



National Policy Statement for Highly Productive Land

Information on what it means for Māori and Māori land

This information sheet should be read together with the [general information sheet on the NPS-HPL](#) and [information sheet for councils and planners](#).

How will tangata whenua be involved in giving effect to the policy?

The National Policy Statement for Highly Productive Land (NPS-HPL) will affect the different priorities of iwi, hapū and whānau across the country, in terms of urban rezoning, freshwater and aspirations for development of Māori land.

Councils will be required to actively involve tangata whenua (to the extent they wish to be involved) when implementing the NPS-HPL. This must be done in a way that is early, meaningful and, as far as practicable, in accordance with tikanga Māori.

What are the implications of the NPS-HPL for types of land owned by Māori

The implications of the NPS-HPL for different types of land owned by Māori, including specified Māori land, general land owned by Māori, land returned under

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.

Treaty settlement or by other means, and land that is in a Māori purpose zone are described below.

Information on changing the status of land owned by Māori and rezoning land to Māori purpose zone is available in [this information sheet](#).

Specified Māori land

In the National Policy Statement for Highly Productive Land (NPS-HPL), ‘specified Māori land’ means land that is any of the following:

- (a) *Māori customary land or Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):*
- (a) *land vested in the Māori Trustee that—*
 - (i) *is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955; and*
 - (i) *remains subject to that Act:*
- (b) *land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953:*
- (c) *land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land within the meaning of section 7 of the Te Urewera Act 2014):*
- (d) *the maunga listed in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014:*
- (e) *land held by or on behalf of an iwi or hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of the mana whenua over the land*

Specified Māori land as defined above is exempt from NPS-HPL restrictions on subdivision, use or development. However, there may be other existing restrictions on how this land may be used eg, constraints under the Reserves Act 1977 and/or the Conservation Act 1987, or easements or restrictive covenants registered on the record of title that protect public rights of access or restrict certain activities.

Although the NPS-HPL will not restrict the type of activities that can occur on specified Māori land, care will need to be taken to ensure that activities minimise the actual and cumulative loss of highly productive land and do not adversely affect the productive use of highly productive land on neighbouring sites.

General land owned by Māori

The definition of specified Māori land does not specifically include general land owned by Māori. General land owned by Māori that is classed as Land Use Capability Classes (LUC) 1, 2 or 3 and zoned general rural or rural production (or equivalent) will likely be defined as highly productive land (HPL) under the (NPS-HPL).

Refer to the [implementation guide](#) for how highly productive land (HPL) is defined in the NPS-HPL.

Land returned under Treaty settlements or by other means

Land returned under Treaty settlement¹ as general land,² or subsequently converted to general land, will likely be subject to the NPS-HPL restrictions on subdivision, use or development.

Land returned under Treaty settlement as Māori freehold land, or subsequently converted to Māori freehold land, comes under the definition of specified Māori land and is exempt from the NPH-HPL restrictions on subdivision, use or development.

Land returned by other means

Land returned under the Public Works Act 1981, or by other means, may also have been returned as general land. Sometimes, the land that is returned has constraints under the Reserves Act 1977 and/or the Conservation Act 1987. It may also have easements or restrictive covenants registered on the record of title that protect public right of access or restrict activities.

Depending on the encumbrances, some of this land may be converted to Māori freehold land and managed under Te Ture Whenua Māori Act 1993 (TTWMA) or retained as general land.

Land within a Māori purpose zone

Land that is rezoned a Māori purpose zone, or included within a Māori purpose zone, is not HPL because land is only HPL if it is zoned general rural or rural production zone or equivalent. More information on Māori purpose zone and the rezoning process is provided in [this information sheet](#).

How much of land owned by Māori as freehold or customary land (as defined by TTWMA) is highly productive land?

Highly productive land as indicated by LUC 1–3 comprises approximately nine per cent of Māori customary and freehold land (113,200 ha).³ This equates to approximately three per cent of the total resource of highly productive land in Aotearoa New Zealand based on how much land is LUC 1–3. However, the size of this land area may change as councils identify and map highly productive land over the next three years with tangata whenua involvement. Another 32,160

¹ Being land held by a post-settlement governance entity (as defined in the Urban Development Act 2020) where the land was transferred or vested and held (including land held in the name of a person such as a tipuna of the claimant group, rather than the entity itself):

- (i) as part of redress for the settlement of Treaty of Waitangi claims; or
- (ii) by the exercise of rights under a Treaty settlement Act or Treaty settlement deed.

² Representing less than 1 per cent of the total LUC 1–3 resource (which is approximately 15 per cent of all land in Aotearoa New Zealand.)

³ Land is ranked against one of eight categories or classes based on its long-term potential for sustained agricultural production. This is known as the Land Use Capability (LUC). LUC Class 1 land is the most versatile and suitable for growing the largest range of crops. At the other end of the scale, class 8 land is the least versatile for primary production and is typically used for conservation purposes. Classes 1, 2 and 3 land are generally regarded as the most highly productive land in New Zealand.

hectares of Treaty settlement land is LUC 1–3, however most of this land was returned as general land and may be subject to existing restrictions on how that land may be used.

How have Māori been consulted in developing the NPS-HPL?

In 2018, the Ministry for the Environment and the Ministry for Primary Industries held workshops and meetings with iwi and Māori to help develop and test the scope, purpose and focus of the NPS-HPL before public consultation.

The Ministry for Primary Industries released a discussion document – [Valuing highly productive land](#) – for consultation between August and October 2019, alongside a roadshow, meetings and hui with local iwi/Māori.

The main Treaty and Māori-related themes from the public submissions informed the NPS-HPL exposure draft. Several targeted engagements were also held throughout 2020 to 2022 with Treaty partners to test the workability of the NPS-HPL exposure draft.

More information

More information on the development of the NPS-HPL is available on the Ministry for the Environment’s website: [National policy statement for highly productive land | Ministry for the Environment](#).

More information on changing the status of Māori land and rezoning land to Māori purpose zone is available in [this information sheet](#). Part 1 of [implementation guidance](#) is also available and will be updated with Part 2 in early 2023.

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

