

National Policy Statement for Indigenous Biodiversity

Information for tangata whenua

Overview

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

The [National Policy Statement for Indigenous Biodiversity \(NPSIB\)](#) prioritises the intrinsic value and mauri of indigenous biodiversity and recognises the connections and relationships of tangata whenua with it.

The NPSIB requires councils to involve tangata whenua (to the extent they wish to be involved) in the management of indigenous biodiversity. Councils will update plans and strategies over the coming years to bring in the new requirements and are required to partner with tangata whenua in this.

The historical barriers tangata whenua face in occupying, using and developing their land and the disproportionate extent of indigenous biodiversity on that land compared to general land has been recognised.

The NPSIB has more flexible provisions for Māori customary and freehold land and Treaty settlement land than it does for general land. This means development and use of the land can happen.

Councils still need to identify Significant Natural Areas (SNAs) on these lands. But how SNAs are managed will be developed in partnership.

What the policy means for Māori

The NPSIB recognises that our health and wellbeing depend on the health and wellbeing of te taiao (the environment) and that we have a responsibility to care for it. It acknowledges the interconnectedness of plants, animals, ecosystems, the wider environment and the community.

The NPSIB sets out decision-making principles that councils must give effect to at a local level. These principles are to:

- (a) prioritise the mauri, intrinsic value and wellbeing of indigenous biodiversity
- (b) take into account the principles of the Treaty of Waitangi (te Tiriti o Waitangi)
- (c) recognise the bond between tangata whenua and indigenous biodiversity based on whakapapa relationships
- (d) recognise the obligation and responsibility of care that tangata whenua have as kaitiaki of indigenous biodiversity
- (e) recognise the role of people and communities (including landowners) as stewards of indigenous biodiversity
- (f) enable the application of te ao Māori and mātauranga Māori
- (g) form strong and effective partnerships with tangata whenua.

These principles will ensure that te ao Māori, mātauranga, and tikanga Māori are applied appropriately in managing indigenous biodiversity.

The NPSIB enables mātauranga Māori to be applied locally when managing indigenous biodiversity. This includes councils partnering with tangata whenua to apply mātauranga appropriately when:

- amending their plans to give effect to the NPSIB
- considering resource consent applications and the potential effects on indigenous biodiversity
- monitoring the effectiveness of plan provisions.

The Waitangi Tribunal report on the WAI 262 claim, *Ko Aotearoa Tēnei*, also acknowledges the critical importance of both indigenous biodiversity and mātauranga Māori to te ao Māori.¹

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.

Tangata whenua as partners in indigenous biodiversity management

The NPSIB strengthens the role of tangata whenua in the resource management system for decision-making for indigenous biodiversity.² Councils are now required to work in partnership with tangata whenua, to the extent tangata whenua wish to be involved, in the management of indigenous biodiversity.

This includes, at all levels of Resource Management Act 1991 (RMA) processes, a significant increase in the role of tangata whenua in decision-making regarding indigenous biodiversity. Councils must consider using RMA mechanisms such as transfer of powers and joint management agreements to enable tangata whenua to play this role.

¹ Waitangi Tribunal. 2011. *Ko Aotearoa Tēnei: A report into claims concerning New Zealand law and policy affecting Māori culture and identity (WAI 262)*. Wellington: Waitangi Tribunal.

² See [NPSIB clause 3.3](#) – Tangata whenua as partners.

The NPSIB recognises the mana of tangata whenua as kaitiaki in their rohe and the central role they have in protecting indigenous biodiversity. The NPSIB requires early and meaningful engagement that considers the different levels of whānau, hapū and iwi decision-making structures.

Locally specific and flexible approach for Māori land

The NPSIB directs councils to identify areas of significant indigenous biodiversity, or Significant Natural Areas (SNAs), and manage any adverse effects on them from surrounding activities. In most cases where an activity may have adverse effects on an SNA, the NPSIB outlines five specific effects that need to be avoided due to their significant impacts on ecosystem characteristics.³ The NPSIB also uses an effects management hierarchy to manage any other potential negative impacts on SNAs.

These general NPSIB provisions for managing adverse effects on SNAs do not apply to Māori customary and freehold land under Te Ture Whenua Māori Act 1993 and Treaty settlement land (called specified Māori land).⁴ The NPSIB recognises the historical barriers tangata whenua have faced in occupying, using and developing their lands and the disproportionate extent of indigenous biodiversity on that land compared to general land. The NPSIB includes specific provisions to acknowledge the implications of these historic differences.

