



National Policy Statement for Highly Productive Land

Information for councils and planners

This information sheet should be read together with the [general information sheet on the NPS-HPL](#) and the [information sheet on what it means for Māori and Māori land](#).

What is the National Policy Statement for Highly Productive land?

It is a national policy statement developed under the Resource Management Act 1991 (RMA) and will give councils more clarity on how to identify and map highly productive land and manage subdivision, use and development of this non-renewable resource.

When will the NPS-HPL take effect?

The National Policy Statement for Highly Productive Land will take effect on 17 October 2022.

What land is considered to be highly productive?

A transitional definition of highly productive land applies until councils complete the process of mapping highly productive land at a regional level (see clause 3.5(4) in the NPS-HPL for the full definition). This means land that is zoned General Rural or Rural Production and classed as Land Use Capability (LUC) 1, 2 or 3 is considered as highly productive land for the purpose of the NPS-HPL. Find out

Key information on the NPS-HPL

- The NPS-HPL will require New Zealand's most productive land to be identified and managed to prevent inappropriate subdivision, use and development.
- A transitional definition of highly productive land will apply until regional councils complete the mapping process within each region. This definition is based on Land Use Capability Class 1–3 land that is zoned General Rural or Rural Production.
- The NPS-HPL will have implications for the processing of plan changes, subdivision consents and land-use consents once it takes effect – from 17 October 2022.
- Highly productive land will need to be mapped in regional policy statements within three years of the NPS-HPL coming into effect. Plan changes to district plans to give effect to the NPS-HPL (amendments to objectives, policies and rules) are required no later than two years after maps of highly productive land in the relevant regional policy statement become operative.

if land is LUC 1, 2 or 3 on the Manaaki Whenua's [Our Environment website](#). To obtain a copy of the LUC data visit Manaaki Whenua's [LRIS Portal](#). You may also have existing, more detailed mapping of LUC within your region or district.

Note: Land is not considered to be highly productive land if it is identified for future urban development, or subject to a council initiated, or adopted, notified plan change to rezone it from a General Rural or Rural Production Zone to an 'urban zone' or a Rural Lifestyle zone (as defined in the National Planning Standards).

What happens on the day the NPS-HPL comes into effect?

The NPS-HPL objectives, policies and implementation clauses have immediate legal effect from 17 October 2022.

Councils will need to have regard to the relevant provisions when considering resource consent applications or plan change applications that are on land identified as highly productive under the transitional definition if they are making a decision on these applications on or after 17 October 2022.

What are the implications for processing resource consents on highly productive land?

This section of this information sheet is relevant for the processing of subdivision and land-use consents before a territorial authority gives effect to NPS-HPL through a plan change.

Territorial authorities are required to update their relevant objectives, policies, and rules to give effect to the NPS-HPL no later than two years after maps of highly productive land in the relevant regional policy statement become operative.

Subdivision consents

The key policy in the NPS-HPL relating to subdivision is Policy 7. It states that subdivision of highly productive land should be avoided, except where the NPS-HPL provides for this. The main implementation clauses in the NPS-HPL that apply to subdivision consents are clause 3.8 (avoiding subdivision of highly productive land) and clause 3.10 (exemptions for land subject to permanent or long-term constraints).

For subdivision applications, the starting point for whether highly productive land can be subdivided is clause 3.8. Decision-makers must consider whether the proposed lots can retain the overall productive capacity of the subject land over the long term (at least 30 years). This would allow for boundary adjustments and the subdivision of large lots that can still support land-based primary production activities but would prevent highly productive land being subdivided into small, unproductive rural lifestyle lots (sometimes known as 'lifestyle blocks').

Note: If district plans contain subdivision rules that allow for smaller rural lifestyle lots as a controlled activity on highly productive land, the resource consent applications for these must still be granted until plans are updated.

If the activity status of the subdivision is restricted discretionary, discretionary, or non-complying, a territorial authority could decline a subdivision application on highly productive land if it is contrary to Policy 7 and clause 3.8 of the NPS-HPL. This needs to be considered as part of an assessment under section 104 of the RMA, including the requirement to have regard to the relevant provisions of the NPS-HPL under section 104(1)(b)(iii).

