Planning Bill and Natural Environment Bill

Climate Justice Taranaki Submission

12th February 2026

1. Founded in 2010 and incorporated in 2015, Climate Justice Taranaki (CJT) is dedicated to environmental health, social justice and inter-generational equity. Our vision is founded on, and underpinned by, Te Tiriti o Waitangi, the founding document of government in Aotearoa New Zealand.

2. Composed of a broad range of people with varied expertise and life experiences, CJT has engaged with the government at all levels on numerous matters and submitted on many bills and policies. Our members are gravely concerned about the government's push for an increasingly utilitarian, neo-liberalism driven approach to exploiting our land, rivers and sea, at the expense of democracy, community wellbeing and long-term sustainability and resilience of Aotearoa as a nation.

3. In addition to consulting the legal analyses generously shared by other organisations, we draw on our Taranaki experience working under the Resource Management Act (RMA) with councils, landowners, and the fossil fuel, petrochemical and dairy industries. The RMA, while far from perfect, has provided some level of control and transparency to resource management and land-use.

4. The replacement of the RMA with the Planning Bill[1] and Natural Environment Bill[2] (the two Bills hereafter) as they are currently drafted, will remove the already inadequate control and transparency needed to protect the environment and people from harmful industries and activities. Along with the Fast Track Approvals Act[3] and the government's commitment[4] to the US "*to explore further opportunities to expand cooperation on critical minerals[5], energy, critical and emerging technologies…*" we could see much of Aotearoa NZ, including relatively pristine natural areas and rural production areas and waterways destroyed or contaminated by mining for corporate profits at huge public and environmental costs. Neither local communities nor the environment are adequately protected under these Bills.

5. Crucially, te taiao encompassing all of nature, ecosystems, biodiversity and the climate, is under extreme, rapidly increasing, stress, as are people who rely on it for livelihoods, wellbeing and resilience. Rather than further exploiting and extracting from it for corporate profits and private enjoyment, it is the government's duty to make sure that it is protected, and its life-supporting capacity restored for all, including future generations.

6. We are therefore strongly opposed to the two Bills, as are currently drafted. Below we lay out some of our key concerns and recommendations.

Climate change – Mitigation, Resilience and Adaptation

7. The two Bills specifically rule out the consideration of the impacts of activities on climate and ignore our 2050 emissions target and emissions reduction plans. If passed, they would have the effect of encouraging more climate destabilising, emissions-intensive and polluting projects and activities, e.g. coal mining, gas-burning industries, land conversion and irrigation for industrial animal agriculture and 'roads of significance'. This is foolish when we must be doing everything now

to mitigate climate disruption while building our resilience and adapting to the unprecedented change. Climate change is escalating and already causing serious harm to communities, damage to critical infrastructure and losses to local and regional economies. To ignore this reality is foolhardy in the extreme.

8. The Bills must instead, put climate mitigation, resilience and adaptation at the forefront of decision making, both in spatial/land-use planning and environmental management. NZ's international commitments and obligations in these areas must be recognised in these Bills.

Compromising goals

9. Our overarching concerns notwithstanding, we do support several of the goals, including in the Planning Bill sections 11:

> *(f) "to maintain public access to and along the coastal marine area lakes and rivers",*
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> *(g) "to protect areas of high natural character, outstanding natural features and landscapes, and sites of significant historic heritage";* and in the Natural Environment Bill sections 11:
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> *(b) "to safeguard the life-supporting capacity of air, water, soil, and ecosystems",* and
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> *(c) "to protect human health from harm caused by the discharge of contaminants*".

10. In the Natural Environment Bill, we welcome the explicit mention of "*environmental limits*" in the goal "*to enable the use and development of natural resources within environmental limits*" (s11(a), and some description, albeit simple, around where and how human health and ecosystem health limits must be set and the criteria for decisions relating to limits (sections 49-55). However, we are concerned about some of the considerations required on Councils and Ministers when setting or changing limits. These include "*the needs or aspirations of communities for the economy, society, and the natural environment*" (section 56(b) and "*any natural resources likely to be available for allocation as a result of the proposed limit or methodology*" (section 56(c)(ii) which invite compromises.

