

## McGuinness Institute Submission

### Ministry for the Environment Consultation on updating RMA national direction (Packages 1–3) 27 July 2025

## 1.0 Introduction

The McGuinness Institute (the Institute) welcomes the opportunity to submit on the proposed updates of the Resource Management Act (RMA) national direction. We would like to thank the Ministry for the Environment (MfE) for inviting feedback on the proposals.

The Institute would welcome the opportunity to make an oral submission if possible. Please do not hesitate to contact us if you have any further questions on the ideas discussed below.

## 1.1 About the McGuinness Institute

The Institute was founded in 2004 as a non-partisan think tank working towards a sustainable future for Aotearoa New Zealand. Project 2058 is the Institute's flagship project focusing on Aotearoa New Zealand's long-term future. Because of our observation that foresight drives strategy, strategy requires reporting, and reporting shapes foresight, the Institute developed three interlinking policy projects: *ForesightNZ*, *StrategyNZ* and *ReportingNZ*. Each of these tools must align if we want Aotearoa New Zealand to develop durable, robust and forward-looking public policies. The policy projects frame and feed into our research projects, which address a range of significant issues facing Aotearoa New Zealand. The 11 research projects are: *CivicsNZ*, *ClimateChangeNZ*, *EcologicalCorridorsNZ*, *GlobalConflictNZ*, *OneOceanNZ*, *PandemicNZ*, *PublicScienceNZ*, *ScenariosNZ*, *TacklingPovertyNZ*, *TalentNZ* and *WaterFuturesNZ*.

The Institute has a significant interest in ocean management in Aotearoa New Zealand, and we have been undertaking research on long-term ocean management as part of our ongoing research project *OneOceanNZ*. This project aims to contribute to a wider discussion on how we might best manage our oceans and exercise stewardship in order to maintain a healthy and productive ocean. We continue to look at public policy solutions around ocean governance, as it is an important long-term issue for New Zealand.

## 1.2 Initial concerns with the proposals

The Institute has been making submissions since the reforms began in 2004. The discussion has been drawn out and, as such, raises questions about our current system's ability to develop and design durable and effective public policy. A better system might be to break down the consultation process into more detail. For example: agree the problem, then identify common goals, then develop consultation on broad principles and goals and, finally, agree how the detail might be developed.

### About the consultation process

The current consultation process, spread across four packages in total, has proved to be highly technical with a large volume of material. The proposals include significant changes, many of which span a range of unique areas (e.g. infrastructure and development, primary sector and freshwater). To make this even more challenging, there are a lot of specific questions (160 in total). Note public consultation for Package 4 (Going for Housing Growth) closes 17 August 2025.

### Specific questions across the MfE discussion documents (consultation closed on 27 July 2025)

Package 1 (Infrastructure and development): 87 questions

Package 2 (Primary sector): 40 questions

Package 3 (Freshwater): 33 questions

Total number of specific questions (87 + 40 + 33 = 160)

It is also of concern that, despite the fact the four packages of proposals will have cumulative impacts on New Zealand's resource management, public consultation has been split into four separate packages which consider impacts separately.

The Institute agrees with the Environmental Defence Society (EDS), which has recommended the cumulative impacts of all four packages should be considered together as well as separately:

There has also been no analysis undertaken of the cumulative impact of the changes to national direction across all four packages on the natural environment to determine if they enable use and development only 'while' (at the same time as) safeguarding the life-supporting capacity of air, water, soil and ecosystems.<sup>1</sup>

The length of material made it difficult and extremely time-consuming to respond to all the proposals, and it is likely other parties had similar experiences. It unfortunately means that we were unable to answer some of the questions. We would recommend, in future, simplifying the consultation process and staggering the due dates, to allow citizens to engage with the proposals.

### AI protocols and processes

We also suggest that the Ministry's AI principles be set out in advance of the invitation-to-comment process. Further, we request that when preparing a summary of submissions, the summary also include an appendix saying how AI was used as part of the review and summary of the submissions. This should include the method, specific tools (e.g. Microsoft Copilot) and dates (e.g. 1–15 August), and it should specify when humans were used as part of the process and when they were not. We imagine a table saying, for example, xxx submissions received; xxx read by a human; and xxx summarised by AI. We need to work harder to be transparent over how AI is used. It is part of ensuring our institutions operate in democratic ways.

### Two seismic shifts

From our perspective, the four packages together represent two seismic shifts:

1. A shift away from resource management and protecting the natural environment towards economic development, and
2. A shift away from public interests, public consultation, community involvement, and the recognition of cultural values, to the values and interests of the commercial and the private sector.

The proposals are not tweaking the existing system based on an agreed 'problem definition' but redesigning the system completely for the sake of a small number of entities and individuals. Arguably, the current system is designed for all New Zealanders, current and future, whereas the new system is designed for a small number of parties, focused on meeting their short-term interests. Furthermore, many of those who will benefit from the proposals are not New Zealand companies or New Zealand residents. For this reason, we suggest a cautious and considered approach.

Importantly, the Institute recognises that New Zealand is still in a recession, that the health of the economy matters and that we are increasingly vulnerable to wider geopolitical trends and events. To build the economy, and society as a whole, the Institute believes new resource management policy should focus on the following three benefits:

#### 1. **Certainty for business and citizens**

The proposals are so extreme (compared with the past policies) that it is highly likely another government will come into power and change the resource management policy again. Extreme changes in public policy are always problematic and expensive. The Institute recommends a lighter

touch, one that delivers good outcomes for all New Zealanders and lasts the distance.

## 2. A strategic approach

The Institute recommends bottom-up dialogues are necessary between citizens, employees, businesses and councils. There are bound to be numerous nuances at a local level, and a local plan based on hearing a range of different voices is likely to lead to more stable, durable and effective outcomes.

## 3. A non-partisan approach

The Institute believes resource management policy should, at the very least, be developed through a non-partisan approach with dialogue between many political parties. For example, even agreed goals with disagreement over how to bring about change would be more beneficial than disagreement over goals and actions.

## 1.3 Specific topics of concern

Since 2004, when the Institute was established, we have explored and researched a wide range of topics. Some of these are particularly relevant to these proposals.

### 1.3.1 Aquaculture in New Zealand

The Institute is especially concerned about the changes to aquaculture policy in New Zealand, which will allow for greater power with fewer checks and balances on the industry. The *Primary Sector Discussion Document* misses the opportunity to help develop New Zealand into a world leader in sustainable aquaculture and fisheries management. We need to design our ocean management policy for the long term, in a way that takes into consideration local communities and the environment as well as the fishing industry. If we do this right, future generations can enjoy the sea as we have been able to.

This is further discussed in the response to specific questions in *Package 2: Primary Industries* below.

### 1.3.2 New Zealand's international ocean management commitments

The Institute is also concerned these changes do not reflect the context that New Zealand is party to a number of international commitments for the environment and climate change. It is important we stand by these agreements to maintain our international relationships, our industry's reputation and the 'clean, green' image of our seafood exports. Regular monitoring and adaptive management are essential to ensure the fisheries industry is operating within appropriate environmental limits.

#### **United Nations Sustainable Development Goal (SDG) 14: Life below water**

SDG 14 is about 'Life below water' and is one of 17 SDGs established by the United Nations in 2015. The goal is to '[c]onserve and sustainably use the oceans, seas and marine resources for sustainable development'. These UN goals (and their wider intent), along with the Paris Agreement, are increasingly being included in New Zealand's trade agreements. For example, Article 3 of the Free Trade Agreement with the EU, signed on 9 July 2023, states that a party has an obligation to refrain from any action or omission that materially defeats the object and purpose of the Paris Agreement.

The United Nations Biodiversity Conference (COP15) ended in Montreal, Canada, on 19 December 2022 with a landmark agreement to guide global action on nature through to 2030. The agreement includes concrete measures to halt and reverse nature loss, including putting 30% of the planet and 30% of degraded ecosystems under protection by 2030.

#### **Global Biodiversity Framework (GBF) – protecting 30% of the ocean by 2030**

The GBF features 23 targets to achieve by 2030, including effective conservation and management of at least 30% of the world's lands, inland waters, coastal areas and oceans, with emphasis on areas of particular importance for biodiversity and ecosystem functioning and services. The GBF prioritises ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation, recognising Indigenous and traditional territories and practices. Currently 17% and 10% of the world's terrestrial and marine areas respectively are under protection.<sup>2</sup> As

mentioned above, less than 1% of New Zealand's ocean territory is in Marine Protected Areas, despite the Government committing to meet the global target of protecting 30% of the ocean by 2030.<sup>3</sup>

This is further discussed in the response to specific questions in *Package 2: Primary Industries* below.

### **1.3.3 Freshwater management in New Zealand**

The Institute also has a specific research project called *WaterFuturesNZ*, which aims to contribute to the wider discussion on how we might design safe, accessible and reliable water services for Aotearoa New Zealand. We recognise that water is a significant public asset and it should be safe and free for all.

Freshwater reform is an area of critical importance to the future of our health and economy; hence the Institute has made the decision to engage heavily in this area, and it is important that policy is carefully designed so we have an integrated, forward-looking water protection system. It is critical to note that water will become increasingly in demand as the world becomes more populated and more challenged by climate change. As such, it is disappointing the proposals do not include a more strategic and integrated approach to water management in New Zealand.

This is further discussed in the response to specific questions in *Package 3: Freshwater* below.

## 2.0 Package 1: Infrastructure and development

### Discussion

The Institute has been exploring how to develop a robust, coordinated emergency and crisis management system in New Zealand.

We support the introduction of a nationally consistent language of natural hazards as per the risk matrix below.

Emergencies and crises are increasing in number, and climate change is only going to cause more hazards, making it important to develop natural hazard risk management. The Institute supports the work to put clear, robust systems in place so New Zealand can respond quickly and effectively as required.

In response to concerns about the current system, the Institute has recently produced research on how New Zealand responds to emergencies and crises. The aims were to understand the distinction between the two and identify how to improve the emergency management system across the country (which includes various legislative and policy instruments). One of the key learnings was that the current system is fractured and this causes inefficiencies, so we support any work to coordinate risk management and emergency response.

Below are the three documents that make up our research on risk and uncertainty, as well as emergency and crisis management. These papers were discussed on Wednesday 23 July 2025 at the New Zealand Risk & Resilience Summit 2025. PowerPoint slides from the presentation can be found [here](#).

This series of three papers provide context on New Zealand's emergency and crisis management system and are available on the Institute's website.

- **Working Paper 2025/13 – The Language of When Things Go Wrong: Exploring how the terms ‘emergency’ and ‘crisis’ are used in legislation.** The aim of this paper is to explore how the terms ‘emergency’ and ‘crisis’ are used in legislation. See [here](#).
- **Working Paper 2025/14 – Examination of the Emergency Response and the Crisis Response within the National Resilience System.** The aim of this paper is to describe how New Zealand responds to emergencies and crises. See [here](#).
- **Discussion Paper 2025/02 – How to Tell the Difference Between an Emergency and a Crisis and Why it Matters.** The aim of this paper is to explore how to identify and communicate in times of emergency and crisis. See [here](#).

