

McGuinness Institute Submission

Planning Bill and Natural Environment Bill (Draft)

13 February 2026

(updated 17 February 2026)

1.0 Introduction

The McGuinness Institute (the Institute) welcomes the opportunity to submit on the proposed Planning Bill (PB) and Natural Environment Bill (NEB), referred to as the Bills. We thank the Environment Select Committee (the Committee) for inviting feedback on these important Bills which have the potential to impact New Zealand for generations.

The Institute understands the need for change to the current Resource Management Act (RMA), however it opposes the Bills in their current form and recommend significant changes to make them workable. It is very concerning the Bills create a planning environment focussed only on the economy, failing to consider the importance of the environment, the community, Māori, and long-term impacts of planning decisions.

The two-pronged approach being proposed does not appear to encourage the kind of discussion required to achieve a durable, long-term solution, one that provides business certainty and the environment sustainability. Instead, it seems to intensify the opposing positions of each group rather than creating a collaborative path forward.

The Institute has previously followed and engaged with the broader policy design and specific legal processes existing within the current legislation specifically related to aquaculture. For this reason, our submission is in two parts:

1. Part one: broader policy implications of the proposed Bills, and
2. Part two: examining aquaculture by investigating the practical implications of how the Bills may impact salmon farming in the Marlborough Sounds.

The Institute has done extensive research into aquaculture in New Zealand. Our discussion on aquaculture forms section 5.0 of this submission. Rather than heavily cite our previous publications in this submission, we recommend you refer to the Institute's research to date, in particular *Exploring the role of aquaculture in our marine space*.¹

We would welcome the opportunity to speak before the committee.

PART ONE: BROADER POLICY IMPLICATIONS

2.0 Background

The Planning Bill and the Natural Environment Bill were introduced as a pair of complementary laws designed to replace the Resource Management Act 1991 (RMA). The two Bills attempt to separate the previously integrated resource management system into two parts:

1. The Planning Bill (PB) legislates ‘how land is used and developed’, and
2. The Natural Environment Bill (NEB) legislates ‘how nature is protected and resource use is constrained’.

This two-pronged approach creates some significant risks and uncertainty, as the results will depend on which one of the two pieces of law is stronger.

Our view has consistently been that the current and past governments have failed to undertake a detailed analysis of what worked under the existing regime and what did not. Most importantly, we need to explore what parts of the current system are failing and explore ways to help ensure those parts operate more effectively in the future.

Instead, the whole system has once again been fundamentally redesigned, resulting in a great deal of uncertainty for businesses and a significant cost to citizens. Furthermore, if the bills are passed, there is a real risk that a new government in late 2026 will change the system, yet again.

Institute recommendations to the Select Committee on the Bills:

1. Keep strong local decision-making.
2. Improve clarity with clearer definitions and more detail.
3. Include clear climate-change adaptation requirements.
4. Require thorough environmental assessments before plan changes.
5. Strengthen water-quality protections (including increasing research into harmful algal blooms).
6. Maintain strong monitoring and reporting systems.

Discussion

The emissions produced worldwide and the impacts of climate change on our environment are unprecedented and increasing (see *Appendix 2: wider context*). We need to implement a solid planning and natural environment regime now to prevent leaving significant issues for future generations. New Zealand’s international reputation and trade relationships are also at serious risk if we continue to go backwards in our climate change policy.

The Institute supports reduction in number of plans and agrees that the current system is inefficient for all parties. However, we have a number of concerns about the proposed Bills. They risk worsening New Zealand’s community, economy and environment. One of the most concerning elements of these Bills is that protection of our critical freshwater systems will be further decreased. This has serious risks for both human safety and environmental health.

Two seismic policy shifts in the Bills

From our perspective, the Bills together represent two seismic shifts in New Zealand's planning regime:

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 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 between citizens, employees, businesses and councils are encouraged. 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.

To summarise, the Institute considers the Government should not go through with the proposed Bills as they are written.

Note the Institute also made a submission on the *Consultation on updating RMA national direction (Packages 1-3)* in July 2025.

3.0 Responses to the proposed Bills

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 and creating stable and reliable markets for business.

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 economically.

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. We are concerned the Bill prioritizes short-term, economic impacts above long-term, less quantifiable (but potentially more important) impacts.

The Institute is concerned the Bills lack consideration of key factors (including 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).

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. These should be at the forefront of any planning policy that is designed for New Zealand's future.

3.1 Response to specific provisions in the Bills

Summary of the Institute’s specific recommendations for the Bills. The reasoning behind these recommendations – and key issues with the Bills – are both explained in more detail on the following pages.

The Institute recommends the Bills should:

- Include the climate impacts of activities as part of planning.
- Integrate with New Zealand’s 2050 target, Emissions Reductions Plans and international climate commitments.
- Outline climate adaptation and planning for extreme weather and natural disasters such as sea level rise and wildfires.
- Amend s 11 (d) of the NEB from ‘(d) to achieve no net loss in indigenous biodiversity’ to ‘(d) to maintain and restore indigenous biodiversity.’
- Amend the requirement for Councils to compensate landowners where biodiversity rules apply to their land as it creates a major risk Councils will choose not to protect significant natural areas.
- Remove the specified rules relief pathway by deleting Part 4 of Schedule 3 of the PB; Clauses 111 of the NEB and 92 of the PB; and other cross-references to Part 4 of Schedule 3 of the PB.
- Lower the threshold for public participation in consent processes from ‘significant’ effects on the environment to ‘more than minor’ effects.
- Allow public involvement by everyone rather than restricting it to people who are ‘materially affected’.
- Implement public notification under the National Environment Bill where effects are ‘more than minor’ rather than where they are ‘significant.’
- Improve monitoring requirements with a clear compliance framework to prevent adverse effects.
- Apply legal consequences when environmental limits are breached, including giving councils power to revoke or amend existing permits to avoid or remedy breaches of an environmental limit, or when evidence of harm has arisen.
- Permit activities only where there is no risk of breaching environmental limits or causing cumulative effects on the environment.
- Be amended to protect the Minister of Conservation’s role in granting wildlife permits and preparation of plans and policies on the marine coastal area.
- Remove clause 128 in the NEB which allows that ‘A natural resource permit may include a wildlife approval, which is a lawful authority for an act or omission that would otherwise be an offence under sections 58(1), 63(1), 63A, 64, 65(1)(f), 70G(1), 70P, and 70T(2) of the Wildlife Act 1953.’
- Establish clear environmental limits at a national level.
- Remove the power of councils to lower or amend wildlife permits so that national standards can be maintained.
- Be amended to detail special protection for our ocean space, including environmental baselines that must be upheld.
- Introduce regulated restrictions on any freshwater pollution.
- Establish guidelines for monitoring, compliance and legal consequences for breaches.
- Be amended to elevate the protection and management of freshwater sources as a matter of national importance.

- Remove that ‘The consent authority *must have regard to*— (a) the actual or potential effect of the proposed activity on the source of a drinking water supply...’ (Sections 140 of the PB and s 157 of the NEB). ‘Have regard to’ should be replaced with stronger wording such as ‘*must have regard and give effect to.*’
- Set clear, scientific human health and ecosystem limits based purely on science rather than economic factors.
- Introduce regulated restrictions on any freshwater pollution.
- Require that these limits are regularly monitored, with serious legal consequences where limits are breached.
- Establish councils to ensure ecosystem health is maintained and human health needs for drinking water are met before other (commercial or otherwise) interests can be considered.
- Be amended to elevate the protection and management of wetlands and marine ecosystems as a matter of national importance.
- Include requirements for partnership, active protection, rangatiratanga and the exercise of kaitiakitanga.
- Actively support Māori consultation and participation.
- Remove the pathway for plans to allow for development of essential infrastructure that breaches environmental limits where it can't be located elsewhere.
- Take more time to design clear definitions and remove uncertainties which will lead to litigation.
- Rework unclear sections, especially when relief frameworks are being included in plans and challenged in the Environment Court; when relief frameworks are being implemented and challenged in the Planning Tribunal; and when submissions are made challenging rules under clause 122 of the NEB.
- State the goals in cl 11 of the NEB are the only relevant goals that decision-makers can consider when making decisions within the jurisdiction of the NEB (especially when it comes to setting limits).
- State that the Bills’ broader goals are subject to their more specific goals relating to the defence of environmental limits, and that such goals must be achieved;
- Remove cl 69 of the NEB, which allows for the Minister to make national direction.
- Remove cl 19 of Schedule 2 of the PB as it gives the Minister inappropriate power.
- Rework cl 15 of the NEB so that it does not apply to the defence of environmental limits.
- Update cl 164 (c) of the NEB to include a clear statement that an activity cannot be provided for as a permitted activity if there is a risk of an environmental limit being breached.

Below is the Institute’s response to serious issues with the Bills and recommendations on how to improve them.

1. The Bills fail to help mitigate carbon emissions and protect New Zealand from the changing climate

As explained in *Appendix 2: the context*, the impacts of climate change are increasing, with extreme weather and natural disasters causing loss of life and property across the country. One recent example is the Mt Maunganui landslide in February 2026, when six people tragically died at a campground after a section of the maunga collapsed after an extreme weather event.²

These Bills are a chance to help influence how we respond to the climate emergency by both mitigating emissions and integrating plans for climate adaptation.