Councils will still need to identify SNAs on specified Māori land, but they will not apply general provisions in the NPSIB for managing adverse effects. Instead, the NPSIB requires councils to work in partnership with tangata whenua and owners of Māori land to apply an alternative, flexible approach (that enables development and use) to support the social, economic and cultural wellbeing of tangata whenua while maintaining and protecting indigenous biodiversity.

Councils, tangata whenua and owners of Māori land will address appropriate management for all indigenous biodiversity, SNAs and taonga species together. Any planning provisions must enable alternative approaches or locations for new use and development that avoid, remedy or mitigate adverse effects on SNAs and taonga species and enable offsetting and compensation, but also recognise that alternatives may be limited. Management approaches must recognise and be responsive to the historical barriers tangata whenua have faced in occupying, using and developing their land. This includes allowing development to take higher priority than protection of indigenous biodiversity in some situations.

Specific requirements for geothermal SNAs

Geothermal SNAs also have a specific management regime. Local councils must work in partnership with tangata whenua to make or change policy statements and plans to include approaches to protect geothermal SNAs. These plans must reflect the vulnerability of the geothermal SNA or the geothermal system classification, where local authorities already have a management approach in place. Policies and plans must also provide for new occupation, use and development by tangata whenua, in accordance with tikanga, where geothermal SNAs are on specified Māori land.

³ See [NPSIB clause 3.10\(2\)](#) – Managing adverse effects on SNAs of new subdivision, use, and development. This is covered in more detail in the general summary info sheet.

⁴ The definition of Māori Land under the NPSIB is wider than land that falls under Te Ture Whenua Māori Act 1993. For the definition of specified Māori Land in the [NPSIB see clause 1.6](#) – Interpretation.

A pathway for the protection of taonga species and ecosystems

There has not been a clear process for hapū and iwi to proactively discharge their kaitiaki responsibilities to taonga species and ecosystems. The NPSIB sets out a framework to enable councils and tangata whenua to work in partnership to determine the indigenous species, populations and ecosystems that are taonga.

The NPSIB establishes two types of taonga species.⁵

- **Acknowledged taonga** are indigenous species, populations or ecosystems that tangata whenua have identified as taonga but are not identified in a plan. Councils may be aware of this taonga status but agree to keep the information and location private at the discretion of tangata whenua.
- **Identified taonga** are taonga species identified by tangata whenua and included in district plans.

If hapū and iwi agree, district and city councils must identify acknowledged taonga in their district plans. It is up to tangata whenua to determine how much information they provide and whether it is included in plans at each stage of the process. Councils, working with tangata whenua, must develop processes to manage information provided about taonga species and to ensure appropriate confidentiality.

Councils must work in partnership with tangata whenua to protect acknowledged and identified taonga, as far as practicable, and to involve tangata whenua in the management of these taonga to the extent they want to be involved.

Sustainable customary use and tikanga Māori

The NPSIB allows for the sustainable customary use of land-based indigenous biodiversity by tangata whenua in accordance with tikanga. This must also be in a manner consistent with the protection of identified taonga. Councils must make or change their policy statements to provide for this.

Sustainable customary use of indigenous biodiversity must still comply with other legislation such as the Wildlife Act 1953, the Conservation Act 1987, and the National Parks Act 1980.

Other parts of the NPSIB

The NPSIB also covers:

- the principles that councils must use for identifying SNAs, such as partnership and transparency
- management of adverse effects of new subdivisions, use and development on SNAs including allowing existing activities to continue so long as adverse effects don't increase
- managing specified highly mobile fauna
- maintenance of improved pasture for farming
- plantation forestry activities
- restoring priority areas
- creating regional biodiversity strategies.

More detail can be found in the [general summary information sheet](#).

⁵ See [NPSIB clause 3.19](#) – Acknowledged and identified taonga.

Questions and answers

When will implementation support for tangata whenua be available?

We are developing a Māori implementation plan in partnership with hapū and iwi. This will identify specific measures to support tangata whenua. This will be completed later in 2023.

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

We know there is interest in the concept of a biodiversity credit system from tangata whenua, market experts, businesses protecting nature, ecologists and others. The Government is consulting on this 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 change 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 need to meet NPSIB requirements. See the [general summary information sheet](#) for a more detailed timeline.

Where can I get more information?

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

A [general information sheet](#), which provides an overview of key aspects of the NPSIB, is available. There are also specific information sheets for [farmers and growers](#), [forest owners and managers](#), [infrastructure providers](#) and [urban developers](#).