## Figure 1: Our risk and uncertainty papers

Source: McGuinness Institute



We note that page 66 of the *Package 1: Infrastructure and development discussion document* states:

To address the challenges outlined above, the Government proposes a new National Policy Statement for Natural Hazards (NPS-NH). The proposed NPS-NH is a first step towards more comprehensive national direction for natural hazards in the future. **The proposed NPS-NH directs local authorities to take a risk-based approach to new development – that is, assessing a specific development for risk from a specific natural hazard.** The risk associated with some development (such as childcare facilities or aged care facilities) would be greater than with others (such as an unoccupied storage facility). Although the proposed NPS-NH does not tell local authorities how to respond to a specific level of risk, it does tell them to proportionately manage natural hazard risk. This means high-risk activities should be limited, and low-risk activities should be enabled. The proposed NPS-NH also requires that, in deciding resource consent applications, consent authorities must consider risk-reduction measures (such as raising floor levels, installing retaining walls or using landscape features such as swales to divert flood waters). Getting the right kind of development in the right place maximises development, while reducing disaster losses from inappropriate new development in the long term. Many local authorities have limited consideration of natural hazard risk in their planning documents. Although some local authorities already use a risk-based approach, there is no clear national direction on how this should be done. Providing this direction will support the resource management system to improve the ability of local authorities to manage natural hazard risk. [bold added]<sup>4</sup>

## Figure 2: The proposed risk matrix

Source: Page 69 of the *Package 1: Infrastructure and development discussion document*<sup>6</sup>

To define significant risk, the proposed NPS-NH also introduces a nationally consistent language of natural hazard risk by using the terms 'low', 'medium', 'high' and 'very high'. These levels of natural hazard risk do not have to be directly applied to decisions, but they reflect the different levels of risk within 'significant risk' and support consistency in decisions being made proportionate to the level of risk.

**Figure 1: Definitions of risk based on standardised definitions of likelihood and consequence**

		Likelihood level							
		Almost certain	Very likely	Likely	Possible	Unlikely	Rare	Very rare	
ARI (years)		up to 10	10–20	20–50	50–100	100–500	500–5,000	> 5,000	
AEP		10% or more	10% to 5%	5% to 2%	2% to 1%	1% to 0.2%	0.2% to 0.02%	< 0.02%	
Consequence level	Catastrophic	Very high	Very high	Very high	High	Medium	Medium	Medium	
	Major	Very high	Very high	High	High	Medium	Medium	Medium	
	Moderate	High	High	High	Medium	Medium	Low	Low	
	Minor	Medium	Medium	Medium	Medium	Low	Low	Low	
	Negligible		Low	Low	Low	Low	Low	Low	Low

Note: ARI = Average recurrence interval; AEP = Annual exceedance probability.

Source: Ministry for the Environment:2025

The proposed NPS-NH introduces a matrix that identifies levels of natural hazard risk, using combinations of defined likelihood and consequences (as shown in figure 1 above) to help with defining 'significant risk from natural hazards'. A benefit of this matrix is that it provides a nationally consistent language that local authorities can use.

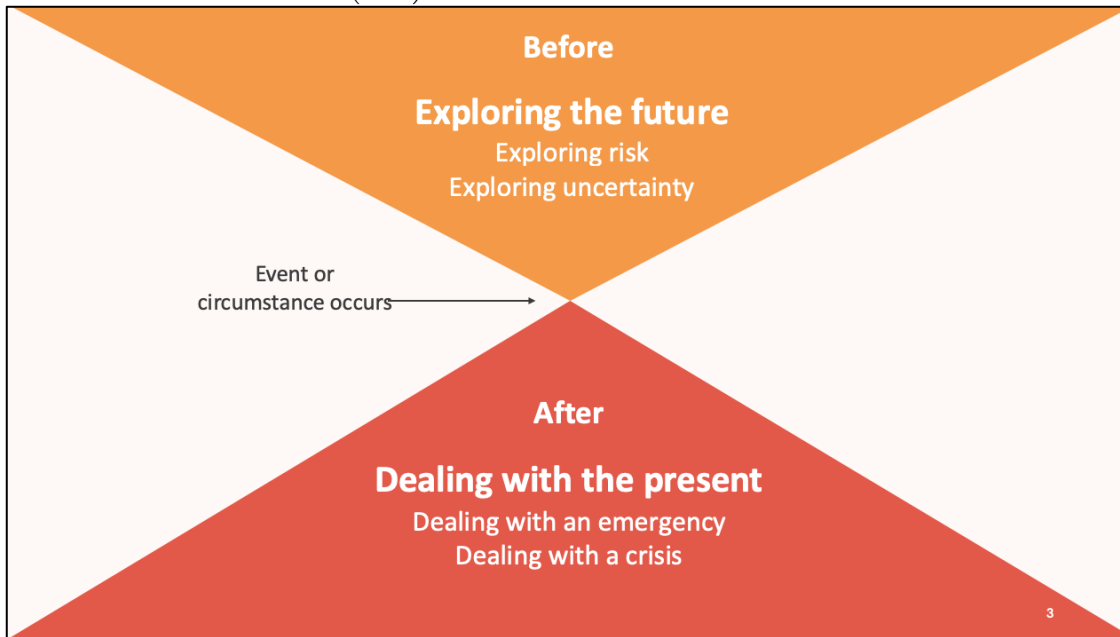
During the Institute's research on emergency management in New Zealand, we had three key findings:

1. Timing is critical in emergency response. There is an opportunity before the event occurs to explore risk and uncertainty so when the event occurs we can deal with the emergency/crisis quickly and effectively.
2. Before the event occurs it is critical to explore risk and uncertainty through the four R's of emergency and crisis management: reduction, readiness, response and recovery.
3. After the event occurs there is different ways to react through the four R's depending on the risk and uncertainty levels, and whether the event is a crisis or emergency.

These are illustrated below in Figures 3, 4 and 5.

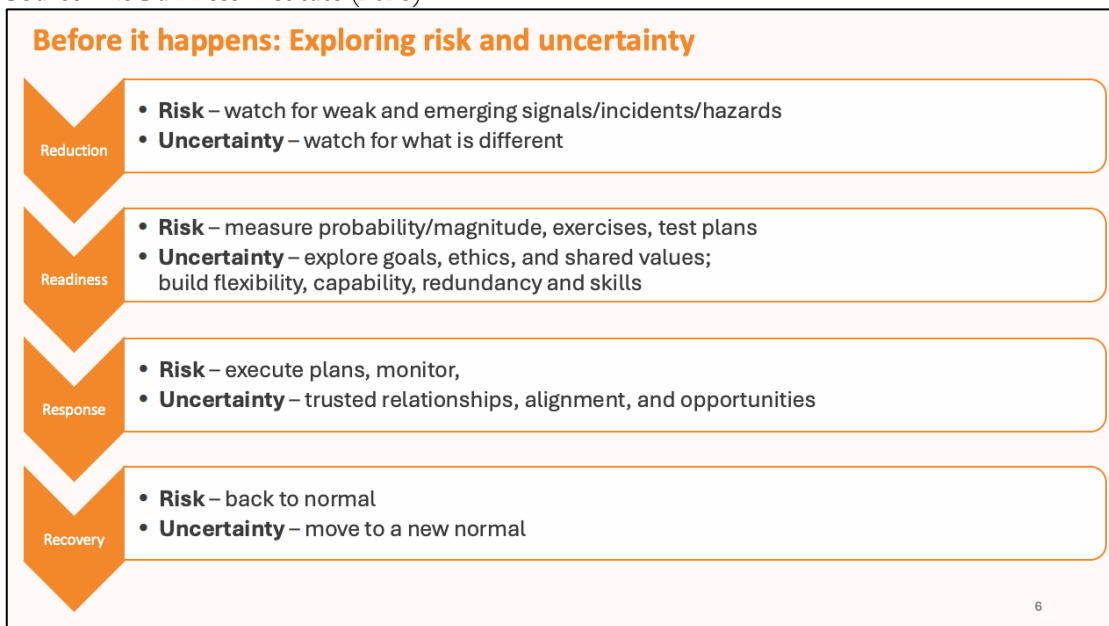
**Figure 3: Before and after an event or circumstance occurs**

Source: McGuinness Institute (2025)



**Figure 4: Before it happens – risk versus uncertainty**

Source: McGuinness Institute (2025)



**Figure 5: After it happens – emergency versus crisis**

Source: McGuinness Institute (2025)



The Institute’s view is that it is extremely important that the same frameworks and terminology operate across government. Our first initial review considers that more effort is required to build on existing thinking. Although we have some suggestions for the Department of the Prime Minister and Cabinet (DPMC) and the National Emergency Management Agency (NEMA), we agree with the need to think differently about emergency management and crisis management. In our view, they require two very different management styles and protocols. Hazards generally turn into emergencies but a hazard can also evolve into a crisis or instantly become a crisis.

We would welcome the opportunity to talk through our observations with the team working in this space. It is difficult and complex, but extremely important.

## Responses to specific questions

This section contains responses to questions in *bold blue italics*. These questions are directly taken from MfE's *Package 1 Infrastructure and development Discussion Document*.<sup>6</sup>

1. *Is the scope of the proposed NPS-I adequate?*

2. *Do you agree with the definition of 'infrastructure', 'infrastructure activities' and 'infrastructure supporting activities' in the NPS-I?*

3. *Does the proposed objective reflect the outcomes sought for infrastructure?*

4. *Does the proposed policy adequately reflect the benefits that infrastructure provides?*

5. *Does the proposed policy sufficiently provide for the operational and functional needs for infrastructure to be located in particular environments?*

6. *Do you support the proposed requirement for decision-makers to have regard to spatial plans and strategic plans for infrastructure?*

7. *Would the proposed policy help improve the efficient and timely delivery of infrastructure?*

8. *Does the proposed policy adequately provide for the consideration of Māori interests in infrastructure?*

9. *Do the proposed policies sufficiently provide nationally consistent direction on assessing and managing the adverse effects of infrastructure?*

10. *Do the proposed policies sufficiently provide for the interface between infrastructure and other activities including sensitive activities?*

11. *Do you support the proposed amendments to the objective of the NPS-REG?*

12. *Are the additional benefits of renewable electricity generation helpful considerations for decisionmakers? Why or why not?*

13. *Does the proposed policy sufficiently provide for the operational and functional need of renewable electricity generation to be located in particular environments?*

14. *Do the proposed new and amended policies adequately provide for existing renewable electricity generation to continue to operate?*

15. *Do the proposed policy changes sufficiently provide for Māori interests in renewable electricity generation?*

16. *Do you support the proposed policy to enable renewable electricity generation development in areas not protected by section 6 of the RMA, or covered by other national direction?*

*17. Do you support the inclusion of electricity distribution within the scope of the NPS-EN?*

*18. Are there risks that have not been identified?*

*19. Do you support the proposed definitions in the NPS-EN?*

*20. Are there any changes you recommend to the NPS-EN?*

*21. Do you support the proposed objective? Why or why not?*

*22. Will the proposed policy improve the consideration of the benefits of electricity networks in decision-making?*

*23. Does the proposed policy sufficiently provide for the operational and functional needs for electricity networks to be located in particular environments?*

*24. Do you support Transpower and electricity distribution businesses selecting the preferred route or sites for development of electricity networks?*

*25. Are there any other route or site selection considerations that have not been identified?*

*26. Does the proposed policy adequately provide for the consideration of Māori interests in electricity networks?*

*27. Do you support the proposed policy to enable development of electricity networks in areas not protected by section 6 of the RMA, or covered by other national direction?*

*28. Do the proposals cover all the matters that decision-makers should evaluate when considering and managing the effects of electricity network activities?*

*29. Do you support the proposed policy to enable routine works on existing electricity network infrastructure in any location or environment?*

*30. What other practical refinements to Policy 8 of the NPS-EN could help avoid adverse effects on outstanding natural landscapes, areas of high natural character, and areas of high recreation value and amenity in rural environments?*

*31. Do you support the proposed policy to enable sufficient on-site space for distribution assets?*

*32. Should developers be required to consult with electricity distribution providers before a resource consent for land development is granted? If not, what type or scale of works would merit such consultation?*

*33. What activity status is appropriate for electricity transmission network activities when these: a. do not comply with permitted activity standards? b. are located within a natural area or a historic heritage place or area?*

34. Do you support the proposed scope of activities and changes to the permitted activity conditions for electricity transmission network activities?

