Date: 13 February 2026

To: Environment Committee, New Zealand Parliament

From: Porirua Harbour Trust **and** Guardians of Pāuatahanui Inlet

FULL NAME: Te Awarua o Porirua Harbour and Catchments Community Trust & Guardians of Pāuatahanui Inlet

ADDRESS FOR SERVICE: PO Box 2375, Wellington Mail Centre, Wellington

CONTACT: Lindsay Gow (GOPI chair) pauainlet@gmailcom,
Michael Player (Trust chair) phacctsec@gmail.com

Submission: Joint Submission on the Natural Environment Bill (Introduced December 2025)

We would also like to make an oral submission

1. Introduction

This is a **joint submission** by the Porirua Harbour Trust and the Guardians of Pāuatahanui Inlet on the Natural Environment Bill 2025 (the Bill). Both organisations have long-standing statutory, kaitiaki, and community roles in advocating for the protection, restoration, and long-term resilience of **Te Awarua o Porirua Harbour**, including **Pāuatahanui Inlet**.

Te Awarua o Porirua is a nationally significant estuarine system that is already under considerable pressure from historical and ongoing sedimentation, nutrient enrichment, urban runoff, and catchment modification. The Inlet is one of the most ecologically sensitive parts of the harbour system and is highly vulnerable to cumulative effects. Its threatened salt marsh ecosystems are a vital habitat for avian and aquatic life and perform very high levels of carbon absorption - more than land-based vegetation.

We support the intent of the Bill to improve environmental outcomes and to move beyond the limitations of the Resource Management Act 1991. However, in its current form, the Bill lacks sufficient clarity, enforceability, and integration with other reform legislation to ensure that ecological limits—particularly for estuaries and harbours—are genuinely upheld. We wish this submission to be read alongside our submission on the Planning Bill.

This submission focuses on:

- Strengthening environmental limits and target-setting
- Ensuring cumulative effects and precautionary approaches are operationalised
- Improving the treatment of estuaries and coastal receiving environments through outcome specified limits
- Clarifying the interaction between the Natural Environment Bill and the Planning Bill We have made suggested amendments to the Planning Bill in our separate submission on that Bill
- Expressing our concern that there is no mention of Te Mana o te Wai in the Bill
- Expressing concern about the constrained powers in regional plans.

2. General Comments on the Bill and suggested changes

2.1 Environmental limits must be developed as a priority and must be binding and measurable.

We support the concept of environmental limits as the cornerstone of the Bill. However, the Bill currently relies too heavily on high-level statements and delegated future processes, creating a risk that limits will be delayed, diluted, or unevenly applied. In fact, the principal effect of this Bill relies heavily on specifying environmental limits without which its "funnel" architecture will not work and the natural environment it is designed to protect will be at risk. Further, until a national instrument specified in Clauses 15 (2) (a) - (d) is produced, there will be no specification on how and when it is practicable for and, especially, in what order, adverse effects are to be avoided, minimised, or remedied, offset or compensated. Further, and of some significance, direction on where specific effects are managed under the Natural Environment Act or under the Planning Act, or both will be required to avoid confusion, delay and transaction costs.

Environmental limits must:

- Be **mandatory**, not discretionary and in place to define the limits before decisions on spatial plans or development are made
- Be expressed in **quantitative or clearly defined qualitative terms and must clearly be set to achieve specified and measurable outcomes**
- Apply to **receiving environments**, not only to sources of effects
- Be **effectively and transparently monitored and enforceable** through regional, spatial and district plans and consenting decisions. All monitoring and enforcement must be publicly available and in all cases limits should, wherever practicable, be specified in outcome terms.

Estuaries such as the Pāuatahanui Inlet and the Onepoto (Parumoana) arm of our harbour cannot recover unless limits to freshwater and aquatic environments are set at levels that reflect ecological thresholds and prevent further degradation.

2.2 Cumulative Effects Are Central, Not Peripheral

The Bill acknowledges cumulative effects but does not adequately operationalise them. In highly modified catchments like Porirua, individual discharges and land-use changes may appear minor in isolation but collectively drive ecosystem decline.

