New Zealand Government

Draft National Policy Statement for Indigenous Biodiversity

NOVEMBER 2019

This draft supports consultation on *He Kura Koiora i hokia: A discussion document on a proposed National Policy Statement for Indigenous Biodiversity*.

More information is available on the Ministry for the Environment website: www.mfe.govt.nz.

Draft National Policy Statement for Indigenous Biodiversity

Proposals for consultation November 2019

Authority

This National Policy Statement is issued by the Minister for the Environment under section 54 of the Resource Management Act 1991.

Contents

Explanatory note to this NPS

This National Policy Statement (NPS) sets out objectives, policies and implementation requirements to manage natural and physical resources to maintain indigenous biological diversity (indigenous biodiversity) under the Resource Management Act 1991 (the Act).

Aotearoa has a unique natural heritage. New Zealand's isolation and geological instability means a unique ecology has evolved. We have high endemism (species found nowhere else) and, in the absence of native land mammals, highly distinct and internationally significant ecosystems.

Biodiversity has declined through our use of land and other natural resources and through our introduction (deliberate or otherwise) of exotic species that have become pests outside their natural environments. Many indigenous species and ecosystems have been lost and many that remain are now highly threatened or at risk of extinction.

Aotearoa New Zealand's indigenous biodiversity is in decline. The nationally coordinated response in this National Policy Statement ensures the decline is halted and indigenous species, habitats and ecosystems are supported to thrive. As such, it will promote the sustainable management of natural and physical resources as required by the Act.

This National Policy Statement uses *Hutia Te Rito* as the framework to achieve an integrated and holistic approach to maintaining indigenous biodiversity. This framework recognises that the health and wellbeing of our terrestrial environment, its ecosystems and unique indigenous vegetation and fauna, are vital for the health and wellbeing of the wider environment and communities.

Some of the most important ecosystems and habitats are located within Aotearoa's large area of public conservation land. However, much of Aotearoa's remaining indigenous biodiversity is on privately owned and Māori land, including many ecosystems that are poorly, if at all, represented within public conservation land. This National Policy Statement seeks actions from private landowners to recognise the vital role we all play in ensuring indigenous biodiversity is maintained. Partnerships and collaboration between landowners, communities and public agencies is critical to the success of this National Policy Statement.

This National Policy Statement ensures as many of our remaining species, habitats and ecosystems as possible persevere. This places value not only on the pristine, but also on the modified and degraded habitats and ecosystems that make an important contribution to maintaining indigenous biodiversity. Through the Significant Natural Area criteria, this National Policy Statement recognises the importance of species and ecosystems that are locally rare but nationally abundant, as well as those that are locally abundant but nationally rare. Similarly, the objective 'to maintain indigenous biodiversity' will require management and protection of species across their natural range.

Stopping loss and halting degradation will not be sufficient on their own. Maintaining indigenous biodiversity long term requires positive actions to more effectively manage the ongoing and pervasive threats from vegetation, animal pests and diseases, as well as the emerging threat of climate change. Meeting the obligations in this National Policy Statement

will also need remaining ecosystems to be restored or enhanced and even reconstruction of indigenous vegetation cover in the most modified environments.

While it is important to identify and protect Significant Natural Areas (SNAs), it is also important to understand that informed and sympathetic management is required of all New Zealanders across the terrestrial environment – not just in defined SNAs.

Local authorities have statutory functions under the Act to maintain biodiversity. This is underpinned by Part 2 principles of the Act including the need to:

- safeguard the life-supporting capacity of ecosystems
- protect significant indigenous vegetation and significant habitat of indigenous fauna
- provide for the relationship of Māori and their culture and traditions with their taonga
- have particular regard to kaitiakitanga and the ethic of stewardship, and
- take into account the principles of Te Tiriti o Waitangi.

This National Policy Statement states objectives, policies and implementation requirements for those matters of national significance and acknowledges the role that Māori have as kaitiaki in all aspects of indigenous biodiversity management.

While this National Policy Statement supports local authorities' existing good practice, it seeks a step change in management, recognising the opportunity before us to better protect indigenous biodiversity and support New Zealand's identify for generations to come.

Part 1: Preliminary provisions

1.1 Title

This is the National Policy Statement for Indigenous Biodiversity 2019.

1.2 Commencement

This National Policy Statement comes into force [28 days after the date of its notification in the Gazette].

1.3 Purpose of National Policy Statement

The purpose of this National Policy Statement is to set out objectives and policies in relation to maintaining indigenous biodiversity and to specify what local authorities must do to achieve those objectives.

1.4 Matter of national significance

The matter of national significance to which this National Policy Statement relates is the maintenance of indigenous biodiversity.

1.5 Application

Geographic application

(1) This National Policy Statement applies to indigenous biodiversity throughout New Zealand, other than –

a) indigenous biodiversity in the coastal marine area; and

b) indigenous biodiversity in waterbodies and freshwater ecosystems (as those terms are defined in the National Policy Statement for Freshwater Management 2019).

(2) Except –

a) provisions relating to restoration and enhancement (clauses 3.16 and 3.17) do apply to wetlands;

b) the requirements relating to regional biodiversity strategies (clause 3.18) do apply to indigenous biodiversity in the coastal marine area and in waterbodies and freshwater ecosystems; and

c) [geothermal ecosystems – see discussion document *He Kura Koiora i hokia* for options relating to geothermal ecosystems]

Temporal application

(3) Plan or regional policy statement changes required by this National Policy Statement must be notified as soon as practicable, but no later than 31 December 2028.

(4) Plan or regional policy statement changes required for SNA identification/mapping must be completed according to the dates in Part 3.8.

(5) Regional biodiversity strategies must be made (or updated) according to the timeframes in Part 3.18.

(6) Part 3.19 specifies a policy that must be inserted into local authorities' plans in accordance with section 55(2A) of the RMA within one year of the commencement date.

1.6 Relationship with New Zealand Coastal Policy Statement

Both the New Zealand Coastal Policy Statement and this National Policy Statement apply in the terrestrial coastal environment. If there is a conflict between the provisions of this National Policy Statement and the New Zealand Coastal Policy Statement 2010 (or any later New Zealand coastal policy statement issued under the Act), the New Zealand coastal policy statement prevails.

1.7 Fundamental concepts

The following are descriptions of terms that cannot adequately be described by a short definition. To give effect to this National Policy Statement it is important to understand these concepts fully.

(1) Hutia Te Rito

Hutia te rito o te harakeke

Kei hea te kōmako, e kō?

Kī mai ki ahau

He aha te mea nui o te ao?

Māku e kī atu

he tangata, he tangata, he tangata

When the centre of the flax bush is picked

Where will the bellbird sing?

You ask me

What is the greatest thing in the world?

My reply is

It is people, it is people, it is people.

This whakatauki recognises the impact people have on our natural environment and its survival; our actions can determine whether it is destroyed or degraded or whether it thrives. It explicitly recognises the interconnected and whakapapa (familial) relationship between indigenous biodiversity and communities. People are part of and dependent upon, the natural environment and ecosystems. Our forests, shrublands, dune lands, indigenous vegetation, animals, invertebrates, birds and special places are essential to our wellbeing. In return, we have an obligation to care and protect our indigenous biodiversity.

The whakatauki is the basis of the concept of Hutia Te Rito as used in this National Policy Statement. It provides an overarching framework to achieve the integrated and holistic wellbeing of indigenous biodiversity.

In this National Policy Statement, Hutia Te Rito recognises the health and wellbeing of indigenous biodiversity in the terrestrial environment – its habitats and ecosystems and unique vegetation and fauna – is also vital for the health and wellbeing of our freshwater, coastal marine area and all of our communities.

It recognises we have a role as stewards or kaitiaki of indigenous biodiversity. This requires that when we undertake activities – such as subdivision, use and development – we have a responsibility to provide not only for te hauora o te tangata (the health of the people) but also for –

- te hauora o te koiora (the health of indigenous biodiversity), and
- te hauora o te taonga (the health of species and ecosystems that are taonga), and
- te hauora o te taiao (the health of the wider environment).

