



Attachment 2.5

Proposed provisions – Amendments to the National Policy Statement for Indigenous Biodiversity 2023

National direction consultation – Package 2: Primary sector

Instrument topic: Proposed amendments to the National Policy Statement for Indigenous Biodiversity (NPS-IB)

- The proposed provisions are for consultation purposes and do not represent the proposed National Policy Statement (NPS) wording, which will be drafted after the consultation phase.
- The table below provides some illustrative wording to help you understand proposed definitions, the policy intent, and scope of the proposed amendments to the NPS-IB.
- Terms used have the same meaning as in the Resource Management Act 1991 and National Planning Standards, unless otherwise specified.
- Changes to the existing NPS-IB are referenced using the existing policy or other clause number.

| Application | Proposed provisions | Reasons |
|-------------------------------|---|--|
| Where would the NPS-IB apply? | The whole of New Zealand, consistent with the application of the NPS. | Indigenous biodiversity policy is a nation-wide issue. |

PART 3: IMPLEMENTATION

| Clause | Proposed provisions | Reasons |
|---|--|---|
| <p>3.11(1)(a)(i) and (iii) Quarrying and mining</p> | <p>Exceptions for mineral and aggregate extraction</p> <p>New proposed changes to the consent pathway for mining and quarrying.</p> <ol style="list-style-type: none"> 1) Replace ‘mineral extraction’ with “the extraction of minerals and ancillary activities” in clause 3.11(1)(a)(ii). 2) Replace ‘aggregate extraction’ with ‘quarrying activities’ in clause 3.11(1)(a)(iii). 3) Remove the gateway test requiring assessment of all other resources in New Zealand by removing the wording “that could not otherwise be achieved using resources within New Zealand” from 3.11(1)(a)(ii) and (iii). 4) Amend subclauses 3.11(1)(a)(ii) and (iii) of the NPS-IB to align the gateway test for significant public benefit of mining and quarrying across the NPS-IB, NPS-FM, NES-F and NPS-HPL by: <ul style="list-style-type: none"> – removing the word ‘public’ because it is used to describe the benefit of quarrying and mining; and – including significant ‘regional’ benefit in clause 3.11(1)(a)(ii) for the extraction of minerals and ancillary activities <p>so that both subclauses require the activities to provide significant national or regional benefits.</p> | <p>The NPS-IB provides for consent pathways for the extraction of aggregates and minerals where they impact on significant natural areas (SNAs).</p> <p>The proposed changes would improve clarity and consistency and further enable mining and quarrying activities where they adversely impact on SNAs. This would be achieved through amendments to clause 3.11(1) to:</p> <ul style="list-style-type: none"> • align the NPS-IB’s terminology for quarrying and mining with those in the National Policy Statement for Freshwater Management 2020 (NPS-FM) • clarify that essential ancillary activities are provided with a consent pathway • make the gateway tests for quarrying and mining in the NPS-IB more enabling and align them across national direction (NPS-IB, National Policy Statement for Highly Productive Land (NPS-HPL), Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F), NPS-FM). <p>Removal of the gateway test “that could not otherwise be achieved using resources within New Zealand” would reduce the duplication of requirements.</p> <p>Removing public benefits from the tests and adding regional benefits to the mining test will align with the approach in other national direction.</p> <p>Reducing the gateway tests increases the potential for mining and quarrying to have adverse impacts on SNAs. While adverse effects on SNAs can be addressed using the effects management hierarchy, it is likely that adverse impacts will increase.</p> |

PART 4: TIMING

| Reference | Proposed provisions | Reasons |
|----------------------------|---------------------|--|
| No changes proposed | | Note: Once amendments to the NPS-IB are gazetted, councils must <i>have regard</i> to those provisions when making consent decisions. In addition, councils will (at the next plan change) amend plans to give effect to the amendments. This may well be delayed by the 3-year pause on SNA identification under the NPS-IB. |

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