



Environment Select Committee

Submission on the Natural Environment Bill and Planning Bill

Introduction

1. The New Zealand Plant Conservation Network thanks the Environment Select Committee for the opportunity to make a submission on the both the Natural Environment Bill and Planning Bill (hereafter referred to as the Bills) which are proposed to replace the Resource Management Act (1991) (RMA).
2. *Rōpū hononga Koiora Taiao ki Aotearoa* the New Zealand Plant Conservation Network (NZPCN) was established in April 2003 and has >900 members. The NZPCN's vision is that "the rich, diverse and unique plant life of New Zealand is recognised, cherished and restored." We work to provide accurate, easily accessible information about indigenous plants and to foster conservation best practice. Our full strategy can be accessed [here](#). Our primary means of advocacy is via our website which contains factsheets describing both the introduced and native flora of Aotearoa New Zealand. Our website holds comprehensive information on plants and receives 1.8-million-page views per year.
3. We are submitting here to comment on both the Natural Environment Bill and the Planning Bill.
4. We support the need for resource management reform, because our natural environment has become degraded during the last 35 years of the RMA. Therefore, there is a clear need for change to bolster the protection of Aotearoa New Zealand's environment.
5. However, the proposed Bills will not achieve environmental protection in their current form. Therefore, the NZPCN does not support the Bills in their current form and we suggest substantial redrafting.
6. Our economy and our wellbeing are dependent upon a flourishing natural environment. Human survival depends on clean air and clean water; therefore, a healthy natural environment is not a 'nice to have' it is essential. And therefore, any replacement for the RMA needs to prioritise the protection of the natural environment.
7. We support the submissions of the Environmental Defence Society and Forest and Bird, both of which go into more detail on some the matters raised in our submission below, as well as raising others.

Summary of key points from the NZPCN submission

- High value biodiversity and landscape values, particularly indigenous plants, are not only found on conservation land.
- Aotearoa New Zealand is already in a biodiversity crisis.
- The Bills have a narrow view of Te Tiriti o Waitangi obligations.
- Problematic use of the concept of ‘regulatory relief’
- Lack of clarity on how priorities will be navigated when aspects of the two Bills are in disagreement.
- Concern about superseding environmental limits, lack of clarity around remediation and how this will be delivered.
- Limiting public submissions.
- Spatial and land-use planning.

8. High value biodiversity and landscape values, particularly indigenous plants, are not only found on conservation land.

Our indigenous plants are not restricted to conservation land. In fact, there are Threatened - Nationally Critical¹ plant species whose populations are found entirely on private land. For example, *Myosotis albosericca*, *Ranunculus callianthus*, *Craspedia diversicolor*, *Gentianella calcis* subsp. *calcis* and *Brachyscome lucens*. Other Threatened - Nationally Critical plants have their main populations off protected land. For example, *Veronica armstrongii*, *Craspedia rugosa*, and *Carex pilifolia*. Indigenous plants (and most invertebrates and fungi) are not well protected off conservation land (unlike our birds and reptiles that are given protection under the Wildlife Act (1953)), therefore, protection of some of our most threatened plants has relied on the RMA. Consequently, it is essential for our indigenous plants that any replacement of the RMA prioritises the protection of the natural environment.

Similarly, there are threatened ecosystems² that are underrepresented on protected land and have the best examples off conservation land. For example, ephemeral wetlands, limestone in the Eastern South Island, strongly leached terraces and plains, inland outwash gravels, and inland saline (salt pans). Currently these threatened ecosystems can be protected under provisions in the RMA, but these provisions have been applied poorly and inconsistently across Aotearoa New Zealand. Some of these threatened ecosystems give the magnificent landscapes that draw millions of visitors to Aotearoa New Zealand. For example, the iconic scenery of the Te Manahuna/Mackenzie Basin. Therefore, protection of these threatened ecosystems (as well as other rare³ and not threatened ones) is essential to sustain our tourism economy. We need strong environmental protections for the ecosystems in the Bills that replace the RMA.

- We seek that the Bills provide strong environmental protections as their bottom line and that these become the key purpose of the Bills, to ensure the continued survival of all indigenous plants and ecosystems of Aotearoa New Zealand.

