



# National Policy Statement for Indigenous Biodiversity

## Information for urban developers

### 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.

The NPSIB enables infrastructure that is needed to support planned for urban housing development. If it has a functional or operational need to locate in a Significant Natural Area (SNA) and there is no alternative location, any impacts on an SNA will be managed using the effects management hierarchy.

What changes for landowners will depend on how your council identified and managed these significant areas previously. For some districts there may be 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

- Urban environments, most of which are located in lowland and coastal areas, can contain important native plant and animal species.
- Lowland species and habitats often differ from the extensive indigenous habitats and ecosystems on hilly or alpine terrain, typically protected on public land.
- Because lowland and coastal areas face the highest levels of development, many of our native plants and animals that live in these areas are threatened or at risk of extinction.
- It is important that we protect the remaining indigenous biodiversity, while meeting our needs for urban development.
- The NPSIB recognises that housing and infrastructure growth are important and seeks to provide for this alongside protecting our indigenous biodiversity.

## 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 SNAs and taonga (where appropriate). It also directs them to place controls on new subdivision, use and development and 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.

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 need to meet additional requirements.

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

The NPSIB directs councils to maintain indigenous biodiversity and manage the adverse effects of development and activities on it. See the [general summary information sheet](#) for a detailed summary of how councils are directed to manage adverse effects.

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 avoided due to their significant impacts on ecosystem characteristics.<sup>1</sup> These five effects form part of assessments of new activities,

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<sup>1</sup> See the [general summary information sheet](#) for more detail on the five effects.

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.

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)
- are exceptions for some uses or development to the five effects that must be avoided<sup>2</sup>
- are 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.

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 provisions<sup>3</sup> recognise that some activities, such as urban development, are important for social, economic and cultural wellbeing, and may sometimes need to take place within an SNA or where they have adverse effects on an SNA.

By providing a consistent approach, the NPSIB gives councils and resource consent applicants greater certainty on what effects should be avoided, which activities (such as specified infrastructure and dwellings on empty allotments) 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 this mean for urban development?**

### **Defining the urban environment**

The NPSIB uses the National Policy Statement on Urban Development's (NPS-UD) definition of urban environment. In summary, this is any area of land predominantly urban in character and that is part of a housing and labour market of at least 10,000 people.

### **Existing buildings and activities**

Established activities and structures in SNAs can continue, provided they don't increase adverse effects on an SNA and they are listed in a policy statement or plan.<sup>4</sup> This includes maintenance, operation or upgrades where the effects don't increase in scale, intensity or character and don't result in the loss or degradation of an SNA. The NPSIB doesn't affect existing use rights under sections 10 and 20A of the Resource Management Act.

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<sup>2</sup> See [NPSIB clause 3.11](#) – Exceptions to clause 3.10(2).

<sup>3</sup> 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).

<sup>4</sup> See [NPSIB clause 3.15](#) – Managing adverse effects of established activities on SNAs.

## **Exceptions to managing adverse effects for some urban development activities**

The NPSIB directs councils to provide exceptions for necessary activities and development that are for social, economic or environmental wellbeing. Here, adverse effects for listed activities and developments are managed through the effects management hierarchy.<sup>5</sup> For example, infrastructure for lifeline utilities (including flood control/protection and drainage) or for supporting urban housing growth will be managed using the effects management hierarchy.

There is also an exception for the development of a single residential dwelling and essential associated on-site infrastructure on an existing plot. The NPSIB provides a consent pathway, as long as there is no other dwelling on the site and no other practicable location within the allotment (outside or with less effects on the SNA). The effects of these activities will be managed using the effects management hierarchy.

Any existing council planning rules on indigenous biodiversity must be considered alongside the NPSIB provisions when managing urban development.

Some activities, such as those needed to address high risks to public health and safety or customary use under tikanga, can be undertaken in SNAs.<sup>6</sup>

## **New developments that have already been granted resource consent**

If a development has already had its resource consent(s) granted before the commencement of the NPSIB, it can continue according to the consent conditions, even if the land is later identified as an SNA in a plan. The NPSIB and subsequent council plan changes will apply to future stages of development if these are not yet consented and for changes to conditions.

