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To: Environment Committee, New Zealand Parliament

From: The Porirua Harbour Trust and the Guardians of Pāuatahanui Inlet

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

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Submission: Joint Submission on the Planning Bill (Introduced December 2025)

We would also like to make an oral submission.

1. Introduction

1.1 This is a joint submission by the Te Awarua o Porirua Harbour and Catchments Community Trust (PHT) and the Guardians of Pāuatahanui Inlet on the National Planning Bill introduced to Parliament in December 2025. We wish this submission to be read alongside our submission on the Natural Environments Bill.

1.2 Both organisations are community-based entities with long-standing mandates to protect, restore, and enhance the ecological health of Te Awarua o Porirua Harbour including the Pāuatahanui Inlet and contributing streams and catchments. Together, we represent decades of community advocacy, environmental restoration, monitoring, and partnership with mana whenua and local authorities.

1.3 Our shared objective is the restoration of harbour and Inlet health, the protection and improvement of freshwater and coastal water quality, and the safeguarding of ecological, cultural, and community values for present and future generations.

1.4 We support well-planned growth and development where it is compatible with environmental limits and ecological capacity. We do not oppose growth per se. However, we are deeply concerned that growth which is not constrained by clear, enforceable, and precautionary environmental limits will further degrade already stressed receiving environments such as the Porirua Harbour and its Pāuatahanui Inlet.

1.5 This submission sets out our overall position on the Planning Bill, identifies key risks and deficiencies, and recommends specific improvements to ensure the Bill delivers genuine environmental protection and restoration alongside development.

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2. Overall Position on the Bill

2.1 The Trust and GOPI support the stated intent of the Planning Bill to provide a more integrated, nationally consistent planning framework and to improve outcomes across the natural and built environments.

2.2 However, we are concerned that, as currently drafted, the Bill places insufficient emphasis on:

- Clear, binding and outcome focused environmental limits applying to land use;
- The restoration of degraded environments, particularly estuaries and coastal waters and their contributing catchments;
- The cumulative effects of urban growth and infrastructure on receiving environments; and
- The primacy of ecological health as a foundation for long-term social and economic wellbeing.

2.3 Without stronger emphasis and direction on environmental and ecological protection, there is a real risk that the Bill will perpetuate existing patterns of degradation, particularly in highly urbanised catchments such as those draining into Porirua Harbour.

3. Importance of Porirua Harbour and Its Catchments

3.1 Te Awarua o Porirua Harbour is a nationally and regionally significant estuarine environment.[1] It supports diverse ecological communities, has high cultural and recreational value, and is a defining feature of the Porirua area.[2]

3.2 Decades of urban development have resulted in:

- Elevated sedimentation rates;
- High nutrient and contaminant loads;
- Degraded benthic habitats; and
- Reduced ecological resilience.

3.3 The health of the harbour is inseparable from the health of its contributing streams and wider catchments. Planning decisions relating to land use, stormwater, wastewater, transport, and urban form directly affect harbour water quality and ecosystem health.

3.4 The harbour has economic as well as environmental benefits. The Pāuatahanui Inlet is the breeding ground for southern North Island Rig shark (aka Lemonfish).[3]

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[1] Todd, M. et al. (2016). Estuarine systems in the lower North Island/Te IkaaMāui. Department of Conservation, Wellington.
[2] Greater Wellington Regional Council (2023). Te Awarua o Porirua Harbour Monitoring.
[3] Porirua Harbour ISRA Factsheet, New Zealand & Pacific Islands Region Porirua-Harbour-10NZPacificIslands.pdf

Its degradation, especially through sediment and fine mud deposition into the deeper channels where rig feed, will materially compromise the fishery.

The effects of degradation from human development of the built and rural environment are already evident. Accelerated sedimentation due to deforestation, farming and urban development has been captured by NIWA through catchment modelling. Sedimentation rates in parts of the harbour exceed recommended ecological limits by 5–10 times[4] and heavy metal concentrations have doubled[5] in the last century.

3.4.1 The harbour is a valued recreational resource, especially for swimming, yachting, kayaking, paddle boarding, wind surfing and water skiing. It is also critical for gathering of shellfish. Polluted water poses health risks to recreational users and there are numerous anecdotal examples of intestinal illness after exposure to harbour water from waste-water system overflows and ingress from broken and cross-connected pipes

4. Growth and Environmental Limits

4.1 The Trust and GOPI acknowledge the need for housing, infrastructure, and economic development to meet population growth and community needs.