35. Do you support the proposed matters of control and discretion for all relevant matters to be considered and managed through consent conditions?

36. Would the proposed National Grid Yard and Subdivision Corridor rules be effective in restricting inappropriate development and subdivision underneath electricity lines?

37. Do you support adding any or all of the five categories of regional activities to the NES-ENA as permitted activities?

38. Do you support the proposed permitted activity conditions and the activity classes if these conditions are not met?

39. Do you support management plans being used to manage environmental impacts from blasting, vegetation management and earthworks?

40. What is an appropriate activity status for electricity distribution activities when the permitted activity conditions are not met, and should this be different for existing versus new assets?

41. What is your feedback on the scope and scale of the electricity distribution activities to be covered by the proposed NES-ENA?

42. Do you support the proposed inclusion of safe distance requirements and compliance with some or all of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001?

43. Is the proposed NES-ENA the best vehicle to drive compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distance 34:2001? If not, what other mechanisms would be better?

44. Should the NES-ENA allow plan rules to be more lenient for electricity distribution activities proposed to be regulated?

45. Should the NES-ENA allow plan rules to be more stringent in relation to electricity distribution activities in specific environments? (eg, when located in a 'natural area').

46. Do you support the proposed provisions to make private electric vehicle charging and associated infrastructure a permitted activity at home or at work?

47. Have private or at work electric vehicle users been required to obtain a resource consent for the installation, maintenance and use of electric vehicle charging infrastructure?

48. Should the construction, operation and maintenance of electric vehicle charging infrastructure be a permitted activity, if it is located in a land transport corridor?

49. *Should the construction, operation and maintenance of electric vehicle charging infrastructure become a permitted activity, if it is ancillary to the primary activity or outside residential areas?*

50. *Do you support the proposed provisions for electric vehicle charging for all types of EVs, or are additional requirements needed for heavy vehicles such as large trucks, ferries or aircraft?*

51. *Do the proposed provisions sufficiently enable the roll-out or upgrade of telecommunication facilities to meet the connectivity needs of New Zealanders?*

52. *Which option for proposed amendments to permitted activity standards for telecommunication facilities do you support?*

53. *Do the proposed provisions appropriately manage any adverse effects (such as environmental, visual or cultural effects)?*

54. *Do the proposed provisions place adequate limits on the size of telecommunication facilities in different zones?*

55. *Should a more permissive approach be taken to enabling telecommunication facilities to be inside rather than outside the road reserve?*

56. *Do you support the installation and operation of fewer larger telecommunication facilities to support co-location of multiple facility operators?*

57. *Are the proposed provisions in the NES-GF the best way to make it easier to build granny flats (minor residential units) in the resource management system?*

58. *Do you support the proposed permitted activity standards for minor residential units?*

59. *Do you support district plans being able to have more lenient standards for minor residential units?*

60. *Should the proposed NES-GF align, where appropriate, with the complementary building consent exemption proposal?*

61. *Do you support the proposed list of matters that local authorities may not regulate in relation to minor residential units? Should any additional matters be included?*

62. *Do you support existing district plan rules applying when one or more of the proposed permitted activity standards are not met?*

63. *Do you support the list of matters that are out of scope of the proposed NES-GF? Should any additional matters be included?*

64. *Do you support the proposal to permit papakāinga (subject to various conditions) on the types of land described above?*

*65. What additional non-residential activities to support papakāinga should be enabled through the NES-P?*

*66. What additional permitted activity standards for papakāinga should be included?*

*67. Which, if any, rules from the underlying zone should apply to papakāinga developments?*

*68. Should local authorities have restricted discretion over papakāinga on Treaty settlement land (ie, should local authorities only be able to make decisions based on the matters specified in the proposed rule)?*

*69. What alternative approaches might help ensure that rules to enable papakāinga on general land are not misused (for private/commercial use or sale)?*

*70. Should the NES-P specify that the land containing papakāinga on general land cannot be subdivided in future?*

*71. Should the proposed NPS-NH apply to the seven hazards identified and allow local authorities to manage other natural hazard risks?*

*72. Should the NPS-NH apply to all new subdivision, land use and development, and not to infrastructure and primary production?*

*73. Would the proposed NPS-NH improve natural hazard risk management in New Zealand?*

Refer to the Discussion under 2.0 Package 1: Infrastructure and development above.

*74. Do you support the proposed policy to direct minimum components that a risk assessment must consider but allow local authorities to take a more comprehensive risk assessment process if they so wish?*

Refer to the Discussion under 2.0 Package 1: Infrastructure and development above.

*75. How would the proposed provisions impact decision-making?*

Refer to the Discussion under 2.0 Package 1: Infrastructure and development above.

*76. Do you support the placement of very high, high, medium and low on the matrix?*

Refer to the Discussion under 2.0 Package 1: Infrastructure and development above.

*77. Do you support the definition of significant risk from natural hazards being defined as very high, high, medium risk, as depicted in the matrix?*

Refer to the Discussion under 2.0 Package 1: Infrastructure and development above.

*78. Should the risks of natural hazards to new subdivision, land use and development be managed proportionately to the level of natural hazard risk?*

Refer to the Discussion under 2.0 Package 1: Infrastructure and development above.

*79. How will the proposed proportionate management approach make a difference in terms of existing practice?*

Refer to the Discussion under 2.0 *Package 1: Infrastructure and development* above.

*80. Should the proposed NPS-NH direct local authorities to use the best available information in planning and resource consent decision-making?*

Refer to the Discussion under 2.0 *Package 1: Infrastructure and development* above.

*81. What challenges, if any, would this approach generate?*

Refer to the Discussion under 2.0 *Package 1: Infrastructure and development* above.

*82. What additional support or guidance is needed to implement the proposed NPS-NH?*

*83. Should the NZCPS prevail over the proposed NPS-NH?*

*84. Does 'as soon as practicable' provide enough flexibility for implementing this suite of new national policy statements and amendments?*

*85. Is providing a maximum time period for plan changes to fully implement national policy statements to be notified sufficient? a. If not, what would be better, and why? b. If yes, what time period would be reasonable (eg, five years), and why?*

*86. Is it reasonable to require all plan changes to fully implement a national policy statement before or at plan review?*

*87. Are there other statutory or non-statutory implementation provisions that should be considered?*

## 3.0 Package 2: Primary sector

### Discussion

We think it is extremely important for government to ensure public funds are spent well. This means investing in areas that provide long-term benefits for New Zealanders, protecting our natural environment resources are not depleted and creating stable and reliable markets for business.

The Ministry for Primary Industries (MPI) should continuously review their investments and report on results of these investments in a public manner. One recent example is the Aquaculture Planning Fund (APF), set up by the Government in 2025 to help the aquaculture industry achieve its goal of \$3 billion in sales by 2035.<sup>7</sup> Without seeking critical assessments and reviews of its decision making, there is a strong possibility that poor investment decisions may continue to be made. Like any commercial investment decision, it is important to do a proper assessment up front, set out the expectations from that investment before funds are distributed and then regularly review whether those investments have delivered.

Our view is that Ministers and MPI are too often sold a narrative by lobbyists that does not deliver in practice. Previous narratives include goats, salmon farming in inshore waterways (e.g. Queen Charlotte and Pelorus Sounds), and genetic modification. MPI has, in our view, shown an inability to choose winners. Instead, rather than choose winners, we suggest MPI should focus on building the right environment for innovation to prosper and build stronger relationships with business. Businesses know that they need to be AI-ready, climate-ready and sustainable, and that reputation can be damaged due to poor behaviour.

We would argue that the success of the primary sector has been despite rather than because of MPI involvement. This may seem tough, but there needs to be much more transparency over these publicly funded investments; evidence-based systems need to be in place to check whether an investment delivered value (or not) or, instead, delivered unexpected outcomes.

Many New Zealand businesses are world class; they need to be to trade internationally.

Sir Paul Callaghan's comment that New Zealand's 'brilliance has been in the "weird stuff" that the big players don't think to exploit' has always resonated.<sup>8</sup> Sir Paul has also said he was not sure whether the funding model of choosing winners works. Rather, it may be better to focus on people – supporting people to do weird stuff (and most importantly not getting in their way).

MPI should create an environment of innovation.

In our view, New Zealand needs to move away from extracting our primary resources to focus on building a technology-led, AI drone economy. Importantly this is not about picking winners but supporting a tool to deliver outcomes that could be designed to meet New Zealand's unique set of goals and challenges. This idea is explained in more detail in the Institute's *Think Piece 44: Building an AI Drone Economy and Security System*, which can be read [here](#).<sup>9</sup> Creating a strategy that invests in and delivers on developing a drone economy is a much better mechanism to deliver economic security and economic growth – while delivering so many other benefits (improving search and rescue, extinguishing wildfires, and protecting flora and fauna).

The Institute's view is that MPI is weak in terms of critical thinking and strategy, and this delivers some very odd outcomes and missed opportunities for New Zealanders. We are happy to discuss this in more detail in person.

## Responses to specific questions

This section contains responses to questions in *bold blue italics*. These questions are directly taken from MfE's *Package 2 primary sector Discussion Document*.<sup>10</sup> In the final submission, the Institute will review the answers below on aquaculture and provide more detailed responses drawing on our earlier research.

### *1. Have the key problems been identified?*

The Institute agrees it is time to improve the sustainability and efficiency of New Zealand's primary sector; however, there is not sufficient evidence that the proposals in this discussion document will help achieve the promised benefits for New Zealand. The proposals will have significant, possibly irreversible, implications for our communities, economy and natural environment (especially our oceans and the species that live within them). As such, there is a concerning lack of analysis, scientific evidence, research and examples of international best practice on how to design public policy that balances these different needs.

There are a number of significant issues connected with primary industries, which have not been identified in the proposals. These include climate change, the biodiversity crisis, environmental issues, animal welfare, and a variety of other impacts that the primary sector has on surrounding species and ecosystems. New Zealand has the highest proportion of threatened species anywhere in the world.<sup>11</sup> Once these species are lost, we cannot get them back. In the context of aquaculture specifically, it is extremely disappointing that these proposed changes do not provide any policy to protect the ocean in the long term, or any reform regarding how best to mitigate the impacts of climate change and biodiversity loss in our oceans. At this stage we do not know how vulnerable our livestock, horticulture and native species will be to the impacts of climate change (including temperature, humidity, extreme weather, etc). Regular monitoring and research will be essential going forward.

One key issue in this area is the spread of wilding pines across the country. The spread of this invasive species is a serious issue: over a quarter of New Zealand is at risk of being smothered by wilding pines.<sup>12</sup> The spread includes areas of ancient native landscapes, unique biodiversity and productive soils for high value sustainable land use. We would like to see analysis of this biodiversity issue and some work in resolving it.

Another key issue that is not identified is understanding septic tanks and the risks they could pose to public health, local communities and the environment. We refer to *Water New Zealand*, who have stated that this is a serious concern since 2020: '...effluent leakages from flooding and poorly maintained septic tanks pose a major health risk to the community.'<sup>13</sup> We recommend that as part of the resource management provides that councils should identify septic tanks, especially those prone to flood risk and to work with owners to raise their awareness to help reduce risk of environmental contamination.

In analysing the proposed changes for aquaculture, it is important to understand that there is a real lack of information on species health and ocean management in New Zealand, as well as a serious lack of information on marine science in general. Most stocks are not assessed, which means there is not enough key information to make informed decisions. This monitoring needs to be integrated into our aquaculture policy so we can ensure the fishing industry, and our ocean species, can survive for the long term. Salmon farming is one example of how the primary industry sector needs to consider the impacts of climate change in order to make resource management decisions that will benefit New Zealand in the long-term.