We recommend that cumulative effects assessment be explicitly required when:

- Setting environmental limits
- Allocating capacity within limits
- Making decisions on new or intensified activities to ensure that their contribution to meeting limits is sheeted home, in proportion to that contribution, and that
- Clause 15 (1) (b) be amended to read "… any cumulative effect (especially in receiving environments) caused by any such effect (not, as drafted, two or more effects) creates or is likely to create an effect or effects that are greater than minor". This aligns with established case law recognising one or more cumulative effects are a core consideration in environmental decision-making.

2.3 Precaution Must Be Applied Where Knowledge Is Incomplete

Estuarine systems are complex and often poorly understood. Where scientific uncertainty exists, the Bill should require a precautionary approach that avoids further degradation rather than waiting for complete information.

2.4 The absence of Te Mana o te Wai undermines the goal of sustainability of the natural environment on which life is dependent

We are concerned to see no reference in the Bill to the fundamental concept of Te Mana o te Wai. Water is the source of life and New Zealand's most precious natural resource.

Embracing Te Mana o te Wai prioritises the health and well-being of water bodies

(the mauri) above all else. It establishes a hierarchy of obligations: 1. The health of the water,

2. Human health needs (drinking water), and 3. Other uses. Without such obligations we run the danger of progressively destroying the foundations on which our economy and growth is built.

Accordingly, we submit that the following be included in Clause 11 - Goals as a new (a):

"11 (a) The implementation of the concept of Te Mana o the Wai and its prioritisation of the health and well-being of water bodies in the use and development of natural resources."

An addition would also be needed to Clause 3, Interpretation, to define Te Mana o te Wai.

Having said this, the Trust and GOPI are pleased to see provisions in Clauses 8 to 10 which acknowledge the rights of Maori under the Treaty and require participation of iwi in essential policies and plans that will be consequent to this Bill once enacted.

Nevertheless, we defer to the expertise of the mana whenua of our district, Ngāti Toa Rangatira, on such matters and support commentary made in their submission on this Bill.

2.5 Purpose and Environmental Limits

Suggested amendment:

Insert an amendment to Clause 11(a) to read "... within environmental limits that:

- Prevent further degradation of ecosystems
- Enable restoration where ecosystems are already degraded
- Are set at levels that maintain or restore ecological integrity
- Provide a focus on improvement over time; and limit resource uses which further degrade environmental outcomes or those which have negative environmental trends

Why this wording matters:

Without an explicit restoration obligation, limits risk entrenching degraded baselines, particularly for long-impacted estuaries.

2.6 When limits are translated into plans and actions

The Bill sets out requirements for limits but does not yet have an indication of what limits there will be and how they will be specified. The "funnel" approach puts a clear emphasis on national policy directions and national standards which, when produced, will determine everything that flows into plans, consents and permits. It also limits the ability of lower level (ie regional or terrestrial) actors from being able to impose more stringent limits or methods to achieve desired environmental outcomes It is therefore vital that before the Bill is enacted, a clear indication is available of intended policy directions and standards. Sensitive environments such as harbours and their estuaries will need some clear limits on inflows of sediments and contaminants, including pathogens. We assume that until these policies and standards are developed, existing requirements will apply - but there could well be a long and perhaps confusing and costly transition.

Proposal

Our preference would be for the existing regional policy and plan system to continue in the meantime and for the Natural Environment legislation not to be applied until these vital national measures are developed. We note, for example, that Greater Wellington's Plan Change 1 is well advanced in this regard but has been put on hold at the insistence of the Minister. This does not inspire confidence that future Ministers will ensure that environmental limits will be required to take effect, given the lack of specific environmental obligations set out in the statute as is currently provided in Part 2 of the RMA.

2.7 Compliance with limits

We support the provisions requiring compliance with limits once these are set. But we have some related concerns:

- It is a good thing that environmental limits *must* be set for particular domains. This

prevents important things from being ignored. However, the aspects of the natural environment for which environmental limits must be set are overlapping and very general

There should be more specific environmental components for which limits must be set, including known stresses like sediment and nutrients, and minimum states relating to indigenous, including aquatic vegetation cover.