The Institute recommends the Bills should:

- Include the climate impacts of activities as part of planning.
- Integrate with New Zealand’s 2050 target, Emissions Reductions Plans and international climate commitments.
- Outline climate adaptation and planning for extreme weather and natural disasters such as sea level rise and wildfires.

2. The Bills fail to protect New Zealand’s unique biodiversity

New Zealand has the highest proportion of threatened species anywhere in the world.³ Once these species are lost, we cannot get them back. At this stage we do not know how vulnerable our flora and fauna will be to the impacts of climate change (including temperature, humidity, extreme weather, etc). Regular monitoring and research will be essential going forward, with climate change directly impacting where our baselines will sit.

The new Natural Environment Bill sets out goals including ‘(d) to achieve no net loss in indigenous biodiversity’. Aiming for ‘no net loss’ when we have so many species at risk is not enough – we need to protect and rebuild these species and their ecosystems.

The Institute recommends the Bills should:

- Amend s 11 (d) of the NEB from ‘(d) to achieve no net loss in indigenous biodiversity’ to ‘(d) to maintain and restore indigenous biodiversity.’

3. The regulatory relief pathway creates issues, including a conflict of interest for councils and weakened environmental protection

The Bills create a regulatory relief pathway, which results in a significant number of issues for councils. The proposed regulatory relief also has the potential to lead to increased litigation and weakened environmental protection.

As noted in the Forest & Bird submission (and many others), the way the Bills are written also creates a massive conflict of interest for councils:

The requirement for Councils to compensate landowners where biodiversity rules apply to their land creates a major risk that cash-strapped Councils choose not to protect significant natural areas. The

regulatory takings concept should be removed, or the Bills should make clear that identifying areas that are important for biodiversity must not be influenced by the cost of compensating landowners.⁴

The EDS submission also notes the Bills fail to consider the different environments and resources each council has, or the consequences that will arise from the Bills as they are written:

Although rules relating to *indigenous biodiversity generally* do not include aquatic biodiversity, there is no such limitation on rules on the topic of SNAs [Significant Natural Areas]. For example, the Bills could trigger a relief framework for any protected area in privately owned marine space even though there is no presumption that activities in those spaces can occur without express authorisation.

A double standard is also created for biodiversity. This is because relief is triggered by *indigenous* biodiversity protections (eg to prevent felling of an established coastal Pōhutukawa) but not by protections designed to protect *exotic* species (eg an old oak). There would be a perverse incentive for councils to protect only non-native species, given that only the protection of natives would trigger the possibility of compensation. (p.7)

Requiring councils to essentially purchase environmental protections will also create arbitrary distinctions between parts of the country based on their financial capacity to pay (eg a council's rating base or other forms of income) rather than the importance of protecting biodiversity in that place. For example, the financial capacity of the Northland region is much lower than that of Auckland, yet (relatively speaking) it has a high proportion of indigenous biodiversity to protect. (p.15)

Councils will not know the cost of regulating until very late in the piece, meaning that the relief framework will add high legal and fiscal risk that councils will be strongly incentivised to avoid from the outset. They will likely be more conservative and cautious about protecting the public interest.

There is a significant risk of landowners gaming the system as well, by overstating their intentions for developing a site. (p.16)⁵

Russell McVeagh also summarises that this change in legislation will cause issues for councils and increased litigation by incentivising councils not to protect land, even sites of significant historic heritage, outstanding natural landscapes or features, sites of significance to Māori, or areas of high natural character:

Councils will need to develop a relief framework as part of the plan-making process. Such relief could include rates reductions, bonus development rights, or cash payments. While some landowners will see significant opportunity here, the potential impact on Council balance sheets could be significant. In practice we expect this will strongly disincentivise wide-ranging disabling provisions by making Councils stop to think before imposing or rolling over planning controls which restrict the use and enjoyment of land.⁶

This creates a number of risks that councils – which are already resource constrained – will not protect New Zealand's environment. The Institute is concerned there will be a focus on short-term economic costs for councils at the expense of less quantifiable community and natural values, which may lead to erosion of important values and degradation of the environment over time.

The Institute recommends the Bills should:

- Amend the requirement for Councils to compensate landowners where biodiversity rules apply to their land as it creates a major risk Councils will choose not to protect significant natural areas.

- Remove the specified rules relief pathway by deleting Part 4 of Schedule 3 of the PB; Clauses 111 of the NEB and 92 of the PB; and other cross-references to Part 4 of Schedule 3 of the PB.

4. The Bills fail to support public participation or transparency

The Bills 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.

Public participation is a critical part of democracy in New Zealand and opportunities for local communities to be involved in planning should be protected.

The Institute recommends the Bills should:

- Lower the threshold for public participation in consent processes from 'significant' effects on the environment to 'more than minor' effects.
- Allow public involvement by everyone rather than restricting it to people who are 'materially affected'.
- Implement public notification under the National Environment Bill where effects are 'more than minor' rather than where they are 'significant.'

5. The Bills fail to monitor and adaptively manage activities

The Bills allow more permitted activities with fewer consents, which increases risks of adverse effects from activities. If this is the case it is critical to improve monitoring and adaptive management so that organisations and people are held accountable for breaching environmental limits.

Monitoring and adaptive management should include consequences and enforcement tools for breaching environmental limits. Without enforcement tools, there are no consequences if organizations pollute the environment or breach environmental bottom lines.

The Institute recommends the Bills should:

- Improve monitoring requirements with a clear compliance framework to prevent adverse effects.
- Apply legal consequences when environmental limits are breached, including giving councils power to revoke or amend existing permits to avoid or remedy breaches of an environmental limit, or when evidence of harm has arisen.
- Permit activities only where there is no risk of breaching environmental limits or causing cumulative effects on the environment.

6. The Bills create inconsistency in national standards for wildlife permits

The Bills establish that wildlife permits are to be granted by regional councils (currently the Minister of Conservation's role under the Wildlife Act). The Bills also remove the Minister of Conservation's role in preparing policies and plans for coastal marine areas. Giving these responsibilities to local councils risks a piecemeal approach, which is especially inappropriate when considering how ecosystems are closely connected. Our waterways and environment are

interconnected, so if some regions change their baselines, this will have negative impacts on other areas.

Each local ecosystem is different; however, strong national standards (e.g. for healthy ecosystems and safe drinking water) should be set and monitored, and breaches be controlled. Councils are also resource strapped and lack the scientific expertise to make detailed decisions on wildlife.

Safe water quality attributes (such as levels of *E. coli*, nitrogen, sediment, etc.) should have clear limits. These should be nationally set and monitored and managed by each local council. Councils also lack the resources and expertise to set these important limits.

The Institute recommends the Bills should:

- Be amended to protect the Minister of Conservation’s role in granting wildlife permits and preparation of plans and policies on the marine coastal area.
- Remove clause 128 in the NEB which allows that ‘A natural resource permit may include a wildlife approval, which is a lawful authority for an act or omission that would otherwise be an offence under sections 58(1), 63(1), 63A, 64, 65(1)(f), 70G(1), 70P, and 70T(2) of the Wildlife Act 1953.’
- Establish clear environmental limits at a national level.
- Remove the power of councils to lower or amend wildlife permits so that national standards can be maintained.

7. The Bills fail to protect our oceans

The ocean is a public resource, used by New Zealanders for recreation, and it should be preserved for future generations. Part of this is that the ocean 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.

The Institute is concerned that the proposals in this discussion document allow for easier, and more, commercial fishing and aquaculture, which is likely to have negative impacts on indigenous biodiversity and our ocean ecosystems.

The Institute recommends the Bills should:

- Be amended to detail special protection for our ocean space, including environmental baselines that must be upheld.
- Introduce regulated restrictions on any freshwater pollution.
- Establish guidelines for monitoring, compliance and legal consequences for breaches.

8. The Bills fail to protect our freshwater systems

As proposed, the Bills provide close to no protection for our freshwater systems. A 2020 government report found nearly 60% of the New Zealand’s rivers carry pollution above acceptable levels, with 95-99% of rivers in pastoral, urban and non-native forested areas contaminated.⁷ This is despite our freshwater systems being critical for human and environmental health, and a public asset relied upon by all of us to survive.

Water is going to be critically important given the impacts of climate change on the quality and quantity of freshwater. The sources of our drinking water (including rivers and lakes) must have a certain level of ecosystem health in order to produce safe drinking water for the country. If the health of some of our waterways starts to decline or our waterways are contaminated, it will be very difficult to prevent the impacts spreading. Once our freshwater systems are contaminated it is very difficult, potentially impossible, to return them to health. For these reasons, water must be protected through our legislation and it must remain part of the public estate.

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. 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.⁸

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).
- Kākahi 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).⁹

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.

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.¹⁰ 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 [National Policy Statement for Freshwater Management’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]¹¹

We are concerned that the way the Bills attempt to balance multiple objectives will result in shifting environmental baselines and will not protect our freshwater systems over the long term. It is very difficult to balance the environmental and economic 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.¹²

There is an opportunity here to improve New Zealand's resource management 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.

This 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.