11. It is unclear how effective limits set by the Minister or Councils, will be translated into controls on human activities. The fact that spatial plans are to be prepared ahead of limits having been set is a worry, as are the various exceptions when limits are not compulsory.

12. The goal of "*no net loss*" in indigenous biodiversity (Natural Environment Bill section 11(d) is too weak. Much of Aotearoa NZ's indigenous biodiversity is threatened, some critically endangered, and require targeted efforts to restore and rebuild their populations to achieve resilience. The term "no net loss" also entails offsets which can serve as "get out of jail" free cards and result in regrettable losses of irreplaceable biodiversity, habitats and/or ecosystems. This also is counter to our international obligations under the UN Convention on Biological Diversity (See our presentation at the Fast Track Expert Hearing on TTRL seabed mining application)[6].

13. Alarmingly, 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…. of the Wildlife Act 1953*" (Natural Environment Bill section 128). In practice, a permit holder may kill, disturb or trade protected wildlife that are otherwise managed by the Department of Conservation under the

Wildlife Act (See OceanaGold's Waihi North fast-tracked gold mining[7]). This is totally not acceptable, so section 128 should be removed from the Bill.

A flip from Polluter pays to Regulatory relief

14. We are strongly opposed to the provision of "*Regulatory relief*" as a compensation "*if a specified rule in a plan has a significant impact on the reasonable use of land*" (Planning Bill Schedule 3 Part 4). This would grossly compromise the important goal to protect areas of high natural character, outstanding natural features and landscapes, and sites of significant historic heritage (Planning Bill section 11(g). The risk on councils having to provide relief/compensations to landowners would invariably discourage any potential plan change to protect natural areas and the significant ecosystems and rare/threatened species they harbour. There is also the risk of landowners gaming the system by overestimating the loss of development opportunity while discouraging voluntary conservation efforts.

15. There is no definition of "*reasonable use of land*" in the Planning Bill so it is open to interpretation, litigation, lobbying and, without proper oversight, backhand deals. It'd seem to be a total flip from the well-established polluter pays principle to paying a potential polluter not to pollute.

16. We recommend that all references to Regulatory relief and provisions that would enable it to be removed from both Bills.

17. Our recommendation does not preclude councils or central government from providing mechanisms that would support landowners in further protecting or restoring natural ecosystems and indigenous biodiversity, such as fencing, predator control and native plantings.

Affected parties and the public have little say in decision-making

18. The two Bills enable a much more permissive regime for potentially harmful activities with regrettable adverse effects on people and the environment. Public notification would only be required on applications for activities that are deemed to have "*significant*" adverse effects on the environment or people. Such a threshold for public participation is far too high. The word "*significant*" is also open to interpretation, litigation and lobbying.

19. It is our experience in Taranaki that Councils' interpretation of "*less than minor*" in the RMA have in many instances favoured industries and applicants or consent-holders at the expense of the environment and affected parties. This has resulted in very rare public notifications of applications and very few affected parties being recognised even though the impacts from contaminant discharges, noise, dangerous heavy traffic and lights are well documented[8], [9]. This has created immense stress for many living in the Taranaki 'Gasland' and it is unfair and unjustified. The current government's zealous, short-sighted push for more fossil fuel mining, to the extent of offering $200 million to exploration companies, will likely further strip away the rights and protection of people who happen to live around drilling, fracking and mining sites. Facilitating mining for so-called critical minerals would carry similar risks[10].

20. Moreover, under the Natural Environment Bill section152(1), only "*a qualifying resident of the region to which the application relates*" or "*an affected person*" may submit on publicly notified

applications. This has the potential to exclude national bodies and non-governmental organisations (NGOs) with independent expertise and concerns to submit on applications with likely significant adverse effects, on human or ecosystem health.

21. The role of NGOs as watchdogs for the environment and social justice cannot be understated. A case in point, hydraulic fracturing (aka fracking) for accessing oil and gas from underground formations did not require resource consents until Climate Justice Taranaki[11] questioned the Taranaki Regional Council. The first round of fracking consents was issued to companies in 2011, along with the requirement of compliance monitoring and hence some level of accountability and transparency relating to the effects on fracking on surface and groundwater[12], [13]. Other than fracking, we also raised the environmental and food safety risks around landfarming[14] – the discharge of wastes from the oil and gas industry on dairy farms for 'remediation'. Meanwhile, Taranaki Energy Watch (TEW) has been supporting local landowners affected by the oil and gas industry with independent information concerning health and safety risks. TEW won a significant Environment Court case (South Taranaki District Council and oil and gas companies) that considers fatality and injury risks from the industry on nearby residents and sensitive land-use. This incorporates setback (separation distances) in the district plan[15]. They are currently in Environment Court establishing a similar approach with all significant hazardous facilities in the New Plymouth District Plan[16].