¹ de Lange PJ, Gosden J, Courtney SP, Fergus AJ, Barkla JW, Beadel SM, Champion PD, Hindmarsh-Walls R, Makan T, Michel P. 2024. Conservation status of vascular plants in Aotearoa New Zealand, 2023. New Zealand Threat Classification Series 43. Department of Conservation, Wellington. <https://www.doc.govt.nz/globalassets/documents/science-and-technical/nztc43entire.pdf>

² Holdaway et al. 2012. Conservation Biology. <https://conbio.onlinelibrary.wiley.com/doi/abs/10.1111/j.1523-1739.2012.01868.x>

³ Williams et al. 2007. New Zealand Journal of Ecology. <https://newzealandecology.org/nzje/2829.pdf>

9. Aotearoa New Zealand is already in a biodiversity crisis.

Due to the 80 million years of isolation of Aotearoa New Zealand from the rest of the world, our islands support a very diverse and unique range of biota. For example, over 85% of our vascular plants are endemic, meaning they occur nowhere else on earth. For these endemic taxa, extinction here represents global extinction. Since human settlement a hitherto novel range of pressures have been brought to bear on our native biota with devastating effects. Forty-six percent of indigenous vascular plants are Threatened with extinction or are At Risk of becoming Threatened⁴. Nor do the conservation statuses of other lifeforms provide an optimistic story: 19% of hornworts and liverworts, 14% of lichens, 94% of reptiles, 82% of birds, 80% of bats, 75% of frogs, 22% of marine mammals, and 76% of freshwater fish⁵ are also At Risk or Threatened. These figures do not include the multitude of species which have already become extinct within the period of human settlement in Aotearoa New Zealand. Furthermore, these assessments are likely to be an underestimate of threat status, as a further 24% of species (across all groups listed above) are classified as Data Deficient, meaning the expert panels did not have enough information to make a more accurate conservation status assessment. Thus, there is a need to strengthen protection of our indigenous biodiversity– the opposite of what these Bills are proposing to do.

Threatened and At Risk plants in New Zealand span the full spectrum from the iconic to the obscure. Well-known Threatened and At Risk plants include the kākābeak (*Clianthus* species) and the purple hebe (*Veronica speciosa*). Some of the species which are classified as at risk or threatened are also recognised as culturally significant to Māori, including dozens which are specifically named in legislation, such as pīngao (*Ficinia spiralis*, At Risk – Declining)⁶. Examples of more obscure, but no less important, Threatened and At Risk plant species include a Nationally Critical limestone cress (*Cardamine magnifica*) and a coral broom (*Carmichaelia crassicaulis* subsp. *crassicaulis*).

In the New Zealand Threat Classification System Threatened - Nationally Critical is the highest classification for an extant species with the next classification up the list being extinct. Of the 403 vascular plant species listed as Nationally Critical⁷, the Department of Conservation (DOC) considers around 90 of these to be at imminent risk of extinction, calling these “species on the brink”⁸. Examples of ‘on the brink’ plant species include a limestone buttercup with less than 70 plants remaining and a miniscule daisy that has an extremely specialised lake margin habitat. Of the ‘on the brink’ plants, 90% are found nowhere else. Extinction of these species means they are gone globally, and we lose a component of what makes Aotearoa New Zealand our home. Therefore, these are species that require enhanced protection not a substantial erosion of what protections they currently have, as these Bills will cause.

- We seek amendments to the Bills that acknowledge the current state of our natural environment and recognise both the climate and biodiversity crises that our environment is facing.

⁴ <https://www.doc.govt.nz/globalassets/documents/science-and-technical/nztcs22entire.pdf>

⁵ [https://www.stats.govt.nz/indicators/extinction-threat-to-indigenous-species/#:~:text=Many%20of%20our%20assessed%20indigenous,of%20species%20\(4%20of%205\)](https://www.stats.govt.nz/indicators/extinction-threat-to-indigenous-species/#:~:text=Many%20of%20our%20assessed%20indigenous,of%20species%20(4%20of%205))

⁶ One of the dozens of [taonga species](#) named in The Ngai Tahu Deed of Settlement Act 1998, s. 288.

⁷ <https://www.doc.govt.nz/globalassets/documents/science-and-technical/nztcs22entire.pdf>

⁸ As of 20 November 2023, for species that are likely to go extinct in the next 5-10 years. Information provided by DOC.

10. The Bills have a narrow view of Te Tiriti o Waitangi obligations.

The Crown's obligations under Te Tiriti o Waitangi will not be met under the proposed Bills. It is essential that the Bills include legal requirements to provide for the relationship of Māori with Te Taiao.

- We seek amendments to the Bills that ensure there is a meaningful partnership between Mana Whenua and the Crown instead of the minimal and tokenistic reference to Te Tiriti provided as the Bills are currently written.