It is relevant to note the Inquiry into the Havelock North water-borne outbreak of *Campylobacter* infection in 2016 concluded the resource management rules in New Zealand must 'be amended to expressly recognise the protection and management of drinking water sources as a matter of national importance'.¹³

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.

The Institute recommends the Bills should:

- Be amended to elevate the protection and management of freshwater sources as a matter of national importance.
- Remove that 'The consent authority *must have regard to*— (a) the actual or potential effect of the proposed activity on the source of a drinking water supply...' (Sections 140 of the PB and s 157 of the NEB). 'Have regard to' should be replaced with stronger wording such as '*must have regard and give effect to.*'
- Set clear, scientific human health and ecosystem limits based purely on science rather than economic factors.
- Introduce regulated restrictions on any freshwater pollution.
- Require that these limits are regularly monitored, with serious legal consequences where limits are breached.
- Establish councils to ensure ecosystem health is maintained and human health needs for drinking water are met before other (commercial or otherwise) interests can be considered.

9. The Bills fail to protect critical ecosystems such as wetlands

The Institute would like to see detailed analysis in order to understand the environmental benefits and the impacts the proposed Bills will have on key ecosystems such as wetlands. 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).¹⁴

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.¹⁵

Wetlands are delicate ecosystems that are home to native flora and fauna. Healthy wetlands are essential in New Zealand's work against climate change, with healthy wetlands locking up to 5 tonnes of carbon per hectare.¹⁶

It is critical we protect the few remaining carbon sinks left, and for this reason we suggest a precautionary principle is used here.

The Institute recommends the Bills should:

- Be amended to elevate the protection and management of wetlands as a matter of national importance.

10. The Bills fail to respect kaitiakitanga and Te Tiriti o Waitangi and fail to support Māori participation

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.

The Bills' narrow approach to Te Tiriti o Waitangi does not uphold the Crown's obligations under the Treaty. This Bill also fails to incorporate a strategic support for Māori engagement with New Zealand's planning process.

The Institute recommends the Bills should:

- Include requirements for partnership, active protection, rangatiratanga and the exercise of kaitiakitanga.
- Actively support Māori consultation and participation.

11. The Bills introduce a pathway to breach environmental limits

The new system introduces a pathway for plans to allow for development of essential infrastructure that breaches environmental limits where it can't be located elsewhere.

This risky exemption fails to protect the environment and introduces complexity for communities, businesses and the environment. This lack of clarity creates serious issues which will lead to legal action and litigation, costing time and money and creating inconsistency (explained in more detail in point 13 below). As Russell McVeagh notes, 'We can already see the litigation brewing in relation to use of that pathway.'¹⁷

The Institute recommends the Bills should:

- Remove the pathway for plans to allow for development of essential infrastructure that breaches environmental limits where it can't be located elsewhere.

12. Inconsistencies in the Bills will lead to confusion, inconsistency and litigation

Certainty is a key part of planning law, and these Bills does not have clear definitions and details. The Institute agrees with the points made in the Environmental Defence Society (EDS) submission:

There are significant inconsistencies and uncertainties that will make it extremely difficult to apply the laws and will undermine their overall intent. In particular, some provisions that appear strong in their protection of the environment when read in isolation (eg the purpose of environmental limits) are fatally undermined by more specific provisions that weaken their effect (eg exemptions and directions to balance with economic concerns).

Uncertainties throughout the Bills (including undefined terms and interactions between the Bills) will likely lead to significant and unnecessary litigation. Where tailored appeal or review rights are not provided, challenges will be funnelled into judicial review.(p.3)¹⁸

There are also many points where litigation will be inevitable, either as a result of new, undefined terms, or new opportunities for landowners to challenge council rules. Litigation risk is high at three points: when relief frameworks are being included in plans and challenged in the Environment Court; when relief frameworks are being implemented and challenged in the Planning Tribunal; and when submissions are made challenging rules under clause 122 of the NEB. Appeals to the higher courts would seem likely given the lack of clear legal guidance. This will create an entire takings industry for lawyers and add to the churn and cost of the system. That is the opposite of what these reforms have promised. (p.16)¹⁹

The Institute recommends the Bills should:

- Take more time to design clear definitions and remove uncertainties which will lead to litigation.
- Rework unclear sections, especially when relief frameworks are being included in plans and challenged in the Environment Court; when relief frameworks are being implemented and challenged in the Planning Tribunal; and when submissions are made challenging rules under clause 122 of the NEB.

13. The Bills give the Minister unrestricted power to control the ‘national direction’ and to directly intervene in decision-making

The current ‘goals’ in the NEB need to be protected as under cl 11 the goals are subject to cl 69 which includes the power for the Minister to make national direction. This means the Minister has the power to determine which goals are more important and if they should consider other goals. This is an enormous shift of power of decision-making to ministers of Government. It also creates a significant risk by putting power in the hands of the Minister, who has the power to set national direction in a way that prefers development outcomes.

The current cl 69 in the NEB creates inconsistency for businesses, communities and councils with planning (as the rules will change depending on the Minister of the day) and gives power to ministers whose driving forces can go against an evidence-based approach (both scientific and economic).

As the EDS submission notes:

Furthermore, in making national direction under cl 81(1)(b) of the NEB, the Minister only has to consider whether national policy direction enables development to occur within environmental limits, and any impacts on people and the natural environment. Unlike national standards,⁶³ there is no requirement that national policy direction adheres to limits or even that it is consistent with the purpose of limits. This means that development goals in the Planning Bill can be prioritised by the Minister provided only that the impacts on the natural environment are considered, even where they directly conflict with goals relating to environmental limits in cl 11(a)-(c).

In making national policy direction, there is also the ability to consider “any other matter the Minister considers relevant”. In practice, this would allow additional goals to be considered and weighed up. Because national policy direction is at the very top of the so called ‘funnel’, there is then no opportunity to revisit such decisions in spatial plans or natural environment plans. (p.21)²⁰

The Institute is also concerned that the Bills give the Minister a broad, inappropriate power under cl 19 of Schedule 2 of the PB. This allows the Minister, rather than a local authority, to make the final decision in regards of ‘infrastructure or a matter that will support or impact a matter of national interest included in national instruments, a government policy statement, or other national plan or strategy.’ This is highly risky as it gives the Minister the freedom to rely on a non-statutory plan (e.g. the plan to develop the aquaculture industry) as an ‘alternative solution.’ Furthermore, the Minister is only required to ‘consider’ whether their decision is consistent with the PB, with no obligation to follow the requirements of the PB.

This will create inconsistency in planning for all parties involved, and also risks serious abuses of power by the Minister.

The Institute recommends the Bills should:

- State the goals in cl 11 of the NEB are the only relevant goals that decision-makers can consider when making decisions within the jurisdiction of the NEB (especially when it comes to setting limits).
- State that the Bills’ broader goals are subject to their more specific goals relating to the defence of environmental limits, and that such goals must be achieved;
- Remove cl 69 of the NEB, which allows for the Minister to make national direction.
- Remove cl 19 of Schedule 2 of the PB as it gives the Minister inappropriate power.

14. The Bills fail to protect environmental limits

Maintaining, monitoring and protecting environmental limits is an important purpose of planning legislation in New Zealand.

The Institute is concerned that cl 15 of the NEB gives the Minister a broad discretion to define what 'practicable' and 'appropriate' means. This unfettered power creates a number of risks, and also creates inconsistency for New Zealand's planning regime which will lead to litigation.

The Institute refers to the discussion in the EDS submission:

Clause 15 needs to be fundamentally reworked so that it does not apply to the defence of environmental limits. Instead, there needs to be an explicit preference for natural environment plans to establish clear avoidance policies where effects would breach limits, and more statutory guidance about when offsetting and compensation are not appropriate (building on the provisions in the current National Policy Statement for Indigenous Biodiversity). (p.35)²¹

The Institute, as well as EDS and many others, is concerned that environmental limits are unprotected because the safeguards provided by cl 164(c) are not triggered unless a permit is required in the first place. As these Bills intend to permit many more activities to be made 'permitted activities' (no permit required) than at present. This makes regulatory safeguards in the plan-making process extremely important and cl 164 (c) in the NEB is an important part of this. The 'safeguards' under cl 164 (c) of the NEB are too weak and there needs to be a clear statement that an activity cannot be provided for as a permitted activity if there is a risk of an environmental limit being breached.

The Institute recommends the Bills should:

- Rework cl 15 of the NEB so that it does not apply to the defence of environmental limits.
- Update cl 164 (c) of the NEB to include a clear statement that an activity cannot be provided for as a permitted activity if there is a risk of an environmental limit being breached.

4.0 General recommendations

Below are general recommendations in response to the proposed Bills.

1. Add more 'goals' to cl 11 of the NEB and improve the legal status of the 'goals'.

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

As mentioned above in point 14, the current goals need to be protected as under cl 11 the goals are subject to cl 69, which includes the power for the Minister to make national direction.

The Institute recommends that the NEB protect the goals in cl 11 from the Minister's discretion by:

- Stating that its goals in cl 11 are the only relevant goals that decision-makers can consider when making decisions within the jurisdiction of the NEB (especially when it comes to setting limits);
- Stating that even its own broader goals are subject to its more specific goals relating to the defence of environmental limits, and that such goals must be achieved; and
- Removing cl 69 of the NEB which allows for the Minister to make national direction.

