NOT GOVERNMENT POLICY

NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY

Exposure draft

June 2022

Ministry for the Environment
Manatū Mō Te Taiao

Department of Conservation
Te Papa Atawhai

Te Kāwanatanga o Aotearoa
New Zealand Government

Draft National Policy Statement for Indigenous Biodiversity

Authority

This National Policy Statement was approved by the Governor-General under section 52(2) of the Resource Management Act 1991 on [to come] and is published by the Minister for the Environment under section 54 of that Act.

Contents

Part 1: Preliminary provisions

1.1 Title

(1) This is the National Policy Statement for Indigenous Biodiversity 2021.

1.2 Commencement

(1) This National Policy Statement comes into force on [to come].

1.3 Application

(1) This National Policy Statement applies to indigenous biodiversity throughout Aotearoa New Zealand, other than indigenous biodiversity in the coastal marine area and aquatic indigenous biodiversity.

(2) However:

(a) geothermal ecosystems are covered by this National Policy Statement, whether or not they are or include water bodies (see clause 3.13); and

(b) specified highly mobile fauna are covered by this National Policy Statement, whether or not they use the coastal marine area or water bodies for part of their life cycle (see clause 3.20); and

(c) provisions relating to restoration extend to include wetlands (see clauses 3.21 and 3.22); and

(d) regional biodiversity strategies may extend to include the coastal marine area and water bodies (see clause 3.23).

1.4 Relationship with New Zealand Coastal Policy Statement

(1) Both the New Zealand Coastal Policy Statement and this National Policy Statement apply in the terrestrial coastal environment.

(2) 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.

1.5 Fundamental concepts

(1) 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.

(2) **Te Rito o te Harakeke**

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.

Te Rito o te Harakeke is a concept that refers to the need to maintain the integrity of indigenous biodiversity. It recognises the intrinsic value and mauri of indigenous biodiversity as well as people's connections and relationships with it.

It recognises that our health and wellbeing are dependent on the health and wellbeing of indigenous biodiversity and that in return we have a responsibility to care for it. It acknowledges the web of interconnectedness between indigenous species, ecosystems, the wider environment, and the community.

Te Rito o te Harakeke comprises six essential elements to guide tangata whenua and local authorities in managing indigenous biodiversity and developing objectives, policies, and methods for giving effect to Te Rito o te Harakeke:

(a) the intrinsic value and mauri of indigenous biodiversity:

(b) the bond between people and indigenous biodiversity through whakapapa (familial) relationships and mutual interdependence:

(c) the responsibility of care that tangata whenua have as kaitiaki, and that other New Zealanders have as stewards, of indigenous biodiversity:

(d) the connectivity between indigenous biodiversity and the wider environment:

(e) the incorporation of te ao Māori and mātauranga Māori:

(f) the requirement for engagement with tangata whenua.

(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.

(4) **Effects management hierarchy**

The effects management hierarchy is an approach to managing the adverse effects of an activity. It requires that:

(a) adverse effects are avoided where practicable; and

(b) where adverse effects cannot be demonstrably avoided, they are minimised where practicable; and

(c) where adverse effects cannot be demonstrably minimised, they are remedied where practicable; and

(d) where more than minor residual adverse effects cannot be demonstrably avoided, minimised, or remedied, biodiversity offsetting is provided where possible; and

(e) where biodiversity offsetting of more than minor residual adverse effects is not demonstrably possible, biodiversity compensation is provided; and

(f) if biodiversity compensation is not appropriate, the activity itself is avoided.

The terms 'biodiversity offset' and 'biodiversity compensation' are defined in clause 1.6, and the principles for their application are in Appendices 3 and 4.

1.6 Interpretation

(1) In this National Policy Statement:

Act means the Resource Management Act 1991

acknowledged taonga means indigenous species, populations, or ecosystems that are identified as taonga by tangata whenua under clause 3.19

biodiversity compensation means a conservation outcome that complies with the principles in Appendix 4 and results from actions that are intended to compensate for any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, remediation, and biodiversity offset measures have been sequentially applied

biodiversity offset means a measurable conservation outcome that complies with the principles in Appendix 3 and results from actions that:

(a) redress any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, and remediation measures have been sequentially applied; and

(b) achieve a measurable net gain in type, amount, and condition (structure and quality) of indigenous biodiversity compared to that lost

buffer refers to a defined space between core areas of ecological value and the wider landscape that helps 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 structural or functional 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:

(a) in relation to geothermal ecosystems in the Taupō Volcanic Zone, the Taupō Volcanic Zone; and

(b) for all other areas, the ecological districts as shown in McEwen, W Mary (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):

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

effects management hierarchy has the meaning in clause 1.5(4)

existing activity 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

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

geothermal ecosystem means a dynamic life-supporting system made up of a group of living organisms that are adapted to, and reliant on, geothermal resources

geothermal SNA means an SNA that includes one or more geothermal ecosystems

geothermal system means a system, defined by scientific investigation, that:

(a) comprises:

(i) geothermal energy, stored as water or steam; and

(ii) the rocks confining it; and

(iii) associated water, steam, and gas emissions; and

(iv) the geothermal surface features resulting from those emissions; and

(b) is believed to have no hydrological connection to another system

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

Te Rito o te Harakeke has the meaning given in clause 1.5(2)

identified taonga means acknowledged taonga that are identified in a district plan (as provided for in clause 3.19)

indigenous biodiversity means the living organisms that occur naturally in New Zealand, and the ecological complexes of which they are part, including all forms of indigenous flora, fauna, and fungi, and their habitats

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

highly mobile fauna area means an area outside an SNA that is identified under clause 3.20 as an area used by specified highly mobile fauna

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 1.5(3)

Māori lands means land that is any of the following:

(a) Māori customary land and Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):

(b) any Māori reservation established under Te Ture Whenua Māori Act 1993 or its predecessors:

(c) Treaty settlement land:

(d) former Māori land or general land (as defined in Te Ture Whenua Māori Act 1993) owned by Māori that has at any time been acquired by the Crown or any local or public body for a public work or other public purpose, and has been subsequently returned to its former Māori owners or their successors and remains in their ownership:

(e) general land (as defined in Te Ture Whenua Māori Act 1993) owned by Māori that was previously Māori freehold land, has ceased to have that status under an order of the Māori Land Court made on or after 1 July 1993 or under Part 1 of the Māori Affairs Amendment Act 1967, but remains in the ownership of the same whānau or hapū:

(f) land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of mana whenua over the land

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

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 Act

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

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

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

public conservation land means land within the boundaries of any area of land held or managed under the Conservation Act 1987 or any other Act specified in Schedule 1 of that Act (other than land held for administrative purposes)

publish, in relation to an obligation on a local authority to publish material, means to make the material freely available to the public on the local authority's internet website or another web-based platform

reconstruction means reintroducing 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

restoration means the active intervention and management of modified or degraded habitats, ecosystems, landforms, and landscapes in order to maintain or reinstate indigenous natural character, ecological and physical processes, and cultural and visual qualities, and may include enhancement activities

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

SNA, or **significant natural area**, means:

(a) any area that, on the commencement date, is identified in a policy statement or plan as an area of significant indigenous vegetation or significant habitat of indigenous fauna (regardless of how it is described); and

(b) any area that, after the commencement date, is notified or included in a district plan as an SNA following an assessment of the area in accordance with Appendix 1

species includes taxa

specific infrastructure means any of the following:

(a) infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002):

(b) regionally significant infrastructure that is identified as such in a regional policy statement or regional plan:

(c) any public flood control, flood protection, or drainage works carried out:

  (i) by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1941; or

  (ii) for the purpose of drainage, by drainage districts under the Land Drainage Act 1908:

(d) defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990

specified highly mobile fauna means the Threatened or At Risk species of highly mobile fauna that are identified in Appendix 2

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

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

(a) as part of redress for the settlement of Treaty of Waitangi claims; or

(b) by the exercise of rights under a Treaty settlement Act or Treaty settlement deed

Threatened, **At Risk**, and **At Risk (Declining)** have, at any time, the meanings given in the *New Zealand Threat Classification System Manual* (Andrew J Townsend, Peter J de Lange, Clinton A J Duffy, Colin Miskelly, Janice Molloy and David A Norton, 2008, Science & Technical Publishing, Department of Conservation, Wellington), available at: https://www.doc.govt.nz/globalassets/documents/science-and-technical/sap244.pdf, or its current successor publication.

urban environment has the meaning in clause 1.4 of the National Policy Statement on Urban Development 2020.

(2) Terms defined in the Act and used in this National Policy Statement have the meanings in the Act, except as otherwise specified.

1.7 Incorporation by reference

(1) Clause 2(1) of Schedule 1AA of the Act does not apply to any material incorporated by reference in this National Policy statement.

(2) All material incorporated by reference in this National Policy Statement is available at [to come].

Part 2: Objective and policies

2.1 Objective

(1) The objective of this National Policy Statement is to protect, maintain, and restore indigenous biodiversity in a way that:

(a) recognises tangata whenua as kaitiaki, and people and communities as stewards, of indigenous biodiversity; and

(b) provides for the social, economic, and cultural wellbeing of people and communities now and in the future.

2.2 Policies

Policy 1: Indigenous biodiversity is managed in a way that gives effect to Te Rito o te Harakeke.

Policy 2: Tangata whenua are recognised as kaitiaki, and enabled to exercise kaitiakitanga for indigenous biodiversity in their rohe, including through:

(a) enabling tangata whenua to manage indigenous biodiversity on their land; and

(b) the identification and protection of indigenous species, populations and ecosystems that are taonga.

Policy 3: A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.

Policy 4: Indigenous biodiversity is resilient to the effects of climate change.

Policy 5: Indigenous biodiversity is managed in an integrated way, within and across administrative boundaries.

Policy 6: Significant indigenous vegetation and significant habitats of indigenous fauna are identified as significant natural areas (SNAs) using a consistent approach.

Policy 7: SNAs are protected by avoiding and managing adverse effects from new subdivision, use and development.

Policy 8: The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.

Policy 9: Certain existing activities are provided for within and outside SNAs.

Policy 10: Activities that contribute to New Zealand's social, economic, cultural, and environmental well-being are recognised and provided for.

Policy 11: Geothermal SNAs are protected at a level that reflects their vulnerability, or in accordance with any pre-existing underlying geothermal system classification.

Policy 12: Indigenous biodiversity is managed within plantation forestry.

Policy 13: Restoration of indigenous biodiversity is promoted and provided for.

Policy 14: Increased indigenous vegetation cover is promoted in both urban and non-urban environments.

Policy 15: Areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range, and information and awareness of specified highly mobile fauna is improved.

Policy 16: Regional biodiversity strategies are developed and implemented to maintain and restore indigenous biodiversity at a landscape scale.

Policy 17: There is improved information and regular monitoring of indigenous biodiversity.

Part 3: Implementation

3.1 Overview of Part

(1) This Part sets out a non-exhaustive list of things that local authorities must do to give effect to the Objective and Policies in Part 2 of this National Policy Statement, but nothing in this Part limits the general obligation under the Act to give effect to that Objective and those Policies.

(2) Nothing in this Part limits a local authority's functions and duties under the Act in relation to indigenous biodiversity.

(3) In this Part:

(a) Subpart 1 sets out general approaches to implementing this National Policy Statement, and in particular how to give effect to Te Rito o te Harakeke:

(b) Subpart 2 sets out provisions relating to the identification of SNAs, the management of adverse effects on SNAs, and the general management of indigenous biodiversity outside SNAs:

(c) Subpart 3 sets out additional specific requirements relating to indigenous biodiversity.

Subpart 1 – Approaches to implementing this National Policy Statement

3.2 Te Rito o te Harakeke

(1) Local authorities must engage with communities and tangata whenua to determine how to give effect to Te Rito o te Harakeke and its six essential elements in their regions and districts.

(2) Giving effect to Te Rito o te Harakeke requires, at a minimum, that local authorities:

(a) recognise and provide for:

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

(ii) te hauora o te taonga (the health of taonga); and

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

(iv) the interrelationships between those three hauora and te hauora o te tangata (the health of the people); and

(b) recognise that the protection, maintenance, and restoration of indigenous biodiversity requires:

(i) kaitiakitanga (including as provided for in clause 3.3) and stewardship; and

(ii) identifying the local approach to giving effect to Te Rito o te Harakeke; and

(iii) adopting an integrated approach ki uta ki tai (as provided for in clause 3.4); and

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

3.3 Tangata whenua as kaitiaki

(1) Every local authority must actively involve tangata whenua (to the extent they wish to be involved) in the management of indigenous biodiversity, and in particular:

(a) when identifying the local approach to giving effect to Te Rito o te Harakeke; and

(b) in the processes (including decision-making processes) for managing the implementation of this National Policy Statement; and

(c) when making or changing policy statements and plans that relate to indigenous biodiversity.