4.2 However, we strongly believe that growth must occur within clearly defined environmental limits. These limits must be: - Science-based; - Precautionary where uncertainty exists; - Binding on decision-makers; and - Designed to achieve not just maintenance, but improvement, of degraded environments. Vitally, they must be transparently monitored and enforced. Legislation must be structured to recognise and require these considerations when any decisions are made in policy and plan development and in making decisions on use of resources.

4.3 In the context of Porirua Harbour, this requires explicit limits on sediment, nutrients, contaminants, and other stressors entering streams and the harbour, coupled with clear obligations to progressively restore water quality and ecosystem health. These limits (as set through the Natural Environment Bill, must, wherever practicable, be specified in outcome terms and land uses must be constrained by and occur only within these limits.

4.4 We note and strongly support the provision for Spatial Plans as a means of guiding development and infrastructure and, importantly, identifying constraints to protect environmental and ecological values. We also note that Clause 67(c) of the Planning Bill requires spatial plans to implement national instruments made under the Natural Environment Act in a way that provides for use and development within environmental limits. We have further suggested amendments for spatial plan provisions in section 6.4 below.

[4] Te Awarua-o-Porirua Harbour Sediment Plate Monitoring 2023/2024 PoriruaSed2023_24_FINAL.pdf

[5] NIWA 2005 technical Report: Pāuatahanui Inlet - effects of historical catchment landcover changes on inlet sedimentation Microsoft Word - Paua_seds-report.doc

5. **Key Concerns with the Planning Bill**

5.1 Insufficient Priority for Environmental Restoration

5.1.1 While the explanatory note to the Bill refers to safeguarding the natural environment it provides limited reference to anything relating to protecting and restoring already degraded environments and sensitive ecosystems.

5.1.2 We recognise that these issues are primarily dealt with in the parallel Natural Environment Bill, but we consider that the Planning Bill must have more explicit and even predominant goals for safeguarding and protecting the natural environment and its ecology and human health.

5.1.3 We consider that protection and restoration should be an explicit and central objective of both parts of the planning system, particularly for estuaries and coastal receiving environments such as the Porirua harbour that have suffered long-term cumulative effects.

5.2 Regulatory Relief

5.2.1 The Bill proposes two separate frameworks for regulatory relief. The first is of greatest concern because it requires councils to create a 'relief framework' for any 'specified rule' that would have a significant impact on the reasonable use of private land. Put simply, there will be enormous pressure on councils to compensate landowners for a whole range of public interest environmental regulations, and there is a risk that they will simply not regulate at all.

5.2.2 Specified rules are extremely broad. They include any rule protecting terrestrial indigenous biodiversity (including threatened species and possibly wetlands) and significant natural areas. Specified rules also include protections for outstanding natural landscapes and features, sites of significance to Māori and areas of high natural character along our stunning coastlines. Because these rules could trigger a requirement for regulatory relief, even the most basic protections like rules preventing the clearance of virgin native bush may require compensation to landowners. Essentially, this creates an entitlement or right to destroy nature/modify land regardless of its intrinsic environmental value, something that has never existed under New Zealand law. It risks weakening or deterring protections by making them conditional on compensation rather than recognising them as limits.

5.2.3 The Bill specifies that relief must be provided where there is a significant impact on a landowner's reasonable use. It is concerning that these key terms have been left to the Minister to define through regulation. A "significant impact" is open-ended and could be defined in arbitrary ways, but requires consideration of things like lost development potential, reduced land value (at what proportion), and effects on an owner's enjoyment of land. There is also an open- ended power for regulations or national instruments to add other criteria.

5.2.4 We are also concerned that existing rules made under the RMA which are carried over into the new system can trigger relief. This opens the gate for a huge number of rules to be challenged, despite having been in place for a very long time and there being a longstanding expectation of protection.

It is ironical that s 85 of the RMA has enabled those who consider that provisions may render their land incapable of reasonable use to take legal action, which has not often been resorted to. This suggests that most RMA provisions have not been deemed 'unreasonable' in respect of land use to date. There has been, and should be, a tension between the planning legislation generally allowing land uses and the reverse presumption that other resources cannot be used without permission. That is what plans seek to do; to reconcile those competing interests in ways which deliver the greatest community benefit.

5.2.5 Many forms of relief can be provided by a council. In our submission on the Natural Environment Bill, we support judicious use of relief such as rates remission or fencing support. But in practice we see strong potential for lobbying for cash compensation, either as an end or more likely as a mechanism to pressure councils to remove or water down regulatory constraints.

5.2.6 On balance, and as set out in our submission on the Natural Environment Bill, we submit that the specified rules relief pathway should be modified to ensure that the concept of relief for private landowners, should only apply to areas of natural and significant biodiversity that are necessary to protect and enhance ecosystem integrity.

