



National Policy Statement for Indigenous Biodiversity

Information for infrastructure providers

Note to readers

Changes have been made to the National Policy Statement for Indigenous Biodiversity 2023 by the **Resource Management (Freshwater and Other Matters) Amendment Act 2024**. This information sheet should be read alongside the **Significant natural areas under the National Policy Statement for Indigenous Biodiversity information sheet** which sets out changes made by the Amendment Act.

Overview

The Government has developed a National Policy Statement for Indigenous Biodiversity to help protect and maintain our unique biodiversity.

All councils have had to protect areas with significant native biodiversity since the Resource Management Act (RMA) was introduced in 1991. The challenge has been that there was a lack of guidance about what this meant in practice and the requirement has been inconsistently applied. To address this, the criteria for identifying and managing these significant areas under the National Policy Statement for Indigenous Biodiversity (NPSIB) has now been made the same across Aotearoa New Zealand.

Nationally and regionally important infrastructure is enabled while ensuring appropriate controls are placed on infrastructure development to manage potential impacts on native ecosystems.

For some districts there may be very little change while for others it may be more substantial.

Councils will update plans and strategies over the coming years to bring in the new requirements. Some changes will happen immediately.

Key information on indigenous biodiversity

- Infrastructure, such as highways, stormwater drainage, and aggregate extraction, is critical to Aotearoa New Zealand's economic, social and cultural wellbeing.
- The development, upgrade, operation and maintenance of key infrastructure contributes to impacts on indigenous biodiversity through land use changes or extraction of natural resources.
- Nationally and regionally important infrastructure is enabled while ensuring appropriate controls are placed on infrastructure development to manage potential impacts on native ecosystems.

What does the NPSIB do?

The NPSIB requires councils to maintain significant indigenous biodiversity – the areas where our most precious native plants and animals and their habitats are located. The NPSIB directs councils to identify Significant Natural Areas (SNAs) and taonga (where appropriate) and establish consistent methods in their plans, policy statements and strategies to manage any adverse effects on SNAs through objectives, policies, rules and methods in their policy statements and plans.

Councils have always been required to protect biodiversity under the RMA, but the NPSIB will bring a consistent approach to the identification, protection and management of land-based indigenous biodiversity throughout Aotearoa New Zealand.

The NPSIB recognises that some activities, including urban development, are important for social, economic and cultural wellbeing and may need to take place within or where they may affect SNAs. It guides how councils must balance competing interests in decision-making.

Councils will update their policies, plans and strategies in the coming years to reflect NPSIB requirements, meaning there will be changes to existing plan rules and other work councils do for indigenous biodiversity. Councils will be implementing some parts of the NPSIB immediately, so anyone seeking resource consent for new activities or developments that may affect indigenous biodiversity may have additional requirements to meet.

The NPSIB does not require landowners to proactively restore indigenous biodiversity, undertake weed or pest control or fence SNAs.

Managing adverse effects on indigenous biodiversity from infrastructure

Ecosystems need to maintain certain characteristics to be able to properly support indigenous plants and animals. The NPSIB outlines five specific effects that need to be strictly avoided due to their significant impacts on ecosystem characteristics.¹ These five effects form part of assessments of new activities, developments or subdivisions that potentially affect an area of indigenous biodiversity in an SNA. In most cases, new uses, subdivision or development must avoid these adverse effects or they can't go ahead.

¹ See the NPSIB [general summary information sheet](#) for more detail on the five effects.

Councils will use an effects management hierarchy to manage adverse effects of new uses, subdivision or development on indigenous biodiversity where there are:

- any other adverse effects on an SNA (apart from the five effects that must be avoided)
- exceptions for some uses or development to the five effects that must be avoided²
- significant adverse effects on indigenous biodiversity outside of SNAs.

Within this effects management hierarchy, councils will seek to avoid any adverse effects as the top priority. Where this can't be done, it works down a cascading hierarchy to minimise, remedy, offset, or compensate for effects, with compensation being the least desirable outcome. If none of these can be achieved, the activity can't take place.

For infrastructure providers, upgrades to specified infrastructure,³ as well as new infrastructure, within or affecting an SNA will be managed using the effects management hierarchy. These activities don't have to avoid the five adverse effects.

Any new subdivision, activity or development needing resource consent with significant adverse effects on an area of indigenous biodiversity outside of an SNA will also be managed using the effects management hierarchy.⁴

The NPSIB guides how to balance competing interests in decision-making when councils consider the management of adverse effects from use and development on SNAs. The provisions⁵ recognise that some activities are important for social, economic and cultural wellbeing, and may need to take place within SNA or where they have adverse effects on an SNA. This includes specified infrastructure and some mining and aggregate activities.

By providing a consistent approach, the NPSIB gives councils and applicants greater certainty on what effects should be avoided, which activities (such as specified infrastructure) should be provided a consent pathway and how adverse effects will be assessed and managed. This approach aims to balance the protection of indigenous biodiversity with providing for development needed to support social and economic wellbeing.

