect the HPL from inappropriate use and development and we believe intensive indoor primary production while economically justifiable, in irreversibly destroying the health of HPL soil runs directly against Policy 8.

Another risk of developing new intensive indoor primary production is the associated potential threat of the activity on freshwater in the catchment area. Since the NPS-HPL aims to achieve an integrated management approach with the NPS-FM, we believe this risk should be further considered.

3. Do you support option 1 (retaining the status quo)? Why?

Yes, for the reasons outlined under responses to questions 1 and 2 of this section.

4. Do you support option 2 (pathway under clause 3.9)? Why?

No, we support option 1 as expressed in responses to previous questions in section B.

5. Are there any other options we should consider?

While Council does not support option B, it recognises that intensive indoor primary production is an industry that greatly contributes to the social, economic and well-being of society, and we encourage Government to take a broader look at provision for this industry. In doing so we note that:

- i. Intensive indoor primary production should not be assumed to be exclusively a rural industry (and therefore a potential HPL issue). Such agricultural industry could be located within industrial urban areas placing them close to markets, water and energy supplies.
- ii. National direction on this issue might best be less prescriptive. It could encourage provision for this activity on other LUC land (and in other zones as noted above), leaving district and city councils to consider how to do so given the unique circumstances each faces in their areas.

Should you have any queries regarding this submission, please contact Kris Pervan, GM Strategy and Growth (kris.pervan@kapiticoast.govt.nz).

We look forward to seeing the outcomes of this consultation.

Ngā mihi



Darren Edwards
Chief Executive
KĀPITI COAST DISTRICT