The current goals should all remain (see image below).

Part 2
Foundations

Subpart 1—Core provisions

11 Goals

All persons exercising or performing functions, duties, or powers under this Act must seek to achieve the following goals subject to **sections 12 and 69**:

- (a) to enable the use and development of natural resources within environmental limits:
- (b) to safeguard the life-supporting capacity of air, water, soil, and ecosystems:
- (c) to protect human health from harm caused by the discharge of contaminants:
- (d) to achieve no net loss in indigenous biodiversity:
- (e) to manage the effects of natural hazard associated with the use or protection of natural resources through proportionate and risk-based planning:
- (f) to provide for Māori interests through—
 - (i) Māori participation in the development of national instruments, spatial planning, and natural environment plans; and
 - (ii) the identification and protection of sites of significance to Māori (including, wāhi tapu, water bodies, or sites in or on the coastal marine area); and
 - (iii) enabling the development and protection of identified Māori land.

The Institute also recommends the following amendments or additions to Part 2 Foundations cl 11 Goals of the NEB:

A) Change 11(b) to say ‘to maintain air, water, soil and ecosystem health’.

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).

B) Add ‘11(g) to protect our freshwater systems so that all New Zealanders have access to safe drinking water’.

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 2024 indicate that nearly half a million New Zealanders do not have access to safe drinking water.²² 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 to 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.’²³ Nitrates in water cannot be removed by boiling; instead water tankers need to be provided.²⁴ 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.²⁵

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.’²⁶

C) Add ‘11(h) protect the natural form and character of our environment’

We believe that natural form and character should be a goal under the proposals as our visual environment, amenity and landscapes are a critical part of New Zealand. 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.

D) Add ‘11(i) improve marine ecosystem health, maintaining public access to and recreational fishing on our ocean’

We consider that the impacts on marine life should be a compulsory goal in the Bills, as fish are often the ‘canary in the coalmine’ when it comes to marine 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.

Maintaining fish stocks and environmental baselines are a key part of protecting our oceans for future generations.

We are closely connected with the sea and being able to swim safely and gather kai moana is a quintessential Kiwi value. To manage this for future generations, we need to protect our marine ecosystems. Refer to Case Study One below to see the February 2026 issue caused by damaged infrastructure contaminating the ocean in Wellington. Risks like this should be prevented with a more robust regime that also introduces consequences for pollution and environmental breaches.

Case Study One (February 2026): Beaches are closed and kai moana is contaminated as Wellington Water reports about 70 million litres of raw sewage flows into the sea each day

In February 2026, Wellington beaches were closed due to the human health risk caused by approximately 70 million litres of sewerage flowing into the ocean each day. The untreated wastewater was being discharged onto the capital’s south coast beaches due to the Moa Point Treatment Plant flooding and being turned off, with the water company saying it could take months to fully repair the sewerage infrastructure. As well as human health and safety concerns, DOC reported ecosystem damage would occur for a number of species and their habitats, including mussels, kina, pāua, sponges, fish, and penguins. Further environmental impacts will include algal blooms and deoxygenated water as a result of the spill, as well as bacteria, viruses, and parasites.²⁷ As well as this, communities are suffering from factors including an unpleasant smell and the loss of amenity at their local beaches.

E) Add ‘11(j) minimise carbon emissions and climate impacts, and prepare for climate adaptation’

To not include climate change in this list of goals is irresponsible to current and future generations. As outlined in *Appendix 2*, impacts of climate change are increasing and already causing harm to human health, the environment and the economy.

For durable public policy, we recommend that preparing for climate change should be considered when making policy decisions as part of a national objectives framework. This will also help align the Bills with New Zealand’s international climate commitments.

The recommendation to require climate impacts and transition strategies to form a key part of the reforms is outlined in more detail in point 5 below.

2. Monitor, evaluate, and require regular feedback loops to ensure the regime remains fit for purpose

It is critical to review policy regularly to ensure it is working as intended. Consistent reviews will help to build intelligence on what works and what does not. These reviews should analyse impacts from the perspectives of communities, businesses and scientists. For instance, improved technology may help improve how environmental baselines are measured. If we can improve our environmental monitoring, we can adapt faster to any breaches of limits to protect our environment from pollution or other issues.

It is also important these reviews are publicly available to ensure the regime is accountable and transparent.

We recommend that the legislation includes periodic reviews of how this regime is working, including analysis of the short, medium and long-term impacts. This should include monitoring uptake, quality, costs, usability, unintended consequences, and other issues that impact the environment, economy, community and other factors.

3. Analyse other alternatives

The Institute recommends that other alternatives should be explored – there is likely to be a solution that works better for our communities, the environment and the economy.

These Bills, more so than most other policy, will directly impact the New Zealand that is here in the short-, medium- and long-term. The Institute would love to see some analysis of the planning regimes in other similar countries to understand how they balance economic and other factors.

4. Encourage reducing emissions and protecting our environment to save New Zealand money

The proposed Bills fail to encourage emissions reduction, losing out on potential economic benefits if New Zealand reduces our emissions and protects our environment.

Reducing our emissions will mean we do not have to purchase as many offshore credits to meet our international commitments (see *Appendix 2: The context*).

Under the Paris Agreement, New Zealand's NDC means we have committed as a country to reducing net greenhouse gas emissions to 50% below gross 2005 levels by 2030 to support the international community's efforts to reduce the impact of climate change.²⁸ The NDC is reliant on purchasing approximately 100 million tonnes of CO₂-equivalent offshore carbon credits to meet the target (a cost the Treasury estimates could come in anywhere between \$NZ3 billion and 23 billion).²⁹ Relying on international carbon credits is expensive and risky.

These Bills do not have a focus on climate change, which will only hinder the country's chances to reduce these costs and commitments. It will also increase uncertainty, making it more difficult to produce effective and cost-efficient long-term plans and strategies around climate change. This is explained in more detail in point 5 below.

For a more detailed discussion on this recommendation, refer to the Institute's *Discussion Paper 2024/01 – Risks Hiding in Plain Sight: Does a commitment under the Paris Agreement to purchase offshore carbon credits create a requirement to report that commitment in the financial statements of the New Zealand Government?*³⁰

5. 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 environmental degradation. Climate change is one of the most serious risks facing New Zealand and it should be an important part of any regime, especially the current Bills, which attempt to set a framework

for the future of New Zealand. The extreme, and increasing, impacts of climate change are detailed in *Appendix 2: The context*.

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 these Bills 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 which means some areas may need to operate in different ways than they have in the past. An example of this is marine life shifting habitats as oceans warm, which will mean activities such as aquaculture will also need to go in different locations.

The Institute recommends the Bills should include:

- detail on how the regime will respond to a changing climate,
- plans for how the regime will help slow the impacts of climate change and encourage climate-friendly planning,
- plans to encourage emissions reduction, and
- plans for how to mitigate and respond to the impacts of the changing climate.

6. Require whole-of-government strategies on (i) infrastructure and development, (ii) primary industry, (iii) environment and ecosystems and (vi) freshwater to be prepared and reviewed every five years, with subsequent reports and strategies to be tabled in the House

Legislation is central to regulation, and regular reviews will ensure it is working as intended. These Bills do not work in isolation, and they will work alongside different government department strategies.

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 Rautaki* ranks each government department strategy (GDS) in terms of essential information. The *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.³¹ However, the 2024 *GDS Index* found only 16% of GDSs in operation (32 out of 195) were required or referred to in legislation.³² Page 12 of the Institute's 2024 *GDS Index Methodology* contains a list of these 32 GDSs.³³

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 that more GDSs 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.

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.

7. More checks and balances are needed as the Minister appears to have to a significant ‘unchecked power’

We note that the Ministry of the Environment (MOE) is able to undertake a review of any aspect of the system at its own initiative. However, it would be useful to require any resulting report prepared to be tabled in the House (not just provided to the Minister). That ability should also be provided to the Department of Conservation, with the same requirement that any resulting report is tabled in the House. Importantly, this framework is intended to operate for many years and over that time many Ministers will have significant powers.

We need to ensure that decisions are made in a transparent manner, and that there are no backhanders or other actions where the Minister (or associates) benefit at the expense of the communities and the environment. The demand on resources will continue to be problematic and we need to future proof the system from bad actors operating in ways that are not in the public’s interest.

8. Financial and reputational penalties require more consideration

Given the risks of Ministers, businesses, and other parties, acting illegally or immorally or in their own self-interest, strong and public penalties are required. The Institute recommends penalties for acting against the way the law was intended to operate should be included in the legislation.

Any unethical behaviour or breaches should result in public penalties, scaled in such a way as to prevent repeat poor behaviour. For instance, businesses who breach consent conditions should be required to publish in their annual report actions for which they have been penalised. Public transparency is a critical part of democracy.

9. Establish stronger baseline data and monitoring to maintain environmental limits

The Institute has repeatedly stated that New Zealand lacks adequate baseline environmental data for our environment and ecosystems. Without this information, sound environmental management is impossible.

