



National Policy Statement for Indigenous Biodiversity

Exposure draft summary for urban development

This information sheet supports the release of an exposure draft National Policy Statement for Indigenous Biodiversity (NPSIB). It focuses on how the NPSIB will work alongside the [National Policy Statement on Urban Development 2020 \(NPSUD\)](#).

This information sheet should be read alongside the NPSIB exposure draft summary. Those wishing to gain a deeper understanding of the NPSIB should read the full exposure draft.

Local authorities are required to give effect to all national policy statements through planning documents and must consider any relevant national policy statements when making decisions on resource consents. Local authorities should consider interactions between national policy statements when undertaking these functions.

This information sheet is intended to assist with understanding the interactions between urban intensification and indigenous biodiversity national direction. The Ministry of Housing and Urban Development will continue to work with the Ministry for the Environment to test consistency and workability of the NPSIB with the Government's housing objectives.

Background

The NPSIB promotes the identification, protection and maintenance of indigenous biodiversity. The NPSUD provides direction on where and how cities should plan for growth and intensification. The NPSIB and NPSUD have synergies, for example, the NPSUD recognises open space as a feature of a well-functioning urban environment, and the NPSIB includes policies that promote a certain amount of indigenous vegetation cover in urban environments.

The NPSUD recognises the national significance of having well-functioning urban environments that enable all people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, now and into the future. It acknowledges the importance of providing sufficient development capacity to meet the unique needs of people and communities.

The [Resource Management \(Enabling Housing Supply and Other Matters\) Amendment Act](#) (the RMA Amendment Act) passed into law on 20 December 2021.

The RMA Amendment Act amends the Resource Management Act 1991 (RMA) by bringing forward and strengthening the NPSUD. The RMA Amendment Act requires Medium Density Residential Standards (MDRS) for specified urban areas to enable a wider variety of housing choice.

Urban areas are important places for biodiversity. The benefits of biodiversity in urban spaces have been demonstrated to include noise buffering, shade, heat reduction, trapping particulates and other airborne pollutants, absorbing carbon dioxide, as well as health benefits like stress reduction and improvements in mental wellbeing.

National Policy Statement on Urban Development

New Zealand has a shortage of affordable housing, especially in our main urban areas. Most residential zones currently allow only a single dwelling per site and have two-storey height restrictions in urban residential areas.

The NPSUD requires councils to plan for growth and ensure a well-functioning urban environment for all people, communities and future generations.

Councils in the greater urban areas of Auckland, Hamilton, Tauranga, Wellington, Christchurch and Rotorua Lakes District must apply the MDRS to most of their existing residential areas as part of their plans from August 2022. Other (tier 2 and 3) councils experiencing acute housing needs may also be required to include the MDRS in their plans.

These standards will enable people to develop up to three dwellings on each site, each being up to three storeys, without needing to apply for a resource consent, provided they comply with all other rules and standards in relevant plans. The RMA Amendment Act allows councils to alter the MDRS when necessary for an RMA section 6 matter of national importance and for other matters required to give effect to other national policy statements.

What the NPSIB means for urban intensification

The proposed NPSIB supports the existing requirements of Section 6(c) of the RMA by requiring the protection of Significant Natural Areas (SNAs). Areas identified as SNAs will be provided for and balanced against the outcomes sought by the MDRS as a matter of national significance.

With the NPSIB in place, territorial authorities will need to balance several requirements alongside urban intensification:

- requirement to protect SNAs in urban areas – territorial authorities will need to describe and identify the location of SNAs within a district plan for rules to apply
- requirement to maintain indigenous biodiversity outside of SNAs
- requirement to increase indigenous vegetation cover in their district in line with targets required to be set by regional councils
- requirement to maintain and promote the enhancement of connectivity between ecosystems, and between existing and potential habitats.

Most councils will have notified their NPSUD intensification and MDRS plan changes (August 2022) before the NPSIB is gazetted. This timing means that the NPSIB will be gazetted midway through

most councils' plan processes, with implementation of the NPSIB (SNA identification and management provisions) being completed over the five years following gazettal.

The provisions of the NPSIB require councils to take steps to maintain biodiversity outside of SNAs. Many councils already have existing vegetation clearance rules. District-wide matters such as earthworks and vegetation clearance continue to apply in accordance with MDRS and urban intensification requirements.

Existing plan rules on indigenous biodiversity and those made under the NPSIB must be considered when balancing urban development.

Examples

Clearing vegetation for intensification (outside of an SNA)

The NPSIB acknowledges that biodiversity does not just occur within the limits of SNAs and ensures that indigenous biodiversity isn't completely depleted. This means that the cleared vegetation must not be significant or identified as such in a district plan. Many councils already have plan provisions and rules around vegetation clearance.

Proactive planting to offset anticipated losses from urban intensification

The NPSIB requires that urban areas must have a target of at least 10 per cent indigenous vegetation coverage, and in some large cities this is already occurring (eg, Hamilton and Auckland).

If the vegetation coverage in a city is below that, councils must promote the increase in vegetation cover through objectives, policies and methods in their policy statements and plans. A council may plant more indigenous species in public and open spaces to achieve that target.

Developing greenfield land zoned for urban development which includes SNAs

Future land use will need to be supported by an assessment of effects on the SNA – technical support from an ecologist and other specialists will be required as part of the development application – this is common best practice.

The development will be able to occur as long as any adverse effects on the SNA can be avoided (NPSIB Part 3.10). If the requirements of Part 3.10 cannot be met, the resource consent may not be granted.

Alternatively, the proposal may need to be modified so it can avoid or mitigate adverse effects on the SNA. This may impact yield or viability of the development.

Where the proposal has been carefully designed to incorporate and maintain any SNAs and any Highly Mobile Fauna Areas, it is likely that a consent pathway will be achievable.

Continuing multi-stage development after mapping an SNA

If there is a rule in a regional plan that triggers the need for a new consent after an SNA is mapped during development, the applicant/consent holder will have six months to lodge an application and seek consent.

In terms of district plan rules, consent is not required to be applied for if a new rule is proposed. The consent stands as per the district plan at the time consent was issued.

The NPSIB and subsequent council plan changes will apply to future stages of development if these are not yet consented.

There may be scenarios where a review clause condition is included in the consent if something like a new SNA appearing was considered at the time of consenting.

This may mean that the operation of the construction consents can be revisited – but it is unlikely to apply to land-use consents once the land development project is completed.

Applying the ‘avoid’ direction to new SNAs

SNAs have to be identified in a district plan (either already identified or proposed through a plan change) for the avoid direction to apply.

This means the avoid direction will apply from the outset if councils have already identified SNAs and scheduled them in their district plans.

The precautionary approach will apply in the meantime if SNAs have not yet been identified by councils, but this is not an avoidance provision.