Another issue that has not been identified is economic. The ocean is a public resource, which private companies are using for free. We recommend that a fee is charged to use ocean space for private benefit and that this fee is used for monitoring and conservation of aquaculture sites. If aquaculture causes environmental impacts above certain limits, policy also needs to be responsive so that changes can be made quickly and local ecosystems are protected.

We would also recommend that financial analysis is undertaken regularly to ensure the aquaculture industry is delivering the economic benefits that have been promised to New Zealand. This economic

research should be publicly available and should annually analyse the economic impact on the local and national community, taking into consideration factors such as how many full-time jobs are created and whether the aquaculture companies (and their profits) are local or international.

It is important the proposals are balanced, and the proposals in the *Package 2 primary sector Discussion Document* do not include detail on how the effects on the environment will be managed. We refer to the discussion document section ‘Consistency with the purpose of the RMA’, which is concerning because it focuses on further enabling ‘use and development’ of natural resources rather than on protecting these resources for future generations:

The Minister Responsible for RMA Reform considers the proposals to be consistent with the purpose of the RMA because they:

- **further enable the use and development of natural resources for operating aquaculture activities while managing effects on the environment through clear and concise rules**
- enable people and communities to provide for their social, economic and cultural wellbeing by enabling research and trials and changes to consent conditions while minimising effects on the environment through rules. [bold added]<sup>14</sup>

The Institute acknowledges Māori have a critical role as tangata whenua in Aotearoa and that we do not purport to represent or account for those perspectives in this work. The perspectives of Māori communities must be considered in resource management, particularly regarding how to preserve traditional practices such as gathering kai moana.

We refer to the Treaty considerations in the discussion document, which provides context on the proposal’s impacts on consultation: “The proposed changes to the NES-MA streamline, and in some cases remove, consent requirements for activities of low risk to the environment. This will limit Māori input into decision-making in the resource management system.”<sup>15</sup>

The discussion document does include proposals that will reduce transparency and remove public consultation in resource management, which limits the ability for the public, including Māori, to have a say in how New Zealand’s resources are managed.

## ***2. Do the proposed provisions adequately address the three issues identified?***

We note that the proposals will enable priority projects in the coastal marine area. Specifically, this means the ‘the language in the NZCPS be amended to be more directive and better enable the use and development of the coastal environment for “priority activities” being aquaculture, resource extraction, specified infrastructure, electricity transmission and renewable electricity generation’.<sup>16</sup>

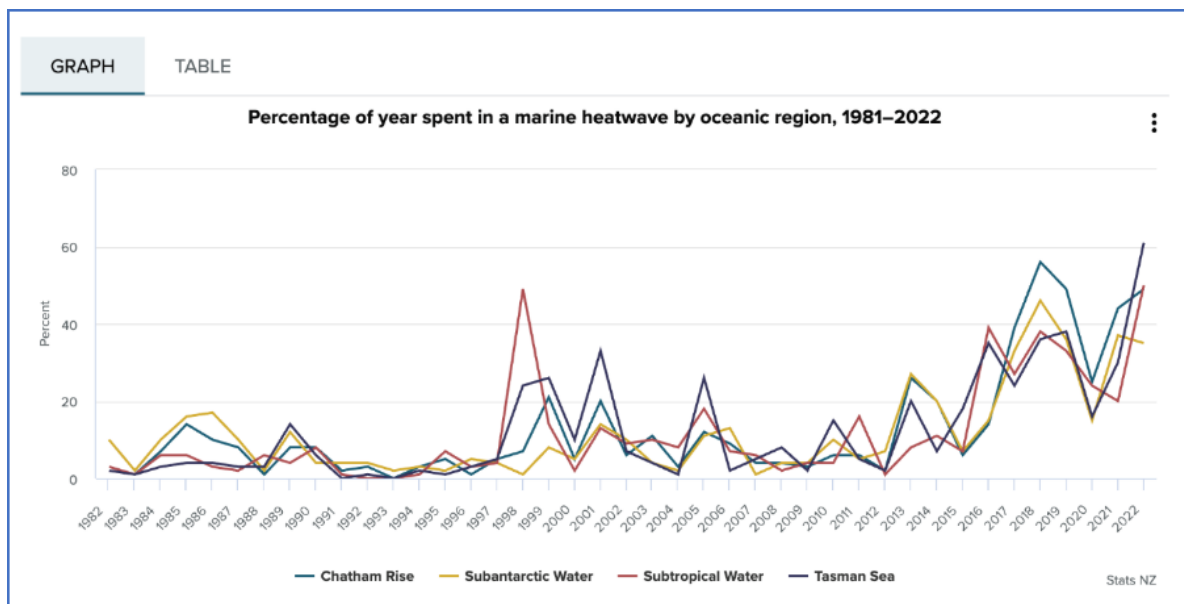
A number of other factors are having serious impacts on the ocean and the ecosystems that exist within it. New Zealand’s policy response should reflect these and should be forward-looking so that it protects New Zealand for the future. The proposals in this discussion document should take into consideration the wider context of what is happening in New Zealand’s ocean management:

- Our Exclusive Economic Zone (EEZ) is the area of sea and seabed that extends from 12 to 200 nautical miles offshore. New Zealand has the fifth-largest EEZ in the world (approximately 430 million hectares), about 15 times the size of our land mass.<sup>17</sup> This is likely to mean New Zealanders have the largest marine area per capita of any developed country on the planet.<sup>18</sup>
- Less than 1% of New Zealand’s ocean territory is in Marine Protected Areas, despite the Government committing to meet the global target of protecting 30% of the ocean by 2030.<sup>19</sup>
- According to Statistics New Zealand, many marine birds and identified taonga species are threatened with extinction or at risk of becoming threatened, including approximately:
  - 90% of indigenous seabirds
  - 80% of shorebirds, and

- over 22% of indigenous marine mammals.<sup>20</sup>
- Oceanic sea-surface temperatures are increasing. Between 1982 and 2023, each coastal region had its warmest years for sea-surface temperature recorded in either 2022 or 2023.<sup>21</sup>
- Marine heatwaves are on the increase (see Figure 1 below). In 2022:
  - the Tasman Sea spent 61.1% of the year in marine heatwaves, the longest duration out of the four oceanic regions
  - the Western North Island spent 88.5% of the year in marine heatwaves, the longest duration out of the nine coastal regions.<sup>22</sup>

**Figure 6: Percentage of year spent in a marine heatwave by oceanic region, 1981–2022**

Source: StatsNZ (2024).<sup>23</sup>



Another example is the impact of the warming ocean on salmon mortality at New Zealand King Salmon’s (NZKS’s) farms in the Marlborough Sounds.<sup>24</sup> If climate change is impacting salmon farming so significantly, it will equally be impacting ocean fisheries. Colloquially, NZKS is the canary in the mine in terms of the feasibility of aquaculture in a changing climate.

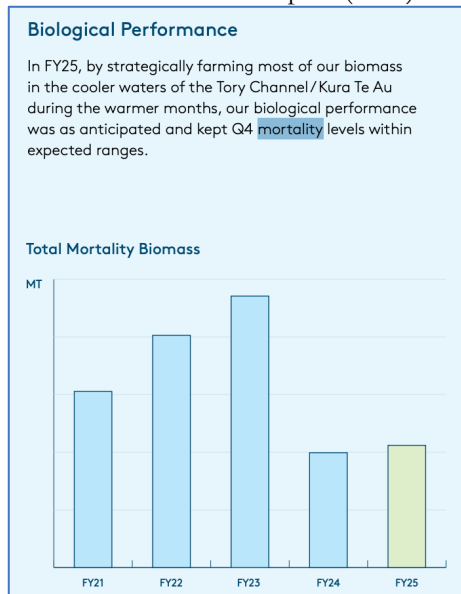
NZKS’s annual report states that fish mortality is a ‘material risk’:

Fish mortality has a significant impact on the profitability and financial stability of NZKS as only the fish that survive to the point of harvest are able to be sold. Every year, a number of fish will die prior to harvest due to a range of factors.

**The cause of fish mortality is multi-factorial with the dominant correlation currently being with prolonged elevated water temperature which increases stress and reduces the salmon’s resistance to bacterial and other pathogens.** Other factors include opportunistic microorganism/ diseases, feed-related issues, failed smoltification, predators, and other stressors, individually or in combination. Whilst the interconnectivity of these factors is difficult to predict with any certainty, rising water temperatures are increasingly becoming a major concern given the impact of climate change. [bold added]<sup>25</sup>

### Figure 7: NZKS fish mortality rates

Source: NZKS annual report (2025).<sup>26</sup>



Such significant mortality rates have also caused concerns on the issue of animal welfare in salmon farms. This issue has recently been raised by SAFE, which has asked MPI to inquire into the high level of mortality.<sup>27</sup>

Our marine species are highly interconnected and cannot be dealt with in isolation. As well as seabirds dying of starvation, reports in February 2024 showed nearly 1000 fur seals died along the Kaikōura coastline, with scientists pointing to warmer sea temperatures and depleted fish stocks as the cause.<sup>28</sup> These seals are near the top of the food chain and have a varied diet, so it is of significant concern if they cannot sustain themselves from fish in our oceans. Department of Conservation marine science adviser Dr Jody Weir agreed, stating that a ‘recent report showed that New Zealand fur seals eat 46 species of fish, 18 cephalopod species and so the fact they are still starving, that they couldn't find enough food with that very diverse diet, is very troublesome’.<sup>29</sup>

In this wider context of ecosystem collapse and climate change, it is clear our ocean management needs to be reassessed. However, we have serious concerns that these proposals go against long-term sustainability. The proposals for primary resource management do not consider the long-term health of the ocean and the species living within it, or the impacts of climate change.

It is inadequate that this discussion document does not include any proposals to improve transparency and monitoring of aquaculture (and the fisheries industry at large), which would help maintain its social licence and reputation. Instead, some proposals, such as allowing different kinds of aquaculture trials, or allowing for increased finfish without requiring consents, go backwards. The proposals have the potential to undermine public trust in the industry and allow for further environmental degradation. The ocean is a public resource and as such, the companies who privately profit from it owe a duty of care to the community.

It would be beneficial to include a climate change requirement in resource management, especially in terms of aquaculture and other industries that are likely to suffer the consequences of a changing climate. For instance, a climate change requirement was included in NZKS's open ocean salmon farm 'Blue Endeavour' resource consent (see Decision No. [2023] NZEnvC 203). This requirement will enable the Council to review the consent for climate change considerations.

Please see the actual consent document [here](#):

To address any effects of the salmon farms that are different or more significant due to the effects of climate change, including due to a change in the importance of the location for indigenous biodiversity. During the years of the 10th anniversary of the granting of this consent and every 5th year thereafter.<sup>30</sup>

We recommend all resource consents for industries relying on the environment (especially aquaculture) should include such a requirement to address the effects of the changing climate.

### ***3. What are the benefits, costs or risks of the proposed changes?***

We consider more work needs to be undertaken before responding to this question.

We note that p. 13 of the *Package 2 primary sector Discussion Document* states there are three types of changes to consent conditions being proposed:

Amend the NES-MA to set out a more lenient activity status for certain changes to consent conditions. This amendment proposes to streamline specific applications to change consent conditions by making them controlled activities. Applications for controlled activities must be granted by consent authorities, although conditions relating to matters of control can be applied.