Institute recommendations to improve this include to:

- Require comprehensive baseline studies before approving new activities.
- Mandate ongoing ecological monitoring of flora and fauna.
- Increase publicly accessible environmental reporting.

10. Produce updated research on the value of New Zealand’s environment and reputation

A number of proposals under these Bills will 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, the Ministry for the Environment (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.³⁴

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.

11. The Bills fail to consider New Zealand's international commitments

New Zealand is party to a number of international agreements committing us to reducing our emissions and working to help mitigate climate change. It is important we stand by these agreements to maintain our international relationships and trade reputation built on the 'clean, green' image of our exports.

As they are written, the proposed new Bills fail to integrate the principles of the international commitments New Zealand has made. This will have serious risks for our trade agreements, reputation and our economy.

Recent international criticism of New Zealand's backward shift in emissions targets at COP30 reflects the importance of acting now to reduce emissions, comply with our commitments, and maintain our international reputation and trade relationships.³⁵ Earlier this month, our trading partners, including the UK, raised concerns over the decline in New Zealand's climate policies again. The UK's views on our climate change policies are especially important to the economy as New Zealand's trade with the UK depends upon our climate commitments and is worth \$1 billion per year to New Zealand.³⁶

Our international commitments are increasingly being included in New Zealand's trade agreements – complying with them is critical for trade, which is essential for our economy. 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 relevant details of our international commitments are explained in more detail in *Appendix 2: The context*.

The Institute recommends that these Bills are rewritten to reflect New Zealand's international commitments.

12. There is a need for transparency on the use of AI

It is unclear how AI will be used in this submission process.

The Institute recently prepared and published *Think Piece 43 – Unlocking Government documents with AI*.³⁷ 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.

4.1 Further questions

The Bills 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?

PART TWO: AQUACULTURE (SALMON FARMING IN PARTICULAR)

5.0 Examining the impacts of the Bills on aquaculture in New Zealand

5.1 Background

Disclaimer: McGuinness Institute Chief Executive Wendy McGuinness, with her husband, is the owner of a small bach in Queen Charlotte Sound and owns a token shareholding in New Zealand King Salmon (NZKS). However, the Institute's interest in aquaculture stems from our *OneOceanNZ* project and our desire to learn by engaging in an area in close proximity to Wellington that has recognised environmental standing.

The Institute would like to formally acknowledge and express our appreciation to Ministers and officials for the changes that have already been made to the initial proposal in relation to aquaculture. Although we do not think they have gone far enough, we can see that the Bills may be able to be further adjusted provided more focus is placed on:

- environmental limits,
- identification, measurement and management of ecologically sensitive locations or areas of outstanding natural landscape, and
- regular monitoring by independent parties to ensure that consents and controls are maintained and regularly updated based on the scientific evidence.

In accordance with the statutory direction contained in the PB to safeguard areas of high natural character and outstanding natural features and landscapes, together with the NEB's mandate to protect and enhance the natural environment, aquaculture operations should not be authorised within areas of outstanding natural character or outstanding natural landscapes. This is due to the significant and irreversible environmental effects such activities may generate.

The Institute's work on aquaculture sits within its *OneOceanNZ* project, which focuses heavily on the Marlborough Sounds, salmon farming, and ocean governance. Past recommendations from this project have focused on environmental protection, improving research and data, precautionary decision-making, and rebalancing commercial and ecological priorities.

The Institute argues New Zealand is seeking to expand aquaculture without first establishing the scientific, regulatory and environmental foundations required for long-term sustainability. Under the proposed legislation, namely the PB and the NEB, key economic and regulatory decisions may continue to be made without robust data. This leaves protection of the natural environment undervalued.

We have seen over the years how economic goals and environmental goals tend to clash if they are not well managed and understood. In the end, the economic gains are short-lived and businesses that do not operate ethically do not survive. This is particularly the case in the food industry, where food safety and animal welfare interconnect closely with the environment and climate.

This concern is not with aquaculture as a concept, but with the placement of salmon farms in ecologically sensitive locations or outstanding natural areas, where farming activity can cause unacceptable environmental harm. Our preference is for land-based aquaculture systems, as they avoid damaging marine ecosystems and better support fish health. In controlled land-based environments, mortality rates can be significantly reduced, as temperature, water quality, and other key variables can be actively managed to ensure optimal conditions for fish.

Placement of activities is important in determining whether they should be consented or not. As a case study, recent New Zealand King Salmon (NZKS) litigation on the *Blue Endeavour* (open-ocean salmon farm in the Cook Strait) shows this issue well. This case study is examined in more detail in 5.4 *Aquaculture case study: NZKS in the Cook Strait* below. Whilst organisations such as the Environmental Defence Society (EDS) acknowledge that aquaculture can have a place in New Zealand's food system, it should not occur where it conflicts with high-value natural environments or undermines their ecological integrity.

The way the Bills are designed to work together, the 'two-pronged' approach, is not very clear for parties working under the legislation. This is likely to result in expensive and time-consuming litigation.

Below the Institute identifies some weaknesses of the proposed approach in practice.

5.2 Weaknesses of the proposed Bills 'two-pronged' approach for aquaculture

Weakness one: lack of long-term thinking

The two-pronged approach being proposed does not appear to encourage the kind of discussion required to achieve a durable, long-term solution, one that provides business certainty and the environment sustainability. Instead, it seems to intensify the opposing positions of each group rather than creating a collaborative path forward.

Given there is no dedicated 'aquaculture section' in either Bill, it is hard to see how the current legislation and in particular the legacy consents/permits will operate going forward. We were not able to find any research or discussion papers that provided detail on how the aquaculture industry and existing farms would be impacted by the proposed Bills. This makes it difficult to provide informed guidance on how improvements could be made.

The NEB expressly identifies aquaculture as one of the primary sectors expected to benefit from the new framework for natural resource use and development. However, neither Bill contains a

dedicated aquaculture section. Instead, aquaculture will be shaped by provisions relating to environmental limits, spatial planning, and coastal protection.

Given the scale of these reforms, it is essential that aquaculture is integrated into the new system in a manner that protects high-value natural environments, upholds national environmental limits, and provides long-term certainty for industry and communities.

Weakness two: lack of clarity on how existing legacy permits transition to the new system

Our assumption is that aquaculture rules currently found across multiple RMA instruments will be consolidated and restructured into two core planning instruments:

1. Regional Combined Plans (RCPs) under the Planning Bill: controlling where aquaculture can occur.
2. Natural Environment Plans (NEPs) under the Natural Environment Bill: controlling how aquaculture can occur (effects, limits, monitoring).

The Institute's understanding is that the national direction set in policy and standards will now dominate and standardise the framework. This means the RMA's coastal plans, water plans and consent rules will not directly survive; instead, they will be merged, standardised and re-expressed under the new structure. Our hope is that this means that resource consents and permits will be rewritten and updated to meet good practice and the legacy consents and permits will no longer exist in their current form.

The NEB identifies aquaculture as one of the primary sectors the reforms are intended to support. In the General Policy Statement, the Bill states that one of the purposes of the reform package is to enable primary sector growth, specifically including '...primary sector growth and development (including aquaculture, forestry, pastoral, horticulture, and mining)'.

The NEB does not contain stand-alone aquaculture clauses that directly related to aquaculture operations. Instead, aquaculture is treated as one of the resource-using activities governed by:

- environmental limits (air, water, soil, biodiversity)
- natural environment plans
- allocation systems.

The PB also does not contain stand-alone aquaculture clauses. However, it governs aquaculture through the land-use planning and coastal planning framework. The PB requires regional planning instruments to protect:

- areas of high natural character,
- outstanding natural features and landscapes, and
- sensitive ecological areas, including wetlands, lakes, rivers and their margins.

These protections are critically important for managing aquaculture, particularly marine farming, which often seeks to locate in coastal environments that may also contain high natural character or outstanding natural values.

Weakness three: lack of clarity on where land-based aquaculture fits within the two-pronged approach

There is no information in the Bills on alternatives to the current aquaculture regime. In the Institute view, land-based aquaculture should be prioritised where possible as it avoids a number of risks from ocean-based aquaculture.

The NEB identifies aquaculture as a sector intended to benefit from improved planning certainty. However, growth must not come at the cost of degrading sensitive marine ecosystems.

The Institute submits that land-based aquaculture should be given greater policy support, including recognition in national instruments and regional spatial planning. It provides a number of benefits over ocean-based aquaculture, including that land-based aquaculture:

- avoids impacts on outstanding natural character and sensitive marine ecosystems,
- can significantly reduce fish mortality through controlled temperature and water-quality management, and
- aligns strongly with environmental limits frameworks in both Bills.

This approach supports economic development while maintaining environmental integrity, which is consistent with the goals of both Bills.