(2) When involving tangata whenua as required by subclause (1), and particularly when making or changing objectives, policies, or methods to give effect to this National Policy Statement, local authorities must:

(a) ensure that consultation with tangata whenua:

(i) is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and

(ii) has regard to the different levels of whānau, hapū, and iwi decision-making structures; and

(b) recognise and value the role of tangata whenua as kaitiaki of indigenous biodiversity; and

(c) provide specific opportunities for the exercise of kaitiaki, such as, for example, by bringing cultural understanding to monitoring; and

(d) allow for the sustainable customary use of indigenous biodiversity in accordance with tikanga.

(3) Local authorities must work with tangata whenua to investigate the use of mechanisms available under the Act to involve tangata whenua in the management of, and decision-making about, indigenous biodiversity, such as:

(a) transfers or delegations of power under section 33 of the Act:

(b) joint management agreements under section 36B of the Act:

(c) mana whakahono a rohe (iwi participation arrangements) under subpart 2 of Part 5 of the Act.

(4) When a local authority considers the use of mechanisms to involve tangata whenua in the management of indigenous biodiversity the local authority must:

(a) record the matters considered and the reasons for any decisions reached, or for not making a decision; and

(b) publish those matters and reasons as soon as practicable, unless publication would be contrary to any legal obligation.

(5) 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 when implementing this National Policy Statement.

(6) Local authorities must develop processes for managing information provided by tangata whenua (including providing for how it may remain confidential if required by tangata whenua), particularly in relation to the identification and management of species, populations, and ecosystems as taonga (in accordance with clause 3.19).

3.4 Integrated approach

(1) Local authorities must manage indigenous biodiversity and the effects on it from 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 Social, economic, and cultural wellbeing

(1) Local authorities must consider:

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

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

(c) that people and communities are critical to protecting, maintaining, and restoring indigenous biodiversity; and

(d) the importance of forming partnerships in protecting, maintaining, and restoring indigenous biodiversity; and

(e) the importance of respecting and fostering the contribution of tangata whenua as kaitiaki and of people and communities, particularly landowners, as stewards of indigenous biodiversity; and

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

3.6 Resilience to climate change

(1) 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 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 can continue to find viable niches as the climate changes.

3.7 Precautionary approach

(1) 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.

Subpart 2 – Significant natural areas

3.8 Assessing areas that qualify as significant natural areas

(1) Every territorial authority must undertake a district-wide assessment of the land in its district to identify areas of significant indigenous vegetation or significant habitat of indigenous fauna that qualify as SNAs.

(2) The assessment must be done using the assessment criteria in Appendix 1 and in accordance with the following principles:

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

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

(c) **quality**: wherever practicable, the values and extent of natural areas are verified by physical inspection:

(d) **access**: if a physical inspection is required, permission of the landowner is first sought and the powers of entry under section 333 of the Act are used only as a last resort:

(e) **consistency**: the criteria in Appendix 1 are applied consistently, regardless of who owns the land:

(f) **boundaries**: the boundaries of areas of significant indigenous vegetation or significant habitat of indigenous fauna are determined without regard to artificial margins (such as property boundaries) that would affect the extent or ecological integrity of the area identified.

(3) If requested by a territorial authority, the relevant regional council must assist the territorial authority in undertaking its district-wide assessment.

(4) A territorial authority need not comply with subclause (1) in respect of any SNA referred to in paragraph (a) of the definition of SNA (ie, an area already identified as an SNA at the commencement date) if, within 4 years after the commencement date, a suitably qualified ecologist confirms that, and how, the area qualifies as an SNA under the criteria in Appendix 1.

(5) If a territorial authority becomes aware (as a result of a resource consent application, notice of requirement or any other means) that an area may be an area of significant indigenous vegetation or significant habitat of indigenous fauna that qualifies as an SNA, the territorial authority must:

(a) conduct an assessment of the area in accordance with subclause (2) as soon as practicable; and

(b) if a new SNA is identified as a result, include it in the next plan or plan change notified by the territorial authority.

(6) If a suitably qualified ecologist confirms that an area that qualifies as an SNA comprises or contains a geothermal ecosystem, the SNA is a geothermal SNA.

3.9 Identifying SNAs in district plans

(1) A territorial authority must notify any plan or plan change to include each area in its district that is identified as qualifying as an SNA.

(2) The notified plan or plan change must include:

(a) the location of the SNA and a description of its attributes; and

(b) a map of the area; and

(c) specify whether the SNA is a geothermal SNA.

(3) When a territorial authority does its 10-yearly plan review, it must assess its district in accordance with clause 3.8 (1) and (2) to determine whether changes are needed.

3.10 Managing adverse effects on SNAs of new subdivision, use, and development

(1) This clause applies to all SNAs, except as provided in clause 3.11.

(2) Local authorities must make or change their policy statements and plans to include objectives, policies, and methods that require that the following adverse effects on SNAs of any new subdivision, use, or development are avoided:

(a) loss of ecosystem representation and extent:

(b) disruption to sequences, mosaics, or ecosystem function:

(c) fragmentation of SNAs or the or loss of buffers or connections within an SNA:

(d) a reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems:

(e) a reduction in the population size or occupancy of Threatened, At Risk (Declining) species that use an SNA for any part of their life cycle.

(3) Local authorities must make or change their policy statements and plans to require that all adverse effects on SNAs of new subdivision, use, or development, other than the adverse effects identified in subclause (2), must be managed by applying the effects management hierarchy.

(4) Every local authority must make or change its plan to ensure that, where adverse effects on an SNA are required to be managed by applying the effects management hierarchy, an application is not granted unless:

(a) the decision-maker is satisfied that the applicant has demonstrated how each step of the effects management hierarchy will be applied; and

(b) any consent is granted subject to conditions that apply the effects management hierarchy.

3.11 Exceptions to clause 3.10

(1) Clause 3.10 does not apply to the following, and adverse effects on SNAs of new subdivision, use, and development are managed instead as required by the clause indicated:

(a) SNAs on Māori Lands (see clause 3.18):

(b) geothermal SNAs (see clause 3.13):

(c) SNAs within a plantation forest (see clause 3.14).