Subdivision of highly productive land can also occur on specified Māori land or for specified infrastructure or defence facilities.

If a landowner does not meet the requirements under clause 3.8, they could potentially apply to subdivide their highly productive land under clause 3.10. Under this clause an applicant would be required to demonstrate that the land was subject to permanent or long-term constraints and that they meet the tests and requirements set out in clause 3.10 of the NPS-HPL.

Land-use consents

The main policies for land use and development on highly productive land are Policies 3 and 8. The key implementation clauses in the NPS-HPL that apply to land-use consents once the national policy statement comes into force are clause 3.9 (inappropriate use and development) and clause 3.10 (exemptions for land subject to permanent or long-term constraints).

At a broad level, the NPS-HPL objective makes it clear that highly productive land should be protected for land-based primary production. However, it is also recognised there can be other appropriate uses of highly productive land. Clause 3.9(2) provides a list of activities that are not land-based primary production but are not 'inappropriate' and can occur on highly productive land in some circumstances. This includes (but is not limited to) activities that:

- address a high risk to public health and safety
- protect, maintain, restore or enhance indigenous biodiversity
- are small scale or temporary and have no impact on the productive capacity of the land.

If an activity is currently a permitted activity on highly productive land in a district plan and is not listed in clause 3.9, this will continue to be permitted. Similarly, if an activity is currently a controlled activity on highly productive land and not listed in clause 3.9, then an application for resource consent must still be granted until plans are updated.

However, if the activity status is restricted discretionary, discretionary, or non-complying, a territorial authority could decline a land-use consent application for the use or development of highly productive land if it is contrary to Policies 3 and 8 and clause 3.9 of the NPS-HPL. This needs to be considered as part of the assessment under section 104 of the RMA, including the requirement to have regard to the relevant provisions of the NPS-HPL under section 104(1)(b)(iii).

A landowner could also apply to use or develop highly productive land for a non-land-based primary production activity if they could not meet the tests of clause 3.9 but were able to demonstrate that the land was subject to permanent or long-term constraints and that they met the tests and requirements set out in clause 3.10.

What are the implications for processing plan changes on highly productive land?

The key policies in the NPS-HPL relating to plan changes are Policies 5 and 6. The key implementation clauses in the NPS-HPL that will impact on the processing of plan changes are clause 3.6 (restricting urban zoning of highly productive land), clause 3.7 (avoiding rezoning of highly productive land for rural lifestyle) and clause 3.10 (exemptions for land subject to permanent or long-term constraints). Plan changes are required to be in accordance with any relevant national policy statement under section 74(1)(ea) of the RMA.

Clause 3.6 has been drafted to align with the National Policy Statement on Urban Development 2020 (NPS-UD) and provides a pathway for territorial authorities to consider the rezoning of highly productive land to an urban zone if the specified tests in clause 3.6(1) are met. A range of reasonably practicable options for providing the required development capacity on non-highly productive land must be considered as part of the process, and the benefits of the rezoning must outweigh the costs.

Clause 3.7 provides very clear direction that highly productive land should not be rezoned for rural lifestyle purposes unless the tests set out in clause 3.10 can be met. If a plan change is lodged to rezone highly productive land to the Rural Lifestyle zone after 17 October 2022, an applicant will need to meet the tests and requirements set out in clause 3.10.

When will more detailed, technical guidance be available?

Technical guidance for local authorities will be available by January 2023. This will:

- provide more detail on how to give effect to the NPS-HPL through mapping highly productive land and updating regional policy statements and district plans to give effect to the NPS-HPL
- contain guidance on options for giving effect to the NPS-HPL either under the RMA, or through the new RM system
- provide more detailed guidance on the processing of plan changes and resource consent applications that will expand and build on the high-level information contained in this information sheet.

Who to contact

If you have questions or would like further information, email highlyproductiveland@mfe.govt.nz or visit mpi.govt.nz or environment.govt.nz.