As explained in more detail above under 4.0 *General recommendations* above, weaknesses that are especially concerning in regards to aquaculture include point 7 and point 8:

7. More checks and balances are needed as the Minister appears to have to a significant ‘unchecked power’.

8. Financial and reputational penalties require more consideration.

5.3 Key recommendations for aquaculture

Institute Recommendations on aquaculture:

1. Bills must require a clear prohibition against aquaculture development in ecologically sensitive areas and areas of outstanding natural character.
2. Ensure consent conditions are fit for purpose and adapted to suit the local environment.
3. Establish stronger baseline data and monitoring to maintain environmental limits, including legal consequences when conditions are breached.
4. Apply the precautionary principle more rigorously.
5. Modernise old and outdated aquaculture consents.
6. Strengthen climate and biodiversity considerations in decision-making.
7. Improve governance of ocean space.
8. Better manage salmon farming impacts on the environment and monitor the economic benefits to make sure that aquaculture is delivering what is promised.
9. Re-evaluate relocation versus expansion.
10. Reinforce social licence and public trust of aquaculture.
11. Protect Cook Strait as an ecological hotspot.

Below these recommendations are explained in more detail.

1. Bills must require a clear prohibition against aquaculture development in ecologically sensitive areas and areas of outstanding natural character.

The Institute submits the Bills must require a clear presumption against aquaculture development within:

- areas of outstanding natural character,
- outstanding natural features and landscapes, and
- other ecologically sensitive areas identified in regional spatial plans.

This position is consistent with longstanding case law under the RMA, including the Supreme Court's interpretation that 'avoid' means 'not allow' in relation to adverse effects on outstanding natural character and landscapes.

2. Ensure consent conditions are fit for purpose and adapted to suit the local environment.

The Bills fail to reflect the unique conditions of different environments in New Zealand.

A relevant example of this is aquaculture in the Marlborough Sounds. When considering aquaculture in this unique ecosystem, the local environment needs to be reflected in planning.

Unique characteristics of the Marlborough Sounds include:

- a rare geological formation of sea-drowned valleys, created by a combination of land subsidence and rising sea levels. This has produced a highly intricate coastline with deep inlets, steep forested hills, and over 1,500 km of shoreline
- high habitat diversity (reefs, soft sediments, kelp forests, sheltered bays)
- high biodiversity and endemic species, including rare seabirds and important breeding areas
- strong land and sea ecological interactions creating nutrient-rich conditions
- a mix of sheltered and dynamic marine environments
- cultural significance. Māori have historically treated the Sounds as a place to settle, fish and harvest shellfish, and to navigate through. Captain James Cook also raised the British flag on Motuara Island in the Marlborough Sounds on 31 January 1770, formally claiming the surrounding lands for the British Crown.

Together, these features create a complex, productive, and highly sensitive ecosystem found nowhere else in New Zealand, or the world. It is difficult to see how the proposed Bills will take into account all of the above considerations to deliver sustainable outcomes to current and future New Zealanders.

The unique ecosystem of the Sounds will undergo significant challenges as a result of climate change, which should be reflected when giving consent for aquaculture. One way to factor in climate change is a shorter consent period with regular reviews and monitoring of the surrounding environment.

Table 1 below is prepared to provide an overview of key risks of aquaculture in the Marlborough Sounds. If the Committee would like more detail on these risks, please do not hesitate to contact us. The list below is largely well recognised in the literature.

Table 1: Climate-related risks in the Marlborough Sounds

Climate change	Severity	Climate change risks to the Marlborough Sounds	Climate change risks to salmon farming
Extreme rainfalls (e.g. flooding and slips will intensify sediment runoff)	High	May cause marine habitat loss and make the ecosystem less robust, through smothering seabed habitats and reducing light penetration increase algal blooms (HABs) and result in more oxygen-depleted zones	May cause more disease Challenge existing infrastructure, stress net pens, moorings, and barge operations and transport of fish Amplify benthic impacts beneath existing farms
Warming seas	High	Stress the existing ecosystem Reduce oxygen availability	Increase salmon mortality
Rising sea levels	High	Infrastructure vulnerability	Impact offshore, inshore, shoreline and land-based operations Reduce carrying capacity
Reputational risk (e.g. other countries will no longer purchase our salmon, other fish or our meat due to our poor health and safety standards and animal welfare practices)	High		

Climate change should be included as a critical factor in any consents in areas that are susceptible to risks from the changing climate. If they are not implemented when the consent is granted, there is a risk that mediation and litigation will occur to get climate considerations added.

In a recent example of this, in 2023 the NZKS Blue Endeavour salmon farm consent conditions were amended to include conditions that respond to the changing climate. However, these climate conditions were only implemented after a process of court-facilitated mediation between the Director-General of Conservation, the McGuinness Institute, New Zealand King Salmon (NZKS) and the Marlborough District Council (MDC).

As a result of this mediation, the Environment Court ordered that the resource consent for NZKS's Cook Strait Blue Endeavour salmon farm was amended to include:³⁸

- a) A climate change review condition: the addition of an explicit trigger to enable Council to review the consent after 10 years (and every 5 years after that) to address climate change effects;
- b) Extension of the period for gathering baseline data about seabirds and marine mammals to cover an additional 18 months prior to construction;

- c) More onerous operational monitoring conditions, to require operational monitoring for the first 5 years after the farm is stocked, and repeated operational monitoring in the 10th and 15th years after the farm is first stocked;
- d) Tightening of the obligations to avoid entrapment or entanglement of threatened marine mammal species, and avoid adverse effects on threatened seabirds, so as to better enable Council to enforce these outcomes;
- e) More onerous reporting obligations so that in addition to reporting entrapment/entanglement of marine mammals, NZKS must report all observations and interactions with marine mammals;
- f) Addition of two further monitoring stations to better assess the impacts of farm discharges on Te Mehe Mahinga/McManaway Rocky Reef;
- g) Improvements to the benthic monitoring conditions to ensure they are fit for purpose and use best scientific methodologies.³⁹

This in more detail below in *5.4 Aquaculture case study: NZKS in the Cook Strait*. Our hope is that, if these Bills are progressed, the ability to undertake a review is transferred to central government and that such a section is included in the new law.

The Institute recognises that New Zealand’s environment is diverse and that what is wanted or required in one area is very different what is appropriate in another. The Bills need to reflect this by implementing the Institute’s recommendations to engage local expertise and stay up-to-date with new information.

Institute Recommendations include:

- Engage local expertise. Actively draw on the knowledge of community members and local businesses to understand their priorities, aspirations, and needs.
- Stay continuously informed. Maintain an adaptive system that incorporates real-time environmental conditions, global best-practice examples, insights from other regions, and the latest scientific research and expert advice.

3. Establish stronger baseline data and monitoring to maintain environmental limits

The Institute has repeatedly stated that New Zealand lacks adequate baseline environmental data for the Marlborough Sounds and Cook Strait. Without this information, sound environmental management is impossible.

This recommendation is also included above in section *4.0 general recommendations*.

Institute recommendations include:

- Require comprehensive baseline studies before approving new farms.
- Mandate ongoing ecological monitoring of flora and fauna.
- Increase publicly accessible environmental reporting.

4. Apply the precautionary principle more rigorously

The Institute, along with many other organisations and individuals, believes that current legal processes fail to give proper weight to climate and biodiversity risks when considering aquaculture applications.

Institute recommendations include:

- Ensure the precautionary principle guides all aquaculture decisions.
- Reject applications where environmental effects cannot be clearly understood.
- Avoid relying on uncertain or incomplete scientific evidence.

5. Modernise old and outdated aquaculture consents

Many Marlborough Sounds salmon farm consents are decades old, with outdated environmental conditions. The Institute considers this a major governance failure.

Institute recommendations include:

- Review and replace all legacy aquaculture consents.
- Align consent conditions with current best practice.
- Require farms operating under old consents to undergo modern environmental assessment.

6. Strengthen climate and biodiversity considerations in decision-making

Aquaculture decisions frequently ignore long-term environmental risks such as warming seas, acidification, and ecological decline.

Institute recommendations include:

- Require climate and biodiversity assessment for all marine farm applications.
- Include climate-related stressors (e.g., heatwaves, storm events) in regulatory frameworks.
- Evaluate cumulative environmental impacts rather than farm-by-farm assessments.

7. Improve governance of ocean space

Ocean governance in the Marlborough Sounds and Cook Strait is fragmented between agencies, with commercial and environmental policies working against each other. In fact promises of an ocean stewardship, under a Minister of Oceans, have not been delivered.

Institute recommendations include:

- Create an integrated, national ocean governance framework.
- Clarify boundaries between internal waters and external waters.
- Address conflicting policies between economic development and environmental protection.

8. Better manage salmon farming impacts on the environment and monitor the economic benefits to make sure that aquaculture is delivering what is promised

Institute recommendations include:

- Reduce environmental pressures in internal Sounds farms.
- Reassess whether salmon farming should operate in enclosed water bodies.
- Ensure feed and faeces impacts are rigorously monitored.
- Avoid expanding internal salmon farming without addressing existing environmental pressures.

9. Re-evaluate relocation versus expansion

When NZKS sought open ocean farming (Blue Endeavour), the Institute initially hoped this would mean *relocating* internal farms rather than expanding the overall number. Instead, internal farms would be used to *support* the new Cook Strait farms.

Institute recommendations include:

- Reconsider whether open ocean farms should replace rather than supplement internal farms.
- Avoid policy that creates ‘double pressure’ on internal and external marine environments.

10. Reinforce social licence and public trust of aquaculture

Aquaculture companies need to work hard to maintain a social licence to operate.

Institute recommendations include:

- Require more transparent communication from aquaculture companies.
- Increase public access to environmental and consent compliance data.
- Prioritise long-term ecological health over short-term economic gain.