(2) Clause 3.10(2) does not apply, and all adverse effects on an SNA must be managed instead in accordance with clause 3.10(3) and (4):

(a) if a new use or development is required for the purposes of any of the following;

(i) specific infrastructure that provides significant national or regional public benefit; or

(ii) mineral extraction that provides significant national public benefit that could not otherwise be achieved domestically; or

(iii) aggregate extraction that provides significant national or regional public benefit that could not otherwise be achieved domestically; and

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

(c) there are no practicable alternative locations for the new use, or development.

(3) Clause 3.10(2) does not apply, and all adverse effects on an SNA must be managed instead in accordance with clause 3.10(3) and (4), if:

(a) a new use or development is associated with a single dwelling on an allotment created before the commencement date; 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 clause 3.10(2).

(4) Clause 3.10(2) does not apply to an SNA, and all adverse effects on the SNA must be managed instead in accordance with clause 3.10(3) and (4), or any other appropriate management approach, if:

(a) the use or development is for the purpose of maintaining or restoring an SNA (provided it does not involve the permanent destruction of significant habitat of indigenous biodiversity); or

(b) the use or development:

(i) is in an area of indigenous vegetation or habitat of indigenous fauna (other than an area managed under the Forests Act 1949) that was established and is managed primarily for a purpose other than the maintenance or restoration of indigenous biodiversity; and

(ii) the losses are necessary to meet that purpose.

(5) Clause 3.10 does not apply to adverse effects on an SNA:

(a) from any use or development required to address a very high risk to public health or safety; or

(b) if the SNA is solely because of the presence of a kānuka or manuka species that is threatened exclusively on the basis of myrtle rust; or

(c) from the sustainable customary use of indigenous biodiversity conducted in accordance with tikanga; or

(d) from work or activity of the Crown on public conservation land, provided that the work or activity:

(i) is undertaken in a way that is consistent with any applicable conservation management strategy, conservation management plan, or management plan established under the Conservation Act 1987 or any other Act specified in Schedule 1 of that Act; and

(ii) does not have a significant adverse effect beyond the boundary of the public conservation land.

(e) from work within Te Urewera of Te Urewera Board, the chief executive of Tūhoe Te Uru Taumatua, or the Director-General of Conservation, provided that the work:

(i) is for the purpose of managing Te Urewera under the Te Urewera Act 2014 and is consistent with the Te Urewera Act and the management plan under that Act; and

(ii) does not have a significant adverse effect on the environment beyond the boundary of Te Urewera.

3.12 SNAs on Māori lands

(1) SNAs on Māori Lands must be managed in accordance with clause 3.18, except that:

(a) geothermal SNAs on Māori lands must be managed in accordance with clause 3.13; and

(b) SNAs within plantation forests must be managed in accordance with clause 3.14.

3.13 Geothermal SNAs

(1) Every local authority that has a geothermal SNA in its region or district must work with tangata whenua to make or change its policy statements and plans to include objectives, policies, and methods that, in relation to any new subdivision, use, and development:

(a) provide a level of protection of the geothermal SNA:

(i) that:

(A) reflects the vulnerability of the geothermal SNA to use or development; or

(B) in the case of a local authority that has (at the commencement date) classified its geothermal systems, is consistent with the geothermal system classification in which the geothermal SNA is located; and

(ii) that has regard to the practicability of applying the approach in clause 3.10(2) and (3) to the geothermal SNA; and

(iii) that, in the case of a geothermal SNA on Māori lands, provides for new occupation, use, and development that enables tangata whenua to use and develop geothermal resources in a manner consistent with the vulnerability of the geothermal SNA to use or development, or consistent with the geothermal system classification in which the geothermal SNA is located (as applicable), and in accordance with tikanga; and

(b) require the decision-maker on any resource consent application to:

(i) have particular regard to the adverse effects described in clause 3.10(2) when managing adverse effects on the geothermal SNAs; and

(ii) consider any practicable measures for the restoration of the geothermal SNAs.

(2) Any assessment of the vulnerability of a geothermal SNA must be undertaken by a suitably qualified expert.

(3) Local authorities must publish:

(a) the basis on which the objectives, policies, and methods relating to the management of each geothermal SNA was decided; and

(b) the nature and extent of involvement of tangata whenua in developing those objectives, policies, and methods.

(4) In relation to a geothermal SNA, this clause prevails over any other provision of this National Policy Statement that might apply to the SNA, other than clause 3.15 (about existing activities), which applies to geothermal SNAs in the same way as it applies to other SNAs.

3.14 Plantation forests with SNAs

(1) An SNA that is within a plantation forest must be managed over the course of consecutive rotations of production in the manner necessary to maintain the long-term populations of any Threatened or At Risk species in the SNA.

(2) Local authorities must make or change their policy statements and plans to include objectives, policies, and methods to give effect to the requirements of subclause (1).

3.15 Existing activities affecting SNAs

(1) Regional councils must identify in their policy statements the existing activities, or types of existing activities, that this clause applies to.

(2) Local authorities must make or change their plans to ensure that the existing activities identified in relevant regional policy statements may continue as long as the effects on any SNA (including cumulative effects):

(a) are no greater in intensity, scale, or character over time than at the commencement date; and

(b) do not result in the loss of extent or degradation of ecological integrity of the SNA.

(3) If an existing activity does not meet the conditions described in subclause (2), the adverse effects of the activity on the relevant SNA must be managed in accordance with clause 3.10.

3.16 Maintaining indigenous biodiversity outside SNAs

(1) This clause applies to all areas outside SNAs, other than Māori lands (because clause 3.18 applies instead).

(2) Local authorities must take steps to maintain indigenous biodiversity in areas to which this clause applies, including by making or changing their policy statements and plans to:

(a) apply the effects management hierarchy to any adverse effects on indigenous biodiversity of a new subdivision, use, or development that may be irreversible; and:

(b) providing appropriate controls to manage other adverse effects on indigenous biodiversity of a new subdivision, use and development.

3.17 Maintenance of improved pasture

(1) This clause applies to the maintenance of improved pasture where it may affect an SNA.