These elements are intrinsically linked. Any use and development that degrades the mauri and hauora of our indigenous biodiversity also degrades the hauora of the people.

Hutia Te Rito is an overarching concept that can incorporate the values of tangata whenua and the wider community into the way indigenous biodiversity is managed so that it is maintained. This National Policy Statement requires local authorities to work with tangata whenua and the wider community to

- protect, maintain and enhance indigenous biodiversity in a way that recognises that reciprocity is at the heart of the relationship between people and indigenous biodiversity; and
- develop meaningful and tailored objectives, policies and methods to operationalise Hutia Te Rito.

(2) Indigenous biodiversity

In this National Policy Statement, **biodiversity** has the same meaning as "biological diversity" in the Act: *"the variability among living organisms, and the ecological complexes of which they are a part, including diversity within species, between species, and of ecosystems".*

Indigenous biodiversity is biodiversity that is naturally occurring anywhere in New Zealand. It includes all New Zealand's ecosystems, indigenous vegetation, indigenous fauna and the habitats of indigenous vegetation and fauna.

(3) Maintenance of indigenous biodiversity

The maintenance of indigenous biodiversity requires at least no reduction, as from the commencement date, in the following:

a) the size of populations of indigenous species:

b) indigenous species occupancy across their natural range:

c) the properties and function of ecosystems and habitats:

d) the full range and extent of ecosystems and habitats:

e) connectivity between and buffering around, ecosystems:

f) the resilience and adaptability of ecosystems.

The maintenance of indigenous biodiversity may also require the restoration or enhancement of ecosystems and habitats.

(4) Adverse effects on indigenous biodiversity

References in this National Policy Statement to adverse effects on indigenous biodiversity include effects including, but not limited to, the following:

a) loss of ecosystem representation or extent:

b) disruption of sequences, mosaics or ecosystem function:

c) fragmentation of loss of buffering or connectivity within and between habitats or ecosystems:

d) the reduction in population size or occupancy of threatened species:

e) the degradation of mauri:

f) a reduction in the richness, abundance or viability of species in habitats and ecosystems:

g) pest vegetation or fauna incursions and changes that result in increased risk of incursions:

h) disruption to indigenous fauna by people and their pets and livestock and changes that increase the risk of disruption:

i) a reduction in people's ability to connect with and benefit from, indigenous biodiversity including from benefits such as –

i. the historical, cultural or spiritual relationship of tangata whenua with their taonga; and

ii. the scientific, educational, amenity, historical, cultural, landscape or natural character values of indigenous species and indigenous habitats; and

iii. ecosystem services.

1.8 Definitions

(1) In this National Policy Statement:

Act means the Resource Management Act 1991

administrative boundaries includes all the following:

a) regional and district jurisdictional boundaries and functions:

b) land administered by central government and land administered by local authorities:

c) boundaries between public land and private land:

d) where tangata whenua boundaries of rohe cross local authority boundaries

biodiversity compensation means a conservation outcome resulting from actions that comply with the principles in Appendix 4 and compensate for [more than minor] residual, adverse biodiversity effects from subdivision, use or development after all appropriate avoidance, remediation, mitigation and biodiversity offset measures have been sequentially applied

biodiversity offset means a measurable conservation outcome resulting from actions that comply with the principles in Appendix 3 and are designed to:

a) compensate for [more than minor residual] adverse biodiversity effects arising from subdivision, use or development after appropriate avoidance, remediation and mitigation measures have been sequentially applied; and

b) achieve a no net loss of and preferably a net gain to, indigenous biodiversity values.

buffer refers to the space around core areas of ecological value that help to reduce external pressures; and buffering has a corresponding meaning

commencement date means the date on which this National Policy Statement comes into force

connectivity refers to the links or connections between habitats and ecosystems that provide for the movement of species and processes among and between the habitats or ecosystems

ecological district means the ecological districts as shown in McEwen, W Medium (ed), 1987. *Ecological regions and districts of New Zealand*. Wellington: Department of Conservation

ecological integrity means the extent to which an ecosystem is able to support and maintain its –

a) composition (being its natural diversity of indigenous species, habitats and communities); and

b) structure (being its biotic and abiotic physical features); and

c) functions (being its ecological and physical processes)

ecosystem means the complexes of organisms and their associated physical environment within an area (and comprise: a biotic complex, an abiotic environment or complex, the interactions between the biotic and abiotic complexes and a physical space in which these operate)

ecosystem functions are the abiotic (physical) and biotic (ecological and biological) flows that are properties of an ecosystem

ecosystem services are the benefits obtained from ecosystems such as –

a) supporting services (eg, nutrient cycling, soil formation, habitat creation);

b) provisioning services (eg, food, freshwater, wood, fibre, fuel);

c) regulating services (eg, water purification, climate regulation, flood regulation, disease regulation); and

d) cultural services (eg, aesthetic, spiritual, educational, recreational)

effects management hierarchy means an approach to managing the adverse effects of subdivision, use and development that requires that –

a) adverse effects are avoided where possible;

b) adverse effects that cannot be demonstrably avoided are remedied where possible;

c) adverse effects that cannot be demonstrably remedied are mitigated;

d) in relation to adverse effects that cannot be avoided, remedied or mitigated, biodiversity offsetting is considered; and

e) if biodiversity offsetting is not demonstrably achievable for any indigenous biodiversity attribute on which there are residual adverse effects, biodiversity compensation is considered

existing activity, in this National Policy Statement, means a subdivision, use or development that is –

a) lawfully established at the commencement date; but

b) not a land use covered by section 10 of the Act

fragmentation, in relation to indigenous biodiversity, refers to the fragmentation of habitat that results in a loss of connectivity and an altered spatial configuration of habitat for a given amount of habitat loss

[**geothermal ecosystems** – see discussion document *He Kura Koiora i hokia* for options relating to geothermal ecosystems]

habitat means the area or environment where an organism or ecological community lives or occurs naturally for some or all of its life cycle, or as part of its seasonal feeding or breeding pattern

highly mobile fauna means species that –

a) are highly mobile;

b) where some individuals move between different environments during their life cycle for reasons such as feeding, mating, nesting, moulting or in response to climatic conditions; and

c) for the purposes of this National Policy Statement, include only threatened or at-risk species

Hutia Te Rito has the meaning given in clause 1.7(1)

identified taonga means indigenous species, populations or ecosystems that are identified by tangata whenua as taonga, as provided for in clause 3.14

improved pasture has the meaning in clause 3.12(4)

indigenous biodiversity has the meaning in clause 1.7(2)

indigenous vegetation means vascular and non-vascular plants that, in relation to a particular area, are native to the ecological district in which that area is located

land environment means a land environment identified in the Land Environments of New Zealand (LENZ) classification system (Leathwick et al, 2003, as maintained by Manaaki Whenua Landcare Research)

maintenance, in relation to indigenous biodiversity, has the meaning in clause 1.7(3)

Māori land means Māori customary land and Māori freehold land as defined in Te Ture Whenua Māori Act 1993

mātauranga Māori means Māori customary knowledge, traditional knowledge or intergenerational knowledge

mosaic means a pattern of two or more interspersed ecosystems, communities or habitats that contribute to the cumulative value of ecosystems in a landscape

nationally significant infrastructure means any of the following:

a) state highways:

b) the national grid electricity transmission network:

c) national renewable electricity generation facilities that connect with the national grid:

d) major gas or oil pipeline services (such as the pipeline from Marsden Point to Wiri and high-pressure, gas transmission pipelines from Taranaki):

e) any railway (as defined in the Railways Act 2005):

f) rapid transit:

g) airports that have a runway that is used for regular air transport services by aeroplanes that have a seating configuration of more than 30 passenger seats:

h) commercial ports (as defined in Part A(6) of Schedule 1 of the Civil Defence Emergency Management Act 2002):

natural range, in relation to a species, refers to the geographical area within which that species can be expected to be found naturally (without human intervention)

new subdivision, use or development means a subdivision, use or development that is not an existing activity nor an activity captured by section 10 of the RMA

plantation forest has the meaning in the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017

plantation forest biodiversity areas are deliberately established plantation forests which have been identified as containing significant indigenous vegetation and significant habitat of indigenous fauna using Appendix 1

policy statements and plans includes regional and district plans, proposed plans and regional policy statements and proposed regional policy statements

reconstruction means re-introducing and maintaining appropriate biota to recreate an ecosystem that would not regenerate or recolonise even with best practice restoration interventions

resilience, in relation to an ecosystem, means the ability of the ecosystem to recover from and absorb disturbances, and its capacity to reorganise into similar ecosystems

sequence means a series of ecosystems or communities, often physically connected, that replace one another through space