**The following three types of changes to consent conditions are proposed to be controlled activities:**

- 1. applications to change consent conditions relating to consented species, including:**
  - adding spat catching to an existing farm consented for that species
  - adding indigenous bivalve species and Pacific oysters to a farm already consented for bivalves
  - adding indigenous seaweed species and *Undaria pinnatifida* to an existing marine farm
  - adding finfish to an existing finfish farm
2. applications to change consent conditions relating to structures, including: – converting longlines to floating shellfish cages or baskets – converting stick and rail to floating longlines or fixed lines – replacing existing mooring systems within the same footprint (eg, concrete block to screw)
3. applications to change consent conditions relating to monitoring.

**By streamlining specific changes to consent conditions, these amendments would make it easier for marine farmers to update conditions and innovate. This amendment to the NES-MA is dependent on changes being made to section 127 and section 43A of the RMA through the Resource Management (Consenting and Other System Changes) Amendment Bill. These proposals should not be used if the change in consent conditions would result in additional adverse effects or would fundamentally change the activity.** [bold added]<sup>31</sup>

If we get this policy wrong, there are a number of risks and potential costs, many of which are irreversible. These risks are especially heightened in research and trials that take place in open ocean, as issues such as disease may occur and have a negative impact on New Zealand's seafood industry (and likely other industries too). However, if managed well, the policy represents potential opportunities and benefits for New Zealand. We have the opportunity to develop and maintain a strong reputation as a leader in environmental stewardship and protection, whilst ensuring the country is a safe place for people, flora and fauna to thrive.

### ***4. Do you support the proposed amendments to streamline specific applications to change consent conditions by making them controlled activities?***

Public engagement is an important aspect of democracy and a critical part of the fishing industry's licence to operate in the public space. Some of the amendments remove the opportunity for public involvement with activities that would impact the public significantly (especially the last option to add more fish to already crowded fish farms), such as the following (p.13 of the discussion document):

The following three types of changes to consent conditions are proposed to be controlled activities: applications to change consent conditions relating to consented species, including:

- adding spat catching to an existing farm consented for that species
- adding indigenous bivalve species and Pacific oysters to a farm already consented for bivalves
- adding indigenous seaweed species and *Undaria pinnatifida* to an existing marine farm
- adding finfish to an existing finfish farm<sup>32</sup>

Public consultation is relevant for every industry; however, it is particularly heightened in the fishing industry due to the interconnected nature of the ocean’s ecosystems, meaning impacts cannot be controlled or contained within a certain area. It is time for a precautionary approach as the climate is significantly impacting species health. New Zealand’s unique marine ecosystems are suffering from rising temperatures and ocean acidification, as well as changes to species migration patterns.

Public engagement is an important aspect of democracy and a critical part of the fishing industry’s licence to operate in the public space.

Having regular, ideally annual, assessments of consented activities (to monitor whether they are operating within consented limits) will allow the industry to respond to changes quickly and efficiently. This need for real-time stock measurement and for fast adaptive management is heightened in the current circumstances of a changing climate and ecosystem collapse.

Regular monitoring is essential to ensure those in the aquaculture industry are operating within their consented environmental limits. Failing to regularly reassess these limits means we may miss critical changes to stock levels, and only find out stocks are depleted beyond repair when it is too late. Even without allowing for the exacerbating impacts of climate change, this seems inappropriate, but when you consider climate change, such an approach goes against best practice and New Zealand’s international commitments.

***5. Should there be any further changes to the matters of control specified in attachments 2.1 and 2.1.1?***

We will come back to you on this point.

***6. Should any other types of changes to consent conditions be included?***

There are already very significant types of changes to consent conditions proposed. It is important that transparency and accountability are maintained so our fishing industry can keep its social licence, and so the New Zealand industry can sell products with a reputation for quality and sustainability.

We recommend increasing monitoring of aquaculture sites to review species and ecosystem health. We note that p.13 of the *Package 2 primary sector Discussion Document* allows for a number of changes to consent conditions:

Amend the NES-MA to enable new regulatory pathways for research and trial activities on existing farms and in new spaces, including making some activities permitted activities. This proposal better enables research and trials by permitting or specifying a more lenient activity status for a variety of activities. Making the resource management system more enabling for aquaculture research will encourage innovation and boost New Zealand’s attractiveness and viability for aquaculture research and trials. This proposal creates regulatory pathways for:

- some limited permitted activities
- consents for research and trials in space already consented for aquaculture
- consents for research and trials in space not consented for aquaculture. More detail on this proposal including entry requirements for permitted activities, how groups are notified and matters of control and discretion can be found in attachment 2.1 and attachment 2.1.1.<sup>33</sup>

***7. Do you support the proposed changes to better enable research and trial activities on existing farms and in new spaces, including making some activities permitted?***

No, the Institute does not support these changes as there is not enough detail to make a decision, and consents should therefore be made on a case-by-case basis. The precautionary approach is recommended for trials taking place in a natural environment, as it reflects the seriousness and risks of potential consequences when experimenting with new kinds of technology in New Zealand's unique environment.

It does not make sense to shift to a more permissive approach in 2025, at a time when all kinds of emerging technologies are developing at an increasing pace.<sup>34</sup> Any changes to the RMA system in New Zealand need to be developed with consideration for how AI technology will be managed as it integrates with other emerging technologies. The precautionary principle makes sense when it comes to regulating such a new and unknown area.

As well as the risks occurring with developing technology, New Zealand's geography also means it makes sense to follow a precautionary approach. As an island nation, New Zealand has a protected ecosystem and is in a unique position of maintaining natural and high quality food production, without the high risk of cross-contamination that occurs elsewhere. This not only protects the environment, but benefits New Zealand financially, allowing our exports to be sold at a premium internationally.

In a world with a changing climate, political uncertainty and global trade wars, the proposals in this discussion document bring into question whether the government is adequately considering future challenges by allowing for changes to make aquaculture consenting less restrictive in New Zealand oceans. The issues faced by our marine environment are complex and interconnected, and decisions must often be made with a lack of information. We need to improve our environmental monitoring and reporting in the marine space so that we can make better decisions.

***8. Are there benefits in making small-scale structures permitted activities, instead of controlled activities?***

We will come back to you on this point.

***9. Should there be any changes to the entry requirements, matters of control and matters of discretion specified in attachment 2.1.1?***

***10. Does the proposed amendment to 6(1)(a) enable management of significant risks in your region?***

***11. Does the proposal provide clarity and certainty for local authorities and forestry planning?***

***12. How would the removal of 6(4A) impact you, your local authority or business?***

***13. Do you support amendments to regulations 69(5-7) to improve their workability?***

***14. Do you support a site-specific risk-based assessment approach or a standard that sets size and/or volume dimensions for slash removal?***

***15. Is the draft slash mobilisation risk assessment template (provided in attachment 2.2.1 to this document) suitable for identifying and managing risks on a site-specific basis?***

***16. Should a slash mobilisation risk assessment be required for green-zoned and yellow-zoned land? If so, please explain the risks you see of slash mobilisation from the forest cutover that need to be managed in those zones?***

*17. If a risk-based approach is adopted which of the two proposed options for managing high-risk sites, do you prefer (ie, requiring resource consent or allowing the removal of slash to a certain size threshold as a condition of a permitted activity)?*

*18. For the alternative option of setting prescriptive regulations for slash management, is the suggested size and/or volume threshold appropriate?*

*19. Do you support the proposed definition of cutover to read “cutover means the area of land that has been harvested”?*

*20. Do you support the proposed removal of the requirement to prepare afforestation and replanting plans?*

*21. Do you support the proposed minor text amendments?*

*22. Would the proposed changes achieve the objective of enabling more priority activities and be simple enough to implement before wider resource management reform takes place?*

No.

*23. Would the proposed changes ensure that wider coastal and marine values and uses are still appropriately considered in decision-making?*

No. The Institute is concerned there will be a focus on economic development at the expense of less quantifiable community and natural values, which may lead to erosion in important values over time. For example, the Marlborough Sounds are an important breeding ground for native flora and fauna and are vulnerable to the biodiversity crisis and changing climate.

*24. Are there any further changes to the proposed provisions that should be considered?*

As mentioned above, further assessment and research is required before making the proposed changes. As well as this, a number of other values should be considered in changing the NZCPS, including the wider context of New Zealand’s ocean management. The ocean is a public resource, used by New Zealanders for recreation, and it should be preserved for future generations. It should be freely accessed by the public rather than used for private profits. Furthermore, a number of New Zealand’s marine species are threatened (or near extinction), and allowing more commercial and aquaculture activities will have negative impacts on these fragile ocean ecosystems. As well as this, the changing climate and warming oceans mean that aquaculture and other activities are far less likely to be commercially viable in the future, which is already happening with salmon farming in the Marlborough Sounds. These issues are further discussed in the response to *Package 2, Question 2* above.

The Institute points to the EDS submission on this point, which notes that:

4.41 The NZCPS states “objectives and policies in order to achieve the purpose of” the RMA. As explained by the Supreme Court in *King Salmon*, it is Part 2 of the RMA for the purposes of the coastal environment. A detailed assessment of whether the changes to the NZCPS set out in the Discussion Document will achieve sustainable management, and recognise and provide for the matters of national importance, must be undertaken before any changes are adopted.

**4.42 EDS opposes the changes to the NZCPS set out in the Discussion Document because:**

- a. No assessment has been undertaken as to how they will comply with the statutory obligation to achieve the purpose of the RMA, including, for example:
  - i. Changes to Policy 6 cannot be assessed against the sustainable management purpose of the RMA because they include the undefined and wide-ranging terms of “specified infrastructure” and

- “resource extraction activities”. The activities these terms capture have potentially significant adverse environmental effects.
- ii. Proposed changes to Policy 6 to widen the ‘gateway’ for activities occurring in the coastal marine area (“CMA”) to include those with an operational need, will make it easier for activities and their ancillary activities to locate in the CMA. No assessment has been undertaken as to whether these possible activities would meet the purpose of the RMA.
  - iii. Proposed changes to Policy 8 to provide for aquaculture activities within aquaculture settlement areas may result in new areas of the CMA being opened up to activities without a proper effects assessment or assessment against the sustainable management purpose of the RMA. The extent to which this may occur has not been assessed for compliance with Part 2 of the RMA.[bold added]<sup>35</sup>

*25. Should LUC 3 land be exempt from NPS-HPL restrictions on urban development (leaving LUC 3 land still protected from rural lifestyle development) or, should the restrictions be removed for both urban development and rural lifestyle development?*

*26. If the proposal was to exempt LUC 3 land from NPS-HPL restrictions for urban development only, would it be better for this to be for local authority led urban rezoning only, or should restrictions also be removed for private plan changes to rezone LUC 3 land for urban development?*

*27. If LUC 3 land were to be removed from the criteria for mapping HPL, what, other consequential amendments will be needed? For example, would it be necessary to: a. amend ‘large and geographically cohesive’ in clause 3.4(5)(b) b. amend whether small and discrete areas of LUC 3 land should be included in HPL mapping clauses 3.4(5)(c) and (d) c. amend requirements for mapping scale and use of site-specific assessments in clause 3.4(5)(a), and amend definition of LUC 1, 2 or 3 land d. remove discretion for councils to map additional land under clause 3.4(3). e. use more detailed information about LUC data to better define HPL through more detailed mapping, including farm scale and/or more detailed analysis of LUC units and sub-classes.*

*28. Given some areas important for foods and fibre production such as Pukekohe and Horowhenua may be compromised by the removal of LUC land, should additional criteria for mapping HPL be considered as part of these amendments?*

*29. If so, what additional criteria could be used to ensure areas important for food and fibre production are still protected by NPS-HPL?*

*30. What is the appropriate process for identifying special agricultural areas? Should this process be led by local government or central government?*

*31. What are the key considerations for the interaction of special agriculture areas with other national direction – for example, national direction for freshwater?*

*32. Should timeframes for local authorities to map highly productive land in regional policy statements be extended based on revised criteria? Alternatively, should the mapping of HPL under the RMA be suspended to provide time for a longer-term solution to managing highly productive land to be developed in the replacement resource management system?*

***33. Do you support the proposed amendments to align the terminology and improve the consistency of the consent pathways for quarrying and mining activities affecting protected natural environments in the NPS-FM, NES-F, NPSIB and NPS-HPL?***

The Institute is concerned that the proposals in this discussion document allow for easier, and more, mineral and aggregate extraction, which is likely to have negative impacts on indigenous biodiversity and climate change.