(2) Local authorities must allow the maintenance of improved pasture to continue if:

(a) there is adequate evidence to demonstrate that the maintenance of improved pasture is part of a regular cycle of periodic maintenance of that pasture; and

(b) any adverse effects of the maintenance of improved pasture on an SNA are no greater in intensity, scale, or character than the effects of activities previously undertaken as part of the regular cycle of periodic maintenance of that pasture; and

(c) the improved pasture has not itself become an SNA; and

(d) the land is not a depositional landform that has not been cultivated; and

(e) the maintenance of improved pasture will not adversely affect a Threatened or At Risk (Declining) species.

(3) In this clause:

maintenance of improved pasture includes the removal of indigenous vegetation for the purpose of maintaining the improved pasture, whether the removal is by way of cutting, crushing, applying chemicals, draining, burning, cultivating, over-planting, applying seed of exotic pasture species, mob stocking, or making changes to soils, hydrology, or landforms

depositional landform means a landform that is alluvial (matter deposited by water, eg, fans, river flats, and terraces), colluvial (matter deposited by gravity at the base of hillslopes, eg, talus), or glacial (matter deposited by glaciers, eg, moraines and outwash)

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.

Subpart 3 – Specific requirements

3.18 Māori lands

(1) Local authorities must work in partnership with tangata whenua and Māori landowners to develop, and include in policy statements and plans, objectives, policies, and methods that, to the extent practicable:

(a) maintain and restore indigenous biodiversity on Māori lands; and

(b) protect SNAs and identified taonga on Māori lands.

(2) Objectives, policies, and methods developed under this clause must, to the extent practicable:

(a) enable new occupation, use, and development of Māori lands to support the social, cultural, and economic wellbeing of tangata whenua; and

(b) enable the provision of new papakāinga, marae and ancillary community facilities, dwellings, and associated infrastructure; and

(c) apply or allow alternative approaches to, or locations for, new occupation, use, and development that avoid, minimise, or remedy adverse effects on SNAs and identified taonga on Māori lands, and apply options for offsetting and compensation; and

(d) recognise and be responsive to the fact that there may be no or limited alternative locations for tangata whenua to occupy, use, and develop their lands.

(3) The decision-maker on any resource consent application must, when considering matters affecting Māori lands, take into account all the matters in subclause (2).

(4) Subclauses (2) and (3) do not apply to Māori lands to the extent that the land is set aside under legislation for full or partial legal protection for the purpose of protecting indigenous biodiversity on that land. ‘Legal protection’ includes covenants and land status such as are available under the Reserves Act, Conservation Act, National Parks Act (or equivalent)’.

(5) Local authorities must consider and realise opportunities to provide incentives for the protection and maintenance of indigenous biodiversity, and the protection of SNAs and identified taonga, on Māori lands.

3.19 Identified taonga

(1) Every territorial authority must work together with tangata whenua (using an agreed process) to determine the indigenous species, populations, and ecosystems in the district that are taonga; and these are acknowledged taonga.

(2) Local authorities must recognise that tangata whenua have the right not to determine the indigenous species, populations and ecosystems that are taonga, and to choose the level of detail at which any acknowledged taonga, or their location or values, are described.

(3) If tangata whenua agree, territorial authorities must identify acknowledged taonga in their district plans by:

(a) describing the taonga and, to the extent agreed by tangata whenua, mapping their location and describing their values; and

(b) describing, to the extent agreed by tangata whenua, the historical, cultural, and spiritual relationship of tangata whenua with the taonga.

(4) Local authorities must work together with tangata whenua to protect both acknowledged and identified taonga as far as practicable and involve tangata whenua (to the extent that they wish to be involved) in the management of identified taonga.

(5) In managing effects on identified taonga, local authorities must recognise that the possible adverse effects on identified taonga include effects on:

(a) the mauri of the taonga:

(b) the values of the taonga as identified by tangata whenua:

(c) the historical, cultural, and spiritual relationship of tangata whenua with the taonga, as identified by tangata whenua.

(6) Local authorities must make or change their policy statements and plans as necessary to ensure that the sustainable customary use of identified taonga by tangata whenua in accordance with tikanga and in a manner consistent with the protection of the identified taonga is provided for.

(7) To avoid doubt, no species, population, or ecosystem in the coastal marine area, and no aquatic species or population in water bodies, can be determined to be taonga under this clause (see clause 1.3).

3.20 Specified highly mobile fauna

(1) Every regional council must record areas outside SNAs that are highly mobile fauna areas, by working together with tangata whenua (in the manner required by clause 3.3), territorial authorities in its region, and the Department of Conservation.

(2) If it will help manage specified highly mobile fauna, regional councils must include in their regional policy statements (where possible) a map and description of each highly mobile fauna area in its region.

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

(4) Local authorities must provide information to their communities about:

(a) specified highly mobile fauna and their habitats; and

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

3.21 Restoration

(1) Local authorities must include objectives, policies, and methods in their policy statements and plans to promote the restoration of indigenous biodiversity, including through reconstruction of areas.

(2) The objectives, policies, and methods must prioritise all the following for restoration:

(a) SNAs whose ecological integrity is degraded:

(b) threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems:

(c) areas that provide important connectivity or buffering functions:

(d) wetlands whose ecological integrity is degraded or that no longer retain their indigenous vegetation or habitat for indigenous fauna:

(e) any national priorities for indigenous biodiversity protection.

(3) Local authorities must consider providing incentives for restoration in priority areas referred to in subclause (2), and in particular where those areas are on Māori lands, in recognition of the opportunity cost of maintaining indigenous biodiversity on that land.

(4) Local authorities must consider imposing or reviewing restoration or enhancement conditions on resource consents and designations relating to activities in areas prioritised for restoration.

3.22 Increasing indigenous vegetation cover

(1) Every regional council must assess the percentage of indigenous vegetation cover in:

(a) each of its urban environments; and

(b) its non-urban environments.

(2) The assessment may be done by a desktop analysis, by ground truthing, or both, and must be done in collaboration with relevant territorial authorities.

(3) Regional councils must:

(a) set a target of at least 10% indigenous vegetation cover for any urban or non-urban environment that has less than 10% cover of indigenous vegetation; and

(b) consider setting targets of higher than 10% for other areas, to increase their percentage of indigenous vegetation cover; and

(c) include any indigenous vegetation cover targets in their regional policy statements.