5.3 Risk of Development Outpacing Infrastructure and Environmental Capacity

5.3.1 We are concerned that enabling development without strong requirements for infrastructure sequencing and environmental capacity assessments will exacerbate water quality problems.

5.3.2 Planning frameworks must ensure that development does not proceed unless stormwater, wastewater, and transport infrastructure are in place and demonstrably able to meet environmental performance standards.

5.3.3 We note, however, that the provisions for Spatial Plans should achieve this objective and we strongly support these provisions provided infrastructure does not compromise environmental capacity and that national and regionally specified environmental limits are in place before spatial plans are operative. If this is not the case, then spatial plans must take a heavily precautionary approach to ensuring ecological diversity and capacity is not compromised. Our submission on the Natural Environment Bill also covers this matter.

5.4 Weakness in Managing Cumulative Effects

5.4.1 The Trust and GOPI have observed that incremental development, when assessed in isolation, can collectively cause significant environmental harm.

5.4.2 The Bill should more clearly require decision-makers to assess and manage cumulative effects at a catchment and receiving environment scale.

5.5 Treaty of Waitangi/Te Tiriti o Waitangi matters

We are supportive of Clause 8 on recognising the Crown's responsibilities in relation to Te Tiriti o Waitangi. We do have concerns with Clause 9 which appear to provide a mechanism to renegotiate elements of treaty settlements to which both the Crown and iwi are bound. Looking on the positive side, it is hoped renegotiations would be conducted in a spirit of enabling settlement implementation. In any event, we see problems with Clause 9 (3) where the proposed section would be repealed on and from the 2nd anniversary of the commencement of the Act. Given the history of negotiations on such matters, it seems renegotiation within a two-year timeframe would be an improbable timeframe in which to resolve all matters.

On matters of greater specificity around Treaty related issues in the Bill we would defer to positions taken by Ngāti Toa Rangatira as mana whenua of our area and with whom our organisations have a productive working relationship in pursuit of development and care of the planned and natural environments.

In our submission on the Natural Environment Bill, we advocate for including the concept of Te Mana o te Wai as a central goal of that legislation.

6. Recommendations for Improvement

We recommend that the National Planning Bill be amended to include the following clause-specific changes.

6.1 Clause 11 (Goals)

Issue: Clause 11 sets a range of goals but does not mention anything to do with environmental or ecological protection. Public access and high natural character are as close as it comes and it lacks any specificity as to how environmental limits or protection or restoration obligations are to be recognised or operate in practice, particularly for degraded receiving environments.

Amendment suggestion:

Insert in Clause 11 (1) (preferably as a new sub clause (a))

To ensure that land use and related development occur only within clear, enforceable and binding environmental limits set through the provisions of the Natural Environment Act, including limits for protection of freshwater, estuarine, and coastal environments; and protecting the progressive restoration of the health and mauri of degraded freshwater and coastal ecosystems."

Why this wording matters: This proposal elevates environmental limits and restoration to being core requirements and non-negotiable foundations of the

Planning legislation not just detached add-ons from policies, standards and instruments. Development can only happen inside of these limits and restoration be framed as a required outcome and not an optional one.

Courts have consistently confirmed that precaution is appropriate where there are scientific uncertainty and risk of irreversible harm. Making limits explicitly binding avoids the risk that limits are treated as aspirational, a problem that has undermined water quality outcomes in urban catchments.

6.2 Clause 25 - Duty to avoid, minimise, or remedy adverse effects

Issue: The Bill duty relates only to the built environment. We consider it must also apply to the natural environment.

Amendment suggestion:

Amend Clause 25 (1) to include:

"...minimise any adverse effects on the built environment and effects from or related to the built environment that might adversely affect any natural ecosystem or breach any environmental limits already set in the plan through the Natural Environment Act…"

Why this wording matters: This clarifies that adverse effects cannot only relate to the built environment.

6.3 Clause 184 Overview of responsibilities of territorial authorities

We note that Clause 184 (2) (a) and (b) require management of outstanding natural features and landscapes and areas of high natural character within the coastal environment, wetlands, lakes, rivers and their margins. We support these provisions, especially clause 184 (2)(b). However, we consider that a third requirement should be added:

"Areas where natural land, coastal or harbour ecosystem integrity are threatened, and which need protection from use and development in order to sustain their life supporting capacity."

Why this wording matters: Use and development often adversely and cumulatively affect and degrade natural ecosystems. It is important that land use plans must ensure such degradation is avoided and such ecosystems are protected from the adverse effects of land use.

6.4 Clause 67 Purpose of Regional Spatial Plans

Issue: Development might be enabled without certainty that infrastructure can be provided and environmental capacity is sufficient.