We note and support the EDS submission:

4.63 Proposed changes in the Discussion Document widen the ‘gateway tests’ for mineral and aggregate extraction in significant ways:

a. Deleting the requirement that the benefit provided by these activities be a ‘public’ benefit. The ‘public benefit’ component is essential for ensuring that New Zealand’s most significant indigenous biodiversity, which has social and cultural values and provides important ecosystem-services, is not sacrificed for individual or commercial gain. That outcome would not be consistent with Part 2 of the RMA. Further, the Environment Court has recently confirmed that ‘public benefits’ can be diverse. They can range from employment opportunities to the extent of supply, to infrastructure demands (e.g. road wear and tear). The concept of ‘public benefit’ offers sufficient flexibility to provide a pathway for those wanting to undertake mineral and aggregate activities in SNAs. It should be retained in Clause 3.11 of the NPS-IB.

b. The introduction of a ‘regionally significant benefit’ threshold to mineral extraction. The protection of SNAs is a ‘matter of national importance’. The public benefit to be gained from enabling harm to SNAs must be of equal magnitude. Introducing a regionally significant benefit pathway in that context elevates mineral extraction above s 6(c) which the RMA does not provide for.<sup>36</sup>

***34. Are any other changes needed to align the approach for quarrying and mining across national direction and with the consent pathways provided for other activities?***

***35. Should “operational need” be added as a gateway test for other activities controlled by the NPS-FM and NES-F?***

The Institute is concerned this change will allow for easier consent for mining and quarrying activities without consideration of the impacts these activities may have.

The Institute refers to the EDS submission on this point:

4.64 The Discussion Document proposes to expand the ‘gateway test’ for mining and quarrying activities in natural inland wetlands by providing for these activities when there is an “operational need” (as opposed to just when there is a ‘functional’ need).

4.65 This will enable more mining and quarrying activities to bypass the NPS-FM Clause 3.22 requirement to avoid the loss of extent of natural inland wetlands and access a consenting pathway to locate there. There has been no assessment of the potential environmental effects of this proposal (e.g. attempting to understand the increased loss of extent and values), nor its consistency with the RMA.<sup>37</sup>

***36. Do you agree that the cost of excluding stock from all natural wetlands in extensive farming systems can be disproportionate to environmental benefits?***

The Institute would like to see detailed analysis in order to understand the environmental benefits and the impacts on farming systems this policy has. We note that wetlands are rare and at-risk ecosystems which have significant environmental and climate benefits for the country (and the world).

Wetlands are especially beneficial as they absorb significant amounts of carbon; however, only a very small proportion of New Zealand’s remain. Once covering large areas of Aotearoa, over 90% of our

wetlands have been destroyed in the last 150 years (primarily replaced by grasslands to allow for dairy farming).<sup>38</sup> Wetlands are delicate ecosystems that are home to native flora and fauna.

The Ministry for the Environment's 2025 report summarises the significance of wetlands well:

New Zealand has lost an estimated 90 percent of historical wetland (repo) area, but the small fraction that remains is vital for the survival of many threatened plant and animal species, including several treasured (taonga) bird species.<sup>39</sup>

It is critical we protect the few remaining carbon sinks left, and for this reason we suggest a precautionary principle is used here. Healthy wetlands are essential in New Zealand's work against climate change, with healthy wetlands locking up to 5 tonnes of carbon per hectare.<sup>40</sup>

*37. Does "as soon as practicable" provide enough flexibility for implementing this suite of new national policy statements and amendments?*

*38. Is providing a maximum time period for plan changes to fully implement national policy statements to be notified sufficient? a. If not, what would be better, and why? b. If yes, what time period would be reasonable (eg, five years), and why?*

*39. Is it reasonable to require all plan changes to fully implement a national policy statement before or at plan review?*

*40. Are there other statutory or non-statutory implementation provisions that should be considered?*

## 4.0 Package 3: Freshwater

### Discussion

The following outlines our views on freshwater. Water is going to be critically important given the impacts of climate change on the quality and quantity of freshwater. For this reason, water must be protected and remain part of the public estate.

### Responses to specific questions

This section contains responses to questions in *bold blue italics*. These questions are directly taken from MfE's *Package 3 Freshwater Discussion Document*.<sup>41</sup>

***1. What resource management changes should be made in the current system under the RMA (to have immediate impact now) or in the future system (to have impact longer term)? From the topics in this discussion document, which elements should lead to changes in the current system or the future system, and why?***

The Institute has a research project called *WaterFuturesNZ*, which aims to contribute to the wider discussion on how we might design safe, accessible and reliable water services for Aotearoa New Zealand. The Institute recognises that water is a significant public asset and it should be safe and free for all. We recognise the Office of the Auditor General's work in this area contains the wider context on why protecting our water systems is critical for New Zealanders:

To manage water resources, public organisations in central and local government need to work in the short and long term with competing interests, often with limited information and resourcing. These challenges will become only more difficult as climate change and other pressures on our water resources become more significant.

The management of the country's water resources is of deep significance and concern to New Zealanders. People expect the water from their taps to be clean and safe, wastewater and stormwater to not pollute the environment, and our rivers, lakes, and oceans to be healthy ecosystems that are safe to swim in and to gather kai moana from. Failure to meet these expectations can cause lasting damage to the public's trust and confidence in public organisations.<sup>42</sup>

Freshwater reform is an area of critical importance to the future of our health and economy, hence the Institute has made the decision to engage heavily in this area. It is important that policy is carefully designed so we have an integrated, forward-looking water protection system. It is critical to note that water will become increasingly in demand as the world becomes more populated and challenged by climate change. As well as this, our freshwater systems are home to a number of endangered flora and fauna.

The Ministry for the Environment's 2025 report *New Zealand's Environmental Reporting Series: Our environment 2025 | Tō tātou taiao* summarises the impact of human behaviour on our freshwater quality well:

Contaminants from human activities on land can affect freshwater habitats and species.

- Poor water quality, low oxygen levels and warm temperatures can allow toxic concentrations of *Clostridium botulinum* bacteria to build up in freshwater bodies. This has led to botulism outbreaks that have killed hundreds of freshwater fish and birds, including native and threatened species (BirdCare Aotearoa, 2022; Kāpiti Coast District Council, 2024; MPI, 2023e; Waikato Regional Council, 2023).
- Heavy metals in high concentrations can be toxic to aquatic life. They can accumulate in sediments and living organisms (Boehler et al, 2017).
- Kākahiki habitat decline has been attributed to river regulation, nutrient enrichment and other types of pollution (Phillips, 2007).
- Microplastics have been found to accumulate in freshwater organisms. These can cause impacts depending on their physical shape and size, age, density and chemical make-up (Ockenden et al, 2021, 2022; Zimmermann et al, 2020).<sup>43</sup>

Looking at the wider context, understanding how critical our freshwater systems are and how much pressure they are under, it is disappointing the proposals do not include a more strategic and integrated approach to water management in New Zealand. We need a coordinated approach that looks at how we can protect water quality for the long term.

***2. Would a rebalanced objective on freshwater management give councils more flexibility to provide for various outcomes that are important to the community? How can the NPS-FM ensure freshwater management objectives match community aspirations?***

The Institute is concerned that changing the objective removes clarity and will remove consideration of environmental and other impacts. Greater flexibility is likely to result in lower environmental standards, due in part to shifting baselines over time meaning lower environmental standards go unnoticed. Shifting baseline syndrome refers to the lowering in expectations of environmental standards over time, which occurs over generations.

Each generation believes what they grew up with is the ‘standard baseline’ for environmental limits; however, these baselines are in fact declining significantly over time.<sup>44</sup> One common example of this is the changes in fishing and kai moana gathering across generations: what our grandparents could catch was far more than we can, and our children will have even less. An unfortunate fact is also that once limits are exceeded, or species are extinct, these changes are often irreversible.

One way to prevent this gradual ecosystem decline is by implementing scientific standards and monitoring them over time, making changes to ensure they cannot decline. In this context the community will be able to protect the environment for future generations. We therefore recommend implementing scientific limits and monitoring these regularly, adapting to any changes. This approach, rather than adding ‘flexibility’, will have much greater benefits for freshwater management now and into the future.

The Institute also questions what the change intends to achieve and whether it reflects the values of New Zealanders, who place a significant cultural, economic and environmental value on having free access to clean, pristine freshwater. Note that page 12 of the *Freshwater Discussion Document* states that:

Currently, the NPS-FM’s sole objective sets out a hierarchy of obligations to ensure that natural and physical resources are managed in a way that prioritises:

- first, the health and well-being of water bodies and freshwater ecosystems
- second, the health needs of people (such as drinking water)
- third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

**The Government is concerned this hierarchy is currently being interpreted as requiring pristine water quality to be achieved, before allowing any other uses of freshwater. This is not consistent with the Government’s intention for how the NPS-FM should be applied.** [bold added]<sup>45</sup>

We are concerned that replacing a single objective with multiple objectives will result in shifting environmental baselines and will not protect the environment over the long term. It is very difficult to balance the two objectives because the economic objective is measurable and the life-supporting capacity of water is not. In these situations, the measurable, short-term objectives tend to outweigh the long-term, intangible ones. It is also important context to consider that our environment is under pressure from climate change, the biodiversity crisis and human activity.

The wider context of our freshwater systems should be considered. The Ministry for the Environment’s 2023 freshwater report paints a picture of a country with extremely stressed systems that need policy protection:

While some of our freshwater bodies are in a reasonably healthy state, many have been degraded by the effects of excess nutrients, pathogens, and other contaminants from land.

Most of our indigenous freshwater fish and freshwater bird species, including some taonga (treasured) species, are either threatened with extinction or at risk of becoming threatened. The effects of our historic and contemporary activities on our freshwater environment have impacts on many of the things we value as individuals, communities, and as a nation, such as our iconic and taonga species and being able to swim and practice mahinga kai without risk of illness.<sup>46</sup>

There is an opportunity here to improve New Zealand's RMA system to reflect the value New Zealanders place on freshwater. We recommend the proposals are updated to protect freshwater for future generations by implementing clear and consistent standards and monitoring systems.

***3. What do you think would be useful in clarifying the timeframes for achieving freshwater outcomes?***

***4. Should there be more emphasis on considering the costs involved, when determining what freshwater outcomes councils and communities want to set? Do you have any examples of costs associated with achieving community aspirations for freshwater?***

It is important to consider all costs involved when deciding on resource management (including community and cultural costs, environmental and climate costs and economic ones). Some costs, for instance losing access to clean and safe drinking water, are more important than others, even if they are less tangible. Some costs may be suffered in the long term (e.g. loss of freshwater habitats means the loss of lakes and rivers where previous generations swam and fished), and that will make it difficult to balance them against short-term costs experienced at present.

It would be useful to see some analysis of different costs and how they are balanced to understand this question better.

***5. What will a change in NPS-FM objectives mean for your region and regional plan process?***

This proposal is of high concern, as there is a risk that economic factors will outweigh other considerations (including scientific and environmental ones). This is especially likely as short-term economic factors can easily be quantified, and long-term factors are difficult to quantify and thus very hard to compare.