(4) Local authorities must promote the increase of indigenous vegetation cover in their regions and districts through objectives, policies, and methods in their policy statements and plans:

(a) having regard to any targets set under subclause (3) by regional councils; and

(b) giving priority to all the following:

(i) areas referred to in clause 3.21(2):

(ii) ensuring species richness:

(iii) restoration at a landscape scale across the region.

3.23 Regional biodiversity strategies

(1) Every regional council must prepare a regional biodiversity strategy that complies with Appendix 5 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 objectives, policies, and methods for inclusion in regional policy statements and plans.

3.24 Information requirements

(1) Every local authority must make or change its policy statements or plans to require that if a resource consent application is required in relation to an indigenous biodiversity matter, the application is not considered unless it includes a report that:

(a) is prepared by a qualified and experienced ecologist; and

(b) complies with subclause (2); and

(c) is commensurate with the scale and significance (to indigenous biodiversity) of the proposal.

(2) The report by the ecologist must:

(a) include a description of the adverse effects of the proposal on indigenous biodiversity and how those effects will be managed using the effects management hierarchy; and

(b) identify any effects on identified taonga; and

(c) identify the ecosystem services associated with indigenous biodiversity at the site; and

(d) include an assessment of the ecological integrity and connectivity within and beyond the site; and

(e) include mātauranga Māori and tikanga Māori assessment methodology, where relevant; and

(f) if biodiversity offsetting is proposed, set out:

(i) a detailed plan of what is proposed, including a quantified loss and gain calculation, the currency used in the calculation, and the data that informs the calculation and plan; and

(ii) a description of how the relevant principles in Appendix 3 of the National Policy Statement for Indigenous Biodiversity have been addressed; and

(iii) an assessment of the likely success of the plan in achieving a net gain in biodiversity values:

(g) if biodiversity compensation is proposed, set out:

(i) a detailed plan of what is proposed; and

(ii) a description of how the relevant principles in Appendix 4 of the National Policy Statement for Indigenous Biodiversity have been addressed; and

(iii) an assessment of the likely success of the plan in achieving its outcomes.

3.25 Monitoring by regional councils

(1) Regional councils must work with territorial authorities, relevant agencies and tangata whenua to 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:

(i) the maintenance of indigenous biodiversity in, and the ecological integrity and physical extent of, SNAs; and

(ii) the maintenance of identified taonga; and

(iii) the achievement of restoration objectives established under clause 3.21; and

(iv) the percentage of indigenous vegetation cover in urban and non-urban environments in its region, as required under clause 3.22.

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

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

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

(e) 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 and identified taonga but, if national monitoring methods are available, must use those methods.

Part 4: Timing

4.1 Timing generally

(1) Every local authority must give effect to this National Policy Statement as soon as reasonably practicable.

(2) Local authorities must publicly notify any changes to their policy statements and plans that are necessary to give effect to this National Policy Statement within 8 years after the commencement date.

4.2 Timing for planning provisions for SNAs

(1) Local authorities must publicly notify any policy statement or plan or changes to these necessary to give effect to subpart 2 of Part 3 (Significant Natural Areas) and clause 3.24 (Information requirements) within 5 years after the commencement date.

4.3 Timing for regional biodiversity strategies

(1) A regional council that, at the commencement date, has or is in the processes of preparing a regional biodiversity strategy must update or complete the strategy within 10 years after the commencement date.

(2) A regional council that, at the commencement date, has not prepared or begun to prepare a regional biodiversity strategy must initiate preparation of a strategy within 3 years after the commencement date, and must complete it within 10 years after the commencement date.

4.4 Existing policy statements and plans

(1) To the extent that policy statements and plans already (at the commencement date) give effect to this National Policy Statement, local authorities are not obliged to make changes to wording or terminology merely for consistency with it.

(2) In case of dispute, the onus is on the local authority to show that, despite the different wording or terminology used, their policy statement or plan does implement this National Policy Statement.

(3) However, if a local authority chooses to amend an operative policy statement or plan by merely changing wording or terminology for consistency with this National Policy Statement, the amendment is to be treated as the correction of a minor error (and therefore, under clause 20A of Schedule 1 of the Act, the amendment can be made without using a process in that Schedule).

Appendix 1: Criteria for identifying areas that qualify as significant natural areas

1 Direction on approach

(1) This appendix sets out the criteria for identifying significant indigenous vegetation or significant habitats of indigenous fauna in a specific area, so that the area qualifies as an SNA.

(2) An area qualifies as a significant natural area if it meets any one of the attributes of the following four criteria:

(a) representativeness:

(b) diversity and pattern:

(c) rarity and distinctiveness:

(d) ecological context.

2 Context for assessment

(1) The context for an assessment of an area is:

(a) its ecological district; and

(b) in the context of the rarity assessment only, its land environment.

3 Manner and form of assessment

(1) Every assessment must include at least:

(a) a map of the 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; and

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

(2) An assessment under this appendix must be conducted by a suitably qualified ecologist (which, in the case of an assessment of a geothermal ecosystem, requires an ecologist with geothermal expertise).

A Representativeness criterion

(1) Representativeness is the extent to which the indigenous vegetation or habitat of indigenous fauna in an area is typical or characteristic of the indigenous biodiversity of the relevant ecological district.

Key assessment principles

(2) Representativeness may include commonplace indigenous vegetation and the habitats of indigenous fauna, which is where most indigenous biodiversity is present. It may also include 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.

(3) 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.

(4) 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.

(5) 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 by reference to the types of indigenous vegetation and the landforms on which it occurs.

Attributes of representativeness

(6) An area that qualifies as an SNA under this criterion has at least one of the following attributes:

(a) indigenous vegetation that has ecological integrity that is typical of the 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 retains at least a moderate range of species expected for that habitat type in the ecological district.

B Diversity and pattern criterion

(1) Diversity and pattern is the extent to which the expected range of diversity and pattern of biological and physical components within the relevant ecological district is present in an area.

Key assessment principles

(2) **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.

(3) **Pattern** includes changes along environmental and landform gradients such as ecotones and sequences.

(4) **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 of diversity and pattern

(5) An area that qualifies as a significant natural area under this criterion has at least one of the following attributes:

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

(b) presence of indigenous ecotones, complete or partial gradients or sequences.

C Rarity and distinctiveness criterion

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

Key assessment principles

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

(3) **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.

