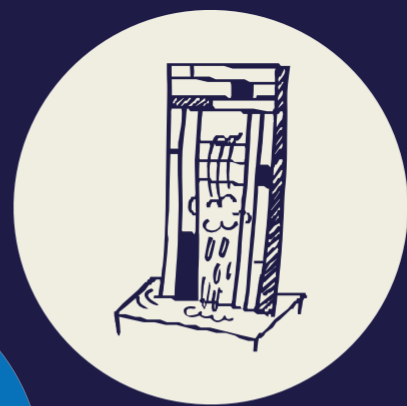


# HAMILTON CITY COUNCIL – STAFF FEEDBACK

## Managing the Use and Development of Highly Productive Land – Discussion Document (September 2023)

Ministry for the Environment and Ministry for Primary Industries



7 November 2023



**Hamilton  
City Council**  
Te kaunihera o Kirikiriroa

## Improving the Wellbeing of Hamiltonians

Hamilton City Council is focused on improving the wellbeing of Hamiltonians through delivering to our five priorities of shaping:

- **A city that's easy to live in**
- **A city where our people thrive**
- **A central city where our people love to be**
- **A fun city with lots to do**
- **A green city**

The topic of this staff feedback is aligned to the priority **A green city**.

## Council Approval and Reference

This staff feedback was approved by Hamilton City Council's Chief Executive on 7 November 2023.

Hamilton City Council Reference D-4950748 - Feedback # 750.

It should be noted that the following feedback is from staff at Hamilton City Council and does not therefore necessarily represent the views of the Council itself.

## Key Messages and Recommendations

1. Hamilton City Council acknowledges the Ministry for the Environment (MFE) and Ministry for Primary Industries (MPI) discussion document, which highlights the specific issue relating to a lack of consent pathway for construction of new specified infrastructure on Highly Productive Land (HPL) and development and relocation of intensive indoor primary production and greenhouses on HPL.
2. We support the recommended Option 2 in the discussion document regarding new specified infrastructure.
3. We have no noteworthy input to add to the discussion document regarding development of indoor primary production and greenhouses.
4. While outside the scope of this discussion document, we request that highly productive land mapping is updated to reflect the urban environment within Hamilton City and that the exemption pathway is made clearer.

## Introduction

5. Hamilton City Council staff welcome the opportunity to provide feedback to the Ministry for the Environment and the Ministry for Primary Industries September 2023 Discussion Document **Managing the Use and Development of Highly Productive Land**.

## Background

6. The Ministry for the Environment (MFE) and the Ministry for Primary Industries (MPI) are currently seeking feedback on managing the use and development of Highly Productive Land (HPL).
7. Since the National Policy Statement for Highly Productive Land (NPS HPL) was introduced in September 2022 ([refer here](#)), two issues have been raised about its restrictions on the use and development of highly productive land for activities that don't rely on soil.
8. The two key issues being consulted on by MFE are a lack of a clear consent pathway for:
  - Construction of new specified infrastructure on HPL in clause 3.9(2)(j)(i). Specified infrastructure can include developments such as solar farms and infrastructure needed at pace, for example to support the recovery after Cyclone Gabrielle.
  - Development and relocation of intensive indoor primary production and greenhouses on HPL.
9. The MFE has released a September 2023 discussion document covering these issues titled **Managing the Use and Development of Highly Productive Land - Potential Amendments to the NPS-HPL** - [refer here](#)

## NPS - HPL

10. The National Policy Statement for Highly Productive Land (NPS-HPL) is about ensuring the availability of New Zealand's most favourable soils for food and fibre production, now and for future generations.<sup>1</sup>

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<sup>1</sup> Ministry for the Environment. (2022). National Policy Statement for Highly Productive Land.

11. The policy provides direction to improve the way highly productive land is managed under the Resource Management Act 1991.
12. This is achieved through clear and consistent guidance to councils on how to map and zone highly productive land, and manage the subdivision, use and development of this non-renewable resource.
13. The NPS-HPL directs all regional councils to map highly productive land within their respective regions that is in a general rural zone or rural production zone, is predominantly Land Use Classification (LUC) 1, 2, or 3 and, forms part of a large and geographically cohesive area.