This change in objectives also gives councils a high level of discretion to focus on short-term economic growth at the expense of long-term freshwater protection. This level of discretion comes without independent checks and balances. We note that page 12 of the *Freshwater Discussion Document* states that:

The Government is consulting on whether to replace the NPS-FM's single objective (clause 2.1 of the NPS-FM) with multiple new objectives. The potential new objectives are summarised below. We are consulting on introducing a new objective that will direct councils to:

- **safeguard the life-supporting capacity of freshwater and the health of people and communities**
- **while enabling communities to provide for their social, cultural and economic well-being, including productive economic opportunities.**

This objective would not operate as a hierarchy but would require councils to provide for these matters equally within their planning documents.<sup>47</sup>

The Institute is concerned that a change in objectives will result in a lower level of environmental protection for freshwater, as it will allow economic growth to potentially outweigh the health of our waterways. This is a short-term focus, as over the long term, having healthy waterways will result in a much better quality of life for New Zealanders.

*6. Do you think that Te Mana o te Wai should sit within the NPS-FM's objectives, separate from the NPSFM's objectives, or outside the NPS-FM altogether – and why?*

*7. How will the proposed rebalancing of Te Mana o te Wai affect the variability with which it has been interpreted to date? Will it ensure consistent implementation?*

*8. Which values, if any, should be compulsory? Why?*

As well as the current compulsory values, which should all remain, the Institute recommends the below are also amended or added to the compulsory values list:

**1. 'Ecosystem health' should become 'ecosystem health including all land and the territorial sea'**

This is what is no doubt intended, but it should be clarified. Ecosystem health should clearly include ocean stewardship, so 'ecosystem health' could be expanded to 'ecosystem health including all land and the territorial sea' (or similar).

**2. Drinking water (human and animal) should be a compulsory value**

We believe that (drinking) water supply is critical for human health and should be a compulsory value under the proposals. Clean, safe drinking water is a human need and recent statistics are very concerning. Once waterways are contaminated, it is very difficult, sometimes impossible, to return them to safe levels.

Three reports published by water service regulator Taumata Arowai in 2025 indicate that nearly half a million New Zealanders do not have access to safe drinking water.<sup>48</sup> Refer to the two recent case studies below to understand the importance of the issue.

**Case Study One (July 2025): Gore residents not able to drink water due to nitrate contamination from the local dairy industry**

On 18 July 2025, residents in the Southland district of Gore were warned not drink tap water, after high levels of nitrate were found in the water supply. Gore District Council said testing at Cooper's Well had revealed elevated levels of nitrate. Elevated nitrate levels pose a particular risk to pregnant women and formula-fed babies, but even relatively low levels have been linked to bowel cancer in some international research.<sup>49</sup> Nitrates in water cannot be removed by boiling; instead water tankers need to be provided.<sup>50</sup> Greenpeace Aotearoa executive director Dr Russel Norman has pointed to the local dairy industry causing this spike, looking at a mass of scientific evidence showing intensive dairy results in nitrate leaching into groundwater. 'In Gore, of course, one of the water sources for the town is located on a dairy farm so the connection between dairy intensification and contamination of water sources is extremely well established,' Norman said.<sup>51</sup>

**Case Study Two (June 2025): Water Services Authority says the risk of contamination in many school water supplies is extremely high**

In June 2025 the Water Services Authority released the 2024 *Drinking Water Regulation Report*, which stated that the risk of contamination in many school water supplies is 'extremely high'. The report also noted it was particularly worried about the presence of *E. coli* in some schools' drinking water and that 71 schools reported at least one instance of faecal contamination of their drinking water over the last year. The report said this put children at increased risk. 'The Authority has made our expectations clear to the Ministry of Education (MOE) to take action to address underlying causes and ensure safer drinking water is provided to children at these schools. We have seen some improvements, but this is a continuing priority area for the Authority.'<sup>52</sup>

**3. Natural form and character should be a compulsory value**

We believe that natural form and character should be a compulsory value under the proposals. Once the natural character of the environment is lost, it is very difficult to get it back. Natural form and character also have an economic value for New Zealand, especially for the tourism industry.

#### 4. Fishing should be a compulsory value

We consider that the impacts on fishing should be a compulsory value under the proposals, as fish are often the ‘canary in the coalmine’ when it comes to ecosystem health. Fish also form part of the wider freshwater ecosystems, and a change in their health and habitat will have further implications for the surrounding environment.

#### 5. Climate change preparation should be a compulsory value

Not to prepare for climate change would be irresponsible to current and future generations. All but one political party in the House considers a climate emergency exists. For durable public policy, we recommend preparing for climate change should be considered when making policy decisions as part of a national objectives framework.

**Figure 12: Excerpt from the discussion document**

Source: *Package 3 Freshwater Discussion Document* (p.18)

Compulsory values	Optional values
<ul style="list-style-type: none"> <li>• Ecosystem health</li> <li>• Human contact</li> <li>• Mahinga kai</li> <li>• Threatened species</li> </ul> <p>Councils must provide for these values.</p>	<ul style="list-style-type: none"> <li>• Natural form and character</li> <li>• Fishing</li> <li>• Irrigation, cultivation and food (and beverage) production</li> <li>• Animal drinking water</li> <li>• Wai tapu</li> <li>• (Drinking) water supply</li> <li>• Commercial and industrial use</li> <li>• Hydro-electric power generation</li> <li>• Transport and Tauranga waka</li> </ul> <p>Councils may consider these values, having regard to their local and regional circumstances.</p>

#### *9. What would be the practical effect of removing compulsory national values? Do you think this will make regional processes easier or harder?*

It is important to keep compulsory values to protect them, as optional values hold less importance and thus are likely to be lost. Without compulsory values protected through policy, they are likely to be overpowered by short-term goals (especially those which are more tangible, like economic values). This will mean the values are likely to be eroded over time, which will have negative impacts on water security for future generations.

#### *10. Which attributes, if any, should be compulsory to manage? Which should be optional to manage?*

The attributes required by compulsory values should be retained as compulsory to manage.

#### *11. Which attributes, if any, should have national bottom lines? Why?*

All attributes for compulsory values should have bottom lines, especially those for safe drinking water and human contact.

#### *12. To what extent should action plans be relied upon, including to achieve targets for attributes?*

Action plans are useful, provided they are an output of a strategy and that the plans are regularly reviewed. They are a mechanism for achieving a strategy at a particular point in time. If the environment changes, progress is made or obstacles are apparent, the plan should be changed.

***13. Should councils have flexibility to deviate from the default national thresholds (including bottom lines) and methods? Are there any other purposes which should be included?***

Councils should not have flexibility to deviate from the default national thresholds, including bottom lines. Our waterways and environment are interconnected, so if some regions change their baselines, this will have negative impacts on other areas. Furthermore, New Zealanders will benefit if we all maintain a clean, safe environment across the country.

***14. What are the pros and cons of making commercial vegetable production a permitted activity?***

***15. How do you think policies and/or rules should be designed to provide for crop rotation? Do you think these should be considered within sub-catchments only?***

***16. For the proposal to develop nationally set standards, what conditions should be included?***

***17. Should rules for water security and water storage be set nationally or regionally?***

Each local ecosystem is different; however, we recommend that national standards (e.g. for healthy ecosystems and safe drinking water) should be set and monitored, and breaches be controlled.

Safe water quality attributes (such as levels of *E. coli*, nitrogen, sediment, etc.) should have limits which should be monitored and managed by each local council.

***18. Are there any other options we should consider? What are they, and why should we consider them?***

We support EDS's submissions, which cover the following questions in significant detail.

***19. What are your views on the draft standards for off-stream water storage set out in Appendix 2: Draft standards for off-stream water storage? Should other standards be included? Should some standards be excluded?***

***20. Should both small-scale and large-scale water storage be enabled through new standards?***

***21. What else is needed to support farmers and others to do things that benefit the environment or improve water quality?***

***22. What should a farming activities pathway include? Is a farming activities pathway likely to be more efficient and/or effective at enabling activities in and around wetlands?***

***23. What will be the impact of removing the requirement to map wetlands by 2030?***

Removing the requirement to map wetlands will mean they cannot be protected. We refer to the old saying 'you cannot manage what you cannot measure'. Wetlands are critical for climate and biodiversity health and mapping them helps ensure their protection.

***24. Could the current permitted activity conditions in the NES-F be made clearer or more workable?***

***25. What information requirements are necessary for fish passage? What would the difference in cost be, relative to current information requirements?***

*26. How can regulations for temporary and permanent culverts in the NES-F be made simpler?*

*27. Temporary culverts are currently treated the same as permanent ones. If temporary culverts were to be treated differently (eg, had fewer conditions), would it be better to do so through a permitted activity pathway in the NES-F (culverts only), or by allowing councils to be less stringent than the permitted activity conditions for culverts and weirs?*

*28. Have you encountered similar issues with any other policy or regulation within the NPS-FM or NES-F (eg, rules or gateway tests about river reclamation)?*

*29. To what extent will it be more efficient to require dairy farmers to report on fertiliser use at the same time of year they report on other matters?*

*30. Has the requirement for dairy farms to report their use of fertiliser already served its purpose, in terms of having signalled a level of unacceptable use that should be avoided – no more than 190 kilograms per hectare per year – and if so, is this requirement still necessary?*

*31. Do you think that requiring regional councils to map SWRMAs for applicable drinking water supplies in their regions will improve drinking water safety? Should councils be required to publish SWRMAs?*

*32. Do you think that three zones should be required for each SWRMA, or is one zone sufficient?*

*33. What do you think the population threshold should be to require regional councils to map SWRMAs (eg, 100-person, 500-person, or some other threshold)?*

## 5.0 General comments on the proposed approach

### 5.1 Recommendations

#### 5.1.1 Recommendation 1: There is a need for transparency on the use of AI

The Institute recently prepared and published *Think Piece 43 – Unlocking Government documents with AI*.<sup>53</sup> Based on this work, we learned a great deal about the risks and opportunities of applying artificial intelligence (AI) in a government setting. Given these insights, the Institute now has a policy of requesting every organisation to:

- clarify how AI is expected to be used to analyse and report on public submissions when inviting submissions from the public, and
- prepare a public report on how AI was used to collate ideas and present the report to decision-makers when writing up submissions from the public.

Key information in both cases should include: (i) the AI tool (such as Google NotebookLM), (ii) the number of submissions that were read in full or in part by a human versus those that were only read by AI, (iii) how the AI results were verified as correct (i.e. the audit process), and (iv) a summary of the errors found as a result of the review process.

Furthermore, AI should be used for the benefits of citizens and submission processes should be reconsidered given this new tool.

#### 5.1.2 Recommendation 2: Require climate impacts and transition strategies to form a key part of the reforms

New Zealand's environment is under significant pressure and there is an urgent need to adapt to climate change as well as to reduce carbon emissions to prevent further biodiversity loss. Climate change is one of the most serious risks facing New Zealand, and the updated RMA strategy should include detail on how it will respond to a changing climate and how it will help slow the impacts of climate change. Detailed approaches on preventing our emissions and responding to the impacts of the changing climate should be included in any new public policy.

Like the rest of the world, New Zealand is experiencing a changing climate and is facing the impacts of rising temperatures, changing weather patterns, and increased occurrences of natural extreme weather events. These changes are serious and will continue to increase in the future, impacting the next generation and beyond. New Zealand needs to both reduce our greenhouse gases and prepare for future climate-related risks. MfE has noted the impacts are increasing in frequency and severity across the country:

Aotearoa New Zealand experienced its second warmest year on record in 2023, just shy of the record set in 2022, with an average temperature of 13.6 °C. Climate change projections for Aotearoa show further warming is projected by 2090, with more hot days and fewer cold days across the country over the next decades.<sup>54</sup>

The changing climate means certainty in the long term is implausible. The uncertainty around New Zealand's agricultural and fishing industries is deeply intertwined with that of a changing environment where waters are warming, causing unprecedented fish mortalities and changes to species migration patterns.