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

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

Attributes of rarity and distinctiveness

(6) An area that qualifies as an SNA under this criterion has at least one of the following attributes:

(a) provides habitat for an indigenous species that is listed as Threatened or At Risk (Declining) 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 natural distributional limit:

(d) indigenous vegetation that has been reduced to less than 20 per cent of its pre-human extent in the ecological district, region, or land environment:

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

(f) the type locality of an indigenous species:

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

(h) the presence of a special ecological or scientific feature.

D Ecological context criterion

(1) 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

(2) Ecological context has two main assessment principles:

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

(b) the contribution the 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 of ecological context

(3) An area that qualifies as an SNA under this criterion has at least one of the following attributes:

(a) at least moderate size and a compact shape, in the context of the relevant ecological district:

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

(c) provides an important full or partial buffer to or link between, one or more important habitats of indigenous fauna or significant natural areas:

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

Appendix 2: Specified highly mobile fauna

Scientific name	Common name	Ecosystem	Threat category
Anarhynchus frontalis	ngutu parore/wrybill	coastal/riverine	Threatened (Nationally Vulnerable)
Anas chlorotis	pāteke/brown teal	wetland/riverine	At Risk (Recovering)
Anas superciliosa superciliosa	pārera/grey duck	wetland/riverine	Threatened (Nationally Critical)
Anthus novaeseelandiae novaeseelandiae	pīhoihoi/NZ pipit	forest/open	At Risk (Declining)
Apteryx australis "northern Fiordland"	northern Fiordland tokoeka	forest/open	Threatened (Nationally Vulnerable)
Apteryx australis australis	southern Fiordland tokoeka	forest/open	Threatened (Nationally Endangered)
Apteryx haastii	roa/great spotted kiwi	forest/open	Threatened (Nationally Vulnerable)
Ardea modesta	kotuku/white heron	wetland/riverine	Threatened (Nationally Critical)
Botaurus poiciloptilus	matuku/bittern	wetland/riverine	Threatened (Nationally Critical)
Bowdleria punctate stewartiana	mātātā/Stewart Island fernbird	wetland/riverine	Threatened (Nationally Vulnerable)
Bowdleria punctata punctata	koroātito/South Island fernbird	wetland/riverine	At Risk (Declining)
Bowdleria punctata vealeae	mātātā/North Island fernbird	wetland/riverine	At Risk (Declining)
Calidris canutus rogersi	huahou/lesser knot	coastal/riverine	Threatened (Nationally Vulnerable)
Chalinolobus tuberculatus	pekapeka/long-tailed bat	forest/open	Threatened (Nationally Critical)
Charadrius bicinctus bicinctus	pohowera/banded dotterel	coastal/riverine	Threatened (Nationally Vulnerable)
Charadrius obscurus aquilonius	tūtiriwhatu/northern NZ dotterel	coastal/riverine	At Risk (Recovering)

Scientific name	Common name	Ecosystem	Threat category
Charadrius obscurus obscurus	tūtiriwhatu/southern NZ dotterel	coastal/riverine	Threatened (Nationally Critical)
Chlidonias albostriatus	tara pirohe/black-fronted tern	coastal/riverine	Threatened (Nationally Endangered)
Egretta sacra sacra	matuku moana/reef heron	coastal/riverine	Threatened (Nationally Endangered)
Falco novaeseelandiae ferox	kārearea/bush falcon	forest/open	At Risk (Recovering)
Falco novaeseelandiae novaeseelandiae	kārearea/eastern falcon	forest/open	At Risk (Recovering)
Falco novaeseelandiae "southern"	kārearea/southern falcon	forest/open	Threatened (Nationally Vulnerable)
Gallirallus australis greyi	North Island weka	forest/open	At Risk (Recovering)
Gallirallus philippensis assimilis	moho pererū/banded rail	wetland/riverine	At Risk (Declining)
Haematopus finschi	tōrea/South Island pied oystercatcher	coastal/riverine	At Risk (Declining)
Haematopus unicolor	tōrea tai/variable oystercatcher	coastal/riverine	At Risk (Recovering)
Himantopus novaezelandiae	kakī/black stilt	wetland/riverine	Threatened (Nationally Critical)
Hydroprogne caspia	taranui/Caspian tern	coastal/riverine	Threatened (Nationally Vulnerable)
Hymenolaimus malacorhynchos	whio/blue duck	riverine	Threatened (Nationally Vulnerable)
Larus bulleri	tarāpukā/black-billed gull	coastal/riverine	Threatened (Nationally Critical)
Larus novaehollandiae scopulinus	tarāpunga/red-billed gull	coastal/riverine	At Risk (Declining)
Limosa lapponica baueri	kuaka/eastern bar-tailed godwit	coastal/riverine	At Risk (Declining)
Mystacina tuberculata aupourica	pekapeka/northern short-tailed bat	forest/open	Threatened (Nationally Endangered)

Scientific name	Common name	Ecosystem	Threat category
Mystacina tuberculata rhyacobia	pekapeka/central short-tailed bat	forest/open	At Risk (Declining)
Mystacina tuberculata tuberculata	pekapeka/southern short-tailed bat	forest/open	At Risk (Recovering)
Nestor meridionalis meridionalis	kākā/South Island kākā	forest/open	Threatened (Nationally Vulnerable)
Nestor meridionalis septentrionalis	kākā/North Island kākā	forest/open	At Risk (Recovering)
Nestor notabilis	kea	forest/open	Threatened (Nationally Endangered)
Petroica australis australis	kakariwai/South Island robin	forest/open	At Risk (Declining)
Phalacrocorax varius varius	kāruhiruhi/pied shag	coastal/riverine	At Risk (Recovering)
Podiceps cristatus australis	kāmana/southern crested grebe	wetland/riverine	Threatened (Nationally Vulnerable)
Poliocephalus rufopectus	weweia/NZ dabchick	wetland/riverine	At Risk (Recovering)
Porzana pusilla affinis	koitareke/marsh crake	wetland/riverine	At Risk (Declining)
Porzana tabuensis	pūweto/spotless crake	wetland/riverine	At Risk (Declining)
Sterna striata striata	tara/white-fronted tern	coastal/riverine	At Risk (Declining)
Sternula nereis davisae	tara iti/NZ fairy tern	coastal/riverine	Threatened (Nationally Critical)
Thinornis novaeseelandiae	tuturuatu/NZ shore plover	coastal/riverine	Threatened (Nationally Critical)
Xenicus gilviventris “northern”	pīwauwau/northern rock wren	forest/open	Threatened (Nationally Critical)
Xenicus gilviventris “southern”	pīwauwau/southern rock wren	forest/open	Threatened (Nationally Endangered)

Appendix 3: Principles for biodiversity offsetting

The following sets out a framework of principles for the use of biodiversity offsets. These principles represent a standard for biodiversity offsetting and must be complied with for an action to qualify as a biodiversity offset.