11. Protect Cook Strait as an ecological hotspot

The Institute’s research highlights Cook Strait as potentially one of the world’s most important marine mammal and seabird regions.

Institute recommendations include:

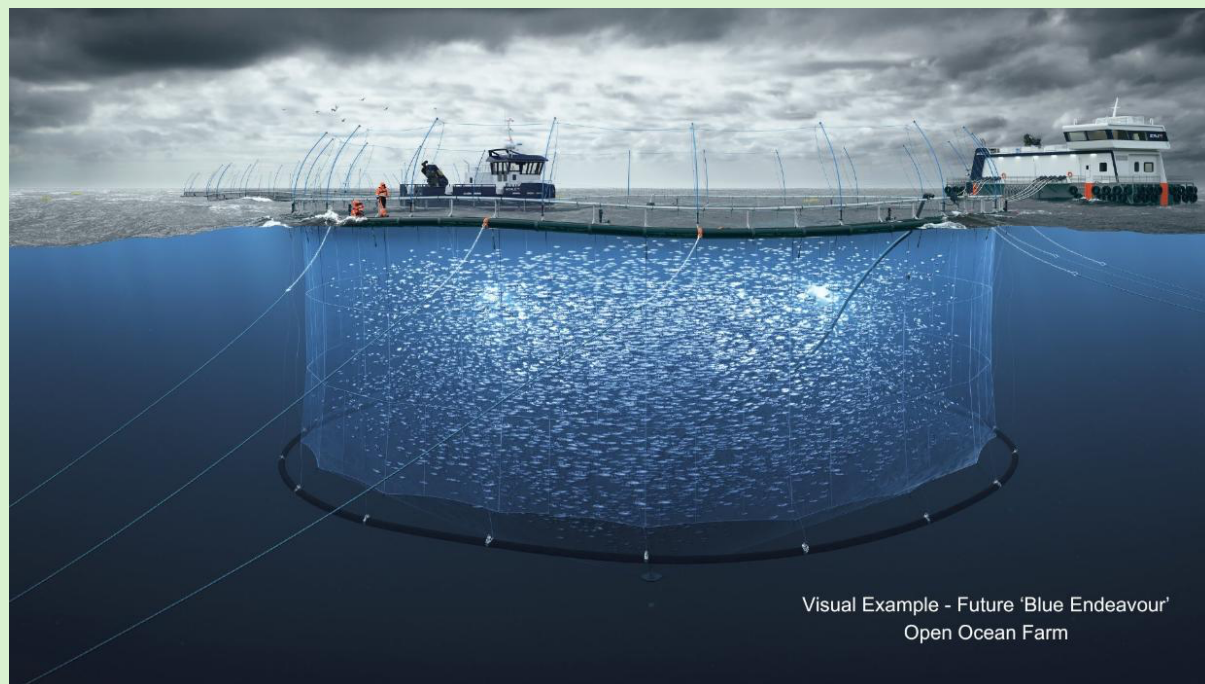
- Increase marine protection in Cook Strait.
- Avoid intensifying aquaculture without ecosystem-level research.
- Recognise Cook Strait as a globally significant ecological corridor for marine life and sea birds.

5.4 Aquaculture case study: NZKS in the Cook Strait

Below we try to explain the Institute's concerns by providing a practical example, using the NZKS Blue Endeavour proposal.

Case study: NZKS Blue Endeavour open ocean salmon farm in the Cook Strait (2023)

Blue Endeavour is New Zealand's first open-ocean salmon farm, which will operate in the Cook Strait in the Marlborough Sounds. It received final approval, subject to conditions, in 2024.



Visual Example - Future 'Blue Endeavour' Open Ocean Farm

Image of how the one net in the farm is proposed to look: Radcliffe, K. (2026). *Final hurdle lifted for NZ King Salmon's Blue Endeavour farm*. [online] Available at: <https://www.stuff.co.nz/business/350197851/final-hurdle-lifted-nz-king-salmons-blue-endeavour-farm> [Accessed 16 Feb. 2026].

Economic decisions

The Government's investment of \$11.72 million 'as part of a program led by NZKS including its pilot open ocean farm, Blue Endeavour' is an example of public investment in the aquaculture industry.⁴⁰ It is difficult to understand why the government would invest in a business that contains so many proven, emerging and untested risks (Blue Endeavour is a novel concept testing a salmon farming system in the open ocean).

NZKS's profitability record is volatile at best, and at worst, struggled to deliver any meaningful durable profits over recent years. Further, it continues to be impacted negatively as a result of fish mortality costs (i.e. \$11.1 million for the 8 months to September 2025 (see page 106 of the 2025 NZKS Annual Report)).⁴¹ These figures are almost identical, meaning the government is investing \$11.72 million of tax payers funds, while at the same time mortality costs are the same amount as the government investment.

It is difficult to see why the government would consider this is the best use of taxpayers' funds, and we are concerned the Bills do not do anything to resolve this issue.

The Institute would like to understand how this type of investment decision by the government plays out in regard to the PB. Our understanding is that the investment decision would not be considered. Further, the mortality costs are unlikely to be considered as part of the Natural Environmental Bill (because salmon are not species that naturally exist in that environment).

Regulatory decisions

As mentioned above, off shore farming is novel and has received negative reactions internationally. For example, in late December 2025, the Norwegian Food Safety Authority Mattilsynet announced 'it is withdrawing its permission for semi-offshore aquaculture operations given to Arctic Ocean Farming, part of the SalMar group, for its Fellesholmen site due to 'significant violations of regulations related to fish welfare, animal health and biosecurity' at the site, located near Tromsø, Norway'.⁴²

NZKS's Blue Endeavour site will not be manned, so it will require strict regulations, robust monitoring, and strong controls to ensure it upholds New Zealand's reputation for producing safe and ethically farmed seafood. It should also have reviews to ensure it is delivering the promised financial and economic benefits to New Zealand.

It is difficult to see how the proposed framework would strengthen existing safeguards. In fact, the opposite may occur and the new system could:

- result in the inshore waters of the Marlborough Sounds being regulated in a manner similar to offshore environments (i.e. inadequate regulation when considering the scale and risk of operations),
- allow controls based on scientific understandings from the 1970s and 1980s to remain in place for decades to come, and/or
- implement and design central controls without a local understanding of the needs of the unique ecosystem that exists in the Sounds.

6.0 Conclusion

A significant amount of policy work, consultation, scientific research, economic analysis, and community and environmental research is required before the Bills as they are written achieve benefits for New Zealand. As a number of other parties, including EDS and Forest & Bird, have submitted, significant rewriting is required to protect New Zealand for future generations.

These proposed new Bills have come when the country is at a critical crossroads in terms of our international reputation, trade and climate impacts. The Institute agrees it is time to improve the sustainability and efficiency of New Zealand's planning legislation. However, there is not sufficient evidence that the proposed Bills will help achieve the promised benefits for New Zealand.

The Bills will have significant, possibly irreversible, implications for our communities, economy and natural environment (especially our oceans and freshwater systems, 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.

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. Our environmental management is a key part of our health and safety as well as our economy. The Bills 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, which includes maintaining healthy freshwater and ocean systems. 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 Bills have a way to go before they present a balanced approach to protect our unique ecosystems in the face of current challenges.

Appendix 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. Our observation that foresight drives strategy, strategy requires reporting, and reporting shapes foresight, led us to develop three interlinking policy projects: *ForesightNZ*, *StrategyNZ* and *ReportingNZ*. All three 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 13 research projects are: *BiodiversityNZ*, *CivicsNZ*, *ClimateChangeNZ*, *ForesightNZ*, *OneOceanNZ*, *PandemicNZ*, *PublicScienceNZ*, *ReportingNZ*, *SecurityNZ*, *StrategyNZ*, *TacklingPovertyNZ*, *TalentNZ* and *WaterFuturesNZ*.