## MFE and MPI Discussion Document

14. The discussion document does not interrogate broader aspects of the NPS-HPL, but rather highlights a specific issue relating to a lack of consent pathway for construction of new specified infrastructure on HPL and development and relocation of intensive indoor primary production and greenhouses on HPL (underlined for emphasis).
15. 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. Hamilton City Council would be unaffected by the above issues as the use or development of highly productive land is inappropriate, except for an activity by a requiring authority in relation to a designation or notice of requirement under the Resource Management Act.
16. We support the recommended Option 2 in the discussion document regarding new specified infrastructure, to include the word 'construction' in the NPS-HPL, which would provide a clear consent pathway for constructing new specified infrastructure on HPL.
17. We have no comment to add to the discussion document regarding development of indoor primary production and greenhouses as our district plan objectives, policies and rules provisions do not envision such an intensive activity occurring.

## Additional HPL Matters

18. Current HPL data show parts of Hamilton City as LUC 1, 2 and 3 (refer **Attachment 1**). These are existing residential and industrial zoned areas that are already developed such as Rototuna and Te Rapa, including the areas zoned and under development: Peacocke, Te Awa Lakes and Ruakura. HPL mapping needs to be updated to reflect this.
19. Hamilton City Council staff have provided input to the draft Waikato Regional Policy Statement – Change 2, which seeks to exclude HPL mapping from Hamilton City's future growth areas (refer **Attachment 2**). Staff have provided legal opinion and necessary data to the Waikato Regional Council technical team to reflect this.
20. Hamilton City Council staff are part of the Waikato Region Local Authorities Working Group, whose main objective is to provide technical advice and feedback in a timely manner to the Waikato Regional Council, to ensure that the implementation of the NPS-HPL is done through a collaborative approach in the Waikato Region. This advice and feedback will help inform Change 2 to the Waikato Regional Policy Statement.
21. Hamilton City is the largest city in the sub-region and the fourth most populous and one of the fastest growing cities in New Zealand. Projections indicate that this is set to continue for the foreseeable future. To accommodate future growth, a number of growth cells that sit just outside the boundary of the City have long been considered to be brought into Hamilton. These areas, which are referred to as future growth areas, are recognised in strategic planning documents such as the Future Proof Strategy and strategic boundary agreements, which set out the process for the future transfer of this land into Hamilton City Council's administrative control.
22. LUC 1,2 and 3 soils are prominent in a number of these future growth cells. Hamilton City Council staff have been part of discussions with the Waikato Regional Council regarding mapping of highly

productive land. Hamilton City Council's feedback to the draft Waikato Regional Policy Statement – Change 2 has provided a submission and legal opinion that these future urban areas meet the tests of NPS-HPL clause 3.4(2) to be excluded from highly productive land mapping.<sup>2</sup>

23. Land identified for future urban development is not required to be mapped as highly productive land. The NPS-HPL defines future urban development to be identified in a published Future Development Strategy in a strategic planning document as land or an area suitable for commencing urban development over the next 10 years.<sup>3</sup>
24. Hamilton City Council's opinion is that all future growth areas have the potential to be developed within 10 years and are each identified in their respective strategic planning documents as being suitable for potential development within that timeframe.
25. The NPS-HPL would benefit from these exemption tests related to HPL being made clearer.

## Further Information and Opportunity to Discuss our Feedback

26. Should the Ministry for the Environment and the Ministry for Primary Industries require clarification of the feedback from Hamilton City Council staff, or additional information, please contact **Mark Davey** (Urban and Spatial Planning Unit Manager) on **07 838 6995** or email [mark.davey@hcc.govt.nz](mailto:mark.davey@hcc.govt.nz) in the first instance.
27. Hamilton City Council representatives would welcome the opportunity to discuss the content of this feedback in more detail with the Ministry for the Environment and the Ministry for Primary Industries.

Yours faithfully



**Lance Vervoort**  
**CHIEF EXECUTIVE**

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<sup>2</sup> Ministry for the Environment. (2022). National Policy Statement for Highly Productive Land. (3.4 Mapping HPL, Pg.9)

<sup>3</sup> Ministry for the Environment. (2022). National Policy Statement for Highly Productive Land. (1.3 Interpretation, Pg.4)