SNA or significant natural area, means –

a) an area identified as an SNA in a district plan or proposed district plan in accordance with clause 3.8;

b) an area identified, before the commencement date, in a policy statement or plan or proposed policy statement or plan, as an area of significant indigenous vegetation or significant habitat of indigenous fauna, regardless of whether the area is referred to as a SNA or in any other way; or

c) an area identified as an area of significant indigenous vegetation or significant habitat of indigenous fauna as part of an assessment of environmental effects

species includes taxa

[**Taupō Volcanic Zone** – see discussion document *He Kura Koiora i hokia* for options relating to geothermal ecosystems]

terrestrial environment means land and associated natural and physical resources, above mean high-water springs, excluding land covered by water, waterbodies and freshwater ecosystems (as those terms are defined in the National Policy Statement for Freshwater Management 2019) and the coastal marine area

threatened or at-risk species are taxa that meet the criteria specified by Townsend et al. (2008) for the categories Threatened or At-risk (*Andrew J Townsend, Peter J de Lange, Clinton A J Duffy, Colin Medium Miskelly, Janice Molloy and David A Norton (2008). The New Zealand Threat Classification System Manual*, available at: https://www.doc.govt.nz/globalassets/documents/science-and-technical/sap244.pdf.

Part 2: Objectives and policies

2.1 Objectives

The objectives of this National Policy Statement are:

Objective 1: to maintain indigenous biodiversity:

Objective 2: to take into account the principles of the Treaty of Waitangi in the management of indigenous biodiversity:

Objective 3: to recognise and provide for Hutia Te Rito in the management of indigenous biodiversity:

Objective 4: to improve the integrated management of indigenous biodiversity:

Objective 5: to restore indigenous biodiversity and enhance the ecological integrity of ecosystems:

Objective 6: to recognise the role of landowners, communities and tangata whenua as stewards and kaitiaki of indigenous biodiversity by

b) allowing people and communities to provide for their social, economic and cultural wellbeing now and in the future; and

c) supporting people and communities in their understanding of and connection to, nature.

2.2 Policies

The policies that this National Policy Statement is intended to achieve are as follows:

Policy 1: to recognise the role of tangata whenua as kaitiaki of indigenous biodiversity within their rohe, providing for tangata whenua involvement in the management of indigenous biodiversity and ensuring that Hutia Te Rito is recognised and provided for:

Policy 2: to ensure that local authorities adopt a precautionary approach towards proposed activities with effects on indigenous biodiversity that are uncertain, unknown, or little understood but potentially significant:

Policy 3: to support the resilience of indigenous biodiversity to the effects of climate change:

Policy 4: to improve the integrated management of indigenous biodiversity within and between administrative boundaries:

Policy 5: to improve information on the effects of existing and proposed subdivision, use and development on indigenous biodiversity:

Policy 6: to identify and protect areas of significant indigenous vegetation or significant habitat of indigenous fauna by identifying and managing them as SNAs:

Policy 7: to manage subdivision, use and development outside SNAs as necessary to ensure indigenous biodiversity is maintained:

Policy 8: to recognise the locational constraints that apply to specific subdivisions, uses and developments:

[**Policy 9:** see discussion document *He Kura Koiora i hokia* for options relating to geothermal ecosystems]

Policy 10: to provide for appropriate existing activities that have already modified indigenous vegetation and habitats of indigenous fauna:

Policy 11: to provide for the restoration and enhancement of specific areas and environments that are important for maintaining indigenous biodiversity:

Policy 12: to identify and protect indigenous species and ecosystems that are taonga:

Policy 13: to identify possible presence of, and manage highly mobile fauna:

Policy 14: to require the development of regional biodiversity strategies:

Policy 15: to require the monitoring and assessment of indigenous biodiversity.

Part 3: Implementation requirements

3.1 Overview

This Part sets out what local authorities must do to implement or give effect to the objectives and policies of this National Policy Statement.

3.2 Hutia Te Rito

(1) Local authorities must recognise and provide for Hutia Te Rito in implementing this National Policy Statement.

(2) This requires, at a minimum, that local authorities must –

a) recognise and provide for the interrelationships between te hauora o te tangata (the health of the people) and –

i. te hauora o te koiora (the health of indigenous biodiversity); and

ii. te hauora o te taonga (the health of species and ecosystems that are taonga); and

iii. te hauora o te taiao (the health of the wider environment); and

b) recognise the maintenance of indigenous biodiversity requires kaitiakitanga and stewardship; and

c) take steps to ensure indigenous biodiversity is maintained and enhanced for the health, enjoyment and use by all New Zealanders, now and in the future.

3.3 Tangata whenua as kaitiaki

(1) When making or changing policy statements and plans to give effect to this National Policy Statement, every local authority must –

a) involve tangata whenua by undertaking consultation that is early, meaningful and (as far as practicable) in accordance with tikanga Māori; and

b) collaborate with tangata whenua to –

i. identify taonga, as required by clause 3.14, recognising tangata whenua have the right to choose not to identify taonga; and

ii. develop objectives, policies and methods that recognise and provide for Hutia Te Rito.

(2) Local authorities must, with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, take all reasonable steps to incorporate mātauranga Māori relating to indigenous biodiversity in implementing this National Policy Statement.

(3) Local authorities must take all reasonable steps to provide opportunities for tangata whenua to exercise kaitiakitanga over indigenous biodiversity, including through measures such as –

a) bringing cultural understanding to monitoring;

b) providing appropriate methods for managing and protecting identified taonga; and

c) allowing for sustainable customary use of indigenous vegetation.

(4) Local authorities must take all reasonable steps to provide opportunities for tangata whenua to be involved in decision-making relating to indigenous biodiversity in implementing this National Policy Statement.

3.4 Integrated approach

Local authorities must manage indigenous biodiversity and the effects on it of subdivision, use and development, in an integrated way, which means –

a) recognising the interactions ki uta ki tai (from the mountains to the sea) between the terrestrial environment, freshwater and the coastal marine area; and

b) providing for the coordinated management and control of subdivision, use and development, as it affects indigenous biodiversity across administrative boundaries; and

c) considering the requirements of strategies and other planning tools required or provided for in legislation and relevant to indigenous biodiversity.

3.5 Resilience to climate change

When making or changing policy statements or plans or regional biodiversity strategies, local authorities must promote the resilience of indigenous biodiversity to climate change, including at least by –

a) providing for the maintenance of ecological integrity through natural adjustments of habitats and ecosystems; and

b) considering the effects of climate change when making decisions on –

   i. restoration and enhancement proposals; and

   ii. managing and reducing new and existing biosecurity risks; and

c) maintaining and promoting the enhancement of, the connectivity between ecosystems and between existing and potential habitats, to enable migrations so that species continue to find viable niches as the climate changes.

3.6 Precautionary approach

Local authorities must adopt a precautionary approach toward proposed activities where –

a) the effects on indigenous biodiversity are uncertain, unknown or little understood; but

b) those effects are potentially significantly adverse.

3.7 Social, economic and cultural wellbeing

In implementing this National Policy Statement, local authorities must recognise –

a) that the maintenance of indigenous biodiversity contributes to the social, economic and cultural wellbeing of people and communities; and

b) that the maintenance of indigenous biodiversity does not preclude subdivision, use and development in appropriate places and forms, within appropriate limits; and

c) that people are critical to maintaining and enhancing indigenous biodiversity; and

d) the importance of forming partnerships between local authorities, tangata whenua, landowners, people and communities in maintaining and enhancing indigenous biodiversity; and

e) the importance of respecting and fostering the contribution of landowners as stewards and kaitiaki; and

f) the value of supporting people and communities in understanding, connecting to and enjoying indigenous biodiversity.