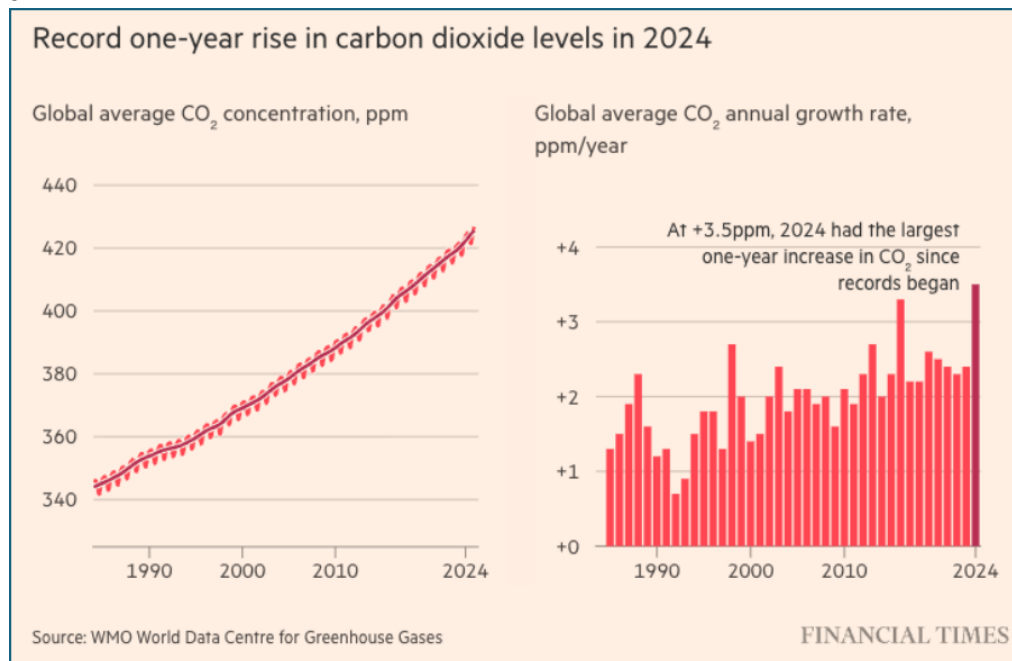
Appendix 2: The context

Level of emissions and climate change is unprecedented

The intensifying global transition to low-emission technologies, along with increases in defence spending, are driving a substantial increase in demand for critical minerals such as lithium, cobalt, and other rare earth elements. This surge is resulting in both supply-chain vulnerabilities and pricing volatility, with implications for industries reliant on clean energy infrastructure. Simultaneously, the growing frequency and severity of climate-related events are contributing to population displacement and heightened immigration pressures.

Recent research shows that atmospheric carbon dioxide concentration in 2024 was the largest one-year increase since records began in 1957 (see graphs below using data from *WMO World Data Centre for Greenhouse Gases*).⁴³

Source: Financial Times, *Extreme heat events rise in decade since Paris accord as CO₂ stays at record, studies say*, 2025.⁴⁴



Recent examples of the costs of the changing climate include:

- ‘In July [2025], Pakistan saw record-breaking heat, with temperatures in Chilas, in the mountains, 48.5C, which may have contributed to the flooding that followed.’⁴⁵
- ‘Extreme wildfire activity has more than doubled worldwide [in the last 21 years].’⁴⁶ These wildfires have had severe consequences for air quality, biodiversity and human health, and continue to shape global discussions on climate resilience and emergency preparedness.
- ‘More than 32,000 people have died trying to reach Europe in the past 10 years – including 1,300 dead or missing this year [as at September 2025].’⁴⁷
- ‘Cyclone Gabrielle in 2023 and the Auckland Anniversary floods caused an estimated \$14.5 billion in damage, of which insurers paid \$3.8 billion in claims ... global insured losses from natural catastrophes in 2025 are likely to surpass \$100 billion for the seventh straight year ... The largest single loss to date is the Los Angeles wildfire, with insured losses of more than \$40 billion.’⁴⁸

These shifts are straining local systems and amplifying demand for essential resources, including food and water, especially in regions already facing environmental stress. It is not surprising, therefore, that the September 2025 *Mood of the Boardroom* survey revealed that 78% of chief executives in New Zealand report that their boards regularly assess geopolitical vulnerabilities as part of their risk matrix.⁴⁹ This reflects a growing recognition that global instability, from trade tensions and resource competition to climate-induced migration, is creating significant challenges for businesses. We cannot afford to ignore risks on the basis that new systems are too hard to implement.

New Zealand's environment is under significant pressure and we must urgently adapt to climate change and reduce carbon emissions. Climate change is one of the most serious risks facing New Zealand, and the proposed new Bills fail to include detail on how they will respond to and help slow the impacts of it.

The Climate Change Performance Index (CCPI) notes that New Zealand's 2025 climate action is backsliding, and that the recent proposed revision of the second emissions reduction plan reinforces this. CCPI make the following key points:

- New Zealand was ranked 44th in 2025's CCPI and its climate policy performance was rated 'very low'.
- New Zealand's NDC2 does not meet the requirements of the Paris Agreement. It is not aligned with 1.5 degrees Celsius of warming and does not reflect New Zealand's highest possible ambition, with the Climate Change Commission finding that domestic action alone could feasibly contribute to emissions reductions of up to 69% below 2005 gross levels by 2035 without harming economic growth.⁵⁰

Like the rest of the world, New Zealand is facing the impacts of rising temperatures, changing weather patterns, and increased occurrences of extreme weather events. These changes are serious and will increase, 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.⁵¹

We need to prepare for an uncertain future. Making decisions in the name of economic prosperity today, with a substantial risk of creating an economic and environmental burden in the future, is irresponsible to future generations. Further, the lack of consideration of climate change in the proposed Bills undermines New Zealand's investment in and commitment to climate mitigation and adaptation strategies.

New Zealand's international commitments

New Zealand is party to a number of international agreements committing us to reducing our emissions and working to help mitigate climate change. It is important we stand by these agreements to maintain our international relationships and trade reputation built on the 'clean, green' image of our exports.

As they are written, the proposed new Bills fail to integrate the principles of the international commitments New Zealand has made. This will have serious risks for our trade agreements, reputation and our economy.

Recent international criticism of New Zealand's backwards shift in emissions targets at COP30 reflect the importance of acting now to reduce emissions, comply with our commitments, and maintain our international reputation and trade relationships.⁵² Earlier this month, our trading partners, including the UK, raised concerns over the decline in New Zealand's climate policies again. The UK's views on our climate change policies are especially important to the economy as New Zealand's trade with the UK depends upon our climate commitments and is worth \$1 billion per year to New Zealand.⁵³

Our international commitments are increasingly being included in New Zealand's trade agreements – complying with them is critical for trade – which is essential for our economy. 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.

Some of New Zealand's relevant international commitments are below:

Paris Agreement

The Paris Agreement is the global agreement on climate change adopted by parties under the United Nations Framework Convention on Climate Change (UNFCCC) on 12 December 2015. New Zealand ratified the Paris Agreement on 4 October 2016.⁵⁴ The purpose of the Paris Agreement is to:

- keep the global average temperature well below 2°C above pre-industrial levels, while pursuing efforts to limit the temperature increase to 1.5°C
- strengthen the ability of countries to deal with the impacts of climate change
- make sure that financial flows support the development of low-carbon and climate-resilient economies.⁵⁵

The Paris Agreement took effect in 2020, which means our commitments to reduce greenhouse gas emissions, our Nationally Determined Contribution (NDC), applied from 2021. New Zealand's first NDC was to reduce greenhouse gas emissions by 50% below 2005 levels by 2030.⁵⁶ In 2025, the Government announced New Zealand's second NDC is to reduce emissions by 51–55% compared to 2005 levels, by 2035.⁵⁷

Global Methane Pledge (GMP)

There is a global agreement to reduce methane, which was launched at COP26 by the European Union and the United States. The GMP today consists of 159 participating countries (including New Zealand) and the European Commission. These countries have all pledged to globally lower methane emissions by 30% from 2020 levels, by 2030.⁵⁸

United Nations Framework Convention on Climate Change

New Zealand is a party to the United Nations Framework Convention on Climate Change (UNFCCC), an international treaty that enables over 185 countries to collectively consider how to mitigate climate change and cope with its impacts. New Zealand also has commitments to the significant agreements under this treaty, including the Kyoto Protocol, the Doha Amendment to the Kyoto Protocol, and the Paris Agreement.⁵⁹

New Zealand's Emissions Trading Scheme supports and encourages global efforts to reduce greenhouse gas emissions by helping New Zealand meet its international obligations under the UNFCCC. New Zealand's Environmental Protection Authority administers the Emissions Trading Scheme and the New Zealand Emissions Trading Register.⁶⁰

United Nations Sustainable Development Goals

Goal 13 of the 17 Sustainable Development Goals established by the United Nations in 2015 is to take 'urgent action to combat climate change and its impacts'.⁶¹ The Ministry of Foreign Affairs and Trade (MFAT) states that although these goals are not legally binding, countries are expected to report voluntarily on implementation and 'New Zealand will contribute to achievement of the goals through a combination of domestic action, international leadership on global policy issues, and supporting countries through the New Zealand Aid Programme'.⁶²

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See screenshot below:

14. Biological Assets

The Group has two hatcheries in the South Island and seven operational marine salmon farms in the Marlborough Sounds. The fish livestock typically grow for up to 31 months before harvest.

	Sep 2025 8 months	Jan 2025 12 months
Reconciliation of the carrying value of biological assets	\$000	\$000
As at 1 February	88,145	94,460
Increase due to production	51,673	86,672
Decrease due to harvest	(38,833)	(73,896)
Decrease due to mortality	(11,107)	(14,059)
Changes in fair value	(9,572)	(5,032)
As at balance date	80,306	88,145

	Sep 2025 8 months	Jan 2025 12 months
Fair value recognised in the statement of comprehensive income	\$000	\$000
Fair value included in cost of goods sold	(19,660)	(32,443)
Fair value gain on biological transformation	10,088	27,411
Total change in fair value	(9,572)	(5,032)

	Sep 2025 8 months	Jan 2025 12 months
Live weight harvest & estimated closing biomass	tonnes	tonnes
Total live weight harvested for the period	3,767	7,703
Closing fresh water stocks	107	171
Closing sea water stocks	4,136	4,708
Total estimated closing biomass live weight as at period end	4,243	4,879

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