Ministry for the Environment
Manatū Mō Te Taiao

Ministry for Primary Industries
Manatū Ahu Matua

National Policy Statement for Highly Productive Land

Information on changing the status of Māori land and rezoning land to Māori purpose zone

This information sheet should be read together with the general information sheet on what the NPS-HPL means for Māori and Māori land.

Changing land status and rezoning

The NPS-HPL restrictions on use and development are likely to apply to general land owned by Māori (refer to the general information sheet on what the NPS-HPL means for Māori and Māori land), unless the owners complete one of two processes:

1. an application is made under s 133 of Te Ture Whenua Māori Act 1993 to **change the status of land to Māori freehold land**, and the land status is changed by an order of the Māori Land Court, or
2. an application is made to the relevant local authority to **rezone the land to a Māori purpose zone** (as defined under the National Planning Standards), and the local authority notifies the rezoning in a plan or proposed plan.

Information about both of these processes and how the NPS-HPL applies to them is provided below.

Note: Resource management reform

Work is underway to replace the Resource Management Act with a Natural and Built Environment Act (NBE), Strategic Planning Act (SPA) and Climate Adaptation Act (CAA).

Decisions on the current Natural and Built Environment (NBE) Bill are before Parliament. These will affect how the NPS-HPL will be integrated into a National Planning Framework under the NBE and may influence landowners decisions on whether to undertake a status change or rezoning.

1. Changing the status of 'general land owned by Māori' (as defined under TTWMA) to Māori freehold land

NPS-HPL implications

This change would mean that general land owned by Māori identified as highly productive in the NPS-HPL could be covered by the definition of specified Māori land.

Once this change is made do NPS-HPL restrictions apply?

No — the restrictions on the activities permitted on this land would not apply as this land will then be captured by the definition of specified infrastructure.

Process requirements

Changing the status of this land must comply with s 133 of Te Ture Whenua Māori Act and go through the Māori Land Court.

Under s 133, people applying to the Māori Land Court to change the status of general land (owned by Māori) to Māori freehold land must demonstrate:

(a) the land is beneficially owned by one or more Māori; and

(b) the owners have had adequate opportunity to consider the proposed change of status; and

(c) either—

(i) all the owners agree to the proposed change of status; or

(ii) the land can be managed or used effectively as Māori freehold land and a sufficient proportion of the owners agree to the proposed change of status; and

(d) it is desirable the land become Māori freehold land having regard to both the history of the land and the identity of the owners and their personal association with the land.

Resource and financial costs

The application fee to the Māori Land Court is $20.

Other resource and financial costs are likely to include time to reach agreement between owners, and fees for professional and/or legal advice.

Timeframes

Three to six months from submission of application.

Further information and support

Guidance on the application process in the Māori Land Court:

- Applications: Te Ture Whenua Māori Act 1993

- Ngā tono: Te Ture Whenua Māori Act 1993

Confirming or changing land status:

- Confirming or changing land status | Māori Land Court (maorilandcourt.govt.nz)

Guidance on Ahu Whenua Trusts:

- Māori -Land-Trusts: Te Kooti Whenua Māori – Māori Land Court (October 21)
- Māori -Land-Trusts: Te Kooti Whenua Māori – Māori Land Court (May 19)
- Trustees' role and duties: Te Kooti Whenua Māori – Māori Land Court
- Legislative changes affecting trusts

Guidance on incorporations:

- Māori incorporations: Te Ture Whenua Māori Act 1993
- Legislative changes affecting incorporations

Guidance on Papakāinga development:

- Papakainga housing toolkits
- Māori housing support

2. Rezoning land that is HPL to a Māori purpose zone

NPS-HPL implications

Māori purpose zones are defined in the National Planning Standards as:

> Areas used predominantly for a range of activities that specifically meet Māori cultural needs including but not limited to residential and commercial activities.

A Māori purpose zone is exempt from the definition of an urban zone in the NPS-HPL (along with Open Space Zone) and therefore clause 3.6 requiring rezoning to meet specific tests does not apply to an application to rezone land to a Māori purpose zone.

