

National Policy Statement for Highly Productive Land

The Government has released the National Policy Statement for Highly Productive Land (NPS-HPL) to protect highly productive land from inappropriate subdivision, use and development and to ensure its availability for food and fibre production, to take effect from 17 October 2022.

The [NPS-HPL](#) responds to the [Our Land 2018](#) report, which found that urban expansion and development is reducing the availability of Aotearoa's most fertile and versatile productive land. Its purpose is to direct subdivision and development away from highly productive land and to protect land used for food production.

Highly productive land

The NPS-HPL relies on the Land Use Capability (LUC) system, which categorises land into eight classes. Land that is classed as LUC 1 is the most versatile, productive and has the fewest limitations, making it best suited to food and fibre production. Conversely, LUC 8 is the least versatile and productive and has the greatest number of limitations. LUC classes 1, 2 and 3 will be protected by the NPS-HPL.

The NPS-HPL will require each regional council to notify a proposed regional policy statement (RPS) mapping land in their region as highly productive land that:

- is zoned general rural or rural production; and
- is predominantly LUC 1, 2 or 3 land; and

- forms a large and geographically cohesive area.

It also provides for regional councils to map land that is zoned general rural or rural production, but is not classed as LUC 1, 2, or 3 land, as highly productive land if the land is, or has the potential to be, 'highly productive for land-based primary production in that region'. An example of such land might be a site that due to soil type, location and climate is suitable for viticulture, even if the LUC classification is not 1 – 3.

Land that is already identified for future urban development is not to be mapped as highly productive land. Land will qualify for this exemption if it is identified in a published Future Development Strategy or non-statutory strategic planning document (adopted by council resolution) as being suitable for urban development over the next 10 years, at a level of detail that makes the boundaries of the area identifiable in practice.

The NPS-HPL then requires district councils to change district plans to incorporate the same maps as decided in the relevant RPS. Incorporation of the maps into the district plans will be automatic (using section 55 (2) so will not go through a submissions and hearings process). The implication of this for landowners and interested parties is that they need to get involved at the RPS stage if they want to have a say about the mapping.

District councils are then directed to avoid the rezoning, subdivision or inappropriate use or development of highly productive land unless the exceptions in clauses 3.6 – 3.10 apply. These include an exception to the rezoning rule for Tier 1 and 2 territorial authorities¹ if the rezoning is required to provide sufficient development capacity to give effect to the National Policy Statement on Urban Development 2020, there are no other reasonably practicable and feasible options for

¹ Auckland, Hamilton, Tauranga, Wellington, Christchurch, Whangarei, Rotorua, New Plymouth, Napier Hastings, Palmerston North, Nelson Tasman, Queenstown and Dunedin.

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providing at least sufficient development capacity within the same locality and market, and the benefits of rezoning outweigh the long-term costs associated with the loss of the highly productive land.

There is also an exception to the subdivision avoidance rule if the applicant demonstrates that the proposal will retain the overall productive capacity of the land over the long term, the subdivision is on identified Maori land, or the subdivision is for specified infrastructure and avoids or otherwise mitigates any potential cumulative loss of the availability and productive capacity of highly productive land in the district.

In the interim, for any plan change and consenting decisions prior to the relevant RPS incorporating the maps, district councils must still apply the NPS-HPL to land that is zoned rural general or rural productive and identified as LUC 1, 2 or 3. This requirement does not apply to land identified for future development or land that is already subject to a plan change to rezone it to urban or rural lifestyle at the time the NPS-HPL comes into force.

Implications for landowners

Rural landowners can check whether their land will be affected by the NPS-HPL by checking the LUC classification of their land using the [LUC map](#).

Clause 3.9 of the NPS-HPL contains a list of activities that are not land-based primary production that may also occur on highly productive land. These include activities that address public health and safety, are on specified Māori land (detailed definition in the Interpretation section), are to protect, maintain, restore, or enhance indigenous biodiversity, retire land from land-based primary production for the purpose of improving water quality or are for public access.

New resource management system

The NPS-HPL has been developed under the Resource Management Act 1991, which the Government plans to repeal and replace with the Natural and Built

Environments Bill (NBA). The NPS-HPL will be transitioned into the proposed National Planning Framework developed under the NBA.

Timing

The NPS-HPL will come into effect on Monday 17 October 2022. Local authorities will be required to apply it from that date.

Regional authorities must notify a proposed RPS mapping land in their region as highly productive land as soon as reasonably practicable and within three years of the NPS-HPL coming into effect.

Territorial authorities must notify changes to their district plan objectives, policies and rules to give effect to the NPS-HPL as soon as practicable and within two years of the highly productive land maps in the relevant RPS becoming operative.

Want to know more?

If you have any questions about the NPS-HPL, please contact our specialist [environment, planning and natural resources team](#).