3.8 Identifying significant natural areas

(1) Every territorial authority must–

a) undertake a district wide assessment in accordance with Appendix 1 to determine if an area is significant indigenous vegetation and /or significant habitat of indigenous fauna; and if it is,

b) classify areas of significant indigenous vegetation and /or significant habitat of indigenous fauna as either High or Medium, in accordance with Appendix 2.

(2) Territorial authorities must use the following principles and approaches when undertaking the assessment and classification required by subclause (1).

a) **partnership**: territorial authorities must seek to engage with landowners early and share information about indigenous biodiversity, potential management options and any support and incentives that may be available:

b) **transparency**: territorial authorities must clearly inform landowners about how information gathered will be used and make existing information, draft assessments and other relevant information available to relevant landowners for review:

c) **quality**: wherever practicable, the values and extent of natural areas assessed as potentially meeting the criteria in Appendix 1 for classification as an SNA should be verified by physical inspection:

d) **access**: where permission to access a property on a voluntary basis is not given, territorial authorities should first rely on a desktop assessment by an ecological expert, and powers of entry under section 333 of the Act should be used only as a last resort:

e) **consistency**: the identification of an SNA must be based on the indigenous biodiversity present, identified through the consistent application of the criteria in Appendix 1, and regardless of who owns the land

f) **boundaries**: an area assessed as significant indigenous vegetation and significant habitat of indigenous fauna must be determined by the extent and ecological integrity of the indigenous vegetation or habitat as whole, unaffected by artificial margins such as property boundaries.

(3) Territorial authorities must comply with subclauses (1) and (2) within five years after the commencement date.

(4) Subclauses (1), (2) and (3) do not apply where territorial authorities have demonstrated that areas identified as significant indigenous vegetation and significant habitat of indigenous fauna in policy statements or plans, substantially conform with Appendix 1 through an assessment by a suitably qualified ecologist, within three years after the commencement date.

(5) Territorial authorities that demonstrate conformance as per subsection (4) must classify these areas as High or Medium in accordance with Appendix 2 within five years after the commencement date.

(6) Territorial authorities must notify any plan or plan change necessary to map areas identified in subclauses (1) and (2) and to give effect to subclauses (1), (2), (3), (4) and (5) within six years of the commencement date.

(7) Every 10 years, territorial authorities must update district plans, following subclauses (1) and (2).

(8) At least every two years after completing the requirements of subclause (6), every territorial authority must notify a plan change, where practicable, to add any area that has been identified as an SNA (in accordance with the criteria in Appendix 1) as a result of an

assessment undertaken as part of a resource consent application, notice of requirement for designation or any other means, so that the plan –

a) maps the area; and

b) sets out its attributes; and

c) records whether it is classified as High or Medium.

[Placeholder: see discussion document *He Kura Koiora i hokia* page 81 for options being considered for how this policy should apply to Crown Land and public conservation land.]

3.9 Managing adverse effects on SNAs

(1) Except as provided in subclauses (2), (3) and (4), local authorities must ensure that, in relation to any new subdivision, use or development that takes place in or affects, an SNA –

a) the following adverse effects on the SNA are avoided:

i. loss of ecosystem representation and extent:

ii. disruption to sequences, mosaics or ecosystem function:

iii. fragmentation or loss of buffering or connectivity within the SNA and between other indigenous habitats and ecosystems:

iv. a reduction in population size or occupancy of threatened species using the SNA for any part of their life cycle; and

b) the effects management hierarchy is applied to all other adverse effects.

(2) All adverse effects of a new subdivision, use or development must be managed using the effects management hierarchy if –

a) the subdivision, use or development is to take place in, or affects, an SNA classified as Medium; and

b) there is a functional or operational need for the subdivision, use or development to be in that particular location; and

c) there are no practicable alternative locations for the subdivision, use or development; and

d) the subdivision, use or development is associated with:

i. nationally significant infrastructure:

ii. mineral and aggregate extraction:

iii. the provision of papakainga, marae and ancillary community facilities associated with customary activities on Māori land:

iv. the use of Māori land in a way that will make a significant contribution to enhancing the social, cultural or economic wellbeing of tangata whenua.

(3) All adverse effects of a new use or development associated with a single dwelling on an allotment created before the commencement date must be managed using the effects management hierarchy if –

a) the use or development is to take place in, or affects, an SNA classified as Medium; and

b) there is no location within the existing allotment where a single, residential dwelling and essential associated on-site infrastructure can be constructed in a manner that avoids the adverse effects specified in subclause (1)(a).

(4) Subclause (1) does not apply to managing adverse effects in the following circumstances:

a) the adverse effects arising from a use or development that is for the purpose of protecting, restoring or enhancing an SNA:

b) the adverse effects arising from a use or development that addresses a severe and immediate risk to public health or safety:

c) an area comprising kānuka or mānuka and that is identified as an SNA solely because it is at risk from myrtle rust:

d) indigenous vegetation or habitat of indigenous fauna established and managed for a purpose other than the maintenance, restoration or enhancement of indigenous biodiversity, and the use or development is necessary to meet that purpose.

(5) In subclause (2)(b) –

functional need means the need for a proposed activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment

operational need means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.

3.10 Managing adverse effects in plantation forests

(1) Clause 3.9 does not apply to managing "plantation forest biodiversity areas".

(2) Within a plantation forest biodiversity area that is a significant habitat for threatened or at-risk indigenous fauna, plantation forestry activities must be managed over the course of consecutive rotations to maintain long-term populations of indigenous fauna species present.

(3) Within a plantation forest biodiversity area that contains threatened or at-risk flora, the adverse effects to these flora from plantation forestry activities must be managed.

Information note

The National Environmental Standards for Plantation Forestry has rules for indigenous biodiversity in plantation forests.

[3.11 Managing adverse effects on geothermal ecosystems]

[See discussion document *He Kura Koiora i hokia* for options relating to geothermal ecosystems.]

3.12 Existing activities in SNAs

Information note

Sections 10 and 20A of the Act apply according to their terms. See the **discussion document *He Kura Koiora i hokia*** for examples of situations in which this clause might apply.

(1) This clause applies to the management of the effects of existing activities on SNAs.

(2) Regional councils must make or change their policy statements to specify where, how and when plans must provide for existing activities that may adversely affect indigenous biodiversity.

(3) In providing for existing activities in their policy statements and plans, local authorities must –

a) ensure the continuation of an existing activity will not lead to the loss, including through cumulative loss, of extent or degradation of the ecological integrity of any SNA; and

b) ensure the adverse effects of an existing activity are of no greater character, intensity or scale than they were before the National Policy Statement commencement date.

(4) In regions and districts where pastoral farming is an existing activity, local authorities must ensure their policy statements and plans recognise that –

a) indigenous vegetation may regenerate in areas that have previously been cleared of indigenous vegetation and converted to improved pasture; and

b) as long as the regenerating indigenous vegetation has not itself become an SNA in the time since the last clearance event, the periodic clearance of indigenous vegetation as part of a regular cycle to maintain improved pasture is unlikely to compromise the protection of SNAs or the maintenance of indigenous biodiversity; and

c) consideration of effects (under Schedule 1 of the Act or through a resource consent application) may be required in the following circumstances, to ensure the outcomes in subclause (2) are met:

i) a proposed clearance is likely to have adverse effects that are greater in character, intensity or scale than the adverse effects of clearance that has previously been undertaken as part of a regular cycle to maintain improved pasture on the farm:

ii) there is inadequate information to demonstrate that a proposed clearance of regenerating indigenous vegetation is part of a regular cycle of clearances to maintain improved pasture:

iii) a clearance is proposed in an area that supports any threatened or at-risk species:

iv) a clearance is proposed in an area that supports alluvial landforms that have not been cultivated (ie, the land as not been disturbed for the purpose of sowing, growing or harvesting pasture or crops).