11. Concern over introduction of concept of 'regulatory relief'

We are concerned about the introduction of regulatory relief. We feel it is poorly defined and represents significant moral hazard. Many freedoms are constrained in our country where it is recognised that there is a public good to do so (e.g. the need to hold a license when owning a firearm or setting speed limits for road users). We question whether the broader implications of property rights being prioritised to the detriment of other rights (including other's property rights) has been properly considered.

Reasonable use is not defined in the draft Bills and one person's idea of reasonable (e.g. draining a wetland or clear-fell harvesting plantation forest from vulnerable lands) is another person's idea of unreasonable. We question if regulatory relief cuts both ways – should for example a wetland owner who is undertaking restoration be compensated when sediment or fertiliser washes in from nearby development projects? How about the farm stay business affected by dust, lights and noise from a nearby mine? How will the permitting authorities navigate delivering regulatory relief if an activity which they have permitted has effects which spill over to adjacent land titles? Would those affected landowners be entitled to regulatory relief if they can prove their own 'reasonable use' is being impacted significantly by the new regulations? The whole issue is fraught with uncertainty, and we expect will have a dampening effect on councils' ability to properly safeguard the natural environment and risks exposure to litigation from multiple fronts. Indeed, in the context of the proposed changes to local government structure, we question the ability to deliver good environmental outcomes when one authority is responsible for both enabling development and safeguarding the environment.

We recognise that mechanisms like rates rebates (e.g. for covenanted land or significant natural areas) are valued by landowners who appreciate support to actively to protect special areas. Indeed, many landowners see these as assets to their business and seek market recognition for their stewardship activities (e.g. New Zealand Farm Assurance Programme).

We believe mechanisms such as special development rights, or cash payments are problematic and should be discarded entirely. There is so much uncertainty and even a cursory reading of the draft Bills leaves many unanswered questions. Can landowners repeatedly seek regulatory relief (e.g. subsequent landowners could ask councils to pay them to *not* drain a wetland even if previous landowners had already been compensated)? If rules change, will previously compensated landowners be required to reimburse councils? We ask how councils can justify payments made to a landowner to refrain from damaging the environment where previous councils may have invested in protecting these same sites (e.g. rates relief, environmental grants). Such an about turn would be a poor return for years of ratepayers' investments in the

natural environment. We wonder if a new type of land speculation will be fuelled by the possibility of gaining compensation for not using that land in a particular way regardless of actual intent or feasibility.

We are particularly concerned that many councils that are already facing financial hardship will struggle to provide regulatory relief to landowners to protect biodiversity and landscape values. Furthermore, concurrent to these Bills is a proposal to limit rate rises meaning councils will be under further financial pressure which may lead them to not prioritise the protection of the environment. We are pleased to see that the Bills retain Significant Natural Areas, but we wonder how many will be maintained and created by councils that are required to compensate landowners for having them.

The inclusion of specified rules regarding regulatory relief is particularly concerning. Essentially, they create a right to destroy nature that has never existed under Aotearoa New Zealand law. While this may create short term benefits for landowners, these will be far outweighed by the enormous losses to our biodiversity and landscapes and therefore flow on losses to existing industries like our tourism sector. We believe that there will be significant pressure on councils to compensate landowners for a whole range of public interest environmental regulations (like those that prevent the extinction of threatened plants), and therefore, there is an enormous risk that they will simply not regulate at all.

- Foremost, we seek that the regulatory relief component of both Bills is removed entirely, however, if this is not done, then:
 - We seek that the regulatory relief component of both Bills be further refined to provide mechanisms which empower landowners to protect the natural environment rather than only protecting the environment because they are being paid not to destroy it.
 - We seek the complete removal of 'specified rules' as pathway for regulatory relief.
 - We seek that 'reasonable use' be anchored in evidence of what is feasible for the land and considers the existing exceeded limits of our environment (including ongoing biodiversity loss, freshwater degradation and climate change).
 - We seek clarification on what is meant by 'incompatible land-use' on adjacent properties (e.g. when a neighbouring landowner has goals or indeed legal obligations to support positive ecological outcomes through their own land use).

12. Lack of clarity on how priorities will be navigated when aspects of the two Bills are in disagreement

We are disquieted by many inconsistencies between the two Bills which give the impression this legislation has been drafted in haste. Our society and economy are wholly reliant on a healthy environment and indeed a significant part of our international reputation hinges on the impression that we are good environmental stewards here in Aotearoa New Zealand. We believe this is not the kind of regulatory reform that should be rushed. Furthermore, considering the local government reform announced in November 2025, efficient and effective implementation of these bills will be very challenging.