## **Indigenous biodiversity outside SNAs**

The NPSIB acknowledges that indigenous biodiversity isn't just found in SNAs. Councils must maintain biodiversity and manage impacts outside of SNAs. Many councils already have vegetation clearance rules in their existing plans. District-wide matters such as earthworks and vegetation clearance continue to apply.

Any new subdivision, use or development requiring resource consent that has significant adverse effects on indigenous biodiversity outside an SNA will also be managed using the effects management hierarchy.<sup>7</sup>

The NPSIB requirement comes into effect immediately and landowners and developers should check in with their local council to understand what requirements need to be considered if any new development is being planned that could affect indigenous biodiversity.

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<sup>5</sup> See [NPSIB clause 3.11](#) – Exceptions to clause 3.10(2).

<sup>6</sup> See [NPSIB clause 3.10](#) – Managing adverse effects on SNAs of new subdivision, use, and development.

<sup>7</sup> See [NPSIB clause 3.16](#) – Indigenous biodiversity outside SNAs.

## **Urban indigenous vegetation cover is promoted through a new target**

The NPSIB requires regional councils to assess the percentage of indigenous vegetation cover they have across their regions for urban and non-urban environments with territorial authorities and tangata whenua.

Regional councils are then required to set a target of at least 10 per cent indigenous vegetation coverage for urban areas to work towards. In some large cities this is already occurring (eg, Hamilton and Auckland). This target is intended for the entire urban area, not necessarily individual sites, as there are sites or activities where achieving 10 per cent coverage isn't feasible.

Councils must promote increasing vegetation cover through objectives, policies and methods in their policy statements and plans, based on the target. This may include requirements for restoration or enhancement as part of new development through conditions on consents.

## **Questions and answers**

### **How does the NPSIB interact with the National Policy Statement on Urban development?**

The NPSIB has been developed to be consistent with the intent and wording of other statutes and national direction, including aligning definitions and management mechanisms where possible with the NPS-UD.

The NPSIB recognises that certain activities that provide regional or national public benefit may need to take place, such as housing growth. The NPSIB provides a consent pathway for housing development infrastructure needed to support the NPS-UD housing growth objectives.<sup>8</sup>

### **What if I have a covenant or kawenata on my land?**

Many landowners all over the country are already doing outstanding work in partnership with local councils or organisations such as the Queen Elizabeth II Trust (QEII), Ngā Whenua Rāhui, or the Department of Conservation. Partnering with organisations such as QEII allows landowners to protect land with important biodiversity values through legal covenants, regardless of future changes in ownership.

The NPSIB acknowledges the value of this by giving scope to councils to allow landowners with appropriate biodiversity covenants or kawenata to undertake activities provided for in those agreements and approved management plans.

### **Is there support available if I want to look after SNAs on my property?**

Local councils, central government or other organisations may offer support for landowners who want to proactively protect, maintain or restore an SNA on their property. There may also be options available to establish covenants or kawenata on areas of indigenous biodiversity to legally protect

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<sup>8</sup> Through the specified infrastructure exception, NPSIB clause 3.11(1) – Exceptions to clause 3.10(2).

these areas for future generations. Talk to your local council or industry body about this or contact a covenanting organisation, such as QEII for further advice.

We know there is interest in the concept of a biodiversity credit system from a wide range of people including tangata whenua, market experts, businesses protecting nature, ecologists and others. The Government is consulting on this from 7 July until 3 November. To find out more and have your say see the [discussion document](#).

## 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 be implementing parts of the NPSIB straight away, so new activities or developments that may have adverse effects on indigenous biodiversity and need resource consent will need to meet NPSIB requirements. See the [general summary information sheet](#) for a more detailed timeline.

## Where can I get more information?

Contact your local council, email [indigenusbiodiversity@mfe.govt.nz](mailto:indigenusbiodiversity@mfe.govt.nz), or visit [environment.govt.nz](http://environment.govt.nz).

The [general summary information sheet](#) 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 [infrastructure providers](#).