What does the NPSIB mean for infrastructure developers and operators?

Existing infrastructure and SNAs

All established activities, including established infrastructure, in SNAs can continue provided they:

- don't increase in intensity, scale, or character over time
- don't negatively impact the SNA
- are listed in a policy statement or plan (NPSIB Clause 3.15).

² See [NPSIB clause 3.11](#) – Exceptions to clause 3.10(2).

³ See [NPSIB clause 1.6](#) for the definition of specified infrastructure.

⁴ See [NPSIB clause 3.16](#) – Indigenous biodiversity outside SNAs

⁵ See [NPSIB clauses 3.10](#) – Managing adverse effects on SNAs of new subdivision, use, and development; and 3.11 – Exceptions to clause 3.10(2).

This includes maintenance, operation or upgrade of the established activities (including infrastructure) where the effects don't increase in scale or intensity.

Where existing infrastructure is within, contains or borders an SNA, the infrastructure provider doesn't have to actively manage indigenous biodiversity within the SNA. Councils may, however, choose to include requirements for management or restoration on new consents for infrastructure that adversely affects an SNA or indigenous biodiversity.

Specified infrastructure

Specified infrastructure⁶ includes lifeline utilities, regionally or nationally significant infrastructure, infrastructure that supports specific housing developments, flood control and protection, and defence facilities.

Renewable electricity generation assets and activities, and electricity transmission network assets and activities are not specified infrastructure for the purpose of the NPSIB, and nothing in the NPSIB applies to those activities and assets⁷.

Changes to existing infrastructure and development of new specified infrastructure in an SNA

The NPSIB acknowledges that some infrastructure activities and development will need to take place within or affecting an SNA so provides councils with a consent pathway for new and upgraded specified infrastructure.⁸

Local authorities will need to be satisfied there is a need for the specified infrastructure to be located in or affect a SNA. In most cases, activities must first meet tests to ensure that the need for the negative impacts on the SNA is justified. To justify the need, the proposed activity must:

- provide significant national or regional public benefit
- have a functional or operational need to locate in that place
- show that there is no other practicable alternative location.

This sets an expectation regarding the necessity and purpose of the specified infrastructure proposal to justify adverse effects on an SNA.

The NPSIB provides specified infrastructure that meets these requirements with a consent pathway where all adverse effects on an SNA are managed by applying the effects management hierarchy (see the [NPSIB general summary information sheet](#) for further information).

New infrastructure outside of an SNA

Indigenous biodiversity isn't only found in SNAs. If new infrastructure is outside an SNA and not on Māori land, any significant adverse effects on indigenous biodiversity outside the SNA must be managed by applying the effects management hierarchy. All other adverse effects outside an SNA

⁶ Defined in more detail in [NPSIB clause 1.6\(1\)](#) – Interpretation.

⁷ See [NPSIB clause 1.3\(3\)](#) – Application.

⁸ See [NPSIB clause 3.11](#) – Exceptions to clause 3.10(2).

must be managed to give effect to the objectives and policies of the NPSIB. Every local authority is required to make or change their policy statements and plans to give effect to these clauses.

Emergency works for public safety

Where there is a high risk to public health or safety, the NPSIB allows for any use or development needed to address the risk within or affecting an SNA.

How does the NPSIB interact with other infrastructure national direction?

The National Policy Statement on Renewable Electricity (NPSREG), National Policy Statement on Electricity Transmission (NPSET) and National Environmental Standards on Electricity Transmission Activities (NESETA) are being updated. It's proposed that they provide a consent pathway for development of renewable electricity generation and electricity transmission assets that adversely affect SNAs.

The NPSIB doesn't apply to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities and electricity transmission network assets and activities. These activities are not considered to be 'specified infrastructure' in the NPSIB. The RMA, local planning provisions, the existing NPSREG and NPSET and other national guidance will apply for any operation, maintenance, upgrade or new renewable electricity and electrical transmission infrastructure proposals affecting indigenous biodiversity until NPSREG and NPSET amendments take effect.

When does the policy take effect?

The NPSIB will take effect on 4 August 2023 and councils will make changes to their policies and plans over the coming years to reflect NPSIB provisions. However, councils will implement parts of the NPSIB straight away, so new activities or developments within SNAs, or that may have significant adverse effects on indigenous biodiversity and need resource consent, will need to meet certain NPSIB requirements. You should contact your council early in the development of your project if you think that your proposal might impact indigenous biodiversity or an SNA.

Where can I get more information?

Contact your council, email indigenousbiodiversity@mfe.govt.nz or visit environment.govt.nz.

An NPSIB [general summary information sheet](#) is available. This provides an overview of key aspects of the NPSIB. There are also specific information sheets for [tangata whenua](#), [farmers and growers](#), [forest owners and managers](#), and [urban developers](#).

