



Ministry for the

Environment

Manatū Mō Te Taiao

CORD-220

Joss Ryall
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Tēnā koe Joss Ryall

Re: NPS-HPL Discussion Document and Interim RIS

Thank you for your letter of 12 October 2023 about the Ministry for the Environment's September 2023 Discussion Document on potential amendments to the National Policy Statement for Highly Productive Land (NPS-HPL) and the associated Interim Regulatory Impact Statement.

You are seeking clarity on certain statements (on page 9 and 10) in the Discussion Document regarding the application and interpretation of the current drafting of the NPS-HPL.

The intention was for the NPS-HPL to provide a consent pathway for new specified infrastructure on Highly Productive Land subject to certain requirements. It has been pointed out to us that this is ambiguous in the current wording of clause 3.9(2)(j). The purpose of this consultation on potential amendments to the NPS-HPL is to clarify this intent through the addition of the word "construction".

I can confirm that:

- The Discussion Document's reference to the absence of a "clear consent pathway" for the construction of new specified infrastructure on HPL refers only to the absence of clear policy direction within the NPS-HPL confirming that such new specified infrastructure is appropriate.
- Regardless, section 104 of the Resource Management Act 1991 will apply and requires decision makers to have regard to the NPS-HPL, together with other national direction (including the National Policy Statement for Renewable Electricity Generation 2011) in determining whether consents should be granted.
- The Discussion Document is not intended to indicate a departure in assessment approach from the various examples of solar farms which have been granted consent on HPL since the NPS-HPL was issued, as detailed in the Interim Regulatory Impact Statement.

Nāku noa, nā,

Hayden Johnston
Director – Water and Land Use Policy
Ministry for the Environment