- Officials have explicitly said in their initial briefing to this Committee that limits are to be *balanced* against development imperatives. If so, this would not deliver true environmental limits. The Bill needs to make it very clear that the goals of the Natural Environment Bill are the *only* relevant goals when setting limits. And furthermore, that such limits cannot be 'traded off' against other community objectives. The ability to do this is the antithesis of limit setting, if they are to be the bedrock of the new system.
- The regulatory relief framework may adversely affect the application of biodiversity limits affecting private land. While we support the concept of relief for private landowners, and especially such measures as rates relief and fencing assistance, we consider that such measures should only apply to areas of natural and significant biodiversity that are necessary to protect and enhance ecosystem integrity.
- Spatial plans must be consistent with environmental limits but there will likely be a timing issue where spatial plans are prepared before limits are put in place. - which limits any hierarchy of effects unless the specification of limits through the national and regional "funnel" - is in place.

Proposal

- Ensure regulatory relief measures affecting private land apply only to areas of significant natural biodiversity that are necessary to protect and enhance ecosystem integrity;
- Change Clause 122 of the Natural Environment Bill so that relief cannot be provided for any land use restrictions that control impacts on common pool resources. The threshold of "severe impairment" needs to be changed to one where land is rendered "incapable of reasonable use". The Bill's requirement for rules to be proportionate should also remain, since this is a valuable protection against true regulatory overreach.
- Provide for effects hierarchies in plans either adopting nationally specified hierarchies or developing hierarchies in regional plans.
- Provide for Spatial Plans to prohibit development in any areas where sensitive ecosystems such as harbours and their estuaries might be adversely affected.

2.8 Precautionary Approach

We consider that there must be an obligation to apply a precautionary approach where there is scientific or outcome uncertainty, particularly in relation to sensitive receiving environments such as estuaries.

Suggested amendment:

Amend Clause 52 (3) by adding:

(iv) a precautionary approach where there is scientific or outcome uncertainty, particularly in relation to sensitive terrestrial, freshwater or aquatic receiving environments

Why this wording matters:

This reflects established environmental law principles and avoids irreversible harm and related reinstatement costs caused by delaying precautionary actions.

3. Interaction with the Planning Bill

The Bill provides insufficient clarity on how it will operate in conjunction with the Planning Bill, which is being progressed in parallel. Uncertainties will make achieving the objectives of speeding up sustainable development and delivering improved environmental outcomes difficult. Uncertainty will likely lead to substantial additional transaction costs.

It is unclear:

- How environmental limits set under this Bill will be translated into regional plans under the Planning Bill. There are two tools available to comply with limits - a cap on resource use, and an action plan. The balance between these depends very much on how limits and related policies are specified.
- How conflicts between development objectives, especially those in the Planning Bill, and environmental limits will be resolved.. There will likely be a timing issue where land use plans get underway before national policies and related limits are promulgated.
- Whether in areas of uncertainty limits will have primacy over allocation and consenting decisions

We recommend that:

- Both Bills explicitly state that environmental limits prevail where there is inconsistency
- Cross-referencing provisions are strengthened to ensure seamless implementation - we have made suggested amendments to the Planning Bill to identify areas where we consider this is necessary.

Without this clarity, there is a significant risk that environmental limits will exist more in theory than in practice and, critically, the outcomes sought by limits will not be realised.

4. Regional Plans

There are many barriers to regulation in natural environment plans. These plans are where limits will be specified (preferably in outcome forms and be enforceable when people want to undertake activities. Although natural environment plans must "comply" with limits, that could be extremely hard for them to do in practice, because:

a. Regulatory relief will have to be given for any rules protecting biodiversity if they have a significant impact on property, even if they are needed to defend a limit. If relief cannot be given, the rule cannot be made. As mentioned already, this framework needs to be removed entirely.
b. Plans cannot establish an effects management hierarchy (ie where the "avoidance" of certain effects rather than just mitigation is required) unless specifically authorised by national direction. Almost by definition, limits require some effects to be avoided (eg extinctions), so that should not apply where councils are defending limits.
c. Although "caps on resource use", like a maximum amount of fertiliser, are described as the "first preference" for defending a limit, that is only where caps are seen to be "feasible". The alternative is a much vaguer and probably ineffective "action plan". And even when they are imposed, a "cap" is not itself a rule that is directly enforceable. Caps should be required wherever they would be effective, inform allocation regimes and have a direct link to rules, monitoring and enforcement.
d. Any rules controlling land use and inputs are not allowed to be imposed *at all* unless a council shows that other measures – including *non-regulatory* measures, would be insufficient. This appears to be the case *even when a limit is breached*. The presumption against such rules must be removed, or they will not achieve their stated intent.
e. Any rules protecting indigenous biodiversity require a justification report, which is more onerous than the regular evaluation report and involves a cost-benefit analysis rather than strict application of a limit. That requirement should be removed as well.
f. Land use plans under the Planning Bill do not have to comply with environmental limits, even though they have sole jurisdiction for things like subdivision which have environmental implications. Our experience in the Porirua harbour catchment is that subdivision and forest clearance practices deliver significant environmental damage, especially through sediment deposition.

2. The permitting framework is also too weak. Although, under clause 164 of the Natural Environment Bill, permits cannot be granted if they would result in the breach of an environmental limit, but that is undermined by two things. First is the ability for infrastructure having significant public benefits to obtain an exemption from the need to conform to the limit. The second is the continued independent existence of the Fast-track Approvals Act (where permits do not have to comply with limits). Neither of these inspire confidence that the limits-based regime will be effective, which undermines the entire regime.

3. The obligations on regional councils to remedy any breach of an environmental

limit need strengthening as well. In particular, the Bill relies too heavily on non-regulatory action plans and open-ended timeframes for meeting targets that must be “achievable” and “credible”.

This gives too much latitude for developers to continue to pollute degraded environments. The Bill offers a fast road to breaching a limit, but it lengthens the long road to recovery.

5. Conclusion

The Porirua Harbour Trust and the Guardians of Pāuatahanui Inlet support the direction of reform but remain concerned that, without stronger and clearer provisions and early specification of national policies and limits, the Bill, together with its companion Planning Bill, will not deliver the ecological outcomes required for degraded fresh water and estuarine systems.

We urge the Committee to strengthen the Bill so that environmental limits are enforceable, precautionary, and capable of reversing cumulative degradation in places such as Te Awarua o Porirua Harbour. And, as our submission on the Planning Bill noted, monitoring and enforcement are critical elements of successful performance of the planning and natural environment legislation.

Attachment 1: Target Attribute States for Te Awarua o Porirua Harbour including Pāuatahanui Inlet

A1. Purpose of This Attachment

This attachment provides indicative target attribute states for key ecological values of Te Awarua o Porirua Harbour, with particular emphasis on Pāuatahanui Inlet. These targets are intended to inform the setting of environmental limits under the Natural Environment Bill.

A2. Key Ecological Attributes and Targets

A2.1 Sedimentation

Target state:

- No net increase in intertidal sedimentation rates
- Progressive reduction in fine sediment deposition rates in the harbour arms

These targets align with Wellington Regional Council Proposed Plan Change 1, which identifies sediment as the primary stressor on harbour health.

A2.2 Nutrients (Nitrogen and Phosphorus)

Target state:

- Reduction in total nitrogen and total phosphorus loads to levels that do not trigger eutrophication
- Maintenance of dissolved oxygen levels sufficient to support benthic fauna

A2.3 Water Clarity and Turbidity

Target state:

- Improvement in median water clarity measurements
- Turbidity within thresholds associated with seagrass and macroalgae decline

A2.4 Benthic Habitat and Biodiversity

Target state:

- Maintenance and expansion of seagrass extent
- Increased diversity and abundance of benthic invertebrate communities

Attachment 2: Application of Environmental Limits to Estuarine Catchments

A3. Catchment-to-Estuary Integration

Environmental limits for estuaries must be supported by corresponding limits on catchment activities. This requires:

- Sediment load limits at sub-catchment scale
- Land-use controls aligned with receiving environment capacity

A4. Monitoring, Review, and Adaptive Management

We recommend that the Bill require:

- Regular monitoring against target attribute states
- Public reporting of progress
- Mandatory review and tightening of limits where targets are not being met.

Adaptive management must not be used as a justification for delaying meaningful limit.

- Joint Submission closes -