1. **Adherence to effects management hierarchy:** A biodiversity offset is a commitment to redress any more than minor residual adverse effects and should be contemplated only after steps to avoid, minimise, and remedy adverse effects are demonstrated to have been sequentially exhausted.

2. **When biodiversity offsetting is not appropriate:** Biodiversity offsets are not appropriate in situations where biodiversity values cannot be offset to achieve a net gain outcome, and if biodiversity values are adversely affected, they will be permanently lost. This principle reflects a standard of acceptability for demonstrating, and then achieving, a net gain in biodiversity values. Examples of where an offset would be inappropriate include where:

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

   (b) effects on indigenous biodiversity are uncertain, unknown, or little understood, but potential effects are significantly adverse:

   (c) there are no technically feasible options by which to secure gains within acceptable timeframe.

3. **Net gain:** The biodiversity values to be lost through the activity to which the offset applies are counterbalanced and exceeded by the proposed offsetting activity, so that the result is a net gain when compared to that lost. Net gain is demonstrated by a like-for-like quantitative loss/gain calculation of the following, and is achieved when the ecological values at the offset site exceed those being lost at the impact site across indigenous biodiversity:

   (a) types of indigenous biodiversity, including when indigenous species depend on introduced species for their persistence; and

   (b) amount; and

   (c) condition.

4. **Additionality:** A biodiversity offset achieves gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the offset, such as gains that are additional to any minimisation and remediation undertaken in relation to the adverse effects of the activity.

5. **Leakage:** Offset design and implementation avoids displacing activities that are harmful to indigenous biodiversity to other locations.

6. **Landscape context:** Biodiversity offset actions are undertaken where this will result in the best ecological outcome, preferably close to the impact site or within the same ecological district, and 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:** Biodiversity offsets are managed to secure outcomes of the activity that last at 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 is minimised so that the calculated gains are achieved within the consent period.

9. **Science and mātauranga Māori:** The design and implementation of a biodiversity offset is a documented process informed by science and mātauranga Māori where available.

10. **Stakeholder participation:** Opportunity for the effective and early participation of stakeholders is demonstrated when planning for biodiversity offsets, including their evaluation, selection, design, implementation, and monitoring.

11. **Transparency:** The design and implementation of a biodiversity offset, and communication of its results to the public, is undertaken in a transparent and timely manner.

Appendix 4: Principles for biodiversity compensation

The following sets out a framework of principles for the use of biodiversity compensation. These principles represent a standard for biodiversity compensation and must be complied with for an action to qualify as biodiversity compensation.

1. **Adherence to effects management hierarchy:** Biodiversity compensation is a commitment to redress more than minor residual adverse impacts, and should be contemplated only after steps to avoid, minimise, remedy, and offset adverse effects are demonstrated to have been sequentially exhausted.

2. **When biodiversity compensation is not appropriate:** Biodiversity compensation is not appropriate where indigenous biodiversity values are not able to be compensated for, for example because:

   (a) the indigenous biodiversity affected is irreplaceable or vulnerable; or

   (b) effects on indigenous biodiversity are uncertain, unknown, or little understood, but potential effects are significantly adverse; or

   (c) there are no technically feasible options by which to secure proposed gains within acceptable timeframes.

3. **Scale of biodiversity compensation:** The values to be lost through the activity to which the biodiversity compensation applies are addressed by positive effects to indigenous biodiversity, (including when indigenous species depend on introduced species for their persistence), that outweigh the adverse effects on indigenous biodiversity.

4. **Additionality:** Biodiversity compensation achieves gains in indigenous biodiversity that are above and beyond gains that would have occurred in the absence of the compensation, such as gains that are additional to any minimisation and remediation undertaken in relation to the adverse effects of the activity.

5. **Leakage:** The design and implementation avoid displacing activities or environmental factors that are harmful to indigenous biodiversity in other locations.

6. **Landscape context:** Biodiversity compensation actions are undertaken where this will result in the best ecological outcome, preferably close to the impact site or within the same ecological district. The actions 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.

7. **Long-term outcomes:** Biodiversity compensation is 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 compensation site is minimised.

9. **Trading up:** When trading up forms part of biodiversity compensation, the proposal demonstrates that the indigenous biodiversity values gained are demonstrably of higher indigenous biodiversity value than those lost. The proposal also shows the values lost are not to Threatened or At Risk species or to species considered vulnerable or irreplaceable.

10. **Financial contributions:** Financial contributions are only considered when there is no effective option available for delivering indigenous biodiversity gains on the ground. Any contributions related to the indigenous biodiversity impacts must be directly linked to an intended indigenous biodiversity gain or benefit.

11. **Science and mātauranga Māori:** The design and implementation of biodiversity compensation is a documented process informed by science and mātauranga Māori where available.

12. **Stakeholder participation:** Opportunity for the effective and early participation of stakeholders is demonstrated when planning for biodiversity compensation, including its evaluation, selection, design, implementation, and monitoring.

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

Appendix 5: Regional biodiversity strategies

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

2. To achieve its purpose, the regional biodiversity strategy of a region must:

   (a) set out a landscape-scale vision for the restoration of the region's indigenous biodiversity; and

   (b) recognise and provide for Te Rito o te Harakeke; and

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

   (d) recognise biological and physical connections within, and between, the terrestrial environment, water bodies, and the coastal marine area; and

   (e) support the achievement of any national priorities for indigenous biodiversity protection; and

   (f) record:

      (i) the actions and methods intended to promote the maintenance and restoration of indigenous biodiversity, and increase in indigenous vegetation cover, in the region;

      (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.

   (g) specify milestones for achieving the strategy's purpose; and

   (h) 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.

3. A regional biodiversity strategy may also:

   (a) 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 and restoration of indigenous biodiversity; and

   (b) identify areas intended for restoration in accordance with clause 3.21; and

   (c) identify areas in which indigenous vegetation cover is proposed to be increased, in accordance with clause 3.22.

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 lands:

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

   (e) alignment with strategies under other legislation.