Amendment suggestion:

Insert into clause 67 a new (f): "ensure infrastructure planning confirms relevant supporting infrastructure will be available, funded, and capable of operating within applicable and, wherever practicable, outcome focused environmental limits."

Why this wording matters: This reflects established principles that infrastructure must be available before development occurs rather than leave problems to be remedied later. It is particularly important for stormwater and wastewater effects on harbours and estuaries.

Porirua's harbour continues to suffer from wastewater overflows caused because the pipes from the CBD have insufficient capacity to handle both continuing development and stormwater ingress. Building holding tanks to even out the peak flows to the wastewater plant is costly and only treats the symptoms not the causes.

6.5 Interface with the Natural Environment Bill

Issue: The Bill lacks clarity on how it will operate in conjunction with the Natural Environment Bill currently under parallel consideration, particularly in relation to environmental limits, targets, and monitoring.

Amendment suggestion:

Insert a new clause in the interpretation or integration provisions: "Functions and powers exercised under this Act must comply with environmental limits, targets, and restoration obligations set under the Natural Environment Act."

Why this wording matters: Without explicit integration, there is a risk of duplication, inconsistency, or gaps between the planning and environmental management regimes. Clear alignment is essential to ensure that limits set under the Natural Environment Bill are effectively implemented through planning decisions.

6.6 Monitoring and Enforcement

In our experience, these functions are vital to protecting environmental and ecosystem damage. In the context of Porirua harbour and its catchment, inadequate monitoring and enforcement has led to undesirable, unacceptable and damaging sediment and contaminant incursions into the wider harbour ecosystem. We cite the example of the construction of the Transmission Gully Motorway (TGM):

Despite TGM being rigorously planned and subject to many conditions to protect the environment, construction saw over 300 exceedances and only one court ordered action in which Judge Dwyer commented: "*'Pāuatahanui and Onepoto Inlets are water bodies of major significance which are* widely *recognised as being highly vulnerable to the effects of sedimentation, particularly so in the case of Pāuatahanui Inlet. Consistent with the provisions of section 6(a) of the Resource Management Act, their protection is a matter of national importance."*

We therefore fully support the provisions in Parts 5 and 6 of this Bill that provide for consistent monitoring of plan and consent compliance and substantial remedies for non- compliance. But we also submit that both monitoring and enforcement must be transparent and publicly available.

6.7 Standing

There are several issues here that concern us:

Submissions and Appeals on the merits of plans are very limited and effectively allowed only where plans depart from standardised provisions such as the standard zoning rules provided through national direction. Further, appeals in these situations are only allowed on points of law. This limits the potential necessity for plans to develop rules that cater for the bespoke situations that inevitably occur in relation to harbour and catchment ecosystems. This risks plans not being appropriately tailored to local ecosystems, because there is little to no scope to improve or challenge them through submissions or appeals.

Submissions on a proposed plan can only be made by “a qualifying resident of the district or regional authority region” It is unclear if community or catchment groups such as ours would qualify under the categories in clause 17 Of Part 1 of Schedule 3. Yet we would contend that individuals from the community coming together in voluntary organisations such as ours bring combined wisdom, knowledge and experience, resulting in contributions to planning that ultimately leads to better outcomes for all.

Amendment Suggestion:

We believe the provisions of Clause 17 of Part 1 of Schedule 3 contradict the definition of “person” in Clause 3 of the Bill and we seek to have groups such as ours being explicitly able to make submissions on plans as specified in the relevant provisions in Schedule 3 of the Bill.

6.8 Adverse Effects and Notification

In relation to consent notification, we consider the determination of adverse effects needs to include effects on the natural environment and its ecosystems.

Amendment Suggestions:

Amend Clause 124 by adding a new (e) to read:

“(e) The consent is likely to have an adverse effect on the integrity of land or aquatic ecosystems.

Amend Clause 127 (1) by adding "...adverse effects on the built environment or on the natural environment and the integrity of its land and aquatic ecosystems that are more than minor”.

7. Conclusion

7.1. The Porirua Harbour and Catchments Community Trust and the Guardians of Pāuatahanui Inlet support a planning system that enables communities to grow and thrive while safeguarding the natural environment on which they depend.

7.2. For Porirua Harbour, this means ensuring that planning and development decisions actively contribute to improved water quality, healthier ecosystems, and the long-term restoration of the harbour and its streams.

7.3. PHT and GOPI urge the Environment Committee to strengthen the National Planning Bill so that environmental limits and restoration are placed at the heart of the planning system, ensuring growth does not come at the expense of irreplaceable natural environments.

7.4. PHT and GOPI would welcome the opportunity to appear before the Committee to speak to this submission.

- joint submission closes -