(5) In this clause –

clearance refers to the removal of indigenous vegetation by cutting, crushing, application of chemicals, drainage, burning, cultivation, over-planting, application of seed of exotic pasture species, mobstocking and/or changes to soils, hydrology or landforms

improved pasture means an area of land where exotic pasture species have been deliberately sown or maintained for the purpose of pasture production, and species composition and growth has been modified and is being managed, for livestock grazing

regular cycle means the periodic clearance of regenerating indigenous vegetation that is demonstrated to be part of a consistent management regime in place for the purpose of maintaining improved pasture.

3.13 General rules applying outside SNAs

(1) Local authorities must take steps to maintain indigenous biodiversity outside SNAs, including by making or changing their policy statements and plans to do all the following:

a) specify where, how and when controls on subdivision, use and development in areas outside SNAs are necessary to maintain indigenous biodiversity:

b) apply the effects management hierarchy to adverse effects, except that biodiversity compensation may be considered as an alternative to biodiversity offsetting (and not only when biodiversity offsetting is not demonstrably achievable):

c) specify where, how and when, for any area outside an SNA, the assessment and classification required by clause 3.8(1) is required.

(2) If an area outside an SNA is assessed as significant indigenous vegetation and significant habitat of indigenous fauna following an assessment in accordance with Appendix 1, a local authority must manage the adverse effects on indigenous biodiversity in the area as if the area were an SNA.

(3) In preparing policy statements and plans giving effect to subclause (1), local authorities must have particular regard to the potential of Māori land to provide for the social, cultural and economic wellbeing of Māori.

3.14 Identified taonga

(1) Every regional council must work together with all the territorial authorities in its region and with tangata whenua (in the manner required by clause 3.3) to agree a process for –

a) identifying indigenous species and ecosystems that are taonga; and

b) describing the taonga; and

c) mapping or describing the location of the taonga; and

d) describing the values of each taonga.

(2) Local authorities must recognise tangata whenua have the right to choose not to identify taonga and to choose the level of detail at which identified taonga or their location or values, are described.

(3) Territorial authorities must make or change their district plans to include (to the extent agreed to by tangata whenua) the description of identified taonga and their values and a description or map of their location.

(4) Local authorities must manage identified taonga located in an SNA in accordance with clause 3.9.

(5) In relation to identified taonga located outside SNAs, local authorities must –

a) manage them as necessary to protect the taonga and their values; and

b) provide opportunities to restore and enhance them and their values.

3.15 Highly mobile fauna

(1) Every regional council must work together with the territorial authorities in its region to survey and record areas outside SNAs where highly mobile fauna have been, or are likely to be, sometimes present (in this clause referred to as highly mobile fauna areas).

(2) If it will help manage highly mobile fauna, a territorial authority must (where possible) include in its district plan a map or description of the location of highly mobile fauna areas.

(3) Local authorities must provide information to their communities about –

a) highly mobile fauna and their habitats; and

b) best practice techniques for managing adverse effects on any highly mobile species in their regions and districts, and their habitats.

(4) Local authorities must include objectives, policies or methods in their policy statements and plans for managing the adverse effects of subdivision, use and development in highly mobile fauna areas, as necessary to maintain viable populations of highly mobile fauna across their natural range.

3.16 Restoration and enhancement

(1) This clause applies to the following areas:

a) wetlands:

b) SNAs whose ecological integrity is degraded:

c) areas that provide important connectivity or buffering functions:

d) former wetlands.

(2) Territorial authorities must identify the location of areas referred to in subclause (1)(b) and (c) and regional councils must record those locations (with appropriate descriptions) in their regional policy statements.

(3) Local authorities must promote, through objectives, policies and methods in policy statements and plans, the restoration and enhancement (including through reconstruction) of areas to which this clause applies.

(4) The objectives, policies or methods must identify opportunities for restoration and enhancement of those areas, prioritising all of the following over other indigenous biodiversity restoration projects:

a) wetlands whose ecological integrity is degraded or where the presence of indigenous species is reduced:

b) SNAs whose ecological integrity is degraded:

c) areas that provide important connectivity or buffering functions:

d) former wetlands that no longer retain their indigenous vegetation or habitat for indigenous fauna, but where reconstruction is likely to result in that vegetation or habitat being regained:

e) any national priorities for indigenous biodiversity protection.

(5) In areas to which this clause applies, local authorities may provide incentives for restoration and enhancement and in particular on Māori land, in recognition of the opportunity cost of maintaining indigenous biodiversity on that land.

(6) Local authorities may impose or review restoration or enhancement conditions on resource consents and designations relating to activities in areas prioritised for restoration and enhancement.

Information note

Regional councils would be required by the draft National Policy Statement for Freshwater Management (proposal for consultation September 2019) to identify and map inland natural wetlands as defined by the NPSFM.

Examples of restoration and enhancement include the following:

a) reconstruction of indigenous habitats and ecosystems:

b) restoration, enhancement or reconstruction using local genetic stock, where practicable:

c) encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management:

d) removing redundant structures and materials, where appropriate and authorised:

e) redesigning structures or activities that interfere with the ecological integrity of an area.

3.17 Increasing indigenous vegetation cover

(1) Every regional council must assess the percentage of the urban and rural areas in its region that have indigenous vegetation cover.

(2) The regional council must specify which areas it will treat as urban for the purposes of this clause (which must be predominantly urban in character) and which it will treat as rural (which must be predominantly non-urban in character).

(3) The assessment of the percentage of indigenous vegetation cover may be done by a desktop analysis, by ground truthing or both.

(4) For urban areas, if the assessment indicates an area has less than 10 per cent indigenous vegetation cover, the regional council must include in its regional policy statement a target (expressed as a percentage figure within a specified time) for increasing indigenous vegetation cover in that area to at least 10 per cent of the area.

(5) For rural areas, if the assessment indicates an area has less than 10 per cent indigenous vegetation cover, the regional council must include in its regional policy statement a target (expressed as a percentage figure within a specified time) for increasing indigenous vegetation cover in the area.

(6) For any urban or rural area where the assessment indicates the area already has 10 per cent or more indigenous vegetation cover, the regional council may include in its regional policy statement targets (expressed as a percentage figure within a specified time) for increasing indigenous vegetation cover in the area.

(7) Every regional council must include objectives, policies or methods for increasing indigenous vegetation cover in its region and for achieving the targets set under this clause, giving priority to all of the following:

a) areas to which clause 3.16 applies:

b) areas representative of ecosystems naturally and formerly present:

c) ensuring species richness:

d) restoration and enhancement at a landscape scale across the region.

Information note

The National Policy Statement for Urban Development 2020 may be helpful in deciding which areas should be treated as urban and which as rural, for the purposes of this clause.

3.18 Regional biodiversity strategies

(1) Every regional council must prepare a regional biodiversity strategy in collaboration with territorial authorities, tangata whenua, communities and other identified stakeholders.

(2) Local authorities must have regard to the relevant regional biodiversity strategy when developing restoration and enhancement objectives, policies and methods for inclusion in regional policy statements and plans.

(3) Every regional biodiversity strategy must be prepared in accordance with Appendix 5 and any regional council that, at the commencement date –

a) has a regional biodiversity strategy, must update the strategy to comply with Appendix 5 within six years after the commencement date; or

b) is in the process of preparing a regional biodiversity strategy, must complete the strategy in a way that complies with Appendix 5 within six years after the commencement date.

(4) Regional councils that, at the commencement date, do not have a regional biodiversity strategy must initiate preparation of a strategy within three years after the commencement date and must complete it within six years after the commencement date.

3.19 Assessment of environmental effects

(1) Local authorities must change their plans to include a requirement that the following information be included in any assessment of environmental effects whether all or any part of the site covered by the application is in or affects –

a) an SNA; or

b) an area of indigenous vegetation; or

c) a habitat of indigenous fauna; or

d) an area identified as highly mobile fauna area (as described in clause 3.15), in which case it must include information about the use of the area by highly mobile fauna; or

e) an area providing connectivity or buffering; or

f) an area identified as or containing, identified taonga.

