



Significant natural areas under the National Policy Statement for Indigenous Biodiversity

Update following the Resource Management (Freshwater and Other Matters) Amendment Act 2024 that came into force on 25 October 2024

The Government has suspended, for three years, the requirement for councils to identify and notify new significant natural areas under the National Policy Statement for Indigenous Biodiversity 2023.

Context

All councils have had to protect areas with significant indigenous biodiversity since the Resource Management Act 1991 (RMA) was introduced. The objective of the National Policy Statement for Indigenous Biodiversity 2023 (NPSIB) is to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity.

Requirements under the NPSIB to identify and notify significant natural areas do not apply for three years

The Resource Management (Freshwater and Other Matters) Amendment Act 2024 (the Amendment Act) introduced section 78 into the RMA. This new section sets out that the NPSIB provisions relating to the identification and notification of significant natural areas (SNAs) will not apply for the three years after the commencement of the Amendment Act (ie, until 25 October 2027). The three-year suspension period will allow time for a review of the operation of SNAs more broadly.

The suspension applies to the requirements for councils to identify and notify new SNAs using the NPSIB assessment criteria and principles. This suspension does not affect NPSIB obligations on councils for SNAs already existing in policy statements, proposed policy statements, plans, proposed plans or changes before commencement of the Amendment Act.

The Amendment Act also:

- amended NPSIB implementation timelines to facilitate the three-year suspension
- aligned the consent pathway for coal mines with other extractive industries and removed the sunset clause for existing thermal coal mines.¹

Provisions within the NPSIB that do not apply until 25 October 2027

The specific provisions that do not apply within the three-year suspension period are:

- clause 2.2, Policy 6 – which requires a consistent approach to identifying significant indigenous vegetation and significant habitats of indigenous fauna as SNAs under the NPSIB
- clauses 3.8(1), (6), and (8) – which require a territorial authority to conduct assessments to identify areas of significant indigenous vegetation and significant habitats of indigenous fauna that qualify as SNAs under the NPSIB
- clause 3.9(1) – which requires a territorial authority to notify a plan or plan change to include areas identified as qualifying as SNAs under the NPSIB
- clause 3.9(3) – which requires a local authority, when doing its 10-yearly plan review, to assess its district in accordance with clauses 3.8(1) and (2) to determine whether changes are needed.

Changes to timelines

Councils are still required to give effect to the rest of the NPSIB as soon as reasonably practicable (clause 4.1(1)). Section 78(3) of the RMA removes this requirement in relation to clauses 2.2, 3.8(1), 3.8(6), 3.8(8), 3.9(1), and 3.9(3) of the NPSIB.

Section 78(3) of the RMA now provides that the requirement to give effect to the NPSIB as soon as reasonably practicable also does not apply to clause 3.8(5) of the NPSIB. Clause 3.8(5) states that a territorial authority need not comply with the requirement to undertake a district-wide assessment of SNAs notified in a plan prior to commencement of the NPSIB (however, they were described), if a qualified ecologist confirms that the methodology originally used is consistent with the assessment approach in Appendix 1 of the NPSIB.

The Amendment Act also extended the following timeframes.

- The timeframe is extended (from four years to six years) for councils to confirm that their original methodology to identify an SNA aligns with the NPSIB (clause 3.8(5)).
- The timeframe for when councils must publicly notify SNAs is extended to 31 December 2030 (clause 4.2(2)), but the timeframes for protecting indigenous biodiversity outside SNAs are maintained (clause 4.2(1)).

¹ Refer to factsheet titled '[Amendments to consenting pathways for coal mining](#)'.

Impact on existing SNAs

For existing SNAs that are already in operative or proposed plans, the Amendment Act has amended the RMA to clarify that:

- the suspension does not alter the functions or requirements for councils and decision-makers under the RMA, policy statements or plans (section 78(4))
- a new area of significant indigenous biodiversity identified and/or notified during the three-year suspension period is not an SNA for the purpose of the NPSIB, and the NPSIB does not apply to the new area (section 78(5))
- the suspension does not alter any planning processes notified but not completed before commencement of the Amendment Act (section 78(6)).

Changes to the consent pathway for coal mines

The Amendment Act removes the provisions that imposed restrictions on new coal mines and removes the sunset clause for existing thermal coal mines. This aligns the consenting pathway for coal mining with other extractive activities.

These changes have been made to clauses 3.11(a)(ii), (iii) and (iv) of the published version of the NPSIB.

Resources

For more information on the NPSIB, including factsheets and a link to the national direction, see Ministry for the Environment: [National Policy Statement for Indigenous Biodiversity](#).

To view the published version of the NPSIB, including the Amendment Act changes, see Ministry for the Environment: [National Policy Statement for Indigenous Biodiversity – October 2024](#).

For more information, including background information, on the Amendment Act, see Ministry for the Environment: [Resource Management \(Freshwater and Other Matters\) Amendment Act 2024](#).

To view the Amendment Act, see New Zealand Legislation: [Resource Management \(Freshwater and Other Matters\) Amendment Act 2024](#).