Making decisions in the name of economic prosperity today, with a substantial risk of creating an economic burden later on, is irresponsible to future generations. Further, the lack of consideration of climate change in these proposals undermines New Zealand's investment and commitment to climate mitigation and adaptation strategies.

The proposals in the three RMA packages lack detail on how they will protect New Zealand's environment and biodiversity from the impacts of the changing climate. For instance, warming temperatures and natural disasters will mean species' habitats need to change.

### 5.1.3 Recommendation 3: Require in legislation for whole-of-government strategies on (i) infrastructure and development, (ii) primary industry and (iii) freshwater to be prepared and reviewed every five years, and subsequent reports and strategies to be tabled in the House

Legislation is central to regulation. The Institute started a *GDS Index* research project in 2014 and it has been regularly updated ever since. The *Government Department Strategies Index Handbook – He Puna Rauaki* ranks each government department strategy (GDS) in terms of essential information. It does not rate the strategy as such; it rates the strategy document’s provision of essential information and clarity of communication so that readers can assess the strategic approach for themselves. Every GDS is reviewed against the Institute’s Transparency Scorecard to determine how well it articulates each of six elements. For an example, refer to Appendix 1 for the Institute’s analysis of the 2020 Biodiversity Strategy.

The Institute’s *GDS Index* aims to illustrate how New Zealand might strengthen GDSs to be more effective, responsive, measurable, comparable and durable through public consultation, engagement and ownership.<sup>55</sup> However, the 2024 *GDS Index* found only 16% of GDSs in operation (32 out of 195) were required or referred to in legislation.<sup>56</sup> Page 12 of the Institute’s *2024 GDS Index Methodology* contains a comprehensive list of these 32 GDSs.<sup>57</sup>

Requiring in law that a strategy be published is a useful mechanism for Parliament to ensure strategies are developed, consulted upon and made public. In 2023, the Institute raised the issue of whether such GDSs might come under the governance of Ministry for Regulation (MFR). MFR has advised that it does not have a stewardship role for all GDSs, but has an interest, as a consumer, in specific GDSs during its reviews of where regulatory failures might exist. See also our submission on the Regulatory Standards Bill.

It is recommended more GDSs, including this proposed changes to the RMA, be mandated by law to ensure a higher level of due diligence, ownership, durability and accountability. The Institute believes this is a governance issue for the Minister for the Public Service and the Minister for Regulation. The *GDS Index* is important because if government departments make the content of GDSs more transparent, Ministers, officials and the wider public will be better able to assess their quality and, where appropriate, work together to deliver better outcomes more cost-effectively.

### 5.1.4 Recommendation 4: Produce updated research on the value of New Zealand’s environment and reputation

A number of proposals include the requirement to balance economic, cultural and natural values. This is very difficult when only economic values can be quantified. To improve this process, we recommend economic analysis is regularly taken to quantify other values, such as a clean environment, flora and fauna existing for future generations, natural environments that allow for tourism and recreation, or pristine drinking water. This will obviously not be straightforward; however, the exercise may help decision-makers understand and quantify some intangible values when making resource management decisions.

New Zealand’s clean green international brand is critical for our economic wealth. However, we need to understand what it is worth and the actions we can take to optimise that net worth. Equally we need to know the actions we should avoid taking as they will reduce it. In 2001, MfE prepared a report on this, *Valuing our Clean Green Image*.

A supporting report answered the following question: *Our clean green image: What’s it worth?* This is what the research found:

#### **Dairy sector**

If New Zealand’s environment was perceived as being degraded, on average consumers surveyed would purchase 54% less consumer products. The actual loss in revenue would depend on how much of the lost product could be redirected to products and markets where environmental image plays a less important role, so the potential annual loss would vary between:

- \$241 million (all lost product redirected), and
- \$569 million (none of the lost product redirected).

## Tourism

The extent of change in purchasing behaviour (measured by change in length of stay) varied by country. Under worsened environmental perceptions, tourists in New Zealand would alter their stay by an average of, for example:

- Australia – 48% reduction
- Japan – 79% reduction
- Korea – 77% reduction.

The annual loss to New Zealand from the five markets covered in the survey of tourists would be between NZ\$530 million and NZ\$938 million (depending on whether lost wages and GST effects are taken into account).

## Organic produce

Buyers were presented with two scenarios: New Zealand allowing (a) limited field test of GM crops for research and (b) uncontrolled releases of GM crops. In the short term New Zealand's organic sector would not be affected by allowing field tests of GM crops for research, although in the long term buyers would probably shift to other sources. Adopting a policy of uncontrolled release would see New Zealand almost certainly suffer immediate losses, with buyers either stopping or substantially decreasing purchases.<sup>58</sup>

Before this government implements changes to the RMA system, it is critically important that it takes the time to ensure risks are calculated, interconnections are explored (such as second- and third-level effects), and where possible risks are managed. It is now 24 years since New Zealand last attempted to value its clean, green brand. It seems overdue to revisit and answer this important question so that decisions are made on complete information. Updating the 2001 report will allow New Zealand to place a number on our biodiversity and clean environment.

### 5.1.5 Recommendation 5: Embed the National Resilience System into the reforms

It is essential that the terminology and frameworks used to describe and assess risk and uncertainty, and manage emergencies and crises, are adopted and applied across all parts of the public sector. For example, the definition of the term 'hazard' needs to be the same as the definition contained in the Civil Defence Emergency Management Act 2002. The framework, set out in the *National Resilience Handbook* (May 2025), should be embedded into the reforms. It is important that the public sector works hard to align public policy.

## 5.2 Further questions

The proposals leave many questions unanswered, including:

1. Problem definition: What is the problem the reforms are trying to solve? The problem needs to be specific and measurable, so that results can be compared over time. What does success look like?
2. Strategic options: Was some part of the system working/not working? What are New Zealand's international trading partners doing in this space? What is working and what is not? How are other countries balancing economic, environmental and community needs?
3. Costs: What are the costs of these reforms? Can costs be reduced? Can some parts of the existing system be retained to save costs? Who bears the costs?
4. Timing: How will these proposals be monitored and measured? When?
5. Reviews: Are review clauses in place? When will the results of this experiment be able to be tested and reviewed?
6. Adaptability: How will these proposals pivot with changes in technology and changes in the environment?

### 5.3 Conclusion

A significant amount of policy work, consultation, scientific research, economic analysis, and community and environmental analysis is required before the proposals achieve any of the promised benefits for New Zealand.

New Zealand has a unique opportunity that many countries do not have: we are proud of our unique environment with precious flora and fauna, geographic isolation, strong connection with the land and ocean, uniquely special environment and Treaty obligations – and we have high-quality exports that profit from our clean, premium, sustainable brand. Some of the proposals for RMA reform do not reflect the complexities of protecting ecosystems in a way that empowers a country with our unique values and characteristics.

We want to be responsible stewards for the next generation. These proposals fall short and do not allow for the long-term planning required in order to protect our environment for future generations. The Institute, and many others, have undertaken a significant amount of work to ensure New Zealand's public policy safeguards the environment for future generations. As they are currently written, these proposals have a way to go before they present a balanced approach to protect our unique ecosystems in the face of current challenges.

# Appendix 1: The Institute’s ranking of the Biodiversity Strategy 2020

Source: McGuinness Institute, 2024 GDS Index (2025)


## GDS02-15

# Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020

McGuinness Institute analysis


**Duration**

26 years left



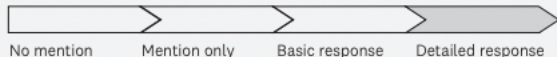
2020                      2050

**Scope of subject matter**



Wide scope

**Climate intelligence**




No mention      Mention only      Basic response      Detailed response

**Transparency Scorecard**

26= out of 195 GDSs  
3 out of the 24 GDSs in DOC  
6 out of the 57 GDSs in the Natural Resources Sector

	Score	Out of
<b>1: Opportunities and Threats</b>		
1.1 Identifies potential opportunities	2	4
1.2 Identifies potential threats	3.5	4
1.3 Contains a clear statement describing the problem	6	8
<b>2: Capabilities and Resources</b>		
2.1 Identifies current and future capabilities	3	4
2.2 Identifies capabilities it does not have but needs	3	4
2.3 Identifies current and future resources	2	4
2.4 Identifies resources it does not have but needs	2	4
<b>3: Vision and Benefits (Purpose)</b>		
3.1 Provides a clear aspirational statement as to what success would look like	4	8
3.2 Identifies who the beneficiaries are	3	4
3.3 Describes how success will be measured	3	4
<b>4: Approach and Focus (Strategy)</b>		
4.1 Breaks down the purpose into a number of strategic goals/objectives	4	4
4.2 Identifies a range of strategic options	2	4
4.3 Describes the chosen approach	2	4
4.4 Highlights the risks, costs and benefits	1	4
<b>5: Implementation and Accountability</b>		
5.1 Identifies who is responsible for implementation	4	4
5.2 Identifies who will report on its progress	1	4
5.3 Explains how progress will be reported	3.5	4
5.4 Discusses whether the GDS will undergo a review	3.5	4
<b>6: Alignment and Authority</b>		
6.1 Discusses predecessors to the strategy and identifies any lessons learnt	3.5	4
6.2 Aligns with its department’s SOI	6	6
6.3 Aligns with its department’s annual report	6	6
<b>Total</b>	<b>68</b>	<b>96</b>



**Purpose**

*‘The vision we set out for this strategy is not only for the return of health to the natural world in a way that we can measure but also for the return of a health and vibrancy that we can feel, touch, smell and hear, as well as an emotional reconnection with nature.’*  
(p.10 [out of 125])

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**Strategy (to achieve the purpose):**

The approach is to focus on three pillars:

- Getting the system right
- Empowering action
- Protecting and restoring biodiversity.  
(p.43 [out of 125])

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**Key data**

Publication date:	August 2020
Duration:	2020–2050
Number of pages:	125 (merged)
Signed by:	Crown (Minister of Conservation and Associate Minister for the Environment)
This GDS replaces:	<i>Biodiversity Strategy 2000</i> (2000)
Jointly held with:	Not applicable
Transferred from:	Not applicable
Strategy map:	Yes, p.43 (out of 125)
Legislation:	Not applicable

## Endnotes

- 1 Environmental Defence Society (EDS) (2025). *Proposed changes to national direction – package 2 discussion document - primary sector*. [online] p.3. Available at: <https://eds.org.nz/resources/documents/submissions> [Accessed 27 Jul. 2025].
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- 3 WWF (2025). *Kiwis 'frustrated' at Government's failure to protect ocean life*. [online] Available at: <https://wwf.org.nz/news/oceans/kiwis-frustrated-governments-failure-protect-ocean-life> [Accessed 10 Apr. 2025].
- 4 Ministry for the Environment (MFE) (2025). *Package 1: Infrastructure and Development Discussion Document*. [online] p.66. Available at: <https://environment.govt.nz/publications/package-1-infrastructure-and-development-discussion-document> [Accessed 25 Jul. 2025].
- 5 Ministry for the Environment (MFE) (2025). *Package 1: Infrastructure and Development Discussion Document*. [online] p.69. Available at: <https://environment.govt.nz/publications/package-1-infrastructure-and-development-discussion-document> [Accessed 25 Jul. 2025].
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