(2) Local authorities must make or change their policy statements and plans to include a requirement that the assessment of environmental effects required by clause 7(1) of Schedule 4 the Act –

a) for the purposes of clause 7(1)(c) of Schedule 4 of the Act –

i. addresses effects of the proposal (if relevant) on the areas referred to in subclause (1)(a)(i) to (vi); and

ii. includes sufficient information to demonstrate the effective management of adverse effects as required by this National Policy Statement; and

b) for the purposes of clause 7(1)(d) of Schedule 4 of the Act, addresses –

i. the effects on identified taonga; and

ii. ecosystem services associated with indigenous biodiversity at the site; and

iii. the site's role in maintaining the ecological integrity of and connections between it and the wider ecosystem; and

c) uses biodiversity methodologies consistent with best practice for the ecosystem types present at the site; and

d) considers including mātauranga Māori and tikanga Māori assessment methodology where relevant.

(3) Local authorities must directly insert the following policy into their plans in accordance with section 55(2A) of the RMA within one year of commencement date:

"If the regional policy statement or this plan requires a site to be assessed to determine whether it is an area of significant indigenous vegetation of significant habitat of indigenous fauna:

(a) the assessment must be done in accordance with Appendix 1 of the National Policy Statement for Indigenous Biodiversity 2020.; and

(b) any site confirmed as an SNA through that assessment must be classified as High or Medium in accordance with Appendix 2 of the National Policy Statement for Indigenous Biodiversity 2020."; and

(4) Local authorities may amend their plans to remove the policy in (3) when replacing with like-for-like content as part of a plan change to give effect to this National Policy Statement.

3.20 Monitoring by regional councils

(1) Regional councils must, by working with territorial authorities, relevant agencies and tangata whenua, develop a monitoring plan for indigenous biodiversity in their regions and each of their districts.

(2) Every monitoring plan must –

a) establish methods and timeframes for monitoring the maintenance of indigenous biodiversity in, and the ecological integrity and physical extent of, SNAs, taonga outside SNAs, and other areas outside SNAs; and

b) include methods and timeframes for monitoring progress towards, and achievement of, restoration and enhancement objectives established under clauses 3.16 and 3.17; and

c) use best practice methods, or nationally agreed standards or methods, for monitoring areas that allow for comparability; and

d) to the extent possible, where tangata whenua agree, use scientific monitoring methods and mātauranga Māori and tikanga Māori monitoring methods equally; and

e) recognise the importance of long-term trends in monitoring results, and the relationship between results and the overall state of indigenous biodiversity; and

f) establish methods, such as action plans, for responding to monitoring that indicates the objectives of this National Policy Statement will not be met.

(3) Methods and timeframes may include different methods and timeframes relating to SNAs, taonga outside SNAs, and other areas outside SNAs.

Part 4: Effectiveness review

4.1 Ministry for the Environment monitoring and review

(1) In monitoring the effect and implementation of this National Policy Statement (as required by section 24(f) of the Act), the Minister for the Environment should –

a) collect data for a nationally consistent monitoring and reporting programme that, as far as practicable, incorporates regional and district monitoring information; and

b) undertakes other information gathering or monitoring that assists in providing a national perspective on indigenous biodiversity management trends, emerging issues and outcomes; and

c) within 10 years of the National Policy Statement commencement date, undertakes a first assessment of its effect on regional policy statements and regional and district plans, resource consents, designation and other decision-making

d) publishes a report and conclusion on the matters in (a) to (c) and specifies a new timeframe in which a further assessment must be undertaken.

(2) Clause 3.9(4)(c) (which provides that adverse effects in SNAs that comprise kānuka or mānuka and are identified as SNAs solely because of risk from myrtle rust, are not to be managed in the same way as other SNAs) must be reviewed within five years after the commencement date.

Appendix 1: Criteria for identifying significant indigenous vegetation and significant habitat of indigenous fauna

Direction on approach

1. This appendix sets out the criteria for identifying significant indigenous vegetation or significant habitats of indigenous fauna.

2. A significant natural area will meet any one of the attributes of the following four criteria:

    a) representativeness:

    b) diversity and pattern:

    c) rarity and distinctiveness:

    d) ecological context.

3. The context for any assessment of a significant natural area is the ecological district and, as part of the rarity assessment, the land environment in which it is located.

4. Every assessment must include at least –

    a) a map of the significant natural area; and

    b) a description of its significant attributes, including for each criterion a description of the attribute (as specified below) that applies; and

    c) a description of the indigenous vegetation, indigenous fauna, habitat and ecosystems present

    d) additional information such as the key threats, pressures and management requirements.

5. An assessment under this appendix must be conducted by a suitably qualified ecologist.

A Representativeness

A1 Representativeness is the extent to which the indigenous vegetation or habitat of indigenous fauna is typical or characteristic of the indigenous biodiversity of the ecological district.

Key assessment principles

A2 Representativeness includes commonplace indigenous vegetation and the habitats of indigenous fauna, which is where most indigenous biodiversity is present. It includes degraded indigenous vegetation, ecosystems and habitats that are typical of what remains in depleted ecological districts. It is not restricted to the best or most representative examples and it is not a measure of how well that indigenous vegetation or habitat is protected elsewhere in the ecological district.

Significant indigenous vegetation has ecological integrity typical of the indigenous vegetation of the ecological district in the present-day environment. It includes seral (regenerating) indigenous vegetation that is recovering following natural or induced disturbance, provided species composition is typical of that type of indigenous vegetation.

Significant indigenous fauna habitat is that which supports the typical suite of indigenous animals that would occur in the present-day environment. Habitat of indigenous fauna may be indigenous or exotic.

A3 The application of this criterion should result in identification of indigenous vegetation and habitats that are representative of the full range and extent of ecological diversity across all environmental gradients in an ecological district, such as climate, altitude, landform and soil sequences. The ecological character and pattern of the indigenous vegetation in the ecological district should be described in terms of the ecological units present, which are a combination of the indigenous vegetation types present plus the landform it occurs on.

Attributes

A4 **Significant Natural Areas** that qualify under this criterion will have at least one of the following attributes:

a) ecological unit(s) present which has ecological integrity that is typical of the indigenous character of the ecological district;

b) habitat that supports a typical suite of indigenous fauna that is characteristic of the habitat type in the ecological district and the range of species expected for that habitat type in the ecological district.

B Diversity and pattern

B1 Diversity and pattern is the extent to which the expected range of diversity and pattern of biological and physical components is present in the significant natural area, for the relevant ecological district.

Key assessment principles

B2 **Diversity of biological components** is expressed in the variation of species, communities and ecosystems. Biological diversity is associated with variation in physical components, such as geology, soils/substrate, aspect/exposure, altitude/depth, temperature and salinity.

B3 **Pattern** includes changes along environmental gradients such as ecotones and sequences.

B4 **Natural areas** that have a wider range of species, habitats or communities or wider environmental variation due to ecotones, gradients and sequences in the context of the ecological district, rate more highly under this criterion.

Attributes

B5 **Significant Natural Areas** that qualify under this criterion will have at least one of the following attributes:

a) diversity of indigenous species, vegetation, habitats of indigenous fauna or communities in the context of the ecological district:

b) presence of ecotones, complete or partial gradients or sequences:

C Rarity and distinctiveness

C1 Rarity and distinctiveness is the presence of rare or distinctive indigenous taxa, habitats of indigenous fauna, indigenous vegetation or ecosystems.

Key assessment principles

C2 **Rarity** is the scarcity (natural or induced) of indigenous elements: species, habitats, vegetation or ecosystems. Rarity includes elements that are uncommon and things that are threatened.

C3 **The list of threatened and at-risk species** is regularly updated by the Department of Conservation. Rarity at a regional or ecological district scale is defined by regional or district lists or determined by expert ecological advice. The significance of nationally-listed threatened and at-risk species should not be downgraded just because they are common within a region or ecological district.

C4 **Depletion of indigenous vegetation or ecosystems** is assessed using ecological districts and land environments.

C5 **Distinctiveness** includes distribution limits, type localities, local endemism, relict distributions and special ecological or scientific features.