22. National, regional and local NGOs should be enabled to have input in decision making around spatial planning, resource use and environmental management, whether or not they reside where the applications for land-use change or activities are concerned.

23. For planning processes, we support incorporating citizen assemblies[17] to facilitate deliberate democracy through well informed and reasoned discussions to reach consensus rather than polarisation[18], as has been done in some councils[19], [20] and Māori organisations[21].

Te Tiriti o Waitangi obligations wanting

24. The two Bills do not demonstrate genuine willingness in upholding the Crown's obligations under Te Tiriti o Waitangi / Treaty of Waitangi.

25. Upholding Treaty obligations must go far beyond providing for Māori participation and consultation, sites of significance to Māori and identified Māori land (section 8 of both Bills). The Bills must meaningfully provide for partnership, active protection of Māori rights, rangatiratanga, kaitiakitanga and tikanga.

Concluding remarks

26. To reiterate, the two Bills, as currently drafted, prioritise corporate and private property rights and "*enjoyment*" over common good, ecosystem health and a liveable climate for all. They fail to uphold the Crown's Te Tiriti o Waitangi obligations. As such, we do not support the Bills proceeding further in the current form and recommend the following.

27. Climate change mitigation, resilience and adaptation need to be at the core of all spatial planning and resource management.

28. Environmental and human health limits need to be set based on robust science and the precautionary principle. They must be adhered to rather than influenced by political pressures and industry lobbying, be ignored or exempted in practice.

29. Regulatory relief provisions contradict with the goals to protect significant and outstanding natural areas and historic heritage and must be removed from the Bills.

30. There needs to be clear legal and other mechanisms for strong protection of significant natural areas, not only national parks. Certain landscapes and ecosystems, such as remnant wetlands, indigenous forests, river headwaters, coastal dunes, alpine, coastal and marine areas with unique and/or threatened species, should be clearly identified as "no-go" zones for mining[22], other extractive or polluting industries including industrial dairying, and destructive or intensive development. The health of waterways and source of drinking water[23] needs to be protected, as recognised as national priority under Te Mana o te Wai[24], rather than being 'balanced' out with economics.

31. Development is important, but not at the cost of ecosystem and human health, long-term sustainability and community wellbeing. Housing development needs to be well integrated with public transport, water resource management, sustainable renewable energy, climate resilience, green space and other social infrastructure and services. The goal is to provide affordable healthy homes to people rather than fuelling the speculative housing market.

32. Upholding the Crown's Treaty of Waitangi obligations requires that the Bills protect Māori rights and provide for rangatiratanga, kaitiakitanga, tikanga and genuine partnership.

33. Transparency and accountability in planning and environmental management decisions are crucial. Local communities, residents and the public should be given the opportunity to share their local knowledge, experience and views into decision-making process. National, regional and local environmental and health organisations have specialised expertise valuable for making non-profit driven decisions.

34. For more detailed critique and recommendations on the two Bills, please thoroughly consider the submissions from Forest and Bird and the Environmental Defence Society.

35. These two pieces of legislation are of overarching importance. They must not be rushed through by a simple majority vote. Much work is required to consider experts advice, get the details right and be agreed upon across political parties, so we could enjoy some stability that is good not just for businesses but Aotearoa NZ society at large.

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[2] https://www.legislation.govt.nz/bill/government/2025/0234/latest/LMS1520775.html#LMS1520988
[3] https://climatejusticetaranaki.info/wp-content/uploads/2025/11/cjt-sub-fast-track-approvals-amendment-bill-16nov25-final.pdf
[4] https://www.state.gov/releases/office-of-the-spokesperson/2026/02/joint-statement-on-the-new-zealand-united-states-strategic-dialogue/
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