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**hamilton.govt.nz**

# HIGHLY PRODUCTIVE LAND (LUC 1,2,3)



Attachment 1

1:65,000



**Key**

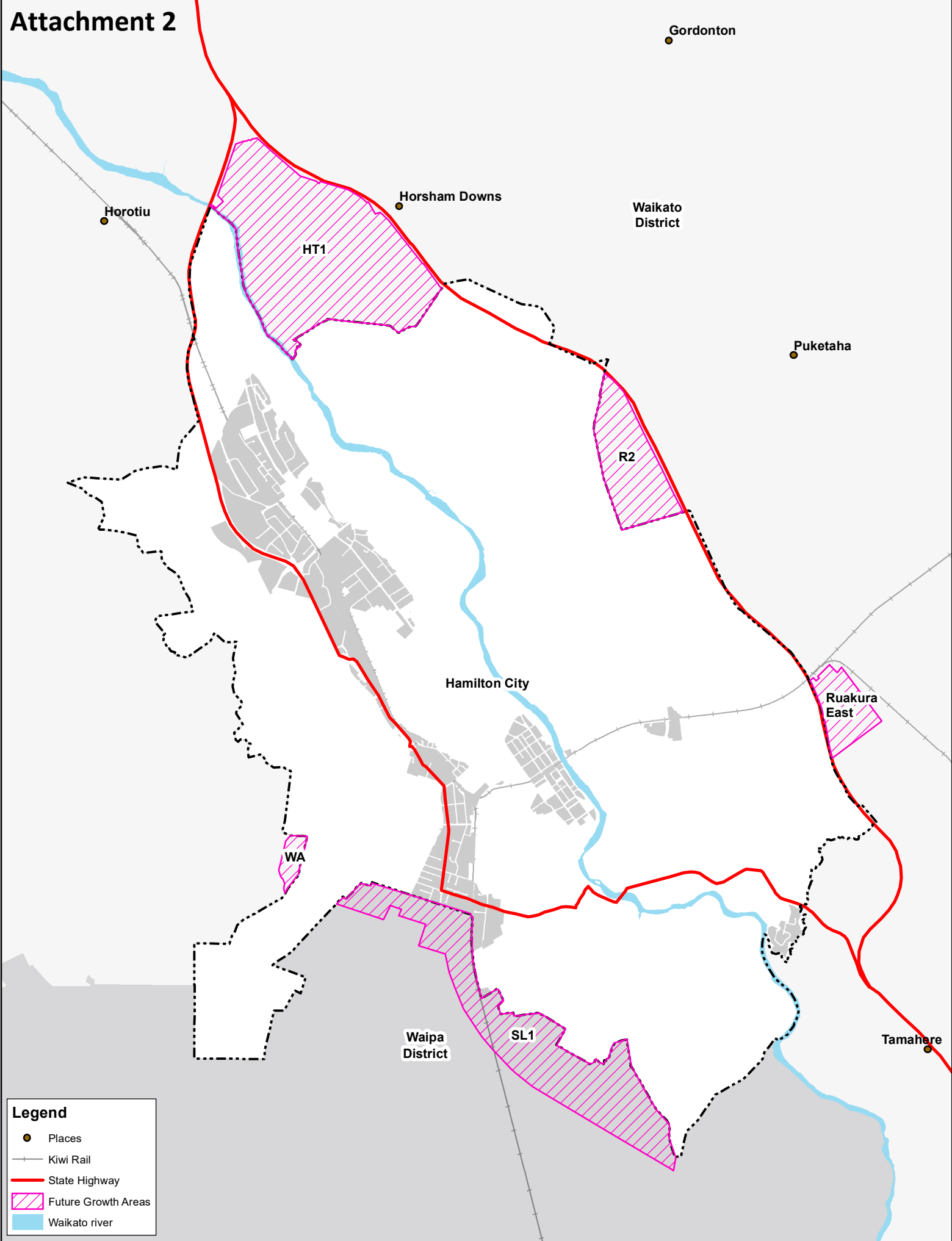
LUC CLASS	1	2	3	Waikato River

**SOURCE**  
Database: The New Zealand Land Resource Inventory (NZLRI)  
Layer ID: 48076  
Layer Name: NZLRI Land Use Capability 2021  
Link: <https://iris.scinfo.org.nz/layer/48076-nzlr-land-use-capability-2021/>

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# Attachment 2



**Legend**

- Places
- Kiwi Rail
- State Highway
- ▨ Future Growth Areas
- Waikato river

**Title: Hamilton City - Future Growth Areas**  
**Scale: 1:80 000**  
**Date: Aug 2023**  
**Unit: Urban and Spatial Planning**

0 2 4 Kilometers