Attributes

C6 **Significant Natural Areas** that qualify under this criterion will have at least one of the following:

a) provides habitat for an indigenous species that is listed as Threatened or At-risk in the New Zealand Threat Classification System lists:

b) an indigenous vegetation type or an indigenous species that is uncommon within the region or ecological district:

c) an indigenous species or plant community at or near its distributional limit:

d) indigenous vegetation that has been reduced to less than 30 per cent of its former extent in the ecological district, region or land environment:

e) indigenous vegetation or habitat of indigenous fauna occurring on sand dunes:

f) indigenous vegetation or habitat of indigenous fauna occurring on naturally uncommon ecosystems:

g) the type locality of an indigenous species:

h) the presence of a distinctive assemblage or community of indigenous species:

i) the presence of a special ecological or scientific feature.

D Ecological context

D1 Ecological context is the extent to which the size, shape and configuration of an area within the wider surrounding landscape contributes to its ability to maintain indigenous biodiversity or affects the ability of the surrounding landscape to maintain its indigenous biodiversity.

Key assessment principles

D2 **Ecological context** has two main attributes:

a) the characteristics that help maintain indigenous biodiversity (such as size, shape and configuration); and

b) the contribution the natural area makes to protecting indigenous biodiversity in the wider landscape (such as by linking, connecting to or buffering other natural areas; providing ‘stepping stones’ of habitat or maintaining ecological integrity).

Attributes

D3 **Significant Natural Areas** that qualify under this criterion will have at least one of the following attributes:

a) moderate to large size and compact shape, in the context of the ecological district:

b) well-buffered relative to remaining habitats in the ecological district:

c) provides a full or partial buffer to or link between, other important habitat(s) of indigenous fauna or significant natural area(s):

d) important for the natural functioning of an ecosystem relative to remaining habitats in the ecological district:

e) supports large numbers of indigenous fauna:

f) provides critical habitat for indigenous fauna, including feeding, breeding, refuge or resting habitat.

Appendix 2: Tool for managing effects on significant natural areas

General

This appendix supports the application of Policy 7 of this National Policy Statement.

Pursuant to Appendix 1 and Policy 5, district councils are required to map Significant Natural Areas and include a description of the specific attributes that contribute to the areas qualifying as Significant Natural Areas. That description must include the relevant attribute from the 'attribute list' under each criterion.

This management tool allocates a 'High' or 'Medium' rating to each attribute. The rating applying to a particular Significant Natural Area will determine whether it is a Significant Natural Area where the limited exception to Policy 6 for specifically identified new activities applies.

A Significant Natural Area qualifies as having a 'High' rating if it has one or more attributes that rate as 'High' in respect of any one of the four criteria.

Mānuka and kānuka

The recent arrival of myrtle rust (*Austropuccinia psidii*) in New Zealand (April 2017) is anticipated to have significant, negative consequences for all New Zealand Myrtaceae taxa. However, precisely what those impacts will be is not yet known. As a result, a precautionary approach has been taken in the most recent New Zealand Threat Classification System lists for vascular plants and all Myrtaceae taxa have been classified as Threatened. However, some Myrtaceae taxa are relatively common in some areas, in particular mānuka and kānuka would classify as Threatened only due to the risk of myrtle rust.

If a Significant Natural Area is identified only because of the presence of mānuka and kānuka that is considered Threatened only because of the threat posed by myrtle rust, it should not be managed as if it is a Significant Natural Area. Assessment against the other criteria in Appendix 1 must also determine whether it is a Significant Natural Area. If it qualifies as significant for any other reason, then it should be managed as a Significant Natural Area.

This exception must be reviewed within five years of gazettal.

Management framework

Representativeness

Attributes	Rating
Ecological unit(s) present that is typical of the indigenous character of the ecological district and which retains a high level of ecological integrity in the context of what remains in the ecological district.	**High**
Habitat that supports a typical suite of indigenous fauna that is characteristic of the habitat type in the ecological district and retains the majority of species expected for that habitat type in the ecological district.	**High**
Ecological unit(s) present that is typical of the indigenous character of the ecological district and which retains a moderate level of ecological integrity in the context of what remains in the ecological district.	**Medium**
Habitat that supports a typical suite of indigenous taxa that is characteristic of the habitat type in the ecological district and retains a moderate range of species expected for that habitat type in the ecological district.	**Medium**

Diversity and pattern

Attributes	Rating
A high diversity of indigenous species, vegetation, habitats of indigenous fauna, or communities within the context of the ecological district	**High**
Presence of important ecotones and/or complete gradients or sequences.	**High**
A moderate diversity of indigenous species, vegetation, habitats of indigenous fauna, or communities within the context of the ecological district	**Medium**
Presence of ecotones and/or partial gradients or sequences.	**Medium**

Rarity and distinctiveness

Attributes	Rating
Provides habitat for a nationally Threatened, or two or more At Risk indigenous species as identified in the New Zealand Threat Classification System lists.	**High**
An indigenous species or plant community at its distributional limit.	**High**
Indigenous vegetation that has been reduced to less than 20% of its former extent in the ecological district, region or land environment.	**High**
Indigenous vegetation or habitat of indigenous fauna occurring on sand dunes.	**High**
Indigenous vegetation or habitat of indigenous fauna occurring on naturally uncommon ecosystem types.	**High**
The type locality of an indigenous species	**High**
Provides habitat for an At Risk indigenous species as identified in the New Zealand Threat Classification System lists	**Medium**
An indigenous species or plant community near its distributional limit.	**Medium**
An indigenous vegetation type or an indigenous fauna species that is uncommon within the region or ecological district.	**Medium**
Indigenous vegetation that has been reduced to between 20% and 30% of its former extent in the ecological district or land environment.	**Medium**
The presence of a distinctive assemblage or community of indigenous species	**Medium**
A special ecological or scientific feature	**Medium**

Ecological context

Attributes	Rating
Large size and a compact shape in the context of the ecological district.	**High**
Well-buffered relative to remaining habitats in the ecological district.	**High**
Provides a full buffer to, or link between, other important habitats of indigenous fauna or Significant Natural Areas.	**High**
Is very important for the natural functioning of an ecosystem, relative to remaining habitats in the ecological district.	**High**
Supports large numbers of indigenous fauna.	**High**
Provides critical habitat for indigenous fauna, including important feeding, breeding, refuge or resting habitat.	**High**
Moderate size and a compact shape in the context of the ecological district.	**Medium**
Provides a partial buffer to, or link between, other important habitats of indigenous fauna or Significant Natural Areas.	**Medium**
Important for the natural functioning of an ecosystem, relative to remaining habitats in the ecological district.	**Medium**

Appendix 3: Principles for biodiversity offsetting

The following sets out a framework of principles for the use of biodiversity offsets. Principles 1–12 must be complied with for an action to qualify as a biodiversity offset. Principles 13–14 should be met for an action to qualify as a biodiversity offset.

1. **Adherence to mitigation hierarchy:** A biodiversity offset is a commitment to redress [more than minor] residual adverse impacts. It should only be contemplated after steps to avoid, remedy and mitigate adverse effects have been demonstrated to have been sequentially exhausted and thus applies only to residual indigenous biodiversity impacts.

2. **Limits to offsetting:** Many biodiversity values cannot be offset and if they are adversely affected then they will be permanently lost. These situations include where:

    i) residual adverse effects cannot be offset because of the irreplaceability or vulnerability of the indigenous biodiversity affected

    ii) there are no technically feasible or socially acceptable options by which to secure gains within acceptable timeframes

    iii) effects on indigenous biodiversity are uncertain, unknown or little understood, but potential effects are significantly adverse.

    In these situations, an offset would be inappropriate. This principle reflects a standard of acceptability for offsetting and a proposed offset must provide an assessment of these limits that supports its success.

3. **No net loss and preferably a net gain**: The values to be lost through the activity to which the offset applies are counterbalanced by the proposed offsetting activity which is at least commensurate with the adverse effects on indigenous biodiversity so that the overall result is no net loss and preferably a net gain in biodiversity. No net loss and net gain are measured by type, amount and condition at the impact and offset site and require an explicit loss and gain calculation.

4. **Additionality**: A biodiversity offset must achieve gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the offset, including that gains are additional to any remediation and mitigation undertaken in relation to the adverse effects of the activity. Offset design and implementation must avoid displacing activities harmful to indigenous biodiversity to other locations.

