

National Policy Statement for Highly Productive Land released

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The National Policy Statement for Highly Productive Land (NPS-HPL) was released on 18 September 2022 and will come into force on 17 October 2022.

The objective of the NPS-HPL is to protect highly productive rural land for use in land-based primary production. By making it more difficult to subdivide and develop highly productive land the NPS-HPL will restrict its removal from primary productive use.

That said, the NPS-HPL makes allowances for development intended to give effect to the National Policy Statement on Urban Development 2020 (NPS-UD), for specified infrastructure development and aggregate extraction which provides significant national or regional public benefit.

Mapping of highly productive land to be included in regional policy statements and district plans

The NPS-HPL requires regional councils, within three years from commencement, to notify maps of "highly productive land" in regional policy statements (which territorial authorities must then include in district plans).

Land must be mapped as "highly productive land" if it is in a general-rural or rural-production zone that falls under Land Use Capability Classes 1, 2 and 3, and forms a large and geographically cohesive area, unless identified for future urban development at the NPS-HPL's commencement. These criteria can generally be expected to capture the 'best' rural land for primary productive use.

The NPS-HPL is not 'on hold' until the mapping exercise is complete. In the interim, territorial authorities must still apply the protectionist policies of the NPS-HPL to land having the relevant characteristics of "highly productive land".

Limits on re-zoning

The NPS-HPL expressly limits the re-zoning of highly productive land. Territorial authorities may only allow urban re-zoning of highly productive land where:

- Required to give effect to the NPS-UD (for Tier 1 and 2 authorities under the RMA)
- There are no other reasonably practicable and feasible options for providing sufficient development capacity
- The benefits of re-zoning outweigh the costs associated with the loss of highly productive land for land-based primary production.

Rural-lifestyle re-zoning and subdivision of highly productive land is to be avoided, except in accordance with limited exceptions.

Protection from inappropriate use and development

Closely related to the re-zoning restrictions, the NPS-HPL's starting point is that the alternative use and development of highly productive land (ie not land-based primary production) will be inappropriate, unless one of the stated exceptions is met. These exceptions include activities by requiring authorities in relation to a designation or notice of requirement, activities associated with a matter of national importance and, where there is a functional or operational need, the maintenance, operation, upgrade, or expansion of specified infrastructure.

Please contact a member of our [team](#) if you would like to discuss the potential implications of the NPS-HPL, either generally or for a specific development.

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