We remind the Select Committee that Aotearoa New Zealand has a distinct flora which developed in isolation to the rest of the world. Our native plants are increasingly under pressure and habitat loss, climate change and the impacts of weeds and introduced animals, particularly

browsing pests like deer, chamois, thar, goats, and pigs. The most recent vascular plant threat classification assessment showed a worsening trend in species assessed as Threatened or At Risk⁹. Our variable geology and climate drives much of the diversity within our native plant species and the ecosystems in which they occur, and crucially this is not homogenous across the motu/country. Acutely threatened land environments are prevalent in the lowlands where modifications have been most actively pursued on the flatter and more fertile land. Because of this pressure and the quirks of geology, the fate of many threatened plant species is tied directly to protection on private land. Improper resourcing of ecosystem mapping over the past few decades has resulted in patchy knowledge and there are large areas of Aotearoa New Zealand where environmental sensitivity mapping information is poorly understood. Relaxing regulations protecting biodiversity on private land without properly understanding where these sensitives lie will worsen outcomes for many native species.

- We seek amendments to the Bills that ensures safeguarding the natural environment and that a clearer hierarchy will be incorporated into these two Bills.

13. Concern about superseding environmental limits and lack of clarity around remediation and how this will be delivered

As drafted the Bills lack clarity when environmental limits are superseded and how remediation will be delivered. The track record under the Resource Management Act for ‘no net loss’ offsetting is very poor and promises made by consent holders are seldom kept. Too often the public are left to pick up the tab and ambitious claims of ecological efficacy by development advocates do not stack up^{10,11}. Taking a net biodiversity gain approach would enable Aotearoa New Zealand to deliver on Target 18 of the Kunming-Montreal Global Biodiversity Framework (GBF).

- We seek amendments to the Bills that ensure an effects hierarchy will be to adverse environmental effects and that where offsetting is an unavoidable option that sufficient safeguards are in place to ensure efficacy and genuinely deliver no net loss. Proper safeguards could include robust ecological analysis of what is achievable in terms of ecological rehabilitation, the use of realistic bonds to ensure costs are not borne by the community and the requirement of at least some offsetting to be undertaken *before* environmental harm commences.

14. Limiting public submissions

Our membership spans the whole of Aotearoa New Zealand and limiting submissions to only those residing in a region where the activity is proposed is unacceptable. Alarming, the Bills as they stand will also cut out NGOs and watchdogs. Our diverse ecosystems and the plants they contain are national treasures and are valued across the nation, not just by locals. Our members

⁹ de Lange PJ, Gosden J, Courtney SP, Fergus AJ, Barkla JW, Beadel SM, Champion PD, Hindmarsh-Walls R, Makan T, Michel P. 2024. Conservation status of vascular plants in Aotearoa New Zealand, 2023. New Zealand Threat Classification Series 43. Department of Conservation, Wellington. <https://www.doc.govt.nz/globalassets/documents/science-and-technical/nztcs43entire.pdf>

¹⁰ Price, CA, Simon, KS, & Neale, M (2024). Destruction and reconstruction: is freshwater offsetting achieving No Net Loss? *New Zealand Journal of Marine and Freshwater Research*, 58(1), 127–144. <https://doi.org/10.1080/00288330.2022.2147201>

¹¹ Brown MA and Penelope J (2016). Biodiversity offsets in New Zealand: addressing the risks and maximising the benefits. *Policy Quarterly*. 12(1), 35-41. <https://ojs.victoria.ac.nz/pq/article/view/4580>

are active enjoyers of the natural world; they travel to see plants in their natural habitat all over New Zealand. Furthermore, our members have lived and worked outside of the areas they currently reside in, meaning they have a meaningful connection to many parts of the motu/country. Disallowing submissions by subject matter experts who do not live in the region where activities are proposed is guaranteed to reduce the quality of the process and likely result in more biodiversity loss. Such an approach is counter to our commitments as a signatory of the BGF. Put simply, limiting public participation in environmental decision making is undemocratic.

- We seek that the Bills be amended to allow submissions by anyone including by subject matter experts, Mana Whenua, members of the public, and all affected parties regardless of where they currently reside.

15. Spatial and land-use planning

We support the development of an e-plan tool to enable better communication of spatial planning and land-use planning. However, we again question how environmental limits will be set when incomplete information is available (for example on where threatened plant populations or significant ecosystems occur). We note that the scientific community is not specified in the list of those with a strong interest in regional spatial planning.

- We seek that land-use planning and spatial planning committees actively engage with the relevant scientific communities and subject matter experts (e.g. soil scientists, hydrologists, marine and freshwater scientists, ecologists, zoologists, botanists etc.) to develop comprehensive plans which can properly deliver on ambitions to safeguard the natural environment whilst providing for strategic development.

****Submission ends****