5. **Like-for-like**: The ecological values being gained at the offset site are the same as those being lost at the impact site across types of indigenous biodiversity, amount of indigenous biodiversity (including condition), over time and spatial context.

6. **Landscape context**: Biodiversity offset actions must be undertaken where this will result in the best ecological outcome, preferably close to the location of development or within

the same ecological district, and must consider the landscape context of both the impact site and the offset site, taking into account interactions between species, habitats and ecosystems, spatial connections and ecosystem function.

7. **Long-term outcomes**: The biodiversity offset must be managed to secure outcomes of the activity that last as least as long as the impacts, and preferably in perpetuity.

8. **Time lags**: The delay between loss of indigenous biodiversity at the impact site and gain or maturity of indigenous biodiversity at the offset site must be minimised so that gains are achieved within the consent period.

9. **Trading up**: When trading up forms part of an offset, the proposal must demonstrate that the indigenous biodiversity values gained are demonstrably of higher value than those lost, and the values lost are not indigenous taxa that are listed as Threatened, At-risk or Data deficient in the New Zealand Threat Classification System lists, or considered vulnerable or irreplaceable.

10. **Offsets in advance**: A biodiversity offset developed in advance of an application for resource consent must provide a clear link between the offset and the future effect. That is, the offset can be shown to have been created or commenced in anticipation of the specific effect and would not have occurred if that effect were not anticipated.

11. **Proposing a biodiversity offset**: A proposed biodiversity offset must include a specific biodiversity offset management plan.

12. **Science and matauranga Māori**: The design and implementation of a biodiversity offset must be a documented process informed by science, including an appropriate consideration of matauranga Māori.

13. **Stakeholder participation**: Opportunity for the effective participation of stakeholders should be demonstrated when planning for biodiversity offsets, including their evaluation, selection, design, implementation and monitoring. Stakeholders are best engaged early in the offset consideration process.

14. **Transparency**: The design and implementation of a biodiversity offset and communication of its results to the public should be undertaken in a transparent and timely manner. This includes transparency of the loss and gain calculation and the data that informs a biodiversity offset.

Appendix 4: Principles for biodiversity compensation

The following sets out a framework of principles for the use of biodiversity compensation. Principles 1–11 must be complied with for an action to qualify as biodiversity compensation. Principles 12– 3 should be met for an action to qualify as biodiversity compensation.

1. **Adherence to mitigation hierarchy:** Biodiversity compensation is a commitment to redress [more than minor] residual adverse impacts. It must only be contemplated after steps to avoid, remedy, mitigate and offset adverse effects have been demonstrated to have been sequentially exhausted and thus applies only to residual biodiversity impacts.

2. **Limits to biodiversity compensation:** In deciding whether biodiversity compensation is appropriate, a decision-maker must consider the principle that many indigenous biodiversity values are not able to be compensated for because:

    a) the indigenous biodiversity affected is irreplaceable or vulnerable

    b) there are no technically feasible or socially acceptable options by which to secure proposed gains within acceptable timeframes

    c) effects on indigenous biodiversity are uncertain, unknown or little understood, but potential effects are significantly adverse.

3. **Scale of biodiversity compensation:** The values to be lost through the activity to which the biodiversity compensation applies must be addressed by positive effects to indigenous biodiversity that are proportionate to the adverse effects on indigenous biodiversity.

4. **Additionality:** Biodiversity compensation must achieve gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the compensation, including that gains are additional to any remediation and mitigation undertaken in relation to the adverse effects of the activity. Compensation design and implementation must avoid displacing activities harmful to indigenous biodiversity to other locations.

5. **Landscape context:** Biodiversity compensation actions must be undertaken where this will result in the best ecological outcome, preferably close to the location of development or within the same ecological district. The actions must consider the landscape context of both the impact site and the compensation site, taking into account interactions between species, habitats and ecosystems, spatial connections and ecosystem function.

6. **Long-term outcomes:** The biodiversity compensation must be managed to secure outcomes of the activity that last as least as long as the impacts, and preferably in perpetuity.

7. **Time lags:** The delay between loss of indigenous biodiversity at the impact site and gain or maturity of indigenous biodiversity at the compensation site must be minimised.

8. **Trading up:** When trading up forms part of biodiversity compensation, the proposal must demonstrate the indigenous biodiversity values gained are demonstrably of higher indigenous biodiversity value than those lost. The proposal must also show the values lost are not indigenous taxa that are listed as Threatened, At-risk or Data deficient in the New Zealand Threat Classification System lists, or considered vulnerable or irreplaceable.

9. **Financial contributions:** Financial contributions must only be considered when there is no effective option available for delivering indigenous biodiversity gains on the ground. These contributions must be related to the indigenous biodiversity impact. When proposed, financial contributions must be directly linked to an intended indigenous biodiversity gain or benefit.

10. **Biodiversity compensation in advance:** Biodiversity compensation developed in advance of an application for resource consent must provide a clear link between the compensation and the future effect. That is, the compensation can be shown to have been created or commenced in anticipation of the specific effect and would not have occurred if that effect were not anticipated.

11. **Science and matauranga Māori:** The design and implementation of biodiversity compensation must be a documented process informed by science, including an appropriate consideration of matauranga Māori.

12. **Stakeholder participation:** Opportunity for the effective participation of stakeholders should be demonstrated when planning for biodiversity compensation, including evaluation, selection, design, implementation and monitoring. Stakeholders are best engaged early in the process.

13. **Transparency:** The design and implementation of biodiversity compensation and communication of its results to the public should be undertaken in a transparent and timely manner.

Appendix 5: Regional biodiversity strategies

1. The purpose of a regional biodiversity strategy is to promote a landscape-scale restoration and enhancement vision for the region's indigenous biodiversity.

2. A regional biodiversity strategy restoration and enhancement vision must:

    a) provide a comprehensive record of all areas identified for protection, restoration and enhancement; and

    b) provide a comprehensive record of all actions being undertaken and all methods available, to achieve protection restoration and enhancement, as provided for by this National Policy Statement and undertaken or required by other legislation, strategies or by voluntary action;

    c) recognise and provide for Hutia Te Rito;

    d) provide for resilience to biological and environmental changes, including those associated with climate change;

    e) recognise biological and physical connections within, and between, the terrestrial environment, freshwater and the coastal marine area; and support achievement of any national priorities for indigenous biodiversity protection.

3. To achieve its purpose regional biodiversity strategy of each region must:

    a) spatially identify the components of the region's landscape-scale enhancement and restoration vision, including:

        i. all SNAs, as per Part 3.8 of this National Policy Statement;

        ii. all identified taonga, as per Part 3.14 of this National Policy Statement;

        iii. All areas identified for restoration and enhancement in clause 3.16 of this National Policy Statement

        iv. any other areas identified for protection, restoration or enhancement of indigenous biodiversity for the purposes of clause 3.17 or by means other than this National Policy Statement; and

        v. all of the areas in (i)–(iv) which align with any national priorities for indigenous biodiversity protection.

    b) record:

        i. the actions and methods for achieving restoration and enhancement of identified areas provided for under this National Policy Statement and by any other means;

ii. actions that will be undertaken by local or central government;

iii. actions that the community, including tangata whenua, will be supported or encouraged to undertake; and

iv. how those actions will be resourced.

c) specify milestones for achieving the strategy's purpose:

d) specify how progress on achieving the strategy's purpose is to be monitored and reported on and measures to be taken if milestones are not being met.

4. The following must be taken into account when developing a regional biodiversity strategy:

a) opportunities to engage the community, including tangata whenua, in conservation and, in particular, to connect urban people and communities to indigenous biodiversity:

b) opportunities for partnerships with the QEII Trust, Ngā Whenua Rāhui and others:

c) considering incentive opportunities specific to Māori land:

d) co-benefits, including for water quality and freshwater habitats, carbon sequestration and hazard mitigation:

e) alignment with strategies under other legislation.

5. Regional biodiversity strategies may include measures that are intended to implement other objectives, such as biosecurity, climate mitigation, amenity or freshwater outcomes, where those measures also contribute to protection, restoration and enhancement of indigenous biodiversity.