The NPS-HPL does not include a specific clause relating to the rezoning of land to a Māori purpose zone, however, clause 3.3 (involvement of tangata whenua) will be a relevant consideration and recognises the need to enable Māori to be involved in the appropriate management of HPL.

An application to rezone Māori land to Māori purpose zone will be determined by the council. Relevant considerations may include:

- Treaty settlement legislation
- iwi and hapū planning documents
- how the proposed rezoning provides for 'the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga' in accordance with s 6(e) of the RMA
- how other matters of national importance are addressed
- how cross-boundary effects are managed, including reverse sensitivity

- the extent to which the use of land for land-based primary production is retained.

Should a plan change to rezone to Māori purpose zone be approved, do NPS-HPL restrictions apply?

No — the restrictions on the activities permitted on this land would not apply.

- Rezoning general land identified as highly productive (either under the transitional definition or once mapped) to a Māori purpose zone would remove the NPS-HPL restrictions on use and development.
- Māori freehold land can also be rezoned as a Māori purpose zone. However, land with this status is already excluded from NPS-HPL subdivision, use and development restrictions, as it is captured by the definition of 'specified Māori land'.

The intention of Māori purpose zones is not to limit the use of Māori land to just one zone. Applicants can seek to rezone their land to any zone or overlay. Methods to reduce historic development imbalances imposed on Māori land can also be incorporated in other zones and overlays. For example, a rural zone could include a precinct with a broader range of development opportunities for a specific area of Māori land.

Process requirements

There are two pathways for rezoning or modifying land zoning:

A. a private plan change, or

B. a council-led plan change.

Choosing the approach depends on whether the council is already undergoing a plan change or plan review or whether the rezoning is within scope of the council-led plan change.

Private plan change

If no council plan change or review is underway or it is outside of scope, a private plan change is the only option. The Quality Planning resource gives information on this process. The key steps are:

1. The applicant lodges a private plan change request with the district or regional council.
2. The council processes the request and can request more information and commission reports.
3. The council may modify the request with the applicant's permission.
4. The council decides whether to adopt, accept or reject the request, or convert the request to a resource consent.
5. The council publicly notifies a request that it has adopted or accepted. This allows submissions and further submissions to be made.
6. The council holds a hearing to assess the request and submissions, and issues a decision on the request.
7. The council decision is open to appeal to the Environment Court.

For more information on how to initiate a private plan change, contact your local council.

Information requirements

These are generally the same for council-led and private plan changes. Evidence is needed to comply with s32 of the RMA, including:

- **defining the problem** – what is the key issue and its context, scope, scale and significance? (For guidance on drafting this, see the Quality Planning website.)
- describing the current situation (the baseline or status quo)
- integrating evaluation with community and iwi engagement
- identifying and assess objectives based on clearly defined outcomes
- identifying and assessing the response options including:
    1. identifying the full range of effects
    2. describing the scale and significance of the effects
    3. quantifying the costs and benefits, if possible
    4. monetising the costs and benefits, if possible
    5. deciding on the level of information certainty or sufficiency
    6. identifying the risks of the options
- writing an evaluation report. A local authority must consider the s32 report to be of a sufficient quality before the plan change can be notified.

See the Ministry for the Environment s32 guide for more information.

Resource and financial costs

Costs vary and include:

- plan change request fees (may range between $10,000 and $30,000)
- professional/consultant fees
- hearing costs.

Timeframes

Timeframes will depend on whether the plan change is council-led or private. Allowing for appeals, it may take up to two years or more before the rezone takes effect.

Further information and support

- Whakamau ki Nga Kaupapa — Making the best of iwi management plans under the Resource Management Act 1991 | Ministry for the Environment
- What is an iwi Management Plan? | Quality Planning
- Guidelines for engagement with Māori | tearawhiti.govt.nz
- Council-Māori Participation Arrangements

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